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SEVENTY-FIFTH CONGRESS, FIRST SESSION

SENATE

MONDAY, FEBRUARY 15, 1937

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God, who dost press the signet of eternity upon the fleeting moments of our life: Make us mindful of the sacred trust that is ours as again we invoke Thy blessing.

Grant to each one of us, confessing our sins unto Thee, that, being absolved of our transgressions, we may serve Thee with clean hands and pure hearts and minister to our fellow men according to Thy purpose, fettered only to Thy love. Remove all fear from our minds, that the clear stream of reason may flow into ever-widening channels, until words shall spring from the depth of truth and ceaseless striving inspired of Thee shall bring us nearer to perfection's goal. Endue us with the strength that is Thine, that we may feel the rapture of the high resolve to make each deed the measure of a man, and, striking at the root of wrong, may clear the Nation's highway for the feet of God. We ask it in our Savior's name. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 11, 1937, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Latta, one of his secretaries.

CALL OF THE ROLL

Mr. LEWIS. Mr. President, in order to assure the presence of a quorum, I ask for a roll call.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Connally	King	Pepper
Andrews	Copeland	La Follette	Pittman
Ashurst	Dieterich	Lee	Pope
Austin	Duffy	Lewis	Radcliffe
Bachman	Ellender	Lodge	Reynolds
Bailey	Frazier	Logan	Russell
Barkley	George	Lonergan	Schwartz
Black	Gerry	Lundeen	Schwellenbach
Bone	Gibson	McAdoo	Sheppard
Borah	Gillette	McCarran	Smith
Bridges	Glass	McGill	Steiwer
Brown, Mich.	Green	McKellar	Thomas, Okla.
Brown, N. H.	Guffey	McNary	Thomas, Utah
Bulkley	Harrison	Maloney	Townsend
Bulow	Hatch	Minton	Truman
Burke	Hayden	Moore	Tydings
Byrd	Herring	Murray	Vandenberg
Byrnes	Hitchcock	Neely	Van Nuys
Capper	Holt	Norris	Walsh
Caraway	Hughes	Nye	Wheeler
Chavez	Johnson, Calif.	O'Mahoney	White
Clark	Johnson, Colo.	Overton	

Mr. LEWIS. I announce the absence of the Senator from Ohio [Mr. DONAHEY], caused by illness; and I further announce that the Senator from Mississippi [Mr. BILBO], the Senator from New York [Mr. WAGNER], and the Senator from Arkansas [Mr. ROBINSON] are necessarily detained from the Senate.

Mr. AUSTIN. I announce that the Senator from Minnesota [Mr. SHIPSTEAD] is absent because of illness, and that the Senator from Pennsylvania [Mr. DAVIS] is absent on official business.

The VICE PRESIDENT. Eighty-seven Senators have answered to their names. A quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its reading clerks, announced that the House had passed without amendment the following bill and joint resolution:

S. 1439. An act to provide for loans made necessary by floods or other catastrophes in the year 1937; and

S. J. Res. 38. Joint resolution to extend for a period of 2 years the guarantee by the United States of debentures issued by the Federal Housing Administrator.

SIGNING OF AN ENROLLED BILL

The VICE PRESIDENT announced that, under authority of the order of the Senate of the 11th instant, he signed on that day the enrolled bill (S. 1439) to provide for loans made necessary by floods or other catastrophes in the year 1937, which had previously been signed by the Speaker of the House of Representatives.

FELICITATIONS TO THE PRESIDENT AND VICE PRESIDENT

The VICE PRESIDENT laid before the Senate a resolution adopted by the municipal council of San Fernando, Romblon, P. I., extending congratulations to President Franklin D. Roosevelt and Vice President John N. Garner on their reelection to office, and also suggesting a reconsideration of the economic clauses of the so-called Tydings-McDuffie law relative to the Philippines, which was ordered to lie on the table.

EXPRESSIONS OF SYMPATHY IN FRENCH SENATE ON FLOOD DISASTERS

The VICE PRESIDENT laid before the Senate a letter from the president of the Senate of the French Republic, transmitting excerpts from the proceedings of a recent session of that Senate embodying addresses expressing deepest sympathy by its president and the Minister of State of France on the recent flood disasters in the United States, which, with the accompanying excerpts, was ordered to lie on the table.

COMMODITY CREDIT CORPORATION, EXPORT-IMPORT BANK OF WASHINGTON, AND ELECTRIC HOME AND FARM AUTHORITY—SUPPLEMENTAL ESTIMATES OF APPROPRIATIONS (S. DOC. NO. 18)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting, pursuant to law, supplemental estimates of appropriations for salaries and expenses of the Commodity Credit Corporation, the Export-Import Bank of Washington, and the Electric Home and Farm Authority for the fiscal year ending June 30, 1938, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

RELIEF IN FLOOD-STRICKEN AREAS

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Treasury, transmitting a draft of proposed legislation authorizing the President to allocate emergency relief funds to the Public Health Service for health and sanitation activities in the flood-stricken areas, which, with the accompanying paper, was referred to the Committee on Commerce.

RESERVE REQUIREMENTS OF FEDERAL RESERVE MEMBER BANKS (S. DOC. NO. 19)

The VICE PRESIDENT laid before the Senate a letter from the secretary of the Board of Governors of the Federal Reserve System, transmitting, in response to Senate Resolution 78 (submitted by Mr. NYE and agreed to on the 5th instant), certain information concerning the order of that Board increasing the reserve requirements of member banks after May 1, 1937, which was referred to the Committee on Banking and Currency and ordered to be printed with illustrations.

REPORT ON TEXTILE INDUSTRIES

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the Federal Trade Commission, transmitting copy of a report submitted to the President of the United States by the Commission entitled "The Textile Industries in the First Half of 1936—Part III—The Silk and Rayon Industry", which, with the accompanying report, was referred to the Committee on Education and Labor.

REPORT OF FEDERAL PRISON INDUSTRIES, INC.

The VICE PRESIDENT laid before the Senate a letter from the secretary of the Federal Prison Industries, Inc., transmitting, pursuant to law, the annual report of the Board for the fiscal year ended June 30, 1936, which, with the accompanying report, was referred to the Committee on the Judiciary.

PETITIONS AND MEMORIALS—REORGANIZATION OF JUDICIAL BRANCH

The VICE PRESIDENT. The Chair wishes to say to the Senate that on Saturday, as the Chair recalls the day, the president of the Senate of Maine and the speaker of the House of Representatives of that State, with two of their colleagues from each body, came to the chamber of the Vice President, presented a memorial, and asked him to obtain permission to have it read by the clerk of the Senate. Is there objection? The Chair hears none, and the clerk will read.

The Chief Clerk read as follows:

Memorial to the honorable Senate and House of Representatives of the United States of America in Congress assembled

Whereas we, the Senate and House of Representatives of the State of Maine, believe that the Constitution of the United States is the foundation of our liberty and that it should be amended only through the direct methods provided therein, openly and fairly by the submission of amendments to the legislatures or conventions of the 48 States of the Union after a Nation-wide discussion of the changes involved; and

Whereas we believe that the continuation of our representative democracy and constitutional government depends upon the complete separation and independence of the three branches of government, to wit, legislative, executive, and judicial; and

Whereas we regard the proposed changes in the laws affecting the Supreme Court of the United States and the Federal judiciary now advocated by the President of the United States as a covert attack upon the Constitution of the country whereby certain laws, the principles of which heretofore held to be in conflict with that great document, later may be enacted into the law by indirection through the control of the Court by the Chief Executive: Now, therefore, be it

Resolved, That we, the Senate and House of Representatives of the sovereign State of Maine, representing the people of Maine, urge you, the Seventy-fifth Congress of the United States, to uphold the Constitution and to protect the Supreme Court of the United States and the Federal judiciary from legislative and executive interference and control. Only by your so doing will the liberties of our citizens be safeguarded and the perils of personal government and dictatorship abhorrent to all free men and women be avoided; and be it further

Resolved, That a joint select committee of three on the part of the senate and three on the part of the house, including the president of the senate and the speaker of the house, be appointed to deliver personally and in hand to the Congress of the United States a duly authenticated copy hereof, attested by the secretary of state.

The VICE PRESIDENT. The memorial will be referred to the Committee on the Judiciary.

Mr. HATCH subsequently said: Mr. President, a very interesting resolution adopted by the Legislature of the State of Maine has been placed in the RECORD today. As a matter of historical interest, I ask at this time that another resolution or declaration by the State of Maine, adopted shortly after the Dred Scott decision, may be read by the clerk. I further ask that in the RECORD this resolution may immediately follow the resolution which has been read.

The VICE PRESIDENT. Is there objection to the request of the Senator from New Mexico? The Chair hears none, and it is so ordered. The clerk will read, as requested.

The legislative clerk read as follows:

Whereas such extra-judicial opinion subordinates the political power and interests of the American people to the cupidity and ambition of a few thousand slaveholders, * * *: Therefore

Resolved, That the extra-judicial opinion of the Supreme Court in the case of Dred Scott is not binding in law or conscience upon the Government or citizens of the United States, and that it is of an import so alarming and dangerous as to demand the instant and emphatic reprobation of the country.

Resolved, That the Supreme Court of the United States should, by peaceful and constitutional measures, be so reconstituted as to relieve it from the domination of a sectional faction * * *.

[The foregoing resolution is taken from the work American Government and Politics, by Charles A. Beard. It may be found at p. 88.]

Mr. MINTON. Mr. President, a few days ago the Legislature of the State of Indiana, by a vote of 3 to 1 in the House of Representatives and 4 to 1 in the Senate, adopted a resolution approving the President's proposal to reorganize the Federal courts. I now send to the desk a copy of the resolution referred to, and ask unanimous consent that it may be read and appropriately referred.

The VICE PRESIDENT. Is there objection to the request of the Senator from Indiana? The Chair hears none, and the clerk will read, as requested.

The Chief Clerk read as follows:

Concurrent resolution concerning the recommendations of the President relating to the reorganization of the Federal judiciary

Whereas in a recent message to Congress the President made recommendations affecting the structure, the method of selecting the personnel, and the procedure of the Federal courts; and

Whereas those recommendations insure a more efficient and higher quality of administration of justice in our Federal courts generally; and

Whereas in respect to the Supreme Court of the United States they assure the highly desirable results both of retaining for the Court the invaluable asset of enlightened experience of the older Justices and of bringing to the Court the equally invaluable asset of fresh views, closer contacts with and more sympathetic understanding of the realities of current economic, social, and political problems, and their relation to the exercise by Congress of its legitimate powers under the Constitution of the United States: Therefore

SECTION 1. *Be it resolved by the Senate of the General Assembly of the State of Indiana (the house of representatives concurring)*, That the United States Senators and several Representatives from this State are hereby urged to support the recommendations of the Honorable Franklin D. Roosevelt, President of the United States, to the end that our Federal courts may deserve the continued respect and confidence of the American people and serve their constitutional purpose as an indispensable instrumentality in the whole life of the Republic.

SEC. 2. That the secretary of the senate is hereby instructed to send a copy of this resolution to each of the United States Senators and Members of the House of Representatives of the United States.

The VICE PRESIDENT. The resolution will be referred to the Committee on the Judiciary.

Mr. WALSH. Mr. President, I present a letter received by me from the president of the Bar Association of the City of Boston, Mass., together with a resolution of the council of that bar association, which I ask may be treated as a petition, referred to the Committee on the Judiciary, and printed in the RECORD.

There being no objection, the letter, with the accompanying resolution, was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

THE BAR ASSOCIATION OF THE CITY OF BOSTON,
Boston, Mass., February 13, 1937.

HON. DAVID I. WALSH,
The Carlton, Washington, D. C.

DEAR SENATOR WALSH: I am enclosing herewith a certified copy of resolutions unanimously adopted by the council of the Bar Association of the City of Boston today. The members of the council were anxious that I should get this copy as early as possible to you as the senior Senator of the Commonwealth and consequently the leader of the Massachusetts delegation. Copies will be sent by the secretary of the association to the other members of the delegation. I most earnestly hope that you may see your way clear to voice the sentiment of this Commonwealth against any legislation making it possible to pack the Supreme Court.

With personal regards, I am,
Faithfully yours,

BUCKLEY W. WANES, *President.*

Unanimous resolution of the council of the Bar Association of the City of Boston at an adjourned meeting on February 13, 1937, called specially to consider the effect of the proposals of the President of the United States accompanying his message of February 5, 1937, to the Congress

The President's message, in those respects which relate to the Supreme Court of the United States, is so phrased as to convey the understanding to the people that he seeks to have the Court enlarged in order that it may deal efficiently with matters before it. This is neither the purpose nor the effect of the legislation which he asks the Congress to enact. The Court is abreast of its work. At the adjournment of Court for the summer recess of 1936 not a single case which was then ready for argument remained unargued or undecided. No enlargement is necessary, and the proposed act does not assure any enlargement unless the President is unable to control the Court at its present size by forcing the resignations of six Justices. This is clear from a consideration of the act which the President has submitted.

By the terms of this act the Congress does not itself increase the number of Justices on the Supreme Court. The act contains no expression or implication of congressional determination that the Supreme Court ought to contain more than nine Justices.

The act provides that if all of these six Justices resign within 6 months after its passage the Court shall remain at nine Justices; but that if any one or more of them continues to serve thereafter the President shall nominate and, by and with the advice and consent of the Senate, shall appoint one additional judge for each judge who has not resigned within the prescribed time or before another is nominated, and that the membership of the Court shall be permanently enlarged to the extent of the number so appointed. This means that when a Justice who remains over the 6-month period subsequently resigns or dies the President has the duty to appoint a successor to him, notwithstanding the prior enlarging appointment already made. Thus it is apparent that the individual action of each elder Justice with respect to resignation or retention of office will determine whether the Court shall be composed of 9 or 15 or some intermediate number, and this without any further action by the Congress. In this way, therefore, the Congress will surrender to the elder Justices the power to determine the membership of the Court.

In determining this membership the elder Justices, because of a conviction that nine is a more efficient number for the work of the Court than a larger number, may feel forced to resign. So by indirection the President will accomplish his purpose to force off the Court able and independent Justices.

These considerations compel the conclusion that what the President is seeking is not an increase in the membership of the Court nor to establish a retirement age for the Justices, but the power to control its decisions by packing the Court. To vest such power in the President would render the judiciary subservient to the Executive, thus destroying its essential independence and violating the fundamental principle of the Constitution that the legislative, the executive, and the judicial branches of the Government shall be forever completely independent of one another.

This wise division of powers was made to guarantee to the people of the United States that there could never be an encroachment by any one of the three branches of government upon the liberties of the people. To break down this division is to destroy the existing assurance against an interference by the legislative branch or the executive branch with the freedom of religion, the freedom of speech, the freedom of the press, and the fundamental rights of the people of the several States to retain inviolate every power which they have not expressly delegated to the Federal Government.

If in any nation the judiciary be subservient to the executive—whether that executive be king, dictator, or president—even-handed justice for the poor and the uninfluential becomes uncertain and oppression by the powerful inevitably follows. Our forefathers abhorred judicial subservience for they had suffered from it. Their abhorrence manifested itself in the provisions of the Constitution which place all the judicial power of the United States in the courts and provide that the judges thereof shall hold their offices during good behavior.

No citizen can confidently rely on the equal protection of the laws, and no State can be certain that it will not forcibly and against its will be deprived of its own sovereign powers unless the Supreme Court of the United States remains, as it has always existed, a tribunal free, independent, and uncontrolled.

If the time should ever come when the people desire that the Justices of the Supreme Court no longer should exercise full judicial power, but that their decisions should be inoperative if displeasing either to the executive or to the legislative branch of the Government, they can amend the Constitution to that end. President Washington, in his Farewell Address, said, "If in the opinion of the people the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by amendment in the way which the Constitution designates. But let there be no change by usurpation, for this is the customary weapon by which free governments are destroyed."

An attempt in Congress to pass a law which is contrary to the Constitution is not an act of Congress, but is an effort of less than 532 men to usurp powers never given them by the people. An announcement of this by the Court does not justify any assertion that the Court is blocking the Congress.

We hold these principles to be incontrovertible and an attack upon them to be subversive to the fundamentals of free government: Therefore, be it

Resolved, That the council of the Bar Association of the city of Boston urges the Congress of the United States to reject the proposals contained in the President's message of February 5, 1937, and in the bill accompanying it, insofar as they relate to the Supreme Court of the United States; and

Resolved, That this resolution be submitted to the Senate and to the House of Representatives of the Congress of the United States for their consideration.

ADDITIONAL PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on Banking and Currency:

House Joint Memorial 2

To the Honorable Senate and House of Representatives of the United States of America, in Congress assembled:

We, your memorialists, the Thirty-ninth Legislative Assembly of the State of Oregon, convened in regular session, respectfully represent that—

Whereas the United States Government under the Emergency Federal Farm Mortgage Act of 1933, and with subsequent amendments, was authorized to grant commissioner loans to any one farmer not exceeding the sum of $7,500; and

Whereas the rate of interest on such loans was established at the rate of 5 percent per annum; and

Whereas most of these loans were made for a period of 13 years with no payment required on principal during the first 3 years of said loan; and

Whereas the principal of said loan in most cases is payable during the following 10 years, one-tenth each year, plus interest at the rate of 5 percent per annum on unpaid balances; and

Whereas the income from farm crops is not sufficient in most cases to meet such payments; and

Whereas the rate of interest paid on most of the Federal Farm Mortgage Corporation bonds, through which the Government farm loan, known as land bank commissioner loans, were financed, bear interest at the rate of less than 3 percent per annum: Now, therefore, be it

Resolved by the House of Representatives of the State of Oregon (the Senate jointly concurring therein), That the Legislative Assembly of the State of Oregon hereby does petition the Congress of the United States to enact into law some legislation providing that land bank commissioner mortgages of record or made hereafter, shall be amortized over a term of years, so that the payment of principal and interest shall not be greater than 5 percent of the amount of the original loan, with interest on the unpaid balance not to exceed the rate of 3 percent per annum; and be it further

Resolved, That the secretary of state of the State of Oregon is hereby directed to send a copy of this memorial to the Speaker of the House of Representatives and the President of the Senate, Washington, D. C., a copy to each Representative and Senator from the State of Oregon, also a copy hereof to the speaker of the house and president of the senate of each State legislature in the United States which shall convene during the year 1937.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of Ohio, which was referred to the Committee on Commerce:

House Joint Resolution 8

Joint resolution memorializing the President of the United States and the United States Congress to take immediate steps in affording relief to the flood sufferers of the Ohio River Valley

Whereas a condition unparalleled in the history of the State of Ohio has brought unheard of suffering and destitution to the flood victims of the Ohio River; and

Whereas the magnitude of this catastrophe is of such extent that the State of Ohio cannot alone cope with the situation; and

Whereas it is felt by the members of the Ohio General Assembly that unless immediate relief is afforded by the Federal Government in rehabilitating the flood-stricken area by the granting of instantaneous relief, a public-health crisis is impending which may involve the entire Nation: Therefore be it

Resolved by the general assembly, That the members of the ninety-second general assembly hereby memorialize the President of the United States and the Congress of the United States to immediately take steps to afford relief to the flood sufferers of the Ohio River valley by utilizing every agency of the Federal Government to avert the impending crisis; and be it further

Resolved, That the Federal Government immediately send Army engineers, physicians, and public-health specialists and such others as may be deemed necessary to carry out an immediate rehabilitation program on a scale proportionate to the magnitude of this disaster; and be it further

Resolved, That a copy of this resolution be forwarded to the President of the United States, the Vice President, the Speaker of the House of Representatives, the United States Senators and Members of Congress from Ohio.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of Tennessee, which was referred to the Committee on Commerce:

Senate Joint Resolution 14

Whereas the great loss of human life and the property damage resulting to the people of Tennessee living in the Cumberland River Valley and on its tributaries and in the Mississippi Valley from the ravages of the recent floods in those streams have been so great as to shock the people of the entire Nation; and

Whereas the people living in the Tennessee River Valley and on its tributaries have suffered no loss of life and practically no financial loss on account of the said flood, the rainfall being as great over the Tennessee River Valley as over the valley of the Cumberland River and other parts of Tennessee; and

Whereas the developments made on the Tennessee River and its tributaries by the Tennessee Valley Authority were the sole protection of citizens and property within the Tennessee River Valley and its tributaries, thus furnishing a striking example of the efficiency of the great program of President Roosevelt to improve the navigation of these interstate streams, protect the soil from erosion, and encourage reforestation, and insure agricultural rehabilitation and power development for the benefit of the people of the territory affected, and, indirectly, for the benefit of the people of the Nation as a whole, thus vindicating the wisdom of President Roosevelt and the Congress in establishing the Tennessee Valley Authority; and

Whereas it is now manifest to every intelligent person that the Cumberland River should be developed along the same lines as the Tennessee River projects are being developed, and that this development is a pressing and urgent need of the people of the State of Tennessee: Now, therefore, be it

Resolved by the Senate of the State of Tennessee (the house concurring), That the Congress of the United States be memoralized by the General Assembly of the State of Tennessee to proceed at the earliest practical moment to enact legislation along the lines of the Logan bill, which passed the United States Senate over a year ago, that the Cumberland River and its tributaries and territory adjacent thereto be attached to and become a part of the Tennessee Valley Authority and that the Congress appropriate an amount sufficient to make the necessary improvements on said stream; be it further

Resolved, That the clerk of the senate transmit to the Vice President of the United States and to the Speaker of the House of Representatives and to Senators MCKELLAR and BACHMAN and to each of the Congressmen from the State of Tennessee copies of this resolution.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of Montana, which was referred to the Committee on Finance:

Resolution memorializing the Congress of the United States for the passage of the legislation for the creation and establishment of the Townsend recovery plan, and for benefits to be paid to all persons over the age of 60 years

To the Honorable Senate and House of Representatives of the United States in Congress assembled:

Whereas there exists among employers of labor a widespread policy by which persons over 45 years of age, willing and anxious to earn their livelihood, are deprived of the opportunity of receiving employment, thus placing many such persons in a position of depending either upon friends or relatives or on public charity; and

Whereas many of the persons thus deprived of an opportunity to earn their support are, by means of this policy adopted and enforced by employers of labor, unable to support themselves by means of their own effort; and

Whereas our social and economic welfare demand of the American people as a whole that those who, through no fault of their own, are thus deprived of the opportunity to earn a livelihood be placed in a condition where their morale be sustained and they be neither made indigents or partakers of public charity; and

Whereas the burden of creating and maintaining the social and economic welfare is of greater magnitude than the State of Montana, in common with other States, is able to carry on; and

Whereas there exists not only a widespread demand of persons over 60 years of age for the passage of legislation which will permit them to maintain their self-respect but there also exists an unusually strong demand of persons under the age of 60 years that those who have pioneered in the building and development of our country be justly and adequately provided for in their declining years: Now, therefore, be it

Resolved by the House of Representatives of the State of Montana (the senate concurring), That we do hereby petition the Congress of the United States of America for the passage of the Townsend recovery plan into law, the said plan being deemed just and equitable to all persons over the age of 60 years; be it further

Resolved, That a copy of this memorial be transmitted by the secretary of state of Montana to the Senate and House of Representatives of the Congress of the United States and to the Senators and Representatives in Congress from the State of Montana, and they and each of them be requested to use all honorable means within their power to bring about the enactment of the Townsend recovery plan into law.

The VICE PRESIDENT also laid before the Senate the following resolution of the Senate of the State of North Dakota, which was referred to the Committee on Finance:

Whereas this State and all the other States of the United States have been virtually deprived of the power to tax national banks by reason of interpretations of the Federal statute governing the States in such taxation; and

Whereas the States are required to tax State banks upon the same basis as national banks, because if State banks were taxed upon any higher basis than national banks, State banks would be forced out of business; and

Whereas most of the legislative bodies of the United States have memorialized Congress to so amend the Federal law as to permit the States to tax national banks provided that the tax on national banks should not be at a higher rate than the tax imposed by the State upon State banks: Now, therefore, be it

Resolved by the Senate of the State of North Dakota, That the Congress of the United States be, and hereby is, respectfully requested to so amend the Federal law as to permit the States to tax national banks provided that the tax on such banks shall not be at a higher rate than the tax imposed by the State upon State banks; and that copies of this resolution be forwarded by the secretary of state to the Speaker of the House of Representatives and to the President of the Senate at Washington, D. C.

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of the State of North Dakota, which was referred to the Committee on Finance:

Whereas the problem of the security of employment and the security of the aged have become leading public issues; and

Whereas the people of the State of North Dakota have become conscious of the need of Federal legislation aiming to make dependent old age more secure; and

Whereas many thousands of the people of this State have endorsed and recommended a plan known as the Townsend recovery plan, tending toward the accomplishment of these aims and the security of persons of this State in their old age; and

Whereas it is imperative that our younger people may find employment and thus put an end, in a large measure, to our present unemployment situation, and that the active and wide increase of buying and selling to result from the operation of the Townsend recovery plan bill will help banish poverty and bring back prosperity to our country in general: Now, therefore, be it

Resolved by the house of representatives of this twenty-fifth legislative assembly (the senate concurring therein), That the Congress of the United States is hereby respectfully memorialized and urged to pass the said Townsend recovery plan bill thereby making it the Federal law of the land, if, as, and when the same is presented for its passage; be it further

Resolved, That the Senators and Representatives of the State of North Dakota in the Congress of the United States be, and hereby are, requested to take such necessary steps as will insure the immediate passage of the aforesaid Townsend recovery plan bill upon its presentation to the Congress of the United States, and that copies of this memorial be forwarded forthwith to the President of the United States, to the President of the Senate, to the Speaker of the House of Representatives of the Congress of the United States, and to the Senators and Representatives of the State of North Dakota.

The VICE PRESIDENT also laid before the Senate a concurrent resolution of the Legislature of the State of North Dakota, protesting against the ratification of the Argentine Sanitary Convention, which was referred to the Committee on Foreign Relations.

(See resolution printed in full when presented today by Mr. FRAZIER.)

The VICE PRESIDENT also laid before the Senate the following resolution of the Legislature of the State of Nebraska, which was referred to the Committee on Foreign Relations:

Whereas press reports have indicated that the Commission attending the Pan American Peace Conference is favorable to the importation of unsterilized meats and meat products from certain South American countries; and

Whereas it has been stated that foot-and-mouth disease does not exist in certain areas of South America; and

Whereas it is known that foot-and-mouth disease and other transmissible diseases of livestock which do not exist in the United States are ever prevalent in those South American countries; and

Whereas the prevention and control of livestock diseases in those South American countries is not comparable to the standards of the United States and is in fact practically negligible; and

Whereas the United States has spent millions of dollars in the eradication of foot-and-mouth disease brought into this country through livestock products of foreign origin; and

Whereas the livestock industry in the United States had likewise suffered losses totaling millions of dollars from outbreaks of foot-and-mouth diseases; and

Whereas an embargo is now in effect on importations of livestock and unsterilized livestock products from these South American countries; and

Whereas the raising of such an embargo would immediately and seriously jeopardize the Nation's livestock industry as well as the public health of its citizens: Now, therefore, be it

Resolved by the Legislature of the State of Nebraska, That this body vigorously opposes any modifications of existing Federal laws and regulations governing the importation of livestock or unsterilized livestock products from any foreign country harboring foot-and-mouth disease or any other transmissible diseases of livestock which do not now exist in the United States; be it further

Resolved, That copies of this resolution be forwarded by the clerk to the President of the United States, the Secretary of State at Washington, D. C., the Presiding Officer of the United States Senate, and to the Speaker of the House of Representatives of the United States, the Secretary of Agriculture of the United States, and the chairman of the Foreign Relations Committee of Congress.

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of the State of Texas, which was referred to the Committee on Foreign Relations:

Senate Concurrent Resolution 16

Whereas the present sanitary regulations prohibit importations, into the United States of live animals and fresh meats from any country in which foot-and-mouth disease exists; and

Whereas such regulations were found necessary for the protection of the livestock industry after several disastrous outbreaks in the State of Texas were found to be the result of importations from countries in which foot-and-mouth disease existed; and

Whereas Federal and State Governments have spent millions of dollars in eradicating foot-and-mouth disease and to prevent its spread in the United States; and

Whereas it is necessary that present regulations be maintained in order to prevent the introduction and spread of foot-and-mouth disease in the United States; and

Whereas the pending Argentine Sanitary Convention proposes to modify the present sanitary regulations so as to permit importations from certain parts of Argentina which are alleged to be free of foot-and-mouth disease; and

Whereas foot-and-mouth disease exists, and has existed, for many years in large parts of Argentina, where no system of eradication is pursued and control methods are not such as to prevent its spread; and

Whereas importations of live animals or fresh meats from any part of Argentina would endanger the livestock industry of the United States: Now, therefore, be it

Resolved by the Senate of the State of Texas (the house of representatives concurring), That these bodies vigorously oppose the ratification by the United States Senate of the Argentine Sanitary Convention, or any measure which proposes to change the present regulations governing importations of live animals and fresh meats from any country which harbors foot-and-mouth disease; and be it further

Resolved, That copies of this resolution be forwarded by the Governor to the President of the United States; the Secretary of State at Washington, D. C.; the Presiding Officer of the United States Senate; to the Speaker of the House of Representatives; the Secretary of Agriculture of the United States; and the chairman of the Foreign Relations Committee of the United States Senate.

The VICE PRESIDENT also presented the petition of John Galasso, of Detroit, Mich., praying for continuance of the modernization work and operations under the Federal Housing Administration, which was referred to the Committee on Banking and Currency.

He also presented petitions of Local No. 1052, Brotherhood of P. D. and P. of A., and former employees of the Flint Trolley Coach Co., of Flint, Mich., praying for an investigation of strike conditions connected with the present Trolley Coach Co. strike in Flint, Mich., which were referred to the Committee on Education and Labor.

He also laid before the Senate a resolution adopted by Colonel Cornelius Van Dyck Chapter of the Sons of the American Revolution, Schenectady, N. Y., protesting against the adoption of any plan or proposal to change or weaken the established functions of a branch of the Government without due deliberative action by the citizens through the method of Constitutional amendment, which was referred to the Committee on the Judiciary.

He also laid before the Senate a resolution adopted by the Flint (Mich.) Association of Bus and Trolley Coach Employees, favoring the making of an appropriation of $500,000 for continuing as a permanent Senate committee the so-called Civil Liberties subcommittee of the Committee on Education and Labor, which was referred to the Committee on Rules.

Mr. VANDENBERG presented the memorial of Mary Logan Tucker, Washington, D. C., past national president, Dames of the Loyal Legion, and national chairman of the National Society United States Daughters of 1812, etc., and also memorials of sundry citizens of the State of Michigan and a citizen of Chicago, Ill., remonstrating against the reorganization of the judicial branch of the Government, especially the proposal to enlarge the membership of the Supreme Court of the United States, which were referred to the Committee on the Judiciary.

Mr. RUSSELL presented the following concurrent resolution of the Legislature of the State of Georgia, which was referred to the Committee on Education and Labor:

Whereas there has been introduced into the National Congress a bill known as the Harrison-Black-Fletcher bill; and

Whereas this bill is receiving serious consideration by the National Congress; and

Whereas this bill is intended to give Federal aid to the support of public education in the various States and Territories of our Nation without in any way giving to the Federal Government any control of our public schools; and

Whereas this bill will go a long way toward equalizing the educational opportunity given to the children of the various States and Territories of our Nation: Now, therefore, be it

Resolved by the senate (the house of representatives concurring), That we favor the passage of the Harrison-Black-Fletcher bill by the National Congress; be it further

Resolved, That copies of this resolution be transmitted to the President of the United States and to each member of the Georgia delegation in our National Congress.

Mr. FRAZIER presented the following concurrent resolution of the Legislature of the State of North Dakota, which was referred to the Committee on Foreign Relations:

Whereas it is indicated that there is a determination of certain Government officials to secure a ratification of the Argentine Sanitary Convention; and

Whereas any attempt to raise the embargo on animal products from Argentina, or any province thereof, would subject the livestock of the United States to a constant menace of foot-and-mouth disease; and

Whereas past experience shows that outbreaks caused by such importations have caused millions of dollars' damage and consequent depletion of livestock, and have been a source of great economic loss: And therefore be it

Resolved by the Senate of the Twenty-fifth Legislative Assembly of the State of North Dakota (the house of representatives concurring herein), That we respectfully petition the Congress of the United States to protest the ratification of the Argentine Sanitary Convention and urge the Members thereof to work for the continuance of the present embargo against every country where the disease is known to exist and that there shall be no experimentation at the expense of the health and safety of our livestock; and be it further

Resolved, That a copy of this resolution be forwarded to the President of the United States, to both Houses of Congress of the United States, and to each Member thereof from this State, to the Secretary of Agriculture, to Senator Hotchkiss and Senator Headlee, senate chamber, Denver, Colo.

NATIONAL DEFENSE—PETITION

Mr. WALSH. Mr. President, I present a letter in the nature of a petition from the chairman of the legislative committee of the Reserve Officers' Association of the United States, Department of Massachusetts, which I ask may be printed in the RECORD and referred to the Committee on Naval Affairs.

There being no objection, the letter was referred to the Committee on Naval Affairs and ordered to be printed in the RECORD, as follows:

RESERVE OFFICERS' ASSOCIATION OF THE UNITED STATES,
MASSACHUSETTS DEPARTMENT,
Boston, February 2, 1937.

Hon. DAVID I. WALSH,
Senate Office Building, Washington, D. C.

DEAR SENATOR WALSH: To you, a recognized friend of our aims, we endorse and recommend the following national-defense measures and program, deemed feasible, as well as essential, to the preservation of our national welfare.

Sufficient appropriations to train annually 30,000 eligible Reserve officers for a 14-day period of active duty;

Active-duty training over a continued period for flying cadet graduates;

Continuation of funds to implement terms of Thomason Act;

Maintenance and development of R. O. T. C., with annual field training for 8,000;

Training of all qualified applicants for C. M. T. C.;

Support of rifle and pistol matches, culminating in the national matches at Camp Perry;

The continuation of C. C. C. with its affiliation with the Army;

Adequate Navy, with sufficient Naval and Marine Corps Reserves;

A Regular Army of 165,000 enlisted men and 14,000 active officers;

A National Guard of 210,000 enlisted men, with a proper proportion of officers, having 48 armory drills and a 15-day encampment annually.

May we be assured of your continued assistance and cooperation?

Respectfully yours,

DAVID A. PFROMM,
Chairman, Legislative Committee.

CIRCULARIZATION AGAINST PROPOSED SUPREME COURT ENLARGEMENT

Mr. McKELLAR. Mr. President, I send to the desk a letter and ask unanimous consent that it may be read and referred to the Committee on the Judiciary.

There being no objection, the letter was referred to the Committee on the Judiciary and read, as follows:

TENNESSEE MANUFACTURERS ASSOCIATION,
Nashville, Tenn., February 11, 1937.

To the Manufacturers of Tennessee:

Each of you know what's going on in Washington with reference to proposed changes in the Supreme Court. We have such high regard for the judicial department of our Government that we do not want to see our Federal courts disturbed. If you feel the same way about it, we want to ask you to do the following things immediately:

First. If you have not already done so, please wire or write your Congressman and your two Senators protesting in most vigorous language possible against any tampering with the Supreme Court of the United States. Also persuade as many of your friends as possible to do likewise.

Second. The Tennessee Legislature has under consideration a resolution calling upon the Tennessee representatives in Congress to vote against tampering with the Supreme Court. Please wire immediately your State senator, representative, and floater, if you have one, to vote for this resolution.

We are giving below Tennessee's delegation in Congress. The two Senators should be addressed at the Senate Office Building, Washington, D. C., and the Congressmen at the House Office Building.

Sincerely yours,

C. C. GILBERT, *Secretary.*

Senator KENNETH MCKELLLAR; Senator NATHAN L. BACHMAN; First District, Hon. B. CARROLL REECE; Second District, Hon. J. WILL TAYLOR; Third District, Hon. SAM D. MCREYNOLDS; Fourth District, Hon. J. R. MITCHELL; Fifth District, Hon. RICHARD M. ATKINSON; Sixth District, Hon. CLARENCE W. TURNER; Seventh District, Hon. HERRON PEARSON; Eighth District, Hon. JERE COOPER; Ninth District, Hon. WALTER CHANDLER.

P. S.—Mr. Edgerton is writing the constituency of the Southern States Industrial Council, consisting of 16,000 manufacturers, making a similar request.

REPORTS OF COMMITTEES

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (S. 975) to amend the act approved February 7, 1913, so as to remove restrictions as to the use of the Little Rock Confederate Cemetery, and for other purposes, reported it without amendment and submitted a report (No. 89) thereon.

Mr. PEPPER, from the Committee on Commerce, to which was referred the bill (S. 1125) to amend the act entitled "An act to authorize the Secretary of Commerce to dispose of certain portions of Anastasia Island Lighthouse Reservation, Fla., and for other purposes", approved August 27, 1935, and for other purposes, reported it with amendments and submitted a report (No. 90) thereon.

REGULATION OF TRAFFIC IN FOOD, DRUGS, AND COSMETICS—REPORT OF COMMERCE COMMITTEE

Mr. COPELAND, from the Committee on Commerce, to which was referred the bill (S. 5) to prevent the adulteration, misbranding, and false advertisement of food, drugs, devices, and cosmetics in interstate, foreign, and other commerce subject to the jurisdiction of the United States, for the purpose of safeguarding the public health, preventing deceit upon the purchasing public, and for other purposes reported it with amendments and submitted a report (No. 91) thereon.

PRINTING OF REPORT OF DAUGHTERS OF THE AMERICAN REVOLUTION (S. DOC. NO. 20)

Mr. HAYDEN. From the Committee on Printing, I report a resolution and ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the resolution (S. Res. 80) was read, considered, and agreed to, as follows:

Resolved, That the Thirty-ninth Annual Report of the National Society of the Daughters of the American Revolution for the year ended April 1, 1936, be printed as a Senate document.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that that committee presented to the President of the United States the following enrolled bills and joint resolution:

On February 10, 1937:

S. 974. An act to create the Capital Auditorium Commission; and

S. J. Res. 20. Joint resolution authorizing the President to invite the Pan American Republics and the Dominion of Canada to participate in the proposed Greater Texas and Pan American Exposition.

On February 11, 1937:

S. 1439. An act to provide for loans made necessary by floods or other catastrophes in the year 1937.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BORAH:

A bill (S. 1501) to create a commission and to extend further relief to water users on United States reclamation projects and on Indian irrigation projects; to the Committee on Irrigation and Reclamation.

A bill (S. 1502) granting a pension to Margaret Johnson (with accompanying papers); and

A bill (S. 1503) granting an increase of pension to William S. Ritman (with an accompanying paper); to the Committee on Pensions.

By Mr. NORRIS:

A bill (S. 1504) to authorize cooperation in the development of farm forestry in the States and Territories, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. GLASS:

A bill (S. 1505) for the relief of the heirs of William H. Peters and Washington Reed; to the Committee on Claims.

A bill (S. 1506) to provide for the issuance of a license to practice chiropractic in the District of Columbia to Dr. Russell V. Pemberton; to the Committee on the District of Columbia.

A bill (S. 1507) authorizing the return of the commission of John Baptiste Ashe as a major in the Continental Army to Martha B. Rogers, nee Ashe; to the Committee on Military Affairs.

By Mr. MCKELLAR:

A bill (S. 1508) to amend section 19 of the Federal Reserve Act as amended with respect to the payment of interest on certain demand deposits; to the Committee on Banking and Currency.

A bill (S. 1509) to extend the provisions of the Tennessee Valley Authority Act of 1933, as amended, to the Cumberland River and its basin; to the Committee on Commerce.

A bill (S. 1510) to create five regional national libraries and to amend section 12 of the act entitled "An act to amend and consolidate the acts respecting copyright", approved March 4, 1909, and for other purposes; to the Committee on the Library.

By Mr. GIBSON:

A bill (S. 1511) for the relief of widows of certain Reserve officers of the Army who died while serving with the Civilian Conservation Corps; to the Committee on Claims.

By Mr. RUSSELL:

A bill (S. 1512) for the relief of John B. Russell; to the Committee on Claims.

By Mr. GEORGE:

A bill (S. 1513) for the relief of Abe Wolf; to the Committee on Military Affairs.

By Mr. REYNOLDS:

A bill (S. 1514) for the relief of the Corbitt Co.; to the Committee on Claims.

By Mr. SCHWELLENBACH:

A bill (S. 1515) for the relief of Eben C. Manchester; and

A bill (S. 1516) to authorize certain payments to the American War Mothers, Inc., the Veterans of Foreign Wars of the United States, Inc., and the Disabled American Veterans of the World War, Inc.; to the Committee on Claims.

A bill (S. 1517) authorizing the payment of necessary expenses incurred by certain Indians allotted on the Quinaielt Reservation, State of Washington; to the Committee on Indian Affairs.

A bill (S. 1518) to provide for the recommissioning of certain former officers in the Regular Army of the United States; to the Committee on Military Affairs.

By Mr. NEELY:

A bill (S. 1519) to provide for the completion of Bluestone Reservoir; to the Committee on Commerce.

A bill (S. 1520) granting a pension to Mollie M. Corathers; and

A bill (S. 1521) granting a pension to Sarah M. Waugh; to the Committee on Pensions.

A bill (S. 1522) to provide suitable accommodations for the district court of the United States at Lewisburg, W. Va.; to the Committee on Public Buildings and Grounds.

By Mr. WALSH:

A bill (S. 1523) for the relief of Ralph Adams Cram, Lydia B. Kimball, executrix under the last will and testament of Bertram G. Goodhue, deceased, and Donald G. Ferguson, administrator of the estate of Frank W. Ferguson, deceased; to the Committee on Claims.

A bill (S. 1524) for the relief of Eugene Michael Doran; to the Committee on Naval Affairs.

By Mr. LEE:

A bill (S. 1525) for the relief of Roy Curtis Booher; to the Committee on Naval Affairs.

A bill (S. 1526) for the relief of Earnest B. Carleton; and

A bill (S. 1527) for the relief of Alvin Carroll; to the Committee on Military Affairs.

By Mr. PEPPER:

A bill (S. 1528) providing for loans by the Reconstruction Finance Corporation to port districts in certain cases; to the Committee on Banking and Currency.

A bill (S. 1529) for the relief of Frank Anderson;

A bill (S. 1530) for the relief of James B. McDonald; and

A bill (S. 1531) for the relief of the Florida National Bank & Trust Co., a national banking corporation, as successor trustee for the estate of Phillip Ullendorff, deceased; to the Committee on Claims.

A bill (S. 1532) to exempt retired officers of the Marine Corps and Coast Guard from certain restrictions with respect to holding office under the United States; to the Committee on Naval Affairs.

A bill (S. 1533) granting a pension to Elizabeth Johnson; and

A bill (S. 1534) granting a pension to Elise M. Lum; to the Committee on Pensions.

By Mr. MINTON:

A bill (S. 1535) for the relief of Thomas Bemis, Sr.; and

A bill (S. 1536) for the relief of Bertha M. Harris; to the Committee on Claims.

A bill (S. 1537) for the relief of Martin E. Crowe; and

A bill (S. 1538) to correct the military record of John Pate; to the Committee on Military Affairs.

A bill (S. 1539) granting a pension to Katie Glenn;

A bill (S. 1540) granting an increase of pension to Nora A. Kitchen; and

A bill (S. 1541) granting a pension to Mary Roberts; to the Committee on Pensions.

By Mr. ADAMS:

A bill (S. 1542) to change the designations of the Abraham Lincoln National Park, in the State of Kentucky, and the Fort McHenry National Park, in the State of Maryland; and

A bill (S. 1543) to accept the cession by the State of Arkansas of jurisdiction over all lands now or hereafter included within the Hot Springs National Park, Ark., and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. CAPPER:

A bill (S. 1544) granting an increase of pension to Hannah Morrison; to the Committee on Pensions.

By Mr. MOORE:

A bill (S. 1545) to amend title I of the National Housing Act, to authorize the insurance of loans for housing renovation and modernization made on or after April 1, 1937, and prior to April 1, 1938, to reduce the percentage of loss insured against, and for other purposes; to the Committee on Banking and Currency.

By Mr. HARRISON:

A bill (S. 1546) to regulate sales in interstate commerce; to the Committee on Interstate Commerce.

By Mr. ELLENDER:

A joint resolution (S. J. Res. 77) proposing an amendment to the Constitution of the United States relative to the judicial powers of the United States, and to the judges, both of the Supreme and inferior courts; to the Committee on the Judiciary.

By Mr. BLACK:

A joint resolution (S. J. Res. 78) to aid in defraying the extraordinary expenses of the International Labor Office incident to holding its Technical Tripartite Textile Conference in Washington in April 1937; to the Committee on Education and Labor.

ADJUSTMENT OF FEDERAL EMPLOYEES' SALARIES—AMENDMENT

Mr. McCARRAN submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (S. 741) to amend the act of March 4, 1923, entitled "An act to provide for the classification of civilian positions within the District of Columbia and within the field services, and amendments thereto", which was referred to the Committee on Civil Service and ordered to be printed.

UNIFORM TRANSPORTATION RATES ON A MILEAGE BASIS

Mr. RUSSELL submitted the following concurrent resolution (S. Con. Res. 6), which was referred to the Committee on Interstate Commerce:

Whereas it is the policy of the Congress to encourage and promote the equal development of every section of the United States; and

Whereas the existing rates of transportation in force with respect to carriers subject to the Interstate Commerce Act, as amended, have a tendency to deter such development in certain sections of the country: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that in the administration of such act it would be to the best interests of the people of the United States to have a uniform scale of transportation rates on a mileage basis which would apply equally in all sections of the United States.

INVESTIGATION OF RESETTLEMENT ADMINISTRATION

Mr. KING submitted the following resolution (S. Res. 81), which was referred to the Committee on Agriculture and Forestry:

Whereas the Resettlement Administration created by Executive Order No. 7027, dated April 30, 1935, has had transferred to it by subsequent Executive and administrative orders the property, functions, and funds of various other governmental agencies, including the land program of the Federal Emergency Relief Administration, the Division of Subsistence Homesteads of the Department of the Interior, the Land Policy Section of the Agricultural Adjustment Administration, and the Rural Rehabilitation Division of the Federal Emergency Relief Administration; and

Whereas the duties and purposes of the Resettlement Administration, as prescribed by the President, are—

(a) To administer approved projects involving rural rehabilitation, relief in stricken agricultural areas, and resettlement of destitute or low-income families from rural and urban areas, including the establishment, maintenance, and operation, in such connection, of communities in rural and suburban areas;

(b) To initiate and administer a program of approved projects with respect to soil erosion, stream pollution, seacoast erosion, reforestation, forestation, flood control, and other useful projects;

(c) To make loans, as authorized under the Emergency Relief Appropriation Act of 1935, to finance, in whole or in part, the purchase of farm lands and necessary equipment by farmers, farm tenants, croppers, or farm laborers; and

Whereas the Resettlement Administration has expended large sums for the claimed purpose of carrying out the various activities it has undertaken and has a large number of employees in the city of Washington and elsewhere; and

Whereas it is alleged that the expenditures in connection with many of such activities have been unwarranted and excessive and that the benefits derived from such activities have been wholly incommensurate with the expenditures made; and

Whereas it is alleged that many other projects of the Resettlement Administration are contemplated which involve further large expenditures of public funds: Therefore be it

Resolved, That a special committee of four Senators, to be appointed by the President of the Senate, is authorized to make a full and complete investigation of the activities of the Resettlement Administration, the total amount of public funds that have been made available to it for expenditure and the amounts actually

expended for various projects, the number and salaries of its officers and employees, and its contemplated future activities and the expenditures to be made therefor. The committee shall report to the Senate as soon as practicable, but not later than July 1, 1937, the results of its investigations, together with its recommendations, if any, for necessary legislation.

For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate in the first session of the Seventy-fifth Congress, to employ such clerical and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $———, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

ENLARGEMENT OF UNITED STATES SUPREME COURT

[Mr GUFFEY asked and obtained leave to have printed in the RECORD a radio address delivered by Senator LA FOLLETTE on Saturday, Feb. 13, 1937, relative to the proposed enlargement of the United States Supreme Court, which appears in the Appendix.]

THE SUPREME COURT, CONSTITUTION, AND THE PEOPLE—ADDRESS BY SENATOR BAILEY

[Mr. BURKE asked and obtained leave to have printed in the RECORD a radio address delivered on Saturday, Feb. 13, 1937, by Senator BAILEY, on the proposal to reorganize the Federal judiciary, which appears in the Appendix.]

RETIREMENT OF SUPREME COURT JUSTICES—ADDRESS BY SENATOR ANDREWS

[Mr. RUSSELL asked and obtained leave to have printed in the RECORD a radio address delivered Feb. 11, 1937, by Senator ANDREWS on the subject of the reorganization of the Federal judiciary and the retirement of Justices of the Supreme Court, which appears in the Appendix.]

LINCOLN DAY ADDRESS BY SENATOR DAVIS

[Mr. MCNARY asked and obtained leave to have printed in the RECORD an address delivered by Senator DAVIS at a Lincoln memorial service at Gettysburg, Pa., Friday, Feb. 12, 1937, together with a brief introduction by Frank L. Bigham, of Gettysburg, which appear in the Appendix.]

LINCOLN DAY ADDRESS BY SENATOR BRIDGES

[Mr. MCNARY asked and obtained leave to have printed in the RECORD a Lincoln Day address delivered by Senator BRIDGES in New York City on Feb. 12, 1937, before the National Republican Club, which appears in the Appendix.]

REORGANIZATION OF THE FEDERAL JUDICIARY—ADDRESS BY ATTORNEY GENERAL CUMMINGS

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD a radio address delivered Sunday evening, Feb. 14, 1937, by Hon. Homer S. Cummings, Attorney General of the United States, on the proposed reorganization of the Federal judiciary, which appears in the Appendix.]

RETIREMENT AT 70—WASHINGTON STAR ARTICLE

[Mr. GIBSON asked and obtained leave to have printed in the RECORD an article published recently in the Washington Star entitled "Hundreds of World Leaders Performed the Best Work Past 70", which appears in the Appendix.]

NEUTRALITY

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD a statement concerning neutrality, drafted by Prof. James T. Shotwell, of Columbia University, and Prof. Quincy Wright, of the University of Chicago, which appears in the Appendix.]

CONGRESSIONAL ORATORY—ARTICLE BY EDWIN C. HILL

[Mr. MCADOO asked and obtained leave to have printed in the RECORD an article published in the Washington Times entitled "Congressional Oratory", written by Edwin C. Hill, which appears in the Appendix.]

ALIENS IN UNITED STATES

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article entitled "United States Leads as Home of the Aliens", being an Associated Press dispatch from Geneva, which appears in the Appendix.]

NEW "BILL OF RIGHTS" FOR MOTORISTS

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD a New Bill of Rights for Motorists, adopted by the American Automobile Association, and published in the New York Times Sunday, Nov. 29, 1936, which appears in the Appendix.]

THE CALENDAR

The PRESIDENT pro tempore. Morning business is closed.

Mr. BARKLEY. I move that the Senate proceed to the consideration of bills on the calendar.

The motion was agreed to.

The PRESIDENT pro tempore. The clerk will state the first bill in order on the calendar.

RESOLUTION AND JOINT RESOLUTION PASSED OVER

The resolution (S. Res. 8) limiting debate on general appropriation bills was announced as first in order.

Mr. VANDENBERG and Mr. MCNARY. Over.

The PRESIDENT pro tempore. The resolution will be passed over.

The joint resolution (S. J. Res. 21) directing the Comptroller General to readjust the account between the United States and the State of Vermont was announced as next in order.

Mr. SCHWELLENBACH. Mr. President, at the request of the junior Senator from Nebraska [Mr. BURKE] I ask that the joint resolution go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

QUALIFICATIONS OF PRACTITIONERS OF LAW IN DISTRICT

The Senate proceeded to consider the bill (S. 204) relative to the qualifications of practitioners of law in the District of Columbia, which had been reported from the Committee on the District of Columbia with amendments.

Mr. MCNARY. Mr. President, I think an explanation is desirable, and I am sure the Senator from Utah [Mr. KING] will be glad to give it.

Mr. KING. Mr. President, I shall be very happy to comply with the request of the Senator from Oregon. An identical bill textually passed the Senate at the last session. It was reintroduced at this session, considered by the committee, and unanimously reported. The Senator from Vermont [Mr. GIBSON] a few days ago objected to the consideration of the bill at that time merely because he desired to make inquiry as to whether it would prevent attorneys not residents of the District from appearing here specially. I informed him that that matter had been taken care of, and he is now entirely satisfied.

Mr. MCNARY. Mr. President, is that agreeable to the Senator from Vermont?

Mr. GIBSON. It is agreeable to me, but I understand that the senior Senator from New York [Mr. COPELAND] has some objection to it.

Mr. KING. I have not been advised of any objection on his part.

Mr. GIBSON. I thought he objected to it on the last call of the calendar.

Mr. KING. I am not so advised. If there is no objection otherwise, I hope the bill will be passed.

The PRESIDENT pro tempore. The amendments of the committee will be stated.

The first amendment of the Committee on the District of Columbia was, on page 1, line 8, after the words "bar of the", to strike out the words "Supreme Court of" and insert the words "District Court of the United States for"; on page 2, line 4, after the words "bar of the", to strike out the words "Supreme Court of" and insert the words "District Court of the United States for"; and in line 8, after the words "bar of the", to strike out the words "Supreme Court of" and insert the words "District Court of the United States for", so as to make the section read:

SEC. 218a. No person who is not a member of the bar of the District Court of the United States for the District of Columbia shall engage in the practice of law, or any branch thereof, in the District of Columbia; nor shall any partnership, corporation, association, or firm engage in the practice of law, or any branch

thereof, in the District of Columbia, except associations, partnerships, and firms all of the members of which are members of the bar of the District Court of the United States for the District of Columbia.

A member of the bar of the highest court of any State, not recorded as disbarred upon the membership rolls of the bar of the District Court of the United States for the District of Columbia, shall be entitled to represent parties or interests in the courts of the District of Columbia in causes which arise from time to time affecting parties and subject matter without the District of Columbia. No court of the District of Columbia shall enforce against any such member of the bar of the highest court of any State any rule promulgated by such court which would require that there be joined of record associate counsel having an office in the District of Columbia or providing for the exclusion of such member of the bar from practice in such causes if the party represented shall file, at the time counsel enters his appearance, with the clerk having jurisdiction consent that service upon said clerk shall be service upon said party and his counsel.

Mr. KING. All the amendments are made necessary by the change of the name of the court.

The amendment was agreed to.

The next amendment was, on page 4, line 15, after the words "bar of the", to strike out the words "United States District Court" and insert the words "District Court of the United States"; in line 21, after the words "bar of the", to strike out the words "United States District Court" and insert the words "District Court of the United States"; on page 5, line 1, after the words "bar of the", to strike out the words "United States District Court" and insert the words "District Court of the United States"; in line 15, after the words "bar of the", strike out the words "Supreme Court of" and insert the words "District Court of the United States for"; and in line 20, after the words "bar of the", to strike out the words "Supreme Court of" and insert the words "District Court of the United States for", so as to make the section read:

SEC. 218d. Nothing contained in section 218a, 218b, or 218c shall prevent persons or partnerships who are now or shall hereafter be admitted to practice before the Supreme Court of the United States, the Court of Appeals of the District of Columbia, the Court of Customs and Patent Appeals, or the Court of Claims from practicing before the same, or prevent them from using the words forbidden to be used by section 218b when such words are used (1) in connection with other words stating the court or courts before which they are then so admitted to practice, or (2) in their practice before said courts or any of them; nor shall anything in the said sections contained (a) prevent persons or partnerships who are now or shall hereafter be authorized or permitted by any department, commission, bureau, agency, or other authority of the United States or of the District of Columbia to practice before the same from doing so, or (b) apply to the use by them of words forbidden by section 218b when such words are used (1) in connection with other words stating the department, commission, bureau, agency, authority, or one or more or all of them, before which they are so authorized or permitted to practice, or (2) in their practice before the same; nor shall anything in said section contained prevent any person, partnership, or firm, now or hereafter registered by the United State Patent Office, to practice before it, and not a member of the bar of the District Court of the United States for the District of Columbia, from performing any and all of the services incident to patent, trademark, copyright, and unfair-competition practice before and out of the Patent Office and out of court; nor prevent any member of the bar of the District Court of the United States for the District of Columbia, who is also a member of or an associate of a firm or partnership which is registered to practice before the United States Patent Office, but all the members of which are not members of the bar of the District Court of the United States for the District of Columbia, from practicing law to the full extent of his authority as a member of said bar, or prevent any person from acting as attorney for the United States Government while actually engaged by it so to do, nor shall anything in the said sections referred to be construed so as to prevent any title insurance company while authorized to carry on its business in the District of Columbia from examining, abstracting, reporting upon, certifying, guaranteeing, or insuring titles to real estate, settling sales, conveyances, and exchanges thereof, or doing conveyancing work in connection therewith: *Provided*, That all conveyancing prepared or noted by such title insurance companies shall be under the direction of a member of the bar of the District Court of the United States for the District of Columbia, and each certification of, or opinion relating to, title to real estate, made by any such title insurance company shall be over the signature of its attorney or title officer, who shall be a member of the bar of the District Court of the United States for the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 6, line 7, to strike out the words "Supreme Court of" and insert the words "District Court of the United States for", so as to make the section read:

SEC. 218f. Every person, corporation, and association who or which shall violate any provisions of section 218a, or 218c shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $5,000 or by imprisonment not exceeding 1 year, or by both said punishments, in the discretion of the court, and the District Court of the United States for the District of Columbia and the police court of the District of Columbia shall have concurrent jurisdiction of all prosecutions under this section.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 740) to provide for the issuance of renewable 4-year term contracts to qualified star-route contractors and subcontractors, and for other purposes, was announced as next in order.

Mr. McKELLAR. Mr. President, I understand the Senator from Nevada [Mr. McCARRAN] has an objection to the amendments in the bill, and for that reason I ask that it go over for the day.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. POPE subsequently said: Mr. President, I desire to ask what action was taken on Senate bill 740, to provide for the issuance of renewable 4-year term contracts to qualified star-route contractors and subcontractors, and for other purposes.

The PRESIDENT pro tempore. The bill went over.

The bill (S. 1116) to amend section 1860 of the Revised Statutes, as amended, to permit retired officers and enlisted men of the Army, Navy, and Marine Corps to hold civil office in any Territory of the United States was announced as next in order.

Mr. GILLETTE. Mr. President, I have an agreement with the Senator from Massachusetts [Mr. WALSH] that this bill shall go over pending investigation.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1280) to repeal an act of March 3, 1933, entitled "An act to provide for the transfer of powder and other explosive materials from deteriorated and unserviceable ammunition under the control of the War Department to the Department of Agriculture for use in land clearing, drainage, road building, and other agricultural purposes", was announced as next in order.

Mr. SHEPPARD. That bill may go over for the present.

The PRESIDENT pro tempore. The bill will be passed over.

CREDIT INSURANCE UNDER NATIONAL HOUSING ACT

The Senate proceeded to consider the bill (S. 1228) to amend the National Housing Act, which was read, as follows:

Be it enacted, etc., That subsection (a) of section 6 of the National Housing Act, as amended, is amended to read as follows:

"(a) The Administrator is authorized and empowered, upon such terms and conditions as he may prescribe, to insure banks, trust companies, personal finance companies, mortgage companies, building and loan associations, installment lending companies, and other such financial institutions, heretofore or hereafter approved by the Administrator as eligible for credit insurance, against losses which they may sustain as a result of loans and advances of credit, and purchases of obligations representing loans and advances of credit, made by them subsequent to the date this section takes effect and prior to July 1, 1939, or such earlier date as the President may fix by proclamation upon his determination that the emergency no longer exists, for the purpose of financing, by the owners of real property or by lessees thereof under a lease for a period of not less than 1 year, the restoration, rehabilitation, rebuilding, and replacement of improvements on such real property and equipment and machinery thereon which were damaged or destroyed by earthquake, conflagration, tornado, cyclone, hurricane, flood, or other catastrophe in the years 1935, 1936, 1937, 1938, or 1939, either on the same site or on a new site in the same locality where the damaged or destroyed property was located. The Administrator is authorized to grant insurance under this section, as amended, to any such financial institution up to 20 percent of the total amount of loans, advances of credit, and purchases made by such financial institution for such purposes, and any insurance reserve accumulated by any such financial institution under section 2 of this

title shall be applicable to the payment of any losses sustained by it as a result of loans, advances of credit, or purchases insured under this section."

SEC. 2. The third sentence of subsection (a) of section 2 of the National Housing Act, as amended, is amended to read as follows: "The total liability incurred by the Administrator for all insurance heretofore and hereafter granted under this section and section 6, as amended, shall not exceed in the aggregate $100,000,000."

Mr. KING. Mr. President, I should like an explanation of that measure.

Mr. BORAH. I was about to ask the Senator in charge of the bill to explain it.

The PRESIDENT pro tempore. An explanation of the bill is requested. It was reported by the Senator from Ohio [Mr. BULKLEY].

Mr. BULKLEY. Mr. President, this bill simply extends to 1939 the provisions of an act which Congress passed last year to authorize the Federal Housing Administrator to guarantee certain loans made by lending institutions to replace losses resulting from floods. It increases the amount of the guarantee from 10 percent to 20 percent. Otherwise, it is merely an extension of the law that expired on the 1st of January. It is an emergency matter resulting from the damage done by the floods.

Mr. KING. Mr. President, I desire to make an inquiry. I think we are justified in the assumption that within a short time we shall have before us a flood-control bill which may deal with this question and make provision for relief.

Mr. BULKLEY. I will say that this bill has nothing to do with the control of floods. This bill is to help persons who have suffered damage to their property as a result of the floods.

Mr. KING. I was about to ask whether that measure would have any provision for relief such as that provided in the bill now under consideration.

Mr. BULKLEY. I think the problems are entirely different. This bill is for the relief of persons who have been damaged by the floods which have already occurred.

Mr. McKELLAR. Mr. President, I hope the Senator from Utah will not object to the consideration of the bill.

The PRESIDENT pro tempore. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 3) to regulate commerce in firearms was announced as next in order.

Mr. KING. I should like to have that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1173) to amend an act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936, was announced as next in order.

Mr. McKELLAR. May we have an explanation of that bill?

Mr. McNARY. Mr. President, I should not like to see that bill passed without an explanation.

The PRESIDENT pro tempore. An explanation of the bill is requested.

Mr. BORAH. Let it go over.

The PRESIDENT pro tempore. The bill will be passed over.

DISTRIBUTION OF PRODUCTS OF FISHING INDUSTRY

The Senate proceeded to consider the bill (S. 1406) to authorize distribution of products of the fishing industry, which was read, as follows:

Be it enacted, etc., That title I of the Supplemental Appropriation Act, fiscal year 1936, approved February 11, 1936, is amended by inserting in the last proviso of the third paragraph under the subcaption "Miscellaneous" under the caption "Department of Agriculture", after the words "agricultural commodities" the following: "(including fish and shellfish)".

Mr. KING. Mr. President, let us have an explanation of this bill.

The PRESIDENT pro tempore. The Senator from Utah demands an explanation. The bill was reported by the Senator from Maine [Mr. WHITE].

Mr. WALSH. Mr. President——

Mr. WHITE. I yield to the Senator from Maine.

Mr. WALSH. A bill has recently passed the Senate permitting the Department of Agriculture to purchase fish in the same manner that it purchased agricultural commodities, and the products thereof, including poultry, meat, and all the products of agriculture.

Fish is one of the food products that the Department has no authority to purchase. A bill has already been enacted giving such authority as to fish to the Department of Agriculture. The Comptroller General ruled that though the Department of Agriculture may purchase agricultural products it may not distribute them, and therefore additional authority to distribute has been given by authorizing the Federal Surplus Commodities Corporation to distribute agricultural products.

This bill is to permit the same to be done in the case of fish. It is an amendment to the Federal Surplus Commodities Corporation Act permitting fish to be distributed for relief the same as other agricultural products.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. WALSH. Certainly.

Mr. KING. Is there any limitation upon the duration of the measure?

Mr. WALSH. It is the same as the limitation with regard to agricultural products.

Mr. KING. What is the limitation of time fixed in the case of that act, if the Senator recalls?

Mr. WALSH. I do not recall, but it is approximately 2 years.

Mr. McKELLAR. Does the pending bill apply both to fresh fish and to canned fish?

Mr. WALSH. It does; also frozen and shellfish.

Mr. WHITE. Mr. President——

Mr. WALSH. I yield to the Senator from Maine.

Mr. WHITE. I interrupted the Senator because of the inquiry of the Senator from Utah, who asked if there is a limitation upon the time in which this action may be taken.

The original act states that it must be done during the fiscal years 1936 and 1937. The authority for distribution to the Federal Surplus Commodities Corporation is confined to those 2 years, so the authority here given will be likewise limited.

Mr. WALSH. I will say to the Senator that fish is practically the only known food product that is not included in the distributions by the Federal Surplus Commodities Corporation.

Mr. KING. Is this bill regarded as a relief measure?

Mr. WALSH. It is; exactly.

The PRESIDENT pro tempore. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 1441) to authorize the establishment of a permanent instruction staff at the United States Coast Guard Academy was announced as next in order.

Mr. McKELLAR. Mr. President, we should like to have an explanation of that bill. In the absence of an explanation, let it go over.

Mr. KING. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1442) to enable Coast Guard officers to purchase articles of ordnance property for use in the public service in the same manner as such property may be purchased by officers of the Army, Navy, and Marine Corps was announced as next in order.

Mr. McKELLAR. In the case of that bill, also, an explanation is desired.

The PRESIDENT pro tempore. The bill will be passed over.

GREAT LAKES EXPOSITION

The joint resolution (S. J. Res. 53) providing for a continuance of the participation of the United States in the Great Lakes Exposition in the State of Ohio in 1937, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That the United States continue its participation in the Great Lakes Exposition in the State of Ohio during the year 1937.

SEC. 2. The provisions of the joint resolution entitled "Joint resolution providing for the participation of the United States in the Great Lakes Exposition to be held in the State of Ohio during the year 1936, and authorizing the President to invite the Dominion of Canada to participate therein, and for other purposes", approved April 25, 1936, are hereby extended and made applicable to the continuance of the participation of the United States in such exposition in 1937.

SEC. 3. For the purposes of this resolution there is hereby authorized to be appropriated the sum of $175,000, which shall be in addition to the unexpended balance of the sum heretofore appropriated for carrying out the provisions of such joint resolution of April 25, 1936.

The PRESIDENT pro tempore. That completes the calendar.

SUSAN B. ANTHONY

Mr. POPE. Mr. President, at this time I desire to say a few words in memory of the late Susan B. Anthony. Today is the anniversary of her birth.

Mr. President, in 1897 Susan B. Anthony wrote a letter to the judges of the Idaho Supreme Court about a decision that had just been rendered by that court. She said:

> On behalf of the suffrage women of the United States, I thank you for the decision you have rendered. I had studied over the clause a great deal and felt that if your judgments were biased by the precedents and prejudices which had controlled the decision of the Supreme Court of the United States and of the different States, upon the extension of rights to women, you certainly would give the narrow interpretation. Instead of that, for the first time in the history of our judiciary the broadest and most liberal interpretation possible has been given.

The clause of the constitution referred to provided that an amendment to the constitution could be adopted by a majority vote of the electors. The question decided was whether the proposed amendment required a majority of all the votes cast or only a majority of those cast on the amendment. The court held that a majority of those cast on the amendment was all that was required and that the amendment had been approved by the people.

This was merely an incident in the long battle waged by Miss Anthony for equal suffrage. For more than 50 years she devoted her rare gifts to this cause. Until her death at the age of 87 years, she pursued her work with a singleness of purpose and a courage that have few equals in all history. She kept the spirit of youth to the end of her days. A popular writer of the day had this to say of her:

> Without any special relay of the theories on the subject, Miss Susan B. Anthony discovered early in life the secret of imperishable youth and consistently increasing happiness—a secret that may be translated as personal devotion to a noble purpose; to devote one's self to something higher than self—this is the answer of the ages to those who would find the source of an immortal energy and enjoyment.

Her endurance, her energy of body and mind, amazed those who knew her.

At the time of her birth on February 15, 1820, 117 years ago today, women were definitely stamped with a badge of inferiority. They were unable to enjoy the advantages and opportunities open to the least deserving of men. They labored under economic, legal, and social disabilities that were little better than slavery.

It was only a short time before her birth that there appeared in the Pennsylvania Gazette an advertisement which read as follows:

> To be sold: A healthy young Dutch woman, fit for town or country business; about 18 years old; can spin well; she speaks good English; and has about 5 years to serve.

A married woman was under absolute control of her husband. Blackstone had stated the common law as follows:

> By marriage the husband and wife are one person in law • • • (he may) select her associates, separate her from her relatives, restrain her religious and personal freedom, compel her to cohabit with him, correct her faults by mild means, and, if necessary, chastise her with moderation, as though she were his apprentice or child.

This was the law in 1820.

In 1820 girls were not admitted to the public schools. Colleges did not admit them. Women were not permitted to speak in public. Few occupations were open to them.

Men were still quoting Voltaire, Lessing, Rousseau, and St. Chrysostom on the place of women in society. Voltaire had said:

> The woman who thinks is like a man who puts on rouge—ridiculous.

Lessing had declared:

> Ideas are like beards; women and young men have none.

Rousseau had written that it was the duty of women to make the lives of men agreeable. All their education and training should be to that end.

And St. Chrysostom, one of the great church fathers, had described women as—

> A necessary evil, a natural temptation, a desirable calamity, a domestic peril, a deadly fascination, and a painted ill.

Miss Anthony did not agree with these eminent men. She began a crusade for equal rights of women. At first she faced the almost solid opposition of the male population of the country and, strangely enough, the opposition of most of the slavery prohibitionists of the day. Also, she was opposed by most of the Negro men who had been freed as a result of the Civil War. Even a large part of the women of the country were opposed to suffrage.

It is not necessary to review the life and work of Susan B. Anthony. She met the usual fate of those who have fought for freedom of any part of humanity. She was insulted, abused, villified, mobbed, arrested, tried, convicted, and fined. Incidentally she never paid the fine. In 1861 in Syracuse, N. Y.—to use her own words—

> Rotten eggs were thrown, benches broken, and knives and pistols gleamed in every direction.

At one time she was campaigning over in South Dakota and a cyclone was approaching. Her friends entreated her to hurry to the cellar. She replied:

> Never mind. After my recent experiences, a little thing like a cyclone doesn't frighten me.

It seems now a far cry to those days. At the time of her death in 1906 there were some 77,000 women physicians, about 3,000 ordained ministers, and over 1,000 lawyers in the country. More than 3,000 occupations were then open to women. By 1914, 11 States had been granted woman suffrage, and in 1920 the nineteenth amendment to the Constitution of the United States was ratified. Even before that amendment was adopted, 26 other countries had given women the right to vote.

On the day of her death thousands of tributes were paid her. She was called the greatest women this country has ever produced, and was compared with Washington and Lincoln.

Her life is a story of a great person, but it is more than that. It is the story of a great idea. Victor Hugo once said:

> There is one thing stronger than armies: and that is an idea when its time has come.

There are only a few people who are willing to pay the price of pursuing the cause of humanity to the end. It is too hard; derision is too galling; one gets too tired. But let us be thankful for the few, as Edwin Markham says, who will—

> In spite of the stare of the wise
> And the world's derision,
> Dare follow the star-blazed path,
> Dare follow the vision.

This is why we pause today to honor the memory of a very great woman—

> Who for love of the many dared stand with the few.

INDEPENDENT OFFICES APPROPRIATIONS—AUTHORITY TO REPORT BILL

Mr. BARKLEY. Mr. President, I desire to propose a unanimous-consent request, but I wish to make a brief statement before I present the request.

It had been contemplated that the Committee on Appropriations would meet at 10:30 o'clock this morning to consider the report on the independent offices appropriation bill, so that the report might be submitted and printed today, and the bill be available for consideration tomorrow. By reason of some mistake the committee did not meet at 10:30, but will meet at 2 o'clock this afternoon.

I ask unanimous consent that the Committee on Appropriations may be authorized to submit its report on the independent offices appropriation bill during the recess or adjournment of the Senate to follow this session, in order that the bill and the report may be printed this afternoon, and be available tomorrow, just as if the report had been filed in open Senate.

The PRESIDENT pro tempore. Is there objection?

Mr. McNARY. Mr. President, if the request of the Senator from Kentucky should be granted, no opportunity would be given to Senators to read the report or study the provisions of the bill as reported prior to the time when it would be brought up on the floor of the Senate for consideration. Such practice is not fair to those not members of the committee. The bill could be brought immediately before the Senate when it meets tomorrow, with no opportunity afforded Senators to study the report or the bill as reported.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. McNARY. I yield.

Mr. BARKLEY. The effect would be the same as if the bill were reported now because, under the unanimous-consent agreement, the bill and report would be printed just as soon as if the report were filed in open Senate. I appreciate the point made by the Senator that the bill should not be taken up until Senators have a chance to study it.

Mr. McNARY. The Senator's request does not conform with the practice which has been followed in the printing of reports. If I should consent to the proposal, it is not likely the report of the bill would be printed and made available before tomorrow. I shall object.

I may suggest that there is a way out of the difficulty. I recognize the fact that there is not much business on the calendar of the Senate. If the Senator will request that the committee may be permitted to report today and that the report and the bill be printed, and that then the Senate take a recess until Wednesday, giving ample opportunity for Senators to consider the bill and the report, I shall consent. Otherwise I shall object to the proposal made by the Senator from Kentucky.

Mr. BARKLEY. I have already conferred with the chairman of the Committee on Appropriations, the senior Senator from Virginia [Mr. GLASS], and I was about to say to the Senator from Oregon that if he would not object to the request we would not take the bill up tomorrow, but would take it up Wednesday.

Mr. McNARY. Of course, that is an entirely different proposition. I will consent that the bill may be reported today and the report printed along with the bill, if the bill is not to be taken up for consideration until Wednesday at 12 o'clock. I would consent to that.

Mr. BARKLEY. That is entirely satisfactory, and I amend my request. I ask that the report may be filed during the recess or adjournment of the Senate to follow this session, with the understanding that the bill will not be considered before Wednesday.

The PRESIDENT pro tempore. Is there objection to the request? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nominations of sundry officers for appointment, by transfer, and also for promotion in the Regular Army.

Mr. COPELAND, from the Committee on Commerce, reported favorably the nomination of Capt. (Engineering) John I. Bryan to be commodore, on the retired list, in the Coast Guard of the United States, to rank as such from January 1, 1936.

Mr. WALSH, from the Committee on Naval Affairs, reported favorably the following nominations:

Lt. Col. Charles D. Barrett to be a colonel in the Marine Corps from the 1st day of February 1937;

Maj. Walter T. H. Galliford to be a lieutenant colonel in the Marine Corps from the 1st day of February 1937; and

Capt. Otto E. Bartoe to be a major in the Marine Corps from the 1st day of February 1937.

Mr. WALSH also, from the Committee on Naval Affairs, reported favorably the nominations of sundry officers and persons for appointment as officers in the Navy.

The PRESIDENT pro tempore. The reports will be received and placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state the first nomination in order on the calendar.

PUBLIC WORKS ADMINISTRATION

The legislative clerk read the namination of Howard S. Reed, of Arizona, to be State director in Arizona.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask unanimous consent that the nominations of postmasters on the calendar be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations of postmasters are confirmed en bloc.

That completes the Executive Calendar.

RECESS TO WEDNESDAY

The Senate resumed legislative session.

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon on Wednesday next.

The motion was agreed to; and (at 12 o'clock and 48 minutes p. m.) the Senate took a recess until Wednesday, February 17, 1937, at 12 o'clock m.

NOMINATIONS

Executive nominations received by the Senate February 15, 1937

DIPLOMATIC AND FOREIGN SERVICE

Reginald S. Castleman, of California, now a Foreign Service officer of class 6 and a consul, to be also a secretary in the Diplomatic Service of the United States of America.

RURAL ELECTRIFICATION ADMINISTRATION

John M. Carmody, of New York, to be Administrator of the Rural Electrification Administration for the remainder of the term expiring May 28, 1946, vice Morris L. Cooke, resigned.

ASSISTANT CHIEF INSPECTOR OF LOCOMOTIVE BOILERS

Allyn C. Breed, of Illinois, to be Assistant Chief Inspector of Locomotive Boilers, vice John A. Shirley, retired.

MISSISSIPPI RIVER COMMISSION

Col. Francis B. Wilby, Corps of Engineers, United States Army, to be a member of the Mississippi River Commission, vice Brig. Gen. George R. Spalding, Corps of Engineers, relieved.

APPOINTMENT IN THE REGULAR ARMY

Col. George Arthur Lynch, Infantry, to be Chief of Infantry, with the rank of major general, for a period of 4 years from date of acceptance, with rank from May 24, 1937, vice Maj. Gen. Edward Croft, Chief of Infantry, whose term of office expires May 23, 1937.

APPOINTMENT TO TEMPORARY RANK IN THE AIR CORPS IN THE REGULAR ARMY

Lt. Col. Frederick LeRoy Martin, Air Corps (temporary colonel, Air Corps), to be brigadier general, wing commander, with rank from January 1, 1937, vice Brig. Gen. Henry C. Pratt, wing commander (temporary), who accepted appointment as brigadier general of the line January 1, 1937.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO QUARTERMASTER CORPS

Capt. Roy Travis McLamore, Infantry, with rank from January 1, 1932.

Capt. Albert James Wick, Coast Artillery Corps, with rank from August 1, 1935.

TO CHEMICAL WARFARE SERVICE

Capt. James Wilbur Mosteller, Jr., Coast Artillery Corps, with rank from August 1, 1935.

TO INFANTRY

Lt. Col. Peter Cleary Bullard, Corps of Engineers, with rank from August 1, 1935.

APPOINTMENT IN THE NATIONAL GUARD OF THE UNITED STATES

GENERAL OFFICER

Brig. Gen. John Elmer Stoddard, Adjutant General's Department, Georgia National Guard, to be brigadier general, Adjutant General's Department, National Guard of the United States.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 15, 1937

PUBLIC WORKS ADMINISTRATION

Howard S. Reed, of Arizona, to be State director of Public Works Administration in Arizona.

POSTMASTERS

CALIFORNIA

Norman R. Messerly, Van Nuys.

ILLINOIS

Robert L. Davis, Lincoln.
Monroe R. Hanneman, Silvis.

OREGON

Kathleen M. Barrett, Athena.
Ivan L. Swift, Gresham.
Elizabeth G. Howard, Milton.

TEXAS

Ella D. Harris, Angleton.
Lallie Griffith, Bedias.
Frank B. Hughes, Denison.
Elzy R. Knowles, Gilmer.
Mary Irene Corpier, Grand Prairie.
Homer C. McConnell, Honey Grove.
Helene W. Derda, Los Fresnos.
Nona Hillyer, Mount Calm.
Floyd A. Eaves, Petersburg.
Charlie L. Smith, Rising Star.
Harold D. House, Three Rivers.
Floyd K. Rose, Tomball.
Ben L. Sallee, Troup.

VIRGINIA

Leo A. Arthur, Altavista.
Thalia W. Williams, Brookneal.
Charles W. Crush, Christiansburg.
Frank H. Jones, Green Bay.
Harvey H. Russell, Marshall.
Robert L. McConnell, Nickelsville.
Annie L. Peery, North Tazewell.
John A. McConchie, Remington.
Nan Elizabeth Crews, Saxe.

HOUSE OF REPRESENTATIVES

MONDAY, FEBRUARY 15, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We are lingering and waiting for Thee, O Lord. "If any lack wisdom, let him ask of God, that giveth to all men liberally and upbraideth not, and it shall be given him." Heavenly Father, may we rise through the ministration of Thy Holy Spirit and be lifted up above all littleness, all untruth, and our hearts purified from all guile. In the name of the Master and in the name of man may we be friends of God. May it be given to us to practice those virtues which make our homes, whether cottage or castle, the abodes of peace and happiness. Blessed Lord, let these days be dedicated without discord to the diffusion of knowledge, rectitude, and justice throughout our Land. Take unto Thyself our President, our Speaker, and the entire Congress. In the name of the Christ. Amen.

The Journal of the proceedings of Friday, February 12, 1937, was read and approved.

EXTENSION OF REMARKS

Mrs. JENCKES of Indiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including a resolution passed by the Legislature of the State of Indiana relating to the President's message on reorganization.

Mr. O'CONNOR of New York. Mr. Speaker, I object.

Mr. BEITER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on low-cost housing in Washington.

The SPEAKER. Is there objection?

There was no objection.

Mr. STEFAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and include therein excerpts from a speech I made last Saturday night.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATION BILL

Mr. LUDLOW, from the Committee on Appropriations, by direction of that committee, reported a bill (H. R. 4720) (Rept. No. 256) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1938, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and ordered printed.

Mr. TABER reserved all points of order on said bill.

SIXTH WORLD'S POULTRY CONGRESS, LEIPZIG, GERMANY

Mr. JONES. Mr. Speaker, I call up House Resolution 98.

The Clerk read as follows:

House Resolution 98

Resolved, That the Secretary of Agriculture is hereby directed to report to the House of Representatives as soon as possible the name of each person designated by him to represent the United States in an official capacity to attend the Sixth World's Poultry Congress at Leipzig, Germany; the purpose of such representation, and further to report the cost of their transportation, housing, subsistence, and incidental expenses, and the appropriation from which such expenses were paid and the authority therefor.

The Clerk read the report.

Mr. JONES. Mr. Speaker, I ask unanimous consent that the letter of the Secretary of Agriculture be read.

The Clerk read the letter, as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D. C., February 4, 1937.

Hon. MARVIN JONES,
House of Representatives.

DEAR MR. JONES: Reference is made to your letter of February 2 relative to certain information asked for in House Resolution 98 of the first session of the Seventy-fifth Congress regarding the Sixth World's Poultry Congress held in Leipzig, Germany, last summer.

The Department is in a position to furnish on request all the information asked for in this resolution except certain items on the cost of transportation, housing, subsistence, and incidental expenses. Not all of the accounts of persons attending the Congress in an official capacity have been settled at this date.

Sincerely yours,

H. A. WALLACE, *Secretary.*

The Committee on Agriculture, to whom was referred the resolution (H. Res. 98) requesting the Secretary of Agriculture to furnish certain information relative to the Sixth World's Poultry Congress held in Leipzig, Germany, in the summer of 1936, to the House of Representatives, having considered the same, report thereon with a recommendation that it do not pass.

The Secretary of Agriculture advises, under date of February 4, 1937, that the Department is in a position to furnish on request all the information asked for in this resolution except certain items on the cost of transportation, housing, subsistence, and incidental expenses, as not all of the accounts of persons attending the Congress in an official capacity have been settled at this date.

Mr. JONES. Mr. Speaker, inasmuch as the Department has agreed to supply the information requested, I move to lay the resolution on the table.

Mr. GIFFORD. Mr. Speaker, reserving the right to object, I have filed several resolutions of various committees respecting expenditures. I want it fully understood that this is a general inquiry from various committees. I do not want it to appear that I personally was on the trail of anybody. There have been a great many visits to Europe costing a great deal of money and I am trying to find out their purpose. It is difficult to find out that purpose or the amount of money expended. While it is not the duty of the majority party to do that, I think that it ought to be grateful for someone in the minority party to get that information. I thank the chairman of the Committee on Agriculture for getting this information for me. The resolution is perfectly satisfactory.

Mr. CONNERY. Mr. Speaker, the gentleman had a similar resolution before my committee. He was called home through the birth of a grandson, upon which I heartily congratulate the gentleman, and I asked the gentleman's office if he would like to appear before the committee. All the information he sought has been put into the record.

Mr. JONES. Mr. Speaker, the Committee on Agriculture is always glad to secure the information for the gentleman. I insist upon my motion.

The SPEAKER. The question is on the motion of the gentleman from Texas to lay the resolution on the table.

The motion was agreed to.

SECOND INTERNATIONAL CONFERENCE ON FORESTRY AT BUDAPEST, HUNGARY

Mr. JONES. Mr. Speaker, I call up House Resolution 99, which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That the Secretary of Agriculture is hereby directed to report to the House of Representatives as soon as possible the name of each person designated by him and any other persons to attend the Second International Congress on Forestry at Budapest, Hungary, for the purpose of studying European forestry, and further to report the cost of their transportation, housing, subsistence, and incidental expenses, and the appropriation from which such expenses were paid and the authority therefor.

The Committee on Agriculture, to whom was referred the resolution (H. Res. 99) requesting the Secretary of Agriculture to furnish certain information relative to the Second International Congress on Forestry at Budapest, Hungary, having considered the same, report thereon with a recommendation that it do not pass.

The information asked for in this resolution has been made available in a letter from the Acting Secretary of Agriculture, under date of February 8, 1937, to the chairman of the House Committee on Agriculture.

Mr. JONES. Mr. Speaker, I ask unanimous consent that a communication from the Department of Agriculture respecting this resolution be read.

The SPEAKER. Without objection, the Clerk will read.

The Clerk read as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D. C., February 8, 1937.

CHAIRMAN, COMMITTEE ON AGRICULTURE,
House of Representatives.

DEAR MR. JONES: Reference is made to your letter of February 2, transmitting House Resolution No. 99, dated February 1, directing a report to the House of Representatives showing the names of persons attending the Second International Congress on Forestry at Budapest, Hungary, and the cost incident to such attendance.

Following is a statement of the members of the Department attending the convention and the expenses thereof charged to Government funds, appropriation "Salaries and expenses, Forest Service, 1937":

	Transportation	Per diem
F. A. Silcox, Chief, Forest Service		$52.50
C. E. Rachford, Assistant Chief, Forest Service	$15.00	61.50
Raphael Zon, director, Lake States Experiment Station	7.26	34.50

The transportation cost and subsistence of Messrs. Silcox and Rachford to and from Europe were not charged to Government funds, but these men were authorized, while in Europe, to perform some travel for official purposes and at Government expense. The expense to the Government of attending the Congress was confined to per diem during the period of attendance and, in the case of Mr. Rachford, a small cost of transportation from Budapest to Vienna following the Congress. Mr. Zon was on a trip to European countries and the British Isles primarily for the purpose of studying organization and technique in forest research and the cost to the Government of his attendance at the Congress was possible at the relatively small expense incident to his 4-day attendance, including travel time from Lillafured to Budapest and travel time and expense from Budapest to Vienna.

The act of June 26, 1912, requiring specific authorization for expenses of attendance at meetings or conventions by employees of the Government, was modified by act of March 4, 1913, to provide that it shall not be construed to prohibit payment from appropriations of the Department of Agriculture of expenses incident to delivery of lectures, giving of instruction, or acquiring information at meetings by Department employees on work of the Department authorized by law (T. 5, sec. 83, U. S. C.). Since the International Congress on Forestry afforded a means of acquiring information concerning foreign practices which might be applicable to the conduct of various phases of forestry practice in the United States, the above-cited act is understood to authorize payment of expenses incident to attendance at the Congress.

Sincerely,

W. R. GREGG, *Acting Secretary.*

Mr. JONES. Mr. Speaker, I move to lay the resolution on the table.

The motion was agreed to.

COOPERATIVE ENTERPRISE IN EUROPE

Mr. JONES. Mr. Speaker, I call up a similar privileged resolution (H. Res. 101), which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That the Secretary of Agriculture is hereby directed to transmit to the House of Representatives as soon as possible the names of those persons designated by him and any others representing the United States in an official capacity to inquire into cooperative enterprise in Europe and to make a study and report upon the nature, ways of operation, and place in the economic structure of consumer's cooperation in European countries, and further to report to the House the cost of their transportation, housing, subsistence, and incidental expenses, and the appropriation from which such expenses were paid and the authority therefor.

The Committee on Agriculture, to whom was referred the resolution (H. Res. 101) requesting the Secretary of Agriculture to furnish certain information relative to special inquiry on cooperative enterprises in Europe, having considered the same, report thereon with a recommendation that it do not pass.

The information asked for in this resolution has been made available in a letter from the Secretary of Agriculture, under date of February 5, 1937, to the chairman of the House Committee on Agriculture.

Mr. JONES. Mr. Speaker, I ask unanimous consent that the letter which discloses the facts called for in the resolution be read.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read as follows:

DEPARTMENT OF AGRICULTURE,
Washington, D. C., February 5, 1937.

HON. MARVIN JONES,
Chairman, Committee on Agriculture,
House of Representatives.

DEAR MR. JONES: Pursuant to your request, there is submitted herewith information concerning the special inquiry on cooperative enterprises in Europe for your consideration in connection with House Resolution No. 101.

This inquiry was led by Mr. Jacob Baker, Assistant Administrator of the Works Progress Administration, and was financed by the Federal Surplus Commodities Corporation with the approval of the President.

In order that the viewpoint of agricultural cooperatives might be adequately represented in connection with this study of European cooperative enterprises, Mr. Clifford Gregory and Mr. Robin Hood participated in the inquiry at my suggestion. Other members accompanying Mr. Baker were Miss Emily C. Bates, Mr. E. Johnston Coil, Mr. Tage Palm, Mr. Leland Olds, and Mr. Charles E. Stuart.

The cost of transportation, housing, subsistence, and incidental expenses of those engaged in the inquiry cannot be finally determined at the present time since the claims of the participants for reimbursement have all been submitted to the General Accounting Office for preaudit and are not yet paid. These claims amount to $8,152.35 for transportation, $4,491 for subsistence, $809.67 for incidental expenses, and $2,181.96 for losses sustained due to unfavorable rates of exchange, or a total of $15,634.98.

It is believed that this is the information requested, and I shall be glad to secure for you any further available information that may be required.

Very truly yours,

H. A. WALLACE, *Secretary.*

Mr. JONES. Mr. Speaker, I move that the resolution be laid on the table.

Mr. RICH. Mr. Speaker, if I understood this correctly this is where the Secretary of Agriculture is sending somebody abroad?

Mr. CONNERY. No; this furnishes the expenses of somebody who went abroad. The letter discloses the amount of the expenses and the appropriation from which they were paid.

Mr. RICH. I hope we are not going to put into effect here in America every agricultural scheme that has been tried in Europe.

Mr. JONES. This has nothing to do with that. It is a resolution purely of inquiry.

Mr. RICH. It seems to me that we are trying to pattern ourselves after these things which occur in Europe.

Mr. JONES. If the time ever comes when what the gentleman is saying is applicable to what is before the House, I shall recommend favorable consideration of his words.

Mr. Speaker, I move to lay the resolution on the table.

The motion was agreed to.

INTERNATIONAL INSTITUTE OF AGRICULTURE, ROME, ITALY

Mr. JONES. Mr. Speaker, I call up a similar privileged resolution, House Resolution 102, which I send to the desk and ask to have read, together with the adverse report of the committee.

The Clerk read as follows:

Resolved, That the Secretary of Agriculture is hereby directed to report to the House of Representatives as soon as possible the name of each person designated to represent the United States in an official capacity at the biennial assembly in 1936 of the International Institute of Agriculture in Rome, Italy; the purpose of such representation; and further to report the cost of their transportation, housing, subsistence, and incidental expenses, and the appropriation from which such expenses were paid and the authority therefor.

The Committee on Agriculture, to whom was referred the resolution (H. Res. 102) requesting the Secretary of Agriculture to furnish certain information relative to the Biennial Assembly of International Institute of Agriculture in Rome, Italy, in 1936, having considered the same, report thereon with a recommendation that it do not pass.

The Secretary of Agriculture, advises, under date of February 4, 1937, that the information requested in this resolution, in respect to the expenses incurred by members of that Department who attended the General Assembly of the International Institute of Agriculture at Rome in October 1936, is available and could be readily supplied. The Secretary points out, however, that the delegates of the United States to the General Assemblies of the International Institute of Agriculture are designated by the Secretary of State with the approval of the President.

Mr. JONES. Mr. Speaker, I ask unanimous consent that a letter from the Secretary of Agriculture in reference to this resolution be printed in the RECORD at this point.

The SPEAKER. Is there objection?

There was no objection.

The letter is as follows:

DEPARTMENT OF AGRICULTURE,
Washington, February 4, 1937.

HON. MARVIN JONES,
Chairman, Committee on Agriculture,
House of Representatives.

DEAR MR. JONES: Reference is made to your letter of February 2, with regard to House Resolution 102.

The information requested in this resolution, in respect to the expenses incurred by members of this Department who attended the general assembly of the International Institute of Agriculture at Rome in October 1936, is available and could be readily supplied in the event the resolution is adopted.

For the information of your committee it might be pointed out that the delegates of the United States to the general assemblies of the International Institute of Agriculture are designated by the Secretary of State with the approval of the President.

Sincerely yours,

H. A. WALLACE, *Secretary.*

Mr. JONES. Mr. Speaker, I move to lay the resolution on the table.

The motion was agreed to.

EXTENSION OF REMARKS

Mr. WHITE of Idaho. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an address delivered by the Attorney General of the United States yesterday.

The SPEAKER. The question of the gentleman, so far as the letter is concerned, has already been granted.

Mr. WHITE of Idaho. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. KELLER. Mr. Speaker, I ask unanimous consent to insert in the RECORD a speech over the radio delivered by Mr. CONNERY in New York City Saturday, February 13, 1937.

The SPEAKER. Is there objection?

There was no objection.

Mr. JOHNSON of Texas. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a brief tribute to Vice President and Mrs. Garner by Hon. Pat M. Neff, the president of Baylor University, of Waco, Tex., in connection with the address of the gentleman from Texas [Mr. LANHAM] at the time honorary degrees were conferred upon Vice President Garner and Mrs. Garner by that university.

The SPEAKER. Is there objection?

There was no objection.

STRIKEBREAKERS AT FLINT, MICH.

Mr. CONNERY. Mr. Speaker, I call up a privileged resolution, House Resolution 112, which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That the Secretary of Labor be, and he is hereby, directed to furnish the House of Representatives all facts which he may possess, or which may be available in the Labor Department and which will show or tend to show—

(a) The number of strikebreakers, nonresidents of Flint, who have been brought into, or who are now in, that city, for the purpose of either (1) breaking up picket lines; or (2) ejecting sit-down strikers, from Fisher Body plant no. 1, Fisher Body plant no. 2, Chevrolet plant no. 4, or any other industrial plant in said city.

(b) That General Motors corporation, or any other corporation, firm, or individual, has, directly or indirectly, employed, brought into or caused to come to Flint, any person or persons for the purpose of (1) ousting sit-down strikers from its property; or (2) breaking up picket lines; or (3) by show of force or violence preventing any person from picketing or soliciting membership in any union.

(c) If information is furnished showing that any nonresidents of Michigan, or any person or persons who reside in Michigan outside the city of Flint, other than members of the National Guard or regularly appointed peace officers, have been brought, or have come, into Flint for the purpose of evicting sit-down strikers who have held possession of General Motors Corporation property, or breaking up picket lines, then, in addition, facts showing the sources from which any such person or persons have derived any compensation received by them.

(d) The total number of "company" guards or "company" police employed or on duty in Fisher Body Co. plant no. 1, Fisher Body Co. plant no. 2, and Chevrolet plant no. 4 prior to the time the same were occupied by the sit-down strikers.

(e) Like information as to the number at the present time now on duty in, or employed in guarding, said three plants.

(f) The number of such "company" guards or "company" police who are (1) residents of the city of Flint, Mich.; (2) nonresidents of said city; (3) residents of the State of Michigan; (4) nonresidents of said State.

(g) In what manner such "company" guards or police are armed.

(h) A recapitulation of the vote cast at the last election held under the auspices of, or supervised by, the Automobile Labor Board, appointed by the President of the United States, in the motor industry in Michigan, showing the number of votes cast by members of the union, the number belonging to each union, the number of votes cast by nonunion employees, each proposition voted upon, and the number for and against each proposition.

Mr. CONNERY. Mr. Speaker, I ask unanimous consent that the report of the committee be inserted at this point.

The SPEAKER. Is there objection?

There was no objection.

The Committee on Labor, to whom was referred the resolution (H. Res. 112) requesting the Secretary of Labor to furnish the House of Representatives with certain information in regard to the current automobile-industry strike, having had the same under consideration, report it back to the House and recommend that the resolution do not pass.

Mr. CONNERY. Mr. Speaker, I move to lay the resolution on the table.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. CONNERY. I yield.

Mr. HOFFMAN. Does the gentleman have the letter from the Secretary of Labor?

Mr. CONNERY. No. This resolution called upon the employers to show how many strikebreakers were brought in, how many people were brought in to eject the sit-down strikers, and similar requests.

Mr. HOFFMAN. If any.

Mr. CONNERY. The committee felt this was just as partisan against the employers as the other resolution was against the laborers. The committee felt that in order to be fair in the matter it should report this adversely, just as it reported the other adversely.

Mr. HOFFMAN. If I combine the two, will there be any objection?

Mr. CONNERY. With the automobile strike settled, personally I can see no good reason for getting this information.

Mr. HOFFMAN. The strike, as I understand it, has been transferred to Anderson.

Mr. CONNERY. That is in Indiana. The gentleman is from Michigan. [Laughter.]

Mr. HOFFMAN. Yes. Of course, I have an interest in the country as a whole. [Laughter.] I want to ask this, if I may. The other day, if I recall, the Secretary said she did not have the information. I wonder if the gentleman from Massachusetts could ask the Secretary to refer to her file and get the report of John Porter, the representative she sent down there to Anderson, who did have some of the information that I asked for?

Mr. CONNERY. I am sure I shall be glad to act as intermediary for the gentleman with the Secretary, and I am sure that any information she has down there she will be glad to furnish.

Mr. HOFFMAN. The name of the agent is John Porter.

The SPEAKER. The question is on the motion of the gentleman [Mr. CONNERY].

The motion was agreed to, and the resolution was laid on the table.

EXTENSION OF REMARKS

Mr. SNYDER of Pennsylvania. Mr. Speaker, this being the thirty-ninth anniversary of the blowing up of the battleship *Maine*, I ask unanimous consent to extend my remarks and include therein a short quotation.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CONSENT CALENDAR

The SPEAKER. The Clerk will call the first bill on the Consent Calendar.

AMENDING IMMIGRATION ACT OF 1937

The Clerk called the first bill on the Consent Calendar, H. R. 26, to amend section 23 of the Immigration Act of February 5, 1917 (39 Stat. 874), as amended (U. S. C., title 8, sec. 102).

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, reserving the right to object. I should like to have a word of explanation from the chairman of the Committee on Immigration or somebody who is interested in the bill.

Inasmuch as there appears to be no one here in behalf of the bill, Mr. Speaker, I object to its present consideration.

Mr. O'CONNOR of New York. Reserving the right to object, will the gentleman object to having it passed over without prejudice?

Mr. McLEAN. No.

Mr. O'CONNOR of New York. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York that the bill be passed over without prejudice?

Mr. TARVER. Mr. Speaker, reserving the right to object, I did not hear the bill reported. Is it H. R. 26?

The SPEAKER. That is correct.

Mr. TARVER. On last consent day this bill was passed over without prejudice. Since that time I have had some occasion to investigate its provisions, and I feel that I am definitely opposed to it. I know of no reason why it should be passed over without prejudice again.

Mr. O'CONNOR of New York. I only made that request because I did not see the author of the bill or the chairman of the Committee on Immigration on the floor.

Mr. TARVER. I object, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TARVER. Mr. Speaker, I object.

TO DEPORT CERTAIN ALIENS

The Clerk called the next bill, H. R. 28, to authorize the deportation of aliens who secured preference-quota or nonquota visas through fraud by contracting marriage solely to fraudulently expedite admission to the United States, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, in view of the fact that there is no one here to explain the bill, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan that the bill be passed over without prejudice?

There was no objection.

TEMPORARY STAY OF CERTAIN ALIENS IN THE UNITED STATES

The Clerk called the next bill, H. R. 27, to authorize the shortening or termination of temporary stay in the United States of certain aliens not admitted for permanent residence, to authorize the deportation of certain aliens admitted for permanent residence, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

COMPENSATION OF CERTAIN IMMIGRATION AND NATURALIZATION SERVICE EMPLOYEES

The Clerk called the next bill, H. R. 1543, to amend section 24 of the Immigration Act of 1917, relating to the compensation of certain Immigration and Naturalization Service employees, and for other purposes.

The SPEAKER pro tempore (Mr. WOODRUM). Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 24 of the Immigration Act of 1917 (39 Stat. 893), as amended (U. S. C., title 8, sec. 109), is amended by adding at the end thereof new paragraphs as follows:

"Immigration and Naturalization Service employees of the following classifications shall be divided into grades, as follows:

"Senior border patrol inspectors: Grade 1, salary $2,400; grade 2, salary $2,500; grade 3, salary $2,600.

"Border patrol inspectors: Grade 1, salary $2,100; grade 2, salary $2,200; grade 3, salary $2,300.

"Naturalization examiners: Grade 1, salary $2,600; grade 2, salary $2,800; grade 3, salary $3,000.

"Interpreters: Grade 1, salary $1,800; grade 2, salary $1,900; grade 3, salary $2,000; grade 4, salary $2,100; grade 5, salary $2,200.

"Clerks: Grade 1, salary $1,700; grade 2, salary $1,800; grade 3, salary $1,900; grade 4, salary $2,000; grade 5, salary $2,100.

"Guards and matrons: Grade 1, salary $1,800; grade 2, salary $1,900; grade 3, salary $2,000; grade 4, salary $2,100; grade 5, salary $2,200.

"Telephone operators: Grade 1, salary $1,440; grade 2, salary $1,500; grade 3, salary $1,560; grade 4, salary $1,620; grade 5, salary $1,680.

"Laborers in charge: Grade 1, salary $1,560; grade 2, salary $1,620; grade 3, salary $1,680; grade 4, salary $1,740.

"Laborers: Grade 1, salary $1,320; grade 2, salary $1,380; grade 3, salary $1,440; grade 4, salary $1,500.

"Charwomen in charge: Grade 1, salary $1,440; grade 2, salary $1,500; grade 3, salary $1,560.

"Charwomen: Grade 1, salary $1,260; grade 2, salary $1,320; grade 3, salary $1,380.

"Messenger-clerks: Grade 1, salary $1,260; grade 2, salary $1,320; grade 3, salary $1,380.

"Messengers and assistant messengers: Grade 1, salary $1,080; grade 2, salary $1,140; grade 3, salary $1,200.

"On the first of the month next following the date of the approval of this act all employees of the above classifications shall be promoted to appropriate salary grades as hereinabove authorized. Thereafter each such employee shall be promoted successively to the next higher salary grade at the beginning of the next quarter following 1 year's satisfactory service (determined by standards of efficiency to be defined by the Commissioner of Immigration and Naturalization with the approval of the Secretary of Labor) in the next lower grade, until the maximum salary grade of the particular classification shall have been reached.

"Promotions for meritorious service above the maximum rates specified herein may be made at the discretion of the Secretary of Labor upon the recommendation of the Commissioner of Immigration and Naturalization.

"Administrative promotions for clerks above grade 5 shall be at the discretion of the Secretary of Labor and upon the recommendation of the Commissioner of Immigration and Naturalization to the following salary grades: $2,200, $2,300, $2,400, $2,500, and $2,600: *Provided*, That not to exceed 50 percent of the clerks in each of these administrative grades shall be promoted after no less than 1 year of meritorious service to the next higher administrative grade, until the maximum administrative grade for clerks herein provided has been reached.

"New appointments shall be made only at grade 1 of the appropriate classification, but an employee may be transferred from one classification to another without reduction in compensation, in the interest of good administration, at the discretion of the Commissioner of Immigration and Naturalization with the approval of the Secretary of Labor.

"Nothing herein contained shall be construed to reduce the rate of salary of any person employed in the Immigration and Naturalization Service on the date of the approval of this act.

"The appropriation of such sums as may be necessary for the enforcement of this act is hereby authorized."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ENTRY OF CERTAIN ALIEN WIVES OF AMERICAN CITIZENS

The Clerk called the next bill, H. R. 3471, to permit alien wives of American citizens who were married prior to the approval of the Immigration Act of 1924 to enter the United States.

The SPEAKER pro tempore (Mr. WOODRUM). Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

LABORERS IN POSTAL SERVICE

The Clerk called the next bill, H. R. 1609, to credit laborers in the Postal Service with any fractional part of a year's substitute service toward promotion.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That Public Act No. 366, entitled "An act to provide time credits for substitute laborers in the post office when appointed as regular laborers", approved August 27, 1935 (U. S. C., 1934 ed., Supp. I, title 39, sec. 101), is amended to read as follows:

"That section 5 of the act entitled 'An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes', approved February 28, 1925 (43 Stat. 1060; U. S. C., title 39, sec. 101), is amended by adding thereto a new pagaraph to read as follows:

" 'Whenever any substitute laborer, watchman, or messenger is appointed to a permanent position as laborer, watchman, or messenger, the substitute service performed by such laborer, watchman, or messenger shall be computed in determining the eligibility of such person for promotion to grade 2 on the basis of 306 days of 8 hours constituting a year's service. Effective at the beginning of the first quarter following approval of this act, all laborers, watchmen, and messengers who have not progressed to grade 2 shall be promoted to that grade, provided they have the necessary credit of 306 days of 8 hours each constituting a year's service.

" 'Any fractional part of a year's substitute service will be included with service as a regular laborer, watchman, or messenger in the Postal Service in determining eligibility for promotion to the next higher grade following appointment to a regular position. Effective at once following approval of this act, all laborers, watchmen, and messengers who have not progressed to grade 2 shall be promoted to that grade, provided they have the necessary credit of 306 days of 8 hours each constituting a year's service.' "

With the following committee amendments:

Page 2, line 10, at the end of the line, strike out "306 days" and insert "254 days" in lieu thereof.

Page 2, line 15 and 16, strike out "306 days" and insert "254 days" in lieu thereof.

Page 2, lines 24 and 25, strike out "306 days" and insert "254 days" in lieu thereof.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SUPERINTENDENTS AT CLASSIFIED POST-OFFICE STATIONS

The Clerk called the next bill, H. R. 1972, giving superintendents at classified post-office stations credit for substitutes serving under them.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the fourth paragraph of section 3 of the act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustments, and for other purposes", approved February 28, 1925, as amended (U. S. C., title 39, sec. 93), is amended by striking out the period at the end thereof and inserting in lieu thereof a colon and the following: *Provided*, That in determining the number of employees at a classified station credit shall be allowed for service performed by regular employees, substitute employees, temporary employees, and special-delivery messengers assigned to the station, and for each 1,912 hours of service performed by such employees the station superintendent shall be allowed credit for one employee.

SEC. 2. The second proviso of the first paragraph of section 4, the sixth paragraph of section 7, and the eighth and eleventh paragraphs of section 11 of the act entitled "An act to reclassify the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes", approved February 28, 1925, as amended, are amended by striking out the words "306 days" wherever such words appear in such proviso and in each such paragraph, and inserting in lieu thereof the words "239 days."

With the following committee amendment:

Page 2, lines 18 and 19, strike out "239 days" and insert "254 days" in lieu thereof.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ADJUSTING SALARIES OF RURAL LETTER CARRIERS

The Clerk called the next bill, H. R. 3610, to adjust the salaries of rural letter carriers.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the first paragraph of section 8 of the act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and

compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes", approved February 28, 1925, as amended, is hereby amended by inserting after the first sentence thereof the following new sentence: "The Postmaster General may, in his discretion, allow and pay such additional compensation as he may determine to be fair and reasonable in each individual case to rural letter carriers serving heavily patronized routes not exceeding 38 miles in length: *Provided*, That in no case shall the total compensation of a rural letter carrier serving a heavily patronized route of 38 miles or less in length exceed $2,100 per annum, exclusive of maintenance allowance."

SEC. 2. This act shall take effect on the first day of the calendar month next following the month in which this act is enacted.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROTECTING SALARIES OF CERTAIN RURAL LETTER CARRIERS

The Clerk called the next bill, H. R. 3609, to protect the salaries of rural letter carriers who transfer from one rural route to another.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COSTELLO. Mr. Speaker, reserving the right to object, there is no report from the Department in the committee report. I understand that the Department does not believe that this bill should be made retroactive to 1934, as is provided in the bill. What is the purpose of making this bill retroactive to that date?

Mr. BURCH. In 1934 the method of paying rural-free-delivery carriers was changed. Up to that time it had been $1,800 per annum for 24 miles and $30 per mile for all over 24. Under the act of 1934 it was made $1,800 for 30 miles and $30 per mile over that. There was a saving clause in that legislation affecting carriers with routes under 30 miles in length.

Mr. COSTELLO. How many carriers will it affect?

Mr. BURCH. Not a great many. This change is necessitated by a ruling of the Comptroller putting a different interpretation on the $1,800 proviso of the 1934 bill than was intended by the committee. Under that ruling a man changed to a 24-mile route was reduced to $1,620 under the 1934 act, whereas before that he would have received $1,800; and in some instances under the 1934 act and the Comptroller's ruling he would get only $1,440.

Mr. COSTELLO. My reason for bringing the question up at the present time is that I understand the Department did not like to have this legislation made retroactive. That is the only reason upon which I am questioning the legislation at this time.

Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

EXTENSION OF PROVISIONS OF 40-HOUR LAW TO CERTAIN POSTAL EMPLOYEES

The Clerk called the next bill, H. R. 2738, to extend the provisions of the 40-hour law for postal employees to watchmen and messengers in the Postal Service.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the first section of the act entitled "An act to fix the hours of duty of postal employees, and for other purposes", approved August 14, 1935, is amended by striking out the words "and laborers" and inserting in lieu thereof the following: "laborers, watchmen, and messengers."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PAYMENT OF COMPENSATION TO PERSONS SERVING AS POSTMASTER AT THIRD- AND FOURTH-CLASS POST OFFICES

The Clerk call the next bill, H. R. 77, for payment of compensation to persons serving as postmasters at third- and fourth-class post offices.

The SPEAKER pro tempore. Is there objection to the immediate consideration of the bill?

Mr. TABER. Mr. Speaker, I should like to have some one in charge of the bill explain it a little. If no one is present to do that, I object.

CLASSIFIED STATUS OF CERTAIN SPECIAL-DELIVERY MESSENGERS

The Clerk called the next bill, H. R. 2006, to permit special-delivery messengers to acquire a classified status through noncompetitive examination.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MOSER of Pennsylvania. Mr. Speaker, I object.

AMENDMENT OF ACT OF FEBRUARY 28, 1925, RELATIVE TO POSTAL RATES ON THIRD-CLASS MATTER

The Clerk called the next bill, H. R. 1521, to amend the act of February 28, 1925 (43 Stat. 1053), relative to postal rates on third-class mail matter.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 206 (a) of the act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes", approved February 28, 1925, as amended (43 Stat. 1053; U. S. C., 1934 ed., title 39, sec. 235), is hereby amended by inserting before the period at the end of such section a comma and the following: "but bills or statements of account produced by any photographic or mechanical process shall not be accepted as mail matter of the third class unless presented in quantities of 20 or more identical copies. When such bills or statements are not identical or are presented in quantities of less than 20 identical copies, they shall be subject to postage at the first-class rate."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TIME CREDITS FOR SUBSTITUTES IN THE MOTOR-VEHICLE SERVICE

The Clerk called the next bill, H. R. 2021, to provide time credits for substitutes in the motor-vehicle service.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the last paragraph of section 11 of the act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes", approved February 28, 1925, as amended (U. S. C., 1934 ed., title 39, sec. 104), is hereby amended by adding at the end thereof the following sentence: "Any fractional part of a year's substitute service, rendered after the enactment of this sentence, shall be included with his service as a regular clerk, garageman-driver, driver-mechanic, or general mechanic in the motor-vehicle service, in determining eligibility for promotion to the next higher grade following appointment to a regular position."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

APPROPRIATION FOR PAYMENT TO THE GOVERNMENT OF GREAT BRITAIN FOR THE ACCOUNT OF N. J. MOOSA, A BRITISH SUBJECT

The Clerk called the next bill, H. R. 2909, authorizing an appropriation for payment to the Government of Great Britain for the account of N. J. Moosa, a British subject.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. FADDIS and Mr. MARTIN of Massachusetts rose.

Mr. FADDIS. Mr. Speaker, reserving the right to object, I should like to ask the chairman of the Committee on Foreign Affairs a question, but will yield to the gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. McREYNOLDS. Mr. Speaker, I object.

Mr. MARTIN of Massachusetts. Mr. Speaker, I object to the immediate consideration of the bill.

Mr. McREYNOLDS. Will the gentleman yield for a question?

Mr. MARTIN of Massachusetts. Mr. Speaker, I reserve the right to object then.

Mr. McREYNOLDS. Mr. Speaker, the gentleman from Massachusetts is a member of the Committee on Foreign Affairs and voted for every one of these bills.

Mr. MARTIN of Massachusetts. Mr. Speaker, if the gentleman is going to make that type of speech I shall have to object.

Mr. McREYNOLDS. Mr. Speaker, may I ask the gentleman, Is he objecting to this bill on his own account or is he objecting at the request of some other person?

Mr. MARTIN of Massachusetts. May I inform the gentleman from Tennessee that I am going to either ask that this bill be passed over without prejudice, as well as the next 14, or object; not on my own account, but at the request of another Member.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MARTIN of Massachusetts. Mr. Speaker, I object.

Mr. McREYNOLDS. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. McREYNOLDS. Mr. Speaker, I just want to give the Members a little information in reference to these bills. Every one of these bills passed this House by unanimous consent at the last session of the Congress. The gentleman from Massachusetts is making this objection, as he stated, at the request of another member of the committee, and that is the gentleman from New York, Mr. HAMILTON FISH. The gentleman from New York [Mr. FISH] is peeved because no Republican was appointed or asked to go to the Buenos Aires convention. He has notified the committee he is going to object to every bill that is brought out by this committee for consideration by the Members of this House. I want the Members to know that the objection is lodged, not on account of the merits of the bill but on account of the fact perhaps the gentleman wants to be recognized himself. He stated before the committee the other day that he represented 18,000,000 Republicans of this country, and I told him I was glad to find the man who did represent those who were left.

Mr. Speaker, I merely want to explain that these bills were voted for by the gentleman from Massachusetts [Mr. MARTIN], who is now objecting for the gentleman from New York [Mr. FISH], and that these bills were passed unanimously by the Members of the House at the last session. The reason for the objection is on account of pure partisanship, and I want the Members of the House to know this fact.

APPROPRIATION FOR PAYMENT TO THE GOVERNMENT OF NETHERLANDS ON ACCOUNT OF FAMILY OF MIGUEL PAULA

The Clerk called the next bill, H. R. 2910, authorizing an appropriation for payment to the Government of the Netherlands for the account of the family of Miguel Paula.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. McREYNOLDS. Mr. Speaker, I object to any of these bills being passed over without prejudice. I want them to object.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MARTIN of Massachusetts. Mr. Speaker, I object.

APPROPRIATION FOR PAYMENT TO THE FRENCH GOVERNMENT FOR THE ACCOUNT OF HENRY BORDAY

The Clerk called the next bill, H. R. 2911, authorizing an appropriation for payment to the French Government for the account of Henry Borday, a citizen of France.

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. McREYNOLDS. Mr. Speaker, I object.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MARTIN of Massachusetts. Mr. Speaker, I object.

APPROPRIATION FOR PAYMENT TO THE GOVERNMENT OF GREAT BRITAIN FOR THE ACCOUNT OF SHANGHAI ELECTRIC CONSTRUCTION CO., LTD.

The Clerk called the next bill, H. R. 2912, authorizing an appropriation for payment to the Government of Great Britain for the account of the Shanghai Electric Construction Co., Ltd.

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. McREYNOLDS. Mr. Speaker, I object.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MARTIN of Massachusetts. Mr. Speaker, I object.

APPROPRIATION FOR PAYMENT TO THE GOVERNMENT OF GREAT BRITAIN FOR THE ACCOUNT OF CERTAIN BRITISH CITIZENS

The Clerk called the next bill, H. R. 2925, authorizing an appropriation for payment to the Government of Great Britain for the account of certain British citizens.

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. McREYNOLDS. Mr. Speaker, I object.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MARTIN of Massachusetts. Mr. Speaker, I object.

JANET HARDCASTLE ROSS

The Clerk called the next bill, H. R. 2913, authorizing an appropriation for payment to the Government of Canada for the account of Janet Hardcastle Ross, a citizen of Canada.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, I ask unanimous consent that this bill may go over without prejudice.

Mr. McREYNOLDS. I object, Mr. Speaker.

Mr. MARTIN of Massachusetts. Mr. Speaker, I object to the consideration of the bill.

ENRIQUETA KOCH V. DE JEANNERET

The Clerk called the next bill, H. R. 2914, authorizing an appropriation for payment to the Government of Chile for the account of Enriqueta Koch v. de Jeanneret, a citizen of Chile.

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that this bill may go over without prejudice.

Mr. McREYNOLDS. Mr. Speaker, I object.

Mr. MARTIN of Massachusetts. I object to the consideration of the bill, Mr. Speaker.

LI PO-TIEN

The Clerk called the next bill, H. R. 2915, authorizing an appropriation for payment to the Government of China for the account of Li Po-tien.

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that the bill may go over without prejudice.

Mr. FREY of Pennsylvania. I object, Mr. Speaker.

Mr. MARTIN of Massachusetts. I object to the consideration of the bill, Mr. Speaker.

CLAIM OF CERTAIN CHINESE CITIZENS

The Clerk called the next bill, H. R. 2916, authorizing an appropriation for payment to the Government of China for the account of certain Chinese citizens.

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

Mr. FREY of Pennsylvania. I object, Mr. Speaker.

Mr. MARTIN of Massachusetts. I object to the consideration of the bill, Mr. Speaker.

CLAIM OF CERTAIN CITIZENS OF CHINA

The Clerk called the next bill, H. R. 2918, authorizing an appropriation for payment to the Government of China for the account of certain citizens of China.

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that the bill may go over without prejudice.

Mr. FREY of Pennsylvania. I object, Mr. Speaker.

Mr. MARTIN of Massachusetts. I object to the consideration of the bill, Mr. Speaker.

CLAIM OF CERTAIN CHINESE CITIZENS

The Clerk called the next bill, H. R. 2919, authorizing an appropriation for payment to the Government of China for the account of certain Chinese citizens.

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that the bill may go over without prejudice.

Mr. FREY of Pennsylvania. I object, Mr. Speaker.

Mr. MARTIN of Massachusetts. I object to the consideration of the bill, Mr. Speaker.

MERCEDES MARTINEZ VIUDA DE SANCHEZ

The clerk called the next bill, H. R. 2920, authorizing an appropriation for payment to the Government of the Dominican Republic for the account of Mercedes Martinez Viuda de Sanchez, a Dominican subject.

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that the bill may go over without prejudice.

Mr. FREY of Pennsylvania. I object, Mr. Speaker.

Mr. MARTIN of Massachusetts. Mr. Speaker, I object to the consideration of the bill.

LING MAU MAU

The Clerk called the next bill, H. R. 2921, authorizing an appropriation for payment to the Government of China for the account of Ling Mau Mau, a citizen of China.

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

Mr. FREY of Pennsylvania. I object, Mr. Speaker.

Mr. MARTIN of Massachusetts. Mr. Speaker, I object to the consideration of the bill.

CLAIM OF CERTAIN CHINESE CITIZENS

The Clerk called the next bill, H. R. 2922, authorizing an appropriation for payment to the Government of China for the account of certain Chinese citizens.

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

Mr. FREY of Pennsylvania. Mr. Speaker, I object.

Mr. MARTIN of Massachusetts. I object to the consideration of the bill, Mr. Speaker.

MERCEDES V. DE WILLIAMS AND OTHERS

The Clerk called the next bill, H. R. 2923, authorizing an appropriation for payment to the Government of Nicaragua for the account of Mercedes V. de Williams and others.

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

Mr. FADDIS. Mr. Speaker, reserving the right to object, I would like to ask the chairman of the Committee on Foreign Affairs a question.

Mr. McREYNOLDS. I yield.

Mr. FADDIS. I should like to know with respect to these bills by which it seems we owe money to a subject of a foreign nation which owes us war debts, why it is not possible to arrange for such nations to pay the claim and receive credit on its war debts.

Mr. McREYNOLDS. In nearly all of these cases the nation involved does not owe us anything.

Mr. FADDIS. But in some instances they do. Three of them are for subjects of Great Britain and one is for a subject of France. These nations owe us war debts in staggering amounts and are making no effort to pay them.

Mr. McREYNOLDS. They are claims of individuals and not national claims.

Mr. FADDIS. But the nation involved could pay the claims to their citizens and receive credit from the United States on its war debt.

Mr. McREYNOLDS. These claims do not represent what we owe the Government but what we owe the individuals, and there is no reason why we should not pay their individuals something that we owe them. We certainly should not refuse to do so on the ground they will not pay us something that they owe us as a government or as a nation.

Mr. FADDIS. I realize that fact; but if these nations believe their subjects are entitled to a claim, they can pay it and we can give them credit on the war debts.

Mr. McREYNOLDS. One of the British claims is for $15.95, which would not go very far on the war debt.

Mr. FADDIS. Yes; and some are for much larger sums. Every year bills of this nature pass this House involving the payment of thousands of dollars to citizens of governments which owe this Nation millions of dollars which they are making no attempt to pay. If we exert the proper pressure—and we can do so by objecting to these bills—their State Departments and the State Department of the United States can adjust the matters by a little bookkeeping. There is no reason why we should take money from our Treasury to adjust such matters. These claims, it is true, are due to individuals, but nations are composed of individuals. Let us awaken these individuals to the fact that their nations owe us money. In that case perhaps they will exert pressure on their governments to settle with us.

The SPEAKER pro tempore (Mr. WOODRUM). Is there objection to the request of the gentleman from Massachusetts?

Mr. FREY of Pennsylvania. I object, Mr. Speaker.

Mr. MARTIN of Massachusetts. I object to the consideration of the bill, Mr. Speaker.

COMMUTING OF ALIENS

The Clerk called the next bill on the calendar, H. R. 3679, to restrict habitual commuting of aliens from foreign contiguous territory to engage in skilled or unskilled labor or employment in continental United States.

The Clerk read the bill, as follows:

Be it enacted, etc., That no alien or aliens, foreigner or foreigners, or citizens of any foreign country, nation, or colony, or a citizen of a possession of any foreign nation or country, the boundaries of which touch the boundaries of the United States of America or are contiguous thereto, shall be permitted to habitually cross said international boundary line for the purpose of seeking employment or engaging in any employment, vocation, or trade, either as skilled or unskilled labor employment, in the United States of America to and from his or their residence or residences which are outside of the borders of the said continental United States.

SEC. 2. The words "alien", "foreigner", and "citizen of any foreign country, nation, or colony" shall be construed to mean any person who has his residence in said foreign country, nation or possession or colony of a foreign country.

SEC. 3. Aliens within the purview of sections 1 and 2 of this act shall be held to be immigrants and shall be excluded from the United States, or shall be deported from the United States under the provisions of the immigration laws now in effect, unless they are in possession of an unexpired immigration visa at each separate application for admission or in possession of an unexpired reentry permit for each separate application to return from foreign contiguous territory.

SEC. 4. The provisions of this act are in addition to the provisions of the immigration laws now in force, and shall be enforced as a part of such laws, and all of the penal or other provisions of such laws now applicable shall apply to and be enforced in connection with the provisions of this act.

SEC. 5. The provisions of this act shall not be applicable to any person who is a bona-fide employee of any common carrier operating between the United States and any foreign contiguous territory.

The SPEAKER pro tempore. Is there objection?

Mr. WOLCOTT. Reserving the right to object, I am fully in accord with the purpose of the bill but I was wondering if the purpose is not negatived by the fact that there is nothing in the bill to prevent the State Department from issuing a visa to reenter.

Mr. SCHULTE. Mr. Speaker, I will say that the bill passed the House at the last session by unanimous consent. This bill is designed solely to create jobs for Americans who live in the United States. It seems that by the figures

given the Immigration Committee that there are between 30,000 and 45,000 people along the border who cross over daily from Canada into the United States.

Mr. WOLCOTT. Has the gentleman got the figures of those who cross from this country into Canada?

Mr. SCHULTE. Less than one-tenth of 1 percent.

Mr. WOLCOTT. I was wondering if it could not be prevented by the refusal of a visa to reenter.

Mr. SCHULTE. I want to say to the gentleman that we are not going to get any cooperation from the State Department.

Mr. WOLCOTT. I think it better be recommitted to the committee and let the committee see if there are some objections that do not occur to me. The bill is all right, but I do not think it goes far enough. I have no objection to the bill.

Mr. SCHULTE. If the gentleman will withhold his objection we will try to get it through the Senate.

Mr. COSTELLO. Mr. Speaker, I ask that this bill be passed over without prejudice.

Mr. SCHULTE. I object to that. The gentleman from California does not want to keep American citizens out of a job. There are, as I say, 30,000 to 45,000 coming over from Canada into the United States.

Mr. COSTELLO. How many go over the border from this side into Canada?

Mr. SCHULTE. Less than one-tenth of 1 percent.

Mr. COSTELLO. The report of the Secretary of Labor shows that for the fiscal year ending June 30, 1933, there was a total of 9,067 crossing from the United States into Canada.

Mr. SCHULTE. I do not agree with the figures of the Labor Department relative to any immigration bill.

Mr. COSTELLO. In the report at the bottom of page 3 it is stated that petitions are being circulated for signatures to the President asking for the issuance of an Executive order to stop commuting until an official investigation can be made.

Mr. SCHULTE. I will say that we have been trying to get an investigation. There have been 50,000 crossed over the Mexican border into the United States. I hope the gentleman will not object.

Mr. COSTELLO. Mr. Speaker, I object to the bill at this time.

GRAND JURY EXTENSIONS

The Clerk called the bill (H. R. 2702) to permit grand jury extensions to be ordered by any district judge.

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That section 284 of the Judicial Code, as amended (U. S. C., title 28, sec. 421), be, and the same is hereby amended to read as follows:

"SEC. 284. No grand jury shall be summoned to attend any district court unless the judge thereof, in his own discretion or upon a notification by the district attorney that such jury will be needed, orders a venire to issue therefor. If the United States attorney for any district which has a city or borough containing at least 300,000 inhabitants shall certify in writing to a district judge of the district that the exigencies of the public service require it, the judge may, in his discretion, also order a venire to issue for a second grand jury. If the United States attorney for the southern district of New York shall certify in writing to the senior district judge of said district that the exigencies of the public service require it, said judge may, in his discretion, also order a venire to issue for a third grand jury. The district court may in term order a grand jury to be summoned at such time, and to serve such time as it may direct, whenever, in its judgment, it may be proper to do so. A district judge may, upon a request of the district attorney or of the grand jury or on his own motion, by order authorize any grand jury to continue to sit during the term succeeding the term at which such request is made, solely to finish investigations begun but not finished by such grand jury, but no grand jury shall be permitted to sit in all during more than three terms. Nothing herein shall operate to extend beyond the time permitted by law the imprisonment before indictment found of a person accused of crime or offense, or the time during which a person so accused may be held under recognizance before indictment found."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

ANNUAL CONFERENCE OF SENIOR CIRCUIT JUDGES

The Clerk called the bill (H. R. 2703) to provide for the representation of the United States Court of Appeals for the District of Columbia on the annual conference of senior circuit judges.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the first paragraph of section 2 of the act entitled "An act for the appointment of an additional circuit judge for the fourth judicial circuit, for the appointment of additional district judges for certain districts, providing for an annual conference of certain judges, and for other purposes", approved September 14, 1922 (42 Stat. 838; U. S. C., title 28, sec. 218), is hereby amended to read as follows:

"SEC. 2. It shall be the duty of the Chief Justice of the United States, or in case of his disability, of one of the other Justices of the Supreme Court, in order of their seniority, as soon as may be after the passage of this act, and annually thereafter, to summon to a conference on the last Monday in September, at Washington, D. C., or at such other time and place in the United States as the Chief Justice, or, in case of his disability, any of said Justices in order of their seniority, may designate the senior circuit judge of each judicial circuit and the chief justice of the United States Court of Appeals for the District of Columbia. If any senior circuit judge is unable to attend, the Chief Justice, or in case of his disability, the Justice of the Supreme Court calling said conference, may summon any other circuit or district judge in the judicial circuit whose senior circuit judge is unable to attend, and, if the chief justice of the United States Court of Appeals for the District of Columbia is unable to attend, any other justice of that court may be summoned in like manner, that each circuit may be adequately represented at said conference. It shall be the duty of every judge or justice thus summoned to attend said conference, and to remain throughout its proceedings, unless excused by the Chief Justice, and to advise as to the needs of his circuit and as to any matters in respect of which the administration of justice in the courts of the United States may be improved."

Mr. COSTELLO. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read:

The Clerk read as follows:

Amendment offered by Mr. COSTELLO: Page 2, line 7, insert a comma after the word "designate."

The amendment was agreed to; and the bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MANNER OF INFLICTING DEATH PUNISHMENT

The Clerk called the bill (H. R. 2705) to provide for the manner of inflicting the punishment of death.

The SPEAKER pro tempore. Is there objection?

Mr. EBERHARTER. Mr. Speaker, I reserve the right to object, to have someone explain what the bill does.

Mr. CHANDLER. Mr. Speaker, in the absence of the chairman of the committee, the bill provides that where a judgment of the United States court inflicts the death penalty, the penalty shall be carried out in the manner provided by the laws of the State in which the case is tried; and in some States in which there is no death penalty, the penalty shall be carried out according to the laws of the nearest State having the death penalty. It simply takes care of these kidnaping cases and cases of that character where there is a question of how the death penalty shall be carried out. The Federal law now provides only for hanging, and this bill will permit the use of more humane methods where the States have provided them.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 323 of the Criminal Code of the United States (U. S. C., title 18, sec. 542) be, and the same is hereby, amended to read as follows:

"SEC. 323. The manner of inflicting the punishment of death shall be the manner prescribed by the laws of the State within which the sentence is imposed. The United States marshal charged with the execution of the sentence may use available State or local facilities and the services of an appropriate State or local official or employ some other person for such purpose, and pay the cost thereof in an amount approved by the Attorney General. If the laws of the State within which sentence is imposed make no provision for the infliction of the penalty of death, then the court shall designate some other State in which such sentence shall be executed in the manner prescribed by the laws thereof."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PAYMENT TO CERTAIN EMPLOYEES FOR MILEAGE TRAVELED IN PRIVATELY OWNED AUTOMOBILES

The Clerk called the bill (H. R. 3425) providing payment to employees, Bureau of Reclamation, for mileage traveled in privately owned automobiles.

The SPEAKER pro tempore. Is there objection?

Mr. TABER. Mr. Speaker, I reserve the right to object. How much is involved in this bill?

Mr. DEMPSEY. Mr. Speaker, we received a report upon a similar bill to this last year which I have before me. The practice in the Irrigation and Reclamation Service was to allow employees going from headquarters to a project money for gasoline consumed on the journey. The Comptroller General finally disapproved and the practice was stopped from that time on. The bill provides an allowance for those employees who have paid out money for gasoline up to the time the Comptroller General disallowed the practice.

Mr. TABER. How much is involved?

Mr. DEMPSEY. A very small amount. I do not think more than a thousand or fifteen hundred dollars, all told, but to the various employees it means considerable.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General is hereby authorized and directed to credit disbursing agents of the Bureau of Reclamation for payments made as mileage reimbursement for the use, during the period of February 14, 1931, to April 30, 1932, of privately owned motor vehicles, in accordance with the act of February 14, 1931 (46 Stat. 1146), which payments were suspended and/or disallowed pursuant to the decision of the Comptroller General of April 30, 1932 (A-41688). In those cases where collections have been made from employees pursuant to such suspensions and/or disallowances refunds are authorized.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

COMPENSATION TO PERSONS SERVING AS POSTMASTERS, ETC.

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent to return to Calendar No. 12 (H. R. 77), for payment of compensation to persons serving as postmaster at third- and fourth-class post offices. These seems to have been some misapprehension as to whether this was objected to or not.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to return to H. R. 77, Calendar No. 12. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I reserve the right to object. It is unusual that we do not object to returning to a bill, but as I understand in this case the Journal shows that I objected to the bill. I have a distinct recollection that I did not object, because I was very much in favor of it. I have no objection to returning to the bill.

Mr. TABER. Mr. Speaker, I objected to the bill.

The SPEAKER pro tempore. The Chair is advised that the Journal shows that the gentleman from New York [Mr. TABER] objected to the bill.

Mr. CANNON of Missouri. Mr. Speaker, does the gentleman insist upon his objection?

Mr. TABER. I reserve my right to object to the bill.

The SPEAKER pro tempore. Without objection, we will return to H. R. 77, Calendar No. 12, and the gentleman from New York reserves his right to object to the consideration of the bill.

Mr. TABER. Mr. Speaker, I wish someone would explain the bill.

Mr. CANNON of Missouri. Mr. Speaker, from 1930 to 1935 there was no law authorizing the payment of those persons discharging the duties of postmaster pending the appointment of acting postmasters following the death, resignation, or removal of the permanent postmaster. In such contingencies some one had to take charge until an acting postmaster could be secured, and there was no provision for paying them.

The Department agreed they were entitled to pay for their services, but the General Accounting Office held there was no authorization of law. Two years ago this matter was remedied by legislation, and such services are now compensable. There is now authorization for paying them as such emergencies occur, but through some oversight no provision was made for the payment of those who served between 1930 and 1935. It was not retroactive. There is hardly a congressional district in the United States in which some person is not waiting payment for such services. The Post Office Department says they should be paid, but there is no authority for making payment. This bill passed the House last session and went to the Senate, but it reached there too late for the Senate to act upon it.

The authorization provided by this bill is greatly needed, and I trust the gentleman will not object.

Mr. BEITER. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield.

Mr. BEITER. Is it not a fact that every time a case like this occurs we have to pass a special act or a special resolution in order to pay the man?

Mr. CANNON of Missouri. The gentleman is correct. There is no other means of discharging these obligations, and the passage of this general act will not only permit the payment of these debts, long overdue, but will relieve the Congress of the consideration of such bills.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States, in the settlement and adjustment of accounts and claims for services rendered at third- and fourth-class post offices, is hereby authorized and directed to allow compensation as postmaster to persons who, upon the occurrence of a vacancy and pending the designation of an acting postmaster, assumed and properly performed the duties of postmaster at any such office subsequent to June 30, 1930: *Provided*, That in no case shall compensation be allowed for a period in excess of 60 days.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

CLAIM OF GEN. HIGINIO ALVAREZ

The Clerk called the next bill, H. R. 2917, authorizing an appropriation for the payment of the claim of Gen. Higinio Alvarez, a Mexican citizen, with respect to lands on the Farmers Banco in the State of Arizona.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, this bill was on the Consent Calendar last year. I notice that when it is presented this year the objection which was made at that time has not been considered. Apparently the Committee on Foreign Affairs paid little attention to the fact that there was a grave question as to whether a quitclaim deed from an individual would convey to the United States sovereignty over this land. That question arose last year and it arose in this manner: If this land had always belonged to the United States and this commission decided that it did belong to the United States, then there was no compensation due to this Mexican individual by reason of the fact that it was United States territory, and we do not owe him anything for the land. If it was Mexican territory and by agreement between this commission, this land was given the United States, a quitclaim deed from a Mexican national will not give the United States Government jurisdiction over the sovereignty. The question comes up this year as it did last year, and I wonder

why the committee did not take that into consideration when they were considering the bill?

Mr. BLOOM. Mr. Speaker, replying to the gentleman from Michigan, I thought I had convinced the gentleman that that misunderstanding had been wiped out in accordance with a letter which I showed the gentleman from the Assistant Secretary of State, Mr. Carr. The report shows that the thought of the gentleman is entirely disproved, and by paying $15,000 to the owner of the land and $5,000 to the person who has a right in the land, the Government of the United States is satisfied that it will have a proper deed to the property. That is all contained in this report.

Mr. WOLCOTT. I read with a great deal of interest the letter which the gentleman submitted to me last year. Perhaps it is just a matter of a difference of opinion between myself and the author of that opinion, but it seems to me that a grave question might arise in this case. Assuming there is a violation of a Federal statute on this piece of land and it was to be tested in the courts as to the jurisdiction of the Federal court over the subject matter of the suit. If the court in a judicial opinion held that this land had never legally been conveyed to the United States Government, then the Federal court would have no jurisdiction over the subject matter of that suit. That is why I am so insistent that the gentleman know where he is going before he goes any farther.

Mr. BLOOM. I know where I am going. I am going right into an objection by the gentleman from Massachusetts [Mr. MARTIN]. So what is the use talking about it?

Mr. WOLCOTT. I believe the gentleman from Massachusetts is going to ask unanimous consent that the bill go over without prejudice.

Mr. BLOOM. And the gentleman from New York is going to object.

Mr. SNELL. How does the gentleman know until I ask the question?

Mr. BLOOM. No. I mean that the gentleman from New York, Mr. BLOOM, is going to object to the request of the gentleman from Massachusetts.

Let me read this from the report:

> This question of sovereignty was definitely determined by the decision of the International Boundary Commission, acting pursuant to the treaties in force between the United States and Mexico, eliminating this banco to the United States. There remained only the question of private title. In order to clear up this question of title it was suggested that this Government purchase the interest claimed by General Alvarez.

That answers the gentleman fully with respect to the title. The State Department went into it thoroughly.

Mr. WOLCOTT. Tell me why the United States Government wants title to this land any more than it wants to buy my house in Michigan?

Mr. BLOOM. They want title to it because it is on the riverbed, and they think they should have it.

Mr. WOLCOTT. Why should we buy this land from this Mexican citizen if it is already United States territory?

Mr. BLOOM. We are buying it for the reason that the gentleman has complained about, that is, to get clear title. We are paying this $20,000, and the United States thinks it should pay this to get a clear title to this land.

Mr. WOLCOTT. The gentleman does not answer the question. Why does the United States want title to this private property any more than it wants title to his house or my house?

Mr. BLOOM. The complete answer is in the report.

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. BLOOM. I object.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MARTIN of Massachusetts. Mr. Speaker, I object.

PAYMENT OF CERTAIN GOVERNMENT EMPLOYEES FOR JANUARY 20, 1937

The Clerk called the next resolution, House Joint Resolution 131, for the payment of certain employees of the United States Government in the District of Columbia and employees of the District of Columbia for January 20, 1937.

There being no objection, the Clerk read the resolution, as follows:

> *Resolved, etc.*, That the employees of the United States Government in the District of Columbia and the employees of the District of Columbia who come within the provisions of the act approved June 18, 1888, and who, under the provisions of said act, did not work on Wednesday, January 20, 1937, due to the closing of their places of employment on account of the holiday, shall be entitled to pay for said holiday.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BRIDGE ACROSS MISSOURI RIVER, BROWNVILLE, NEBR.

The Clerk called the next bill, H. R. 194, to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Brownville, Nebr.

There being no objection, the Clerk read the bill, as follows:

> *Be it enacted, etc.*, That the times for commencing and completing the construction of the bridge across the Missouri River, at or near Brownville, Nebr., authorized to be built by the county of Atchison, State of Missouri, and the county of Nemaha, State of Nebraska, singly or jointly, by section 18 of the act of Congress approved August 30, 1935, heretofore extended by act of Congress approved June 19, 1936, are hereby extended 1 and 3 years, respectively, from the date of approval hereof.
>
> SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

> In line 10, after the word "from", strike out the words "the date of approval hereof" and in lieu thereof substitute the words "June 19, 1937."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BRIDGE ACROSS WHITE RIVER, EAGLE ROCK, MO.

The Clerk called the next bill, H. R. 2258, granting the consent of Congress to the county of Barry, State of Missouri, to construct, maintain, and operate a free highway bridge across the White River at or near Eagle Rock, Mo.

By unanimous consent, Senate bill 466 was substituted for the House bill.

Mr. WOLCOTT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WOLCOTT. Is the Senate bill identical with the House bill?

Mr. SHORT. Mr. Speaker, the Senate bill is identical with the House bill, and passed by the Senate last week.

The SPEAKER pro tempore. Is there objection to the consideration of the Senate bill?

There being no objection, the Clerk read the bill, as follows:

> *Be it enacted, etc.*, That the consent of Congress is hereby granted to the county of Barry, State of Missouri, to construct, maintain, and operate a free highway bridge and approaches thereto across the White River, at a point suitable to the interests of navigation, at or near Eagle Rock, Mo., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this act.
>
> SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider and a similar House bill (H. R. 2258) were laid on the table.

BRIDGE ACROSS PORTION OF DELAWARE RIVER, CAMDEN, N. J.

The Clerk called the next bill, H. R. 2306, to authorize the Crew Levick Co. and such other corporation or individuals as may be associated with it to construct a bridge across the portion of the Delaware River between the mainland of the county of Camden and the State of New Jersey and Petty Island in said county and State.

There being no objection, the Clerk read the bill, as follows:

> *Be it enacted, etc.*, That the Crew Levick Co., a corporation created and organized under the laws of the State of Pennsylvania,

and such other corporation or individuals, if any, as shall be associated with said company for the purpose, their successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the intervening portion of the Delaware River, at a point suitable to the interests of navigation, from the mainland of Camden County, in the State of New Jersey, to Petty Island, in said county and State, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and that said bridge may be for private highway purposes.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BRIDGE ACROSS COLUMBIA RIVER NEAR THE DALLES, OREG.

The Clerk called the next bill, H. R. 2503, to extend the time for completing the construction of a bridge across the Columbia River near The Dalles, Oreg.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the time for completing the construction of a bridge across the Columbia River near The Dalles, Oreg., authorized to be built by The Dalles Bridge Co., a Washington corporation, by an act of Congress approved March 4, 1933, is hereby extended 3 years from March 4, 1937, to March 4, 1940.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

In line 7, following the comma after the date "1933", insert the words "heretofore extended by act of Congress approved April 30, 1934,".

In line 7, after the word "hereby", insert the word "further."

In line 7, after the date "1937", change the comma to a period and strike out the words "to March 4, 1940."

Mr. WOLCOTT. Mr. Speaker, I rise in opposition to the committee amendments. Mr. Speaker, I rise at this time merely to compliment the Committee on Interstate and Foreign Commerce on the form of the bill H. R. 2306, in which I notice they have deviated somewhat from their usual form. It has always been my contention that the Congress of the United States had jurisdiction over bridges across navigable streams only so far as that bridge might be an impediment to traffic, and that the Congress of the United States had no jurisdiction whatsoever over the manner in which the bridge was to be financed or bonds for the financing of the bridge retired. I notice that the committee have established a new precedent in this respect. I am glad they have, and I hope it will be followed in future bridge bills.

Mr. CHAPMAN. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. CHAPMAN. I may say to the gentleman that the bridge in this case connects the mainland with an island in the Delaware River. The sole purpose for which the bridge is supposed to be used is for the travel of employees of the company back and forth from their homes on the mainland to the plant on the island. It will be used for no public highway purpose whatsoever.

Mr. WOLCOTT. Perhaps I was in error in my statement that the committee had established a precedent.

Mr. CHAPMAN. It is a privately owned bridge to be used for private purposes.

The SPEAKER pro tempore. The question is on the committee amendments.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BRIDGE ACROSS COOSA RIVER, GILBERTS FERRY, ALA.

The Clerk called the next bill, H. R. 3148, granting the consent of Congress to the State of Alabama, or Etowah County, or both, to construct, maintain, and operate a free highway bridge across the Coosa River at or near Gilberts Ferry, in Etowah County, Alabama.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Alabama, or Etowah County, or both, to construct, maintain, and operate a free highway bridge and approaches thereto across the Coosa River, at a point suitable to the interests of navigation, at or near Gilberts Ferry, in Etowah County, Alabama, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TURTLE BAY AND TURTLE BAYOU, TEX.

The Clerk called the next bill, H. R. 3689, declaring Turtle Bay and Turtle Bayou, Chambers County, Tex., to be nonnavigable waterways.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That Turtle Bay and Turtle Bayou, in Chambers County, in the State of Texas, be, and the same are hereby, declared to be nonnavigable waterways within the meaning of the Constitution and laws of the United States of America.

SEC. 2. That the right of Congress to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

After line 6, insert a new section, as follows:

"SEC. 2. That the existing project for Turtle Bayou, Tex., authorized by the Rivers and Harbors Act approved June 25, 1910, be, and the same is hereby, abandoned."

In line 7, change "Sec. 2" to read "Sec. 3."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PRELIMINARY EXAMINATION OF THE SKAGWAY RIVER, ALASKA

The Clerk called the next bill, H. R. 1550, authorizing a preliminary examination of the Skagway River in the vicinity of Skagway, Alaska.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to cause a preliminary examination to be made of the Skagway River in the vicinity of Skagway, Alaska, with a view to the control of floods in the said Skagway River, in accordance with the provisions of section 3 of the act entitled "An act to provide for control of floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

With the following committee amendments:

Insert the words "and survey" after the word "examination" in line 4.

Strike out the words "section 3 of the act entitled 'An act to provide for control of floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes', approved March 1, 1917", in lines 7, 8, 9, and 10 and insert in lieu thereof the words "the Flood Control Act approved June 22, 1936."

Strike out the words "examinations, surveys, and contingencies of rivers and harbors" in lines 11 and 12 and insert in lieu thereof the words "such purposes."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title of the bill was amended to read: "A bill authorizing a preliminary examination and survey of the Skagway River in the vicinity of Skagway, Alaska."

PRELIMINARY EXAMINATION OF THE MACKINAW RIVER IN ILLINOIS

The Clerk called the next bill, H. R. 1629, to provide for a preliminary examination of the Mackinaw River in Illinois with a view to flood control and to determine the cost of such improvement.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination to be made of the Mackinaw River, in Illinois, to determine the feasibility of flood-control work on said river and the cost of such improvement, in accordance with the provisions of section 3 of the act entitled "An act to provide for the control of floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917, and the cost thereof to be paid from appropriations heretofore or here-

after made for examinations, surveys, and contingencies of rivers and harbors.

With the following committee amendments:

Page 1, line 2, after the word "examination", insert "and survey."

Page 1, line 5, after the word "Illinois", strike out the remainder of the line, all of lines 6 and 7, and insert "with a view to control of its floods."

Page 1, line 8, after the word "of", strike out the remainder of the line and all of lines 9 and 10 and line 1 on page 2 and insert "the Flood Control Act approved June 22, 1936."

Page 2, line 4, after the word "for", strike out the remainder of the line and all of line 5 and insert "such purposes."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The title was amended to read as follows: "A bill to provide for a preliminary examination and survey of the Mackinaw River in Illinois with a view to flood control."

TRANSFER OF CRAWFORD COUNTY, IOWA, FROM THE SOUTHERN JUDICIAL DISTRICT OF IOWA TO THE NORTHERN JUDICIAL DISTRICT OF IOWA

The Clerk called the next bill, H. R. 3284, to transfer Crawford County, Iowa, from the southern judicial district of Iowa to the northern judicial district of Iowa.

There being no objection, the Clerk read the bill, as follows:

Be it enacted etc., That Crawford County, Iowa, of the western division of the southern judicial district of Iowa be, and it is hereby, detached from said judicial district and attached to the western division of the northern judicial district of Iowa.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENT OF SECTION 112 OF THE JUDICIAL CODE PROVIDING FOR THE INCLUSION OF WHITMAN COUNTY, WASH., IN THE NORTHERN DIVISION OF THE EASTERN DISTRICT OF WASHINGTON

The Clerk called the next bill, H. R. 3411, to amend section 112 of the Judicial Code, to provide for the inclusion of Whitman County, Wash., in the northern division of the eastern district of Washington.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the second sentence of section 112 of the Judicial Code (U. S. C., 1934 ed., title 28, sec. 193) is amended to read as follows: "The eastern district shall include the territory embraced on the 1st day of July 1910 in the counties of Spokane, Stevens, Ferry, Okanogan, Chelan, Grant, Douglas, Lincoln, Adams, and Whitman, with the waters thereof, including all Indian reservations within said counties, which shall constitute the northern division; also the territory embraced on the date last mentioned in the counties of Asotin, Garfield, Columbia, Franklin, Walla Walla, Benton, Klickitat, Kittitas, and Yakima, with the waters thereof, including all Indian reservations within said counties, which shall constitute the southern division of said district."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ESTABLISHMENT OF A TERM OF THE DISTRICT COURT OF THE UNITED STATES AT ORLANDO, FLA.

The Clerk called the next bill, H. R. 2905, to amend an act entitled "An act providing for the establishment of a term of the District Court of the United States for the Southern District of Florida at Orlando, Fla.", approved June 15, 1933.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. McLEAN. Mr. Speaker, reserving the right to object, I would like to have an explanation of this matter.

Mr. WALTER. Mr. Speaker, in the law authorizing the holding of terms of court in Orlando, Fla., is a provision that the authority shall exist only so long as accommodations can be provided without expense to the United States. The Treasury Department contemplates the erection of a building at Orlando, and in view of the fact this building will in all probability be erected in the near future and provision will be made in it for all other Federal activities, the people of that community feel they ought not to be prevented because of existing law from having the opportunity to have a courtroom constructed in this building if and when it is constructed.

Mr. McLEAN. Is not this the bill that was passed last year with the distinct understanding the district would be established only provided it was without cost to the United States?

Mr. WALTER. That is correct. This is not one of the cases, however, where they come in one year and secure the authority to hold terms of court and subsequently seek an appropriation for a building in which to hold court. The Treasury Department is going to construct a Federal building, in all probability, in which there will be housed the post office and various other activities of the Federal Government. It is felt at the time the building is constructed provision should be made for the holding of court therein.

Mr. McLEAN. I do not like the atmosphere of passing a bill one year, then providing for certain expenses next year.

Mr. WALTER. I may say to the gentleman our committee did not like that feature either. As a matter of fact, there was some discussion concerning the motive back of this, but the members concluded unanimously that was not the case with this particular bill. Here is what will happen? In the event a Federal building is constructed and this prohibition is not removed from the existing law, it will be utterly impossible to ever be able to hold court in the Federal building unless, of course, there is a courthouse constructed for that purpose.

Mr. McLEAN. The enactment of this bill will be an authorization to spend a larger sum of money on the Federal building than is now contemplated?

Mr. WALTER. I believe that is the fact; yes.

Mr. GREEN. May I say this does not authorize that? It simply removes a restriction.

Mr. MICHENER. It means the addition of another story onto that building.

Mr. McLEAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. HENDRICKS. Mr. Speaker, reserving the right to object, I would like to explain this bill. I discussed this matter with Mr. Smith Purdum, of the Post Office Department, and Mr. Martin, of the Procurement Division, and it was their request that the act be amended. I did not know that this act existed until it was called to my attenion, and it is at their request that I introduced this measure.

The point is we are not asking for the courtrooms now, and we are going to stick to our agreement in Orlando. As long as we do not have a Federal building there it will not cost the Federal Government a cent. This situation has happened in other districts; for instance, in the district represented by Mr. WILCOX. They had a provision of this kind and then a Federal building was built in the town, and today, because the disability was not removed, they have a beautiful Federal building there and they are still holding Federal court in an old ramshackle building. That is what will happen in Orlando. We have a good-sized court for the Federal judge. He spends about 40 percent of his time in Orlando. We do not know whether we are going to have a Federal building this year, or next year, or when, but we do know the Department is contemplating building a new building, and when they do we would like to have them include a Federal court room. Therefore I was requested to offer this bill and that is the reason I am explaining it at this time.

Mr. HEALEY. Will the gentleman yield?

Mr. HENDRICKS. I yield to the gentleman from Massachusetts.

Mr. HEALEY. Is it not true there are other Federal agencies operating in Orlando, and if a post-office building is erected, it is planned to house those activities in the post-office building?

Mr. HENDRICKS. The gentleman is correct. The Internal Revenue Department and a number of other departments will have their offices in that building.

Mr. HEALEY. So another story would be necessary anyway?

Mr. HENDRICKS. That is right. The other stories would be needed anyway.

Mr. McLEAN. How much will be the difference in cost between the building to be constructed——

Mr. HENDRICKS. I believe Mr. Hobbs says $40,000 will represent the difference in cost.

Mr. McLEAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

CONSTITUTIONALITY OF ACTS OF CONGRESS

The Clerk called the next bill, H. R. 2260, to provide for appearance on behalf of and appeal by the United States in certain cases in which the constitutionality of acts of Congress is involved.

Mr. WALTER. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, is it contemplated that this bill will be brought up under a rule or under suspension or in some other manner by which we may have an opportunity to discuss the bill and offer amendments?

Mr. WALTER. Yes; I feel this is too important a measure to be brought up on this calendar.

Mr. WOLCOTT. That is my objection.

Mr. WALTER. At some future date an attempt will be made to bring it up in another manner.

Mr. WOLCOTT. I have no objection to the bill going over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

APPROPRIATION FOR BOOKS FOR THE ADULT BLIND

The Clerk called the next bill, H. R. 168, to authorize an increase in the annual appropriation for books for the adult blind.

Mr. TABER. Mr. Speaker, reserving the right to object, this bill increases the authorization $100,000, and it appears that in 2 years there are now 18,000 blind who are able to get books, whereas there were only 1,500 prior to that time.

It is perfectly apparent that with the present appropriation increased facilities can be given, and there is really no evidence whatever in the report that indicates there is any reason for any further appropriation. Under the circumstances, I am going to ask that the bill be passed over——

Mr. TREADWAY. Mr. Speaker, will the gentleman withhold his request a moment?

Mr. TABER. Yes.

Mr. TREADWAY. Mr. Speaker, I hope the gentleman will not object to this bill. There was a very interesting hearing before the Library Committee on the subject of an additional appropriation on behalf of the blind. I think we should show a very charitable and friendly disposition toward the requests that these people make. This is a very reasonable and sensible proposition. The Librarian of Congress, Dr. Putnam, appeared before the Library Committee, as well as several representatives of the blind. I feel this is a very humane measure and one that we can very well accept and pass.

Mr. DUNN. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. DUNN. May I say to the gentleman from New York, just as our distinguished colleague the gentleman from Massachusetts [Mr. TREADWAY] has said, this legislation is very humanitarian.

May I say to the gentleman from New York [Mr. TABER] that at least 20 percent of those who have lost their sight are able to read with their fingers, which means that the other 80 percent are not able to read in this way, not because they do not possess sufficient intelligence but because they are unable to develop their touch. For example, many of the unfortunate men lost their sight in the mills, mines, and factories, and it is very difficult for these men to develop their touch or learn to read Braille. Therefore a bill of this kind will permit these unfortunate people to have an opportunity to have reading done in their own homes by having these books sent to them from the different libraries, and on behalf of the 100,000 blind in the country I would appreciate it if the gentleman would not object.

Mr. TABER. Let me propound this question: It appears there is now an appropriation authorized of a very considerable amount and that the number of people who are being served by these sound records has increased in 2 years from 1,500 to 18,000. It appears also, by necessary inference, that a continuance of the present appropriation will provide for a further substantial increase, and there is nothing whatever in the report to indicate that this would not be sufficient to take care of any reasonable demands.

Mr. WOLCOTT. Mr. Speaker, will the gentleman yield?

Mr. TABER. Yes.

Mr. WOLCOTT. I may say to the gentleman that in this instance I think the increase in the facilities is due to the activity of such clubs as the Lions. The Lions International has as its major activity the relief of the blind and the correction of defective vision. They have made it possible for those who were not financially able to buy these machines to acquire them. I understand it is their purpose to continue to increase the facilities for the use of these records constantly until every blind person in the United States is either taught to read the Braille system or is furnished with a recording instrument by which he may listen to these records. I think it is a most worthy undertaking; and I think, if we can afford, as I am sure the gentleman will agree we cannot afford, to spend $200,000,000 for the construction of roads in Virginia and North Carolina and Mississippi, we can surely afford to appropriate an additional $100,000 for this worthy purpose.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 1, as amended, of the act entitled "An act to provide books for the adult blind", approved March 3, 1931 (U. S. C., 1934 ed., Supp. II, title 2, sec. 135a), is amended to read as follows:

"That there is hereby authorized to be appropriated annually to the Library of Congress, in addition to appropriations otherwise made to said Library, the sum of $275,000, which sum shall be expended under the direction of the Librarian of Congress to provide books published either in raised characters, on sound-reproduction records, or in any other form, for the use of the adult blind residents of the United States, including the several States, Territories, insular possessions, and the District of Columbia: *Provided*, That of said annual appropriation of $275,000, not exceeding $100,000 thereof shall be expended for books in raised characters, and not exceeding $175,000 thereof shall be expended for sound-reproduction records."

SEC. 2. This act shall be applicable with respect to the fiscal year ending June 30, 1938, and for each fiscal year thereafter.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOINT RESOLUTION AUTHORIZING ASSISTANT TO SECRETARY OF THE INTERIOR TO SIGN OFFICIAL PAPERS AND DOCUMENTS

The Clerk called the joint resolution (H. J. Res. 137) to amend Senate joint resolution dated March 28, 1918.

The Clerk read the title of the joint resolution.

Mr. WOLCOTT. I object.

ELEVENTH INTERNATIONAL DAIRY CONGRESS, BERLIN, GERMANY

The Clerk called the joint resolution (H. J. Res. 193) to authorize an appropriation for the expenses of participation by the United States in the Eleventh International Dairy Congress, Berlin, Germany, in 1937.

The Clerk read the title of the joint resolution.

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask that the joint resolution be passed over without prejudice.

Mr. BLOOM. I object.

Mr. MARTIN of Massachusetts. I object to the consideration of the joint resolution.

COMPLETING THE CONSTRUCTION OF A BRIDGE ACROSS THE DELAWARE RIVER NEAR TRENTON, N. J.

The Clerk called the next bill, H. R. 2895, to extend the time for completing the construction of a bridge across the Delaware River near Trenton, N. J.

Mr. CHAPMAN. Mr. Speaker, I ask that the bill S. 715 be taken from the Speaker's table and substituted for this bill.

Mr. WOLCOTT. Reserving the right to object, are the bills identical?

Mr. CHAPMAN. They are.

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the time for completing the construction of the bridge authorized by act of Congress approved August 24, 1912, to be built by the Pennsylvania Railroad Co. and the Pennsylvania and Newark Railroad Co. across the Delaware River near the city of Trenton, N. J., which has heretofore been extended by Congress to August 24, 1937, is hereby extended for a further period of 3 years from the last-named date: *Provided*, That it shall not be lawful to complete or commence the completion of said bridge until plans thereof shall again be submitted to and approved by the Chief of Engineers and by the Secretary of War.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill was laid on the table.

BRIDGE ACROSS THE SAVANNAH RIVER AT OR NEAR LINCOLNTON, GA.

The Clerk read the title of the next bill, H. R. 3675, to extend the times for commencing and completing the construction of a bridge across the Savannah River at or near Lincolnton, Ga.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Savannah River at or near Lincolnton, Ga., authorized to be built by the State of Georgia by an act of Congress approved February 24, 1933, are hereby extended 1 and 3 years, respectively, from February 24, 1937.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. Is there objection?

There was no objection.

With the following committee amendments:

Page 1, line 7, after the figures "1933", insert "heretofore extended by an act of Congress approved August 30, 1935"; in line 8, after the word "hereby", insert the word "further."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO AUTHORIZE THE PURCHASE AND DISTRIBUTION OF FISH

Mr. BLAND. Mr. Speaker, I arise to ask unanimous consent for the immediate consideration of the bill (H. R. 4609), to authorize the purchase and distribution of products of the fishing industry, on the Consent Calendar, reported February 11, 1937, because of the emergency situation.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the bill referred to may now be considered. Is there objection?

Mr. MARTIN of Massachusetts. Reserving the right to object, will the gentleman explain the bill?

Mr. McCORMACK. Mr. Speaker, this is a bill which I introduced, and the situation that it is predicated upon, making it an emergency, is as follows: We have had, as we all know, an unusually mild winter. As a result of that the fishing industry in the entire United States is in a condition which requires immediate consideration. As of January 15, there were 85,300,000 pounds of frozen fish in storage throughout the United States. That is 50 percent more than the average holdings of the last 5 years, and 37 percent more than last year. There is no authority under existing law for any agency of the Federal Government to purchase any part of this fish, and my bill also includes shellfish, for relief purpose or purposes in connection with the flood. The Red Cross can do it, but no Federal agency can. The W. P. A. has not been buying food for relief purposes for about 2 years. There is a very serious question as to whether it has the authority under the deficiency appropriation bill, but in any event, if they have such authority, it is a policy which they will not follow.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. Yes.

Mr. MARTIN of Massachusetts. I understand this bill is to put products of the fisheries on a parity with products of agriculture?

Mr. McCORMACK. Yes; for the next 3 months only.

Mr. MARTIN of Massachusetts. For relief purposes?

Mr. McCORMACK. For 3 months.

Mr. MARTIN of Massachusetts. Why confine it to 3 months?

Mr. McCORMACK. We have another bill amending the law permanently, and that bill is before the Committee on Agriculture, because the authority creating the Federal Surplus Commodities Corporation is a part of the three A's.

Mr. BLAND. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. Yes.

Mr. BLAND. It also became necessary to make it 90 days, or 3 months, because a number of applications might come in to the Committee on Agriculture to open up the Surplus Commodities Credit Corporation, and this is an emergency situation for fish. The gentleman from Massachusetts said 85,000,000 pounds. The amount is 87,000,000 pounds, not including canned goods and other things, and we thought we should treat the bill as an emergency and limit it to that time. Besides that, an emergency exists in the flooded section to get the food that we contemplate to give them at the present time.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. Yes.

Mr. MICHENER. If it is the purpose of the bill to provide food, then we are embarking upon a new policy. If what the gentleman from Virginia stated is the purpose of the bill, it seems to me it should not be considered here as a unanimous-consent measure, because we have other agencies of the Government providing for relief. If there are more fish in the gentleman's country than can be sold profitably, the gentleman should not come to Congress and ask for $2,000,000 to buy the fish in order that the Government might buy the fish to give to somebody as relief. We have a lot of agricultural products that are surplus.

Mr. McCORMACK. But they have a right to buy that under the Surplus Commodity Corporation.

Mr. MARTIN of Massachusetts. As I understand it, we are doing for the fishing industry what we do for agriculture?

Mr. McCORMACK. Yes. The primary purpose is to get rid of the glut in the market. We do that for agricultural products. Last year approximately $160,000,000 was spent in purchasing agricultural products. That is the primary purpose.

Mr. MARTIN of Massachusetts. I think they bought also citrus fruits.

Mr. McCORMACK. Yes; and in an emergency I think it is a proper function to equalize the law of supply and demand. It necessarily follows that if we make purchases the products purchased cannot be burned when we have to help unfortunate victims of the depression and of the flood. Agricultural products are distributed in that manner now.

Mr. WOLCOTT. And may I suggest to the gentleman, if the Commodity Credit Corporation gives this relief that he is seeking, that he commit them to pay a certain price for the fish, and then the fishermen of New England and the Midwest will get the same quality of relief from the Corporation that the cotton growers of the South have from that Corporation, where they have had the price of cotton fixed at 12 cents a pound.

Mr. McCORMACK. We can come to that later. That is a fine suggestion for future consideration and I welcome it.

Mr. JENKINS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. Yes.

Mr. JENKINS of Ohio. Where does the $2,000,000 or the $1,000,000 come in?

Mr. McCORMACK. The committee considered all the evidence, and $2,000,000 the committee felt would meet the situation and remove this glutted condition.

Mr. JENKINS of Ohio. Why put that figure in? Why not give authority to buy the fish?

Mr. McCORMACK. We had to put some figure in. We wanted a limitation of 90 days. If this were an amendment to permanent law, it would be a different proposition.

Mr. JENKINS of Ohio. Does the permanent law provide any limitation in figures on the purchase of farm products? Merely authority is given to buy.

Mr. McCORMACK. Subject to the Committee on Appropriations, but to meet the gentleman's suggestion the legislative committee would have to authorize the use of funds already appropriated, which would violate the rules of the House.

Mr. MARTIN of Massachusetts. The gentleman is rather modest, always.

Mr. McCORMACK. I thank the gentleman for the "always."

Mr. MICHENER. This is a bill for the relief of the fishing industry and not for the relief of sufferers.

Mr. McCORMACK. One follows the other.

Mr. MICHENER. But you want this relief for your fishermen and you are using people in distress as a sentimental agency to get it through the House.

Mr. McCORMACK. No, no. I do not want the gentleman, and no man in the House is more intellectually honest than he is, to get the wrong impression. The primary purpose is to try to meet the glutted situation of the market. The other is a natural and probable consequence of it. We do not want the fish purchased and then destroyed when there are human beings to whom it can be distributed in the flood area. That is where it probably will be used in the main. We have the same situation with respect to agriculture, and I hope the gentleman will not object.

Mr. MICHENER. I will say this, that if another bill of this kind comes in to relieve any specific industry under unanimous consent, I do not care what it is or where it is, I shall object.

Mr. ANDRESEN of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. ANDRESEN of Minnesota. Is this similar to the bill that came before the Committee on Agriculture?

Mr. McCORMACK. Exactly.

Mr. ANDRESEN of Minnesota. In which the appropriation was $250,000?

Mr. McCORMACK. Yes. That was found inadequate.

Mr. ANDRESEN of Minnesota. As I understand it, the reason for this legislation is because Mr. Hopkins refuses to use any of his relief money to purchase foods for people who are in distress?

Mr. McCORMACK. I would not want to say "refuses", because that creates a controversy.

Mr. ANDRESEN of Minnesota. Well, he refuses to give them fish as a part of their diet?

Mr. McCORMACK. The W. P. A. has not been buying food for the past 2 years out of relief funds. There is an honest difference of opinion as to whether or not they have the authority to do so. In any event, we were deadlocked. The net result, as far as we are concerned, is that we had to employ this procedure. So it is a condition.

Mr. ANDRESEN of Minnesota. The gentleman is very ingenuous. [Laughter.]

The SPEAKER. Is there objection?

Mr. CLARK of Idaho. Mr. Speaker, reserving the right to object, this bill was put on the end of the Consent Calendar. There have been some unofficial committees appointed to try to look over these bills and give some consideration to bills that are coming up under unanimous consent. The committee has not had a copy of this bill. The committee did not think the bill would come up, and now, after the eligible bills have been finished, a bill appropriating $2,000,000 is suddenly called up when we have not even had a copy of the bill previously. The gentleman from Massachusetts knows, as does the chairman of the Committee on Merchant Marine and Fisheries, that this matter could have been presented at least to the majority and minority committees in order to have time to read the bill. Another thing the gentleman from Massachusetts knows is that he can get a rule on this bill, or, if not, he can get it up under suspension of the rules, because he has sufficient influence in this House to do that.

Mr. McCORMACK. I cannot plead guilty to that. I do not think the gentleman means that. I am just a Member of the House, the same as the gentleman is. I have the greatest feeling of pride in the fact that I am a Member of the House. I hope the gentleman will realize that there is no attempt to do anything but what is proper and honorable. I know the gentleman would not impute that; but the committee met on last Thursday.

Mr. BLAND. The bill was introduced on one day, and the committee realized it was of such great magnitude that it met the following day and reported it as soon as possible. It was introduced on the 10th and reported on the 11th.

Mr. McCORMACK. With a unanimous report.

Mr. BLAND. I had assumed that these bills were sent to members of the committee.

Mr. McCORMACK. I hope objection will not come from my friend from Idaho. We did not have 3 legislative days in which to get it on the calendar.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, or out of funds appropriated for relief purposes, the sum of $2,000,000 for the purpose of enabling the Federal Surplus Commodities Corporation to divert surplus fish (including shellfish) and the products thereof from the normal channels of trade and commerce by acquiring them and providing for their distribution through Federal, State, and private relief agencies. No commodities shall be acquired under this act after 90 days after the date of its enactment: *Provided, however,* That distribution thereof may extend beyond said period. The provisions of law relating to the acquisition of materials or supplies for the United States shall not apply to the acquisition of commodities under this act.

With the following committee amendment:

On page 1, line 4, strike out "or out of funds appropriated for relief purposes."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF CERTAIN PROSPECTING PERMITS

Mr. DEROUEN. Mr. Speaker, I ask unanimous consent that the Committee on Mines and Mining be discharged from further consideration of the bill (H. R. 4277) to provide for the extension of certain prospecting permits, and for other purposes, and that the bill be re-referred to the Committee on the Public Lands.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

ONE HUNDRED AND SEVENTEENTH ANNIVERSARY OF THE BIRTH OF SUSAN B. ANTHONY

Mr. RANDOLPH. Mr. Speaker, today is the one hundred and seventeenth anniversary of the birth of Susan B. Anthony. I should like to address the House in commemoration of that fact for 3 minutes, if I may have unanimous consent.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia that he be permitted to address the House for 3 minutes?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, and I am not going to object, can the Chair inform the House what suspensions will be brought up today?

The SPEAKER. The Chair has agreed to recognize the gentleman from New York [Mr. BLOOM] to call up Senate Joint Resolution No. 7, relating to the participation of the United States in an international exposition at Paris in 1937.

Mr. MARTIN of Massachusetts. That is the only one?

The SPEAKER. That is all today under suspensions.

The Chair has been informed that the Committee on Ways and Means hopes to call up a measure this afternoon.

Is there objection to the request of the gentleman from West Virginia?

There was no objection.

SUSAN B. ANTHONY

Mr. RANDOLPH. Mr. Speaker, I deeply appreciate the opportunity of today paying brief tribute to a great American woman—one whose name is known and honored

throughout the Nation as the emancipator of woman—Susan B. Anthony.

Miss Anthony was born in a small community in Massachusetts, of splendid New England parentage, 117 years ago today. While still young, she began her fight for the recognition of women, which she carried on with courage and perseverance to the day of her death. She died without seeing the full fruits of her victory, but her work had paved the way for the enactment of the nineteenth amendment, and she stands today as a peerless leader in the progress of our country.

In carrying on her struggle for women's rights and suffrage, Susan B. Anthony was also working for all mankind through the emancipation of wives and mothers who at that time had no rights in the eyes of the law. A woman upon marrying became legally dead. She had no rights, no privileges under the law. Her husband acquired her property, her clothing, and could even will away her unborn child. The right to speak in public, to form organizations, to enter the professions, to secure a college education, all these had to be won through years of persecution and hardship.

I believe it would be interesting at this time to note the following passage from The Life and Work of Susan B. Anthony, by Ida Husted Harper. Referring to the suffrage convention held in Portland, Oreg., in 1905, the author makes the following interesting statement:

> A rare picture Miss Anthony made in the high-backed oaken chair, her snowy hair puffed over her ears in the olden fashion, and the collar of rose-point lace, which seemed to belong to dignified age, forming a lovely frame for her gentle but determined face. When she rose to call the meeting to order she was literally deluged with floral tributes, and drolly peering over the heaped-up flowers she said: "This is rather different than the receptions I used to get 50 years ago. They threw things at me then, but they were not roses. There were not epithets enough in Webster's Unabridged to express their feelings. Things are changed now, and I get flowers instead of eggs, compliments instead of epithets. I am thankful for this change which has come over the spirit of the American people."

The invaluable contributions of women and women's organizations to our national life make us realize the deep significance of the emancipation movement for women. At the helm of this stands Susan B. Anthony, whose leadership of this cause affecting the well-being of every man, woman, and child entitles her to be recognized along with the immortal Washington. As the liberator of millions of women, she is akin to Lincoln, and is righly deserving of the eternal gratitude of generations yet to come.

Susan B. Anthony, with unsurpassed courage and unparalleled perseverance, obtained for the women of America a heritage of freedom and opportunity. If we can all live up to the spirit of this great woman, we need never fear the future. "Failure is impossible" were the words she used in addressing her last convention, and we might all do well in repeating them often.

A great many men and women feel that a really tangible and lasting tribute to Susan B. Anthony would be accomplished by establishing her in the historic group of figures being carved from nature on Mount Rushmore. Congress and the President could bring this about. However, even though that is never done, we can join with the poet in the following tribute:

> She cut a path through tangled underwood
> Of old traditions out to broader ways;
> She lived to hear her work called brave and good.
> But oh! the thorns before the crown of bays!
> The world gives lashes to its pioneers
> Until the goal is reached, then deafening cheers.

[Applause.]

(Mr. RANDOLPH and Mr. FADDIS asked and were given permission to revise and extend their remarks in the RECORD.)

PARTICIPATION OF THE UNITED STATES IN INTERNATIONAL EXPOSITION OF PARIS, 1937

Mr. BLOOM. Mr. Speaker, I move to suspend the rules and pass Senate Joint Resolution 70, relating to the participation by the United States in the International Exposition of Paris, 1937.

The Clerk read the resolution, as follows:

Resolved, etc., That in addition to the authority heretofore granted by the joint resolution, approved April 10, 1936, relating to the participation by the United States in the International Exposition of Paris, 1937, the Commissioner General and the Commissioner are hereby authorized to make such expenditures as may be necessary for the purpose of purchasing, constructing, or renovating exhibits, for the proper housing of exhibits (including the decoration, operation, and maintenance of buildings by contract without regard to the provisions of section 3709, Revised Statutes, or otherwise, and the payment of any obligations heretofore or hereafter incurred in connection with the employment of architects and engineers and reimbursement of their necessary travel expenses), and for the transportation of material and exhibits from the United States to France, and from France to the United States after the close of such exposition.

SEC. 2. Notwithstanding the provisions of section 3 of such resolution of April 10, 1936, the Commissioner General is authorized, without regard to the civil-service laws, to appoint, and without regard to the Classification Act of 1923, as amended, to fix the reasonable compensation of, such officers and employees as may be necessary to carry out the purposes of this resolution and of such resolution of April 10, 1936. This section shall be effective as of April 10, 1936.

SEC. 3. (a) Any functions granted to the Commissioner General and the Commissioner jointly may be exercised by either of them, and any authority herein granted to the Commissioner General may be delegated to the Commissioner or to any other person that the Commissioner General may designate for the purpose.

(b) The approval and certification of expenditures under this resolution, and the submission of accounts and vouchers, shall be made in the manner prescribed in section 4 of such resolution of April 10, 1936, except that any functions of the Secretary of State under such section may, in his discretion, be delegated, without release of responsibility, to any person he may designate for the purpose.

(c) Nothing in this resolution shall be construed to permit any indebtedness to be incurred in excess of the amount herein authorized to be appropriated.

SEC. 4. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for carrying out the purposes of this resolution, and of such resolution of April 10, 1936, the sum of $150,000, and the unexpended and unobligated balance of any sums heretofore appropriated pursuant to the authorization contained in such resolution of April 10, 1936, shall also be available for the purposes of this resolution.

SEC. 5. The Commissioner General and the Commissioner are, with the approval of the Secretary of State, authorized to make available to any governmental agency such part of the sums heretofore or hereafter appropriated for the purposes of this resolution and such resolution of April 10, 1936, as may be effectively used by such agency to aid in carrying out such purposes.

SEC. 6. At the close of the exposition or when the connection of the Government of the United States therewith ceases, the Commissioner General and the Commissioner shall return all borrowed property and exhibits to their points of origin and shall dispose of any portion of the material contributed as may be unused or any property purchased in such manner as the Secretary of State may direct in the best interests of the Government, and account therefor.

Mr. MARTIN of Massaschusetts. Mr. Speaker, I demand a second.

Mr. BLOOM. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BLOOM. Mr. Speaker, heretofore an appropriation of $50,000 was made for this Government to participate in the International Exposition of Paris in 1937, this year. The $50,000 was appropriated to cover the cost of the participation of the United States Government without any buildings or any permanent exhibits. We are now asking for an additional appropriation of $150,000 which is to be used for exhibit purposes only, not for any building or for the acquisition of any kind of housing, but for exhibits.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. BLOOM. I yield.

Mr. MARTIN of Massachusetts. The gentleman from New York states this appropriation is to be used only for exhibit purposes. How does he reconcile the language of the Secretary of State who said that was the main reason for the extra appropriation. That was the information given to the Committee on Foreign Affairs.

Mr. BLOOM. The correct information, I may say to the gentleman from Massachusetts, is that the building is being provided for this Government. Our Government accepted

the invitation to participate, and we appropriated $50,000 according to the resolution which was introduced by the gentleman from New York [Mr. BACON]. The $150,000 provided in this bill is merely for participation, not for any building of any kind. The total of $200,000 is to be used for this purpose exclusively.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. BLOOM. I yield.

Mr. WHITTINGTON. Has this resolution, or a similar House resolution, been considered by the Committee on Foreign Affairs of the House?

Mr. BLOOM. Yes.

Mr. WHITTINGTON. Has it been recommended?

Mr. BLOOM. The Committee on Foreign Affairs recommended the bill, and it was on the Consent Calendar 2 weeks ago. It was objected to by the gentleman from New York [Mr. FISH] and was stricken from the calendar. I may say to the gentleman, also, that Senate Joint Resolution 70 was passed by the Senate and it is the resolution that is before us.

Mr. WHITTINGTON. Was it unanimously recommended by the Committee on Foreign Affairs?

Mr. BLOOM. It was recommended by the Committee on Foreign Affairs and was on the calendar. It is on the Union Calendar now.

Mr. MARTIN of Massachusetts. The gentleman understands, of course, that I voted against the bill and another member of the committee voted against it.

Mr. BLOOM. I did not say how the gentleman voted.

Mr. MARTIN of Massachusetts. But the gentleman said it was unanimously reported by the committee.

Mr. BLOOM. I did not mean to say quite that. I meant to say it is on the calendar now.

Mr. MARTIN of Massachusetts. There was objection from one Republican and from one Democrat against it.

Mr. BLOOM. I think it would be better that we did not go into that at the present time.

Mr. MARTIN of Massachusetts. I shall be very glad to have my reason for objecting stated.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. BLOOM. Yes; I yield to the gentleman from New York.

Mr. SNELL. On page 2 of the letter written by Secretary of State Hull, it is distinctly stated:

> Obviously the cost of constructing the American building as well as preparing the transportation exhibit cannot be met by the original appropriation.

That is directly contrary to what the gentleman from New York has stated.

Mr. BLOOM. I beg your pardon. It is not. That is an entirely different and separate thing. That called for an appropriation of $200,000.

Mr. SNELL. All I know about it is the bill before us calls for $150,000.

Mr. BLOOM. That was an entirely separate thing. That bill called for $200,000.

Mr. SNELL. There is nothing in this letter stating anything about $200,000. This was written on January 23, not so very long ago.

Mr. BLOOM. That bill called for $200,000, and this bill calls for $150,000 and eliminates any building.

Mr. SNELL. I would like to have the gentleman show me that in the letter. Perhaps the Chairman of the Foreign Affairs Committee can show it to me.

Mr. BLOOM. I very gladly yield to the gentleman, but I do not want to give up all my time.

Mr. SNELL. We will give the gentleman some time. Show me in the report what the gentleman is talking about.

Mr. BLOOM. Will the gentleman read House Joint Resolution 52?

Mr. SNELL. I am talking about what the Secretary of State said to your committee chairman in giving the reasons for the passage of this bill.

Mr. BLOOM. I am talking about House Joint Resolution 52 which called for an appropriation of $200,000, which is an entirely different and separate thing from the resolution now before the House.

Mr. SNELL. To what bill does the letter written by Mr. Hull to the gentleman from Tennessee [Mr. MCREYNOLDS] refer? It is dated Washington, D. C., January 23. To what bill does that refer?

Mr. BLOOM. That must refer to this bill because that was the only bill before the Foreign Affairs Committee, but that is an entirely separate bill.

Mr. MCREYNOLDS. Will the gentleman yield?

Mr. BLOOM. I yield to the gentleman from Tennessee.

Mr. MCREYNOLDS. That had reference to a bill that was then pending before the committee calling for $200,000. That was the time when we thought we would have to build a building and the sum of $200,000 was asked for. There was some objection. Since that time the French Government has agreed to spend about $50,000 or something like that to erect a place for our exhibits; consequently the bill was redrawn in the Senate. I presume the gentleman has asked for consideration of the Senate bill, which calls for $150,000. We are not pushing the bill to which that letter refers.

Mr. SNELL. There is nothing in this bill covering a building?

Mr. BLOOM. No; absolutely not.

Mr. MCREYNOLDS. No.

Mr. SNELL. But there was in the letter that the Secretary wrote?

Mr. MCREYNOLDS. Yes; because we understood prior to that time the French Government was going to furnish the building, as the gentleman from Massachusetts [Mr. MARTIN] will remember.

Mr. WOODRUM. Will the gentleman yield?

Mr. BLOOM. I yield to the gentleman from Virginia.

Mr. WOODRUM. I may say this matter was taken up by the Appropriations Committee informally this morning. Is not this the situation: Congress has heretofore passed a law authorizing the United States to participate in the Paris Exposition. That is gone. We have taken that step. Now, in order to participate in a way creditable to America, it is going to take $150,000 more than we thought it would for exhibit purposes only?

Mr. BLOOM. Yes.

Mr. SNELL. Was it not the intention at the time of the passage of that previous bill that the $50,000 would take care of the whole matter?

Mr. WOODRUM. We may have thought so at that time.

Mr. SNELL. It is the same old story.

Mr. MCREYNOLDS. There was not a question raised at that time, and the bill was passed by unanimous consent.

Mr. SNELL. But the gentleman gave the information to the House that $50,000 would cover everything.

Mr. MCREYNOLDS. We thought so at the time, but it will not do it.

Mr. SNELL. It is the same old story. It is the same situation that comes up in connection with all these bills.

Mr. BLOOM. Mr. Speaker, this exposition in Paris is being participated in by practically all the nations of the world, and most of them are spending a considerable sum of money. I would like to read for the benefit of the Members, Mr. Speaker, the following:

> Germany has appropriated approximately $1,400,000; the Soviet Union, approximately $932,000; Italy, approximately $750,000; Belgium, approximately $570,000; and Great Britain, approximately $515,000.

The report says further that—

> While the amount contemplated for appropriation in the present resolution does not compare favorably with the amounts appropriated by others of the great nations, it is believed, after a careful study, a small exhibit which would reflect credit on this Government should be contemplated if action were taken immediately on the pending resolution.

May I also read from letter of Cordell Hull written on February 8, 1937:

> Both the President and I are interested in the early enactment of this legislation, and, in an effort to save time, I wish now to express this Department's entire approval of the enclosed

draft. Should you require some specific information regarding the text of the resolution, I should be glad to send Mr. Sterling and Mr. Yeager to see you again at your convenience, since they are entirely familiar with the situation.

We have accepted the invitation, and the only way we can have a proper exhibit at this exposition, now that we are able to secure a building for exhibition purposes, is to appropriate the $150,000 as called for by this resolution in order to allow us to have a suitable and a representative exhibit.

Mr. Speaker, I reserve the balance of my time.

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, when this measure came up for consideration before the Committee on Foreign Affairs last year, it was understood the exhibit would cost this Government only $50,000. It was represented to us at that time that would be sufficient, and this rather quieted some Members like myself who are not overenthusiastic about large appropriations abroad in this time when there is a heavy deficit.

Of course, it is the same old story. The camel got his nose under the tent.

Now, they come back and want $200,000. The matter came before the Committee on Foreign Affairs, and one Democratic member of the committee and myself voted against the proposal. A letter from Secretary Hull was presented to the committee, stating because the French Government had failed to build pavilions it would be necessary for the United States Government to provide a building for its own exhibits and that this was the reason for the $200,000 which was asked.

I would like to ask the chairman of the Committee on Foreign Affairs, before I go any further, because I want to keep the record straight: Has there at any time been submitted to the committee or to the gentleman as chairman a break-down of where this extra $150,000 will be spent?

Mr. McREYNOLDS. It has not been submitted to our committee.

Mr. BLOOM. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. Yes.

Mr. BLOOM. The Committee on Appropriations has a break-down of that.

Mr. MARTIN of Massachusetts. Now I yield to the gentleman from Virginia, if he has that break-down.

Mr. WOODRUM. A break-down was presented to the Committee on Appropriations, and the matter was generally considered, but I did not see the break-down personally. The chairman had it in his hand, and no member of the committee on either side questioned the matter when it was explained to them. A break-down can be furnished, I will say to the gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. I may say to the gentleman that I would think committees considering these problems should have such a break-down and such information should have been submitted to the Committee on Foreign Affairs when we were considering the matter, because otherwise it is impossible for us to act intelligently.

The reason I opposed the matter casually, and not as seriously as I should have last year, was because I believe we are going too far in spending money loosely. I believe we should spend our money at home, and, God knows, there is going to be ample opportunity in America, with relief and what not, to spend our money here without wasting it abroad. I think when it is solemnly stated that $50,000 is all that would be needed they ought to be held to that statement.

Mr. McREYNOLDS. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield.

Mr. McREYNOLDS. The gentleman will recall that the first bill introduced, which was sent to the Foreign Affairs Committee, was introduced by the gentleman from New York [Mr. BACON], of the Committee on Appropriations, and the bill asked for $20,000. When the committee had the measure before it for consideration, without even going into any break-down, the gentleman from New York [Mr. BLOOM] or someone else suggested that that would not be enough for an exhibit and suggested that the amount be raised to $50,000, and it was raised to $50,000.

Mr. MARTIN of Massachusetts. And was it not understood at that time that that amount would be sufficient?

Mr. McREYNOLDS. There was nothing said about its sufficiency. It was just stated that $20,000 would not be sufficient, and they raised it to $50,000.

Mr. MARTIN of Massachusetts. No; I think the gentleman is mistaken on that point, because I expressly recall someone told me that would be all they would ask for and promised they would not come back again.

Mr. McREYNOLDS. I think the gentleman is in error, because I do not recall that.

Mr. MARTIN of Massachusetts. I am not in error, and I know that.

Mr. McREYNOLDS. If the gentleman knows it, then I am in error.

Mr. MARTIN of Massachusetts. No; I do not say the gentleman is in error, because the gentleman might not have heard it. I would not accuse the gentleman of being in error about it at all.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield.

Mr. KNUTSON. Why would it not be a good idea to increase this amount to $500,000 and let the Republic of France construct the building and then credit that country with that amount on what she owes us?

Mr. MARTIN of Massachusetts. If the gentleman from New York will accept an amendment to take the appropriation out of what the French Government owes us, I shall not object.

Mr. KNUTSON. I shall not object, either, and would then support it.

Mr. MARTIN of Massachusetts. Will that be agreeable to the gentleman from New York?

Mr. McREYNOLDS. The gentleman from New York could not answer that, of course.

Mr. MARTIN of Massachusetts. I am perfectly willing to let this entire appropriation be made if we can deduct it from the amount France owes us.

Mr. BLOOM. The gentleman is asking me?

Mr. MARTIN of Massachusetts. Yes; will the gentleman agree to that? [Laughter.]

Mr. McLEAN. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. I yield.

Mr. McLEAN. Can the gentleman or the committee inform us whether or not the members of the Commission and the Commissioner General have been appointed and who they are?

Mr. MARTIN of Massachusetts. I do not know whether the Commission has been appointed or not, but there are several men who are quite active in trying to get this legislation through, so I would imagine they either have been appointed or are slated to be appointed.

Mr. BLOOM. If the gentleman will permit, the Commissioners are serving without pay. The Commissioner General does not get any pay.

Mr. McLEAN. Who are they?

Mr. BLOOM. Mr. Sterling, I believe, is one and Mr. Watson is one. They are serving without any pay, and I may say to the gentleman that there has never been an exposition held anywhere in the world where you could do what the Government of the United States is going to do at this exposition for $200,000.

Mr. MARTIN of Massachusetts. Does the gentleman remember that we expected $50,000 to be sufficient, last year?

Mr. BLOOM. Does the gentleman want me to answer that?

Mr. MARTIN of Massachusetts. Certainly; else I would not have asked the gentleman.

Mr. BLOOM. The gentleman from New York [Mr. BACON] first introduced this bill, and the gentleman from Massachusetts voted for the bill. It calls for participation and for $20,000. That was raised in the committee to $50,000. The gentleman remembers that. The question

was brought up at that time as to how we could participate in an exposition for $50,000.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. KNUTSON. Mr. Speaker, I make the point of order that there is no quorum present. This is an important matter, and I think we should have a quorum present.

The SPEAKER pro tempore. The Chair will count.

Mr. KNUTSON (interrupting the count). Mr. Speaker, I withdraw the point of order of no quorum.

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield myself 1 minute more.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. MARTIN of Massachusetts. Yes.

Mrs. ROGERS of Massachusetts. I understand this entire amount is to be spent for governmental expenditures and for construction to complete the building already started. I have seen the items approved by the Budget. Mr. Speaker, the United States is a great nation. When our flag flies in a foreign country it must fly in dignified surroundings. Our exhibit must be dignified and adequate. Also, Mr. Speaker, I do not forget Lafayette; I do not forget the heroic part France played in the World War. Also, Mr. Speaker, we are committed to exhibit in France. I shall vote for the resolution.

Mr. MARTIN of Massachusetts. It develops today they have abandoned all building construction. The money is to be expended only for exhibit purposes. Two letters have been written, one to the Senate and one to the House, which are rather conflicting, and we are now considering the Senate bill, where no building will be required. I hope this bill will not be agreed to, because there is a principle involved here; that when sponsors come before a committee and say they can get along with a certain amount for an exhibit they should be held to that. Therefore, I am opposed to the measure.

The SPEAKER pro tempore. The time of the gentleman from Massachusetts has again expired.

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, a year ago we had a proposition put up to us to expend $50,000 for participation in the International Exposition in Paris. Congress very complacently passed that appropriation, and now we are confronted with a situation where we are asked to raise that $50,000 to $200,000. There is nothing indicating whether or not the first $50,000 has been expended or whether there is any need for the expenditure of more than the first $50,000. It seems to be the practice these days to raise an appropriation just as high as we can reach, and we have not here anything definite in the way of a policy, because on the 23d of January 1937 the Secretary of State sends a letter to Mr. MCREYNOLDS, the chairman of the House Committee on Foreign Affairs, suggesting that it is necessary to construct a building in order that the $50,000 that we authorized for an exhibit might operate effectively; that is, provide a proper pavilion to put it in. There was no intimation that the $50,000 was not enough for taking the exhibits over there and participation on the part of the United States in the exposition. Now comes a letter to Senator PITTMAN, dated February 8, from the Secretary of State, indicating that they want $150,000 for participation, and nothing is said about the building, and now we are told as the bill comes on the floor that $200,000 is to be used for taking the exhibits over there and for participation. That indicates that the cost of taking the exhibits over there and the participation has been multiplied by four in the period from January 23 to February 4.

Mr. ROBSION of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. TABER. Yes.

Mr. ROBSION of Kentucky. To inquire what would be the nature of these exhibits. Are they exhibits of something of the Government or that private citizens may participate?

Mr. TABER. I expect that gentlemen on the Foreign Affairs Committee might be able to answer that better than I.

Mr. ROBSION of Kentucky. And under what terms and conditions will American citizens be permitted to exhibit?

Mr. BLOOM. These are all Government exhibits, the same as we exhibit in Dallas or Chicago.

Mr. ROBSION of Kentucky. I should like to know what exhibits go over there.

Mr. BLOOM. Different departments will exhibit things over there, such as the Department of Commerce, the Department of the Interior, and all the different departments.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. MARTIN of Massachusetts. I yield the gentleman 5 minutes more.

Mr. ROBSION of Kentucky. Has there been no statement to indicate the range of these exhibits and the character of them? We certainly have to know that before we know what it would cost to send them over there.

Mr. WOODRUM. Mr. Speaker, will the gentleman yield?

Mr. TABER. Yes.

Mr. WOODRUM. Let me say to my friend from Kentucky that in every exhibition of any moment, whether in America or abroad, this Government has participated by sending a more or less standard class of exhibits.

Natural resources, minerals, products of our factories and industries have all been sent there to represent this country. It is something you have to do whether you want to do it or not. That is the situation in which the Government finds itself.

Mr. TABER. I suppose there will be an exhibit from the Resettlement Administration. Perhaps that is the reason they are multiplying the cost of this performance by four.

Mr. KNUTSON. We can put some of those French bonds on exhibit over there.

Mr. TABER. Perhaps that would be a good scheme. It does seem to me that when the State Department changes its ideas as to the cost of running this operation by multiplying it four times in 2 weeks, we ought to turn it down. I hope we will do that.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mrs. ROGERS of Massachusetts. Does the gentleman remember how much we spent when we exhibited in Belgium some years ago?

Mr. TABER. I do not have any idea.

Mr. BLOOM. We have not exhibited in Belgium.

Mr. TABER. Mr. Speaker, I yield back the balance of my time.

Mr. BLOOM. Mr. Speaker, I yield 5 minutes to the gentleman from Tennessee [Mr. MCREYNOLDS].

Mr. MCREYNOLDS. Mr. Speaker, I am very much surprised at the remarks of the gentleman from Minnesota [Mr. KNUTSON]. Of course, you know there was no argument in it. I was wondering, when he said he would not vote for an appropriation to hold an exhibit in France, how the gentleman voted in 1930 or 1932 when we had an exhibit over there and $300,000 was expended. Quite a leading Republican was sent over there at $10,000 a year. I think, if the gentleman will examine the record, he will find that he voted for it. I am not sure. I am asking.

Mr. KNUTSON. I believe that statement is in error. I never voted a dollar for France in my life.

Mr. MCREYNOLDS. That may be in error. No one is asking for an appropriation for France. That is all bunk.

How did this start? It started with a bill introduced by the gentleman from New York [Mr. BACON], on the Republican side, a man who stands next in rank on the Committee on Appropriations. I have sent for him to come in and defend his bill. It started with Mr. BACON's introducing a bill for $20,000. We held no hearings to amount to anything, but we knew that that was not sufficient, and of our own motion we raised it to $50,000, and it came before this House and was passed by unanimous consent.

There was a bill introduced this time for $200,000, when it was thought we would have to build a building. It later developed that we would not have to build the building; that

the French would spend the $50,000, so it was only necessary to have the additional appropriation of $150,000 to have this exhibit. A great amount of this money will be spent in America. This country has already accepted an invitation, and preparations are being made for our exhibit.

Now I appeal to you: What kind of a position would you leave the United States of America in if you do not go through with it?

Let me say to the gentleman from New York, you have before our committee a bill calling for an authorization for an appropriation of $5,000,000 for a world's fair in New York. Do you expect, after accepting an invitation to have an exhibit in France, to have France participate unless you carry out your agreement? I venture to say the gentleman from New York is for that $5,000,000.

Mr. TABER. I have no bill before the gentleman's committee.

Mr. McREYNOLDS. The New York delegation, I mean.

Mr. TABER. I do not know who has it.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. McREYNOLDS. I shall be delighted to yield to the gentleman from Minnesota.

Mr. KNUTSON. One hundred and fifty thousand dollars will rehabilitate 150 families in Tennessee who have been drowned out by the flood, at $1,000 per family.

Mr. McREYNOLDS. It will?

Mr. KNUTSON. Yes.

Mr. McREYNOLDS. I am glad to hear it.

Mr. RAYBURN. Mr. Speaker, will the gentleman yield?

Mr. McREYNOLDS. Yes; gladly.

Mr. RAYBURN. Is not this the situation, that when we made the original appropriation we had no idea of the extent either of money or exhibits that other nations of the world were going to bring to this exposition in Paris; that when it became known, not only in France but in other sections of the world, what sort of an exhibit and what sort of a showing the United States was going to make they were absolutely shocked? Now, we are dealing with a great and a proud people. We represent here a great and a proud people. We want to lead the people of France to think that if we participate in this exhibit at all we are going to do something commensurate with our greatness and with what France thinks is her greatness and what we believe it to be. Is it not the situation that we are humiliated and that the French people are humiliated and shocked at what they understood we were going to do with reference to this matter?

Mr. McREYNOLDS. The gentleman is correct, and I appreciate his remarks very much.

[Here the gavel fell.]

Mr. BLOOM. Mr. Speaker, I yield the balance of my time to the gentleman from Tennessee.

Mr. McREYNOLDS. Mr. Speaker, as I stated in the beginning, but little consideration was being given at that time to what the other countries would do; we did not know. The gentleman from New York has shown the membership of this House that the expenditures of the other nations far exceed what we are asking be spent by our Government.

As I understand, the Appropriations Committee has made no objection to this appropriation.

We have accepted the invitation to participate in this world's fair. Are we going through with it? I say we are in honor bound to do so.

Mr. WOODRUM. Mr. Speaker, will the gentleman yield?

Mr. McREYNOLDS. I yield.

Mr. WOODRUM. Will the gentleman emphasize the fact that this money is not being appropriated for France and that no considerable portion of it will be used to pay Frenchmen? It will be used to pay for American participation, not in a French exposition but in a great world exposition, where citizens of the whole world will gage the various countries by their exhibits.

Mr. McREYNOLDS. The gentleman is emphasizing what I said before.

Mr. WOODRUM. And it is the smallest amount our participation in a world exposition has ever cost.

Mr. McREYNOLDS. The gentleman is correct; it is the smallest amount that participation in a world's exposition has ever cost this country. It is not an expenditure for France, it is an expenditure for ourselves.

Mr. EATON. Mr. Speaker, will the gentleman yield?

Mr. McREYNOLDS. I yield.

Mr. EATON. I am firmly of the conviction that if we go abroad at all we ought to go in a manner worthy of the greatness and grandeur of this Nation; but I think the method of bringing this proposition before the House is most unfortunate, because it has been presented in piecemeal and in a roundabout way. I wish that we had had it properly before our committee so that the fine intelligence of that committee could have brought in a bill which would have met instant approval.

Mr. McREYNOLDS. The trouble right now is that we had such little time that we could not go further, but had to take the Senate bill. We did have it before the committee.

Mr. BLOOM. The committee reported out a House bill for $200,000.

Mr. EATON. I know; it shows that we are all cracked.

Mr. McREYNOLDS. Mr. Speaker, I want the Members to know that we accepted the invitation of France to participate in this exposition. It is our exhibit. The money does not go to France. It goes for the American exhibits. It is necessary for us to have sufficient money to make a proper showing.

Mr. LUCAS. Mr. Speaker, will the gentleman yield?

Mr. McREYNOLDS. I yield.

Mr. LUCAS. Recently a world's fair was held in the city of Chicago and millions and millions of dollars were spent there by foreign countries in placing before the world, so to speak, proper exhibits. Without that money the world's fair in Chicago would have amounted to nothing.

Mr. McREYNOLDS. I thank the gentleman for his remarks.

Mr. Speaker, that is about all we have to say. The administration wants this. Because we have accepted the invitation we ought to have sufficient money to make a proper showing for the great Nation which you and I represent.

The SPEAKER. The question is, Shall the rules be suspended and Senate Joint Resolution 70, relating to the participation by the United States in the International Exposition of Paris, 1937, be passed?

The question was taken; and on a division (demanded by Mr. MARTIN of Massachusetts) there were—ayes 126, noes 41.

Mr. KNUTSON. Mr. Speaker, I object to the vote on the ground there is not a quorum present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify the absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 245, nays 104, not voting 83, as follows:

[Roll No. 18]

YEAS—245

Allen, Del.	Burdick	Cullen	Evans
Allen, La.	Byrne	Cummings	Faddis
Allen, Pa.	Caldwell	Curley	Ferguson
Amlie	Cannon, Mo.	Daly	Fernandez
Ashbrook	Cannon, Wis.	Deen	Fitzgerald
Atkinson	Carter	Delaney	Fitzpatrick
Bacon	Casey, Mass.	Dempsey	Flannagan
Barry	Chandler	DeMuth	Fleger
Beam	Chapman	DeRouen	Fletcher
Beiter	Citron	Dingell	Forand
Bell	Clark, N. C.	Disney	Ford, Calif.
Bernard	Cochran	Dockweiler	Ford, Miss.
Biermann	Coffee, Wash.	Dondero	Frey, Pa.
Bland	Colden	Dorsey	Fries, Ill.
Bloom	Cole, Md.	Doughton	Fuller
Boileau	Collins	Doxey	Gambrill
Boland, Pa.	Connery	Drewry, Va.	Garrett
Boyer	Cooley	Driver	Gavagan
Boykin	Cooper	Duncan	Gearhart
Boylan, N. Y.	Costello	Dunn	Gehrmann
Brooks	Cox	Eckert	Gildea
Brown	Cravens	Edmiston	Goldsborough
Buck	Creal	Eicher	Gray, Ind.
Bulwinkle	Crosby	Ellenbogen	Green
Burch	Crosser	Englebright	Greever

Gregory	Lesinski	O'Day	Smith, Wash.
Griffith	Lewis, Colo.	O'Leary	Smith, W. Va.
Haines	Long	O'Malley	South
Hamilton	Lucas	O'Neill, N. J.	Sparkman
Hart	Luecke, Mich.	O'Toole	Starnes
Havenner	McAndrews	Owen	Steagall
Healey	McCormack	Patman	Sumners, Tex.
Hendricks	McFarlane	Patton	Swope
Hennings	McGehee	Pearson	Tarver
Hill, Ala.	McGranery	Peterson, Ga.	Teigan
Hill, Wash.	McGrath	Pettengill	Terry
Hobbs	McKeough	Pfeifer	Thom
Honeyman	McLaughlin	Phillips	Thomas, Tex.
Hook	McMillan	Pierce	Thomason, Tex.
Hunter	McReynolds	Poage	Thompson, Ill.
Imhoff	McSweeney	Ramsay	Tolan
Izac	Mahon, Tex.	Randolph	Towey
Jacobsen	Maloney	Rankin	Transue
Jarman	Mansfield	Rayburn	Turner
Johnson, Tex.	Martin, Colo.	Reece, Tenn.	Umstead
Jones	Maverick	Richards	Vinson, Ga.
Keller	May	Rigney	Vinson, Ky.
Kelly, Ill.	Mead	Robertson	Voorhis
Kennedy, Md.	Merritt	Robinson, Utah	Walter
Keogh	Mills	Rogers, Mass.	Warren
Kirwan	Mitchell, Ill.	Romjue	Weaver
Kleberg	Mitchell, Tenn.	Sacks	Welch
Kloeb	Mosier, Ohio	Sadowski	Whittington
Kniffin	Murdock, Ariz.	Sanders	Williams
Kramer	Murdock, Utah	Sauthoff	Withrow
Lambertson	Nichols	Schaefer, Ill.	Wolverton
Lambeth	O'Brien, Ill.	Schulte	Wood
Lamneck	O'Brien, Mich.	Shafer, Mich.	Woodrum
Lanzetta	O'Connell, Mont.	Shanley	Zimmerman
Larrabee	O'Connell, R. I.	Sheppard	
Leavy	O'Connor, Mont.	Smith, Conn.	
Lemke	O'Connor, N. Y.	Smith, Va.	

NAYS—104

Allen, Ill.	Eberharter	Kinzer	Rees, Kans.
Andresen, Minn.	Engel	Kitchens	Rich
Arends	Focht	Knutson	Robsion, Ky.
Bates	Fulmer	Kopplemann	Rutherford
Bigelow	Gifford	Lord	Schneider, Wis.
Binderup	Gilchrist	Luce	Scrugham
Boren	Gingery	Luckey, Nebr.	Secrest
Brewster	Gray, Pa.	Ludlow	Seger
Buckler, Minn.	Griswold	McClellan	Short
Carlson	Guyer	McGroarty	Smith, Maine
Cartwright	Gwynne	McLean	Snell
Case, S. Dak.	Halleck	Maas	Stefan
Church	Hancock, N. Y.	Magnuson	Sutphin
Clason	Hartley	Mapes	Taber
Cluett	Hill, Okla.	Martin, Mass.	Thomas, N. J.
Coffee, Nebr.	Hoffman	Mason	Thurston
Cole, N. Y.	Holmes	Michener	Tinkham
Colmer	Hope	Millard	Treadway
Crawford	Houston	Moser, Pa.	Wadsworth
Crowther	Hull	Mott	Wallgren
Culkin	Jarrett	Pace	Wene
Dies	Jenkins, Ohio	Patterson	Whelchel
Dirksen	Jenks, N. H.	Plumley	White, Ohio
Ditter	Johnson, Minn.	Powers	Wolcott
Dowell	Johnson, Okla.	Reed, Ill.	Wolfenden
Eaton	Kenney	Reed, N. Y.	Woodruff

NOT VOTING—83

Aleshire	Gasque	Massingale	Schuetz
Anderson, Mo.	Goodwin	Meeks	Scott
Andrews	Greenwood	Miller	Shannon
Arnold	Hancock, N. C.	Mouton	Sirovich
Barden	Harlan	Nelson	Snyder, Pa.
Boehne	Harrington	Norton	Somers, N. Y.
Bradley	Harter	Oliver	Spence
Buchanan	Higgins	O'Neal, Ky.	Stack
Buckley, N. Y.	Hildebrandt	Palmisano	Stubbs
Celler	Jenckes, Ind.	Parsons	Sullivan
Champion	Johnson, W. Va.	Patrick	Sweeney
Clark, Idaho	Kee	Peterson, Fla.	Taylor, Colo.
Claypool	Kelly, N. Y.	Peyser	Taylor, S. C.
Crowe	Kennedy, N. Y.	Polk	Taylor, Tenn.
Dickstein	Kerr	Quinn	Tobey
Dixon	Kocialkowski	Rabaut	Wearin
Douglas	Kvale	Ramspeck	West
Drew, Pa.	Lanham	Reilly	White, Idaho
Farley	Lea	Rogers, Okla.	Wigglesworth
Fish	Lewis, Md.	Ryan	Wilcox
Flannery	Mahon, S. C.	Sabath	

So (two-thirds having voted in the affirmative) the rules were suspended and the resolution was passed.

The Clerk announced the following pairs:

On the vote:

Mr. Lewis of Maryland and Mr. Kennedy of New York (for) with Mr. Douglas (against).

Mrs. Norton and Mr. Celler (for) with Mr. Wigglesworth (against).

Mr. Rabaut and Mr. Sullivan (for) with Mr. Taylor of Tennessee (against).

Mr. Harrington and Mr. Somers of New York (for) with Mr. Goodwin (against).

Mr. Schuetz and Mr. Sirovich (for) with Mr. Andrews (against).

Mr. Kocialkowski and Mr. Johnson of West Virginia (for) with Mr. Tobey (against).

General pairs:

Mr. Kerr with Mr. Fish.
Mr. Boehne with Mr. Oliver.
Mr. Greenwood with Mr. Sweeney.
Mr. Ramspeck with Mr. Kvale.
Mr. Miller with Mr. Buckley of New York.
Mr. Palmisano with Mr. Harlan.
Mr. Dickstein with Mr. Ryan.
Mrs. Jenckes of Indiana with Mr. Mouton.
Mr. Lanham with Mr. Drew of Pennsylvania.
Mr. Parsons with Mr. Flannery.
Mr. Shannon with Mr. Aleshire.
Mr. Wilcox with Mr. Patrick.
Mr. Taylor of Colorado with Mr. Quinn.
Mr. Nelson with Mr. Snyder of Pennsylvania.
Mr. Gasque with Mr. Anderson of Missouri.
Mr. Clark of Idaho with Mr. O'Neal of Kentucky.
Mr. Hancock of North Carolina with Mr. Scott.
Mr. Spence with Mr. Wearin.
Mr. Taylor of South Carolina with Mr. Arnold.
Mr. Crowe with Mr. Higgins.
Mr. Meeks with Mr. Reilly.
Mr. Peterson of Florida with Mr. Kee.
Mr. Stack with Mr. Harter.
Mr. Rogers of Oklahoma with Mr. Kelly of New York.
Mr. West with Mr. Bradley.
Mr. White of Idaho with Mr. Peyser.
Mr. Farley with Mr. Barden.
Mr. Polk with Mr. Champion.

Mr. TINKHAM changed his vote from "yea" to "nay."

The doors were opened.

The result of the vote was announced as above recorded.

On motion by Mr. MCREYNOLDS, a motion to reconsider the vote by which the resolution was passed was laid on the table.

EXTENSION OF AN EXCISE TAX UPON CARRIERS AND AN INCOME TAX UPON THEIR EMPLOYEES

Mr. DOUGHTON. Mr. Speaker, I call up House Joint Resolution 212, to amend the act entitled "An act to levy an excise tax upon carriers and an income tax upon their employees, and for other purposes", approved August 29, 1935, and ask unanimous consent that this joint resolution may be considered in the House as in the Committee of the Whole.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. RICH. Mr. Speaker, reserving the right to object, I question the propriety of bringing in these resolutions without the Members of the House having a chance to give some consideration to their contents. I am not going to object at this time, but hereafter I shall insist that at least 24 hours' notice be given before these resolutions are called up.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That section 12 of the act entitled "An act to levy an excise tax upon carriers and an income tax upon their employees, and for other purposes", approved August 29, 1935, is amended by striking out "February 28, 1937", and inserting in lieu thereof "June 30, 1938."

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEAVE OF ABSENCE

Mr. CURLEY. Mr. Speaker, I respectfully request that due to the very serious illness of his brother, my colleague the gentleman from Wisconsin [Mr. O'MALLEY] be granted an indefinite leave of absence.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. FORD of California. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. SNELL. Mr. Speaker, reserving the right to object, may I inquire whether there is any other special business to come before the House this afternoon?

Mr. RAYBURN. There is nothing else, I may say to the gentleman from New York.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FORD of California. Mr. Speaker, charges of rank partisanship, of an un-American attack on the Constitution, of animus against the Supreme Court, have filled the air since President Roosevelt's message recommending the reorganization of the Federal courts.

Of course, these charges have no foundation in fact. The President first proposed reorganization of the Government departments and agencies in the interest of efficiency in serving the public. His proposals were specific, with the general plan outlined for the consideration of Congress.

Next the President proposed reorganization of the Federal courts in the interest of efficiency in serving the public. Again he presented a specific plan, fully outlined, with reasons for each recommendation clearly presented.

Conservatives and reactionaries and bitter partisans are making an outcry against both of these suggested reorganizations. But as yet the charge that reorganization of the departments is an attack on the Cabinet members who head these departments has not been made. Clearly, such a charge would be absurd.

Just as absurd is the charge that the proposal to reorganize the Federal courts is an attack on the judges of the court, or on the Constitution.

Partisan and reactionary opposition emanating from those who opposed President Roosevelt's reelection is to be expected and discounted. But the fear of sincere people who might be led to believe that the Constitution is endangered must be given every consideration.

To my mind, this fear is groundless, and the way to allay it is to study, analyze, and understand the President's reorganization plan. Following this procedure, one discovers that it in no way trespasses upon the Constitution, and that it makes no change whatsoever in the relation between the Congress, the Executive, and the judiciary. It therefore does not disturb the balance among the three branches of the Government.

POWER GRANTED CONGRESS BY CONSTITUTION

Refer to the Constitution, article III, sections 1 and 2, and you will find all that is determined in regard to the judiciary. Here is what the Constitution says:

> The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

Please note that there is not one word granting to the Supreme Court the right to declare an act of Congress unconstitutional. But from 1803, when Chief Justice John Marshall went out of his way to enunciate this power, it has been recognized, though seldom exercised.

Note also that the only court established by the Constitution is the Supreme Court and that the number, qualifications, salary, and jurisdiction are determined by Congress. The Constitution specifies in what cases the Supreme Court shall have original jurisdiction, and then says:

> In all other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

Summarizing, we find that the Constitution grants to Congress the power—

First. To determine the number of judges of the Supreme Court.

Second. The qualifications of judges of the Supreme Court.

Third. The salary of the judges of the Supreme Court.

Fourth. To determine and make regulations as to the appellate jurisdiction of the Supreme Court.

Fifth. To establish inferior courts and make all rules and regulations for such courts, including, of course, the personnel and jurisdiction.

NUMBER OF JUDGES CHANGED SIX TIMES

First on this list is the power of Congress to determine the number of judges in the various Federal courts, including the Supreme Court. This number has been changed by Congress at various times.

The Supreme Court was established with 6 members in 1789; it was reduced to 5 in 1801; it was increased to 7 in 1807; it was increased to 9 in 1837; it was increased to 10 in 1863; it was reduced to 7 in 1866; it was increased to 9 in 1869.

The President now proposes that under certain conditions additional judges may be added to the Supreme Court. The Congress has changed the number of judges six times; it has the unquestioned constitutional authority to do this. Yet the proposal has brought a roar from the industrial royalists and their attorneys and satellites throughout the land. All charge that this is an attack on the Constitution and the courts. Since it is merely a proposal for Congress to exercise its constitutional right, the outcry is unwarranted and should not confuse the issue.

The issue, as I see it, is: Shall we continue to have congestion in our Federal courts, at great cost and loss to our people? Shall we permit our inferior Federal courts to continue to issue injunctions setting aside or suspending the laws of Congress, thus entailing long delay and uncertainty, while the interminable red tape of getting a case through the courts is unwound? Shall we continue to have an act of Congress subjected to being declared unconstitutional by one lower court and constitutional by another, until no one knows what is law and what is judicial whim? And, most important of all, shall we continue to have the progressive statutes of Congress declared unconstitutional by a vote of 5 to 4 in the Supreme Court?

I think the American people can be depended upon to demand that Congress use its constitutional power and put a stop to this crude parody of law and government.

THE PROPOSAL IS NOT RADICAL

The charge that this involves "packing" the Court is made by those who wish the Court to remain packed as it now is, with five judges exercising the veto power over acts of Congress. I say, it is time to unpack the Court.

An early advocate of this plan was former Attorney General McReynolds, now a Supreme Court Justice. In 1913 he made this recommendation:

> I suggest an act providing when any judge of a Federal court below the Supreme Court fails to avail himself of the privilege of retiring now granted by law, that the President be required, with the advice and consent of the Senate, to appoint another judge, who shall preside over the affairs of the court and have precedence over the older one.
>
> This will insure at all times the presence of a judge sufficiently active to discharge promptly and adequately the duties of the court.

Attorney General Gregory made the same recommendation in 1914, 1915, and 1916. In 1919 the House of Representatives passed a bill that failed in the Senate because it had indefinite provisions. In 1919 and again in 1928 the present Chief Justice of the Supreme Court endorsed the plan.

Surely this is sufficient to dispel the fear that this is a radical or unfair or unsound plan. It is merely the effort to put into law a needed reorganization of the courts, long recognized as necessary in the interest of efficiency and justice.

PROPAGANDA FOR DELAY

As for me, I take my stand in support of the President's proposed reorganization of the courts. I am not listening to the subtle propaganda for delay until a constitutional amendment can be put through. Immediately after the Supreme Court began to declare unconstitutional the acts which constituted the keystone of the New Deal I introduced a resolution proposing a constitutional amendment clearly giving to Congress the right to legislate in regard to wages and hours of labor in interstate commerce, defined in a way to include the production and sale of goods between the States, and not confined to transportation only. But I am convinced that such an amendment—any amendment—will take so long to put through that great hardship and even national disaster might occur in the interim.

We need only consider the sad status of the child-labor amendment to realize the difficulty of getting an amendment

adopted. In 1916 Congress passed an act prohibiting transportation in interstate commerce of goods made at factories employing child labor. By a vote of 5 to 4 the Supreme Court declared this unconstitutional. In 1919 Congress passed the so-called Child Labor Tax Act. In 1923 it was declared unconstitutional by the Supreme Court.

Then resort was taken to a constitutional amendment. This, the child-labor amendment, has been before the States for ratification for 13 years. Every effort has been made by the exploiters to prevent its ratification. To date they have been successful. And this in spite of the fact that an overwhelming majority of the people favor this amendment.

This is discouraging. And it convinces me that the Congress must take prompt and courageous action if progressive legislation is to be saved. The President's plan to enlarge the personnel of the Supreme Court, to inject new blood and a new spirit, should be adopted.

PUBLIC WELFARE DEMANDS ACTION

If we wait for a constitutional amendment in order to end child labor throughout the land, to eliminate the sweatshop through a minimum wage and maximum hour law, to prevent unfair trade practices ruinous alike to labor, to the consumer, and to the honest competitor, the delay will be ruinous to millions of our people.

If these rabid opponents of the President's proposal would expend one-half the energy they are wasting in this battle in an effort to have the child-labor amendment adopted, that very salutary measure would now be a part of the Constitution of the United States.

The facts are, however, that, with the exception of a few outstanding liberals, the great mass of those opposing the President are of the same ilk and character as the opponents of the child-labor amendment.

Children will continue to labor in mills and factories and sweatshops. Slums and poverty will continue to be fostered by sweatshops and profiteers. The consumer will continue to be cheated and exploited. Labor will continue to get so small a share of their production that they will be denied the high standard of living that can alone save this country from collapse. We cannot continue to permit corporations to pile up profits, while labor struggles for a bare living. We cannot in safety continue to permit profits to increase at a ratio away beyond that of wages. We must give every man and woman in this Nation a chance to live and earn and enjoy an American standard of living.

And we cannot do so if we permit five eminent reactionaries on the Supreme Court to decide what laws we can pass and enforce and what we must abandon. These men are legal-minded; they are corporation-minded; they were nourished on the discredited economy of laissez faire; they do not believe in Government "interference" in business; they are doubtless honest and sincere in thinking that the public-welfare clause of the Constitution is not to be taken seriously, while the tragically perverted "without due process of law" clause is to be utilized against every law that looks too progressive to be safe. Thus five reactionaries exercise the veto power over legislation which they are temperamentally unable to see as constitutional, because it is out of line with the old economics.

The American electorate spoke last November. It gave a clear mandate for the Congress to proceed with the President's program. To quibble over fine spun interpretations of the Constitution, while the people perish, is abhorrent to me. I have no enthusiasm for the maintenance of customs and beliefs sanctified by the years unless they serve humanity.

THIS IS THE DAY OF THE NEW DEAL

I have no feeling as to the sanctity of the old ways. My enthusiasm is for people, for human welfare, for righting wrong and inhuman conditions in industry, for bringing opportunity to all, for making the United States a land of happy people in comfortable homes, working under fair conditions, with all sharing in the abundant wealth and productive power of this great democracy.

I revere and respect the Constitution. And that is why it breaks my heart to see its interpretation in the control of a court made up largely of fine old reactionaries, devoted to trying to maintain the old ways and the old order, and representing the viewpoint of three former Presidents, all corporation-minded and all looking upon this country as a happy hunting ground for the trusts, the Wall Street bankers, the utilities crowd, and for the lawyers who so ably represent these special interests in the courts.

This is the day of the New Deal. The people expect the Congress to extend and support it. They want us to march forward with the President. They want action. And I think they are going to get it.

I am confident that the Judiciary Committee, made up as it is of able lawyers, will not let their legalistic attitude and training blind them as to the clear path ahead. They know that the country does not want government by legal and technical quibble. They have the ability to puncture the fallacious arguments being presented in the press and by paid attorneys for special interests. I sincerely hope that the committee will promptly report the bill for reorganization of the judiciary and thus give the representatives of the people the opportunity for free and ample discussion and a vote. [Applause.]

EXTENSION OF REMARKS

Mr. FORD of California, Mrs. ROGERS of Massachusetts, Mr. CROWE, and Mr. CASE of South Dakota asked and were given permission to extend their remarks in the RECORD.

Mr. WOOD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a radio address delivered by Hon. HUGO BLACK, a distinguished Senator from the State of Alabama.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. MAGNUSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a short paragraph from the Washington News of last week.

Mr. LAMBETH. Mr. Speaker, I shall have to object to the insertion of the News item.

Mr. MAGNUSON. Then, Mr. Speaker, I modify my request and ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, I have heard of economic royalists, and I just heard a statement made a few moments ago by the gentleman from California [Mr. FORD] about a constitutional royalist, and I hope the gentleman from California will define that in his remarks today, if possible.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. O'MALLEY (at the request of Mr. CURLEY), indefinitely, on account of the serious illness of his brother.

To Mr. LANHAM (at the request of Mr. JOHNSON of Texas), for today, on account of important public business.

To Mr. CROWE, for today, on account of official business.

To Mr. BUCHANAN (at the request of Mr. JOHNSON of Texas), indefinitely, on account of illness.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 68. An act authorizing the Western Bands of the Shoshone Nation of Indians to sue in the Court of Claims; to the Committee on Indian Affairs.

S. 95. An act referring the claims of the Turtle Mountain Band or Bands of Chippewa Indians of North Dakota

to the Court of Claims for finding of fact and recommendations to the Congress; to the Committee on Indian Affairs.

S. 149. An act to refer the claims of the Kiowa, Comanche, and Apache Tribes of Indians to the Court of Claims with the absolute right of appeal to the Supreme Court of the United States; to the Committee on Indian Affairs.

S. 361. An act to further extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Garrison, N. Dak.; to the Committee on Interstate and Foreign Commerce.

S. 641. An act conferring jurisdiction on the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Assiniboine Indians may have against the United States, and for other purposes; to the Committee on Indian Affairs.

S. 670. An act authorizing an appropriation for payment to the Osage Tribe of Indians on account of their lands sold by the United States; to the Committee on Indian Affairs.

S. 709. An act to amend the act entitled "An act to incorporate the National Education Association of the United States", approved June 30, 1906, as amended; to the Committee on Education.

S. 832. An act to amend the act entitled "An act to extend to certain publications the privileges of second-class mail matter as to admission to the mails", approved June 6, 1900; to the Committee on Post Offices and Post Roads.

S. 996. An act to further extend the times for commencing and completing the construction of a bridge across the Missouri River between the towns of Decatur, Nebr., and Onawa, Iowa; to the Committee on Interstate and Foreign Commerce.

S. 997. An act to further extend the times for commencing and completing the construction of a bridge across the Missouri River at or near the cities of South Sioux City, Nebr., and Sioux City, Iowa; to the Committee on Interstate and Foreign Commerce.

S. 1112. An act awarding a Navy Cross to John W. Thomason; to the Committee on Naval Affairs.

S. 1114. An act to prohibit the unauthorized wearing, manufacture, or sale of medals and badges issued by the Navy Department; to the Committee on Naval Affairs.

S. 1117. An act to amend the act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1903, and for other purposes", approved July 1, 1902; to the Committee on Naval Affairs.

S. 1118. An act to amend section 7 of the act approved May 29, 1934, entitled "An act to regulate the distribution, promotion, retirement, and discharge of commissioned officers of the Marine Corps, and for other purposes"; to the Committee on Naval Affairs.

S. 1128. An act authorizing the Secretary of the Navy to accept gifts and bequests for the benefit of the Office of Naval Records and Library, Navy Department; to the Committee on Naval Affairs.

S. 1130. An act to authorize the acceptance of certain lands in the city of San Diego, Calif., by the United States, and the transfer by the Secretary of the Navy of certain other lands to said city of San Diego; to the Committee on Naval Affairs.

S. 1132. An act to amend the act approved February 15, 1929, entitled "An act to permit certain warrant officers to count all active service rendered under temporary appointments as warrant or commissioned officers in the Regular Navy, or as warrant or commissioned officers in the United States Naval Reserve force, for purpose of promotion to chief warrant rank"; to the Committe on Naval Affairs.

S. 1253. An act authorizing an appropriation to carry out the provisions of section 26 of the agreement with the Muskogee or Creek Tribe of Indians, approved March 1, 1901; to the Committee on Indian Affairs.

S. 1281. An act to authorize the sale of surplus War Department real property; to the Committee on Military Affairs.

S. 1282. An act to amend articles of war 50½ and 70; to the Committee on Military Affairs.

S. 1283. An act to increase the extra pay to enlisted men for reporting; to the Committee on Military Affairs.

S. 1284. An act to change the name of the Chemical Warfare Service; to the Committee on Military Affairs.

S. 1285. An act to amend that provision of the act approved March 3, 1879 (20 Stat. L. 412), relating to issue of arms and ammunition for the protection of public money and property; to the Committee on Military Affairs.

S. 1287. An act to authorize the procurement, without advertising, of certain War Department property, and for other purposes; to the Committee on Military Affairs.

S. J. Res. 55. Joint resolution to amend the act of July 3, 1926, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in claims which the Crow Tribe of Indians may have against the United States, and for other purposes" (44 Stat. L. 807); to the Committee on Indian Affairs.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 3112. An act for the relief of Ralph C. Irwin.

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S. J. Res. 38. Joint resolution to extend for a period of 2 years the guarantee by the United States of debentures issued by the Federal Housing Administrator.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 13 minutes p. m.) the House adjourned until tomorrow, Tuesday, February 16, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON MILITARY AFFAIRS

The Committee on Military Affairs will hold hearings Tuesday, February 16, at 10:30 a. m., in the committee room, 1310 New House Office Building, on the general subject of medals and decorations. Representatives of the War Department will appear before the committee.

COMMITTEE ON PENSIONS

The Committee on Pensions will hold a hearing at 10:30 a. m., Wednesday, February 17, on H. R. 4013, granting pensions and increases of pensions to Spanish War veterans.

The Committee on Pensions will hold a meeting at 10:30 o'clock a. m., Friday, February 19, on H. R. 2887, to amend the provisions of the pension law for peacetime service to include Reserve officers and members of the enlisted Reserves.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

The Committee on Immigration and Naturalization, in room 445, House Office Building, will hold hearings on Wednesday and Thursday mornings, February 17 and 18, on H. R. 30 (protect artistic and earning opportunities for actors, etc.).

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

The Committee on Interstate and Foreign Commerce will continue hearings on Tuesday morning, February 16, at 10 a. m., in the Committee hearing room, 1334 House Office Building, on H. R. 1668, long-and-short-haul bill. Mr. J. P. Haynes will appear.

The Committee on Interstate and Foreign Commerce will hold hearings on Thursday morning, February 18, at 10 a. m., in the Committee hearing room, 1334 House Office Building, on H. R. 3143, to amend the Federal Trade Commission Act.

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Tuesday, February 16, at 10:30 a. m., to hold hearings on the following projects: Rocky River Harbor, Ohio; Onancock River,

Va.; St. Marks River, Fla.; Pensacola Harbor, Fla., and St. Josephs Bay, Fla.

COMMITTEE ON THE CIVIL SERVICE

The Committee on the Civil Service will continue hearings on Tuesday, February 16, Wednesday, February 17, and Thursday, February 18, on the question of extending the classified civil service to include employees of the emergency agencies and employees in the regular establishments of the Government not now classified. Mr. Harry B. Mitchell or a representative of the Civil Service Commission will appear before the committee.

COMMITTEE ON FOREIGN AFFAIRS

The Committee on Foreign Affairs will start hearings on the neutrality bills, Tuesday, February 16, 1937, and Department of State officials will appear on that date. February 17, 1937, Members of Congress, who desire to be heard will appear. February 19, 1937, other interested parties.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

365. A letter from the Secretary of the Treasury, transmitting a draft of a joint resolution authorizing the President to allocate emergency relief funds to the Public Health Service for health and sanitation activities in the flood-stricken areas; to the Committee on Appropriations.

366. A letter from the director, national legislative committee, the American Legion, transmitting the report of the Eighteenth Annual National Convention of the American Legion, held in Cleveland, Ohio, September 21–24, 1936; proceedings of that convention and financial statement to October 31, 1936; to the Committee on World War Veterans' Legislation.

367. A letter from the president, Board of Commissioners, District of Columbia, transmitting a draft of a proposed bill designed to furnish alternative methods of prosecution and to provide penalties for violations of orders, rules, and regulations made, adopted, or approved by the Public Utilities Commission and by the Joint Board of the District of Columbia; to the Committee on the District of Columbia.

368. A letter from the president, Board of Commissioners of the District of Columbia, transmitting draft of a bill to regulate the sale of goods in the District of Columbia; to the Committee on the District of Columbia.

369. A letter from the president, Board of Commissioners of the District of Columbia, transmitting a copy of a proposed bill to provide for the prevention of blindness in infants born in the District of Columbia; to the Committee on the District of Columbia.

370. A letter from the president, Board of Commissioners of the District of Columbia, transmitting a copy of a proposed bill to amend the laws of the District of Columbia with reference to gambling; to the Committee on the District of Columbia.

371. A letter from the president, Board of Commissioners of the District of Columbia, transmitting a copy of a proposed bill to amend section 11 of an act of Congress approved March 3, 1921; to the Committee on the District of Columbia.

372. A letter from the president, Board of Commissioners of the District of Columbia, transmitting a proposed amendment to an act of Congress approved May 20, 1924; to the Committee on the District of Columbia.

373. A letter from the president, Board of Commissioners of the District of Columbia, transmitting a draft of a proposed bill to amend the Gasoline Act of April 23, 1924, etc.; to the Committee on the District of Columbia.

374. A letter from the president, Board of Commissioners of the District of Columbia, transmitting a proposed bill relating to the qualifications of practitioners of law in the District of Columbia; to the Committee on the District of Columbia.

375. A letter from the Mount Rushmore National Memorial Commission, transmitting the Eighth Annual Report of the Mount Rushmore National Memorial Commission (H. Doc. No. 25); to the Committee on the Library and ordered to be printed.

376. A letter from the Secretary of Agriculture, transmitting recommendations for proposed legislation; to the Committee on Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. LUDLOW: Committee on Appropriations. H. R. 4720. A bill making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1938, and for other purposes; with amendment (Rept. No. 256). Referred to the Committee of the Whole House on the state of the Union.

ADVERSE REPORTS

Under clause 2 of rule XIII,

Mr. JONES: Committee on Agriculture. House Resolution 98. Resolution requesting the Secretary of Agriculture to transmit certain information to the House of Representatives (Rept. No. 252). Laid on the table.

Mr. JONES: Committee on Agriculture. House Resolution 99. Resolution requesting the Secretary of Agriculture to transmit certain information to the House of Representatives (Rept. No. 253). Laid on the table.

Mr. JONES: Committee on Agriculture. House Resolution 101. Resolution requesting the Secretary of Agriculture to transmit certain information to the House of Representatives (Rept. No. 254). Laid on the table.

Mr. JONES: Committee on Agriculture. House Resolution 102. Resolution requesting the Secretary of Agriculture to transmit certain information to the House of Representatives (Rept. No. 255). Laid on the table.

Mr. CONNERY: Committee on Labor. House Resolution 112. Resolution requesting the Secretary of Labor to furnish the House of Representatives with certain information in regard to the current automobile industry strike (Rept. No. 257). Laid on the table.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LUDLOW: A bill (H. R. 4720) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1938, and for other purposes; to the Committee on Appropriations.

By Mr. RAMSAY: A bill (H. R. 4721) relative to pleading and practice in civil and criminal causes in the district courts of continental United States; to the Committee on the Judiciary.

By Mr. PATMAN: A bill (H. R. 4722) to prevent manufacturers of products from offering for sale and selling the same at retail in certain cases, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BINDERUP: A bill (H. R. 4723) to correct the growing menace of farm tenancy in the United States, to promote patriotism, peace, and happiness on the part of those who till the soil, to promote home ownership, to enable tenant farmers and others who are bona fide engaged personally or who intend immediately to become bona fide engaged personally in farming, to become owners of farm homes; to the Committee on Agriculture.

By Mr. WALLGREN: A bill (H. R. 4724) to establish the Mount Olympus National Park, in the State of Washington, and for other purposes; to the Committee on the Public Lands.

By Mr. KENNEY: A bill (H. R. 4725) to promote small-arms training of the Metropolitan Police force and to provide for a departmental pistol team in the Metropolitan Police, District of Columbia; to the Committee on the District of Columbia.

By Mr. PATMAN: A bill (H. R. 4726) to amend the act entitled "An act to supplement existing laws against unlaw-

ful restraints and monopolies, and for other purposes", approved October 15, 1914; to the Committee on the Judiciary.

By Mr. BIGELOW: A bill (H. R. 4727) to allow 1937 flood losses in computing 1936 incomes; to the Committee on Ways and Means.

By Mr. DOXEY: A bill (H. R. 4728) to authorize cooperation in the development of farm forestry in the States and Territories, and for other purposes; to the Committee on Agriculture.

By Mr. WOLCOTT: A bill (H. R. 4729) to provide for a preliminary examination of the Sebewaing River in Michigan with a view to flood control and to determine the cost of such improvement; to the Committee on Flood Control.

By Mr. ASHBROOK: A bill (H. R. 4730) to protect more effectively the governmental monopoly of the carriage of mail; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 4731) for the better assurance of the protection of persons within the several States from mob violence and lynching, and for other purposes; to the Committee on the Judiciary.

By Mr. MEAD: A bill (H. R. 4732) to revise the air-mail laws; to the Committee on the Post Office and Post Roads.

By Mr. HILL of Alabama (by request): A bill (H. R. 4733) to prohibit the making of photographs, sketches, or maps of vital military and naval defensive installations and equipment, and for other purposes; to the Committee on Military Affairs.

By Mr. COFFEE of Washington: A bill (H. R. 4734) to provide vocational guidance, vocational training, and employment opportunities for youth between the ages of 16 and 25; to provide for increased educational opportunities for high-school, college, and post-graduate students; and for other purposes; to the Committee on Education.

By Mr. PETTENGILL: A bill (H. R. 4735) for the better assurance of the protection of persons within the several States from mob violence and lynching, and for other purposes; to the Committee on the Judiciary.

By Mr. CHANDLER: A bill (H. R. 4736) providing for the employment of skilled shorthand reporters in the executive branch of the Government; to the Committee on the Judiciary.

Also, a bill (H. R. 4737) to create a Board of Shorthand Reporting, and for other purposes; to the Committee on the Judiciary.

By Mr. CULKIN: A bill (H. R. 4738) to prohibit the transportation in interstate commerce of advertisements of alcoholic beverages, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CURLEY: A bill (H. R. 4739) to provide additional home-mortgage relief by providing for (1) a moratorium on foreclosures permitting appropriate legislation to provide further emergency relief to home-mortgage indebtedness; (2) to further refinance home mortgages; (3) to reduce the rate of interest and extend payment and amortization of mortgages; (4) to eliminate personal and deficiency judgments in foreclosures; and for other purposes; to the Committee on Banking and Currency.

By Mr. SUMNERS of Texas: A bill (H. R. 4740) limiting the operation of sections 109 and 113 of the Criminal Code and section 190 of the Revised Statutes of the United States with respect to counsel in certain cases; to the Committee on the Judiciary.

By Mr. CONNERY: A bill (H. R. 4741) to amend the act of March 4, 1923, entitled, "An act to provide for the classification of civilian positions within the District of Columbia and within the field services, and amendments thereto"; to the Committee on the Civil Service.

By Mr. SUMNERS of Texas: A bill (H. R. 4742) to regulate the defense of alibi in criminal cases; to the Committee on the Judiciary.

By Mr. GASQUE: A bill (H. R. 4743) to increase pensions of ex-service men of the Regular Establishment, and for other purposes; to the Committee on Pensions.

By Mr. O'LEARY: A bill (H. R. 4744) for the creation of an island to be used for all purposes, particularly a flying field and aviation terminal, on Red Hook Flats, sometimes known as Brooklyn Flats, in New York Bay, N. Y.; to the Committee on Rivers and Harbors.

By Mr. WHELCHEL: A bill (H. R. 4745) to provide that World War veterans who are totally and permanently disabled from nonservice causes shall be entitled to pension without regard to length of service; to the Committee on Pensions.

By Mr. SMITH of Virginia: A bill (H. R. 4746) to prohibit the interstate transportation of goods, wares, and merchandise in certain cases; to the Committee on the Judiciary.

By Mr. KOCIALKOWSKI: A bill (H. R. 4747) to confer United States citizenship upon certain inhabitants of the island of Guam and extend the naturalization laws thereto; to the Committee on Immigration and Naturalization.

By Mr. SMITH of Washington: Resolution (H. Res. 118) for an advisory referendum vote by the citizens of the United States to express their approval or disapproval of the legislation submitted by the President to retire the Justices of the Supreme Court of the United States at the age of 70 years and to increase the membership of the Supreme Court of the United States from 9 to 15 members, and in regard to other related legislative proposals, and for other purposes; to the Committee on the Judiciary.

By Mr. MAVERICK: Joint resolution (H. J. Res. 218) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. CITRON: Joint resolution (H. J. Res. 219) to extend the lending authority of the Disaster Loan Corporation to apply to flood disasters in the year 1936; to the Committee on Banking and Currency.

By Mr. LORD: Joint resolution (H. J. Res. 220) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. SUMNERS of Texas: Joint resolution (H. J. Res. 221) to permit articles imported from foreign countries for the purpose of exhibition at the Greater Texas and Pan American Exposition, Dallas, Tex., to be admitted without payment of tariff, and for other purposes; to the Committee on Ways and Means.

Also, joint resolution (H. J. Res. 222) providing for the continuance of the participation of the United States in the Texas Centennial Exposition, held in the State of Texas during the years 1935 and 1936, by participating in the Greater Texas and Pan American Exposition to be held in the State of Texas during the year 1937; to the Committee on Foreign Affairs.

By Mr. LEA: Joint resolution (H. J. Res. 223) proposing an amendment to the Constitution of the United States providing for the election of President and Vice President; to the Committee on Election of President, Vice President, and Representatives in Congress.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Montana, memorializing Congress to consider their House Joint Memorial No. 2; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of Tennessee, memorializing Congress to consider their Senate Joint Resolution No. 14; to the Committee on Military Affairs.

Also, memorial of the Legislature of the State of North Dakota, memorializing the Congress of the United States to amend the Federal laws to permit the States to tax national banks at same rate as State banks; to the Committee on Banking and Currency.

Also, memorial of the Legislature of the State of North Dakota, memorializing the Congress of the United States to protest ratification of the Argentine Sanitary Convention; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of Nebraska, memorializing the Congress of the United States that they vigorously oppose any modifications of existing Federal laws and regulations governing the importation of livestock or unsterilized livestock products from any foreign

country harboring foot-and-mouth disease; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of North Dakota, memorializing the Congress of the United States in support of the Townsend recovery plan; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of Nevada, memorializing Congress to leave undisturbed the present legal method of acquiring minning claims, mines, and rights connected therewith; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of Oregon, memorializing Congress to consider their House Joint Memorial No. 2, dated February 8, 1937; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of Nevada, memorializing Congress to consider their Senate Joint Resolution No. 1 that is proposed as an amendment to the Constitution of the United States; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of Texas, memorializing Congress against importations of live animals or fresh meats from any part of Argentina; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of Ohio, memorializing the President of the United States and the United States Congress to take immediate steps in affording relief to the flood sufferers of the Ohio River Valley; to the Committee on Flood Control.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 4748) granting an increase of pension to Charles F. George; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4749) granting an increase of pension to Julia A. Dunaway; to the Committee on Invalid Pensions.

By Mr. BARRY: A bill (H. R. 4750) for the relief of Rolph J. Lackner; to the Committee on Naval Affairs.

By Mr. BIERMANN: A bill (H. R. 4751) for the relief of Joseph C. Kinney; to the Committee on Claims.

By Mr. BOEHNE: A bill (H. R. 4752) granting a pension to Helen H. Sly; to the Committee on Pensions.

Also, a bill (H. R. 4753) granting an increase of pension to John O. White; to the Committee on Pensions.

By Mr. CASE of South Dakota: A bill (H. R. 4754) for the relief of Charles R. Wicker; to the Committee on Military Affairs.

By Mr. COFFEE of Washington: A bill (H. R. 4755) authorizing the payment of necessary expenses incurred by certain Indians allotted to the Quinaielt Reservation, State of Washington; to the Committee on Indian Affairs.

By Mr. COLE of New York: A bill (H. R. 4756) granting an increase of pension to Clara J. Lay; to the Committee on Invalid Pensions.

By Mr. CROWTHER: A bill (H. R. 4757) for the relief of Maj. Lyman S. Frasier; to the Committee on Military Affairs.

Also, a bill (H. R. 4758) for the relief of Nazzareno Candeloro; to the Committee on Immigration and Naturalization.

By Mr. CULKIN: A bill (H. R. 4759) granting a pension to Mary I. Brannan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4760) granting an increase of pension to Hannah L. Lester; to the Committee on Invalid Pensions.

By Mr. DEMPSEY: A bill (H. R. 4761) for the relief of George W. Hanna and Bertha M. Hanna; to the Committee on Claims.

Also, a bill (H. R. 4762) for the relief of Edward Y. Garcia and Aurelia Garcia; to the Committee on Claims.

By Mr. GIFFORD: A bill (H. R. 4763) for the relief of the estate of Anibal Andrade; to the Committee on Claims.

By Mr. GRAY of Indiana: A bill (H. R. 4764) granting a pension to Doris H. McKeeman; to the Committee on Pensions.

By Mr. GREENWOOD: A bill (H. R. 4765) granting a pension to Rachel Wible; to the Committee on Invalid Pensions.

By Mr. JOHNSON of West Virginia: A bill (H. R. 4766) granting an increase of pension to America E. Dye; to the Committee on Pensions.

Also, a bill (H. R. 4767) for the relief of Goldenberg Furniture Co.; to the Committee on Claims.

By Mr. KNUTSON: A bill (H. R. 4768) granting an increase of pension to Anna Lowell; to the Committee on Invalid Pensions.

By Mr. McREYNOLDS: A bill (H. R. 4769) granting a pension to Sallie Jordan; to the Committee on Invalid Pensions.

By Mr. MAAS: A bill (H. R. 4770) for the relief of Elmer Geske; to the Committee on Claims.

By Mr. MAPES: A bill (H. R. 4771) granting a pension to Anna Lisa Bjork; to the Committee on Pensions.

By Mr. MAVERICK: A bill (H. R. 4772) to settle claims of farmers whose lands were damaged by waters from Kelly Field, Tex.; to the Committee on Military Affairs.

Also, a bill (H. R. 4773) for the relief of W. F. Lueders; to the Committee on Claims.

Also, a bill (H. R. 4774) for the relief of Charles D. Birkhead; to the Committee on Military Affairs.

Also, a bill (H. R. 4775) for the relief of D. E. Sweinhart; to the Committee on Claims.

By Mr. O'LEARY: A bill (H. R. 4776) to correct the military record of John P. Birmingham; to the Committee on Military Affairs.

Also (by request), a bill (H. R. 4777) conferring jurisdiction on certain courts of the United States to hear and determine the claim of the owner of the coal hulk *Callixene*, and for other purposes; to the Committee on Claims.

Also (by request), a bill (H. R. 4778) conferring jurisdiction on certain courts of the United States to hear and determine the claim of the owner of the coal hulk *Callixene*, and for other purposes; to the Committee on Claims.

By Mr. PEARSON: A bill (H. R. 4779) granting an increase of pension to Margrett B. Adair; to the Committee on Invalid Pensions.

By Mr. PETTENGILL: A bill (H. R. 4780) for the relief of Paul Margowsky; to the Committee on Immigration and Naturalization.

By Mr. RICHARDS: A bill (H. R. 4781) for the relief of W. H. Roddey, Sr.; to the Committee on Claims.

By Mr. ROBERTSON: A bill (H. R. 4782) for the relief of Ellen Taylor; to the Committee on Claims.

By Mr. ROBSION of Kentucky: A bill (H. R. 4783) granting a pension to James Combs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4784) granting a pension to William Franklin Catching; to the Committee on Pensions.

By Mr. SMITH of West Virginia: A bill (H. R. 4785) for the relief of Kanawha Valley Coal Co.; to the Committee on Claims.

By Mr. SMITH of Virginia: A bill (H. R. 4786) for the relief of the Butler Lumber Co., Inc., Richmond, Va.; to the Committee on Claims.

By Mr. SNYDER of Pennsylvania: A bill (H. R. 4787) granting an increase of pension to Mary E. Miller; to the Committee on Invalid Pensions.

By Mr. TOLAN: A bill (H. R. 4788) for the relief of John Papagiorgas; to the Committee on Immigration and Naturalization.

By Mr. TURNER: A bill (H. R. 4789) for the relief of James Clarence Caldwell; to the Committee on Military Affairs.

By Mr. VOORHIS: A bill (H. R. 4790) for the relief of George W. Jeffords; to the Committee on War Claims.

By Mr. BLOOM: Joint resolution (H. J. Res. 224) conferring jurisdiction upon the Court of Claims to hear and determine the claim of the estate of John F. Hackfeld, deceased; to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

323. By Mr. BIERMANN: Petition of the pastors of the Decorah circuit of the Norwegian Lutheran Church of America; to the Committee on Ways and Means.

324. By Mr. BURDICK: Senate Resolution M, Twenty-fifth Legislative Assembly, State of North Dakota; to the Committee on Ways and Means.

325. By Mr. CARTER: Petition of the Central Labor Council of Alameda County, Calif., supporting the National Textile Act (H. R. 238); to the Committee on Labor.

326. Also, petition of the Senate and Assembly of the State of California, jointly, favoring the enactment of legislation which will provide that the revenues heretofore or hereafter received from bonuses, royalties, and rentals under the Mineral Leasing Act, approved February 25, 1920 (41 Stat. 437), from lands within naval petroleum reserves, etc., be paid by the Secretary of the Treasury to the State within which the lands or deposits are located; to the Committee on Naval Affairs.

327. Also, resolution of the Central Labor Council of Alameda County, Calif., protesting against the actions of our Government in refusing to allow the shipment to the Spanish Government of airplanes, munitions, food, and medical supplies; to the Committee on Foreign Affairs.

328. Also, Senate Resolution No. 4 of the State of California, relative to memorializing and petitioning the President and Congress of the United States to include the Central Valley project in the national program of work relief; to the Committee on Appropriations.

329. By Mr. CASE of South Dakota: Resolution of the Seventh District Medical Society of Sioux Falls, S. Dak., opposing the proposal to make the United States Public Health Service a bureau in the National Government other than in the Treasury Department; to the Committee on the Judiciary.

330. Also, resolution of Sixth District Medical Society of Mitchell, S. Dak., opposing the proposal to make the United States Public Health Service a bureau in the National Government other than in the Treasury Department; to the Committee on the Judiciary.

331. By Mr. COFFEE of Washington: Petition of the Skagit County Dairymen's Association, Burlington, Wash.; to the Committee on Agriculture.

332. Also, petition of the Senate and House of Representatives of the State of Washington; to the Committee on Merchant Marine and Fisheries.

333. Also (by request) memorial of Neuwaukum Townsend Club, No. 1, Neuwaukum, Wash.; to the Committee on Ways and Means.

334. By Mr. COLDEN: Resolution adopted by the Los Angeles County Democratic central committee, expressing approval of the message of the President of the United States to the Seventy-fifth Congress recommending the enactment of legislation for effecting much-needed reorganization of the Federal judiciary system, and soliciting the support of the Senators and Representatives from California of the President's program; to the Committee on the Judiciary.

335. Also, resolution adopted by the San Francisco Bay Area District Council, No. 2, of the Maritime Federation of the Pacific Coast on January 5, 1937, urging the amendment of the Ship Subsidy Act to include a clause guaranteeing collective bargaining, recognition of agreements between unions and employers; amendment to restrict the powers of the United States Maritime Commission, appeal from its decisions, and so forth; amendment of the Ship Subsidy Act to eliminate the clause which provides for compulsory military service in times of peace for licensed deck and engineering officers employed on subsidized ships; and amendment of the safety-at-sea law to outlaw continuous discharge books and certificates of service and efficiency; to the Committee on Labor.

336. Resolution adopted by San Pedro Local, No. 38-82, of the International Longshoremen's Association, urging the appropriation of $250,000 for the continuation of the investigation begun by the La Follette committee of anti-labor activities on the part of certain interests, and that such investigation may investigate the Pacific maritime situation; to the Committee on Accounts.

337. By Mr. CROWE: Petition of the Eightieth General Assembly of the State of Indiana (S. Con. Res. No. 3 adopted by both houses), urging the United States Senators and Members of the House of Representatives from the State of Indiana to support the recommendations of President Franklin D. Roosevelt to the end that our Federal courts may deserve the continued respect and confidence of the American people and serve their constitutional purpose as an indispensable instrumentality in the whole life of the Republic; to the Committee on the Judiciary.

338. By Mr. DIXON: Petition of the ninety-second general assembly, Columbus, Ohio, memorializing the President of the United States and the United States Congress to take immediate steps in affording relief to the flood sufferers of the Ohio River Valley; to the Committee on Flood Control.

339. By Mr. EATON: Petition of 43 residents and taxpayers of the States of New Jersey and New York, opposing any legislation which in its effect places a still greater power in the hands of the Executive and which has as its aim to permit the Executive to exercise control over the judiciary part of our Government; to the Committee on the Judiciary.

340. Also, resolution adopted by members of the Boonton Chamber of Commerce, Boonton, N. J., protesting against any proposed changes in our United States Supreme Court; to the Committee on the Judiciary.

341. Also, petition of 48 residents of Middlesex County, N. J., voicing disapproval of Mr. Roosevelt's proposal to increase by legislation the membership of the United States Supreme Court; to the Committee on the Judiciary.

342. By Mr. FORD of California: Resolution of the Democratic county central committee of Los Angeles, heartily approving the message of the President of the United States to the Seventy-fifth Congress recommending the enactment of legislation for effecting much-needed reorganization of the Federal judiciary system; to the Committee on the Judiciary.

343. By Mr. HILDEBRANDT: Petition of the Sixth District Medical Society, Mitchell, S. Dak., on February 8, 1937; to the Committee on the Judiciary.

344. Also, petition regarding the Belle Fourche project, Interior Department Budget, $130,000; to the Committee on Flood Control.

345. By Mrs. HONEYMAN: Petition to the honorable Senate and House of Representatives of the United States of America, in Congress assembled; to the Committee on Agriculture.

346. By Mr. JARRETT: Petition of the directors of Mercer County Farm Bureau Cooperative Association, representing 1,100 farmers, opposing any change in the Constitution affecting the Supreme Court; to the Committee on Agriculture.

347. Also, petition of Harry J. Crawford and others of Emlenton, Pa., protesting against the President's bill or any substitutes permitting the executive branch of the Government to control or subordinate the judicial or the legislative powers established under the Constitution; to the Committee on the Judiciary.

348. By Mrs. JENCKES of Indiana: Petition of the State Legislature of the State of Indiana, regarding reorganization of the Federal judiciary; to the Committee on the Judiciary.

349. By Mr. JOHNSON of Texas: Petition of J. E. McDonald, commissioner of agriculture, State of Texas, favoring House bill 254, to establish standards and methods of grading cotton seed; to the Committee on Agriculture.

350. By Mr. KENNEY: Petition of the New Jersey Farm Bureau, favoring the continuance of the 1936 method of payment of soil conservation by local county organizations; to the Committee on Agriculture.

351. Also, petition of the New Jersey Farm Bureau, opposing the proposition to combine and lengthen rural delivery routes by the Post Office Department; to the Committee on the Post Office and Post Roads.

352. Also, petition of the New Jersey Farm Bureau, favoring the repeal of 1 cent United States tax on gasoline; to the Committee on Ways and Means.

353. Also, petition of the New Jersey State Bar Association, opposing the enactment of the bill for the reorganization of the Federal judiciary; to the Committee on the Judiciary.

354. By Mr. MASON: Petition of the members of the Ottawa Amateur Musical Club and Ottawa Civic Music Association, Ottawa, Ill., protesting against the passage of House bill 30; to the Committee on Immigration and Naturalization.

355. By Mr. MERRITT: Resolution of Warren G. Harding Council, No. 118, Junior Order United American Mechanics, that to facilitate the apprehension of the criminal alien element, the council urge upon Congress the adoption of House bill 4355 providing for the registration of all aliens in the United States; to the Committee on Immigration and Naturalization.

356. Also, resolution of Warren G. Harding Council, No. 118, Junior Order United American Mechanics, that with 6,284,613 aliens now in the United States, many of whom are inimical to American traditions; confinement in New York State institutions, 47 percent being that of foreign stock, we therefore urge the adoption of House bill 4356, providing for the deportation of aliens inimical to public interest and aliens on relief; to the Committee on Immigration and Naturalization.

357. Also, resolution of Warren G. Harding Council, No. 118, Junior Order United American Mechanics, that the council favors and urges upon Congress the adoption of House bill 4353 providing for the deportation of habitual alien criminals and other undesirable aliens in the United States; to the Committee on Immigration and Naturalization.

358. Also, resolution of Warren G. Harding Council, No. 118, Junior Order United American Mechanics, Mineola, N. Y., reaffirming its previous advocacy pertaining to immigration and deportation policies and urging upon Congress the adoption of House bill 4354 reducing immigration to 90 percent, to authorize the exclusion of any alien whose entry into the United States is inimical to public interest, to prohibit the separation of families through the entry of aliens leaving dependents abroad; to the Committee on Immigration and Naturalization.

359. Also, resolution of the Forum, of Jackson Heights, N. Y., that the United States Government establish at the earliest possible time and maintain a post office at Jackson Heights, Borough of Queens, city of New York, State of New York, in the building now being constructed on the site located at Seventy-ninth Street and Polk Avenue in said community of Jackson Heights; to the Committee on the Post Office and Post Roads.

360. Also, resolution of the New York Press Association, realizing the situation is such that remedial Federal legislation is imperative, respectfully urges the Representatives of the State of New York in the National Senate and House of Representatives to use all honorable means for the enactment of such remedial legislation; to the Committee on the Judiciary.

361. By Mr. MILLARD: Resolution adopted by the Women's Republican Club of Nyack, N. Y., opposing the President's proposal to reorganize the judiciary; to the Committee on the Judiciary.

362. Also, resolution adopted by the Union League Club of the city of New York, opposing the proposal to increase the membership of the Supreme Court; to the Committee on the Judiciary.

363. By Mr. MITCHELL of Tennessee: Petition of the Senate and House of Representatives of the State of Tennessee, favoring the improvement of the Cumberland River Valley and its tributaries in said State; to the Committee on Flood Control.

364. By Mr. MOTT: Petition signed by A. E. Bliss, of Prospect, Oreg., and 121 citizens of Jackson County, Oreg., protesting against the passage of any law that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

365. By Mr. PLUMLEY: Resolutions adopted by the Vermont State Association of the National Association of Letter Carriers at their convention, favoring modification of the Retirement Act as recommended by the Civil Service Commission in certain respects as appears therefrom and asking for favorable action on House bill 8002, Seventy-fourth Congress, now House bill 3026, and installation of safety glass on all Government-owned vehicles; to the Committee on the Post Office and Post Roads.

366. By Mr. THOMASON of Texas: Petition of the citizens of Marfa, Tex., voicing opposition to the proposal to increase the membership of the United States Supreme Court; to the Committee on the Judiciary.

367. Also, petition of Lodge 664, Locomotive Firemen, in advocacy of the proposal to increase the membership of the Supreme Court; to the Committee on the Judiciary.

368. Also, petition of the El Paso (Tex.) Bar Association, to the effect that the appointment of additional members of the Supreme Court is not necessary to expedite the business of that Court; to the Committee on the Judiciary.

369. By Mr. WIGGLESWORTH: Petition of the junior bar committee of the Bar Association of the City of Boston, protesting against the proposed reorganization of the judiciary; to the Committee on the Judiciary.

370. By the SPEAKER: Petition of the Federation of Citizens' Association, District of Columbia, opposing passage of law to legalize race-track wagering or gambling; to the Committee on the District of Columbia.

371. Also, petition of the Chamber of Deputies of Brazil in session, approving the vote of condolence concerning the passing from public life of the North American statesman, Elihu Root; to the Committee on Memorials.

HOUSE OF REPRESENTATIVES

TUESDAY, FEBRUARY 16, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

God be merciful unto us and bless us, and cause his mercy to shine upon us, that Thy way may be known upon earth and Thy saving grace among all nations. Heavenly Father, lift us up into large spheres and create within us a satisfying sense of the glory and value of life. Let our souls draw new breath and vigor from an expanding spiritual life that hears the passion for humanity throbbing in the breast of Jesus. Catching the fire of His public soul, inspire us to do our part in healing the open sores of our country; may we rise in moral triumph in a mission of service for our fellow men. "For Thou, Lord, hast made me glad through Thy works; I will triumph in the works of Thy hands." We thank Thee for Thy providences that know all our wants and supply all our necessities. In our Redeemer's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 204. An act relative to the qualifications of practitioners of law in the District of Columbia;

S. 1228. An act to amend the National Housing Act;

S. 1406. An act to authorize distribution of products of the fishing industry; and

S. J. Res. 53. Joint resolution providing for a continuance of the participation of the United States in the Great Lakes

Exposition in the State of Ohio in 1937, and for other purposes.

EXTENSION OF REMARKS

Mr. MERRITT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. ELLENBOGEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein an address I made in Philadelphia.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE PETTENGILL BILL

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. PIERCE. Mr. Speaker, at a meeting of Congressmen opposed to H. R. 1668 (the Pettengill bill) held in the caucus room of the House Office Building on February 16, 1937, Hon. KNUTE HILL of Washington was elected chairman, and Hon. JERRY J. O'CONNELL of Montana secretary, and a steering committee of seven was appointed to oppose this proposed legislation, as follows:

Hon. WALTER M. PIERCE, of Oregon, chairman; Hon. JOHN RANKIN, of Mississippi; Hon. FRANCIS CULKIN, of New York; Hon. D. WORTH CLARK, of Idaho; Hon. JERRY J. O'CONNELL, of Montana; Hon. HENRY C. LUCKEY, of Nebraska; and Hon. CLIFFORD HOPE, of Kansas.

Mr. Speaker, I ask unanimous consent to insert in the RECORD at this point a statement of that committee, together with the summary of testimony of Joseph B. Eastman, of the Interstate Commerce Commission, before the House Committee on Interstate and Foreign Commerce.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The statement and summary are as follows:

STATEMENT OF STEERING COMMITTEE

It should be made clear that this bill appears to be the answer of the Wall Street owners of railway stocks and bonds to the development of waterways and motor trucking. It has, apparently, resulted from determination to prevent the benefits of progress in transportation from accruing to producers, who are now feeling some relief on account of competition of trucks and waterways.

Opponents are convinced that this bill, if enacted into law, would open the way for further discrimination against the inland farmers, merchants, and shippers, who bear, equally with others, the costs of State and National Governments.

This proposed legislation undoubtedly had its origin in Wall Street, perhaps aided by some of the industrial centers which desire easier access to tidewater. It is opposed by most of the interior country, it is opposed by the beneficiaries of our great waterways program, it is opposed by those who live at tidewater and are dependent upon the protection of water-borne traffic.

It is favored and promoted by Wall Street owners of railroad securities, by a certain geographical section which seeks unfair advantage, and, most strangely, by most railway laborers who have been misled into the belief that this legislation would result in increased employment and wages. The railway representatives who have visited towns and cities with their propaganda for this bill, and have secured letters from individuals and resolutions from organizations favoring it, have, almost without exception, secured letters from individuals and resolutions from organizations against the legislative program of railway labor, including the 6-hour day, full crew, train length, and unemployment-insurance measures. Certainly it does not appear that the railways managements are expressing particular interest in railway labor, and it is most clearly apparent that railway labor would not benefit from this proposed legislation. It is most unfortunate that the influence of this railway-labor group should be in any way instrumental toward passage of legislation for the sole benefit of those who seek to deny them the benefits for which they have struggled.

A half century ago the Congress of the United States enacted a law creating the Interstate Commerce Commission. That law resulted from the demands of farmers, shippers, and merchants who were in open rebellion against the injustice of railway rates, an injustice similar to that proposed under the pending legislation. The original act has been amended several times, always to strengthen the long-and-short-haul clause of the Transportation Act.

Whether transportation lines should have a right to charge more for a short haul than for a long haul, over the same lines going in the same direction, has been a mooted question ever since the railroads came into existence. In 1920 the present fourth section of the Transportation Act was passed by the Congress. The great Rocky Mountain interior had suffered more severely from unjust railroad tariffs prior to 1920 than any other part of the United States. Rates for eastward shipments of wool and wheat were often much higher from the mountain region of the western half of the United States than were the rates for a point many hundreds of miles farther west. On the other hand, traffic rates for products of eastern industries used in that great intermountain region were far higher than they were for terminals on the Pacific coast. In other words, noncompetitive points were obliged to pay the through-traffic rates from coast to coast and then the so-called back haul, which was often more than the entire haul across the continent.

This unjust situation was changed to some extent 17 years ago when the fourth section of the Transportation Act was enacted. The Interstate Commerce Commission was given the power to grant fourth section relief to transportation lines upon proper showing. That relief has been granted in many cases and denied in very few. When denied, the Interstate Commerce Commission has had convincing reasons.

One year ago a bill was introduced into Congress known as the Pettengill bill. It passed the House, not on its merits but on account of propaganda for its enactment put out by the railroad companies. A potent factor in its success in the House was the support of railway labor, based on a mistaken assumption that they were to have the cooperation of railway management to better their condition. The bill died in the Senate in committee. Practically the same bill is again before us. Extensive hearings have been held before the House Committee on Interstate and Foreign Commerce.

The enactment of H. R. 1668, modifying the fourth section of the Transportation Act, is opposed by those geographical sections and producing groups, heretofore mentioned, which would undoubtedly be penalized by heavier freight rates, as well as by water carriers, motor vehicles, and the beneficiaries of those modes of transportation. We desire to enumerate, for illustration, names of some of the organizations which are now actively opposing this bill, and whose representatives appeared before the committee this year. This list does not include names of private firms which have appeared in opposition.

Farm and producer organizations: National Grange; National Farmers' Union; Farmers' Union Terminal Association; Farmers' Union Jobbing Association; Farmers' Union Livestock Commission; Farmers' Cooperative Commission; North Pacific Grain Growers' Legislative Committee; Farmers' National Grain Corporation; American Wheat Growers, Inc.; American Wheat Growers, of Aberdeen, S. Dak.; Colorado Grain Growers; Farmers' West Central Grain Co.; Indiana Grain Producers, Inc.; Illinois Grain Corporation; Inter-Mountain Grain Cooperative; Iowa Cooperative Grain Co.; Missouri Grain Growers, Inc.; Northwest Grain Association; Ohio Grain & Supply Association; Oklahoma Grain Growers' Association; Producers' Grain Commission Co. of Texas; Wheat Growers, Inc.; American Livestock Association; Coastwise Lumber Conference.

Port authorities and maritime associations: Port authorities of St. Paul, San Diego, Portland, Oreg., and many other west coast ports; Inland Waterways Association; Upper Mississippi Waterways Association; St. Croix River Improvement Association of Minnesota; Missouri River Navigation Association; Mississippi Valley Association; Maritime Association of Boston; Maritime Association of the Port of New York; Pacific Coastwise Conference.

Sectional groups: Michigan Elevator Exchange; Spokane Chamber of Commerce; Memphis Freight Bureau; Twin Falls, Idaho; Snake River Valley; railroad rate department of Corporation Commission of Oklahoma; New York State Chamber of Commerce; Baltimore Association of Commerce.

Labor organizations: Waterfront Employees' Association of San Francisco; International Seamen's Union of America.

Steamship and trucking associations: American Trucking Association; Pacific American Steamship Association; Shipowners' Association of the Pacific Coast; American Steamship Owners' Association; International Steamship Freight Association; Inter-Coastal Steamship Freight Association.

Those in favor of the bill claim that its passage will enable the railroads to compete more freely with other forms of transportation and add largely to their revenue and to the increase of wages for their employees. The proponents also claim that the net earnings can be increased by taking all traffic at so-called out-of-pocket costs because they now haul many cars empty. The opponents of the bill claim that its passage will restore the conditions that existed prior to 1920, and enable the railroads to levy a much heavier tariff to and from noncompetitive points. They feel that it will not increase employment; that it may result in ruining what competition they have now in terminal points, and also the advantages of development of water and motor transportation. It may result in larger revenues to the railroads, but if it does so result, that increased income will be exacted from already overburdened interior points that are paying more than they ought to be paying in traffic rates. Producers cannot continue to ship their products if rates are increased. They are just recovering from a depression which has been felt most severely on farms. They bear an unduly large proportion of the tax burden. They are under compulsion of readjustment of their agricultural programs. The additional burden of the increased rates, which would probably result from the passage of this bill, would place them in a desperate situation.

No one can accuse the Interstate Commerce Commission of being antagonistic to the railroads. If the object of this bill is simply to

allow the transportation lines to make lower rates from Atlantic to Pacific coast terminals, or from one water terminal to another water terminal, and those rates must be compensatory, then it is clear that there would not be such rate reduction as would in any way affect the water rates. If traffic is to be carried from one water terminal to another at a loss in order to drive the water transportation out of business, then that loss must be made up by charging a much higher rate between noncompetitive interior points—precisely what was done prior to 1920.

In one statement the railroad companies claim that they will not need any more trains, any more men, or any more expense to carry the increased traffic from ocean to ocean or from the Lakes to the Gulf, owing to the fact that they are now running empty cars. On the other hand, they tell their employees that they can give their men more employment and more wages. Their statements are certainly contradictory.

It is the opinion of the opponents of the bill that the transportation lines are very anxious to have H. R. 1668 enacted into law, so that they may be able to restore the old practice of charging more for a short haul than for a long haul. This would again force interior points like Helena, Spokane, Salt Lake, El Paso, and others to pay more for freight from the East than would be paid at Pacific coast terminals, as well as interior points between the Lakes and the Gulf. This would place interior points at a decided disadvantage. Again, we repeat that it is the business of Government to prevent just such discrimination.

The changing of the present law by the passage of H. R. 1668 will not create any new traffic. It must be intended to divert traffic from water lines and the motor trucks to railroad lines, and will result in killing off interior points. The railroads have never recognized the necessity for a fair and reasonable charge. It has always been their policy to charge all that traffic will bear, with complete disregard of public interest. The only relief from excessively high freight rates that the country has had has been the competition afforded by waterways and motor trucks. The interior of the country found great relief when the trucks came and were able to compete with railway transportation lines for traffic. The last Congress passed legislation that has tended to strangle highway transportation for the benefit of the railroads. H. R. 1668 is just another step in the process of destroying the advantages of competition and penalizing interior points.

Under the operation of the proposed bill, railroad lines would be able to post their increased traffic rates and collect the same after 30 days. A shipper feeling aggrieved may appeal to the Interstate Commerce Commission for relief. If he so appeals, he will have to make his own showing before the Commission and hire his own attorney. The great distance from the National Capital and from the centers where hearings are held would make it a very expensive thing for the shippers and producers to state their cases. Such procedure would make it practically impossible to secure justice. The hearing may take many months or years, during which the railroad is allowed to collect its higher tariff. All the relief to which the railroad lines are entitled can be granted under the present law by the Interstate Commerce Commission if lines show the necessity of such relief. This is surely more just than to have the burden of proof placed on the shipper. To be sure, there is a clause in the bill which purports to place the burden on the railway, but in fact the burden will be on the shipper.

Should the Congress enact this bill into law, the Commission and the courts must accept it as a mandate from Congress to construe more liberally every question of tariff rates in favor of the railroad companies and against the shipper and the public. The Commission will have a right to believe that the Congress seeks to hamper, kill, and ruin water and motor-truck transportation.

The railroads may have difficulty in earning dividends upon their greatly inflated valuations and overcapitalization. The right to such rates is not recognized by the public, which believes that the rail lines must take their losses in capitalization just as such losses have been taken by the farmers and small-business men.

The opponents consider this bill as an attempt to turn over the resources of the Nation to the owners of the stocks and bonds of the rail lines so that they shall suffer no devaluation, but be able to collect dividends upon many billions of dollars never actually invested. The railroads were subsidized with millions of acres of land and millions of dollars from local bond issues. They have received hundreds of millions in loans from the Reconstruction Finance Corporation, and still they clamor for more. The insatiate greed of Wall Street that owns, controls, and manages these railroads seems impossible to satisfy.

Most striking, important, and unanswerable testimony against this bill has been offered by Joseph B. Eastman, member of the Interstate Commerce Commission, speaking before the House committee on behalf of the whole Commission. His statements should be made available for study by Members of the House before action on the bill is called for. A brief summary of that testimony, setting forth the striking conclusions, is already available. Those in doubt about the bill should also read the speeches which appeared in the CONGRESSIONAL RECORD of last session. There is plenty of evidence that it would not be wise nor fair to enact this bill into law.

SUMMARY OF TESTIMONY OF JOSEPH B. EASTMAN, MEMBER OF INTERSTATE COMMERCE COMMISSION, BEFORE HOUSE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE, FEBRUARY 9 AND 10, 1937, ON H. R. 1668

I have undertaken to show you—

First. That the long-and-short-haul clause has been part of the law for 50 years; that it was enacted in response to strong and outraged public opinion to correct an abuse which had become widespread; and that this agitation persisted for many years until the original defects in the section had been remedied. A law with such a history ought not lightly to be repealed or emasculated.

Second. That it is proposed to substitute for this clause an untried provision which, it can be argued, could conceivably be used to produce much the same results. If this is true, there is no sense in making the change. It is clear, however, that those who favor the bill do not believe it to be true, because they confidently urge that it will produce very different results. They have reason for this belief, because the Commission and the courts would find it difficult to avoid the conclusion that Congress, when it changed the law, intended also to change the policy and the results, and because, in any event, the Commission would encounter very great, and probably insuperable, practical difficulties in applying the present policy and producing the present results.

Third. That while there may, perhaps, be some reasonable ground for complaint because of delay in the administration of the fourth section in certain cases in the past, the present administration is expeditious. If it is desired to insure expedition in the future, this can be done by providing the same time limit as in suspension cases.

Fourth. That the chief reason offered for the bills is that it will have the result of enabling the railroads to compete more freely with other forms of transportation and thus add largely to their revenues and employment. Upon analysis it is clear that it is from the water carriers that this traffic is to be taken. The bill is directed chiefly against them. The facts are that the Commission has been liberal in granting fourth-section relief to enable the railroads to compete with water carriers. The complaint that it has not been liberal centers on transcontinental rates and the competition of the intercoastal water carriers. The facts are that the Commission had good reason for denying relief in the case of these transcontinental rates; but even had it been granted, not enough traffic is involved to affect appreciably the earnings of the western railroads, especially when the reductions in rates which would undoubtedly be made by the eastern railroads and the water lines are taken into account.

Fifth. That the theory that net earnings can be improved by taking on traffic at so-called out-of-pocket costs is full of fallacies and dangers, because such costs are a highly uncertain and fluctuating quantity. They are only low when no employment is required, but the proponents of this bill claim that the traffic which it will add will increase railroad employment greatly.

Sixth. That relief from the fourth section creates no new traffic but merely diverts traffic which is already moving from one railroad or one part of the country to another. It cannot affect the prosperity of the country as a whole. The claim that failure to grant liberal relief has prostrated manufacturing in the interior of the country at the expense of the seaboard is not supported by the census figures. On the contrary, they show the reverse.

Seventh. That fourth-section provisions were omitted from the Motor Carrier Act and the proposed water-carrier bill because it was felt that there was no need for such provisions in the case of those forms of transportation. If need is shown, they should be included. It still does not appear that there is any need in the case of the water carriers. There may be need in the case of the motor carriers, but the situation with respect to their rates is still very confused, and it is not yet possible to state with certainty that such need exists.

Eighth. That the present fourth section should be changed by the elimination of the so-called equidistant clause, which is an unnecessary nuisance, but should not otherwise be changed, with the possible addition of a time limit such as applies in suspension cases. It is highly desirable, however, that the water carriers should be brought under the same degree of regulation as is now provided in the case of the railroads and the motor carriers, not only for the good of the latter but for the good of the water carriers themselves.

EXTENSION OF REMARKS

Mr. DIRKSEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein an address I gave on February 12.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

FARM TENANCY (H. DOC. NO. 149)

The SPEAKER laid before the House the following message from the President of the United States, which was read and referred to the Committee on Agriculture, and ordered printed:

To the Congress of the United States:

I transmit herewith for the information of the Congress the report of the Special Committee on Farm Tenancy.

The facts presented in this report reveal a grave problem of great magnitude and complexity. The American dream of the family-size farm, owned by the family which operates it, has become more and more remote. The agricultural ladder, on which an energetic young man might ascend from hired man to tenant to independent owner, is no longer serving its purpose.

Half a century ago 1 of every 4 farmers was a tenant. Today 2 of every 5 are tenants, and on some of our best farm lands 7 of every 10 farmers are tenants. All told, they operate land and buildings valued at $11,000,000,000.

For the past 10 years the number of new tenants every year has been about 40,000. Many tenants change farms every 2 or 3 years, and apparently 1 out of 3 changes farms every year. The agricultural ladder for these American citizens has become a treadmill.

At the same time owners of family-size farms have been slipping down. Thousands of farmers commonly considered owners are as insecure as tenants. The farm owner-operator's equity in his property is, on the average, 42 percent, and in some of our best farming sections is as little as one-fifth.

When fully half the total farm population of the United States no longer can feel secure, when millions of our people have lost their roots in the soil, action to provide security is imperative, and will be generally approved.

A problem of such magnitude is not solved overnight, nor by any one limited approach, nor by the Federal Government alone. While aggravated by the depression, the tenancy problem is the accumulated result of generations of unthinking exploitation of our agricultural resources, both land and people. We can no longer postpone action. We must begin at once with such resources of manpower, money, and experience as are available, and with such methods as will call forth the cooperative effort of local, State, and Federal agencies of government, and of landlords quite as much as tenants. In dealing with the problem of relief among rural people during the depression we have already accumulated information and experience which will be of great value in the long-time program. It will be wise to start the permanent program on a scale commensurate with our resources and experience, with the purpose of later expanding the program to a scale commensurate with the magnitude of the problem as rapidly as our experience and resources will permit.

The Special Committee on Farm Tenancy emphasizes the necessity for action of at least four types: First, action to open the doors of ownership to tenants who now have the requisite ability and experience, but who can become owners only with the assistance of liberal credit, on long terms, and technical advice; second, modest loans, with the necessary guidance and education to prevent small owners from slipping into tenancy, and to help the masses of tenants, croppers, and farm laborers at the very bottom of the agricultural ladder increase their standards of living, achieve greater security, and begin the upward climb toward land ownership; third, the retirement by public agencies of land proved to be unsuited for farming, and assistance to the families living thereon in finding homes on good land; fourth, cooperation with State and local agencies of government to improve the general leasing system. These activities which bear such close relation to each other should furnish a sound basis for the beginning of a program for improving the present intolerable condition of the lowest income farm families.

The committee has very properly emphasized the importance of health and education in any long-time program for correcting the evils from which this large section of our population suffers. Attention is also called to the part which land speculation has played in bringing insecurity into the lives of rural families and to the necessity for eliminitiating sharp fluctuations in land value due to speculative activity in farm lands.

The attack on the problem of farm tenancy and farm security is a logical continuation of the agricultural program this administration has been developing since March 4, 1933. Necessarily, whatever program the Congress devises will have to be closely integrated with existing activities for maintaining farm income and for conserving and improving our agricultural resources.

Obviously, action by the States alone and independently cannot cure the widespread ill. A Nation-wide program under Federal leadership and with the assistance of States, counties, communities, and individuals is the only solution. Most Americans believe that our form of government does not prohibit action on behalf of those who need help.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *February 16, 1937.*

TREASURY AND POST OFFICE APPROPRIATION BILL, 1938

Mr. LUDLOW. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 4720) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1938, and for other purposes. Pending that motion, I ask unanimous consent that during the consideration of the bill H. R. 4720 the time for general debate be divided equally, one half to be controlled by the gentleman from New York [Mr. TABER] and the other half by myself, and that general debate continue throughout the day.

The SPEAKER. The gentleman from Indiana moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 4720, and pending the motion asks unanimous consent that the time for general debate on the bill be divided equally between himself and the gentleman from New York [Mr. TABER], and that general debate continue throughout the remainder of the day. Is there objection?

Mr. TABER. Mr. Speaker, I reserve the right to object. I do not understand that that ends general debate today.

Mr. LUDLOW. It does not end general debate today. We will continue general debate tomorrow at least for part of the time.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Indiana.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 4720, with Mr. GREENWOOD in the chair.

The Clerk read the title of the bill.

Mr. LUDLOW. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LUDLOW. Mr. Chairman, I yield 20 minutes to the gentleman from Nebraska [Mr. BINDERUP].

Mr. BINDERUP. Mr. Chairman, ladies and gentlemen of the Committee, of course it is a pleasure for me to come before you; it always is; but it seems to me that today it is a greater pleasure than ever before, and perhaps that is because the real nature of my subject is of the greatest importance to this Congress and the Nation in general, and that inspires me with greater zeal. I was especially interested in the message of President Roosevelt read to the House a few moments ago pertaining to farm tenancy, because that is such a serious problem in my community, and also because of the fact that I have just introduced a bill in this Congress which I believe will go far to relieve that situation, and for the further reason that I have had years of experience in farming, and also have been associated more or less with the Federal land bank of the eighth Federal land bank district since its inception in 1913. Another thing has occurred to me. They have accused us in Congress of being rubber stamps. I can never understand that I am a rubber stamp simply because our great Executive suggests the things in which I believe, or because of the fact that our minds run along the same democratic lines. That is no evidence that we are rubber stamps.

I am pleased to come before the House this afternoon to introduce to you Uncle Sam's hospital chart, statistics of Uncle Sam that are based on history and definite facts. Prompted, my friends, by the motive that by study of the past you shall know the future—give us the truth and the truth shall make us free, for knowledge is light and wisdom

is power—I have brought to you a chart of Uncle Sam showing the different chills and fevers and collapses that he has had since he was born, and then eventually I hope to be able to bring to you that which I consider the remedy, based on fundamental facts, believing as I do that in a thorough understanding of the cause we can better effect the cure, and on this fundamental basis build a plan for procedure. I know that you will be interested in this because we are the guardians of our old Uncle Sam, of his welfare and good health, and we are the custodians of liberty and justice and righteousness, the only atmosphere in which our Uncle Sam can have a happy life. I am prompted by a few other motives to come before you this afternoon, and primarily, perhaps, because certain statements are paramount in my memory. I remember a statement made by President Roosevelt a few years ago, when he said that we must have a dollar of uniform debt-paying and purchasing power, and I remember when I heard that statement I shouted back, "Amen; glory, yes"; for with such a dollar we can have no more depressions, and without such a dollar we can have no lasting prosperity. Then I remember also President Roosevelt spoke recently in words to the effect that this is no time to put the unemployment problem in the filing case of unfinished business because of Uncle Sam's returning prosperity. I remember also that some years ago a great statesman said something along this line, "That the price of liberty is eternal vigilance."

There is still another reason why I am prompted to come before you this afternoon, and it is this: In and out of Congress, wherever we go—yes; on the streetcar, every few days we hear expressions to the effect that we are out of the depression now, that we are all right, and that we can go ahead, that it is all over. I do not want to cast any gloom or spread any crepe unnecessarily, nor do I wish that we should labor under delusions or false ideas respecting prosperity. I want to say to you and prove it to you by Uncle Sam's health chart that Uncle Sam never gets over a depression. We may forget it, that is all. Then on the ashes of the glorious prosperity that once was, but is no more, out of the tears of widows and orphans, forgetting the starvation, deprivation, misery, want, bread lines, and soup kitchens, we brush away the ashes and we build a new prosperity. I say Uncle Sam never gets over his depression. He never comes out as strong as he was before.

These little blocks of communism, radicalism, and so forth, that we hear so much about are but as little pimples on the body politic that denote the evidence of a nation in decay unless something is done to sustain it. So I say, in the numerous collapses that Uncle Sam has had, over 20 of them, my friends, he never came out perfectly strong again. Cause and effect are what I want to call attention to this afternoon.

When I say that Uncle Sam never comes back as complete as he was before, I am reminded of a little historical sidelight. It was in the Battle of Austerlitz, where Napoleon's army won a skeleton of a victory at an enormous cost. His army had become almost annihilated, and in order to bring them back and restore the morale of his soldiers, Napoleon dressed them in brand new uniforms of red and purple, with shining helmets and glittering sabers, and then he sent one of his great generals to talk to them, to inspire them, and to bring back the morale of the French Army. The great general spoke in glowing terms, praising the soldiers for their valor, and said, "Behold again the Army of France, the army invincible. Yes; the cost was great, but think how soon we got over it—how soon we came back." There was confusion among the crowd that had gathered to hear the great general speak. A little mother emerged from the crowd, came up to the great general, and said, "O master, I hold in my arms our infant child. Its guardian and protector, my husband, and my two sons lie dead on yonder battlefield. You said, O master, that we had gotten over it. Will this, our child, get over it, who has lost her protector? Will I get over it? You said, O master, that we have all come back. When will they come back, my husband and my sons, from yonder battlefield?"

So, my friends, Uncle Sam never comes back as good as he was before. We cover the great black mantle of time over hundreds of thousands of little lonesome graves in the Nation's cemeteries, and under that mantle we hide our memories, and we choke and smother the murmurings and sufferings of humanity. Then on this black mantle we build once more another prosperity, as the chart will show, that lasts on an average only about 7 years. That is all. I have often thought that over all these little lonesome graves the Nation should erect a monument and the kind of inscription it should have is this: "Another one of the victims of Uncle Sam's depression. Died at a premature age, through no fault of his, but because a great Nation fumbled, because a great Nation forgot the fundamental principles for which it was created, because a great Nation forgot the very spirit that gave it birth, which was the protection of the worthy weak against the greedy strong."

No, my friends, we never get over it. Uncle Sam never gets over it. They predicted years ago that the life of Uncle Sam would not be more than 200 years, that unless we cured the cause for these depressions and these collapses Uncle Sam could not endure. As I said before, I do not like to hang crepe or bring any gloom upon my audience, but knowledge is light and wisdom is power.

In introducing Uncle Sam's hospital chart, the main thing is that you may see the red line running back and forth. That designates when Uncle Sam was strong. So you may see when he was strong and then lapsed into anemia. He lapsed into a lack of money which is the lifeblood of trade and commerce.

It has been customary to talk of Uncle Sam as an old man. You know, I rather like this personal reference. There is a human touch about it that is appealing. It makes you feel as though you just loved the old man, our old Uncle Sam.

There is another thing that has been customary for a good many years and that is to talk of money as the lifeblood of trade and industry and the lifeblood in the veins and arteries of Uncle Sam. So I have found it convenient in my little talks on Uncle Sam's hospital chart to use these comparisons. They are so similar. So, if I may, I shall mention the similarity. In the lifeblood of man are three constituents or ingredients, just as there are in Uncle Sam's monetary lifeblood, and I have likened them in this manner: The red blood cells of human blood are similar to the gold in Uncle Sam's monetary system; the white blood cells are similar to the silver; and the hemoglobin, or the serum, the liquid, wherein flows the red and the white blood cells is like unto the paper money wherein flows the gold and the silver in the monetary operations of our Uncle Sam. So I shall use this occasionally if the opportunity presents itself, and there is nothing more important before the House, that I may now and then talk about past statistics and deal with our Uncle Sam, showing why he was glorious and why he has been ill; in other words, to diagnose the case of Uncle Sam.

Mr. Chairman, I have always felt that the most important thing is diagnosis. For this reason I would spend days, weeks, months, even years, to be sure the diagnosis is right. Then I would prescribe the remedy. Ah, if you want to experiment, experiment a little with remedies, but not with diagnoses. Go back and find the cause and effect, then proceed. But before we diagnose the case of Uncle Sam, I should like to stop for just a moment to take an inventory of ourselves, if you please, to see if we are capable of diagnosing, and if we understand how to diagnose, the case of Uncle Sam.

If you remember, when we were kids the school teacher said: "Come up and sit down here on the front bench, Johnnie, Willie, Mary. We are going to take up a very important subject this morning. We are going to take up in arithmetic that most important thing, measurement."

Then, if you remember, she told us how important measurement was, how United States Ambassador to Great Britain, Albert Gallatin, had sent over to the United States a weight that constituted a troy pound; that it was so

important that John Quincy Adams, at that time President of the United States, left Washington, went to Philadelphia to receive it, and together with other men carried it to Washington, and in the presence of many broke the seal of the package and placed it in the vault of the United States Bureau of Standards, Weights, and Measures. You will remember how she told us that later on we had a great convention at which the length of the yard and the kilometer were determined, and so on, and how each one of the nations was furnished a kilometer with which to determine length, and so on. She told us all about this. Do you remember, she took out a foot ruler and she said: "Here is 12 inches, a foot, which is used to measure the lumber for building your homes, to measure your land? Here is a yardstick that is used for measuring broadcloth, and so on."

She touched all those things down along the line, but she stopped at the critical point; she failed to say one thing, and humanity has suffered because she forgot it—she did not hold out a dollar and say, "Here is a dollar, the measure of value, most important measure of all—a dollar that measures the sweat of the brow of man."

The dollar, Mr. Chairman, is more important than all the rest because, when every commodity has been measured by its own measure, it is then measured by a dollar, by money, the measure of value. You used this measure of value first in your life when as a child you bought your first stick of candy; and then you continued to use it every day of your life, from morning until night, no matter what business you were in or if you were in any business, until the doctor and the undertaker were paid at the other end of life; and like children in darkness we have groped, trying to find the way, because we did not understand how money measures value.

The dollar measures value and determines, Mr. Chairman, what is so important for each laboring man—the value of his span of life by the day, the week, the month, or the year. The dollar is so important that it measures the value of the lives of the laboring men to their employers, and yet our teacher never told us how it was that a dollar measured value. Like children, we have been groping in darkness, trying to find our way, because we did not know, we did not understand, how it was that a dollar measured value.

Mr. Chairman, I have always believed there were two reasons why we have money panics and depressions—and we have these frequently, as the chart discloses. There are two reasons. The first reason is because we do not understand our own monetary system, and the second reason is because the other fellow does understand it. And there is an infallible law, an indisputable law, that knowledge is light and wisdom is power. Those who know have ever made slaves and serfs of those who do not know. A little personal touch—I want, if you please, to bring out the point that knowledge is light and wisdom is power. I remember sometime ago my little granddaughter came in and crawled up on my knee. She threw a magazine upon the desk and she said, "Tell me about this picture", and she opened the book to a picture in Matamoros down in Mexico, and it showed a big-horned ox hitched to a water wagon selling water on the street. A boy was leading the ox on the streets of Matamoros. I told her about my travels in Mexico and about the general condition of things down there; and she said, "Does that ox like to haul the water wagon around?" I said, "No, honey; that is hard work and the ox does not like it." She said, "But that ox is much stronger than the little boy." I said, "Oh, yes; hundreds of times stronger." You know, I wonder at times how children can ask these questions. She said, "If that ox is hundreds of times stronger than the little boy and does not like to haul that wagon around, how can the little boy make him do it?" I answered in this vein, and I believe it is true: "It is because, honey, the ox does not know its strength and because its spirit has been broken. It is because it has become reconciled to slavery. It does not understand."

Mr. Chairman, there is that same infallible law that knowledge is light and wisdom is power, and those who know have always made slaves out of those who do not know.

The child then took the book and found another picture, taken over in Shanghai, China. There were hundreds of coolies running around with two-wheeled carts, taking the rich people for a ride. I told her about that, and she said again, "Do the coolies like to run around with these two-wheeled carts?" I said, "No; that is hard work. Don't you see they are almost naked?" I told her that the average life of a coolie is 32 years, because they have to run so fast with these carts and work so hard. She said, "Why don't they do like we children do? Why are there so few of the rich and so many of the coolies? Why don't they change off and the rich take the coolies for a ride once in a while?" I answered in the same philosophy: "Why? Because the coolies, though there are many, do not understand their strength. They have been reconciled to misery, want, poverty, and deprivation, and they have grown to believe that is their destiny."

Mr. Chairman, there is that infallible law that knowledge is light and wisdom is power. Those who know and understand have always made slaves and serfs out of those who do not know and who do not understand. It is in that spirit I have brought before you Uncle Sam's hospital chart. Study the past and you shall know the future. A few weeks ago a neighbor came over to my house on a Sunday morning and said, "I see an article in a magazine, but I do not believe it. I want you to read it. It says that 4 percent of the people of the United States take 80 percent of the profits of agriculture and industry, and that the remaining 96 percent must divide the remaining 20 percent." He stated, "I do not believe that." I said, "My friend, that is statistically true." He said, "How in the world can the American people stand that? How can it be that we go on and on under those conditions?" I answered again in the same philosophy, "Because, my friend, the great masses of labor, the great producers of all wealth, do not understand, and there is that infallible law. They think it is their duty."

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. BINDERUP. I told him, "It is because labor does not understand. They do not realize that they are the creators of all wealth, and they should have an equal right to enjoyment. It is because labor has become reconciled to misery, want, starvation, deprivation, soup kitchens, and bread lines, when in reality they have the superior right above everyone else." It is because of that same principle that knowledge is light and wisdom is power, and the fact that those who do not know and do not understand have ever been slaves to those who know and understand.

So, Mr. Chairman, in order to bring this most important subject to the attention of Congress, and on behalf of our own Uncle Sam, I say, "Study the past and know the future. Turn on the light, and the light shall make us free."

How is it, then, and why is it that every few years—the chart will show every 7 years—we fall once more to the level of deprivation and want; then we begin to build a new prosperity on the ashes of the past for just a few years.

That is what I wanted to show you, and that is why I brought to you this chart. And I hope to have the opportunity of appearing before you for just a few minutes from time to time to explain the chart and to discuss with you this the primary question that has to do with the welfare, the permanent prosperity, and happiness of our people.

UNCLE SAM'S HOSPITAL CHART

CASE—AFFLICTED WITH PERIODICAL PERNICIOUS MONETARY ANEMIA (MONEY IS THE LIFEBLOOD OF TRADE AND INDUSTRY)

1781. Young and healthy, wonderful constitution, body developing, heart strong.

1782. Growing rapidly. Veins and arteries (trade and industry) developing.

1783. Ambitious, courageous, but an unwelcome child among kings and monarchs.

1784. Constitution developing, future promising, mind active, body growing strong.

1785. Fever, insufficient lifeblood (money) for a fast-growing body.

1786. Anemia, pale, palpitation of the heart.

1787. Anemia, heart weak, pulse rapid.

1788. Anemia, growing serious.

1789. Anemia, blood constituents low. Red cells (gold), 146,000; normal, 5,000,000 C. M. White cells (silver), 3,000; normal, 8,500 C. M. Hemoglobin (paper money), low. Patient collapses.

1790. Anemia condition somewhat relieved. Blood regeneration evident.

1791. Anemic condition responding to artificial treatment.
1792. Anemia still evident, daily gains encouraging.
1793. Blood constituents almost normal.
1794. Condition good.
1795. Condition good.
1796. Condition good.
1797. Anemia, slight.
1798. Anemic condition, palpitation of the heart, fever, pale, chills, despondent.
1799. Anemia responds to artificial treatment. Still restless.
1800. Anemia improving. Blood count cells 75 percent normal.
1801. Resting quietly, color good, appetite fair.
1802. Gaining weight, blood cells improving.
1803. Anemia growing worse, nervous, frightened, panicky, sleeplessness, tired, weak.
1804. Anemia better, responding to artificial stimulants, fever slight.
1805. Anemia, but improving; red blood cells low but improving.
1806. Still improving; blood almost normal.
1807. Condition good.
1808. Anemia returning; slight fever, chills, fatigued.
1809. Anemia serious; red blood cells count 60 percent; white, 89 percent; hemoglobin bad.
1810. Anemia responds to artificial stimulants; much improved.
1811. Condition good.
1812. Condition good.
1813. Feeling fine.
1814. Anemic condition again returning; pale; blood constituents deficient.
1815. Anemia responds to artificial stimulants; patient resting.
1816. Heart action stronger; blood counts, red, 85 percent; white, 90 percent.
1817. Condition good.
1818. Anemic condition symptoms indicate return; pale and weak.
1819. Anemia, violent attack; increased pulse; heart weak; blood count, red, 55 percent.
1820. Anemic condition continues; somewhat improved.
1821. Anemia slowly responds to artificial stimulants.
1822. Condition good.
1823. Condition good.
1824. Condition good.
1825. Anemia; patient collapses; bedfast; fever; pulse fast but weak; deficient blood.
1826. Recovery rapid; regains confidence; banishes fear.
1827. Condition good.
1828. Anemia slightly threatening; fear and loss of confidence prevails.
1829. Anemic condition improves; quiet restored; resting.
1830. Condition good.
1831. Condition good.
1832. Condition good.
1833. Anemia symptoms apparent; patient restless, frightened, pale, weak.
1834. Anemic condition improving; red blood cells, 65 percent; white, 85 percent.
1835. Condition good.
1836. Anemia; relapse; heart beat and pulse rapid; fever 101°.
1837. Anemia; patient collapses; red blood cells (gold) low, only 5 percent normal. White cells (silver) low, only 9 percent normal. Hemoglobin (paper money) weak and uncertain.
1838. Anemia continues in violent form; blood pressure low; systolic pressure.
1839. Anemia still violent; great anxiety; spleen and liver enlarged; pale, weak.
1840. Anemia finally responds to artificial stimulants.
1841. Anemia, slight trace left.
1842. Anemia improving.
1843. Condition good.
1844. Condition good.
1845. Condition good.
1846. Condition good.
1847. Anemia; patient collapses; blood deficient; red cells (gold) 12 percent normal; white cells (silver) only 17 percent normal; hemoglobin (paper money) weak and pale.
1848. Anemia slightly improved; red blood cells (gold) 33 percent; white (silver) 35 percent.
1949. Anemia condition improved; red blood cells 63 percent (gold); white 80 percent (silver).
1850. Condition good.
1851. Condition good.
1852. Condition good.
1853. Condition good.
1854. Condition good.
1855. Condition good.
1856. Condition good.
1857. Violent attack; patient collapses; red (gold) blood count down 146,000, normal 5,000,000; white (silver) 1,000, normal 18,500; hemoglobin low.
1858. Anemia responding to artificial stimulants.
1859. Anemia, recovering rapidly.
1860. Anemia, relapse; artificial stimulants fail; heart weak; pulse rapid; nervous.
1861. Anemia, alarming; red blood cells (gold), white blood cells (silver) disappearing.
1862. Anemia responds to real healthy blood transfusion (greenbacks).
1863. Condition good.
1864. Condition good.
1865. Condition good.
1866. Condition good.
1867. Condition good.
1868. Anemia alarming, red and white blood cells coagulated; hemoglobin insufficient.
1869. Anemia alarming, red blood cells (gold), white blood cells (silver) coagulate; hemoglobin (paper money—greenbacks) disappearing; condition critical; patient unconscious—historical black Friday; business paralyzed. J. Gould and Fisk buy up and corner the Nation's gold supply.
1870. Anemia continues, but relieved by artificial stimulants.
1871. Condition good.
1872. Condition good.
1873. Anemia; patient collapses; blood count low; red (gold) 14 percent normal; white cells (silver) almost extinct; hemoglobin (paper money) growing stronger.
1874. Anemia continues; patient bedfast, weak; heart rapid, pulse weak and fast.
1875. Anemia again responds to artificial stimulants (bankers credit money).
1876. Condition good.
1877. Condition good.
1878. Anemia violent but of short duration; white blood cells still almost extinct.
1879. Anemic condition relieved; artificial stimulants (more bankers credit money).
1880. Condition good.
1881. Condition good.
1882. Condition good.
1883. Anemia again threatens; patient panicky, worried, frightened; weak and pale.
1884. Anemia violent; white blood cells (silver) increase; red blood cells (gold) decrease; hemoglobin inadequate.
1885. Anemic condition relieved by artificial stimulants.
1886. Condition good.
1887. Condition good.
1888. Condition good.
1889. Anemia; patient panicky, frightened; red blood cells (gold) disappears (gold shipped to Europe).
1890. Anemia, pernicious; patient collapses; losing weight rapidly; heart very weak.
1891. Anemic condition relieved by artificial stimulants.
1892. Condition improved considerably.
1893. Anemia; panicky; depressed, energy lost; despondent.
1894. Anemia; patient collapses; blood count low, red cells (gold) 10 percent normal; white cells (silver) very low, almost disappeared; hemoglobin (paper money) stronger.
1895. Anemic; losing strength; appetite very poor; palpitation of the heart.
1896. Anemia again responding to faith cure and artificial stimulants.
1897. Condition good.
1898. Condition good.
1899. Condition good.
1900. Condition good.
1901. Condition good.
1902. Condition good.
1903. Anemic condition threatening but not serious.
1904. Condition good.
1905. Condition good.
1906. Condition good.
1907. Anemia; patient collapses, violent form; blood constituents disappear entirely for 30 days; exists entirely on blood substitutes (scrip money).
1908. Anemia relieved by phantom money (bankers credit figures on the book).
1909. Condition good.
1910. Condition good.
1911. Condition good.
1912. Condition good.
1913. Anemic condition; frightened; panicky; increased pulse; heart weak.
1914. Anemia, sudden attack; blood constituents disappearing; panicky; frightened.
1915. Anemia responding to artificial stimulants (bankers credit book money).
1916. Condition good.
1917. Condition good.
1918. Condition good.
1919. Condition good.
1920. Anemia; fatigue; dizziness; despondent; weak and pale.
1921. Anemia; patient collapses; blood constituents recede to the lowest point; heart weak; parts of patient's body almost bloodless; artificial stimulants used to the limit.
1922. Anemia; patient very sick; recovery very slow; artificial stimulants not effective.
1923. Anemia continues; heart weak; vitality at its lowest; still bedfast.
1924. Anemic condition becoming more distressing; heart action continues poor.
1925. Anemic condition remains about the same; blood condition bad; action poor.
1926. Anemic condition unrelieved except for some artificial stimulants.
1927. Anemia; numerous remedies prescribed; magic faith cure; patient weaker.
1928. Anemia; Dr. Coué's plan of faith cure tried out by saying, "Every day in every way I am getting better and better."

1929. Anemia; a violent set-back; red blood cells (gold) coagulated; white blood cells very deficient; condition very discouraging; hemoglobin low.
1930. Anemia; patient collapses; every remedy failing; appetite gone; very sick.
1931. Anemia continues; heart growing weaker; pulse very weak but very rapid.
1932. Anemia pernicious; in its worse form; patient unconscious most of the time.
1933. Anemia; new doctor; red blood cells (gold) transfusion; white blood cells (silver) transfusion; hemoglobin (bankers' Federal Reserve currency) slowly increasing; unreliable, but it helps for the present.
1934. Anemic condition much improved; color returning; appetite better.
1935. Anemic condition still improving; new doctor seems to understand.
1936. Anemic condition improved but still serious.
1937. Anemic condition improved principally by an injection of more artificial stimulants (Federal Reserve currency), which is not so reliable, as it can disappear at any time and leave the patient in more serious condition.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I yield 2 minutes to my colleague the gentleman from Indiana [Mr. GRAY].

Mr. GRAY of Indiana. Mr. Chairman, the reason that the electric service has not been brought to the farmers and rural home owners is because the farm and rural service has been left to be developed and extended by the private electric companies. And there is a reason why the private electric companies have never served the farm and rural population. And this is the same reason why private electric companies cannot now carry electricity to farmers and why they never can serve the rural home owners.

A PROBLEM OF COSTS

Carrying electricity to all the farmers is a problem of cost and charges, a problem of low and reasonable costs, a problem of bringing down the cost of electricity to within the reach and ability of the farmers to pay.

Farmers as a class of people in industry are compelled to rely upon low and uncertain income for the payment of their regular monthly bills. For this reason the first requirement for a farm and rural electric program is low and reasonable charges for service.

Any program to carry electricity to all the farmers without this indispensable requirement of low costs and reasonable charges will prove a vain and fruitless gesture, a humiliation, disappointment, and failure. The farmers would be left to discontinue the service and give up the pleasure and blessings of electricity.

It is true that private electric companies have in certain parts of the country served a special few of the farmers, those least costly and profitable to be served. But even these farmers have been served only at high and excessive charges, and by farmers taking less electricity than necessary to be of substantial use to them.

This partial service and limited use is not the demand now to be met, is not the service being considered, or the rural electrical program now being framed to be carried out.

THE PROGRAM MUST BE FOR ALL THE FARMERS

The farm or rural electric program today is a program to carry electricity to all the farmers, to the isolated farmers, and rural home owners, as well as to the more densely populated areas, the same as the rural mails and parcel post, and a sufficient amount of electricity for substantial use in farm operation.

To understand properly the reason, the cause, for the high private electric company charges which has made the cost prohibitive to farmers it must first be realized and understood that the stock of the local operating companies is owned, held, manipulated, and controlled by certain foreign electric companies commonly known as holding companies.

FOREIGN ELECTRIC HOLDING COMPANIES

These foreign electric holding companies holding the stock of the local electric companies neither generate, transmit, nor distribute electricity, nor perform any useful service in producing electricity or carrying or distributing electricity to the farmers. But they compel the local operating companies generating and distributing electricity to levy a tribute upon their consumers in the form of increased rates and charges and make their collection from the people.

The reason why private electric companies left to develop and distribute electric service have never served the farmers and rural home owners except the cream, a certain special few, and these few farmers and rural home owners at high and excessive charges for current, is plain, open, and simple of understanding, and the cause can never be overcome.

HIGH SALARIES MAKE HIGH COSTS

One reason is because local private companies are compelled to add to the charges for service to pay high and excessive salaries to many electric holding-company officials, sometimes amounting to over $300,000 each annually, and to collect these amounts from the consumers as a part of the cost for the service.

HIGH DIVIDENDS ON WATERED STOCK

Another reason for high electric charges by the private local companies is because the local operating companies are compelled to add to their charges to pay dividends on watered and overvalued stock, all of which is added to the costs and collected from the consumers of electricity.

8½ PERCENT COMPOUND INTEREST

Another reason for high private-company charges is that the overhead holding companies, as one of their sources of high income, compel the local operating companies to borrow money from the holding companies at as high as 8½-percent interest compounded semiannually, commonly called "milking" the local companies.

The summary Federal Trade Commission report, authorized in 1928 under President Coolidge and reporting in 1934 under President Roosevelt, shows that to maintain or uphold themselves in these and other charges, before the public these foreign electric holding companies are expending many millions of dollars annually and charging the amount up to the consumers in increased cost of the service.

THIRTY MILLIONS FOR FAVORABLE PUBLICITY

This report shows that more than $30,000,000 annually has been and is now being expended by the holding companies to pay for their own prepared articles to be published in newspaper editorial columns as reflecting the position and advice of the editors before the readers of the papers.

PROFESSORS, TEACHERS, AND MINISTERS

Further parts of this Federal Trade Report show and recite the evidence in detail that vast sums have been annually expended to increase the salaries and pay of many college professors and teachers as well as civic leaders and ministers of the Gospel who are unwittingly misled to voice the praises of the private electric companies.

ALL CHARGED TO ELECTRIC CONSUMERS

It is further affirmatively shown by this report that all these vast millions of money expended for paid newspaper editorials and for increased salaries and pay of educational, civic, and religious leaders are added to the costs of electricity and collected from the consumers.

FARMERS REFUSED SERVICE FOR 30 YEARS

After refusing for more than 30 years to extend the electric service to the farmers at charges within their ability to pay and leaving them floundering, hopeless, in the mud and darkness of primitive life for want of the comforts and conveniences of electricity, the private electric holding companies now, as soon as the farmers begin organizing to provide their own electric systems to serve themselves, come in and make an eleventh hour offer to furnish electric service to the farmers at a cost for which they have long contended electricity could not be furnished without great loss.

Nothing is more obvious and apparent than that the purpose of this eleventh hour offer is now made to confuse, mislead, and toll away a sufficient number of farmers and rural home owners to cut up, divide, and disorganize the territory, and make the required cooperative membership impossible, defeat the movement of the farmers to serve themselves, after which rates will be restored back to regain lost dividends and profits.

TAKING ADVANTAGE OF FARM TRAITS OF CHARACTER

It has long been a fact known relative to farmers as a class in industry that they will not stand together as other classes of businessmen, in a contest for equal business opportunity, and which results naturally from their isolation and the separate and independent lives they live.

Taking advantage of this trait of character, the independent disposition of the farmers to pursue and assume their own separate course and responsibility, monopolies, profiteering upon the farmers, have always tolled away enough farmers from cooperative and independent movements to prevent a united farm organization and to defeat a cooperative movement among them.

It is this same trait of independence in farmers which is now being capitalized upon by the private electric holding companies and directed through the local private operating companies to frustrate and defeat the farm cooperative movement, being organized to carry electricity to the rural home owners and to prevent the farmers organizing to serve themselves, all to prolong the private electric monopoly upon them.

FARMERS SHOULD BE WISE TO THIS STRATEGY

But farmers should at this day be conscious of and wise to this crafty strategy and maneuver to take advantage of the independent character of the individual farmers and the separate lives they live to divide and thereby defeat this cooperative movement now being organized to combine for equal opportunity to enjoy electric service with other classes.

FARMERS MUST BE LOYAL TO THEIR FELLOW FARMERS', THEIR OWN, AND CHILDREN'S INTEREST

The farmers and rural home owners who are maintaining good faith with their fellow farmers, and who remain loyal to the cooperative movement, will not only assure themselves and their families of the great benefits and blessings of electric service at lowest and most reasonable charges, and within their means and ability to pay, but they will be leaving a priceless heritage of electric service at lowest costs to their children and posterity to come, free from the burdens and impositions of high charges to be held upon them by the holding-company monopoly.

But the farmers and rural home owners who now fail to grasp the opportunity to take advantage of cooperative and ownership operations and the aid the Government is now offering to them to provide electric service at cost and yield to this eleventh-hour tragedy will not only be depriving themselves and their families of the great benefits and blessings of electricity at assured low and reasonable costs but will be leaving their children and posterity to pay tribute to the electric monopoly and the burdens of high rates and charges, excessive and beyond their ability to pay.

PRIVATE EXPRESS COMPANIES AND THE PARCEL POST

Such private electrical companies, while paying high salaries to a vast army of officials, and while paying dividends upon watered and excess-valued stock, and paying compound and extortionate interest rates and subsidizing newspapers at the cost of millions annually, and doubling the pay of a vast army of educators and civic leaders, can no more carry electricity to all the farmers at low and reasonable rates or charges than the private express companies were able to carry parcels and packages to all the farmers and rural home owners and make delivery to them at their doors at low and reasonable charges.

PUBLIC OWNERSHIP AND COOPERATIVE OPERATIONS

It is only under public ownership or under cooperative operations organized for use and service, without, and free from profit and gain whereby electricity can be carried to all the farmers at low and reasonable rates or charges like the rural mails and parcel post.

Such privately owned electrical companies are not now carrying electricity to all the farmers either anywhere in this country or anywhere in Europe today where electricity is being extended to the rural areas.

THERE IS A REASON WHY

As there is and has been a reason why the private electrical companies have not carried electricity to the farmers, why they cannot now carry electricity to the farmers, why they can never carry electricity to the farmers at low and reasonable costs and charges within their reach and ability to pay, so there is a reason why farm cooperative associations can and do serve all the farmers and rural home owners at low and reasonable rates and charges. It is because such farm cooperative organizations are not compelled to add to their charges and collect from the consumers of electricity to pay high salaries to a vast army of private holding-company officials.

It is because farm cooperative associations are not compelled to add to the charges and collect from the consumers of electricity to pay dividends on watered or excess valued stock, nor to pay dividends to any stockholders nor to make profits for any investors.

It is because farm cooperative companies are not required to add to their charges and collect from the consumers of electricity to pay extortionate compound interest rates nor to pay vast millions for newspaper articles published as editorials in the press to maintain themselves before the public.

It is because farm cooperative companies are not required to add to the costs and collect from the consumers to pay for the increase of salaries of an army of college professors and teachers and civic leaders and ministers of the Gospel misled to sound before the people the praises of private electric service.

FOR USE AND SERVICE AND NOT FOR PROFIT AND GAIN

Such farm cooperative companies are operated under a plan and system for use and service to their members and not to make profits for stockholders and investors and under which should any profits accrue from the service, these profits must be rebated back to the consumers.

The farm cooperative program is being organized to relieve the charges for electric service from the burdens added to the rates to pay high salaries, dividends and extortionate interest and from many extravagant expenditures now levied by the electric holding companies and forced upon the local operating companies to collect.

ELECTRICITY SUFFICIENT FOR SUBSTANTIAL USE

The problem of carrying electricity to the farmers is not to furnish barely enough current or power to light the dwelling and garage, but enough to perform many household tasks, enough to perform many farm duties, enough to be of full and substantial use in the conduct of the everyday affairs of farm life.

To bring such ample and sufficient supply within the reach of all the farmers in such amounts requires that the cost or charges be relieved from all high salaries and dividend demands, from extortionate interest rates, and from loss and waste of duplications and lowered by economy and efficiency of operations.

HIGH COSTS HAVE KEPT ELECTRICITY FROM THE FARMERS

Under private electric companies, the sale of electric service has been too high for farmers to pay, and the charges for line extensions have been extortionate and demanded in cash. And they have made the electric cost prohibitive and the current cost of service beyond the means even for a scant minimum amount of current.

The alert, watchful, painful care observed to turn off the power or light switch before all the power is used or before the full-time light is required, is not to save the cost of electricity but to save from paying more of the excessive charges.

The full goal of rural electrification is not reached by relieving electric charges from high salaries and dividends to stockholders, nor from usurious and extortionate interest charges, nor from costly newspaper propaganda campaigns, nor from increasing the salaries of civic leaders to influence and maintain favorable public opinions.

The full goal of low and reasonable charges is not carried to rural electrical program by relieving the costs of electrical operations from these extravagant holding-company expenditures, all of which will be added to and collected as a part of the costs of electricity from the consumers.

THERE IS STILL ANOTHER REASON

But there is still another reason, still another cause to be removed and overcome to bring the cost of electricity suffi-

ciently low and reasonable and within the reach of all the farmers. There is another evil, grown up under private company operations, the vast extensions of piecemeal distributing lines.

This has further burdened the private company charges with payments for great loss and waste, and the want of economical and efficient operations, all of which must be eliminated under nonprofit cooperative organizations before the farmers can fully come into their own for low and reasonable electric charges.

We must go further than the elimination of extravagant and profligate expenditures. We must scale down to the minimum the loss and waste in operations grown up and extended under private companies in the mad race for profit and gain of different companies in the same area or territory.

ALL ELECTRICAL CONSUMERS MUST BE SERVED TOGETHER

The farmers and rural home owners cannot be served separately and apart from the town, city, and other consumers in the same territory, area, or district and low and reasonable charges made to them no more than the parcel post or mail service could be carried on by different systems operated in the same territory serving different patrons.

It is only by a unified postal system serving all the patrons of a district and territory, the town, city, and rural people as well, that a letter is carried many hundreds of miles and then delivered to the patron's door for the low and trivial sum of 3 cents.

This is even more and especially true in the operations of the electrical service which cannot be carried on at low and reasonable rates under limited or small volume production.

The generation, transmission, and distribution of electricity must be in large mass or volume to bring down the unit cost and charges of all the different parts of the service carried on under one system, which includes all the service to all the people.

There is no royal road or highway of carrying electricity to all the farmers. The rural program now in the course of development includes throwing off and relief from the burdens of high and excessive salaries from all dividends, profits, and gains, from the many extravagant expenditures of private holding company operations. All of which are added to the charges and collected from the consumer.

And the farm cooperative electric program development includes even more than throwing off and relief from these extravagant expenditures for profit and gain, from the inefficiency and waste in operations resulting from piecemeal line extensions, and from duplication and overlapping of service.

There is a remedy for this duplication and overlapping of service, this piecemeal extension of distributing lines, this operation of separate and different systems of generating plants, transmission and distributing lines, and the different and separate service provided for town, city, and rural communities within one territory, area, or district.

It is the organization of the county or electrical district under one unified or coordinated system for the generation of electric power or current for the whole territory or all of the consumers for such district which is necessary to lower the power-unit cost by increasing the volume of electricity produced and distributed and by combining town, city, and rural territories under one central power plant and system for all.

The entire territory of the county unit or electrical district, the whole of farm, urban, and city population, and all individual consumers and industries to be served within the specified territory included must be held for the exclusive market and consumption of such unified system and coordinated facilities to bring the cost of electricity within the reach of all the farmers.

Under the county unit or electrical district all existing plants would be coordinated or organized under one unified electrical system for the elimination of loss and waste resulting from duplication and overlapping of service necessary for economy and efficient operations.

Or the cooperative associations and municipalities may acquire and take over the existing electrical means or facilities under the laws of the State where located for the unification or coordination of such plants under one system of operation and management.

Or, if there is a municipally owned plant within the county, territory, or electrical district without sufficient generating capacity to produce electric current or power for all the individual consumers and industries included in such county unit or electrical district, then the municipality owning such plant may apply to the Rural Electrification Administration for a loan to enlarge such municipal plant sufficient to provide their farm electric membership association with such increased power or current required in addition to the normal amount used by the city consumers.

RELIEF TO FARMERS' WIVES

Under such low and reasonable rates affording a full and liberal use of electricity at low and reasonable costs per family, the farmer's wife can be relieved of the burdens of many irksome tasks and drudgeries which she is compelled to perform in her daily routine life.

Farmers' wives can be relieved of the work of washing clothes, a strenuous weekly task; of sweeping and washing dishes, of churning and mixing butter, of pumping and carrying water, of cleaning and caring for oil lamps, and many other burdens from day to day.

The farmers' wives could be given a respite from the constant labors and drudgeries which take away the strength and vigor of young womanhood, prematurely in life, and bring on gray hairs and wrinkles and broken and impaired health long before their time.

And more than the relief of lifting burdens, the farmers' wives can enjoy light in every room and hall in the house as well as in every dark closet and pantry, a hot smoothing iron without a heated room, a cooling fan to moderate the weather, and hot water for use at all times.

The farmers' wives could enjoy the same rest and leisure of women of towns, cities, and other classes, with some time for pleasure and recreation and attention and care of the body as required, and time to employ and cultivate the mind.

RELIEF FROM FARM BURDENS

And the farmers could be relieved of the toil of the constant pumping of water for stock, of the sawing of wood for heating, of shelling corn and cleaning grain, of grinding feed from week to week, of cutting hay, straw, and fodder, and many other farm duties required, which are now performed by hand and by bodily strength.

And all this work could be performed by turning a switch and starting electric power, and as quickly turned off again without the loss incident to starting and stopping, and more costly to operate when using.

ALL POWER COMES IN OVER ONE SMALL WIRE

And all this mysterious power would come into the farm home buildings over or through one single wire, and stands ready at all times to answer the call for aid and help in many of the different ways the services would be performed.

The additional income from the farm which can be made from the use of electricity can be made more than to pay the cost of the electric service, to say nothing of the comforts and conveniences, pleasures and entertainment brought to the farm home.

WHY GOVERNMENT LOANS AND COOPERATIVE FARM COMPANIES

It was because of this failure of private companies and the burdens of high salaries and excessive charges to pay dividends upon watered, excess-valued stock, and to many duplicating stockholders and their inability to provide electric service to the farmers at low and reasonable rates, and within their means and ability to pay, that laws were enacted authorizing nonprofit cooperative companies to organize for use and service of members without the burdens of profit and gain, and the Government has provided funds at the low interest rate of 3 percent with which to construct farm-distributing lines to carry electricity to all the farmers.

ELEVENTH-HOUR OFFERS TO HELP THE COOPERATIVE MOVEMENT

Now that the farmers are organizing cooperative companies to serve themselves and to assure of low and reasonable rates, the private electric companies are declaring a program of reducing charges. But they will be unable to make and maintain lower or more reasonable rates for electric service to the farmers.

The private local operating companies cannot carry the burdens of high salaries, of dividends on excess-valued stock, and the many extravagant expenditures imposed by the overhead holding companies without adding these charges to the cost of the service to be collected from the farm consumers.

Nor can the private companies carry on the operations under piecemeal extension of lines and overlapping and duplicating service without loss, waste, and inefficiency, and under which loss, reasonable rates are impossible regardless of the efforts made.

PRIVATE COMPANIES HAVE LONG REFUSED TO SERVE THE FARMERS

The private electric companies have long refused to serve the farmers except upon large cash installment payments and high and extortionate rates and charges. Now, they omit the high cash payment required and reduce the rates and complain of the cooperative charges being equal to or not less than their reduced rates.

They do not explain that the cooperative rates include not only the cost of electricity but the installment payments for their lines, and that as soon as the lines are paid for, the monthly charge for electricity furnished or provided will be small and trivial in amount as compared with the private company rates even when reduced.

The private company charges for electricity have been more than the combined cooperative payments, including both for electricity and payment for the lines. And when the farmers of today, under cooperatives, complete these payments for their lines, they can turn them over to their children to enjoy electricity at low or negligible cost.

THE ONE REASON WHY FARMERS NOT SERVED

The only reason why farmers and their wives have not been relieved of these burdensome tasks, of these continuous drudgeries within the line of conveniences which have come to the homes in towns and cities, has been because the private electric companies left to develop the rural electric service have been unable while carrying the burdens of the private electric holding companies to provide this extension of the electric service at low and reasonable rates and within the ability of the farmers to meet and pay.

And the only reason why farmers and their wives are not relieved of these burdens now and brought all these comforts and conveniences will be because they will not accept the means provided for and offered to them by nonprofit cooperative organizations through the aid of the Government to bring electric service in ample supply at low and reasonable rates and charges free from the burden of excess profit and gain.

And what is more unbelievable even than a failure of farmers to assure themselves of these operating advantages is that farmers who are committed to the cooperative policy and movement in all other producing operations are misled to abandon the plan for electricity.

WHERE TO FIND THE FACTS

The facts of these vast expenditures made by the electric holding companies in their newspaper publicity campaigns and the collection of dividends on watered stock and extortionate compound interest rates, and the millions paid to increase salaries of unsuspecting teachers, civic leaders, and ministers are all shown or disclosed in the exhaustive hearings held before the Federal Trade Commission continuing for more than 6 years under three Presidential administrations, the report of which includes 94 volumes, and certified to by the highest authority in the Federal service of the United States.

Every Member of the House and Senate will be inevitably, in time, called upon to consider further the monopoly of electricity. Everyone is urged to read in advance the summary Federal Trade Commission Report No. 71–A and verify from the testimony taken and reported in these exhaustive hearings. [Applause.]

Mr. DITTER. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. RICH].

Mr. RICH. Mr. Chairman, we are now considering the Treasury and Post Office appropriation bill for the year 1938. I want to call your attention to the figures in this particular bill in order to show you how rapidly we are increasing from year to year each one of these regular appropriation bills for the particular department involved; and if I am any judge, based on my observation during the past 3 or 4 years, the Members of Congress will be astounded when the last appropriation bill for the coming fiscal year has passed this House.

If we take into consideration the two appropriation measures we have already passed, we find that the first emergency appropriation of this year amounted to $789,000,000. We then passed the independent offices appropriation bill, which in 1936 was $805,000,000 and for 1937, $1,079,000,000. For the year 1938 it was $1,140,000,000, or an increase of $61,250,000 over last year.

We now have the Treasury and Post Office appropriation bill, which is the second of the regular appropriation measures; and what do we find in this particular bill? The Budget estimate was $1,001,567,449 for the fiscal year 1937. The amount appropriated was $992,524,892; in other words, the Appropriations Committee figured that because the amount was less than the amount asked by the Department, we were doing a great thing; but what happened? Last year we not only made the appropriation, but when we add to the appropriation the deficiencies for these two Departments we appropriated actually $263,530,110 more in 1937 than in 1936. Now, what do we find with respect to this year? We are asked in the Budget $1,515,996,218, and in the bill as it is presented to you you appropriate $1,500,955,151.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. RICH. I cannot yield now.

There may be a lot of satisfaction in saying we have cut down the Budget estimate, but the fact of the matter is that instead of cutting down we are increasing the amount of this bill by $234,900,149.

If we add this to the first bill we passed, we find that we have appropriated over a quarter of a billion dollars in these two bills more than we appropriated last year.

Mr. LUDLOW. Mr. Chairman, will the gentleman yield?

Mr. RICH. I cannot yield at the present time. I will yield shortly to the chairman of the subcommittee.

Budget estimates are one thing, but what Congress appropriates is another.

This is the statement made by the gentleman from Virginia [Mr WOODRUM]. This ought to show the Members of the Congress that their responsibility lies in the appropriations that they make. I would be shocked if one of the departments were to come to the Appropriations Committee and ask for less money than it did the year before.

My observation of the various departments of the Government has been that each year they try to add to their askings in order that they may increase the activities of their departments and by so doing take on additional employees and in this manner have a greater amount of influence because they will have more people to go to the Congressmen and state that they need the money in this particular department for their own purposes and uses.

This is the point I want to bring to the attention of the Members of the House today. You are responsible for the amount of money expended for the operation of the Government. This is your responsibility and it is my responsibility.

I appreciate the fact that with a membership in the House of 435 Members it is the easiest thing in the world to pass the buck and say, "Well, I was in favor of cutting down expenses, but we have so many other Members in the House, they just overrode me." However, if anyone were to observe your particular vote with respect to all the votes that go

through the House, he might have an entirely different opinion of you. It would be a wise thing if the votes of Members of Congress were published in the papers of their own districts so their constituents could really see how extravagant they really were.

So you are responsible, not to any one individual but to this Nation for your extravagance.

I can see that from the very rapid expansion of Government departments that we will have larger expenses rather than less expense. The Government has taken on over 100,000 employees in the past 3 years, and is taking on over 100 a day, and something some time is going to crack, and the responsibility for that will be yours.

I can name 10 men in the House of Representatives who are responsible now for this increase in expenditures, and they are responsible for this reason: that they can stop these expansions if they get together and make up their minds to balance the Budget and to have an economic administration rather than an extravagant administration, which this one is—the most expensive and extravagant in the Nation's history.

It is certainly amusing to pick up the newspapers around January and read the headlines. Here is one that says that Mr. Roosevelt will balance the Budget in 1939.

I want to say that if he continues the way he has for the last 3 years he will never balance the Budget, because we are increasing expenditures faster than the people of this country can increase their incomes to increase taxes. We will never increase taxes fast enough to catch up to your extravagant expenditures.

I am going to name the committee of 10 men responsible for this state of affairs. We must put the responsibility somewhere.

The President is first responsible.

The Speaker of the House of Representatives is next in line.

House committee chairman, the chairman of the Committee on Accounts, the chairman of the Committee on Agriculture, the chairman of the Committee on Appropriations, the chairman of the Committee on Banking and Currency, the chairman of the Committee on Expenditures in the Executive Departments, the chairman of the Committee on Military Affairs, the chairman of the Committee on Naval Affairs, the chairman of the Committee on Rules, and the chairman of the Committee on Ways and Means.

They are then 10 men responsible, and I wish I dared mention their names, but probably if I did they would throw me out of the House of Representatives, because they could do it. [Laughter.]

They can do anything in the House of Representatives that they make up their minds to do. These 10 men could get together and make up their minds and then tell Congress what they intended to do insofar as we are going to increase the expenditures of this Government or to economize in Government expenses.

Mr. LUDLOW. Will the gentleman yield?

Mr. RICH. No; not now, I will yield if the gentleman will give me more time. Now, I have here the daily statements of the United States Treasury for January, at least most of them.

The daily statements of the Treasury Department ought to reveal to the membership of the House just where we are headed. You know that at the end of the year you can come in and say that we appropriated $10,000,000,000 and spent seven and a half billion dollars, and we only took in $4,000,000,000, but that is just like pouring water on a duck's back so far as making a statement to this House of Representatives is concerned, because it does not amount to a tinker's darn. It does not mean anything; you Members of the House cannot grasp it, there is nobody in the House who knows what it means, and for that reason I have to give it to you piecemeal, a little more in the line of thought that I can understand, and I think you will all get the same value from the statements that I would. These are the daily statements of the United States Treasury Department, made out by the Secretary of the Treasury, Mr. Morgenthau.

TREASURY DAILY DEFICITS

On January 4, according to daily receipts and expenditures, we find that we were behind $2,367,040. On January 5 the statement shows a loss of $13,676,790. On January 6 the amount of money taken in from receipts and the difference from what we spent shows a gain of $48,926,899; but get this fact, that we received from public debt that was repaid $101,806,000, and we only paid out $49,000,000; on the public debt we took in $52,728,000 more from money that we had already loaned to these agencies than we received, and if we deduct that we would have a deficit on that day of over $3,000,000. On January 7 we find that the Treasury report shows that we were $12,277,000 in the red. In case some of you might think that I am not giving the facts and figures correctly I want you to read these, and I hand them to you. On January 8 we find that we were $4,366,108 in the red. On January 9 it was $3,549,000 in the red. On January 11—and here comes this man from Texas, Mr. MAVERICK, who wants to know if this is correct—we were $8,452,518.64 in the red; and I want to say here to the gentleman from Texas that Texas is getting more of this money than any other State in the Union.

Mr. MAVERICK. That proves that I am a good Congressman.

Mr. RICH. And if the people of Texas do not stop trying to drain this Treasury something will happen. [Laughter.] On January 12 we were $4,261,542 in the red; on January 13 we were $10,229,000 in the red; on January 14 we were $7,460,000 in the red; and on January 15—well, I have not figured that out. You know, you have to figure these out from daily statements if you want to know the actual amount we are in the red. Well, we were going to show a profit on that day, and, if I did not give this to you, you may think that I am trying to put one over on the Members of the House. It looks to me as if we were going to have $3,000,000 credit for that day, and if the gentleman from Kansas [Mr. HOUSTON] will figure it out and put it in the RECORD I shall appreciate it. On January 16 we were $15,987,000 in the red; on January 18 we were $64,917,000 in the red; on January 19, $12,185,000 in the red. I want to give some of these statements to the chairman of this subcommittee, the gentleman from Indiana [Mr. LUDLOW]. On January 21 we were $11,395,000 in the red; on January 22, $6,736,000 in the red; on January 23 we were $2,897,000 in the red; January 25, $8,858,000 in the red; January 26, $8,447,000 in the red; January 27, $753,486 in the red—less than a million dollars on that day. Think of it! On January 28 we were $7,271,000 in the red; January 29, $4,260,000 in the red; January 30, $797,510 in the red.

That takes up the month of January. When the month of February is over I shall give you some more data in reference to that particular thing—the daily deficits of the Federal Treasury.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield for a question for information?

Mr. RICH. First, I shall have to yield to the chairman of the committee, and then I shall yield to the gentleman from Kentucky.

Mr. LUDLOW. Mr. Chairman, the gentleman knows that I have a great deal of admiration for him and I have much sympathy with his economic state of mind, but I am sure that he does not want to leave a wrong impression as to the economies effected in this bill.

The gentleman said a while ago that the bill shows an increase of $234,900,149 over the 1937 Treasury and Post Office bill, which is quite right, but the gentleman did not say why that increase occurred and I think he ought to go further in saying that it is due to the Social Security Act, and I am sure the gentleman does not want to repeal that act.

Mr. RICH. No; I do not want to repeal section 1, but sections 2 and 3 you will find unconstitutional, and the Supreme Court will repeal those. The fact of the matter is that we have increased the old-age reserve account $250,000,000 over what it was a year ago.

Mr. LUDLOW. No; $235,000,000 over what it was a year ago.

Mr. RICH. That is correct; my mistake, and I want to correct any I may make.

Mr. LUDLOW. We think that we have done a very effective job in cutting down the appropriations for the operations of these two departments. We reduced the Budget estimate $15,041,067, and we reduced aside from this increment of social security which is actuarial and over which we have no control—we reduced the total for those two departments $99,851 below the appropriations of 1937, and I think that ought to be stated in all fairness.

Mr. RICH. I have observed the gentleman from Indiana in this House. The gentleman is always trying to cut down these bills as far as he is concerned, but his colleagues will not help. They are passing laws all the time that require more money and the gentleman does not have the help he should have for economy. I will venture to say that if the gentleman had the opportunity, the bills of this country would not be where they are today, because the gentleman from Indiana can pick out the men on this floor who are interested in keeping them down. He is one of them and I congratulate him. But I want to say that the gentleman from Indiana will admit the reason these bills are increasing every year is because of the fact that Congress passes laws which require more money.

Mr. LUDLOW. Absolutely. The gentleman is correct about that. Congress passes statutes that require appropriations to meet them. Our committee is merely an appropriating committee. We cannot annul statutes passed by Congress by refusing appropriations if we wanted to; so that we carry out the mandates of Congress on these matters. I think, just as the gentleman thinks, that the Congress should hold appropriations down to the very limit, but when Congress enacts laws the Committee on Appropriations cannot disregard them. Even if it should desire to do so, I think no Member feels that we should disregard the Social Security Act.

Mr. RICH. That is the reason I am laying this responsibility on the membership of the House. The membership of the House is responsible.

Mr. LUDLOW. The gentleman should not overlook the membership of another body.

Mr. RICH. The Senate, the House, Republicans, and Democrats alike. I do not except anybody in that statement.

I now yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. The statement of the gentleman giving the balances for each day is very interesting. I should like to know, if the gentleman has the figures, what is the deficit this year, from July up to this time?

Mr. RICH. I will tell the gentleman in a moment. All the gentleman needs to do is to look at one of these statements and he can find it. The excess of expenditures over receipts for this year from July 1 to January 14 was $1,492,779,275.98.

Mr. ROBSION of Kentucky. The gentleman means February?

Mr. RICH. No. From July 1 to the date of this statement, January 14, we were $1,492,779,275.98 in the red. The national debt on this date was $34,464,000,000.

I want to make these observations. Talk about this great national debt. Talk about debts owed us by foreign countries. We criticize foreign countries because they do not assume their obligations and pay their debts to Uncle Samuel. I criticize them, too, but I say to you Members of Congress that the United States, as we are working things out now, does not intend to pay its debts. You Members of Congress, the way you are headed—that is, for bankruptcy—do not intend to pay your debts.

[Here the gavel fell.]

Mr. POWERS. Mr. Chairman, I yield the gentleman from Pennsylvania 5 additional minutes.

Mr. RICH. The total amount owed us by Great Britain is $11,000,000,000; by Hungary, $4,693,000,000; by Poland, $435,000,000; by Ethiopia, $33,000,000; Latvia, $13,000,000; Lithuania, $14,000,000; Czechoslovakia, $312,000,000; Rumania, $122,000,000; Belgium, $727,000,000; France, $6,847,000,000; Italy, $2,407,000,000; making over $22,000,000,000 owed by foreign countries. They do not intend to pay those debts. I am confident of it. They have repudiated them already. I am just as sure, the way we are going, the United States will repudiate its debt of $35,000,000,000 which we have now, unless we do one of two things—cut expenses or pay more taxes. I will show you in the next 4 minutes what is going to happen.

This administration is pretty shrewd in fooling the people. This is the way they are doing it. Last year you collected 1 percent from the corporations on the amount paid for this social security on the labor pay roll. This year you are going to collect 2 percent from the manufacturers and 2 percent from the employees, making 4 percent on the total pay roll of all people who work in this country, except those who are eliminated from the Social Security Act—farmers and people employing less than eight people and domestic servants.

That will bring into the Treasury of the United States the greatest sum of money that you ever dreamed of. But it is intended for one purpose, and that is to take care of old-age pensions and unemployment insurance, and so forth. When that money comes into the Treasury you are going to use it to buy Government bonds. You are not going to pay out any great amount until 1942. By that time this fund will have increased so rapidly that we will take up most of the outstanding Government bonds at 3 percent.

When the gentleman from Texas [Mr. PATMAN] was on the floor the other day he turned a complete somersault in his desire to eliminate the issuance of tax-free bonds. I am against them and I feel sure he is, but he says we have passed a law to eliminate them. When he made that statement this went through my mind, and I know he is correct, because he would be here hollering for it if it was not true. Somebody high up in the White House told him, "Now we have this settled"—so far as my own interpretation of what will happen and see if I am not right—"we are going to buy up all these bonds with this social security money and then we will not have any bonds to pay interest on, except what goes into social security fund."

That satisfied the gentleman from Texas, but instead of laying that money by to take care of old age and social security, we are going to steal that money away from them and put it into Government debts, and all we will have to pay for social security will be I O U—I O U in the form of Government bonds; so we will, as I say, misappropriate might be a milder word, but the fact is, we steal this money collected for the purpose of paying old-age pension to pay our national debt. That will put off the debt payment so far as Government debts are concerned, but we fool the people because there will be no funds to pay social security, and we will then retax to pay for social security.

You steal that money and you put it in Government bonds, and the Government bonds will not be worth the paper they are written on, because you will have outstanding more than you can possibly pay off.

Mr. FITZPATRICK. Mr. Chairman, will the gentleman yield right there?

Mr. RICH. I do not yield right now. I want to finish my statement, and they will not give me any more time. When I get through telling the Democrats that they are going to steal the social-security money to pay this enormous debt you are contracting, my time will have expired. The fact of the matter is, that is what is going to happen. That is one way of fooling the American people. You are collecting this money for social security and old-age pensions but are going to use it to pay off the national debt. A real sales tax collected from manufacturers, who pass it on in cost of goods sold and collected from wages of labor.

Mr. FITZPATRICK. Mr. Chairman, will the gentleman yield right there?

Mr. RICH. No. I consider it a pretty shrewd thing on the part of the Democratic Party to be able to fool the people into a tax like that.

Mr. FITZPATRICK. Mr. Chairman, will the gentleman yield?

Mr. RICH. Mr. Chairman, I told the gentleman I would not yield, because I want to make this statement. If the gentleman will get me more time, I will yield. You will have eliminated the tax-free securities, because you will own them all through this social-security fund. I hope, then, you never issue another one, because the Government should not issue tax-free bonds.

[Here the gavel fell.]

Mr. POWERS. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. RICH. Mr. Chairman, I yield to the gentleman from New York.

Mr. FITZPATRICK. How would the gentleman have the Government invest the money collected for the social-security fund if not in Government bonds? What other security would the gentleman suggest?

Mr. RICH. Does the gentleman want to know what I think of Government bonds now?

Mr. FITZPATRICK. I am asking the gentleman a question.

Mr. RICH. I will tell the gentleman. If you did not have this money coming in more than sufficient to take care of the needs under the Social Security Act, Government bonds would not be worth much now.

Mr. PITZPATRICK. The gentleman knows that is not so.

Mr. RICH. I do not. I mean that; they would not be.

Mr. FITZPATRICK. The gentleman is not answering my question. Will the gentleman answer my question?

Mr. RICH. I am going to answer it. Except for the money coming in under the tax in the Social Security Act you would never pay the Government debt, because the Democrats would never be able to collect sufficient revenue otherwise. It is a camouflaged sales tax.

Mr. FITZPATRICK. Answer my question. Where would the gentleman invest that money if not in Government bonds?

Mr. RICH. I supposed they could go out and buy other good bonds.

Mr. FITZPATRICK. Tell us what bonds are better than Government bonds.

Mr. RICH. The national-bank laws say in what securities investment trusts shall be invested.

Mr. FITZPATRICK. Tell us what is more secure than Government bonds.

Mr. RICH. There are other bonds just as good, that probably will be a whole lot better—bonds that State and National laws consider legal for trust funds.

Mr. FITZPATRICK. No; that is not so.

Mr. RICH. Buy some of these farms the President wants to get rid of, worn-out farms. They will be a whole lot better than Government bonds unless we balance our Budget.

Mr. FITZPATRICK. Before the Social Security bill was passed, United States bonds were very high.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield to permit me to propound two questions?

Mr. RICH. Yes; but I can answer only one question at a time.

Mr. CRAWFORD. With reference to the foreign debts owed to us, has any interest or principal been paid on these debts since we established the reciprocal trade agreement policy and began to put these trade agreements into operation?

Mr. RICH. One small country has paid us something like $3,000,000 or $4,000,000.

Mr. CRAWFORD. Does the gentleman recall what country that was?

Mr. RICH. Yes; Finland.

Mr. CRAWFORD. So that with some 12 or 14 agreements in operation only one little country is paying us any part of either principal or interest on prior debts.

Mr. RICH. That is right. The highest rate of interest is 3.3 percent. The lowest is on the Italian debt and amounts to four-tenths percent.

Mr. CRAWFORD. Is it not true that the State Department promotes the idea all the time that one of the principal reasons for the reciprocal trade agreement program is that we may be able to collect interest and principal payments from these countries that owe us money?

Mr. RICH. I think the gentleman is right. I think also that it will be found that this policy is going to damn our American labor, farmers, and manufacturers. I believe American farmers should produce as much of the need for domestic foodstuffs as possible. I believe also that American manufacturers should produce manufactured articles to meet the domestic market rather than to let these articles be imported from foreign countries, where they are produced with cheap labor. That cheap labor displaces better-paid American labor. We are going to find that these reciprocal-trade agreements will damn this Nation of ours. Just keep your eyes open for increased imports.

Mr. CRAWFORD. Is it not also true that, as this program operates, foreigners have secured, through the operation of the reciprocal-trade agreement, dollar exchange, with which they have bought up to approximately $8,000,000,000 of the securities of the United States industries and in this way are edging in to a position where they can more or less control our industries?

Mr. RICH. I think the gentleman is correct.

Mr. CRAWFORD. A gentleman over here has raised the question, where would you invest this money?

Mr. RICH. First, let me ask, where are you going to get the money?

Mr. CRAWFORD. Does the gentleman believe it is sound procedure for us to tax the wage earner of this country excess amounts for the purpose of raising a $47,000,000,000 fund with which to redeem and pay the debt of the United States when he should have those wages for the purpose of feeding, clothing, and educating his family?

Mr. RICH. No; I do not. I think the gentleman is right, and I think he will find this is all going to work to the detriment of the American farmers, American labor, and American industry, and our country in general. [Applause.]

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I yield 10 minutes to the gentleman from Montana [Mr. O'CONNOR].

Mr. O'CONNOR of Montana. Mr. Chairman, I sincerely hope nothing has been said by the distinguished gentleman from Pennsylvania which will cause this bill to be cut down. We need money in the State of Montana in connection with the construction of new post-office buildings. There are towns in my district in which the post-office accommodations are entirely insufficient. The post-office business is conducted in small, unlighted rooms. In towns of three or four thousand the post offices are located in rooms with scarcely sufficient office space or lighting facilities to get along. We have pending in the neighborhood of 17 applications for the construction of post-office buildings in eastern Montana.

My own city of Livingston, a city with a population of around 7,000, is located 125 miles distant from the Federal court to the east, and an equal distance from a Federal court to the west. We have not the services of a Federal court in my city. We are, therefore, going to ask the Congress for an appropriation of $225,000 to supply that district with Federal court accommodations, the headquarters of the court to be located in Livingston.

Mr. Chairman, speaking about the Budget, may I say we do not need to be alarmed at all about balancing the Budget. No business, private or public, at the expense of progress ever balances a budget until the income is sufficient with which to do it. Remember that we have exploited the United States and her natural resources through private industry for years. Our timber has been exploited by the hand of man and by destructive fires. Our country has been practically ruined by floods and drought. In other words, in one brief sentence the United States today is like an old run-down farm. It has to be repaired and built up. We have to get the money to do this work from the Treasury of the United States so that the present population and the generations yet unborn may live satisfactorily and comfortably in this country. We have the greatest country in the world if we will only take care of it, but we have not been doing that in the past. I do not expect to see this

Budget balanced at the expense of the human beings of this country when, as was pointed out by our distinguished President not long ago, one-fourth of the population is suffering. Who wants to balance the Budget at the expense of human lives? Are we, as we did during the 12 long years of Republican rule, going to maintain the dollar above the principles of humanity, or are we going to make the dollar our servant instead of our master? So much for that.

Mr. Chairman, I am a new Member of this House. A statement was made here the other day by a Member of the House that in my opinion was one of the most vicious statements that has been made since my entry here. The Speaker was accused of coercion, the majority leader was likewise accused, as well as the other leaders of the House. These are not facts; never have I been asked to vote for or against a bill. The gentleman made the statement that the new Members of the House took no part in the legislation enacted by the House.

Mr. Chairman, I for one feel that my vote counts just as much in the passing of various measures in this House as the vote of any other Member of the House, whether he be Republican or Democrat. May I say further that from the time of my entry as a Member of this House the Speaker, the majority leader, the chairman of the Rules Committee, and every other older Member of the House has been mighty courteous to me and has assisted me in presenting my views to the House in my humble and poor way and has shown me every kindness that any Member, old or new, should demand in any legislative body. I feel that I have had a square deal from the officers of this House.

Mr. Chairman, may I say a few words in connection with something else that was said at that time? This sort of rot is being put out through the press of the country. It is stated that the foundation of our Government is being wrecked because new and additional members may be appointed to the Supreme Court. Think of it! Not a constitutional provision, either directly or impliedly, is violated by increasing the membership of that Court. If by increasing the membership of that Court you can make this a lawmaking body, as in theory it is, instead of a bunch of chattering beings that occupy trees and hang by their tails, then I say let us increase the membership of that Court.

I was told by a Republican before I came down here: "You think you are going to have something to say about the making of the laws of this country, but I will say to you that the Supreme Court will tell you what the law is in this country."

I was taught that we have three coordinate branches of government—the executive, the legislative, and the judicial. I was also taught that the judicial branch was for the purpose of interpreting the laws and not for the purpose of nullifying laws. There is the distinction. It is not the province of the Supreme Court of the United States to nullify laws except when it appears beyond rational doubt that they are violative of our Constitution. Why, Mr. Chairman, do you not realize that the rule of common right and reason which is being read into the court decisions of this country, by way of constructive limitations, came from the lips of a man who has been dead over 300 years? That was Lord Coke, who, in a decision and by way of dictum, made the statement:

> When a law conflicts with common right of reason a court has the right to declare it unconstitutional.

In other words, he took the position that when the court disagreed with the wisdom of the legislature, or disagreed with the reason for the legislation, it had the right to nullify such legislation.

This was never intended to be the province of a court. I call your attention to one of the first cases in this country to recognize this as a rule by way of constructive limitation, known as the Bake Shop case, decided in 1935 or thereabouts. The State of New York passed a legislative act which declared that employees could only work so many hours a day or week in a bake shop. Among other things, the Court made the statement that it was the first inroad on the right of private property, and in effect was dangerous legislation, and so forth. But that is not the ground on which is was held violative of the Constitution. Speaking for the Court, Mr. Justice Peckham in the decision used this language:

> In our judgment it is not possible in fact to discover the connection between the number of hours a baker may work in a bakery and the healthful quality of the bread made by the workman.

Think of it! Did not the Legislature of the State of New York know more about what was healthful and necessary for its people than a court sitting outside of the State of New York? It is not a far cry to say that, underlying many of the decisions of the Supreme Court nullifying the so-called New Deal laws, promulgated and enacted by Congress, the Court was motivated along the lines of the bake-shop decision.

Under our system of government, the Congress of the United States is the lawmaking branch. Bills are introduced, referred to a committee, attacked and defended in committee, testimony is taken thereon, every conceivable angle of the bill is threshed out in the committee, which later on is reported by that committee, to pass or not. When it finally comes up for a hearing before the House, it is likewise very, very carefully gone into, criticized, and defended. Every conceivable reason is advanced for and against its passage. Able Representatives take part in the debate and take part in the passage of these laws. These Representatives come from all States in the Union, fresh from the people. They know their needs, they know what legislation is required. They know best what is for the welfare of the country and our people. Is it right that any court should have the veto power or the nullifying power to pass upon the wisdom or lack of wisdom, the reason or lack of reason, for the passage of such laws by a body of Representatives, many of whom are just as capable and just as able, from the standpoint of lawyers, as any man who ever sat on a bench anywhere?

If the Court's judgment is to be substituted for that of Congress, then we no longer have in fact a legislative department. It exists only in theory. If by increasing the members of the Supreme Court acts of Congress may be regarded with more sanctity, then do you not think the proposal of the President would be worth while?

[Here the gavel fell.]

Mr. DITTER. Mr. Chairman, I yield 25 minutes to the gentleman from Michigan [Mr. DONDERO].

REORGANIZATION OF THE SUPREME COURT

Mr. DONDERO. Mr. Chairman, is there any member of this House who honestly believes that if the New Deal legislation which the Supreme Court has declared unconstitutional had been held valid that the President's message of February 5 would have been sent to this body? In addressing myself to that message I shall pay particular attention to that paragraph in which the President said:

> I therefore earnestly recommend that the necessity of an increase in the number of judges be supplied by legislation providing for the appointment of additional judges in all Federal courts, without exception, where there are incumbent judges of retirement age (70 years) who do not choose to retire or to resign. If an elder judge is not in fact incapacitated, only good can come from the presence of an additional judge in the crowded state of the dockets. If the capacity of the elder judge is in fact impaired, the appointment of an additional judge is indispensable. This seems to be a truth which cannot be contradicted.

There are some phases of the President's message with which reasonable men can agree, but I wish to devote my attention to the fundamental proposal contained in the message and to be inferred from the preceding paragraph, namely, that of forcing, through humiliation, the retirement of judges of the Supreme Court above the age of 70 years by an act empowering the President to appoint associate judges in their place and thus brand those Supreme Court judges as senile. It must be obvious to any fair-minded person that no self-respecting judge would do other than retire if he were publicly branded as incapacitated and unfit for the discharge of his duties.

The President's proposal precipitates one of the gravest questions, in my opinion, in the history of our Republic. It

is important that the real issue be clearly defined and to determine, if possible, exactly the purpose of the President's request, his motive in demanding the power to appoint as many as six new judges to the Supreme Court. Are these appointments sought to enable the Court to perform its functions more efficiently, or are they sought for the purpose of forcing the Supreme Court judges to interpret the Constitution in accordance with the views and desires of the President? If the President wants to increase the efficiency of the Court, it must be because the Court requires additional members to perform its work efficiently, or because by reason of the age of some of its members it is unable to do so. The President's proposal itself recognizes that no increase in the membership of the Court is required. Under his recommendation the Court would be increased in number only if, and to the extent, that Justices on the bench now 70 years of age or over fail to retire. In that event it is provided that the President shall appoint new Justices equal in number to those not retiring, to serve with them. If all six Justices of the Supreme Court now past 70 years of age retire, the Court will continue to consist of nine members as now. This provision shows that the President's purpose is to change the personnel of the Court and not its number. The proposal then is not one to increase the Court upon the grounds that it requires more members but rather because, as Warren, eminent historian, said in his well-known work on the Constitution, The Supreme Court in the United States History:

> The real grievance felt by the Court's critics is not the number of Justices who joined in setting aside the Federal statute but rather the fact that the Federal statute was set aside at all.

The President did not tell the people in his campaign that he would demand the right to appoint six new judges to the Supreme Court, and the Democratic platform of 1936 is silent on the subject. The Democratic platform contains the following paragraph:

> We have sought and will continue to seek to meet these problems through legislation within the Constitution. If these problems cannot be effectively solved by legislation within the Constitution, we shall seek such qualifying amendment as will assure to the legislatures of the several States and to the Congress of the United States, each within its proper jurisdiction, the power to enact those laws which the States within their respective jurisdictions shall find necessary in order adequately to regulate commerce, to protect public health and safety, and to safeguard economic security. Thus we propose to maintain the letter and spirit of the Constitution.

Could any leader with a high regard for his great office make such a declaration in favor of an amendment to the Constitution and then substitute for it such a proposal as this for changing the membership of the Supreme Court? Mr. Chairman, this question is of such vital importance to the Nation, to posterity, and by example, to the rest of the world, that it goes beyond any partisan consideration whatsoever.

The time has come when we must lay aside all partisan considerations and ponder the future of our Government, the welfare of our people, and the probable results which would flow from granting to the President the power which he demands. On January 4, 1936, the President in his message to the Congress said in part:

> In 34 months we have built up new instruments of public power. In the hands of the people's government this power is wholesome and proper, but in the hands of political puppets of an economic autocracy, such power would provide shackles for the liberty of the people.

Is it possible that the Executive seeks by bending the will and judgment of the Supreme Court to his desires, as he has already controlled the will of the legislative branch of the Government to his desires, to build up still further power in the executive branch of the Government?

There is no assurance that any President, whether Republican or Democrat, benevolent as he might be, would live to administer such an autocratic power either wisely or benevolently. Who knows what might be done by his successors in office? Well might we ask the question, Will they be puppets of a political autocracy who will shackle the liberties of the American people by this "new instrument of power"?

That has been the history of dictatorships. In connection with the subject let us turn to the remarkable prophecy and the clear description given by Daniel Webster, who nearly a century ago, in describing the case of the benevolent autocrat, declared:

> It is hardly too strong to say that the Constitution was made to guard the people against the dangers of good intentions, real or pretended. * * * There are men in all ages who mean to exercise power usefully, but who mean to exercise it. They mean to govern well, but they mean to govern. They promise to be kind masters, but they mean to be masters. They think that they need but little restraint upon themselves. Their notion of the public interest is apt to be quite closely connected with their own exercise of authority. They may not, indeed, always understand their own motives. The love of power may sink too deep in their own hearts, even for their own security, and may pass with themselves for mere patriotism and benevolence.

Mr. Chairman, it is our duty as Members of this Congress to look at this question clearly and calmly, without partisan prejudice, and to judge by the conditions and symptoms discerned in the light of history whether or not this proposal is based upon a sincere or mistaken impulse, or whether it is part of a plan to circumvent the Constitution.

Washington himself warned against amendment of the Constitution "by usurpation of power and by subterfuge."

Let us now examine briefly the history of constitutional government. It was with prophetic foresight which now chills the blood that the great analyst, James Bryce, nearly 50 years ago, foresaw exactly what is now proposed and which he said would sometime occur in our constitutional Republic. Listen to what he said in his book, The American Commonwealth:

> Suppose a Congress and President bent on doing something which the Supreme Court deems contrary to the Constitution. They pass a statute. A case arises under it. The Court, on the hearing of the case, unanimously declares the statute to be null, as being beyond the powers of Congress. Congress forthwith passes and the President signs another statute more than doubling the number of Justices. The President appoints to the new justiceships men who are pledged to hold the former statute constitutional. The Senate confirms his appointments. Another case raising the validity of the disputed statute is brought up to the Court. The new Justices outvote the old ones; the statute is held valid; the security provided for the protection of the Constitution is gone like a morning mist.
>
> What prevents such assaults on the fundamental law—assaults which, however immoral in substance, would be perfectly legal in form? Not the mechanism of government, for all its checks have been evaded. Not the conscience of the Legislature and the President, for heated combatants seldom shrink from justifying the means by the end. Nothing but fear of the people, whose broad, good sense and attachment to the great principles of the Constitution may generally be relied on to condemn such a perversion of its forms. Yet if excitement has risen high over the country, a majority of the people may acquiesce; and then it matters little whether what is really a revolution be accomplished by openly violating or by merely distorting the forms of law. To the people we come sooner or later; it is upon their wisdom and self-restraint that the stability of the most cunningly devised scheme of government will in the last resort depend.

Mr. Chairman, such was the statement of an eminent student of government 50 years ago. It might well have been written yesterday. It is commonly understood that the Executive intends by all his power of patronage, punishment, and persuasion, to force this legislation through this Congress as quickly as it is possible to do so. Mr. Chairman, I call attention to the fact that not one word, nor one hint, was given to the people of the United States during the last campaign that the President meant to make any such proposal, nor did anybody closely connected with him give to the Congress or to the country any hint that this proposal was to be made until it arrived in the message from the President on February 5.

I ask in all sincerity why this silence during the campaign and after election? Why this haste to expedite, even to the point of writing a bill to be passed, and sending it along with the message? Why is the President afraid to trust the Congress and the people in this matter sufficiently to give them time to examine its dangerous implications?

Can anyone, in good faith, argue that the constitutional method of amending the Constitution is too slow? The people provided the method and they alone can change it. Several amendments have been passed in a period of a year to 18 months, including the repeal of the eighteenth amendment, the women's suffrage amendment, and the "lame duck" amendment.

The President, in his message, has cited increasing congestion in the Courts as the motivating reason for his present

demand to alter the framework of the judiciary. Why, Mr. Chairman, Attorney General Cummings, in his annual report on the Supreme Court which was issued January 6, 1937, stated:

> There is a decrease in the total number of pending cases, and in each class of cases.

Solicitor General Stanley Reed, in his report on the last full term of the Supreme Court stated:

> Every case argued or submitted at the term was disposed of before adjournment.

The fact of the matter is, Mr. Chairman, the Supreme Court is neither falling behind with its work, nor denying justice to applicants in order to keep its work current. The Court, as now constituted, is up with its docket and disposes of its cases with promptness. This promptness is made possible largely by reason of the extraordinary familiarity which members of the Court have with its decisions, and with the questions coming before it for review. This familiarity has been acquired through the continued services and long experience of the members of the Court. The effect of substituting six new members, however able, for those eligible for voluntary retirement, or, by addition of six new members to the present number, would be to retard and not to expedite the work of the Court.

The real reason behind this desire to change the personnel of the Court is to be found in the following figure:

In the years since 1789 Congress has enacted 24,902 laws. The Supreme Court, in all that time, has found only 73 of those acts, or parts of them, to be in conflict with the Constitution.

Out of those 73, barely 16 concern acts of Congress that conflict with the everyday lives of citizens. The other 57 were largely technical.

An examination of these figures discloses that during 144 years the Supreme Court found only 61 legislative acts of Congress, or parts of them, to be in conflict with the Constitution, but, during the last 4 years, the Court has found 12 to be in conflict, which is an average of three a year. Even more important—out of 16 Supreme Court decisions that bore on economic and social problems, 8 were decided in the first 144 years, and 8 were decided in the last 2 years.

Before reverting again, Mr. Chairman, to what statesmen of history have said by way of warning us against exactly such proposals as the President has made, I wish to call attention to the fact that if the mere passage of time which brings men to the point of 70 years is sufficient to disqualify them intellectually, as the President asserts, the world would have lost some of its most brilliant art, literature, and statesmanship. Indeed, some of the most brilliant men in this Congress would be disqualified under the President's stipulation and be forced to retire, and it would leave two vacant chairs in the President's Cabinet.

Oliver Wendell Holmes, the elder, was just executing his greatest writings at 74; at 75 he wrote his essay on Emerson. At 76 he wrote The Antipathy, one of the classics of American literature. Over the Tea Cups was published when he was 78.

The late Justice Oliver Wendell Holmes, who for 21 years after he was 70 retained his magnificent powers of intellect, writing opinions which admittedly are classics, envied and admired by every member of the Supreme Court today.

History is filled with names of men like Commodore Vanderbilt, who between the ages of 70 and 83 added 10,000 miles to his railroads. Groat, in his seventy-first year, began his important work on Aristotle; Handel was 72 when he composed his greatest oratorio; Samuel Johnson was beyond 70 when he published his greatest work; Wordsworth was appointed poet-laureate beyond the age of 70; Meyerbeer, 72 when he composed his greatest opera; Galileo, 73 when he made his greatest astronomical discoveries; Verdi, doing his greatest work at 80; Hugo, still doing wonderful work at 80; Gladstone, engineering his greatest political coupe at 80; Henry Clay, Whittier, William Cullen Bryant, Joseph Jefferson, Cato, Plutarch, Bismarck, Goethe, John Quincy Adams, Charles Wilson Peale (the painter), Tennyson, Benjamin Franklin, Talleyrand, Michelangelo, Von Moltke, Izaak Walton, Pope Leo XIII, and others.

Mr. Chairman, I have not the time to enumerate the brilliant men who did their greatest work after they had long passed the age of threescore and ten. These illustrious names in history utterly refute the contention that senile decay and intellectual impairment come with the age of 70.

Students of history, students of government, statesmen of the past saw all too early how lust for power would raise its head in a constitutional republic.

Foreseeing with startling clearness the manner in which tyranny and despotism would raise its head, Judge T. M. Cooly, in the International Review for January 1875, said:

> The gloss of zeal for the public service is always spread over acts of oppression, and the people are sometimes made to believe that (zeal) to be a brilliant exertion of energy in their favor, which, when viewed in its true light, would be found a fatal blow to their rights. In no government is this effect so easily produced as in a free republic; party spirit, inseparable from its existence, aids the illusion, and a popular leader is allowed in many instances impunity, and sometimes is rewarded with applause, for acts which would make a tyrant tremble on his throne. (Bryce, p. 63.)

How and by whom, in case of disputes between departments of government, States, or citizens, is the validity or invalidity of a statute to be determined?

Such determination is to be effected by setting the statute side by side with the Constitution and considering whether there is any discrepancy between them.

It is obvious, therefore, that the question whether a congressional statute offends against the Constitution must be determined by the courts, not merely because it is a question of legal construction, but because there is nobody else to determine it. Congress cannot do so, because Congress is a party interested. If such a body as Congress were permitted to decide whether the acts it had passed were constitutional, it would, of course, decide in its own favor; and to allow it to decide would be to put the Constitution at its mercy.

The President cannot decide, because he, also, may be personally interested. There remain only the courts, and these must be the National or Federal courts, because no other courts can be relied on in such cases.

The judicial department of the Government is the umpire. The Supreme Court for generations has been the umpire in deciding what are and what are not valid acts of the executive and legislative branches of the Government within the meaning of the supreme law of the land—the Constitution.

Do we want the Supreme Court so tampered with by Presidential ukase as to compel the umpire to decide in accordance with the noise made by the grandstands or the howls of the team captains rather than in accordance with justice, fair play, and sound, fundamental, constitutional law? That is what the President proposes shall be done.

> The founding fathers of the Republic were extremely anxious to secure the independence of their judiciary, regarding it as a bulwark both for the people and for the States against aggression of either Congress or the President. They affirmed the life tenure by a unanimous vote in the Convention of 1787 because they deemed the risk of the continuance in office of an incompetent judge a less evil than the subserviency of all judges to the legislature or to the Executive, which might flow from a tenure dependent upon the will of either. The result has justified their expectation.

So wrote Bryce 50 years ago.

The evil which the founding fathers then feared would arise is the evil which confronts this House today.

It will be a sad day for the American people when all the powers granted by the people, under the Constitution, come under the control of one man.

The most illustrious Democrat this Nation has produced, Thomas Jefferson, warned that—

> A single consolidated government becomes the most corrupt government on earth. The concentrating of all power into one body has destroyed the liberty and the rights of man in every government which has existed under the sun.

The Supreme Court has been the anchor that has held America safe through many storms. Its absolute independence and integrity must never be in doubt. [Applause.]

Mr. KELLER. Will the gentleman yield?

Mr. DONDERO. I yield to the gentleman.

Mr. KELLER. I want to ask the gentleman in relation to his statement as to what Stanley Reed said: Did that apply alone to the Supreme Court?

Mr. DONDERO. I believe his statement applied to the Supreme Court. I do not know whether, by inference, it applied to all of the Federal courts or not.

Mr. KELLER. Does the gentleman know what the condition of the courts are in the district?

Mr. DONDERO. I do not know except for this statement.

Mr. KELLER. The gentleman has knowledge as to the condition of the dockets in the Federal courts.

Mr. DONDERO. I took Mr. Reed's statement for it.

Mr. KELLER. Does the gentleman know whether or not they are very much behind?

Mr. DONDERO. I understand there is some congestion in the district courts and in the circuit courts; that out of 268, there are 34 somewhat behind where there is some congestion.

Mr. KELLER. Does not the gentleman think that the courts might have a personal interest as well as Congress?

Mr. DONDERO. My idea is that the founding fathers intended to keep the executive, judicial, and legislative branches independent of each other in order to remove any personal interest on the part of the courts in laws made by the legislative branch.

Mr. WOODRUFF. Will the gentleman yield?

Mr. DONDERO. I yield.

Mr. WOODRUFF. Reference has been made to the congestion in the district and circuit courts. As a matter of fact, the record discloses there has been a very gradual but substantial lessening of the congestion in these courts. Is it not probable that the present personnel can dispose of the cases in the next 2 or 3 years?

Mr. DONDERO. I have no doubt that the Attorney General had that in mind.

Mr. LUDLOW. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. GRISWOLD].

Mr. GRISWOLD. Mr. Chairman, since February 5, when the President sent his message on the reorganization of the Federal judiciary to Congress, hardly a day has passed without some mention on the floor of the message and the Supreme Court. Two things have stood out in speeches on the floor. One that "the poor man must be protected in his right to be heard by the highest court in the land", the other that we must uphold the Constitution, and any reform in the judicial system is going to tear down and destroy that revered document. And then we hear words, words, and more words to uphold and maintain the argument. All the argument deals with some phase of judicial reorganization and contains food for thought, but all, in my opinion, leave out the essential thing, the specific cure of the disease our courts are afflicted with and the remedy for the disease.

Does the poor man get to the Supreme Court now? Who ever heard during the past 20 years of a poor man being able to have his case heard by the Supreme Court through the use of his own funds? I should like to have a Member of this House name to me a single one. The Schechters made it in the N. R. A. case. They were by no means poor. They were the operators and owners of a good, going, profitable business, and when the case was finished they were, as a result of the cost of the litigation, in a court of bankruptcy. Does that sound like a poor man can take his case to the "highest court in the land"? If you gentlemen mean what you say, let us forget for a few minutes about the number of judges on a court and fix a way to let this poor man who has so much of your sympathy have some way to get before the judges that we already have. As for tearing down the Constitution, there have been no greater wreckers of the Constitution than some district judges of the United States. No Communist could have shown less respect for the Constitution than have some of these district judges, and there is not a Communist in the land whose work could be so effective, because these district judges do their nefarious work under guise of law. If I am not telling the truth and cannot show you to your own satisfaction the truth of my statement, then you have a right to be angry with me. If I am stating truth, then you are derelict in your duty if you will not endeavor to remedy the situation and make district judges upholders of the Constitution instead of its enemies. The good district judges, of whom there are many, do not need such laws, but the public needs them to protect itself from tyrannical district judges.

The Constitution provides, in article III, section 2, for a trial by jury in criminal cases. The seventh amendment provides the right of trial by jury in civil cases.

No informed practitioner will deny that it is a primary principle of the law among Anglo-Saxon people that the judge is the judge of the law while the jury is a judge of the facts. Now, let us see whether this is true in Federal district courts. Let me show you why a poor man never reaches the Supreme Court and how some Federal district judges become tyrants, by their acts destroy the constitutional right of trial by jury, become judges of both the law and the facts, destroy the value of testimony under the very guise of law, assume the power and authority of dictators and trample on every moral precept and legal right of the litigants. There is no place in the whole modern world where there is a dictator so autocratic as some of our United States district judges. A resident of the State of California or any other State in the Union is driving through my State. He is driving in a negligent and reckless manner at high speed and runs through a red light at a street intersection. A citizen of the State of Indiana, a pedestrian, is seriously and severely injured. Because there is a diversity of citizenship he cannot sue in the State court, or if he tries to sue there the defendant, who is insured with a good insurance carrier and represented by the carrier's attorney, has the case removed on motion to the Federal court. The plaintiff is without means, a laboring man in the low-salary brackets. He has no means whatever, and when he files his suit he must lay $5 on the desk of the clerk of the United States district court for the filing of the original paper and each copy, which the rules of the court require him to file. He must also pay $2 for the service of the summons on each defendant and mileage for the service of the summons at 6 cents a mile, regardless of the number of miles. To start his suit he must have all this cash on the barrel head. It is necessary in making up the issues to file motions, demurrers, and various other pleadings, and for and with each additional paper filed he must pay on the desk of the clerk, in cash, $2 per paper. We expect attorneys to be ethical. We expect them to keep the law governing champerty and maintenance. Where is this poor plaintiff going to get the money to even start his suit? But he does start it. The case comes to trial. Again the expense, the cash outlay for the man without money. He must have numerous witnesses. Regardless of where they live, before he can have a subpœna issued he must again produce 6 cents a mile in cash for the miles necessary to travel to serve the witnesses and an additional 50-cent service fee for each witness. Before his case comes on to trial this destitute plaintiff must pluck from thin air some place, somehow, this cash outlay to pay the clerk, the United States marshal, and other officers of the court.

Somehow he does it. Time for trial arrives. The Federal court does not supply a court reporter as do the State courts of record that would try cases of like character. You have no grounds for appeal unless you have a record with a transcript of the evidence. To protect his record therefore this destitute plaintiff must employ a court reporter and this is cash on the barrel head, too. He must have a transcript at 35 to 50 cents a page, and any attorney knows how few words go to the line and how few lines there are on one of those pages. It is not such a large transcript that can run into $500. He must have the money or he has no appeal. This poor man can only arrive before the Supreme Court by protecting his record with a proper transcript of the testimony. The case is tried with or without a reporter. It may be at this particular time the Federal district court is working a panel of 60 jurors. While the one jury is hearing your case the jurors who will compose other juries are in the courtroom and about the corridors. The evidence is all in and the court instructs the jury. In very few, if any, State courts would the judge be permitted to comment on the evidence. For him to do so would be reversible error. But the Federal courts hold that a judge may

state his opinion of the evidence. And some district judges do it vociferously and often. He bases his right on the English practice. But he only selects that part of the English practice that appeals to him and permits him to act as a tyrant. English practice also allows the witness to state conclusion in the presence of the jury. This is a rule that the Federal judge will not allow to be applied in his court. So in instructing the jury he may say, and some Federal trial judges do say, that certain witnesses do not tell a reasonable or correct story and should not be believed by the jury while other witnesses on the opposing side are credible and well worthy of belief, and thus he invades the province of the jury to judge the facts, the credibility of witnesses and the weight of the evidence. This is his first step in nullifying the right of trial by jury. The second step is when the jury brings in its verdict. That verdict is delivered in open court. Keep in mind that under our system the jury is the judge of the facts. The jury as judges of the facts did not see them as did the district judge who is the judge of the law. They thought John Doe was a good witness and that his story was reasonable. They applied the law as given them by the judge to the facts as the jury found them and brought in a verdict in which 12 men on that jury concurred. But then some Federal judges lecture that jury in the presence of other jurors, and within hearing of those other jurors, that are to try other causes in that same court, and tells the jury that their verdict is preposterous—infers that they are lacking in intellect and integrity or worse—and in the presence of the other waiting jurors directs the marshal to strike their names from the jury roll and send them home as unfit for jurors.

That news with the names of the victim jurors and the statement of the judge is carried in the home-town newspapers, and the juror who has been victimized and persecuted for answering the summons to appear as a juror and reaching a verdict according to his own volition in accordance with the law suffers disgrace among his fellow citizens and friends. And those other waiting jurors who hear the tirade of the judge—who hear the order to the marshal to strike the names from the roll—are they free and untrammeled in their decision on the next case which is submitted to them? No. They are caught in the vise. To exercise their own free will and volition when it does not agree with the opinion of the judge is to be disgraced and insulted. The will of the district judge becomes also the will of the jury. This is not justice. Such practice is a travesty on justice. It is striking from the Constitution of the United States the right of trial by jury as that Constitution intended it to be. It is substituting the will of 1 man for the verdict of 12 citizens of the jury.

Let us begin at the bottom in this matter. The Constitution allows—more, it requires the Congress to keep the courts open to all citizens alike, to fix the practice and procedure to make the law function properly. Why argue about the personnel of a Supreme Court that millions of our citizens can never reach, because the cost of justice is too high? No matter who sits on that high bench, no matter whether they be conservative, radical, liberal, or jellyfish, young or old, men with the wisdom of Solomon or men of subnormal intellect, they are so far away from the average man that he cannot reach them even when he cries with a loud voice, for he does not possess the cash to waft his words to them.

And even when he gets away from the district court he must run the gantlet of the circuit court and the circuit court of appeals before he can come within sight of the temple of justice here on Capitol Hill. Each with its costs for filing of papers and printing of briefs and expenses of attorneys and attorneys' fees.

The President in his reorganization plan provides for a direct appeal on constitutional questions from the district court to the Supreme Court. This is a change in procedure that should have favorable consideration. The plan does not provide a means for the individual citizen without funds and a meritorious cause to obtain a hearing in the Federal courts nor does it provide a method whereby those Federal judges who are forgetful of the intent and principles of the Constitution can be curbed when they deprive citizens of substantive rights. I hope the Judiciary Committee, when giving thought to judicial reorganization, will take into consideration the malady that I have suggested and provide the obvious remedy. [Applause.]

Mr. DITTER. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I was certainly surprised to hear the distinguished gentleman from Indiana [Mr. GRISWOLD] try to frame an indictment a moment ago against a court of his own State. It sounded to me as though he might have been a disappointed attorney for some litigant who had, in his opinion, suffered at the hands of the court instructing the jury. He used as his analogy a negligence case. He told us a lot about a barrel head and $5 and $2 and $1 and 50 cents on the barrel head, but he did not tell us anything about what the lawyer who represents the litigant, especially in these negligence cases, takes from these poor men whose cause my friend was so eloquently pleading.

Mr. GRISWOLD. Mr. Chairman, will the gentleman yield?

Mr. DITTER. I shall be happy to yield.

Mr. GRISWOLD. I may say to the gentleman that I think in most personal-injury cases the lawyer gets entirely too much and the client gets the poor orphan's share.

Mr. DITTER. I am sorry that the gentleman did not make this admission without my prompting. The gentleman told us that the court had taken away from the poor man the rights that were his. I believe he has been at the bar long enough to know that whatever the direction and charge of the court may be, it is in accordance with the law.

Speaking for my own district, speaking for my own State, I resent the implication and innuendo made by the gentleman from Indiana [Mr. GRISWOLD] with respect to the probity of the courts. I believe that the poor man has his day in court. I believe that the poor man has his opportunity. If the poor man is mulcted it is not from the 50 cents that he lays on the barrel head—and I declare we have not barrel heads in Pennsylvania—or the dollar or the $5 that he may lay there for the purpose of pleading, but it is rather because of a group of unscrupulous lawyers who take cases on a contingency basis, and after they have ultimately secured a verdict, remit but little to the client for his damage. [Applause.] I believe that the Court stands today as the one institution in this country which has defied the assaults of the demagoguery of those who are anxious to tear down democracy in order to make an appeal to the masses. I believe clear heads and clear thinking are required today. I believe it is a day when reason, rather than passion, should prevail. I believe it is a day when those motives that only too frequently lead to anarchy and to the destruction of institutions should not be the compelling influence of men who are learned in the law, and who have come before the court and have entered into an oath with the court, of fidelity to the court as well as to the client.

[Here the gavel fell.]

Mr. DITTER. Mr. Chairman, I yield myself 2 additional minutes.

Mr. Chairman, fidelity to the court, to my mind, means recognition of the probity, the honor, and the integrity of the court. It means the acceptance of an obligation to aid the court in the administration of justice and securing respect for its decrees. If these charges the gentleman has made upon the floor of the House have any foundation in fact, then let him bring in a bill of impeachment against the judges in question; let him charge definitely that there are those men upon the bench who are not handling the scales of justice as they should; let him come in and make specific charges against the judges complained of instead of directing a destructive attack on the court as a whole.

Mr. HOOK. Mr. Chairman, will the gentleman yield?

Mr. DITTER. Yes.

Mr. HOOK. Will the gentleman inform us whether he ever defended the poor man in court?

Mr. DITTER. I may say to the gentleman from Michigan that I have defended not only the poor man but I have defended the harassed man in the courts. I have represented workingmen, laborers, poor men in workmen's compensation cases. These are the types of cases in which the

demagogue delights to cry that there is no justice for the poor men. I can attest that the claimants have had the full protection of the courts and secured their rights. I believe—and pray God may I always believe—that the court stands as the guardian and protector of the life, liberty, and happiness of the poor man as well as the rich man. [Applause.]

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. DITTER. I can hardly refrain from yielding to my friend from Massachusetts.

Mr. McCORMACK. That is awfully nice. I have heard both speeches, and I join with the gentleman from Pennsylvania in his stirring defense of the court, but I did not construe——

[Here the gavel fell.]

Mr. DITTER. In order to allow my friend the opportunity of interrogation, I yield myself 1 additional minute.

Mr. McCORMACK. I did not intend to interrogate. I intended to make an observation.

Mr. DITTER. An observation, Mr. Chairman, by the distinguished gentleman from Massachusetts.

Mr. McCORMACK. Mr. Chairman, I did not construe the remarks of the gentleman from Indiana as being an attack upon the court. The gentleman from Indiana spoke with reference to the inability of the poor man, by reason of the expense involved, to obtain the trial desired. I construed it as an attack upon the Congress. I construed it as an attack that the gentleman, from his angle, probably was warranted in making, based on his observation of the court's power to instruct a jury on questions of fact. Many eminent members of the bar honestly differ on this proposition. Personally, I am of the school which believes that the judge should not instruct on questions of fact. They are not allowed to do so in Massachusetts. This, however, is not an attack upon the court.

[Here the gavel fell.]

Mr. DITTER. To be courteous to my friend, I want to permit him to make this speech. I shall not interrupt him. Has the gentleman from Massachusetts concluded?

Mr. McCORMACK. I assume that the time has concluded.

Mr. DITTER. Mr. Chairman, in order to allow the gentleman from Massachusetts to appear in the role of public defender for the gentleman from Indiana, I yield him 2 additional minutes. [Laughter and applause.]

Mr. McCORMACK. The gentleman from Massachusetts accepts the characterization of the gentleman from Pennsylvania as a compliment.

Mr. DITTER. I intended it as such, sir.

Mr. McCORMACK. I accept it as such.

Mr. Chairman, I am simply expressing the impressions made upon my mind. I do not say that I completely agree with the gentleman from Indiana in all of his observations, but I do say that the impression was not made on my mind that the gentleman from Indiana was attacking the court.

Mr. DITTER. I appreciate the gentleman's effort to defend the gentleman from Indiana——

Mr. GRAY of Pennsylvania. Mr. Chairman——

Mr. DITTER. Mr. Chairman, I do not yield to the gentleman from Pennsylvania; I am answering the gentleman from Massachusetts. It was either an attack upon the court or an attack upon a barrel head to which he frequently referred. I am not sure which it was; but I want to say to the gentleman from Massachusetts that rather than appear as a public defender at the present time he should be a persuader and suggest to the gentleman from Indiana either the introduction of legislation in his own State or in this body seeking to cure the defects of which he complains. Has he presented a bill providing that we shall no longer have court costs—$5, $2, $1, 50 cents? Let him suggest remedial legislation rather than criticize the courts.

[Here the gavel fell.]

Mr. DITTER. Mr. Chairman, I yield 17 minutes to the gentleman from New York [Mr. MILLARD].

Mr. MILLARD. Mr. Chairman, since the President's message of February 5 I have received from the Twenty-fifth and Twenty-sixth Congressional Districts of the State of New York between 1,800 and 2,000 telegrams, letters, and petitions. Out of this number one person only requests me to back up the President in his reformation of the judiciary. I feel compelled, therefore, although, as you know, I very seldom speak in the House of Representatives, to give my views this afternoon on this most important question.

Mr. Chairman, in his recent message the President sent to the Congress his oft-repeated threat to thrash the judiciary, and I rise to challenge his right to revise the Constitution because of his clearly indicated impatience with the restraint placed upon him, and to brand as sharp political practice this scheme of New Deal personalities to increase the membership of the Supreme Court so as "to conform that tribunal to the needs of a modern day" under the guise of judicial reform. I am unalterably opposed to the cunningly camouflaged plan of radical theorists to wipe out the written Constitution and to place the Nation at the mercy of an executive power which has already demonstrated its ability to make a rubber stamp of the heretofore independent Congress.

It is not because I am a Republican that I oppose this proposed radical change in the distribution of power provided in the Constitution. The question transcends party politics. It is far too important to be passed over with party denunciation; too serious to be considered in a spirit of prejudice. In no sense is this a political struggle, and it should not be approached with any thought of party lines in mind. It should be met as an ill-considered demand of one branch of the Government for the cooperation of another to clip the wings of the third branch so as to create a supreme control in the Executive. In other words, it is an attempt to bend a hitherto independent Federal judiciary to the will of the Executive through the backing of a subservient Congress. Make no mistake, its approval would mean a readjustment of the checks and balances provided in the Constitution, for it is sadly out of line with the Constitution's segregation of official powers. Its success will undoubtedly mean the creation of a political rather than a judicial court—perhaps the destruction of our form of government as conceived by its founders—a short cut to dictatorship. The issue we must decide, then, is whether the delicate balance of powers, the fundamental law governing Presidents, Congresses, the States, and the courts themselves, is to continue or be relegated to the limbo of outgrown and discarded things. I think it is not.

Your liberties and mine have depended largely on the independence of the Court. Should we not, therefore, consider whether, if the Congress alters the character of the Court, it might at the same time alter the confidence of the public in that Court? We have a vast horde of people in the United States who still love liberty and are distrustful of impetuous executives and legislators. These people rely upon the conscience of the courts to protect their liberties.

But the vital question, the larger question, of course, is whether there can be any justification in the President's proposal to force the retirement of the older Justices of the Supreme Court by what is, in plain terms, nothing less than a threat to add six liberals to that high tribunal. Since the judges are appointed for life under a mandate of the Constitution, and no judge can be retired against his will, the only method of radically reorganizing the Supreme Court is for the President to persuade the Congress to change the number of the Court's personnel. While this has been done before, the method has never been justified. We know that the administration has been utterly dissatisfied with decisions of the Supreme Court which have invalidated legislation making extraordinary changes in the fundamental rights of citizens and States. Given authority then, the President, impatient of opposition, will promptly pack the Court with partisans—New Deal lawyers, who will not declare any of his pet measures invalid, however bad. The proposed change would place on the Supreme Bench men whose opinions are already known to the Chief Executive. These men, with the present sympathetic minority, would give a majority on the Supreme Court and thus uphold any legislation sponsored by the New Deal's "brain trust" and passed by the Congress. Here lies the frontal attack on the rigidity of the Supreme

Court. Here is the challenge to the American system of government. Here is the subordination of the Court to the personal power of the Executive—the reconditioning of the judiciary.

If Mr. Roosevelt believes that age is a menace to enlightened conduct of the work of the Supreme Court, he should examine the record. How is he going to face the arguments based on the services of such men as Holmes, Brandeis, Marshall, and Story, to mention only a few? A glance at the ages of the sitting members refutes Mr. Roosevelt's contention. Liberalism flourishes equally in the oldest member of the Court, Mr. Justice Brandeis, and in the next to the youngest, Mr. Justice Stone. On the other hand, Mr. Justice Roberts, who is the youngest member of the Court, and Mr. Justice Van Devanter, the next to the oldest, represent the conservative point of view.

What the President is really asking for is a showdown between the other branches of the Government and the hostile judiciary. He is demanding the full measure of obedience from the judiciary accorded him by the legislative branch of the Federal Government. But have we, as legislators, any right to pledge that obedience for the judiciary?

Have we any right under our constitutional form of government to place in the hands of the President the control of all three branches? The Constitution divides the powers of the Government into three separate and independent departments. Would not the merging of all three under one head be the beginning of a dictatorship?

How could such a proposal "strengthen the administration of justice and make it a more effective servant of public need"? I do not see that it would. In fact, I see quite the opposite. I see only a proposal designed to safeguard the New Deal system against adverse decisions in the future and the assurance of approval of virtually any law the President manages to have passed. To me this is an unconscionable assault upon the integrity of all courts and an effort to compel the Supreme Court to abdicate its traditional power to interpret the Constitution.

Throughout the recent campaign the President gave no notice of any plan to enlarge the Court or to change its powers. He deliberately avoided the issue. You will all agree that by no stretch of the imagination can November's epochal electoral approval of the New Deal Party be read as a mandate to change the complexion of the Supreme Court and make its judges subservient. In failing to intimate in any way during the campaign that he planned so to revolutionize the system under which the Supreme Court operates, Mr. Roosevelt is guilty of a lack of frankness with the people and the Congress which does him no credit. The barrage of protest which began to pour in from a highly incensed citizenry who saw in the proposal the loss of their liberties, the beginning of a dictatorship, immediately the message was read, is evidence that the people gave him no such mandate when they voted for his reelection in November. It was promptly seen to be very clearly an endeavor to do by indirection what the President cannot do directly. We have every reason to believe that this move has been contemplated since the nullification of the National Industrial Recovery Act. In fact, the President has admitted this. We are also told that at a press conference he admitted the plain motive of the Supreme Court proposal is to secure the approval of the New Deal legislative program—pending and future. A year and a half ago, we are further told, numerous New Deal officials were put to work to study the problem of removing the obstacle which the Supreme Court had proved to be. Countless proposals and suggestions were sifted and studied during the political campaign last summer and fall, but the work was carried on in secret, and the President did not mention in a single one of his campaign speeches his intention to ask the legal right to take charge of the Supreme Court so as to make it conform to his will. At a time when he was seeking a mandate from the people it would have been only proper for him to confront them squarely with his proposal and give them an opportunity to answer him at the polls. He failed to do this, however.

If we place in the President's hands the power he is seeking let us see what the inevitable result will be. By our action we will have destroyed the effectiveness of the first branch of the Government, if not the Constitution itself. This so-called "reconditioning" of the judicial system is an attempt to confirm the New Deal philosophy through enlarging the personnel of the Court. An ingenious plan this to invigorate the Court by the introduction of new blood into it. What the President suggests is tantamount to telling the Congress and the public that the judges of our highest tribunal who have reached the age of 70 are incompetent. But we know he does not really mean that; he cannot. What he does mean, but fails to say, is that they have not embraced the policy of New Dealism, that they have outlawed basic laws of the New Deal, and since he is hampered by the Constitution from involuntarily removing the old blood which is hostile to New Deal acts, he proposes to appoint to the court six new judges who will reflect the New Deal interpretation of the power of Congress under the Constitution and thus clear the way for the resurrection of the principles of the N. R. A., the A. A. A., and other proposals giving authority for Federal jurisdiction over social and economic problems of national scope, held unconstitutional by the Supreme Court. There can be little doubt that if the Congress accedes to the President's demand that we legislate into being a Court that would not rebuff his administration in the manner of a majority of the present Justices, the new members will be tacitly pledged to interpret the Constitution in the Rooseveltian theory, namely, that the Federal Government has unlimited power over labor and property and the liberties of the people. The scheme evades the method of change provided in the Constitution. It is a device to make the Roosevelt will supreme. It is an effort to get hold of the Court and bend it to one man's will. It is merely a striking back at the Court's refusal to interpret contested passages of the Constitution unanimously his way.

For my part I cannot believe that the Congress will lack the fortitude to refuse to accede to the President's demand for any such added authority as he now seeks in order that he may revise the Constitution to make it mean what he and his advisors wish it to mean, to radically change the distribution of power provided in the Constitution, and to appoint to our highest court men whose opinions are already known, men who with the present sympathetic minority will construe the welfare and commerce clauses as giving authority for Federal jurisdiction over social and economic problems of national scope. In justice to the people who elected us to represent them we must take time to weigh carefully all that is involved here. We must determine what this plan may mean to the future of our Nation as a republic having three independent and coordinate branches of government before we vote. And in so doing we must bear in mind that we are faced with no sudden emergency. So great a change should not be taken hastily. Surely there are a sufficient number of good lawyers in the House to assure for this measure full and searching discussion—the closest scrutiny. We have here a momentous question involving the future of our Government: whether we shall clothe the President with dictatorial powers.

And, finally, this was said while the adoption of our Constitution was under discussion "There is no liberty if the power of judging be not separated from the legislative and Executive powers." Today this principle is attacked and in danger, although its vital truth is as self-evident now as then. Life tenure was assured to judges because the founders of this Government knew that to preserve government under law, independence of the judiciary is indispensable. [Applause.]

Mr. LUDLOW. Mr. Chairman, I yield 20 minutes to the gentleman from California [Mr. VOORHIS].

Mr. VOORHIS. Mr. Chairman, I have asked for this time today not because I wanted to listen to myself make a speech but because there are certain things regarding this most-important question that is before us now which it seems to me every Member of this House should discuss and consider, even though he be a new Member.

Before beginning my remarks on the major issue we face now, I would like for just a moment to speak about some-

thing connected with the bill under consideration and to pay a tribute, which I think is only too well deserved, to the Surgeon General of the United States, appropriations for whose work are included in this bill.

I refer, of course, to Surgeon General Parran, and I believe in his writings and in his works he has placed before this Nation a statement of the importance of a drive against certain disease, notably venereal disease, in this Nation, which is of sufficient weight that the time should speedily come when he may be put in position to conduct this drive.

It has been said here, in presenting his plan in reference to the reorganization of the judiciary, that the President has exhibited a great impatience; that he has gone beyond the mandate he was given by the people; and that he is attacking the Constitution. I take exception to all three of these statements, because it seems to me we have to look at this thing not only from the standpoint of particular questions involved but likewise from the standpoint of the larger aspects of the history of our Nation in recent years. That history has brought us face to face with a most difficult decision in the making of which I deeply sympathize with every Member of this House, whether or not I agree with him.

The President has placed before us in his recent message on the judiciary a most serious and important challenge. Not one of us can regard this challenge lightly or decide what he will do without the most careful thought and consideration. But the President has not created the problems that made his message necessary. The crisis we now face is the product of the times in which we live. It is a crisis not alone for the Congress, or the President, or the Supreme Court, but for the people of the Nation. It is a crisis which arises out of the necessity of a more flexible, more effective, and more responsive Government than America has ever needed before.

Our Nation once required very little government. It now needs a very large measure of governmental activity if our democracy is to survive. In the past the abundance of our natural resources and the smallness of our population made every man a potential owner of property and placed him therefore in a strong position to demand fair wages if he worked for another. Farmers who lost their farms could move West to take up new ones. Young people could take it for granted that they could find good jobs as soon as they finished school. We had a situation where economic conditions naturally produce democratic life and democratic political institutions.

None of these conditions prevails any longer. On the other hand, property tends now to concentrate more and more in a few hands. Our income- and inheritance-tax rates have so far hardly affected at all this tendency. On the other hand, millions upon millions of our people are in the position of having to work with tools and capital supplied by someone else. Millions also, even now, would be destitute upon the streets but for Government employment, or that very much less desirable thing we call "relief." Our future may well depend upon what we do about this unemployment problem. And certain it is that no agency in America can deal with it except the Federal Government. If we are to deal wisely with this problem, our Government employment of the unemployed must minister to social needs and be beneficial to all. It is a shame, for example, our slums have not been long since cleared and decent homes built for the people who live in such places—homes which can be rented by people of low incomes. But, lo and behold! we found that in the opinion of a district judge it was unconstitutional to clear slums. And who is to say what would have happened to millions of our farmers had the Government, under President Roosevelt, not acted to aid them? Yet much of that aid was held to be unconstitutional.

Recent floods and drought bring us face to face with the fact that our natural resources above all our precious soil are in danger. Again here, as the President has so well brought out in recent messages, we confront a national problem—a problem for an effective National Government. Not a week passes but some new problem is presented to us—a problem so obviously deserving of our consideration that even Republicans will vote to meet it.

The drive for old-age pensions is only one expression of the great cry of our people who cannot possibly provide individually against the hazards of modern life for a degree of security. And yet do you not recall how only a short time ago we were shocked to find that by court interpretation neither the Federal Government nor the States could pass laws protecting women and children against exploitation?

I could go on and on. But the only point I want to make is this: If we want democracy, hope, and a solution of our problems, we must have effective, efficient government, able to meet new problems in the best way. Indeed, we must have the very kind of government which was promised to the people by a man recently elected President by the largest majority in history.

THE TASK OF OUR DEMOCRACY

Much has been said in the House from the Republican side about the Congress giving up its powers and prerogatives to the executive branch of government, and especially to the President. Most of the argument in defense of this charge is based on the fact that a considerable number of agencies have been created and they, along with some of the departments, given a greater amount of latitude than ever was done before in carrying on their work. But I contend that this is only the inevitable result of an attempt on the part of Congress to adopt the functioning of our Government to the needs of today. Since greater governmental activity has become necessary, and since the work of government requires vastly more detailed work of many kinds than ever before, it has become necessary for the Congress not only to determine policy, as it has always done, but in addition to assign certain tasks to various departments and agencies and to grant them, for stipulated periods of time, considerable freedom in making out administrative plans. This is no surrender of power. It is only common sense.

The danger of Congress losing its prestige and influence in our Government lies not in the cooperation of Congress in setting up an efficient executive. It lies in the domination over the legislative power of Congress which the Supreme Court, and even the lower courts, have been exerting in greater and greater degree through the years.

From 1789 to 1864 the Court declared only two laws unconstitutional, for an average of one every 37½ years.

But from 1934 to 1936 it killed 13 acts, an average of 1 every 2 months.

All of which means, to me at least, that the Court has grown more and more ready to declare acts of Congress unconstitutional, and that the gap between the congressional conception of the Nation's needs and the Court's interpretation of judicial precedent has grown wider and wider until something must be done about it.

And so I say this conflict is one inherent in the times—a conflict to try to make our American Government effective for America today. In general, greater latitude for executive departments helps toward reaching this goal. In general, nullification of acts of Congress by the courts retards our progress. And there you have the issue.

We divide over the question of what we want—whether we want progressive legislation or whether we do not; whether or not we are eager to straighten out the troubles of our industries, to protect wage standards, to solve the problem of agriculture, to do something constructive for the youth of America, to reclaim our "dust bowl" and control our floods, to end child labor, and to clear our slums. If we want to do these things, then in general we will be with the President. If we do not want to do them, or if we honestly and really believe they will get done somehow or other anyway, then we will be against him.

I am interested in legislation to take the profits out of war. What I mean is that I favor the passage of a law which will make it mandatory that whenever America drafts men for war she must also draft finances and capital and essential means of production. I can see no shadow of justice in paying well for the use of money, in permitting profiteering in orders for war supply, and at the same time sending our

manhood out to be shot and mangled at $30 a month. But I am convinced that should we pass such a law it would, under present circumstances, be declared unconstitutional on the ground that the owners of the money or the factories so drafted would be deprived of property without due process of law. Against such an argument, of course, a liberal judge might point out that such a law as I have suggested would certainly provide for the common defense and promote the general welfare as opposed to the welfare of the profiteers. But I believe in the present Court he would be voted down and our attempt to take the profit out of war would be blocked. So, once again, I am for the President.

All the talk for and against the Supreme Court, all the talk about our Constitution, is really beside the point. Not one voice, in the midst of all the bitter criticism, has yet dared to say that what the President proposes is unconstitutional.

This is a matter of politics, not of the Constitution. And when we have all had time to cool off and see it in its big outlines, we will divide—conservatives on one side against the President, progressives on the other side with him.

OUR HIGHEST LOYALTY

I know, I think, just how some of us feel. I know that this matter of the Supreme Court is one on which conviction is likely to run very deep on both sides. I will state frankly and freely that I do not particularly like to vote for a bill to increase the number of judges. I would prefer trying to define the relationship between the Congress and the Court in some other way. Nor have I reached by own decision quickly or easily. I have talked to many people; I have thought long and have studied carefully conflicting opinions and alternate proposals. But in the end I have been driven to admit that there is no other way except the President's way in which the legislation which the preservation of our democratic life requires can be given a fair hearing in the next 3 or 4 years. I do not desire haste. And, as I have said, I will not particularly like to vote this legislation insofar as it applies to increasing the Supreme Court. But my highest duty is not to the Supreme Court nor to the party to which I belong nor to the President. My highest loyalty is to the people you and I are supposed to represent. And I believe their needs are still very great and that the President's proposal is the only way they can be met.

I never have subscribed to the position that our emergency is over, or the depression ended. I never have liked that sort of talk so very well. For I know that a far more accurate picture was given us by the President in his inaugural speech.

The fate of millions of our fellow countrymen is in our hands. I am not especially glad of this. Indeed, I wish it were not so, but it is a fact we cannot escape. We cannot provide a happy fate for them if our hands are tied. The President suggests a way to untie them. And, therefore, I am with him, with him through the bitterness of criticism, with him whatever the political consequences to myself.

And may I say here that just because Democratic Members support the President does not mean we are subservient to him or that we have not thought a question through. It has been charged that we on the Democratic side do not do our own thinking but wait for the President to do it for us. Well, for my part I believe I can honestly state that I have voted my sincere convictions on every measure that has come before us. You may remember that I did what I could to raise the appropriation for W. P. A. and Resettlement in the deficiency bill. And I will do the same thing again if I believe the needs of our people for work and bread and butter require it.

But I want to point out that if it is true that some Democrats let the President do their thinking for them, the same is true of some Republicans. The difference is that the Democrats wait to see what the President says and then decide that is what they are for; whereas the Republicans wait to see what he says and then decide that is what they are against.

And on the issue which we face today every one of us knows that it will require harder thinking and more courage to go with the President than it will to oppose him.

These are historic days. We have our choice, the President has his choice between subservience to a narrow legalistic interpretation of a great document on the one hand, and manly determination to justify the people's faith in democracy upon the other. Jefferson, himself a strict constructionist, faced that choice. On the one hand stood the fact that the Constitution did not specifically give him power to add to the area of the United States by purchasing land from a foreign power. On the other hand stood the need of the Nation for Louisiana. Jefferson chose loyalty to the people's need as the highest loyalty. He bought Louisiana and future generations have called him a great man. And fortunate indeed it was that up to that time it had occurred to no one that the Supreme Court could nullify an act of Congress. Else we might have been today a nation confined to the east bank of the Mississippi.

Mr. GEARHART. Will the gentleman yield?

Mr. VOORHIS. I yield to my colleague from California.

Mr. GEARHART. The gentleman has made the statement that up to the time of the Louisiana Purchase the Supreme Court of the United States had not declared any law unconstitutional. Is the gentleman not aware that the circuit court of the United States, a court then composed of two Justices of the United States Supreme Court and one district judge, prior to the rendition of the decision in the Marbury against Madison case by the Supreme Court of the United States, had in at least three instances declared laws of Congress unconstitutional and for that reason void?

Mr. VOORHIS. No; I did not know that, but I am open to conviction.

Mr. JOHNSON of Minnesota. Marbury against Madison in 1803.

Mr. GEARHART. That is not the first one by our Federal courts. It was the first one by the United States Supreme Court, however.

Mr. VOORHIS. The fact is there was no suggestion made that the Supreme Court should nullify Jefferson's act.

Mr. GEARHART. Does the gentleman realize that the question as to whether the Supreme Court had the power to declare unconstitutional was debated in the Constitutional Convention?

Mr. VOORHIS. Yes.

Mr. GEARHART. And also the gentleman is aware it was debated thoroughly when the matter of the ratification of the Constitution was before the people and the various State legislatures?

Mr. VOORHIS. If I could have a couple of extra minutes I could secure from my brief case at my seat in the House a passage from the debate between Hamilton and Madison on that very point, in which Alexander Hamilton argued that the courts should have the right to nullify acts of Congress, but Madison said it was not so intended in the framing of the Constitution. [Applause.]

Mr. GEARHART. The gentleman, of course, knows that James Madison reversed himself subsequent to that time, and that before he died he freely conceded that the Supreme Court did have the power to declare laws unconstitutional?

Mr. VOORHIS. I realize there has been an evolution in the building up of the power of the Court to do so, yes, but I want to make the point again that up to the time of the Louisiana Purchase, and certainly during the time our Constitution was in the process of formation, the question was discussed, and Madison, among others, brought out the fact that it was not a part of democracy that the Court should have that unequivocal power, and, further, when we speak of the matter of checks and balances, we must remember that if that system is to work properly there must be some place along the line where Congress can protect its own right to legislate in the interest of the general welfare of the country. At present if a law is declared to be unconstitutional the Congress has no recourse from that decision, even though it was rendered by a district judge. This seems to me to be government by checks but without a balance.

It has been shouted from the headlines and charged on the floor of this House that if Congress decides in the President's favor in this instance democratic government

will be threatened and we will be on the way to dictatorship. I believe such talk is ridiculous. The very people who say such things frequently add that we must not desert the time-honored practices of Anglo-Saxon people. In this I agree with them, but for the sake of their own argument they have suggested the wrong thing.

In England they have a constitution which briefly consists of time-honored precedents, unwritten but understood, and one of these precedents is that an act of Parliament is the law of England, subject to no court review whatsoever. Let us be plain, frank, and, if necessary, blunt. Every one of us knows that the only undemocratic element in our whole American structure of government is the assumption by nine Justices appointed for life of the right to nullify acts of Congress, passed by recently elected direct representatives of the people.

Mr. GRAY of Pennsylvania. Will the gentleman yield?

Mr. VOORHIS. I yield to the gentleman from Pennsylvania.

Mr. GRAY of Pennsylvania. The gentleman draws attention to the fact an act of Parliament is the supreme law of the land. That brings up the question of the set-up of the English Government as compared to the American Government. In England the people are very much imbued with the idea of their liberty under the English Constitution. There is no large number of people other than English in England. In America the situation is quite different.

Mr. VOORHIS. I do not think it is quite different.

Mr. GRAY of Pennsylvania. In America there are large groups of citizens who have much to do with the shaping of the policies of the United States Government.

Mr. VOORHIS. Yes.

Mr. GRAY of Pennsylvania. Many of these people know very little or nothing about the history of the formation of this Government or of the Constitution; is that true?

Mr. VOORHIS. In a limited degree that may be true, but by and large we have been able in the United States to teach the people the ideals of American democracy rather well, and I believe we can continue to teach them to have faith in American democratic principles, and I believe that will do a great deal toward solving our own problems. [Applause.]

Argue for the perpetuation of that power if you will. But do not say you argue for it in the name of democracy. At bottom the argument for continuation of the Court's assumption of power is evidence of a lack of faith in the ability, the patriotism, and the good will of the Congress. It is evidence of lack of faith in democracy. I do not share that lack of faith.

THE LESSON OF HISTORY

Every outstanding President our Nation has ever had has had conflict with the Supreme Court. The issue has been piling up. Andrew Jackson met it. Abraham Lincoln fought a war over it. And both of these men were called "dictators" and "tyrants." Theodore Roosevelt had it, too—and spoke out in meeting about it. He, too, was called a willful man, seeking his own power and glory. Long ago Washington and Jefferson were called dictators, and in Jefferson's case it was charged that the terrors of the French Revolution would visit America if he had his way.

Yet these are the great men of American history. This conflict between Presidents, who attempted to act for America, and the courts which blocked their efforts is not new. It has piled up, and we in our generation are called upon to bear the brunt of it.

The cry of "fascism" has been raised. How ridiculous it really is when we analyze it. Is any remote suggestion made that the President or Congress should not be elected by the people as they have always been? Is any remote suggestion made by the President that the basic liberties of the people be done away? Does anyone seriously doubt that the President's main concern is the protection of those rights for those who cannot protect them themselves? Does the bitterness of criticism heaped upon the Presidential head sound like he was becoming a dictator removed from popular control. It is a step away from fascism, not toward it, if we remove our Government from control by reactionary interests or men appointed for a life tenure. If fascism ever does come to America, it will not come from an increase in power of the people's elected representatives. It will come rather from the very increase in power of great economic forces of privilege who are the very people most concerned to perpetuate the Court's power at this time.

Let me conclude by saying this: We face an issue that will not down. When we have passed the President's bill we still will not have faced it fully. I shall vote with the President. No White House lobbyist has told me to. No patronage can be taken away from me, because I have never had any. I shall vote with him because I believe it is my duty to needy people to do so. But when I have done so I shall not feel that I have completed my duty. I believe we must go on. I believe we must bring the issue clearly before the Nation. No one questions the desirability of the Court protecting the basic structure of our Government and the fundamental rights specifically set forth in the Constitution. What some of us do question is the right of the courts to take from Congress the determination of the policy of government in seeking to promote the general welfare.

Either by constitutional amendment or the passage of an act limiting Supreme Court power in certain spheres, this issue can be presented squarely to the people. I think one of the methods should be taken even if the President's measure is passed.

These are historic days. Let us have tolerance, understanding, if possible a sense of humor, and faith in the common people of our Nation. But let us see the thing from the standpoint of lasting values. And let us understand that not alone the precedents of the Supreme Court but also the fate of needy little children, helpless unemployed men, insecure old folks, and overworked and underpaid mothers hang in the balance and await our action. [Applause.]

Mr. TABER. Mr. Chairman, I yield 15 minutes to the gentleman from North Dakota [Mr. BURDICK].

Mr. BURDICK. Mr. Chairman, what I have to say on this subject this afternoon is not inspired by any of the political parties that are represented in this House. I do not know that what I have to say will square with the views of the people who sent me here, because this matter was not at issue in the last campaign, but I want it understood that whatever I have to say on the subject is said for the purpose of having the record clear and represents my own views and the views of no one else.

If the House will permit me to finish my statement, I will ask for additional time in which you can take up the matter of questions and you will all be answered. You may not be answered correctly, but you will be answered.

THE SUPREME COURT OF THE UNITED STATES

Many of the criticisms made by the President with respect to courts are true and the fact that he had the courage to make his statement in a message will be, in the long run, for the general good.

For example, the Supreme Court of the United States has no right to refuse to hear only a small percentage of the appeals presented to it. The Court refused to hear the Hauptmann appeal, and as a prosecutor of many year's experience, I am not satisfied that Hauptmann had anything to do with the actual kidnaping. With his execution, there is probably no remote chance of ever finding out the actual facts in the case.

Under the present rules of procedure, there is absolutely no chance for a poor man to ever reach the Supreme Court with any case no matter how meritorious it may be. Filing fees, mileage for the subpena of witnesses, certificate fees, all payable in advance, and printed briefs make it impossible for poor people to ever reach the Supreme Court even in normal times. In times like we have experienced during the last 10 years and under the present rules of the Court, any justice awaiting a citizen in the Supreme Court of the United States is as far away from him as any benefits that may accrue to him in the great hereafter.

Secondly, the President's message has more clearly defined the position of the Supreme Court, that it, as well as Congress and the Executive, are mere servants of the people and

not their masters. There is no particular halo around the head of any judge.

With all this admitted, I do not think we should, in the slightest degree, recede from our form of democracy, composed as it was by the framers of it, as a form of government with three independent branches operating independently, but all to operate in the interest of the general welfare of all the people. The theory of the framers was that the Congress would enact the laws, the Supreme Court would determine whether they fit into the Constitution, and the President would carry them out. This clearly defined function of each of the three branches would be operating today without discord had Congress always acted promptly. But Congress has grown, during the years, into an inactive body. Its two-party system, the seniority rule, and many other obstacles to progress have lost to the Congress the confidence and often the respect of the people. In emergency times the people want action, not delays; hence the people have grown into a state of mind where they look to the President to not only execute the laws but to write them. The fact that the President today is the most vital force in the legislation of Congress is due entirely to the inactivity of Congress and not to the desire of the President.

If Congress will take an invoice of itself and begin to function, the general welfare of the people can be maintained under our three-division system of government; and I, for one, am not in favor of scrapping this Government now for any other form of government yet tried or contemplated. There are those who desire to destroy the Government and build up something new. They say this Government cannot be patched up but must be destroyed. I am not one of this number.

The Supreme Court must be maintained in its independent capacity, and yet it must perform a service which has been imposed upon it by the Constitution itself. There is no doubt now but what this Court would have always stood in better position with the people if the tenure of the office had not been made for life. That cannot be changed now unless the people change it by an amendment to the Constitution.

The Congress can lighten the burden of aged Judges by passing an act providing that when judges hereafter reach the age of 70 years, and still desire to continue, that the President shall have power to appoint a Judge to assume some of the burden.

To prevent any President from a wholesale appointment of Judges—evidently for the purpose of having his program sustained, right or wrong—the act should not affect any member of the Court who has now arrived at the age of 70. The question of age is only relative—some men are at their best at 70; some are out of commission at 60.

The vital point in the whole program is that I am not willing to trust any President with the power to make a wholesale appointment of Judges. That would mean that any plan the President proposed would probably be sustained. It might work all right with President Roosevelt, but Roosevelt will not always be President. A benevolent dictator is always to be preferred to a democracy, but the experience of the human race has demonstrated that benevolent dictatorships die with the benevolent dictator.

Should someone become President who is absolutely opposed to the policies of Roosevelt, would the people want that President to have the power to make a wholesale appointment of Judges for the evident purpose of sustaining his program? I think not.

It is quite generally conceded that the Constitution is elastic enough to permit the progress of modern democracy. Judges have, however, at times failed to either recognize or consider new conditions and interpret them. But to hold that the Supreme Court must always sustain what any President thinks should be done would be to dismiss the Court entirely. The present Supreme Court, in the Minnesota moratorium case and many others, has indicated its knowledge and sympathetic consideration of new problems. There is not nearly as much danger to our democracy to arise because of the failure of the Supreme Court to recognize and relieve abuses as there is in turning over to any President the control of the Court.

We must guard our liberties with the same spirit we did in the days of the forming of this Government. Even if the change would be a good thing for the general welfare at the moment, we should not surrender our principles of independence for immediate convenience. In the long run this Government will be made responsive to the people's will, and we must make doubly sure that the Government always remains in the hands of the people. If the people themselves, by their vote, want this change, well and good; but for Congress to do it is taking a step which, in my opinion, this Congress has no right to do, either upon moral, legal, or constitutional grounds.

In my opinion, there is no truth whatever in the repeated charge that President Roosevelt wants to become a dictator of this country. Those who personally know any of the Roosevelts know that this charge is untrue. President Roosevelt is probably anxious to see things done. He has stepped into the legislative field because of the inactivity of Congress. Other Presidents have done that, but it is entirely the fault of Congress. The President no doubt thinks his plans and ideas will be for the best interests of the American people, and that the Supreme Court does not approve of his measures with that degree of enthusiasm which he himself feels. Even though this be so, no President is infallible, and I will never consent to allow any President to overhaul an entire Court, even though I feel the President is actuated with the very highest motives of public service.

Should future events demonstrate that economically the President's views are not sound; that his policy of continuing to borrow money and pay interest when it is not necessary is wrong and some day will be corrected; that the policy of the President in reviving foreign trade at the expense of agriculture is not right; that the President's failure to offer a plan that will save farm and city homes from the terrors of foreclosure and dispossession is as reactionary as any decision of the Supreme Court in the last 10 years; that the social-security plan of the President is nothing but an abject dole system for the aged of America and is no honorable security at all; then what shall we say if, in the meantime, we have failed to not only stand up and be counted as Congressmen, but have also made the Supreme Court a subservient instrument of government?

If this democracy is to remain, the control of it must be left with the people. The people speak and can only speak in Congress through their elected representatives. We have no legal or constitutional right to surrender our duty and avoid our responsibility. The President is willing to do his duty as he sees it, and we respect him for it. We will come nearer preserving democracy if we, in this Congress, are willing to maintain the principles we think to be right, and above all else we should not weaken the power of either the Executive or the judiciary to assume responsibility, along with this Congress, in preserving upon this continent the best form of free government ever experienced by mankind. Our duty is to preserve it; it is our duty to make it better, more responsive to the will of all the people. Those who criticize the Government for its shortcomings, in this spirit, are its supporters and not its destroyers. I make this pledge to the people of these United States: I believe in this Government as now constituted; I believe we have allowed practices to develop in it which are fast destroying it. These evils must be corrected. We must have the courage to say so and the will to fight for freedom. Our duty is to make this fight, and I have faith that, through the three branches of Government working for the general welfare of all the people, that in our generation it cannot be said that we failed to defend democracy. [Applause.]

Mr. MASSINGALE. Mr. Chairman, will the gentleman yield?

Mr. BURDICK. I yield.

Mr. MASSINGALE. The gentleman stated a while ago in his argument that the function of the judiciary was to see whether the laws enacted by Congress squared with the Constitution. I want to call the gentleman's attention to

that statement. Should not the gentleman really have said, and was it not his opinion, that the function of the Court is to interpret the laws that might be presented to them for consideration after having been passed by the Congress?

Mr. BURDICK. Well, in an elementary way, here is what any Supreme Court ought to do. They should have before them the Constitution of the United States, as we should have, and sometimes do not have, and we should have the new law put alongside the Constitution and then determine whether there is anything about that law that we are prohibited from doing by the document alongside it.

Mr. MASSINGALE. The reason I bring the matter to the attention of the gentleman is that I was afraid he had committed himself to the theory that the Supreme Court, under the Constitution, is given the power expressly or even by indirection to pass upon the constitutionality of acts of Congress.

Mr. BURDICK. If the gentleman will look at article III, second section of the Constitution, he will find not only that authority in express language, but if the gentleman will read the Constitutional Convention debates, he will see that it was expressly debated whether or not the Court should have the power to review an act of Congress.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. MASSINGALE. Does the gentleman mean to say that in his opinion the Constitution of the United States vests power in the Supreme Court to declare acts of Congress unconstitutional?

Mr. BURDICK. Yes; absolutely.

Mr. MASSINGALE. I have never so understood the law.

Mr. BURDICK. If somebody will hand me a copy of the Constitution, I will point it out to the gentleman.

Mr. MANSFIELD. Mr. Chairman, will the gentleman yield?

Mr. BURDICK. I yield.

Mr. MANSFIELD. It is contended that the Constitution does not specifically grant that power. If not, then neither does it specifically give them the power to pass upon the life or death of a man charged with crime.

Mr. BURDICK. That is correct, and I am much obliged to the gentleman for his contribution; but I think it is a pretty good idea in answering that question to read from the Constitution itself. I made a speech here last year on that subject and quoted that provision of the Constitution, and I will refer the gentleman to my speech of last year if I am taking up too much time in trying to locate that provision of the Constitution now.

Mr. MASSINGALE. I will just state to my friend from North Dakota that I was surprised at the gentleman's making the statement, and I do not believe the gentleman can find in the Constitution anywhere any such statement. I am sure the gentleman is sincere, but since Marbury against Madison it has always been a question for argument.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. BURDICK. Mr. Chairman, I would not state anything in this Congress that I did not believe to be true. I know this to be true, and when some other gentleman is speaking here this afternoon I am going to ask him to yield to allow me to read that provision of the Constitution, since my time has now expired.

Mr. LUDLOW. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. GRAY].

Mr. GRAY of Pennsylvania. Mr. Chairman, I am no worshipper of judges; nor have I been for many years a hero worshipper of any kind. Good men are always entitled to every respect and honor, but too many idols develop feet of clay.

Napoleon, in commenting on the French Revolution, said this:

> Vanity was the cause, liberty was the pretext.

No one knew better than he, and no bigger hypocrite and few craftier politicians ever lived.

If we go down through the ages, as I read the record, we will find that the Greeks invented the bright idea of giving unpalatable proposals palatable names.

We will also find that Plutarch, in his life of Themistocles, said:

> In great crises and exigencies the common people turn not to reason but to strange and extravagant ideas.

In the light of history how long have democracies or republics lived? As a rule a very short time. How long have benevolent tyrannies lasted? As stated by the gentleman from North Dakota, some as long as the life of the benevolent dictator, and some benevolent dictators in a few years have turned out to be worse murderers, plunderers, and despots than history hitherto had example of.

Referring to his hunting for the constitutional provision by the gentleman from North Dakota, I think I have in mind the provision of the Constitution referred to by him, and if it is not plain language, I do not know what plain language is.

Article III, section 1, says:

> The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges of both the Supreme and inferior courts shall hold their offices during good behavior and shall at stated times receive for their services a compensation which shall not be diminished during their continuance in office.

Mark the words, "the judicial power." What is judicial power? It is the power to judge and decide.

Why would they not diminish the compensation of judges? In order that the judges may be set aside or be uninfluenced by any other particular branch of government. That is the reason. To build a barrier around the judges and thereby try to shield them from any and every strain on their honest opinion.

Section 2 of the same article says this:

> The judicial power shall extend to all cases in law and equity arising under the Constitution.

In the name of God, is not that plain language? Could it be made simpler or more understandable or clearer? It is a general principle laid down, fixed, fastened, cemented into the organic law and to be changed only by constitutional amendment submitted to the people. That is the Constitution. Why have we a written Constitution? We have a written Constitution because of the oppression of the people and the violation of natural and political rights in the ages prior to the time that our Constitution was inscribed. It was set out there in writing so that those oppressions could not be repeated and those rights could not be violated; so that the liberties of the people and the right of individual action, the right to speak and express and act for themselves, would be perpetuated to posterity by the Constitution itself.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. LUDLOW. Mr. Chairman, I yield the gentleman 5 minutes more.

Mr. BURDICK. Mr. Chairman, will the gentleman yield?

Mr. GRAY of Pennsylvania. Yes; I yield.

Mr. BURDICK. Section 2 which the gentleman just read, was the section that I had in mind, and, in my opinion, it leaves no doubt as to the authority of the Supreme Court to inquire into an act of Congress.

Mr. GRAY of Pennsylvania. But if there were a doubt, the people of the United States have acquiesced in the Supreme Court's authority declaring laws of Congress unconstitutional.

Mr. MANSFIELD. For more than a hundred years.

Mr. GRAY of Pennsylvania. Yes; for more than a hundred years. Does any man here say that this Congress should not have restrictions placed around it? Does any man say that the spirit of mob violence cannot take possession of this Congress or some later Congress? That is another reason we have a Constitution. It is to prevent us from injuring ourselves and injuring our people when some spirit, contrary to that Constitution, to reason, and to humanity, takes hold of the people and engenders in them some impulse to do

something that would violate individual rights. I am no reactionary. I do not have any money at stake in this issue, except to protect myself and family from any confiscation of a very humble home. I am not a bloated bondholder. I have been a Democrat all of my life, when it was not convenient, not politic, not beneficial socially or financially, not even considered altogether sane, to be a Democrat in Pennsylvania; and I suffered because I was a Democrat in Pennsylvania for a good many years. But, my friends, in my youth I was taught respect for the Constitution of the United States. I was a Democrat by inheritance and by conviction before I ever heard of President Roosevelt and before the nomination in 1932.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. GRAY of Pennsylvania. Yes; certainly, to my good friend.

Mr. HOUSTON. I presume the gentleman is discussing the President's proposal to some extent. Wherein does it violate the Constitution?

Mr. GRAY of Pennsylvania. I was not discussing his proposal, but I will say this to the gentleman in that connection: That the President's proposal directly does not offend the Constitution; but the President's proposal, stripped of all verbiage, seems to indicate a desire that the Supreme Court shall give a more enlightened view of certain legislation, a view conforming, of course, with his own; it is outside influence on the Court which is fundamentally, basically in violation of the written Constitution and every American tradition of politics and law.

Mr. LEAVY. Mr. Chairman, will the gentleman yield?

Mr. GRAY of Pennsylvania. Yes.

Mr. LEAVY. Does the gentleman mean to imply by that answer just made that the President, when he appoints anyone to the Supreme Court, would require of those people whom he appointed a pledge, either directly or by implication, that they would follow his dictates in passing upon matters that might come before them?

Mr. GRAY of Pennsylvania. Oh, no; I do not make any such implication.

Mr. LEAVY. Does the gentleman mean to imply that the men who would accept that high honor would accept it with a reservation that they would decide issues brought before them in accordance with the desires of the Executive who appointed them?

Mr. GRAY of Pennsylvania. I make no implication except that we know that the President has made this proposition to reform or reorganize the Supreme Court; and does the President deny what he wants?

Mr. HOUSTON. He certainly has not indicated that he intends to influence future judges.

Mr. GRAY of Pennsylvania. I make no such implications. Let the acts stand for whatever they are. Let the gentleman draw his own conclusions. Let every citizen do the same.

Mr. SOUTH. Mr. Chairman, will the gentleman yield?

Mr. GRAY of Pennsylvania. Yes.

Mr. SOUTH. In reply to the gentleman from Kansas [Mr. HOUSTON] I should like to ask if the President does not want this change in order to carry out his program, then why does he want it? It goes without saying, if I may say so, that he does expect the new Court to be in accord with his program to the extent that such program can be carried out. Otherwise there would be no need for it.

Mr. HOUSTON. Does the gentleman from Texas know of any member of the Supreme Court today who has been subservient to any President's will?

Mr. GRAY of Pennsylvania. I am not entering into any such controversy as that, and I am not talking about that. I am contending for old-fashioned interpretation of laws by a free, untrammeled, and uninfluenced Court, as nearly as possible.

Mr. SOUTH. Mr. Chairman, will the gentleman yield again?

Mr. GRAY of Pennsylvania. Yes; I yield to the gentleman from Texas.

Mr. SOUTH. The very fact that the Court, as now constituted, has vetoed certain legislation which the President favors is the principal reason, is it not, for wanting to change the personnel?

Mr. HOUSTON. What reason has the gentleman to believe that any man appointed in the future will be subservient?

Mr. SOUTH. I do not want to encroach further upon the time of the gentleman from Pennsylvania.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. LUDLOW. Mr. Chairman, I yield the gentleman 5 minutes more.

Mr. GRAY of Pennsylvania. Mr. Chairman, we hear in support of this plan to reorganize the Supreme Court the argument about a mandate from the people. It is stated in the newspapers that the President said that ever since the throwing out of the N. R. A. by the Supreme Court—and I was for the N. R. A.—he has been considering some means of getting done what he says will be done by this plan.

Who voted on that plan in the last election? I voted for President Roosevelt. I voted for the Democratic ticket. I say with emphasis the Democratic ticket, or what I thought was the Democratic ticket. I had no idea that this plan to revise, revamp, or reform the courts was coming up. Thousands upon thousands, millions of people never thought of any such proposition.

Mr. CURLEY. Mr. Chairman, will the gentleman yield?

Mr. GRAY of Pennsylvania. I yield.

Mr. CURLEY. Did the gentleman know in 1932 what the proposed plan of the candidate for President on the Democratic ticket was?

Mr. GRAY of Pennsylvania. I thought it was the Democratic platform.

Mr. CURLEY. Was it not the same situation in 1936? The gentleman did not know what the requirements would be to take care of the 27,000,000 people who voted for him.

Mr. GRAY of Pennsylvania. I am not sure I understand the gentleman. I did not know, but the proposition was not put up nor even hinted at. Why can we not amend the Constitution as provided in the Constitution?

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. GRAY of Pennsylvania. I yield.

Mr. HOUSTON. Does the gentleman know how long it took on the child-labor amendment? It is still out.

Mr. GRAY of Pennsylvania. How long did it take?

Mr. HOUSTON. How long will it take for this?

Mr. GRAY of Pennsylvania. It is a matter of what the people will do; whenever they want it they will act. How long did it take them to call their legislatures together and conform with the social security bill or to enact or repeal the prohibition amendments? The average time for constitutional amendments is probably about a year.

Mr. HOUSTON. Nobody knows how long it will take.

Mr. GRAY of Pennsylvania. Pennsylvania called a special session of its legislature to comply and conform to the requirements of the social-security bill.

Mr. HOUSTON. Does the gentleman think that the people who are crying for an amendment to the Constitution today would support the amendment if it were proffered to them?

Mr. GRAY of Pennsylvania. How could I know? For myself, I stated on the public platform that if necessary for the people of this country, we could go through the Constitution in the way that the Constitution provides. It can be done directly and not by indirection and subterfuge.

Mr. HOUSTON. Does not the gentleman think that the people of this country have faith in the Chief Executive at this time?

Mr. GRAY of Pennsylvania. Oh, it is not a matter of having faith. For that matter, the faith of many peoples has been violated many times in the history of man by crafty politicians.

Mr. HOUSTON. After the way they voted? They elected you to support his program.

Mr. GRAY of Pennsylvania. Oh, I do not know about that.

Mr. HOUSTON. Well, I do.

Mr. GRAY of Pennsylvania. The gentleman presumes much and covers a wide field. Because I told the people

many times on the platform if they wanted somebody to come down here and say "yes" to everything the President wanted, not to vote for me. I told them that. I have heard in this House for 3 years that we all came in on Mr. Roosevelt's coattails. Possibly we did in a way, but the election did not mean that every man who was elected came here to say "yes" if the President said to blow the dome off the Capitol.

Mr. HOUSTON. But if we thought the President was right we should support him, should we not?

Mr. GRAY of Pennsylvania. Yes; most undoubtedly.

Mr. HOUSTON. I think he is right.

Mr. GRAY of Pennsylvania. All right. You support his plan. I am only arguing a different proposition. I see the thing differently from what the gentleman does.

Mr. HOUSTON. I believe you do.

Mr. GRAY of Pennsylvania. Now, this is another thing to consider: Liberty is the most priceless thing that man has. There may be many things that we as a democratic people cannot get because of our form of government, or, at least, cannot get expeditiously, but it is better that we do without some of these material things, at least temporarily, than that we by indirection, by mistake, by chance, by thoughtless and precipitate action destroy that Constitution which was intended for the protection of the humblest individual. [Applause.]

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. LUDLOW. Mr. Chairman, I yield 10 minutes to the gentleman from Arizona [Mr. MURDOCK].

Mr. MURDOCK of Arizona. Mr. Chairman, I feel constrained on this occasion to say something in this debate. I regret that I have not had time to produce a scholarly effort such as I have heard here this afternoon.

The gentleman from Pennsylvania [Mr. GRAY] gives me the keynote for my first remark. The gentleman from Pennsylvania speaks of that great American treasure, liberty. I, too, prize liberty. I want to call your attention to the fact that there are several different brands of liberty. A notable woman rolled down the cobblestone streets of Paris in about 1792 on her way to the guillotine. She was a very cultured woman, one who had been an exponent of liberty, but as she rode down the street to the guillotine she heard the mob shouting behind her, "Liberty! Equality! Fraternity!" This woman, Madame Roland, exclaimed, and rightfully so, "O Liberty, what crimes have been committed in thy name!"

I want to remind you that we worship at the shrine of liberty. Sometimes we have one conception of liberty and sometimes another conception. Let me give you my conception of the right kind of liberty for Americans. I am not enthusiastic about the natural liberty of the eighteenth century such as the revolutionists of France and Europe were shouting in 1792; I am thinking of another brand of liberty.

The statue of the Goddess of Liberty stands almost over our heads as we sit here in conference. Across her brow we write the word "liberty." We write the word "liberty" all over our institutions. It is one of the four great fundamental human rights announced in the Declaration of Independence and crystallized in our institutions. What brand of liberty? It is that brand, I think, which has been well expressed by Katherine Lee Bates in a song which might very well be our national anthem, America, the Beautiful. It is a prayer, almost. Katherine Lee Bates said—and what a mighty concept this is. If that woman had never done anything else but give us this fruitful phrase, it would put her in the Hall of Fame forever:

> America, America, God mend thine every flaw,
> Confirm thy soul in self-control, thy liberty in law.

Some of my young college students, when I used the expression, "Liberty in law", or when it was used in that great song, have sometimes thought that it was some sort of new marriage relationship; but I call your attention to the fact that it is a phrase, not a hyphenated term. [Laughter.]

Liberty in law. That is the brand of American liberty that means not the natural liberty of the wilderness or the jungle but liberty increased because it is delimited, increased because it is confined and defined; that is American liberty, that is our civil liberty; and I am for its preservation. I fear, Mr. Chairman, that many of these folks who bandied the word "liberty" so freely before, during, and after the last campaign are thinking of another kind of liberty. They are thinking of the liberty of business to run unhampered and unregulated. A great many of our economic reactionaries today, no matter on which side of the aisle they are, to which party they belong, are thinking of the laissez faire days of this country, the half century following the War between the States. They want big business and all kinds of business to run free, every man for himself and the devil take the hindermost. When certain industrialists cry for liberty, they probably mean the liberty of a fox in a chicken roost.

Mr. Chairman, I do not believe that this country can longer continue with the degree of freedom which big business experienced at the close of the last century. I believe that big business must give up some of its liberty and come under regulation. I believe this is one of the real issues before us. I did not intend to go in this direction in this discussion, but the gentleman who preceded me gave me the cue.

I am getting many letters and telegrams from home. Perhaps it is because I am a new man, but I think I have never seen so much excitement in this country as there is over this Court issue. Men whom I have known for years, men who have faith in me, are writing now that they doubt my sanity, and all that sort of thing.

Mr. Chairman, there are two great characteristics of our Government brought into discussion by the President's recent proposal. One of these characteristics is the division of power in our dual form of government between the local units, the States, and the Central Government. Mr. Chairman, I feel that we are inevitably being driven in the direction of centralized power here in the national structure. I believe it is as inevitable as the sunrise. You might as well try to put out the fires of the sun by spitting at it as to stop this centralization. I know the political parties have reversed their attitudes in regard to it. Every achievement of science, communication, travel, and the spreading of thought has dimmed State boundary lines and increased the necessity of control from this central source of authority. I am in favor of this change because I believe it is inevitable. I recognize, of course, that there are dangers and that it may proceed too far and too fast, but it must proceed.

Another great feature of our form of government is the threefold separation of power into legislative, executive, and judicial. I believe this tripartite division of power was a wise one, and I am not in favor of changing it. We are up against this proposition right now. I would not take away from the Supreme Court of the United States the power of judicial review. Some of my friends, perhaps with more knowledge than I have, are saying: "Let us give Congress power by a two-thirds vote to override a judicial veto." I am not in favor of it. I would not give the lawmaking body of this country the last word even by unanimous vote. If you do that, you might as well junk the Constitution. If you do that you might as well depart from the American constitutional form of government and go over directly to the English system of parliamentary government. I have great respect for my English cousins across the way, but I am not willing to accept their form instead of ours.

So long as we have a written constitution, there must be somebody to serve as referee; somebody to say, if the Constitution of the United States is the supreme law of the land, whether any law passed by this or any other lawmaking body is in conformity or in disagreement with it. If we take away this power from the Court, we change fundamentally our Constitution, do we not? I for one am not in favor of doing so.

But here is our dilemma. Some of my friends said to me the other day when I made my maiden speech: "Why do you not propose an amendment of the Constitution?" I think that would be a way out of the dilemma; certainly that is one

way out; but, Mr. Chairman, how long will it take? Yesterday was Susan B. Anthony's birthday. We honored her for success in a great crusade. Her success was won after her generation had passed from the scene.

I want to remind you that 50 years before the nineteenth amendment to the Constitution was adopted she wrote the wording exactly as it is today. Assuming that it was right, fair, just, and desirable that the women of America be given the ballot in 1870 and that it was the will of the American people, it took a half century to get that written into fundamental law.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. MICHENER. Will the gentleman yield?

Mr. MURDOCK of Arizona. I yield to the gentleman from Michigan.

Mr. MICHENER. If what the gentleman has stated is true, may I ask him, is it not also true that the American people have always amended their Constitution when the majority of the American people wanted to do so?

Mr. MURDOCK of Arizona. Yes; occasionally and in the course of time; but how long does it take?

Mr. MICHENER. Just as soon as they want to amend it. They have the power to do so right away.

Mr. MURDOCK of Arizona. Mr. Chairman, during the last 4 years of the Roosevelt administration the entire energy of the administration has been taken up fighting a terrible depression. We are now out of the depression or at least partly out. What are we going to do during the next 4 years? Must we amend the Constitution or is there, safely, another way?

I am a new Member of Congress. I came here hoping to work with the Members of Congress and with the President and the courts to go forward with law making in advancing the progress of this country. But can we do it? All that I have seen since I came here has been bills appropriating sums of money. We seem powerless to legislate constructively for present needs.

We have reached an alarming point in our national debt. Are we going to continue to deal out money to keep people from starving, or are we going to promote legislation that will get this country back into a prosperous economic condition? I believe that we can no longer let things slide as they have been doing in the last 40 or 50 years. We must act and act quickly.

Those of us who were chosen last November and feel that we have a clear mandate from the people to lead in the general direction of New Deal policies now find ourselves in this dilemma: That the Constitution, as now interpreted, will not permit the legislation which we need, and, on the other hand, there is little probability that a constitutional amendment could possibly be adopted within the next 4 or 5 years. This administration, then, must either find some practical way of carrying out our pledge to the American people or recognize our impotency to do more than appropriate money to keep people from starving. Although it is only as a very last resort and as a dire expedient that I can bring myself to favor enlarging the personnel of the Supreme Court, nevertheless I shall consent to that change in personnel rather than accept the alternatives; and what do I mean by these alternatives?

The alternatives are that we shall let the next few years of golden opportunity to legislate progressively for our country pass because of our impotency, or we shall fritter away this golden opportunity and these strategic years trying to get a more emphatic and unmistakable mandate from the people through an amendment, which struggle for amendment may be in vain, so far as the next few significant years are concerned.

I, too, dislike being dubbed a "rubber stamp." I deny that I rode into office on Roosevelt's coattail. I resent the charge or implication that I am subservient to the President, because I find myself agreeing in large part with his proposals and agreeing with him absolutely in what I understand to be his national objectives. By thus agreeing with this great "prophet of a new day", I feel that I am not subservient to one man but subservient to the will of the American people.

I trust the President and cannot bring myself to give any credence to the charge that he is attempting to become a dictator. While I can see some danger of the President's controlling the high court through a certain use of appointive power, at least there is nothing unconstitutional about it. On the other hand, I see even greater danger for this country in our legislative supineness and impotency caused by the Court's medieval interpretation of the Constitution. This might conceivably bring about such a state of affairs in this country as can only be dealt with by extra-legal or revolutionary means. We can lose our liberties through a single dictatorship, and just as surely through a plural dictatorship. God forbid that we shall do it either way. [Applause.]

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. BUCKLER].

Mr. BUCKLER of Minnesota. Mr. Chairman, I requested these few minutes to perhaps talk about something that should be very interesting to the Members, the money question. However, before I start I want to make myself clear on the proposal of the President to change the membership of the Supreme Court.

I have heard a great deal of talk here about the President's wanting to be a dictator over the Supreme Court. There are a great many here who are against any proposal to change the Supreme Court. Why? Because you do not want any progressive legislation passed in this Congress which will get out to the people of this Nation. [Applause.]

Mr. Chairman, it is estimated that there are 9,000,000 people out of employment at the present time, and there are many million farmers on relief in this Nation. All the progressive legislation that has been proposed and passed by this Congress since I have been a Member the last 2 years has been vetoed by those nine old men over there in the Supreme Court. If there is any other way to remedy the situation, then let us remedy it. Let us put in a few men who will act for the people of this Nation instead of having four or five over there who want to act for and protect the big special interests in the eastern part of this Nation to the detriment of the people of the whole Nation. Perhaps that is enough on that. I am going to support the President on his proposition, and I have attempted to tell you the reasons why. [Applause.]

Mr. Chairman, the gentleman from Nebraska talked to you this morning for some time about the money situation. For me or anyone to talk to you about the money situation and the control of the money of this Nation would be like trying to wake up Rip Van Winkle and talking to him, because you will not listen.

Four years ago the President said he was going to run the money changers out of the temple. In fact, I thought he had run them out for a while, but the rascals have come back.

I believe the Federal Government should take over the Federal Reserve Banking System and control the money and credit for all the people of the Nation. That is not against the Constitution, because the Constitution specifically states the Congress should do that.

Along last fall and lately again the Federal Reserve bank officials have raised the reserves which the banks should have, to stop what? They say to stop the gamblers down here on the New York Stock Exchange. If that is true, why penalize 130,000,000 people on account of a few rascals down here on the stock exchange and try to prevent them from gambling with other people's money? I say put them out of business.

Some people have said we have the Securities Exchange Commission to regulate the stock exchange. But that reminds me of a law that was passed up in North Dakota a few years ago. The gophers over there got to be so numerous that they started to eat up some of the crops. The legislature passed a bill providing for a bounty to be paid for gophers. Of course, the farmers went to trapping the gophers. All they had to do was to take the tail of the gopher to the auditor and get the money. Later on it was found out that the farmers were turning the gophers loose. The farmers then were asked why they were turning these gophers

loose, because they only had one tail, and they had already been paid for that. The farmers replied: "I know, but he will go out and raise more gophers with tails."

That is just about the way the Securities Exchange Commission regulates the stock exchange up there in New York.

Mr. FORD of California. Will the gentleman yield?

Mr. BUCKLER of Minnesota. I yield to the gentleman, but I only have 10 minutes.

Mr. FORD of California. Is the gentleman sure that is exactly the way the Securities Exchange Commission regulates the Stock Exchange in New York?

Mr. BUCKLER of Minnesota. That is the experience we have had since they have been trying to do the job.

Talking about the control of money by the Federal Reserve banks, you will remember that back in 1920 the same Federal Reserve bank—not the same persons, perhaps, but they belonged to the same outfit—took the money out of circulation, and it broke most all the farmers and small bankers of the Northwest. This was because the Federal Reserve had taken all the money and credit out of circulation and we have not received any credit from the bankers since that time in the agricultural districts.

Mr. HOFFMAN. Mr. Chairman, if the gentleman will yield, I want to ask that the gentleman be yielded more time.

Mr. TABER. How much more time does the gentleman want?

Mr. BUCKLER of Minnesota. I should like to have about 5 minutes more.

Mr. TABER. Mr. Chairman, I yield the gentleman 5 more minutes.

Mr. BUCKLER of Minnesota. I thank the gentleman.

Mr. FORD of California. Mr. Chairman, the gentleman has more time. Will the gentleman now yield?

Mr. BUCKLER of Minnesota. No; I have only 5 minutes more, and I want to use it myself. In 1920, when they took the money out of circulation, they said money was too cheap and the produce of the farmer was too high. Of course, when the money went out of circulation you remember what happened to the farmer. His produce went down to about one-half, and in some cases less than one-third, and this broke the farmer and the small banker in this Nation.

The same Federal Reserve Board threw this money into the big centers and into Wall Street and they started to gamble on stocks and bonds after they had unloaded and sold the stocks and bonds to the people. You know what happened in 1929. They raised the interest rate up to 10 or 15 percent in order to take the money out of circulation again, and they fleeced the people of the Nation by that operation out of $50,000,000,000.

Of course, when you took the money out of circulation in 1929 you broke the people of the Nation, and I contend you are on the same road now when you are allowing these Federal Reserve bank officers to take the money of the country out of circulation. This causes the banks to hold a larger surplus and head us toward a panic like the one in 1929. The banks in the agricultural districts have never lent out a great deal of money since the panic of 1920 to the farmers of the Nation, because they have been skeptical of the Federal Reserve banks, but just recently they have started to do a little business. Now, you have frozen the assets of the country banks and you are going right back to where you were in 1929 and you are headed for another panic. Do we have to rely on the gamblers in the stock exchange for our prosperity?

If they are taking the money out of circulation in order to curtail the New York Stock Exchange, I contend you could put them out of business because less than 1 percent of the corporations and business concerns of the country do business on the stock exchange. There are just a few big concerns listed on the stock exchange in order to gamble and rob the people, or if this is not the reason then it is the high interest rates they are looking for. They are looking to get more interest, and I want to say to you right now that if you are going to get out of the condition you are in you have got to have cheap interest. You cannot raise the interest rates if you expect the people to get out of the conditions which they find themselves in at the present time.

You also know that it takes all the farmers can produce to pay the interest on their mortgages and the public debt. Therefore, you have got to keep the interest rate down if you are going to get out from under this private and public debt. [Applause.]

If the Nation would have wanted to go back to Hoover they would have elected Landon and gone back to the gold standard. Then we would have high interest rates and cheap prices for agricultural produce. [Applause.]

Mr. TABER. Mr. Chairman, I yield 15 minutes to the gentleman from North Dakota [Mr. LEMKE].

Mr. LEMKE. Mr. Chairman, at this time, when the Nation is aroused, when it has become thoroughly water conscious and is contemplating the appalling human and property losses occasioned by last year's and the present flood, I wish to call the attention of Congress to House bill 4269, a bill that I have introduced in this session of Congress to take the place of a similar bill which I had introduced in the last session. This bill provides for a practical solution of our ever-occurring flood problems. It at the same time conserves and makes use of the unappropriated waters for the people of this Nation. These waters are now wasted and permitted to run to the ocean, leaving destruction and misery in their wake.

This bill has for its object and purpose not only the prevention of the destruction of millions of dollars' worth of property, together with human lives, by uncontrolled waters but also the prevention of drought and the restoration of water levels in the Dust Bowl. Few Members of Congress perhaps realize that our loss in crops, livestock, and other property caused by drought is many times greater than that occasioned by recent floods. For every million dollars' worth of property lost by floods at least fifty million has been lost in recent years by drought.

This bill provides:

That for the purpose of impounding, storing, conserving, and making use of the unappropriated waters falling or emanating within the United States, and to provide for navigability of streams within the United States, constructing canals for transportation purposes, preventing floods, restoring ground water and water levels, lessening soil erosion, aiding in forestation of cut-over and other uncultivable lands, water for irrigation, creating opportunities for home building and industrial development, developing electricity for light and power, and furnishing employment to the unemployed, there is hereby created a Commission to be known as the Water Conservation and Flood Control Commission, hereinafter referred to as the Commission, which Commission shall be deemed legally organized and created on the date that this act goes into effect.

This commission is not composed of new members, does not, in fact, create a new bureau for political favorites, but makes use of the heads of existing departments of government who have been and are already, in one way or another, connected with water conservation or flood control.

The bill provides that—

The Commission shall be composed of the Secretary of the Interior, the Secretary of Agriculture, the Secretary of War, the Secretary of Labor, the Attorney General, the Chairman of the Federal Power Commission, the Chairman of the Tennessee Valley Authority, the President of the Electric Home and Farm Authority, the Administrator of the Rural Electrification Administration. The Secretary of the Interior shall be chairman, and the Secretary of Labor secretary of the Commission. The members of the Commission as such shall receive no additional salaries. They shall, however be reimbursed for actual expenses incurred by them in the performance of the duties vested in the Commission by this act. The Commission shall direct the exercise of all the powers of the Commission, and a majority shall constitute a quorum.

As we have already seen, this bill provides for the impounding near their source of the unused and uncontrolled floodwaters coming from the mountain slopes and emanating in the interior of the United States in such a way as to prevent drought by supplying humidity to the atmosphere and causing rains in the Dust Bowl, and at the same time providing water storage and preventing disastrous floods in the lower Mississippi Valley and in other valleys. This at a low cost and on a permanent basis. While furnishing flood protection, so necessary during the occasions of unusually high waters, the project outlined in this bill is one which

will make use of these waters and serve many other important purposes and pay rich dividends 365 days in the year.

Only those who live in the central part of the United States know that the great American desert is on its way. Few people know to what extent ground waters and water supplies have disappeared between the Continental Divide and the Mississippi River. Do you know that in the last 5 years about one-fourth of the livestock in these regions was either sold or died of thirst and starvation because of a lack of water and moisture? Do you know that in some instances farmers hauled water 30, 40, and 50 miles for household use and for livestock? Do you know that hundreds and thousands of cattle died because they ate the dust-covered grass—that human beings not only choked in dust storms but died because they inhaled dust?

In every State west of the Mississippi and east of the Continental Divide ground waters and water levels have fallen from 10 to 48 feet since 1878. North Dakota in 1878 had 5,000 lakes, ponds, and water holes. Today less than 50 of these are left. At that time Devil's Lake was 35 feet deep and covered over 135 square miles. It was 60 miles long, with a steamboat running from Devil's Lake to Minnewaukan. Today it is less than 6 feet deep and covers less than 6 square miles.

In Minnesota 5,600 lakes, sloughs, ponds, and water holes have gone dry since 1878. What is true of North Dakota and Minnesota is equally true of South Dakota, Iowa, Nebraska, Kansas, and the other States in this region. Some of these did not have as many lakes, therefore there were less that went dry.

What I said about the lakes, sloughs, ponds, and water holes is equally true of the small streams. Nearly all of these have either gone completely dry or flow only for a few weeks in the springtime. Even the larger streams, such as the Yellowstone, the Missouri, the Red, and the James Rivers, have decreased in volume. These streams used to flow the entire year, but now they are filled for only a short period during the spring when the snow melts, and after that either become dry or so low that a person can wade across them at almost any point. In the last few years I have seen farmers attempt to raise vegetables in the bed of the James River—the attempt was unsuccessful because there was not enough moisture in the river bed.

What I have said about ground waters and water supply between the Rocky Mountains and the Mississippi River is equally true between the western slope of the Rocky Mountains and the Pacific Ocean. Here, too, ground waters and water levels have fallen some 18 feet or more within recent years. The same condition exists in many States east of the Mississippi River. In fact hundreds and thousands of lakes, sloughs, ponds, swamps, and water holes in the interior of the United States have disappeared within the last 75 years. The Nation has truly gone dry in spite of the recent floods.

I have presented these facts to show you that this is a national, not a local issue. It is a serious and an alarming situation. It concerns every State and the very life and welfare of this Nation. The floods and the drought have become a national catastrophe. The regret is that we should permit the water that during the summer months is so badly needed, to go not only to waste, but to allow it to destroy millions upon millions of dollars' worth of property, and in addition, human life. We should have long ago harnessed this water for human use at its source where it is needed, in place of letting it go on a rampage.

The reason for the recent floods is that by cultivation and drainage we have destroyed the natural reservoirs and water basins, as well as the grass and timber that held its mad rush to the ocean in check. In other words, the water caused by recent rains and melting snow, rushed unchecked over the frozen ground into the smaller streams, and then discharged into the main streams. If there had been hundreds and thousands of dams, reservoirs, and catch basins distributed in the flood regions, the surplus waters would then have been caught and stored for use, and the floods prevented.

So, also, the reason for the gradual decrease of the water supply in the larger part of the interior of this Nation is due to the destruction, by cultivation and by the cutting of timber, of the natural water basins and reservoirs and by draining the small lakes, sloughs, ponds, and swamps so as to increase the number of acres in cultivation and thus removing the grass and other vegetation that retains the moisture caused by summer rains and winter snows. In addition to this, our road construction in the level prairie States, with a large ditch on each side, and paralleling one another a mile apart and running east and west, north and south, drained all the surrounding lands into the nearby rivers and streams, that carried it finally into the larger rivers, and which in turn ultimately carried it into the ocean.

We drained the lakes to get more land under cultivation, and now, because of drought and lack of moisture, crops refuse to grow even in the lake bottoms. This was shortsightedness, but the human race is generally short-sighted. The tragedy of all this is fully realized when we learn that in many cases the farmers are still paying special assessments for the drainage ditches that are now being dammed in order to conserve the water by creating artificial lakes and water basins.

Over half of our States have been listed as being in the drought area. It is high time for us to awaken. The cause of this drought, as we have already seen, is due largely to overcultivation, overgrazing, and the drainage of lakes and water basins and road construction in the Great Plains States. Those of us who grew up in these States know that some 50 years ago there were hundreds upon thousands of lakes, rivers, riverlets, creeks, coulees, gullies with an abundance of water everywhere the year around, while today most of these rivers and practically all of these riverlets, creeks, coulees, and gullies have gone dry and are being farmed and cultivated. Many of these lakes and water basins were drained by State and county governments in order to increase the cultivable land.

This damage was done, not deliberately, but because of ignorance of the final result, of the final accounting, so that today water conservation is one of the most-important problems confronting this Nation, ranking in importance over reforestation or forestation, because without water there can be no forests or vegetable life, and in the long run no animal life.

Billions of tons of the soil and fertility of these drought-stricken States have been picked up by the winds and carried across the continent. This because there was no humidity either in the air or in the particles of soil. They became light as feathers. Truly a calamity has befallen these States and this Nation that we cannot as yet fully comprehend. A condition that will not only become permanent, but worse, unless the water tables are restored. Surely a disaster of this magnitude challenges the ingenuity and patriotism of our people. There is no question but that when once we realize the cause of this catastrophe we will and can fully meet it. The American spirit of determination and progress will be equal to the occasion. The deserts will grow smaller and not larger. We will face the issue and not run away from it.

In all of these Plains States, and in fact in every State in the Union, nature has provided us with hundreds and thousands of watersheds and storage basins, which at a very small expense could be turned into hundreds and thousands of lakes, ponds, and reservoirs by building earthen dams at the proper places, so as to catch the water during rains and melting snows. This water, as we have already seen, is now permitted to wander away to the ocean, where it serves no useful purpose. More than that, in its mad rush to reach the ocean it occasions at times great property losses through floods, thus not only leaving the interior where it is needed by plant and animal life but destroying millions of dollars' worth of property and human life in the great river valleys where it is not needed or wanted and, at the same time, making possible the great American desert.

This is both a National and a State problem. The future welfare of both depends upon a proper solution. The Federal and State Governments must cooperate. They must both become water-minded. The larger projects, on the large and principal rivers and streams, must be financed

and carried on by the Federal Government. The Federal Government must dam these rivers and must divert some of these waters into the fast-disappearing lakes. The smaller projects, such as putting in small dams to impound the waters in natural watersheds and basins and distributing the water from the large rivers to the smaller riverlets, creeks, coulees, and gullies, must be, and can be, successfully done by the States, in cooperation with the Federal Government.

Section 20 of the bill reads as follows:

The Commission is further directed, in carrying out the provisions of this act, to cooperate with States, counties, municipalities, farmers, farm organizations, and landowners in the construction of dams, ditches, canals, lakes, ponds, water holes, reservoirs, runways, spillways, docks, and locks, and to do all things reasonably necessary and convenient in carrying out the provisions of this act. It shall cooperate and coordinate its work with all other agencies of Government engaged in similar work, and especially with all other agencies or provisions of law enacted for the purposes of controlling and preventing floods and soil erosion.

If this bill becomes a law, the youth of this Nation will be given an opportunity. They will have an opportunity to build homes and pursue agriculture on irrigated lands as well as to enter into industrial fields. Millions will be taken from the dole system. It will give a new frontier to our national aims. It will utilize and save the waters of the Nation where they are needed for irrigation, navigation, and other purposes and add millions and billions to our national wealth. It will harness the rivers and streams at their sources and use them for the good of humanity, rather than to allow them to destroy millions of dollars worth of property and many lives each year.

Section 14 of the bill provides:

The Commission may also establish homesteads by erecting houses and other necessary buildings on lands belonging to the Government and to be irrigated, such homesteads to be used exclusively for agricultural purposes and not to exceed 80 acres each. Such homesteads shall be sold on long terms and at a low rate of interest to heads of families who have lost their farms through drought, mortgage foreclosure, or indebtedness or to tenants or to heads of families who are out of employment and desire to engage in agriculture and furnish the Commission with reasonable evidence of their ability to make good and who have no other means of providing a home or livelihood for their families.

In conclusion, may I state that this bill provides for a standing appropriation of $500,000,000 each year. We now appropriate a billion dollars for the Army and Navy for national defense. Yet the greatest defense to this Nation will be the conservation and the proper use of the waters that fall within the interior. Our most valuable natural possession is water, because of the lack of water, of humidity, and moisture, the great American desert is on its way. Prompt action is necessary. Water conservation and flood control must be carried on on a national scope. We must put in 500,000 lakes, reservoirs, and water basins in the interior of the United States.

By putting in these lakes, water basins, and reservoirs we will restore the ground waters. Trees and vegetation will again become abundant. These in turn will take the ground waters and transmit them in the form of vapor into the air, causing humidity. The humidity will finally get together in the form of raindrops and return to the earth, but to go up again through vapor and again and again to be returned to the earth to further stimulate vegetation growth. The Dust Bowl will be a thing of the past and man will have restored to nature that which he unwittingly took away.

Mr. FORD of California. Mr. Chairman, will the gentleman yield?

Mr. LEMKE. Yes.

Mr. FORD of California. How does the gentleman figure by his philosophy or by his bill he could dam up nature and its activities, like floods and tornadoes, and so forth? Is there anything in the gentleman's philosophy or in his bill that would stop that?

Mr. LEMKE. If the gentleman will read the bill and my remarks in the RECORD he will find out, and may I say further, that mankind has changed nature many times. For instance, the gentleman's friend and my friend, Luther Burbank, took an orange and a lemon and made a grapefruit out of them and beat nature to it.

Mr. FORD of California. Did he ever make a cyclone out of a tornado?

Mr. LEMKE. I think he did more. Anyway by shooting into them with a cannon we can now break up nature's cyclones, and that is more than nature can do. [Applause.]

Mr. TABER. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Chairman, I have listened with considerable interest to the debate on the Supreme Court, and almost invariably there is some speculation as to how long it takes to amend the Constitution of the United States. I have read an enormous amount of literature on this great subject. I do not suppose that any one man can read the extant spoken and written literature now appearing every day in the press of the country, but out of it I have sought to separate the wheat from the chaff as nearly as I could, and it appears to me that the situation is this, in a nutshell: The President of the United States had fashioned a recovery policy which had for its keystones such enactments as the Agricultural Adjustment Act and the National Industrial Recovery Act. Those acts were submitted to the Supreme Court, and that Court determined they did not square with the Constitution, and hence were invalid. There were three courses which the President could thereafter pursue. First, he could abandon his plan. I think the world will agree that the philosophy of defeat does not appear in the vocabulary of President Roosevelt, and it is to be expected that he would not abandon that plan. The next course open to him was to propose one or more constitutional amendments to effectuate his program. The third course was amending the Supreme Court. After investigation of the matter, apparently it was determined that it would either take too long to amend the Constitution of the United States or that an amendment to the organic act when submitted would not pass, and hence they must, by logic, have fallen upon the device of amending the Supreme Court.

It has intrigued me as to why amending the Constitution has been so lightly passed by in view of the fact that the record discloses that it has not taken so long to amend.

First of all, may I say to the majority party that you have been in better condition to bring about an amendment to the Constitution than any party within the past 50 or 60 years. When noses were counted on the 3d of November 1936 my party found that we had the smallest representation in this body since Benjamin Harrison occupied the White House. My party now has the smallest representation in the other end of the Capitol since Franklin Pierce was the Chief Executive of the country. You have 42 of the 48 Governors in this country. In addition, you dominate nearly every State legislature by virtue of the enormous vote polled on the 3d day of November 1936. You could write your own ticket as far as special conventions are concerned, to which resort might be had for the purpose of securing ratification of an amendment to the Constitution. You have everything on your side. Yet you have not availed yourself of the method of amending the Constitution to effectuate your policies. It seems rather strange that we have so idly speculated upon the time it takes to amend the Constitution, coming to the rather general but unfounded conclusion that it would take too long.

I have investigated the matter a little and I thought the House might be interested in this information. Going all the way back to the Bill of Rights, which found its way into the Constitution in 1791, we will take the first 10 amendments as a group, proposed when Washington was President. They were proposed for amendment on the 25th of September 1789, and ratified by the necessary number of States on December 15, 1791. It took 2 years, 2 months, and 20 days to effect ratifications of the first 10 amendments.

If you will make allowance for the fact that we had no radios, that we had no newspapers, that we had no locomotives, that we had no means of communication—that does not appear to be so very long in those days when the country was in a rather pristine condition.

Now, let us come to the eleventh amendment, which was proposed on the 4th of March 1794 and was ratified on February 7, 1795. The eleventh amendment required exactly 339 days to become a part of our Constitution.

The twelfth amendment, dealing with the electoral college, was proposed on the 9th of December 1803 and was ratified in 229 days.

The thirteenth amendment, dealing with a phase of slavery, was ratified in 309 days.

The fourteenth amendment was ratified in 2 years and 26 days.

The fifteenth amendment in 356 days.

The sixteenth amendment, which came in the administration of President Taft, dealing with the income tax, was ratified in 3 years 6 months and 21 days.

The seventeenth amendment, dealing with the direct election of Senators, found its way into the Constitution in 359 days.

The celebrated eighteenth amendment, dealing with prohibition, required 1 year 1 month and 1 day.

The nineteenth amendment, conferring equal suffrage upon women, was ratified at the end of 1 year 2 months and 19 days.

The twentieth amendment, the "lame duck" amendment, was ratified in 10 months, 21 days.

The twenty-first amendment, repealing the eighteenth amendment, was ratified in 9 months and 15 days.

Now, if you will examine those figures, you will find that the amendment which required the longest time provided authority to levy income taxes and took 3 years, 6 months, and 21 days to get into the Constitution; and the shortest time was 229 days, in the case of the twelfth amendment. Seven of the last 11 amendments to the Constitution required less than a year. Nine of the last 11 amendments required less than 15 months. The average for all of the last 11 would be approximately 15⅓ months.

Now, there is the record so far as all amendments to the Constitution are concerned.

When you regard that in the light of the length of time we have been litigating things like the N. R. A., the A. A. A., and many other enactments of the Seventy-third and Seventy-fourth Congresses, we would have been time ahead if we had resorted to the regular processes of seeking to amend the Constitution rather than to amend the Court.

As I stated at the outset, it seems that the majority party has every attribute by way of heavy representation in this body and in the other body, certainly powerful support in the 48 Commonwealths of the Union, and that you could have achieved these amendments far more expeditiously than resorting to the idea of enlarging the Supreme Court. At a time when there is so much speculation on the subject of the length of time taken to amend our organic act, I think this information will be refreshing, and probably will set at rest a lot of idle speculation as to the allegation that it does take so long.

I appreciate that we live in an age of speed. These are no "horse and buggy" days. We think in terms of automobiles that travel over the highways at 70 or 80 miles an hour. We think of vessels that traverse the ocean in 103 hours; of railroad trains that travel 90 miles an hour for a 1,600-mile round trip, like the Burlington Zephyr. We think of airplane travel in terms of 350 miles an hour. Measured by those standards, perhaps it does take a little longer, yet the record discloses that the average for the last 11 amendments to the Constitution, taking out the first 10 because of lack of communication at that time, required only an average of 15⅓ months.

That indicates so firmly and so emphatically the course that should have been taken in order to write these things into the organic law, that it might stay. I have taken rather fine pride in the fact that I voted for the N. R. A. and voted for the Social Security Act, for the Agricultural Adjustment Administration, and a great many other measures that were proposed by the President in the hope of lifting this country from the slough of depression to the highroad of sunshine and prosperity. Those days of 1932 and 1933 were troublous and beset with difficulty. Insofar as conviction permitted, one was expected to adjourn all partisanship and participate in the common enterprise of lifting the Nation from its despondency.

Then I went back to my constituency and defended them from the platform. In the light of hindsight, if I had it to do over again, I think my course would be exactly the same, and I would vote for them all over again.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield 2 additional minutes to the gentleman from Illinois.

Mr. DIRKSEN. In seeking to take a temperate view of this proposal for judicial reform that is beginning to provoke so much controversy in the country, it seems to me we have overlooked a great bet in not following the regular constitutional lines to write these things into the durable law of the Nation. My observation is that the humblest citizen will regard it a kind of apprehension on the part of the administration to test its policies by submitting them to the people.

Mr. GRAY of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. GRAY of Pennsylvania. The gentleman has heard the argument concerning the mandate from the people, and the gentleman knows that 46 States went Democratic in the last election. I presume the gentleman has also heard the argument that the reason the constitutional amendment has not been proposed is because 13 States could frustrate its adoption. Is not this a rather peculiar argument when viewed in the light of the mandate of the people in the last election?

Mr. DIRKSEN. We heard much about the concerted effort that was to be made by those who espoused the dry cause to frustrate the repeal of the eighteenth amendment in 1932, yet the opposition failed. The country being minded in the direction of repeal simply rallied to the standard and in the short space of less than 10 months placed repeal in the Constitution. I believe in adapting the legislative policies of this country to meet the forces of change, but at the same time I cherish a decent regard for the traditions of the past, for the wisdom of those who went before us. If this is to remain a government of, by, and for the people, then the people must be consulted by submitting important changes to them in a constitutional way. The record of the past indicates that, in the main, it does not take so long. To change the Court is not the people's way, and only invites ultimate difficulty and disaster.

Mr. LUDLOW. Mr. Chairman, may I ask the gentleman from New York whether other Members on his side desire time this afternoon?

Mr. TABER. We have no more requests for time today.

Mr. LUDLOW. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GREENWOOD, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 4720) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1938, and for other purposes, had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. ALESHIRE (at the request of Mr. SWEENEY), indefinitely, on account of illness.

To Mr. FULLER (at the request of Mr. DRIVER), on account of important business at home, for the week.

To Mr. TERRY (at the request of Mr. DRIVER), for the week, on account of illness.

CALENDAR WEDNESDAY

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute for the purpose of asking a question of the majority leader.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARTIN of Massachusetts. Mr. Speaker, can the majority leader tell us what the program will be for tomorrow?

Mr. RAYBURN. We intend to call the Calendar of Committees tomorrow. No chairman has notified me that he expects to call up a bill. I do not, however, want to ask unanimous consent to dispense with business in order on Calendar Wednesday. If no bills are considered on the call of the calendar, we shall proceed with general debate on the Treasury-Post Office bill. I have conferred with Members on both sides in charge of time on the Treasury-Post Office bill, and they say that were one committee to take an hour, or something like that, they would still be willing to go ahead with general debate on that bill.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. RAYBURN. I yield.

Mr. MICHENER. The Judiciary Committee the other day instructed its chairman to call up all the bills on the calendar.

Mr. RAYBURN. The Judiciary Committee will not be called tomorrow until all the other committees are called.

Mr. MICHENER. Last week on Calendar Wednesday we adjourned unexpectedly about the middle of the afternoon. The Judiciary Committee has not had its full day. If there is no other business tomorrow under the Calendar Wednesday rule, why cannot the Judiciary Committee finish the bills its chairman was instructed to call up?

Mr. RAYBURN. They would have to do that after all the other committees were called. It is possible we might come back to them and start over again. I rather think, however, that some of these other committees may have a bill ready, although they have not notified me. I think the better plan would be to go ahead with the general debate on the Treasury-Post Office bill tomorrow if, on calling the calendar, we find no committees are ready.

EXTENSION OF REMARKS

Mr. HAVENNER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein very brief excerpts from an official opinion by the Secretary of the Interior.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BINDERUP. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a chart I used this morning.

Mr. TABER. Mr. Speaker, is it not true that under the rule the gentleman must get permission from the Joint Committee on Printing to include a chart in the RECORD?

The SPEAKER. If it requires more than two pages, that is the usual practice.

Mr. BINDERUP. It will not take more than two pages.

The SPEAKER. I suggest that the gentleman from Nebraska confer with the chairman of the Joint Committee on Printing. I see him in the Chamber at this time.

Mr. BINDERUP. Then, Mr. Speaker, I withdraw my request temporarily.

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by incorporating therein a speech made over the radio on the subject of mandatory neutrality.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

(Mr. DIRKSEN asked and was given permission to revise and extend his own remarks.)

The SPEAKER. Does the gentleman from Nebraska renew his request?

Mr. BINDERUP. I withdraw my request temporarily, Mr. Speaker.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 35 minutes p. m.) the House adjourned until tomorrow, Wednesday, February 17, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Wednesday, February 17, 1937, continuing the hearing of H. R. 1668—long-and-short-haul bill.

COMMITTEE ON MILITARY AFFAIRS

There will be a meeting of the Committee on Military Affairs at 10:30 a. m., Wednesday, February 17, 1937, to consider general subject of medals and decorations. Representative of War Department will appear.

COMMITTEE ON PENSIONS

The Committee on Pensions will hold a hearing at 10:30 a. m., Wednesday, February 17, on H. R. 4013, granting pensions and increase of pensions to Spanish War veterans.

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Wednesday, February 17, 1937, at 10:30 a. m., to hold hearings on the following projects: Cleveland Harbor, Ohio; San Diego Harbor, Calif.

COMMITTEE ON THE LIBRARY

The Committee on the Library will hold a hearing on Wednesday morning, February 17, 1937, at 10:30 a. m., on H. J. Res. 217, providing for the construction and maintenance of a National Gallery of Art.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

The Committee on Immigration and Naturalization, in room 445, House Office Building, will hold hearings on Wednesday and Thursday mornings, February 17 and 18, on H. R. 30, to protect artistic and earning opportunities for actors, etc.

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

The Committee on World War Veterans' Legislation will hold hearings in room 356, House Office Building, on Thursday morning, February 18, at 10 o'clock.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

The Committee on Interstate and Foreign Commerce will hold hearings on Thursday morning, February 18, at 10 a. m., in the committee hearing room, 1334 House Office Building, on H. R. 3143, to amend the Federal Trade Commission Act.

COMMITTEE ON PENSIONS

The Committee on Pensions will hold a meeting at 10:30 a. m., Friday, February 19, on H. R. 2887, to amend the provisions of the pension law for peacetime service to include Reserve officers and members of the enlisted Reserves.

COMMITTEE ON THE CIVIL SERVICE

The Committee on the Civil Service will continue hearings on Wednesday, February 17, and Thursday, February 18, on the question of extending the classified civil service to include employees of the emergency agencies and employees in the regular establishments of the Government not now classified. Mr. Harry B. Mitchell or a representative of the Civil Service Commission will appear before the committee.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

377. A letter from the president of the Board of Commissioners of the District of Columbia, transmitting proposed legislation in respect to amending the local law relating to crimes against property; to the Committee on the District of Columbia.

378. A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to reserve certain public lands for the use and benefit of the Chippewa, Cree, and other Indians of Montana; to the Committee on Indian Affairs.

379. A letter from the secretary of the Prison Industries, transmitting the annual report of the board of directors of the Federal Prison Industries, Inc.; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. RAMSPECK: Committee on the Civil Service. H. R. 2901. A bill to amend the act of May 29, 1930 (46 Stat. 349), for the retirement of employees in the classified civil service and in certain positions in the legislative branch of the Government to include all other employees in the legislative branch; without amendment (Rept. No. 258). Referred to the Committee of the Whole House on the state of the Union.

Mr. RAMSPECK: Committee on the Civil Service. H. R. 3408. A bill to amend the Civil Service Act approved January 16, 1883 (22 Stat. 403), and for other purposes; with amendment (Rept. No. 259). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BEITER: A bill (H. R. 4791) to continue the Federal Emergency Administration of Public Works and to finance additional public-works projects; to the Committee on Ways and Means.

By Mr. BUCKLER of Minnesota: A bill (H. R. 4792) authorizing the Secretary of Commerce to establish a fish-cultural station in northern Minnesota; to the Committee on Merchant Marine and Fisheries.

By Mr. COLDEN: A bill (H. R. 4793) to provide for the establishment of a home for retired merchant seamen; to the Committee on Merchant Marine and Fisheries.

By Mr. GAMBRILL: A bill (H. R. 4794) to extend the times for commencing and completing the construction of a bridge across the Potomac River at or near Dahlgren, Va.; to the Committee on Interstate and Foreign Commerce.

By Mr. O'CONNOR of Montana: A bill (H. R. 4795) to provide for a term of court at Livingston, Mont.; to the Committee on the Judiciary.

By Mr. SACKS: A bill (H. R. 4796) to amend the Criminal Code so as to prohibit the importation and interstate transmission of gambling devices; to the Committee on the Judiciary.

By Mr. THOMAS of Texas: A bill (H. R. 4797) to provide for grants to the States for assistance to needy incapacitated adults; to the Committee on Ways and Means.

By Mr. MAVERICK: A bill (H. R. 4798) to provide vocational guidance, vocational training, and employment opportunities for youth between the ages of 16 and 25; to provide for increased educational opportunities for high-school, college, and postgraduate students; and for other purposes; to the Committee on Education.

By Mr. O'CONNELL of Montana: A bill (H. R. 4799) to prohibit the importation of copper; to the Committee on Ways and Means.

Also, a bill (H. R. 4800) to increase the internal-revenue tax on imported copper; to the Committee on Ways and Means.

By Mr. SMITH of Washington: A bill (H. R. 4801) authorizing the county of Wahkiakum, a legal political subdivision of the State of Washington, to construct, maintain, and operate a free highway bridge across the Columbia River between Puget Island and the mainland, Cathlamet, State of Washington; to the Committee on Interstate and Foreign Commerce.

By Mrs. NORTON: A bill (H. R. 4802) to amend the Gasoline Tax Act of April 23, 1924; to the Committee on the District of Columbia.

Also, a bill (H. R. 4803) to provide alternative methods of enforcement of orders, rules, and regulations of the Joint Board and of the Public Utilities Commission of the District of Columbia; to the Committee on the District of Columbia.

Also (by request), a bill (H. R. 4804) to amend section 11 of an act entitled "An act to establish standard weights and measures for the District of Columbia; to define the duties of the superintendent of weights, measures, and markets of the District of Columbia, and for other purposes", approved March 3, 1921; to the Committee on the District of Columbia.

By Mr. PFEIFER: A bill (H. R. 4805) to provide that headstones placed in national cemeteries shall be uniform as to size and design; to the Committee on Military Affairs.

By Mrs. NORTON: A bill (H. R. 4806) to provide for the prevention of blindness in infants born in the District of Columbia; to the Committee on the District of Columbia.

By Mr. GEHRMANN: A bill (H. R. 4807) to amend the Meat Inspection Act of March 4, 1907, as amended and extended, with respect to its application to farmers; to the Committee on Agriculture.

By Mr. IZAC: A bill (H. R. 4808) to provide pensions for former enlisted men of the Army, Navy, or Marine Corps on account of service-incurred disability, and for other purposes; to the Committee on Pensions.

By Mr. BLAND: A bill (H. R. 4809) to authorize the Works Progress Administration to lend or give World War relics and other property at Fort Eustis, Va., to the American Legion Museum at Newport News, Va.; to the Committee on Military Affairs.

By Mr. HEALEY: A bill (H. R. 4810) to incorporate the Marine Corps League; to the Committee on the Judiciary.

By Mr. CITRON: A bill (H. R. 4811) for the development and improvement of navigation and of electric power on the Connecticut River and its tributaries, and control of floods, prevention of soil erosion, elimination of pollution, reforestation, and creation of recreational areas; for the coordination and cooperation of Federal, State, and local agencies, and the creation of a Federal authority, and an advisory commission selected by the Governors of the New England States; to the Committee on Flood Control.

By Mr. SUMNERS of Texas: A bill (H. R. 4812) to amend the law relating to the harboring of persons charged with crime; to the Committee on the Judiciary.

By Mr. GASQUE: A bill (H. R. 4813) for the erection of a public building at Myrtle Beach, S. C., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

By Mr. ELLENBOGEN: Joint resolution (H. J. Res. 225) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. SHORT: Joint resolution (H. J. Res. 226) to amend section 7 of the act entitled "An act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes", approved July 1, 1902, as amended; to the Committee on the District of Columbia.

By Mr. RANDOLPH (by request): Joint resolution (H. J. Res. 227) creating a Transcontinental Superhighways Commission; to the Committee on Roads.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Montana, memorializing Congress of the United States for the passage of the legislation for the creation and establishment of the Townsend recovery plan; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALESHIRE: A bill (H. R. 4814) granting a pension to Marilla Andrews Buchwalter; to the Committee on Invalid Pensions.

By Mr. BLOOM: A bill (H. R. 4815) for the relief of David Schwartz; to the Committee on Naval Affairs.

Also, a bill (H. R. 4816) for the relief of John Joseph Dolan; to the Committee on Naval Affairs.

By Mr. BUCKLER of Minnesota: A bill (H. R. 4817) granting an annuity to Theresa E. Thoreson; to the Committee on the Civil Service.

By Mr. BURDICK: A bill (H. R. 4818) for the relief of the Upham Telephone & Electric Co., Upham, N. Dak.; to the Committee on Claims.

By Mr. CASEY of Massachusetts: A bill (H. R. 4819) for the relief of Joseph Zani; to the Committee on Claims.

By Mr. DALY: A bill (H. R. 4820) for the relief of Adolphus Howell Bowen; to the Committee on Naval Affairs.

By Mr. ECKERT: A bill (H. R. 4821) granting an increase of pension to Matilda Tarno; to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 4822) granting an increase of pension to Lucy A. Beckwith; to the Committee on Invalid Pensions.

By Mr. HEALEY: A bill (H. R. 4823) for the relief of Joseph H. Burr; to the Committee on Naval Affairs.

By Mr. IZAC: A bill (H. R. 4824) for the relief of the estate of Facundo Gonzales; to the Committee on War Claims.

By Mr. LEAVY: A bill (H. R. 4825) for the relief of Walter J. Potter; to the Committee on Military Affairs.

By Mr. LUECKE of Michigan: A bill (H. R. 4826) granting a pension to Martha Bertha Rapin; to the Committee on Pensions.

By Mr. McGROARTY: A bill (H. R. 4827) granting an increase of pension to Mary A. Parsons; to the Committee on Invalid Pensions.

By Mr. MOTT: A bill (H. R. 4828) granting a pension to Willie D. Nelson; to the Committee on Invalid Pensions.

By Mr. RAMSPECK: A bill (H. R. 4829) for the relief of Robert E. Sadtler; to the Committee on Claims.

Also, a bill (H. R. 4830) for the relief of Mrs. D. O. Benson; to the Committee on Claims.

By Mr. RICH: A bill (H. R. 4831) granting an increase of pension to Katie Wykoff; to the Committee on Invalid Pensions.

By Mr. TOBEY: A bill (H. R. 4832) for the relief of Gennette H. Unwin; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

372. By Mr. ARNOLD: Petition of R. V. Jordan, superintendent of schools, Centralia, Ill., expressing opposition to the passage of House bill 30, to protect the artistic and earning opportunity in the United States for American actors, vocal musicians, operatic singers, solo dancers, and orchestral conductors, and for other purposes; to the Committee on Immigration and Naturalization.

373. By Mr. COLDEN: Resolution adopted by the Harbor District Builders' Supply Association, Long Beach, Calif., urging the enactment of legislation for the continuance of title II of the National Housing Act; to the Committee on Banking and Currency.

374. By Mr. FISH: Petition of 39 residents and citizens of Goshen, N. Y., protesting against the President's plan to pack and control the Supreme Court, and stating that they believe this is a direct assault upon the liberties of the people of the United States, designed to undermine the independence of the Supreme Court, which is the foremost safeguard of these liberties, and a direct step in the direction of a dictatorship. The obvious effect would be to place in the hands of the Executive the opportunity to appoint as members of the Court creatures of his own, subservient and obedient to his dictation, thus destroying the independence and integrity of the Court, and subverting the purpose it was designed to fulfill; to the Committee on the Judiciary.

375. Also, petition of 57 residents and citizens of the town of Goshen, Orange County, N. Y., expressing unqualified condemnation of the plan of President Roosevelt to increase the membership of the Supreme Court, contending that the obvious effect of the proposal would be a direct assault upon the liberties of the people of the United States, designed to undermine the independence and integrity of the Supreme Court and a direct step in the direction of dictatorship, and that it would place in the hands of the Executive the opportunity to appoint as members of the Court creatures of his own, subservient and obedient to his dictation, thus destroying the independence of the Court, and subverting the purpose it was designed to fulfill; to the Committee on the Judiciary.

376. Br. Mr. MILLARD: Resolution unanimously adopted by the executive committee of the Republican City Committee of White Plains, N. Y., opposing the proposal of the President to increase the membership of the Supreme Court; to the Committee on the Judiciary.

377. By Mr. RICH: Petition of citizens of Montoursville, Pa., protesting against the President's recommendation to increase the membership of the Supreme Court; to the Committee on the Judiciary.

378. Br. Mr. THOMASON of Texas: Petition of the Central Labor Union of the city of El Paso, Tex., endorsing and approving the measures which the President of the United States has requested Congress to adopt amending the structure of the courts of the United States; to the Committee on the Judiciary.

379. By the SPEAKER: Petition of Helen Roy and 100 others, of Grand Forks, N. Dak., petitioning Congress to pass no law that would disturb or abridge the religious rights and privileges of all our people; to the Committee on Foreign Affairs.

380. Also, petition of M. G. Patterson and Lloyd R. Brown, opposing any alteration to the Supreme Court; to the Committee on the Judiciary.

SENATE

WEDNESDAY, FEBRUARY 17, 1937

(Legislative day of Monday, Feb. 15, 1937)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, February 15, 1937, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had passed without amendment the following bills and joint resolution of the Senate:

S. 466. An act granting the consent of Congress to the county of Barry, State of Missouri, to construct, maintain, and operate a free highway bridge across the White River at or near Eagle Rock, Mo.;

S. 715. An act to extend the time for completing the construction of a bridge across the Delaware River near Trenton, N. J.; and

S. J. Res. 70. Joint resolution relating to the participation by the United States in the International Exposition of Paris, 1937.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 77. An act for payment of compensation to persons serving as postmaster at third- and fourth-class post offices;

H. R. 168. An act to authorize an increase in the annual appropriation for books for the adult blind;

H. R. 194. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Brownville, Nebr.;

H. R. 1521. An act to amend the act of February 28, 1925 (43 Stat. 1053), relative to postal rates on third-class mail matter;

H. R. 1543. An act to amend section 24 of the Immigration Act of 1917, relating to the compensation of certain Immigration and Naturalization Service employees, and for other purposes;

H. R. 1550. An act authorizing a preliminary examination and survey of the Skagway River in the vicinity of Skagway, Alaska;

H. R. 1609. An act to credit laborers in the Postal Service with any fractional part of a year's substitute service toward promotion;

H. R. 1629. An act to provide for a preliminary examination and survey of the Mackinaw River in Illinois with a view to flood control;

H. R. 1972. An act giving superintendents at classified post-office stations credit for substitutes serving under them;

H. R. 2021. An act to provide time credits for substitutes in the motor-vehicle service;

H. R. 2306. An act to authorize the Crew Levick Co., and such other corporation or individuals as may be associated with it, to construct a bridge across the portion of the Delaware River between the mainland of the county of Camden and State of New Jersey and Petty Island, in said county and State;

H. R. 2503. An act to extend the time for completing the construction of a bridge across the Columbia River near The Dalles, Oreg.;

H. R. 2702. An act to permit grand-jury extensions to be ordered by any district judge;

H. R. 2703. An act to provide for the representation of the United States Court of Appeals for the District of Columbia on the annual conference of senior circuit judges;

H. R. 2705. An act to provide for the manner of inflicting the punishment of death;

H. R. 2738. An act to extend the provisions of the 40-hour law for postal employees to watchmen and messengers in the Postal Service;

H. R. 3148. An act granting the consent of Congress to the State of Alabama, or Etowah County, or both, to construct, maintain, and operate a free highway bridge across the Coosa River at or near Gilberts Ferry, in Etowah County, Ala.;

H. R. 3284. An act to transfer Crawford County, Iowa, from the southern judicial district of Iowa to the northern judicial district of Iowa;

H. R. 3411. An act to amend section 112 of the Judicial Code to provide for the inclusion of Whitman County, Wash., in the northern division of the eastern district of Washington;

H. R. 3425. An act providing payment to employees, Bureau of Reclamation, for mileage traveled in privately owned automobiles;

H. R. 3610. An act to adjust the salaries of rural letter carriers;

H. R. 3675. An act to extend the times for commencing and completing the construction of a bridge across the Savannah River at or near Lincolnton, Ga.;

H. R. 3689. An act declaring Turtle Bay and Turtle Bayou, Chambers County, Tex., to be nonnavigable waterways;

H. R. 4609. An act to authorize the purchase and distribution of products of the fishing industry;

H. J. Res. 131. Joint resolution for the payment of certain employees of the United States Government in the District of Columbia and employees of the District of Columbia for January 20, 1937; and

H. J. Res. 212. Joint resolution to amend the act entitled "An act to levy an excise tax upon carriers and an income tax upon their employees, and for other purposes", approved August 29, 1935.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the Vice President:

H. R. 3112. An act for the relief of Ralph C. Irwin; and

S. J. Res. 38. Joint resolution to extend for a period of 2 years the guarantee by the United States of debentures issued by the Federal Housing Administrator.

TRIBUTE TO THE LATE VICE PRESIDENT CURTIS

Mr. CAPPER. Mr. President, I ask unanimous consent to have printed in the RECORD and to lie on the table resolutions adopted by the American Indian Federation at their second annual convention at Salt Lake City, Utah, on July 25, 1936, in memory of the late Honorable Charles Curtis, former Vice President of the United States.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

MEMORIAL

Gathered in second annual convention of the American Indian Federation, we pause to pay tribute to the memory of a distinguished member of our own race whose death brought sorrow to the people of the United States—the late Honorable Charles Curtis.

Charles Curtis, a member of the Kaw Tribe of Indians, was born on the prairies of Kansas in an Indian tepee. Sent to learn the ways of the white man, he suffered all the loneliness, all the heartache and homesickness, all the sufferings of a stranger in a strange land. But he persevered. He studied diligently and worked hard to support himself that he might study more. Great were the rewards of that labor. From a very humble beginning, through his own initiative and efforts, through his determined will to conquer, Charles Curtis arose to the place of Vice President of the United States of America. He won his place of honor as a citizen of the United States. As a citizen, asking no more and no less than any other citizen, he served the people of these United States in public office for almost 40 years, giving to each succeeding office, as Representative, as Senator, and as Vice President, diligent application to duty. Honored and respected for that record of service, all citizens of the United States paused to pay tribute to his memory when, as quietly and unostensibly as he had lived, Charles Curtis departed this life on February 8, 1936.

Joining with all other citizens in our common sorrow at his passing, let it hereby be

Resolved, That we, the members of the American Indian Federation, in second annual convention assembled, do spread upon our records this tribute to the memory of a distinguished member of our race—the late Honorable Charles Curtis. Let us honor his memory for those noble qualities of character which endeared him to all who knew him; let us honor his memory for his record of consciencious public service to the United States. Lastly, let us, his people, honor the memory of Charles Curtis as an Indian citizen who became a leader among the men of today. Let us here resolve that his life shall be as a beacon light guiding our race onward to greater achievements as citizens of the United States; and be it hereby further

Resolved, That a copy of this memorial be transmitted to the bereaved family of the late Charles Curtis, with expressions of our heartfelt sympathy. May the comforting spirit of our Heavenly Father support and sustain them in their sorrow.

Unanimously adopted by the delegates of the second annual convention of the American Indian Federation.

Dated at Salt Lake City, Utah, this 25th day of July 1936.

JOSEPH BRUNER, *National President,*
The American Indian Federation.

CALL OF THE ROLL

Mr. LEWIS. To assure the presence of a quorum, I ask for a roll call.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	Lee	Pope
Andrews	Davis	Lewis	Radcliffe
Ashurst	Dieterich	Lodge	Reynolds
Austin	Duffy	Logan	Robinson
Bailey	Ellender	Lonergan	Russell
Barkley	Frazier	Lundeen	Schwartz
Black	George	McAdoo	Schwellenbach
Bone	Gerry	McCarran	Sheppard
Borah	Gibson	McGill	Smith
Bridges	Gillette	McKellar	Steiwer
Brown, Mich.	Glass	McNary	Thomas, Okla.
Brown, N. H.	Green	Maloney	Thomas, Utah
Bulkley	Harrison	Minton	Townsend
Bulow	Hatch	Moore	Truman
Burke	Hayden	Murray	Tydings
Byrd	Herring	Neely	Vandenberg
Byrnes	Holt	Norris	Van Nuys
Capper	Hughes	Nye	Walsh
Caraway	Johnson, Calif.	O'Mahoney	Wheeler
Chavez	Johnson, Colo.	Overton	White
Clark	King	Pepper	
Connally	La Follette	Pittman	

Mr. LEWIS. I announce the absence of the Senator from Ohio [Mr. DONAHEY] and the Senator from Pennsylvania [Mr. GUFFEY], caused by illness; and also the absence of the Senator from Tennessee [Mr. BACHMAN], the Senator from Mississippi [Mr. BILBO], the Senator from South Dakota [Mr. HITCHCOCK], and the Senator from New York [Mr. WAGNER], who are necessarily detained from the Senate.

Mr. AUSTIN. I announce that the senior Senator from Minnesota [Mr. SHIPSTEAD] is absent because of illness.

The VICE PRESIDENT. Eighty-six Senators have answered to their names. A quorum is present.

REPORT OF APPROPRIATIONS COMMITTEE ON THE INDEPENDENT OFFICES BILL

The VICE PRESIDENT laid before the Senate the following letter from the Secretary of the Senate, which was read and ordered to lie on the table:

UNITED STATES SENATE,
OFFICE OF THE SECRETARY,
February 17, 1937.

To the PRESIDENT OF THE SENATE:

Under the order of the Senate of the 15th instant, Mr. GLASS, from the Committee on Appropriations, filed with me, as Secretary of the Senate, on that day the bill (H. R. 4064) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1938, and for other purposes, with amendments and an accompanying report (No. 92) thereon.

Very truly yours,

EDWIN A. HALSEY, *Secretary.*

VISITORS TO THE MILITARY ACADEMY

Mr. SHEPPARD. Mr. President, I send to the desk a notice which I ask that the clerk may read.

The VICE PRESIDENT. The clerk will read, as requested.

The legislative clerk read as follows:

UNITED STATES SENATE,
COMMITTEE ON MILITARY AFFAIRS,
Washington, D. C., February 17, 1937.

To the Senate:

By virtue of the authority vested in me by the act approved May 17, 1928, I hereby appoint Senators LOGAN, BACHMAN, PEPPER, AUSTIN, and NYE to represent the Senate Committee on Military Affairs on the Board of Visitors to the United States Military Academy during the remainder of the first session of the Seventy-fifth Congress.

MORRIS SHEPPARD,
Chairman, Senate Military Affairs Committee.

FARM TENANCY (H. DOC. NO. 149)

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, as follows:

To the Congress of the United States:

I transmit herewith for the information of the Congress the report of the Special Committee on Farm Tenancy.

The facts presented in this report reveal a grave problem of great magnitude and complexity. The American dream of the family-size farm, owned by the family which operates it, has become more and more remote. The agricultural ladder, on which an energetic young man might ascend from hired man to tenant to independent owner, is no longer serving its purpose.

Half a century ago one of every four farmers was a tenant. Today 2 of every 5 are tenants, and on some of our best farm lands 7 of every 10 farmers are tenants. All told, they operate land and buildings valued at $11,000,000,000.

For the past 10 years the number of new tenants every year has been about 40,000. Many tenants change farms every 2 or 3 years, and apparently 1 out of 3 changes farms every year. The agricultural ladder for these American citizens has become a treadmill.

At the same time owners of family-size farms have been slipping down. Thousands of farmers commonly considered owners are as insecure as tenants. The farm owner-operator's equity in his property is, on hteaverage, 42 percent, and in some of our best farming sections is as little as one-fifth.

When fully half the total farm population of the United States no longer can feel secure, when millions of our pecple have lost their roots in the soil, action to provide security is imperative and will be generally approved.

A problem of such magnitude is not solved overnight, nor by any one limited approach, nor by the Federal Government alone. While aggravated by the depression, the tenancy problem is the accumulated result of generations of unthinking exploitation of our agricultural resources, both land and people. We can no longer postpone action. We must begin at once with such resources of manpower, money, and experience as are available, and with such methods as will call forth the cooperative effort of local, State, and Federal agencies of government, and of landlords quite as much as tenants. In dealing with the problem of relief among rural people during the depression, we have already accumulated information and experience which will be of great value in the long-time program. It will be wise to start the permanent program on a scale commensurate with our resources and experience, with the purpose of later expanding the program to a scale commensurate with the magnitude of the problem as rapidly as our experience and resources will permit.

The Special Committee on Farm Tenancy emphasizes the necessity for action of at least four types: First, action to open the doors of ownership to tenants who now have the requisite ability and experience, but who can become owners only with the assistance of liberal credit on long terms and technical advice; second, modest loans with the necessary guidance and education to prevent small owners from slipping into tenancy, and to help the masses of tenants, croppers, and farm laborers at the very bottom of the agricultural ladder increase their standards of living, achieve greater security, and begin the upward climb toward land ownership; third, the retirement by public agencies of land proved to be unsuited for farming, and assistance to the families living thereon in finding homes on good land; fourth, cooperation with State and local agencies of government to improve the general leasing system. These activities which bear such close relation to each other should furnish a sound basis for the beginning of a program for improving the present intolerable condition of the lowest income farm families.

The Committee has very properly emphasized the importance of health and education in any long-time program for correcting the evils from which this large section of our population suffers. Attention is also called to the part which land speculation has played in bringing insecurity into the lives of rural families, and to the necessity for eliminating sharp fluctuations in land value due to speculative activity in farm lands.

The attack on the problem of farm tenancy and farm security is a logical continuation of the agricultural program this administration has been developing since March 4, 1933. Necessarily, whatever program the Congress devises will have to be closely integrated with existing activities for maintaining farm income and for conserving and improving our agricultural resources.

Obviously, action by the States alone and independently cannot cure the widespread ill. A Nation-wide program under Federal leadership and with the assistance of States, counties, communities, and individuals is the only solution. Most Americans believe that our form of Government does not prohibit action on behalf of those who need help.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *February 16, 1937.*

Mr. BORAH. Mr. President, I desire to ask the clerks, through the Chair, if the report to which the President's message refers has been sent to the Senate?

The PRESIDENT pro tempore. The report is now on the table.

Mr. BORAH. I ask that the report be published as a Senate document.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered. The message, with the accompanying report, will be referred to the Committee on Agriculture and Forestry.

RESERVATION OF LANDS FOR INDIANS OF MONTANA

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to reserve certain public-domain lands for the use and benefit of the Chippewa, Cree, and other Indians of Montana, which, with the accompanying paper, was referred to the Committee on Indian Affairs.

OFFENSES AGAINST PROPERTY IN THE DISTRICT

The VICE PRESIDENT laid before the Senate a letter from the president of the Board of Commissioners of the District of Columbia, recommending the enactment of proposed legislation in respect to offenses against property in the District of Columbia, which, with the accompanying paper, was referred to the Committee on the District of Columbia.

PROPOSED CHILD-LABOR AMENDMENT TO CONSTITUTION

The VICE PRESIDENT laid before the Senate a letter from the Governor of Nevada, transmitting certified copy of a joint resolution of the legislature of that State, ratifying the so-called child-labor amendment to the Constitution, which, with the accompanying paper, was ordered to lie on the table and to be printed in the RECORD, as follows:

STATE OF NEVADA,
EXECUTIVE CHAMBER,
Carson City, February 10, 1937.

Hon. JOHN NANCE GARNER,
Vice President, President of the Senate, Washington, D. C.

DEAR SIR: Complying with the provisions of senate joint resolution no. 1, approved February 1, 1937, I have the honor to transmit herewith certified copy of such resolution ratifying on behalf of the State of Nevada the proposed amendment to the Constitution of the United States.

I have the honor to be,
Sincerely yours,

RICHARD KIRMAN,
Governor of Nevada.

Senate Joint Resolution 1, ratifying a proposed amendment to the Constitution of the United States

Whereas both Houses of the Fifty-eighth Congress of the United States of America, by constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America in the following words, to wit:

"Joint resolution proposing an amendment to the Constitution of the United States

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as part of the Constitution:

" 'ARTICLE —

" 'SECTION 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under 18 years of age.

" 'SEC. 2. The power of the several States is unimpaired by this article, except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by Congress.' "

Therefore be it

Resolved by the Senate of the State of Nevada (the assembly concurring), That the said proposed amendment to the Constitution of the United States be, and the same is hereby, ratified by the Legislature of the State of Nevada. That certified copies of this preamble and joint resolution be forwarded by the Governor of this State to the President of the United States and the Presiding Officer of the United States Senate and to the Speaker of the House of Representatives of the United States.

EXPRESSION OF SYMPATHY ON RECENT FLOOD DISASTERS

Mr. MOORE presented a letter of sympathy transmitted to him on the recent flood disasters, which was ordered to lie on the table and to be printed in the RECORD, as follows:

OMNIUM MINIER,
Paris, January 28, 1937.

JOS. DIXON CRUCIBLE CO.,
Jersey City, N. J., U. S. A.

DEAR SIRS: The board of directors of our company, on reading of the dreadful floods which ravage your country, wish to say how deeply they feel for you in your terrible distress and send you the expression of their sad sympathy.

L. BAUER, *President.*
P. VOGT, *Managing director.*

ORDER OF BUSINESS

Mr. GLASS rose.

The VICE PRESIDENT. The Chair understands from the RECORD that it was tacitly understood that today the independent offices appropriation bill would be taken up for consideration. So the Chair recognizes the Senator from Virginia, with the view of having him yield for the presentation of memorials and petitions, the introduction of bills, the submission of reports of committees, and other routine business.

Mr. GLASS. That is satisfactory to me.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint memorial of the Legislature of the State of Arkansas, which was referred to the Committee on Interstate Commerce:

Be it resolved by the Senate of the State of Arkansas and the House of Representatives of the State of Arkansas (a majority of all members elected to each house agreeing thereto)—

Whereas House bill No. 4214, introduced in the House of Representatives of the United States by Representative COLMER, of Mississippi, provides for the collection of all excise taxes and sales taxes upon merchandise moving in interstate commerce which would be payable upon such merchandise in the State to which the same is consigned, except that such merchandise moves in interstate commerce; and

Whereas such bill is now pending in the United States Congress: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the General Assembly of the State of Arkansas, That we hereby memorialize and petition the Congress of the United States to pass, and the President of the United States to approve, if passed, said House bill 4214, by COLMER;

That certified copies of this resolution, properly authenticated, be sent forthwith to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives of the United States, and to Representative COLMER.

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of the State of Pennsylvania, which was referred to the Committee on the Judiciary:

Whereas the President of the United States has requested the Congress to authorize additional Justices of the Supreme Court in certain instances; and

Whereas the purpose of this request is to provide assistance to the Court and prevent delay and obstruction in the administration of justice; and

Whereas the effect of this proposal will be to hasten those urgently needed governmental and economic reforms demanded by the people which have been obstructed by the political and economic opinions of certain present Supreme Court Justices; and

Whereas the public welfare has suffered almost irreparable harm as a result of decisions denying the protection of labor legislation to the worker, abolishing the assistance given farmers, and otherwise placing legal technicality above the general welfare; and

Whereas the action proposed by the President would remedy this condition: Now, therefore, be it

Resolved (if the house of representatives concur), That the General Assembly of the Commonwealth of Pennsylvania hereby calls upon the Congress of the United States, and in particular the Representatives of Pennsylvania in the Congress, to vote in the affirmative upon this question to the end that justice may be served and the principles of democracy may prevail in the Federal Union; and be it further

Resolved, That copies of this resolution be sent to the President of the United States and to all Members of the Congress of the United States.

The VICE PRESIDENT also laid before the Senate resolutions adopted by the Scottish Rite Luncheon Club, of Syracuse, N. Y., the Dimmit County (Tex.) Bar Association, and the Marshall (Tex.) Rotary Club, protesting against the proposed enlargement of the Supreme Court of the United States, which were referred to the Committee on the Judiciary.

He also laid before the Senate the memorial of the faculties of University College and the College of Engineering of New York University, New York City, N. Y., remonstrating against any legislative action which would reduce the power or lessen the independence and prestige of the Supreme Court of the United States or alter the balance between the judicial and other departments of the Government, which was referred to the Committee on the Judiciary.

He also laid before the Senate a resolution adopted by the New York Branch of the Eastern and Gulf Sailors' Association, Inc., favoring the passage of certain pending legislation for the welfare of seamen, and protesting against the passage of certain other legislation relative to seamen, which was referred to the Committee on Commerce.

He also laid before the Senate resolutions adopted by the Federation of Labor and Local Union No. 3, Branch 1, Brewery Workers, of Flint, Mich., favoring an investigation of the Trolley Coach Co. strike at Flint, Mich., which were referred to the Committee on Education and Labor.

He also laid before the Senate a resolution adopted by United Auto Workers Local, No. 171, of Anderson, Ind., protesting against mob violence in Anderson, Ind., in connection with a strike of automobile workers in that city, which was referred to the Committee on Education and Labor.

He also laid before the Senate a resolution adopted by the Council of the Medical and Chirurgical Faculty of Maryland, Baltimore, Md., favoring the making of an adequate appropriation for the library of the Surgeon General's Office of the War Department, which was referred to the Committee on Military Affairs.

Mr. CAPPER presented a petition of several citizens of Jewell, Kans., praying for the enactment of legislation placing star mail routes under continuous contract rather than competitive bidding, which was referred to the Committee on Post Offices and Post Roads.

Mr. BULKLEY presented the petition of Daniel F. Stocker and sundry other citizens being commanders and presidents of various veteran organizations, together with members of the Ohio Soldiers' and Sailors' Home, all of Sandusky, Ohio, praying for the passage of the bill (S. 59) to establish the Bureau of Veterans' Affairs in the Department of the Treasury with the Commissioner of Veterans' Affairs at the head thereof, to abolish the Veterans' Administration and transfer its functions to such Bureau, to adjust and equalize pensions of veterans and widows and dependents of veterans, and for other purposes, which was referred to the Committee on Pensions.

Mr. McNARY presented the following joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on Banking and Currency:

House Joint Memorial 2

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

We, your memorialists, the Thirty-ninth Legislative Assembly of the State of Oregon, convened in regular session, respectfully represent that:

Whereas the United States Government under the Emergency Federal Farm Mortgage Act of 1933, and with subsequent amendments, was authorized to grant commissioner loans to any one farmer not exceeding the sum of $7,500; and

Whereas the rate of interest on such loans was established at the rate of 5 percent per annum; and

Whereas most of these loans were made for a period of 13 years with no payment required on principal during the first 3 years of said loan; and

Whereas the principal of said loan, in most cases is payable during the following 10 years, one-tenth each year, plus interest at the rate of 5 percent per annum on unpaid balances; and

Whereas the income from farm crops is not sufficient in most cases to meet such payments; and

Whereas the rate of interest paid on most of the Federal Farm Mortgage Corporation bonds, through which the Government farm loan, known as Land Bank Commissioner loans, were financed, bear interest at the rate of less than 3 percent per annum: Now therefore be it

Resolved by the House of Representatives of the State of Oregon (the senate jointly concurring therein) that the Legislative Assembly of the State of Oregon hereby does petition the Congress of the United States to enact into law some legislation providing that Land Bank Commissioner mortgages of record or made hereafter, shall be amortized over a term of years, so that the payment of principal and interest shall not be greater than 5 percent of the amount of the original loan, with interest on the unpaid balance not to exceed the rate of 3 percent per annum; and be it further

Resolved, That the secretary of state of the State of Oregon is hereby directed to send a copy of this memorial to the Speaker of the House of Representatives and the President of the Senate, Washington, D. C., a copy to each Representative and Senator from the State of Oregon, also a copy hereof to the speaker of the house and president of the senate of each State legislature in the United States which shall convene during the year 1937.

Mr. POPE presented the following joint memorial of the Legislature of the State of Idaho, which was referred to the Committee on Commerce:

To the Honorable SECRETARY OF COMMERCE OF THE UNITED STATES OF AMERICA:

We, your memorialists, the Legislature of the State of Idaho, respectfully represent that:

Whereas there is now established an airway route between the cities of Great Falls, in the State of Montana, and Salt Lake City, in the State of Utah, over which the National Parks Airways is now and for several years has been carrying mail, passengers and express between said cities and intermediate points in the State of Idaho, and

Whereas to promote safety in the operation of aircraft along the route of said airway, it is necessary and proper that radio range stations be established within the State of Idaho, and

Whereas said airway is a connecting link between two great transcontinental airways and as such is of great importance for commercial purposes and for national defense in time of war and is in every way necessary for public use and convenience: Now, therefore, be it

Resolved by the House of Representatives of the State of Idaho (the senate concurring), That we earnestly request the United States Department of Commerce and the Bureau of Air Commerce in said department, to provide for the establishment and maintenance of radio range stations at proper and necessary points within the State of Idaho; be it further

Resolved, That the Secretary of State of the State of Idaho be and he is hereby instructed to forward this memorial to the Secretary of Commerce of the United States at Washington, D. C., and that copies hereof be sent to each of the Senators and Representatives in Congress from the State of Idaho.

Mr. BONE presented the following joint memorial of the Legislature of the State of Washington, which was referred to the Committee on Foreign Relations:

Petitioning the Government of the United States to enter into a treaty with the Government of the Kingdom of Japan to protect the salmon industry of Alaska

To the Honorable FRANKLIN D. ROOSEVELT,
President.

The Honorable CORDELL HULL,
Secretary of State of the United States of America:

Whereas the failure of the Governments of Russia and Japan to reach an agreement on the further taking of fish by the Japanese people in waters under the control of the Russian Government has created a situation which may effect the interests of the United States; and

Whereas the Government of Japan has sent fisheries research vessels into the water of Bering Sea, Bristol Bay, and the area of waters of the north Pacific Ocean presumably with the purpose of finding a future supply of fish; and

Whereas such research and test work has taken place within the proximity of the 3-mile limit of the coast of the Territory of Alaska and indicates a definite intention to invade waters just beyond the 3-mile limit; and

Whereas such commercial fishing in such close proximity to the coast of the Territory of Alaska will definitely diminish the run of fish to their natural spawning grounds in the rivers and streams which flow from the Territory of Alaska into the Pacific Ocean, thereby endangering if not entirely destroying future salmon industry; and

Whereas an international treaty or trade agreement is urgently needed between the Governments of the United States and the Kingdom of Japan to define and make clear the mutual obligations which must be brought into existence for the permanent future protection of the salmon runs: Therefore

We, your memorialists, the Senate and House of Representatives of the State of Washington in legislative session assembled, pray that such treaty as will protect the future salmon runs, thereby safeguarding the basic industry of Alaska, be negotiated without extended delay between the United States Government and the Government of the Kingdom of Japan.

Mr. NYE presented the following resolution of the Senate of the State of North Dakota, which was referred to the Committee on Agriculture and Forestry:

Whereas the financial distress, particularly among the agricultural people of this Nation, continues unabated; and

Whereas the farm-loan facilities are entirely inadequate and out of harmony with similar facilities available to industry; and

Whereas no one in public service seems to have suggested a plan for the relief of this distress, or adjustment of these differences better than the Frazier-Lemke refinance plan as now contained in H. R. 213, introduced in the House of Representatives of the National Congress on January 5, 1937, by the Honorable WILLIAM LEMKE, of North Dakota: Therefore be it

Resolved by the Senate of the State of North Dakota:

1. That we, and through us, the people of North Dakota do hereby appeal to the President of the United States and to all earnest, fair-minded Members of Congress to give their active support to said measure to the end that the same may be enacted into law with the least possible delay.

2. That we hereby extend our thanks, and through us, the thanks of the people of this State, to the North Dakota Representatives in Congress who have given their support to this and similar acts, and particularly to Representative LEMKE for his untiring efforts in behalf of similar legislation during the past several years.

3. That a copy of this resolution be mailed to the Honorable Franklin D. Roosevelt, President of the United States, and to each Representative in Congress from North Dakota.

(Mr. NYE also presented an identical resolution adopted by the House of Representatives of the State of North Dakota, which was referred to the Committee on Agriculture and Forestry.)

Mr. NYE also presented a concurrent resolution of the Legislature of the State of North Dakota, favoring the adoption of the so-called Townsend old-age-pension plan, which was referred to the Committee on Finance.

(See concurrent resolution printed in full when laid before the Senate by the Vice President on the 15th instant, p. 1192, CONGRESSIONAL RECORD.)

Mr. NYE also presented a concurrent resolution of the Legislature of the State of North Dakota, protesting against the ratification of the Argentine Sanitary Convention, which was referred to the Committee on Foreign Relations.

(See resolution printed in full when presented by Mr. FRAZIER on the 15th instant, p. 1193, CONGRESSIONAL RECORD.)

PROPOSED REORGANIZATION OF FEDERAL JUDICIARY

Mr. MINTON. Mr. President, I present a letter embodying a resolution adopted by the Amalgamated Association of Iron, Steel, and Tin Workers of North America in convention assembled at Gary, Ind., endorsing the President's proposal concerning the Supreme Court.

There being no objection, the letter was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

To the Members of the Senate and House of Representatives of the United States of America.

GENTLEMEN: The following letter is self-explanatory. We urge you to support our President in the reorganization of the Federal courts of the United States.

FEBRUARY 11, 1937.

Hon. FRANKLIN D. ROOSEVELT,
President, United States of America,
Washington, D. C.

DEAR PRESIDENT: When our great Nation was confronted with an economic distress most acute in the history of our country, as servants of the American people you and Congress responded to the call of need, but the Federal judiciary group made a miserable failure in their duty. It proves that the Federal courts set-up, as it now stands, is wholly inadequate and incompetent to serve the best interests of all the people.

Therefore, we, the representatives of lodges of the Amalgamated Association of Iron, Steel, and Tin Workers of North America, speaking for over 100,000 steel workers in the Calumet area, who have voted for you, expecting you to finish the vast undertaking of economic readjustment, highly commend and support you in the move to reorganize the Federal courts of the United States.

Adopted in convention assembled at the Moose Hall, Gary, Ind.

Amalgamated Association of Iron, Steel, and Tin Workers of North America: Lodge No. 64, Chicago Heights, Ill., president, Louis Gromola, secretary, Serafiro Fonwertin; Lodge No. 65, South Chicago, Ill., president, James Stewart, secretary, Chas. Jankus; Lodge No. 1007, Chicago, Ill., president, James G. Thimmes, secretary, John F. Lipton; Lodge No. 1008, South Chicago, Ill., president, Joseph Germeno, secretary, Arthur Lutgen; Lodge No. 1009, Gary, Ind., president, C. A. Mansfield, secretary, Glen Finch; Lodge No. 1010, Indiana Harbor, Ind., president, Wm. Thomor, secretary, James C. Johnsen; Lodge No. 1011, Indiana Harbor, Ind., president, Joseph Gist, secretary, Nicholas Gnusby; Lodge No. 1014, Gary, Ind., president, Joe Goin, secretary, Ernest P. Griesel; Lodge No. 1026, East Chicago, Ind., president, Nicholas Custis, secretary, Dave Morris; Lodge No. 1027, Chicago Heights, Ill., president, Martin Nelson; Lodge No. 1029, South Chicago, Ill., president, Joseph A. Cook, secretary, Daniel Graff, Jr.; Lodge No. 1033, South Chicago, Ill., president, Gust Yuratovil, secretary, Frank Rucker; Lodge No. 1050, Harvey, Ill., president, Theo Retzloff, secretary, Sam Calpino; Lodge No. 1052, Chicago, Ill., president, Chas. H. Kroll, secretary, Joseph H. Werler; Lodge No. 1053, Riverdale, Ill., president, Martin Walkerly, secretary, Michael Vezzethi; Lodge No. 1066, Gary, Ind., president, John Oglesby, secretary, Theodore Vaughn; Lodge No. 1067, Indiana Harbor, Ind., president, R. W. Llewellyn, secretary, H. M. Yoke; Lodge No. 1068, South Chicago, Ill., president, Joseph Gilbert, secretary, Bud Blumberg; Lodge No. 1072, Gary, Ind., president, A. W. Arrow, secretary, Jesse E. Clements; Lodge No. 1081, Chicago Heights, Ill., president, John Franke, secretary, Dan Meskanski; Lodge No. 1086, Indiana Harbor, Ind., president, Joseph Hickey, secretary, Fred Kawano; Lodge No. 1091, Harvey, Ill., president, Jordan Perry, secretary, Chas. E. Lybarger; Lodge No. 1092, Chicago, Ill., president, Joseph J. Lubak, secretary, August Lukso; Lodge No. 1100, Hammond, Ind., president, Emery Otuns, secretary, Louis Gold; Lodge No. 1101, Indiana Harbor, Ind., president, Dewey Moore, secretary, Frank James; Lodge No. 1132, Hammond, Ind.; president, Clarence E. Clark, secretary, Edward Charehusky; Lodge No. 1133, East Chicago, Ind., president, Henry Richardson, secretary, James W. King; Lodge No. 1135, Chicago, Ill., president, Peter Z. Zak, secretary, Arthur Elfstrom; Lodge No. 1136, Chicago Heights, Ill., president, Arnold Frey, secretary, Manuel Garcia; Lodge No. 1162, Chicago, Ill., president, Geo. Shautto, secretary, Arielo Ovellet; Lodge No. 1167, Chicago, Ill., president, S. Ulanowski, secretary, C. Novakowski; Lodge No. 1171, East Chicago, Ind., president, Ralph S. Markert; Lodge No. 1178, South Chicago, Ill., president, Rado Vlarsoulyr, secretary, Robert W. Thal; Lodge No. 1181, South Chicago, Ill., president, George Tracy, secretary, James McHugh; Lodge No. 1206, Indiana Harbor, Ind., president, Jack Milligan, secretary, E. J. C. Puszucki; Lodge No. 1117, Gary, Ind., secretary, Leo Thisniewski, president, Jack Pusak.

REPEAL OF OIL AND GASOLINE TAXES

Mr. HOLT. Mr. President, I present 12 resolutions adopted by County Petroleum Industries Committees in my State, favoring immediate repeal of the Federal gasoline and lubricating-oil taxes, which I ask may be noted in the RECORD and appropriately referred. I also ask that one of the resolutions be printed in the RECORD.

There being no objection, the resolutions were referred to the Committee on Finance, and one of the resolutions was ordered to be printed in the RECORD, as follows:

Mason County Petroleum Industries Committee—Resolution

Whereas the motorists and oil and automotive industries are overburdened with excessive taxation in the State of West Virginia to such an extent it is very doubtful if the thousands of our citizens depending on these industries for their livelihood can find it possible to continue to contribute to National and State recovery as they would like and as they should be in position to do so: Now, therefore, be it

Resolved, That our two United States Senators and the district's Congressman be requested to use their vote and influence toward the immediate repeal of the Federal gasoline and lubricating-oil taxes and leave this field of taxation to the individual States, as was understood and agreed in 1932 at the time the Federal tax was imposed as an emergency measure; be it further

Resolved, That our State senators and delegates be requested to oppose all added taxes on the motorists and oil and automotive industries.

B. W. KRODEL, *Chairman.*
INEZ BARNETTE, *Temporary Secretary.*

POINT PLEASANT, *February 5, 1937.*

Adopted by signature of a majority of the members of the executive committee.

HENRY H. SHINN,
Secretary, West Virginia Petroleum Industries Committee.

The resolutions favoring the immediate repeal of Federal gasoline and lubricating-oil taxes, presented by Mr. HOLT and referred to the Committee on Finance, are from the Petroleum Industries Committees of the counties of Fayette, Greenbrier, Jackson, Jefferson, Kanawha, Lincoln, Ritchie, Roane, Wayne, Wood, and Wyoming, in the State of West Virginia.

PUBLIC CONSTRUCTION WORK AND W. P. A. ACTIVITIES

Mr. DAVIS. Mr. President, I ask unanimous consent to have printed in the RECORD and referred to the Committee on Appropriations a resolution adopted by the Scranton-Lackawanna Valley Master Plumbers Association relating to the W. P. A.

There being no objection, the resolution was referred to the Committee on Appropriations and ordered to be printed in the RECORD, as follows:

Resolution adopted by the Scranton-Lackawanna Valley Master Plumbers Association, at the regular meeting of February 11, 1937, held at Scranton, Pa.; and a copy of which is to be forwarded to each of our Pennsylvania national Senators and our Representatives of the Eleventh Congressional District, respectfully requesting their good efforts toward its enactment

Whereas the construction industry has absorbed skilled building trades workers, other than those engaged on W. P. A. projects, and at the present time there is a shortage of skilled mechanics; and

Whereas the construction industry was hit harder during the depression than any other line of endeavor: Therefore be it

Resolved, That we ask Congress and the President to terminate W. P. A. activities in order that the large volume of public construction may be returned to private industry in order that private employees and nonrelief workers may be permitted to share in the work on public construction, through work let at contract to the lowest responsible bidder; be it further

Resolved, That we object to the Government being a competitor to private industry on construction work.

PROGRAM OF COUNCIL FOR INDUSTRIAL PROGRESS

Mr. DAVIS. Mr. President, I ask that the four-point program of the President's Council for Industrial Progress, which I send to the desk, be printed in the RECORD and referred to the Committee on Education and Labor.

There being no objection, the program was referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

1. Production control: The committee declares its belief in an economy of abundance and therefore considers unwise and ineffective any attempt to solve unemployment by the limitation of production, whether imposed by government or accomplished through voluntary agreements in industry. The committee recognizes the

need, under emergency conditions, of instituting production control when that may be necessary to prevent the destruction of socially useful values.

2. Hours and wages: While recognizing the need to maintain the respective fields of State and Federal authority, the committee advocates the policy of a minimum wage in industry and the payment of substantial overtime rates for hours worked in excess of a reasonable workweek, believing this to be an advisable national policy tending to increase the purchasing power of wage earners, and make for reemployment in an age of continuous technological improvement.

3. Trade practices: The committee believes that our national industrial policy should give proper recognition to the need for curbing these unfair competitive practices which are destructive of the public interest in the maintenance of a free and open market for the sale and distribution of goods.

4. Permanent advisory council: The committee believes there should be instituted by the National Government a continuing study of the national income; the source from which it springs, the channels through which it flows, the uses to which it is put, and the forces which cause it to periodically form and freeze into vast pools of disuse, causing the stagnation and paralysis of industry and bringing unemployment and suffering to the people.

REPORTS OF COMMITTEES

Mrs. CARAWAY, from the Committee on Commerce, to which was referred the bill (S. 1498) to authorize the purchase and distribution of products of the fishing industry, reported it without amendment.

Mr. THOMAS of Utah, from the Committee on Military Affairs, to which was referred the bill (S. 510) for the relief of Stephen Sowinski, reported it without amendment and submitted a report (No. 93) thereon.

Mr. LOGAN, from the Committee on Military Affairs, to which was referred the bill (S. 300) authorizing the President of the United States to appoint Sgt. Samuel Woodfill a captain in the United States Army and then place him on the retired list, reported it without amendment and submitted a report (No. 94) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 655. A bill to amend an act entitled "An act to recognize the high public service rendered by Maj. Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever", approved February 28, 1929, as amended, by including Roger P. Ames among those honored by said act (Rept. No. 95); and

S. 687. A bill authorizing the Secretary of War to bestow the Silver Star upon Michael J. Quinn (Rept. No. 96).

Mr. BONE, from the Committee on Naval Affairs, to which was referred the bill (S. 1119) to amend section 5 of the act entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 3, 1925, to authorize the payment of a per diem in connection with naval aerial surveys and flight checking of aviation charts, reported it without amendment and submitted a report (No. 97) thereon.

Mr. WALSH, from the Committee on Naval Affairs, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 1133. A bill to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes", approved March 3, 1909, to extend commissary privileges to widows of officers and enlisted men of the Navy and Marine Corps, and also to officers of the Foreign Service of the United States at foreign stations (Rept. No. 98);

S. 1314. A bill to provide for the reimbursement of certain enlisted men and former enlisted men of the Marine Corps for the value of personal effects lost by fire at the Marine Barracks, Quantico, Va., on October 5, 1930 (Rept. No. 99);

S. 1317. A bill to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects destroyed in a fire at the Naval Radio Station, Libugon, Guam, on April 15, 1932 (Rept. No. 100); and

S. 1455. A bill to authorize certain officers of the United States Navy and officers and enlisted men of the Marine Corps to accept such medals, orders, and decorations as have been tendered them by foreign governments in appreciation of services rendered (Rept. No. 101).

Mr. BROWN of New Hampshire, from the Committee on Naval Affairs, to which was referred the bill (S. 1310) for the relief of Cesaria Del Pilar, reported it without amendment and submitted a report (No. 103) thereon.

Mr. THOMAS of Oklahoma, from the Committee on Indian Affairs, to which was referred the bill (S. 1423) for the relief of G. A. Trotter, reported it without amendment and submitted a report (No. 104) thereon.

Mr. ASHURST, from the Committee on Indian Affairs, to which was referred the bill (S. 1231) authorizing payment to the San Carlos Apache Indians for the lands ceded by them in the agreement of February 25, 1896, ratified by the act of June 10, 1896, and reopening such lands to mineral entry, reported it without amendment and submitted a report (No. 105) thereon.

FUNDS FOR HEALTH AND SANITATION ACTIVITIES IN FLOOD-STRICKEN AREAS—REPORT OF COMMERCE COMMITTEE

Mr. COPELAND. From the Committee on Commerce I report a joint resolution making funds appropriated for emergency relief available for health and sanitation activities in the flood areas, and I submit a report (No. 102) thereon.

The VICE PRESIDENT. The joint resolution reported will be received and placed on the calendar.

The joint resolution (S. J. Res. 79) making funds appropriated for emergency relief available for health and sanitation activities in the flood areas, was read twice by its title, and placed on the calendar.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ASHURST (by request):

A bill (S. 1547) to amend the law relating to the harboring of persons charged with crime; to the Committee on the Judiciary.

By Mr. LA FOLLETTE:

A bill (S. 1548) for the relief of William A. Devine; to the Committee on Civil Service.

A bill (S. 1549) for a survey and examination of the Kickapoo River, Wis., with a view to the control of its floods; to the Committee on Commerce.

By Mr. BONE:

A bill (S. 1550) to provide for the appointment of two additional circuit judges for the ninth judicial circuit; and

A bill (S. 1551) to amend section 24 of the Judicial Code, as amended, with respect to the jurisdiction of the district courts of the United States over suits relating to the collection of State taxes; to the Committee on the Judiciary.

A bill (S. 1552) for the relief of John S. Monahan; to the Committee on Naval Affairs.

By Mr. ROBINSON and Mr. PEPPER:

A bill (S. 1553) to amend Public Act No. 325 of the Seventy-fourth Congress, approved August 24, 1935; to the Committee on Banking and Currency.

By Mr. STEIWER:

A bill (S. 1554) to amend the World War Adjusted Compensation Act, as amended, with respect to payment of adjusted-service pay and adjusted-service credit of deceased veterans; to the Committee on Finance.

A bill (S. 1555) for the relief of Levi M. Cruzan; to the Committee on Military Affairs.

By Mr. NEELY:

A bill (S. 1556) to place Harold Staats, formerly captain, Officers' Reserve Corps, on the emergency officers' retired list; to the Committee on Military Affairs.

A bill (S. 1557) granting a pension to Rosa Belle Abbott; and

A bill (S. 1558) granting a pension to Mathias O. Myer; to the Committee on Pensions.

By Mr. POPE:

A bill (S. 1559) granting a pension to Jesse C. Hailey; to the Committee on Pensions.

By Mr. O'MAHONEY (for himself and Mr. ROBINSON, Mr. WHEELER, Mr. RUSSELL, Mr. TRUMAN, Mr. PITTMAN, Mr. LEWIS,

Mr. McCARRAN, Mr. McGILL, Mr. DIETERICH, Mr. BURKE, Mr. SCHWELLENBACH, Mr. PEPPER, and Mr. HUGHES):

A bill (S. 1560) providing for deposits in the unemployment trust fund to the credit of certain States; to the Committee on Finance.

By Mr. SHEPPARD and Mr. CONNALLY:

A bill (S. 1561) to amend the Emergency Farm Mortgage Act of 1933, as amended, and for other purposes; to the Committee on Banking and Currency.

By Mr. SHEPPARD:

A bill (S. 1562) to exempt fraternal beneficiary societies from the tax on employers under the Social Security Act; to the Committee on Finance.

A bill (S. 1563) to amend the act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

A bill (S. 1564) for the relief of Charles D. Birkhead;

A bill (S. 1565) for the relief of members of a detachment assigned from the Cavalry brigades, organized by the Governor of Texas, to duty at Camp Bowie, Tex., from about September 29, 1918, to December 8, 1918 (with accompanying papers);

A bill (S. 1566) to provide for appropriate military records for persons who, pursuant to orders, reported for military duty, but whose induction into the service was not, through no fault of their own, formally completed on or prior to November 30, 1918; and

A bill (S. 1567) to amend the act entitled "An act to amend the act entitled 'An act authorizing the conservation, production, and exploitation of helium gas, a mineral resource pertaining to the national defense, and to the development of commercial aeronautics, and for other purposes'" (with accompanying papers); to the Committee on Military Affairs.

By Mr. BROWN of Michigan:

A bill (S. 1568) to provide that loans made by certain financial institutions on and after April 1, 1937, and prior to April 1, 1939, may be insured by the Administrator of the National Housing Administration; to the Committee on Banking and Currency.

By Mr. GIBSON:

A bill (S. 1569) to promote safety of life and property at sea and to aid in preventing marine disasters; to the Committee on Commerce.

By Mr. FRAZIER:

A bill (S. 1570) granting the consent of Congress to compacts or agreements between the States of Minnesota, South Dakota, and North Dakota with respect to the Red River of the North; to the Committee on Commerce.

By Mr. McADOO:

A bill (S. 1571) to amend an act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936; to the Committee on Commerce.

By Mr. BULOW:

A bill (S. 1572) for the relief of Frank Fisher; to the Committee on Military Affairs.

A bill (S. 1573) granting an increase of pension to Louis P. Mousseau; to the Committee on Pensions.

A bill (S. 1574) relating to the compensation of certain postmasters; and

A bill (S. 1575) to change the rates of compensation of certain postmasters; to the Committee on Post Offices and Post Roads.

By Mr. VANDENBERG:

A bill (S. 1576) to provide that manuscripts of authors' works may be carried in the mails as third-class or fourth-class matter; to the Committee on Post Offices and Post Roads.

By Mr. TYDINGS:

A bill (S. 1577) to authorize the Commissioners of the District of Columbia to reappoint David R. Thompson and Ralph S. Warner in the police department of such district; to the Committee on the District of Columbia.

By Mr. BULKLEY:

A bill (S. 1578) for the relief of Anastasia Sardyga; to the Committee on Immigration.

A bill (S. 1579) to amend "An act for the establishment of marine schools, and for other purposes", approved March 4, 1911; to the Committee on Naval Affairs.

By Mr. ANDREWS:

A bill (S. 1580) to provide for the conveyance to the city of St. Augustine, Fla., of a tract of land formerly used as the site of a naval radio station; to the Committee on Naval Affairs.

By Mr. WHEELER:

A bill (S. 1581) to supplement existing antitrust acts, to protect the public against combinations in restraint of trade, to prevent unnecessary and wasteful cross hauling of commodities, to restore and preserve purchasing power, and to aid in the prevention of the recurrence of economic stringency, and for other purposes; to the Committee on Interstate Commerce.

A bill (S. 1582) for the relief of Halvor H. Groven; and

A bill (S. 1583) for the relief of Stanley Kilminster; to the Committee on Claims.

A bill (S. 1584) granting a pension to Daniel S. J. Leif; to the Committee on Pensions.

By Mr. RADCLIFFE:

A bill (S. 1585) for the relief of Sallie S. Twilley; to the Committee on Claims.

A bill (S. 1586) to authorize the Secretary of War to sell to the General Motors Corporation a tract of land comprising part of Holabird quartermaster depot, Baltimore, Md.; to the Committee on Military Affairs.

By Mr. BYRD:

A bill (S. 1587) granting a pension to Margaret Williams; to the Committee on Pensions.

A bill (S. 1588) for the relief of Tidewater Construction Corporation; to the Committee on Claims.

By Mr. BORAH:

A bill (S. 1589) for the relief of Mr. and Mrs. Robert O. Brown; to the Committee on Claims.

By Mrs. CARAWAY:

A bill (S. 1590) for the relief of Warren J. Fox; and

A bill (S. 1591) for the relief of H. M. Gregory; to the Committee on Claims.

By Mr. NYE:

A bill (S. 1592) for the relief of Walter A. Libby; to the Committee on Claims.

By Mr. COPELAND:

A bill (S. 1593) for the relief of Helen Mahar Johnson;

A bill (S. 1594) for the relief of Eva Markowitz; and

A bill (S. 1595) for the relief of Marion Von Bruning (nee Marion Hubbard Treat); to the Committee on Claims.

A bill (S. 1596) relating to the holding of two offices of profit under the United States; to the Committee on the Judiciary.

By Mr. HERRING:

A bill (S. 1597) to amend the Banking Act of 1935; to the Committee on Banking and Currency.

By Mr. PITTMAN:

A bill (S. 1598) for the relief of Mrs. M. N. Shwamberg and others;

A bill (S. 1599) for the relief of certain officers and employees of the Foreign Service of the United States who, while in the course of their respective duties suffered losses of personal property by reason of war, catastrophes of nature, and other causes;

A bill (S. 1600) authorizing an appropriation for payment to the Government of Canada for the account of Janet Hardcastle Ross, a citizen of Canada;

A bill (S. 1601) authorizing an appropriation for payment to the Government of Great Britain for the account of N. J. Moosa, a British subject;

A bill (S. 1602) authorizing an appropriation for payment to the Government of Great Britain for the account of the Shanghai Electric Construction Co., Ltd.;

A bill (S. 1603) authorizing an appropriation for payment to the Government of Great Britain for the account of certain British citizens;

A bill (S. 1604) authorizing an appropriation for payment to the French Government for the account of Henry Borday, a citizen of France;

A bill (S. 1605) authorizing an appropriation for payment to the Government of Chile for the account of Enriqueta Koch V. de Jeanneret, a citizen of Chile;

A bill (S. 1606) authorizing an appropriation for payment to the Government of the Dominican Republic for the account of Mercedes Martinez Viuda de Sanchez, a Dominican subject;

A bill (S. 1607) authorizing an appropriation for payment to the Government of Japan for proposed deportation of enemy aliens from China during the World War;

A bill (S. 1608) authorizing an appropriation for payment to the Government of the Netherlands for the account of the family of Miguel Paula;

A bill (S. 1609) authorizing an appropriation for payment to the Government of Nicaragua for the account of Mrs. Mercedes V. de Williams and others;

A bill (S. 1610) authorizing an appropriation for payment to the Government of China for the account of Ling Mau Mau, a citizen of China;

A bill (S. 1611) authorizing an appropriation for payment to the Government of China for the account of Li Po-tien;

A bill (S. 1612) authorizing an appropriation for payment to the Government of China for the account of certain Chinese citizens;

A bill (S. 1613) authorizing an appropriation for payment to the Government of China for the account of certain Chinese citizens;

A bill (S. 1614) authorizing an appropriation for payment to the Government of China for the account of certain Chinese citizens;

A bill (S. 1615) authorizing an appropriation for payment to the Government of China for the account of certain citizens of China; and

A bill (S. 1616) authorizing an appropriation for the payment of the claim of Gen. Higinio Alvarez, a Mexican citizen, with respect to lands on the Farmers Banco in the State of Arizona; to the Committee on Foreign Relations.

By Mr. CAPPER:

A bill (S. 1617) relating to the rate of interest on loans by Federal land banks; to the Committee on Banking and Currency.

A bill (S. 1618) to provide annuities for certain widows of employees and retired employees of the United States and the District of Columbia; to the Committee on Civil Service.

A bill (S. 1619) granting an increase of pension to Josephine Chacey (with accompanying papers); to the Committee on Pensions.

By Mr. MOORE:

A bill (S. 1620) for the relief of the Passaic Valley sewerage commissioners; to the Committee on Claims.

By Mr. WHEELER:

A bill (S. 1621) to credit certain Indian tribes with sums heretofore expended from tribal funds on Indian irrigation works; and

A bill (S. 1622) authorizing the Arapahoe and Cheyenne Indians to submit claims to the Court of Claims, and for other purposes; to the Committee on Indian Affairs.

By Mr. WHEELER and Mr. BONE:

A joint resolution (S. J. Res. 80) proposing an amendment to the Constitution of the United States providing that any law held unconstitutional by the Supreme Court shall be valid if reenacted by Congress; to the Committee on the Judiciary.

By Mr. ASHURST:

A joint resolution (S. J. Res. 81) relating to objects of expenditure by the United States Constitution Sesquicentennial Commission; to the Committee on Appropriations.

By Mr. COPELAND:

A joint resolution (S. J. Res. 82) to amend section 7 of the act entitled "An act making appropriations to provide for the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes", approved July 1, 1902, as amended; to the Committee on the District of Columbia.

By Mr. WALSH (by request):

A joint resolution (S. J. Res. 83) creating a commission for the erection of a memorial building to the memory of the veterans of the Civil War, to be known as the Ladies of the Grand Army of the Republic National Shrine Commission; to the Committee on the Library.

By Mr. McCARRAN:

A joint resolution (S. J. Res. 84) to authorize the Postmaster General to withhold the awarding of star-route contracts for a period of 60 days; to the Committee on Post Offices and Post Roads.

By Mr. POPE:

A joint resolution (S. J. Res. 85) authorizing an appropriation for an investigation of the social and economic needs of laborers migrating across State lines; to the Committee on Education and Labor.

TENURE AND COMPENSATION OF CERTAIN JUDGES

Mr. BURKE. Mr. President, I ask consent to introduce a joint resolution providing for a constitutional amendment relating to the tenure in office and compensation of judges of the Supreme and inferior courts. I ask unanimous consent that before its reference to the Committee on the Judiciary it may be read by the clerk.

There being no objection, the joint resolution (S. J. Res. 86) proposing an amendment to article III, section 1, of the Constitution of the United States relating to the tenure in office and compensation of judges of the Supreme and inferior courts, was read the first time by its title, the second time at length, and referred to the Committee on the Judiciary, as follows:

Joint resolution proposing an amendment to article III, section 1, of the Constitution of the United States, relating to the tenure in office and compensation of judges of the Supreme and inferior courts

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution, in lieu of article III, section 1, when ratified by the legislatures of three-fourths of the several States:

"ARTICLE III

"SECTION 1. The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and upon reaching the age of 70 years any such judge may retire, and upon reaching the age of 75 years every such judge shall retire. Said judges shall at stated times receive a compensation which shall not be diminished during their continuance in office nor during their period of retirement.

"SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within 7 years from the date of its submission to the States by the Congress."

COURT ORDERS RESTRAINING ENFORCEMENT OF LAWS

Mr. McCARRAN. Mr. President, I send to the desk a resolution, which I ask to have read.

The VICE PRESIDENT. The resolution will be read.

The resolution (S. Res. 82) was read, as follows:

Whereas the President of the United States has presented to Congress a message bearing upon the judiciary and judicial reform, and has made reference to the delays surrounding the administration of justice and the inequality, uncertainty, and delay in the disposition of vital questions of constitutionality arising under our fundamental law; and

Whereas the operations of the Government, including the collection of its revenues, have been impaired and suspended by the exercise of jurisdiction over its agencies by the Federal courts; and

Whereas as a result of the issuance of extraordinary writs by Federal courts and of judgments rendered in such courts, such writs and judgments in all amounting to several thousands within the past 3 years, acts of Congress have been set aside or nullified or made inoperative: Therefore be it

Resolved, That for the aid and information of the Congress in the consideration of such conditions with a view to the correction of such abuses as may exist, the Treasury Department, the Department of Justice, the Department of the Interior, the Department of Agriculture, the Department of Commerce, the Department of Labor, the Interstate Commerce Commission, the National Mediation Board, the Federal Trade Commission, the Veterans' Administration, the Federal Power Commission, the Federal Communications Commission, the Federal Emergency Administration of Public Works, the Social Security Board, the Tennessee Valley Authority, the Railroad Retirement Board, the National Labor

Relations Board, the Works Progress Administration, the Securities Exchange Commission, and the National Bituminous Coal Commission are each requested to transmit to the Senate, at the earliest practicable date, the following information:

(1) A statement of all cases in which injunctions, restraining orders, or other judgments have been issued, rendered, or denied by the Supreme Court or inferior Federal courts since March 4, 1933, enjoining, suspending, or restraining the enforcement, operation, or execution of any act of Congress, or any provision thereof, administered by such department or agency, or by any other agency the functions of which have heretofore been transferred to such department or agency.

(2) A brief statement concerning each of such cases, showing the extent to which, and the manner in which, the operations of the Government have been affected.

(3) A statement showing the instances in which there has been a conflict among the inferior Federal courts with regard to such cases.

Mr. McCARRAN. Mr. President, with reference to the resolution I may say that it merely calls for information which will be of value for the assistance of Congress and for the assistance of the Committee on the Judiciary. I respectfully ask for immediate consideration of the resolution in order that the information sought from the respective departments may be available.

The VICE PRESIDENT. Is there objection to the request of the Senator from Nevada?

Mr. GLASS. Mr. President, reserving the right to object, I shall object if its consideration leads to any debate.

Mr. McCARRAN. If there is any debate, I shall withdraw my request.

Mr. BLACK. Mr. President, I do not desire to object. I do not wish to make any suggestion that may take any time. However, I should like to ask the Senator who offered the resolution if he will not add a clause that in addition to cases in which injunctions have been granted, the several departments shall give information in connection with cases in which injunctions have been requested and denied?

Mr. McCARRAN. I have no objection to such an amendment.

The VICE PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. GLASS. Mr. President, I reserve the right to object; and if its consideration does lead to debate, I shall object.

Mr. ROBINSON. Mr. President, I suggest that the resolution be passed over for the present.

Mr. McCARRAN. That is agreeable to me.

The VICE PRESIDENT. The resolution will be passed over.

Mr. McCARRAN subsequently said: Mr. President, earlier today I submitted a resolution and asked for its immediate consideration. At that time it was thought not best to take up the resolution. I now ask that the resolution be taken up for immediate consideration.

The PRESIDING OFFICER (Mr. RUSSELL in the chair). Is there objection to the present consideration of the resolution submitted by the Senator from Nevada?

Mr. McKELLAR. What is the resolution?

Mr. McCARRAN. In order that the resolution may be understood by Senators who were not here when it was originally read, I ask to have it again read.

The PRESIDING OFFICER. Without objection, the resolution again will be read for the information of the Senate.

Mr. ROBINSON. Mr. President, the resolution has been read once. Let the Senator from Nevada state its purpose. It is very easily done.

Mr. McCARRAN. I will state that in view of the controversy which is extending over the country, and in view of the fact that the Senate and House of Representatives of the United States desire to be enlightened and to have at hand authentic information with reference to the effect of extraordinary writs issued by the Federal courts bearing on legislation, I have submitted a resolution asking the several departments to report to the Senate of the United States as to the number of writs affecting their respective departments that have been issued and as to the number that have been denied. The resolution addresses itself to the departments in which the litigation has taken place at times in the past. It is for the purpose of obtaining first-hand information for the Senate of the United States, in order that we may approach the consideration of a very important subject which is now pending.

Mr. McKELLAR. Mr. President, I wish to say that I have no objection whatsoever. On the contrary, I am very heartily in favor of the Senator's resolution.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution referred to by the Senator from Nevada?

There being no objection, the resolution was considered by the Senate and agreed to.

STAR-ROUTE MAIL CONTRACTS—AMENDMENT

Mr. McCARRAN submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (S. 740) to provide for the issuance of renewable 4-year-term contracts to qualified star-route contractors and subcontractors, and for other purposes, which was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

TARIFFS ON AND PRODUCTION OF AGRICULTURAL PRODUCTS—AMENDMENTS

Mr. OVERTON (for himself and Mr. PEPPER, Mr. ANDREWS, and Mr. ELLENDER) submitted two amendments intended to be proposed by them to the joint resolution (H. J. Res. 96) to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended, which were referred to the Committee on Finance and ordered to be printed.

CHANGES OF REFERENCE

On motion by Mr. TYDINGS, the Committee on Territories and Insular Affairs was discharged from the further consideration of the bill (S. 1096) to amend section 863, title 48, of the Code of Laws of the United States of America relating to the District Court of the United States for Puerto Rico, and it was referred to the Committee on the Judiciary.

Mr. COPELAND. Mr. President, I am about to make a request and should like to have the attention of the Senator from Massachusetts [Mr. LODGE]. The Senator from Massachusetts has introduced a bill, being Senate bill 28, to provide for taking a national unemployment census. The bill was referred to the Committee on Commerce. I think the bill should be referred to the Committee on Education and Labor, and, if there be no objection, I ask that the Committee on Commerce be discharged from the further consideration of the bill and that it be referred to the Committee on Education and Labor.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the change of reference will be made.

Mr. SCHWELLENBACH. Mr. President, on Monday last I introduced the bill (S. 1516) to authorize certain payments to the American War Mothers, Inc., the Veterans of Foreign Wars of the United States, Inc., and the Disabled American Veterans of the World War, Inc., which by mistake was referred to the Committee on Claims. Two similar bills involving the same subject passed the Senate during the last session. They were both considered by the Committee on Military Affairs. Therefore, I ask unanimous consent that the Committee on Claims be discharged from the further consideration of the bill and that it be referred to the Committee on Military Affairs.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred, or ordered to be placed on the calendar, as indicated below:

H. R. 77. An act for payment of compensation to persons serving as postmaster at third- and fourth-class post offices;

H. R. 1521. An act to amend the act of February 28, 1925 (43 Stat. 1053), relative to postal rates on third-class mail matter;

H. R. 1609. An act to credit laborers in the Postal Service with any fractional part of a year's substitute service toward promotion;

H. R. 1972. An act giving superintendents at classified post-office stations credit for substitutes serving under them;

H. R. 2021. An act to provide time credits for substitutes in the motor-vehicle service;

H. R. 2738. An act to extend the provisions of the 40-hour law for postal employees to watchmen and messengers in the Postal Service; and

H. R. 3610. An act to adjust the salaries of rural letter carriers; to the Committee on Post Offices and Post Roads.

H. R. 168. An act to authorize an increase in the annual appropriation for books for the adult blind; to the Committee on Education and Labor.

H. R. 1543. An act to amend section 24 of the Immigration Act of 1917, relating to the compensation of certain Immigration and Naturalization Service employees, and for other purposes; to the Committee on Immigration.

H. R. 194. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Brownville, Nebr.;

H. R. 1550. An act authorizing a preliminary examination and survey of the Skagway River in the vicinity of Skagway, Alaska;

H. R. 1629. An act to provide for a preliminary examination and survey of the Mackinaw River in Illinois with a view to flood control;

H. R. 2306. An act to authorize the Crew Levick Co., and such other corporation or individuals as may be associated with it, to construct a bridge across the portion of the Delaware River between the mainland of the county of Camden and State of New Jersey, and Petty Island in said county and State;

H. R. 2503. An act to extend the time for completing the construction of a bridge across the Columbia River near The Dalles, Oreg.;

H. R. 3148. An act granting the consent of Congress to the State of Alabama, or Etowah County, or both, to construct, maintain, and operate a free highway bridge across the Coosa River at or near Gilberts Ferry in Etowah County, Ala.;

H. R. 3675. An act to extend the times for commencing and completing the construction of a bridge across the Savannah River at or near Lincolnton, Ga.; and

H. R. 3689. An act declaring Turtle Bay and Turtle Bayou, Chambers County, Tex., to be nonnavigable waterways; to the Committee on Commerce.

H. R. 2702. An act to permit grand-jury extensions to be ordered by any district judge;

H. R. 2703. An act to provide for the representation of the United States Court of Appeals for the District of Columbia on the annual conference of senior circuit judges;

H. R. 2705. An act to provide for the manner of inflicting the punishment of death;

H. R. 3284. An act to transfer Crawford County, Iowa, from the southern judicial district of Iowa to the northern judicial district of Iowa; and

H. R. 3411. An act to amend section 112 of the Judicial Code, to provide for the inclusion of Whitman County, Wash., in the northern division of the eastern district of Washington; to the Committee on the Judiciary.

H. R. 3425. An act providing payment to employees, Bureau of Reclamation, for mileage traveled in privately owned automobiles; to the Committee on Irrigation and Reclamation.

H. R. 4609. An act to authorize the purchase and distribution of products of the fishing industry; to the calendar.

H. J. Res. 131. Joint resolution for the payment of certain employees of the United States Government in the District of Columbia and employees of the District of Columbia for January 20, 1937; to the Committee on Appropriations.

H. J. Res. 212. Joint resolution to amend the act entitled "An act to levy an excise tax upon carriers and an income tax upon their employees, and for other purposes", approved August 29, 1935; to the Committee on Finance.

QUALIFICATIONS OF PRACTITIONERS OF LAW IN THE DISTRICT

Mr. KING. Mr. President, I desire to enter a motion to reconsider the vote by which Senate bill 204, relative to the qualifications of practitioners of law in the District of Columbia, was ordered to be engrossed for a third reading and passed on Monday last. I also ask that the House of Representatives be requested to return the bill.

The VICE PRESIDENT. Without objection, the motion will be entered, and the House of Representatives will be requested to return the bill.

COMMITTEE SERVICE

On motion by Mr. McNARY, and by unanimous consent, it was

Ordered, That the Senator from Oregon (Mr. McNARY) be excused from further service on the Committee on Territories and Insular Affairs, and that the Senator from Massachusetts (Mr. LODGE) be appointed to membership on that committee; also that the Senator from Massachusetts (Mr. LODGE) be excused from further service on the Committee on Printing.

REORGANIZATION OF FEDERAL JUDICIARY—ADDRESS BY SENATOR M'ADOO

[Mr. ASHURST asked and obtained leave to have printed in the RECORD a radio address delivered by Senator McADOO on Feb. 16, 1937, on the subject of the proposed reorganization of the Federal judiciary, which appears in the Appendix.]

REORGANIZATION OF FEDERAL JUDICIARY

[Mr. KING asked and obtained leave to have printed in the RECORD a radio address on the reorganization of the Federal judiciary, delivered by Senator VAN NUYS on Tuesday, Feb. 16, 1937, which appears in the Appendix.]

REORGANIZATION OF FEDERAL JUDICIARY—ADDRESS BY SENATOR MINTON

[Mr. BLACK asked and obtained leave to have printed in the RECORD a radio address delivered by Senator MINTON on Monday, Feb. 15, 1937, on the subject of the President's proposal to reorganize the Federal judiciary, which appears in the Appendix.]

JUDICIAL REFORM—ADDRESS BY SENATOR THOMAS OF UTAH

[Mr. LEWIS asked and obtained leave to have printed in the RECORD a radio address delivered on Feb. 16, 1937, by Senator THOMAS of Utah on the subject of judicial reform, which appears in the Appendix.]

INDEPENDENCE OF THE JUDICIARY—ADDRESS BY A. LAWRENCE LOWELL

[Mr. AUSTIN asked and obtained leave to have printed in the RECORD a radio address delivered by A. Lawrence Lowell, former president of Harvard University, on the subject of the independence of the judiciary and the permanence of American institutions, which appears in the Appendix.]

BUSINESS AND THE PROPOSED FEDERAL ADMINISTRATIVE COURT

[Mr. LOGAN asked and obtained leave to have printed in the RECORD an address delivered by Col. O. R. McGuire, chairman, special committee on administrative law, American Bar Association, on the subject of business and the proposed Federal Administrative Court, which appears in the Appendix.]

LABOR AND LEGISLATION—ADDRESS BY WILLIAM GREEN

[Mr. McCARRAN asked and obtained leave to have printed in the RECORD a radio address delivered by William Green, president of the American Federation of Labor, Saturday, Feb. 13, on the subject of labor and legislation, which appears in the Appendix.]

ABRAHAM LINCOLN

[Mr. POPE asked and obtained leave to have printed in the RECORD an editorial from the Boise Capital News of Feb. 12, 1937, entitled "A Man Called Lincoln", which appears in the Appendix.]

INDEPENDENT OFFICES APPROPRIATIONS

Mr. GLASS. I move that the Senate proceed to the consideration of House bill 4064, the independent offices appropriation bill.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Virginia.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 4064) making appropriations for the Executive Office and sundry independent executive bureaus,

boards, commissions, and offices for the fiscal year ending June 30, 1938, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. GLASS. I ask unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the amendments of the committee be first considered.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Virginia? The Chair hears none, and it is so ordered.

Mr. LEWIS. Mr. President, I ask the able Senator from Virginia if he will state the purport of the bill.

Mr. GLASS. I will state to the Senator from Illinois that the purport of the bill is to make appropriations for the independent offices in Washington; and as the bill is read for action on the amendments it will appear exactly what definite appropriations are made for the respective offices.

The PRESIDENT pro tempore. The clerk will read the bill.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, on page 6, after line 10, to strike out:

CENTRAL STATISTICAL BOARD

For every expenditure requisite for and incident to the work of the Central Statistical Board as authorized by law, including traveling expenses; materials; supplies; office equipment; services; newspapers; periodicals and press clippings; repairs and alterations; contract stenographic reporting services and not to exceed $400 for expenses of attendance at meetings which in the discretion of the chairman are necessary for the efficient discharge of the responsibilities of the Board, $173,000, of which amount not to exceed $163,000 may be expended for personal services in the District of Columbia.

For all printing and binding for the Central Statistical Board, $1,000.

Total, Central Statistical Board, $174,000.

The amendment was agreed to.

The next amendment was, under the heading "National Archives", on page 25, line 18, after the words "first aid" and the comma, to strike out "protective, and other apparatus and materials for the arrangement, titling, scoring, repair, processing, editing, duplication, reproduction, and authentication of photographic records (including motion-picture films) and sound recordings in the custody of the Archivist" and insert "and protective apparatus, and materials for the arrangement, repair, reproduction, and authentication of documentary, photographic, or other archives or records", and on page 26, line 13, after the word "expenses", to strike out "$735,000" and insert "$615,000", so as to read:

Salaries and expenses: For the Archivist and for all other authorized expenditures of the National Archives in carrying out the provisions of the act of June 19, 1934 (48 Stat. 1122–1124; U. S. C., title 40, ch. 2A); the act of July 26, 1935 (49 Stat. 500–503; U. S. C., Supp. 1, title 44, ch. 8A); and the act of June 22, 1936 (Public, No. 756, 74th Cong.), including personal services in the District of Columbia; supplies and equipment, including scientific, technical, first-aid and protective apparatus, and materials for the arrangement, repair, reproduction, and authentication of documentary, photographic, or other archives or records; purchase and exchange of books, including law books, books of reference, maps, and charts; contract stenographic reporting services; purchase of newspapers, periodicals, and press clippings; not to exceed $100 for payment in advance when authorized by the Archivist for library membership in societies whose publications are available to members only or to members at a price lower than to the general public; travel expenses, including not to exceed $1,000 for the expenses of attendance at meetings concerned with the work of the National Archives; repairs to equipment; maintenance and operation of motor vehicles, including the purchase and exchange of one passenger-carrying automobile for official use; and all other necessary expenses, $615,000:

The amendment was agreed to.

The next amendment was, on page 26, line 21, to reduce the total appropriation for the National Archives from $752,000 to $632,000.

The amendment was agreed to.

The next amendment was, under the heading "Social Security Board", on page 37, line 4, after the words "salary of", to strike out "$9,500" and insert "$9,000"; and on page 38, line 6, after the word "Board" and the comma, to strike out "$10,000,000" and insert "$9,000,000", so as to read:

Salaries and expenses: For all authorized and necessary administrative expenses of the Social Security Board in performing the duties imposed upon it in titles I, II, III, IV, VII, IX, and X of the Social Security Act, approved August 14, 1935, including three Board members, an executive director at a salary of $9,000 a year, a director of the old-age benefits division at a salary of $9,000 a year, and other personal services in the District of Columbia and elsewhere; travel expenses, including not to exceed $10,000 for expenses of attendance at meetings concerned with the work of the Board when specifically authorized by the chairman; not to exceed $10,000 for payment of actual transportation expenses, and not to exceed $10 per diem in lieu of subsistence and other expenses of persons serving while away from their home, without other compensation, in an advisory capacity to the Social Security Board; supplies; reproducing, photographing, and all other equipment, office appliances, and labor-saving devices; services; advertising, postage, telephone, telegraph, and not to exceed $900 for teletype news services and tolls; newspapers and press clippings (not to exceed $1,500), periodicals, manuscripts, and special reports, purchase and exchange of law books and other books of reference; library membership fees or dues in organizations which issue publications to members only or to members at a lower price than to others, payment for which may be made in advance; alterations and repairs; rentals, including garages, in the District of Columbia or elsewhere; purchase and exchange, not to exceed $35,000, operation, maintenance, and repair of motor-propelled passenger-carrying vehicles to be used only for official purposes in the District of Columbia and in the field; and miscellaneous items, including those for public instruction and information deemed necessary by the Board, $9,000,000, together with any unexpended balance of the appropriation for the same purpose contained in the First Deficiency Appropriation Act, fiscal year 1936.

The amendment was agreed to.

The next amendment was, on page 38, line 21, after the name "United States", to insert a colon and the following additional proviso:

Provided further, That no salary shall be paid for personal services from the money herein appropriated under the heading "Social Security Board" in excess of the rates allowed by the Classification Act of 1923, as amended, for similar services: *Provided further*, That this proviso shall not apply to the salaries of the Board members: *Provided further*, That none of the funds herein appropriated under the heading "Social Security Board" shall be used to pay the salary of any expert or attorney receiving compensation of $5,000 or more per annum unless and until such expert or attorney shall be appointed by the President, by and with the advice and consent of the Senate.

The amendment was agreed to.

The next amendment was, on page 40, line 2, after the figures "1935", to strike out "$29,000,000" and insert "$15,000,000", so as to read:

Grants to States for unemployment compensation administration: For grants to States for unemployment compensation administration, as authorized in title III of the Social Security Act, approved August 14, 1935, $15,000,000, together with any unexpended balance of the appropriation for the same purpose contained in the First Deficiency Appropriation Act, fiscal year 1936, on which sum such amount as may be necessary shall be available for grants under such title III for any period in the fiscal year 1937 from and after January 1, 1937.

The amendment was agreed to.

The next amendment was, on page 41, line 21, to reduce the total appropriation for the Social Security Board from $254,600,000 to $239,600,000.

The amendment was agreed to.

The next amendment was, under the heading "Emergency agencies", on page 47, after line 14, to insert:

COMMODITY CREDIT CORPORATION

Not to exceed $525,000 of the funds of the Commodity Credit Corporation, established as an agency of the Government by Executive Order No. 6340, dated October 16, 1933, continued to April 1, 1937, as a governmental agency under section 7 of the act approved January 31, 1935 (Public, No. 1, 74th Cong.), and further continued to June 30, 1939, by the act of January 26, 1937 (Public, No. 2, 75th Cong.), shall be available during the fiscal year 1938 for administrative expenses of the Corporation, including personal services in the District of Columbia and elsewhere; travel expenses, in accordance with the Standardized Government Travel Regulations and the act of June 3, 1926, as amended (U. S. C., title 5, secs. 821–833); printing and binding; law books and books of reference; not to exceed $150 for periodicals, maps, and newspapers; procurement of supplies, equipment, and services; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; rent in the District of Columbia and elsewhere; and all other necessary administrative expenses: *Provided*, That all necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Corporation or in which

it has an interest, including expenses of collections of pledged collateral, shall be considered as nonadministrative expenses for the purposes hereof.

Mr. KING. Mr. President, I desire to ask a question of the able Senator from Virginia. In the consideration of the item under the head of "Commodity Credit Corporation", was any consideration given to the abolishment of this agency? I do not know that the question properly arises at this time, but I was wondering if the facts which were adduced would warrant a continuation of the organization beyond the present fiscal year.

Mr. GLASS. There was some desultory conversation in the committee about the desirability of abolishing the Commodity Credit Corporation, but it was not regarded as a wise thing to do at this time. We simply adopted the recommendation of the Budget Bureau as approved by the President. It came in at the eleventh hour. We cut the amount from $590,000.

Mr. KING. That probably commits us, then, to the continuation of the organization for the next fiscal year, unless in the meantime there should be legislation.

Mr. GLASS. Should the House concur in the action of the Senate.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 48, after line 17, to insert:

ELECTRIC HOME AND FARM AUTHORITY

Not to exceed $300,000 of the funds of the Electric Home and Farm Authority, established as an agency of the Government by Executive Order No. 7139, of August 12, 1935, continued to February 1, 1937, by the act of March 31, 1936 (Public, No. 484, 74th Cong.), and continued further until June 30, 1939, by the act of January 26, 1937 (Public, No. 2, 75th Cong.), shall be available during the fiscal year 1938 for administrative expenses of the Authority, including personal services in the District of Columbia and elsewhere; travel expenses, in accordance with the standardized Government travel regulations and the act of June 3, 1926, as amended (U. S. C., title 5, secs. 821–833); printing and binding; law books and books of reference; not to exceed $200 for periodicals, newspapers, and maps; procurement of supplies, equipment, and services; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; rent in the District of Columbia and elsewhere; and all other administrative expenses: *Provided*, That all necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, care, repair, and disposition of any security or collateral now or hereafter held or acquired by the Authority, shall be considered as nonadministrative expenses for the purposes hereof.

The amendment was agreed to.

The next amendment was, on page 49, after line 18, to insert:

EXPORT-IMPORT BANK OF WASHINGTON

Not to exceed $50,000 of the funds of the Export-Import Bank of Washington, established as an agency of the Government by Executive Order No. 6581, of February 2, 1934, continued until June 16, 1937, by the act approved January 31, 1935 (Public, No. 1, 74th Cong.), and further continued until June 30, 1939, under the act approved January 26, 1937 (Public, No. 2, Seventy-fifth Cong.), shall be available during the fiscal year 1938 for administrative expenses of the bank, including personal services in the District of Columbia and elsewhere; travel expenses, in accordance with the standardized Government travel regulations and the act of June 3, 1926, as amended (U. S. C., title 5, secs. 821–833); printing and binding; law books and books of reference; not to exceed $250 for periodicals, newspapers, and maps; procurement of supplies, equipment, and services; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; rent in the District of Columbia and elsewhere; and all other necessary administrative expenses: *Provided*, That all necessary expenses (including special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the bank or in which it has an interest, including expenses of collections of pledged collateral, shall be considered as nonadministrative expenses for the purposes hereof.

The amendment was agreed to.

The next amendment was, under the heading "Federal Housing Administration", on page 53, line 19, after the word "exceed", to strike out "$9,500,000" and insert "$10,000,000", so as to read:

Not to exceed $10,000,000 of the funds advanced by the Reconstruction Finance Corporation to the Federal Housing Administration, created under authority of the National Housing Act of June 27, 1934 (48 Stat., p. 1246), shall be available during the fiscal year 1938 for administrative expenses of the Administration, including: Personal services in the District of Columbia and elsewhere; travel expenses, in accordance with the Standardized Government Travel Regulations and the act of June 3, 1926, as amended (U. S. C., title 5, secs. 821–833), except employees engaged in the inspection of property may be paid an allowance not to exceed 4 cents per mile for all travel performed by motor vehicle in connection with such inspection; printing and binding; law books, books of reference, and not to exceed $1,500 for periodicals and newspapers; not to exceed $1,500 for contract actuarial services; procurement of supplies, equipment, and services; maintenance, repair, and operation of motor-propelled passenger-carrying vehicles to be used only for official purposes; payment, when specifically authorized by the Administrator, of actual transportation expenses and not to exceed $10 per diem in lieu of subsistence and other expenses to persons serving, while away from their homes, without other compensation from the United States, in an advisory capacity to the Administration; not to exceed $2,000 for expenses of attendance, when specifically authorized by the Administrator, at meetings concerned with the work of the Administration; typewriters, adding machines, and other labor-saving devices, including their repair and exchange; rent in the District of Columbia and elsewhere; and all other necessary administrative expenses.

The amendment was agreed to.

The next amendment was, on page 55, line 12, after "secs. 1701–1723)", to insert a colon and the following additional proviso:

Provided further, That not exceeding $300,000 of the sum herein authorized to be advanced from the Reconstruction Finance Corporation shall be expended in the District of Columbia during the fiscal year 1938 for purposes of the Public Relations and Education Division.

The amendment was agreed to.

The next amendment was, on page 60, after line 15, to strike out:

SEC. 4. None of the funds herein appropriated for any executive department or other executive agency shall be available to pay any compensation or other expense in connection with any investigation or inquiry under a resolution of either House of Congress.

The amendment was agreed to.

The next amendment was, on page 60, line 21, to change the section number from 5 to 4.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

TEACHING COMMUNISM IN THE DISTRICT PUBLIC SCHOOLS

The PRESIDENT pro tempore laid before the Senate the bill (H. R. 148) to repeal a proviso relating to teaching or advocating communism in the public schools of the District of Columbia, and appearing in the District of Columbia Appropriation Act for the fiscal year ending June 30, 1936, which was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the proviso appearing in the fourteenth paragraph under the subheading "Miscellaneous", under the heading "Public Schools", in the District of Columbia Appropriation Act for the fiscal year ending June 30, 1936, approved June 14, 1935 (49 Stat. 356), and reading as follows: "*Provided*, That hereafter no part of any appropriation for the public schools shall be available for the payment of the salary of any person teaching or advocating communism" is hereby amended to read as follows: "*Provided*, That hereafter no part of any appropriation for the public schools shall be available for the payment of the salary of any person advocating communism or treating any such doctrine with favor or support; but no official or teacher shall be required to make any special declaration of nonviolation thereof as a condition for payment of salary."

Mr. BLACK. Mr. President, I move that the Senate strike out, commencing with the word "hereby" in line 2, page 2, down to and including the word "salary" in line 8, and that the word "repeal" be inserted in lieu thereof.

The PRESIDENT pro tempore. Does the Senator ask unanimous consent for the consideration of the bill?

Mr. BLACK. I do.

Mr. McNARY. Mr. President, I am not familiar with the bill. There should be an explanation of it.

Mr. BLACK. I expect to make a statement about it.

Mr. McNARY. Let the statement be made, and then I shall decide whether I desire to object.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent for the present consideration of House bill 148.

Mr. BLACK. Mr. President, I understood this to be a privileged matter. The Senate passed a bill repealing the so-called "red rider." The House declined to agree to that bill as it was passed by the Senate. They passed a bill providing for a partial repeal, and the House bill has now come to the Senate for action.

Mr. ROBINSON. Mr. President, may I ask whether the House has passed upon the Senate bill, or did it pass a separate bill?

Mr. WHEELER. It passed a separate bill.

Mr. BLACK. Mr. President, I was mistaken in my statement a few minutes ago. I did not know the House had passed a separate bill. The House did not pass upon the bill which was passed by the Senate; so it is necessary to have unanimous consent for consideration of the bill.

The Senate passed a bill which went to the House. The bill of the Senate constituted a repeal of the so-called "red rider" clause with reference to the District of Columbia schools. The House did not act upon the Senate bill. The House acted upon a bill pending in that body.

The difference between the bill of the House and the bill of the Senate is that the Senate bill provides an outright repeal of the original law which was a rider upon an appropriation act. The House did not repeal that rider in toto. Instead, it has provided that the law shall read as follows:

> That hereafter no part of any appropriation for the public schools shall be available for the payment of the salary of any person advocating communism or treating any such doctrine with favor or support; but no official or teacher shall be required to make any special declaration of nonviolation thereof as a condition for payment of salary.

The request I make is that the bill may be taken up for consideration, based upon the facts which I shall state.

Mr. BORAH. Mr. President, is the Senator asking for immediate consideration of the bill?

Mr. BLACK. That is the request I am making.

Mr. BORAH. I believe I have no objection to immediate consideration, but I think the amendment is on the desks of Senators. I have not been able to obtain a copy of it. I am very much in favor of direct repeal, and I should like to have an oportunity to show, if I can—and I think I can—that the substitute for the direct-repeal proposal does not accomplish anything.

Mr. BLACK. Mr. President, I may state to the Senator that I agree with his views. The entire membership of the Committee on Education and Labor, to which the measure was referred, agreed with his views. We unanimously reported the provision for repeal. It passed the Senate without any objection when it was brought up. For this reason I do not see the necessity of sending the bill back to the committee. The motion I will make, if the measure shall come up for consideration, will be to strike out the words which I have just read and to substitute the word "repeal", which would put into the law the word which has already been adopted in the bill passed by the Senate.

Mr. ROBINSON. Mr. President, may I make a suggestion to the Senator?

Mr. BLACK. I yield.

Mr. ROBINSON. Why does not the Senator propose to strike out all after the enacting clause in the bill which passed the House, and insert the Senate bill?

Mr. BLACK. I shall be very glad to do that when the bill is before the Senate for consideration.

Mr. ROBINSON. That, it seems to me, will assure consideration of the Senate proposal by the other body. What happened in this case is just what frequently transpires; the Senate passes a bill relating to a definite subject matter, it goes to the body at the other end of the Capitol, that body takes no notice, apparently, of the action taken by the Senate, but proceeds to pass upon a separate House measure.

Mr. GLASS. Mr. President, is the Senator quite certain that he is accurate in his statement as to the proceedings?

Mr. WHEELER. The information I have received is to that effect.

Mr. ROBINSON. Yes; I am certain, because the Senate bill was first passed—I do not remember the date——

Mr. BLACK. It was passed on February the 3d.

Mr. ROBINSON. The House bill passed the House on February 8, which clearly shows that after the House had jurisdiction of the Senate bill, this body having passed the Senate bill, the House ignored the action of the Senate and proceeded, as has frequently occurred, to act upon a House measure dealing with the same subject matter. So I suggest to the Senator from Alabama that there can be no objection to the proposal to proceed to the consideration of the bill which has been laid before the Senate, with a view to striking out all after the enacting clause and inserting the language of the Senate bill. I shall object to the consideration of the bill which has passed the House in any other form.

Mr. KING. Mr. President, will the Senator from Alabama yield?

Mr. BLACK. I yield.

Mr. KING. I have been requested by a number of citizens of the District of Columbia to ask, when this measure shall come before the Senate, that the bill be referred to the Committee on Education and Labor, so that opportunity may be afforded citizens to appear and voice their views. They proceeded upon the theory that probably the bill which had passed the House would be taken up for consideration. Pursuant to the request made to me, I suggest that the bill go to the committee, and that opportunity be given to those who desire to be heard pro and con to appear, and that then such action be taken by the committee as to them seems proper.

Mr. BLACK. Mr. President, I may state that this bill was introduced originally on January 6th.

Mr. WHEELER. Mr. President, may I correct the Senator?

Mr. BLACK. I yield.

Mr. WHEELER. A bill identical with the one to which the Senator is referring was introduced at the last session of the Congress; hearings were held before the Committee on Education and Labor at the last session; the bill was reported out of the committee unanimously at the last session of the Congress; an identical bill went to the committee this year; it was again reported, as I understand, unanimously and passed the Senate unanimously, and then was sent to the House.

Mr. BLACK. Mr. President, I desire to supplement the Senator's statement. No request was made for a hearing of any kind or type during the time the bill was pending before the Committee on Education and Labor. I am of the opinion that if a request had been made the committee might have taken the position that the previous hearings—somewhat heated hearings, as I understand—before the House committee, perhaps brought out all the different philosophies which it would have been possible to voice. Personally, I should like to see the bill taken up and acted upon, not only because I favor the passage of the measure, but since the House has seen fit to pass its bill after we had sent a bill to the House, I think it is proper on our part to substitute our measure for the bill which passed the House.

Mr. WHEELER. When that is done it will go to conference, I understand.

Mr. BLACK. I assume so.

Mr. GLASS. Mr. President, I shall not object to unanimous consent for the present consideration of the bill, nor under the circumstances shall I object to the substitution of the Senate bill for the House bill, being assured that it is desirable that the matter should go to conference and be adjusted there.

However, I desire to make a further observation. I could not exactly hear what the chairman of the Senate Commit-

tee on the District of Columbia said about it, but it has seemed to me that a proper reference of this bill in the first place would have been to the Senate Committee on the District of Columbia, just as it was referred to the House Committee on the District of Columbia when the House had the problem before it. The matter relates exclusively to the District of Columbia and, in my judgment, the bill should have been considered by the Committee on the District of Columbia.

Then I desire for my own satisfaction to make the statement that I think no problem that has ever been considered by either branch of Congress has had expended on it more arrant nonsense than this so-called "red rider." What is the "red rider"? It is simply a prohibition against the teaching and advocacy in the public schools of the miserable doctrine of communism, thereby poisoning the minds of immature children about a problem concerning which very few grown-up persons know anything. The trouble about the whole matter has been the most astonishing maladministration of a very simple statute of which I have ever had any knowledge, and for one time in 15 years of service the Comptroller General gave the most incredible opinion that any public officer ever gave, which was that every school teacher should each month take an oath that he or she had not taught or advocated communism in the public schools.

There is not a word or sentence in the statute that requires such action or by implication would seem to require it. The supposition of Congress at the time the bill was under consideration—certainly of the Committee on Appropriations considering the deficiency bill—was that the public-school authority, the superintendent of public instruction, who should be intimately acquainted with everything that goes on in the schoolrooms, would simply notify the school teachers that they were not to be permitted to teach or advocate communism, and that was all there was to it. The whole subject has been brought into disrepute by the extraordinary maladministration of a simple statute.

If the Senate now wishes to make an unconditional repeal, that, in my judgment, simply means authorization to school teachers, one and all of them, to teach and preach and advocate communism in the schools, and I do not think that ought to be done.

Mr. WHEELER. Mr. President, I am forced to disagree with the Senator from Virginia. I originally introduced the bill to repeal the "red rider", and asked that it go to the Committee on Education and Labor, and I submit that that is the proper committee to which it should have gone, because the subject deals with education and applies to the teachers of the country. It was a matter of substantive law which, at any rate, had no business being attached to an appropriation bill.

Mr. GLASS. Oh, the Senator knows that it does not apply to the teachers of the country; it applies to the teachers of the District of Columbia.

Mr. WHEELER. I agree that it applies to the teachers of the District of Columbia, but it had no business on an appropriation bill in the first instance. Secondly, while the bill specifically applies to the District of Columbia its passage may set a precedent which may be used in other places, and may affect all the teachers of the United States. That, however, is a mere matter of detail.

Mr. GLASS. I agree with the Senator from Montana that the provision ought not to have been on the appropriation bill. I am always opposed to legislation on appropriation bills.

Mr. KING. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. KING. I do not wish to misinterpret the last statement of the Senator from Montana, but if he intended to convey the idea that we had the right by Federal statute to indicate what could be taught in the schools of the States, I disagree with him.

Mr. WHEELER. I did not intend to have my statement apply to that at all. I did say that hysteria is sweeping the country with reference to the teachers of the District of Columbia. A school teacher, as I understand, is sworn to support the Constitution of the United States, just the same as is a Senator. However, the proposed legislation went further. It not only provided that the teachers should not teach communism, but it likewise said that they should not teach un-American doctrines.

Mr. GLASS. Oh, no, Mr. President.

Mr. WHEELER. I wish to refer to the amendment.

Mr. KING. Mr. President, the Senator is speaking about the statute.

Mr. GLASS. While the Senator is examining the statute I should like to have him point out any word or sentence in it which authorizes any such thing as requiring a teacher to take an oath.

Mr. WHEELER. It is in the original act.

Mr. KING. Will the Senator again yield?

Mr. WHEELER. I yield.

Mr. KING. The original act contained no such provision as stated by the Senator. It merely provided that teachers should not teach or advocate communism in the schools in the District of Columbia. It did not contain the further provision stated by the Senator.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. COPELAND. If I recollect, Mr. President, the difficulty arose from the interpretation placed by the fiscal officer of the District upon the enactment of the Congress, and that the fiscal officer requires each month, before the pay check is given, that an assertion, and, perhaps, even an oath, must be taken that there has been no action on the part of the teacher to advocate or teach communism. I think that is where the difficulty arose.

Mr. WHEELER. I agree with the Senator from Virginia that the Comptroller had no right to act as he did, and was wrong in putting the interpretation he did upon the provision. However, he not only applied it to the school teachers but he applied it to the janitors and to the clerks and to everybody else. I have a letter from Dr. Ballou with reference to this particular amendment, in which he says:

> This morning I read with interest the amendment attached to the bill originally prepared to provide for the outright repeal of the so-called "red rider", which I understand to be as follows—

Then he quotes the language, which contains the words—

> Or other un-American doctrine.

That is where I got the wrong impression.

Mr. GLASS. Yes; he mentioned that, but the statute does not.

Mr. WHEELER. I find upon examination that the statute does not mention it. Dr. Ballou continues:

> You are undoubtedly aware of the fact that the Comptroller General now requires every officer, teacher, clerk, and custodian in the public schools to make a declaration that he has not taught or advocated communism within the meaning of the existing law as a condition of his receiving his salary. The officers and teachers make such declarations at the end of each month, and the clerks and the custodians make such declarations twice each month, preceding their pay day on the 15th of the month and the final day of the month.

Mr. GLASS. Does the writer say that he thinks there was any warrant in the statute for any such proceeding?

Mr. WHEELER. No.

Mr. GLASS. It is an utterly absurd proceeding.

Mr. WHEELER. Unfortunately, we now have that situation. There is only one way to correct it, and that is to repeal the measure.

Mr. GLASS. Mr. President, there was a way to correct it. Had the superintendent of public instruction, the man in charge, done his duty, he would have notified the school teachers not to teach or advocate communism, and that would have ended it. However, he did not do that.

Mr. WHEELER. I do not agree with the Senator from Virginia that the burden rested on the superintendent of public instruction to tell the teachers anything of the kind. It only involved the superintendent of public instruction in

a controversy in which he should not have been involved. I think the Comptroller was wrong.

I continue reading from Dr. Ballou's letter:

> The above amendment specifically provides that "no official or teacher" shall hereafter be required to make such a declaration. If this bill as it finally passed the House of Representatives yesterday becomes a law, the officers and teachers would no longer be required to make declarations as a basis of receiving their pay.
>
> However, no mention is made of the 100 clerks who make such declarations twice a month, and about 725 custodians who make corresponding declarations twice each month. Was it the intention of the House of Representatives that the Comptroller General would continue to require clerks and custodians to make declarations as heretofore? If this was not the intention of the House, then the language in the bill as it passed the House ought, it seems to me, to be so modified as to make that fact clear.
>
> Since it seems apparent that this language represents an oversight, I respectfully suggest that if the conferees of the House and Senate desire to agree upon this amendment as it passed the House, the amendment be modified by including the following language as a substitute—

And so forth.

Mr. President, with reference to the original proposal to the effect that teachers of the District of Columbia should not teach communism, as I understand—and if I am wrong about it I hope someone will correct me—those teachers take an oath to support the Constitution of the United States. I have six children, all of whom have gone or are going to the public schools in the District of Columbia. They have gone through the primary grades, and some have gone clear through the high schools. I submit that every Senator upon the floor of this body and every Member of the House of Representatives who has had children in the public schools of the District of Columbia will say that the teachers in the District of Columbia are of at least as high a grade as can be found anywhere in the United States. I think it is an insult to the intelligence and to the decency of the teachers of the District of Columbia to say to them, "You must take an oath that you will not teach communism", or even to provide in an act of Congress that "You must not teach communism", thereby intimating that we do not have faith or confidence in them.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. ROBINSON. We do not put such provisions in other appropriation bills. We do not say that no part of the funds appropriated to pay the salaries of Congressmen or Senators shall be available to those who advocate communism. We do not make that applicable to executive officers of the Government. Why apply it to a single class of employees in the District of Columbia?

Mr. WHEELER. I agree with the Senator; if we are going to apply it to teachers, let it apply also to others.

Mr. ROBINSON. The use of the language is an implication that the teachers of the District of Columbia are advocating communism.

Mr. GLASS. Mr. President, the testimony before the committee was that some of them were.

Mr. WHEELER. Let me say to the Senator with reference to that suggestion that that is the very trouble with this provision. As I have said, I have had six children going to the public schools here. I know something about the minds of children. I know that my children have come home at times and reported to me that a teacher told them so and so and, on checking it up, I found that the child completely misunderstood what the teacher said. There are many people in the United States today who are denouncing the President of the United States because of his advocacy of a proposal to put six additional judges upon the Supreme Court, and suggesting that that is communism. What is communism?

Mr. ROBINSON. Mr. President, will the Senator from Montana yield to me?

Mr. WHEELER. Yes.

Mr. ROBINSON. The statement is also made that in some instances salaries appropriated for executive employees are actually paid to sympathizers with communism.

Mr. WHEELER. Certainly, and to communists.

Mr. ROBINSON. That is in answer to what was said by the Senator from Virginia. But I renew the point that it is a very feeble effort to incorporate such a provision in a bill relating to a few teachers in the District of Columbia and not to seek to extend the legislation to the very important spheres of administration and legislation itself.

Mr. WHEELER. The Senator from Virginia says that the testimony before the committee was to the effect that some of the school teachers taught communism. If a Senator on this floor will stand up and tell me what is communism, I should like to have him do it. I have not been able to find anybody who can intelligently define the term and tell me what communism is. It is one thing under Stalin; it is another thing under Trotzky; and is another thing under somebody else. The difficulty is that when this hysteria sweeps the country, as it does at times, people completely lose their sense of balance and come forward and say, "This man is a Communist."

I do not agree with the President of the United States with reference to putting six additional judges upon the Supreme Court, but I want to have the school teachers accorded the right to agree with him and discuss the question if they want to without being charged with being Communists. I do not want a school teacher, because he says that he thinks the Constitution ought to be changed, to be charged with communism and discharged from his position. I want the teachers here to have an opportunity to have free speech as everywhere else in the United States of America.

While I am on that subject, let me say that I came into frequent contact with the question of free speech during the World War. At that time, as a matter of fact, there was more hysteria in the United States than could be found in England or France. The farther away from the war the greater the hysteria. People in my State were seeing German airplanes flying over the mountains there with a view to blowing them up, and everyone who did not join in denouncing the Germans was reported to be pro-German or something worse. Even a Senator from Minnesota whose house was painted yellow, notwithstanding the fact that we all recognized him as a great American citizen and just as loyal as anybody else, was denounced during that period of hysteria as being pro-German, as were other Senators in this body.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Idaho?

Mr. WHEELER. I yield.

Mr. BORAH. Do I correctly understand that the words "teaching communism" include an explanation to students of what communism is? I do not understand that any of the school teachers in the District have ever advocated communism or that the United States should adopt a communistic form of government or the communistic theory. They have, perhaps, as they ought to have done, advised their students of what communism is. I think that is the best way in the world to get rid of communism, if there is any around.

Mr. WHEELER. Of course, there cannot be any question about that at all. But the trouble is that if a teacher should mention the term "communism" some child, my child or the child of someone else, might get an entirely false impression of what that teacher was trying to tell them about communism; the child might gain the impression that the teacher was trying to teach the students communism. They come home and tell their parents, who then become hysterical and pass it on to somebody else, and somebody else passes it on to somebody else, and finally some of these so-called "crackpots" around the city of Washington, who are always trying to look after the patriotism of the people of the United States, and think that they carry all the patriotism there is in the world in their own breasts, come to Congress and ask Congress solemnly to pass a law to the effect that the teachers in the District of Columbia shall be forbidden to teach or advocate communism, notwithstanding that they have already taken an oath to uphold the Constitution of the United States of America.

Mr. KING. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Utah?

Mr. WHEELER. I yield.

Mr. KING. The Senator attempted to quote a few moments ago the text of the act. If he will permit me, I should like to read it.

Mr. WHEELER. Certainly.

Mr. KING. The text is as follows:

Provided, That hereafter no part of any appropriation for the public schools shall be available for the payment of the salary of any person teaching or advocating communism.

The prohibition was against advocating as well as teaching.

Mr. BORAH. Mr. President, let me ask what does the Senator understand "teaching communism" to mean?

Mr. KING. I am not called upon to interpret the phrase.

Mr. GLASS. Let me say, if I may be permitted, that the corporation counsel, Mr. Prettyman, interpreted it to mean just exactly what it says—that the teachers should not teach communism or advocate communism.

Let me say, if I may, to the Senator from Montana, that I think we have gone far afield in discussing what was said and done during the World War. To get back to the real question, I agree that this rider should never have been put on the appropriation bill. I have invariably voted against putting legislation on appropriation bills. I was not present at the meeting when this was done, although I find my name attached to the conference report.

Mr. ROBINSON. Mr. President, will the Senator from Virginia yield to me at that point?

Mr. GLASS. I have not the floor, but I yield, if I may.

Mr. ROBINSON. The trouble with the suggestion the Senator is now making is that the language of the act commonly known as the "red rider" did not violate the rule forbiding the incorporation of legislation in an appropriation bill. It was a limitation.

Mr. GLASS. It was so contended that it was a limitation.

Mr. ROBINSON. And it was a limitation to the effect that hereafter no part of any appropriation shall be available, and so forth. That is not legislation within the rules of either body; that is a limitation; and, as has always been held, it is competent for the Congress to incorporate such a limitation in an appropriation bill. Frequently limitations are close akin to legislation, and undoubtedly that was the case in this instance. If, however, there is fear that the teachers in the employ of the Government of the United States will corrupt the minds of the youth whom they instruct, if there is fear that employees of the Government of the United States will pervert fundamental principles of Americanism, as we understand them, let the legislation be applicable to everyone in the employ of the United States and do not confine it to the District of Columbia.

Mr. GLASS. Mr. President, I do not think everybody teaches school children; I do not think United States Senators engage in the business of teaching school children.

Mr. ROBINSON. No; but United States Senators are engaged in the important work of legislating, and if any doctrine is going to be stifled by legislative process, why not do it directly? Why permit a man who is a Communist to occupy a seat in the Senate of the United States?

Mr. GLASS. We permit it because the State sends him here and we cannot help it.

Mr. ROBINSON. We permit it because it is un-American to exclude him even though he entertains some views to which we do not agree. I do not know of anybody here who favors communism, nor do I know of anybody in the other branch of Congress who favors it.

In answer to the suggestion of the Senator from Virginia that we cannot help it, let me add that, under the Constitution, the Senate is the sole judge of the qualifications of its Members. It can exclude a Senator for any reason it chooses.

Mr. GLASS. But it never exercises the right at times when it should.

Mr. ROBINSON. That is probably true, but the Senator's last suggestion does not support his position; it supports mine.

Mr. GLASS. My position is that we should not have enacted this legislation.

Mr. ROBINSON. I agree very heartily with that statement. Then, why not repeal it?

Mr. GLASS. My position is that there is not a sentence in the statute that justifies the narrow administration of the legislation. My only fear in the matter is——

Mr. ROBINSON rose.

Mr. GLASS. May I finish the sentence?

Mr. ROBINSON. Certainly.

Mr. GLASS. My only fear in the matter is that if we make an outright repeal of the language it will mean an invitation to the teachers to teach all the communism they may want to teach.

Mr. ROBINSON. I agree that the action of the Comptroller, in requiring all school employees in the District of Columbia to swear over and over and over that they were not teaching communism, was a foolish act and more than anything else than has ever occurred it impeaches the record of his administration.

But on the point of construction and enforcement I invite attention to the language in the House bill. It is a limitation on the use of the appropriation. The disbursing officer is apparently charged with the responsibility of passing judgment, in every case when he disburses salaries, on the question as to whether the receiver of the salary has advocated communism or treated any such doctrine with favor or support.

It is impossible of actual practical application unless some agency be set up with authority to pass judgment on the question whether, when a teacher tells a pupil what communism is, he is treating it with favor or support, as was implied in the suggestion of the Senator from Montana [Mr. WHEELER]. It makes it impossible of practical application without recognizing in some authority the power to determine whether an employee of the school has conformed with the statute. Preliminary to the payment it is necessary to decide that the limitation has been conformed to, otherwise the limitation would be wholly ineffective.

Let me say further, by courtesy of the Senator from Montana who now has the floor, that my suggestion was that the Senate bill providing for unqualified repeal be substituted for the text of the House bill in order that the whole matter might be considered by the conferees. I did not advocate the reference of the bill to the Committee on the District of Columbia for the reason that the subject has been under discussion in Washington in the press and in some of the committees almost continuously since the passage of what we know as the "red rider." There is no new information that could be produced concerning it. It is not a question that calls for prolonged study by a committee. It is doubtful whether any further reference to a committee would do anything more than intensify the controversy and give volume to something which, as said by the Senator from Virginia [Mr. GLASS], is of a nature that ought never to have arisen. My thought is that is the best way to dispose of the matter. At the same time, if the Senate desires to prolong the controversy, the best way I know to do it is to send the bill to another committee and let the same persons who have been heard heretofore again express their opinions on the subject.

Mr. WHEELER. I thank the Senator.

Mr. GLASS. I hope the Senator from Arkansas does not understand that I want the bill sent to another committee, particularly a committee of which I am a member. [Laughter.]

Mr. ROBINSON. Oh, no.

Mr. LEE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Oklahoma?

Mr. WHEELER. I yield.

Mr. LEE. Having been a school teacher until 2 years ago, I am more than usually interested in this subject. The story of the repeal is already known, except perhaps for a little information which might be given as to the procedure in the House. An outright repeal bill was brought forward by the chairman of the House District Committee, and to that was added an amendment striking out reference to "teaching" communism, leaving it relating only to "advocating" communism, in a way making each person who voted against the amendment feel that by that very vote he was approving the advocating of communism, which, of course, was not necessarily true.

I do not favor communism, I do not favor immorality; but I do not believe we can legislate either morality or patriotism into anybody. I think we must leave this matter to the school boards and superintendents; in other words, to those who hire the school teachers.

We would not think of passing a bill prohibiting teachers from teaching crime, because we take it for granted that superintendents and school boards will not hire teachers who would teach crime or immorality. This presumption is so strong that to pass such a measure would, by implication, be almost tantamount to making the charge that teachers in general have been teaching crime. The same thing is true as applied to the teaching of communism.

There is a strong presumption that no teacher in the United States will teach or advocate communism; and for us to repeal this rider, which the Senator from Virginia [Mr. GLASS] admits should never have been passed, and which is so offensive to the teaching profession, will in no way imply that we thereby favor the teaching or advocating of communism, but will rather state to the Nation that we take it for granted that no teacher under the Stars and Stripes will be so disloyal as to advocate a political doctrine so diametrically opposed to our form of government as is communism.

The Senator from Virginia suggested that the provision deals with such a small sector of the United States that it should not be given such wide consideration, but the question has now become a national question with the educators of the United States. It is an indication of what the National Congress feels should be done throughout the United States, because this small sector of the country is the part for which we legislate. Therefore it is a question of national consequence.

I feel deeply about the matter. I feel that this provision should be repealed. I believe that the history of the teachers of the past has not been such as to warrant our feeling that they have been disloyal. The first time I ever heard of the Battles of Concord and Lexington was when I heard it from a teacher. The first time I ever heard of the midnight ride of Paul Revere I heard it at the feet of a teacher. I learned all the glowing stories of American history in the classroom. As new immigrants came from other countries to America and settled, they could not speak English, but their children went to school and at the feet of their teachers learned patriotism, and thus have the foreign-born become Americanized. I believe we can trust the teaching of patriotism to the educators of America. I, therefore, favor the repeal of this offensive "red rider."

Mr. WHEELER. I thank the Senator from Oklahoma. I do not desire to prolong the debate, but I do wish to impress the thought upon the Senate that I am in thorough accord with what the Senator from Arkansas [Mr. ROBINSON] said when he suggested that we ought to substitute the Senate bill for the House language and it ought to go to conference and there be threshed out.

I am sure no one in the Senate believes in the advocacy of communism. When I vote for some labor bill some people in the United States think I am a Communist, and when I turn around and vote with the Senator from Virginia [Mr. GLASS] on some other bill——

Mr. GLASS. Then the Senator is right! [Laughter.]

Mr. WHEELER. Then others think I am wrong again. I do not know whether I am a conservative or a radical. The Senator from Virginia thinks I am right when I vote with him, and somebody else thinks I am wrong when I vote with him.

The difficulty with the whole subject is that the term "communism" has so many meanings, just as the terms "socialism" and other "isms" have so many different meanings that it is exceedingly difficult for anyone to correctly define just what they do mean. Let some teacher advocate this or that idea and some of the young minds in their classes will go home and say to their fathers or mothers, "My teacher talked about this and that", and the parents in many cases immediately say the teacher is a Communist and ought to be thrown out of the school.

I am in hearty accord with what the Senator from Oklahoma [Mr. LEE] has said. I do not believe there has ever been in the United States a more patriotic group than our school teachers. I do not believe there is a more patriotic group of citizens anywhere in the United States than the school teachers of the District of Columbia. I think this provision of law ought to be repealed. I think it never should have been inserted in the law in the first place, and, having been put in the law, I now believe we ought to repeal it and get it off the statute books. I think it reflects not upon the school teachers but upon the Congress of the United States to keep it there.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent that the Senate proceed to the consideration of House bill 148, to repeal a proviso relating to teaching or advocating communism in the public schools of the District of Columbia, and appearing in the District of Columbia Appropriation Act for the fiscal year ending June 30, 1936. Is there objection?

There being no objection, the Senate proceeded to consider the bill.

Mr. BLACK. I move, as an amendment, that all after the enacting clause of the bill be stricken out and that the language of Senate bill 530 be substituted therefor.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Alabama, which will be stated.

The CHIEF CLERK. It is proposed to strike out all of the text of the House bill, and in lieu thereof to insert the following:

That the proviso appearing in the fourteenth paragraph under the subheading "Miscellaneous" under the heading "Public schools" in the District of Columbia Appropriation Act for the fiscal year ending June 30, 1936, approved June 14, 1935 (49 Stat. 356), and reading as follows: "*Provided*, That hereafter no part of any appropriation for the public schools shall be available for the payment of the salary of any person teaching or advocating communism", is hereby repealed.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

LEGAL WORK FOR RESETTLEMENT ADMINISTRATION

Mr. WHEELER. Mr. President, I send to the desk and ask to have printed in the RECORD a letter which I have received from the Attorney General of the United States in reply to a letter from me, in which I requested the Attorney General to furnish me with a list of the attorneys who are doing legal work in the various States in connection with the Resettlement Administration, and a statement of the amount of money turned over by the Resettlement Administration to the Department of Justice for the purpose of hiring attorneys.

To my amazement, I find that for the fiscal year 1937 the sum of $500,000 was turned over by the Resettlement Administration to the Department of Justice for the purpose of hiring lawyers in the various States throughout the Union, and that this was in addition to the appropriation to the Department of Justice itself. I find that in my State about eight or nine lawyers were employed to do such legal work.

My own feeling about the matter is that instead of hiring a dozen different lawyers in the various States, the work should be done by the United States district attorney for each district and each State, and that the district attorneys should be furnished with the number of assistants they need, if they require additional assistants. The idea of setting up in each State a dozen different legal departments seems to me to be ridiculous, and it adds greatly to the expense of the legal department of the Government. I think it is wrong in principle, and it ought to be stopped.

The PRESIDENT pro tempore. Without objection, the letter referred to by the Senator from Montana will be printed in the RECORD.

The letter is as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., February 10, 1937.

Hon. BURTON K. WHEELER,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In reply to your letter of February 4, 1937, there is enclosed herewith a list of attorneys who are doing legal work in various States in connection with the Resettlement Administration.

For the fiscal year 1937 the Resettlement Administration transferred to this Department through the Bureau of the Budget the sum of $500,000 to cover salaries of attorneys, advertising costs, stenographic services, fees of commissioners, expert witnesses, etc.

I trust this is the information you are seeking.

With kind regards, sincerely yours,

HOMER S. CUMMINGS,
Attorney General.

DEPARTMENT OF JUSTICE,
LANDS DIVISION,
February 8, 1937.

ATTORNEYS EMPLOYED ON RESETTLEMENT ADMINISTRATION LAND ACQUISITIONS IN THE VARIOUS STATES

Alabama:	
Malcolm D. Beatty, 713 Education Building, Birmingham	$3,000
Travis Williams, 713 Education Building, Birmingham	3,200
Virginia H. Mayfield, 713 Education Building, Birmingham	3,600
Arkansas:	
Mrs. Bessie N. Florence, 310 Arkansas National Bank Building, Hot Springs	4,000
Galbraith Gould, 514 National Building, Pine Bluff	3,200
John L. Hughes, 310 Arkansas National Bank Building, Hot Springs	2,400
Dennis K. Williams, 407 Arkansas National Bank Building, Hot Springs	3,200
Colorado:	
Morris S. Ginsberg, Symes Building, Denver	3,600
Lawrence Thulemeyer, La Junta	3,600
Connecticut:	
Clarence H. Bolton, 61 Division Street, New Haven	3,000
Samuel S. Googel, Federal Building, New Britain	3,800
Florida:	
John W. Ball, Federal Building, Jacksonville	3,200
W. Kenneth Barnes, Dade City	3,600
Maxwell Baxter, 228–241 Byron Court, Fort Lauderdale	3,600
Lucien H. Boggs, Bisbee Building, Jacksonville	3,600
E. Clay Lewis, Jr., Port St. Joe	3,200
Gardiner R. Nottingham, Fort Pierce	3,400
Weldon G. Starry, 307 Midyette-Moor Building, Tallahassee	3,200
Ernest A. Watson, Federal Building, Ocala	3,200
J. Tom Watson, Peninsular Telephone Building, Tampa	4,000
John T. Wigginton, Milton	3,000
Georgia:	
Mack Barnes, Waycross	3,200
Ernest C. Collins, Ocilla	3,600
Erwin U. Sibley, Milledgeville	5,000
Idaho:	
W. Orr Chapman, Twin Falls	3,000
Illinois:	
Hosea V. Ferrill, Marion	3,600
George R. Schwarz, Jerseyville	3,600
Indiana:	
George T. Tindall, Greenfield	3,000
Ewing E. Wright, Osgood	3,000
Kansas:	
Eugene W. Davis, Liberal	3,200
Robert L. Helvering, Marysville	2,900
Kentucky:	
Beckham A. Robertson, Owensboro	3,600
Louisiana:	
Joseph V. Ferguson, 2d, care of United States attorney, New Orleans	3,200

ATTORNEYS EMPLOYED ON RESETTLEMENT ADMINISTRATION LAND ACQUISITIONS IN THE VARIOUS STATES—continued

Louisiana—Continued.	
Leon Sarpy, care of United States attorney, New Orleans	$3,000
Norton L. Wisdom, care of United States attorney, New Orleans	3,000
Maine:	
Miles L. Allen, Pittsfield	1,800
Harold V. Jewett, Calais	3,200
Maryland:	
E. Stuart Bushong, Hagerstown	2,500
William G. Gassaway, 543 Calvert Building, Baltimore	3,200
Charles E. Hearne, Jr., Salisbury	1,800
Charles C. Marbury, Upper Marlboro	3,000
Michigan:	
Harry K. Bay, Ironwood	3,200
Julius L. Kabatsky, 1101 Penobscot Building, Detroit	3,200
Walter A. Kirkby, 209–212 Peoples National Building, Jackson	3,600
Charles H. Miltner, Cadillac	2,000
Minnesota:	
Arba J. Powers, Mahnomen	2,400
Herbert D. Shove, Detroit Lakes	1,800
Frank H. Timm, Spooner Bank Building, Baudette	3,600
Mississippi:	
L. Barrett Jones, 613 Lamar Building, Jackson	4,000
Missouri:	
Hamp Rothwell, 935 New Federal Building, St. Louis	3,800
Richie Gibbons, 935 New Federal Building, St. Louis	2,400
Ralph Wammack, Bloomfield	3,200
Montana:	
Thomas W. Bonner, Havre	2,600
Grover C. Cisel, Billings	3,600
Clifford W. Gribble, Malta	2,200
Merle C. Groene, Lewistown	3,600
Harry K. Jones, Butte	3,000
Alf. C. Kremer, Butte	5,500
Arthur F. Lamey, Havre	3,600
Lester H. Loble, 104–106 Securities Building, Helena	5,500
Chester E. Onstad, 104–106 Securities Building, Helena	3,000
New Mexico:	
Henry A. Kiker, Santa Fe	3,600
Stanley W. P. Miller, Santa Fe	1,800
New York:	
Harry T. Dolan, 702 Marine Midland Building, Binghamton	3,600
Nebraska:	
Edwin D. Crites, Chadron	3,000
Lynn E. Heth, Valentine	3,200
North Carolina:	
Nere E. Day, Jacksonville	4,200
J. Allan Dunn, New Law Building, Salisbury	3,200
Clyde E. Gooch, New Law Building, Salisbury	3,800
Barron K. Grier, New Law Building, Salisbury	2,800
North Dakota:	
Otto Haakenstad, O'Neil Building, Fargo	4,000
Halvor L. Halvorson, Minot	3,200
Albert M. Limburg, Jr., O'Neil Building, Fargo	2,600
John Moses, Hazen	3,800
Roy K. Redetzke, O'Neil Building, Fargo	3,200
Walter R. Spaulding, Hazen	3,400
Ohio:	
A. Julius Freiberg, 211 East Fourth St., Cincinnati	4,200
Ronald D. Miller, Zanesville	3,200
Oklahoma:	
Elmer H. Beauchamp, Grove	3,000
Edward C. Fitzgerald, Miami	3,000
Willett M. Haight, Shawnee	3,000
Oregon:	
Lotus L. Langley, Board of Trade Building, Portland	3,200
Bernard H. Ramsey, Madras	3,200
Pennsylvania:	
Daniel J. Boyle, Tamaqua	3,200
South Carolina:	
Yancey A. McLeod, 412 Central Union Building, Columbia	3,000
Chepard K. Nash, Sumter	3,000
South Dakota:	
Frank M. Brady, Chamberlain	2,700
Florence E. Brown, Chamberlain	2,000
Matthew A. Brown, Chamberlain	4,200
Charles S. Eastman, Hot Springs	3,000
Hubbard F. Fellows, Rapid City	4,200
Tennessee:	
Taylor Beare, 131 Elks Building, Jackson	2,600
James G. McKenzie, Dayton	4,000
W. Earl Swann, Springfield	2,600
Texas:	
James J. Collins, Jefferson	2,400
Angus G. Shaw, Jefferson	3,800
Utah:	
Knox Patterson, 630 Judge Building, Salt Lake City	6,000
Washington:	
Albert I. Kulzer, Chewelah	3,000

ATTORNEYS EMPLOYED ON RESETTLEMENT ADMINISTRATION LAND ACQUISITIONS IN THE VARIOUS STATES—continued

Wisconsin:	
Harry J. Allen, 529 Wells Building, Milwaukee	$3,000
Byron B. Conway, Wisconsin Rapids	3,000
Vincent P. Davis, Hayward	3,000
William H. Frawley, Eau Claire	3,000
Wyoming:	
Dwight E. Hollister, Cody	3,000
John J. McIntyre, Douglas	3,200

Mr. KING. Mr. President, apropos of the statement just made by the Senator from Montana [Mr. WHEELER], I will state that a day or two ago I submitted a resolution asking for a thorough investigation of the activities and expenditures of the Resettlement Administration. When I was in my home State recently I made some investigations of the matter, as I have done in other States; and I now make the charge that the expenditures of that organization have been extravagant and in many instances wasteful.

I shall not ask that action be taken at present upon the resolution which I have submitted for the reason that I have had a conference with officials in the Agriculture Department who now are taking over the activities of the Resettlement Administration, and I have assurances that an investigation will be made, and it is hoped that some economies will be introduced into the Resettlement Administration. Unless within a reasonable time we receive a report to the effect that that has been done, I shall ask for the investigation which my resolution seeks.

Mr. ROBINSON. Mr. President, in that connection, if the Senator will indulge me, I am advised that the Secretary of Agriculture, who recently acquired jurisdiction of the Resettlement Administration, is making a very thorough study of the matter, recognizing that part of the work which has been done has been experimental and that there is opportunity and need for improvement. I think the Senator has wisely deferred urging action upon his resolution.

Mr. WHEELER. There is a United States district attorney in each district in the United States. In my State the district attorney is paid, I think, about $5,000 a year. There are special attorneys who are receiving $5,500 a year to do this other kind of work in two or three different places, and others who are receiving three or four thousand dollars a year. All that work ought to be done by the district attorney in the particular district, and, if necessary, he should have additional assistants under his department; but a lawyer should not be paid three or four or five thousand dollars a year for part-time work, or for a third of his time, or for a fourth of his time, when we have district attorneys who are supposed to devote practically all their time to their official duties.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. WHEELER. I yield.

Mr. CLARK. I will say to the Senator, from my own knowledge, so far as my State is concerned, that no lawyer has been paid by the Department of Justice for part-time duty for doing work for the Resettlement Administration. I happen to know one lawyer who has been employed outside of the district attorney's office, I understand, but who devotes his whole time to his official duties, dividing his time between the work of the Resettlement Administration, the work of the Forestry Service in acquiring titles to new forests which have been opened up, and various other governmental activities. It is entirely true that he is outside of the district attorney's office, but it is not by any means true that he is on part-time employment.

I do not believe any money has been wasted by the Department of Justice in its employment of lawyers for the various extraordinary activities which have been going on for the past 2 or 3 years.

Mr. WHEELER. I happen to know that some of the lawyers who are employed in the way I have stated carry on a very extensive and very fine practice, and at the same time draw very good salaries from the Government.

Mr. ROBINSON. Mr. President, will the Senator yield to me?

Mr. WHEELER. Certainly.

Mr. ROBINSON. It is my impression that the Department of Justice is one of the most carefully and economically administered branches of the Government. Its comparatively small appropriations indicate that fact. Of course, it is true that the Department, under recent legislation, and I think in response to public demand, has undertaken much work in which formerly it did not engage. The salaries to which the Senator from Montana is referring, if I correctly understand him, are those of employees in various special agencies who are paid by the Department of Justice or through the Department of Justice. Is that correct?

Mr. WHEELER. What happens is this: We appropriate money for the Resettlement Administration. Five hundred thousand dollars of the money that is appropriated for the Resettlement Administration is turned over to the Department of Justice. With that $500,000 the Department of Justice employs lawyers all over the United States to pass upon titles; and many of the lawyers who are thus employed are not whole-time lawyers for the Government. They are lawyers who are also engaged in the general practice of the law. I happen to know that that is the case.

Mr. BLACK. Mr. President, the Senator from Montana has made reference to attorneys employed by the Department of Justice to aid the Resettlement Administration and other agencies in connection with the purchase of land. I cannot speak for other States as to the method of employment; but in the case of the State of Alabama I can say that in quite a number of instances to my own certain, definite knowledge the Department of Justice has declined to employ lawyers upon a part-time basis. The Department was denied the privilege of employing lawyers whom it desired to employ in Alabama because they declined to give up their private practice. As a result the Department employed other lawyers, requiring that they work on a full-time basis. These lawyers did not retain their private law practice, and they were not permitted to do so if they kept the positions with the Department of Justice.

In fairness to the Department I desire to have that statement appear in the RECORD in connection with the employment of lawyers, certainly in the State of Alabama.

Mr. WHEELER. I am glad to hear the Senator's statement about Alabama; but it certainly is not true as to many other States, to my own certain knowledge.

While I am on the subject I will say that my attention has also been called to a situation which I think ought to be corrected. I am reliably informed that some of the men who have been in the Department of Justice resign as assistant attorneys general, and are then appointed as special assistants to take charge of some particular case at eight or ten thousand dollars a year; and they still practice before some of the Departments here in Washington, notwithstanding the fact that they have special retainers from the Government of the United States. I think that is something that ought to be stopped.

REORGANIZATION OF FEDERAL JUDICIARY

Mr. McKELLAR. Mr. President, I desire to take a portion of the time of the Senate this afternoon in discussing the President's proposal regarding the Supreme Court.

Mr. Woodward, in his History of the United States, in discussing the Constitution, on page 234 said:

> Though the Constitution is clumsily rigid in some of its provisions, on the whole it possesses a remarkable flexibility.
> * * * It is characterized by subtle omissions or silences, which allow great latitude in the judicial interpretation of constitutional questions.

I endorse this opinion of Mr. Woodward, and take it as my text.

The flexibility of the Constitution, the omissions or silences of the Constitution which allow such great latitude in judicial interpretation, have always been, to my mind, one of the wonders of our Constitution. In my judgment, the Constitution, as it is today, affords ample power to the

Congress, if properly interpreted and the bills are properly prepared, to pass all the forward-looking measures of the New Deal. We need no constitutional amendments.

It must be remembered that in 1787, when the Constitution was created, there were no steamboats or steamship lines, no railroads, no hard roads, no telegraphs or telephones, no streetcars, no gas companies, no electric lights, no electric power, no automobiles, no radios, no moving pictures, no newspapers of any great circulation, no airplanes, no public schools, as we now understand that term, exceedingly few colleges and other institutions of learning, practically very few corporations, few if any injunctions, few if any combinations of labor, few if any combinations of capital, no Federal courts at all, the State courts applying the law as State judges had received it from our British forefathers. Though all these things have come since, under our Constitution they can all be dealt with under the flexibility of that great instrument.

Our Government, under our Constitution, is a government of checks and balances. It was the purpose of the founders of that Government to establish three coordinate branches, the executive, the legislative, and the judicial. While they were constituted with the largest measure of independence, the greatest care was taken to make them coordinate and cooperative. The most carefully devised checks were made on the Executive power. The same care was exercised in checking the legislative and judicial branches.

For instance, the Executive was given the right of veto, but his veto could be overruled by a two-thirds vote. He was given the power of administering the Government, but only Congress could furnish him the money with which to do it. He was given the power to raise and support armies, but money to pay and equip armies could not be given for a longer period than 2 years. No money could be drawn from the Treasury except in accordance with appropriations made by Congress.

The Executive was given the power to appoint all officers of the Government, but only by and with the advice and consent of the Senate. He was to be elected for only a 4-years' term. He could be impeached by the House and removed from office by the Senate. He could make treaties with foreign governments, but the Senate must confirm these treaties to make them valid. He was to be Commander in Chief of the Army and Navy, but the Congress had the right to make rules and regulations for the land and naval forces.

In like manner, the legislative branch was hedged around with checks. It was given the power to pass laws, but the Executive could veto them. It was given the power to tax, but all taxes had to be uniform. The Congress was denied the right of suspending the writ of habeas corpus except in extreme cases. It could pass no bill of attainder or ex post facto law. It could pass no law fixing export duties. It could not interfere with the right of the people to bear arms. It could not permit a soldier in time of peace to be quartered in any home. It could make no law establishing religion, or abridging the freedom of speech or of the press, or the right of the people to assemble and ask for a redress of grievances. It could make no law to prevent the people from being secure in their persons, houses, papers, and effects against unreasonable searches. It prohibited the Congress passing a law permitting men to be held for a capital or otherwise infamous crime except by an indictment by a grand jury. It prohibited Congress passing a law putting a man twice in jeopardy, or compelling a criminal to be a witness against himself, or a law depriving a citizen of his rightful liberty or property without due process of law, nor permitting private property to be taken for public use without just compensation. It provided for an impartial jury trial, both in criminal and civil cases. Incidentally, the Supreme Court has virtually abolished trial by jury.

In addition to those I have enumerated, there are many other checks to be found in the Constitution.

In like manner, the judicial branch of the Government was hedged about with checks. The members of the Supreme Court were to hold their offices during good behavior. They were subject to impeachment. They were to be appointed by the President, by and with the advice and consent of the Senate. The number of the members of the Supreme Court was to be fixed by the Congress. Their jurisdiction was remarkably limited. Their original jurisdiction was confined to cases affecting ambassadors and other public ministers and consuls, and those in which a State was a party. Their appellate jurisdiction was likewise limited to admiralty and maritime jurisdiction, to controversies between a State and a citizen of another State, between citizens of different States, and to all cases in law and equity arising under the Constitution, laws, and treaties. They had no express jurisdiction to declare acts of Congress unconstitutional or invalid. The Supreme Court was to have appellate jurisdiction both as to law and facts "with such exceptions, and under such regulations as the Congress shall make." The Supreme Court could not fix the number of its members, but Congress had that right, and has exercised it exactly seven times.

By the Constitution, no branch of the Government was given exclusive power or supreme power or independent power. Each was made, in a very great degree, dependent upon the other. Those in control of each branch of the Government know perfectly of the limitations on that particular branch, and also know perfectly well of the limitations and powers of the other two branches.

I desire to call special attention to this statement: That supreme sovereign power was to be lodged in the Supreme Court cannot possibly be maintained by reference to the Constitution itself, by any implication of the Constitution, by any law, by history, or by precedent. With the express power that the Congress should regulate the appellate jurisdiction of the Supreme Court, both as to law and as to facts, it is unquestionably true that the Congress, and not the Supreme Court, was to be the final arbiter. Those who assert that the Supreme Court is superior to either the Congress or to the Executive under our system little understand our great Constitution.

Mr. GEORGE. Mr. President——

The PRESIDING OFFICER (Mr. POPE in the chair). Does the Senator from Tennessee yield to the Senator from Georgia?

Mr. McKELLAR. I yield to the Senator.

Mr. GEORGE. I desire to ask the Senator from Tennessee, for whom I have the utmost respect, what he considers the function of the judicial department, a coordinate department of our Government.

Mr. McKELLAR. To do just exactly what the Constitution provides it shall do, no more and no less; that is, have appellate jurisdiction over all acts of Congress which may be brought into dispute, and all other Federal questions, as they are commonly called. Of course the Court has an extremely limited original jurisdiction, but this is unimportant.

Mr. GEORGE. If they are to have jurisdiction over all acts of Congress and other Federal questions which may arise, what are they to do; decide the law or not?

Mr. McKELLAR. Of course they are required to decide the law.

Mr. GEORGE. Let me ask the Senator another question. What is the supreme law of our country?

Mr. McKELLAR. The supreme law of our country is what Congress and the President make it.

Mr. GEORGE. Mr. President, I hope the Senator will not rest his answer on that statement.

Mr. McKELLAR. I rest it on the Constitution. The Constitution itself says that the acts of Congress shall be the supreme law of the land.

Mr. GEORGE. Oh, no, Mr. President!

Mr. McKELLAR. I read it in that way.

Mr. GEORGE. Oh, no!

Mr. McKELLAR. I should like to have the Senator show me where the Constitution provides otherwise.

Mr. GEORGE. The Constitution expressly declares that the Constitution is the supreme law, and acts of Congress "made in pursuance thereof." I ask the Senator again: What is the function of the Supreme Court?

Mr. McKELLAR. The function of the Supreme Court is to pass upon all questions upon which the Constitution gives the Congress the right to legislate. That is its function.

Mr. GEORGE. And nothing else?

Mr. McKELLAR. And nothing else. I challenge the Senator to show me a line in the Constitution which holds that the Supreme Court has the right to declare void an act of Congress.

Mr. GEORGE. Mr. President, I do not desire to argue with the Senator.

Mr. McKELLAR. I just ask the Senator to show me such a provision.

Mr. GEORGE. I asked the Senator the simple question: What is the function of the judiciary under our system of government? Finally, the Senator has said that it is to construe the law. Then I asked the Senator: What is the supreme law? The Senator said it was the acts of Congress and what the President chooses to make it.

Mr. McKELLAR. The acts of Congress are the supreme law of the United States.

Mr. GEORGE. The acts of Congress?

Mr. McKELLAR. The acts of Congress made under the Constitution are the supreme law of the land.

Mr. GEORGE. Acts made in pursuance of the Constitution, and not contrary to it. If that statement is made, I will agree with the Senator.

Mr. McKELLAR. Then, Mr. President, there is no disagreement between us.

Mr. GEORGE. Then, I ask again, The function of the Court is to construe what?

Mr. McKELLAR. To construe the meanings of the acts of Congress. I have already said, as the Senator would have heard had he been listening, that early in our constitutional history our Supreme Court assumed the power to declare void and invalid acts of Congress. It did not have the specific right to do it under the Constitution. There was no provision under the Constitution which authorized the Court to do it, but the Court assumed such power. That practice has been going on for 134 years and, in my judgment, it is imbedded in our Constitution just as if we had passed an amendment to the Constitution in the ordinary way making such provision. The Congress did not initiate such an amendment to the Constitution. The Supreme Court of the United States simply amended the Constitution by judicial dictum first and then decision.

Mr. GEORGE. Mr. President, I do not wish to argue the question with the Senator from Tennessee. At a later date I shall argue it not only with the Senator from Tennessee but with any other Senator on the floor. I was simply asking a question.

Mr. McKELLAR. The Senator from Georgia has the right to any opinion he desires about the Constitution or the laws of the United States. I assert my right to my own opinion in the same way. If the Senator would do me the courtesy to listen to what I have to say, I think he would differ with me less than he does now.

Mr. HATCH. Mr. President, before the Senator from Tennessee continues with his statement, I wish to ask him a question. I was somewhat confused by the remarks which passed back and forth between the Senator from Tennessee and the Senator from Georgia. However, as I understood the Senator from Tennessee, his position now is that the Supreme Court does have the right to declare acts of Congress unconstitutional.

Mr. McKELLAR. Only by reason of long lapse of time and usage. I think the people have accepted the Supreme Court's assumption of power. I think the Supreme Court has the power to declare acts unconstitutional and invalid by reason of this long assumption of power on the part of the Court, and not by reason of any word or sentence or provision of the Constitution of the United States.

Mr. HATCH. Regardless of how the power came about, the Senator agrees that the power now rests in the Supreme Court?

Mr. McKELLAR. I agree that it now is exercised and has been exercised for a great number of years by the Supreme Court, and that apparently the people have acquiesced in the assumption by the Court that it has that power. But I continue. Mr. President, the Supreme Court early assumed the power to declare acts of Congress unconstitutional. The Constitution itself did not give that power to the Supreme Court specifically. In my judgment, it ought to have done so.

I am saying this for the benefit of the Senator from New Mexico. If it had done so, and had hedged the power about with proper checks and balances, it would have been far better. In my opinion, by reason of the Court's having assumed for 134 years the power to declare acts of Congress void it has that power; and that assumption of power having been acquiesced in for so long, the Court's amendment to the Constitution has been effected just as securely as if an amendment to the Constitution had been agreed to by the people in the way pointed out by the Constitution. What the Court did was to amend the Constitution by their own judicial decision. The right exercised by the Court of declaring an act of Congress unconstitutional is a judicial amendment to our Constitution. That is the best that can be said of it.

I hope I make myself clear to the Senator.

Mr. HATCH. Yes, Mr. President.

Mr. McKELLAR. However, when the Supreme Court exercises this power it has full knowledge that the Congress and Executive have power to fix the membership of the Court, and that the Congress and the Executive a number of times have exercised that power. They first fixed the number in 1789 at six. It was reduced to five in 1801. It was increased to seven in 1807. It was increased to nine in 1837. It was increased to 10 in 1863. It was reduced to seven in 1866. It was increased to nine in 1869. The Supreme Court knows perfectly well that the Congress and the Executive have the power by law to change the number on the Supreme Bench. It is a power which the Constitution grants. It is a power that these two branches of the Government have and have frequently exercised. Therefore, an increase of the members of the Court canot be either unconstitutional or revolutionary.

In some letters I am asked not to interfere with the Constitution. This proposal to increase the number of Judges is standing by the Constitution. It is within the terms of the Constitution to increase the membership of the Court. It is not a violation of the Constitution. It is a measure strictly in accord with the Constitution.

After the Civil War, conditions between the Court and the Government were in a sense like they were at the beginning of this administration. In an editorial in the Nation of January 10, 1867, the following appears:

> All the issues of the war and of the era of reconstruction succeeding the war will be submitted to the judgment of this Court; and a strenuous effort will be made to secure from it decisions which will nullify the will of the people and vindicate the rejected policy of Mr. Johnson.

And again:

> The Supreme Court consists at present of nine Judges, five of them appointed by a Republican President and four by his Democratic predecessors. Unfortunately, it cannot be doubted that at least four of the Judges have so thoroughly made up their minds upon all the issues of reconstruction as to make argument before them a mere form. Chief Justice Chase could not be persuaded by Moses and the prophets that the present State governments in the South are legitimate, while Judges Nelson, Grier, and Clifford could not be persuaded of the contrary, even by one who should rise from the dead.

This is not the first time this question has raised its head in our country.

I again quote from the same editorial:

> The Supreme Court always prior to 1867 was wisely anxious to leave political questions to be determined by the legislature, and repeatedly declined to interfere in cases which afforded quite as

much ground for interference as any which are now likely to arise. The Judges foresaw that any attempt to control such controversy by judicial decisions would only peril the existence of the Court while settling nothing for the country, and they rightly decided to avoid such uncompensated risks.

DIRECT PRECEDENT

There is a direct precedent for the President's proposal. In 1869 the Congress increased the number on the Supreme Court just before the Court held the Legal Tender Act of Congress unconstitutional and void by a closely divided court. At that time there was no gold nor silver in the country to be coined, and the Constitution only gave to Congress power to coin money. The issuance of paper was not coining money, of course. Paper money was an absolute necessity at the time. The Congress in 1862 had established paper money as currency and made it receivable for all debts, public and private, except two. The Supreme Court held the act unconstitutional. The decision of the Supreme Court was rendered on the 7th day of February 1870, and on the same morning President Grant sent in the nominations of two additional members of the Court, Justices Strong and Bradley. He was charged with packing the Court. Those two members became violent partisans of upholding the legal-tender clause, as it was called at that time. President Grant was charged with packing the Court, just as President Roosevelt is now being charged with the same design.

The reorganized Court with Justices Strong and Bradley on it, reversed the former judgment of the Court, and held the act constitutional on the ground that it was an emergency act. The country acquiesced in it and has acquiesced in it ever since. We still issue paper money, good for all debts, public and private. I doubt that there is an informed judge, a lawyer, or citizen who does not believe that what the Congress and President and Court then did was for the best interest of this Republic. It has never been undone, and never will be. It is quite true that the President was charged with packing the Supreme Court, but the effect at that time was salutary.

Mr. MINTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Indiana?

Mr. McKELLAR. I yield.

Mr. MINTON. The Senator will recall that at about that same period the Congress of the United States, finding the Supreme Court at that time composed of 10 members, the largest it has ever been and that was under Lincoln—after Lincoln's death, in order to prevent Andrew Johnson from having an appointment on the Court, which was ageing very rapidly, changed the law, reducing the Court to 7, so that Johnson could not have an appointee on the Court. Then, just as soon as Grant came in, they changed it back to nine, so that Grant could have an appointment on the Court.

Mr. McKELLAR. The Senator is absolutely correct; and I digress here long enough to point out, as I intend to show later on in my address, the remarkable situation that there have been only four Presidents who have never made an appointment to the Supreme Court. One of them was William Henry Harrison, who lived for a little more than 30 days or about 30 days after he was inaugurated; he did not appoint a Supreme Court judge. The second one was Zachary Taylor, who lived 1 year and 4 months after his inauguration, and did not have an appointment to the Supreme Court. The third was Andrew Johnson, who, by the law that has just been mentioned by the Senator from Indiana [Mr. MINTON], was deprived of the opportunity of appointing any judge on that Court. And the fourth is Franklin Roosevelt. The Presidents who have made no appointments to the Supreme Court are Harrison, Taylor, Johnson, and Franklin Roosevelt! And then talk about Roosevelt's attempting to pack the Supreme Court! Up to this date it has been quite securely packed against him!

Mr. President, I proceed with the discussion.

COURTS

Now, as to the main question. Mr. President, I believe in courts. I am a strong believer in courts. I believe in the Federal courts. I believe in the honesty and sincerity and uprightness and ability of its judges. I think in the main they have done their duty as they see it. On the other hand, I do not believe they are infallible. I think our Supreme Court—perhaps the greatest court in all the world, and I cheerfully concede it and am proud of it—has made a number of mistakes. Chief Justice Marshall is generally accredited with having issued the first dictum holding an act of Congress invalid. This dictum appears in the case of Marbury against Madison, decided in 1803. However, there was an earlier informal opinion by Chief Justice Jay. February 3, 1791, the Congress had passed a law directing the President to examine and report upon and the Treasurer to pay the claims of invalid pensioners of the Revolution. President Washington asked the Supreme Court, it having nothing to do in the early days, to pass upon these claims and make a report to him but the Court refused to do this work. Mr. William E. Curtis, in the Chautauqua of July 1897, says:

> This action of Congress undoubtedly arose from the knowledge that the Court had existed for a year without any business to transact, and the popular opinion that the Justices ought to do something to earn their salaries rather than any intention of subverting their power and authority or infringing upon their constitutional prerogatives. But the Court refused to comply with this law on the ground, first that Congress could not assign it duties not defined in the Constitution, second that the Constitution did not authorize the national legislature to sit as a court of errors, and third that the jurisdiction of the Supreme Court was final. This was the official reply, but in a private communication the Chief Justice states that as the object of the act was benevolent and did honor to the justice and humanity of Congress, the members of the Court were willing to sit as commissioners to examine and report upon pension claims; and they did so although Justice Wilson persistently refused to serve."

So that the honor of intimating the first act of Congress unconstitutional belongs to Chief Justice Jay and Justice James Wilson, of Pennsylvania. The Court has come a long way since that day, in the words of Jefferson, "ever active, with noiseless feet gaining little by little."

In the Dred Scott case, the Supreme Court held the Missouri Compromise Act of 1820 unconstitutional when the Congress had already repealed it 2 years previously. The decision holding unconstitutional that act which had been accepted and lived up to by the country for some 35 years, was wholly unnecessary, and many believe to this day that it was one of the influences that precipitated the Civil War.

INCOME-TAX DECISIONS

Mr. President, the decisions in the income-tax cases decided by the Supreme Court in the nineties were a huge mistake, a mistake which this country had to correct, but it took 20 years to correct the mistake.

It will be recalled that when the Congress again undertook to tax incomes and the case challenging the right of Congress to pass such a law came before the Supreme Court, Justice Shiras, of Pennsylvania, was on the Court at the time, and so was Justice Howell E. Jackson, of Tennessee. Justice Jackson had been ill and it was supposed that Justice Shiras was in favor of upholding the tax, and the Court was divided four to four without Justice Jackson. Before the case was decided, Justice Jackson became well enough to take part in the decision. He appeared and voted in favor of the validity of the tax; but it was claimed at the time in the newspapers that overnight Justice Shiras changed his opinion and voted against the validity of the tax, the act by Shiras' vote was held unconstitutional, and it took some 20 years to go through the constitutional procedure to invalidate that holding and to give Congress the power to tax incomes. It ruined the reputation and life of Justice Shiras, and deservedly so, and was a stigma on the Court itself.

Mr. President, this is not all. The constitutionality of such income-tax cases having been decided, one by a divided court, one by a 5-to-4 decision. The income-tax laws were all declared unconstitutional until we "immoral" Representatives and Senators, as some of us are now called, finally had to propose on amendment to the Constitution, which was ratified, giving power to Congress to tax incomes.

The attempts to tax incomes went along some 50 years before the right to tax was finally established. During most of these years we were constantly met with preliminary injunctions against such taxes, issued by district judges, the creatures of the Congress. These judges thought it was improper to tax high incomes, just as they thought it was immoral to prevent greed from exploiting the labor of little children; but the Congress did not think so, and I do not think so, Mr. President. I take great satisfaction in the record I have made in voting for and upholding every effort made to tax incomes in this country, and I want to say that when it comes to a question of morality, I would a thousand times rather be placed on the side of the little children of the country, on the side of the honest taxpayers of the country, rather than on the side of greed, monopoly, and great wealth, constantly fighting to escape just taxation.

And thus we see, Mr. President, that through nearly a half century efforts were made to impose a reasonable income tax on persons of large means, and, our Supreme Court declaring such acts unconstitutional, it took Congress nearly a half century to have these fair and just taxes imposed upon people who had the money with which to pay them, and then only after resort to the tedious and long process of having adopted an amendment to the Constitution.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. BLACK. The Senator will recall that it was constitutional to have an income tax for about 60 years and then it became unconstitutional to have it for about 25 years and then again it came to be constitutional.

Mr. McKELLAR. Oh, yes.

Mr. BLACK. So that it was constitutional when the Supreme Court said it was and it was unconstitutional when the Supreme Court said it was not.

Mr. McKELLAR. I agree with the Senator, but it might be stated in just a little different way. When the proponents of constitutionality had five Judges out of the nine it was constitutional, and when the advocates of its unconstitutionality had five Judges out of the nine it was unconstitutional. In other words, it was just a question as to which side had the five Judges or a majority of the Court.

Mr. BLACK. In other words, the Constitution changed as the Judges changed.

Mr. McKELLAR. Whenever a new President came into office and additional Judges were appointed to the bench, the Constitution at once was modified and changed. The only way we were able finally to put an income-tax law into effect was to provide by constitutional amendment, which no one could doubt, and we finally did it after a long fight of over half a century.

Mr. BLACK. The Senator will recall what I want to get clearly in the RECORD, to wit, that before the first opinion holding it was unconstitutional to have an income tax, it had been constitutional in this Nation for over 50 years. The Constitution itself had not changed. The writing was the same. The same charter was in the Library of Congress, and it was perfectly constitutional to have an income tax. Then along came five Judges who decided it was unconstitutional, and for 25 years, though the Constitution was still the same in the Library of Congress, it was a violation of the Constitution to collect an income tax. It is clear that the Constitution changes as the Judges change.

Mr. McKELLAR. The Senator is correct.

N. R. A.

Mr. President, coming down to more recent dates, I think everybody concedes that the N. I. R. A. decision was a correct decision handed down by a united Court. It had the respect, if not the approval, of the country. If the N. R. A. bill had been drawn by the Senator and Congressman who introduced it, aided by the drafting boards of the two Houses, no doubt a bill would have been drawn that would have been entirely constitutional, and this probably would have been true of the first Guffey coal bill.

If bills of this character are to be brought into the Senate they ought to be passed upon by the lawyers of the Judiciary Committees and by the drafting boards in the first instance, and presented in that way.

PRIVATE LITIGATION

I think also the Supreme Court has the confidence and the approval of the people in its decisions generally in regard to litigation between private citizens where the invalidity of acts of Congress is not involved. On the other hand, in its decisions in passing on constitutional questions it does not now have and has never had the full confidence of the country, and now perhaps has less than it ever had. Its decrees on such questions have been quite generally in favor of powerful and entrenched interests of the country and against the masses of the people.

I now come to several classes who have not fared well at the hands of the Supreme Court. I first take up the farmers.

FARMERS

The Agricultural Adjustment Act decision was a blunder, and so were the most of the other decisions declaring acts of Congress void frequently decided by a 5-to-4 majority of the Court. The Court solemnly held that the regulation of the production of agricultural products was in violation of the Federal Constitution. The great body of these products go in interstate commerce. The production of agricultural products constitutes in reality and in truth the lifeblood of the Nation. Agriculture is the ground work of the material welfare of every person in our country. The Nation could not pay its debts without it. It could not provide for the common defense without it. It could not provide for the general welfare without it. It could not very well regulate foreign commerce without it. There would be virtually no necessity of regulating commerce among the several States but for agriculture.

The Nation could not raise and support armies without agriculture. It could not provide and maintain a navy without agriculture. It could not provide for organizing, arming, and disciplining the militia without it, and finally it could not make all laws which shall be necessary and proper for carrying into execution the foregoing powers without the power to regulate agriculture and to aid it, and to regulate those who are engaged in it. Under the great latitude allowed by our Constitution, the Congress has the right to legislate on agriculture.

The A. A. A. Act placed a tax on the processing of agricultural products, provided for voluntary agreements with producers for the reduction of acreage and for rental benefits, and the revenue from these payments was appropriated for the benefit of our farmers.

The one provision of the Constitution which made our National Government effective are the words:

Congress shall have power to levy and collect taxes.

It is an unlimited power, without which the Goverment could not exist. It has been so held by our Supreme Court on innumerable occasions, and yet in annulling this act, which our Court apparently wanted to annul, the Court had to resort to the fallacy that this was not a tax at all within the meaning of the Constitution.

The Court then held that while the Congress had virtually an unlimited right to appropriate money under the general-welfare clause, yet the proposed appropriation of the money was a part of the scheme that was invalid, and therefore the act itself was invalid. Further, without any evidence to support the proposal at all, the Court held that the voluntary agreements made between the Secretary of Agriculture and farmers were involuntary, and were, therefore, invalid. In all the books a more biased or a more groundless decision could hardly be found.

In declaring the Agricultural Adjustment Act unconstitutional I believe the Supreme Court made its greatest blunder. The opinion itself was the Court's weakest production. Fortunately, the act had been in effect some 2 years before the Supreme Court passed on it; otherwise we might not be en-

joying the great prosperity that is ours today. In my judgment the administration of that act while it was in force did more to do away with the depression than all other things combined. It restored the prices of farm products and made the farmers prosperous for the first time in many years. The decision of the Court was a body blow to the farmers of our country. In my judgment it was not a proper construction of the Constitution.

The three dissenting Justices in the A. A. A. case, in my judgment, were nearer right than the majority. All honor to Justices Stone, Brandeis, and Cardozo.

DIVIDED OPINIONS

These 5-to-4 and 3-to-6 decisions of the Supreme Court are most regrettable. They convince nobody and they have the approval of no one when they are brought in question. The Supreme Court itself ought to find some plan of abolishing such decisions. I doubt very much whether the Congress, though it has power to make such rules and regulations as it may deem necessary as to appellate jurisdiction of the Supreme Court, can make a rule that would justly operate in all cases.

How can the ordinary American citizen know what the law is? The Agricultural Adjustment Act, an act which does more for agriculture than any other act passed by Congress, was brought before the Court, and by a decision of 6 to 3 of the nine most learned Judges in the world the act was declared invalid, six of them saying it was bad and three of them saying it was good. How can the wayfaring citizen of America know what the law is under such circumstances? How much greater is his trouble if he knows that some future change in the Court would change the Constitution at once? How can any lawyer know what the Constitution means under such opinions?

When the Court divides 5 to 4 it is inconceivable that both majority and minority can be right. If nine of the most learned judges in all the world divide 5 to 4, or even 3 to 6, on any law, how can any other American citizen know what the law really is?

These 5-to-4 decisions are more hurtful to the prestige of the Court than anything any outsider might do or say. They lead many people to say that the decisions are arrived at in pride of opinion or in anger or in ill will or in resentment. Knowing the members of the Supreme Court as I know them, I am sure this is not so; but it seems to me that the members of the Court should find some way to do away with the majority opinions known as 5-to-4 decisions. They owe it to themselves to do so. In the end it will destroy the usefulness of the Court if continued.

LABOR

I have spoken of farmers. I now come to labor.

The Congress, by act of June 27, 1934, passed a railroad retirement measure. Here was an act to retire aged employees. The United States Government, by act of Congress, had already long since put in force a retirement act for its own aged employees. It had worked well; but as soon as the Railroad Retirement Act was passed the railroads brought suit to enjoin its enforcement, and a district judge promptly granted an injunction. The matter was taken to the Supreme Court, the Supreme Court held the law unconstitutional, and thus the aged employees of the railroads were deprived of the just benefits of a badly needed act. The great latitude of the Constitution was ample to justify upholding such an act; but the Court, by a 5-to-4 decision, declared the act unconstitutional and void. Again I say, all honor to Chief Justice Hughes and Justices Brandeis, Stone, and Cardozo for dissenting! Who can say what was the real interpretation of the Constitution with five of the greatest judges in the world voting one way and four voting the other way? For my part, I believe again that the minority members of the Court were right.

Again, by the act of August 30, 1935, known as the Guffey Coal Act, the rights of those who labor in the coal mines were again sought to be protected; and again by a decision of 5 to 4 the act was nullified. Chief Justice Hughes, Justices Cardozo, Brandeis, and Stone dissented.

Again, but recently—and I call the attention of the Senate especially to this act—nine of the greatest jurists in all the world, having amended the Constitution by assuming the right to pass upon the constitutionality of acts of Congress, had before them the Minimum Wage case coming from New York, as I remember. The Court held the State statute void on the ground that the States had no jurisdiction to fix minimum wages. They had already held that the United States Congress had no jurisdiction to fix minimum wages; and therefore, under this decision of the Court, we are in the remarkable situation that neither State legislatures nor the National Legislature have a right to fix minimum wages in this country.

WOMEN

I first talked about the farmer cases, then about the labor cases. I now come to legislation affecting women.

Mr. President, on September 19, 1918, the Congress passed what was known as the minimum-wage law for women here in the District of Columbia, the purpose being to secure for women workers such wages as would maintain them in good health and protect their morals. Under the Constitution, as we all know, the Congress has complete jurisdiction over everything in the District of Columbia; but the forces of greed immediately carried the case into the courts, and secured from a district judge an injunction prohibiting the execution of the act. The matter was carried to the Supreme Court, and is reported in Two Hundred and Sixty-first United States Reports, 525. The Supreme Court promptly declared the law unconstitutional because the standard prescribed—namely, to maintain women in good health—was too vague for practical application, and because there was no connection between morality and wages for women.

The act was held unconstitutional because it was impracticable, and because there was not any connection between low wages and morality among women! To their great honor be it said. Chief Justice Taft and Justices Holmes and Sanford dissented. Who can possibly know what the law is, or what the Constitution means, when nine of the greatest doctors of law in all the world disagree?

CHILD LABOR

I next come to child labor. Remember these pronouncements of the Supreme Court on constitutional grounds, first regarding labor; next as to farming; next as to women. Now comes child labor.

Mr. President, take the case of child labor, which was in such general use among the mills of our country, and was especially prevalent in the cotton and woolen mills of our country some 25 or 30 years ago. It had become an abomination.

I remember that in 1911, while on an automobile trip, we entered a little mill town at about 5 o'clock in the afternoon in the summertime. There were two automobiles in our party. There was a great cotton factory in the town, and after the 5 o'clock whistle blew, hundreds and hundreds of employees came filing out.

Most of them were children, white-faced, dull-eyed, dusty-haired, anemic, and unhealthy- and hungry-looking children of various ages from 8 to 16 years of age. Ill-clothed and ill-fed were these children. The sight brought tears to the eyes of a number of my party. I was not then in public office, but I made up my mind then and there that if ever I had an opportunity to aid in the prevention of such a system I would do everything in my power to prevent child labor in the factories of America.

The occasion soon arose. I was sent to the Congress in the same year, in 1911; and I had not been there long before the opportunity was given to vote on a bill prohibiting child labor. The bill was passed by the Congress. It went to President Taft, as I remember, and he vetoed it, and our then efforts were in vain. Later a similar bill was repassed by the Congress, and it went to President Wilson, and he signed it. Immediately one of the great concerns pecuniarily interested in the labor of little children, actuated by greed, as I

believe, filed a bill alleging the unconstitutionality of that measure; and a district Federal judge granted an injunction, and later the Supreme Court upheld it by a 5-to-4 decision.

But that was not all. A short time before, Congress had passed another of what are called by some of my friends "immoral" acts, known as the Phosphorus Match Act. It had developed that in manufacturing phosphorus matches the workmen engaged in the manufacture of the matches were injured and soon brought to their death by the deadly poisons used in making the matches; and the Congress of the United States "immorally" undertook to rectify this situation by putting a tax on phosphorus matches. The forces of greed again objected, and that case came before the Supreme Court, and, to the honor of the Court, it was decided against the forces of greed.

Many of us thought that if we could not use the interstate-commerce clause to protect helpless little children from being employed in these mills we could perhaps follow the Phosphorus Match case by putting a tax on the goods made by little children and in that way prevent their employment. We thought our action in attempting to protect little children from these pecuniarily greedy factories was a moral thing to do, but it seems that it was not. We passed that act. It went before a district judge. He held the act invalid on the ground that it was unconstitutional. The case went to the Supreme Court, and that Court, by a divided Court, held that the act was unconstitutional. Precedents are not binding on the Court where the safety of little children are involved.

Then, having failed twice, once under the interstate-commerce clause of the Constitution, and the second time, under the power to tax, having failed to protect the children, Congress passed a joint resolution providing for an amendment to the Constitution of the United States so as to give Congress the right to legislate on the subject of child labor. That joint resolution was passed by more than a two-thirds majority in each House. I am a little hesitant in undertaking to fix the exact date of that action——

Mr. HUGHES. It was 1913.

Mr. McKELLAR. The able and distinguished Senator from Delaware states that it was in 1913; and we have been attempting to have that amendment ratified by the necessary 36 States ever since, but have the ratification of only 26 States. We hope the other 10 will ratify.

Mr. MOORE. Is there a law in the Senator's State fixing the age at which children may go to work? We do not have child labor in New Jersey factories.

Mr. McKELLAR. Yes, there is a law in my State and it does protect to a great extent, but in many States there is little protection of children.

I am glad to hear New Jersey protects them. I think great reforms have been made by some of the States themselves. But a general law prohibiting child labor as a menace to the health and even to the lives of little children has not been passed in this country and child labor will never be eradicated until Congress enacts a law prohibiting it. And under the decisions of our Supreme Court we can enact no law till we amend the Constitution, and this takes a long, long time, as the friends of little children have found out.

For more than 30 years the fight has gone on in Congress. The Congress passed the first law on the subject more than 20 years ago, and still, by reason of the 5-to-4 decision of the Supreme Court, we have not been able to perform the humane and highly moral service of protecting the little children of America from the avarice and greed of those who would exploit them. Those acts of Congress were not unconstitutional. Under the wide latitude given in the Constitution there was not the slightest doubt about the dissenting opinion of Justice Holmes, Justice McKenna, Justice Brandeis, and Justice Clarke being the correct decision in the case. Such a humane act of Congress protecting little children from greed and avarice was not one which required the great Court to invoke the ancient subtleties of the law, the doubtful precedents of a departed past, or the intricate niceties of judicial conception to render it nugatory. The Court had assumed the power to pass on it. One Judge out of nine really decided it. Who could say whether the decision of the majority or the minority was right? Looked at not as a mere abstraction of the law, but outside of it, looked at in reason, humanity, equity, and with a proper regard for future citizenship, for the teachings of the Savior of mankind concerning little children, I believe all these combine to make the opinion of the minority legal and binding. And yet, by reason of this 5-to-4 decision, untold thousands of little children are suffering in body and in mind this very day.

Can it be said to be "immoral" for Congress to pass such acts as these Child Labor Acts? If so, I must confess my ignorance of what is moral and what is immoral, for I believe with all my heart that these acts of the Congress on child labor were moral in every essential; and looking to the future of our citizenship in this country, I think they were the most desirable acts that could possibly have been passed.

Does someone refer to the immorality of denying this power to a district judge? I point to the greater immorality of decisions prohibiting the saving of the health and the lives of little children. Talk about the irreparable injury that comes to property if the right of injunction is modified. I talk about the protection of lives of little children and the protection of their happiness, of their welfare, and of their health, and even their lives.

But when it came to the poor and helpless, to the farmers, to the laborers, to the women, and even to the little children in their fights against greed and avarice, our Supreme Court has turned its thumbs down on them. It has rejected the great laws made in their behalf. It rejected as unconstitutional and invalid the laws protecting farmers and agriculture, the laws protecting labor, the laws protecting the workingwomen of our land, and even the laws protecting the little helpless children of the land against the hands of greed and avarice that would exploit them.

Mr. President, this is the record. I had never before examined the whole record with the care with which I have recently examined it. Dr. George J. Schulz, of the Congressional Library, has had printed a digest of opinions of the Supreme Court holding acts of Congress unconstitutional, and I commend the document he has prepared to every Senator, it makes no difference on which side he is. I ask Senators to look at this statement as to the 5-to-4 decisions, the 6-to-3 decisions, and even the 7-to-2 decisions, and see how our courts have uniformly stood by the vested interests and against the laboring men, the farmers, the women, and the children. It will be worth the while of Senators to look at this document, one of the most interesting and important documents ever printed, and I take this occasion to congratulate the distinguished and learned Assistant Librarian on his excellent work.

These 73 decisions in cases in which acts of Congress were set aside tell a pathetic story. They all show that, as badly as we needed a new deal for the economic welfare of our country, we need a new deal more in the regulation of our judicial system. I am not complaining of any judge. I have said before, and I say again, I think these judges are conscientious and are performing their duty as they see it, but after going over these cases I must say that on some occasions we have a misguided majority of the Court.

THE COURT VERSUS THE CONGRESS AND THE EXECUTIVE

Mr. President, the contest between the President and the Congress on the one side and the Supreme Court on the other is just about as old as our Nation. The Supreme Court semiofficially snubbed President Washington.

The fight between the Court, led by Chief Justice Marshall and President Jefferson, is known of all historians. It was bitter, and continued until President Jefferson's death. President Jefferson always thought that the Supreme Court assumed too much power.

Substantially the same fight went on between President Jackson and the Court. His expression in the Georgia case was substantially the following:

John Marshall has decided this case; let him enforce his decision.

Lincoln frequently assailed the Court and its decisions. The Supreme Court was in position greatly to embarrass the Government during the Civil War in either of two ways. It might have held that the conflict was not a war and not covered by the laws of war, that prizes had been illegally taken by the Navy and foreign credit with southern ports illegally broken up. Such a decision would have made the Government liable for huge sums in damages, and its psychological effects would have been such as to seriously cripple the conduct of the war. The opinion of the majority of the Court delivered on March 10, 1863, by Justice Grier, Justice Wayne, and Mr. Lincoln's three appointees was all the administration could have desired. At that time Mr. Lincoln had already appointed three members of the Court, and he was charged with packing the Court.

The controversy between President Johnson and the Court is also well known. The celebrated case of McCardle, a Mississippi editor, is here recalled. He was arrested by military order for opposition to reconstruction. He sued out a writ of habeas corpus in the United States circuit court charging that military reconstruction was unconstitutional. The military commander refused to obey the writ and held the prisoner. An appeal was taken to the United States Supreme Court and, after argument of 4 days by some of the ablest lawyers in America, the Court decided that it had jurisdiction and must pass upon the issue. But before the day of hearing Congress repealed the law allowing appeals in such cases and the Supreme Court bowed in silence.

In Speaking of the McCardle suit, Judge Curtis said:

Congress by the acquiescence of the people overcame the President and subdued the Supreme Court.

I have already spoken of the trouble between President Grant and the Court. Again, when Theodore Roosevelt was President, he had innumerable clashes with the Court. He advocated amendments to the Constitution for the recall of judges. Finally we have the present controversy between the President and the Supreme Court.

THE PRESENT CONTROVERSY

The present controversy is the outgrowth of differences of opinion about government, which differences arose in the beginning of our history as a nation and have continued down to the present date.

Our Federal courts have at all times been reactionary. Our judges being lawyers, it has been perfectly natural for them to stand by previous decisions and precedents. They look to the past for inspiration rather than to the future. They cling to old ideas and old ideals. Throughout their existence their decisions as to political rights have leaned always to the established order of things. In this way Federal courts have become the natural haven of the vested interests. They have become the sword and the shield of great corporate interests, of all the mammoth utility corporations, of all the aggregations of finance and of industry, and of what is commonly known as entrenched wealth.

Probably unconsciously, but nevertheless effectively, Federal courts have stood against innovations and changes in our Government, and their decisions show that they have checkmated these changes wherever possible. They never liked the rule of the masses of the people and hence their opposition to men like Jefferson and Jackson. Before the Civil War they could not help showing their political preference for the established order of things. After the Civil War they did not seem to understand that a revolution had taken place in our country, and it took them a long time to adjust themselves to the new regime.

Then came their decisions in favor of the wealthy and powerful; their decisions against the just imposition of income taxes; their continued upholding of the great corporate interests as against the people. Again, as the country developed and as the Congress kept pace with it with remedial legislation, more and more the reactionary courts struck down these progressive measures passed in the interest of human beings.

They declared unconstitutional and invalid, as I have before pointed out, humane legislation in favor of the farmers.

They declared invalid much-needed legislation in the interest of the workingwomen of the country.

They voided absolutely the acts of Congress passed in the interest of the laboring men.

More than all, over all, and above all, it seems to have been their determination to prevent any interference with the right of great industries to employ little children in their factories. This fight of the Court against the little children has been the longest and bitterest of them all and it is still going on.

ROOSEVELT'S POLICIES

When Franklin Roosevelt became President, reactionary policies, almost invariably upheld by the Federal courts, had reached their full fruition. They had brought our Government to the verge of disaster. Many thought they had brought our Government to the verge of revolution. President Roosevelt rose to the occasion. He believed, as I believe, that our Constitution is a flexible document and that it allows the greatest latitude in the judicial interpretation of constitutional questions; and thereupon he recommended, and the Congress passed, what is known as the New Deal legislation. Our reactionary Federal courts have struck down much of this legislation. Fortunately, before it was struck down it had accomplished much good, and had really restored the country to prosperity. The President favored this legislation. The Congress had overwhelmingly passed this legislation. The people have overwhelmingly approved this legislation. The reactionaries had been disregarded. The reactionary policies of Mr. Hoover had been nullified. Even the reactionary great interests saw that a change had taken place in the prevailing thought of the country, and had accepted the conditions.

Our Federal courts, the Supreme Court acting by a majority however, perhaps unconsciously but at the same time most effectively, had not given up the fight. They virtually vetoed the policies of the New Deal under their assumed power to declare acts of Congress unconstitutional.

Mr. President, a great economic and social revolution has taken place in America, and in my judgment the real reason why our Federal courts have declared the acts of the New Deal unconstitutional is that they have not understood the effect of this revolution.

THE REAL ISSUE

The real issue is not a fight between President Roosevelt and the Federal courts. It is a fight between outworn and outlived reactionary policies of government and the modern policies of real democracy and real freedom. President Roosevelt is the leader of the modern ideal and the modern policy. The Supreme Court is the last bulwark of an outlived reactionism. It is a fight between the two systems. It is not a fight between individuals. The Constitution is but an instrument in the fight, and it is often used as a smoke screen. This idea could not be better illustrated than by the words of Justice Roberts in the A. A. A. case, in which he said as to laws passed by Congress and sought to be invalidated—

When such a contention—

Meaning a contention as to invalidity of an act of Congress—

When such a contention comes here, we naturally require a showing that by no reasonable possibility can the challenged legislation fall within the wide range of discretion permitted to the Congress.

This expression comes from Mr. Justice Roberts, who held the Agricultural Adjustment Act invalid. He says that no

act can be held invalid if there is any reasonable possibility of its being within the wide range of jurisdiction of Congress. Yet, in spite of the fact that the Congress of the United States, each member of which is sworn to uphold the Constitution, voted for the legislation; that the President, who is likewise sworn to uphold the Constitution of the United States, approved the legislation, and that three members of Mr. Justice Roberts' own Court earnestly contended and argued that the legislation was within the wide range of discretion permitted to the Congress—and in spite of all that, he held the act invalid. He found no reasonable possibility that the act was valid, even though the act, after being passed by Congress, was approved by the President, and was held valid by three members of the Supreme Court.

Mr. President, the American people by the unprecedented majority of more than 11,000,000 votes have upheld what is known as the New Deal legislation.

PRESIDENT ROOSEVELT'S POSITION

Having been elected by the enormous majority of 11,000,000 votes, what was the President to do in these circumstances? He had advocated, and the Congress had passed, this New Deal legislation. The reactionaries had cried out against it, and had submitted it to the courts. The Federal courts had largely destroyed it. The issue that went before the American people last fall was the New Deal, and the President won. What was he to do? Was he to quit the fight or was he to carry on? Was he to remain silent after the people had decided in his favor? Was he to remain silent after his legislation had been destroyed? I doubt if anyone expected him to do that. There was but one thing that he could do, and that was to make effective the results of the economic revolution, of which he was the leader.

HIS PLAN

Many thought he was going to support amendments to the Constitution giving to the Congress the express power to deal with agriculture, industry, and the hours of labor. He was abused on every stump for his supposed amendments to the Constitution. His plan proposes no such thing. It proposes a strict compliance with the Constitution. It proposes such a strict compliance with the Constitution as has been already upheld by precedent and by the courts. He simply proposes to add to the membership of the Supreme Court and the circuit courts of the United States, and that is substantially all. He wishes to infuse new blood into our courts. His plan is perfectly reasonable, perfectly constitutional, and easy and quick of execution. There is nothing revolutionary about the plan. There is no interference with any constitutional guaranty. It does not change the Constitution one iota.

PACKING THE COURT

But it is claimed by our reactionary friends that to give President Roosevelt the power to appoint six Judges is subversive of the Supreme Court. Such a contention is wholly unsound. President Washington appointed 10 Judges, President Jackson appointed 5; President Lincoln 5; President Grant 4; President Taft 6. We had no revolution on those occasions; we had no breaking down of the Supreme Court when President Taft appointed six members of the Court. Why should anybody assume that because a President has within two terms the right to appoint six members of the Supreme Court it is subversive of the Supreme Court? Or that he is packing the Court? President Harding appointed four in a little more than 2 years, and even President Hoover appointed three. None of these appointees to the Court destroyed the Court, and if Mr. Roosevelt is allowed to appoint six, that will be no more than Mr. Taft appointed in one term.

In speaking of the appointment of Judges, only four Presidents did not have the opportunity of appointing a Supreme Court Judge. As I said a little while ago, these are William Henry Harrison, who lived only about a month; Zachary Taylor, who served a year and 4 months; and Andrew Johnson, who served practically a full term but was not permitted to make an appointment; and Franklin Roosevelt, who has served more than a term without making an appointment.

It is fair to say that Mr. Madison in his second term, Mr. Monroe in his first term, and Mr. Wilson in his second term did not appoint Justices, but it is a peculiar fact that with six Justices over 70 years of age with the privilege to retire, none have retired in the first 4 years of Mr. Roosevelt's administration.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. BLACK. Does the Senator have the record there of the number of Judges who retired shortly after President Woodrow Wilson's second term, after Mr. Harding and Mr. Daugherty came into office?

Mr. McKELLAR. I have just called attention to the fact that, although President Harding served only a little more than 2 years, just a little more than half of one term, he appointed four Judges to the Supreme Court.

Mr. BLACK. Does the Senator have the record showing how many of those appointments were because of previous resignations?

Mr. McKELLAR. No; I have not.

Mr. BLACK. My recollection is that three of them were due to resignations which occurred shortly after the second term of President Woodrow Wilson; but, of course, if those resignations had happened during President Wilson's term and he had filled the vacancies, the 5-to-4 might have been on the other side on various questions, and our farmers, workers, and people might now be protected by laws declared by the Supreme Court to be constitutional.

Mr. McKELLAR. It would have been an awful thing if the Court ever had five real Democrats on it. I presume not only the Supreme Court would have gone to the bow-wows under such circumstances but that the whole country, in the eyes of the reactionaries, would have likewise gone to the bow-wows if we had ever had five real Democrats on the Court.

Mr. BLACK. Mr. President, will the Senator yield further?

Mr. McKELLAR. Yes.

Mr. BLACK. The Senator, of course, is referring to the fact that if the personnel of the Court had happened from death or resignation to be altered by one Justice only, and this different Court majority had held these laws within the Constitution which the present 5-to-4 Justices held unconstitutional, we would have actually been living under constitutional laws, which are now judicially unconstitutional, just as we lived under legal tender law for many years, which five men once said was unconstitutional. We lived and functioned as a people under income-tax laws held constitutional for about a century, and later, by a 5-to-4 opinion, the people were told that a graduated income tax savored of communism, and then the law which had been constitutional for a century was unconstitutional for 25 years. Truly, the Constitution was not what its framers wrote, but what the Judges from time to time said the framers meant.

Mr. McKELLAR. The Senator from Alabama is entirely correct, and I thank him for his contribution.

I now come to a more important consideration in connection with the appointment of the six Judges, if they should be appointed. Where does this charge of packing the Court lead us to? It leads us not only to a charge that the President is going to pack the Court, but that the Senate is going to pack the Court. It is a charge against the integrity, the good sense, and the conscience of the Senate, for we all know that the President cannot pack the Court without the consent and approval of this body. It is idle to say that the Senate will agree to whatever the Executive recommends. Nominations of Supreme Court Justices have been rejected by this very body, and I am proud that is its history. I do not believe, and I think no Senator believes, that the Members of this body would join any Executive in packing the Supreme Court of the United States.

Mr. BLACK. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. ELLENDER in the chair). Does the Senator from Tennessee yield to the Senator from Alabama?

Mr. McKELLAR. I yield.

Mr. BLACK. The Senator referred to the "packing", which seems to have become a very popular term; and I assume that the term is intended to imply that someone, by particular action, causes Justices to be on the bench who otherwise would not be on the bench.

Mr. McKELLAR. Yes.

Mr. BLACK. The Senator is aware, of course, that it would be possible for the Judges themselves to retire or resign and thereby cause Judges to be placed on the bench who otherwise would not be on the bench? Under that definition such action could be tantamount to "packing the Court" by the Judges themselves. Of course, I do not mean to imply anything with reference to the Court at this time, but I call the Senator's attention to the fact that in a recent biography published last year there was quoted a letter written by a Judge who served about 75 years ago in which the Judge said he was being compelled to serve longer than he desired. He said that he wished to wait until his party got in power. Of course, he was acting within his constitutional rights and doubtless believed his action to be best for his country; but if packing the Court means to take action that alters the natural creation of vacancies, this timing of his resignation will doubtless be termed "packing the Court" by some of those who now use the term so fluently.

Mr. McKELLAR. I thank the Senator, and he will be interested in the expression of one or two of our Presidents and several members of our Supreme Court to which I will call his attention in a moment. However, before leaving this point let me repeat that the charge of packing the Court is not only a charge that the President of the United States is going to pack the Court but that the Senate is going to help him pack the Court. That is a charge that I resent, for I do not think any Senator would help anybody pack the Court with a Judge who is not the proper kind of man to be a Judge, who is not an honest man and not a faithful student of the law. And I do not think our splendid President would engage in any such business. No man nominated for a place on the Supreme Court bench can be placed there unless his nomination is confirmed by the Senate, and surely the Senate will not agree to the packing of the Court. Mr. Taft appointed six Justices. Nobody thinks he packed the Court. I think there is absolutely nothing in the contention.

Nobody thinks that he packed the Court.

It was charged because General Grant put two Justices on the Court that he packed the Court, but if those who are interested in the history of the transaction will examine a document written by the late George F. Hoar, a distinguished former Senator from the State of Massachusetts, which gives a complete history of the transaction, they will reach no other conclusion but that in President Grant's day, as in President Taft's day, as in President Lincoln's day, and as in the day of every other President, there has been no packing of the Court by any President. Nor will there be a packing of the Court by our present President.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. BARKLEY. I assume that any President having the power of appointment, in looking over the field from which to select members of the Supreme Court, would be actuated in his selections by his conception of the fitness of the man or the men whom he intended to honor with such an appointment, and it would not be at all strange if he appointed somebody who had a view of the law and of the Constitution that might be somewhat in harmony with his own view. I recall that in the Wilson administration a distinguished judge from the State of Kentucky was an applicant for appointment to the Supreme Court. The entire Kentucky delegation went to the White House and interviewed the President, each member of the delegation presenting his estimate of this distinguished Kentucky judge. When we had all concluded, President Wilson asked this significant question: "Gentlemen, does your candidate believe that the law grows, or does he take the legalistic view that it is finished?" In that interrogation he revealed to us the type of man he desired to appoint to the United States Supreme Court.

Mr. McKELLAR. Precisely; and no better rule was ever announced by any President.

Mr. BARKLEY. No more profound question was ever asked any delegation.

Mr. McKELLAR. I agree with the Senator.

Mr. BARKLEY. And yet I assume that, having such a conception of the sort of men who ought to be appointed to the Supreme Court, the fact that he followed it up with the appointment of that sort of men might equally be said to be a packing of the Court by the President with men who had that forward-looking view of the interpretation of the Constitution.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. MINTON. Since the Senator has been interrupted, let me suggest in that connection that during the Civil War period, when we were fighting for our existence as a Nation and certain acts had been passed carrying out the war policy, President Lincoln was very much concerned about the constitutionality of what he had done. There occurred a vacancy in the office of Chief Justice of the Supreme Court. In considering the appointment of Mr. Chase to fill that vacancy, which he did eventually fill, Lincoln said, "We want a Chief Justice who will uphold what we have done with reference to the War Act, the Emancipation Act, and the Legal Tender Act."

Mr. McKELLAR. That is true. I wonder if the Senator would object if I should add another word about Chief Justice Chase. He was appointed Chief Justice by Mr. Lincoln. He was in Mr. Lincoln's Cabinet before he was appointed Chief Justice. He was Secretary of the Treasury in 1862 and recommended to the Congress that what is known as the Legal Tender Act should be passed. He prepared the bill in the Treasury Department. I do not know that, as passed, it was in form prepared there, but all of its provisions were originally formulated there and it was introduced with his full consent and approval and at his instigation. Afterwards he was appointed to the Supreme Court bench and that act came to the Supreme Court for determination. Mr. Chase was one of those who voted to hold it unconstitutional when as a matter of fact he had prepared the original bill.

Packing the Court? If Mr. Lincoln undertook to pack the Court with Chief Justice Chase he certainly made a big mistake. I do not believe he undertook to do it.

I am not casting aspersions on any judge. I do not want it to be thought that I am casting any aspersions on the memory of Mr. Chase. I merely mean to say that Mr. Chase prepared the original bill, secured its passage and enactment into law as best he could, operated under the act for more than a year, and then afterward went on the Supreme Court bench in 1869 or 1870, and later joined in declaring it unconstitutional.

Mr. BLACK. Mr. President——

Mr. McKELLAR. I yield to the Senator from Alabama.

Mr. BLACK. May I ask the Senator if he has at any point in his remarks a quotation of a statement by ex-President William Howard Taft?

Mr. McKELLAR. No; I have not.

Mr. BLACK. I invite the Senator's attention to the fact with reference to a statement made by President Taft. So far as I know President Taft's purity of motive and cleanness of heart had never been questioned by anyone.

Mr. McKELLAR. No one who knew him ever did so.

Mr. BLACK. He was a man of ability, a man of integrity, and a man who had a philosophy and stood for that philosophy. I invite attention to the fact that during the campaign between Mr. Harding and Mr. Cox, President Taft wrote an article for the Yale Law Journal. In the article

he stated in substance that the greatest domestic issue which confronted the people of the United States in that compaign was as to whether Harding or Cox should select Supreme Court Justices, where appointments might have to be made in the near future. He said this was important particularly because President Wilson's supporters had a tendency to incline to socialistic or communistic tendencies and to give undue powers to organized labor. President Taft then said that what the country needed was Judges who would protect the property of the people of the United States under the due-process clause, and that Harding could be better trusted to do this than Cox.

The Senator will recall that in practically all the cases to which he has referred the controversy had arisen over what comes within the due-process clause. That clause is wholly incapable of definition. No one has ever defined it. No one ever has marked its boundaries. It is as elastic as rubber. What President Taft really meant was that the due-process clause of the Constitution of the United States was what the Judge construing it thought it was. What he further implied was that he wanted Judges who would construe the due-process clause to mean what he, Mr. Taft, thought the clause ought to mean.

No reflection is intended on those Presidents who appoint Supreme Court Judges who, in interpreting this elastic due-process clause, which means one thing to one citizen and another thing to another citizen, have the philosophy which is the then prevailing sentiment of the country.

President Taft did not dispute it. President Taft accepted and emphasized it as an issue in a Presidential campaign. After that campaign three new Judges were added to the Supreme Court. As a result many 5-to-4 opinions have been written by the Supreme Court in which the five Judges interpreted the due-process clause in line with the predilections of that great man—and I call him a great man although I disagreed with his policies—President Taft.

I invite attention to that fact in connection with others as an illustration of the fact that even President Taft—whom all agree had the purest instincts and the most honorable and upright and patriotic motives—was willing to say to the country that the great domestic issue in a Presidential campaign was the economic philosophy and predilections of the Judges who were to sit in the Supreme Court and make final and unappealable decisions as to national policies, by an application of those predilections to the due-process clause of the Constitution.

Mr. McKELLAR. I thank the Senator.

Mr. MINTON. Mr. President, will the Senator from Tennessee yield further?

Mr. McKELLAR. Certainly.

Mr. MINTON. I am sure the Senator will agree with me that there is no historian or anyone else who condemns President Grant today for doing what he did with reference to filling vacancies on the Supreme Court when he appointed Justices Bradley and Strong.

Mr. McKELLAR. I have already said so.

Mr. MINTON. At that time, as the Senator knows, the Legal Tender Act was the burning issue of the day. When Grant placed those men on the bench he saw to it that he got two men who would sustain the act. It so happened that the act had already been declared unconstitutional by a vote of 4 to 3. When those two Judges came to the bench the Court reversed the previous opinion and declared the act constitutional by a vote of 5 to 4, and one of those two Justices wrote the opinion.

Mr. McKELLAR. Yes; and the country has sustained it since. More than that—though I, perhaps, ought not to say this, because I desire to avoid all reference to politics in any manner or form in this discussion—I recall, and I believe correctly, that Mr. Justice Strong had been chief justice of the Supreme Court of the State of Pennsylvania and had had this very act before him and had declared it constitutional. Mr. Bradley, of New Jersey, who was appointed also by President Grant, had represented certain large concerns which were interested in the act. He had given them a formal opinion holding that the act was constitutional, so there was no question about the view of these two appointees, so far as he was concerned.

Mr. CONNALLY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Tennessee yield to the Senator from Texas?

Mr. McKELLAR. Certainly.

Mr. CONNALLY. Am I to understand the Senator from Tennessee to state that he approves what President Grant did at that time?

Mr. McKELLAR. It is not necessary to approve it or disapprove it.

Mr. CONNALLY. I thought the Senator did approve it.

Mr. McKELLAR. I was just giving the historical facts.

Mr. CONNALLY. I am not trying to get into a colloquy with the Senator, but I thought he answered the Senator from Alabama [Mr. BLACK] to the effect that no one now complains of what President Grant did.

Mr. McKELLAR. I did say that. I have never read a complaint about it since that time.

Mr. CONNALLY. Does the Senator think President Grant did right?

Mr. McKELLAR. I do not see how he could have done anything else. Let me tell the Senator why I think so. There was no gold or silver in this country at that time. The Government could not coin gold or silver because there was none. It was all gone on account of the war. If he had not done what he did we might have gone into bankruptcy or into a revolution.

Mr. CONNALLY. Let me say to the Senator that the Senator from Texas thinks the last legal-tender decision was right. He thinks it was correct from a legal standpoint. What the Senator from Texas was interested in was whether or not the Senator from Tennessee approves what President Grant did, which the Senator now admits was to appoint two judges whose minds were already made up to sit on the Court for the purpose of reversing a particular decision. If that was right in that case, why would it not be right in any case, whenever the Court does not rule as we think it ought to rule, for Congress to put on another judge, and thus have the Court change its opinion?

Mr. McKELLAR. I think what was done has worked out all right. Whatever the condition may have been at the beginning, it has worked out all right. Whatever opinion was expressed to the contrary has long since lapsed into innocuous desuetude, and we have nothing to deal with but what is before us.

BUSINESS OF THE COURT

Again, it is claimed that the Supreme Court is up with its docket, and for this reason that it is not necessary to appoint any additional judges. Technically, this may be correct; but what the President states as the reason for the proposed change is that last year 803 applications for review of cases in the Supreme Court were filed, and only 108 of the cases were heard by the Court. I think the President is entirely correct in this. All of these applications should either be heard or they should have a chance to be heard by the full Court. If they are to be heard, or even most of them are to be heard, by the Court, an increase of the Court is necessary.

CRITICISMS OF THE SUPREME COURT

Some persons claim that no lawyer or legislator should even criticize the Court. Just criticism cannot hurt the Court or its members or any one else. Besides, the Court has been criticized by practically all of our strong Presidents except Presidents Cleveland and Wilson. I have not run across any criticism of the Court by those two Presidents, but here are some of the criticisms that have come to me:

Mr. Jefferson, at various times while he was President and afterward criticized the Supreme Court. In a letter to Spencer Roane he said:

> The great object of my fear is the Federal judiciary. That body, like gravity, ever active, with noiseless foot gaining ground step by step and holding what it gains, is engulfing insidiously the special governments into the jaws of that which feeds them.

To William Johnson, he wrote in 1823, just a few years before he died:

> There is no danger I apprehend so much as the consolidation of our Government by the noiseless and therefore unalarming instrumentality of the Supreme Court.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. CONNALLY. I ask the Senator from Tennessee if it is not true, however, that Mr. Jefferson attacked the Supreme Court not because it declared unconstitutional acts of Congress, but because it maintained acts of Congress, and therefore was bringing about the consolidation of which he spoke?

Mr. McKELLAR. Oh, no!

Mr. CONNALLY. Did not Mr. Jefferson attack the Supreme Court because it upheld acts of Congress?

Mr. McKELLAR. He attacked it on both grounds—both on the ground that it unconstitutionally interfered with State courts and acts of State legislatures, and on the ground that it went wholly outside of the Constitution in making its decisions. As I recall, no greater criticism ever came from Mr. Jefferson or any one else than his criticism of Chief Justice Marshall in his celebrated dictum in the case of Marbury against Madison in 1803.

Mr. CONNALLY. Will the Senator indulge me for a moment?

Mr. McKELLAR. Yes.

Mr. CONNALLY. Is it not true that Mr. Jefferson attacked the Supreme Court because it upheld the alien and sedition laws?

Mr. McKELLAR. That was one of the grounds of his criticism.

Mr. CONNALLY. Is it not true that he attacked the Supreme Court not because it declared unconstitutional but because it maintained the National Bank Act in McCulloch against Maryland?

Mr. McKELLAR. Oh, I think not. I think the Senator is mistaken. If I recall my history aright—and I may not do so, I do not make this assertion with positiveness—President Jefferson very much approved the decision in McCulloch against Maryland.

Mr. CONNALLY. There was a prior case in which the Supreme Court upheld the bank act, of which Mr. Jefferson did complain.

Mr. McKELLAR. Yes.

Mr. CONNALLY. The bank case I am now speaking of is the one involving the tax on Federal banks. The Senator has quoted a letter from Mr. Jefferson to Justice Johnson.

Mr. McKELLAR. Yes.

Mr. CONNALLY. Is it not true that Justice Johnson was an appointee of Mr. Jefferson, and that Justice Johnson went on the bench when he was only 36 years of age, and that one of the first things he did after he got on the bench was to rule adversely to Mr. Jefferson in the case in which Jefferson had advised and instructed collectors of customs to hold up all bills of lading on certain foreign commerce? Is it not true that Justice Johnson held that Mr. Jefferson did not have that authority under the law, and that Mr. Jefferson's complaint of the Court was that it was maintaining the Constitution and not overruling it?

Mr. McKELLAR. I can hardly imagine that that can be the case, for the reason that the letter from which I am quoting is written to Justice Johnson in the most friendly and delightful fashion, as if he and Mr. Jefferson had always been friends.

Mr. BARKLEY. Mr. President——

Mr. McKELLAR. I will yield to the Senator from Kentucky in just a minute. Let me reply further to the question of the Senator from Texas.

Mr. Jefferson became President on the 4th of March 1801. He was President for 8 years, and lived until the 4th of July 1826. If the Senator will look at Mr. Jefferson's writings—and they were numerous—he will find in every single one of those years criticism of what Mr. Jefferson called the "noiseless action" of the Supreme Court in taking on additional authority all through the years.

Mr. BARKLEY. Mr. President, will the Senator yield at that point?

Mr. McKELLAR. Yes; I yield.

Mr. BARKLEY. The point the Senator from Tennessee is making is that, beginning with Jefferson, many Presidents have criticized the action of the Supreme Court. It makes little difference whether that criticism was based upon the action of the Court in holding some act of Congress constitutional or in holding it unconstitutional. It is a matter of opinion as between the critic and the Court. So far as the propriety or justice of the criticism is concerned, the fact that the decision might have been for or against the constitutionality of an act of Congress really has no bearing upon the subject.

Mr. McKELLAR. It certainly has not in this case, for the additional reason that no act was held unconstitutional at that time.

Mr. BARKLEY. No.

Mr. McKELLAR. It is true that Chief Justice Marshall, in Marbury against Madison, wrote a dictum—not a decision but a dictum, which he afterward admitted was a dictum—declaring the act, in his judgment, unconstitutional. That, however, was the only case of the kind; and no court ever undertook to hold any act of Congress unconstitutional until 1856, in the Dred Scott case, when Chief Justice Taney held unconstitutional an act which had already been repealed by the Congress of the United States 2 years before.

Mr. BARKLEY. Mr. President, will the Senator yield there?

Mr. McKELLAR. I yield.

Mr. BARKLEY. Many, if not most, of Mr. Jefferson's criticisms of Chief Justice Marshall were based on the fact that Marshall was maintaining the existence and the expansion of Federal powers dealing with public matters. In spite of that, is it not historically true that while Mr. Jefferson was President, in many respects he changed his own views with respect to that subject, and in a number of instances advocated the exercise of Federal powers which he had previously said did not exist?

Mr. McKELLAR. I have here the excerpts from Mr. Jefferson, which I will finish reading.

Mr. ASHURST. Mr. President——

Mr. McKELLAR. I yield to the Senator from Arizona.

Mr. ASHURST. I regret somewhat to interrupt and mar the symmetry of what I think in the main is evidence of admirable and correct research on the part of the Senator from Tennessee; and if my interruption—which may be 3 or 4 minutes in length—would break or disjoint his speech, I shall not make it. I have here some matter, however——

Mr. McKELLAR. I have only a very little more to say; and, if the Senator will indulge me, I should like to finish, because I desire to keep together, as far as I can, especially the opinions of Mr. Jefferson and of members of the Court.

Mr. ASHURST. I understand.

Mr. McKELLAR. Again, in 1820 Mr. Jefferson wrote to William C. Jarvis, as follows:

> It is a very dangerous doctrine to consider the judges as the ultimate arbiters of all questions. It is one which would place us under the despotism of an oligarchy.

I call the especial attention of those who are interested in politics to this letter.

In 1810 Mr. Jefferson wrote to Albert Gallatin, who was then Secretary of the Treasury and had been such under Jefferson:

> At length we have a chance of getting a Republican majority—

Meaning, of course, a Democratic majority, because what was known at that time as the Republican Party was actually the Democratic Party—

> in the supreme judiciary. For 10 years has that branch bridged the spirit and will of the Nation, after the Nation had manifested its will by a complete reform in every branch depending on them.

And again, in a letter to Caesar A. Romney, the date of which I have not here, Mr. Jefferson said:

> The death of Associate Justice Cushing gives an opportunity for at length getting a Republican—

Meaning a Democratic—

> majority on the Supreme Court bench. Ten years has the anticivism of that body been bidding defiance to the spirit of the whole Nation if they had manifested their will by reforming every other branch of government. I trust the occasion will not be lost. Nothing is more material than to complete the reformation of the Government by this appointment.

We have already seen that Andrew Jackson and Abraham Lincoln frequently criticized the Court.

No less a person than Charles Sumner, who surely could not be called an anarchist or an enemy of law and order, spoke as follows—I stop here long enough to say that certainly when I was a boy I did not know that I should ever be quoting Charles Sumner on anything; but I am going to quote him here. Here is what he had to say——

Mr. CONNALLY. Mr. President, what was the date when Mr. Sumner said that, please?

Mr. McKELLAR. I have not the date here. I shall be glad to get it.

Mr. CONNALLY. Was it after the Supreme Court declared unconstitutional the civil rights and other reconstruction measures in regard to the South?

Mr. McKELLAR. Perhaps so. I shall let the Senator determine that question. Here is what Mr. Sumner said:

> I hold judges, and especially the Supreme Court of the country, in much respect—

As I think we all do—

> but I am too familiar with the history of judicial proceedings to regard them with any superstitious reverence. Judges are but men, and in all ages have shown a fair share of frailty. Alas! alas! the worst crimes in history have been perpetrated under their sanction. The blood of martyrs and of patriots, crying from the ground, summons them to judgment.

Again Roscoe Conkling, long one of the most influential leaders of the Republican Party and for a long time a Member of the Senate, said:

> Why, sir, the infallibility ascribed to the Supreme Court makes the Constitution, the institutions of the country, nothing but wax in the hands of the judges!

Professor Russell, of the New York University Law School, said:

> The judiciary holds a higher rank in America than it does in England or anywhere else in the world. It also has a wider range of power. The deliberate setting aside of a statute by judicial authority for unconstitutionality is a practice wholly foreign to European ideas, and is recognized only in the United States.

Mr. President, I shall now come to what members of the Court themselves have said about the Court—not Senators, not Presidents, not doctors of law, not politicians, but what respected and learned members of the Court themselves have said.

Concerning the famous Income Tax case, to which I have already adverted, decided by a 5-to-4 opinion, after the somersault of Justice Shiras, Justice Harlan, of Kentucky, a splendid and able man and a great judge, had this to say:

> The practical effect of the decision today is to give to certain kinds of property a position of favoritism and advantage inconsistent with the fundamental principles of our social organization, and to invest them with power and influence that may be perilous to that portion of the American people upon whom rests the larger part of the burdens of government, and who ought not to be subjected to the dominion of aggregated wealth any more than the property of the country should be at the mercy of the lawless.

Mr. Justice Brown, another great member of the Court, was even more outspoken. He said:

> The decision involves nothing less than a surrender to the moneyed class. * * * I hope it may not prove the first step toward the submergence of the liberties of the people in a sordid despotism of wealth. As I cannot escape the conviction that the decision of the Court in this great case is fraught with immeasurable danger to the future of the country, and that it approaches the proportions of a national calamity, I feel it my duty to enter my protest against it.

Mr. Justice Harlan, whom I have already quoted, further said:

> When the American people come to the conclusion that the judiciary of this land is usurping to itself the functions of the legislative department of the Government and, by judicial construction only, is declaring what shall be the public policy of the United States, we shall find trouble.

There are today 130,000,000 people in the United States, but at that time Justice Harlan said:

> Ninety million of people—all sorts of people—are not going to submit to the usurpation by the judiciary of the functions of other departments of the Government on the power on its part to declare what is the policy of the United States.

Governor Baldwin, of Connecticut, former Chief Justice, said:

> This right of the Court to set itself up as the legislature is something no other country in the world would tolerate.

Mr. President, in my judgment, the proposal of President Roosevelt is sound and I intend to support it. Of course, the Judiciary Committee of the House and the Judiciary Committee of the Senate will first pass upon it, and no doubt will make changes. The House may make changes and the Senate may make changes, but in the end the proposal will be enacted into law. This country is not going to take any backward step. We are not going to be governed in the last analysis by Federal courts. We are not going to be governed by the issuance of injunctions by Federal courts. We are not going to be governed by decrees of the Supreme Court. Our Supreme Court is not so constituted as to render it either an efficient legislature or an efficient executive. Under the Constitution it has not equal power either with the Congress or with the Executive. That great instrument, to which I have always given my earnest adherence and always will, distinctly provides that the Congress has superior, wider, and more numerous powers than the Supreme Court. It also provides that the President of the United States has larger and fuller powers than the Supreme Court.

If Senators will look at that great instrument again, in the light of this statement, they will find that the actual powers vested in the two Houses of Congress are infinitely greater than those given to the Supreme Court of the United States. Look into that great instrument, and it will be found that the enormous powers given to the President of the United States, probably greater powers than are reposed in the sovereign of any other limited monarchy on earth today, are vastly greater and more numerous than the powers vested in the Supreme Court.

It was never intended that our Supreme Court should be equal in power to either of the other two branches of the Government. It has never been so and never will be so. Our Supreme Court, indeed, has greater powers than the supreme court of any other nation in the world, but under our system and under our Constitution its powers are far from equal to the powers of our Executive or the powers of our Congress.

Mr. President, President Roosevelt's Supreme Court proposal violates no provision of our Constitution. It adds nothing to the Constitution. It takes nothing from the Constitution. It simply exercises a jurisdiction and a right already given by the Constitution to the Congress and to the President, and a right heretofore exercised by Congress and the President.

Mr. President, a large majority on our Supreme Court has been intensely reactionary during all its history of 148 years. That majority has always taken the strictly legalistic view that the law is final. They have never taken the liberal view that the law grows. In President Wilson's last term several judges became eligible to retire, but they did not retire; apparently, they waited until a reactionary President, Mr. Harding, came in and he filled their places with reactionary appointees. In like manner, a number have been eligible for retirement during President Roosevelt's last 4 years, but none has retired; and the Court still remains as it has been all its history, but especially since 1869, about two-thirds

reactionary. Could it be possible that reactionary members of the Court were thus attempting to pack the Court? Heaven forbid!

President Roosevelt's proposal, if adopted by the Congress, will give a liberal President the opportunity of appointing liberal judges on the bench. He ought to have that opportunity. In my judgment, it will not hurt the Court in the least but will greatly benefit the Court. Leave the Constitution as it is; but let us have a liberal majority of the Court which we hope will give to the greatest governmental instrument ever conceived by the genius of mortal men a construction justified by its terms, intended by its makers, in keeping with the ever-growing law, in harmony with our traditions, but at the same time consistent with the forward-looking policies which are the true causes of American greatness.

UNEMPLOYMENT AND COLLECTIVE BARGAINING

Mr. DAVIS. Mr. President, I desire to address the Senate today on the subject of unemployment and collective bargaining, collective bargaining being the safe and sane way to prevent industrial strife; and to urge the Committee to Audit and Control the Contingent Expenses of the Senate to give immediate consideration to Senate Resolution 36, introduced by the able Senator from New Mexico [Mr. HATCH], and reported favorably by the Senate Committee on Education and Labor.

UNEMPLOYMENT

At the present time strikes arising over the principle of collective bargaining are causing a great loss of earnings to both labor and industry, and are retarding national recovery. Strikes are always imminent in periods of deflation and inflation. In 1921, following the deflationary post-war period, we faced strikes in a dozen or more industrial areas leading to the stoppage of work for over a million workers at one time. Today the situation is reversed, and we are on an upward swing. Nevertheless, the problem of strikes is a serious one.

I have always held with Lincoln that the workman has the right to quit his job. Any contrary opinion would be a reversion to slavery or economic serfdom under the strong hand of arbitrary power. But the right to strike and expediency are two quite different matters. Moreover, we must inquire more intelligently into the forces back of large-scale strikes. Especially we must give thought to the findings which are now being brought to light by the Senate Committee on Civil Liberties.

The public mutely suffers through all the turmoil of industrial warfare without sufficient understanding of where the trouble lies. The public wants disarmament and peace in industry as ardently as it wants reduction of waste in men and money in international conflicts, but, as yet, has found no effective way in which to approach either problem. What is now needed is a more serious study of the road to economic peace through increased employment.

Every strike or lock-out causing stoppage of production, with consequent increases in the cost of the product for consumption, hits the pocketbook of the buying public. No strike or lock-out ever wins a real victory. This is as true of a sit-down strike as of any other kind. Each strike ends in a tacit truce. Whichever party loses generally prepares at once for a future battle and hopes for a more successful issue at some later time. The consequences of such procedure for the Nation's industry are found in the poisonous fruits of suspicion, hostility, and industrial friction. Discontented workers are the inevitable product of these endless conflicts, and the discontented worker is always half-hearted and subefficient.

These clashes between men and groups of men will be inevitable so long as men remain what they are and human society is as we find it. The lion and the lamb may not lie down together in industry, in this generation or the next. I doubt if we want them to. A society without differences in opinion and clashings of interest would be completely lifeless. But it is absurd to think of battle as the one means of settlement of differences of opinion; and strikes are costly, far beyond our ability to calculate.

Strikes over the principle of collective bargaining will cause national difficulty until both labor and industry come to a general acceptance of this peaceful method of settling their disputes. Any delay in accepting this peaceful instrument will bring grief and loss to all of us.

The right of workers to organize must be maintained. The selection of one form of labor organization rather than another is really not primarily a matter which industry should decide, because choices in these issues belong to labor. Labor has never attempted to dictate the forms of organization with which it must bargain. The workers should be given the liberty of self-organization in any form which seems to offer them the most advantages. This is the sum and substance of economic democracy. There are really no issues so fundamental to human happiness in this country as the right of workers to organize through their free choice of their own representatives, and the maintenance of the American standard of living through tariff protection and selective immigration.

One of the urgent reasons which induced me to vote for the National Industrial Recovery Act, which was declared unconstitutional, was its section 7a; namely, that

> Employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.

Under the National Industrial Recovery Act a great stimulus was given to the organization of trade associations, groups of employers, and employers' associations of all kinds. Employers and industries were thus enabled to do under that act what they were formerly not able to do, because through its provisions the antitrust laws were temporarily lifted.

If the Government is to encourage organization upon the part of employers, it seems logical for the Government to give the workers the necessary degree of protection in the formation of their own voluntary forms of organization. I do not propose that the Government shall become a party to the formation of labor organizations, but that it shall protect the workers in such organizational measures as free men are entitled to take.

The worker knows for himself that the struggle for the necessities of life is the greatest contest waged by man. Each man has his own way of fighting this battle. On the same wage, in the same town, in the same factory, and under the same conditions, one worker will live better, have more, save more, and push farther than a fellow worker. Slowly the less adapted fall back, and some of them drop out of the fight altogether. Often sickness, accidents, or some other adversity beyond human foresight and control are the reasons for these unhappy failures. Or it may be that the cause of failure is drunkeness, a want of capacity, or a refusal to work up to capacity. But however explained, there will always be some workers at least who cannot keep up to the standard set by others. This is one of the great problems of the industrial world. How can a system be devised which will enable all men to use their abilities so as to gain for themselves the just returns of their efforts and at the same time be prevented from taking from those less able the very support of life? In other words, how can we provide competition which is not only fair and just but at the same time is sufficiently generous to enable less fortunate workingmen an opportunity to carry on?

One of the reasons back of strikes is an excess of labor. This leads to a consideration of the greatest issue of our day—the problem of unemployment. We must now inquire into this situation if we are to preserve industrial peace. It will not be enough to take a census of the unemployed. A

study of growing employment opportunities by localities, industries, and seasonal fluctuation is also needed, pointing the way to new outlets for labor. Such reports as are now available are insufficient to serve as a basis for constructive planning. The whole field of employment and unemployment must now be surveyed.

Surface indications on every hand show that even during the depression years employment did not lag to an appreciable extent commensurate with the degree of unemployment. Employment was fairly constant in many industries and localities, but not sufficiently so as to justify a hasty generalization for all industry. Unemployment was not diminished simply by filling old jobs, for after former employment had been restored to a large extent, following the worst of the depression extremes, unemployment persisted to an alarming degree.

The moral costs of unemployment are indeed grave. These are set forth in vivid fashion by the Welfare Council of New York City following a survey by questionnaire of about a thousand social workers there. I ask that an article appearing in Commerce and Finance of April 6, 1932, giving the result of a survey conducted by William Hodson, be printed at this point in connection with my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Commerce and Finance, for Apr. 6, 1932]

THE MORAL COSTS OF UNEMPLOYMENT

After a survey by questionnaire of about a thousand social workers in New York City's established public and private relief agencies, the Welfare Council on March 30 set forth a list of the serious psychological effects of the privations and hardships resulting from unemployment. The result of the survey, which has been in progress for several months, was announced by William Hodson, executive director of the council. The effects were listed as follows:

Discouragement, depression, desperation—often to the verge, and sometimes to the point, of actual crime.

Bewilderment and mental confusion.

Loss of self-confidence, development of a sense of failure and inferiority, or a thwarted feeling of helplessness.

Loss of initiative and sense of responsibility, indifference, indolence, apathy, and lethargy.

Passive submission and endurance, loss of courage to go on looking for work or to try anything new; or

Obsession with the necessity of finding work, inability to take interest in other activities or to meet obligations.

Occasionally a sense of importance, as part of a front-page problem, enjoyment of the situation and of the attention it brings.

Bitterness, disrespect for law and religion, moral and spiritual deterioration.

Cynicism, resentment, antagonism, rebellion—against the wealthy, against society, against the Government.

Loss of pride and self-respect, carelessness about personal appearance, sensitiveness, avoidance of social contacts; or, on the contrary—

Restlessness, craving for excitement and distraction, leading to drinking and gambling.

Mental and nervous disturbances from irritability and excessive worry up to serious neurological conditions.

Contented acceptance of lower standards and dependence upon charity.

Constant fear, even when again employed, and a sense of insecurity; desire to give up well-paid, skilled seasonal work for city employment or anything that would insure a steady income, however low.

And yet we marvel at crime!

Mr. Hodson coupled his report with a repeated demand for additional city appropriations for relief and an appeal for support of the current "block-aid" campaign to raise funds for 20,000 unemployed heads of families during the spring. This campaign is said to be making good progress, the 43,000 workers in this field having turned in 78,000 donations by April 1. As the standard donations are 10, 25, 50 cents, and $1 a week for 20 weeks, the sums thus raised seem not to be very impressive.

The coal-mining industry celebrated All Fools' Day with widespread strikes, lock-outs, violence, and wage disagreements. While the 13,000 workers in the anthracite industry in Pennsylvania field were ordered by their own officials to go back to work, 75,000 involved in the coal fields of Illinois, Ohio, West Virginia, and Kentucky were thrown out of work by strikes and shut-downs. In Kentucky considerable sabotage in the mines was reported.

New York City Suburban Transit Engineering Board reports a decrease of 8.63 percent in the number of commuters entering and leaving the city during 1931, as compared with 1930; which seems to indicate that nearly every eleventh commuter is out of a job.

Police Commissioner Mulrooney, of New York City, in an address to the Bond Club, stated last week that the real cure for crime is to look after the delinquent youth of the Nation, providing for them healthful recreation and employment. Good advice; but how is a nation which is unable to provide employment for its youth who are not delinquent going to do it?

Mr. DAVIS. The prospect of continuing unemployment for large numbers of persons unless new avenues of work are found is convincingly shown in a number of important articles which I have in hand, and which I ask to be incorporated in my remarks. These are a statement in the United States News, October 1, 1934, an editorial in the United Mine Workers Journal, April 1, 1926, and a statement made by William G. Conley, formerly Governor of West Virginia, set forth in the United States Daily, November 2, 1929.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the United States News of Oct. 1, 1934]

IS UNEMPLOYMENT PERMANENT?—THREE MILLION WOULD BE IDLE EVEN IF 1929 BUSINESS PREVAILED—PROBLEM NOW IS WHAT TO DO WITH THESE IDLE BUT WILLING PERSONS

How permanent is the unemployment problem? How many of the 10,793,000 workers now living in enforced leisure or working at temporary jobs provided by Government funds are square pegs in round holes forever displaced from the jobs to which they devoted years of their lives and for which they were trained?

If by the wave of a magic wand America could go back to the unemployment levels of 1929; if today there were just as many workers in the factories, just as many clerks in the stores, the same number of farmers and if every other type of productive activity were on the level of the last year of prosperity there still would be 3,000,000 persons qualified to hold jobs who would be unable to obtain them.

FEWER WORKERS NEEDED

This figure is a conservative estimate of the number of persons who are permanently outside of industry. It is considered extremely doubtful if business, even at the levels of prosperity, would reemploy all of an additional 4,000,000 workers in the mining, manufacturing, and service industries in 1927, who are still out of jobs. New mechanical improvements have eliminated the need for many thousands of employees.

The estimate of the number of workers permanently displaced from industry is that of Isador Lubin, Commissioner of the Bureau of Labor Statistics. Although it is based on May figures, it still holds good, for there has been only a slight change in employment since then.

TEN MILLION PAUPERS

While there is no official ratio, statisticians generally assume that there are two and one-half persons dependent on each worker. If this ratio is applicable to the 3,000,000 workers who are permanently displaced from employment, they have 7,500,000 dependents, making a total of 10,500,000 persons who are on a permanent pauper list in this country, unless some action is taken to open up new fields of employment.

After surveying the possible fields for the employment of these workers, Dr. Lubin comes to the conclusion they must be given jobs by the development of social services to fill the need for better health, educational, and recreational facilities. He says:

"With a modernized system of education and with recreational facilities adequate to our needs, and with a public-health system which will maintain the American people in keeping with modern scientific knowledge, there will be no difficulty in reabsorbing those who cannot during this generation find employment in private industry."

ONE WAY OF DOING IT

Activities of this type, in Dr. Lubin's opinion, must be financed by the Federal Government, for they do "not lend themselves to a regime of private profit." "To raise the necessary money," continues Dr. Lubin, "an increasing income will have to be taken from the profits of industry and through inheritance taxes." An example of a new type of enterprise outside the ordinary bounds of industry which is cited by Dr. Lubin is the Civilian Conservation Corps.

By a monthly expenditure which during July amounted to $35,000,000, the C. C. C. gave work to 350,000 men. Since July the total employment in C. C. C. camps has risen to 400,000. If, as is claimed by Government officials, each worker in the C. C. C. camps supports 3 persons, a permanent C. C. C. would care for 1,600,000 of the 10,500,000 who no longer are supported by industry, even under 1929 employment levels.

Two alternatives to Dr. Lubin's program are suggested. One of them, the curbing of the use of machinery, has been somewhat in evidence in some of the work-relief activities. The other alternative is further spreading of the available employment by shortening of work hours.

Objections are raised to both of these methods of increasing the number of jobs on the ground that they tend to lower living standards.

No action has been taken by the Federal Government to find a solution to the problem of employing the workers who are no longer needed by private industry. A research study, however, which ultimately may aid in the problem has been started in the United States Employment Service.

It is the conclusion of relief officials that the unemployed with whom the Government will have to deal if it undertakes a reemployment plan of the type suggested by Dr. Lubin are comparable in ability to the employed part of the population. This was not true during the years from 1929 to 1931, when there was a noticeably large proportion of inefficient workers among the unemployed.

THEIR EXPERIENCE

Partial returns from a study which the Federal Emergency Relief Administration is making to determine the work experience of those on relief show that two-fifths of the formerly employed persons who are now on relief worked at one job for more than 5 years. A similar number of those on relief who were formerly employed worked at one job for periods varying from 6 months to 5 years.

Reabsorption of workers into industry has gone on most rapidly in manufacturing industries which produce consumers' goods.

Since March 1933, 850,000 workers have gone back to their jobs in factories making clothing, food products, boots and shoes, and other goods in common use. Today these factories are employing only about 400,000 fewer persons than in 1929.

HEAVY INDUSTRIES

Durable-goods industries or the factories engaged in making iron and steel products, tools, lighting equipment, cement, and other materials needed for construction or for manufacture of goods in consumers' goods industries have reemployed about 1,000,000 workers, but still have about 1,500,000 fewer employees than in 1929.

Unemployment not accounted for in the manufacturing, mining, and service industries may be found among the workmen formerly employed in building construction, on the farms, and in the professional and domestic services. In addition to these there are the unemployed among the tenant farmers who have been displaced from farms because of crop-reduction plans and the 500,000 small-business men who have had to close their establishments.

In his survey to determine possibilities of reemployment Dr. Lubin concludes that there is small chance of the construction industry reemploying 1,500,000 workers and returning to 1929 levels without further stimulus from the Federal Government. And there is little chance for additional agricultural employment unless there should be a substantial rise in exports of agricultural products.

AN OLD PROBLEM

"Without a marked shift in our living habits", says Dr. Lubin, "the absorption of persons in domestic service will be limited."

The problem of reabsorbing displaced industrial workers into other fields is of long standing. That it grew at a rapid rate in the years after 1925 is shown by a report made in 1928 by the then Commissioner of the Bureau of Labor Statistics. He estimated that between 1925 and January 1928 there was a shrinkage of 1,874,050 in the number of employed wage and salary workers.

One half of this shrinkage was attributed by the Commissioner to the introduction of new machines and mechanical devices into industry.

A GLOOMY PROSPECT

The relief outlook for this winter is even gloomier than for last year. There are now 17,000,000 persons on relief, and, according to Donald Richberg's report on unemployment it is probable that the number will reach 20,000,000 this winter.

During the last 3 years the attitude of the United States toward relief has changed. From a local problem handled by the local authorities it has become a national affair, under the direction of the Federal Government.

In the same way, the attitude toward unemployment is changing. Officials who are directly concerned with the problem are of the opinion that the permanent nature of the unemployment is being realized. Some provision must be made for smoothing the 3,000,000 or more square pegs—those persons who are permanently displaced from industry—so that they once more can fit into the national picture.

[From the United Mine Workers' Journal of Apr. 1, 1926]

TWENTY PERCENT OF MEN ALWAYS IDLE AS RESULT OF WASTE IN INDUSTRY

NEW YORK.—Twenty percent of the manpower of the Nation is totally wasted and in some industries, such as coal, the waste amounts almost to chaos, sharply challenging the ingenuity of statesmen and engineers, according to speakers who discussed the social results of preventable industrial wastes at the nineteenth annual meeting of the American Association for Labor Legislation here.

Addresses were made by Walton H. Hamilton, of the Robert Brookings School of Economics and Government, Washington, D. C.; Stuart Chase, of the Labor Bureau, New York City.

"We see on any given working day seven or eight million adults doing precisely nothing", Mr. Chase declared. "Yet with the business cycle controlled, seasonal operations and turn-over less modified, safety measures and preventive measures installed, and social pressure exerted on the willfully idle, a large fraction of this loss is probably preventable."

The great majority are idle against their will and inclination, according to Mr. Chase. These are mainly the victims of seasonal and cyclical unemployment and preventable accidents and ill health.

If to the men who are idle through no fault of their own are added those who are idle by choice and those who are engaged in needless or socially harmful production, the result is, according to Mr. Chase, that "at least half the manpower of America counts for nothing."

"Functionalism", which Mr. Chase defined as "an economic system which has grown self-conscious with tangible goals measurable in human well-being", is, he said, "already at work", and is shown, for example, in the dawning realization of labor that productivity must be correlated to standard of living and in the whole engineering approach to waste elimination.

Mr. Hamilton declared that "wanton wastes" in the bituminous coal industry have produced chaos not only in production but in employment.

"There has been a failure in supply", he said, "three times in a 10-year period, and as yet no adequate steps have been taken to insure regular production of the stuff of power on which our whole industrial system depends.

"The workers have even more reason to be dissatisfied with the results of the competitive regime in the coal industry. Mining is today among the most hazardous of occupations in the country. The industry's failure to provide regular employment is all too clear. In the 10 years from 1910 to 1921 the working time of the miners averaged only 214 days a year.

"The source of the disorder, which is coal", he continued, "is the inability of free competition to control mine capacity."

In a discussion of the addresses, Gorton James, of the Harvard Graduate School of Business Administration, said that "the engineering profession is doing wonders in its attack on mechanical wastes." "But", he continued, "our methods of production may be producing wastes which are not visible or measurable and which for that reason are more insidious and dangerous. The fact that workers go home tired from work does not prove that we have used their efforts efficiently. There is a vast human waste of unnecessary fatigue and unrealized ambitions. This human waste is new, a product of the machine age."

[From the United States Daily, Nov. 2, 1929]

AGE BARRIERS FOR WORKERS CREATE SOCIAL BURDEN—IDLENESS OF MEN AND WOMEN IN PRIME OF LIFE THROUGH DENIAL OF EMPLOYMENT IS ECONOMIC WASTE, SAYS GOVERNOR OF WEST VIRGINIA

By William G. Conley, Governor, State of West Virginia

Today we are face to face with a movement that may culminate in an unemployment situation far more serious than any we have experienced heretofore. For many years employers of labor, whether for executive, clerical, or manual work, have refused to employ men and women over 40 years of age, regardless of the experience those men and women might have had, regardless of their ability, regardless of their physical capacity, regardless of competency, efficiency, thrift, honesty, industry, and loyalty.

The mere fact that these men and women have lived 40 years is sufficient to raise the barrier against them and force them into the ranks of the idle. I am told that in some lines the age limit has been reduced to 35 years, and in a few instances to 30 years. If this tendency to disbar workers from employment simply because they have reached the age of 30, 35, or 40 years continues, without taking into consideration their capacity to serve, it is inevitable that our social and economic structure will be critically disturbed.

We are struggling now under a large burden caused by the disemployment of men and women who have reached really old age, and who are neither physically nor mentally capable of further active service. Old-age pensions have gained great favor in recent years, and it may be that such a system of retirement will solve the problem for the older employees; but what are we to do with men and women in the very prime of life, who are refused an opportunity to earn their self-support and the support of their families because they have lived a little more than half of their allotted threescore years and ten?

I have received letters from numerous persons telling of their discharge because of being 40 years of age or over, and stating that they are competent, able, and willing to render good service and earn a respectable living for themselves and their families. This is a condition, and not a theory, that confronts us.

It is my belief that every competent middle-aged and old-aged man and woman should have the same opportunity and stand on an equal footing in the right to earn a living with the young man and woman. There should be no arbitrary old-age barrier.

Many large employers of labor are taking care of this situation by providing retirement funds for their faithful employees and by other means. I am told that a large manufacturing company has a veteran employees' association composed of over 3,000 men and women who have served the company for periods ranging from 20 to 40 years. The company is not a charitable institution. It is organized for profit, yet it continues to employ those older men and women because most of them are young in the spirit of interest in, and enthusiasm for, their work and are loyal to their employer, and because the company finds their services profitable.

As far as my knowledge goes, all great authorities claim a man is not at the zenith of his career until he reaches the age of 50.

The majority of our great bankers, industrialists, merchants, and statesmen are over that age. The average age of the first 30 Presidents of the United States was 54 years and 4 months at the time of inauguration. Undoubtedly there are sufficient energy and brains among the middle-aged to cope equally with the younger man in many positions, if given the opportunity. Then why should a man or woman of 40 years or over, who is in good health, good mental and physical condition, be deprived of a market for his services? This is the question I am asking all employers to consider carefully.

From the standpoint of the State, the creation of an arbitrary artificial low age barrier affords a serious social problem, and one that is totally unnecessary. From the standpoint of the employer, the creation of an artificial low age barrier necessarily results in an enormous economic waste and must, eventually, bring about additional tax burdens, which are now too great.

The employer who deliberately closes his eyes to the economic and social dangers of this tendency of creating an arbitrary low-age barrier to employment invites trouble. It is far better that men and women earn a livelihood than become a charge on the community. Men and women must be supported somehow. The creation of such a social burden is unnecessary, uneconomic, and unwise.

Mr. DAVIS. Estimates now available and made public during the last few years vary greatly as to the extent of unemployment. I submit a few of these and ask that they be included in my remarks, because they show the nature of this problem.

They are as follows:

(1) Receding Unemployment, Conference Board Bulletin, National Industrial Conference Board, June 10, 1934.

(2) Three Unemployment Estimates, Conference Board Bulletin, December 10, 1934.

(3) Five Years of Unemployment, Conference Board Bulletin, March 10, 1935.

(4) Employment Conditions and Unemployment Relief, Monthly Labor Review, July 1936.

(5) Employment Survey, the New York Sun, May 23, 1936.

(6) Employment Survey, American Federation of Labor, May 1936.

(7) Editorial on Unemployment, the United States News, December 28, 1936.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Conference Board Bulletin of June 10, 1934]

RECEDING UNEMPLOYMENT

Just as the increase in the number of the unemployed was used as a significant measure of the progress of depression, so in recent months the increase in employment, and the consequent reduction in the number of the unemployed, has been heralded as the forerunner of a more complete recovery.

The recession of business activity soon after the stock-market crash of October 1929 brought unemployment on a large scale in its train. As early as April 1, 1930, the unemployed, according to the records of the census of population, already exceeded 3,000,000 persons. As time progressed this number increased until it reached a maximum of over 13,000,000 in March 1933. Fortunately a turn came at that time—employment increased and unemployment receded, with the result that probably 5,000,000 more were at work in April 1934 than in March 1933.

UNEMPLOYMENT ESTIMATES

During this entire period little direct information has been available, except in a few isolated localities, regarding the number of unemployed persons. The figures commonly cited rest largely on estimates, including the estimate by the Department of Commerce for January 1931, based on a special census in certain cities. From time to time the National Industrial Conference Board has made estimates of the number of unemployed persons in the United States. The total unemployed so computed and some of the elements which enter into the estimate are shown in the accompanying table and the diagram based upon it.

In common with other widely quoted estimates those of the Conference Board rest on the enumeration of the Bureau of the Census, April 1, 1930, and the more or less reliable indications of what has happened since that time. The census enumeration of population gave a record of all persons claiming gainful occupations who were not at work in their occupations on the census day. From these figures the number of the employed is determined, and various indications of changes in employment are then used to estimate the amount of employment and conversely of unemployment at later dates. The monthly indexes of employment in manufacturing and nonmanufacturing industries compiled by the United States Bureau of Labor Statistics are the principal sources of information regarding employment changes, and this information can be supplemented in a number of occupations by reliable data from other authoritative official and private sources. But when this material is exhausted there remain broad fields of occupation for which data are entirely lacking or so scanty as to make "estimates" based upon them approach mere "guesses."

Estimates of employment and unemployment

[Thousands]

Date	Gainful workers equivalent to those enumerated Apr. 1, 1930		Net increase in workers available for employment	Total unemployed
	Employed [1]	Unemployed		
1930				
April	45,645	3,188		3,188
1931				
January	42,587	6,245	340	6,586
July	41,619	7,213	515	7,728
1932				
June	38,272	10,561	789	11,350
July	37,450	11,383	814	12,197
1933				
January	37,583	11,250	987	12,237
February	37,482	11,350	1,016	12,366
March	36,675	12,158	1,045	13,203
April	37,509	11,324	1,074	12,398
May	37,770	11,062	1,103	12,165
June	38,434	10,399	1,132	11,531
July	38,577	10,256	1,160	11,416
August	39,448	9,385	1,187	10,572
September	40,483	8,350	1,214	9,564
October	40,741	8,091	1,241	9,332
November	40,645	8,187	1,267	9,454
December	41,126	7,707	1,294	9,001
1934				
January	40,791	8,041	1,321	9,362
February	41,570	7,262	1,348	8,610
March	42,186	6,647	1,374	8,021
April	42,327	6,506	1,401	7,907

[1] Includes a certain number of persons, representing 1.5 percent of the gainful workers in 1930, and a similar proportion at later dates, whose status as employed or not employed has not been determined.

The problems involved in unemployment estimates and the conservative course followed by the conference board can best be seen in an account of the procedure adopted by the board in making its estimates. Three points may be considered: (1) The initial figure of the number employed and unemployed in April 1930; (2) the subsequent changes in employment, from the combinations of which the increase in the number of the unemployed gainful workers over those recorded in 1930 is determined; and finally (3) an allowance for those of the new recruits to the normal army of gainful workers who had not found jobs.

INITIAL UNEMPLOYMENT, APRIL 1, 1930

The Bureau of the Census refrained from defining the term "unemployed" but the enumerators were instructed to ask each person reporting a gainful occupation whether or not he, or she, was at work on the preceding day. The returns were classified as follows:

Class A, persons out of a job, able to work, and looking for a job	2,429,062
Class B, persons having jobs but on lay-off without pay, excluding those sick or voluntarily idle	758,585
Class C, persons out of a job and unable to work	172,661
Class D, persons having jobs but idle on account of sickness or disability	273,588
Class E, persons out of a job and not looking for work	87,988
Class F, persons having jobs but voluntarily idle, without pay	84,595
Class G, persons having jobs and drawing pay, though not at work (on vacation, etc.)	82,335
Total gainful workers not at work	3,888,814

In this list the most numerous classes, A and B, obviously belonged among the unemployed, whatever definition might be adopted. There remained about 700,000 in the other classes, some of whom, though not working, had jobs and were to be reckoned among the employed. In order to follow a conservative course, and preferring to estimate too few rather than too many unemployed, the conference board considered only the classes A and B as unemployed, and computed in each field the number of gainful workers reported less these two classes as the number on the pay roll in April 1930. When the first estimate was made for a date later than April 1930, using preliminary census figures, no other course was possible, as details regarding classes A and B only, but not classes C to G, were available by industrial classes. The subsequent publication of these details did not, it was felt, require a reopening of the question. A division of the 700,000 gainful workers into two groups, unemployed and employed, even if there were positive indications where the line of division was to be drawn, would not have materially enhanced the accuracy of the estimates, into which of necessity many conjectural elements had to enter. The starting point of the board's estimate is that in all fields of gainful occupations 45,645,000 persons were on the pay roll in April 1930.

EMPLOYMENT CHANGES

This total was broken down into a large number of industrial groups for the purpose of computing subsequent changes in em-

ployment and conversely in unemployment. In some of these fields there were satisfactory indications of employment changes, in others none. The board has been able to find no satisfactory basis on which to estimate changes from month to month in employment in agriculture, forestry, and fishing, public service and professional service. In the absence of such information it has been unwilling to venture any necessarily arbitrary estimates for these fields of occupation. The unemployment for these fields, which represent approximately one-third of all occupations, has, therefore, been carried as a constant, namely, that recorded by the census for April 1, 1930.

[From the Conference Board Bulletin of Dec. 10, 1934]

THREE UNEMPLOYMENT ESTIMATES

In addition to the estimate by the National Industrial Conference Board, described in the November issue of the Bulletin, there are two widely cited estimates of unemployment in the United States, one prepared by the American Federation of Labor and the other by the Cleveland Trust Co.

The basic material used in the construction of the indexes is in large measure identical for the three computations. This material consists of (1) the results of the special inquiry relating to unemployment made in connection with the returns for occupations in the census enumeration of 1930 and (2) the indexes of employment in manufacturing and other industries compiled by the United States Bureau of Labor Statistics. Since the three estimates are based largely upon the same material, they are substantially similar in their results, as shown in figure 1. (Omitted from the RECORD.)

This similarity is more noticeable for the trend of unemployment than for its amount at any given time. The general picture of the movement of unemployment is the same, though its level is not identical in all the estimates. These differences arise from the fact that the basic materials for the computation, though abundant, are far from complete. They must at various points be supplemented by the judgment of the estimator. It is natural that differences of practice should arise, for example, regarding what classes, for whom no direct information is available, should be assumed to remain constant in employment and what classes should be assumed to vary in employment in the same degree as the immediate group to which they belong or as all definitely ascertained groups. Again, all estimates recognize that the ranks of the unemployed have been augmented by the contingent of new workers produced by the growth of population in excess of those who have dropped out of the competition for jobs by reason of death or infirmity. Methods of allowing for these new workers may differ. In short, it is differences, not in basic facts, but in the interpretation of those facts that determine the different levels that appear in the several estimates of unemployment.

All these estimates are built up on the basis of information, and sometimes by conjecture, regarding individual industries and branches of industry. The National Industrial Conference Board and the American Federation of Labor have from time to time published data regarding the extent of unemployment for certain industrial groups. But particular interest attaches to the findings of the Cleveland Trust Co. which distinguish the amount of unemployment in construction, in other durable-goods industries, in consumption-goods industries, and in activities that provide services. These distinctions are shown in figure 2. (Omitted from the RECORD.)

The division of the workers into the classes shown in the diagram was made on the basis of a careful analysis of the distribution of occupations in 1930. For subsequent periods estimates are based upon the indexes of employment and a distribution, necessarily hypothetical, of the new workers to the several classes.

The diagram shows the large number of unemployed in the construction- and durable-goods industries in contrast, for example, with consumption-goods industries, but does not bring out the relation of the unemployed to the total number of gainfully occupied in these industries. Through the courtesy of Col. Leonard P. Ayres, of the Cleveland Trust Co., we are permitted to publish the figures in the accompanying table showing for significant dates the proportion that the unemployed bear to the total number of persons, both employed and unemployed, credited to the industry.

The unemployed as a percentage of the workers in industry

[Source: Cleveland Trust Co.]

Year and month	All gainful workers	Construction	Other durable goods industries	Consumption goods industries	Industries providing services
1930					
April	6.8	19.2	15.7	3.1	4.6
July	8.8	10.8	22.6	4.9	6.9
1931					
January	16.8	47.9	34.6	7.4	12.7
July	17.5	31.3	39.2	8.6	14.8
1932					
January	23.8	57.1	47.8	11.1	19.8
July	28.5	62.4	55.7	15.7	25.1
1933					
January	30.0	63.3	58.8	13.5	27.1
March	31.8	65.2	60.0	14.3	29.6
July	27.3	57.4	50.8	10.2	27.0
1934					
January	25.0	54.9	47.1	10.2	23.4
March	22.5	54.9	41.4	7.9	21.5
August	22.2	45.5	41.8	8.6	21.7

The table indicates that when unemployment was at its maximum, in the early months of 1933, about 30 percent of all gainful workers were out of work. In the industries producing durable goods other than construction the proportion rose to double this figure, and was even greater in the construction industry. While in industries furnishing services the proportion of the unemployed approached the average of all gainful workers, it fell in industries producing consumption goods to about half the general average.

Since that period there has been considerable improvement, but over two-fifths of the workers in the durable-goods industries were still out of work in August 1934, while the proportion in the consumption-goods industries was less than one-tenth.

[From the Conference Board Bulletin of Mar. 10, 1935]

FIVE YEARS OF UNEMPLOYMENT

The total number of unemployed workers in January 1935 was 10,142,000, according to the latest estimate made by the National Industrial Conference Board. From time to time the board has attempted to calculate the amount of unemployment in the United States, and in table 1 are presented revised estimates by months, covering the entire period from April 1930 to January 1935.

Since 1930 available information concerning unemployment in various fields of activity has improved in quality and has been greatly extended; hence, it has been necessary in many cases to revise the figures for the earlier dates. In the figures now presented, for example, the board has availed itself of the various revisions by the Bureau of Labor Statistics in indexes of employment previously issued. In making its estimates the conference board takes into account three factors: (1) The 3,188,000 persons unemployed, able and willing to work, enumerated in the April 1930, census; [1] (2) the net decline in employees on pay rolls since that time; and (3) the estimated net increase in workers available for employment since the census date.

In reviewing the entire record of unemployment as it is presented in table 1, it must be remembered that it was preceded by the boom which ended in 1929. Except for about a million workers in transition between jobs, or sick, disabled, or voluntarily idle, employment was practically universal during that year.

TABLE 1.—*Revised unemployment estimates, by months, 1930–35*

[In thousands]

	1930	1931	1932	1933	1934	1935
January	.....	6,667	9,906	12,755	10,538	10,142
February	.....	6,794	10,103	12,782	9,873	.....
March	.....	6,799	10,293	13,300	9,394	.....
April	[1] 3,188	6,661	10,754	12,993	9,318	.....
May	3,245	6,842	11,096	12,699	9,201	.....
June	3,678	7,165	11,596	12,334	9,252	.....
July	4,324	7,673	12,132	11,584	9,826	.....
August	4,590	7,939	12,207	10,731	9,930	.....
September	4,502	8,044	11,850	9,929	10,217	.....
October	4,777	8,473	11,691	9,924	9,908	.....
November	5,404	9,001	11,996	10,398	10,065	.....
December	5,674	9,182	12,113	10,334	9,740	.....
Annual average	[2] 4,375	7,603	11,320	11,621	9,777	.....

[1] United States Census of Unemployment, classes A and B.
[2] 9 months.

TABLE 2.—*Unemployment, by industrial groups, at specified dates*

[In thousands]

Industrial group	April 1930 [1]	March 1933 [2]	January 1934 [2]	December 1934 [2]	January 1935	Percentage increase, April 1930 to January 1935
Mining	189	556	454	419	424	124.3
Manufacturing and mechanical	1,535	6,218	4,338	3,874	3,869	152.1
Transportation	283	1,509	1,383	1,386	1,398	394.0
Trade	295	1,705	1,148	655	1,063	260.3
Domestic and personal service	245	1,371	1,083	1,012	957	290.6
Industry not specified	345	602	515	483	494	43.2
Other industries [3]	296	296	296	296	296	0
All industries	3,188	12,255	9,217	8,125	8,500	166.6
Allowance for new workers since 1930 census	.....	1,045	1,321	1,615	1,642	.....
Total unemployed	3,188	13,300	10,538	9,740	10,142	218.1

[1] Census of Unemployment.
[2] Revised.
[3] This group includes agriculture, forestry and fishing, public service, and professional service. The numbers given are the unemployed in 1930, satisfactory data being unavailable from which later changes in unemployment can be computed.

The collapse of the stock market in October 1929 was the first major sign of the depression, and by April 1930, when the census of unemployment was taken, the reported unemployed numbered 3,187,647. These unemployed formed 6.5 percent of the total

[1] Reported by the census as class A, persons out of a job, able to work and looking for a job; and class B, persons having jobs but on lay-off without pay, excluding those sick or voluntarily idle.

The majority of our great bankers, industrialists, merchants, and statesmen are over that age. The average age of the first 30 Presidents of the United States was 54 years and 4 months at the time of inauguration. Undoubtedly there are sufficient energy and brains among the middle-aged to cope equally with the younger man in many positions, if given the opportunity. Then why should a man or woman of 40 years or over, who is in good health, good mental and physical condition, be deprived of a market for his services? This is the question I am asking all employers to consider carefully.

From the standpoint of the State, the creation of an arbitrary artificial low age barrier affords a serious social problem, and one that is totally unnecessary. From the standpoint of the employer, the creation of an artificial low age barrier necessarily results in an enormous economic waste and must, eventually, bring about additional tax burdens, which are now too great.

The employer who deliberately closes his eyes to the economic and social dangers of this tendency of creating an arbitrary low-age barrier to employment invites trouble. It is far better that men and women earn a livelihood than become a charge on the community. Men and women must be supported somehow. The creation of such a social burden is unnecessary, uneconomic, and unwise.

Mr. DAVIS. Estimates now available and made public during the last few years vary greatly as to the extent of unemployment. I submit a few of these and ask that they be included in my remarks, because they show the nature of this problem.

They are as follows:

(1) Receding Unemployment, Conference Board Bulletin, National Industrial Conference Board, June 10, 1934.

(2) Three Unemployment Estimates, Conference Board Bulletin, December 10, 1934.

(3) Five Years of Unemployment, Conference Board Bulletin, March 10, 1935.

(4) Employment Conditions and Unemployment Relief, Monthly Labor Review, July 1936.

(5) Employment Survey, the New York Sun, May 23, 1936.

(6) Employment Survey, American Federation of Labor, May 1936.

(7) Editorial on Unemployment, the United States News, December 28, 1936.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Conference Board Bulletin of June 10, 1934]

RECEDING UNEMPLOYMENT

Just as the increase in the number of the unemployed was used as a significant measure of the progress of depression, so in recent months the increase in employment, and the consequent reduction in the number of the unemployed, has been heralded as the forerunner of a more complete recovery.

The recession of business activity soon after the stock-market crash of October 1929 brought unemployment on a large scale in its train. As early as April 1, 1930, the unemployed, according to the records of the census of population, already exceeded 3,000,000 persons. As time progressed this number increased until it reached a maximum of over 13,000,000 in March 1933. Fortunately a turn came at that time—employment increased and unemployment receded, with the result that probably 5,000,000 more were at work in April 1934 than in March 1933.

UNEMPLOYMENT ESTIMATES

During this entire period little direct information has been available, except in a few isolated localities, regarding the number of unemployed persons. The figures commonly cited rest largely on estimates, including the estimate by the Department of Commerce for January 1931, based on a special census in certain cities. From time to time the National Industrial Conference Board has made estimates of the number of unemployed persons in the United States. The total unemployed so computed and some of the elements which enter into the estimate are shown in the accompanying table and the diagram based upon it.

In common with other widely quoted estimates those of the Conference Board rest on the enumeration of the Bureau of the Census, April 1, 1930, and the more or less reliable indications of what has happened since that time. The census enumeration of population gave a record of all persons claiming gainful occupations who were not at work in their occupations on the census day. From these figures the number of the employed is determined, and various indications of changes in employment are then used to estimate the amount of employment and conversely of unemployment at later dates. The monthly indexes of employment in manufacturing and nonmanufacturing industries compiled by the United States Bureau of Labor Statistics are the principal sources of information regarding employment changes, and this information can be supplemented in a number of occupations by reliable data from other authoritative official and private sources. But when this material is exhausted there remain broad fields of occupation for which data are entirely lacking or so scanty as to make "estimates" based upon them approach mere "guesses."

Estimates of employment and unemployment

[Thousands]

Date	Gainful workers equivalent to those enumerated Apr. 1, 1930		Net increase in workers available for employment	Total unemployed
	Employed [1]	Unemployed		
1930				
April	45,645	3,188		3,188
1931				
January	42,587	6,245	340	6,586
July	41,619	7,213	515	7,728
1932				
June	38,272	10,561	789	11,350
July	37,450	11,383	814	12,197
1933				
January	37,583	11,250	987	12,237
February	37,482	11,350	1,016	12,366
March	36,675	12,158	1,045	13,203
April	37,509	11,324	1,074	12,398
May	37,770	11,062	1,103	12,165
June	38,434	10,309	1,132	11,531
July	38,577	10,256	1,160	11,416
August	39,448	9,385	1,187	10,572
September	40,483	8,350	1,214	9,564
October	40,741	8,091	1,241	9,332
November	40,645	8,187	1,267	9,454
December	41,126	7,707	1,294	9,001
1934				
January	40,791	8,041	1,321	9,362
February	41,570	7,262	1,348	8,610
March	42,186	6,647	1,374	8,021
April	42,327	6,506	1,401	7,907

[1] Includes a certain number of persons, representing 1.5 percent of the gainful workers in 1930, and a similar proportion at later dates, whose status as employed or not employed has not been determined.

The problems involved in unemployment estimates and the conservative course followed by the conference board can best be seen in an account of the procedure adopted by the board in making its estimates. Three points may be considered: (1) The initial figure of the number employed and unemployed in April 1930; (2) the subsequent changes in employment, from the combinations of which the increase in the number of the unemployed gainful workers over those recorded in 1930 is determined; and finally (3) an allowance for those of the new recruits to the normal army of gainful workers who had not found jobs.

INITIAL UNEMPLOYMENT, APRIL 1, 1930

The Bureau of the Census refrained from defining the term "unemployed" but the enumerators were instructed to ask each person reporting a gainful occupation whether or not he, or she, was at work on the preceding day. The returns were classified as follows:

Class A, persons out of a job, able to work, and looking for a job	2,429,062
Class B, persons having jobs but on lay-off without pay, excluding those sick or voluntarily idle	758,585
Class C, persons out of a job and unable to work	172,661
Class D, persons having jobs but idle on account of sickness or disability	273,588
Class E, persons out of a job and not looking for work	87,988
Class F, persons having jobs but voluntarily idle, without pay	84,595
Class G, persons having jobs and drawing pay, though not at work (on vacation, etc.)	82,335
Total gainful workers not at work	3,888,814

In this list the most numerous classes, A and B, obviously belonged among the unemployed, whatever definition might be adopted. There remained about 700,000 in the other classes, some of whom, though not working, had jobs and were to be reckoned among the employed. In order to follow a conservative course, and preferring to estimate too few rather than too many unemployed, the conference board considered only the classes A and B as unemployed, and computed in each field the number of gainful workers reported less these two classes as the number on the pay roll in April 1930. When the first estimate was made for a date later than April 1930, using preliminary census figures, no other course was possible, as details regarding classes A and B only, but not classes C to G, were available by industrial classes. The subsequent publication of these details did not, it was felt, require a reopening of the question. A division of the 700,000 gainful workers into two groups, unemployed and employed, even if there were positive indications where the line of division was to be drawn, would not have materially enhanced the accuracy of the estimates, into which of necessity many conjectural elements had to enter. The starting point of the board's estimate is that in all fields of gainful occupations 45,645,000 persons were on the pay roll in April 1930.

EMPLOYMENT CHANGES

This total was broken down into a large number of industrial groups for the purpose of computing subsequent changes in em-

ployment and conversely in unemployment. In some of these fields there were satisfactory indications of employment changes, in others none. The board has been able to find no satisfactory basis on which to estimate changes from month to month in employment in agriculture, forestry, and fishing, public service and professional service. In the absence of such information it has been unwilling to venture any necessarily arbitrary estimates for these fields of occupation. The unemployment for these fields, which represent approximately one-third of all occupations, has, therefore, been carried as a constant, namely, that recorded by the census for April 1, 1930.

[From the Conference Board Bulletin of Dec. 10, 1934]

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In addition to the estimate by the National Industrial Conference Board, described in the November issue of the Bulletin, there are two widely cited estimates of unemployment in the United States, one prepared by the American Federation of Labor and the other by the Cleveland Trust Co.

The basic material used in the construction of the indexes is in large measure identical for the three computations. This material consists of (1) the results of the special inquiry relating to unemployment made in connection with the returns for occupations in the census enumeration of 1930 and (2) the indexes of employment in manufacturing and other industries compiled by the United States Bureau of Labor Statistics. Since the three estimates are based largely upon the same material, they are substantially similar in their results, as shown in figure 1. (Omitted from the RECORD.)

This similarity is more noticeable for the trend of unemployment than for its amount at any given time. The general picture of the movement of unemployment is the same, though its level is not identical in all the estimates. These differences arise from the fact that the basic materials for the computation, though abundant, are far from complete. They must at various points be supplemented by the judgment of the estimator. It is natural that differences of practice should arise, for example, regarding what classes, for whom no direct information is available, should be assumed to remain constant in employment and what classes should be assumed to vary in employment in the same degree as the immediate group to which they belong or as all definitely ascertained groups. Again, all estimates recognize that the ranks of the unemployed have been augmented by the contingent of new workers produced by the growth of population in excess of those who have dropped out of the competition for jobs by reason of death or infirmity. Methods of allowing for these new workers may differ. In short, it is differences, not in basic facts, but in the interpretation of those facts that determine the different levels that appear in the several estimates of unemployment.

All these estimates are built up on the basis of information, and sometimes by conjecture, regarding individual industries and branches of industry. The National Industrial Conference Board and the American Federation of Labor have from time to time published data regarding the extent of unemployment for certain industrial groups. But particular interest attaches to the findings of the Cleveland Trust Co. which distinguish the amount of unemployment in construction, in other durable-goods industries, in consumption-goods industries, and in activities that provide services. These distinctions are shown in figure 2. (Omitted from the RECORD.)

The division of the workers into the classes shown in the diagram was made on the basis of a careful analysis of the distribution of occupations in 1930. For subsequent periods estimates are based upon the indexes of employment and a distribution, necessarily hypothetical, of the new workers to the several classes.

The diagram shows the large number of unemployed in the construction- and durable-goods industries in contrast, for example, with consumption-goods industries, but does not bring out the relation of the unemployed to the total number of gainfully occupied in these industries. Through the courtesy of Col. Leonard P. Ayres, of the Cleveland Trust Co., we are permitted to publish the figures in the accompanying table showing for significant dates the proportion that the unemployed bear to the total number of persons, both employed and unemployed, credited to the industry.

The unemployed as a percentage of the workers in industry

[Source: Cleveland Trust Co.]

Year and month	All gainful workers	Construction	Other durable goods industries	Consumption goods industries	Industries providing services
1930					
April	6.8	19.2	15.7	3.1	4.6
July	8.8	10.8	22.6	4.9	6.9
1931					
January	16.8	47.9	34.6	7.4	12.7
July	17.5	31.3	39.2	8.6	14.8
1932					
January	23.8	57.1	47.8	11.1	19.8
July	28.5	52.4	55.7	15.7	25.1
1933					
January	30.0	63.3	58.8	13.5	27.1
March	31.8	65.2	60.0	14.3	29.6
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January	25.0	54.9	47.1	10.2	23.4
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The table indicates that when unemployment was at its maximum, in the early months of 1933, about 30 percent of all gainful workers were out of work. In the industries producing durable goods other than construction the proportion rose to double this figure, and was even greater in the construction industry. While in industries furnishing services the proportion of the unemployed approached the average of all gainful workers, it fell in industries producing consumption goods to about half the general average.

Since that period there has been considerable improvement, but over two-fifths of the workers in the durable-goods industries were still out of work in August 1934, while the proportion in the consumption-goods industries was less than one-tenth.

[From the Conference Board Bulletin of Mar. 10, 1935]

FIVE YEARS OF UNEMPLOYMENT

The total number of unemployed workers in January 1935 was 10,142,000, according to the latest estimate made by the National Industrial Conference Board. From time to time the board has attempted to calculate the amount of unemployment in the United States, and in table 1 are presented revised estimates by months, covering the entire period from April 1930 to January 1935.

Since 1930 available information concerning unemployment in various fields of activity has improved in quality and has been greatly extended; hence, it has been necessary in many cases to revise the figures for the earlier dates. In the figures now presented, for example, the board has availed itself of the various revisions by the Bureau of Labor Statistics in indexes of employment previously issued. In making its estimates the conference board takes into account three factors: (1) The 3,183,000 persons unemployed, able and willing to work, enumerated in the April 1930, census; [1] (2) the net decline in employees on pay rolls since that time; and (3) the estimated net increase in workers available for employment since the census date.

In reviewing the entire record of unemployment as it is presented in table 1, it must be remembered that it was preceded by the boom which ended in 1929. Except for about a million workers in transition between jobs, or sick, disabled, or voluntarily idle, employment was practically universal during that year.

TABLE 1.—*Revised unemployment estimates, by months, 1930–35*

[In thousands]

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June	3,678	7,165	11,596	12,334	9,252	.....
July	4,321	7,673	12,152	11,584	9,526	.....
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November	5,404	9,001	11,996	10,398	10,065	.....
December	5,674	9,182	12,113	10,334	9,740	.....
Annual average	[2] 4,375	7,603	11,320	11,621	9,777	.....

[1] United States Census of Unemployment, classes A and B.
[2] 9 months.

TABLE 2.—*Unemployment, by industrial groups, at specified dates*

[In thousands]

Industrial group	April 1930 [1]	March 1933 [2]	January 1934 [2]	December 1934 [2]	January 1935	Percentage increase, April 1930 to January 1935
Mining	189	556	454	419	424	124.3
Manufacturing and mechanical	1,535	6,218	4,338	3,874	3,869	152.1
Transportation	283	1,509	1,383	1,386	1,398	394.0
Trade	295	1,705	1,148	655	1,063	260.3
Domestic and personal service	245	1,371	1,083	1,012	957	290.6
Industry not specified	345	602	515	483	494	43.2
Other industries [3]	296	296	296	296	296	0
All industries	3,188	12,255	9,217	8,125	8,500	166.6
Allowance for new workers since 1930 census	.....	1,045	1,321	1,615	1,642	.....
Total unemployed	3,188	13,300	10,538	9,740	10,142	218.1

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The collapse of the stock market in October 1929 was the first major sign of the depression, and by April 1930, when the census of unemployment was taken, the reported unemployed numbered 3,187,647. These unemployed formed 6.5 percent of the total

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[1] Reported by the census as class A, persons out of a job, able to work and looking for a job; and class B, persons having jobs but on lay-off without pay, excluding those sick or voluntarily idle.

number of 48,829,000 gainful workers in the United States. Subsequently, the Secretary of Commerce put the number of jobless at 6,050,000, based on a sample census in January 1931. In September of that year the National Industrial Conference Board made the then startling announcement that unemployment, according to its own conservative estimates, had passed the 7,000,000 mark in midsummer.

The peak of unemployment, according to the conference board's estimates, occurred in March 1933, at the time of the banking crisis, with a total of 13,300,000. From that high point, then, the board's present estimate shows a decline of 3,158,000, or 23.7 percent.

This latest estimate of unemployment indicates an increase in the number of unemployed over December 1934 of 402,000, or 4.1 percent, due mainly to the quieting down of business activity in the distribution field after the Christmas holiday season. This is shown in table 2. Further, unemployment in trade increased 408,000; in transportation, by 12,000; in mining, by 5,000; in miscellaneous industry, by 11,000. A decrease in unemployment, however, is shown in the increase of employment of 5,000 in manufacturing and mechanical industry and 55,000 in domestic and personal service.

Nevertheless, there was a slight improvement in the unemployment situation during 1934. Compared with January 1934, unemployment in January 1935 showed a decline of 11.6 percent in domestic and personal service, 10.8 percent in manufacturing and mechanical industries, 7.4 percent in trade, 6.6 percent in mining, and 4.1 percent in miscellaneous industries. In transportation, however, unemployment rose 1.1 percent during the year. In total unemployment the month of January 1935 shows a drop of 396,000, or 3.8 percent, from the same month last year.

Finally, while it is true that the number of unemployed in manufacturing and mechanical industries far exceeds that in any other division, the proportionate increase from April 1930 to January 1935 was greater in some other fields.

[From the Monthly Labor Review for July 1936]

EMPLOYMENT CONDITIONS AND UNEMPLOYMENT RELIEF

YOUTH ON RELIEF [1]

Of approximately 18,067,000 persons on relief in the United States in May 1935, 2,876,800 or 15.9 percent were 16 to 24 years of age. Of these young people, 60 percent were classified as urban and 40 percent as rural. Approximately two-thirds of the 1,726,800 urban relief youth, both white and colored, were working or seeking employment in May 1935; 675,200 or nearly 80 percent of the males and 467,500 or 53.0 percent of the females fell in this class.

Urban young people on relief

From the following table it will be noted that of 1,142,700 urban young persons working or seeking employment in May 1935, more than three-quarters (876,000) had work experience. Of those who had such experience, 40.9 percent of the females and 38.4 percent of the males were unskilled workers. While 84.4 percent of the colored youth working or looking for jobs had worked before, the percentage of colored youth whose work experience was of the unskilled type was 68.0 as compared to 32.0 percent of the white youth in that class.

Estimated urban relief youth, 16 to 24 years of age, classified according to employment status, work experience, occupational group, sex, and race, May 1935 [1]

Employment status and work experience	Total	Sex		Race	
		Male	Female	White	Negro and other
All young people covered	1,726,800	845,100	881,700	1,413,700	313,100
Not working and not seeking work	584,100	169,900	414,200	480,700	103,400
Working or seeking work	1,142,700	675,200	467,500	933,000	209,700
Never worked	266,700	133,700	133,000	234,000	32,700
With usual occupation	876,000	541,500	334,500	699,000	177,000
Professional, proprietary, and clerical and kindred workers	197,800	112,300	85,500	184,500	13,300
Skilled workers	54,900	53,600	1,300	50,500	4,400
Farm operators	1,200	1,200	(2)	1,100	100
Semiskilled workers	277,700	166,700	111,000	238,900	38,800
Unskilled workers	344,400	207,700	136,700	224,000	120,400

[1] The figures in this table are estimated from sample studies; therefore the numbers of less than 10,000, since they constitute only a fraction of 1 percent of the total, are subject to large margins of error.
[2] Fewer than 50 persons.

One-half of the 584,100 urban youth on general relief who were not at work or seeking employment were attending full-time school; the other half were not at work, nor looking for employment nor attending school full time. In the nonworking group, 89.7 percent of the males but only one-third of the females were reported as attending school at the date under review. The remainder of the girls and young women were, for the most part, in the age group 18–24, and were living at home, often caring for dependent children.

The urban people on relief in the age group 16–24 who were not working nor looking for work and were physically handicapped numbered 40,700, of whom seven-tenths were females.

Of the 1,726,800 urban youth on the relief rolls, 27.3 percent were married, and approximately 31.4 percent of those who were married were heads of families. The percentage of unmarried young persons in the urban relief group who were family heads was very small, but nearly all married male urban relief youths were family heads. Of 152,800 urban youth who were family heads, 97 percent were married, and an estimated 84 percent of this married group were employable.

Because of the difficulties in defining "unemployable", female heads of families were not tabulated separately as "employable" or "unemployable." It is probable that a great majority of the female family heads were not able to work, since a considerable number of them had the care of dependent children or other family responsibilities.

It is also estimated that of all urban relief youth, slightly over 45 percent had more than an eighth-grade education. Estimates for corresponding educational attainment by the following groups of the urban youth relief population are: White youth, 48.6 percent; colored youth, 30.2 percent; female youth, 48.7 percent; male youth, 41.6 percent.

Rural relief youth

In May 1935 a very large proportion (72 percent) of the 1,150,000 rural youth on general relief were residents of the open country. Females constituted a slightly larger percentage of the young people on rural relief than males. Approximately 10 percent of the total relief youth were household heads and 21 percent were attending full-time school. More than half (627,000) of the rural relief youth were working or seeking work, but 13 percent of the males in this group and 36 percent of the females had never been employed as long as 4 consecutive weeks in any occupation.

Unskilled labor was predominant in the occupational experience of the rural relief young people who had been employed. Of the total rural male relief youth who had work experience, 11 percent had been farm operators. The work experience of 18 percent of rural female youth on relief was in domestic and personal service.

Transient youth under care

Approximately 20 percent of 273,820 persons who were receiving assistance as transients in May 1935 were 16–24 years of age, while the percentage of youth in the relief population at that date was estimated as 15.9. Nearly nine-tenths of the 54,480 transient young persons under care were white and nearly three-fourths were males.

Almost all (94.4 percent) of the unattached transients in the 16–24 age group were single, and practically all the male heads of young transient family groups were married and living with their wives.

"Since the absence of a male head is implied in the classification of family groups with female heads, it is not surprising that three-fourths (74 percent) of these female heads are either single, divorced, widowed, or permanently separated.

"One of the numerically small but particularly serious problems of relief youth shows up in the female transient youth population. Of the unattached, as many as 15 percent are married, while 20.3 percent are widowed, divorced, or separated. And of the female family heads only 26.0 percent are married and living with their husbands; 20.8 percent are single; and the remainder, 53.2 percent, are widowed, divorced, or separated."

Only 61.3 percent of the youths receiving transient care reported a usual occupation and 76.7 percent of those thus reporting were semiskilled or unskilled workers.

A majority of the persons 16–24 years of age registering at the transient agencies had been wandering for less than 6 months but 17 percent of them had been on the road for 15 months or longer. The unattached youth and the youth in family groups had been transients for approximately the same length of time.

Slightly over one-half of the unattached transient youth had more than a grammar-school education but only 3 percent had progressed beyond the high-school level. Only 31 percent of the Negroes as against 54 percent of the whites had gone beyond grammar school.

Youth in Civilian Conservation Corps camp

At the time of the survey (May 1935) over a quarter of a million (270,500) male youth were in C. C. C. camps, of whom 92.7 percent were white.

THE TRANSIENT UNEMPLOYED

The only solution of the problem of depression transients is through an adjustment of this mobile labor supply to the requirements of those sections which need workers. Resettlement and stability, however, depend upon economic opportunity. Consequently "it seems highly probable that the dissolution of the transient population will proceed only as rapidly as business and industry can provide the employment essential to stability. To whatever extent this provision falls short the transient problem will remain unsolved." These are the conclusions reached in an

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analysis of the characteristics of jobless transients on relief recently issued by the Federal Works Progress Administration.[1]

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In the fall and winter of 1930 reports from municipal lodgings, missions, and shelters in metropolitan districts indicated that as compared with preceding years the number of homeless men seeking aid was increasing at a rapid rate. At approximately the same period States in the South and West became anxious concerning the inflow of needy persons from other parts of the country.

As these migrants of the depression were almost constantly in motion, it was not possible to determine their number. According to estimates presented at congressional hearings on relief legislation, there were between one and one-half and five million. It was found, however, that such estimates greatly exceeded the number of persons cared for under the transient relief program. These overestimates resulted largely from the inclusion in the term "transient" of all homeless individuals, whether or not they had a legal residence, and also from estimating the total number of transients from observations in localities in which the number of transients was greatest.

Based on careful examination of registrations, the maximum of the transient relief population during the period in which the transient relief program was in operation is estimated as 200,000 unattached persons and 50,000 family groups. Because of the everchanging membership of this population it is considered likely, however, that the number of individuals and family groups aided by transient bureaus at some period was double or triple these estimates.

The personal and occupational characteristics of these depression migrants were ascertained by studying the monthly registrations in 13 representative cities. Among the significant findings in this connection are:

(1) About two-thirds of the unattached individuals and one-half of the family group heads were between the ages of 16 and 35 years.

(2) The unattached women did not exceed 3 percent of the transients in any month, but about 15 percent of the heads of family groups were women.

(3) Native white persons constituted the great majority of transients, Negroes representing only about one-tenth of the monthly registrations, and foreign-born whites only about one-twentieth. In the transient relief population the percentage of native white persons was greater, the percentage of foreign-born whites less, and the percentage of Negroes approximately the same as in the general population.

(4) Only 2 percent of the unattached transients and 3 percent of the heads of transient families had had no formal education. About two-thirds of both groups had a grade-school education or more.

(5) Approximately 95 percent of the unattached transients were reported as employable and as expressing willingness to work. A similar report was made for 90 percent of the heads of families.

(6) Broad classifications of ordinary occupations disclose that the percentage of unskilled and semiskilled workers in the transient relief population was greater than the percentage of such workers in the general population or in the resident relief population.

(7) The most common reason for the wandering of these depression migrants was unemployment. Other important reasons were ill health, the desire for adventure, domestic difficulties, and insufficient relief.

(8) The unattached transients in the relief population of the United States as a whole came for the most part from States to the east of the Mississippi River and transient families from States to the west of that river.

(9) According to registrations in 13 representative cities, about 80 percent of the unattached transients and 70 percent of transient family groups came from urban centers with a population of 2,500 or more. Transients from rural sections came more frequently from towns of less than 2,500 population than from the open country and farms.

(10) The heaviest and most constant net gains in population as a result of the migration of transients were reported by States in the western and southwestern parts of the country, while the heaviest and most constant net losses were reported by States in the eastern, southeastern, and west central regions.

The findings of the report indicate that transiency was due in large part to two circumstances; i. e., extensive unemployment and the mobility of the population. The problem of relief presented by transients was the outcome of another factor—legal settlement or residence as a prerequisite for public or private relief in any community.

"Except for the fact that they were nonresidents, there seems little reason for considering transients as a distinct and separate group in the total relief population. Although they could be distinguished from the resident unemployed, it was principally because they were younger, and included a greater proportion of unattached persons. Actually the transient population represented the more active and restless element among the great number of unemployed created by the depression. Migration offered an escape from inactivity; and in addition, there was the possibility that all communities were not equally affected by unemployment."

The movement of a substantial part of this transient relief population seems to have been wasted effort. Much of this migration was away from urban centers, which, from the viewpoint of economic progress, were probably more able to provide employment than were the localities to which the transients were attracted. Upon the recovery of business and industry "it may be expected that many of the depression migrants will return to areas similar to the ones they left."

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INCREASE IN EMPLOYMENT AMONG LIBRARIANS IN 1935

In 1935 the number of unemployed librarians was less than in any year since 1931, according to a report in part I of the January 1936 issue of the Bulletin of the American Library Association. In November 1935, 34 library schools reported that 685 unemployed graduates who had had at least a full year of library science education were seeking positions. This number was about 33 percent below that reported in 1934 by 31 library schools and about 40 percent less than that reported in 1933 by 31 library schools. "In addition, a number equivalent to those graduating from library schools in the years 1934 and 1935, approximately 2,000 have also been placed."

Almost all of the library schools stated that the placement of 1935 graduates was more rapid than that of any classes since 1930.

Approximately one-third of the librarians who were not employed and were looking for positions at the time of the report completed their library course in 1932 or 1933, when there were almost no opportunities for employment in libraries.

[From the New York Sun, Saturday, May 23, 1936]

The Sun's employment survey showing returns and basis of comparisons

NOTE.—Beginning with this, the fourth report, the arbitrary allotment of 90 percent of 4,025,000 clerical workers to industry, trade, and transportation on a basis of 45, 35, and 10 percent, is abandoned. Clerical workers are now apportioned on the basis of the 1930 United States census, 2,996,000 being credited to industry, trade, and transportation; a majority of the remaining 1,000,000 clerical workers are Government employees

Fields of employment	Employables, 1929 (not necessarily holding jobs), based on United States census	Employables, 1936, figures based on census averages	Employment 1929 by companies reporting to the Sun	Employment 1935 by companies reporting to the Sun	Percent employment by companies in 1935, compared to 1929	Total employed in 1935, based on 1935 percentage applied to 1929 total	Total unemployed, 1936, based on 1935 unemployed plus addition of new workers since 1930
Mechanical and manufacturing industries including clerical workers	15,344,000	16,014,000	3,154,078	2,940,740	93.5	14,346,640	1,678,740
Trade, including clerical workers	7,425,000	7,752,000	568,300	622,999	109.6	8,167,809	None
Extraction of minerals	[1] 880,000	918,000	239,752	174,522	72.8	640,640	278,420
Transportation and communication including clerical workers	4,369,000	4,539,000	2,479,066	1,738,143	70.1	3,062,669	1,499,461
Total	28,018,000	29,223,000	6,441,096	5,485,143	----------	26,217,749	[2] 3,456,621

[1] A class of 100,000 oil and gas operatives is included in mechanical industries.

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number of 48,829,000 gainful workers in the United States. Subsequently, the Secretary of Commerce put the number of jobless at 6,050,000, based on a sample census in January 1931. In September of that year the National Industrial Conference Board made the then startling announcement that unemployment, according to its own conservative estimates, had passed the 7,000,000 mark in midsummer.

The peak of unemployment, according to the conference board's estimates, occurred in March 1933, at the time of the banking crisis, with a total of 13,300,000. From that high point, then, the board's present estimate shows a decline of 3,158,000, or 23.7 percent.

This latest estimate of unemployment indicates an increase in the number of unemployed over December 1934 of 402,000, or 4.1 percent, due mainly to the quieting down of business activity in the distribution field after the Christmas holiday season. This is shown in table 2. Further, unemployment in trade increased 408,000; in transportation, by 12,000; in mining, by 5,000; in miscellaneous industry, by 11,000. A decrease in unemployment, however, is shown in the increase of employment of 5,000 in manufacturing and mechanical industry and 55,000 in domestic and personal service.

Nevertheless, there was a slight improvement in the unemployment situation during 1934. Compared with January 1934, unemployment in January 1935 showed a decline of 11.6 percent in domestic and personal service, 10.8 percent in manufacturing and mechanical industries, 7.4 percent in trade, 6.6 percent in mining, and 4.1 percent in miscellaneous industries. In transportation, however, unemployment rose 1.1 percent during the year. In total unemployment the month of January 1935 shows a drop of 396,000, or 3.8 percent, from the same month last year.

Finally, while it is true that the number of unemployed in manufacturing and mechanical industries far exceeds that in any other division, the proportionate increase from April 1930 to January 1935 was greater in some other fields.

[From the Monthly Labor Review for July 1936]

EMPLOYMENT CONDITIONS AND UNEMPLOYMENT RELIEF

YOUTH ON RELIEF [1]

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Urban young people on relief

From the following table it will be noted that of 1,142,700 urban young persons working or seeking employment in May 1935, more than three-quarters (876,000) had work experience. Of those who had such experience, 40.9 percent of the females and 38.4 percent of the males were unskilled workers. While 84.4 percent of the colored youth working or looking for jobs had worked before, the percentage of colored youth whose work experience was of the unskilled type was 68.0 as compared to 32.0 percent of the white youth in that class.

Estimated urban relief youth, 16 to 24 years of age, classified according to employment status, work experience, occupational group, sex, and race, May 1935 [1]

Employment status and work experience	Total	Sex		Race	
		Male	Female	White	Negro and other
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Fourth report of the employment survey listing 300,000 additional workers (324 companies reporting)

[Employees in 1929, 335,430; employees in 1936, 313,260]

EMPLOYEES BY CLASSES

	1929	1935
Industry	217,314	212,443
Trade	53,181	34,772
Transportation	31,619	34,627
Mining	33,316	31,418

MANUFACTURING AND MECHANICAL

[* Indicates figures are of current date]

Company	Average number of employees for year 1929	Average number of employees for year 1935
Aberfoyle Co., Chester, Pa. (For the month of June each year.)	1,986	1,497
Aircraft Plywood, Seattle	65	300
American Beverage	139	202
American Car & Foundry	8,029	4,454
American Hardware Co.	4,390	2,766
American Shipbuilding	1,176	555
Bakelite Corporation	625	*1,009
Baldwin-Duckworth Chain Corporation	451	405
Bevin Bros., Connecticut	115	85
Bienville Lumber, Mississippi	300	None
Boyd-Welsh, St. Louis	579	372
Buffalo Brake Beam	321	[1]328
Buffalo Electro-Chemical	73	106
Buffalo Weaving Co.	200	150
Carlisle Hardware	72	67
Catalin Corporation of America	30	200
Celluloid Corporation	1,400	1,550
Charter Oak Stove, St. Louis	209	*131
Colt's Patent Fire Arms	1,559	1,849
Commercial Bookbinding, Ohio	202	327
Consolidated Aircraft, San Diego	700	1,800
Cooper-Bessemer Corporation [2]	2,137	859
Detroit Steel Casting	302	252
Dodge Cork Co., Pennsylvania	138	152
Eby Shoe Co., Pennsylvania	437	317
Eppinger & Russell	249	245
Erwin Mills, Durham (These figures are included in textile group total.)	2,994	5,147
Escanaba Paper Co., Michigan	240	290
Falstaff Brewery, St. Louis	None	450
J. A. Fay & Egan, Cincinnati	320	90
Flock Brewing, Pennsylvania	*10	50
Friehofer Baking, Philadelphia	1,702	1,592
Frintz-Biederman, Cleveland	376	368
Charles Gulden	68	68
Hartford Steel Ball	25	40
Hazel-Atlas Glass, West Virginia	4,375	7,020
George A. Hormel, Austin, Minn.	2,789	3,587
J. D. Lacey Lumber, Chicago	45	7
Larsen Baking, Brooklyn	239	322
Little, Brown & Co.	240	172
Lydia Cotton Mills, South Carolina (These figures are included in the textile group.)	400	400
George A. Lowe, Ogden, Utah	118	69
Manning, Bowman, Connecticut	561	560
Meadow River Lumber, Wisconsin	600	400
Minneapolis, Honeywell Regulator	1,125	1,300
Mission Dry Corporation, California	102	144
National Cash Register Co.	8,094	5,328
New England Butt Co.	225	124
N. Y. Car Wheel Co.	220	140
New York Herald Tribune	1,471	1,640
Nonquitt Mills, Massachusetts (These figures are included in the textile goup.)	218	276
North American Creameries, Minnesota	442	379
Ohio Steel Foundry	840	*775
Otis Co., New York	2,000	1,700
Parker Pen Co.	764	824
Pilgrim Mills, Fall River (These figures are included in the textile group.)	439	669
Queen City Cotton, Vermont (These figures are included in the textile group.)	500	695
Quissett Mill, Massachusetts (These figures are included in textile group total.)	375	400
Raytheon Manufacturing Co.	848	1,097
Reece Folding Machine	25	27
Regal Shoe Co. (factory)	589	634
Republic Rubber	549	816
Rockwood & Co.	636	1,222
Royal Typewriter Co.	4,250	*6,350
Santa Cruz Portland Cement	322	240
Snider Packing Co.	[3] 3,713	[3] 5,255
Springfield (Ill.) Borter Co.	122	78
Standard Phosphate, Baltimore	368	455
Star Woolen Co., Cohoes	110	126
Stewart-Warner Corporation	6,835	4,668
B. F. Sturtevant, Boston	909	809
Swan-Finch Oil Corporation	139	142
Sweat-Comings Co., Vermont	130	178
Taber Mill, New Bedford (These figures are included in the textile group.)	477	478
Thunder Lake Lumber, Wisconsin	160	263
Towle Manufacturing Co.	347	259

[1] Includes subsidiary, Acme Steel & Malleable Iron.
[2] Of May 15, 1936, Cooper-Bessemer employs 1,840.
[3] A seasonal business, peak figures cited.

Fourth report of the employment survey listing 300,000 additional workers (324 companies reporting)—Continued

MANUFACTURING AND MECHANICAL—continued

[* Indicates figures are of current date]

Company	Average number of employees for year 1929	Average number of employees for year 1935
M. H. Treadwell, Easton, Pa.	428	*335
Trumbull Electric	580	[4] 466
Valley Agricultural, California	840	[4] 595
Vascoloy-Ramet	[5] None	58
Vulcan Corporation, Portsmouth, Ohio	979	1,290
Walton Lumber, Everett, Wash.	305	*325
S. D. Warren Co., Boston	1,720	1,650
West Disinfecting	633	725
West Point Manufacturing Co. (These figures are included in the textile group.)	4,081	5,782
Whiten Machine Works, Massachusetts	1,823	2,650
Wisner Manufacturing Co.	32	17
A Buffalo company	130	100
An Illinois company	368	219
A New York manufacturer	702	764
A Kentucky manufacturer	1,121	954
A New York manufacturer	450	375
A New York company	575	1,200
A Massachusetts mill (These figures are included in textile group total.)	2,210	2,339
A New York company	1,419	1,456
A Massachusetts company	200	200
A New York company	138	121
A Chicago manufacturer	713	1,008
A Pennsylvania corporation	2,179	1,732
A durable-goods company	1,010	635
A Pennsylvania company	42	58
A Connecticut company	399	385
A Massachusetts company	1,541	1,706
A Pennsylvania durable-goods corporation	4,000	1,200
A New York company	1,100	1,120
A Spokane company	70	78
A Georgia manufacturer	970	*697
A Massachusetts company	332	250
Do	1,120	980
A Connecticut company	290	*272
A Boston company	310	256
An Illinois company	422	332
A Massachusetts company	125	110
Do	459	291
A manufacturer	None	3,791
A Pennsylvania company	1,850	*2,200
A Connecticut company:	87	*86
A New Jersey company	20	50
A Michigan company	632	508
A Massachusetts company	516	*478
A Connecticut company	1,439	2,085
A Massachusetts company	254	74
A Connecticut company	160	110
A Minnesota company	3,327	3,315
A New York company	1,565	1,987
An Oregon company	250	500
An industrial corporation	20	1,124
A Utah company	353	370
A New York company	250	*70
A New Jersey company	100	100
A heavy-goods house	1,800	875
A Pennsylvania company	429	290
An Indiana company	358	497
A Philadelphia company	392	352
A Pennsylvania company	441	*382
A Wisconsin company	72	57
A New York manufacturer	570	608
A Rhode Island company	1,000	870
A Pennsylvania company	1,330	631
A New York company	795	778
Do	1,465	2,891
A Cleveland company	168	80
A Connecticut company	111	111
A New Jersey company	None	18
A New York company	342	508
Do	703	*1,264
A Pennsylvania company	30	14
A Philadelphia company	340	259
A durable-goods plant	1,215	747
A Pennsylvania company	1,383	1,459
A Rhode Island company	594	686
A Pennsylvania corporation	1,258	1,307
A New England manufacturer	1,641	1,725
A New Jersey manufacturer	322	802
A Pennsylvania company	1,708	1,517
A New York manufacturer	1,556	626
Do	683	649
A manufacturer	5,391	5,485
A New York company	450	530
A manufacturer	16,115	17,450
A durable goods manufacturer	1,173	767
A Wisconsin manufacturer	900	734
A manufacturer	1,800	[7] None
A Connecticut company	545	*480
A New York company	941	1,466
A Connecticut company	513	432
A Maryland company	310	250
A Massachusetts company	183	47

[4] These figures for Plainville, Conn., plant only.
[5] These figures are for peak seasonal operations.
[6] Company started Sept. 1, 1933.
[7] This company has ceased manufacturing. Figures for remaining clerical and executive staff not given.

Fourth report of the employment survey listing 300,000 additional workers (324 companies reporting)—Continued

MANUFACTURING AND MECHANICAL—continued

[* Indicates figures are of current date]

Company	Average number of employees for year 1929	Average number of employees for year 1935
A Kentucky company	550	75
A durable-goods manufacturar	125	35
A Michigan company	2,156	3,291
A Pennsylvania company	185	155
A Scranton company	988	812
A Pittsburgh company	864	600
A New York durable-goods plant	900	575
A New England manufacturer	3,200	2,300
A St. Louis company	550	550
An Illinois company	13,978	15,292
A Missouri company	807	693
A durable-goods plant	7,339	5,377
A Chicago company	2,950	2,300
A Chicago manufacturer	1,000	600
A Boston company	1,139	1,108
A New York corporation	260	182
A Michigan company	400	225
A Lynn, Mass., company	120	77
An Ohio manufacturer	103	*141
A Cleveland manufacturer	507	411
A North Carolina company (These figures are included in the textile group.)	232	182
A Massachusetts mill (These figures are included in the textile group.)	1,578	804
A Massachusetts company (These figures are included in the textile group.)	439	283
A California durable-goods plant	225	175
A Memphis manufacturer	110	80
A durable-goods plant	1,110	650
A New England manufacturer	2,672	2,435
Do	4,883	5,332
A Boston manufacturer	4,386	4,495
A Massachusetts manufacturer	3,435	3,110

TRADE

A. B. C. Cigar, San Francisco	55	50
American City Bureau, Chicago	36	28
D. Appleton-Century	[8] 208	211
Ashcraft-Wilkinson, Atlanta	29	29
Bank of California (These figures are for home office only.)	230	218
Barrymore Clothes, Inc		3
Becker Mercantile, Arizona	10	9
Behrens Drug Co., Waco	68	58
Bellevue Chemical, Brooklyn	1	4
F. E. Berry, Jr., & Co	45	15
Bornot, Inc., Philadelphia	250	500
Brewster & Son, Inc., New Jersey	14	13
Bristol & Willett, New York	23	25
Capital National Bank, Sacramento	40	55
Capital Supply, Kalamazoo	12	11
Central Bank, Des Moines	50	65
Chas. G. Chrystal, Inc., New York	20	21
Cincinnati Realty Co	493	370
Clover Splint Coal Co	314	328
Commercial Credit Co	2,281	*2,592
Corbett Bros. Co	101	57
D., L. & W. Coal Co	323	328
Dime Bank, Hartford	8	10
Farmers-Merchants Bank, Los Angeles	218	277
Fashion Co., Columbus, Ohio	271	294
Flint & Horner	110	*73
First National Bank, Colorado Springs	47	45
First National, Lincoln, Nebr	120	85
Fort Worth National Bank	156	167
Hale Desk Co	107	65
Hammond Standish, Detroit	582	338
Industrial Corporation, Baltimore	8	12
R. H. Johnson & Co	6	23
Keith Equipment, Chicago	7	8
Koupal & Barstow, Nebraska	7	6
Kronfeldt & Karlin	5	5
Lawyers County Trust	167	205
Louisville Public Warehouse	73	95
Mercantile-Commerce Bank	783	[9] 731
D. F. Munroe Co., Boston	43	47
McDougal-Butler, Buffalo	73	64
New York State National, Albany	143	[10] 107
Onondaga Broadcasting	12	33
Pennsylvania Illuminating Co	29	28
Phelps Publishing, Massachusetts	153	166
Pueblo (Colo.) Savings & Trust	22	22
Pulp & Paper Trading	16	16
St. Paul Coal Co	1	1
Sanger Bros., Dallas	741	685
San Francisco Bank	147	209
Shaffer Stores, Altoona	430	[11] 400
Showers Bros., Indiana	2,150	1,475

[8] Of June 1, 1933, date of consolidation.
[9] Includes 30 employees who formed new investment company.
[10] Of the 36 fewer employees all but 1 were pensioned or placed in other employment.
[11] 12 less stores than in 1929.

Fourth report of the employment survey listing 300,000 additional workers (324 companies reporting)—Continued

TRADE—continued

[* Indicates figures are of current date]

Company	Average number of employees for year 1929	Average number of employees for year 1935
Silesian-American	3	3
State Street Research, Boston	12	17
Stone & Co	11	5
The New Yorker	103	[12] 139
Thrift, Inc., Evansville	8	8
Triple State Electric, West Virginia	32	23
Topics Publishing Co	30	57
Union National Bank, Houston	105	*87
United Business Service, Massachusetts	40	100
United States Advertising	148	119
United States National Bank, Portland, Oreg	335	*529
J. Weingarten, Houston	335	495
R. C. Williams & Co	436	487
A holding company	38	14
An Ohio company	2,677	2,643
An Ohio company	[13] 612	967
A New England store	300	297
An Illinois company	3,445	2,874
A California bank	12	28
A New England store	954	965
A Toledo company	42	47
A Baltimore company	129	280
An Illinois bank	115	93
A Pennsylvania bank	488	403
A Massachusetts company	10	10
A Baltimore company	62	54
A southwestern bank	81	54
A New York company	2,350	2,407
A Texas bank	103	72
A trading company	2,330	3,106
A national company	50	1,037
A New York company	269	658
A trading company	130	121
A company in Washington State	496	577
A Texas company	29	29
A New York city concern	12	13
A Los Angeles company	459	596
A Massachusetts company	18	10
Do	358	363
A New York company	170	175
A Cleveland company	168	158
A Los Angeles company	221	330
Do	54	79
A New York company	200	117
A San Francisco company	653	*623
9 small companies	26	29
A New York company	25	24
A Pacific coast bank	262	442
A Kansas bank	76	68
A Missouri concern	449	[14] 483
A Seattle concern	759	604
A New York house	6	4
A New York wholesaler	154	347
A New York house	42	12
A New York bank	61	56
A Rhode Island bank	64	55
A Boston company	56	62
A Jersey City company	20	17
A Kansas City company	1,300	775

TRANSPORTATION AND COMMUNICATION

Brooklyn-Manhattan Transit	7,326	6,310
East Massachusetts Street Railway	1,955	1,654
Independent Subway (Independent Subway was being built in 1929.)		4,055
Interborough Rapid Transit	16,525	15,562
United States Freight Co	3,164	4,590
Western Transport, Oregon	100	130
Yellow Cab, San Francisco	725	700
A southern company	1,824	1,626

EXTRACTION OF MINERALS

Davidson Ore Mining	150	60
Island Creek Coal Co (These were given in a previous report as for Pond Creek Pocahontas Coal.)	2,781	2,934
Jamison Coal and Coke	1,115	1,244
Pond Creek Pocahontas Coal (In a previous report Island Creek Coal Co.'s figures were given as of Pond Creek Pocahontas.)	438	1,369
A mining company	18,665	10,697
Do	300	15
Do	1,356	846
Do	31,910	18,556

[12] As of May 18, 1929, and May 16, 1936.
[13] Figures for 1928, those of 1929 not available.
[14] Figures for current date, 1930 and 1936.

Fourth report of the employment survey listing 300,000 additional workers (324 companies reporting)

[Employees in 1929, 335,430; employees in 1936, 313,260]

EMPLOYEES BY CLASSES

	1929	1935
Industry	217,314	212,443
Trade	33,181	34,772
Transportation	31,619	34,627
Mining	53,316	31,418

MANUFACTURING AND MECHANICAL

[* Indicates figures are of current date]

Company	Average number of employees for year 1929	Average number of employees for year 1935
Aberfoyle Co., Chester, Pa. (For the month of June each year.)	1,986	1,497
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American Shipbuilding	1,176	555
Bakelite Corporation	625	*1,009
Baldwin-Duckworth Chain Corporation	451	405
Bevin Bros., Connecticut	115	85
Bienville Lumber, Mississippi	300	None
Boyd-Welsh, St. Louis	579	372
Buffalo Brake Beam	321	[1]328
Buffalo Electro-Chemical	73	106
Buffalo Weaving Co.	200	150
Carlisle Hardware	72	67
Catalin Corporation of America	30	200
Celluloid Corporation	1,400	1,550
Charter Oak Stove, St. Louis	209	*131
Colt's Patent Fire Arms	1,559	1,849
Commercial Bookbinding, Ohio	202	327
Consolidated Aircraft, San Diego	700	1,800
Cooper-Bessemer Corporation [2]	2,137	859
Detroit Steel Casting	302	252
Dodge Cork Co., Pennsylvania	138	152
Eby Shoe Co., Pennsylvania	437	317
Eppinger & Russell	249	245
Erwin Mills, Durham (These figures are included in textile group total.)	2,994	5,147
Escanaba Paper Co., Michigan	240	290
Falstaff Brewery, St. Louis	None	450
J. A. Fay & Egan, Cincinnati	320	90
Flock Brewing, Pennsylvania	*10	50
Friehofer Baking, Philadelphia	1,702	1,592
Frintz-Biederman, Cleveland	376	368
Charles Gulden	68	68
Hartford Steel Ball	25	40
Hazel-Atlas Glass, West Virginia	4,375	7,020
George A. Hormel, Austin, Minn.	2,789	3,587
J. D. Lacey Lumber, Chicago	45	7
Larsen Baking, Brooklyn	239	322
Little, Brown & Co.	240	172
Lydia Cotton Mills, South Carolina (These figures are included in the textile group.)	400	400
George A. Lowe, Ogden, Utah	118	69
Manning, Bowman, Connecticut	561	560
Meadow River Lumber, Wisconsin	600	400
Minneapolis, Honeywell Regulator	1,125	1,300
Mission Dry Corporation, California	102	144
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New York Herald Tribune	1,471	1,640
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Otis Co., New York	2,000	1,700
Parker Pen Co.	764	824
Pilgrim Mills, Fall River (These figures are included in the textile group.)	439	669
Queen City Cotton, Vermont (These figures are included in the textile group.)	500	695
Quissett Mill, Massachusetts (These figures are included in textile group total.)	375	400
Raytheon Manufacturing Co.	848	1,097
Reece Folding Machine	25	27
Regal Shoe Co. (factory)	589	634
Republic Rubber	549	816
Rockwood & Co.	636	1,222
Royal Typewriter Co.	4,250	*6,350
Santa Cruz Portland Cement	322	240
Snider Packing Co.	[3] 3,713	[3] 5,255
Springfield (Ill.) Borter Co.	122	78
Standard Phosphate, Baltimore	368	455
Star Woolen Co., Cohoes	110	126
Stewart-Warner Corporation	6,835	4,668
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Swan-Finch Oil Corporation	139	142
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Taber Mill, New Bedford (These figures are included in the textile group.)	477	478
Thunder Lake Lumber, Wisconsin	160	263
Towle Manufacturing Co.	347	259

[1] Includes subsidiary, Acme Steel & Malleable Iron.
[2] Of May 15, 1936, Cooper-Bessemer employs 1,840.
[3] A seasonal business, peak figures cited.

Fourth report of the employment survey listing 300,000 additional workers (324 companies reporting)—Continued

MANUFACTURING AND MECHANICAL—continued

[* Indicates figures are of current date]

Company	Average number of employees for year 1929	Average number of employees for year 1935
M. H. Treadwell, Easton, Pa.	428	*335
Trumbull Electric	580	[4] 466
Valley Agricultural, California	840	[5] 595
Vascoloy-Ramet	[5] None	58
Vulcan Corporation, Portsmouth, Ohio	979	1,290
Walton Lumber, Everett, Wash.	305	*325
S. D. Warren Co., Boston	1,720	1,650
West Disinfecting	633	725
West Point Manufacturing Co. (These figures are included in the textile group.)	4,081	5,782
Whiten Machine Works, Massachusetts	1,823	2,650
Wisner Manufacturing Co.	32	17
A Buffalo company	130	100
An Illinois company	368	219
A New York manufacturer	702	764
A Kentucky manufacturer	1,121	954
A New York manufacturer	450	375
A New York company	575	1,200
A Massachusetts mill (These figures are included in textile group total.)	2,210	2,339
A New York company	1,419	1,456
A Massachusetts company	200	200
A New York company	138	121
A Chicago manufacturer	713	1,008
A Pennsylvania corporation	2,179	1,732
A durable-goods company	1,010	635
A Pennsylvania company	42	58
A Connecticut company	399	385
A Massachusetts company	1,541	1,706
A Pennsylvania durable-goods corporation	4,000	1,200
A New York company	1,100	1,120
A Spokane company	70	78
A Georgia manufacturer	970	*697
A Massachusetts company	332	250
Do.	1,120	980
A Connecticut company	290	*272
A Boston company	310	256
An Illinois company	422	332
A Massachusetts company	125	110
Do.	459	291
A manufacturer	None	3,791
A Pennsylvania company	1,850	*2,200
A Connecticut company	87	*86
A New Jersey company	20	50
A Michigan company	632	508
A Massachusetts company	516	*478
A Connecticut company	1,439	2,085
A Massachusetts company	254	74
A Connecticut company	160	110
A Minnesota company	3,327	3,315
A New York company	1,565	1,987
An Oregon company	250	500
An industrial corporation	20	1,124
A Utah company	353	370
A New York company	250	*70
A New Jersey company	100	100
A heavy-goods house	1,800	875
A Pennsylvania company	429	290
An Indiana company	358	497
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A Pennsylvania company	441	*382
A Wisconsin company	72	57
A New York manufacturer	570	608
A Rhode Island company	1,000	870
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A New York company	795	778
Do.	1,465	2,891
A Cleveland company	168	80
A Connecticut company	111	111
A New Jersey company	None	18
A New York company	342	508
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A Pennsylvania company	30	14
A Philadelphia company	340	259
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A Pennsylvania company	1,383	1,459
A Rhode Island company	594	686
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A New Jersey manufacturer	322	802
A Pennsylvania company	1,708	1,517
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A Wisconsin manufacturer	900	734
A manufacturer	1,800	[7] None
A Connecticut company	545	*480
A New York company	941	1,466
A Connecticut company	513	432
A Maryland company	310	250
A Massachusetts company	183	47

[4] These figures for Plainville, Conn., plant only.
[5] These figures are for peak seasonal operations.
[6] Company started Sept. 1, 1933.
[7] This company has ceased manufacturing. Figures for remaining clerical and executive staff not given.

Fourth report of the employment survey listing 300,000 additional workers (324 companies reporting)—Continued

MANUFACTURING AND MECHANICAL—continued

[* Indicates figures are of current date]

Company	Average number of employees for year 1929	Average number of employees for year 1935
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A Chicago company	2,950	2,300
A Chicago manufacturer	1,000	600
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(These figures are included in the textile group.)		
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(These figures are included in the textile group.)		
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(These figures are included in the textile group.)		
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A Memphis manufacturer	110	80
A durable-goods plant	1,110	650
A New England manufacturer	2,672	2,435
Do	4,883	5,332
A Boston manufacturer	4,386	4,495
A Massachusetts manufacturer	3,435	3,110

TRADE

A. B. C. Cigar, San Francisco	55	50
American City Bureau, Chicago	36	28
D. Appleton-Century	[8] 208	211
Ashcraft-Wilkinson, Atlanta	29	29
Bank of California	230	218
(These figures are for home office only.)		
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Becker Mercantile, Arizona	10	9
Behrens Drug Co., Waco	68	58
Bellevue Chemical, Brooklyn	1	4
F. E. Berry, Jr., & Co	45	15
Bornot, Inc., Philadelphia	250	500
Brewster & Son, Inc., New Jersey	14	13
Bristol & Willett, New York	23	25
Capital National Bank, Sacramento	40	55
Capital Supply, Kalamazoo	12	11
Central Bank, Des Moines	50	65
Chas. G. Chrystal, Inc., New York	20	21
Cincinnati Realty Co	493	370
Clover Splint Coal Co	314	328
Commercial Credit Co	2,281	*2,592
Corbett Bros. Co	101	57
D., L. & W. Coal Co	323	328
Dime Bank, Hartford	8	10
Farmers-Merchants Bank, Los Angeles	218	277
Fashion Co., Columbus, Ohio	271	294
Flint & Horner	110	*73
First National Bank, Colorado Springs	47	45
First National, Lincoln, Nebr	120	85
Fort Worth National Bank	156	167
Hale Desk Co	107	65
Hammond Standish, Detroit	582	338
Industrial Corporation, Baltimore	8	12
R. H. Johnson & Co	6	23
Keith Equipment, Chicago	7	8
Koupal & Barstow, Nebraska	7	6
Kronfeldt & Karlin	5	5
Lawyers County Trust	167	205
Louisville Public Warehouse	73	95
Mercantile-Commerce Bank	783	[9] 731
D. F. Munroe Co., Boston	43	47
McDougal-Butler, Buffalo	73	64
New York State National, Albany	143	[10] 107
Onondaga Broadcasting	12	33
Pennsylvania Illuminating Co	29	28
Phelps Publishing, Massachusetts	153	166
Pueblo (Colo.) Savings & Trust	22	22
Pulp & Paper Trading	16	16
St. Paul Coal Co	1	1
Sanger Bros., Dallas	741	685
San Francisco Bank	147	209
Shaffer Stores, Altoona	430	[11] 400
Showers Bros., Indiana	2,150	1,475

[8] Of June 1, 1933, date of consolidation.
[9] Includes 30 employees who formed new investment company.
[10] Of the 36 fewer employees all but 1 were pensioned or placed in other employment.
[11] 12 less stores than in 1929.

Fourth report of the employment survey listing 300,000 additional workers (324 companies reporting)—Continued

TRADE—continued

[* Indicates figures are of current date]

Company	Average number of employees for year 1929	Average number of employees for year 1935
Silesian-American	3	3
State Street Research, Boston	12	17
Stone & Co	11	5
The New Yorker	103	[12] 139
Thrift, Inc., Evansville	8	8
Triple State Electric, West Virginia	32	23
Topics Publishing Co	30	57
Union National Bank, Houston	105	*87
United Business Service, Massachusetts	40	100
United States Advertising	148	119
United States National Bank, Portland, Oreg	335	*529
J. Weingarten, Houston	335	495
R. C. Williams & Co	436	487
A holding company	38	14
An Ohio company	2,677	2,643
An Ohio company	[13] 612	967
A New England store	300	297
An Illinois company	3,445	2,874
A California bank	12	28
A New England store	954	965
A Toledo company	42	47
A Baltimore company	129	280
An Illinois bank	115	93
A Pennsylvania bank	488	403
A Massachusetts company	10	10
A Baltimore company	62	54
A southwestern bank	81	54
A New York company	2,350	2,407
A Texas bank	103	72
A trading company	2,330	3,106
A national company	50	1,037
A New York company	269	658
A trading company	130	121
A company in Washington State	496	577
A Texas company	29	29
A New York city concern	12	13
A Los Angeles company	459	596
A Massachusetts company	18	10
Do	358	363
A New York company	170	175
A Cleveland company	168	158
A Los Angeles company	221	330
Do	54	79
A New York company	200	117
A San Francisco company	653	*623
9 small companies	26	29
A New York company	25	24
A Pacific coast bank	262	442
A Kansas bank	76	68
A Missouri concern	449	[14] 483
A Seattle concern	759	604
A New York house	6	4
A New York wholesaler	154	347
A New York house	42	12
A New York bank	61	56
A Rhode Island bank	64	55
A Boston company	56	62
A Jersey City company	20	17
A Kansas City company	1,300	775

TRANSPORTATION AND COMMUNICATION

Brooklyn-Manhattan Transit	7,326	6,310
East Massachusetts Street Railway	1,955	1,654
Independent Subway		4,055
(Independent Subway was being built in 1929.)		
Interborough Rapid Transit	16,525	15,562
United States Freight Co	3,164	4,590
Western Transport, Oregon	100	130
Yellow Cab, San Francisco	725	700
A southern company	1,824	1,626

EXTRACTION OF MINERALS

Davidson Ore Mining	150	60
Island Creek Coal Co	2,781	2,934
(These were given in a previous report as for Pond Creek Pocahontas Coal.)		
Jamison Coal and Coke	1,115	1,244
Pond Creek Pocahontas Coal	438	1,369
(In a previous report Island Creek Coal Co.'s figures were given as of Pond Creek Pocahontas.)		
A mining company	18,665	10,697
Do	300	15
Do	1,356	846
Do	31,910	18,556

[12] As of May 18, 1929, and May 16, 1936.
[13] Figures for 1928, those of 1929 not available.
[14] Figures for current date, 1930 and 1936.

Fourth report of the employment survey listing 300,000 additional workers (324 companies reporting)—Continued

DOMESTIC AND PERSONAL SERVICE

[* Indicates figures are of current date]

[The Sun cannot make comparisons in this field which takes in all family employees as well as those of hotels, restaurants, etc. It gives, however, the following list to provide an idea of the trend of employment in hotels]

Company	Average number of employees for year 1929	Average number of employees for year 1935
A Massachusetts hotel	90	118
A Midwestern hotel	317	*337
A Pennsylvania hotel	325	290
A Texas company	98	73
An Indiana company	749	566
Bowman-Biltmore Corporation	1,723	1,265
Community Hotel Corporation, Seattle	302	328
Dinkler Hotels, Atlanta, Ga	1,046	1,008
Edgewater Beach Hotel	659	621
Hotel Harrington, Fort Huron, Mich	65	55
Kahler Corporation, Rochester, Minn	829	746
Oklahoma Biltmore	None	250
Providence Biltmore Hotel	468	465
The Drake, Chicago	755	585
Van Horn Hotel Co., Texas (opened in June 1930)	None	18
Waldorf-Astoria Corporation (Waldorf-Astoria opened in 1932 with 1,490 employees)	None	1,790
Wellsboro Hotel, Pennsylvania	29	24

The names of the companies, not listed specifically, have been omitted at the request of the companies for business reasons.

[From the American Federationist for May 1936]

NO PROGRESS IN REEMPLOYMENT

During the first quarter of 1936 American industry has made little or no progress in putting the unemployed to work. The employment gain of 560,000 jobs from January to March is no more than the normal seasonal rise in jobs at this time of year. It must be regarded as purely temporary and accomplishes nothing in permanently reducing the army of unemployed.

In March 1936, 12,184,000 were without work in industry, compared to 12,570,000 in February and 12,646,000 in January. Unemployment decreased by a similar amount last year and also before depression in the spring of 1929. Building is the only industry where gains were more than seasonal; the industry took back 57,000 from January to March. This was offset, however, by the manufacturing industries, which reemployed less than the usual seasonal number.

Trade-union reports give us figures for April and tell a similar story. There has been as yet no progress in putting the unemployed to work in 1936. Union members report that employment gains this year have been less than last year. In 1935, 2.3 percent of the membership found jobs between January and April; in 1936, only 1.7 percent. The weighted figures show the following percentage of union members unemployed: March 1936, 15.5; February 1936, 16.2; March 1935, 19.4.

We are now depending on the Federal Government for 3,878,000 jobs in P. W. A., W. P. A., etc., and in addition relief agencies are caring for about 1,890,000 cases (February 1936).

Hours of work in industry have been lengthened both in February and March this year. Unquestionably this is a chief reason for our failure to make any permanent gains in reemployment. Elsewhere in this month's issue we have pointed out the fact that recovery in employment is falling far behind recovery in business; that we cannot count on industry to put the unemployed to work. America cannot dodge this problem. Businessmen in the past have allowed the Government to deal with it by giving work relief at relief wages. If they plan to continue this policy and still refuse to face the problem, they will do well to remember that millions of American citizens will not indefinitely submit to enforced poverty and public support in an age when industry is equipped to supply them a comfort level of living.

Unemployment in cities

	All trades		Building trades		All other trades		
	Percent members unemployed April 1936	Percent increase (+) or decrease (−) since March [1]	Percent members unemployed April 1936	Percent increase (+) or decrease (−) since March [1]	Percent members unemployed April 1936	Percent increase (+) or decrease (−) since March [1]	Part time, all trades
Atlanta, Ga	6	−6	32	+58	4	−24	16
Baltimore, Md	17	−6	46	−9	13	−6	20
Birmingham, Ala	8	−5	31	−7	6	−4	14
Boston, Mass	19	−9	37	−10	13	−7	24
Buffalo, N. Y	21	−9	53	−2	14	−13	19
Chicago, Ill	20	−4	51	−9	13	+2	22

[1] Comparing the same unions for these 2 months.

Unemployment in cities—Continued

	All trades		Building trades		All other trades		
	Percent members unemployed April 1936	Percent increase (+) or decrease (−) since March	Percent members unemployed April 1936	Percent increase (+) or decrease (−) since March	Percent members unemployed April 1936	Percent increase (+) or decrease (−) since March	Part time, all trades
Cincinnati, Ohio	12	−22	45	−4	5	−42	15
Cleveland, Ohio	16	−12	45	−24	9	+8	25
Denver, Colo	8	−4	12	−20	7	+2	27
Detroit, Mich	14	−5	29	−12	12	−1	16
Jersey City, N. J	16	−1	66	+2	9	−5	22
Los Angeles, Calif	12	−15	22	−11	8	−16	23
Milwaukee, Wis	13	−12	25	−31	12	−8	16
Minneapolis, Minn	16	−1	36	−3	11	+1	20
New York City, N. Y	27	−5	53	−6	23	−4	23
Omaha, Nebr	10	−17	49	−8	4	−29	9
Paterson, N. J	33	−1	66	−3	32	−1	24
Philadelphia, Pa	18	−4	49	−11	17	−3	23
Pittsburgh, Pa	17	−22	45	−30	9	−9	19
San Antonio, Tex	9	+5	35	−5	3	−3	17
San Francisco, Calif	14	−10	16	−26	14	−6	17
St. Louis, Mo	17	−6	35	−20	13	+2	26
Seattle, Wash	12	−13	20	−27	11	−5	15
Washington, D. C	6	−9	29	−13	2	−5	9

Total unemployment in United States

	American Federation of Labor estimate of total unemployment in United States	Percent of union members	
		Unemployed (weighted)	Part time
Yearly averages:			
1929	1,864,000		
1930	4,770,000	14.5	
1931	8,738,000	19.1	19
1932	13,182,000	23.8	21
1933	13,723,000	24.3	21
1934	12,364,000	20.9	24
1935	12,208,000	18.5	22
UNEMPLOYMENT BY MONTHS			
1932			
January	11,925,000	23.1	19
February	12,169,000	23.0	20
March	12,387,000	22.5	20
April	12,519,000	22.8	21
May	13,004,000	22.8	22
June	13,373,000	23.6	21
July	13,793,000	25.4	21
August	13,968,000	25.1	21
September	13,458,000	24.8	22
October	13,415,000	23.9	22
November	13,925,000	24.2	23
December	14,240,000	24.9	22
1933			
January	15,156,000	25.8	20
February	15,319,000	26.0	20
March	15,653,000	26.6	22
April	15,125,000	26.1	21
May	14,615,000	25.8	20
June	13,843,000	25.5	21
July	13,458,000	24.1	21
August	12,662,000	23.7	20
September	11,854,000	22.4	21
October	11,842,000	21.7	22
November	12,374,000	22.0	22
December	12,760,000	22.8	22
1934			
January	13,382,000	22.6	23
February	12,934,000	22.0	22
March	12,420,000	21.3	22
April	12,004,000	20.7	23
May	11,711,000	20.0	24
June	11,714,000	19.6	24
July	12,222,000	20.8	24
August	12,362,000	21.6	24
September	12,420,000	20.3	23
October	12,213,000	20.0	23
November	12,561,000	21.1	26
December	12,359,000	21.2	25
1935			
January	13,058,000	21.0	23
February	12,704,000	20.0	22
March	12,608,000	19.4	23
April	12,379,000	18.7	22
May	12,382,000	18.3	22
June	12,389,000	18.5	23
July	12,475,000	19.4	21
August	12,219,000	18.4	23
September	11,789,000	17.9	21
October	11,449,000	17.3	21
November	11,672,000	16.7	22
December	11,397,000	16.9	22

Total unemployment in United States—Continued

	American Federation of Labor estimate of total unemployment in United States	Percent of union members	
		Unemployed (weighted)	Part time
UNEMPLOYMENT BY MONTHS—con.			
1936			
January	12,646,000	17.2	22
February	[1] 12,570,000	16.7	21
March	[1] 12,184,000	[1] 16.2	21
April		[2] 15.5	21

[1] Revised. [2] Preliminary.

NOTE.—For earlier figures see August 1934 American Federationist, p. 853, for trade-union reports; and January 1936, p. 64, for unemployment estimates.

Record for 8 years

	Percent of union members unemployed												
	January	February	March	April	May	June	July	August	September	October	November	December	Average
Total, all trades:													
1928	18	18	18	16	13	11	12	9	10	9	10	13	13
1929	15	15	14	12	11	9	9	9	10	11	12	16	12
1930	20	22	21	21	20	20	22	22	21	21	22	23	21
1931	27	27	26	25	25	25	26	26	26	26	27	30	26
1932	31	31	30	31	31	32	34	33	32	31	32	34	32
1933	35	34	34	33	33	31	31	31	29	27	28	29	31
1934	28	26	25	24	24	25	28	28	25	24	25	27	26
1935	26	24	22	21	21	23	27	23	20	20	20	23	23
1936	22	22	[1]21	[2]20									
Total building trades:													
1928	36	39	38	32	35	22	24	19	22	18	21	23	27
1929	30	33	34	29	26	19	16	18	21	22	23	32	25
1930	38	43	41	40	37	37	39	39	38	38	42	45	40
1931	51	52	52	50	48	48	50	51	52	53	54	59	52
1932	62	63	63	65	61	62	64	64	65	65	67	69	64
1933	70	71	72	71	68	66	67	66	63	62	63	62	67
1934	58	55	55	58	57	55	57	60	58	56	56	57	57
1935	60	61	59	57	54	51	51	48	45	47	46	48	52
1936	50	52	[1]49	[2]42									
Total, metal trades:													
1928	18	16	16	12	12	10	13	9	8	8	7	7	11
1929	8	8	7	5	5	5	6	7	7	7	8	11	7
1930	15	18	18	19	19	19	21	20	23	21	25	25	20
1931	28	29	27	29	28	31	32	30	31	31	32	35	30
1932	34	37	37	39	39	42	45	45	46	46	46	46	42
1933	47	50	49	49	46	45	45	42	39	36	36	36	43
1934	35	34	30	28	25	22	24	25	25	27	27	26	27
1935	25	25	24	23	23	23	23	22	20	19	19	18	22
1936	17	17	17	[1]16									
Total printing trades:													
1928	4	5	5	5	4	4	5	5	5	5	4	3	5
1929	4	5	5	4	3	3	4	4	3	4	4	4	4
1930	5	5	6	6	6	6	7	8	8	7	8	9	7
1931	10	10	11	12	11	12	13	14	14	14	15	15	13
1932	17	18	17	18	18	18	21	22	20	20	19	20	19
1933	20	22	22	22	23	23	23	22	22	21	20	19	22
1934	19	19	18	18	17	17	17	18	17	17	17	16	18
1935	17	15	15	14	14	14	15	15	15	14	13	14	15
1936	15	13	13	[1]12									
Total all other trades:													
1928	10	10	11	9	9	8	8	6	6	7	8	11	9
1929	12	11	8	8	6	7	7	7	7	7	9	10	8
1930	12	13	13	12	13	14	16	16	14	13	15	15	14
1931	19	17	16	16	15	16	17	16	16	16	18	20	17
1932	21	19	18	18	20	21	23	22	20	18	19	21	20
1933	22	21	22	20	22	21	20	19	22	16	18	20	20
1934	19	17	16	16	16	19	22	22	17	16	19	21	18
1935	20	17	15	14	16	19	22	19	16	15	15	19	17
1936	18	17	17	[2]17									

[1] Revised. [2] Preliminary.

[From the United States News of Dec. 28, 1936]

UNEMPLOYMENT, THE WEAK LINK IN RECOVERY CHAIN—PROSPECTS FOR ABSORBING WASTE IN IDLE MANPOWER—CHIEF HOPE SEEN IN CAPACITY PRODUCTION OF DURABLE GOODS

All official calculations of the real capacity of the United States to produce goods and to find consumers for those goods in the years ahead keeps bumping against the question of industry's ability to find jobs for those now dependent on Government for a livelihood.

The depression proved to the satisfaction of President Roosevelt and his advisers that any broad recovery was not possible so long as a big slice of the population was without incomes with which to buy the goods that industry could produce. F. E. R. A., C. W. A., W. P. A., P. W. A., C. C. C., and R. A. became the symbols of Government experiments with the idea of making consumers out of those unemployed in industry by giving them borrowed money to spend.

But now the dominant White House advisers are telling Mr. Roosevelt that this means of stimulating recovery must be checked to prevent the development of a runaway inflationary boom. Arguments are under way over methods of cutting down on Government pump-priming activities. As a result questions like the following arise:

Should Government try to force industry to take up the unemployed by placing a definite top on the hours of work? If present recovery continues until industry passes the 1929 rate of operations, will there even then be jobs for the bulk of those now out of work? Are there signs that this central depression problem is becoming noticeably less important?

NEED FOR INFORMATION

Officials admit that factual answers to those and other questions depend more and more on information that is not available to the Government. After 7 years of depression the Federal Government has no definite knowledge of the real total of unemployed. It does not know what their skills are, what jobs they could fill, how long they have been out of work. What it does know is that a large proportion of those on relief are above the age of 40 and that not many of those remaining on relief have special skills.

And what is known definitely is that 2,500,000 are employed on Works Progress Administration jobs; that 300,000 are at work in C. C. C. camps; that 300,000 farmers are getting help from the Resettlement Administration; that about 1,300,000 families are being cared for by States and localities.

In other words, with the rate of industrial production in striking distance of 1929, and after more than $8,000,000,000 of actual pump priming, about 4,400,000 families, or approximately 17,000,000 individuals—one-seventh of the country's population—are dependent on government for an existence.

WASTE OF HUMAN ENERGY

But from the point of view of the capacity of American industry to produce and consume goods, other figures arrived at by independent studies of the problem are getting even more attention than those of the Government. These figures, soon to be published as part of a survey of the whole problem, show the following:

1. That there are about 53,000,000 employable persons in this country who are interested in employment.

2. That about 12,500,000 of these have been out of employment in the last year, but of this number only about 9,500,000 can really be classed as employable.

HOW RETRIEVE THE WASTE?

3. That in 1932, due to part-time work and complete unemployment, there was a loss of 15,300,000 man-years in human energy, and even today the loss is huge.

The conclusion is drawn that: "Figures show that there has been a greater waste of human energy during the depression than is shown by the general figures of unemployment and that the road of recovery is even longer than is commonly thought."

But in what direction does that road lie? How will it be possible to find an outlet for the wasted energies of this country's millions of unemployed so that they will help add to the productive forces of the Nation and so that they can consume more of the products that industry could turn out if more buyers were able to consume more?

Apparently the country cannot afford to forget about the unemployed; and apparently, judged by present official studies, it cannot afford to subsidize them much longer in the style to which they have become accustomed.

The answer to this dilemma, according to studies soon to be published and to studies undertaken by Government departments, seems to lie in the production of a growing volume of durable goods.

Production of consumers goods, like clothing, shoes, electric power, and the multitude of things that people use in their everyday life has been reaching record proportions of late. Surveys suggest that about as many workers are employed in those industries today as were employed in the predepression years. They no longer are an area of unemployment.

The reason for boom-time spending in the consumers' goods industries is found in the pump-priming activities of the Federal Government. The billions poured into the pockets of the unemployed, together with the billions going weekly into the pockets of those who are employed, resulted in a surge of demand for everyday necessities.

CASE OF DURABLE GOODS

But in the field of durable goods, where normally one-third of the country's employment lies, people are able to delay filling needs or preparing to fill what they think may become future needs. How this situation operates is shown in the figures of durable goods production. That production fell from $32,000,000,000 total in 1929 to $12,500,000,000 in 1932, while consumer goods production fell in value only from $36,800,000,000 to $31,200,000,000. Much of the latter loss has since been regained.

The opportunity for expansion in the durable goods field, however, is shown by the figures for the average of the five predepression years 1925–29. Following is an approximation of the annual spending in that period:

Residential construction	$5,000,000,000
Passenger cars	4,250,000,000
Refrigerators, etc	5,500,000,000
Steam railroads	2,700,000,000
Public utilities	2,200,000,000
Industrial enterprises	7,500,000,000
Agricultural enterprises	1,100,000,000
Public construction	3,700,000,000

The question is whether activity in durable goods can approach the levels of the pre-depression years and whether, if it does, the result would be to soak up the big proportion of the present unemployed.

During the year 1936, according to available estimates, durable-goods production amounted to about $20,000,000,000 compared with the pre-depression total of more than $32,000,000,000.

Actually, according to conclusions now being reached both by Government departments studying the problem and by outside agencies, the accumulated needs of the country are so great that a revival of the capital markets could quickly result in a sharp increase in durable-goods activities. Barring unforeseen complications the expectation is that this increased activity will gradually absorb the unemployed, without resorting to schemes for spreading the work by compulsory shortening of hours.

Reasons for this situation are seen in an analysis of the potential markets that now are beginning to be filled.

RESIDENTIAL CONSTRUCTION

In the 5 years prior to the depression the average number of homes built in this country totaled about 750,000 a year. In the depression this number dropped to 60,000, and while gains were made during the last year the total still is far from that of the earlier periods.

But in the period since 1929 the population of the country has increased, many residences are obsolete or have been abandoned. There are huge potential needs that Government departments estimate to amount to around 900,000 units a year for the next 5 years.

Also at present there are huge supplies of credit seeking investment at rates more reasonable than in the past. Rents are rising even faster than building costs. In some areas it has become less expensive to build than to rent. Gradually, in the official view, the stage is being set for a large-scale home-building revival. If this revival comes, it will create a broad demand for now idle labor.

NEED OF APPRENTICES

One catch, however, is that during depression years few apprentices have been trained in the building trades with a result that difficulty is being found in locating sufficient skilled labor even today. Government competition plays a part in that situation as its W. P. A. and P. W. A. projects demand carpenters and masons.

The capacity of this country to consume automobiles has been a major factor in the business revival that has occurred to date. Of all the durable-goods industries this has shown the most marked improvement, running employment to a point above 1929 with wage payments far in excess of that year.

Even with the large-scale production of the past 2 years, the experts figure that the probable demand during the next 5 years will absorb an average of 4,000,000 cars a year to provide for replacements, additions to the number of car owners, and inventory.

As a result, the economic appraisers for the Government do not expect any particular let-down in this industry, even though it has covered the ground lost in the years since 1929.

HOUSEHOLD MACHINES

Before the depression this country offered a huge market for such items as electric refrigerators, washing machines, electrical household equipment, and a wide variety of other commodities that did not go into consumption to be used up quickly.

But the life of much of this equipment is relatively short and now replacement and new demand is reviving on such a broad scale that it rivals the demand for automobiles as a factor in recovery.

Sales are expected to return to a level over $5,000,000,000 a year and to pass beyond in an era that is marked by increasing consumption of electricity for broader and broader purposes. The prospects in this field are regarded as bright, fitting in with the idea of expanded consumer credit. Estimates for the future are for a business of about $6,000,000,000 a year.

These transportation companies before the depression were a major source of durable-goods spending. They were a major factor in the steel industry and were heavy buyers in other fields, giving employment to at least a million more men than today.

In a depression that placed about one-third of the railroad mileage of the Nation in receivership this industry collapsed as a support for employment. Now it is reviving rapidly under the stimulus of increasing freight and passenger business. There is a huge deficiency to be filled through the purchase of new equipment and new track that is regarded as certain to add to employment.

PUBLIC UTILITIES

Like the consumer-goods industries, the public utilities of the county suffered relatively little loss of business during the depression, but, like some other industries, they called a halt to plant expansions and extensions that formerly provided a large number of jobs.

During the past year the demand for electric power has sent production to a point 15 to 20 percent above 1929. Yet little plant capacity has been added since that time. Demand continues to grow. The result is that officials are convinced that the utilities will be forced to spend money on a large scale during the months ahead in order to fill the needs of their growing number of customers.

The estimate is that utilities will be called upon to spend more money on plant and equipment during the next 5 years than they spent during the 5 predepression years when the yearly total was $2,200,000,000.

INDUSTRIAL ENTERPRISES

An era of industrial-plant expansion ended with the start of the depression. The amount of money spent on plant fell off to not much more than 10 percent of the predepression normal.

Now there are beginning to be important signs of expansion. The steel industry has announced large building programs to provide equipment with which to meet a demand that taxes present facilities. The automobile industry is expanding plants. The same is true of the oil industry, the electric-equipment industry, and other important sectors of the industrial set-up.

Such a large slice of the whole durable-goods picture is involved in this line of activity that officials are particularly interested in present developments. The estimate is that as much as $10,000,000,000 to $12,000,000,000 would be required annually during the next 5 years to put the industrial equipment of this country in efficient shape.

But whether this amount will find its way into this field depends, as it does in other heavy-goods industries, on the ability and willingness of corporations to borrow in the investment markets.

Farm income available for improvement of machinery and of plant is about as large as in 1929. The result is that agriculture is back in the market as an important contributor to recovery in the durable-goods field.

PUBLIC CONSTRUCTION

Before the depression, public and semipublic construction amounted to about $3,500,000,000 annually. It fell to a small fraction of that amount in the first years after 1929, but the present administration has stimulated this form of spending until now it is estimated to be not much below the 1929 level. Some further expansion is expected as local governments and State governments continue to fill needs.

What of employment if all of these industries should return to the rate of operation needed to fill pent-up requirements?

The experts figure that in case any such developments should occur all of the present idle could find jobs and there would be an actual shortage in some lines.

The key to the future of expenditure in these lines lies in the investment markets and in the readiness of the public to put its savings into industrial expansion.

Mr. DAVIS. Mr. President, a resolution providing for a study of unemployment was submitted last year, referred to the Senate Committee on the Judiciary, and by that committee reported, but when referred to the Committee to Audit and Control the Contingent Expenses of the Senate no action was taken. The Senator from New Mexico [Mr. HATCH] has submitted this year a similar resolution, Senate Resolution 36, which was favorably reported by the Committee on Education and Labor, and is now pending in the Committee to Audit and Control the Contingent Expenses of the Senate. I submit articles appearing in the United States News for November 23 and November 16, 1936, showing the urgency of an unemployment census. I ask that these articles be included in the RECORD as a part of my remarks, and I earnestly hope that the Committee to Audit and Control the Contingent Expenses of the Senate will promptly report the resolution submitted by the Senator from New Mexico.

There being no objection, the articles referred to were ordered to be printed in the RECORD, as follows:

[From United States News of Nov. 23, 1936]

MAJORITY OF EDITORS FAVOR JOB CENSUS

Desire of the Department of Commerce that Congress appropriate fifteen to twenty millions for a census of the unemployed is viewed by the public with general approval. Observers see a similar reaction to the President's proposal whereby a self-registration method would be used instead of a door-to-door canvass, making for simpler machinery and economy. In the judgment of 67 percent of the commenting newspapers, the project means better regulation of the supply of labor and, it is believed, curtailment of relief. To 33 percent of the press, the statistics will give a measure of recovery and a better understanding of industrial conditions.

Detailed study of business is tied up with the labor market, in the judgment of most of the editors of the country. It is declared, especially, that industrial leaders should be informed as to the distribution of workers who are fitted for various jobs and as to the number of idle persons who are unemployable.

"An index of national employment" is held by the New York Herald Tribune (Republican) to be a means of understanding the "degree of prosperity that the country has", and that paper emphasizes the "obligations to the victims of industrial uncertainty",

with the conclusions that "only so can the Nation plan intelligently for the future", with the certainty that gathering such facts is economy.

"AN IMPERATIVE NEED"

"Economists have contended throughout the last few years," states that Nashville Banner (Independent), "that authentic knowledge of the amount of unemployment was vital to the success of any attack upon it. It has been regarded as an imperative need, especially in the light of variations in official and semiofficial estimates which have confused the size of the actual task of reemployment of still undetermined millions.

"Senator Costigan's efforts to enact such a measure during the last congressional session are recalled, the bill failing because it lacked administration support."

"Such a census," says the San Francisco Chronicle (Independent), "has been urged from responsible quarters for several years. Without it, without reliable information on the number of unemployed, the Government goes it blind in its measures for unemployment relief, particularly in its appropriations."

"We should have," states the Boston Transcript (Republican), "not only knowledge of the state of unemployment but a new business barometer. The number of the idle would supplement car loadings and bank clearings as an indication of the condition of industry."

[From the United States News, Nov. 16, 1936]

COUNTING THE UNEMPLOYED: PLANS FOR A CENSUS—GOVERNMENT CONSIDERS A SURVEY OF BOTH JOBLESS AND EMPLOYED AND A STUDY OF DEPRESSION'S EFFECTS ON THEM

After years of dealing with large-scale unemployment, the Federal Government is giving thought to plans for obtaining a definite official answer to the questions:

How many actually are unemployed? Who are these unemployed and where are they and what are their skills?

Billions have been spent to relieve unemployment; relief plans have been built and abandoned and revived, without specific information concerning the number of individuals who actually needed aid.

Now, with politics out of the way and planning required for the future, plans are revived for a national census of both employment and unemployment.

Definitely:

1. President Roosevelt has told newspapermen that he would give thought to plans for a census on his return from his sea trip.

2. Daniel C. Roper, Secretary of Commerce, is recommending a census, to cost from $12,000,000 to $15,000,000, and to be made next April or May.

DIFFICULTIES OF CENSUS

In the past, President Roosevelt balked at counting the unemployed. He told questioners that it would be next to impossible to obtain a definition of unemployment and to draw a line between those who should be classed as unemployed and those who should be classed as employed.

His point was that in many families are individuals who might work if the opportunity came their way, but who did not necessarily need or want to work. In other families there might be individuals who gave music lessons one or two days a week or who did occasional nursing. Would they be classed as unemployed if not working on the day the census taker came, or would they be called employed if happening to be giving a lesson or to be occupied with nursing?

The census experts now say that they can work out simple definitions that will overcome objections of this kind.

PURPOSES OF PROJECT

And high Government officials, faced with post-election problems of Government policy, say that they need specific information for two major purposes, which are:

1. To determine whether there really is need for revival of some agency, such as N. R. A., to induce industry to shorten hours or to take other steps to provide work for a larger number of individuals, or whether the unemployed actually are being absorbed at a rate that will result in elimination of the problem with progress of the recovery movement.

2. To determine how much of a reduction can be made in Federal appropriations for work relief, and how much dependence can be placed on old-age assistance to take over a big part of the future relief burden.

If a census is taken according to the plan being worked out by the Government's experts, two sets of questions will be put to the employed and the unemployed.

One set will be brief, designed to determine whether the individual is working, whether that work is full time or part time, whether the worker is at his particular skill, and the type of his occupation.

The second set will be more detailed. Through these questions the Government will endeavor to learn the unemployment history of the individual during the depression years. Has he been unemployed, or if unemployed, how long has he been unemployed? What has he been doing? What types of relief has he had? And a wide variety of other questions aimed at finding out what actually has happened to the workers of this country during the depression years.

Those who are working on census plans say that as much as 3 or 4 months may be required to build the machinery for the task, but that the census itself will require only 1 or 2 weeks.

After that, information would be compiled as quickly as possible and there is some backstage agitation for appointment of a Presidential commission of specialists who would digest the findings and draw conclusions from them. On those conclusions would rest future legislation for dealing with the problem of unemployment.

Also, the proposal is that machinery, once set up, be left in place for frequent use in determining the course of employment. The Federal Employment Service is expected to be tied in with that program if Presidential approval is given.

Just what is the Government's best guess concerning the number of unemployed at the present time?

The Department of Labor provides a monthly report on factory employment, which shows that about a million individuals have returned to factory jobs during the past year.

But that covers only one segment of industry.

MR. NATHAN'S ESTIMATE

In the Department of Commerce, Robert Nathan prepares regular estimates for the International Labor Office at Geneva, and his formula, when applied to the October situation, resulted in an estimate of 8,500,000 unemployed. This compares with approximately 15,000,000 at the depression bottom. It involves a 500,000 reduction since September and a reduction of more than 1,500,000 in recent months.

Mr. Nathan finds that as recovery proceeds employment increases more rapidly. During the first stages of recovery employers tended to give full-time employment rather than to add to the total number of workers. During that period, too, most efficient machinery was at work, requiring a minimum of employees.

But, in recent months, larger production has forced addition of an increasing number of new full-time workers. And production demands are forcing less efficient machinery into use. The result is that employment is found by the experts to be rising faster than it rose in the earlier recovery years.

Even with general information and estimates on the number of those out of work, the Government lacks knowledge of what it considers vital details of the problem.

How many of the unemployed are unemployable? What type of work are the unemployed capable of doing? Is the existing W. P. A. program best fitted to make use of their skills?

RELIEF FIGURES

Harry Hopkins, Administrator of W. P. A., estimates that the number of individuals and families on relief in the United States will be approximately 1,000,000 below the comparable figures for a year ago.

He finds that in August 1936 there were 3,883,000 families and single persons on relief within the country as compared with 4,250,000 in August 1935. But where there was an increase a year ago from this August total to 4,756,000 in January, Mr. Hopkins expects no increase—or at most a relatively small increase—during the present winter. He thinks that reviving employment will reverse the trend of depression years, causing the 1936-37 winter to be one of stationary relief load.

An official W. P. A. report, covering operations for August, said:

"During August 1936 an estimated total of 1,452,000 families and single persons received relief through State and local relief agencies. At this time there were 2,451,000 persons from relief rolls, excluding C. C. C. workers, employed in the United States on the Works Program.

This gives a total of 3,903,000, but it involves an estimated 70,000 duplications.

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. ELLENDER in the chair) laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

He also, from the Committee on Appropriations, reported favorably the nomination of John M. Carmody, of New York, to be Administrator of the Rural Electrification Administration for the remainder of the term expiring May 28, 1946, vice Morris L. Cooke, resigned.

Mr. PITTMAN, from the Committee on Foreign Relations, reported favorably the nomination of Reginald S. Castleman, of California, now a Foreign Service officer of class 6 and a consul, to be also a secretary in the Diplomatic Service.

Mr. CONNALLY, from the Committee on the Judiciary, reported favorably the nomination of Stanford C. Stiles, of

Detroit, Tex., to be United States marshal for the eastern district of Texas, vice Ed L. Taylor, appointed by the court.

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the following nominations:

Col. George Arthur Lynch, Infantry, to be Chief of Infantry, with the rank of major general, for a period of 4 years from date of acceptance, with rank from May 24, 1937, vice Maj. Gen. Edward Croft, Chief of Infantry, whose term expires May 23, 1937;

Lt. Col. Frederick LeRoy Martin, Air Corps (temporary colonel, Air Corps), to be brigadier general, wing commander, with rank from January 1, 1937, vice Brig. Gen. Henry C. Pratt, wing commander (temporary), who accepted appointment as brigadier general of the line January 1, 1937; and

Brig. Gen. John Elmer Stoddard, Adjutant General's Department, Georgia National Guard, to be brigadier general, Adjutant General's Department, National Guard of the United States.

Mr. SHEPPARD also, from the Committee on Military Affairs, reported favorably the nominations of several officers for appointment, by transfer, in the Regular Army.

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state the first nomination in order on the calendar.

COAST GUARD

The legislative clerk read the nomination of John I. Bryan to be commodore on the retired list.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. ROBINSON. I ask unanimous consent that the nominations of postmasters on the calendar be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

IN THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. SHEPPARD. I ask that the nominations in the Army be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the Army are confirmed en bloc.

IN THE NAVY

The legislative clerk proceeded to read sundry nominations in the Navy.

Mr. ROBINSON. I ask that the nominations in the Navy be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the Navy are confirmed en bloc.

IN THE MARINE CORPS

The legislative clerk proceeded to read sundry nominations in the Marine Corps.

Mr. ROBINSON. I ask that the nominations in the Marine Corps be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the Marine Corps are confirmed en bloc.

That completes the Executive Calendar.

ADJOURNMENT TO FRIDAY

The Senate resumed legislative session.

Mr. ROBINSON. I move that the Senate adjourn until 12 o'clock noon on Friday next.

The motion was agreed to; and (at 4 o'clock p. m.) the Senate adjourned until Friday, February 19, 1937, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 17 (legislative day of Feb. 15), 1937

UNITED STATES DISTRICT JUDGE

Harry E. Watkins, of Fairmont, W. Va., to be United States district judge for the State of West Virginia to fill an existing vacancy.

UNITED STATES HIGH COMMISSIONER TO THE PHILIPPINE ISLANDS

Paul V. McNutt, of Indiana, to be United States High Commissioner to the Philippine Islands.

APPOINTMENT IN THE REGULAR ARMY

Col. Raymond Franklin Metcalfe, Medical Corps, to be assistant to the Surgeon General, with the rank of brigadier general, for a period of 4 years from date of acceptance, with rank from March 1, 1937, vice Brig. Gen. M. A. W. Shockley, assistant to the Surgeon General, to be retired February 28, 1937.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 17 (legislative day of Feb. 15), 1937

COAST GUARD

John I. Bryan to be commodore on the retired list.

APPOINTMENTS BY TRANSFER IN THE REGULAR ARMY

Capt. Andral Bratton to Quartermaster Corps.
Capt. Harold Patrick Henry to Quartermaster Corps.
First Lt. Arthur Alfred McCrary to Signal Corps.

PROMOTIONS IN THE REGULAR ARMY

John Kimball Brown to be colonel, Cavalry.
Charles Hartwell Bonesteel to be colonel, Infantry.
Richard David Newman to be colonel, Cavalry.
Benjamin Willis Mills to be lieutenant colonel, Infantry.
Thomas Fenton Taylor to be lieutenant colonel, Infantry.
Marshall Henry Quesenberry to be lieutenant colonel, Infantry.
Richard Wilmer Cooksey to be lieutenant colonel, Cavalry.
LeRoy Welling Nichols to be major, Infantry.
Charles Martin Chamberlain, Jr., to be major, Infantry.
LeRoy Allen Whittaker to be major, Coast Artillery Corps.
Harry Barnes Sepulveda to be major, Adjutant General's Department.
John Robert Hubbard to be major, Quartermaster Corps.

PROMOTIONS IN THE NAVY

Charles F. M. S. Quinby to be lieutenant commander.
Charles L. Freeman to be lieutenant.
Edward T. Eves to be lieutenant.
Idris B. Monahan to be lieutenant.
Albert J. Walden to be lieutenant.
Leonard F. Freiburghouse to be lieutenant.
Eugene H. Tennent to be dental surgeon.
Joseph A. Mahoney to be dental surgeon.
Lucien C. Williams to be dental surgeon.
Paul G. White to be dental surgeon.
Cornelius H. Mack to be dental surgeon.
Ronald Barber to be dental surgeon.
Charles T. Pridgeon to be assistant dental surgeon.
Stanley F. Webster to be assistant dental surgeon.
James L. Wanger to be assistant dental surgeon.
Daryl S. McClung to be assistant dental surgeon.
Frank I. Gonzalez, Jr., to be assistant dental surgeon.
Edward T. Brennan to be assistant dental surgeon.
Philip S. Faillo to be assistant dental surgeon.
John J. Hilt to be assistant dental surgeon.
Vernon S. Robinson to be assistant dental surgeon.
Maurice S. Shortridge to be assistant dental surgeon.
Miller H. Cosby to be assistant dental surgeon.
Harold C. Gwynne to be pay director.
Laurence E. Tagtmeyer to be chief gunner.
John F. Cravens to be chief machinist.

MARINE CORPS

Charles D. Barrett to be colonel.
Walter T. H. Galliford to be lieutenant colonel.
Otto E. Bartoe to be major.

POSTMASTERS

COLORADO

Nelle M. King, Fountain.

HAWAII

Timothy Wong, Waipahu.

ILLINOIS

Albert G. Lucas, Lake Forest.
Arthur M. Kloepfer, Winnetka.

MAINE

Guy C. Bean, Freeport.
Carl Augustine Magnusson, South Windham.

MISSISSIPPI

George Y. Banks, Columbus.
Nelms N. Northcross, Corinth.
Mercer L. Gewin, De Kalb.
Aubrey O. Hammack, Scooba.
Albert F. Zachry, Stonewall.
Ethelbert R. Rankin, Tupelo.

MISSOURI

John L. Price, Conway.
Frances R. Cardwell, Fordland.
John Frank Hughes, Jr., Greenville.
Frank F. Rudd, Lewistown.
Adam J. Knapp, Linneus.
Isaac M. Horn, Memphis.
George W. Stivers, Piedmont.

MONTANA

George A. Wright, Havre.
Guy R. McClarren, Ryegate.
Marvin E. Corkill, White Sulphur Springs.

SOUTH DAKOTA

William C. McCaffrey, Alexandria.
Carl L. Freiwald, Big Stone City.
Charles F. Silvis, Ravinia.

VIRGINIA

John Franklin Wolfenbarger, Clinchport.

HOUSE OF REPRESENTATIVES

WEDNESDAY, FEBRUARY 17, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Heavenly Father, Thou hast made us immortal beings with deathless souls; in mercy and in judgment, Thou art calling us night and day. O God, may we hear Thy voice and turn the parched lands of our souls into gardens of spiritual bloom. Grant us faith to realize that Thou knoweth the essence of life to be divine and that Thou art seeking lovingly to manifest Thy divinest works. Let the light and love of the Almighty One rise afresh with healing in His wings and teach men that the supreme passion is to serve. In the midst of the rush and roar of life steady us with tones of tenderness, truth, and courage; feed us with the bread of heaven. Stay our souls on Thy holy word: *"Blessed is the man that walketh not in the counsel of the ungodly, but his delight is in the law of the Lord."* In our Savior's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday. The Clerk will call the roll of committees.

Mr. McREYNOLDS (when the Committee on Foreign Affairs was called). Mr. Speaker, I have quite a number of bills to present.

Mr. MARTIN of Massachusetts. Mr. Speaker, I make the point of order a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. RAYBURN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 19]

Aleshire	Bigelow	Byrne	Cooley
Arnold	Bochne	Cannon, Wis.	Crowther
Barden	Buckley, N. Y.	Celler	Culkin
Bernard	Bulwinkle	Champion	Dempsey
Biermann	Burdick	Connery	Dingell
Disney	Jarrett	Meeks	Secrest
Duncan	Jenkins, Ohio	Murdock, Ariz.	Shafer, Mich
Ferguson	Johnson, Minn.	Nelson	Shannon
Flannery	Kee	Nichols	Smith, Maine
Gasque	Keller	O'Malley	Stubbs
Goldsborough	Knutson	Parsons	Sweeney
Goodwin	Lambertson	Phillips	Taylor, Colo.
Hamilton	Lambeth	Polk	Taylor, Tenn.
Hancock, N. C.	Lamneck	Reece, Tenn.	Terry
Harrington	Lewis, Md.	Rogers, Okla.	Thom
Havenner	Lord	Ryan	Treadway
Hendricks	McGranery	Scott	Voorhis
Higgins	McSweeny	Scrugham	Wearin

The SPEAKER. Three hundred and sixty-one Members have answered to their names. A quorum is present.

On motion of Mr. RAYBURN, further proceedings under the call were dispensed with.

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of two bills I have introduced and to insert a copy of these bills in connection with my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. TOBEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an address which I recently made.

The SPEAKER. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

(Mr. MAVERICK, Mr. PETTENGILL, Mrs. HONEYMAN, and Mr. ALLEN of Louisiana asked and were given permission to extend their remarks in the RECORD.)

ELECTION TO A STANDING COMMITTEE

Mr. SNELL. Mr. Speaker, I present a resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

House Resolution 119

Resolved, That GEORGE J. BATES, of Massachusetts, be, and he is hereby, elected a member of the Committee on Naval Affairs.

The resolution was agreed to.

Mr. SNELL. Mr. Speaker, I present another resolution and ask for its immediate consideration.

The Clerk read the resolution as follows:

House Resolution 120

Resolved, That FRED L. CRAWFORD, of Michigan, be, and he is hereby, elected a member of the Committee on Banking and Currency.

The resolution was agreed to.

RESIGNATION FROM COMMITTEE

The Chair laid before the House the following communication:

WASHINGTON, D. C., *February 17, 1937.*

Hon. W. B. BANKHEAD,
Speaker, House of Representatives,
Washington, D. C.

SIR: I hereby tender my resignation as a Member of the Naval Affairs Committee of the House of Representatives.

With great respect, your obedient servant,

FRED L. CRAWFORD.

The resignation was accepted.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed, with an amendment, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 148. An act to repeal a proviso relating to teaching or advocating communism in the public schools of the District of Columbia, and appearing in the District of Columbia Appropriation Act for the fiscal year ending June 30, 1936.

The message also announced that the Senate had ordered that the Secretary request the House to return to the Senate the bill (S. 204) relative to the qualifications of practitioners of law in the District of Columbia.

APPROPRIATION FOR PAYMENT TO THE GOVERNMENT OF THE NETHERLANDS FOR THE ACCOUNT OF MIGUEL PAULA

Mr. McREYNOLDS. Mr. Speaker, I call up the bill (H. R. 2910) authorizing an appropriation for payment to the Government of the Netherlands for the account of the family of

Miguel Paula, and ask unanimous consent that this bill may be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. FISH. Mr. Speaker, reserving the right to object, would it not be well for the chairman of the committee to make a statement in regard to this bill as well as others of similar nature?

Mr. McREYNOLDS. I am going to do that.

Mr. FISH. Will the gentleman do that later in order to make the record complete?

Mr. McREYNOLDS. Yes. I may say, Mr. Speaker, there are quite a number of these bills, most of which involve small claims. These bills passed the House last session by unanimous consent. They should have been brought in at this time in an omnibus bill, but through oversight separate bills have been introduced. There are 15 of these bills on the calendar, and it has become necessary to call them up for consideration today. All of these bills cover claims for liabilities which we concede to be liabilities to subjects of various foreign governments.

It is now my purpose to call up these different claims involving various foreign subjects where the countries involved do not owe this Government one penny. There are some 8 or 10 of these bills, and I should like to have them considered en bloc. I have merely called this one first in order to let the House understand the character of bill that is involved. I should be pleased, however, to have this bill considered with other bills on the calendar, which are: H. R. 2915, a small Chinese claim; H. R. 2916, another small Chinese claim; H. R. 2918, another Chinese claim; H. R. 2919, another Chinese claim; H. R. 2920, for the Dominican Republic; H. R. 2921, another Chinese claim; H. R. 2922, another Chinese claim; H. R. 2923, a Nicaraguan claim; and also a Mexican claim, H. R. 2917.

Mr. SNELL. Mr. Speaker, will the gentleman yield for a question?

Mr. McREYNOLDS. Gladly.

Mr. SNELL. As I understand, these bills are all of the same character?

Mr. McREYNOLDS. Yes.

Mr. SNELL. What is the total amount of all of them?

Mr. McREYNOLDS. The chairman of the subcommittee [Mr. FREY] states that $30,000 is the total for all of the claims.

Mr. O'CONNOR of New York. Mr. Speaker, reserving the right to object, does the gentleman mind stating what he proposes to do with respect to the remaining five or six bills?

Mr. McREYNOLDS. There will only be three or four bills left, and the ranking member of my committee on the minority side wants us, perhaps, to go into Committee of the Whole so we may have some discussion of those bills.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee that the bill (H. R. 2910) authorizing an appropriation for payment to the Government of the Netherlands for the account of the family of Miguel Paula be considered in the House as in the Committee of the Whole?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payment to the Government of the Netherlands for the account of the family of Miguel Paula, a citizen of the Netherlands, for the death of Paula due to cocain poisoning while a patient at the United States Marine Hospital at New Orleans, La., on January 23, 1931, the sum of $3,500.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. McREYNOLDS. Mr. Speaker, I now ask unanimous consent that the other bills I have mentioned—H. R. 2913, H. R. 2914, H. R. 2915, H. R. 2916, H. R. 2917, H. R. 2918, H. R. 2919, H. R. 2920, H. R. 2921, H. R. 2922, and H. R. 2923—be called up en bloc and be considered in the House as in Committee of the Whole.

Mr. RICH. Mr. Speaker, reserving the right to object, I understand these bills have been passed on unanimously by the gentleman's committee?

Mr. McREYNOLDS. Yes; and passed unanimously by the House at the last session, as I understand it.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

JANET HARDCASTLE ROSS

The Clerk read the bill (H. R. 2913) authorizing an appropriation for payment to the Government of Canada for the account of Janet Hardcastle Ross, a citizen of Canada, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payment to the Government of Canada for the account of Janet Hardcastle Ross, a citizen of Canada, in full settlement of all claims for personal injury resulting from the dropping of a dummy bomb by a United States Navy airplane near Coronado, Calif., on March 27, 1929, the sum of $920.45.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ENRIQUETA KOCH V. DE JEANNERET, A CITIZEN OF CHILE

The Clerk read the bill (H. R. 2914) authorizing an appropriation for payment to the Government of Chile for the account of Enriqueta Koch v. de Jeanneret, a citizen of Chile, as follows:

Be it enacted etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payment to the Government of Chile for the account of Enriqueta Koch v. de Jeanneret as complete indemnity for injuries to her daughter, Lucia de Jeanneret, of Valparaiso, Chile, occasioned by an assault at Valparaiso by Andrew Stanley Kondek, seaman, United States Navy, on February 4, 1921, and as reimbursement of all expenses caused thereby, the sum of $2,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

LI PO-TIEN

The Clerk read the bill (H. R. 2915) authorizing an appropriation for payment to the Government of China for the account of Li Po-tien, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payment to the Government of China for the account of Li Po-tien, a citizen of China, as compensation for personal injuries sustained as a result of an assault committed by Anthony R. Tofil, private, United States marines, at Tientsin, China, on January 2, 1929, the sum of $300.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CLAIM OF CH'U SHIH-HSIANG (CHEU S. ZIANG) AND MA JUI-HSIANG (MO ZUNG POO), CITIZENS OF CHINA

The Clerk read the bill (H. R. 2916) authorizing an appropriation for payment to the Government of China for the account of certain Chinese citizens, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payment to the Government of China for the account of Ch'u Shih-hsiang (Cheu S. Ziang), a citizen of China, the sum of $300, and for the account of Ma Jui-hsiang (Mo Zung Poo), a citizen of China, the sum of $300 in full settlement of all claims for personal injuries sustained as a result of an assault committed by William H. Moon, corporal, United States Marines, at Shanghai, China, on May 26, 1931.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GEN. HIGINIO ALVAREZ

The Clerk read the bill (H. R. 2917) authorizing an appropriation for the payment of the claim of Gen. Higinio Alvarez, a Mexican citizen, with respect to lands on the Farmers Banco, in the State of Arizona, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $20,000, of which amount $15,000 is to be paid to the Government of Mexico for the account of Gen. Higinio Alvarez in full settlement of his claim against the United States with respect to the ownership of lands on the Farmers Banco in the

State of Arizona, and the remaining $5,000 is to be paid to the executors or administrators of the estate of R. E. Fishburn, deceased, in full settlement of such interest in the said Farmers Banco or the proceeds of the settlement therefor as was acquired by virtue of a grant to R. E. Fishburn dated January 6, 1927, signed by General Alvarez, or by the assignment by General Alvarez dated December 3, 1935, in favor of Mrs. R. E. Fishburn and other heirs of said R. E. Fishburn, or by both such grant and assignment, for distribution according to law: *Provided, however*, That no payment shall be made unless and until the Secretary of State shall have received from the Government of Mexico satisfactory assurances that no transfer, other than that specified herein, has been made by General Alvarez, or by anyone acting for or under him, of any part of his right, title, or interest in or to the property comprising the Farmers Banco; until the written opinion of the Attorney General shall be had in favor of the validity of the title; and until General Alvarez has given to the United States a quitclaim deed, in such form as may be deemed satisfactory to the Secretary of State, to all of his right, title, and interest in and to all of the land comprising the Farmers Banco, claimed by him under an instrument of grant dated October 22, 1926, signed by the constitutional President of the United Mexican States, or otherwise.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ESTATE OF CHANG HSI YING

The Clerk read the bill (H. R. 2918) authorizing an appropriation for payment to the Government of China for the account of certain citizens of China, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payment to the Government of China for the account of the estate of Chang Hsi Ying, in full settlement of all claims arising out of a collision in Chinese waters, on June 2, 1927, between the United States naval vessel *Bittern* and a Chinese junk, resulting in the drowning of Chang Hsi Ying, a member of the crew of the junk, the sum of $500.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ESTATE OF LI YING-TING (LI ING DING)

The Clerk read the bill (H. R. 2919) authorizing an appropriation for payment to the Government of China for the account of certain Chinese citizens, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payment to the Government of China for the account of the estate of Li Ying-ting (Li Ing Ding), a citizen of China, the sum of $1,500 as full indemnity for the deaths of Li Yuen Han (Li Yung-hang), Wang Sze (Li Hwang-shih), Chun Wo (Li Chen-Ho), and Foh Ling (Li Fu-lin), the son, daughter-in-law, grandson, and granddaughter, respectively, of Li Ying-ting (Li Ing Ding), resulting from a collision between the junk of Li Ying-ting (Li Ing Ding), and a United States naval vessel on the Yangtze River on July 3, 1925, and for medical and burial expenses incurred by Li Ying-ting (Li Ing Ding), as a result of the collision.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RELIEF OF MERCEDES MARTINEZ VIUDA DE SANCHEZ, A DOMINICAN SUBJECT

The Clerk read the bill (H. R. 2920) authorizing an appropriation for the payment to the Government of the Dominican Republic for the account of Mercedes Martinez Viuda de Sanchez, a Dominican subject, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payment to the Government of the Dominican Republic for the account of Mercedes Martinez Viuda de Sanchez, a Dominican subject, as a recognition by this Government of the meritorious services rendered by her late husband, Emeterio Sanchez, in rescuing certain members of the U. S. battleship *Memphis* on August 29, 1916, and to relieve her present financial condition, the sum of $500.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CLAIM OF LING MAU MAU, A CITIZEN OF CHINA

The Clerk read the bill (H. R. 2921) authorizing an appropriation for payment to the Government of China for the account of Ling Mau Mau, a citizen of China, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payment to the Government of China for the account of Ling Mau Mau, a citizen of China, as full indemnity for the personal injuries received by him as the result of a collision between the junk of Wong Miao Tah and a United States naval vessel on the Whangpoo River, Shanghai, China, on May 20, 1930, and for medical expenses incurred by Ling Mau Mau in connection with his injuries, the sum of $1,500.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CLAIM OF YAO AH-KEN, CHIANG AH-ERH (TSIANGE AH ERH), TS'AO JUNG-K'UAN (DZAO YONG KWER), CITIZENS OF CHINA

The Clerk read the bill (H. R. 2922) authorizing an appropriation for payment to the Government of China for the account of certain Chinese citizens, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payment to the Government of China for the account of Yao Ah-Ken, $1,500; Chiang Ah-erh (Tsiange Ah Erh), $1,500; the family of Ts'ao Jung-k'uan (Dzao Yong Kwer), $1,500, as full indemnity for losses sustained by Yao Ah-Ken, Chiang Ah-erh (Tsiange Ah Erh), and by the family of Ts'ao Jung-k'uan (Dzao Yong Kwer) as the result of a collision between United States Marine Corps truck numbered 1130 and tramcar B. 168, owned by the Shanghai Electric Construction Co., Ltd., in Shanghai, China, on November 29, 1929.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CLAIMS OF CERTAIN CITIZENS OF NICARAGUA

The Clerk read the bill (H. R. 2923), authorizing an appropriation for payment to the Government of Nicaragua for the account of Mercedes V. de Williams and others, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payment to the Government of Nicaragua for the account of Mercedes V. de Williams, a citizen of Nicaragua, as reimbursement for the deterioration of a boat said to have been owned by Mrs. Williams' husband, Fordyce (Frank) Williams, now deceased, and to have been loaned by him to individual members of the Marine Corps stationed at Prinzapolka, Nicaragua, for recreational purposes, and to have been used by them for such purposes in 1928 and 1929, the sum of $75; for the account of Raimunda Valladares de Calderon, the widow of Justo Calderon, and the children of Justo Calderon, a native of Nicaragua, who was shot to death by a member of the United States naval forces on January 30, 1930, the sum of $2,500; for the account of Demetrio Valle, a citizen of Nicaragua, as full indemnity for losses sustained by him as the result of a bombing operation by a United States Marine Corps airplane near Palasagua, Nicaragua, on or about April 11, 1929, the sum of $600; for the account of Salvador Buitrago Diaz, a Nicaraguan citizen, as full indemnity for damages alleged to have been done to his property by United States marines on February 6, 1921, the sum of $1,500; for the account of the following-named families and individuals the sum of $11,700 as a total indemnity for losses sustained as a result of the death or personal injury of Manual Gomez Molino and others during encounters with United States marines in December 1921 and January 1922; (1) to the family of Manuel Gomez Molino, who was killed December 8, 1921, $1,500; (2) to the family of Obdulio Gomez, who was killed December 8, 1921, $1,500; (3) to the family of Guadalupe Balverve (Valverde), who was killed December 8, 1921, $1,500; (4) to the family of Francisco Ramos, who was killed January 25, 1922, $1,500; (5) to the family of Estanislao Rocha, who was killed January 25, 1922, $1,500; (6) to the family of Julio Carballo, who was killed January 25, 1922, $1,500; (7) to the family of Manuel Hernandez, who was killed January 25, 1922, $1,500; (8) to Manuel Pineda, who was wounded December 8, 1921, $150; (9) to Alejandro Malespin, who was wounded December 8, 1921, $150; (10) to Ignacio Doña, who was wounded December 8, 1921, $150; (11) to Manuel Aburto, who was wounded January 25, 1922, $150; (12) to Teofilo Farcia (Teofilo Garcia), who was wounded January 25, 1922, $150; (13) to Pedro R. Vega, who was wounded January 25, 1922, $150; (14) to Gilberto Lopez, who was wounded January 25, 1922, $150; (15) to Juan Ortiz, who was wounded January 25, 1922, $150; for the account of Benjamin Gonzalez, of the city of Managua, Nicaragua, as full indemnity for money expended by him because of his being wounded by shooting by Robert C. Lare, a private of the United States Marine Corps, while on police patrol in said city, the sum of $343.55; for the account of Drs. Enrique Klinghoffer and Br. Rappaccioli, of Diriamba, Nicaragua, in full satisfaction of all claims against the United States for professional services, medicines, etc., furnished on November 10 and 11, 1929, to the late Maj. Charles S. McReynolds, United States Marine Corps, who was suffering from numerous stab wounds, the sum of $250; and for the account of Juan Francisco Rivas, a resident of Leon, Nicaragua, the sum of $38.50, of which $32.50 is to reimburse the said Rivas for the cost of medical services rendered to said Rivas and his family and made necessary by an attack upon said Rivas, his wife, and child by

two privates in the United States Marine Corps Expeditionary Brigade in Nicaragua, on June 5, 1927, and $6 of which is to reimburse the said Juan Francisco Rivas for clothing of his said wife, damaged during said assault; for the account of Horacio de Jesus Castillo, a citizen of Nicaragua, as full indemnity for personal injuries sustained by him as the result of an assault committed upon him by a member of the United States Marine Corps at Matagalpa, Nicaragua, on February 24, 1931, the sum of $1,000; for the account of Emelina Obando, a citizen of Nicaragua, as full compensation for personal injuries sustained as the result of an assault committed upon her by a member of the United States Marine Corps at Matagalpa, Nicaragua, on November 3, 1931, the sum of $100; for the account of the children of Jesus Diaz, a citizen of Nicaragua, as full indemnity for his death as the result of being struck by a sack of post-exchange supplies dropped from a United States Marine Corps airplane at Matagalpa, Nicaragua, on June 21, 1928, the sum of $300; for the account of Domingo Portillo, of Matagalpa, as reimbursement of expenses paid by him for the funeral of Jesus Diaz, the sum of $21.50; and for the account of José Luis Mongrio, of Matagalpa, as reimbursement for the cost of repairs to the roof of his house in that city damaged by the dropping of a sack of post-exchange supplies from a United States Marine Corps airplane on June 21, 1928, the sum of $80; in all, $18,508.55.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

N. J. MOOSA

Mr. McREYNOLDS. Mr. Speaker, I call up the bill H. R. 2909, authorizing an appropriation for payment to the Government of Great Britain for the account of N. J. Moosa, a British subject, and I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. FISH. Mr. Speaker, I reserve the right to object. If the gentleman will yield time to me, I shall have no objection.

Mr. McREYNOLDS. If this request is granted, we shall have no time for general debate, except under the 5-minute rule.

The SPEAKER. If the request is granted, the bill will be considered in the House under the 5-minute rule. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payment to the Government of Great Britain for the account of N. J. Moosa, a British subject, as full indemnity for the personal injuries received by him as the result of a collision between a broker's trap in which he was riding and a United States Marine Corps truck at Shanghai, China, on September 13, 1928, and for medical and hospital expenses incurred by him in connection with his injuries, the sum of $15.59.

Mr. FISH. Mr. Speaker, I move to strike out the last word. This is a highly important bill and it is a most unusual bill. In fact, I do not believe this Congress or the preceding Congress has ever seen a bill like it before, because it involves the sum of only $15, and such a bill has not found its way recently to the floor of the House. It is not the amount of money, but it is the principle that is involved.

In order that the record may be clear, I was not here on Monday last when a number of Foreign Affairs Committee bills were objected to under unanimous consent, some 14 or 15 of them. A member of the Committee on Foreign Affairs objected to them at my request, and, so that there may be no misunderstanding about it, most of the legislation that comes out of the Foreign Affairs Committee, except a few very important bills, such as neutrality legislation, come out by unanimous consent and are very often considered by unanimous consent. As the ranking member of that committee on the minority side, I feel very strongly that when the Secretary of State and the President ignored the rights of the minority party in not appointing a single representative of the Republican Party as a delegate to the Peace Conference at Buenos Aires, a great fundamental right belonging to the minority party was not only overlooked, but deliberately violated for the first time in our history, since the days of George Washington, contrary to American custom and practice. At every single peace conference of any importance at all, representatives of the minority party are appointed as delegates on our peace missions.

The minority has very few rights and can hardly enforce their rights when the majority is so overwhelming as it is in this body. The only way that I could call attention to the fact that the minority rights had been ignored and practically obliterated by the administration, for the first time in history, was to object to unanimous-consent consideration to every bill that came out of the Foreign Affairs Committee. Sooner or later I suppose that the State Department will find out what the reason for the opposition is. I do not propose to filibuster here today, but there will be other bills coming up by unanimous consent, and I propose to block them for the same reason. It is a matter of principle that transcends, in my view, almost anything that can happen in the Congress. If we permit the Secretary of State or the President to continue this policy in defiance of American traditions, it merely means injecting partisanship into international issues and making all international issues political footballs. The minority is forced to take such action in order to defend its rights. I shall reluctantly be compelled to continue to object to unanimous consent for consideration of bills from the Foreign Affairs Committee.

Mr. JOHNSON of Texas. Mr. Speaker, will the gentleman yield?

Mr. FISH. Yes.

Mr. JOHNSON of Texas. Does the gentleman think it fair to the Foreign Affairs Committee to object to bills that come out of that committee merely because he feels the President or the Secretary of State has been guilty of some oversight?

Mr. FISH. It so happens that this matter is one affecting purely foreign affairs. I am not speaking simply in my individual capacity, because I brought the issue up in a recent Republican conference, and the following resolution was adopted unanimously by the Republican conference——

The SPEAKER. The time of the gentleman from New York has expired.

Mr. FISH. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes more.

The SPEAKER. Is there objection?

There was no objection.

Mr. JOHNSON of Texas. Mr. Speaker, will the gentleman yield further?

Mr. FISH. Yes.

Mr. JOHNSON of Texas. The Committee on Foreign Affairs is not in any way responsible for the matter about which the gentleman complains.

Mr. FISH. Certainly not. This is not a personal matter. It is a question of policy and principle, because the Committee on Foreign Affairs is affected by this policy and no other committee in the House.

Mr. JOHNSON of Texas. It occurs to me that it is not quite fair on the part of the gentleman, who usually is very fair.

Mr. FISH. I try to be fair, but I assure the gentleman this is not a personal matter, as it will affect all bills, regardless of by whom introduced, that has the endorsement of the State Department or the President.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. FISH. Yes.

Mr. O'CONNOR of New York. The gentleman intends, as I understand it, just to object to unanimous consent for the consideration of foreign-affairs bills?

Mr. FISH. That is all.

Mr. O'CONNOR of New York. Will the gentleman tell us now how long he is to keep up these tactics of obstruction, so that we may know?

Mr. FISH. I will tell the gentleman exactly how long. It does not depend on me. It depends upon the Secretary of State. Sooner or later I suppose the Secretary of State will find out that somebody is blocking some of the legisation that he is requesting, and then all he has to do as far as I am concerned is to send for me and say that in

the future the rights of the minority party will be protected, and that it will be granted proper representation, and that is all there is to it.

Mr. O'CONNOR of New York. Will the gentleman tell us whom he had in mind that should have been appointed on that commission?

Mr. FISH. I had not anyone in mind except that he should be a bona-fide Republican, and, that is, not a Republican who has deserted the Party to support the candidate of another party. But in this instance there were eight delegates and not one single Republican.

Mr. O'CONNOR of New York. Will the gentleman do us the honor to start back about 1910 and come down to date, and tell us what a bona-fide Republican is?

Mr. FISH. Oh, yes. The gentleman is just as good a politician as I am. He knows exactly what I am speaking about. It is one who supports his party's candidate for the presidency.

Mr. O'CONNOR of New York. I want the gentleman to go back to 1910, though.

Mr. FISH. I am not 70 years of age. I cannot go back that far.

Mr. O'CONNOR of New York. The gentleman was active in 1912.

Mr. McREYNOLDS. Mr. Speaker, will the gentleman yield?

Mr. FISH. Yes; I yield.

Mr. McREYNOLDS. Did I understand the gentleman to say this had been brought up in the Republican conference?

Mr. FISH. Let me read the resolution and the gentleman can ask about it afterward. This is the resolution that was passed by unanimous vote of the Republican conference:

Resolved by the Republican conference of the House of Representatives, That the action of President Roosevelt in failing to appoint a single delegate representing the minority party to the Inter-American Peace Conference held recently at Buenos Aires is contrary to traditional American custom and well-established practice of affording representation to the minority party on every important delegation or mission appointed by the Chief Executive to attend foreign conferences involving the peace of the United States; and be it further

Resolved, That the action of the President in utterly ignoring the rights of the minority party is to be deplored and condemned as being a violation of the customary usages and practice of American diplomacy from the time of George Washington and tending to destroy the nonpartisan character of such international conferences, and thereby injecting a partisan spirit and making international issues henceforth a political football, to the detriment of the interests and welfare of the American people.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield.

Mr. O'CONNOR of New York. Does the gentleman really think Secretary Hull is going to send for him? Not if I know Cordell Hull. [Laughter.]

Mr. FISH. I am not a bit concerned whether he does or not. I know him pretty well, too, but I will say this to the gentleman, that only a few days ago I was sitting in Grover Whalen's office in New York and he said, "What is the matter, Ham? What is holding up this legislation?" He was referring to the French Exposition bill that they wanted passed appropriating $200,000. I told him why we objected to it by unanimous consent, and he said, "It is just a matter of principle, is it? A matter of policy?" I said, "Yes." He said, "Can I state that to Secretary Hull?" I said, "You can tell that to Secretary Hull any time you want to, but I do not propose to do it. He will find it out soon enough." So he rang up Secretary Hull and tried to get him at Washington. I went about my business, because I am not concerned at all whether the Secretary of State finds out about it or not, but I am concerned with maintaining the principle that is involved, to see that the rights of the minority party are protected, and I propose to do it as far as the rules of the House permit.

The SPEAKER. The time of the gentleman from New York has again expired.

Mr. McREYNOLDS. Mr. Speaker, I ask unanimous consent that the gentleman may be given 5 additional minutes.

The SPEAKER. Without objection it is so ordered.

There was no objection.

Mr. FISH. This is the only possible way within my power to protect the rights of the minority. I had one other way if I wanted to filibuster here today on every single one of these 14 or 15 bills and put them in Committee of the Whole, and in that way filibuster through the afternoon, but I never made any other statement, except that I would oppose unanimous consent for the consideration of all bills having the endorsement of the State Department and the President before our committee. It is a very easy thing to do and I will continue to do it when the opportunity offers until we get that assurance that the rights of the minority will be protected.

Mr. McREYNOLDS. Mr. Speaker, will the gentleman yield?

Mr. FISH. Yes; I yield.

Mr. McREYNOLDS. The gentleman is wondering whether the Secretary of State got the information?

Mr. FISH. No; I am not wondering nor worrying.

Mr. McREYNOLDS. I will give the gentleman positive information that the Secretary has that information. He has not sent for you yet, has he?

Mr. FISH. I am not concerned with getting a free meal from the Secretary of State. I can still pay for my own meals. I am concerned with a fundamental principle that applies to the Democratic Party as well as the Republican, and that will come home to plague both Democrats and Republicans in the future. It is wrong and every single Democrat here knows it is wrong. There is not one Member on either side who will openly defend it.

Mr. McREYNOLDS. Will the gentleman yield for another question?

Mr. FISH. Yes; I yield as long as you will give me the time.

Mr. McREYNOLDS. The gentleman said he did not want a free meal. I will ask the gentleman if about 3 years ago he did not give out a statement criticizing the administration because no Republicans were being invited to the White House for meals?

Mr. FISH. Precisely. The gentleman raises a partisan issue. That is typical of the tactics of this administration, high-handed, autocratic, and arrogant, growing more so day by day. At the very start of the administration the President had a foreign Prime Minister and the King of Siam as the guests of the Nation and gave several dinners at the White House. He invited 40 or 50 people, and not one single Representative of the minority party. It is not that we Republicans are so broke that we cannot pay for our own meals, but at least there is a principle involved, and that is what we are talking about here.

If the minority party expects to maintain any of its rights to serve on missions dealing with peace and great international issues, then it is obvious under this administration that it must fight for them. It is becoming clearer every day that the administration is establishing a totalitarian state along the lines of fascism or Hitlerism, and the next step will be to abolish not only all the rights of the minority but the party itself and set up a one-party state.

Mr. McREYNOLDS. Mr. Speaker, will the gentleman yield for a question?

Mr. FISH. Yes.

Mr. McREYNOLDS. I want to thank the gentleman very much for aiding in getting these bills through today, for I know how the gentleman feels. I listened to the resolution as the gentleman read it. I see that it condemns the practice, but I do not see where the leadership on that side has approved the gentleman's course of action in objecting to all these bills.

Mr. FISH. What does the gentleman mean; what leadership? I am objecting myself, and I happen to be the ranking Republican member of the Committee on Foreign Affairs.

Mr. McREYNOLDS. I thought this resolution was passed by the minority Members, the Republicans in the House.

Mr. FISH. By all the Republicans in the House by unanimous vote after I had explained this exact situation in detail before the conference.

Mr. McREYNOLDS. Then I want to ask the gentleman how long he purposes keeping up these objections?

Mr. FISH. Until we get assurance that the rights of the Republican Party as a minority party will be recognized.

Mr. McREYNOLDS. Suppose you do not get any assurance, and suppose the New York World Exposition bill comes before the House.

Mr. FISH. But that is a meritorious piece of legislation.

Mr. McREYNOLDS. I agree with the gentleman that it is; but is the gentleman going to object to that?

Mr. FISH. The gentleman knows that we politicians make an exception to every rule. The gentleman knows that I have already made one exception. I will not, however, make any commitments in advance.

Mr. WOODRUM. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield.

Mr. WOODRUM. I should like to observe for the information of my friend that if they insist on objecting to all these bills of the Foreign Affairs Committee, that should the gentleman from New York find himself under any personal embarrassment when the New York bill comes up, perhaps some of his friends on this side will accommodate him.

Mr. FISH. We can work it out between us.

Mr. McREYNOLDS. Mr. Speaker, will the gentleman yield for another question?

Mr. FISH. Certainly.

Mr. McREYNOLDS. The gentleman is not objecting to the pending bill is he?

Mr. FISH. This bill for $15?

Mr. McREYNOLDS. Yes.

[Here the gavel fell.]

Mr. McREYNOLDS. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for an additional 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. FISH. I want to speak on the merits or demerits of this bill for $15. I do not suppose, seriously, we can object to this little bill that has come out of the committee by unanimous vote, giving some British subject $15. There are half a dozen others of the same nature, one for a citizen of France growing out of some accident in 1916 in Haiti, for $1,000, which with compound interest at 6 percent amounts now to about $2,000. That will make him rich down there.

The question is simply this, and I am not going any further than to raise the question: The Congress of the United States in this bill is appropriating money for Great Britain and will be in the next bill for France, both of which nations owe us money. Why not deduct it from the war debts? They have repudiated their war debts. They do not even pay interest on these debts. They do not even pay interest on the money loaned them after the armistice; and yet the Congress of the United States appropriates money for their citizens, and appropriates it in the name of the British Government and of the French Government. The question of policy comes up. I am not prepared to oppose this bill of $15 merely on the question of policy, but it ought to be considered. Great Britain owes us billions of dollars; she is not paying a single penny in interest; yet we, by unanimous vote, probably will pay to Great Britain some money for one of her subjects injured somewhere in China. We could, if we wanted to, call attention to this fact and vote down these bills. Personally I do not think that that is the proper and right way to do it, at the expense of some little fellow who needs this $15 more than the Treasury of the United States.

Mr. HOOK. Mr. Speaker, will the gentleman yield?

Mr. FISH. Yes.

Mr. HOOK. Will the gentleman tell us what his party did with regard to war debts?

Mr. FISH. Yes; I shall be very glad to tell the gentleman what we did. I want the record to be known. When this country was under Republican administrations we collected every year $200,000,000 in payment of interest on the war debts. Under the present Democratic administration we do not collect anything except from little honest Finland—not one penny otherwise.

[Here the gavel fell.]

Mr. McREYNOLDS. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for an additional 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. McREYNOLDS. Is not the gentleman mistaken?

Mr. FISH. Not a bit.

Mr. McREYNOLDS. I seem to remember that just before President Hoover went out he asked for a moratorium.

Mr. FISH. Certainly.

Mr. McREYNOLDS. And that is where we got stuck.

Mr. FISH. Near the expiration of President Hoover's term of office he communicated with Governor Roosevelt, then President-elect, and asked him to cooperate in a settlement of these war debts, but President-elect Roosevelt sent back word, "Oh, no; I will not cooperate."

"I propose to settle these debts. I propose to adjust them in my own way, and that will be the first objective of my administration."

Then what happened? The administration has been in power for 4 years and it has not made an attempt even to collect any of the war debts and the Government of the United States is not receiving any payment on these debts except from Finland. That is the record, and I want it to stand.

[Here the gavel fell.]

Mr. O'CONNOR of New York. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for 5 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. FISH. I yield to my colleague from New York.

Mr. O'CONNOR of New York. The gentleman has just quoted President Roosevelt. Is the gentleman quoting him from any public utterances or from some private conversation?

Mr. FISH. I am not literally quoting him. I am quoting what the papers had to say, I think it was in November 1932, right after the election when President Hoover asked for his cooperation in the settlement of the war debts. Of course, I do not know what was in the mind of President-elect Roosevelt at that time, but he said, "I am going to settle these debts. That will be one of the first objectives of my administration." And 4 long years have gone by and he has not made the slightest attempt to collect these debts. If he had made an attempt that would be something, but not a single effort has been made to collect a penny from any of these nations.

Mr. SHANLEY. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Connecticut.

Mr. SHANLEY. On June 1, 1934, the President sent a message to the House of Representatives on World War debts. I would advise the gentleman to read that message, then come back here and make a statement.

Mr. FISH. What has happened to the war debts? The President had been in office 15 months when he sent in the message and has done nothing since.

Mr. SHANLEY. The President made certain statements in that message. He had lined up with President Hoover on three fundamentals.

Mr. FISH. What is his position? He has been in power for 4 years. What is his proposal?

Mr. SHANLEY. His proposal is that those nations who are indebted to us make deliberate and conscientious attempts to pay the debts and not to proceed in unproductive militaristic efforts. The President of the United States has worked out reciprocal-trade agreements with various nations, and tied up with these agreements is the necessity to carry on at all fronts. He cannot carry out these reciprocal-trade agreements without giving these nations some time. I would ask the gentleman to read that statement.

Mr. FISH. Does the gentleman mean to say when we enter into these reciprocal-trade agreements we thereby cancel these war debts?

Mr. SHANLEY. No.

Mr. FISH. What has been done to secure a single penny?

Mr. SHANLEY. The gentleman is very learned, and he knows these war debts can be paid only in gold, by the purchase of goods, or the rendering of services. The gentleman's party is opposed to the introduction of imports. These war debts can only be paid by getting imports from the countries which owe us the money, or services or gold or articles of highly intrinsic value. There is not enough gold in most of the countries to pay the war debt.

The gentleman ought to know that, and I am sure he does know it, because he is a student of this matter. He knows that this whole matter is tied up with world currency, international exchange and reciprocal-trade agreements. [Applause.]

Mr. FISH. The gentleman has made his speech; but does the gentleman know that this morning's paper states that high officials in Great Britain, and we are discussing that particular country in the pending bill for the payment of $15 to a British subject, made the announcement that she proposes to spend seven and a half billion dollars on armament for the next 5 years? Does the gentleman know that?

Mr. SHANLEY. The same paper made the statement it was three billion dollars 3 or 4 days ago.

Mr. FISH. I saw that, too.

Mr. SHANLEY. Today it is $7,000,000,000. I am waiting for the correct figures.

Mr. FISH. Would the gentleman agree with either figure?

Mr. SHANLEY. That they are going to do that?

Mr. FISH. Yes; for purposes of armament.

Mr. SHANLEY. Yes.

Mr. FISH. And they are not paying us the war debt. Who is holding the bag?

Mr. SHANLEY. Who is holding it?

Mr. FISH. The American people.

Mr. SHANLEY. No; I will tell the gentleman about that: He refers to the $200,000,000 that we have collected. Why should we not have collected it? As long as our American financiers were lending money to England, Germany, and France they had the money, but just as soon as we stopped that they no longer could pay the war debts. We were robbing Peter to pay Paul.

Mr. FISH. How do they pay for their armament if they cannot pay these war debts?

Mr. SHANLEY. That is an internal question, but you may rest assured that the President, in the fullness of his knowledge as indicated in the 1934 message, will fulfill his duty to the Congress.

Mr. FISH. Where do we come in? If the President does not raise his finger to collect these war debts, we will not collect any. And the American people will continue to hold the bag. [Applause.]

[Here the gavel fell.]

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CLAIM OF HENRY BORDAY, A CITIZEN OF FRANCE

Mr. McREYNOLDS. Mr. Speaker, I call up the bill (H. R. 2911) authorizing an appropriation for payment to the French Government for the account of Henry Borday, a citizen of France, and ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

Mr. SNELL. Mr. Speaker, reserving the right to object, to ask the gentleman a question. I notice in this bill authorizing payment of the claim there is allowed 6-percent interest annually for over 20 years. I do not remember seeing any such provision carried in any similar bill.

Mr. McREYNOLDS. I yield to the gentleman from Pennsylvania [Mr. FREY], who is chairman of the subcommittee.

Mr. FREY of Pennsylvania. The bill does not provide for interest, but is a request for $1,000 on account of injuries sustained in 1916.

Mr. SNELL. The bill states:

The sum of $1,000 with simple interest at 6 percent per annum from October 3, 1916, until January 2, 1937.

Mr. FREY of Pennsylvania. Is the gentleman reading from the report or the bill?

Mr. SNELL. I am reading from the bill.

Mr. FREY of Pennsylvania. The gentleman is right. The bill does call for interest.

Mr. SNELL. I have never known us to do any such thing with respect to any of these claims.

Mr. McREYNOLDS. I quite agree with the gentleman, and we will offer an amendment striking out the provision with respect to interest.

Mr. SNELL. We do not do that for our own citizens, and I presume the gentleman will offer such an amendment?

Mr. McREYNOLDS. Yes.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payment to the French Government for the account of Henry Borday, a citizen of France, as compensation for personal injuries sustained by him due to an assault at his place of business at Port au Prince, Haiti, by two United States marines on October 3, 1916, the sum of $1,000 with simple interest at 6 percent per annum from October 3, 1916, until January 2, 1937.

Mr. McREYNOLDS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. McREYNOLDS: Line 9, after "$1,000", strike out "with simple interest at 6 percent per annum from October 3, 1916, until January 2, 1937."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SHANGHAI ELECTRIC CONSTRUCTION CO., LTD.

Mr. McREYNOLDS. Mr. Speaker, I call up the bill (H. R. 2912) authorizing an appropriation for payment to the Government of Great Britain for the account of the Shanghai Electric Construction Co., Ltd., and ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for payment to the Government of Great Britain for the account of the Shanghai Electric Construction Co., Ltd., as full indemnity for losses sustained by the said company as the result of a collision between United States Marine Corps truck no. 1130 and tramcar B. 168, owned by the company in Shanghai, China, on November 29, 1929, the sum of (the equivalent of $157.20 Mexican) $78.60.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CLAIMS OF CERTAIN BRITISH CITIZENS

Mr. McREYNOLDS. Mr. Speaker, I call up the bill (H. R. 2925) authorizing an appropriation for payment to the Government of Great Britain for the account of certain British citizens and ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise

appropriated, for payment to the Government of Great Britain for the account of the estate of Samuel Richardson, as full indemnity for the death of Samuel Richardson, who is alleged to have been killed at Consuelo, Dominican Republic, by United States marines on May 1, 1921, the sum of $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ELEVENTH INTERNATIONAL DAIRY CONGRESS, BERLIN, GERMANY, 1937

Mr. McREYNOLDS. Mr. Speaker, I call up the joint resolution (H. J. Res. 193) to authorize an appropriation for the expenses of participation by the United States in the Eleventh International Dairy Congress, Berlin, Germany, in 1937.

The Clerk read the title of the joint resolution.

Mr. SNELL. Mr. Speaker, I reserve the right to object to ask the gentleman from Tennessee a question. How many people do we send to one of these international dairy congresses?

Mr. McREYNOLDS. The last time I think there were 2, and the number has been as high as 10. They expect to send 10 this year.

Mr. SNELL. You are going to send 10 people over there?

Mr. McREYNOLDS. Yes; there will be quite a number of other citizens who will go and will perhaps be given the same authority, but their expenses, and so forth, will not be paid by the Government.

Mr. SNELL. What will be the qualifications of the 10 who will go over at Government expense and how will they be selected?

Mr. McREYNOLDS. They will be selected by the Secretary of Agriculture.

Mr. SNELL. Will there be fair representation from every part of the country?

Mr. McREYNOLDS. They will be men who are familiar with the dairy industry, and selected from all over the country, of course.

Mr. SNELL. Does the gentleman suppose I could have one appointed from northern New York by recommending a good Democrat?

Mr. McREYNOLDS. I think the gentleman ought to have one because of the cheese industry in that section.

Mr. SNELL. That is what I had in mind.

Mr. McREYNOLDS. And I will help the gentleman get one, and I am sure the gentleman will not object.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the joint resolution as follows:

Resolved, etc., That for the purpose of defraying the expenses of participation by the Government of the United States in the Eleventh International Dairy Congress, to be held in Berlin, Germany, in 1937, an appropriation in the sum of $10,000, or so much thereof as may be necessary, is hereby authorized for personal services in the District of Columbia or elsewhere without reference to the Classification Act of 1923, as amended, stenographic reporting and other services by contract if deemed necessary without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5); rent; traveling expenses, purchase of necessary books, documents, newspapers, and periodicals; official cards, printing and binding; entertainment; local transportation and such other expenses as may be authorized by the Secretary of State, including the reimbursement of other appropriations from which payment may have been made for any of the purposes herein specified.

With the following committee amendment:

Page 2, at the end of the bill insert:
"SEC. 2. That the delegates shall make a report to Congress of the results and conclusions of the said dairy Congress."

The committee amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. McREYNOLDS. Mr. Speaker, that completes my calendar. I want to say that there are a lot of small bills, but, as the Secretary of State has the right, as have other departments, to settle all claims up to $1,500, I will not bother the House with them. I thank the House very much for its consideration.

Mr. DIRKSEN. Mr. Speaker, one of the bills reported by the Foreign Affairs Committee is of rare interest and raises an important collateral question. I refer to H. R. 2915, recommending payment of $300 to one Li Po-tien, a native of China. Had the report been written in breezy journalese it would probably read something like this: Li Po-tein is an olive-skinned oriental charmer who lives in Tientsin, China. Li operates a restaurant and bar. There she dispenses food to the hungry and drink to the thirsty. Li must be a discerning creature, because she soon learned the Yankee art of extending credit. Now, even in far-off China, one cannot indulge so superb a Yankee custom as meat and drink on the installment plan without attracting Yankee customers. And so it came about that members of the United States Marine Corps became customers of quaint little Li.

One such customer was Pvt. Anthony R. Tofil, private in the United States Marine Corps. We shall call him Tony for short. Tony wandered into Li's emporium shortly after midnight on January 3, 1929. It may be that Tony still believed it was New Year's eve. Maybe not. In any event Tony was feeling playful. Playfulness on the part of a fighting marine may have connotations other than those ordinarily associated with the word. In any event Tony's playfulness took the form of a one-man offensive. The record indicates that Tony took out a knife. Probably he made a resounding speech and challenged all China to battle. He, peradventure, dared the shades of all the shogans and shamens of that illustrious country. Perhaps he even challenged the household gods of the land of lotus and cherry blossoms. Then Tony went to work.

The record discloses that Tony cut Li about the hands. He cut her about the arms. He cut her about the face. He cut her about the back. He cut her about the chest. We even assume that Tony wounded her feelings. On that point the prosaic record is silent. It was a vigorous offensive, to say the least, whereafter it became necessary to take Li to the hospital for sundry repairs. Tony meanwhile was apprehended and brought before a general court martial and sentenced to 10 years' imprisonment. If there has been neither pardon nor reprieve, Tony is probably still in prison meditating on things occult and oriental.

Li came back from the hospital restored to body and spirit and no doubt resumed the time-honored custom of permitting the good folks to share her generous hospitality and pay later. Li probably took inventory after the inevitable hospital bill was presented, and concluded that the great and wealthy occidental country that parked Tony in Tientsin ought to assuage her wounded pocketbook. The repairs to Li's face and figure had cost $54. So Li rendered her bill in true Yankee fashion. The claim was investigated by a United States naval board. They decided that, as a matter of simple justice, without acknowledging any liability, Li should receive some compensation, and so today we are considering that matter in Congress in the form of H. R. 2915, which provides $300 to assuage Li's wounded feelings and reimburse her for the hospital expense. It is more than 8 years since Tony licked a Chinese lady, and unless the fates intervene, there may soon be rejoicing in the house of Li as some official of this Government bears to Li a check for $300. On that day probably all of Li's customers will be treated to roast little pig and extra rice and tea as Li praises the greatness, the goodness, and the generosity of the land to the west where the sun sets.

The point to this incident, however, is this: What was Tony doing over there? Why have him in China? Why have any troops in China? If they serve no useful or necessary purpose, why not withdraw them from China and avoid these petty frictions that may one day cause us trouble? To revise an old adage, great wars from little frictions spring, and these frictions can be avoided by withdrawing those troops.

I am informed that today we have approximately 2,306 American soldiers in China. Of this number, 696 are with the Army and 1,110 with the marines. They were stationed there 36 years ago under the provisions of a treaty of 1901. Ostensibly it was an arrangement with other nations to

guard the international railroad. The original reason for maintaining them in China has no doubt disappeared and today they are there because they were there. They are like the wet paint sentry of Queen Victoria's time. Her Majesty was coming down a freshly painted staircase one day and her imperial wrap brushed against the paint. She insisted on having a sentry placed at the turn in the staircase so it would not happen again. The paint dried soon after, but the sentry remained for 16 years. Is it not time in the interest of preserving peace that we take a direct step toward avoiding such provocations as this by withdrawing our troops from China?

Just what could 2,306 American soldiers do if John Chinaman was really aroused. Our whole contingent of troops in China could easily be packed in this House Chamber. To say that they are guarding our interests in China is hardly persuasive. Good will alone will guard our interests, and if that fails, 2,306 soldiers stationed 7,000 or 8,000 miles from home would be of little consequence. To preserve that good will against the petty, irking provocations which may some day destroy it, we better instruct our soldiers to break camp and come back home.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

Mr. KRAMER. Mr. Speaker, I ask unanimous consent that the Committee on Immigration and Naturalization may have leave to sit during the sessions of the House for the next 3 legislative days in the consideration of important bills.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER. The Clerk will continue the call of committees.

Mr. HILL of Alabama (when the Committee on Military Affairs was called). Mr. Speaker, I call up the bill (H. R. 2291) to amend the act of May 25, 1933 (48 Stat. 73), unanimously reported by the committee.

Mr. SNELL. Reserving the right to object, has the gentleman notified the minority members of the committee that he was going to call this bill up today?

Mr. HILL of Alabama. It has been reported unanimously by the committee.

Mr. SNELL. It is always right and fair to notify the minority members.

Mr. HILL of Alabama. As I said, the bill was reported unanimously by the committee, and I see that the gentleman from New York [Mr. ANDREWS], the ranking minority member, has now entered the Chamber.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act approved May 25, 1933 (48 Stat. 73), be amended by changing the period at the end of the act to a colon and by adding the following words: "*Provided*, That on and after the date of the accrediting of the said academies by the Association of American Universities the superintendents of the respective academies may, under such rules and regulations as the respective secretaries may make, confer the degree of bachelor of science upon all living graduates of the said academies."

Mr. SNELL. Mr. Speaker, I think the gentleman from Alabama ought to explain the bill.

Mr. HILL of Alabama. I am going to explain it.

The SPEAKER. The gentleman from Alabama is recognized for 1 hour.

Mr. HILL of Alabama. Mr. Speaker, up to May 25, 1933, the graduates of the Military Academy and the Naval Academy were not given a degree by these academies on graduation.

On that date Congress passed a law authorizing the Secretary of the Navy and the Secretary of War to confer the degree of B. S. on graduates of these academies when accredited by the Association of American Universities.

The Association of American Universities is an association of the different colleges and universities of the country which sets the standards for the different colleges and universities.

The pending bill would permit the superintendents of these two academies, under regulations formulated by the Secretary of War and the Secretary of the Navy, to confer a B. S. degree on those living graduates who graduated prior to the passage of the act of May 25, 1933.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. HILL of Alabama. Yes.

Mr. SNELL. The former graduates of Annapolis and of West Point have never had any degrees?

Mr. HILL of Alabama. No graduate of either one of these academies received a degree until the passage of the act of May 25, 1933. Since that time graduates of these two academies have had conferred upon them the degree of bachelor of science.

Mr. SNELL. And the bill is to confer a degree upon graduates prior to that time?

Mr. HILL of Alabama. Yes; that is the purpose of the bill.

Mr. CHURCH. Mr. Speaker, will the gentleman yield?

Mr. HILL of Alabama. Yes.

Mr. CHURCH. In the current year there will be a number of diplomas or degrees issued. Has the committee considered the matter of expense in going back over a number of years and preparing parchments for each graduate?

Mr. HILL of Alabama. Each man will have to pay for his parchment himself, just as I understand the graduates of practically all of our American colleges and universities pay for their own parchments.

Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

The SPEAKER. The Clerk will continue with the call of committees.

REQUIREMENTS OF APPLICANTS FOR EXAMINATION BEFORE CIVIL SERVICE COMMISSION

Mr. RAMSPECK (when the Committee on the Civil Service was called). Mr. Speaker, I call up the bill (H. R. 2928) to amend the law relating to residence requirements of applicants for examinations before the Civil Service Commission.

The SPEAKER. The gentleman from Georgia calls up a bill, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That the proviso of the second paragraph under the caption "Civil Service Commission" in the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1891, and for other purposes", approved July 11, 1890, as amended, is hereby amended to read as follows:

"Hereafter every application for examination before the Civil Service Commission for appointment in the departmental service in the District of Columbia shall be accompanied by a certificate of an officer, with his official seal attached, of the county and State of which the applicant claims to be a citizen, that such applicant was, at the time of making such application, a legal or voting resident of said county, and had been such resident for a period of not less than 1 year next preceding, but this provision shall not apply to persons who may be in the service and seek promotion or appointment in other branches of the Government."

Mr. SNELL. Mr. Speaker, will the gentleman please explain the bill?

The SPEAKER pro tempore (Mr. O'CONNOR of New York). The gentleman from Georgia is recognized for 1 hour.

Mr. RAMSPECK. Mr. Speaker, I introduced this bill at the request of the president of the Civil Service Commission, to correct an error that was made in the act of June 18, 1929, when we repealed the act of March 3, 1919, which contained a provision relative to residence in civil-service examinations. Therefore the provision reverted back to an old law requiring 6 months actual residence in the State, and the Commission feels that under this old law a person must have actual residence and not legal or voting residence, which, of course, would mean that people who come to Washington and take positions would lose their residence back in the States. This proposal that we have before us simply fixes the residence required. If a person wants to seek appointment in the departmental service in Washington and has a residence in New York, for instance, the time required to fix it is

1 year, and it shall be proven by a certificate from a local official where the person lives.

Mr. SNELL. I do not know that I am entirely clear. If one has been a resident of the State of New York for 1 year, he can come under the New York apportionment?

Mr. RAMSPECK. That is correct.

Mr. SNELL. It simply means they become residents for 1 year?

Mr. RAMSPECK. Yes.

Mr. SNELL. That is all this bill does?

Mr. RAMSPECK. It provides that they can qualify by what we call legal or voting residence, even though they might be employed in a non-civil-service agency. They could still maintain their legal residence in New York.

Mr. SNELL. A great many people employed here do maintain their legal residence back home.

Mr. RAMSPECK. Yes.

Mr. SNELL. Then this bill is really a protection for the States?

Mr. RAMSPECK. That is correct.

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. Yes.

Mr. TABER. I call the gentleman's attention to line 8, where the word "service" is used. Should not that be preceded by the word "departmental" to be clear?

Mr. RAMSPECK. Of course, the bill applies only to the departmental service. I don't think that would be necessary, although I would have no objection to such an amendment.

Mr. TABER. It might be construed as meaning any Government service anywhere. It says "departmental" in line 11, on page 1.

Mr. RAMSPECK. Yes. It applies only to persons seeking appointment in the departmental service.

Mr. TABER. I think it would be safer if the word "departmental" were inserted there.

Mr. RAMSPECK. Personally, offhand, I can see no objection to it. If the gentleman wants to offer that sort of an amendment, I shall not object, though I do not think it is necessary.

Mr. DITTER. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. Yes.

Mr. DITTER. Does this measure in any way affect the status of those people who are presently employed here and not under civil-service status?

Mr. RAMSPECK. Only in case they compete in a competitive examination for appointment in the departmental service.

Mr. DITTER. Does not this really permit those who have been here without civil-service status to come under a registration back home and, therefore, come within the State allotments?

Mr. RAMSPECK. It means, that if they apply to take an examination for the departmental service here they can establish their residence by certificate from some proper official in the State in which they claim residence.

Mr. DITTER. And that is the real purpose of the measure?

Mr. RAMSPECK. That is right. Under the present law it is difficult to establish the residence required, which is 6 months' residence in a State.

Mr. ROBSION of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. ROBSION of Kentucky. I would like to inquire, and I am sure the gentleman from Georgia knows, how much out of line are the allotments of appointments for the District of Columbia as compared with the States?

Mr. RAMSPECK. I do not remember the figures, of course, but the District of Columbia, Maryland, and Virginia are considerably over quota. There are some other States that have recently passed their quota under the apportionment act. That condition has existed for a great many years, so I am informed.

Mr. ROBSION of Kentucky. The purpose of this measure is to correct that condition?

Mr. RAMSPECK. Yes, to a certain extent. It will enable the Commission to more strictly enforce the apportionment act.

Mr. ROBSION of Kentucky. Assuming that someone has come here to take employment in the Government, in a nonservice position, and has been here 10 years from the State of Massachusetts or Kentucky, and they have not voted in Massachusetts or Kentucky for 10 years, what are the rights of such person to take an examination under this bill?

Mr. RAMSPECK. Under this bill they would have to secure a certificate of an officer with his official seal attached, of the county and State in which they claim legal or voting residence. Whether or not they can establish that residence, of course, will depend on the local State law. The requirements vary in different States.

Mr. ROBSION of Kentucky. Would such person have to show that they actually voted in the State?

Mr. RAMSPECK. I do not think it would be necessary to show that they had voted, but I think they would have to show that under the laws of that State they were entitled to be called a legal or voting resident of that State.

Mr. ROBSION of Kentucky. And entitled to vote?

Mr. RAMSPECK. Yes, sir.

Mr. ROBSION of Kentucky. The gentleman said something about a tax certificate.

Mr. RAMSPECK. No. There is no tax certificate. It is just a certificate from an officer of the State or county where they claim residence, showing that they are a citizen of that county and State.

Mr. ROBSION of Kentucky. How many persons are now employed by the Government who have this nonservice status, employed in the District of Columbia? Does the gentleman have any figures on that?

Mr. RAMSPECK. I could not tell the gentleman how many people in the District of Columbia are not under civil service. There are something over 300,000 in the entire country who are not under civil service, but what proportion of those are in the District of Columbia I do not know.

Mr. BOILEAU. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. BOILEAU. It would be to the advantage of those who are working in the District to maintain a legal residence in some other State, would it not?

Mr. RAMSPECK. I think so, because of the apportionment law.

Mr. BOILEAU. Perhaps it is not directly connected with this particular bill, but I would like to ask the gentleman's opinion as to what would happen in the event we should pass a bill giving to the residents of the District of Columbia the right of franchise. These people who are working under civil service would not be voters of the District. I mean they would not want to give up their voting residence in the various States, so that a large number of people who are to all intents and purposes actually residents of the District would not, as a matter of fact, vote if the people of the District were given the right of franchise.

Mr. RAMSPECK. I think that is right.

Mr. BOILEAU. I think that is one thing that the people of the District of Columbia should bear in mind, that if they want their right of franchise there should be some provision in the law to the effect that those who actually reside here, whether under civil service or not, are expected to vote in the District of Columbia.

Mr. RAMSPECK. Perhaps the gentleman is correct.

Mr. FADDIS. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. FADDIS. Do I understand the gentleman to say this will correct the condition existing at the present time, or at least which existed at the end of 1936, where the District of Columbia is entitled to 154 civil-service appointments and has 9,030, where they have more than 30 other States in this Union? Will this bill tend to correct that situation?

Mr. RAMSPECK. I may say to the gentleman that I did not make any such statement. I said that the passage of

this bill would assist the Commission in enforcing the apportionment law, as it is called.

Mr. FADDIS. It will tend to rectify that condition which exists, where the District gets all of the civil-service appointments, as they do at the present time?

Mr. RAMSPECK. It will assist the Commission in determining the residence of applicants. Of course, that is the first step in applying the apportionment law. I do not mean to say it will take anybody out of a job that they already have. I do not want any misapprehension about it. It would not do that; but in future appointments it will enable the Commission to definitely settle the question of residence.

Mr. FADDIS. Is there not a regulation in force at the present time whereby appointments are supposed to be apportioned throughout the various States according to population?

Mr. RAMSPECK. That is in the original civil-service law.

Mr. FADDIS. Then how does it come that the Civil Service Commission has allowed this unbalanced condition which prevails today to occur?

Mr. RAMSPECK. I do not think I could undertake to explain that to the gentleman at this time. I will say there are a great many reasons for it. One of them is the situation that existed during the World War, when thousands and thousands of people were brought in without regard to the apportionment law, because it was a question of the Government employing any help that was available anywhere. There was a shortage of help. They took them in. Now, the apportionment law does not apply to separations from the service. The District of Columbia, Maryland, and Virginia, therefore, have become overquota under the apportionment act and have remained that way. Another reason why they are overquota is that people from distant States will not come here to accept the lower-paid positions, and a major portion of the smaller-pay positions have been filled from territory surrounding Washington, because people are not willing to come here from long distances to accept such positions.

Mr. FADDIS. I may state to the gentleman, and to the Members generally, that in a few days I am going to insert some figures in the RECORD that will show just how the apportionment of civil-service jobs has been handled throughout the United States, and how the jobs have been distributed.

Mr. RAMSPECK. The gentleman cannot be any more interested in that than I am. I am in favor of the apportionment law and will help do anything I can to enforce it.

Mr. McFARLANE. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. McFARLANE. Permit me to call attention to the fact that employees who have been under civil service more than half a dozen years still have a temporary status, even though they passed a competitive examination. They are being carried along in a temporary status. The State of Texas is one of those States which stands way down on the quota list. There is no complaint of the efficiency of these people carried so long in a temporary status. Why should they not be given a permanent status? Why can we not correct the situation?

Mr. RAMSPECK. Individual cases of that sort, of course, must stand on their own merits. I shall be very glad to do anything I can to help the gentleman correct any case of that sort of which he knows.

Mr. McFARLANE. Not only that, but these people have proof that people from the District of Columbia, from Virginia, and Maryland with a shorter length of service have been placed in the permanent status, whereas people from the State of Texas have not been given a permanent status. I think it is a matter that ought to be looked into, especially when we find arrogant people in some of these departments saying that quotas do not mean anything to them.

Mr. RAMSPECK. I may say to the gentleman that I believe in the apportionment law, and I will do anything I can to help see that it is enforced.

Mr. GREEVER. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. GREEVER. Is the rule with reference to the applicant getting a certificate from a county officer being enforced at the present time?

Mr. RAMSPECK. There is no such requirement under the present law. At the present time a person must show actual residence of 6 months in the State from which he or she claims to come. It is rather difficult to establish those facts. The Commission wants to set up this plan restoring the 1-year period which was inadvertently repealed in the act of 1929, and permit proof to be made by certificate of an officer of the State in which the employee claims residence.

Mr. COLE of Maryland. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. COLE of Maryland. In view of the statement made by the gentleman and others with regard to Maryland being beyond its quota, which I concede to be the case, representing a large part of Maryland, I want it understood that my district is not in that class, although counties bordering on the District may be. The reason for that is that so many Government employees appointed during the World War and at other times took up their residence in the State of Maryland. Coming here from Georgia, Texas, California, and elsewhere because they found Maryland to be a delightful place in which to live and make their future homes.

Mr. RAMSPECK. The gentleman is correct. Some of the cases under the apportionment law have arisen in just that way, the person has come from my own State, settled in Maryland and acquired citizenship there. Thereafter, of course, he is charged to Maryland.

Mr. EBERHARTER. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. EBERHARTER. The pending bill requires the certificate of an officer. It seems to me this should be clarified and the kind of officer stated, whether it is an officer of the court, an officer of the law, an officer of the Army, or some other kind of officer. It seems to me this phrase should be made plain, as there is a requirement about legal or voting residence.

Mr. RAMSPECK. I think it is better to leave the language as it is, I may say to the gentleman, for the reason that in one State they may have an election official who does that. In my State it would be done by the tax officials who keep the registration records. We cannot set out the particular official in each of the 48 States. The Commission, however, will require this certificate from the proper official who keeps the records in each State of the residence and voting qualifications.

Mr. EBERHARTER. In other words it will be up to the Commission to make proper regulations as to each State and as to each officer or what kind of an officer in each State must make this certificate.

Mr. RAMSPECK. The gentleman is correct.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. Yes.

Mr. SNELL. What information came to the gentleman's committee that decided the committee to report this bill out at the present time? What is back of this?

Mr. RAMSPECK. I may say to the gentleman from New York that this bill was sent to the committee by the Civil Service Commission in the Seventy-fourth Congress, was passed by the Senate, and the House had reported the Senate bill, but it got lost in the final rush. This is simply a repetition of that request.

Mr. SNELL. I was wondering, after this had gone along so many years, why they are now seeking to change the civil-service requirements.

Mr. RAMSPECK. The act of June 18, 1929, repealed in its entirety the act of March 3, 1919, and also repealed the statute relating to the requirement of legal residence and actual domicile in the case of examinations held by the Civil Service Commission for positions in the District of Columbia. I think, as a matter of fact, nobody realized that that law had been repealed by this act of 1929 until about 2 years ago.

It is just to make that correction that this bill is brought up.

Mr. TABER. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore (Mr. O'CONNOR of New York). Does the gentleman from Georgia [Mr. RAMSPECK] yield for that purpose?

Mr. RAMSPECK. I yield to the gentleman from New York for that purpose; yes.

The Clerk read as follows:

Amendment offered by Mr. TABER: Page 2, line 8, after the word "service", insert "with civil-service status."

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. TABER].

The amendment was agreed to.

Mr. RAMSPECK. Mr. Speaker, I move the previous question on the passage of the bill.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RETIREMENT OF EMPLOYEES IN THE LEGISLATIVE BRANCH OF THE GOVERNMENT

Mr. RAMSPECK. Mr. Speaker, I call up the bill (H. R. 2901) to amend the act of May 29, 1930 (46 Stat. 349), for the retirement of employees in the classified civil service and in certain positions in the legislative branch of the Government to include all other employees in the legislative branch, and ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

Mr. SNELL. Mr. Speaker, reserving the right to object, I think we better find out about these bills. This particular bill is pretty far-reaching.

Mr. RAMSPECK. I may say to the gentleman from New York this is a bill which the House passed during the last session and simply permits legislative employees to take advantage of the Civil Service Retirement Act. It is not mandatory. It is permissive.

Mr. SNELL. The legislative employees?

Mr. RAMSPECK. Yes.

Mr. SNELL. The employees of the House and Senate and our individual offices?

Mr. RAMSPECK. Yes.

Mr. RAYBURN. Mr. Speaker, reserving the right to object, I would like to understand what the gentleman means by "legislative employees"?

Mr. RAMSPECK. They are defined in the bill. That includes officers elected by the Senate or House of Representatives who are not members of either body, the legislative counsel of the Senate and the legislative counsel of the House and the employees in their respective offices, the Capitol police force, the employees of the Joint Committee on Printing and the Joint Committee on Internal Revenue Taxation, and clerks to Members of the Senate, clerks to Members of the House of Representatives, clerks and employees to the several committees of the House and Senate, and all other employees.

Mr. RAYBURN. What does the phrase "clerks to Members" mean?

Mr. RAMSPECK. It means, if they want to avail themselves of the privileges of the Retirement Act within 6 months after the passage of this act, they shall notify the Clerk of the House, and thenceforth the Clerk of the House deducts 3½ percent of their salaries to pay into the fund. If they want to get credit for previous service they have to pay up the amount due for that previous service under the act. They will then have all the privileges that the civil service employees have with reference to the Retirement Act; but it has nothing to do with the selection or appointment of employees, and it does not force them to retire. They are exempted from the age limit.

Mr. RAYBURN. It in no way puts the clerks to Members of the House and Senate under the civil service?

Mr. RAMSPECK. No; it does not.

Mr. PALMISANO. Mr. Speaker, reserving the right to object, does this include the secretaries to the Congressmen?

Mr. RAMSPECK. Yes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

Mr. PALMISANO. Mr. Speaker, I object.

The SPEAKER pro tempore. The House automatically resolves itself into the Committee of the Whole House on the state of the Union for the consideration of the bill.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 2901, with Mr. MCLAUGHLIN in the chair.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act of May 29, 1930 (46 Stat. 349), for the retirement of employees in the classified civil service and in certain positions in the legislative branch of the Government, is hereby amended to include all other employees in the legislative branch.

SEC. 2. The provisions of such act of May 29, 1930, shall not be applicable to any employee in the legislative branch who is brought within its scope by section 1 of this act until such employee gives notice in writing to the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, that he or she desires to come under the provisions of such act of May 29, 1930. Such notice must be given, in the case of any such employee in the service on the effective date of this act, within 6 months from such effective date, and in the case of any such employee entering the service after the effective date of this act, within 6 months from the date of such entrance.

SEC. 3. The provisions of section 2 of such act of May 29, 1930, and of section 204 of the Economy Act of June 30, 1932, and any Executive orders pursuant thereto, relating to automatic separation, shall not apply to any employee in the legislative branch to whom the provisions of such act are extended by this act.

SEC. 4. The term "employee in the legislative branch" where used in this act shall also include (a) officers elected by the Senate or House of Representatives who are not members of either body, (b) the legislative counsel of the Senate and the legislative counsel of the House and the employees in their respective offices, (c) the Capitol Police force, (d) the employees of the Joint Committee on Printing and the Joint Committee on Internal Revenue Taxation, and (e) clerks to Members of the Senate, clerks to Members of the House of Representatives, clerks and employees to the several committees of the House and Senate, and all other employees.

SEC. 5. In computing annuitable service, all employment prior to July 1, 1919, as clerk to a Representative, Delegate, or Resident Commissioner in his representative capacity shall be recognized as employment in the legislative branch if and when such employment can be shown by records or secondary evidence, and in the case of applications heretofore awarded or denied such cases shall be immediately reopened and readjudicated on the above basis from the date of separation, this provision to become effective from the date of the approval of this act.

SEC. 6. This act shall take effect on October 1, 1937.

Mr. RAMSPECK. Mr. Chairman, if I may have the attention of the members of the committee for a few minutes, I think I can clear up the misunderstanding that apparently some members have with reference to the bill.

This is a proposal that has been pending in the Congress for a great many years. The House Committee on the Civil Service has several times favorably and unanimously reported this legislation. It has passed the House several times, and it passed the House in the last Congress and went over to the Senate, where they substituted an entirely different plan, but it was never acted on in the Senate.

We have what is known as the Retirement Act, which applies automatically to all civil-service employees. This has been extended by legislative enactment to certain other groups in the Federal service, such as the employees of the Federal Bureau of Investigation. We extended it to them last year but did not bring them under the civil service.

The proposal here is to permit, not require, secretaries to Members of Congress, employees of the House and Senate, the Capitol Police force, and other employees enumerated in the bill, generally known as legislative employees, to take advantage of the Retirement Act, provided they desire to do so.

Mr. SNELL. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from New York.

Mr. SNELL. Just what would one of these employees have to do in order to come under the provisions of this act?

Mr. RAMSPECK. He would notify the Clerk of the House if he is an employee of the House, or the Sergeant at Arms office, or the Secretary of the Senate on the Senate side, and thereafter 3½ percent of that employees' salary would be put into this fund.

Mr. SNELL. Would the employee have to pay anything for previous years of service?

Mr. RAMSPECK. If they want credit for the previous service, they would have to pay.

Mr. SNELL. They would have to pay for that?

Mr. RAMSPECK. They would have to pay back to 1920, which was the time the law went into effect.

Mr. SNELL. But if they want to start in as of the present time, they may pay from now on?

Mr. RAMSPECK. That is correct.

Mr. EATON. Will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from New Jersey.

Mr. EATON. There is no time limit? They can come in now and do not have to pay for the number of years service before this time?

Mr. RAMSPECK. That is correct. They can come in now and we have relieved them from the mandatory retirement provisions of the act, so that if you have an employee in your office who reaches retirement age and you want to keep that employee, you can keep him, while, on the other hand, he may avail himself of the provisions of the Retirement Act.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. BOILEAU. Assuming a clerk of a Member of Congress has had 10 years of service in that capacity and is not able to pay up for the entire 10-year period, but would like to start beginning 5 years ago, could he pay up for part of the time?

Mr. RAMSPECK. Yes; I think that would be permitted. They would get credit for any service they paid for back to the time when they entered the service.

Mr. PALMISANO. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. PALMISANO. Suppose a young lady has worked here as secretary for 10 or 12 years and has paid into the fund, but is not reappointed at the next Congress, what would happen to her?

Mr. RAMSPECK. If she had not had enough service to retire on an annuity, every dollar that she paid in, plus 4-percent interest, compounded annually, would be returned to her when she left the service.

I may also say to the gentleman from Maryland that any employee who avails himself or herself of the provisions of this act and for any reason is separated from the service, we will say, in 5 years, gets back every dollar paid in, plus 4-percent interest. In that case all it amounts to is a savings account.

Mr. PALMISANO. How many years of service are necessary before they will be able to receive these benefits?

Mr. RAMSPECK. They have to be in the service at least 15 years to get the retirement benefits.

Mr. PALMISANO. After 15 years of service, in the event the individual is not reappointed, is there any age limit, or can they voluntarily come in under this system and receive the benefits?

Mr. RAMSPECK. After 15 years of service, if they are separated from the service, they can retire on an annuity, provided the separation was not for cause.

Mr. MANSFIELD. Suppose they retire from the service before the 15 years have elapsed?

Mr. RAMSPECK. They do not get an annuity, but get their money back, plus 4 percent interest.

Mr. LANHAM. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. LANHAM. If a secretary has already served 15 years and would wish to go into this, would the basis for receiving an annuity be the back payments by that secretary through a period of 15 years, and would those payments make the secretary eligible for an annuity? In other words, how great is the retroactive effect of this to give relief to those who, for many years, have been serving as secretaries and in other legislative capacities as employees here?

Mr. RAMSPECK. The bill permits the people affected by it to prove all previous service, and if they prove it, then they have to pay up to get credit for it, whatever would have been deducted if the system had been applied to them at that time. So, if they have been here 15 years they would have to pay the deduction back for 15 years if they wanted credit for that service.

Mr. LANHAM. And that would make them eligible, upon the termination of their work or upon retirement, for the annuity payments.

Mr. RAMSPECK. That is correct.

Mr. MAGNUSON. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. MAGNUSON. Assuming that a clerk or employee does not serve sufficient time to get an annuity, the gentleman stated he would get the money back with 4 percent interest.

Mr. RAMSPECK. That is correct.

Mr. MAGNUSON. I would like to inquire, if the gentleman knows, who pays the 4 percent, the taxpayers or does that come out of an investment fund?

Mr. RAMSPECK. The Government invests the funds and guarantees 4-percent interest on it.

Mr. MAGNUSON. The Government guarantees that, so it would come out of the taxpayers.

Mr. RAMSPECK. If the fund does not earn 4 percent, of course, the taxpayers pay the difference.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. COCHRAN. In the final analysis, this simply means that an employee of the legislative branch of the Government shall receive the same consideration as the employees of the executive branch of the Government, provided they pay the money necessary to bring them under the provisions of this act.

Mr. RAMSPECK. The gentleman is exactly correct.

Mr. COCHRAN. In other words, if we had had this law in effect recently, one of the employees who had served here for 40 years and was separated from the service, would have been retired?

Mr. RAMSPECK. That is correct.

Mr. LUCAS. Mr. Chairman, if the gentleman will yield, I would like to ask this hypothetical question.

Mr. RAMSPECK. I yield.

Mr. LUCAS. Assuming a clerk has been in the employ of a Member of Congress in some legislative capacity for a period of 15 years and then takes a furlough of 3 years and comes back into the service, will that individual be entitled to pay into the Government for the 15 years' service that he or she has had and obtain the benefits of this measure?

Mr. RAMSPECK. Yes.

Mr. CROWE. Will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. CROWE. If a clerk to a Member has 10 years of service, is released, and goes into another branch of the Government, would this carry on?

Mr. RAMSPECK. Yes; if they take advantage of this, they can transfer their retirement credits. If they get a job under the civil service, they can transfer their retirement credits, and the service is credited, so that when they serve a sufficient term and reach the age of retirement they can take advantage of that service.

I want to say one more word; as the gentleman from Missouri [Mr. COCHRAN] pointed out, and perhaps some did not hear it, this proposal simply gives to our own employees exactly the same privileges under the same conditions that the civil-service employees enjoy now. It does not in any way affect the right of a Member to discharge people whenever he wants to, and in no way subjects them to any requirements under the civil-service law. It permits them to take advantage of the system of retirement if they see fit to do so.

Mr. HANCOCK of New York. Will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. HANCOCK of New York. He is not required to retire at any specified age?

Mr. RAMSPECK. No; we exempt them from that.

Mr. FADDIS. Will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. FADDIS. Under the provisions of the act if a Member wanted to discharge a clerk, he has more or less of a quasi-civil-service status. Is not that true?

Mr. RAMSPECK. No; that is not true.

Mr. FADDIS. He has paid his money and has a quasi-civil-service status.

Mr. RAMSPECK. The gentleman is mistaken. This has nothing to do with civil service.

Mr. FADDIS. I realize that, but he has paid his money and if a Member of the House sees fit to discharge the clerk do not you think the clerk may not get sympathy from the Civil Service Commission to help him along into another job?

Mr. RAMSPECK. I do not think that is true. This will have nothing to do with that question, because it does not affect any civil-service status. It does not affect that question at all.

Mr. FADDIS. The Civil Service is going to have sympathy with such employees, it being rotten in internal politics. It would have sympathy with the employee because he has been discharged.

Mr. RAMSPECK. The gentleman is entitled to his opinion. I do not agree with him.

Mr. MOSER of Pennsylvania. Will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. MOSER of Pennsylvania. Is not this paid into a retirement fund administered under the Bureau of Pensions in the Department of the Interior, and has no connection whatever with civil service?

Mr. RAMSPECK. No. That used to be true, but the retirement fund is now administered by the Civil Service Commission.

Mr. MOSER of Pennsylvania. When I got my refund, I got it from the Interior Department.

Mr. REED of New York. Is it not true that most secretaries of Members of Congress are more or less of a professional character? That is, they are skilled, they become expert in that line of work; and if it so happens that a Member of Congress loses out at an election, they invariably find a position with some other Member.

Mr. RAMSPECK. A great many do.

Mr. REED of New York. Would not the gentleman say a majority do?

Mr. RAMSPECK. This would help that type of secretary particularly.

Mr. EBERHARTER. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. Yes.

Mr. EBERHARTER. Will the gentleman inform me about the following: Section 2 provides that a legislative employee must make up his mind within 6 months from date of this act whether he wants to take advantage of the retirement provisions; and if he does not make up his mind within 6 months that he wants to take advantage of it, he is forever barred from coming in under the Retirement Act.

Mr. RAMSPECK. That is correct. As to those now in the service, they are given 6 months to make up their minds. If they do not want to take advantage of the system, they do not have to do it, but thereafter they cannot change their minds.

Mr. EBERHARTER. So that a year from today, if the secretary of one of the Members of Congress decides that he wants to take advantage of this provision, he could not do it.

Mr. RAMSPECK. That is correct; and I think that is a proper provision, because we must have some system about this thing. We cannot just let employees come in one month and go out the next month and so on. That would not work.

Mr. EBERHARTER. Does the same rule or regulation apply to the employees in the classified service?

Mr. RAMSPECK. No; they have no choice whatever about it. They are put under by law.

Mr. SAUTHOFF. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. Yes.

Mr. SAUTHOFF. I want a point clarified. Those who have not been paying in can come under the provisions of this act provided they pay up dues that are in arrears. Is that correct?

Mr. RAMSPECK. Yes. We provide that any employee may get credit for previous service by paying the deductions he would have paid if the law had been applied to him at that time.

Mr. SAUTHOFF. This is my point. Most of them have rather low salaries, and they could not possibly pay it in one lump sum, and it simply means barring them out. Could they pay that in installments out of their salary?

Mr. RAMSPECK. The Commission will permit them to make monthly payments of those back deductions.

Mr. SAUTHOFF. How large would those payments be?

Mr. RAMSPECK. I could not say how they would arrange them, but in almost any reasonable way.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. Yes.

Mrs. ROGERS of Massachusetts. My recollection is that the bill came out of the committee unanimously last year and passed the House unanimously last year, and that the bill came out of the committee again this year unanimously. It seems only just to pass this bill again this year in the House.

Mr. RAMSPECK. I think the gentlewoman from Massachusetts is entirely correct. I have never heard of any opposition in the committee, and I do not recall that there was any on the floor last year. I think it passed by unanimous consent.

Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. SIROVICH].

Mr. SIROVICH. Mr. Chairman, may I supplement the fine presentation made by the distinguished chairman of our Civil Service Committee [Mr. RAMSPECK] regarding the retirement bill for legislative employees. As ranking majority member of that committee I just desire to make a few remarks regarding legislation that has been enacted in the past, in order to have you completely understand the subject under discussion.

In 1920 Congress passed the first Retirement Act for the executive branch of our Government, which enabled between three and four hundred thousand civil-service employees to be blanketed into the retirement fund without the contribution of one cent. Since that time every civil-service employee entitled to the benefits of the Retirement Act has paid 3½ percent of his annual salary into the retirement fund. The Government contributes about 8 percent every year to the fund. This enables the employee after having reached retirement age to secure a pension of $1,200 a year.

At the time this law was passed it appertained only to the executive branch of our Government. The bill which our committee has unanimously reported enables employees of the legislative branch of our Government, such as secretaries and clerks to Members of the House and Senate, pages, reporters, police, and others to retire after 30 years' service by paying into the retirement fund 3½ percent of their salaries from the year 1920, or beginning with any year in which they started working in the legislative branch after 1920. This bill will enable our faithful, loyal, conscientious secretaries and other workers in the legislative branch of the Government to have the same privileges enjoyed by the executive branch of the Government. It is optional in its nature. There is no mandatory feature to this bill, and it is simply righting an inadvertent wrong when Congress in 1920 failed to include the legislative workers with those of the executive departments.

Until about the year 1919 a Member of the House received a check each month in his own name with which to pay the salary of his secretary. This bill under discussion also provides that persons who worked as secretaries prior to 1919 may present affidavits vouching for the fact that they had been so employed.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. SIROVICH. Yes.

Mr. SNELL. I do not understand that they were paid by the Congressman himself.

Mr. SIROVICH. Up to about 1919 or 1920 a Member of Congress received pay from which he paid his secretaries. I understand it was about $125 a month.

Mr. SNELL. I have been here for 22 years and I never received one dollar. I know that I never received one dollar in pay.

Mr. SIROVICH. It may be the date is incorrect, but up to about 20 years ago Members of Congress received pay which was supposed to be paid to secretaries. So we do not have a record of the secretaries to Members during that time.

[Here the gavel fell.]

Mr. RAMSPECK. Mr. Chairman, I yield the gentleman from New York 2 additional minutes.

Mr. SIROVICH. As I have stated to the Committee, about 20 years ago the practice of issuing checks to Members of Congress with which to pay secretaries was discontinued, and since then secretaries have been paid direct. If this bill is passed by the House and Senate, and signed by the President, there are only about 10 or 12 employees of the House and Senate who have worked for a period of from 30 to 35 years. If they pay their 3½ percent for the past 17 years, they will have the privilege of immediate retirement.

The Civil Service Committee unanimously reported this bill in justice to the legislative secretaries and clerks who have worked faithfully and loyally for Members of Congress, and I sincerely hope and trust that it will pass without any objection.

Mr. SNELL. Mr. Chairman, will the gentleman yield?

Mr. SIROVICH. I yield.

Mr. SNELL. I did not understand what the gentleman meant when he said it applied to only 10 to 12 people.

Mr. SIROVICH. There are at the present time about 10 or 12 employees in the legislative branch of the Government who have worked consecutively 30 or 35 years. These men and women have made a career of secretarial and clerical positions. If they lost their positions they would have worked for the Government 35 or 40 years and never be subject to retirement.

Mr. SNELL. I do not understand yet what the gentleman meant by saying that this bill only applied to 10 or 12 people. It applies to everyone who is employed here.

Mr. SIROVICH. It applies to everyone, but it would help immediately about 10 or 12 men and women who have been working 30 or 40 years in the legislative branch of our Government.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SIROVICH. I yield.

Mrs. ROGERS of Massachusetts. The gentleman means if they paid the back assessment for the 17 years?

Mr. SIROVICH. If they paid the back assessment for the 17 years.

The CHAIRMAN. The time of the gentleman from New York has again expired.

The Clerk read as follows:

Be it enacted, etc., That the act of May 29, 1930 (46 Stat. 349), for the retirement of employees in the classified civil service and in certain positions in the legislative branch of the Government, is hereby amended to include all other employees in the legislative branch.

SEC. 2. The provisions of such act of May 29, 1930, shall not be applicable to any employee in the legislative branch who is brought within its scope by section 1 of this act until such employee gives notice in writing to the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, that he or she desires to come under the provisions of such act of May 29, 1930. Such notice must be given, in the case of any such employee in the service on the effective date of this act, within 6 months from such effective date, and in the case of any such employee entering the service after the effective date of this act, within 6 months from the date of such entrance.

SEC. 3. The provisions of section 2 of such act of May 29, 1930, and of section 204 of the Economy Act of June 30, 1932, and any Executive orders pursuant thereto, relating to automatic separation, shall not apply to any employee in the legislative branch to whom the provisions of such act are extended by this act.

SEC. 4. The term "employee in the legislative branch" where used in this act shall also include (a) officers elected by the Senate or House of Representatives who are not members of either body, (b) the legislative counsel of the Senate and the legislative counsel of the House and the employees in their respective offices, (c) the Capitol Police force, (d) the employees of the Joint Committee on Printing and the Joint Committee on Internal Revenue Taxation, and (e) clerks to Members of the Senate, clerks to Members of the House of Representatives, clerks and employees to the several committees of the House and Senate, and all other employees.

SEC. 5. In computing annuitable service, all employment prior to July 1, 1919, as clerk to a Representative, Delegate, or Resident Commissioner in his representative capacity shall be recognized as employment in the legislative branch if and when such employment can be shown by records or secondary evidence, and in the case of applications heretofore awarded or denied such cases shall be immediately reopened and readjudicated on the above basis from the date of separation, this provision to become effective from the date of the approval of this act.

SEC. 6. This act shall take effect on October 1, 1937.

Mr. RAMSPECK. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. O'CONNOR of New York] having resumed the chair, Mr. MCLAUGHLIN, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H. R. 2901, directed him to report the same back to the House with the recommendation that the bill do pass.

Mr. RAMSPECK. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion by Mr. RAMSPECK, a motion to reconsider was laid on the table.

AMENDING CIVIL SERVICE ACT

Mr. RAMSPECK. Mr. Speaker, I call up the bill (H. R. 3408) to amend the Civil Service Act approved January 16, 1883 (22 Stat. 403), and for other purposes.

Mr. COCHRAN. Mr. Speaker, this is a very important bill, and many Members of the House are interested in it. I make the point of order that there is not a quorum present.

Mr. RAMSPECK. Mr. Speaker, evidently there is no quorum present, and I withdraw the bill.

Mr. COCHRAN. Mr. Speaker, I withdraw the point of order.

The SPEAKER pro tempore. The Clerk will call the committees.

The Clerk concluded the calling of the committees.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. RAYBURN. Mr. Speaker, we have completed during the past two Wednesdays the call of all committees. We will have the calendar on next Wednesday, beginning at the head of the committees. Therefore, I ask unanimous consent that further proceedings under Calendar Wednesday be dispensed with today.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. DIRKSEN. Mr. Speaker, in connection with the bills called up by the Committee on Foreign Affairs, I should like to insert a short statement in the RECORD at that point relative to one of the bills. I ask unanimous consent for that permission.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

POST OFFICE AND TREASURY DEPARTMENTS APPROPRIATION BILL, 1938

Mr. LUDLOW. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of H. R.

4720, making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1938, and for other purposes.

Mr. TABER. Mr. Speaker, does not the gentleman from Indiana want to make a unanimous-consent request with respect to the time for general debate?

Mr. LUDLOW. Unanimous request was made yesterday for the time to be equally divided between the gentleman from New York and myself.

Mr. TABER. But that was only for yesterday.

Mr. LUDLOW. That was for the whole time of general debate.

Mr. TABER. Very well.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Indiana [Mr. LUDLOW].

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4720, the Post Office and Treasury Departments appropriation bill, with Mr. GREENWOOD in the chair.

Mr. LUDLOW. Mr. Chairman, I yield 20 minutes to the gentleman from Rhode Island [Mr. O'CONNELL].

Mr. O'CONNELL of Rhode Island. Mr. Chairman, on January 8 I introduced two bills, H. R. 2252 and H. R. 2253, for the construction of American dirigible airships. The bill H. R. 2252 authorizes a loan of $12,000,000 for the construction of two American-designed airships much larger than the *Hindenburg*, an American airship plant in which these two airships may be constructed at the same time in a period of approximately 12 months, and an Atlantic operating terminal for transoceanic commercial operations. Each airship is to be capable of weekly round trips crossing the North Atlantic.

The bill H. R. 2253 authorizes the construction of a large naval airship equipped with and capable of transporting 20 military airplanes with their crews. The airship shall have installed rapid-fire, long-range guns to cover every approach to the airship. The military equipment of airplanes and guns is estimated to cost $1,000,000. This should demonstrate the value of commercial airships that may be changed to military use in event of war.

These bills do not contemplate the appropriation of Treasury funds without recompense, nor to subsidize private business. The bill H. R. 2252 simply provides an interest-bearing loan with which to demonstrate the safety and efficiency of American-designed and constructed airships and to demonstrate a profit in commercial operations, thus inducing private capital to promote the extension of American commercial-airship service to the important trade centers of the world.

When I speak of American airships, I refer only to dirigible airships which shall be designed and constructed by American engineers, scientists, inventive genius, and expert technical organizations of highest professional talent and may include representatives of the Navy, Army, Commerce, or other departments of the Government, in accordance with section 2 of H. R. 2252.

The latest constructed German airship, the *Hindenburg*, made 10 round trips to America the past summer to demonstrate the practicability of trans-Atlantic airship service and perhaps, incidentally, to impress our Nation as to the superiority of German airship design and construction.

In fact, such changes were the basis of an article printed in the New York Times, January 19, 1936, in which were mentioned several modifications of the original *Hindenburg* design. It may be only a coincidence that these modifications appear to be of a character disclosed in an engineering report on the Respess' American airship design of December 28, 1933, of which many copies were distributed.

Within the past week I received a phone call from an Army officer of the World War, now occupying an important position in a Government bureau. This party stated he had some information concerning dirigible airships, which he wished to disclose to me. I sent a representative to see this officer, who stated he had devised some important improvements in dirigible airships and had submitted his unpatented ideas and his drawings to one of the highest ranking officers of the German Zeppelin Corporation (whose name may be disclosed at the proper time) who promised to hold his disclosures in confidence and not to use any of the disclosures without proper recompense. He now states at least four features of his plans, shown in the drawings, are incorporated in the *Hindenburg*. This party expresses his willingness to appear before a Congressional Committee with his drawings and to swear to the statements I have outlined, as made by him.

I make no charges against the German Zeppelin organization. The modifications that appear in the *Hindenburg* may have been matters of common knowledge and not patentable. It may have been a coincidence, that construction principles, advocated by American engineers and inventors, appear to be so similar to improvements the German engineers may have already had in mind to be used in the construction of the *Hindenburg*.

I have no personal interest in the construction or operation of any airship. I have, however, a firm belief that the airship may do much to extend our overseas trade and may be a valuable means of defense for our Nation, in event of war. Mr. Respess is an inventor of note; a southerner by birth he now resides in my district of Rhode Island, where a large enterprise founded on some of his patents has been operating for many years and has never been "in the red."

In the development of his airship upon suspension bridge principles, he has employed outstanding American structural and aerodynamic engineers. He constructed and tested a scale model of his airship and has reports of leading American engineers, detailing the many improvements of his construction over the Zeppelin type of construction. Since private capital may not be secured for airships, without an adequate demonstration of profitable operations, he has applied to Congress for an interest-bearing loan with which to make such demonstration as may attract private capital for the extension of airship construction and operations.

This is the fourth session of Congress that has been urged to recognize the American engineer through extending a committee hearing where leaders in their profession may appear to give expert testimony concerning the construction of dirigible airships.

American engineers, scientists, and inventive genius need no endorsement by me. Their superior capability is recognized throughout the world, where monuments to their efficiency are erected in the form of great bridges, modern skyscrapers, great power plants, canals, and other public works. Without the American engineer, scientist, and inventor would we today have railways, steamships, the telegraph, the telephone, the electric light, the radio, moving pictures, automobiles, airplanes, and many other things which are so important in modern life?

Here is a task for the American engineer. Give him the opportunity and he will design and construct dirigible airships far better than any other, and thus America with its ample supply of nonexplosive helium gas may again lead other nations in transportation through its airships, which in time will establish a major form of transportation.

Rear Admiral H. I. Cone, retired, when chairman of the advisory committee of the United States Shipping Board Bureau, told the Federal Aviation Commission that "the Government should build a series of airships suitable for transoceanic passenger and express service." In that way, he declared, "the United States would assume world leadership in the aircraft industry, enabling us at the same time to recapture our lost position in the field of world shipping", adding, "The United States will be left hopelessly behind unless we take steps for building airships to fill out our merchant marine."

Commander Charles E. Rosendahl, veteran dirigible expert in charge of the naval air station at Lakehurst, N. J., in a recent press report is quoted as saying, "The time has come to return some of the antiairship fire. The United States has built and operated, with at least some success, three rigid naval airships and no commercial airships whatsoever. After 1½ years' service we lost the last two—the *Macon* and

the *Akron*—from causes which could have been avoided. Because full success was not attained in this meager effort that dragged over some 15 years, there are those who clamor for an entire cessation of American airship development." Saying that both American scientific men and businessmen had recommended a commercial airship program, Commander Rosendahl asked, "Can it be possible that American opinion of American scientists, engineers, and operators has slipped to such a low level that so little public support has been given to airships?"

Dr. Max Munk, a leader among American scientists, in an address at the "lighter-than-air forum", Akron, Ohio, July 25, 1935, is reported as saying American airships should be designed and constructed by American engineers and skilled labor; that the German mind and the American mind are so different that Americans can never build German airships as well as the Germans, nor could the Germans build American-designed airships as well as Americans.

Dr. William Hovgaard, a foremost designer of American naval craft and a member of the committee appointed by the Science Advisory Board, known as the Durand committee, to review and analyze the past and present situation as to the design and construction of airships, prepared an important article on Airships for Naval Service, published in the United States Naval Institute Proceedings March 1936, in which the value of the airship for "Coastal patrol—submarine detection," "Strategic scouting—the airship as an airplane carrier," and "Convoy and other services" is briefly and ably set forth.

Here is an outstanding naval and aeronautical authority who appreciates the fundamental military value of airships. Under the section "Convoy and other services" Dr. Hovgaard says, "Rear Admiral W. A. Moffett has stated before the House Committee on Naval Affairs during the World War, as far as we know, no convoy was ever attacked by a submarine when guarded by an airship."

Another member of the "airship jury" appointed to decide this country's airship future, and himself a former leading German lighter-than-air authority, Dr. Theodore Von Karman, director of the Guggenheim Graduate School of Aeronautics of the California Institute of Technology, is quoted in the Oakland, Calif., Tribune, "Expert urges United States to push on with dirigibles—America should not leave this construction to Germans."

I am advised there are many former Zeppelin engineers who are American citizens, and recognizing the high qualifications of American professional talent they urge the further construction of American airships be of American design.

The construction of a fleet of great American dirigible airships, for extending our foreign trade and to be available for national defense in the event of war, should result from the approval of bills H. R. 2252 and H. R. 2253. Strong support for these bills is already assured in both the House and Senate.

We have tried building German type airships in the United States under the direction of Zeppelin-trained engineers, and there is an influential group now urging that we build more such airships or to buy German-constructed airships for American trans-Atlantic service.

Opposed to such American construction of German-type airships, the bill H. R. 2252 provides for an organization of American professional engineers, scientists, and inventive genius, with the cooperation of American technical organizations and representatives of the United States Navy, Army, Commerce, or other departments of the Government, to design and construct American airships to be greatly improved over the present type.

Mr. Roland B. Respess, of Cranston, R. I., head of the corporation named in the bill, is an inventor of note and he has expended large sums in the employment of eminent American engineers and scientists to study dirigible airship construction and improvement. He is today one of the leading advocates of American airships, and with his connections in engineering circles he should be able to form the outstanding organization outlined in section 2 of bill H. R. 2252.

A criticism of the bill H. R. 2252 has been brought to my attention with the statement the loan of only $12,000,000 is insufficient to build two dirigible airships larger than the *Hindenburg*, an Atlantic operating terminal, and an airship plant as described in the bill. This cricitism is undoubtedly the result of insufficient knowledge concerning the type of construction to be employed, and is based on construction costs of Zeppelin-frame airships and of the airship docks constructed at Lakehurst, N. J., and at Sunnydale, Calif.

The difference in the actual construction cost of two Zeppelin-type airships of 8,000,000 cubic foot gas capacity constructed in America and two 8,000,000 cubic foot airships of the Respess design is estimated as not less than $3,000,000 in favor of the Respess airships; further, the new type airship docks of the Respess suspended-roof design may be constructed $3,000,000 cheaper than the same size docks of the arch-frame type, as at Lakehurst and Sunnydale.

Thus the new construction provided with a loan of $12,000,000 may require an expenditure of $18,000,000 were the older types of construction employed. In other words, for a loan of only $12,000,000 the Government is protected with improvements that may have cost $18,000,000 if constructed on the old designs; is further secured by valuable patents or patent rights, by the engineering, to date estimated to be worth several hundred thousand dollars, and all assets the corporation may subsequently acquire. The construction of the airships and airship docks would be without royalty under the patents and without profit. Thus I feel the Government is amply protected in its loan of $12,000,000.

A Member of Congress has advised he is against Government loans to private enterprise, and if airships are constructed with any Government funds, the Government should own and operate the airships. In that case it is needless for me to point out that the Government should pay a suitable patent royalty and a construction profit. We have had experience with Government-owned airships that were lost, without insurance. The bill H. R. 2252 provides that full insurance shall be carried, and if these commercial airships were damaged or lost the insurance would provide funds for replacement. [Applause.]

Mr. DITTER. Mr. Chairman, I yield 30 minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, I regret that we have not a larger audience in the House this afternoon.

Mr. HOUSTON. Shall I make a point of no quorum?

Mr. GIFFORD. No; but I wish the gentleman in particular to enjoy himself and to grant me the smile that he always wears.

Mr. Chairman, I shall take a little time during this discussion to talk about the moral climate of the Nation, to which the President referred so feelingly in a recent address. I quote from the President's remarks:

> I am justified in believing that the greatest change we have witnessed has been the change in the moral climate of America. Have we reached the goal of our vision of that 4th day of March, 1933? Have we found our happy valley?

I want, therefore, to discuss some of the conditions of the present day as they appear to me to bear on the moral climate of America. I shall discuss a little of finance, the excitement over the Supreme Court, and several other matters, but will not attempt to single out any particular condition for lengthy discussion at this time. I shall read first an excerpt from an article in a magazine of national reputation called Sphere, which brings an indictment against the President. These are not my words. They probably came from a much more thoughtful person than I, and carry much more authority than I could possibly assume in what I might say: I quote:

> There is one indictment the President will find it difficult to answer, if he can answer it, for its truth stands out where all who look may see—
>
> He is extravagant.

I am in accord with that.

> He is the most extravagant ruler known to recorded history.

That is probably true and may be flattering to him.

> Not even Solomon who left the people of his country impoverished could hold a candle to him. He has dipped into the stored

reserves of the Nation—those reserves which were created by the sweat and blood of men and women, and he has squandered them. Nor has that contented him. He has "dipt into the future far as human eye could see" and mortgaged everything in sight. He has raided the integrity of every insurance policy in the United States. He has flung the shadow of a possible inflation, worse than a pestilence, over every hearthstone in the country. For every one person to whom he could possibly promise economic security, he deprived 10 of that security.

Nor is that all. The riches of the country are not measured solely in its precious metals, its industrial plants, its buildings, its lands, its fisheries, and its mines. There is another form of riches incomparably more desirable because, having it, all else, in the main, could be recovered and reestablished. That is the moral stamina of a people. Put a man on charity, and, if he is any good at all, a blush of shame is on his face. Make him accustomed to relief, and the blush disappears to become an itching palm that is always extended.

It may be argued that this is not fair, that the need was very great, that hunger was abroad in the land. It may even be suggested that rebellion was imminent, that safety from it must be purchased.

Let it be granted that relief had temporarily to be given. Still, the fact remains that in the face of a recovery that is now well under way, with actual shortages of labor in many, if not most, of the skilled trades, the number of the unemployed to whom Federal doles are given has not greatly diminished. One would have to be somewhat naive to accept the contention that few of this number can find employment.

There were, for instance, some millions of men making a living doing odd jobs in this country and they have been demoralized. There were a number engaged in seasonal employments, who formerly saved enough from their preferential wages to carry them over the idle weeks, or who otherwise handled that situation, but they, too, have had their independence taken from them in the name of charity.

Moreover, it is true that prodigality, in this case as in any other, attaches to itself parasites that must be nourished. Mr. Hopkins could not have kept politics out of his relief work and he did not. Mr. Wallace could not have prevented some rich corporations from garnering rich profits from the Treasury in pursuance of his farm program. Indeed, it was inevitable that loose spending from Washington set an example for comparable loose spending elsewhere, running down through the subordinate governments even into poverty-stricken households.

Talk as you will, exculpate as you may, the fact remains that the Roosevelt administration has been and still is a spendthrift.

These are not my words, but they are worthy of consideration insofar as they may be true.

The cause of humanity! During the 15 years since I have been in Congress, have we been so careless and so entirely unable to understand humanity? Whom did we allow to go hungry? The Democrats seem to claim that the first time we learned of the word "humanity" was when they and their President came into power. This reminds me of the dear minister who asked one of his lady parishioners how she liked his sermons.

She said: "They are wonderful, and so instructive! We begin to think we did not know anything about sin until you came." [Laughter.]

As I often have said, you seem to think that civilization began in 1933, on March 4. You would have the masses believe that before that date no consideration was given to humanity. Some of us remember, however, that from 1922 to 1929 we were quite happy and things were going along very smoothly. Our huge war debt was greatly reduced and the country was prosperous. But you say we did not put on any brakes at all during those days. You forget recent history, how Alabama, Nebraska, Iowa, and many other farming States fairly shrieked when the Republican Administration, through the activities of the Federal Reserve Board, did try to put on the brakes, and did try to stop the farmers from investing and speculating in land. That endeavor was met by the most vicious, the most violent speeches perhaps ever heard on the floor of the House. And how the farmers did plead for the 1921–22 tariff when they found that, after all, the war was the only thing that had saved them from ruin! The Republican Party acted promptly to save them from the ruin facing them as the result of the policies of the Wilson administration.

You should not be allowed to forget that. With further reference to the national debt, I want to remind you that during the month of January 1937—while the gentleman from Pennsylvania [Mr. RICH] has been quoting you deficits from day to day—the deficit of our Government was $351,235,313; not quite a half billion dollars. In the last Congress you appropriated some $10,000,000,000; and you are now seeing, perhaps, the peak of expenditure of those authorizations.

Mr. HOUSTON. Will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from Kansas.

Mr. HOUSTON. Did I understand the gentleman to say that around 1920 things were very good?

Mr. GIFFORD. I said in the twenties. That goes up to 1929—from 1922 to 1929.

Mr. HOUSTON. That would include about the time the Teapot Dome investigation was under way?

Mr. GIFFORD. Yes.

Mr. HOUSTON. When Mr. Harding was in power, and those boys?

Mr. GIFFORD. Is that the gentleman's contribution and the best explanation he can offer?

Mr. HOUSTON. I will be back in a minute. I have a press conference.

Mr. GIFFORD. Mr. Chairman, the Teapot Dome matter has been an alibi so long I thought it was worn out and almost forgotten by this time. If it is still fresh in your minds and that is all the argument you have, may I say that refers to only one personality in the Republican Party. That is not an indictment against the Republican Party itself.

You have already increased the debt to some thirty-five billion dollars to bring about such "moral climate" as we have. I could bring on a marvelous moral climate in my own community if I spent a proportional amount of that tremendous sum among my people, giving everybody a job and handing out largesse to the voters. I could boast temporarily of a pretty good moral climate, but when my credit was exhausted and I was faced with the necessity of making collections I would not wish to vouch for the further continuance of a satisfactory moral climate.

Mr. SHEPPARD. Will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from California.

Mr. SHEPPARD. In quoting the indebtedness which the gentleman has mentioned, how much, would the gentleman tell, has been used for relief purposes?

Mr. GIFFORD. That question the gentleman asked me the other day.

Mr. SHEPPARD. No; I have never asked that question.

Mr. GIFFORD. The gentleman knows I cannot give him the exact amount.

Mr. SHEPPARD. Give us the approximate figures.

Mr. GIFFORD. We appropriated $3,000,300,000 and then $4,800,000,000 for relief, but, as I stated in my remarks the other day, we should make careful investigation and learn how much money has been diverted to other purposes than real relief.

Mr. SHEPPARD. I still do not understand because the gentleman has not answered my question.

Mr. GIFFORD. I cannot answer the question definitely.

Mr. SHEPPARD. Would the gentleman object to the amount that has been used for relief purposes?

Mr. GIFFORD. No, indeed. And I may say to the gentleman I voted for all relief measures. But I wanted the funds surrounded with some safeguards.

Mr. Chairman, I wish to speak briefly about the corporate devices that have been adopted by this administration. For instance, one was adopted only last Thursday. For what purpose? The excuse given was more efficiency. Why, this method of operation is now so flagrant that it has been called a conspiracy. I have a long list of these corporate devices here in my files. The procedure generally seems to be to have the R. F. C. subscribe for capital stock in some corporation organized, perhaps, in Delaware, or acting under other State charters quite free from Government control. I here call attention to an excerpt from the Brownlow report, which is now under discussion in the Congress:

The corporate device presents factors of flexibility and business efficiency not often obtainable under the typical bureau form of organization. Corporations are generally expected to be self-supporting enterprises and to be no burden upon the Treasury, even

in cases where it has subscribed to their initial capital. They usually have the right to borrow on their own obligations and to use the income derived from charges for their services for payment of their necessary expenses. Freedom from the necessity of appropriations carries with it freedom from various governmental controls and restrictions, such as Budget procedures; personnel regulations governing appointment, discharge, and compensation; and various governmental rules regarding purchase, travel, space, and property. Ordinarily they devise their own systems of accounts, and within the limits of their enabling statutes may incur obligations and settle claims.

Citizens, particularly when they participate in their ownership, are more inclined to expect businesslike procedures from corporations than from direct Government activity. Corporations have demonstrated their business efficiency in such fields as the making and collection of loans, the management of property, and the operation of transportation facilities. They can be held responsible for an entire result by the accomplishments reflected in their annual reports and balance sheets rather than by a minute scrutiny of their detailed transactions.

Mr. SACKS. Will the gentleman yield?

Mr. GIFFORD. I yield to the gentleman from Pennsylvania.

Mr. SACKS. How about the money that was lent to Dawes without any corporate entity being involved?

Mr. GIFFORD. That was taken up the other day and very ably answered by the gentleman from Ohio [Mr. JENKINS], and I wish he were now present to reply to the gentleman. I should like to have the gentleman refer to his remarks. The situation was probably nothing like what you apparently think it was. However, enlarge upon it all you wish. Bring up personalities and detached instances, if that is all the argument you have. I am attempting to speak only of general conditions. I am not on the trail of any personality. I am not on the trail of any Democrat, so far as personality is concerned. I have real affection, as you must believe, for every Democrat in this House. If any trail in my study of expenditures should lead to a personality, I fear I should fail in my duty and not pursue it further. My efforts lie only in the general matters of expenditure.

The other day I offered several resolutions to find out who had traveled Europe; where the authorization came from for them to travel, and the amount of money spent under such authorization. Later on, when that information has been gathered, I shall take the floor and comment on those expenditures. Government agents were sent over there to import ideas from Europe to try to make over our country. Conditions over there are not at all the same as they are here. However, I am not seeking to criticize any particular person who may have traveled to Europe.

I want to know the purpose and whether proper authorization was present. I have no one in mind in particular, but do think that these trips have been excessive in number and in certain cases wholly without justification.

Mr. SACKS. How much money was given private corporations when the Dawes loan and other loans were made, and how much for relief?

Mr. GIFFORD. The gentleman would discuss the R. F. C., which is now your most favored and approved instrument of relief. You now applaud it, and how you have increased it. When the Republican Party organized the R. F. C., you Democrats bitterly abused it, saying it was a tool for the banks, insurance companies, and railroads. Now you have accepted it as your choicest creation and have greatly enlarged it. My criticism is, why does not the R. F. C. perform the functions expected of it? They are here constantly setting up corporations within themselves. When they lose money they do not wish it to appear as one of their own activities. They do not want it to appear that they lose on their operations as a lending agency. These corporate devices have been carried too far, and we will hear about them later on. The committee on reorganization must struggle to determine what to do with them.

Together with public officials I attended the other evening dedicatory exercises of a large school building costing nearly $300,000, during which the statement was made that the President should be thanked for a contribution of $108,000. I have attended other dedicatory exercises where even the Governor of a State as well as other prominent officials would grandly proclaim, "You should thank the President and the Democratic Party for this beautiful edifice." Think of it! A Governor of a great State. There is the politics in the situation. I sometimes think they should rather give credit to whom credit belongs, because you Democrats have always said that the Republicans have the most money and the Republicans, of course must therefore pay the most taxes. And if they pay the most taxes they ought to have the credit of paying eventually for these grants. Is it moral climate to tell these people, as in these cases, for instance, that the President and the Democratic Party have made them a grant or, as they are led to believe, a gift of these funds?

Mr. FLETCHER. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. In just a moment. I want to complete the statement first.

One hundred and eight thousand dollars given by the President and the Democratic Party! Will the recipients not have to pay it all back in taxes? In that community in Massachusetts, which has to pay not only for what it gets, but so much more in proportion! Those people who were told that they were given $108,000, will have to repay it all, and more, in Federal taxes. The poor man in such communities, under our Federal method of taxation, will pay far more than that $108,000 which they say was given to him; but the masses of the people to whom these grandiose orators speak, probably believe that it really was a gift. I fear they think the Federal Government has actually given them that money and that they will not have to pay it back.

I now yield to the gentleman.

Mr. FLETCHER. I simply want to ask the gentleman a question and I may say that we always like to hear the gentleman speak and he is really much better natured than he sounds, I am sure. [Laughter.] I have just been explaining that the gentleman's technique sounds rather porcupiney, but he has a heart of gold. I wish to ask the gentleman if he objects to being grateful. He seems to criticize; reminding the people that this has been done for them under this administration, yet is it not true that Republican Party leaders for many years went out and chloroformed the intelligence of the people so they could not think, by reminding them that they were the party of prosperity and that they owed their prosperity to the Republican Party that used to exist.

Mr. GIFFORD. I presume the Republican Party in 1928 chloroformed North Carolina and Texas and one or two other States. Personal popularity and the building up of the individual, that is the way to chloroform them.

Thanking the gentleman for his statement about my appearance being harsh, I will share with you, by way of illustration, this story. An old lady met a little boy on the street and said, "Little boy, you should not cry like that." He said, "Cry as you damn please—that's my way." [Laughter.]

Mr. SACKS. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. Yes.

Mr. SACKS. Would the gentleman complain if they thanked those Republicans who paid the taxes?

Mr. GIFFORD. No; my complaint is that these poor people were told they had a gift of $108,000. What a gift! They have got to pay it all back, and in my State they will have to pay much more.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. GIFFORD. I yield.

Mr. RANDOLPH. I thank the gentleman for yielding to me, and may I make an observation for a moment as well as ask the gentleman a question?

Mr. GIFFORD. I shall have the opportunity of revising and extending my remarks and there will be much more than you will hear now.

Mr. RANDOLPH. I may say to the gentleman in connection with the educational help of this administration that certainly those in power in national affairs during the past

4 years have at least been the instrumentality through which funds have been brought to communities that needed school buildings and better educational facilities.

Mr. GIFFORD. I have already granted that, sir; but I simply say do not tell them it is a gift that they will not have to pay for.

Mr. Chairman, my time is running along, and I did want to bring out several matters. I wish to recite something I recently read; it should interest your great President. It may sound paradoxical, but nothing chills a man's love so quickly as a woman's attempts to keep it at a permanent high temperature. [Laughter.] And I say to this great dramatist in the White House—because drama should have been his life—he should pay attention to what he said before election. He has the faculty of bringing in something new. You know what he said before election, though that does not matter now. He said before election that he would clarify the Constitution by amendment, and now, like a bombshell, he comes out the other day and is trying to keep the public mind at a high temperature all the time; and, lo and behold, it has certainly cooled in the last 3 weeks. Thank the Lord that there were no Republicans in the Texas Legislature. They acted without politics in their hearts. They were not goaded by Republican opposition, yet that legislature spoke its own conscience. I have requested my secretary, as you gentlemen probably have yours, to collect data, much comment on matters pertaining to the Supreme Court, and there certainly has been a decided coolness in the letters from many, very many, who so adored him in November 1936. No; he cannot keep this high temperature up.

The trial balloon got a little too far up. You all remember Bainbridge Colby. Do you recognize him now as a Democrat? He was once Secretary of State under a former Democratic administration. He said that it is a sad and shameful day in which we are now living. But I do not want to have to quote these gentlemen. I shall extend my own remarks, expressing somewhat carefully, I hope, my own individual opinion on this vital matter. But sometimes I want to ejaculate, and I hope it may be heard far away. Moral climate! The mayors of wealthy cities and Governors of wealthy States have come down here, hat in hand, for relief; and if they did not come here and demand their share and get all they can, they could not possibly be reelected—they would be counted as men unfit to hold public office. Then you ask me how much has been spent for relief! Of the many letters that I wrote as a Congressman to the department heads, one was sent to our friend Harry Hopkins about 4 years ago. I did not even get a reply. Those who were here then will remember that as a member of the Committee on Expenditures I talked about how the relief money was spent. We had Mr. Hopkins before us one morning for discussion; and when I started to question him every Democratic member of the committee began to heckle me and to protect him, until he was so encouraged that he said to me, "How can I discuss relief with you, who know nothing about the subject?" Yes; he was decidedly independent, yet I do not dislike him even for that.

However, I had a list of 20 cities with a tax rate running less than $20—less than 3 percent for corrective and relief purposes—and I asked him why he let those towns and cities have money, and he would not answer. That is a sample of the present moral climate. Some of my mayors ought to come here, because certain of my cities greatly need assistance, but there are plenty of others who should be ashamed to and would be, except that they know the money is going to be spent anyway, and feel that they should get their share. Then so far as these dedicatory exercises are concerned, I congratulate them for having constructed these buildings, because that money raised is going to be spent somewhere, and every section must do what it can and get as much as it can, as a practical proposition. My conscience does not feel too good about it, in having to make such a statement, but is not that the only practical answer? I think so. I cannot blame them. The moral climate forces our mayors and Governors to come here and get every dollar of that money that they can get, and it should be given to them as their proper share.

There are a great many more topics that I hoped to discuss. Perhaps one or two of you who may read my remarks will wish to pick me up on some point, but I promised to yield and not take all the time, because my colleague is very desirous of being recognized. I should otherwise be very glad to yield, but in closing I ask you, would you kindly study that subject I mentioned, namely, the creditor devices of our Government, having in mind what I have previously pointed out to you with reference to the bookkeeping of the Treasury Department.

Have you forgotten that? Have you looked that up? Was I not telling you the truth about it? But these corporate devices need study. I hope I have suggested something worthy of your attention along that line. [Applause.]

Under leave to extend my remarks, I include the following:

But there is nevertheless one bright spot in this rather gloomy picture of a weakening of America's moral fiber and a willingness to let a misguided sense of temporary self-interest outweigh the lasting best interests of the Nation. It shows that millions of Americans have retained their faith in the fundamental verities, although it took a severe shock to awaken many of them who have been lulled into a sense of false security by pleasant-sounding phrases and benign promises.

I refer to that most encouraging thing of recent days—the tremendous and voluntary response of the people to the pernicious proposal to subjugate the judiciary to the Executive. I say "voluntary", since no one can describe as propaganda, inspired by special interests, the flood of letters in opposition to the President's proposal. Not form letters in any sense, they display the strong personal feelings of their writers upon this vital subject. They give evidence of serious thought and much originality of argument and expression.

The American citizen, when finally brought face to face with a really great national issue, can reach a sound decision thereon. And I may add that thus far the hundreds of letters which I have received have been, with one exception, absolutely in accord in their wholehearted expression of opposition to the President's proposal, as it affects our Supreme Court. Never have I known such complete unanimity.

The people have seen through the camouflage of fair words and the sugar coating of desirable minor improvements to the whole judicial system with which the "pill of bitterness" was surrounded.

In many instances their native intelligence led them straight to the truth even before it was disclosed by countless editors and commentators in the country's press. However, the more newspapermen, educators, lawyers, and statesmen delve into the subject, the more clearly the fundamental facts emerge—the more obvious becomes the President's efforts to accomplish an aim which is primarily personal, under the guise of desirable general reform.

It is indeed no wonder that the shafts which have been directed against his proposal from all directions have been stinging and biting.

This mighty ground swell has been no "insensate clamor", as characterized by the Attorney General. To him Senator GLASS paid his respects in no uncertain terms.

The Executive may be indifferent to the fundamentals of our American institutions and the checks and balances provided in the Constitution for the safeguarding of our democratic form of government—checks which have become personally irksome to him, but obviously the Nation is not.

The country's true patriots, regardless of political party and for once in astonishing agreement, are convinced that this present proposal is not one primarily designed to improve general conditions in the Federal judiciary. The chief provision in underlying importance is the one cleverly calculated to destroy the value of the Supreme Court as one of the integral parts of a carefully planned and balanced system of government.

If after serious study and consideration it should be found that the Court, in its proper pursuance of precedent and application of strictly legal principles, has not been truly serving the purpose intended by the framers of our institutions, the Constitution provides the remedy. Indeed, the President himself plainly asserted this to the Nation when

he was seeking reelection last fall. He then told the electorate that "if necessary" these objectives could be achieved through a "clarifying amendment" to the Constitution. Possibly this is one of the reasons why the country has been so genuinely shocked by this new proposal of his, and why you and I have received so many letters from people admitting that they voted for Mr. Roosevelt last November, but emphatically stating that they would not have done so had they suspected that he would now be acting in such a manner.

If a clarifying amendment is actually needed, does the President no longer trust the large majority which reelected him to office? Does he place little confidence in the fundamental judgment of his own supporters? Of course, it has been suggested that in many State legislatures reactionary lawyers predominate. It is no argument to say that constitutional amendment is a long drawn-out process. Recent history has clearly shown that an amendment can be ratified in short order when the people believe that it is desirable and necessary. This would probably create as much interest as did the prohibition amendment. Obviously, he believes that the Congress will be more subservient to his will than would the Nation as a whole in this vital matter. Hence his attempt once more to achieve his ends by indirection and devious methods. It is, however, unfortunate for him that he preferred to employ them rather than face the situation, as he sees it, with frankness and sincerity. I have called this present method of approach "clever", but that word was not justified. It has been so crude that it has fooled nobody of intelligence and intellectual honesty.

Already any number of incontrovertible reasons have been advanced to explode the myth that additional Justices are needed, either for speed or efficiency. Indeed, the utter fallaciousness of that argument has been well established.

Permit me to read to you from an editorial appearing in the Hartford Courant—

> In his (Lincoln's) first inaugural address he said: "While it is obviously possible that a decision of the Court may be erroneous in any given case, still the evil effect following it—being limited to that particular case, with the chance that it may be overruled and never become a precedent for other cases—can be better borne than could the evils of a different practice." Contrast that with the attitude now taken by President Roosevelt who, smarting under decisions of the Supreme Court holding certain of his pet measures unconstitutional, proposes to pack the Court with judges who will see eye to eye with him. For disguise it as he may with all the arts of sophistry, that is clearly his purpose.

Can anyone honestly doubt that such is, indeed, his purpose? Certainly the Nation at large is unshakeable in that belief and I call it a most encouraging sign.

Mr. DITTER. Mr. Chairman, I yield 25 minutes to the gentleman from Kentucky [Mr. ROBSION].

Mr. ROBSION of Kentucky. Mr. Chairman, I wish to address the Committee a short time on some matters that I think are of importance to the membership of this House. I shall not talk to you as Democrats or Republicans, but as citizens, because, after all, you should be as much concerned about our country as I am. I am satisfied in your several communities you all bear a splendid reputation for being careful, honest, sensible men, men who believe in keeping your promises, paying your honest debts. This is your country and mine, and whatever is helpful to you and your children in government is helpful to us Republicans and our children.

May I invite your attention for a short time to the mounting increase of taxes, of debts, and of deficits? President Roosevelt as a candidate for President in 1932 announced that these taxes are taken out of the sweat of those who toil in the shops, in the mines and factories, and on the farms and railroads, as well as others of us who are not otherwise engaged. Therefore, he declared in 1932 these mounting taxes must be reduced, and the burden on the backs of the people cut down. That was a very sound and splendid declaration.

In the last year that Mr. Hoover was in office as President we collected $1,800,000,000 in revenues and taxes, but it has jumped and jumped and jumped so that in the fiscal year of 1936 we will have received over $4,115,000,000 in revenues and taxes.

Mr. SOUTH. Mr. Chairman, will the gentleman yield?

Mr. ROBSION of Kentucky. In just a moment after I have finished my statement, if you please.

The Secretary of the Treasury estimated that the amount of money that will be collected this fiscal year is $5,828,150,719, and in the new fiscal year beginning July 1, 1937, we will collect $7,293,607,197. That tax and revenue is four times the amount it was in the last year of the Hoover administration.

Mr. SOUTH. Mr. Chairman, will the gentleman yield?

Mr. ROBSION of Kentucky. I yield.

Mr. SOUTH. Is it not a fact that the national income has practically doubled from the last year of the Hoover administration down to 1936?

Mr. ROBSION of Kentucky. No, I do not think so. But we cannot measure everything by 1932, in the depths of the depression, as to income. If this $7,000,000,000 this year were taken from the rich only, there might be some justification; but it is taken from all classes, including the poorest of our land. Everybody who eats, wears, or consumes anything pays his part of the burden of these taxes. In fact, we have reached a point in this country where at least 25 cents out of every dollar goes for government. It comes out of the wages of the toilers, the pensions of the disabled veterans, and the widows' meager income. The tax on meat is at least 25 percent. Bread and everything that is consumed bears this tremendous burden of taxes. It is the common people of America who will pay the big end of this $7,000,000,000 or more of taxes and revenues in the fiscal year beginning next July.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. ROBSION of Kentucky. I yield.

Mr. CRAWFORD. Has the gentleman had an opportunity of surveying the report issued by Young & Utley of New York, wherein they forecast that by 1950 our cost of taxes in this country, Federal and State, will run $19,000,000,000 per annum, not including social security? That is nearly 100 percent increase over what it is today.

Mr. ROBSION of Kentucky. I thank the gentleman for his contribution. Now, if this tremendous increase of taxes was taking care of the expenses of our Government it would not be so bad, but every year we see more deficits and our national debt growing by leaps and bounds. Oh, my friends on the Democratic side pass our criticism off as a matter of politics, but you would not carry on your business in this way. Your bank does not do it that way. Your merchant nor your sensible farmers do not do it that way. They could not do it and survive. It would mean bankruptcy.

Then our Democrat friends say, "Oh, well, it is an emergency." I am one of those who are willing to provide for and take care of and protect those who cannot take care of and protect themselves, but one of these days we will have to cut down on a lot of useless expenditures. We will have to restore economy and common sense in Government. We cannot go on forever increasing taxes and at the same time increasing the deficits, debts, and obligations of this Government. We cannot tax or spend ourselves into prosperity.

Our national debt, as reported, now is approximately $35,000,000,000. A distinguished Democratic Senator a short time ago said it was $40,000,000,000. Then another distinguished Democratic Senator replied, "You are too conservative. If we cast up all of the obligations of this Government it will reach $45,000,000,000." Yet we are going on day by day increasing taxes and increasing the national debt of this country. The deficit for the first half of the present fiscal year is reaching toward $2,000,000,000.

During the election my Democratic friends said, "The depression is over", but after election we have been spending most of our time extending the life of these emergency measures, not for 1 year, not for 2 years, but for 2½ and 3 years more. There might be some excuse for it if we had accomplished what we said we were going to accomplish by these tremendous expenditures and these heavy taxes, that is,

restore employment in this country and bring America back to a normal condition. But have we accomplished that? The American Federation of Labor in a recent statement told us there are approximately 10,000,000 employables in industry in America out of work. Yet that does not include the great army of men who toiled on the farms but who are now out of work. Let me leave this thought with you. If you take off the Government pay rolls those now employed by the Government—I do not mean its officials and clerks—you will have more people unemployed in America today than we had in June 1933 when you Democrats passed your first great relief appropriation bill for $3,300,000,000.

Mr. HEALEY. Mr. Chairman, will the gentleman yield?

Mr. ROBSION of Kentucky. I yield.

Mr. HEALEY. I say this just in the spirit of trying to correct the gentleman's figures, and I know he will accept it in that way: The gentleman does not mean to say that the figures of the American Federation of Labor include those persons who are on W. P. A. rolls, does he?

Mr. ROBSION of Kentucky. I did not say that. I said they did not.

Mr. HEALEY. The present figures of the American Federation of Labor are exclusive of those persons who are on W. P. A. rolls, because the American Federation of Labor does not consider that those are jobs.

Mr. ROBSION of Kentucky. The gentleman is wrong there.

Mr. HEALEY. I am simply quoting the words of the president of that organization himself in a statement made to our committee sometime last year, that they did not consider that persons on W. P. A. rolls occupied jobs.

Mr. ROBSION of Kentucky. In June and July of 1933 our Democratic friends said: "Give us $3,300,000,000 to spend as we please and by Labor Day, 1933, we will have six of these ten millions of unemployed back to work."

Mr. HEALEY. Will the gentleman yield for one further observation?

Mr. ROBSION of Kentucky. Briefly, but not for a speech. I yield to my associate on the Judiciary Committee.

Mr. HEALEY. I call the gentleman's attention to the fact that there are as many people employed today within 3,000,000 as there were at the peak of 1929 prosperity.

Mr. ROBSION of Kentucky. The gentleman's own President, in his message of 1936, told the Congress that there were at least 5,000,000 families in America needing relief; and the average family consists of 4.3 persons, according to Mr. Hopkins. So, according to the message of the gentleman's own President, there were in 1936 more than 20,000,000 Americans needing relief; and on top of that Mr. Hopkins comes along and says: "Yes, there are 20,000,000." And we have that 20,000,000 after what? After we had appropriated $3,300,000,000; after we had appropriated $4,880,000,000; and we still have it even, as the gentleman from Texas [Mr. BUCHANAN], the chairman of the Appropriations Committee, said the other day on this floor, when we add the additional $790,000,000 to carry relief to June 30, 1937, by which time we shall have spent in this country $15,330,000,000 for relief and recovery.

Mr. KITCHENS. Mr. Chairman, will the gentleman yield?

Mr. ROBSION of Kentucky. For a brief question.

Mr. KITCHENS. Does the gentleman make any distinction between the old standard of living and the new standard of living which the President wishes to establish in this country?

Mr. ROBSION of Kentucky. He was not referring to the old standard or to a new standard. So far as I am concerned I wish to God we had the standard in my section of the country now that we had a few years ago.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield at that point for another question?

Mr. ROBSION of Kentucky. I wanted to pass to another subject, but I yield briefly.

Mr. CRAWFORD. This fits in so well with what the gentleman is saying. Will the gentleman agree with me that any kind of labor that is paid for through the raising of taxes has no exchange value; and that whether we have 3,500,000 or 20,000,000 people engaged and paid from tax money there is no exchange value to this labor?

Mr. ROBSION of Kentucky. There might be some exchange value, but such a condition does not denote any real progress, and does not add any wealth to the Nation—we are taking from one pocket and putting it in the other.

Mr. CRAWFORD. If there is exchange value I hope the gentleman will at some later date show how there can be exchange value in that kind of labor.

Mr. ROBSION of Kentucky. This is what is worrying me, Mr. Chairman: We have spent all this money, we have increased this debt, and yet the big problem of unemployment is still pressing before our country. It must be solved. I am contending, Mr. Chairman, that we have not solved the great problem of this depression. You Democrats can talk about it during the campaign, but it is not solved when you have nearly a million railroad men walking the streets and highways of this country looking for work. It is not solved when you have tens of thousands of miners looking for work they cannot find, and when you have millions of others looking for work they cannot find. It is not solved and it will not be solved until America puts back to work these unemployed people who want to work, so they can make their own living for themselves and their families without being subject to the dole. What has any family to offer its sons and daughters when the family has to depend upon the meager dole? You have not solved the problem yet until our citizens are given opportunities to support themselves.

There are some things, however, that can be done about this unemployment problem under the Constitution. One of these days you and I will have to rise up and just represent America. It is generally agreed now that there are in this country around 7,000,000 aliens. I certainly have no feeling in my heart against any alien. It is generally agreed now that there are around 3,500,000 aliens in this country in violation of the law. There are here, however, and they have either got jobs or are on relief, on the backs of the taxpayers of America.

Mr. DICKSTEIN. Mr. Chairman, will the gentleman yield for a brief question?

Mr. ROBSION of Kentucky. I yield.

Mr. DICKSTEIN. Where did the gentleman get the figure of 3½ million aliens illegally in the United States? Is it based on anything except what he has seen in a newspaper or on a statement made by some of our colleagues?

Mr. ROBSION of Kentucky. It is based on statements I have heard made before commttees and that I have heard made in general discussion on the floor, and from other sources.

Mr. DICKSTEIN. Would the gentleman be interested in the proper statistics?

Mr. ROBSION of Kentucky. I have heard the gentleman give his views many times, and I thank him, but I have not the time now to go into this matter further.

Now, some people say, "Oh, that is not the right principle to follow." But let an American go to Italy, to Switzerland, to France, or to Germany and try to get a job. How do they handle the matter? They first find out if there is a German citizen, a French citizen, or an Italian citizen who can do the job. If they can, the American citizen stands aside. We do not have a lot of Americans across the sea on relief. Why, not so long ago in Paris, France, a few Americans became stranded, and it was necessary to give them relief. Inside of a week they were on a ship headed for America. It is not right to give these jobs to these aliens while we see our defenders and other citizens walking the streets of this country, as well as the sons and daughters of the veterans of this country, trying to find work. Take hold of that problem, and you will create a great big place in America for the unemployed American citizens and take a big load off the backs of our taxpayers.

We come now to the farm problem. Here we burn our pigs, destroy our hogs, plow up our wheat, corn, oats, and cotton, take 30,000,000 acres of productive land out of production and tax the miner, the railroad man, and the factory worker and everyone else to pay the farmer not to produce

in America, and force millions of farm laborers and farm tenants on relief. Then what do we do? We come along with these reciprocal-trade agreements, cut down the tariff, and let in farm products—corn, wheat, oats, rye, barley, pork, and beef—from foreign countries and enough to have used these 30,000,000 acres.

There was a great deal of argument the other day in favor of these reciprocal-trade agreements. I have the highest respect for Cordell Hull. I served with him as a Member of this House; I do not think there is any finer gentleman; but Mr. Hull is against the protective tariff. I have heard him make speeches. We must protect the American laborer and the American farmer and American industry, and I think, therefore, he is the wrong man to make these agreements for America involving this most important question. How can it be argued that these reciprocal-trade agreements are good for America?

In 1934, the last year before the reciprocal-trade agreements went into operation, the balance of trade in favor of America was $478,000,000. In other words, we sent $478,000,000 worth of products across the sea more than was received in this country from foreign nations. You will admit 1934 was not as prosperous a year as 1936. In 1935 the reciprocal-trade agreements were put into force, and what happened? Our balance of trade drops from $478,000,000 to two-hundred-and-thirty-million-and-odd dollars. The balance of trade is cut in half.

[Here the gavel fell.]

Mr. MARTIN of Massachusetts. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. ROBSION of Kentucky. Mr. Chairman, in 1936 what was the balance of trade? Reduced to almost nothing—$34,000,000. And in this year, 1937, while I am not a prophet nor the son of a prophet, you will find our balance of trade will be wiped out. If you are going to continue to cut down this balance of trade and wipe it out entirely, how in the name of high heaven can it be said that America is being benefited by these trade agreements. You see more products coming into this country than we ship out.

Mr. Chairman, we need two things in this country. We need protection for the American farmer, worker, and industry, and we need protection on the question of immigration. My friend, the gentleman from Massachusetts [Mr. HEALEY] is a great friend of labor, but if we continue to shorten the hours and increase pay in America, how are we going to compete with those fellows across the sea with their long hours and low wages? It cannot be done. We can protect our own workers by the tariff and immigration acts. How can the American farmer of this country compete with the peon farmer over yonder, the farmer in South and Central America, India, China, and Japan? It cannot be done. So the reciprocal-trade agreements hurt our farmers and workers.

Mr. Chairman, this great American market must be saved and protected for American workers, farmers, and industry. Let us not barter away the 90- or 92-percent home market for an imaginary 3-, 4-, 6-, or 7- or 8-percent foreign market.

One other thought. It is said that Mr. Hull made it clear to the committee it was not a matter of dollars and cents he had in mind in making the trade agreements—it was world peace. Well, commerce is business. It is not philanthropy. It is just a hard-headed business proposition. He says that it would help us keep the peace of the world.

Throughout the years every time we try to touch on the foreign immigration problem they say, "Keep your hands off." It will make Japan or some other country mad.

Mr. Chairman, foreign governments owe us $12,000,000,000 we loaned to them to save them. We sent the flower of the young manhood of America across the seas, and before we get through with that great war it will have cost America more than $100,000,000,000. Trying to do what? Trying to save these folks. Now they say, "If you will surrender your trade to us, turn over to us the big end of that great, rich American market, then we will be good and we will love you."

Mr. Chairman, we have a very serious and valid criticism to make of this administration. There has been no real effort or zeal shown in trying to collect this money from these foreign governments. It will not do to say they do not have the money.

Mr. RANKIN. Will the gentleman yield?

Mr. ROBSION of Kentucky. I yield to the gentleman from Mississippi.

Mr. RANKIN. During the Republican administration there was a measure passed to refund the foreign debt and the interest was reduced so far below what we have to pay on the outstanding bonds that it cost the American people $6,200,000,000 even if the foreign governments were to pay every dollar they owe us. In other words, you virtually gave away $6,200,000,000 in order to strengthen the foreign securities of Wall Street financiers.

Mr. ROBSION of Kentucky. I was a Member of this House when those settlements came before it for consideration. The Congress appointed a very distinguished commission to study the question.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. ROBSION of Kentucky. On that commission, I believe were two or more distinguished Democrats. One of them was the very able, splendid, and honorable Charles Crisp, of Georgia. This committee, after making a study of the matter over a long period of time, brought in a unanimous report and told the Congress, "Settle on these terms—this is all these foreign nations can pay." The agreement was made and as long as the Republicans stayed in power we made them pay. [Applause.]

Do not forget the Wilson administration turned the billions over to the foreign countries.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. ROBSION of Kentucky. Did you ever stop to think that all of these countries stopped paying after Mr. Roosevelt was elected President?

Mr. RANKIN. The gentleman has not forgotten the Hoover moratorium, has he?

Mr. ROBSION of Kentucky. No; I have not forgotten that.

Mr. RANKIN. Which encouraged these foreign countries to cease their payments on these same debts. That was in 1930, before the revival of righteousness in 1932, which brought in Mr. Roosevelt.

Mr. ROBSION of Kentucky. No; in 1930 there was a world depression; but in 1932 they were paying. It was in 1933 that they quit, and I have not heard any statement made or of any real effort to make these foreign governments pay this money. I think that France, England, and Italy, and these other nations ought to be given to understand that we do not approve their conduct in not paying this honest debt to the American people.

Mr. RANKIN. Mr. Chairman, will the gentleman yield further?

Mr. ROBSION of Kentucky. I am in favor of an individual's paying his honest debts, and I was grieved to hear one of our friends say yesterday that one day your country and mine would repudiate its honest debts. I hope I shall never live to see that day come. I want our country to say to these other countries that they must pay their honest debts. They have the money. England announces she is going to spend $7,500,000,000 for war purposes during the next 5 years, Italy is spending tremendous sums, and France is spending tremendous sums, not only to fortify their own borders but to help fortify other nations; and yet they refuse to pay us, when our boys and our money saved them.

Mr. RANKIN. Now, will the gentleman yield?

Mr. ROBSION of Kentucky. I cannot get into an argument with my friend from Mississippi.

Mr. RANKIN. The gentleman does not yield?

Mr. ROBSION of Kentucky. Let me get through with my statement.

Mr. RANKIN. I thought the gentleman had used the 5 minutes.

Mr. ROBSION of Kentucky. I think that you folks who are in the majority here and who have control ought to

give these countries to understand that they cannot have good standing with America and Americans until they begin paying their honest debts instead of creating great armies and navies to endanger the peace of the world.

With all this threat of war, I may say to my good friend the gentleman from Indiana [Mr. LUDLOW], I more and more appreciate his earnest efforts to promote world peace. Russia, Italy, Germany, France, and other countries are rattling their sabers.

[Here the gavel fell.]

Mr. DITTER. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. ROBSION of Kentucky. I am sure every other Member of this House entertains my own feeling that we will be as old as Methuselah before we ever vote another dollar or send another boy across the seas to help fight their battles in view of the repudiation of their honest debts by the nations we have saved. [Applause.]

Mr. LUDLOW. Mr. Chairman, I yield 5 minutes to the gentleman from Mississippi [Mr. RANKIN].

Mr. RANKIN. Mr. Chairman, of course I am in favor of foreign countries' paying their debts. I voted against the refunding bill and I was one of the men who opposed the Hoover moratorium on foreign debts.

I have not arrived at the point where I think foreign countries will not pay these debts. I am opposed to canceling a single dollar. They will either pay them or they will always owe them so far as I am concerned. I think the time will come when they will pay every dollar of them.

But I want to remind the gentleman from Kentucky [Mr. ROBSION] that during the Republican administration, when Wall Street or the money power wanted to increase the security of their loans abroad, they trumped up this scheme to fund these foreign debts. England had already offered to pay hers in 25 years and pay the same interest we were paying on our outstanding bonds; but this would not have strengthened the security of certain big American bankers in foreign countries, so they trumped up this scheme to fund the foreign debts, extending the payments over 62 years and reducing the rate of interest so far below what we are having to pay on our outstanding bonds that it would cause a loss to the American people of $6,200,000,000 over that 62 years, even if they paid every dollar of it.

Oh, the gentleman from Kentucky [Mr. ROBSION] says that they were paying in 1932. I do not have the record before me, but I do know that during 1930 Mr. Hoover, in order to placate those same financial interests, made another movement which further encouraged them to cease payment of these debts, when he asked for his moratorium, and if I can find my reply to his telegram which he sent me at that time, I should like to insert it in the RECORD.

At that time the foreign countries were led to believe by those tactics that the American people were in no hurry to collect these debts, they were led to believe by these financial interests that had these investments in foreign countries that they were going to help them cancel them, and if they had their way, the very interests that financed the Republican campaign last year would cancel these debts, in order to strengthen their securities in foreign countries.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. Did the gentleman vote for these debt-funding bills?

Mr. ROBSION of Kentucky. Yes. Will the gentleman yield?

Mr. RANKIN. I yield for a question.

Mr. ROBSION of Kentucky. There was a moratorium in 1930, but back in 1932 several of the countries commenced paying. Now, according to the gentleman's own contention, we are out of the depression, and why does not his administration have them pay up. Who is having the moratorium now?

Mr. RANKIN. Mr. Chairman, I am just as much in favor of the foreign countries' paying their debts as is the gentleman from Kentucky, and I can say that I never cast a vote on this floor to take money from the American people in order to reduce that debt, nor have I encouraged them to default by a single vote I ever cast in this House.

But inasmuch as the gentleman from Kentucky voted for the debt-funding bill, which cost the American people $6,200,000,000, it comes with poor grace from him now to come here, after his own President had granted this moratorium which further encouraged these countries to cease their payments, and jump on the Democratic administration because we do not say, "You must pay." Let him and the party he represents stand by those of us who are willing to say they will pay these debts or they will always owe them, and if we take that position they will pay every debt owing us and we will collect interest on it.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. LUDLOW. Mr. Chairman, I yield the gentleman 1 minute more.

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. Yes.

Mr. PIERCE. What are they going to pay the debts with? We have half the world's gold now, and it is a whole lot of nonsense. We will not let them bring their goods here. We do not want their goods; we can make better goods than they can. Is not this a lot of buncomb on both sides, talking about paying the debt? The gentleman and I know that they cannot do it.

Mr. RANKIN. Oh, they will pay sometime, but the gentleman from Kentucky belongs to the party that raised the tariff walls, and he helped to do it, which brought about the wreck of the economic structure of the world and prevented them from paying us in goods. He said then, "You cannot trade with us." But did he say by his vote "You must pay what you owe us"? No; his party did not say that. They said that you cannot trade with us, and then turned and winked at them, and under the pressure of Wall Street brought in this refunding bill that extended the payment from 62 years at a loss of $6,200,000,000; and later on, not satisfied with that, under the same pressure the Hoover administration brought in a moratorium that further extended the time for the payment of these debts and encouraged them not to pay them at all.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. Yes; for a question.

Mr. MICHENER. The tariff has been mentioned. The gentleman from Mississippi has told the Members of the House here on the floor that he is one of the last genuine free traders of the country, that he is the one man in Congress today who still believes in free trade. Am I correct about that?

Mr. RANKIN. The gentleman heard me say that I was for tariff for revenue only. That is the old Democratic doctrine.

Mr. MICHENER. I want to see whether the gentleman has changed.

Mr. RANKIN. No; I have not changed, but I will say to the gentleman that his party has changed by going into dissolution as a result of its tariff policy and other activities that proved detrimental to the public welfare.

The CHAIRMAN. The time of the gentleman from Mississippi has again expired.

Mr. LUDLOW. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. DICKSTEIN].

Mr. DICKSTEIN. Mr. Chairman, on January 26 I addressed this honorable body upon the subject of subversive and un-American activities within our borders. I pointed out then, and I am pointing out now, that the matter that I am about further to discuss is of such importance that this House must give it some attention. As we say in the vernacular, "we cannot pass the buck." We either are going to have an investigation and find out who are the subversive agitators and influences in this country, who seek to subvert or overthrow this country, whether it is the Communist on one side, the Nazis, the Black Shirts, or the Fascists on the other. I asked you on January 26 what were you going to do about it. I even went as far as placing into the RECORD a war draft questionnaire, distributed and mailed by the German consuls in this country to German citizens and American

citizens of German birth, calling upon them not only to fill out the questionnaires but to present them to the German consuls, to be ready for active service, and if they had not the financial means that the German Government would pay their transportation from the United States to Germany.

When the cry came from some fine American citizens of German blood, the consuls had the audacity and the nerve to tell those Americans that irrespective of the fact they were born in this country, nevertheless the Nazi Government wants them to fill out the questionnaire and report to the German consul in this country.

I have given you the name. I have given you the place. I even went so far as to tell this Congress that these agitators, subsidized by foreign money running into millions of dollars, are now organized in at least 14 or 15 States. I can name the leaders. I can name the States. I can almost tell you where the money is and how it gets here. I am powerless unless this Congress will give me the power to bring these un-American agitators, who seek to disturb our people in this country, before a committee. I want the power to bring before this Congress or the committee that band of un-American agitators who seek to create trouble between you and me, my State and your State, my people and your people.

There is no question that today Germany is prepared for war. She has 2,000,000 children between the ages of 12 and 16 ready to take up arms. She has an army of at least 3,000,000 people ready to take up arms. She has confiscated all the money there was in Germany, whether it belonged to Americans or to English, and she has used that money to arm herself. Germany is trying to instill fear in every German, no matter where he is, that he owes a duty to the fatherland, and this propaganda has gone too far. Uncle Sam is paying no attention to it.

We have a Fascist movement in this country today. The best illustration I can give you as my witness is photographs that I was able to obtain of secret meetings held by these subversive agitators, behind closed doors, giving these so-called Americans an oath—an oath of new allegiance under fear and threat of reprisals to their German families. Five hundred Americans behind closed doors pledge allegiance to the Nazi government that they are prepared to disregard their citizenship and are ready to go on and fight for the fatherland.

Here is a book that comes from a German (exhibit A), to which I want to call your particular attention. There is a man by the name of Fritz Kuhn. I want to call particular attention to this man to my colleagues from Michigan. Fritz Kuhn is the worst spy agitator in this country. He directly represents the German Government, for no good purposes, in this country. He is supposed to be a chemist in Ford's factory, where Mr. Ford employs a number of aliens, and a group of them are all Nazi agitators. Fritz Kuhn has been designated as the American Nazi leader to mold the opinions of all Germans in this country. Only about 4 months ago Fritz Kuhn took a leave of absence from Henry Ford's factory and took an army of some 500 Americans, dressed them up in Nazi uniforms, and took them over on a German vessel and paraded before Hitler to show what we Americans are doing in behalf of Germany; and this means preparation for war and destruction to all who get in their path. Then Mr. Fritz Kuhn, who worked for Mr. Ford, and I believe is still working for Mr. Ford, presented to Mr. Hitler a book with 5,000 signatures to show that this American group is 100 percent behind him and against their own Government; and a pledge is made in the following manner in the German language:

I am bound to Germany though pledged to America.

In other words, their real ties are with Germany even if, for the sake of convenience or for economic reasons, they were obliged to take the oath of allegiance to our Government.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. MICHENER. Is it the gentleman's thought that this man to whom he has referred as being employed by Mr. Ford is employed by Mr. Ford, Mr. Ford having knowledge that the man is what the gentleman claims him to be?

Mr. DICKSTEIN. Yes, sir.

Mr. MICHENER. Does the gentleman think there is any collusion between Henry Ford and Hitler?

Mr. DICKSTEIN. Well, if the gentleman will see me——

Mr. MICHENER. No. The gentleman has made a very serious charge.

Mr. DICKSTEIN. I have made it, but I do not charge Mr. Ford personally with it.

Mr. MICHENER. I think the gentleman ought to amplify.

Mr. DICKSTEIN. I could prove many things if I could only produce under subpena certain records that I know I can get.

Mr. MICHENER. Well, the gentleman should not make assertions on the floor unless he is willing to go the limit.

Mr. DICKSTEIN. I am making the assertion to my colleague from Michigan that Fritz Kuhn is a German agitator, disturbing the peace of America and creating serious damage, and that he is connected now, or was for a number of years, with Mr. Henry Ford, and the Ford interests knew his connection with Hitler, and Hitler knew that Fritz Kuhn was connected with Ford.

Mr. MICHENER. Then he is not connected now?

Mr. DICKSTEIN. He may be connected now. Until recently he was very well connected.

Mr. MICHENER. I shall look into that.

Mr. DICKSTEIN. I wish the gentleman would, and I wish the gentleman would come to see me when he does find out and give me some information. I do not want to exaggerate my story. I show you now a picture of Mr. Fritz Kuhn. I ask the gentleman to look at it so he will recognize him when he goes there.

Mr. MICHENER. I have something to do besides running around the country looking for him.

Mr. DICKSTEIN. All right. I have shown exhibit A. Here is exhibit B, another photograph.

Mr. LUCKEY of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. LUCKEY of Nebraska. The gentleman showed us a picture. Will he identify it by telling us the name of the street and the place where it was taken?

Mr. DICKSTEIN. It was in New York City.

Mr. LUCKEY of Nebraska. What street address?

Mr. DICKSTEIN. The address is on the photograph. I think it is Eighty-second or Eighty-fifth Street.

Mr. LUCKEY of Nebraska. There is no address on this photograph.

Mr. DICKSTEIN. The activity was carried on behind closed doors.

Mr. LUCKEY of Nebraska. Yes; but what is the location?

Mr. DICKSTEIN. It was in New York City at Eighty-second Street and Second and Third Avenues.

Mr. LUCKEY of Nebraska. I thank the gentleman.

Mr. MICHENER. The gentleman cannot get in.

Mr. DICKSTEIN. I cannot get in, no; but I have here a picture taken by someone who could get in which the War Department enlarged for me.

Now, I want to show you a little of what is going on in this country. Here is a picture showing a group that is training in New York. These people are shown in uniform, and each individual has his instructions. Each man in this picture is told what he should do amongst the American people and how he should sell the idea that Hitler is the leader, or Führer, of all the world. In other words, Adolph Hitler is designated a new god. He has got a new church, and you have got to worship according to his wishes.

This third photograph is of the men about whom I spoke a moment ago, the men Fritz Kuhn took to Germany a few months ago to parade before this man Hitler when he told Hitler what a great group of American spies they have in

this country and what they propose to do to every German who will not join their ranks.

What I have told you of their activities is bad enough, but they are going even further than that, they are organizing a youth movement in this country amongst Yankee children of German parentage and making them daily swear allegiance to the swastika, the flag of Germany. Here is a photograph of these young, these little children ranging from 3 to 5 years of age. This is done in four States, in New York, New Jersey, Pennsylvania, and Illinois. Every Sunday morning they are dressed in uniform and required to swear allegiance to the swastika, allegiance to Hitler—Yankee children. Members of Congress, what are you doing about it, if anything?

When the Committee to Investigate Un-American Activities was in session in New York in 1934, we had before us one Hugo Haas who called himself the German Youth Leader, and who told us that he was an alien, never naturalized, or even taken out his first papers, but that he was an active member of the Friends of New Germany and organized a camp under the name of Camp Wille Macht in Griggstown, N. J. At that camp the children were not all German. They had boys of Irish-American, Italian, and English extraction, there. The routine of the camp was to salute the swastika flag and even the American flag was saluted in a Nazi manner. The children were taught the Hitler philosophy of government and that Hitler was the leader not only of the German people in Germany, but all the Germans all over the world.

Mr. Chairman, here is another specimen, a photograph showing a portion of these 500 Americans parading before Hitler in Germany. This photograph comes from Germany. There is Hitler. He says to Fritz Kuhn—that is the gentleman I said worked for Mr. Ford—"You go and carry on your work in America, go on and do all the dirty work you can, raise all the racial problems you can"; and he has been carrying on. If any of you gentlemen are interested to know in what States, call me, for I have all the answers you want.

My colleague the gentleman from Michigan questions my veracity—I do not think he meant it that way; I do not want to go that far, but he doubted my word as to this Fritz Kuhn working for Ford. Here is a big photograph of Mr. Fritz Kuhn with Mr. Hitler. This man is in this country. I have check-ups and I know what is being done and I know about the deadly schemes to undermine this Government.

Mr. THOMAS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. THOMAS of New Jersey. The gentleman stated that his colleague from Michigan doubted his word. I do not think the gentleman from Michigan exactly doubted the gentleman's word.

Mr. DICKSTEIN. I did not mean it in that way.

Mr. THOMAS of New Jersey. The gentleman from Michigan was just asking a question.

Mr. DICKSTEIN. I thank the gentleman for calling it to my attention.

Now, Mr. Chairman, I would like to give you the "pay-off" on this problem. Congress declared war in 1917. The first camp that was created to receive our drafted boys was Camp Upton at Yaphank, Long Island, in the State of New York. We sent through that camp, Mr. Chairman, 1,500,000 American souls. More soldiers went to the front from that camp than from any other in the country. What do you think has happened? Little Fritzie got busy, Fritzie Kuhn. He got some German money—in fact, they have some German money, running probably between $10,000,000 and $20,000,000, they use for this dirty work. They bought part of Camp Yaphank, from which we sent so many American boys to save the world for democracy. They are splitting up this camp into streets and are naming the streets after all the "big men" of Germany—Hitlerstrasse (Street), Goering Street, and so on; and at this very camp every Sunday morning between 2,500 and 5,000 men dressed in Nazi uniform are drilling—right on those sacred premises. Read what the American mothers say. Do you men want to sit here and let such things go on? I do not think you do.

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. PIERCE. Does the gentleman believe that this doctrine can get any hold in America with our public schools, our ideals, our sentiment, our knowledge, our newspapers, and our radio? I cannot assume it. I cannot see for the life of me how it can get a start in this land. I would like to have the gentleman's versions of how it can get a start here.

Mr. DICKSTEIN. I am giving my version of it.

Mr. PIERCE. I cannot understand it.

Mr. DICKSTEIN. I am not interested in Germany or what they do there; I am interested in the United States of America. What the gentleman wants to ask me is how can they do this in this country?

Mr. PIERCE. How can they get a foothold over here?

Mr. DICKSTEIN. The movement has grown to over 100,000. If the gentleman will go through this book, and I am going to put some of this in the RECORD, it will show how they have organized here and how they have spread their propaganda.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I yield the gentleman 10 additional minutes.

Mr. DICKSTEIN. Mr. Chairman, about 1934 this Congress gave the Committee on Un-American Activities the right to investigate. The resolution came out in March. We did not start working until July, and we had to quit in December. We bumped into a snag. We could not subpena some of these Nazis because they were smart. They would not appear. Unless a subpena was issued in the District of Columbia and Congress was in session they ignored it. That is what they did. So last year we passed a bill providing that no matter whether Congress is in or out of session if one does not answer a subpena he is guilty of a crime.

We have examined the Nazi camp referred to. It was composed of 500 little children, all born in this country. I may say to the gentleman from Oregon [Mr. PIERCE] I went there myself with members of the committee on a nice Sunday morning. There was not an American flag in evidence anywhere. It was a camp built up by alien groups. There was a library of Hitler's philosophy of hate, a Nazi flag, and they were doing the goose step. Did you ever see the goose step?

Mr. LUCKEY of Nebraska. Where is that camp located?

Mr. DICKSTEIN. About 10 miles below Plainfield, N. J., a place known as Griggstown, N. J.

Mr. JOHNSON of Oklahoma. Has the gentleman the exact location?

Mr. DICKSTEIN. I will furnish the exact location.

Mr. LUCKEY of Nebraska. Will the gentleman please put the exact location in the RECORD?

Mr. DICKSTEIN. Yes; I will do that.

Mr. THOMAS of New Jersey. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from New Jersey.

Mr. THOMAS of New Jersey. In reference to the camp in New Jersey may I ask, is that camp still in existence?

Mr. DICKSTEIN. It is still in existence. This is a summer camp for children.

Mr. THOMAS of New Jersey. It is still in existence?

Mr. DICKSTEIN. It is still in existence. You know how children love uniforms and how they like to march. Here are German officers drilling them and teaching them just what Hitler stands for. They are told they are Germans and their first duty is to Germany. We went into the library and there was not a book there dealing with George Washington or the American flag. It was nothing but German propaganda—a propaganda of hate and poison. In addition to this group, I can name at least a hundred more organizations of various kinds in this country which have the American flag wrapped around them, but they are nothing but

subversive organizations, Fascists, and various "isms." The "isms" are practically all within these organizations.

Mr. FOCHT. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Pennsylvania.

Mr. FOCHT. What is the ultimate object of all this drilling?

Mr. DICKSTEIN. The ultimate object is this: Germany is preparing for war, and they are under her dictation, under the dictation of this great leader, this god; and no matter where a German is, no matter where he is born, he owes allegiance to Germany.

Mr. FOCHT. That is a different doctrine than the doctrine of the old monarchy. Hitler's doctrine is different from the doctrine of the Hohenzollerns. This picture was never taken from a photograph, if the gentleman knows anything about printing. It is a television picture.

Mr. DICKSTEIN. No.

Mr. FOCHT. It is taken from the imagination.

Mr. DICKSTEIN. I beg the gentleman's pardon. If the gentleman is suspicious——

Mr. FOCHT. I am skeptical.

Mr. DICKSTEIN. The gentleman has the right to be anything he likes to be. But this book here comes from Germany. This was printed in Hamburg. There were thousands like that printed. These pictures were printed over there and sent over here. This gives you every section where the picture was taken.

Of course, in reference to some of these pictures I could not go into a secret meeting and take pictures. They were taken from certain programs of certain meetings in this country and distributed secretly to all of these agitators in this country.

Mr. GINGERY. Does the gentleman have a small photograph of that larger picture?

Mr. DICKSTEIN. Yes. I defy any man, woman, or child—and I am prepared to stand any punishment—to question the legitimacy of any of these documents I have presented.

Mr. PIERCE. But what is the object of them?

Mr. DICKSTEIN. They are trying to create a turmoil within our borders. They are stirring up racial hatred, intolerance, bigotry. They are trying to draft every German in this country for war. I have war documents in my possession. The object of this, Mr. Chairman, is as I started to say at the beginning.

Mr. PIERCE. Did they not try that in the World War? How far did they get?

Mr. DICKSTEIN. I am presenting to the Members of the House a condition as I view it, and I believe the condition ought to be investigated by the Congress of the United States. We ought to know all about these isms in this country. We ought to know what their real purpose is. I cannot answer a lot of questions, but I see that something is wrong. I cannot walk around the streets of the Capital of the United States or any other city in the United States and see men in a foreign uniform parading up and down the street. Something should be done to stop the use of these foreign uniforms. There should be only one uniform, and that the American uniform, and all of the others should be wiped out.

There should be one uniform, and that should be the American uniform. All the others ought to be wiped out, and we ought also to find out where the money is coming from.

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. PIERCE. It seems to me that if we want to attack this problem, it would be best to solve the problems that lie before America first.

Mr. DICKSTEIN. I agree with the gentleman. I am not interested in anything but America.

Mr. PIERCE. It does not seem to me that as a country we can be in any danger from these so-called subversive movements.

Mr. DICKSTEIN. I have some documents that I would be ashamed to even present on the floor here, that were smuggled in by the thousands that you would not want your child or your own wife to look at. I have at least 500 exhibits, and they were smuggled in here by the thousands and millions and distributed among certain races in order to create hatred. Of course, this is the kind of argument which Sinclair Lewis ridicules in his book It Can't Happen Here.

Remember, a democracy must defend itself like every other form of government and is not permitted to commit suicide as it did in Germany.

Mr. PIERCE. If the gentleman will permit, I would like to have the gentleman's judgment on how Hitler got his hold on the German people. If the gentleman can tell us that——

Mr. DICKSTEIN. I can tell the gentleman that.

Mr. PIERCE. If the gentleman can tell how he reached the German nation, then the gentleman might have some reason for trying to scare us.

Mr. DICKSTEIN. That is something that would not be within the jurisdiction of our investigating committee if we were permitted to investigate.

Mr. THOMAS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. THOMAS of New Jersey. When the gentleman refers to these isms, does he also include communism?

Mr. DICKSTEIN. All of them; yes.

Mr. THOMAS of New Jersey. Does the gentleman think that nazi-ism is a more important issue than communism?

Mr. DICKSTEIN. Absolutely.

Mr. THOMAS of New Jersey. More important than communism?

Mr. DICKSTEIN. Absolutely; and I will tell the gentleman why. We hear the Communist every day, and we know what he is after. These meetings advocating nazi-ism are subsidized by millions of dollars being spent in this country to distribute racial propaganda of all kinds attacking all non-Aryan races and religions. However, I do not look at it from the standpoint; I look at it from the standpoint of America.

Mr. THOMAS of New Jersey. The gentleman states he has investigated nazi-ism. What has he done toward investigating communism?

Mr. DICKSTEIN. I will answer that question. We have only scratched the surface. Sometime in September of 1934 we served a subpena on Browder, who is their leader. I was not as much concerned about Browder as I was concerned about how they obtained their funds. When we served a subpena and asked them to produce certain books, they simply came there the next day and told us they refused to appear because the law did not compel them to do so inasmuch as the subpena was not served in the District of Columbia.

It is the duty of every Member of this body to join in this fight with me in order to save our country, which is now being infested with all sorts of subversive movements, not to the best interest of our country, and contrary to the principles of our Constitution, which subversive movements tend to bring about intolerance, hatred, bigotry, all of which threaten to disturb the principles of our democracy.

I do not think that any Member of this Congress can quarrel with this program nor should the Rules Committee hesitate in bringing in this resolution at the earliest possible moment, so that we can in the nick of time expose these subversive movements whether within or without.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I yield to the gentleman from Mississippi [Mr. COLLINS] such time as he may require.

SERVING YOUTH

Mr. COLLINS. Mr. Chairman, I have introduced a bill (H. J. Res. 197) into Congress asking that there be appointed a special committee of Congress composed of six Members; three Members of this House and three Members of the Senate; to make a complete study of the activities of the several Federal departments and independent Federal bureaus and agencies which are rendering service to the youth of this country. There are at present actually dozens of Federal agencies seeking, in some form, to render such

service. As yet, however, we have no medium through which these services may be coordinated, and their value to the youth of this country thereby increased. We are all aware that some phases of these varied Federal programs are using large sums of Federal money; others lesser sums. I am anxious that adequate Federal aid be given where and when needed for the development of our young people, and I am at the same time tremendously concerned with having this aid administered in the most effective and efficient manner. This is not a new step for me to take, for about 15 years ago I first asked this House to give Federal aid to the States for the purpose of promoting an adequate educational program throughout the Nation. Since that time I have continued to support the principle of securing such aid. I am indeed proud of the fact that a number of the Nation-wide civic and educational organizations have expressed to me their appreciation for what I was able to do, with the help of this House, a few years ago in assisting the States keep open their schools during the greatest depression in the history of this Nation.

We all know full well that education is not simply the formal teaching of a limited, classical, traditional course. It has far greater objectives. It is preparation for an active participation in our complex industrial system—a preparation not only for actually earning one's living but of taking on one's share of the civic and social responsibility in the life of the community.

The Federal Government, through its numerous agencies, is trying to help render service to youth. Yes; there are dozens of these agencies, and each, for the most part, is working independent of the others.

Now, you will hear persons say, "Why should the Federal Government be doing this now? It never did anything like this in former depressions." True, in former depressions youth and childhood have suffered, but never before has a depression destroyed so many hopes of youth. The frontier has passed. A young man or woman can no longer make good by going west and finding gold. A new and now rapidly changing social order has produced a generation alert, keen, and hungry in many ways—yet tragically disillusioned. The spread of free popular education has given us a younger generation intent upon action, and yet, as we all know, the last half dozen years have bruised all, scarred many, and ruined some of our young people. We cannot dismiss the problem by simply saying what young people "ought to do." We must face the grim facts. Homes have been lost, schools have been wiped out, ideals have been shattered, and yet some people wonder what has happened to our young people. The very foundations have been taken from them.

I am not simply making general statements. I am not asking you to listen to platitudes or sentimental niceties. You will be interested in the cold statistics given below:

1. Total number (census figures) of persons between ages 15 and 25	17,759,479
2. Number graduating from college each year	150,556
3. Number graduating from high school (approximately)	1,000,000
4. Number now attending high schools	6,096,360
5. Number now attending colleges	1,041,860
6. Total number employed between ages 16 and 25 (as of 1930)	10,870,378
7. Total number delinquent persons between 16 and 25 (estimated)	500,000
8. Total cost of crime annually	$6,000,000,000

Add to this vast waste the loss incident to unemployment, to sickness, and to maladjustment. Then try to think of the immeasurable cost due to suffering, spiritual, mental, physical, and social, which these young people have suffered and you will begin to realize the tragic vastness of the problem.

The schools of the Nation have been particularly hard pressed. Everyone in this House has heard the facts from social-minded persons of his State. You certainly realize that thousands of schools have been closed, and school terms unduly shortened. In many communities you find delapidated, unheated, poorly lighted, and improperly ventilated school buildings. Teachers are inadequately paid, and often courses of study are limited by lack of funds. Playgrounds and libraries are inadequate. In these overcrowded and poorly conditioned school buildings the very large classes really made education a mass-production industry.

There is hardly a State in the Union that has not had to face these facts, dramatically yet tragically. The rural areas, of course, have suffered the most. The suffering local community cannot help itself because far too many of them simply have not the funds with which to carry on the school program. We all know the reason. The school resources of the local community are derived largely from taxation on real property, and this is a very limited source. Other possible assets are taxed by the Federal and State Governments. It is needless to go into these facts of local financing at this point. We all know them; know them too well.

In the face of these figures no one can deny the enormity of the problem, nor can we deny that it must be a matter of concern to the governments of this Nation, local, State, and Federal.

The States have turned to the Federal Government for aid, but this is not surprising. They argue that Federal aid for agriculture, for industry, for banking, is now available. Our Government has not been overthrown, nor have our ideals been shattered because the Federal Government has aided agriculture, industry, and banking. On the contrary, our faith in government and particularly in our form of government, has been aided thereby. We know the better, for ours is a government for the people, not for just a few of them, but for all the people.

Yet some may ask, Why should the Federal Government help the States carry on a program for youth? My answer is to develop good citizens of their children and their youth. Frankly, I believe this is a concern for the Federal Government for the reasons given below:

First. Each of these young people is a citizen—a potential voter of these United States—no matter where he lives.

Second. Crime, illiteracy, and maladjustment know no State lines. The social misfit of one State is the problem of all States, for the citizen migrates; the more so, if he is maladjusted.

I hold that in this problem "a national interest of very nearly the first magnitude is involved." I quote from a decision of the United States Supreme Court, viz.:

State of Missouri v. *Holland, United States Game Warden* (252 U. S. 416, 1920), which is the case in which the United States Supreme Court upheld the Migratory Bird Treaty Act of July 3, 1918.

Under this act the United States sought to protect its migratory birds. In giving the opinion for the Court sustaining the law, Justice Holmes said:

> Here a national interest of very nearly the first magnitude is involved. It can be protected only by national action * * *. We see nothing in the Constitution that compels the Government to sit by while a food supply is cut off and the protectors of our forests and our crops are destroyed. It is not sufficient to rely upon the States. The reliance is in vain, and were it otherwise, the question is whether the United States is forbidden to act. We are of the opinion that the treaty and statute must be upheld.

We do not admit that the safekeeping of our Nation's migratory birds is of greater concern to us than the safekeeping of our Nation's boys and girls. In fact, during the last few years we have begun to recognize that the training of the youth in every part of our country—yes, training in its broadest sense—is of the greatest interest to all of us. Some of the activities of the Federal Government operating in the interest of youth, have been of great social significance. I would call your attention to a few of these.

THE NATIONAL YOUTH ADMINISTRATION

This agency has done a fine job. Mind you, I am very well aware of possible errors in the administration of this work here and there. In some instances, I know of poor personnel, of superficial projects, and of statements that false benefits have been claimed in some places. Happily, I know too that the administrators of this work are facing these problems very frankly. I wish to pause here and pay tribute to these consecrated men and women, who are devoting their time and efforts in order to direct this all-important work. First, I refer to those who have served in an

advisory capacity under Charles Taussig of New York. As a businessman he realized that our Nation's greatest investment lay in its youth and he and his committee wanted that investment developed. A Nation's sincere thanks is due him and his committee. Then I would pay great tribute to Miss Josephine Roche, Assistant Secretary of the Treasury.

As chairman of the executive committee of the N. Y. A., Miss Roche is doing a fine piece of constructive human engineering, which is typical of her life of self-sacrifice. Especially would I commend Richard R. Brown, who has been directly responsible for the execution of this splendid youth program. Time will not permit a tribute to others by name, but there is one lady whose sincere warm-hearted consecrated work in behalf of the poor and the unfortunate, old and young, commands our respect; she, who without official connection with the N. Y. A. has shown the greatest interest in the well-being of young people affected by the N. Y. A. by visiting projects wherever possible, by attending State meetings and enthusiastically writing about them, by conferring continually with those interested. I refer to our first lady, Mrs. Franklin D. Roosevelt. May her interest in essentially human problems continue to inspire many men and women.

Errors, mistakes, blunders in the N. Y. A. in a number of places are granted, but who among us will say that all schools should be wiped out because, in many places, their administration has been characterized by errors, mistakes, and blunders, or even that the "bad schools should be wiped out." Of course not! Wipe out the errors, but save the institution.

Because I know of the tremendous value of the N. Y. A., I want it preserved in some form. I know of the good to the college youth of my State through the student-aid fund. I know of the significant guidance work undertaken by it; of the broadly conceived recreational program; of the recognition in general of a learning-by-doing program, educationally sound and socially inspiring.

It is such a broad program, based upon sound educational principles, that I want to speak of it in a little more detail here.

The National Youth Administration was created by Executive order on June 26, 1935, as a division of the Works Progress Administration. The major objectives of the National Youth Administration were then announced:

One. To provide funds for the part-time employment of needy school, college, and graduate students between 16 and 25 years of age, so that they can continue their education.

Two. To provide funds for the part-time employment on work projects of young persons, chiefly from relief families, between 18 and 25 years of age—the projects being designed not only to give these young people valuable work experience, but to benefit youth generally and the communities in which they live.

The National Youth Administration has not used its appropriation to set up separate facilities to carry on its work, but has cooperated, insofar as possible, with existing institutions and agencies. Fortunately, too, the national organization is small, most of its interesting and beneficial work is being carried on through State organizations and through State and local advisory committees, of which there are over 2,000, with a total membership of about 25,000, who serve without compensation.

One of the most significant parts of this youth service is the program of student aid. During the first year of operation, the National Youth Administration reached approximately 600,000 young people. In the student-aid program during the month of April 1936, a total of 404,732 secondary schools, colleges, and graduate students were employed. Of this total number, 275,337 were secondary school students, earning an average wage of $5.45 for the month; 122,675 were undergraduate college students earning an average of $12.69 for the month, and 6,720 were graduate students earning an average of $19.25 for the month. The majority of eligible schools, colleges, and graduate schools in the United States participated in the program and in the same month of April 1936, this number comprised 17,999 secondary schools, 1,593 colleges, and 224 graduate schools. The student-aid program has now been extended to Puerto Rico, Hawaii, and Alaska. One cannot begin to measure the tremendous value of even this small amount of aid to these young people. It has helped keep them alive spiritually and physically.

The second objective of the National Youth Administration is giving part-time employment on work projects to young persons between 18 and 25 years of age, chiefly from relief families, was started in January 1936. The employment of youths on work projects increased rapidly after the first month. The highest number reported employed was 182,477 in June 1936.

The work performed by these youths covered a wide range of activities, which are broadly classified as follows: Recreation and youth community service, land development, training in public service, building construction and renovation, sewing, manual crafts, library service, domestic science, and agriculture. A recent analysis of approved work projects showed that approximately 24 percent, or 43,497, of the total of 180,703 youths assigned to projects were to work on recreation and youth community-service projects. Of the number employed on projects of this type, a minority was engaged in direct leadership service to the community. The majority assisted adult leaders in various ways—qualified, responsible youths only being used for leadership. Under the recreational program are included many projects for the landscaping and beautification of school properties, and playground construction. This type of project is carried on where public-school finances have not permitted the landscaping and construction of play areas around schoolhouses. This work includes laying out baseball fields, running tracks, tennis courts, playgrounds, and other areas for sports, and constructing and repairing playground equipment. The National Youth Administration has assigned youths to crowded urban center playgrounds to keep them open longer, thus permitting more children to use them.

Through the assistance of National Youth Administration, the facilities of such agencies as settlement houses, and other established youth organizations, have been expanded and extended to serve a greater number of young people. In cases where the recreational facilities of a community are limited, the National Youth Administration has organized community "youth centers" to include vocations and hobbies as well as physical recreation. Youth centers not only tie in very closely with recreational supervision and leadership, but also serve as a means of giving vocational guidance, employment, and occupational information. Classes are organized and carried on in these centers and avocational interests are encouraged. In several instances National Youth Administration workers have completely built the "center", thereby learning carpentry, masonry, plumbing, and so forth, in the process. In other instances National Youth Administration workers have remodeled available public buildings as youth centers. Youths employed in these centers receive training in manual and clerical skills and recreational leadership. Benefits to young persons using the centers arises from the use of facilities for recreation and training.

The development of adequate recreational work in every community is of far greater importance than we recognize at first glance. The annual cost of crime in this country is fifteen billions, and more than 30 percent of all crimes are committed by persons under 25 years of age—this is the age the N. Y. A. is trying to serve and help direct toward the right ideals of life. Crime, we know, is social disease. Today we are interested not only in curing existing diseases, but in preventing disease. A sound, well-planned recreational program is one phase of crime preventive. Employment information has been given and educational classes conducted in these "centers."

About 14 percent, or 26,189, were assigned to public-service projects which involved work in governmental and public institutional offices, which made possible the training of these youths in a wide range of clerical work, as well as acquainting them with the operation of governmental and public services. The local student-aid program must be so

administered as to be helpful to the student and to the community. There is a growing development of truly valuable work projects to be used by high schools and colleges. There must be in every community opportunity for aid for students who are interested in an academic course. Something also is available for the high-school graduate who cannot go to college.

The average estimated turn-over of youths employed on National Youth Administration work projects has been about 10 percent every 5 weeks, so that up to the present time more than 100,000 youths have passed through the works program to school, private employment, or some other more permanent relationship. It is significant that youth is not staying on indefinitely on National Youth Administration projects. The works program of the National Youth Administration has helped, and is helping, youth to obtain necessary work experience and brings it in touch with work opportunities in private employment.

This brings me to my next point—the vocational guidance work of the N. Y. A. We must recognize as a Nation that training in the humanities is not the only form of educational training; that adjustment in our complex industrial society is education in its truest sense. There should be in every community an extremely practical and educationally sound guidance program.

Vocational guidance is recognized by all educational authorities as an essential service to youth in the present complexity of society, but it has been made available in only a limited number of the larger and more progressive schools. For those who have left school, especially those large numbers who drop out before graduation from a secondary school, there is practically nothing. The National Youth Administration has attempted to meet this need through its vocational guidance and placement service, making such service available to those thousands of youths who have passed beyond the classroom and have come to grips with the problem of making a living.

Some activity of this sort is in evidence in nearly every State now, the program being shaped to the needs peculiar to the various communities. Usually, the work consists of furnishing occupational information about the various fields of work which are open to the youth of the community, giving an outline of the training requirement, the pay, and promotional possibilities, and the relative availability of jobs. This is done sometimes through classes for out-of-school youths which meet in school buildings, churches, community centers, or the quarters of various social agencies. It is done sometimes through the preparation of pamphlets which are given wide distribution among young people and agencies serving them. In a few cities, where technical assistance can be obtained from cooperating sponsors, individual guidance bureaus have been set up where the young job seekers' talents and preferences are analyzed and information is given them about possible lines of employment and training. Through these efforts thousands of young people are being advised about vocations for which they are intellectually and temperamentally suited and a corresponding number of future misfits averted.

Job counseling is a fruitless effort, however, if there are no jobs for the counseled to fill. Accordingly, a service of equal importance—a junior placement service—has been established to parallel the work in vocational guidance.

Under this program junior placement counselors, paid by the N. Y. A., have been placed on the staffs of public employment offices in 42 cities in 18 States about the country. Their function is to receive the applications of job seekers between 16 and 25 years of age, whether connected with N. Y. A. or not, to gage their experience and abilities, and to search out the jobs for which they are fitted. These junior placement offices have been in operation for varying periods of 2 to 8 months and the resulting figures show at the end of October the following:

Forty-seven thousand four hundred and eighty-five different young people have been registered; 14,730 have been placed at jobs in private industry; 12,582 employers have been personally visited and solicited for jobs.

All vocational training, be it in the skilled trades, plant training, agricultural training, or training in domestic science must be planned and conducted in the interest of the student, to help him effect his adjustment in our present-day complex society and, at no time, to help make possible exploitation of our young people by unscrupulous and greedy employers. I have always been deeply interested in the program of the Federal Government in vocational education. I am now particularly interested in the study being made by Dr. Reeves of the vocational committee. He has done a number of fine things, and I look for this study to add to his laurels.

THE DIVISION OF EDUCATIONAL CAMPS

For the year 1936–37 the Division of Educational Camps of the National Youth Administration was created. Fifty camps are expected to be established at a total cost not to exceed $1,166,000. The average expenditure for each camp will be $3,330 a month during the period of operation.

The purpose of these resident undertakings is not only to reestablish the morale of girls who have grown to young womanhood in a period of family and community dejection, but to teach them by practice and experience the responsibilities of living in a democracy. In the course of living together they come to respect the rights of others and through representative student government and concern for the behavior of the camp as a whole, they develop a sense of responsibility which can later be directed to their personal lives and their home communities. On return home the girls are assisted in obtaining employment either on Youth Administration projects or in private industry through the public employment office.

The 1936–37 undertaking is a part of the work-project program. In every camp the girls are engaged in useful employment, in addition to camp maintenance, and earn their subsistence and $5 in cash each month.

The work, whether it is the making of hospital supplies, recreation equipment, or labor in tree nurseries, becomes part of the educational program and is discussed in terms of material and human conservation. The camps are to be open throughout the year with camp terms of 3 or 4 months for each girl. This is accomplished by using camps or school buildings, which can be had at a nominal rent, and by securing a number of staff members, who are already engaged on a work project, and can be transferred to this undertaking. The cost is also kept low because a large number of girls, from eighty to a hundred, is in attendance at each camp.

On January 1, 1937, 18 camps had been authorized in 15 States, which are rapidly being placed into operation. Requests which have come from the State youth directors thus far will soon complete the quota of 50 camps for this year's program. The establishment of a camp in each instance is a response to popular sentiment in the community. The camp program will bring work, recreation, education, and new opportunities in their communities to approximately 5,000 young women during this year.

THE OFFICE OF EDUCATION

(*Department of the Interior*)

Since 1869 the Office of Education has served as the Nation's clearing house on information on all phases of education. Through many and varied forms of research, through surveys, through conferences, data are gathered. Then the statisticians and other statistical interpreters compile and analyze these data. Information is gathered on teaching methods, courses of study, school administration, textbooks, teacher training, school finance, city and rural school systems, school-building programs, playgrounds, material on all problems of all levels of formal schooling. Recent reports and lengthy studies on any of these topics are now available in the several hundred currently issued statements and pamphlets of the office.

What else should the Office of Education do? How can these studies be used to the greatest advantage by the greatest number?

In addition to its fact-finding, information-defining functions, the "regular" functions of the United States Office of

Education include the administration of Federal funds for certain special educational activities such as land-grant colleges, vocational education, and vocational rehabilitation.

The duties of the Office of Education have been greatly increased in the last few years. The Emergency Education program in all its aspects has demanded much time of the Office of Education. Its complex far-reaching program demands our attention.

In C. C. C. camps training is now being given to young men under the direct supervision of the Office of Education. The helpful training given these young men in camps has provoked favorable comment from all parts of our country. In their evening schools, more than 300,000 youths are now receiving vocational adjustment. Surely we must seriously consider the advisability of coordinating work with a more permanent National Youth Service.

In vocational schools throughout the Nation the Office of Education is now training 1,381,701 youths. Of this number 347,728 are receiving guidance in agriculture, 579,971 in trade and industry, and 454,002 in home economics. During the year 1936 the Federal Government expended for this purpose a total of $9,748,925, while State and local Governments expended the sum of $23,678,909. It will be of special interest to know that 109,374 young farmers received training in evening classes, and 120,000 young men, known as future farmers of America, are likewise participating in this program.

Again, in a program of vocational rehabilitation for disabled youths, approximately 10,338 unfortunate youths are being rehabilitated and given a new grasp on life.

THE FEDERAL EMERGENCY ADMINISTRATION

This facility of the Federal Government during the year 1934 made emergency grants to the rural schools in the sum of $14,500,000, and in 1935 the amount made available for the same purpose was $7,500,000. At the present time, the adult education program of the W. P. A. is training in evening schools approximately 12,000,000 youths.

THE SOCIAL SECURITY ADMINISTRATION

Let me briefly direct your attention to another service for youth which our Government is now rendering. I refer to the aid to dependent children under the Social Security Act. We realize more and more that the well-being of a child depends largely on his having an opportunity to grow up in wholesome happy family surroundings. As I said before, we know that the family, as the social unit of our society, must be the basis of our planning for the well-being of the child. Thousands of children are in families that have lost their breadwinner. These children were given consideration under the Social Security Act.

The purpose of aid to dependent children under the Social Security Act is to help the States provide cash allowances for the support of such children in their own homes. It is one of three assistance provisions administered by the Bureau of Public Assistance of the Social Security Board.

Long experience has proved that keeping the family together is the best way of caring for children who have lost the support of their natural breadwinner, best for society, because home care is more economical than other kinds of maintenance, and because it helps to forestall the possible costs of later dependency and delinquency; best for the parent or other relative because, even where the payment is small, it is regular and assured; and best for the child, because wholesome family life can do more than anything else to safeguard his health, happiness, and character.

According to the best estimates available, there are in this country at least 1,000,000 such dependent children. In the 27 States with plans approved under the Social Security Act, about 314,000 of these children are now being aided with Federal cooperation. This represents a very substantial increase over the numbers aided in the same States before Federal assistance became available; and before the end of 1937 it is authoritatively stated that a further increase is expected. With many State legislatures now meeting or soon to meet, it is expected that a number of States which have not yet had an opportunity to do so will take the steps necessary for participation in this program.

Federal cooperation in aid to dependent children is the natural outgrowth of a quarter century of State and local experience with mothers' aid. The first State mothers' aid law was passed in 1911, and today only two States make no such provision, but in many parts of the country it has become increasingly difficult to finance these laws. During recent years many State and local provisions have been drastically curtailed or even suspended. In the years just preceding the passage of the act, in 1935, three times as many dependent children were receiving assistance from the Federal Government through its emergency relief program as under State and local mothers' aid laws. The Federal Government thus came into the picture in answer to an urgent need. All that the Social Security Act does is to develop an organized plan of State-Federal cooperation in order to help the States fulfill an obligation to which they have long been committed, but which many of them have found hard to support.

The same general scheme of cooperation is followed here as in other sections of the act; plans are State initiated and State administered, with Federal cooperation and financial assistance.

The requirements, to which a State plan must conform for approval, are based on what the earlier State experience had shown to be essential for effective administration: The State itself must bear part of the cost; the plan must cover the entire State and be administered or supervised by a State agency; it must assure the right to a fair hearing before this agency to those whose applications are denied; and it must conform to the Act as to certain requirements regarding residence and in some other respects. Within these broad outlines State plans vary considerably to meet local conditions and needs. To States with plans approved by the Social Security Board, the Federal Government makes grants equal to one-third of the State's total expenditures, up to $18 for the first child and $12 for each additional child in the same home. This maximum in no way limits the State, which may make its individual payments either higher or lower. Federal grants for this form of assistance total $11,882,440 for the entire period since funds first became available in February.

These new plans, set up in conformity to the Act, help the States provide for more children by making more money available and by providing a wider coverage. It is particularly noteworthy that, although it is not necessary for approval, nearly all the participating States have made their provisions coextensive with the liberal outside limits established by the Act. Fewer homes are being broken up by poverty and more and more children will be assured of their birthright of a wholesome childhood as part of a normal family. Here is a service to youth which is of great social value.

UNITED STATES PUBLIC HEALTH SERVICE AND CHILDREN'S BUREAU OF LABOR DEPARTMENT

Among the services to youth, which are of great importance, are those seeking to promote the health and physical well-being of the young people. The general community health programs, conducted by the United States Public Health Service in cooperation with the State health officers, are certain to prove a splendid investment—in time. A health program more immediately affecting youth, more definitely only for youth in extending and developing more adequate local services for the health and protection of children and youth, is the health work of the Children's Bureau of the United States Department of Labor. To its functions as a clearing house of information concerning the extent of juvenile need and tried methods of care and prevention has been added responsibility for three types of grants-in-aid to the States under the social security program. These include assistance for maternal and child-health services, services for children who are crippled or suffering from conditions which lead to crippling, and protective services for dependent, neglected, and delinquent children, chiefly those living in rural areas. These three types of aid were designed especially for children in isolated or needy areas or parts of the country not before reached to any extent by public-health or child-protective work.

Together with the aid to needy dependent children administered by the Social Security Board, they make it possible for States and communities to plan more adequately than ever before to meet their responsibilities to children and youth and to determine on the basis of experience in what ways the facilities afforded need to be further extended and enlarged. To be sure we are still but trying to find the best possible way to administer this program locally. I am anxious to help them evolve the best way. The amounts appropriated by Congress, a large part of which must be matched by State and local funds, are allotted to State agencies of health and welfare or agencies giving service to crippled children, and paid to States having approved plans meeting the conditions prescribed in the Social Security Act. All the States, Alaska, Hawaii, and the District of Columbia are cooperating in the maternal and child-health work; 43 States and Territories so far in services to crippled children; and 42 States and the District of Columbia so far in child-welfare services. In a few States legislative action is needed to enable State agencies to cooperate in all three programs.

Since the first appropriations became available in February 1936, marked progress has been made in the establishment of divisions of maternal and child health in State health department, and the development of local services by local health units with the assistance and cooperation of local physicians.

Public-health nursing service in the States and in local governmental units is being extended by aid through the Children's Bureau for the maternal and child-health program, and the United States Public Health Service for general public-health work. The State plans naturally vary in content and provisions for administration. Many of them include such activities as nutrition work for children, dental-hygene work, and lecture courses in medical treatment of maternity and childhood by recognized medical authorities for physicians in active practice, arranged in cooperation with State and local medical societies. Under the act the plans submitted by the States must provide for cooperation with medical, health, nursing, and welfare groups.

The work being developed for crippled children includes diagnostic services, hospitalization, convalescent care, and follow-up care. We are told that many children have been brought under treatment who would otherwise have had to go through life seriously handicapped by conditions that may be partly or wholly remedied.

Plans for child-welfare services have emphasized the need for a local unit of welfare administration, which would include child welfare and general public-welfare service. The importance of coordinating child-welfare services with maternal and child-health services and services for crippled children has also been recognized. Further need for local cooperation is also felt.

Thus we see the Federal Government and the States as partners in a program which recognizes youth as a national asset and which, therefore, seeks to reduce maternal and infant mortality, to promote child health and welfare, and to prevent and deal with physical, mental, and social handicaps, and with juvenile delinquency.

The groundwork has been laid for effective cooperation. State and local action, based on a knowledge of State and local conditions, coupled with our genuine desire to aid our young people to the fullest extent possible, will help develop an adequate program which we trust will mean real benefits for the mothers and children of the United States.

Again I point out to this House that this is but one of dozens of extremely valuable governmental services for youth.

At the outset of this address I called the attention of this House to the fact that dozens of Federal agencies are now in some way serving youth. I firmly believe in federally aided services for youth; but quite as firmly I believe they should be coordinated. The question of a youth service is of vast importance to this country, socially and financially. We must, I feel, pause and give careful consideration to our program for the future. We must have a careful study made.

I have, therefore, introduced a bill calling upon Congress to authorize the appointment of a special committee to make a thorough study of this subject. In approaching this problem, I have given myself a half a dozen questions to consider—questions which the study proposed in my bill must consider:

First. Why and what should the Federal Government's concern for the welfare of youth?

Second. How is this interest at present manifested? In permanent establishments? In an emergency unit?

Third. What relationship exists among the several Federal agencies now serving youth? Are their functions coordinated? Does their work overlap? Is there administrative waste?

Fourth. What relationship does and what relationship should exist between the Federal Government, the several State governments, and local governments in administering such a program?

Fifth. How should this interest be manifested in a more lasting structure?

Sixth. My last question is not concerned with governmental activity. But to me it is very important: What part can a civic, religious, or quasi-religious, an educational, or any industrial group play in developing and promoting a program in the interest of youth, in cooperation with the Government's agencies.

It seems to me that it is necessary for us first of all to formulate clearly our future objectives, our goal, as it were, for a youth service and then to plan carefully, step by step, a program through which the goal may be reached. Our youth service cannot, like Minerva, spring from the head of Jupiter, fully armed; nor is it necessary that it should, like Topsy, "just grow." It should grow, but through a well thought out plan.

The program of action should be developed and it should be based not only upon fine abstract educational and social principles, adopted by national and State groups, but more particularly upon those principles as they are revealed, in all their aspects, in actual practice in each community.

Then, too, we should most carefully direct our consideration to definite questions which arise in connection with such a program for aid; first, from a point of view of good government in a Federal democracy, composed of sovereign States, is Federal aid desirable for youth services? If so, when, where, and how much?

Practically all in this House are agreed that we must maintain local and State autonomy in administering such services. Sound social and political theory would demand this. Whether there should be certain Federal minimum standards for the State in administering the Federal funds is a moot question. Personally, I believe we must be practical. The Federal Government will, in handing out money, check up on how that money is being spent. I believe it is safer and better that there should be written into the law exactly what the Federal Government may and must audit. Many serious questions must be considered and thoughtfully answered.

While the study which I propose in my resolution is going on let us continue the experimental activities of the N. Y. A., of the C. C. C., of these other fine new agencies. Then let us make the program permanent.

We must determine, after careful study, the best possible means of coordinating the many agencies serving youth, of effecting an efficient, educationally sound relationship between the Federal Government and the States, of developing the best possible technique of handling these agencies through which we hope actually to equalize educational opportunities.

I hope that the religious, quasi-religious, civic, and educational groups in every community will study these broad educational and civic questions. School questions, even educational methods, should have the study of the whole community. While everyone realizes full well that the making of school curricula and the development of a technique in teaching is the highly technical job of the professionally trained person, yet no one will deny the great value of

having the community fully informed on the objectives and methods of present-day education to the end that the methods and the objectives are better understood. A democratic policy of administration, which is an essential part of democratic government, may be obtained as a result of public study and cooperation.

Through a study of a community's laws and problems by the community itself, and problems by the community itself, and with aid but without control from the Federal Government, I hope we may evolve a socially planned youth-service program in every community through which a community consciousness may be developed; a consciousness truly spiritual, broadly patriotic, and expressed practically and essentially as a part of each citizen, in his own way, for the common good.

With this as my objective, I have introduced a bill through which I hope there may in time be given to this country a coordinated youth service, locally adjusted, State administered, and federally aided.

Mr. DITTER. Mr. Chairman, I yield 20 minutes to the gentleman from Michigan [Mr. CRAWFORD].

THE PHILIPPINE COMMONWEALTH AND THE UNITED STATES

Mr. CRAWFORD. Mr. Chairman, December 10, 1898, the Treaty of Paris was signed. Its purpose was to end the Spanish-American War, undertaken in the name of liberty. The terms of this treaty placed the Islands of Cuba, Puerto Rico, and the Philippine Archipelago under the jurisdiction of the United States and under the authority of Congress. When the United States declared war against Spain, and as a result of the execution of the war and the ratification of the Treaty of Paris, the United States assumed a new position in international affairs. We stepped westward into Asiatic territory, a distance of more than 7,160 miles as the crow flies, from our Pacific coast, or 10,000 miles from Washington, D. C., paid Spain $20,000,000 for her outlays, and associated ourselves with the economic, social, and political problems of the Philippine Islands. We became sponsor for the independence of Cuba, and since then have very materially guaranteed law and order in that island. In due course the people of Puerto Rico became citizens of the United States, and they now ask for their independence. More than all of this, through our intervening steps having to do with these islands, we departed from our traditional policy of isolation and became involved in European affairs.

With the assumption of responsibilities there follows the obligation of duties. Upon the signing of the Paris Treaty and its ratification, Congress became duty bound to establish civil government, promote the welfare of the inhabitants, and, in due course, take the necessary action giving to the people of these islands a permanent political status. Long ago Congress discharged these duties insofar as Cuba is concerned. March 24, 1934, President Roosevelt approved the Philippine Independence Act, but not until July 4, 1946, is the United States to withdraw and surrender all right of possession, supervision, jurisdiction, control, or sovereignty then existing and exercised by the United States in and over the territory and people of the Philippine Islands. Now let us look at the Philippine problem for a few minutes.

ECONOMIC RELATIONS OF PHILIPPINE ISLANDS WITH UNITED STATES PENDING COMPLETE INDEPENDENCE

There are seven major commodities in Philippine export trade, and, named in their importance, we find them to be sugar, coconut products, hemp and hemp products, gold—treated here as a commodity—tobacco and products, embroideries, timber and lumber. In giving thought to the relations under consideration, these seven products and their place in the economic structure of the United States should be kept in mind. Around them will revolve debate and legislative action.

Section 6, subsections (a), (b), and (c) of the independence act specifically provide duty-free quotas on sugar, raw and refined; coconut oil; and hemp products that may be shipped—exported—to the United States during the first 5 years after the date of the inauguration of the government of the Commonwealth of the Philippine Islands—November 15, 1935. These are the only limitations and exceptions of this nature made to the duty-free status of goods as of the date of the approval of the act.

Section 6 (e) of the act makes this most interesting and important exception:

The government of the Commonwealth of the Philippine Islands shall impose and collect an export tax on all articles that may be exported to the United States from the Philippine Islands free of duty under the provisions of existing law as modified by the foregoing provisions of this section, including the articles enumerated in subdivisions (a), (b), and (c), within the limitations therein specified.

The act then provides for 5 percent of the rates of duty during the sixth year, 10 percent during the seventh year, 15 percent during the eighth year, 20 percent during the ninth year, and—

After the expiration of the ninth year after the inauguration of the new government the export tax shall be 25 per centum of the rates of duty which are required by the laws of the United States to be levied, collected, and paid on like articles imported from foreign countries.

Section 6, subsection (5) provided:

The government of the Commonwealth of the Philippine Islands shall place all funds received from such export taxes in a sinking fund, and such funds shall, in addition to other moneys available for that purpose, be applied solely to the payment of the principal and interest on the bonded indebtedness of the Philippine Islands, its Provinces, municipalities, and instrumentalities, until such indebtedness has been fully discharged.

TARIFF DUTIES AFTER INDEPENDENCE

Section 13 of the act provides that—

After the Philippine Islands have become a free and independent nation there shall be levied, collected, and paid upon all articles coming into the United States from the Philippine Islands the rates of duty which are required to be levied, collected, and paid upon like articles imported from other foreign countries: *Provided*, That at least 1 year prior to the date fixed in this act for the independence of the Philippine Islands, there shall be held a conference of representatives of the Government of the United States and the government of the Commonwealth of the Philippine Islands, such representatives to be appointed by the President of the United States and the Chief Executive of the Commonwealth of the Philippine Islands, respectively, for the purpose of formulating recommendations as to future trade relations between the Government of the United States and the independent government of the Philippine Islands, the time, place, and manner of holding such conference to be determined by the President of the United States; but nothing in this proviso shall be construed to modify or affect in any way any provision of this act relating to the procedure leading up to Philippine independence or the date upon which the Philippine Islands shall become independent.

PRESIDENT'S MESSAGE TO CONGRESS URGING PASSAGE OF THE PHILIPPINE INDEPENDENCE ACT

The President, in his message to Congress March 2, 1934, urging the passage of the independence act, among other things said:

* * * Where imperfections or inequalities exist, I am confident that they can be corrected after proper hearing and in fairness to both people. * * * May I emphasize that while we desire to grant complete independence at the earliest proper moment, to effect this result without allowing sufficient time for necessary political and economic adjustments would be a definite injustice to the people of the Philippine Islands themselves little short of a denial of independence itself.

April 4, 1935, I pressed Hon. Manuel Quezon for his interpretation of the meaning of the President's statement and whether it applied to "imperfections or inequalities" existing against the Philippines only or to both the islands and the United States. Page 76 of the hearings on House bill 6653, setting forth Mr. Quezon's testimony, would indicate he feels reference was made only to imperfections and inequalities existing against the islands.

FOUR TRADE-RELATIONS PERIODS

Mr. Chairman, in considering this whole problem we should keep in mind, first, the trade relations of the islands and the United States prior to the effective date of the independence act. Second, the period from November 15, 1935, the date of inauguration of the Commonwealth government, until November 15, 1940, the first 5-year period. Third, the last 5-year period, completing the transition period, and during which time the export taxes are to be assessed. And fourth, the economy that is likely to govern both in the islands and in the United States after full independence is in operation. Now, Mr. Chairman, it is most

difficult to proceed on a satisfactory basis of discussion because of the unknown factors or elements to be dealt with. I refer specifically to two propositions which must be considered: The forthcoming United States-Philippine trade, economic, and Pacific defense—for the Philippine Islands—conference, which will probably be called soon, and the correction of "imperfections or inequalities" referred to in the President's message of March 2, 1934. We should keep in mind the current effect of such interim acts as the Jones-Costigan sugar bill, the Cordage Act of 1935, and the coconut-oil act.

PRESIDENT QUEZON NOW IN THE UNITED STATES

Saturday, February 13, 1937, President Manuel Luis Quezon arrived on our Pacific coast with his military adviser, Maj. Gen. Douglas MacArthur, and a large retinue of stenographers, nurses, cooks, valets, and other aides. President Quezon is anxious to have the trade conference held at an early date so that as much uncertainty as possible may be eliminated from the economic picture. It is understood that in a general way he is quite satisfied (for the time being) with the operation of the sugar restriction and quota as set forth in the independence act and the Jones-Costigan Sugar Act. Personally, I am confident that he will ask for a trade agreement of some type that will be much more favorable to the islands than the independence act, the sugar act, the cordage act, and the coconut-oil act. It is clearly evident now, Mr. Chairman, that the passage of the independence act was only the beginning.

NAVAL RESERVATIONS AND FUELING STATIONS OF UNITED STATES IN PHILIPPINE ISLANDS

Section 10 (b) of the independence act provides that—

The President of the United States is hereby authorized and empowered to enter into negotiations with the government of the Philippine Islands, not later than 2 years after his proclamation recognizing the independence of the Philippine Islands, for the adjustment and settlement of all questions relating to naval reservations and fueling stations of the United States in the Philippine Islands, and pending such adjustment and settlement the matter of naval reservations and fueling stations shall remain in its present status.

President Quezon, under a San Pedro, Calif., date line of February 13, 1937, is quoted as having said the Philippines "do not fear aggression from any nation." It would be most interesting to have President Quezon elaborate on this statement. For the moment, I must agree with him. But, let the military and naval forces of the United States now quartered in the Philippines pack, pull anchor, and sail away, and let me ask how long President Quezon would feel that his commonwealth was so "free from aggression from any nation."

Mr. Chairman, it is pertinent for us to consider in this connection the assembling in the North Pacific of combat planes, fighting ships, and other preparations by the United States, Japan, and Russia. At what other time in the world's history have such staggering sums of money been expended for war craft in time of peace and in such a concentrated area? What does it all mean? How long can active conflict be deferred? These are questions which President Quezon and his military adviser, Maj. Gen. Douglas MacArthur have not overlooked. There are no longer any treaty restrictions of consequence on Japan, the United States, and Russia, in the building of fortifications, capital ships, and combat airplanes in this area.

STRATEGIC PROXIMITY OF FOUR GREAT POWERS TO THE PHILIPPINE ISLANDS

Hong Kong is the military and naval base of Great Britain in China. This port is only 631 nautical miles from Manila and 85 miles farther from San Francisco than is Manila. While Manila is 6,221 nautical miles from San Francisco, Shanghai is only 5,387 and Yokohama, Japan, is only 4,536. The distance in nautical miles from Shanghai to Manila is 1,162, from Tientsin to Manila is 1,736, from Fusan to Manila is 1,468, from Nagasaki to Manila is 1,306, and from Vladivostok to Manila is 1,912. These short distances, compared to the mileage from San Francisco to Manila by direct route of 6,221 miles, helps one to comprehend the impossibility of our defending the Philippine Islands against an attack by a world power such as Japan or Russia, with their military, naval, and other supply bases so near to Manila.

COVERT ATTEMPT TO KEEP UNITED STATES IN THE ISLANDS

Mr. Chairman, I submit this question: Can independence be won and maintained if the United States chooses to maintain military and naval reservations in the islands after the establishment of independence? Let us look at the answer. President Quezon submits to this question. April 4, 1935, in his testimony before the Insular Affairs Committee of the House and in answer to an interrogation propounded by me he said:

I was opposed to the acceptance of the original Hawes-Hare Act concerning the Philippine Islands. I fought it and succeeded in getting the legislature to defeat it, because I did not think it was fair. I was sent here by the legislature after we defeated that act to see whether we could get a better law. I succeeded in getting Congress to eliminate one of our main objections to the act, which objection referred to the right of the United States to maintain military and naval reservations in the islands after the establishment of independence. I objected to that provision, because I could not conceive of a country being independent while another country maintained a military and naval establishment within its borders.

Can it be there is a covert conspiracy to keep the United States in the islands? Certainly we have its equivalent. The commercial interests in both the United States and the islands are exerting pressure commensurate with their financial stake in the economic life and transactions involved. With this group we have another, which promotes the school of thought that the United States is morally bound to maintain our racial prestige—white over the yellow race. Along with these two groups we have others who would and do insist that military and naval bases be maintained in the islands as a strategic asset. Furthermore, let the least bit of a ripple occur indicating that some foreign nation is pressing the islands a little too much, and immediately there will arise a great cry that we must protect the Filipinos from such aggression. This last-mentioned element may be dormant just at the moment in both the islands and the United States, but I assure you that it would require but very little to provoke the commercial interests just mentioned into demanding prompt action on the part of the United States in defense of the investments in the territories involved which are dependent upon peaceful trade relations.

EFFECTIVENESS OF MILITARY AND NAVAL BASE AT MANILA

Is it not true that the establishment of such a base would prevent the peaceful independence of the islands? I think President Quezon was right in contending there could be no peace, no independence, under such circumstances. Such a base would require a cash expenditure for fixed and floating equipment of from $250,000,000 to $800,000,000. The base alone would probably cost at least $100,000,000. We would have to split our Navy three ways—a division on the Atlantic, one on the Pacific, and the other in Asiatic-Philippine waters. No doubt but that we would eventually have to build a Philippine navy. What would Japan have to say about such a move? What would Japan do with her strength lying directly between the United States and the Philippine Islands? Japan is already answering this question in her fortifications of the Caroline Islands.

Japan's nearness to the Philippines places her in position to build speedy defense and offense craft, both water and air, capable of traveling to and from the base of supplies at terrific speed, and with more effectiveness than anything we could possibly build for long-range operation. Her dollar cost would be only a fraction of what we would entail. Japan is "in the heart of Asiatic waters"; we are from 6,000 to 10,000 miles away. Effectiveness! Great ships and great guns! What would we do—what could we do in the event of an uprising of the Filipinos against their own government—against the United States Government? The non-Christian tribes are still in the Philippine Islands. They have not yet been subdued by the Christian tribes. While it may be true the non-Christians have some respect for the Colt .45-caliber automatic, it is not true they are willing to be governed by the Christian tribes. In the event of a general uprising, let

me ask how many men and at what cost would the United States have to dispatch to the islands. Such an uprising would undoubtedly have the sympathy if not the support of some foreign power like Japan, with all of her present and increasing investments and nationals now in the islands. Should this happen, there would then be a "Japanese-Philippine incident" for the United States to worry about. We know the task involved in moving men from our Atlantic coast ports to nearby European ports at a time when there were friendly shores on which to land. But the distance from the Atlantic seaboard, where the greater portion of men must be obtained for active warfare, to the Philippine Islands is almost three times as great as the distance to European ports. No such an expeditionary force has ever been transported for such a great distance by any country in the history of the world. No one knows the cost in dollars and men. It would be an undertaking such as our people do not cherish at this time. I predict it is one of such a character that the American mothers now living and those to come will never be anxious for their sons to participate in.

RECOMMENDATIONS OF RESIDENT COMMISSIONER QUINTIN PAREDES

Commissioner PAREDES has recommended to President Quezon that an attempt be made soon to adjust the following problems. No doubt they will be fully discussed at the forthcoming trade conference:

(a) Economic provisions of the independence act.

(b) Tariff autonomy for the islands.

(c) Definition of the War and State Departments.

(d) The immigration and treatment of Filipinos in the United States.

(e) Definition of the duties of the High Commissioner.

(f) The possibility of sending Filipinos to the United States Military and Naval Academies.

(g) The indemnity to which the Philippines is entitled to account of the devaluation of the dollar, and so forth.

(h) The possibility of Filipinos being engaged as attachés in the Foreign Diplomatic Service of the United States.

It is perfectly clear to all students of this Philippine question that Commissioner PAREDES is much concerned about the state of confusion that now exists, not only with reference to economic matters but others just as important.

There is, without question, great confusion in the minds of many because of the lack of definition of responsibility as between the Army, the Navy, the State Department, the High Commissioner from the United States, the Resident Commissioner to the United States, the economic provisions of the independence act, the economic and trade conference, and the correction of imperfections or inequalities. What chance, may I ask, has the Resident Commissioner to proceed with a sound program for his people while he is engulfed in such a sea of confusion and contradiction. We have his hands tied. He is being forced to pursue a game of watchful waiting. The same can be said in a way of those who have built industries in the United States dependent very largely on exports to the islands and those in the islands who have invested for the purpose of production for export to the States—all of which has been carried on under a regime of free trade.

SUGAR'S POSITION IN PHILIPPINE ECONOMY

With seven crops accounting for 95 percent of the total value of agricultural production of the islands in 1934, sugar occupied first position with rice second. Sugar is produced almost entirely for export, while in the case of rice an insufficient quantity is produced for home consumption. The value of the sugar crop for the year under review amounted to 46.4 percent of the total crop value, while rice accounted for only 29.9 percent. The acreage devoted to rice amounted to 4,952,320 and to sugarcane only 755,840 acres, being 49.9 percent and 7.6 percent, respectively, of the total land area under cultivation.

In four principal producing areas we find about 95 percent of the total sugar crop being produced—in the islands of Negros (Occidental and Oriental) and Panay, in the Provinces of Pampanga, Bataan, and Tarlac located in the central plain of Luzon, north of Manila; the Provinces of Batangas and Laguna, south of Manila, and the island of Cebu. (See Tariff Commission report—United States-Philippine trade). With a population of more than 13,000,000 souls we are advised about 15 percent of the total is dependent upon sugar operations for their subsistence. The estimated percentage of population dependent on sugar ranges in producing areas above mentioned from 10 percent up to as high as 90 percent. We should keep in mind, however, that the total percentage is very low and that the area for the production of sugar is highly concentrated.

Page 24 of a Summary of Information About the Philippine Sugar Industry, prepared and compiled by the office of the Philippine Sugar Association of Manila under date of November 17, 1932—since then new investments made in sugar have been very small—shows the total aggregate investments in the Philippine sugar industry to be:

Investments in centrals (manufacturing mills)	₱168,025,069
Investments in lands	280,000,000
Crop loans	25,000,000
Miscellaneous investments	10,000,000
Total investments	483,025,069

One peso equals 50 cents American gold. Dollar investment, $241,512,534.50.

(Tariff Commission report Jan. 1937, vol. 1, p. 109, $265,000,000.)

The association's report further states that of the total investment aggregating 168,025,069 pesos invested in the centrals, 40 percent is American investment, 37 percent Filipino, 22 percent Spanish, and 1 percent cosmopolitan:

Nationality	Number of centrals	Total investments	Percentage of total investments
		Pesos	
American	12	67,631,300	40
Filipino	22	62,255,787	37
Spanish	9	36,553,147	22
Cosmopolitan	2	1,584,835	1
Total	45	168,025,069	100

Of the total estimated income of the Philippine government for 1933 of 48,000,000 pesos, the sugar industry directly and indirectly expected to be assessed about 20,471,637 pesos, or, say, 43 percent. Five important Provinces derive almost their entire revenue from the sugar industry. Should the 970,000 short tons equivalent of sugar now allowed to come into the United States free of duty be assessed an export tax of $1.875 per 100 pounds, the full duty now applicable, this would impose an additional tax burden on the industry of about $36,375,000. Of course, for the sixth year only 5 percent is to be assessed; for the seventh year, 10 percent; for the eighth year, 15 percent; for the ninth year, 20 percent; and for the tenth year of the Commonwealth period, only 25 percent. After the tenth year, or July 4, 1946, the full tax or duty is to apply. As previously stated, section 13 of the Independence Act provides that after the islands have become a free and independent nation there shall be levied, collected, and paid upon all articles coming into the United States from the Philippine Islands the rates of duty which are required to be levied, collected, and paid upon like articles imported from other foreign countries, and so forth.

Now, Mr. Chairman, let us see in what position the sugar industry, the major one of the islands, will be in to meet these heavy burdens. It is a most interesting problem here presented. There is a marked interdependence between this industry, independence for the people of the islands, the economy of the Commonwealth, and the future "mothering" the United States will probably extend to the islands. The cost of producing raw sugar can be broken down into two general elements: (a) Agricultural costs and (b) factory costs. Labor costs make up the principal element in each of these two classes. Quoting from the most recently published report of the Tariff Commission, January 1937, pages 87–88, we find:

The wages of employees in sugar centrals vary in accordance with the type of work performed and the length of working day, which ranges from 8 to 12 hours. Employees are provided with houses, water, fuel, garden space, and in many cases light as part of their remuneration. Unskilled manual labor is paid a minimum wage

of 5 cents per hour with a daily return of from 40 to 60 cents. Semiskilled laborers, such as oilers and weighers, receive from 60 cents to $1.25 per day, while skilled laborers, such as machinists, mechanics, engineers, and carpenters are paid from $1.25 to $3.50 per day. Unskilled plantation laborers are generally paid 15 to 25 cents per day. Skilled laborers, such as foremen, mechanics, and truck drivers, receive from 50 cents to $1 per day.

Compared to the wages paid by American sugar-beet and cane growers, these wages are exceedingly low. In other words, everything entering into the cost of producing sugar in the islands which can be obtained through employment of labor in the islands is obtainable at very low costs. This is a tremendous advantage to the sugar industry in its effort to survive the restrictions to be placed on it under provisions of the Independence Act. Let us look at another very important element:

PRICE PREMIUMS BEING PAID BY CONSUMERS IN UNITED STATES TO PHILIPPINE SUGAR INTERESTS

The United States Tariff Commission is responsible for the statement that—

The average spread between the United States and world prices in 1935 was as follows:

	Cents per pound
United States quotation, 96° sugar, spot price	3.230
Transportation cost, Cuba to New York (average for 1935)	.115
Net United States quotations, f. o. b. Cuba	3.115
London quotations, f. o. b. Cuba	.875
Differential between United States and world price	2.240

Under the terms of the Independence Act, the Philippines, during the Commonwealth period, are permitted to sell duty free in the United States market the approximate equivalent of 970,000 short tons of 96° sugar. Because of this privilege the islands received $43,456,000 in 1935 (on a basis of average prices in that year) more than they would have obtained if they had sold an equivalent amount of sugar in the world market. This sum may also be regarded as the 'premium' which the United States paid for Philippine sugar on the present duty-free quota basis, as compared with what the cost to the United States would have been if it had purchased an equivalent amount of sugar at world prices. On a basis of existing United States duties, the annual loss in revenue to the United States Treasury resulting from the duty-free admission of Philippine sugar may be calculated to range from $36,375,000 to $17,460,000.

February 4, 1937, in my presentation to the Members of the House, I gave comparable figures on "price premium" and loss in revenue on sugar we are purchasing from Cuba, and at that time showed our loss in revenue amounting to $86,354,466 and price premium paid of $158,478,601.94, or a total of $244,833,067.94 subsidy given to Cuba by the sugar consumers of the United States under the reciprocal-trade treaty and Jones-Costigan Sugar Act now in operation and applying to sugar imports from Cuba.

With a subsidy to the sugar industry of the Philippine Islands amounting to $43,456,000 annually in the form of a "price premium" (forgetting for the time being the loss in revenue to the United States Treasury, ranging from seventeen to thirty-six million dollars annually) it can be seen that within 2 years we will have subsidized the industry a sufficient amount to completely provide for investments in the sugar centrals (factories), and that within a period of 6 years we will have provided a subsidy sufficient to cover the entire investments in centrals, lands, crop loans, miscellaneous investments owned by the Americans, Filipinos, Spanish, and cosmopolitan investors who have made their investments during the past 40 years. Is that not generosity to the *n*th degree?

No one will deny the statement to the effect that the net operating profits of the well-managed sugar concerns in the Philippine Islands are very high, and companies are paying and have been paying most generous cash dividends. Why not, when such a subsidy is being received from the consumers of the United States? Furthermore, it would be very interesting to have a detailed statement showing the high depreciation rates that are being provided against operating revenues before arriving at net profits. In other words, it is perfectly safe to say that the sugar industry of the islands is putting its house in order and that if we will only continue the present program for a few years longer, the industry will have been able to write off as operating expense the entire cost of its properties and, in addition, to refund to investors, in the form of cash dividends, the money previously invested in the industry. With the industry following this program and thus supported by our present sugar policy, which is very likely to continue for some time to come, is not the industry in position to meet this situation?

In the Far East (Asiatic-India-Chinese-Japanese area) we have the following sugar areas which would be competitors of the Philippine Islands should the United States close its free market to the Philippines.

Sugar production

Area	1936-37	1935-36	1933-34	1930-31
	Tons	*Tons*	*Tons*	*Tons*
British India	6,000,000	6,102,000	5,242,000	3,218,000
Java	1,400,000	567,154	505,438	2,798,870
Formosa and Japan	1,188,000	1,091,935	803,143	928,751

This presents an economic problem related to sugar similar to that which has existed in the Western Hemisphere, particularly insofar as the United States market is concerned. Standing ready to supply the sugar needs of the consumers of the United States we have had Cuba, Puerto Rico, Hawaii, United States sugarcane and sugar-beet fields and the Philippine Islands. It is interesting to make this pertinent observation: In the calendar year 1928 we consumed 5,542,636 long tons of refined and (or) consumption value of sugar. The crop year 1928–29 Cuba alone produced 5,156,315 tons of sugar, while the same year production in other sugar fields supplying the United States market was as follows:

	Tons
Continental United States, cane and beet	1,056,545
Hawaiian Islands	844,462
Puerto Rico	530,116
Virgin Islands	3,796
Philippine Islands	740,987
Total, not including Cuba	3,175,906
Cuba's production	5,136,315
Total production preferential sugar for United States market	8,312,221
United States consumption	5,542,636
Excess preferential production over consumption	2,769,585

In other words, an excess production for our market amounting to 50 percent of consumption.

Mr. Chairman, it is very evident the Far East sugar-producing area now faces just such a sugar problem, in the event the terms of the independence act are carried out, which has been faced and met, temporarily at least, by the sugar areas of the Western Hemisphere producing and supplying sugar to the great consuming market of the United States. The problem was met through reducing acreage devoted to the production of sugar and substituting other crops. In behalf of the citizens of the United States located in Hawaii, Puerto Rico, the Virgin Islands, and, last but not least, the sugar-beet and sugarcane growers of the United States, let me suggest that the Filipinos and other sugar producers operating in areas geographically situated to compete with the islands, immediately take serious and drastic steps to put their "sugar bowl" in order. The American sugar consumer may soon grow weary of the burden he is now carrying wherein the sugar industry of the Philippine Islands is being subsidized at a rate of more than $40,000,000 annually.

WHAT OF THE FUTURE?

In the light of action taken by this House only a few days ago, there is another important phase of this question which should have our attention at this moment. I refer to the matter of trade agreements and the extension of the Reciprocal Trade Agreement Act giving the President and the Secretary of State sweeping powers to effect agreements with foreign countries.

May I ask by what line of reasoning Congress arrived at the proposition of assessing full duties against the products of the Philippines Islands coming into the United States when it knew full well the reciprocal agreements would be entered into and that Cuba would reap the full benefits of reciprocity? The Congress also knew that Cuba would re-

ceive preferential treatment on duties in addition to those received under the Reciprocal Trade Agreements Act. When we made a cash settlement with Spain for her outlay she had made in the Philippine Islands, did we not assume a responsibility which has not yet been discharged in behalf of the Filipinos? Have they not been under our supervision for more than three decades? Have we not permitted, encouraged, and assisted in the development of the industries of the islands and all to operate on a "duty free" basis insofar as exports to the United States are concerned? Are not our obligations to the Filipinos as broad, deep, and as sacred as are our obligations to the Cubans? Shall we let Cuba hold the "threat of revolution" over us daily and thereby demand and receive much fairer treatment than we extend to the Filipinos? Shall we say to the Filipinos, "You are not a part of us. You shall be treated as other foreign nations with which we have no close ties of friendship or other relations. You have been weighed in the balance and found wanting?" Are we more duty bound to protect Cuba against revolution than we are to protect the Philippine Islands against a similar trouble? Shall distance determine the international policy to be followed by the United States in dealing with those otherwise so close to us as are the Filipinos? Can the argument be sustained that Cuba is worth more to us from a commercial standpoint than are the more than 13,000,000 souls of the Philippine Islands? These and other questions are now before this Congress; they are running through the minds of the Filipino leaders—those charged with the responsibility of working out the future economic and international relationship of this present Commonwealth and coming Republic. These leaders have not, and we should not, forget the collusion engaged in to poison the minds of the American public against sugar production in the Philippines, and all in an attempt to remove the cloud of suspicion and direct public attention away from the production of sugar in Cuba. These questions will have consideration at the forthcoming trade conference, but after the conference Congress will have to act. The responsibility is on the Members of this House.

THE "ASIATIC MONROE DOCTRINE—OR YELLOW PERIL"

Mr. Chairman, in conclusion let me sum up this first presentation dealing with this very important question of Philippine economic future. We come down to the vital question: Does "territorial propinquity create special relations between countries"? It is claimed the United States is in no position to protest the declaration of the Asiatic Monroe doctrine by Japan. From a geographical standpoint, as well as that of population and also current history and international politics, Japan is "in the saddle" in the Far East. These are facts we must recognize. These facts, Mr. Chairman, can be discussed without bringing into the picture great emotion. We do not have to become sensational. The fact remains, as I have already pointed out, that Japan is very close to the Philippines, geographically and racially. Along the shore of China, for a distance of about 2,000 miles, we find the Empire of Japan scattered from Taiwan (Formosa) and running northward to the tip of Kamchatka. When visibility is good one can stand on Philippine soil and see with the naked eye Japanese territory. To the south and eastward of the Philippine Islands we find the Japanese mandated territory known as the Marianas, Carolines, and Marshalls Islands—all mandated to Japan by the Treaty of Versailles. Going southward from the Philippine Islands we find the British and Dutch territories known as the East Indies. Sailing westward for 2 or 3 days we find the shore of China—Hong Kong (British), French Indochina, and Portuguese Macao.

Japan has made it very clear to the thinking world that she will in the future be the guardian of the Philippines. Quite naturally, Japan will likely await the formal announcement of this until the Philippines receive full independence. Japan, with a square mileage approximately that of Texas, has a population of 100,000,000 souls.

Her crowded population is increasing at the rate of 1,000,000 souls annually. One island alone in the Philippine group—Mindanao—will accommodate an additional 20,000,000 souls. Throughout the Philippine Islands there is ample room at the present for many millions more. In addition, there is China, with about one-fourth of the total world population. China and Japan need, and will take, the unutilized natural resources and land areas of the Philippine Islands and the United States is without the power to prevent this happening, even if we desired to do so. In a way we have acknowledged all of this through the notes of Lansing and Ishii of 1917.

Now, if we are to concede Japan is to exercise guardianship over the Philippine Islands as soon as independence is granted, let us proceed on such a basis in the working out of our economic and political relations with the Filipinos. Why should we become entangled in a set of policies which cannot be supported when Japan really "moves in"? If no reciprocal-trade agreements are to be consummated with Japan, then why with the Philippine Islands? If it is the plan of our State Department under the Reciprocal Trade Agreements Act to extend its benefits to Japan, either in the name of material gain or for "world peace" purposes or motives, then how can we deny extending to the Filipinos similar trade benefits? Furthermore, if we are to recognize Japanese guardianship over the Philippine Islands, why should we attempt in any way whatsoever to maintain military and naval reservations in the islands? To do so would involve us in most serious international trouble. It would be acknowledging Japan's guardianship and at the same time saying to her "we reserve military and naval power" to be exercised at any time we see fit. Every student of international affairs knows such an arrangement would lead to endless trouble on a big scale. To grant free trade to the Philippine Islands and let their production come into the United States and compete with that of our own people and at the same time acknowledge the guardianship of Japan and give the Filipinos independence is unthinkable. [Applause.]

Mr. DALY. Mr. Chairman, I yield 15 minutes to the gentleman from Alaska [Mr. DIMOND].

Mr. DIMOND. Mr. Chairman, I suppose that in general debate, such as we have listened to for the past 2 days, it is quite unusual for any Member to refer to anything in the bill under consideration. Therefore, what I have to say may be somewhat of a shock, because I am going to talk about some particular items in the bill and one that I am sorry is not in the bill. I deal with the need of air-mail service in Alaska.

Alaska, as most of the Members doubtless know, is about three times the size of Texas. Its total area is about 589,000 square miles. So if Alaska were inset into the United States, you would find it touching the Canadian border on the north, the Gulf of Mexico on the south, the Atlantic Ocean on the east, and the most westerly of its string of Aleutian Islands, which reach out toward Asia, would be buried in the Pacific on the west. I merely give this as an illustration so that you can envision something of the size of the country which I have the honor to represent in Congress.

We have no air mail in Alaska, as that term is commonly used in the United States. Mail is carried by air in Alaska, but it is carried under what is known as star-route service. It is carried by air because the contractors who made the bid to carry it by air made the lowest bids. In other words, mail can be carried by air in certain parts of Alaska in certain seasons much more cheaply than it can be carried by any other means of transportation.

Alaska is the last frontier. A great deal of it is wilderness in the real sense of that term. Much of it is unsettled, even unprospected. Thousands of square miles are unmapped. Only about one-third of Alaska has even been mapped with any degree of detail. This whole northern section to which I am pointing now has never been surveyed as the country in the United States is surveyed. Consequently, maps are not entirely reliable. One of the airplane pilots told me a story to illustrate that. He found a place on a map where he was told he would find a pass 5,000 feet high. So he flew for it. It was north of the Yukon, on the route to Barrow, on the Arctic coast. When

he got to that pass, he found it was nearly 10,000 feet high. He had to go above 10,000 feet to get through the pass, where he thought he could get through at something over 5,000 feet. That illustrates one of the hazards of flying in Alaska.

We do need air mail in Alaska, because we have very little in the way of roads or railroads. We have the Government railroad, which starts at Seward and runs north to Fairbanks, in the interior of Alaska. We have a motor road which extends from Valdez, on the southern coast, to Circle City, on the Yukon River.

Outside of this Government railroad and the one long motor road to which I have referred, we have very little in the way of roads in Alaska—something less than 2,000 miles in all that vast stretch of country. Consequently when we wish to travel from one part of Alaska to another it is almost necessary to fly. We fly perhaps more in proportion to the population than the people of any other country in the world, and we find it cheaper to do so. We find it necessary to fly, and we fly over country that is very largely unsurveyed, much of it not well known, and sometimes under conditions which would alarm a good many of the people who fly here in the States. We do not have lights every 25 or 30 miles, and few emergency landing fields. But it has worked out pretty well and we are used to it.

In company with people from the Department who are in favor of a regular air-mail service in Alaska in the same way that it is understood in the States, I appeared before the subcommittee, and I must say here in fairness to the subcommittee, in justice to the subcommittee and its members, that we were given a very full and complete hearing. We were not hurried. We explained the whole situation to them, and as a result the bill contains an item of $68,692 for a weekly round-trip service of the air mail between Juneau, in southeastern Alaska, and Fairbanks, in the interior. This is, however, a foreign air-mail route, and the money carried in the bill to take care of this service is in the lump-sum appropriation for foreign air mail, which amounts in all to several millions of dollars. The distance is about 660 miles from Juneau to Fairbanks and about 300 miles of the route is flown over Yukon Territory, Canada. One stop is made in Yukon Territory, at White Horse. So we have here what may be called two foreign air-mail routes, one from Juneau to White Horse and one from White Horse to Fairbanks. It is, however, all a part of one flight.

I am, of course, very grateful to have this much. We have never had anything like it in the past. An air line, a subsidiary of Pan American Airways, has been operating a regular weekly service for the past year or so between Fairbanks and Juneau, and I have no doubt it has been losing money every trip. This foreign air-mail appropriation will help the carrier of mail between Juneau and Fairbanks to improve and increase the service and will aid in the development of the Territory.

Thankful as I am to have this beginning of air mail in Alaska, I must point out that we also asked and the Department requested, and the Bureau of the Budget recommended, another item of $72,755 to complete the air service on the main line running from Juneau to Fairbanks by developing a line from Tanacross down to the cities of Valdez, Cordova, Seward, and Anchorage, which lie along the coast of Alaska and which contain quite a substantial population. That item, however, is not contained in the bill. When, tomorrow or next day, we reach the proper place in the bill, page 58, line 17, I shall offer an amendment to strike out $207,245 and insert in lieu thereof $280,000, which is the amount recommended by the Budget and the Post Office Department to give this Air Mail Service to the cities on the coast.

Mail will be taken by boat to Juneau, carried by air to Fairbanks, and should then be taken from Fairbanks in the interior to Valdez, Cordova, Seward, and Anchorage. We should have the extra money that is needed to complete the service by going to the rather more thickly populated section of Alaska down here on the coast and taking in the cities of Cordova, Valdez, Seward, and Anchorage.

The extension of air mail in every country and under all conditions is intimately associated with the march of our material civilization. Millions and millions of dollars are being spent by every nation worthy of the name of "civilized" to speed and develop communication by air. The report of the committee on the bill now before us shows that, aside from Alaska, the committee is particularly alive to the desirability and, indeed, the need of developing air commerce not only in the United States but between the United States and the countries which lie over the Atlantic Ocean in one direction and the Pacific Ocean in the other. Millions are being spent in order that the potential profit of billions may be tapped—profits that will accrue not only to ourselves but to the peoples of all of the other nations with which we thus come into intimate commercial contact. And in this "dance of millions", if I may call it that, what reason can there be for an attitude of penury where Alaska is concerned? We do not ask for anything outrageous or unreasonable. We Alaskans are citizens of the United States, and we have the same devotion to the common weal that animates the citizens of the 48 States.

Let me here read to you what the committee very generously—and very justly—says about the item of the bill for the foreign air-mail route between Juneau and Fairbanks, via White Horse, Yukon Territory, Canada, and Tanacross, Alaska. Here it is:

> A route in Alaska, costing $68,692 annually, is recommended for weekly round-trip service from Juneau, Alaska, via White Horse (Yukon Territory) and Tanacross, Alaska, to Fairbanks, a distance of 660 miles. The purpose of the route is to take the mail from the weekly boat at Juneau and put it into Fairbanks, the main distributing point for interior Alaska, at a saving of approximately 4 days. Travel and mail communication in Alaska are difficult because of climatic conditions and the great distances. The proposed line would carry passengers and express and would perhaps produce some additional postal revenue, but the establishment of the service cannot be justified on that basis. What is said about this line is also true of many lines in the United States and in foreign air-mail service. They do not pay for themselves but must be justified on the basis of their assistance to business and speedier communication for our people. Because of the extremely difficult conditions of transportation in Alaska, the committee feels that this primary route will be of benefit in the development of the Territory and an advantageous facility of national life that the people of Alaska should have the benefit of. There is ample justification for it on the basis of the facilities that the Government has provided for citizens living in the States.

Mr. Chairman, every word contained in the paragraph just read is warranted. Money spent within reason to develop and speed commerce is well spent. That is a thousand times true as to commerce between the several States and Territories. The investment is small; the potential returns are vast. The Government is now wisely spending not a few thousands but millions to develop air transportation to the Orient, and in this very bill it is engaging to spend some hundreds of thousands to establish an air-mail route between the United States and Europe. Can any reason be assigned why the little that we ask for in Alaska is not equally well, if not better spent. The question is whether we are to follow in the relatively slow and earth-bound footsteps of our fathers, or whether we are determined to blaze new trails and faster trails through the air.

As I said a moment ago, we already carry mail by the Star Route Service in Alaska. The late great Col. Carl Ben Eilson blazed that particular trail. But the service should be now expanded. We should have air mail in the real sense of that term. The desirability of air-mail service for Alaska was seen by the Second Assistant Postmaster General, Hon. Harllee Branch, one of the best and ablest of our public servants, when he visited Alaska in 1934. Last year the Post Office Department estimates contained an item of nearly $250,000 for air-mail service in Alaska, which was approved by the Bureau of the Budget. The Committee on Appropriations eliminated the item from the bill. When the bill was before the House I offered an amendment seeking the insertion of the desired amount, but the amendment was voted down. Then I appeared before the Senate Committee on Appropriations. The amount went into the bill in the Senate, but it was lost in conference. A similar item was later inserted in the deficiency bill in the Senate, but it was again lost in conference. The amount is now substantially reduced and the total that we now ask for air-mail service in Alaska is less than $142,000, of which, as I have indicated, the committee

has approved the sum of $68,692 for the Juneau-Fairbanks foreign air-mail route, but has eliminated the item of $72,755 for the service between Tanacross and the coast. In refusing the appropriation for the latter route the committee in its report says:

Star routes, Alaska: The appropriation carried is $207,245, which is the current year's figure. It provides for 65 routes under contract for transportation of mail within Alaska by dog team, motor- and horse-drawn vehicles, and airplane. The committee has disallowed a Budget request of $72,755 for an additional air-mail route from Tanacross via Cordova, Valdez, and Anchorage to Seward, a distance of 480 miles, one round trip per week. The committee has placed elsewhere in this bill the funds for an air-mail route from Juneau to Fairbanks via White Horse (Yukon Territory) and Tanacross. The route eliminated from this estimate was expected to tie in with this latter route to expedite delivery of mail arriving by boat from Seattle by taking the mail off the boat at Juneau and putting it into Seward several days earlier than it would otherwise arrive. The committee finds merit in the line from Juneau to Fairbanks but is not impressed with the need of this considerable expenditure in order to expedite the boat mail to Seward by a few days.

With the most respectful deference to the committee and its able and distinguished members individually, may I say that the route from Tanacross south should be considered as a part and parcel of the mail route between Juneau and Fairbanks, and that all of the sound reasons which led to the granting of the item of appropriation for the Juneau-Fairbanks service will in the fullest measure justify the item for the service between Tanacross on the north and Cordova, Valdez, Seward, and Anchorage on the south. This line, too, will, to quote the language of the report, "be of benefit in the development of the Territory and an advantageous facility of national life that the people of Alaska should have the benefit of. There is ample justification for it on the basis of the facilities that the Government has provided for citizens living in the States."

No money carried in the bill can be expended to better advantage for the people of the United States, leaving out of consideration the benefit of the people of Alaska, than this $68,692 now carried in the bill for Juneau-Whitehorse-Tanacross-Fairbanks route and the small amount of $72,755 additional that we request. Let us look at it as one picture. We pick up the air mail at Juneau, carrying it thence to Fairbanks. While that is going to be a great help to the interior of Alaska, in order to complete the service we should go with air mail from Tanacross to the southern coast of Alaska, as planned. We should also, in my judgment, provide regular year-round air mail service from Fairbanks, in the interior of Alaska, to Nome, on the western coast, and to Bethel in southwestern Alaska. Those two routes are also well justified. But since it is not covered in the Budget, I am not asking for that money now, but I am asking that the Congress appropriate $72,755 to complete the service which we hope to have started from Juneau to Fairbanks and having a branch line go from Tanacross down to the southern coast.

The inquiry may be made, What is the need for this? It may be said that we have gotten along all of these years without it, and we can get along without it now. That is true. In Alaska I suppose we could get along if we had no mail sent to Alaska at all. If you simply cut off all the mail service in Alaska, it is very likely most of the people would live somehow or other. I have lived in Alaska for 32 years, and I remember particularly one period of 18 months when I did not receive or send out a single letter. There was no mail service at all to that part of the country at that time. Of course, we survived and lived through it, and I suppose we were fairly happy. But the world has moved on.

I dare say it is hard to justify from the standpoint of dollars and cents and from the standpoint of the postage that is received, the air-mail service in the States. If we had in Alaska the same conveniences for carrying mail that the people of the States enjoy, I do not think we would ask for any air mail at all. If we had roads, railroads, and rural free delivery all over the country so that not a single town, hamlet, or even a farmhouse is omitted from the mail service, I would not be here asking you to enlarge the appropriation for air mail in Alaska. But we have not the roads and railroads, and the only speedy and efficient way in the interior of Alaska that we can get mail is by air; therefore I submit to you that in the interest of your own constituents in your own districts, and for the general welfare of the country, it is wise to appropriate this comparatively small amount of money in order to give us the service we desire, a service that is recommended definitely and even enthusiastically by the Department, and one that meets the approval of the Bureau of the Budget.

You may ask, how is this going to help the people of the United States? It will help them because Alaska is probably the most valuable and profitable resource that the United States of America possesses.

Our annual exports from Alaska, principally in fish, gold, copper, and furs, for the last few years has probably averaged somewhere between 60 and 65 million dollars. Nearly all of it goes to the United States. Our average imports are between 30 and 40 million dollars a year. Most of that comes from the United States. As I pointed out to the Members of the House 2 years ago, if the exportable surpluses of the United States were as great in proportion to population as the exportable surpluses of Alaska, the United States would have the enormous exportable surplus every year of about 66 billion dollars.

Where does this wealth come from? We take, we will say, $30,000,000 of merchandise into Alaska from the United States; and that is quite a substantial market for the people of the United States of various kinds of produce, mining machinery, food, clothing, and almost everything else that human beings, that civilized people use. We send out about $60,000,000. Most of that surplus of $30,000,000 goes into the pockets of people who reside in the United States.

[Here the gavel fell.]

Mr. DIMOND. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD and to include therein two brief paragraphs, about 20 lines, from the report of this bill now under consideration.

The CHAIRMAN. The Chair may say that the gentleman's request to include the paragraphs to which reference is made will have to be made in the House.

Is there objection to the request of the gentleman from Alaska to revise and extend his remarks in the RECORD?

There was no objection.

Mr. MARTIN of Massachusetts. Mr. Chairman, I yield the gentlewoman from Massachusetts [Mrs. ROGERS] 10 minutes.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I rise at this time to ask the membership of the House to join with me in authorizing a small appropriation for the upkeep of the so-called Congressional Cemetery. I do not know how many of the Members realize it, but there are 2 Vice Presidents, 16 Senators and 68 Congressmen buried in that cemetery.

Of course, Mr. Chairman, the reason Congressmen were authorized to be buried in this cemetery was because transportation in early days was so poor it took a long time to send the remains of the Members of Congress back to their homes in their native States.

Mr. Chairman, for a number of years an annual appropriation was made by the Congress for the care of the graves and the cemetery. Today the graves are in a deplorable condition, and the cemetery is in a very unkempt and uncared-for condition. It seems pathetic that our statesmen, including former Members of Congress, should be so little thought of that their graves are not cared for. For 35 years no appropriation has been made for the upkeep of the cemetery. The following are acts of Congress relating to the Congressional Cemetery:

Act of May 31, 1832 (4 Stat. 520, c. 110). Appropriation of $1,500 to aid vestry of Washington parish "in the erection of a keeper's house, for planting trees, boundary stones, and otherwise improving the burial ground, allotted to the interment of Members of Congress, and other officers of the general Government."

Act of July 25, 1848 (9 Stat. 251, sec. 4; 726, sec. 4). United States entitled to buy portion of cemetery "as a

burial ground, for Members of Congress and such other members of the United States Government as the President shall deem it expedient and proper to allow."

Act of August 18, 1858 (11 Stat. 88). Appropriation of $5,000 to purchase 500 lots: "*Provided*, That the same be expended in the construction of an iron fence on the north side of said burial grounds."

Act of March 3, 1857 (11 Stat. 226). Appropriation of $2,200 for flagging footway. (Amended by 11 Stat. 325, sec. 2.)

Act of May 18, 1858 (11 Stat. 289, ch. 38). United States to retain land formerly included in certain streets "for the interment of Members of Congress or such officers of the Government as may die in Washington."

Act of March 3, 1869 (15 Stat. 309). Appropriation of $3,000 for care, improvement and repair, to be expended under direction of wardens and vestry of Christ Church.

Act of July 15, 1870 (16 Stat. 309). Appropriation of $3,500 for erection of monuments in memory of Representatives who died since 1860.

Act of May 18, 1872 (17 Stat. 131). Appropriation of $3,000 for repair and improvement, to be expended under direction of warden and vestry of Washington parish.

Act of March 3, 1873 (17 Stat. 540). Appropriation of $2,000 for repair and improvement, to be expended under direction of officer in charge of public buildings and grounds.

Act of March 3, 1875 (18 Stat. 375). Appropriation of $1,500 for "monuments in memory of those Representatives who have died since the erection of those last authorized."

Act of May 23, 1876 (19 Stat. 54; U. S. Code 2:51). Monuments to be erected to Members actually interred in the cemetery, out of contingent fund of Senate or House.

Joint resolution of January 16, 1899 (30 Stat. 1387, No. 8). Removal of remains of Maj. Gen. John A. Rawlins to Arlington National Cemetery; $500 appropriated.

Act of March 2, 1907 (34 Stat. 1236, sec. 6). Repeal of portion of act of May 18, 1858, above.

Act of June 27, 1916 (39 Stat. 1300, ch. 177). Removal of remains of Charles H. Bingham to Lock Haven, Pa., authorized.

Mr. Chairman, I ask unanimous consent to read into the RECORD at this point a description of this cemetery by Helen Essary.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts (reading):

Representative EDITH NOURSE ROGERS, of Massachusetts, is planning to ask Congress to look into the state of its own Congressional Cemetery.

The cemetery, on high ground overlooking the Anacostia River, lies between E and G, Eighteenth and Nineteenth Streets SE. Congress once felt a responsibility for the graves of the 2 Vice Presidents, the 2 Cabinet members, of the 16 Senators and 68 Congressmen, the cenotaphs, the trees, and the shrubbery there.

But for years now the burying ground—or that part of it in which Congress is supposed to have an interest—has been one of Washington's stepchildren.

Perhaps this congressional aloofness is a result of confusion in ownership. Some authorities say the cemetery belongs entirely to the Christ Church. Others insist a certain section is the property of Congress.

In any event, congressional appropriations for upkeep of any part of the burial ground ceased about 35 years ago. Today the town offers no better place in which to hunt for forgotten pomp and pathos than the lots where public men are interred.

For long after its beginning, in 1807, the cemetery seemed a trying distance by carriage from most anywhere. President Adams tells in his diary that "just after noon he joined the funeral cortege of his old friend, Gen. Jacob Brown. The roads were heavy with mud. It was near 3 o'clock before we reached the grave."

For the early days of the Republic all Congressmen who died in office were supposed to be buried in the Congressional Cemetery. Or if they were not actually interred there, a monument was raised to their memory.

These monuments were curiously fashioned of the same size, shape, and material, with a cone-shaped top, resting on a square block.

When 85 of such cenotaphs had been put in place, it seemed to even a vague mind that there wasn't space to raise a monument to every worthy official who died in office.

The white stones soon grew yellow with neglect. Jails and almshouses moved in as neighbors. As a part of official Washington the Congressional Cemetery passed out of public thought. But the names on many of its forgotten headstones are those of men who played big roles in the development of this country.

There, for instance, lies Tobias Lear. Tobias was buried on the hillside by the Anacostia after he had killed himself in his garden pavilion. Tobias, so the words on his tombstone say, "was the private secretary and familiar friend of the illustrious Washington. * * * His desolate widow and mourning son have erected this monument to mark the place of his abode in the city of silence."

The inscriptions on old tombstones are fascinating reading. Descendants of the modern great and near-great are self-conscious about the characteristics of their ancestors. But in the young 1800's no such inhibitions held back the kind words for posterity to read.

On the monument of Vice President Elbridge Gerry, who died suddenly in his carriage on his way to preside at the Senate, the inscription says that "in his death he fulfilled his own memorable injunction: 'It is the duty of every citizen, though he may have but one day to live, to devote that day to his country.'"

Vice President Clint's epitaph declares that "He filled with unexampled usefulness, purity, and ability many high offices", and "left an illustrious example of a well-spent life worthy of imitation."

Push-Ma-Ta-Ha, a Choctaw chief and "a warrier of great distinction", is the only Indian who lies in the Congressional Cemetery. He died in the "sixtieth year of his age of the croup." The inscription on his monument adds in faded marble letters: "Under all circumstances the white man's friend." Among his last words were: "When I am gone, let the big guns be fired over me."

Mrs. ROGERS hopes that Congress will renew its appropriation for the care of this historic old cemetery. Such an appropriation would likely have to be made on sentimental grounds. When funeral pomp was important in Washington, and long, melancholy processions proceeded slowly across the cobblestones, burials of deceased public men were paid for.

Mrs. ROGERS of Massachusetts. I hope, Mr. Chairman, we may devote some time to a consideration of this matter and provide an adequate appropriation to properly preserve this cemetery in memory of these splendid men. [Applause.]

Mr. LUDLOW. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GREENWOOD, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee having had under consideration the bill (H. R. 4720) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1938, and for other purposes, had come to no resolution thereon.

TEACHING OR ADVOCATING COMMUNISM IN THE PUBLIC SCHOOLS OF THE DISTRICT OF COLUMBIA

Mrs. NORTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 148) to repeal a proviso relating to teaching or advocating communism in the public schools of the District of Columbia, and appearing in the District of Columbia Appropriation Act for the fiscal year ending June 30, 1936, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert: "That the proviso appearing in the fourteenth paragraph under the subheading 'Miscellaneous' under the heading 'Public schools', in the District of Columbia Appropriation Act for the fiscal year ending June 30, 1936, approved June 14, 1935 (49 Stat. 356), and reading as follows: '*Provided*, That hereafter no part of any appropriation for the public schools shall be available for the payment of the salary of any person teaching or advocating communism' is hereby repealed."

Mr. McCORMACK. Mr. Speaker, reserving the right to object, it seems to me this is a very inappropriate time to take this matter up on a motion to concur. There has been general debate all day and the Members are at their offices working and this would entail some further action. Of course, I shall object, if necessary, but it seems to me that the gentlewoman from New Jersey ought to defer this for further action tomorrow, in view of the lateness of the hour.

Mrs. NORTON. Mr. Speaker, I withdraw the request and ask unanimous consent to take from the Speaker's table the bill (H. R. 148) to repeal a proviso relating to teaching or advocating communism in the public schools of the District of Columbia, and appearing in the District of Columbia Appropriation Act for the fiscal year ending June 30, 1936, with a Senate amendment, disagree to the Senate amendment, and ask for a conference.

Mr. McCORMACK. Mr. Speaker, reserving the right to object—and I shall not object—I want to make the observation that the House has acted on this matter in a firm way. While the House has no control over the managers on the part of the House who may be appointed, there is an understanding, to say the least, that the managers on the part of the House will fight for the position of the House. I assume the gentlewoman from New Jersey, as one of the managers, intends to fight for the position the House has taken. I shall not ask for an answer from the gentlewoman from New Jersey if that will embarrass her; but, on the other hand, if I disagreed with a bill and the House took counter action and I was one of the managers on the part of the House, I would fight for the position taken by the House, because I would not be acting in my individual capacity, but as a manager I would represent the House.

I hope the three managers who are appointed will do this, but, in any event, later developments will show whether they do so or not, and if they do not, it is really immaterial because the matter has to come back to the House. On the other hand, there is that feeling of consolation, there is that feeling of satisfaction on the part of the Members of the House when we see a report showing that the managers on the part of the House fought for the position of the House, and there is a feeling of embarrassment when they see a report showing clearly that the managers on the part of the House did not fight for the position that the House took.

With these observations, I have no objection, Mr. Speaker, to this matter going to conference.

The SPEAKER. Is there objection to the request of the gentlewoman from New Jersey?

Mr. TABER. Mr. Speaker, I have in my hand a purported interview on the part of the gentlewoman from New Jersey appearing in the News of February 9 last, reading as follows:

Chairman MARY NORTON, of the House District Committee, who led a valiant fight for the Kennedy repealer bill, expressed hope that the rider still may be eliminated this session.

She said that she, KENNEDY, and Representative DIRKSEN, Republican, Illinois, probably would be named conferees to meet with Senate agents, who will bring with them the Wheeler bill for outright repeal.

The House conferees, Mrs. NORTON said, will agree to the Senate measure. In reporting their action to the House, Mrs. NORTON said she will insist on a roll call of the entire membership.

Before I object, or do not object, I ask the gentlewoman from New Jersey if that alleged interview represents her position.

Mrs. NORTON. I do not recall having said any such thing as the gentleman has read.

Mr. TABER. Does that interview represent the gentlewoman's position?

Mr. O'CONNOR of New York. Mr. Speaker, I demand the regular order.

The SPEAKER. Is there objection?

Mr. TABER. Mr. Speaker, I object.

QUALIFICATION OF PRACTITIONERS OF LAW, DISTRICT OF COLUMBIA

The SPEAKER laid before the House the following request from the Senate of the United States:

IN THE SENATE OF THE UNITED STATES,
February 15, 1937.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 204) relative to the qualifications of practitioners of law in the District of Columbia.

The SPEAKER. Is there objection to the request of the Senate?

There was no objection, and it was so ordered.

EXTENSION OF REMARKS

Mr. DIMOND. Mr. Speaker, I ask unanimous consent to extend the remarks I made this afternoon in Committee of the Whole and to include therein two brief excerpts from the report on the bill under consideration, H. R. 4720.

The SPEAKER. Is there objection?

There was no objection.

Mr. SHANLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

LEAVE TO ADDRESS THE HOUSE

Mr. FERGUSON. Mr. Speaker, I ask unanimous consent that on Tuesday next, immediately after the disposition of matters on the Speaker's table and the reading of the Journal, that I be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection?

There was no objection.

ORDER OF BUSINESS

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAYBURN. Mr. Speaker, Monday next is Washington's birthday. A great many Members who will be away do not want to return on that day. That is District day. There is nothing apparently that will be taken up on Tuesday. I ask unanimous consent that the business in order on Monday, February 22, be in order on Tuesday, February 23.

The SPEAKER. Is there objection?

There was no objection.

WITHDRAWAL OF PAPERS

By unanimous consent, Mr. HALLECK was permitted to withdraw from the files of the House, without leaving copies, papers in the case of John H. Sullivan, H. R. 9737, Seventy-fourth Congress, and H. R. 620, Seventy-fifth Congress, pending before the Committee on Pensions, no adverse report having been made thereon.

Mr. HALLECK also was permitted to withdraw from the files of the House without leaving copies, papers in the case of John H. Sullivan, H. R. 9734, Seventy-fourth Congress, and H. R. 630, Seventy-fifth Congress, pending before the Committee on Military Affairs, no adverse report having been made thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. VINSON of Georgia, for 3 days, on account of important business.

To Mr. LANZETTA, for the balance of the week, on account of illness.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1228. An act to amend the National Housing Act; to the Committee on Banking and Currency.

S. 1406. An act to authorize distribution of products of the fishing industry; to the Committee on Agriculture.

S. J. Res. 53. Joint resolution providing for a continuance of the participation of the United States in the Great Lakes Exposition in the State of Ohio in 1937, and for other purposes; to the Committee on Foreign Affairs.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The Speaker announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 466. An act granting the consent of Congress to the county of Barry, State of Missouri, to construct, maintain, and operate a free highway bridge across the White River at or near Eagle Rock, Mo.

S. 715. An act to extend the time for completing the construction of a bridge across the Delaware River near Trenton, N. J.

S. J. Res. 70. A joint resolution relating to the participation by the United States in the International Exposition of Paris, 1937.

BILL PRESENTED TO THE PRESIDENT

Mr. Parsons, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 3112. An act for the relief of Ralph C. Irwin.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 23 minutes p. m.) the House adjourned until tomorrow, Thursday, February 18, 1937, at 12 o' clock noon.

COMMITTEE HEARINGS

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Thursday, February 18, 1937, at 10: 30 a. m., to hold hearings on the following projects: Tacoma Harbor, Wash.; St. Marks River, Fla.; Pensacola Harbor, Fla.; St. Joseph Bay, Fla.

COMMITTEE ON EDUCATION

The Committee on Education will meet on Thursday, February 18, at 10: 30 o'clock a. m., in room 416, House Office Building, for the purpose of a general discussion.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

The Committee on Interstate and Foreign Commerce will hold hearings on Thursday morning, February 18, at 10 a. m., in the committee hearing room, 1334 House Office Building, on H. R. 3143, to amend the Federal Trade Commission Act.

COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

The Committee on World War Veterans' Legislation will hold hearings in room 356, House Office Building, on Thursday morning, February 18, at 10 o'clock.

COMMITTEE ON FOREIGN AFFAIRS

The Committee on Foreign Affairs will continue hearings on the neutrality bills Thursday, February 18, 1937, at 10 a. m., at which time Members of Congress will be heard. Friday, February 19, 1937, at 10 a. m., other interested parties.

COMMITTEE ON THE CIVIL SERVICE

The Committee on the Civil Service will continue hearings on Thursday, February 18, on the question of extending the classified civil service to include employees of the emergency agencies and employees in the regular establishments of the Government not now classified. Mr. Harry B. Mitchell, or a representative of the Civil Service Commission, will appear before the committee.

COMMITTEE ON PENSIONS

The Committee on Pensions will hold a meeting at 10:30 o'clock a. m., Friday, February 19, on H. R. 2887, to amend the provisions of the pension law for peacetime service to include Reserve officers and members of the enlisted Reserves.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

380. A letter from the Attorney General, transmitting a proposed bill to authorize the Secretary of War to transfer a portion of the Fort Reno Quartermaster Depot Military Reservation, Okla.; to the Committee on Military Affairs.

381. A letter from the Secretary of the Navy, transmitting a draft of a proposed bill for the relief of Commander William I. Causey, United States Navy, and Lt. Comdr. Earl LeRoy Bailey, Supply Corps, United States Navy; to the Committee on Claims.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. BOREN: Committee of Interstate and Foreign Commerce. S. 62. An act to extend the times for commencing and completing the construction of a free highway bridge across the Missouri River at or near Atchison, Kans.; without amendment (Rept. No. 260). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mrs. O'DAY: Committee on Immigration and Naturalization. H. R. 4451. A bill to authorize the cancelation of deportation proceedings in the case of Salvatore Branchicella; without amendment (Rept. No. 261). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ELLENBOGEN: A bill (H. R. 4833) to provide for the application of the 2-cent rate on first-class mail matter for delivery within the confines of any incorporated city and to contiguous cities; to the Committee on Ways and Means.

By Mr. GEARHART: A bill (H. R. 4834) to provide for the construction of a post-office and Federal office building at Los Banos, Calif.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 4835) to amend section 32 of the act entitled "An act to amend the Agricultural Adjustment Act, and for other purposes", approved August 24, 1935; to the Committee on Agriculture.

Also, a bill (H. R. 4836) to provide for the modernization and remodeling of the post-office building in Modesto, Calif., and authorizing an appropriation therefor; to the Committee on Public Buildings and Grounds.

By Mr. HARLAN: A bill (H. R. 4837) to divest goods, wares, and merchandise manufactured, produced, or mined in violation of the provision of law in the State where offered for sale of their interstate commerce in certain cases; to the Committee on Interstate and Foreign Commerce.

By Mr. HOBBS: A bill (H. R. 4838) making it unlawful to use the mails to solicit or effect insurance or collect or transmit insurance premiums in any State without first securing a permit from the Securities and Exchange Commission of the United States; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 4839) to limit the matter appearing in the CONGRESSIONAL RECORD to the actual proceedings of the Congress and to prohibit the inclusion therein of extension of remarks; to the Committee on Printing.

Also, a bill (H. R. 4840) to further regulate and limit the distribution of the CONGRESSIONAL RECORD; to the Committee on Printing.

Also, a bill (H. R. 4841) to permit all litigation in the courts of the United States without the requirement of deposits of money and to make it unlawful to require the printing of the record and other papers on appeals; to the Committee on the Judiciary.

Also, a bill (H. R. 4842) to provide for loans to farmers to enable them to terrace or drain their lands; to the Committee on Agriculture.

Also, a bill (H. R. 4843) to repeal the act of May 24, 1928, and amendments thereof and supplements thereto; to the Committee on World War Veterans' Legislation.

By Mr. MAHON of South Carolina (by request): A bill (H. R. 4844) for the relief of certain officers on the retired list of the Army, who have been commended for their performance of duty in actual combat with the enemy during the World War; to the Committee on Military Affairs.

By Mr. RIGNEY: A bill (H. R. 4845) to regulate the hours of service of carriers in the village delivery service; to the Committee on the Post Office and Post Roads.

By Mr. SABATH: A bill (H. R. 4846) to stay mortgage foreclosures by the Home Owners Loan Corporation for a period of 18 months; to the Committee on Banking and Currency.

By Mr. HOBBS: A bill (H. R. 4847) making it unlawful for any person, firm, association, or corporation not expressly excepted from the operation of the act by the provisions thereof, to use the mails to solicit or effect insurance or collect or transmit insurance premiums in any State without complying with the insurance laws thereof; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 4848) to provide for the recording of certain proceedings in the district courts of the United States by motion pictures and synchronized sound-recording equipment, and for the reproduction of such proceedings by talking pictures in the Circuit Courts of Appeals of the United States and in the Supreme Court of the United States, upon the review of any such case; to the Committee on the Judiciary.

Also, a bill (H. R. 4849) to provide for the alteration of or changes to bridges over navigable waters of the United States, for the apportionment of the cost of such changes or alterations between the United States and the owner or owners of such bridges, to authorize the appropriation of funds for such purposes, and to repeal all inconsistent laws; to the Committee on Interstate and Foreign Commerce.

By Mr. DIRKSEN: A bill (H. R. 4850) to amend the act of Congress approved May 28, 1924, to regulate the practice of optometry in the District of Columbia; to the Committee on the District of Columbia.

By Mr. SABATH: A bill (H. R. 4851) to refinance mortgages on homes; to the Committee on Banking and Currency.

By Mr. CLUETT: A bill (H. R. 4852) to provide for the creation of the Saratoga National Historical Park in the State of New York, and for other purposes; to the Committee on the Public Lands.

By Mr. BARRY: A bill (H. R. 4853) to provide for the construction of two vessels for the Coast Guard designed for ice breaking and assistance work; to the Committee on Merchant Marine and Fisheries.

By Mr. DOCKWEILER: A bill (H. R. 4854) to amend an act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936; to the Committee on Flood Control.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 4855) to provide pensions for widows, orphans, and dependent parents of veterans of the World War; to the Committee on World War Veterans' Legislation.

By Mr. LANZETTA: A bill (H. R. 4856) to amend existing law to provide same dependency allowances for veterans suffering with service-connected disabilities rated as permanent as now provided for those under temporary ratings; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 4857) to amend veterans' regulation no. 6 (a), as amended, to authorize hospital care and treatment for American veterans residing in foreign countries, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. GREEVER: A bill (H. R. 4858) providing for deposits in the unemployment trust fund to the credit of certain States; to the Committee on Ways and Means.

By Mr. HILL of Alabama (by request): A bill (H. R. 4859) to authorize the transfer to the Attorney General of a portion of the Fort Reno Quartermaster Depot Military Reservation, Okla., as a permanent site of the United States Southwestern Reformatory; to the Committee on Military Affairs.

By Mr. DUNN: A bill (H. R. 4860) to abolish chain-gang systems and to prohibit the persecution of prisoners in police stations, jails, penitentiaries, and so forth, within the United States and its possessions; to the Committee on the Judiciary.

By Mr. WENE: A bill (H. R. 4861) to establish a Bureau of Poultry Industry in the Department of Agriculture; to the Committee on Agriculture.

Also, a bill (H. R. 4862) to amend section 601 of the Revenue Act of 1932, as amended, to provide for an excise tax on eggs and egg products; to the Committee on Ways and Means.

By Mr. BEITER: Resolution (H. Res. 121) requesting the Secretary of the Interior to furnish the House of Representatives with certain information pertaining to non-Federal works; to the Committee on Expenditures in the Executive Departments.

By Mr. DALY: Joint resolution (H. J. Res. 228) authorizing the payment of salaries of the officers and employees of Congress for December on the 20th day of that month, each year; to the Committee on Accounts.

By Mr. TAYLOR of Colorado: Joint resolution (H. J. Res. 229) to make funds available for health and sanitation activities in the areas recently stricken by floods; to the Committee on Appropriations.

By Mr. PIERCE: Joint resolution (H. J. Res. 230) proposing an amendment to the Constitution of the United States relating to popular nominations of candidates for President and Vice President; to the Committee on Election of President, Vice President, and Representatives in Congress.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Illinois, memorializing the Congress of the United States to enact measures, without delay, insuring the protection of the Ohio River Valley territory from such catastrophic floods as have lately been witnessed; to the Committee on Flood Control.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLOOM: A bill (H. R. 4863) for the relief of Mary Rita Parker; to the Committee on Claims.

Also, a bill (H. R. 4864) for the relief of Helen Rauch; to the Committee on Claims.

By Mr. DREWRY of Virginia: A bill (H. R. 4865) for the relief of Roscoe McKinley Meadows; to the Committee on Naval Affairs.

By Mr. FLETCHER: A bill (H. R. 4866) granting an increase of pension to Mary E. Turner; to the Committee on Invalid Pensions.

By Mr. FADDIS: A bill (H. R. 4867) for the relief of Albert Morgan; to the Committee on Claims.

By Mr. GEARHART: A bill (H. R. 4868) for the relief of Horace Beckman; to the Committee on Claims.

By Mr. GRAY of Pennsylvania: A bill (H. R. 4869) granting an increase of pension to Catherine Pennington; to the Committee on Invalid Pensions.

By Mr. HOBBS: A bill (H. R. 4870) for the relief of Miles C. Baxter, Anse Cockran, Sam Cornett, Mrs. Louie Hesterly, and Mrs. George Lovell; to the Committee on Claims.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 4871) granting a pension to Mary E. Simmons; to the Committee on Invalid Pensions.

By Mr. KRAMER: A bill (H. R. 4872) granting a pension to Helen C. Brown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4873) for the relief of Pauline Alice (Long) Newman; to the Committee on Military Affairs.

By Mr. KEE: A bill (H. R. 4874) to permit suit to be brought upon the yearly renewable term insurance of Oney Thompson, deceased; to the Committee on Military Affairs.

By Mr. LEA: A bill (H. R. 4875) for the relief of Paul H. Norboe; to the Committee on Claims.

Also, a bill (H. R. 4876) to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. Frederick W. Didier; to the Committee on the District of Columbia.

By Mr. MAHON of South Carolina: A bill (H. R. 4877) granting the Distinguished Service Medal to James E. Martin; to the Committee on Military Affairs.

By Mr. RUTHERFORD: A bill (H. R. 4878) granting a pension to Ruby C. Fletcher; to the Committee on Pensions.

Also, a bill (H. R. 4879) granting a pension to Mae E. Fletcher; to the Committee on Pensions.

By Mr. FITZPATRICK: Joint resolution (H. J. Res. 231) for the relief of Joseph T. Dion; to the Committee on Immigration and Naturalization.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

381. By Mr. ANDREWS: Resolution adopted by the Niagara County Bar Association, disapproving the recommendations of the President in connection with the Supreme Court; to the Committee on the Judiciary.

382. Also, letter from the department of weights and measures of Niagara Falls, N. Y., protesting against the passage of House bill 2725; to the Committee on Coinage, Weights, and Measures.

383. Also, resolution adopted by the Niagara County Pomona Grange, favoring Senate Joint Resolution 60, having to do with the neutrality question; to the Committee on Foreign Affairs.

384. By Mr. CARTER: Telegram dated Berkeley, Calif., February 9, 1937, and signed by some 24 citizens of California, protesting the President's proposed reorganization of the Supreme Court; to the Committee on the Judiciary.

385. Also, petition of the San Francisco Bay Area District Council, Maritime Federation of the Pacific Coast, San Francisco, Calif., recommending certain amendments to the Ship Subsidy Act and the safety at sea law, in connection with powers granted in the United States Maritime Commission; to the Committee on Merchant Marine and Fisheries.

386. By Mr. JOHNSON of Texas: Resolution of the House of Representatives, State Legislature of Texas, favoring legislation for a Federal agency to make loans to tenant farmers to purchase homes at a low rate of interest; to the Committee on Agriculture.

387. Also, petition of Hubert M. Harrison, vice president and general manager, East Texas Chamber of Commerce, Longview, Tex., favoring reenactment of Connally "hot-oil" law; to the Committee on Interstate and Foreign Commerce.

388. By Mr. McLEAN: Petition of the Traffic Club of Newark, relative to the 6-hour day, etc., for railroad men; to the Committee on Labor.

389. By Mr. SADOWSKI: Petition of the Michigan Retail Lumber Dealers Association, endorsing the extension of the Federal Housing Administration; to the Committee on Ways and Means.

390. Also, Concurrent Resolution No. 5, House of Representatives of Lansing, Mich., ratifying the agreement between the United States and Canada with respect to deep-water connections between the Great Lakes and Atlantic Ocean; to the Committee on Naval Affairs.

391. Also, petition of the Machinist Lodge, No. 573, Detroit, Mich., endorsing the additional appropriation of $500,000 for the La Follette investigation; to the Committee on Accounts.

392. By Mr. TREADWAY: Petition of the members of Orange Townsend Club, No. 1, Orange, Mass., urging that the Townsend plan be brought to the floor of the House; to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES

THURSDAY, FEBRUARY 18, 1937

The House met at 12 o'clock noon.

The Most Reverend Archbishop Antony Bashir, Syrian Antiochian Archdiocese, Brooklyn, N. Y., offered the following prayer:

O Lord and Master Jesus Christ, our God, fountain of life and immortality, creator of all things visible and invisible, Thou who art worshipped and glorified at all times and at every hour and place, both in heaven and on earth, who art long suffering and plenteous in mercy and compassion, who lovest the just and showeth mercy to sinners, and who callest all men to salvation through the promise of blessings to come; O Thou that art the same Lord, receive these our supplications and direct our lives in the way of Thy commandments. Sanctify our souls. Purify our bodies. Set aright our thoughts. Cleanse our minds. Deliver us from all affliction, trouble, and distress. Compass us about with Thy divine providence, that guided and guarded by Thy truth we may always walk in Thy ways of peace, love, and understanding. Bless these Thy servants, the Members of this honorable House, who have been chosen to lead Thy people and maintain justice and good will among men, sending down upon them wisdom and knowledge of Thine unapproachable glory; for Thou art blessed for ever and ever. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on February 9, 1937, the President approved and signed a bill of the House of the following title:

H. R. 3587. An act making appropriations to supply deficiencies in certain appropriations for the fiscal year ending June 30, 1937, and prior fiscal years, to provide supplemental appropriations for the fiscal year ending June 30, 1937, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Crockett, its Chief Clerk, announced that the Senate had passed with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 4064. An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1938, and for other purposes.

COMMITTEE ON FOREIGN AFFAIRS

Mr. McREYNOLDS. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs of the House may have permission to sit this afternoon during the session of the House.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

INDEPENDENT OFFICES APPROPRIATION BILL, 1938

Mr. WOODRUM. Mr. Speaker, I call up the bill (H. R. 4064) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1938, and for other purposes, and ask unanimous consent that the House disagree to the Senate amendments and ask for a conference.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. WOODRUM, JOHNSON of Oklahoma, FITZPATRICK, JOHNSON of West Virginia, HOUSTON, WIGGLESWORTH, and DIRKSEN.

FUNDS FOR HEALTH AND SANITATION ACTIVITIES IN FLOOD AREAS

Mr. TAYLOR of Colorado. Mr. Speaker, by direction of the Committee on Appropriations, I submit House Joint Resolution 229, to make funds available for health and sanitation activities in the areas recently stricken by floods, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

Mr. BACON. Mr. Speaker, reserving the right to object—and I shall not object—I believe this resolution should be passed as soon as possible; and I concur in the gentleman's request that it be taken up immediately by unanimous consent. I do hope, however, that a few minutes will be taken to explain the resolution to the Members of the House.

Mr. TAYLOR of Colorado. I shall be glad to yield for that purpose.

Mr. RICH. Mr. Speaker, reserving the right to object—and I shall not—the gentleman will remember that last year we tried to have a similar bill passed to benefit the people of Pennsylvania and New England, who faced a very similar situation, but at that time we could not get the House of Representatives to agree to it.

Mr. SNYDER of Pennsylvania. Mr. Speaker, reserving the right to object—and I shall not—I may say to the Members present that later on we hope to lay a proposition before Congress that will at least make possible a start toward

the control of floods in western Pennsylvania and eastern United States. We are going along on this resolution, but we are going to ask you later on to go along on our proposition of flood control for eastern United States.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the President is hereby authorized to allocate funds to the United States Public Health Service for health and sanitation activities in the areas recently stricken by floods from the appropriation made in the Emergency Relief Appropriation Act of 1936, as supplemented by the appropriation for relief and work relief in the First Deficiency Appropriation Act, fiscal year 1937, for the following purposes: (1) Grants to States for the purpose of aiding such States, or any county, health district, or other political subdivision thereof, in establishing and maintaining adequate public health services in the prevention and control of diseases in the areas recently stricken by floods, under regulations prescribed by the Surgeon General of the United States Public Health Service; (2) the employment of personnel in the city of Washington and elsewhere, without regard to the civil-service laws and regulations and the Classification Act of 1923, as amended, to replace commissioned officers and other employees of such Public Health Service detailed to such areas; (3) reimbursement of appropriations of such Service for expenditures made from such appropriations for emergency work in such areas; and (4) the purchase of supplies and equipment to replace articles furnished from stock on hand for the care, support, and maintenance of flood refugees and in rendering assistance to health authorities.

The allocations made by authority of this joint resolution shall not be exclusive but shall be in addition to those which otherwise may be made under the provisions of such Emergency Relief Appropriation Act of 1936, as supplemented.

Mr. TAYLOR of Colorado. Mr. Speaker, the deficiency subcommittee held ample hearings on this matter and all the members felt that the showing fully justified immediate action of the House and Senate upon this relief measure. The entire committee carefully considered the subject this forenoon and unanimously approved this Resolution No. 229. It is a matter involving purely health and urgently needed sanitary and widespread activity by the Public Health Service.

Mr. Speaker, I now yield 10 minutes to the gentleman from Virginia [Mr. WOODRUM].

Mr. WOODRUM. Mr. Speaker, this resolution comes up under unanimous consent, and I think the House should have a full explanation of its purposes, and I hope to make that explanation as quickly as possible.

There is authority in the general law for the President to allocate out of relief funds such money as in his judgment may be necessary to the Public Health Service, and under this authority the sum of $245,000 has been allotted out of emergency funds to the Public Health Service, which was used in the recent flood disaster in the Ohio and Mississippi Valleys.

Mr. Speaker, this resolution is necessary because of the desire of the Public Health Service, instead of expanding these funds which it proposes to use under this authority itself, to use them by making direct grants to the 177 counties in the 11 States involved in this disaster.

Our subcommittee held a hearing yesterday, during which the Surgeon General made a very strong and, I think we unanimously felt, a very good case for this authority. It is estimated by the Public Health Service, in these 177 counties affected, 117 water supplies were put out of commission, serving one and one-half million people, and hundreds of thousands of people are homeless. The Public Health Service has already used 70 gallons of typhoid serum. You may get some idea of how many people were immunized when I tell you that it takes just seven drops to immunize one person. Therefore this is a tremendous task and one of an emergency nature. The Public Health Service felt this could be done much quicker and more efficiently if, instead of the Public Health Service employing additional Federal employees to go into these 177 counties, this fund were used by making direct grants to the counties and permitting the counties to enlarge and expand such sanitation and health facilities as they already have.

It is estimated under this resolution that in the neighborhood of a million dollars will be necessary, and that it will take an expenditure of a thousand dollars a month for 6 months in each of the 177 counties. The authority in this resolution to employ people without regard to the civil service simply means where the Public Health Service has detailed some of its people to go to the flooded areas they may be permitted during the term of those employees being in the flooded areas to put someone in their places temporarily without making a permanent appointment from the civil-service register.

Mr. Speaker, that is the story. If there are any questions, I will try to answer them. If not, perhaps the gentleman from New York or someone on that side of the aisle would like to say something. [Applause.]

Mr. TAYLOR of Colorado. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. BACON].

Mr. BACON. Mr. Speaker, I do not intend to take up the time of the House discussing this matter. It has been very adequately presented to you by the gentleman from Virginia [Mr. WOODRUM]. This is a real emergency in the interest of health and sanitation in the flood territory, and I believe we should send this resolution to the Senate just as soon as we can. We can have confidence in Surgeon General Parran, of the United States Public Health Service. He will see to it that all money allocated to him by this resolution is wisely, efficiently, and economically spent.

Mr. TAYLOR of Colorado. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. CANNON].

Mr. CANNON of Missouri. Mr. Speaker, in response to the suggestion of the gentleman from Pennsylvania that a similar emergency in his State was not provided for, may I say I am in heartiest agreement with him. If there was need in Pennsylvania under similar circumstances, of course it should have been taken care of. Provision should have been made for the alleviation of distress due to flood conditions at that time and I am at a loss to understand why it was not done.

But I am certain the gentleman does not want to be understood as taking the position that because human distress was not relieved on that occasion it is reason for failing to take care of this emergency. Whole cities are destitute and suffering. We are assured by the Surgeon General of the United States that death is certain to follow if this appropriation is not made available.

Mr. RICH. Will the gentleman yield?

Mr. CANNON of Missouri. With pleasure.

Mr. RICH. If I had not thought this was worth while I would have objected in the first place, but I want to see this resolution passed; therefore I did not object. I think we should have had the same privileges for the people of Pennsylvania and New England last year that we are endeavoring to give these people. This is a deserving proposition, and I hope it will go through immediately.

Mr. CANNON of Missouri. I heartily agree with the gentleman from Pennsylvania that he should have had assistance when it was needed, and I am glad to note that, notwithstanding our dereliction in that instance, he is supporting the passage of this bill.

Mr. TAYLOR of Colorado. Mr. Speaker, I move the previous question on the passage of the joint resolution.

The previous question was ordered.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—CROP INSURANCE (H. DOC. NO. 150)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Agriculture and ordered to be printed with illustrations:

To the Congress of the United States:

During the past 4 years the Government has assisted farmers in meeting emergencies of two different types. The first was the collapse of prices resulting from huge surpluses for which foreign markets had disappeared. The second was widespread failure of crops resulting from drought.

Government action helped both farmers and consumers. Meanwhile again it has been shown that neither producers nor consumers are benefited by wide fluctuations in either prices or supplies of farm products.

Convinced that the time has come to take permanent steps to protect farmers and consumers against disasters of both types, I appointed, on September 19 last, a committee of representatives of Federal agencies and requested this committee to prepare a report and recommendations for legislation providing a plan of "all-risk" crop insurance.

The committee has now completed its work, and I transmit to you its report entitled "Report and Recommendations of the President's Committee on Crop Insurance." I have examined this report, and I am convinced that the plan it outlines is practical, socially desirable, and worthy of your thoughtful consideration.

I believe that it provides an adequate basis for legislation which will make possible a program of crop insurance applying to wheat for the crop year 1938. I believe that legislation should authorize application of similar programs to other commodities when it is established that producers desire them and application of the plan to wheat has provided a backlog of experience in applying the principles of crop insurance.

Crop insurance and a system of storage reserves should operate so that surpluses in years of good weather might be carried over for use in years of unfavorable growing conditions. Crop insurance and a system of storage reserves would help to protect the income of individual farmers against the hazards of crop failure; it would help to protect consumers against shortages of food supplies and against extremes of prices, and, finally, it would assist in providing a more nearly even flow of farm supplies, thus stabilizing farm buying power and contributing to the security of business and employment.

The Government also has a special interest in measures which would assist in guarding farmers and consumers against emergencies arising out of extremes of surpluses or shortages. The expense in the past to Federal, State, and local governments arising by reason of crop losses points to the desirability of employing the principle of insurance in order to lessen the cost—financial and human—of future crop disasters.

A program of crop insurance and storage of reserves should be part of the foundation of agricultural policy which we are building, and which must include the conservation of soil and water, better land use, increased farm income, and alleviation of distress in rural areas arising out of factors beyond the control of individual producers.

May I repeat what I have suggested in a former message: That because economic and social reforms of this character are essentially national in scope and in administration, the citizens of our Nation believe that our form of government was never intended to prohibit their accomplishment.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *February 18, 1937.*

EXTENSION OF REMARKS

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my remarks by incorporating in the RECORD a letter from John Bassett Moore on the pending neutrality bill, which I think will be informative to all Members of the House.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DUNN. Mr. Speaker, I ask unanimous consent to insert in the RECORD a resolution adopted by the Legislature of Pennsylvania.

Mr. O'CONNOR of New York. Mr. Speaker, reserving the right to object, does that pertain to judicial reform?

Mr. DUNN. Yes.

Mr. O'CONNOR of New York. I object, Mr. Speaker.

Mr. LUECKE of Michigan. Mr. Speaker, on Tuesday I asked and received unanimous consent to insert in the RECORD a speech of Governor Osborn in the house of representatives at Lansing, Mich. The Superintendent of Printing informs me it is three-quarters of a page longer than the maximum allowed under the rule, and I therefore renew my request.

Mr. RICH. Mr. Speaker, reserving the right to object, what will be the cost to the Federal Government of inserting this speech that was made in Lansing, Mich.?

Mr. LUECKE of Michigan. About $33 over the maximum

Mr. RICH. What will be the total amount?

Mr. LUECKE of Michigan. One hundred and fifty-four dollars.

Mr. RICH. One hundred and fifty-four dollars to print the speech. I cannot object to the request, but it is a pretty big sum for inserting one speech.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

TREASURY AND POST OFFICE APPROPRIATION BILL, 1938

Mr. LUDLOW. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 4720) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1938, and for other purposes, and pending that I ask unanimous consent that general debate on the bill shall conclude not later than 4 o'clock this afternoon, the time to be equally divided and controlled by the gentleman from New York [Mr. TABER] and myself.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4720, with Mr. GREENWOOD in the chair.

The Clerk read the title of the bill.

Mr. LUDLOW. Mr. Chairman, I yield myself 40 minutes.

Mr. Chairman, we bring to you the bill making appropriations for the Treasury and Post Office Departments for the fiscal year 1938. The bill covers many activities and services. The Postal Establishment, which is provided for in this bill, is the largest organization of a business character in the world. We are pleased to point out that we have held the bill below the Budget estimates by $15,041,067, and if we eliminate from our summation the increase in the appropriation to build up the social-security reserve account, an actuarial item over which we have no control, we have held the bill below the Treasury and Post Office Departments' appropriations for the fiscal year 1937 by $99,851. In only one instance have we increased a Budget estimate and decreases in varying amounts have been made in more than one-third of the number of the estimates.

The grand total of appropriations carried in the bill is $1,500,955,151. The total of the Budget estimates for 1938 was $1,515,996,218. At the beginning of old-age security a table of annual increments to be added by way of appropriations to the old-age reserve account over a period of years was carefully worked out. The first increment, contained in the First Deficiency Act, 1936, was $265,000,000. The Budget item for that purpose in the fiscal year 1938 is $500,000,000, an increase of $235,000,000 over 1937, which explains the fact that the grand total of appropriations in the Treasury and Post Office bill for 1938 shows an increase of $234,900,149 over the 1937 bill.

SOUGHT TO PRACTICE ECONOMY

In preparing this bill our subcommittee has sought to practice the strictest economy consistent with the imperative needs of the two departments. The public service is never entirely stationary. As an appropriations subcommittee, we must recognize changing conditions and growth and progress, and yet with all due allowance for these variable factors, it has seemed to us that the condition of the times indicates retrenchment as a policy to be borne constantly in mind as an approach to the goal of a balanced Budget. We have used the pruning knife freely and in some instances have inserted it deeply, but always with an effort to be just and reasonable.

As one who is temporarily honored with the chairmanship of the subcommittee that prepares this great appropriation bill, I want to pause to extend my heartfelt thanks to the gentlemen with whom I am associated on that subcommittee for their splendid cooperation. I refer to Mr. BOYLAN, of New York; Mr. O'NEAL, of Kentucky; Mr. DALY, of Pennsylvania; Mr. HIGGINS, of Massachusetts; Mr. TABER, of New York; and Mr. DITTER, of Pennsylvania. Ours is a happy little family of coworkers, where partisan politics never enters to inject a jangling note and where decisions are reached solely on a basis of what we believe is the public interest. My fellow members of our subcommittee are all men of experience and vision, careful and practical. Mr. TABER, the ranking minority member, is also the ranking member on his side of the full Committee on Appropriations. For his sound advice and generous helpfulness all the way through I wish to express my deepest appreciation.

I have been so closely associated with Mr. TABER, and have been so impressed with his diligence, his fairness, his grasp of public problems, and his zeal in protecting the taxpayers that I cannot refrain from expressing the personal opinion that the Thirty-sixth District of New York made a real contribution to the service of the Nation when it sent Mr. TABER to Washington. And, of course, I need not dwell upon the indispensable services of our clerk, Mr. Sheild, because his superefficiency is known to all men.

CONSOLIDATIONS ARE OPPOSED

With your indulgence, I shall discuss some of the most important features of the bill, beginning with title I, the Treasury Department. Our subcommittee is faced every year with consolidations of estimates proposed by executive officials who present ingenious arguments for greater flexibility of spending authority. Two such consolidations were proposed in the 1938 estimates, one in the Coast Guard and the other in the Public Health Service, but the subcommittee adhered to its traditional opposition to such consolidations and denied them, believing that whatever advantage might accrue in an administrative way would be more than offset by the damage that would be done to the appropriating system of the Government by removing expenditures from the watchful control of the Congress. We believe in the wisdom of having a detailed break-down of all items that are submitted to the Appropriations Committee and the closest possible scrutiny by the committee in passing on the estimates. Whenever a consolidation is granted, the Congress, to just that extent, loses control of appropriations.

EMERGENCY ACTIVITIES

In our opinion, the time has come, in the interest of economy and orderly administration, when the emergency activities associated with the Treasury Department should begin to taper off sharply and drop out of the picture. As long as the set-up under the head of Emergency Banking, Gold Reserve, and Silver Purchase Acts is continued as a separate activity, it maintains on its roll personnel for various permanent and regular offices of the Department. In these circumstances we obtain a very inadequate idea of the personnel of any of these offices when we view its regular force, as it may have as many or more persons, besides funds for "other obligations", on the emergency banking, gold, and silver purchase roll. This presents a situation that is altogether confusing and unsatisfactory. We have undertaken the first step to unscramble this situation by effectuating a new set-up whereby the appropriation which each regular office has been carrying on the emergency roll is segregated in the bill and placed under the particular regular office to which it is attached.

This gives a clear picture at one glance of the emergency activity associated with each regular departmental office and also its regular appropriation, and we believe this presentation will be helpful toward an expeditious termination of temporary activities that should be wound up at the earliest possible date.

The item for reduction in the interest on farm mortgages, the very considerable amount of $24,000,000 in the 1937 bill, does not appear in this year's bill, having dropped out by statutory limitation.

PAYMENTS TO LAND BANK SURPLUSES

We reduced from $24,000,000 to $20,000,000 the Budget estimate of the appropriation to the paid-in surplus of the Federal land banks. The 5-year moratorium on principal payments on farm mortgages extends under statute until July 11, 1938, and meanwhile appropriations are made from the Federal Treasury to keep the surpluses of these banks intact. There will be an estimated unobligated balance in this fund amounting to $19,020,579 at the end of the present fiscal year, which will be a carry-over into the next fiscal year. This is the Treasury Department's estimate, but at the rate of expenditures during the first 6 months of the fiscal year 1937 a carry-over of as much as $24,000,000 would not be unexpected. This, together with the $20,000,000 appropriated in our bill, would give a total of $44,000,000 available to replenish these surpluses during the fiscal year 1938. Our belief in the entire adequacy of the appropriation allowed is fortified by the testimony of Governor Myers, of the Farm Credit Administration, who told of a continually improving situation in respect to repayment of farm loans.

The general picture—

He testified—

shows that in the low of the depression in 1933 only about 40 percent of land-bank loans were in good condition. As of last December 31, 77.5 percent of the loans had all matured installments paid in full. In addition, 7.6 percent had payments extended, but had no delinquency in them, so that practically 85 percent of the loans were not delinquent as of that date, which is a very marked improvement since the summer of 1933.

CUSTOMS AND INTERNAL-REVENUE REFUNDS

It has been our observation that in the matter of refunds, both in the Customs Service and the Internal Revenue Service, the officials have aimed higher than the necessities of the Service require, and we reduced the refund estimates in both of those Services. For customs refunds we allowed $16,000,000, reducing the Budget estimate by $1,000,000. We were justified by experience in doing this, as customs refunds for the first 6 months of the current fiscal year are running at the rate of $15,034,000 per annum and the actual expenditures in 1936 were $15,723,000. For internal-revenue refunds we allowed $30,000,000, which is at the rate of expenditures so far in the present fiscal year. As the amount available for this purpose in the current year is $34,336,355 there is a prospect of a carry-over of several million dollars into the next fiscal year, giving assurance of ample funds to meet refund requirements in the next fiscal year.

The estimate for internal-revenue refunds in 1938 was $35,000,000, and we reduced this by $5,000,000 on apparently unimpeachable grounds, supported by the most abundant evidence that the amount allowed will be sufficient. The total appropriation allowed in this bill for the Internal Revenue Service is $87,798,920, an increase of $27,481,290 over the appropriation for the current fiscal year. The Social Security Act imposed enormous new tasks and duties on the Internal Revenue Bureau, which figure in this increase, although the increase is chiefly due to the fact that the appropriations for refunds was only $6,000,000 in 1937, due to a carry-over of $28,336,355 from the fiscal year 1936.

Appropriations allowed for the Coast Guard provide for continuation of the useful activities of that Service on practically the estimated basis, with $363,500 granted for the replacement of five airplanes and an allowance of $40,000 for worn-out cable replacement. Revival of business and of general activities is reflected in an increase of $1,171,570 in the appropriation for the Bureau of Engraving and Printing, which we allowed in accordance with the detailed estimates.

PUBLIC-HEALTH APPROPRIATIONS

We approved estimates for the United States Public Health Service practically as submitted, allowing that Service $20,746,980, as against Budget estimates totaling $20,753,140 and this year's appropriation of $20,151,075. For diseases and sanitation investigations we allowed $1,600,000, as against $1,320,000 for the fiscal year 1937. There are 24 of these projects, including a new project for the study of chronic diseases, which appears in the estimates this year for the first time. For grants to States for public-health work we allowed

$8,000,000, the full amount authorized by the Social Security Act.

One of the increases in the bill is $1,125,000 in the item of repairs, preservation, and equipment, public buildings, under the Procurement Division. The appropriation for this purpose in 1937 was $1,625,000, and for next year the amount allowed is $2,750,000. This increase is based on careful surveys and is due to the expanding program of occupancy of public buildings. The appropriation for 1937 applied to 2,269 buildings, while the 1938 appropriation will apply to 2,841 buildings.

Mr. MARTIN of Colorado. Mr. Chairman, will the gentleman yield?

Mr. LUDLOW. Yes.

Mr. MARTIN of Colorado. I believe no public building program is carried in this bill?

Mr. LUDLOW. No. Those programs are never carried in this bill. They are carried in a separate measure under the deficiency subcommittee.

POSTAL SERVICE AND PROSPERITY

Coming now to title II of the bill, the Post Office Department, we find a picture that is pleasing to contemplate, a picture of returning prosperity as evidenced by expanding receipts and general increased business activities. A 5-year comparison will serve to show how postal business is improving. In the fiscal year 1934 the receipts were $586,000,000 and the expenditures were $632,000,000. For the fiscal year 1938 the estimated receipts are $755,000,000 and the total amount of appropriations for the Postal Service carried in this bill is $782,469,361. It is estimated that the income of the Postal Service in 1938 will be greater by $40,000,000 than the income in 1937.

The elimination of $26,500,000 for the subsidy to ocean mails has brought the budget of the Department close to the point where tongue and buckle meet; in other words, to the point where collections from postage and postal fees will meet the cost of the service rendered for hire. Of course, it is hardly to be conceived that there will be an actual balancing of the postal budget as long as the nonpostal items, frank and penalty mail, air-mail subsidy, and so forth, amounting to $40,000,000 a year, are charged to postal costs.

INCREASED PERSONNEL REQUIRED

The expanding volume of mail and increased postal activities require an increased personnel to handle the business, and additional space must be purchased in railroad trains to move the mails, and we have anticipated these requirements by raising the appropriations for the Post Office Department and the Postal Service from $780,584,589 in 1937 to $782,519,361 in 1938, an increase of $1,934,772. Represented in this increase are additional clerks, carriers, and messengers, and an increase of five in the force of inspectors.

Mr. HAINES. Mr. Chairman, will the gentleman yield?

Mr. LUDLOW. Yes.

Mr. HAINES. I am very much interested in the statement the gentleman is making, and as the gentleman knows, I am a member of the Committee on the Post Office and Post Roads, and vitally interested in what he is discussing at this time.

Mr. LUDLOW. I am aware of that fact.

Mr. HAINES. I agree with the gentleman that the subcommittee has tried to do a good job and I compliment them on their work. I call the gentleman's attention to the appropriation for the Railway Mail Service, in which $250,000 is struck from the appropriation for the next fiscal year, which, as I understand, gives no opportunity for one additional employee in the Railway Mail Service. If we want to maintain this fine Service which we have built up, and these improvements that we have experienced in the past, does the gentleman think it wise to tie the Department's hands with this decrease in the appropriation?

Mr. LUDLOW. I may say to the gentleman that that particular item is not entirely closed. We are still seeking information in regard to that. The 1937 appropriation for salaries in the Railway Mail Service is $57,000,000. Expenditures for the first 4 months are at the rate of $56,330,000 for the entire fiscal year 1937. That, however, I state frankly, did not include the auxiliary service at Christmas time, and there is a possibility of some necessary extra service in connection with Valentine Day and in connection with the Easter mail, when the mails become appreciably heavier. We allow tentatively the Budget estimate of $56,750,000, pending further investigation of the matter. It may be a close figure. If so, there would be no injury to the Service, because supplementary appropriations might be provided, but at the same time I assure the gentleman that this very day we have that item under further consideration, and if the facts seem to warrant, we will not hesitate to revise that item.

Mr. HAINES. Mr. Chairman, I appreciate that statement from the chairman of the subcommittee. I do not want him to feel that I am criticizing the work of his committee, because that is not my intention, but I do hope there will be some additional allowances given for this Railway Mail Service if we are to maintain the fine service that we have had in the past.

Mr. LUDLOW. I understand the gentleman's good faith in the matter and appreciate his kindly references to our subcommittee, which is trying sincerely to do a good job, and our estimate, as it appears in this bill, was based on the best information we had at the time the bill was written. We are now inquiring further into the matter in order to make an up-to-date check on it, and if the facts warrant, we will give this item further consideration.

We allowed $8,100,000 increase for clerks, $3,100,000 increase for carriers, and $875,000 increase in fees for special-delivery messengers. As the salaries of postmasters and assistant postmasters are automatically raised by increased receipts, we allowed $2,000,000 increase in pay of postmasters and $150,000 increase in pay of assistant postmasters to meet these statutory requirements. For transportation of mail by railroad routes and mail-messenger service we allowed $5,900,000 increase, raising that appropriation from $102,000,000 in 1937 to $107,900,000 in 1938. For vehicle service we allowed an increase of $266,000, and we increased the appropriations for operating force and operating supplies of public buildings a total of $2,625,000, based on the additional buildings that have to be cared for.

In the custodial service for public buildings under the Post Office and Treasury Departments there is a group of workers that is very much underpaid, and in this bill we have allowed $200,000 to be applied to correcting this condition. This money will be distributed administratively as long overdue promotions to the lower-paid deserving custodial employees. Many of those underpaid employees have families. Life has been with them a very hard struggle and the justice of their claims is beyond dispute.

Mr. HAINES. Mr. Chairman, will the gentleman yield further?

Mr. LUDLOW. Yes.

Mr. HAINES. Will it interrupt the gentleman if I refer back to the assistant postmasters, who had an allowance of $150,000, I believe, for additional assistance?

Mr. LUDLOW. Yes. It is proposed to provide for 30 of these additional assistant postmasters. The Department asked for 60, and we allowed 30.

Mr. HAINES. My understanding is that there are 1,792 vacancies in the second-class post offices, where men are entitled to a promotion, and that by reason of lack of appropriation these men cannot have the benefit of promotions to which they are entitled.

Mr. LUDLOW. Does the gentleman mean promotions to place of assistant postmaster?

Mr. HAINES. Yes.

Mr. LUDLOW. I do not know the exact figure. There are many vacancies in the assistant postmasterships, but there is a question in the administrative mind whether they need these filled. They propose to fill a small increment of them, and we have met them halfway on that.

Mr. HAINES. Is that all that the Department has asked for?

Mr. LUDLOW. They asked for 60 additional. There is provision also for increased pay for assistant postmasters, based on the receipts of their offices.

Mr. HAINES. They did not say anything to the committee about the 1,792 promotions of men who are eligible for promotion?

Mr. LUDLOW. There was a general discussion about the number of vacancies in the office of the Assistant Postmaster General. I do not think the point the gentleman makes was brought out, but many of those places where there are vacancies in the office of the Assistant Postmaster get along fairly well now, and times are hard, and the taxpayers are hard pressed, and we did not think, and the Department did not think, we ought to go ahead and provide for filling all those vacancies.

Mr. HAINES. That is the statement I wanted from the gentleman, and I thank him.

Mr. RUTHERFORD. Mr. Chairman, will the gentleman yield?

Mr. LUDLOW. I should like to complete my general statement, and then I shall be glad to yield later.

Mr. RUTHERFORD. Mr. Chairman, will the gentleman yield?

Mr. LUDLOW. I yield.

Mr. RUTHERFORD. Can the gentleman give us some idea as to when we shall return to 2-cent postage?

Mr. LUDLOW. I may say to the gentleman from Pennsylvania that in my judgment not so long as the present administration of the Post Office Department continues, because the Post Office Department as at present constituted is very strongly opposed to returning to 2-cent postage. The claim is made that a return to universal 2-cent postage would cause a loss of $100,000,000 a year in revenue based on estimates and surveys that have been made by the Post Office Department; and the Department is unalterably opposed to any change in the postage rate on first-class mail.

Mr. RUTHERFORD. I take it, then, we are due to have 3-cent postage during the rest of this administration at least.

Mr. LUDLOW. If the gentleman will indulge a personal thought about the matter, I may say that I think the Department has not made sufficient calculation of the probable increase in the bulk of mail that would be occasioned if we returned to 2-cent postage, and that their estimate of loss is too high; but this is just my own thought about the matter.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I yield myself 20 additional minutes.

Mr. Chairman, in this bill provision is made for the first time for the establishment of trans-Atlantic air mail on regular schedules. This is in a sense an epochal event and a subject of intriguing interest. The time has come in the evolution of the factors of world progress and the development of agencies for human convenience when it seems to be accepted as a foregone conclusion that this service should be established.

While the trans-Atlantic item included in this bill is concerned only with carrying the mails, it is reasonable to contemplate it as the fulcrum for ushering in great possibilities of passenger and express service, as well as the quickening of mail transportation, since the enormous planes that will carry the mail overseas will also transport passengers and express. If this appropriation is approved, the tenth year following the flight of the Lone Eagle to Paris will witness the beginning of a regular trans-Atlantic air and passenger service with four round trips or eight single passages a week, carrying mail, passengers, and freight between America and England. I hope I may be pardoned if I indulge a personal reference at this point. When it fell to my lot as president of the National Press Club in 1927 to introduce Colonel Lindbergh to an immense and wildly enthusiastic audience at the National Capital on the night of his return from his historic flight to Paris, I little dreamed that a brief decade would usher in the establishment of regular air mail and passenger service across the Atlantic, or that it would be my privilege and duty as a Member of Congress to report an appropriation for that purpose. With these modern argosies of the skies, vehicles of transport and carriers of intelligence, operating on regular schedules between landing fields at New York or some other Atlantic seaport and London, we may well say that the genius of our aviators has accomplished marvelous results in overcoming the vast stretches of treacherous ocean and bringing the two hemispheres close together.

Under provisions of this bill trans-Atlantic air-mail service will start with an appropriation of $750,000 for that part of the fiscal year 1937–38 when this service is expected to be in operation. The development of the trans-Atlantic air program, of which this is the beginning, has been a matter of slow growth, featured by numerous international conferences. During the last year a number of missions came over from foreign countries to discuss the problem with officials of our Government. Second Assistant Postmaster General Harllee Branch, Assistant Secretary of State Walton Moore, and representatives of the Department of Commerce and the Army and the Navy sat in at these conferences. There were missions from Britain, France, Germany, and the Netherlands, made up chiefly of officials of the communications departments of the various countries.

FOUR ROUND TRIPS A WEEK

The negotiations between the British and our American officials early took the lead among these pourparlers and reached a climax when an understanding was arrived at on a practical working arrangement for the establishment and operation of trans-Atlantic air mail on a strictly reciprocal basis. It is to carry into effect this 50–50 compact between the two great English-speaking nations that the initial appropriation is carried in this bill. The plan provides that America shall operate two trans-Atlantic round trips a week and the British shall operate the same number, making four round trips per week, half of which will be a British service and half of which will be a United States service. The termini of the two services will be landing fields at New York and London. There will be two contracts. We will have our own contract with a United States contractor for service going from this country and the British are going to have a similar amount of service with a British contractor—two round trips a week from their country over here. On their return trip to America the American airships will bring British mail, bearing British stamps, the receipts of which will belong to Britain, and vice versa the British airships on their return trip from America to London will take American mail, with American stamps affixed, the receipts of which will belong to America.

The poundage will be weighed in each instance and the money transaction between the two countries will be measured by the difference in poundage. In other words, neither country will hold back mail for its own ships to carry, both sides being agreed that in the interest of the utmost expeditiousness mail shall be dispatched on the first ship that goes out.

The American trans-Atlantic air mail will be flown over two routes known, respectively, as the northern and the southern routes.

The distance by the northern route from New York to London via Shediac, Nova Scotia, and Ireland is 3,418 miles. The step-off from Newfoundland to Ireland is a sheer distance of 2,000 miles over water, without any landing places. By the southern route the distance from New York to London is about 5,000 miles, but the hazard of flight is relieved by numerous landing places. The various legs of this flight are as follows: New York to Bermuda, 773 miles; Bermuda to Azores, 2,067 miles; Azores to Lisbon, 1,050 miles; Lisbon to Gironde, 609 miles; Gironde to London, 500 miles; total, 4,999 miles.

SOUTHERN ROUTE THE BEST

The northern route, it will be seen, is the shorter of the two routes by more than 1,500 miles, but the safety factors are on the side of the southern route, and will be until more experience has been acquired in combating storms and ice in the high northern altitudes. Until such time, therefore, it is expected that most of the flying will be by the southern route, which is safe at all seasons of the year. The scheduled time for making the flight by the northern route will be between 24 and 30 hours and by the southern route between 36 and 40 hours. When we recall that the fastest steamships—the *Queen Mary* and *Normandie*—consume 4 days and 20

hours making the trans-Atlantic trip from port to port, we have an idea of the extent to which the new air service will quicken mail, passenger, and express transportation.

INITIAL APPROPRIATION, $750,000

To maintain the trans-Atlantic service as thus described on a basis of full performance would require an appropriation of about $1,800,000 a year from the United States Treasury. Theoretically, this would provide for 6 months flying each year by the northern route and 6 months by the southern, but as already stated it is expected that on account of meteorological conditions and pending further experience, most of the flying will be by the southern route.

Mr. McMILLAN. Mr. Chairman, will the gentleman yield?

Mr. LUDLOW. I yield.

Mr. McMILLAN. While New York, as the gentleman states, has been designated the western terminus, yet on account of weather and other conditions that may arise other cities along the eastern seaboard have been designated, too, have they not?

Mr. LUDLOW. That is true. It is expected that New York will be the main terminus on this side of the Atlantic, but Charleston, in the gentleman's State, and Baltimore, in Maryland, have been designated as alternative termini dependent on weather and other conditions. It may be that part of the service will operate from Charleston and part from Baltimore.

Mr. McMILLAN. And because of meteorological and other conditions to which the gentleman has referred, this service as well may be conducted out of some of these other cities the gentleman mentioned as out of New York.

Mr. LUDLOW. I think that is undoubtedly true, and I am glad the gentleman makes this contribution to the discussion, because the Post Office Department has in mind these additional seaport cities as possible termini in certain exigencies, meteorological or otherwise.

Mr. McMILLAN. I may say for the information and benefit of the gentleman from Indiana that my city has already undertaken the laying out of airport and other facilities to provide for this service.

Mr. LUDLOW. The Budget Bureau submitted an estimate of $1,208,640 to enable the United States to function on its end of the American-Anglo agreement during the last 8 months of the fiscal year 1938, beginning on November 1 next. That estimate was based on 100 percent frequencies from the beginning.

We reduced the amount to $750,000, basing our action on the well-known fact that such enterprises are slow and gradual in starting. We also had before us the object lesson of the trans-Pacific air-mail service, where the initial appropriation proved to be excessive, due to the fact that it was quite a while before the service reached the stage of 100-percent performance. With frequencies likely to be uncertain for a time, we believe we have allowed all the money that will be required to put the trans-Atlantic service on a going basis during the next fiscal year, even if it should start promptly on November 1 as planned.

In our belief that we have provided sufficient funds to begin the service, we are fortified by the testimony of First Assistant Postmaster General W. W. Howes (p. 245 of the hearings):

> When this operation starts out, it probably will not develop very fast right away—

He said—

> because it will be experimental, and the frequency may not be as regular to start with as it will be when it is finally developed.

Two departments of the Government—the Post Office Department and the State Department—are deeply interested in the establishment of this trans-Atlantic air service. It also is cordially approved by the War Department, which sees nothing objectionable in it from a national-defense standpoint. As an argument against delay it is contended that it would be in the interest of America to close the matter at once while it has British acquiescence.

Mr. O'CONNOR of Montana. Mr. Chairman, will the gentleman yield?

Mr. LUDLOW. I yield.

Mr. O'CONNOR of Montana. What is the loss the Government sustains in the furnishing of this air-mail service of which he is now speaking?

Mr. LUDLOW. I do not quite understand the gentleman's question.

Mr. O'CONNOR of Montana. To what extent does the Government have to subsidize the transportation of mail across the ocean?

Mr. LUDLOW. A change is now taking place because of an act that passed the last Congress transferring mail from a subsidized merchant-marine service to a regular poundage basis. Formerly it was heavily subsidized. As I recall it we were paying $26,500,000 under the merchant marine act and on a poundage basis the mail is being carried for $3,000,000 or $4,000,000. There is a differential between the two systems of something like $23,000,000.

Mr. O'CONNOR of Montana. That it is costing the Government to maintain the service?

Mr. LUDLOW. No longer, because at the present time we have begun operations under the new merchant marine act. Theretofore there was a heavy subsidy borne by the Mail Service.

It is pointed out that the United States has no way to send air mail to Europe now, or at any time in the future, unless Britain allows it to get there, as the termini and intermediate landing points are controlled by the British. This is true as to Nova Scotia, Newfoundland, and Ireland on the northern route and Bermuda and the Azores on the southern route. The Azores are Portuguese territory, but conceded to be under the British sphere of influence.

DEPARTMENT IS ENTHUSIASTIC

The Post Office Department visualizes immediate success for the service and a complete fulfillment of expectations in a big way. Whether or not its optimism is well founded remains to be seen, but certainly all of the factors of success seem to be in the equation. The air-mail postage rate proposed for trans-Atlantic mail is 25 cents per letter of one-half ounce and 25 cents additional for each half ounce or fraction thereof. This compares with the existing mail rate of 5 cents an ounce and 3 cents for each additional half ounce on mail sent by steamboat to foreign countries. The service contemplates the use of air mail all the way from point of origin to point of destination. That is to say, if a citizen of Indianapolis desires the service of trans-Atlantic air mail to London, his letter would go via air mail from Indianapolis to New York and by air mail from the landing point on British soil to London.

Based on close calculations of the prospective volume of mail, the Department predicts that at the 25-cent rate, the revenues would pay the contractual obligations at $2 per mile and the service would be self-sustaining from the start, which would differentiate it very markedly from the air service to China which, although it has been in operation since November 22, 1935, still registers a big annual deficit.

The picture of the trans-Atlantic air mail that is in the minds of the Post Office Department officials visualizes London as the funnel through which air mail from all over Europe will be gathered and sent to America.

On the other hand, New York is visualized as the funnel through which mail coming from the Orient, all countries in the Western Hemisphere, north of Brazil, and all of the United States will pass on the way to London and points in Europe. From Hong Kong to San Francisco is 6 days by the *China Clipper* service; from San Francisco to New York is 1 day by fast plane, and from New York to London will be 30 hours, so that mail from Hong Kong crossing North America will reach London in 8 or 9 days by trans-Atlantic air mail.

BASIS OF COMPETITIVE BIDS

The contract for carrying the trans-Atlantic mail at a maximum cost of $2 a mile will be awarded on the basis of competitive bids. It is probable that the service would start with the four-engine clippers that pioneered the Pacific, but testimony before our subcommittee described plans for constructing enormous new ships for this trans-Atlantic service, one of 60 tons and one of 125 tons.

The *China Clipper* ships now in operation are about 25 or 26 tons, with a wing spread of 130 feet. The new ships will be immensely larger. It will be written into the contract that all airships used in this American Postal Service must be built in America and that the contractor shall employ only Americans.

The Post Office Department and the State Department believe after exhaustive investigations that trans-Atlantic air mail will be very profitable and desirable from the standpoint of America. The postal appraisal of the project was stated by First Assistant Postmaster General Howes as follows:

In my opinion, there is nothing in the world, from the mail-carrying standpoint, that has any better potentialities for heavy business than this route from the east coast of the United States to Europe. That is naturally a heavy mail operation, as is shown by the ocean mail now.

NEW ALASKA AND SOUTH AMERICAN SERVICE

We also authorized three increments to our foreign air-mail service, including a second weekly flight on route 10 from Para by Maranho, Pernambuco, Bahia, and Victoria to Rio de Janeiro, 2,477.8 miles and return. The Budget estimate of the cost of this service was $386,537, but we believe the service can be secured at a much lower rate, since performance is now going on without Government aid from the revenue derived from passengers and express. We have allowed $200,000 for this desirable air-mail service and hope that a satisfactory arrangement can be effected with the contractor on that basis.

Mr. HAINES. Mr. Chairman, will the gentleman yield for a further question?

Mr. LUDLOW. I yield.

Mr. HAINES. I do not understand clearly whether the Post Office Department or the Government is to purchase these ships or whether they are to be privately owned.

Mr. LUDLOW. They will be privately owned. They will be furnished by the contractor the same as is done now, not by the Air Mail Service.

Mr. HARLAN. Mr. Chairman, will the gentleman yield?

Mr. LUDLOW. I yield.

Mr. HARLAN. Has any provision been made or any door left open for lighter-than-air ships?

Mr. LUDLOW. The gentleman refers to dirigibles?

Mr. HARLAN. Yes.

Mr. LUDLOW. I may say to the gentleman from Ohio that that matter was never submitted to the subcommittee by any person, but since the bill was reported it has been brought to my attention by several Members on the floor who feel that dirigibles should not be excluded. I find by referring to the Air Mail Act that the appropriation could not be made in this bill because it is specifically provided in the Air Mail Act that air mail must be carried by airplanes. Furthermore, I took the matter up with the Post Office Department officials, Mr. Harllee Branch, Second Assistant Postmaster General, and it is the belief of the officials of that Department, concurred in I understand by the State Department, that it would virtually wreck this particular proposal to provide for dirigible service for the reason that it has all been oriented around airplanes.

It must be borne in mind that this is not an exclusive undertaking on the part of the United States. It is a cooperative undertaking with England, and the whole arrangement has been fashioned around the airplane. Furthermore, it is provided in the Air Mail Act that the maximum pay for carrying the mail shall be $2 a mile. No dirigible on earth could carry the mail at any such rate; therefore, as the legislation stands now this would automatically exclude the dirigibles. However, I want to make these statements without prejudice against the dirigible, but I am firmly of the belief it could not be articulated in with this particular program. If it is the desire to go ahead with the promotion of the dirigible in this connection, it should be taken up in a legislative way by the enactment of a new law that would cover the situation.

Mr. WHITE of Idaho. Will the gentleman yield?

Mr. LUDLOW. I yield to the gentleman from Idaho.

Mr. WHITE of Idaho. I have several questions to ask the gentleman about several of these appropriations. Will there be an opportunity at the close of his address for me to ask him questions as to certain items in this appropriation bill?

Mr. LUDLOW. I should like to finish my address first. I will yield to the gentleman if he has detailed questions, and they may be taken up, I am sure, under the 5-minute rule.

Mr. WHITE of Idaho. I am seeking information from the committee and its chairman, and I should like to know at this time if there will be opportunity at the close of the gentleman's address to ask him questions and receive information.

Mr. LUDLOW. I will answer the questions to the best of my ability.

This appropriation would provide an additional flight a week down the east coast of South America to the populous districts of southern Brazil around Rio de Janeiro, São Paulo, and Santos. It has heretofore been once a week. The service will expedite business correspondence, as well as other important correspondence, something like a week. Testimony before our subcommittee was that our businessmen are patronizing the South American air mail freely; that it is growing rapidly; that it is justifying itself and is proving very useful in developing business and promoting friendly relations.

I may say I had a very interesting conversation with Mr. Secretary Hull on that point. He had just returned from South America and he is most enthusiastic over the value of this service to our country.

Mr. O'CONNOR of Montana. Will the gentleman yield?

Mr. LUDLOW. I yield to the gentleman from Montana.

Mr. O'CONNOR of Montana. The gentleman states we are carrying this on a sort of cooperative basis with England?

Mr. LUDLOW. The gentleman is speaking about the trans-Atlantic service. I was discussing the South American air-mail service.

Mr. O'CONNOR of Montana. I am referring back to the trans-Atlantic air-mail service. Does England bear the same measure of loss as the United States in connection with this matter?

Mr. LUDLOW. I have not seen the agreement, but I understand they are in every respect exactly on a par. It is reciprocal in every way, and the service is identical. The obligations are identical. Their service will be rendered by the Imperial Airways, which is the outstanding British aviation company engaged in foreign air service.

Mr. O'CONNOR of Montana. And relatively their loss will be the same as ours?

Mr. LUDLOW. As I understand it, the whole thing is on a basis of absolute equality.

We also allowed $17,415 for shuttle service once a week from Arica, Chile, to La Paz, Bolivia, 197 miles to connect the main route of the Pan American line on the west coast of South America with Bolivia. This service is justified from the standpoint of international relations and commercial prospects.

The other increment of foreign air mail approved is a line from Juneau, by Whitehorse, Yukon Territory, and Tanacross, to Fairbanks, Alaska, the appropriation allowed being $68,692 for service, one round trip a week. The distance between the termini—Juneau and Fairbanks—is 660.5 miles. In Alaska and the Pacific Northwest there has long been a great and insistent demand for Alaska air-mail service. Mr. DIMOND, the able Delegate from Alaska, has been most persistent and convincing in his advocacy of Alaska air mail. On account of terrain and meterological conditions, it is obvious that if Alaska, a territory of vast and unfathomable riches, is ever to be developed at all, air mail must be drawn upon heavily for that development. Our subcommittee, in approving this comparatively inexpensive service from Juneau to Fairbanks, believes it will function in the public interest and will be the means of some valuable pioneering work, which will show more clearly a year or two hence how important a part air mail will have in the further development of Alaska.

DOMESTIC AIR MAIL

For domestic air-mail service during the fiscal year 1938 we have granted the full estimate of $14,250,000. The appropriation for 1937 was $12,000,000, but already a deficiency of $984,000 has been allowed. The Interstate Commerce Commission fixes the rates paid to the domestic air-mail contractors, and it has granted many increases which are reflected in the estimate. The amount we have allowed for 1938 to operate the contract air mail will maintain all existing services and schedules and will provide $400,000 for about 1,800 miles of new routes and extensions. This mileage will be divided in the proportion of about 10 percent for extensions and 90 percent for new routes.

[Here the gavel fell.]

Mr. LUDLOW. I yield myself 5 additional minutes.

This will allow the establishment of new routes totaling about 1,620 miles. In addition to this new service the sum of $770,954.40 will be available to increase frequencies on present routes and schedules. This concludes the more important items of the bill. We believe we have brought to you a bill that is not only economical but constructive and forelooking. We believe that it stands for progress, but at the same time protects in every proper way the rights and interests of the taxpayers.

Mr. WHITE of Idaho. Will the gentleman yield?

Mr. LUDLOW. I yield to the gentleman from Idaho.

Mr. WHITE of Idaho. On page 28 of the bill, under the item of "Bureau of Engraving and Printing", I find an appropriation of $7,500,000 for the maintenance of that Bureau. This is a bureau, as I understand it, that prints and engraves Federal Reserve notes and the currency which goes into circulation in this country?

Mr. LUDLOW. It also prints postage stamps, revenue stamps, and other stamps, Government bonds, and general Government securities.

Mr. WHITE of Idaho. I understand the Federal Reserve banks pay for this service at the rate of 35 cents a thousand dollars of currency. I note in the report on this bill there is an increase of $1,171,570 over the expense incurred last year. I am wondering what brings about the need for that increase?

Mr. LUDLOW. This is based on an increased volume of work. This has been very closely estimated and, according to our best judgment, we thought it was entirely justified. They are trying to build up a reserve there, as I understand it, and the increased volume of the general business of the country requires many different stamps. The printing of postage stamps has been largely increased; revenue stamps have also largely increased, and the great volume of additional work due to the increase and revival of business and returning prosperity is reflected in that item.

Mr. WHITE of Idaho. Is not one of the reasons for the large expense of the Bureau of Engraving and Printing due to the practice of bank tellers all over the country retiring currency that is a little bit soiled and sending it back to the Treasury Department?

Mr. LUDLOW. I do not believe the Bureau of Engraving and Printing has anything to do with that. That is a Treasury item.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I yield myself 3 additional minutes.

Mr. WHITE of Idaho. Under the practice being followed for the issuance of currency, I find also on the next page an item under the heading of "Secret Service" for suppressing counterfeiting and other crimes, and so forth, of $790,000. That is an expense the Government is bearing, as I understand it, to protect these Federal Reserve notes that are issued and put into circulation by the Federal Reserve banks, and they are the chief beneficiaries?

Mr. LUDLOW. I think the appropriation for the maintenance of the Secret Service is to protect the people of the United States against counterfeiting.

Mr. WHITE of Idaho. It is for the definite purpose of protecting the Federal Reserve bank from counterfeiting. There is no return to the Government from those Federal Reserve notes except the cost of printing, which is said to be 35 cents a thousand dollars of currency. Does not the gentleman think under the circumstances when we are paying $7,000,000 to maintain the Bureau of Engraving and Printing and this Secret Service organization that it is expensive and excessive?

Mr. LUDLOW. I may say to the gentleman, with all due respect, we are simply an appropriating committee. If I understand the gentleman's viewpoint, he complains of matters that are governed by substantive law, and we have nothing to do with them in an appropriation bill. The gentleman should take up any matter of legislation to be embodied in the bill with the appropriate legislative committee.

Mr. WHITE of Idaho. Is it the gentleman's contention that the members of the Appropriations Committee should not scrutinize these items when they bring in an appropriation bill that calls for an increase of $1,000,000 in an appropriation?

Mr. LUDLOW. I may say to the gentleman that we scrutinized every item in the bill with the greatest care. [Applause.]

Mr. THOM. Mr. Chairman, will the gentleman yield?

Mr. LUDLOW. Yes.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I yield myself 1 additional minute.

Mr. THOM. In the allocation of moneys for the old-age reserve fund, I believe the sum is $500,000,000.

Mr. LUDLOW. Correct.

Mr. THOM. How does that compare with the estimated income from the beneficiaries and employers for the year?

Mr. LUDLOW. I may say to the gentleman I do not think anybody on the face of the earth could tell that. It was brought out that this was simply a stab in the dark. They have to build up, under statutory requirements, an old-age reserve account, and they have estimated, perhaps blindly, what the annual increments must be. They follow, however, very closely the estimate of the Ways and Means Committee and the Finance Committee of the Senate, which prepared a table of annual increments when this legislation was enacted. I think they follow exactly the estimate of the Senate Finance Committee, deviating somewhat from the Ways and Means Committee estimate, because there were certain changes made in the bill after it was sent to the Senate. [Applause.]

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield 30 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, the remarks I am about to make and the task I have assigned myself are about the most difficult I have ventured to undertake since I have been in Congress; to talk upon the Court issue, as far as humanly possible, from a nonpartisan point of view. To do so I must put a soft pedal on my own pronounced views and speak with mufflers.

A good many years ago, back in 1912, I left the Republican Party on a matter of principle because I thought Theodore Roosevelt had been robbed of a nomination. As I look back upon it, it was a picayune and a trifling issue compared with what Members of Congress are now confronted with, and particularly, those on the majority side; and I think I have some right, as one who has at times differed with the leadership of my party while in Congress, to speak on this issue, not for the purpose of attacking the President, not even for impugning his motives or his intentions, but for the purpose, as I go along, of trying to explode certain myths that have been presented to the public by skillful propaganda.

At the outset of my remarks I want to make the following statement:

I do not believe that the flame of liberty has burned so low and the love of our free institutions and constitutional government has so waned that Members of Congress will deliberately, by their votes, destroy the independence and impartiality of the Supreme Court and make it a sounding board and a rubber stamp to register the edicts and the decrees of the President, be he a Republican or a Democrat,

be he the best or the worst Chief Executive. Any Representative who votes to pack the Court by six additional Justices will be a marked man as long as he lives.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. FISH. I would rather proceed for a while without interruption.

This issue is the most vital and far reaching affecting our form of government since the Civil War and, possibly, since the formation of the Constitution itself.

Mr. McFARLANE. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. McFARLANE. Mr. Chairman, the gentleman is reading from something and has failed to give us the benefit of knowing what document he is reading from. If they are the gentleman's own remarks, I would like to know it.

Mr. FISH. They are my own remarks and constitute a brief introduction to my main purpose of exposing the myths in connection with the Court issue. It is not for me to advise Democrats how to vote. I have always said that Democrats are just as loyal to our free institutions and constitutional government as Republicans.

Mr. WHITE of Idaho. Mr. Chairman, I make the point of order that the Member is not speaking to the legislation under consideration.

The CHAIRMAN. The point of order is overruled. We are in general debate, which allows every possible latitude.

Mr. FISH. Republicans and Democrats served shoulder to shoulder in the World War to make the world safe for democracy. Now, even Raymond Moley says this is a blow aimed at the very heart of democratic institutions and makes the President the master of the Supreme Court. If Democratic Members of Congress want to vote to commit political suicide that is their concern and not mine. I predict, however, that practically every Democrat from the South will be opposed, and rightly so, within his own party if he votes to impair or destroy constitutional government, and, certainly, those in many sections of the North and West will be replaced by Republicans.

If I could put my partisanship above my faith in our three separate and independent branches of government and in the Constitution, I would be delighted to have the President put through his program to pack the Court, for it would be a tragic political blunder, and would poison the minds of the people against President Roosevelt, in whom they have so recently shown their confidence and trust.

It must be evident to all that the independence of the Supreme Court would be immediately destroyed and that the Court would lose the respect of the people if the President's plan to pack the Court is adopted by Congress. The Congressmen who support it at the President's bidding would never hear the end of it, and I believe the adoption of the President's program would do more to restore the confidence of the people in the Republican Party than anything that that party could do itself.

Where did the President's proposal originate? With whom did he confer? With what Congressmen? Who is the mother and who is the father of the plan to increase the Court by six new members? What is its parentage? Is it a bastard child of unknown parents? Did the President confer only with Prof. Felix Frankfurter and Donald Richberg, as reported in the press? There is nothing in the Democratic platform about the proposed rape of the Supreme Court, but there is a reference to clarifying constitutional amendments and that is the proper way to rectify defects in the Constitution.

I propose to try to explode a number of myths that have been built up through skillful propaganda in support of the President's plan, both in the press and over the radio. Among these myths are those dealing with the delay on constitutional amendments, the age of the Justices, the attitude of Abraham Lincoln, trying to make the issue one between liberals and conservatives instead of between liberals and radicals, the statement of Representative MAVERICK that the protests from back home are inspired by the same type of propaganda as that during the consideration of the utilities-control bill, and, above all, that the rights of free speech and of radicals and minorities are not consistently upheld by the Supreme Court.

Let us take up, first, the myth that has been developed about the delay in adopting constitutional amendments. I happen to be one of those Members of Congress belonging to the liberal element on the Republican side that favors constitutional amendments. I would favor a number of constitutional amendments on this particular subject involving the Supreme Court. I would be prepared to vote for an amendment to limit the ages of the Justices to 70 years or preferably 75 years, if the people back home wanted it done. I would be prepared now—and I would like to see my party do it—to advocate an amendment to the Constitution enabling Congress to enact minimum-wage laws for men, women, and children. One of the reasons given by the President for his drastic proposal is the invalidation by the Court through a 5-to-4 decision of the minimum-wage law of New York State. I say in all sincerity, with absolute conviction, I would favor an amendment to the Constitution, or rather I would vote for such a resolution in the House to submit an amendment to the people for their decision enabling Congress to overrule the Supreme Court on 5-to-4 decisions by a two-thirds vote.

I believe that would be a conservative proposition, because the people back home, like many of us, are disturbed by these 5-to-4 decisions. They are unpopular, they undermine the confidence and respect of the people in the Court. Therefore, because I believe in the Court I would like to see an amendment go through, if the people wanted it, to permit the Congress to override 5-to-4 decisions by a two-thirds vote just the way a veto of the President is overridden or by the same method and vote that a constitutional amendment is initiated by Congress.

I believe that the people are the masters of the Constitution, the masters of the Congress and of the President, that if anything is wrong with the Constitution, if there is any defect, then it can be remedied and corrected in one way, by a constitutional amendment, adopted by a two-thirds vote of the Congress and submitted to the people back home for their ratification by three-quarters of the State legislatures.

That is the essence of popular government, that is having faith in the people, and that is what I believe most of the American people themselves believe in, and, above all, that is what liberals believe in. They are opposed to autocracy, they are opposed to concentrating too much power in the hands of any one individual. They believe in the three separate and independent branches of the Government and in our representative and constitutional Government itself. Liberalism is the extension of democratic processes of government and the right of the people to rule.

Let us look at the record in answer to the charges made that you cannot put through within a reasonable time a constitutional amendment.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. FISH. I would rather not, now.

The twelfth amendment was adopted in 9 months; the thirteenth amendment was adopted in less than a year; the fifteenth amendment in a little more than a year; the seventeenth amendment in just over a year; the eighteenth amendment in just over a year; the nineteenth amendment in 14 months; the twentieth in 11 months; the twenty-first in less than a year. This is conclusive evidence, utterly undeniable, that the American people can act when they want to act within a reasonable time and generally within a year. If the President had sent in a proposed amendment to the Democratic-controlled Congress when the N. R. A. was declared unconstitutional that amendment could have been ratified back home by this time if the people wanted to ratify it. The reason many of us are opposed to this procedure is not that we are not in favor of progressive legislation but because it is an un-American and undemocratic way of doing it. It is because it destroys the independence of the Court and destroys the confidence of the people in

the Court, and makes it nothing but a rubber stamp to carry out the decisions of the President.

But that is not the only reason, because you attempt to do something that is apparently constitutional but which actually violates the spirit of the Constitution by putting new judges on the bench to interpret the Constitution, not as written, but the way some one man wants it interpreted in an unconstitutional manner. So much for that one particular myth as to not being able in reasonable time to pass a constitutional amendment. The Supreme Court is the living voice of the Constitution to maintain its supremacy, and a government by law and the people can change or amend the Constitution.

Let us now take up another myth, the question of the ages of the Justices. If the President is right, if his logic and reasoning are sound, then when he says that men over 70 years of age are superannuated, that they are disqualified on account of age and incompetent to sit on the highest tribunal, in spite of the experience of the past, when practically all our Chief Justices were over 70 years of age before retiring, then by the same token the Members of the House who are over 70 are superannuated and incompetent to serve their districts. Without desiring to be personal, let me call the attention of the House to the fact that the chairman of the Appropriations Committee is in his seventieth year, that the chairman of the House Committee on Ways and Means is well beyond his seventieth year.

If the President's logic is correct, then these districts so represented here in Congress should elect additional Members to serve alongside the sitting Members in order that these districts may be properly represented. If the President is correct, then there should be two more members of the Cabinet to help out the Secretary of the Navy as one who is well over 70, and the Secretary of Commerce, who is in his seventieth year. If the President is correct, then the Vice President of the United States should retire from office before his term has expired or we should elect an additional Vice President. So there is no use going further into the ages of the various Members of the House or the Senate except to say that in the other body some of the most outstanding and brilliant Members, some of the most active and aggressive, are well beyond the age of 70. I refer to Senator BORAH, a liberal; Senator NORRIS, a liberal; and Senator GLASS, a conservative. So much for that myth that those over 70 years of age are superannuated and not qualified to hold public office.

Now, let us discuss some other myths. I am not impugning the President's motives for the sake of partisanship—I admit that he is the most skillful politician in America. I admit that he knows more about building up public opinion and broadcasting propaganda than any one man who has sat in the White House for many years [applause]; and I admit further that if he can make the people back home believe that this is an issue between conservatives and liberals that his program will go through. If he can succeed in making that issue and placing the American Liberty League, the big taxpayers, and the big bankers before the people as leading the fight against his court program, and succeed in his attempts to make out to the people that this is a conservative against a liberal proposal, he will win and will control the Court. The liberals, however, headed in the other body by Senators BORAH, JOHNSON, WHEELER, GEORGE, and FRAZIER, and in whose ranks are numbered many other liberal Senators of distinction, do not propose to permit any such issue to come before the American people.

I believe, for one, that this is an issue between conservatives and liberals as against radicals, Communists, and Socialists; that it is a direct issue between those radical forces that have no faith in the Constitution, that would like to undermine it, and the liberals who have faith in our Constitution and in the Supreme Court. The liberals believe that the Constitution is the greatest charter of human liberty ever conceived by the mind of man. They believe the Constitution is the palladium of American liberties, that it is what makes for our rights and liberties as free, sovereign people, that it is the barrier and the bulwark against the autocracies and dictatorships of the Old World, including fascism, nazi-ism, and communism. As Al Smith justly says, "It is the civil bible of America" that protects the rights and liberties of the minorities, racial and religious, foreign-born and Negro.

The colored people have more at stake in maintaining the Constitution instead of destroying the independence of the Supreme Court than any single group in America today. Only recently the Supreme Court acted and saved the lives of a number of young Negro boys condemned to death in a Southern State probably because of the agitation of Communists in their behalf that had roused unfavorable public opinion. Yet, to protect the lives of these colored boys, the Supreme Court of the United States stepped into the breach—in the Scottsboro case. Yet, efforts are being made to make the Supreme Court appear as the enemy of the poor man, thus undermining the confidence of the people in the Court, whereas the Court has been the guardian of the people's liberty, including freedom of speech, of assembly of the press, and of trial by jury.

More recently in an Oregon case a Communist had been sentenced to 7 years imprisonment under a syndicalist law of the State of Oregon because he had made some statement that was thought to be critical of our institutions.

Mr. PIERCE. No, no; he just presided at the meeting.

Mr. FISH. Because he spoke.

Mr. PIERCE. No; he only presided at the meeting.

Mr. FISH. Well, he spoke if he presided. He spoke at some meeting in Portland, Oreg. He was an American citizen and he spoke at some meeting. The court held him liable under an antiquated syndicalist law. The Supreme Court again stepped into the breach and upheld the right to freedom of speech by a unanimous vote.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. FISH. Certainly.

Mr. McCORMACK. There was no incendiary act or expression on the part of this man. He merely attended a meeting of Communists. Attendance at such meeting was declared to be a crime and, of course, the Supreme Court acted correctly in that case.

Mr. FISH. I thank the gentleman.

Now, one of the proponents of this bill, notably Governor Earle of the State of Pennsylvania, made a speech the other day in Springfield, Ill., on Lincoln's Birthday, using Lincoln's name and memory, and saying he would have done likewise and would have supported the present program to control the Court.

That was a slur and slander upon Abraham Lincoln. He would never have joined in any program to destroy the independence of the Supreme Court. Abraham Lincoln had faith in the people. He said, Tell the people the truth and the country is safe. Even in his first inaugural address a good part of it was given over to the statement that if anything is wrong with the Constitution then amendments should be submitted to the people, who should decide the issues themselves. Lincoln had a profound faith in the people. Lincoln believed the Constitution was all the law and the prophets. Lincoln, it is true, disagreed with the Dred Scott decision, but he did not resist it. He did not try to destroy the Court. But he did favor amendments to the Constitution because he believed that the people back home were the masters of the Constitution and they could do whatever they wanted. That is an entirely different kind of doctrine. That is another myth that should be exploded.

The only argument the proponents of the President's Court program offer so far as delay is concerned is the child-labor amendment, which has been pending since 1924. That resolution was passed by a Republican Congress by a two-thirds vote 13 years ago. It has not been ratified as yet. I voted for the resolution, but I believe it was badly drawn, and I thought so at the time. It is too wide in scope and goes too far. That is the reason why it has not been adopted before this time. However, I am for it and sent a telegram recently to the Kansas State Senate, and I propose sending a

similar telegram to the New York State Assembly, controlled by Republicans, to be read at the hearing next Monday. I am pointing out it is not only a just and humanitarian measure, but, if the Republicans block ratification, they are playing into the hands of the President of the United States, who is trying to pack the Supreme Court and will use the ammunition that the Republicans afford him as an excuse for his hasty, unwarranted, and unreasonable action.

Let us see what other myths we have. The President in his message to Congress says the docket of the Supreme Court is way behind; yet his Attorney General and Solicitor General come out with a statement saying that the docket is clear, that the Supreme Court is up-to-date with its business. In addition eight Federal judges have not been appointed by the President in district and circuit courts and some of the vacancies having existed for more than a year. These facts should be sufficient to explode the myth about the delay in Federal courts, for if anyone is to blame it is the President himself for withholding appointments. The proposed increase of six members on the Supreme Court will delay rather than expedite justice and consideration of cases before the Court. I happen to come from the President's district and I think it might interest the House to know how the people of that district feel about the Court proposal. I am receiving all kinds of letters in spite of the amazing myth that the gentleman from Texas [Mr. MAVERICK] is trying to develop, that the letters and telegrams we are receiving as Members of Congress are similar to those that we received when the public utility control bill was before the House for consideration, which obviously were inspired by the utility companies, as we found out regretfully later on.

Mr. JOHNSON of Minnesota. Will the gentleman yield for a statement of fact?

Mr. FISH. I cannot yield.

Mr. JOHNSON of Minnesota. The congressional officers from Minnesota are receiving identically printed slips in green, yellow and blue, opposing the passage of this bill, which are inspired by the same forces that last year tried to defeat Mr. Roosevelt.

Mr. FISH. Of course, I do not know any more than does the gentleman where they came from, but they were probably inspired by those who favored the President's program, because anybody who sends out blue, yellow, red, and green slips is doing a crazy act and those who oppose the packing of the Court would not do such a stupid thing. It is an absurdity and ought to be looked into. The letters we are receiving are not the kind of propaganda that was inspired during the pendency of the public-utilities bill. My letters are from well-known people in my district, Republicans and Democrats alike, and obviously by men and women who are shocked at the President's plan and seek to protest turning over the control of the Court to the Chief Executive.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. FISH. I have received numerous letters from individuals in every section of my district, many of them from Democrats, who said they voted for President Roosevelt. I had my secretary sum up the total of the letters from my district alone: Opposed to the President's plan, 401; approving the President's plan, 3. This is exclusive of petitions, to the number of 135, which I did not include. Outside of the district: Opposed to the President's plan, 557; approving the President's plan, 21.

In conclusion, I have tried to lean over backward as far as I can in order to be fair. I did not impugn the President's motives or his intentions because I did not want to raise a partisan issue in this speech. I do not say that he is not trying to accomplish something which he believes is in the interest of the people. I just think he is wrong and that he is going about it in the wrong way. I do not believe that the Democrats in this House, who I submit are just as good and loyal citizens as the Republicans, will commit political suicide at the dictation of the President nor impair and destroy the independence of the Supreme Court. There is one way out of the difficulty—submit constitutional amendments to the people back home, the way we have done before, the way prescribed by the fundamental law of our land. Give the people a chance to pass judgment on all important changes in our form of government and in the Constitution. I propose that all Members cast aside their partisanship about the President's Court program and submit the issues to the people directly by way of constitutional amendments. [Applause.]

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. WADSWORTH].

Mr. WADSWORTH. Mr. Chairman, may I call the attention of the Committee, and especially the gentlemen in charge of the bill, to a provision which occurs on page 27, under the heading of the Coast Guard. It is the proviso, commencing in line 10, page 27, reading as follows:

Provided further, That section 18 of the Treasury-Post Office Act, fiscal year 1934, is hereby continued in full force and effect during the fiscal year ending June 30, 1938; and for the purpose of making such section applicable to such latter fiscal year, the figures 1934 shall be read as 1938.

This affects something I have very, very much at heart. It is the welfare of the enlisted men of the Army, Navy, and Marine Corps. The provision referred to, section 18 of the Treasury-Post Office Appropriation Act of 1934, was the provision which had the effect of reducing, in the interest of economy, so-called, the pay of soldiers in the Army and blue jackets in the Navy. I remind you that the pay of a private at that time was $21 a month. He was reduced to $17.80 a month in the interest of economy, with corresponding reductions in the Navy, the Marine Corps, and Coast Guard. Another reduction was the taking away of the so-called reenlistment allowance.

Under the law as it then stood, a soldier in the Army or a blue jacket in the Navy, upon completing his term of enlistment and expressing his willingness or intention to reenlist, received a small, additional allowance or bonus. The total amount appropriated by Congress before this suspension of the reenlistment allowance took place was comparatively small, but it is an extraordinarily important thing in the matter of the maintenance of a proper military policy.

What was the purpose of the Congress in establishing the payment of reenlistment allowances? It was to persuade the best enlisted men in the Army and in the Navy to stay in the service and rise to the grade of sergeant or chief petty officer, as the case might be.

Every man in this committee who has ever had anything to do with a military organization, in peace or in war, knows that in the last analysis the backbone of an army is the sergeant, and if we can keep the best men in the Army and allow them or encourage them to rise to the grade of sergeant or first sergeant and to relative grades in the Navy, like that of chief petty officer, we have done more to maintain the morale of the enlisted strength than anything else we may do.

We have taken this allowance away from them for 4 years. In the meantime economy has been utterly forgotten in all the other branches of the Government. The pay of practically all civil servants, all employees of the Government, which were reduced back in 1933 and 1934, has been restored. Only the soldiers of the Army and the blue jackets of the Navy have been neglected. This provision, if it stays in this bill, perpetuates this reduction, not only applicable to the Coast Guard but applicable to the Army, the Navy, and the Marine Corps.

My plea is that when the time comes this particular provision be stricken out of this bill so that we may let the enlisted men of these faithful services go back to their original allowances. [Applause.]

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. LUDLOW. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I yield.

Mr. LUDLOW. May I say to the gentleman from New York that it was testified before our subcommittee by Admiral Waesche, the commandant of the Coast Guard, that

the reenlistment bonus would cost $412,896, and it was also testified that reenlistments at the present time run 50 percent, and it was not shown there was any administrative necessity whatever for reenlistments. I understand the gentleman based his argument on what he believed to be justice in the way of compensation. Is that correct?

Mr. WADSWORTH. Partly as a matter of justice in the way of compensation and partly, and I think more important, as a matter of proper military policy.

Mr. LUDLOW. It was not impressed upon us in our deliberations that there was any real emergency for restoration of this item and it was stated it would be a very expensive matter.

Mr. WADSWORTH. It is not so very expensive when we are counting the hundreds and hundreds of millions. It was not impressed upon the committee, probably, for the very simple reason that the Budget did not contain the item.

Mr. LUDLOW. It did not; no.

Mr. WADSWORTH. And the Secretary of the Navy and the Secretary of War cannot come before the committee and protest against the Budget. They have to swallow it and so do the enlisted men. There is no one to speak for them.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I yield.

Mr. SCOTT. In the past this has always been considered as a part of their pay and it was expected by them in that way.

Mr. WADSWORTH. Yes; it has been considered as a part of their pay and it is a little thing at most, but when a man has done three hitches in the Navy or three hitches in the Marine Corps and he is making that his life profession and his officers want him to reenlist because he has become an exceedingly valuable noncommissioned officer, it is good military policy to keep that man in the service.

Mr. SCOTT. If the gentleman will yield a minute longer, I may never agree with the gentleman on agricultural policy, but I certainly agree with him on this.

Mr. WADSWORTH. You and I will hire a hall to argue on agricultural policies. [Laughter and applause.]

Mr. TABER. Mr. Chairman, I yield myself 20 minutes.

I expect to spend a little time to discuss the bill in question, but before I get to that I desire to discuss the general budgetary system of the Government. According to the Budget which was sent up here, the estimated expenditures for this current fiscal year are $8,480,000,000. Since that time we have had a deficiency appropriation bill involving $1,000,000,000. We probably will have another. Without taking anything else into consideration, the present situation calls for estimated appropriations of $9,480,000,000. The estimated revenues, as near as I can figure them, will probably run $4,500,000,000, leaving a deficit for this current year on that basis of approximately $5,000,000,000 on the basis of expenditures.

With a national debt of $34,500,000,000 and Government guaranties of $5,000,000,000 and a little more, that makes practically $40,000,000,000 of debt. It means that we are running behind at a speed which is absolutely impossible to maintain. As indicative of the amount of expenditures that we are making, I call the attention of the House to the daily Treasury statement and to the fact that if we consider the actual expenditures for this fiscal year so far, without taking into consideration or crediting back any repayments on account of principal, they run to this minute approximately $5,080,000,000, as against approximately $4,700,000,000 a year ago. Our deficit on the basis of expenditures is approximately $40,000,000 more than a year ago. On top of that our tax revenues have been very largely raised. As indicative—and I think it is outstanding—of the way in which they have been raised, let me say to you that the estimates carried in this particular bill for the Treasury Department call for the printing of 138,061,159 sheets of postage stamps. They call for 142,004,047 sheets of internal-revenue stamps, and for the first time in the history of the United States the number of revenue stamps that are estimated to be required for the operations of the Government exceeds the number of postage stamps. That gives you an idea of the way we are progressing in increasing the tax burdens the people are required to bear.

I want now to discuss another subject that to my mind is of tremendous importance and that has a very considerable bearing on the budgetary situation that we are facing. The foreign debt to the United States has a face value of $12,097,000,000. It has an actual present value on a 3-percent basis of approximately $9,000,000,000.

The original foreign debt was $10,145,000,000. We have had payments of principal amounting to $757,000,000. Great Britain and France are large debtors to us. The World War lasted until every participant was financially and economically exhausted. The nations of the world are today in the process of starting a tremendous race in the building of armaments. Great Britain's program alone calls for $7,000,000,000. She is now asking for a loan of $2,000,000,000. Germany, France, and Italy are all engaged in that race, and are setting a pace at a rate that there is no question but that it will result in their complete bankruptcy if they go along a little further. These people seem to feel that they can go along and do this sort of thing and not pay us the debt which they owe us. I have it on the authority of one of the leading statesmen of another country that there is no prospect of an international disarmament treaty or a limitation until the financial resources of those countries are exhausted. Our present expenditures in this country are running at the rate of approximately $1,000,000,000 annually for military expenditures. Our naval expenditures have increased to the point where the Budget calls for approximately $600,000,000. They increased from $297,000,000 in 1933 to $570,000,000 in 1937; and I ask to put a table in the RECORD showing the appropriations and expenditures for this purpose over 11 years.

Year	Appropriation	Expenditures
1927	$322,061,975.00	$318,909,096.28
1928	318,131,957.00	331,335,491.98
1929	364,233,362.00	364,561,543.99
1930	384,900,000.00	374,165,638.55
1931	382,505,193.26	354,071,004.10
1932	363,227,785.22	357,820,860.41
1933	328,906,141.00	355,360,500.00
1934	310,169,558.93	297,029,290.96
1935	303,017,848.00	[1] 492,213,456.00
1936	483,062,929.14	529,031,665.94
1937	529,819,632.00	[1] 570,752,080.00

[1] Estimated.

I believe that we should have adequate national defense, but I hope that this Congress will not appropriate money for anything that is not necessary for national defense and that is not effective. I hope that we will not join that race for bankruptcy that seems to be in progress in the world. I hope that we will not violate the spirit in any way of the Johnson amendment, which prohibits on the part of this country loans to foreign countries in any way of our funds. Only in that way, and only by watching our own expenditures in cutting them down to the point that this country can balance her own Budget are we going to work out of the situation we are now in.

Mr. BIERMANN. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. BIERMANN. Does the gentleman think it is good policy for this Government to build battleships at a price of $51,000,000 each?

Mr. TABER. I think there is considerable question as to whether or not they provide as much effective defense for $51,000,000 as we could get in some other way. I do not think we should go too far with that situation. I think we ought to be careful and not get into those terribly expensive things that there is so much question about in respect to their utility at the present time.

Mr. BIERMANN. Admiral Sims, I believe, stated that if we got into another war the thing to do with battleships was to run them up the Mississippi River as far as possible and try to keep them out of harm's way.

Mr. TABER. None of us, of course, can tell anything about what would happen in another war, and we hope we will not experience one. Frankly, however, I have doubts about the effectiveness of the battleships as a unit in modern warfare.

Mr. BIERMANN. And is it not pretty generally conceded that the battleship is not a weapon of defense but a weapon of offense?

Mr. TABER. I would not say that absolutely, because if other countries were able to get near our coasts with airplane carriers and our air fleet should happen to be defeated, it might be that we would need battleships. I am not enough of an expert so that I would want to say it absolutely, but I do not think battleships have the relative value that we should get for the amount of money involved.

Mr. BIERMANN. Will the gentleman yield for a further question?

Mr. TABER. Yes.

Mr. BIERMANN. I am glad to hear the gentleman talk about economy in military and naval expenditures. At the present time I think we have 120 Army posts in the United States. So far as I know, not an Army man has ever advocated eliminating any of them.

Mr. TABER. Whether they are occupied or not.

Mr. BIERMANN. And the Army divided amongst 120 posts is calculated to produce inefficiency, because of the fact that this makes it impossible to get together units of any size in one Army post. We cannot have brigades or divisions at Army posts. There are too many posts.

Mr. TABER. I think that is correct.

Mr. BIERMANN. Could we not save a lot of money by cutting the 120 Army posts down to 20, for example?

Mr. TABER. Perhaps not as low as 20, but we could cut them to a very considerable number below 120.

Mr. BIERMANN. We have one in our State that I suggest eliminating.

Mr. WHITE of Ohio. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. WHITE of Ohio. Does not the gentleman think that the battleship is the basis, the foundation stone, of our naval defense; in other words, that the battleship is the unit around which is built up the auxiliary forces, so many airplanes, so many submarines, and so many vessels of different categories and classifications?

Mr. TABER. That is coming to be very much doubted by very competent naval authorities. I served for 10 years on the Naval Appropriations Subcommittee, and I frankly doubt the necessity of going as far as some people would go in building battleships. I think perhaps we must have some battleships; I agree with that, but I do not believe we need go as far in that direction as some people say.

Mr. WHITE of Ohio. It seems to me it is the fundamental, the integral part, around which the auxiliary forces are built.

Mr. TABER. We would have to have some battleships; there is no question about that.

Mr. BIERMANN. Mr. Chairman, will the gentleman yield further?

Mr. TABER. Yes.

Mr. BIERMANN. As I understand it, the philosophy of our Military and Naval Establishments is that we are preparing for defense.

Mr. TABER. I should hope it was.

Mr. BIERMANN. Yes; and it ought to be. My reading of history leads me to the observation that there has not been a time in at least 100 years, and probably a much longer time than that, when any defended shore line has been successfully invaded from the water.

Mr. TABER. That would depend on just what kind of a shore line it was and whose shore line it was.

Mr. BIERMANN. But the historical fact does not depend on that; that either is a fact or is not a fact. In the World War the big navies were all on the side of the Allies, but never a battleship got close enough to Germany to fire a shot into German territory.

Mr. TABER. There is no question of that.

Mr. BIERMANN. And the only time an attempt was made to attack a shore from the water was at Gallipoli, and that failed after just a few days. To say that any foreign country or combination of foreign countries could come across 3,000 miles of water and invade this country is, to my mind, utterly ridiculous.

Mr. TABER. I would not want to leave our coast entirely defenseless.

Mr. BIERMANN. No; nor would I, but we have guns down here at Fort Story that shoot 30,000 yards, I believe. That ought to keep them some distance offshore.

Mr. TABER. It is a good idea, however, not to have them within range of shore batteries, for that would bring a battleship within range of our cities, and if a battleship could occupy that position so could an airplane carrier. We have got to keep them farther away than 30,000 yards. I do not, however, think I shall go into this feature any further at present.

For just a few moments I shall talk about certain features of the bill regarding which questions have been asked, and one or two other features that occur to me.

Speaking first with reference to the appropriation for rural routes, frankly, I believe that there are sufficient funds carried in this item to take care of all reasonable extensions and increases in these routes that should be made next year.

All the information that we have as to current rate of expenditure, the estimated increase in number of routes, and all that sort of thing indicates that is true. I am in favor of providing reasonable increases and extensions of that Service.

With reference to the Railway Mail Service, as the chairman of the committee said, we have in preparation some additional data that has been suggested to us as a result of some questions which have been asked, and we hope to be able to answer any question with reference to that situation satisfactorily.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield myself 5 additional minutes.

Mr. Chairman, at the time we had our hearings the rate of expenditure was running at something more than $600,000 less than the amount of the current year's appropriation and something more than $350,000 below the rate of appropriation that we are carrying here. I believe there are funds enough there to permit of reasonable expansion of the Service.

I want to call attention to the amount of money that has been expended by this Government in carrying mail for various agencies of the Government and the way it has increased. There has been a lot of talk about the franking privilege. The amount spent by the Government to take care of congressional franking is not very heavy. It runs on an average over the last 4 or 5 years somewhere around $750,000. But the expenditure under the franking privilege has been by the departments. The W. P. A., for instance, have about 5,500 working on publicity. Every department of the Government has paid publicity agents who are covered up somehow or other.

The expenditures for governmental departments using the frank have increased from an average of about $9,000,000 a year over a period of 4 or 5 years ending with the fiscal year 1932, or an average of about $9,000,000 to $14,000,000 in 1933, to $23,000,000 in 1934, to $31,000,000 in 1935, to $32,236,000 in 1936, and if we spend at the same rate for the rest of this fiscal year that we did down to the 1st of January it will be $34,000,000 for the present fiscal year.

In addition to that figure the expenses of the Government Printing Office for printing the propaganda and all sorts of things of that kind have increased from approximately $10,000,000 a year to approximately $20,000,000 a year. That is the situation at this time. Every organization in the Government is sending out all sorts of propaganda—propaganda in fancy colors, pamphlets with pictures of reclamation projects, pictures of resettlement operations, pictures of W. P. A. propositions, and all that sort of thing. Perhaps the most insidious use of the franking privilege is that of the so-called emergency agencies. You know, this is

an emergency administration. That is its chief characteristic and chief feature.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield myself 5 additional minutes.

Mr. Chairman, I am receiving mail under frank from these people where they have been out in the territory and collected signatures on petitions, sending them in to me, asking that their own activities be continued.

That kind of stuff is running the Government department mail up to the point where we have an actual postal deficit of very considerable proportions.

Mr. BIERMANN. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Iowa.

Mr. BIERMANN. Can the gentleman give us figures as to how much of a loss has been sustained by the post office for carrying second-class matter? That is, newspaper and magazine matter?

Mr. TABER. I do not know.

Mr. BIERMANN. I think it is about $100,000,000 a year.

Mr. TABER. What is it?

Mr. BIERMANN. About $100,000,000 a year.

Mr. TABER. Somebody told me it was $90,000,000, but I have not the figures.

Mr. BIERMANN. It used to be $90,000,000, but business has increased, and I presume newspaper and magazine mailings have increased.

Mr. TABER. The only thing carried in the statement of the Post Office Department as a subsidy is the county newspapers, and they are supposed to cost, according to figures that were given us on page 6 of the hearings, $615,645 for 1936.

Mr. BIERMANN. But the daily papers get a very much bigger dole.

Mr. TABER. I suspect it costs very much more to transport them than they pay.

Mr. BIERMANN. Ninety or a hundred million dollars more.

Mr. SNELL. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from New York.

Mr. SNELL. As I understand the figures the gentleman gave with reference to the cost of the franking privilege, only about 5 percent of the total amount is due to the franking privilege of Members of Congress? The rest is from the bureaus?

Mr. TABER. What is the gentleman's figure?

Mr. SNELL. Five percent.

Mr. TABER. Five percent is right.

Mr. SNELL. Five percent of it is due to Members of Congress?

Mr. TABER. Yes. Seven hundred and fifty thousand dollars as against approximately $34,000,000 for the current year if they go on at the same rate for the next 6 months.

Mr. SNELL. Every little while a Member on the floor of the House says that the Post Office Department for the first time is running at a profit. That was used as an argument during the campaign. May I ask the gentleman, how much extra money has been appropriated for the Post Office over receipts for the next fiscal year?

Mr. TABER. The expenses of the Department are estimated at $795,000,000 for this fiscal year, with a deficit of $80,000,000. This is without considering a very large item of cost that is borne by everybody else who does any business, in the nature of use of public buildings and in the nature of upkeep and maintenance.

Mr. SNELL. Even taking all of that out, it is running behind $80,000,000?

Mr. TABER. Eighty million dollars.

Mr. SNELL. How can anyone get up on this floor and continually tell us that the Post Office Department is running at a profit?

Mr. TABER. One has to have colored glasses to figure a profit.

Mr. SNELL. Does he also have to fake a little bit besides?

Mr. TABER. I would not be surprised.

Mr. BIERMANN. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Iowa.

Mr. BIERMANN. Is it not a fact the last Republican Congress in 1930 authorized the Post Office Department to take credit for some of these extraordinary outlays in figuring its balance, and that under that way of figuring the Republican Department had a loss of about $48,000,000 during the last year of Mr. Hoover, but the very next year, under Jim Farley and with the same kind of figuring, there was a surplus?

Mr. TABER. No; that is not the situation. That change was on account of the extra cent postage which Congress charged for first-class mail. That made up the $100,000,000.

Mr. BIERMANN. The gentleman will admit that this surplus to which the minority leader alludes was calculated under a rule passed by a Republican Congress?

Mr. TABER. But it does not show a surplus under that rule—a deficit is shown.

Mr. BIERMANN. The gentleman will then say definitely that under the rule passed by a Republican Congress Mr. Farley did not show a surplus?

Mr. TABER. It shows here a deficit of $19,000,000 in his own statement which was furnished us.

Mr. BIERMANN. I am not referring to this year. I am referring to a couple of years back.

Mr. TABER. I am referring to last year—1936.

Mr. BEITER. Mr. Chairman, will the gentleman yield?

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I yield myself 1 additional minute.

Mr. BEITER. The gentleman has been talking about the franking privilege. Does the gentleman know that the gentleman in the minority party circulated throughout my entire district a franked letter in opposition to the administration during the last campaign?

Mr. TABER. I know that the gentleman's party sent a great lot of stuff throughout my district under a frank, and there was not a single bit of literature sent out in my behalf, because I always use my own country newspapers. They are a good deal more effective, and, maybe, it happens that the gentleman got by because the other fellow did not use the country papers enough.

Mr. BIERMANN. If the gentleman will yield once more, I will say I was glad to hear the gentleman say he used the country newspapers. I was a country newspaper editor, and I should like to ask him, if it would not embarrass the gentleman, to answer this question: Did the gentleman financially compensate these country newspapers for using them?

Mr. TABER. I did wherever I had in an advertisement, and I had in several.

Mr. BIERMANN. I am pleased to hear that.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I yield 3 minutes to the gentleman from Kentucky [Mr. O'NEAL].

Mr. RANDOLPH. Mr. Chairman, will the gentleman from Kentucky yield?

Mr. O'NEAL of Kentucky. I yield.

Mr. RANDOLPH. Mr. Chairman, I ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. O'NEAL of Kentucky. Mr. Chairman, the bill before us has been explained by the chairman of the Subcommittee on the Treasury and Post Office. The ranking member of the committee on the minority side has supplemented the chairman's statement. It is not my intention now to discuss the contents of the bill, but to pay a brief tribute, and an inadequate tribute, to our chairman, Mr. LUDLOW, and to the ranking minority member, Mr. TABER. Due to sickness and other reasons, the real burden as to the preparation of this bill has fallen to the lot of these two gentlemen, aided by Mr. Sheild, the efficient clerk of the committee. Those who have not sat with Mr. LUDLOW and Mr. TABER cannot fully comprehend the infinite labor and great ability brought to the task by them.

They met early in December and almost daily from that time through the first week of February they sat for hours

each day, and every item of this bill was investigated by public hearings, independent study, and keen insight. They are deeply sympathetic as to the needs of the departments and the personnel covered by this bill, but they accept their responsibilities to protect the interests of the taxpayers of this country. No doubt it would be very agreeable to them to be lavish in the distribution of Government funds and receive the pleasing plaudits of those benefited. But they choose rather to do their job, though it may have no such rewards.

This House may rest assured that these gentlemen, with the assistance of other members of the committee, have analyzed every proposed expenditure and made a sound contribution to the proper conduct of the business of these branches of the American Government. [Applause.]

[Here the gavel fell.]

Mr. RANDOLPH. Mr. Chairman, will the gentleman from Indiana yield 1 additional minute?

Mr. LUDLOW. Mr. Chairman, I yield the gentleman from Kentucky 1 additional minute.

Mr. RANDOLPH. I have asked that this time be yielded because I am particularly interested in the tribute the gentleman from Kentucky has paid the gentleman from Indiana [Mr. LUDLOW]. I may say to the membership of the House, as a great many of them know of his splendid talents as an author, his book which has just been published in the cause of peace, I believe should be read by all of us. [Applause.]

Mr. O'NEAL of Kentucky. I am pleased to have the gentleman's contribution, and I may add that my tribute was very inadequate as to both Mr. LUDLOW and Mr. TABER. [Applause.]

Mr. LUDLOW. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. CROWE].

Mr. CROWE. Mr. Chairman, the matter I want to talk about for a few minutes is the present and recent flood situation in the Ohio Valley, which has affected at least 9 States, if not 10, 11, or 12, and which has affected more than a million people—to be exact, 1,205,256—and 267,834 homes. If one could see the distress as we see it pictured and as we hear it from these flood-stricken areas—even the pictures we see in the newspapers could give but a faint idea of the distress as it exists in those sections. The Governor of our State, Governor Townsend, told me a few days ago that when he went through one of the cities—Jeffersonville, Ind.—after the water had gone down 5 feet, he went up the main streets in a motorboat, passing by windows on the second floor of the business rooms, and saw law offices with their books entirely destroyed, tables upside down, chairs tumbled hither and yon, with not a sign of life in that city, a city of some 15,000 people, with not a human being in it, and not even a sparrow to be seen or heard. Then, he said, as he went to other cities along the Ohio River in Indiana the same signs of desolation were to be found everywhere. I say to you that the agencies of government and the Red Cross have been and are doing a splendid job so far as their resources will permit, and as far as present legislation will permit. The Red Cross has had a response from all over the Nation in the sum of $21,000,000 plus, which will leave them $12,000,000 approximately after the first needs have been supplied, that is, getting the people out of the flooded districts, feeding them, and temporarily sheltering them until the worst is passed.

That $12,000,000 will be used, every dollar of it, in a splendid way, and with the least possible waste or loss. I doubt if any agency of the Government or any agency of any kind in the United States can equal or surpass the Red Cross, but this job is more than the Red Cross can do. The W. P. A. is coming in now, and they are doing a splendid job; but their work can only reach, under existing law, as I am told, going the furthest, giving it its broadest interpretation, to the inside of the house and cleaning up fallen plaster and wall paper, mud, debris, and so forth. They cannot repair the homes. They cannot go to a gully three blocks away and pull houses apart from other houses and drag them back to their own lots and foundations and reestablish them and make them livable. Something has to go beyond that. The Red Cross could and would do all that if sufficient cash were available, and they will do their utmost, but I insist this catastrophe is millions of dollars beyond their resources.

We have established the R. F. C. Disaster Loan Corporation for $20,000,000. That would amount to only $75 per home for each home wrecked in those flooded areas; and if people do not believe they are wrecked, I say to you that in the city of Lawrenceburg, Ind., a friend of mine who came through there on the train said he saw three blocks that had been solidly built that did not have a house on it, but down below in a lagoon were seven houses stacked up in mud and water among gasoline tanks, automobiles, telephone poles, cans, and rubbish, and what not. The Red Cross will go as far as they can go, but they cannot go far with $12,000,000. They can only have an average of $45 per home for the homes in these flooded areas. So with those two agencies but little can be done by comparison when we realize the loss will run into some $500,000,000. I am going to introduce in the very near future a bill to give money outright, grants to the people in these flooded areas and to people where catastrophes beyond their control have stricken them down. When I do that, it will not be without precedent in this House. In fact, ever since 1812 this Government has given outright, not only to people in the United States, not only to our own citizens, but it has given, time after time, to China, to Russia, to Belgium, and all over the world in time of need.

This Government has donated money outright to citizens all over the earth in stricken areas in time of cyclones, tornadoes, earthquakes, disease, floods, and what not. I consider, therefore, it will be appropriate, it will be fitting and right and humanitarian for the Government to help the people of this Nation in these stricken areas, and I believe the membership of this House will grant that it is right. I believe the people from every State of this Nation who have so generously contributed this magnificent sum of $21,000,000 to the Red Cross are heartily in accord with taking care of and helping the people in those stricken areas. Since the loss is so overwhelming and so stupendous, the people of this Nation will not only desire but expect our Federal Government to further lend direct financial aid. In addition to the money we have given to help people in distress in stricken areas, we have loaned enormous sums of money to nations in Europe, which money we will probably never get back. That is neither here nor there. That money is gone, but I say that when we can hand over our money lavishly to other nations of the earth we certainly can and will appropriate something besides loans to our own people in distress.

The H. O. L. C., as we have been told, will help people in these distressed areas, but only, as a matter of fact, to people who already have H. O. L. C. loans; but here is the situation in that respect: Just part of the people, of course, that are in distress have H. O. L. C. loans, and the people who have those loans were on their uppers when they got the loans. Many of them cannot pay their present loan dues. Many of them are losing their homes. How can they be expected to add to these loans and take on additional burdens and increase the loan they already have? How can they be expected to increase the loan when they can hardly pay what they already owe? The same thing is true with the farmers. They are in the same position; and as the Federal land banks were willing to loan them when they were already in distress, and did loan them as much as the already burdened farmer could meet in interest and loan retirement, how can they take on an additional burden?

It cannot be done except in rare instances. Many home owners, many farmers, and many small merchants must have direct out-and-out grants to put them on their feet so they can start again.

As I stated before, I am preparing now and will introduce in the near future a bill which I hope this House will kindly support, a bill that will help provide funds for those who suffered in this terrible catastrophe. It is no fault of any one of this one and a quarter million people that their homes and property have been destroyed. [Applause.]

[Here the gavel fell.]

Mr. DALY. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. STACK].

THE MAN ON THE STREET

Mr. STACK. Mr. Chairman, ladies and gentlemen, my colleagues of the House, at this time I want to thank my colleague, Mr. LUDLOW, for granting me this time; and, Mr. Chairman, since time is valuable and I think I have something to say of interest to my people back home, I do not care to be interrupted. I am sorry that I will not be able to yield to any of my colleagues.

There has been much discussion during the past several days, in and out of Congress, respecting the proposal of the President to increase the membership of the Supreme Court. None of these discussions has intimated that the proposal was unconstitutional. The only argument advanced against it so far is that it is the intention of the powers that be to pack the Court and overthrow our system of government.

Nearly all the discussions here in the House have been from a legal standpoint, and, since the vast majority of our people are not lawyers, it must be reasonably supposed that they, too, have some interest in the matter.

I want to submit for your consideration another aspect of the question, one which I deem quite as important as the legal aspect, and that is the layman's view—the man on the street.

The great majority of the people in my district, in my State, and, in fact, the United States, are not lawyers and they have some trouble in comprehending just what is meant by constitutional government. They cannot reconcile constitutional government with the rule of the corporate power. They think, and rightly so, that constitutional government and its advantages were intended for all. That it should operate for all and not in the interest of the privileged few. When the man on the street realizes that constitutional government is government by judicial decree and discriminates against him, he wants something done about it. He wants those to whom he has entrusted the affairs of government to eliminate the conditions which operate to his disadvantage. He wants to know why there is so much hue and cry about packing the Court, when he knows that it has been packed before. If packing the Court is elevating to the bench lawyers who belong to the same political party as the appointing power, then the Court has been packed since the inception of our Government, and packed for a specific purpose. He also knows that to accomplish this it was necessary to openly violate the Constitution, which was done, and done by the political ancestors of those who now hold up their hands in pretended horror at such a thing.

In 1862, when the Civil War was raging, the chances for profits were good, but money was scarce. Gold was leaving the country, the banks were running short of specie, and governmental credit was somewhat restricted. These difficulties cramped the style of big business and endangered its profits. It lacked the volume of currency to swing its deals. So it brought pressure to bear on Congress—a Republican Congress—who did the bidding of big business by passing an act whereby the Government could issue Treasury notes and make them a legal tender.

This was clearly against the Constitution, because power to issue paper money was denied the National Government by the Constitutional Convention, by the men who wrote the Constitution. When this law reached the Supreme Court it was declared invalid by a vote of 5 to 3, one Judge not voting because of illness. No other decision was legally possible, but it did not suit the purposes of either big business or the Republican Party and it was denounced as illegal, unjust, and unpatriotic.

Think of such appellations being applied by the forces of reaction to the decision of a tribunal which they now want us to believe is sacrosanct. But luck smiled upon the reactionaries and they took full advantage of it. Shortly after the decision was reached, one of the Judges died, and another, who had voted with the majority, resigned. President Grant immediately appointed two outstanding party men, Joseph P. Bradley and William Strong, both of whom were known to hold views hostile to the decision rendered by the Supreme Court. The country rang with the charge that the Court was packed for the express purpose of overthrowing the Legal Tender decision, and so events proved.

At that time there were two cases on the Supreme Court docket in which the same question was involved, and the judges ordered them up for immediate argument. The former decision was reversed and an opinion handed down by Justice Strong, in which Justice Bradley concurred, the act was held to be constitutional. The reason advanced in justification of the reversal was that the act was passed when the country was endangered by civil war and it was necessary to the preservation of the Nation. But it was a clear amending of the Constitution by judicial decree and by a Court packed for that very purpose. There is, therefore, no excuse for our Republican friends becoming excited about packing the Court. They and their reactionary friends have set the precedent, if a precedent be needed. Their leaders not only packed the Court but violated the Constitution. This, however, did not destroy the Nation nor ruin our constitutional form of government. It merely gave the powers of corporate wealth what they wanted, and that ruins nobody—nobody but the common people.

If we Democrats were to commit a sin of the same political nature, it would cause no more wreckage than did that one, but the proposal of the President contemplates no such thing. It contemplates no constitutional violation whatever, since it is the constitutional right of Congress to increase the number of judges of any national court when it may see fit to do so. No one will deny that, not even our reactionary friends. But suppose we admit, for the sake of argument, that the intention is to pack the Court. What of it? The Court is packed now. It has been packed for generations—not by Presidential appointment, perhaps, but by the influence exerted over it by corporate power.

This control of government by the forces of reaction has been exercised almost continuously from the day the Government was erected, and it was never more pronounced than it is today. The President's idea seems to be not so much to pack the Court as to unpack it. He apparently wants what the man in the street wants, what we all want—to get rid of the corporate influence that is secretly ruining the Nation and get something like a square deal; a "new deal" for the American people.

The mere increase of Judges is not what is worrying the recipients of special privileges, but the knowledge of such an innovation at this time will diminish the influence which they possess over government through their control of the Court. From the same source comes the cry that the President's action is not honorable, but why it is not honorable is not stated. Is it honorable to make use of every means to prevent the adoption of the child-labor amendment? Is it honorable to move every force of government to deprive the laborer of his right to earn a decent wage? Is it honorable to work women long hours in unsanitary factories for a mere pittance or to force children into mills, that increased profits may be wrung from their little, stunted bodies?

The enemies of the present administration are indulging in a lot of blather about Congress having been forced to surrender to the President and his demand for a like surrender of the judiciary. When the friends of reaction were in control of the Government, and laws suggested by the Executive promptly passed and sanctioned by the Court, they extolled the statesmanship of a sagacious leader and the wisdom of a patriotic Congress. But when things changed, as they have changed, and they found their political philosophies in the discard, their views changed. Sagacious leadership of the Executive became an inordinate thirst for power. Congress was no longer patriotic—its action that of a rubber stamp—and effort to force the judiciary to a full sense of its responsibility is translated into a bid for dictatorship. No one knows better than those who make this ridiculous charge just how ridiculous it is. What they do not seem to realize is that what the President wants to do is to save our system of government—not to wreck it—to have it operate for the purposes for which it was intended by those who adopted the Constitution as their charter of

government for the good of all and not the benefit of the few; to make democracy work so as to meet the demands of our swiftly advancing civilization.

In March of 1933 we were in the doldrums. Business was prostrated and our economic structure tottering. Mingled with the roar of exploding banks were the cries of a distracted people who could see little ahead save ruin. Every passing breeze swelled with the hideous music of despair. The Nation was verging on collapse. The agents of reaction—those eminent gentlemen who are now telling us what we should and should not do—were at the Nation's Capital crying for help; calling upon him, whom they now call "dictator", for protection; demanding that they be saved from the results of their ruthlessness and greed; pleading that they be not compelled to drain the bitter chalice of their own folly. It was a period of our history to try the soul of the bravest men. Under such circumstances President Roosevelt took over, and in taking over he had to find a way out. There was little time for calm reflection; little time to think of all the niceties that might have to be observed in order to keep proposed legislation within constitutional bounds. What was required was action, and action was had that steadied the Nation, dissipated the fear that was clutching at the hearts of the people, and brought about a semblance of order.

One of the important pieces of legislation then passed was the National Industrial Recovery Act. Those who might have doubted the constitutionality of the act yielded their doubt to the hope that it would succeed in staying what then appeared to be impending business disaster, and in this way they were not disappointed. It struck at the causes that were paralyzing business. That it went a bit askew constitutionally is not a matter of wonder when we consider that it was erected under the driving force of pressing necessity. It was held to be contrary to the Constitution because of the wide delegation of power to the President. But that was not a reason for some of the Supreme Court Judges assuming that all subsequent legislation of the same general nature would be similarly defective, or that the philosophy of the New Deal was basically unsound. This, however, seems to be the attitude they have taken, since it appears impossible to get their approval of legislation designed for the purpose of solving our present economic difficulties. The intent of the New Deal is to get our people on their economic feet; obtain for them an equality of justice; restore their confidence and bring them happiness. Every New Deal measure was framed with these objectives in view, but most of them, unfortunately, were thrown on the scrap heap by the judges.

A packed Court upheld the Legal Tender Act on the theory that its enactment was necessary to save the Nation, then threatened by the forces of insurrection. If it was justifiable for Congress to pass an act in direct violation of the Constitution and have the President pack the Court so that his illegal action might be given sanction of law on the theory that the country had to be saved from insurrection, why cannot we pass a law that is clearly constitutional and let the President pack the Court so that New Deal laws may be given legal effect on the theory that the Nation must be saved from economic collapse?

I have no particular objection to what Congress did in 1862. Had I been here I probably would have voted for the Legal Tender Act. My thought would have been to save the Nation—to save it at any cost. But when we saved it from one danger by unconstitutional means, why should there be so much complaint about saving it again from just as great a danger by means which in no way offend against the terms of the Constitution?

The man on the street cannot understand why the Guffey Coal Act, which tried to stabilize miners' wages in the bituminous-coal fields, was declared unconstitutional on the grounds that the National Government had no power to regulate wages of State industries, because to do so would be a violation of State rights.

The man on the street cannot understand why 1 week later the same Court overthrew the New York minimum-wage law which was passed by the New York State Legislature. In the Guffey Coal Act case the man on the street cannot understand why it was a violation of State rights, while in the New York Minimum Wage case he cannot understand why it is a violation of the due-process clause. In one of these cases the Court said the National Government cannot regulate wages in an industry under State control, since that was the right of the State where the industry was located. When the State of New York attempted to regulate wages in an industry under its control, it was declared void for a different reason. To the man in the street these decisions do not make sense. It is a case of "you be damned if you do and you be damned if you don't." Not only do they fail to make sense but they create a zone where the law of neither the State nor Nation can function. They lay out a nice big playground, right in the heart of the Government, where the special-privilege boys may play football with the people's rights without fear of being disturbed by any law. The man in the street wants this condition remedied. He wants human rights protected as well as property rights. He wants the rights of the masses to be taken care of just the same as he wants the rights of collective wealth taken care of. If it is necessary to pack the Court to get our people back to work; to take them off the relief rolls and to give the farmer a chance to realize something from his labor; to save our children from the devastating influences of mills and factories; to remove the obstacles which the forces of reaction are throwing in the pathway of human progress, then in the name of the Constitution, then in the name of justice and in the name of humanity let us pack the Court, and let us pack it well. [Applause.]

Mr. DALY. Mr. Chairman, I yield 10 minutes to the gentleman from Washington [Mr. COFFEE].

Mr. COFFEE of Washington. Mr. Chairman, the gentleman from New York [Mr. FISH] made several remarks during the course of the debate this afternoon with reference to his attitude on the President's proposal. I wonder if he had in mind his own adherence to the proposal of the leader of the Republican Party in 1912, the new prophet who appeared on the political horizon at that time, Theodore Roosevelt, Roosevelt the first, who promulgated the platform of the Progressive Party in 1912, which carried a plank infinitely more radical than that to which he takes exception this afternoon.

That platform contained a plank favoring the recall of judicial decisions. Surely the gentleman today would not reenunciate his allegiance to the recall of judicial decisions, but the gentleman at that time was not loath or hesitant in alining himself with the forces represented by Theodore Roosevelt, the elder, Roosevelt the first.

Mr. FOCHT. Mr. Chairman, will the gentleman yield for a question?

Mr. COFFEE of Washington. I must decline to yield because my time is limited.

Mr. FOCHT. Will not the gentleman go further in his remarks and tell us what became of that proposal of Theodore Roosevelt?

Mr. COFFEE of Washington. I have such limited time that I cannot yield, although I do not want to appear discourteous.

Theodore Roosevelt at that time used these words:

> I do speak. Let the people recall the decision. The highest right of a free people is the right to make their own laws; and this right does not exist if under the pretense of interpretations an outside body can nullify the laws. I hold that the people should say finally whether these decisions are or are not to stand as the laws of the land.

That was Theodore Roosevelt, the head of the Republican Party and its President for two terms. It is pretty good philosophy today among certain liberal groups.

I recall, in particular, that a senior Senator representing a great State in another body in this Capitol said at the time when the nine old gentlemen who constitute the Supreme Court handed down their decision nullifying the A. A. A.—a 6-to-3 decision against the President's agricultural program—Senator NORRIS, said:

> Mr. President, if that decision shall stand, a large portion of the laws which Congress has enacted during the past hundred years are absolutely unconstitutional. The law giving relief from the effects of the boll weevil, the law providing relief for grasshopper sufferers, the law providing relief for those injured by earthquake, by wind, by storm, by hurricane, by drought, by dust storm, are

likewise, every one of them, unconstitutional. Every provision in the laws creating and providing for the Bureau of Reclamation, upon which a large part of the West depends for its prosperity, is unconstitutional. In fact, there is not anything left of the Agricultural Department. It is all gone, all unconstitutional; and by fair implication, a great many of the other activities of the Government, almost too numerous to mention, outside of the Agricultural Department, will have to fall.

Mr. President, I say that decision cannot stand if our country is to live and prosper. * * *

The agitation for a change in the judiciary at this time springs from a universal demand on the part of the American people for some relief from judicial oligarchy. James M. Beck, in his monumental work on the Constitution, states that our Supreme Court is a "continuing constitutional convention." Beginning with Thomas Jefferson and going through Jackson, Lincoln, Theodore Roosevelt, and down to Franklin D. Roosevelt, we have had Presidents who have found that the Supreme Court stood in the way of advancement and progressive legislation. The Japanese have a proverb to the effect that there are many roads that lead to the summit of Fujiyama, but they all converge at the crest. Many plans are being proposed in this Congress, Mr. Chairman, as a solution for the judicial problem. I, for one, do not adhere to any one particular plan. I believe there is good in many of the plans, but certainly the proposal offered by the President does not afford any substantial basis for such virulent opposition as it has encountered. Certainly the proposal that elderly Justices on the Supreme Court who have attained the age of 70 years should be retired does not go a bit further than legislation which was passed by the House in 1869 but which failed in the Senate.

THE PRESIDENT'S PROPOSALS ARE NOT REVOLUTIONARY

Suggestions similar to that of the President were proposed again by an Attorney General of the United States, Mr. McReynolds, now a Justice of the Supreme Court of the United States, in 1913. The same plan was proposed by Attorney General Gregory in 1914, 1915, and 1916. William Howard Taft proposed it in his annual report, and John W. Davis, as Solicitor General, proposed it and drew up the very bill incorporating it, and that bill is almost an exact copy of one presented to this body.

The statement is made that if the President appoints these Justices, he will appoint men who will be subservient to him. Did they say that when George Washington appointed 12 men to the Supreme Court? Did they say that when Andrew Jackson appointed five to the Supreme Court? Did they say that when Lincoln appointed five? Did they say that when Grant appointed four, or when Harrison appointed four, or Taft appointed five, besides a Chief Justice? Did they say that when Harding appointed four and Hoover appointed three? No. It was all right for these distinguished predecessors of our present President to appoint Justices of the Supreme Court. No one was then bold enough or had the temerity to suggest that our President first went to the gentlemen and inquired of each of them, "Will you carry out my orders?" No. It was assumed a President of the United States would appoint men who were in sympathy with the general program of the party with which he was connected. The people of the United States are demanding a liberalization of our judiciary.

They have voted on this question in last fall's campaign. I differ with the gentleman from New York [Mr. FISH], who has frequently said on this floor that the issue was not presented in the last campaign, and that therefore the people had no opportunity to vote on it.

SHALL WE BE HIDE-BOUND BY PRECEDENT?

The Republican opposition presented it in every way in newspapers and newspaper editorials. Every day Democratic nominees for Congress and the Senate were aspersed with the charge we were attempting to wreck the judiciary. We were charged with an attempt to destroy the Constitution when, as a matter of fact, all we were attempting to do was to make that immortal document a living, breathing, vibrant instrument that will respond to changing things, changing trends of the hour, in order to make America go forward with the New Deal, to a new day about which our President has preached, and not make it ruled by the doctrine of "mortmain", the dead hand, such as the one that almost destroyed the English judiciary, until 200 years ago they divorced themselves from the doctrine that their appellate courts had the right of judicial review of acts of Parliament. For 200 years no high court in Great Britain has attempted to nullify the acts of its Parliament. The people of this country are asking that those who were elected under the program of the New Deal as Members of this Congress put through the liberal program.

How are we going to put it through? Are we going to say to the people, as was said to Shylock in Shakespeare's Merchant of Venice, "You may have your pound of flesh, but you may shed not one drop of blood to obtain it." Shall we tell them, "You may have the New Deal, but you will have to go over the hurdle of the Supreme Court and we intend to stand supine and effortless while permitting that tribunal to nullify our liberal statutes."

Of what avail is it to attempt to enact legislation if five out of the nine are so contumacious as to refuse to interpret the Constitution in line with the progressive tendencies of our judiciary?

Something was said about the age of Congressmen as being pertinent to the discussion with reference to the age of members of the judiciary. The gentleman from New York [Mr. FISH] said, "Why, when Mr. Roosevelt insists when a man is 70 he is superannuated, he is at the same time aspersing Members of Congress and Members of the Senate, because they might be 70 years of age." But the gentleman neglected to suggest that the Members of Congress go back to the people every 2 years, and if the people, after having surveyed their legislative record, are satisfied with their record they may have the opportunity to reelect them, or displace them. The same is true with the Senate every 6 years. But the judiciary remains there until upon the age-enfeebled ears of the members thereof there falls the beckoning music of eternity.

For too long American citizens have been erroneously led to reverence rules, traditions, and institutions solely because they were hoary with age or seemingly sanctified by customs. This has tinctured the viewpoint of many worthy citizens relative to the Federal judiciary. I, for one, want to be divorced from those in that category. I decry all tendencies of Americans to assume a Confucianistic attitude toward jurisprudence. Simply because a viewpoint has been repeated belligerently and adhered to obstinately through the years does not, ipso facto, make it worthy of continuation.

In the Middle Ages when the erudite teachers and theologians of the day were confronted with something new their reply was substantially to the effect that if the new thought or invention were not mentioned in the works of Aristotle or in the Bible it could not be considered. Are we to be afflicted with the same mental astigmatism?

Lawyers and judges have for too long genuflected at the altar of the hallowed doctrine of stare decisis. Let the decision stand and guide future generations. Our conservative judges have a pronounced penchant for adhering, in many cases unconscionably, to legal interpretations of the Constitution handed down by predecessors generations before. Let the past teach us lessons; let it offer us a way; but do not let it arbitrarily control our destiny as a nation. Some people are dismayed by words. They are word worshipers. They are overawed by phrases. To them the word "socialism" is a source of fear, and words of similar character send a chilling feeling through their veins. This is a dynamic universe, and static concepts have no place in it. The courts must be brought up to date in their interpretations, just as philosophy, economics, mechanics, medicine, science have been brought up to date.

In the Bible will be found these words: "Thy works shall be changed."

Madison did not regard the Constitution as a rigid boundary. He held it to be an instrument which should serve as a framework for governmental guidance. It was anticipated that it would always be interpreted broadly, consistent with the altering conditions which might prevail.

WHY PLACE JUDGES ON A PEDESTAL?

Many worthy citizens of our country mistakenly revere the courts as being occupied by judges above and beyond human ken. They deify the judiciary. I can see no reason for so exalting a man as virtually to canonize him the moment he puts on the black robe of his office. Twenty-five years ago this country was agitated by belligerent demands from liberals for the incorporation into law of the principle of recall of judges. Senator HIRAM JOHNSON, in a speech in favor of the recall of judges, eloquently argued that judges, as such, were as human as are you and I. They breathe the same air, think the same thoughts, eat the same food, respond to the same stimuli. Let us view this whole problem with a sense of humor. Let us employ common sense.

The reactionaries have been chanting jeremiads against those of us who are bold enough to advocate publicly the passage of legislation designed to liberalize the courts. Javelins of ridicule have been hurled at the head of our great President for carrying out the people's mandate—that the reform measures which comprise the New Deal shall become effective valid instruments for ameliorating agriculture, diminishing poverty, providing substantial aid for flood- and drought-stricken citizens. The New Deal was given a mandate last fall to carry on, and the plain people of America will resent whomever and whatever stands in the way of that objective. The people have demonstrated that they believe in Roosevelt. They have shown, at least by every sign and portent, that they wish his program effectuated. For that reason, Roosevelt has offered his plan for retirement of judges at 70.

I commend to the Congress the reading of Gilbert E. Roe's Our Judicial Oligarchy; J. Allen Smith's Spirit of the American Government; Allen Benson's Dishonest Constitution; Charles Beard's Economic Interpretation of the Constitution; Nine Old Men, by Allen and Pearson; The Ultimate Power, by Morris L. Ernst; and The Letters of Jefferson.

THOMAS JEFFERSON ANTICIPATED OUR PRESENT DIFFICULTY WITH THE COURTS

Jefferson is, in my opinion, the greatest philosopher of government America has yet produced. Certainly he was the greatest scholar of his time. Jefferson felt strongly about the abuse of judicial power. One hundred and twenty-five years ago our third President advocated a provision to be added to the Constitution as an amendment providing for the election of the Federal judiciary for a definite term of years. Resolutions have been introduced in many Congresses to the same effect. Thomas Jefferson wanted our judges to be responsive to the will of the people. He even went so far as to argue that Federal judges should be removed by a majority vote of both Houses of Congress, a system which now prevails in England. Said Jefferson:

> • • • But it is not from this branch of the Government (Congress) we have most to fear. Taxes and short elections will keep them right. The judiciary of the United States is the subtle corps of sappers and miners constantly working underground to undermine the foundations of our confederated fabric.

Again Jefferson said, in a letter dated October 31, 1823:

> At the establishment of our Constitution the judiciary bodies were supposed to be the most helpless and harmless members of the Government. Experience, however, soon showed in what way they were to become the most dangerous; that the insufficiency of the means provided for their removal gave them a freehold and irresponsibility in office; that their decisions, seeming to concern individual suitors only, passed silent and unheeded by the public at large; that these decisions, nevertheless, become law by precedent, sapping by little and little the foundations of the Constitution, and working its change by construction, before anyone has perceived that this invisible worm has been busily employed in consuming its substance. In truth, man is not made to be trusted for life if secured against all liability to account.

Chief Justice Clark, formerly of the Supreme Court of North Carolina, quoted Governor Baldwin, recently chief justice of the Supreme Court of Connecticut, as follows:

> The right of a court to set itself up against the legislature • • • is something which no other country in the world would tolerate.

Mr. Chairman and gentlemen of the Committee, this subject is so vast and contains so many ramifications that one may only touch a few of the high spots in one address. It is my hope that on subsequent occasions I may expatiate further on the matter of the cogent necessity, as I conceive it, of a reform in the Federal judiciary. The war is on between the liberal and reactionary viewpoint. Let us lend our hearts and our talents freely to the solution of this national problem. [Applause.]

Mr. DALY. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. THOM].

Mr. THOM. Mr. Chairman, in view of the present consideration of the appropriation bill for the Post Office Department, I want to speak in commendation of the Post Office employees for undertaking and completing for the Social Security Board the registration of applicants for old-age pensions. Recent report shows that over 23,000,000 employees' applications for old-age pension benefits were gathered in by the post offices of the country. The work was done expeditiously and with an exhibition of intelligence that redounds to the great credit of the Department. While the letter carriers distributed the forms and necessary instruction sheets, the postmasters, clerks, and other inside employees supervised the typing of the applications and their dispatch to the Social Security Board. The work was done with the aid of typists called in for extra service.

The competency of the postal employees in this work has raised the question in my mind of why they are not enlisted to make a census of the unemployed in this country. With the knowledge of their routes and the people who live on them, they would start off highly informed as to the unemployed in their district. I would suggest a scheme of self-registration by which the letter carriers would leave at each home necessary information sheets to be filled out by the unemployed. These questions should be few in number and, of course, carefully framed to elicit enough information and not too much. After a lapse of time during which newspaper discussion of the objects of the census would be widely disseminated and the assistance of the people would be solicited in helping to make the census an accurate count, the registration sheets would then be gathered.

If at all possible, I should then like to see the local post offices compile the results—at least the general figures as to the number of unemployed in each community. This would make it possible to have an immediate picture of unemployment. If the records were sent to Washington for tabulation, the delay would be such as to cause the country to lose interest in the results. Incidentally the one purpose of the census would be to make the public realize what I fear would be found—that the problem is much more serious than we estimate.

One gets a glimpse of the seriousness of unemployment when he finds from the recent report of the W. P. A. more than one-third of the workers are over 45 years old. If factories are to continue the policy of not employing men over that age, it is easy to see that expanding business will not help in putting this class of men back into private employment—rather the employers will tend to work their men longer hours. This estimate of men on W. P. A. over 45 years is not high enough for my part of the country, for in one county of the W. P. A. district in which my home is located the number of W. P. A. men over 45 years of age is 60 percent of the total. In that locality the age limit is enforced universally by factories.

Now, reverting to the suggestion of the enumeration by the Post Office Department, I may say that I made the suggestion to one high Government official, and he has criticized it on the ground that it would not give universal coverage. However, I believe that such houses as are missed on the regular mail routes could be visited for the unemployment census without many omissions. On the other hand, Post Office Department officials tell me that they could do the job satisfactorily if the Government assigned it to them.

Mr. DALY. Mr. Chairman, I yield such time as he may desire to use to the gentleman from Ohio [Mr. HARLAN].

Mr. HARLAN. Mr. Chairman, these remarks closely approximate a broadcast which I gave last evening over the Columbia System.

Every American schoolboy is taught that his liberty depends upon a separation of governmental functions into legislative, executive, and judicial branches maintained by a constitutional system of checks and balances.

Consequently the opponents of President Roosevelt's judicial reorganization very wisely refrained from much argument concerning the need for the proposal. Instead they began to shout about "destroying checks and balances and packing the courts." A dramatic appeal to childhood prejudices and fears makes logical thinking difficult.

But to those of us who last November cast prayerful votes for our great New World leader, such emotional appeals are not convincing.

We want to know the facts about this judicial legislative check and whether there is a corresponding balance. We also want to know whether increasing Court membership is new and dangerous or old, harmless, and constitutional.

Let us examine these checks and balances. The power of the Federal court to declare an act of Congress unconstitutional was never granted by the Constitution and is still ardently questioned by many students. Nevertheless, it has been exercised too long to be denied today. However, the courts themselves have unanimously and repeatedly laid down two basic controls on the exercise of this power.

First, before a law can be declared unconstitutional it must be so beyond a reasonable doubt. Second, in declaring an act unconstitutional a court must scrupulously adhere to interpretation and not embark upon lawmaking. These two controls operated so effectively that prior to the Civil War the number of laws declared unconstitutional was negligible. However, from 1885 the decisions declaring acts unconstitutional have fallen from the Federal courts as raindrops. With this deluge the requirement of unconstitutionality beyond a reasonable doubt and the restriction against judicial lawmaking have taken their place with the dodo bird among the things that were but are not.

Reasonable doubt is no unfamiliar term. In criminal cases if only 1 of the 12 jurors remain unconvinced to this high degree the defendant is never convicted. What shall we say of the verdict of five men, well learned in the law and true, who declare a legislative act unconstitutional beyond a reasonable doubt, while four colleagues equally learned, reading the same brief and hearing the same argument, are equally sure that the law is constitutional? The answer is too obvious for argument. The courts are not adhering to their own rules of the game. They are declaring acts unconstitutional because in the opinion of the majority of the Court some particular law is deemed unwise. For example, New York recently passed a law fixing a minimum milk price. The Supreme Court by a 5-to-4 decision declared that law constitutional. The same State passed a law fixing a minimum wage for women, and the same Court by a 5-to-4 decision declared that law unconstitutional. The obvious distinction being that price cutting on the property market is against the general welfare, while price cutting on the labor market advances the general welfare.

One Justice changed from one side to the other in these two different cases, and was certain in one case that the law was constitutional, and certain beyond a reasonable doubt in the other case that it was not constitutional. To say that such decisions have even a distant connection with any principle of reasonable doubt as recognized in the law is simply ludicrous.

The decisions are full of statements to this effect by eminent judges themselves. Justice Brandeis, dissenting from a decision declaring a State law regulating the weight of bread unconstitutional, declared that decision to be—

> An exercise of the powers of a superlegislature—not the performance of the constitutional function of judicial review.

Justice Harlan, in the Standard Oil case, declared—

> In short, the Court now by judicial legislation, in effect amends an act of Congress.

Justice Holmes, in the Child Labor case, declared that the Court had entered a field reserved for the consideration of Congress alone, and had repudiated its repeated declarations against lawmaking.

Justice Harlan again, in the Income Tax cases, declared that decision to be an effort of—

> The judiciary to supervise the actions of the legislative branch upon questions of public policy.

Justice Moody, in the Employer Liability cases, says:

> Legislators have their own economic theories, their views of justice and public policy, and their views when embodied in written law must prevail.

Justice Stone, in the recent A. A. A. decision, says:

> The suggestion that the power of Congress to levy taxes must now be curtailed because it may be abused by unwise use, hardly rises to the dignity of argument. Such suppositions are addressed to the mind accustomed to believe that it is the business of the courts to sit in judgment on the wisdom of legislative action.

The number of such indictments against the Supreme Court by its own members could be multiplied, but they are well summarized in the remarks of Chief Justice Hughes when Governor of New York:

> The United States is governed by a Constitution. The Constitution is what the Judges say it is.

This judicial constitution making has produced rather startling results. In effect it has given us two constitutions—one applicable to the operation of property and another controlling the conduct of persons. Under the first, which we may call the property constitution, very generally whenever States have attempted to curb vested interests, the Supreme Court has nullified such laws as depriving individuals of property without due process of law. When the Federal Government has attempted similar legislation, it has been told that it was exceeding its powers over interstate commerce. In the meantime the Federal Government has no general police powers and the States have no control over interstate commerce. Down this avenue of anarchy, paved largely by judicial law making, vested interests have traveled rejoicing, protected by our laws, consuming the cream of our natural resources, many times heartlessly exploiting both labor and agriculture, but wholly free from either State or Federal control.

Now, let us look at our judicially created Constitution for personal behavior. Under this Constitution the States seldom hear of due process of law. They have been permitted to ignore these procedural steps in criminal cases referred to as due process of law by our constitutional fathers. The Federal courts have also decreed contrary to all Anglo-Saxon precedent that, when expedient, State criminal laws may be liberally construed. The powers of the Federal Government have also expanded under this personal constitution. Here it has almost unlimited power in its control over interstate commerce. It controls lotteries, frauds, employees' compensation, prison-made goods, intoxicating liquors, and stolen automobiles. In fact, whenever property interests have not objected, the Federal Government has been permitted to exclude from interstate commerce all commodities produced, transported, or sold contrary to public policy.

The present issue between our legislative and judicial branches which has caused all this commotion is simply whether our property or our personal constitution shall prevail.

Congress has chosen the personal constitution, under which every provision of New Deal legislation, excepting possibly delegated powers, was based on adequate authority. Prior to the final Supreme Court decision these New Deal laws were sustained by Federal, district, and circuit courts about as often as they were rejected. For example, the lower courts rendered 23 decisions for the N. R. A. and 25 against. In wrecking the congressional program our Supreme Court adhered to the property constitution, which it alone had created.

Mr. McSWEENEY. Will the gentleman yield?

Mr. HARLAN. I would be glad to yield to my Buckeye colleague.

Mr. McSWEENEY. What does the gentleman think about the operation of a Supreme Court of 15 members?

Mr. HARLAN. I think that we will never have a Court of 15 members. When this Congress, as representing the will of the people of the United States, shows to the Supreme Court by the adoption of this reorganization bill that the services of men over 70 years of age on our Supreme Court is no more to be desired than is the services of men of similar age in industrial executive capacities, I believe that the members of that body will resign, and that there will be no substantial increase in the Court. If there is an increase, it will be the responsibility of the Supreme Court members and not of the Congress.

Every American has more than ample reason to be proud of our Supreme Court. Almost without exception it has been composed of the finest lawyers and the best citizens we can produce. Its interpretive decisions equal those of any tribunal in the world. However, when judges embark on lawmaking, no matter how profound their learning or how unselfish their motives, they become as other lawmakers, swayed by political prejudice and controlled by those basic emotions which arise out of heredity and environment.

Mr. CLAYPOOL. Will the gentleman yield at this point?

Mr. HARLAN. Certainly.

Mr. CLAYPOOL. Does my colleague from Ohio believe that the adoption of this bill will in any way tend toward making the Executive a dictator over all the governmental functions?

Mr. HARLAN. Most certainly not. The step which the President proposes is the least drastic of all measures that are available to him. We could pass a law fixing the number of judges necessary to declare an act unconstitutional at two-thirds. We could pass a law taking the question of constitutionality entirely away from the lower Federal courts. In fact, there are many other steps that might be taken, but the President has chosen to continue as nearly in our present line of procedure as possible. He will have no more control over the decisions of his appointees than has any other President in the past.

For a man to become a dictator he must exercise some power against the will of the people. The President has never taken a single step in this direction, nor has the proposed measure. Every President in our history that has attempted to curb those interests which have prospered under our court-made property constitution, has been the victim of howls when he has taken steps to protect the people from exploitation. They called Jackson a king; Lincoln a tyrant; Theodore Roosevelt was called Theodore the First; Wilson was a despot; and now Franklin Roosevelt is a dictator.

Those interests want men like Coolidge, Harding, and Hoover in the President's chair, and they want a Supreme Court that will let them go their way unmolested. When anyone suggests that they should come under the same law that controls the rest of our citizenship they begin to whimper and whine about class agitation. The same spirit that brought forth "Let them eat cake" is still abroad calling Roosevelt a dictator.

Now, what does the good old Constitution, the real one, provide for our present condition of governmental unbalance created by judicial lawmaking? It says that the executive and legislative branches together shall control the number of judges and, by selection, determine what kind of emotional and intellectual background these judges shall have. Under this authority plans containing almost all portions of the President's proposal have at different times been recommended by past Presidents, approved by Congress, and endorsed by men who later occupied the Supreme Bench.

Mr. McSWEENEY. Will the gentleman yield?

Mr. HARLAN. Certainly.

Mr. McSWEENEY. What does the gentleman think about the advisability of a constitutional amendment of some kind?

Mr. HARLAN. I think it would probably be harmless to let the people vote on an amendment, but during the intervening time I should say we could proceed under the Constitution as it exists, and then, if subsequently the people approve an amendment, the reorganization law would be unnecessary.

It took 4 years to get the income-tax amendment through. We never have gotten the child-labor amendment, and, in fact, the only amendments that we have ever gotten in a short time have been those amendments which property has not objected to. Thirteen States, containing an insignificant fraction of our people, can block an amendment; and with the opposition of all the organized selfishness in this country, we will be well into the next panic before any amendment can be adopted.

But to return to the judicial lawmaking, which is the crux of the present dilemma, whenever our judicial branch constitutes itself a third legislative chamber, chosen for life, and utterly contemptuous of the overwhelming desires of the elected lawmakers, the Constitution expressly authorizes Congress to appoint a majority, if necessary, in that third legislative chamber. Such procedure disturbs no checks or balances. It merely utilizes the ones which the original Constitution gave us. We neither desire nor need any amendments to our original Constitution to carry out a progressive program. What we need and will get by the court reorganization bill is the removal of these court-made constitutional amendments injected into our Constitution since 1885 by lawmaking judges. After all, this is a democracy, and just as the English Parliament had to curb its House of Lords, an occasional check upon our own "house of lords" might be salutary. [Applause.]

Mr. DALY. Mr. Chairman, I yield 10 minutes to the gentleman from Nebraska [Mr. BINDERUP].

Mr. BINDERUP. Mr. Chairman, I realize that in a general debate such as we have before us today it is a very flexible mind that can immediately pass from one subject to another if, indeed, a speaker may be fortunate enough to carry his audience with him.

I have always been intensely influenced, naturally, by the environment of the people in my own district and by the main industry of my district, which is agriculture. I saw plainly some years ago how my country was being depleted of its farm owners and the land gradually going into the hands of speculators and large landowners. I became so alarmed over this that in 1930 I began to speak over the radio every Sunday morning in order to tell about this frightful thing that was confronting us. Although I live in one of the best counties of Nebraska, 60 percent of the farmers of that county have become renters and were plowing and cultivating land that did not belong to them.

So, urged on by a desire to do something for agriculture in general and to check the growing menace of farm tenancy, I introduced a bill a few days ago which I believe will go far in helping to solve this problem. I was greatly encouraged to find that when a report on the farm-tenancy question came from the President of the United States a few days ago to this body everything he suggests in it is practically covered in my bill, which was introduced before the receipt of his message. Based on years of farming and my association with the Federal land bank of the eighth district for the last 20 years, or since its inception, I agree thoroughly with him in everything he says on this subject.

My bill is H. R. 4723, providing for direct farm-home financing by the Federal Government, embodying the principles of the Farm Loan Commissioner Act that was passed in 1933. My bill was born of sheer necessity to counteract the loss of the 40,000 farm homes that is taking place yearly, and in answer to the pleadings of 3,000,000 farmers and renters, tillers of the soil, and 1,000,000 young men and women from the farm, schooled in agriculture, but denied the opportunity to acquire a farm home. Contrary to the policy of the Government in the past when we have said, "Only to those who have shall be given", this bill provides that to those who have not shall be given. In the past we have said, through the Federal land bank, the Home Owners' Loan Corporation, the Federal Housing Act, and the Commissioner's Second Mortgage Act, and any other Government loaning agency, "Unless you are financially able to ante up from 20 to 35 percent, you will not be considered." In my bill, if

you have honor, ability, and integrity, you will be considered, even though you do not have money. In this bill the farmer says to Uncle Sam: "You were good to us in 1933, when you gave to some of us second mortgages on our farms, and we are sorry you are losing millions of dollars through your good efforts, and we all know the big insurance companies and the big loaning companies got this money, as we could not get a cent unless we owed it to them; yet, regardless, just load this burden on our backs collectively and we will see that you are paid back if you will just lend us a little of your unlimited credit."

Yes; this bill will give back to Uncle Sam millions of dollars he would otherwise lose in commissioner second mortgages. It will give back to the tiller of the soil a farm and home, and give to the Nation millions of homes that are the units in the foundation of our Government.

When I speak of the Commissioner Second Mortgage Act it is a matter with which I am very familiar through my close acquaintance with the activities of the eighth Federal land bank district. These Federal land banks and all the other large loan companies speak of Uncle Sam as a Santa Claus in connection with these commissioner second-mortgage loans. They think it is perfectly all right that he should lose these second mortgages, and Uncle Sam is losing on these mortgages where there is the best kind of equity, because no one is interested in taking care of Uncle Sam. Consequently they close out the second mortgage and Uncle Sam holds the sack. I know of individual cases where there was at least 50 percent above the first mortgage, and yet they have not taken care of Uncle Sam.

This bill protects the Federal Government against losses that have been sustained, or which may be sustained by reason of the Farm Loan Commissioner Act, in that it provides for the purchase by the Federal Government of lands on which the Government holds second mortgages, which lands are now under foreclosure, or which have been foreclosed, or which may hereafter be under foreclosure. In other words, it prevents the Federal land bank and other loaning agencies from using Uncle Sam as Santa Claus, a term, as I have said, now commonly used in referring to the Government's second-mortgage loans under the Farm Loan Commissioner Act.

It provides for the reselling of these lands and other lands to be purchased and provides the plan and terms of such sales. The cost of administration of this act by the Farm Loan Commissioner and the Farm Credit Administration should not exceed one-half percent.

The act provides that not more than $8,000 shall be invested by the Farm Loan Commissioner in any one farm home. The act provides for 4½-percent annual payments, 1½ percent of which is interest and 3 percent is for amortized payments on principal.

It provides that the title to all land sold under this act shall be vested in the Farm Loan Commissioner, for the United States, for 20 years, when one-half of the purchase price has been paid to the Land Bank Commissioner. Then a deed is given and a mortgage is taken back for the balance. It provides for payments on the amortization plan over a period of 40 years.

The vesting of the title in the Land Bank Commissioner, for the United States, has four important features:

The purchaser cannot sell or barter the land; in other words, it keeps the land out of speculators' hands. If you reduce the rate of interest and do not put a ceiling on it, you will increase the purchase price of the land, because of the cheaper rate of interest. So you have to have a roof on your house to make it satisfactory; so this holds down speculation by leaving the title in the name of Uncle Sam for the first 20 years. And after half has been paid down, my bill provides that we give a deed to the farmer, and we take a mortgage back.

The purchaser cannot lose the land by reason of a second mortgage. A great deal of criticism has been made of my bill because it eliminates taxes, but in this way it benefits the State and the county and the municipality, and they should at least cooperate with the National Government in order to bring about this home ownership; and the only thing that we ask of the States and the communities is merely this: "If you allow them to go for 20 years, without taxation, in order to give them a start, except for improvements, it will be of benefit to your State and your community."

It eliminates the danger of land inflation, which would cancel the advantages to be gained under this act. I noticed today in a circular that comes from Mr. Myers, of the Federal land bank, that he says there is a danger of land inflation. I know there is. I know one banker who now has 50 farms, and I know that the farm banks have to foreclose on thousands of them, and I know that the Land Bank Commissioner is foreclosing on hundreds of others. As the price of land advances—and it is advancing—these farms get into the hands of large landowners and speculators, and the individual type of farm home owner is being crowded out of ownership, as the records show.

Mr. MILLS. Mr. Chairman, will the gentleman yield?

Mr. BINDERUP. Yes.

Mr. MILLS. Is it not a fact that the Federal land banks, when they dispose of this land, withhold half the mineral rights?

Mr. BINDERUP. Yes.

Mr. MILLS. Will the gentleman introduce a bill to prohibit the land banks from withholding those mineral rights?

Mr. BINDERUP. I think I shall stick on the surface of the land and let someone else introduce such a bill as the gentleman refers to, to protect the individual owner from anything of that kind. My bill applies only to the farm land.

Mr. MILLS. Does the gentleman hold that is right?

Mr. BINDERUP. That is something that I would not argue about, and I think probably the gentleman is right about that; but my bill does not contemplate that. I am holding to the principles of my bill.

My bill exempts these farm homes from judgments and attachments for old debts contracted during the depression. It makes the Government safe by retaining title in the name of the Land Commissioner. The bill would waive amortized payments on principal for the first 5 years.

The contract of sale cannot be transferred, except from husband to wife or wife to husband by inheritance. In case of termination of contract before maturity for any reason, the Government shall retain all payments made under the contract and same shall be considered as a fair rental price for use of the land, except that the purchaser shall be paid for improvements made on the land at a fair appraised value.

The financing of purchasing of land by the Farm Loan Commissioner shall be made possible by the financing of contracts of sale of such land through the Federal Reserve Board of the Federal Reserve banks, in like manner as national banks are now financing farm mortgages.

Mr. DALY. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. MAVERICK].

REMEMBER THE (LEGISLATURE OF) MAINE; THEY DENOUNCED THE SUPREME COURT

Mr. MAVERICK. Mr. Chairman, usually when I get on this floor I am all steamed up, but I feel rather relaxed today, and anyone who wishes to sleep or rest during my address may do so. But I shall appreciate it if gentlemen who are talking loudly will go outside, so that the rest can sleep if they wish. That is only parliamentary courtesy.

I am going into history a little bit today, and I shall read a resolution which was read in the Senate yesterday. It was passed by the Legislature of the State of Maine, because that legislature sometimes does things right—and every now and then Texas does things that are wrong.

OH, READ THE DENUNCIATION OF THE COURT

It is a very important thing, because history hinges on this resolution of the State of Maine. It concerns the Dred Scott decision, rendered in 1857, which led to the Civil War. It reads:

Whereas such extrajudicial opinion subordinates political power and the interests of the American people to the cupidity and ambition of a few thousand slaveholders—

You might substitute in contemporary history "a few hundred industrialists."

Then the legislature goes on:

Therefore:

Resolved, That the extrajudicial opinion of the Supreme Court in the case of Dred Scott is not binding in law or conscience upon the Government or the citizens of the United States, and that it is of an import so alarming and dangerous as to demand the instant and emphatic reprobation of the country.

COURT SHOULD BE RECONSTITUTED, SAYS MAINE

That was Maine talking, just before the Civil War. The resolution continues:

Resolved, That the Supreme Court of the United States should by peaceful and constitutional measures—

And that is what Mr. Roosevelt is recommending at this time in his judicial plan. I read again—

be so reconstituted as to be relieved from the domination of a sectional faction.

That is the Maine Legislature, when it saw clearly the grave issues just previous to the Civil War.

ISSUE EXACTLY SAME TODAY—CHEAP OR SLAVE LABOR

What is the issue today? The issue today is exactly the same as it was in 1857 which lead to the Civil War, and that is cheap labor or slave labor, call it whatever you please.

When I went to law college I read the Dred Scott decision. I had to. I did not read it carefully, so for the last 3 months I have been reading it. I am a southerner. The men of my family were all Confederate soldiers. The reason that hundreds of thousands were killed and we had to go to war was through the Supreme Court decision of an illiterate colored man by the name of Dred Scott. Poor Dred! He did not know what it was all about. Except for that case and the Court going out of its way to declare the Missouri Compromise unconstitutional, the Negroes could have been freed and white men could have saved themselves from killing each other.

COURT COMPARES HORSES AND CATTLE TO NEGROES—NORTHERNERS ANGRY

Here is approximately the holding in the Dred Scott decision:

First, that the Government could no more prohibit a southerner taking his slaves west and northwest than the southerners could prohibit the northerners taking their horses and cattle south. Was not that a humane consideration?

The second was that colored persons, as they said, will carry the stigma and degradation forever and ever, and could never be citizens of the United States in any State in the Union. It held they could be citizens of the State of Maine and other free States, but could not enjoy the citizenship of American citizens, although they were already American citizens. The Court had, in other words, deprived them of American citizenship.

DRED SCOTT DECISION LEADS TO WAR

Those were the principal holdings of the Dred Scott decision. It led to war. Also, then, decisions which are being rendered by the Supreme Court today are based on looking backward instead of looking forward.

They look back to slave conditions in order to pass on social security. The Court looks only to precedents.

The President's bill is proposed for the purpose of giving new blood to that Court so they can look forward instead of backward; so they can use science, knowledge, and progress instead of looking back to such decisions as were rendered in the Dred Scott case.

I want to make this statement so it will not be misunderstood: There are a great many thousands of good people who really believe that their liberties will be destroyed if a few more Judges are put on the Supreme Court. It is not in any way true. But there really are people who believe that.

Let us study at the background. For instance, let us take the Sons of the American Revolution. People are afraid to get up and say what they think about societies which are allegedly patriotic organizations.

MESSMORE KENDALL, OF SONS OF REVOLUTION, MESSES THINGS UP SOME MORE

The great president general of the Sons of the American Revolution is a man named Messmore Kendall—and this is one time he has messed something up. He is sending out secret telegrams to his Sons of the American Revolution all over the United States telling them to send wires to their Representatives in Congress contesting this perfectly constitutional plan and saying that it will break down the Constitution.

Now, who is Mr. Messmore Kendall? Messmore Kendall is a Republican, and that is all right. He is a Hoover Republican, and that is still all right, although I prefer Roosevelt Democrats. But he is also president of the Sons of the American Revolution, and he is using his high office in that organization to play Republican politics.

There is your kingpin of Sons of the American Revolution. Nobody can throw a rock at me and say that I am subverting the Government, because I am a member of that organization. If we travel around the country, we will find various and sundry organizations operating this way. It is an old American custom.

THE SAME OLD RACKET NOW AS BEFORE

I am not going to give the details of this, but in this country today the same thing is happening that happened when we were considering the holding-company bill; and that is that certain persons in New York and Chicago and St. Louis are wiring out to the country to wire their Congressmen to be against the judiciary bill. I know of one instance where a lady sent out 27 telegrams over the telephone and had them charged to her telephone bill. That is the way this thing is going.

ROOSEVELT'S APPOINTEES WILL CERTAINLY BE AS HONORABLE AS HARDING'S, HOOVER'S, OR COOLIDGE'S

Let us analyze that. In the first place I see no reason why if Mr. Roosevelt were to appoint, we will say six good Democrats to the Supreme Court and they hold up their right hand and swear before God to support the Constitution of the United States, that they would be any less honorable than if they had been appointed by Mr. Coolidge, Mr. Hoover, or by Mr. Harding. Those men will still be bound by the Constitution of the United States.

When we analyze this we find it is not worth all the fuss and row that has been made about it, for it is not going to lead to any phase of dictatorship whatsoever. It is absolutely constitutional. If the Liberty League objects to it let them get an amendment. .They are always talking about getting amendments—let them get the amendment.

GENERAL TREND AWAY FROM LIBERTY—LET US GET IT IN RIGHT DIRECTION

The general trend in this country has been away from representative government. If, after the Dred Scott case, Congress had had the opportunity to compromise slavery, war would have been averted, because Southerners and Northerners were satisfied with the compromise. Alexander Stephens said, "Pay us $400 a piece for these colored people." The Congress said, "No; the Supreme Court has said we cannot do it." Unconstitutional to save a nation from war! Had they done it they would have saved this Nation. The same thing faces us today as representatives of the people. We have a duty to perform and we ought to perform it.

The Republican Party was against Judge Taney and the Court because he was a Southerner and because he upheld slavery. That is what they said. Lincoln said he would reverse that decision, and he did reverse it.

How? By a four-and-a-half year bloody war.

My uncles, my grandfather, and other relatives fought these boys from Maine and the North. What are we going to do now? Shall we fall into economic destruction by representative government being destroyed, or shall we maintain democracy and hence our country? [Applause.]

[Here the gavel fell.]

Mr. DALY. Mr. Chairman, I yield the balance of my time to the gentleman from Texas [Mr. MCFARLANE].

Mr. MCFARLANE. Mr. Chairman, since the President has sent us his recommendations on judicial reform on February 5 we have had much discussion here on the floor as well as in the press and over the radio, giving many of the different views and angles of this most important question.

I consider this the most important question that we will have before us during our lifetime, notwithstanding the seriousness of the situation confronting the Nation in 1933, when this administration came into power. The people had had three reactionary "do nothing" administrations during the past 12 years under Presidents Harding, Coolidge, and Hoover, and it may safely be said that the people voted for a change in 1932. We all remember the chaotic conditions confronting the Nation in March 1933, with the banks closed, 14,000,000 unemployed, city and farm foreclosures totaling thousands daily, fear gripping the hearts of everyone, and nothing being done in Washington to correct these chaotic conditions, the people voted for a change; they got what they voted for and plenty of action with it.

Under the leadership of President Roosevelt the Congress speedily enacted a program that reopened our banks on a safe and sound basis, restored confidence in the hearts of the people by starting a great public-works program, millions were reemployed and under a well-rounded legislative program worked out and enacted for the benefit of the farmer, laborer, merchant, and in fact all of those in all walks of life were benefited, and things began to "hum" in every direction. Smiles replaced the frowns and happiness and reemployment again came into the homes of our people.

COMPARISON 1933 WITH 1936

Let me give a summary of the conditions when we came into power in 1933 and then compare those conditions with the last figures available.

In order that we may have the clear picture of the progress made we must remember as has been demonstrated here on the floor this afternoon, we still have our reactionary critics who are always ready to criticise and belittle our efforts and the great progress made, and they are always ready to misstate the facts in any and every way possible in order to try to deceive the people.

Now, let me refer to some of the surest signs of recovery. These figures are furnished by the National Emergency Council. First take the Internal Revenue collections for the United States:

	Calendar year 1933	Calendar year 1936
Individual	$375,284,302	$739,932,288
Corporation	345,174,354	811,720,307
Miscellaneous	1,229,925,376	2,232,537,753
Agricultural Adjustment Administration taxes	140,563,245	3,145,712
Total	2,090,947,277	3,787,336,060

81 percent increase reported by the Bureau of Internal Revenue, Department of the Treasury.

New passenger-car registrations

Registrations:
Calendar year 1933 ---- 1,493,794
Calendar year 1936 ---- 3,404,497
One hundred and twenty-eight percent increase.
As reported by the R. L. Polk Co., received from Automotive Division, Department of Commerce.

Bank deposits, exclusive of interbank deposits, all banks

Amount on deposit:
Call date:
June 30, 1933 ---- $38,011,000,000
June 30, 1936 ---- 51,335,000,000
Thirty-five percent increase.

Gross postal receipts, exclusive of money orders

Amount:
Fiscal year 1933 ---- $563,355,804
Fiscal year 1936 ---- 633,166,235
Twelve percent increase.

Domestic money orders issued

Amount:
1933 ---- $1,654,961,826
1936 ---- 1,927,424,982
Sixteen percent increase.

Value of residential building contracts

	Calendar year 1933	Calendar year 1936	Percent
Number of contracts	40,486	83,906	107
Value of contracts	$249,262,100	$801,623,800	221

Reported by the F. W. Dodge Corporation: For 37 eastern States.

Receipts from the sales of principal farm products and Government payments

	Calendar year 1933	Calendar year 1936
Farm marketings	$4,709,866,000	$7,578,000,000
Government payments	161,742,000	287,000,000
Total (57 percent increase)	4,871,608,000	7,865,000,000

Business indexes

[1923-25=100]

	Annual average	
	1933	1936
Industrial production	76	105
Manufactures	75	105
Minerals	82	104
Construction, total	25	55
Residential	11	37
All other	37	70
Factory employment	72	92
Factory pay rolls (unadjusted)	49	82
Freight-car loadings	58	72
Department-store sales	67	88

Loans and grants by Federal agencies in the continental United States from emergency funds, Mar. 4, 1933, to Dec. 31, 1936

	Amount
Loans:	
Farm Credit Administration [1]	$2,845,398,679
Commodity Credit Corporation (to individuals)	529,113,000
Home Owners' Loan Corporation	3,089,798,808
Public Works Administration	753,866,122
Grants:	
Social Security Act [2]	107,909,718
Works Progress Administration	2,476,552,590
Public Works Administration	1,939,281,847

[1] Includes Federal land bank, land bank commissioner, Production Crop Association, emergency crop and feed, and drought loans.
[2] Includes payments to States and individuals by the Public Health Service; Vocational Rehabilitation Division of the Department of the Interior; child welfare, and maternal and child welfare administered by the Department of Labor; aid to crippled children by the Department of Labor; old-age assistance, aid to dependent children, and aid to the blind by the Social Security Board.

Average price received by farmers

	Unit	1933	1936
		Cents	*Cents*
Wheat	Bushel	74.1	99.7
Oats	Bushel	33.4	44.2
Barley	Bushel	43.3	80.0
Cotton	Pound	10.2	12.3
Chickens	Pound	9.0	12.6
Butter	Pound	20.2	31.2
Eggs	Dozen	13.8	30.5
		Dollars	*Dollars*
Hogs	Hundredweight	3.94	9.09
Beef cattle	Hundredweight	3.63	6.17
Veal calves	Hundredweight	4.57	7.83
Lambs	Hundredweight	4.78	7.26
Milk	Hundredweight	1.31	2.10

Thus it will be seen from the above comparison of conditions existing in 1933 and 1936 that the condition of those in all walks of life has been tremendously improved. Revenue collections because of increased incomes have nearly doubled. More than 5,000,000 unemployed have been reemployed, farmers' incomes nearly doubled, and business in general has shown a tremendous improvement.

COMPARISON OF 1933 WITH 1936 FOR TEXAS

Before I go any further, let me insert in the RECORD at this point the same information for Texas that the Emergency Council has furnished me for the Nation.

Internal-revenue collections, State of Texas

	Calendar year 1933	Calendar year 1936
Individual	$7,318,632	$21,640,991
Corporations	5,616,086	17,285,289
Miscellaneous	31,190,565	41,641,059
Agricultural Adjustment Administration taxes	4,399,515	−4,937
Total	48,524,798	80,562,402

Percentage of increase, 66 percent.

New passenger-car registrations

New-car registrations:
Calendar year 1933 ---- 80,447
Calendar year 1936 ---- 157,995
Percentage of increase, 96.3 percent.
As reported by the Automotive Division of the Department of Commerce from R. L. Polk Co. reports.

Bank deposits exclusive of interbank deposits

Amount on deposit:
Call date:
June 30, 1933 ---------- $662,590,000
June 30, 1936 ---------- 1,031,663,000
Percentage of increase, 55.6 percent.

Gross postal receipts exclusive of money orders

Amount:
Fiscal year 1933 ---------- $17,155,528
Fiscal year 1936 ---------- 20,209,542
Percentage of increase, 17.8 percent.

Domestic money orders issued

Amount:
Fiscal year 1933 ---------- $47,846,900
Fiscal year 1936 ---------- 66,882,465
Percentage of increase, 39.7 percent.

Value of total construction permits awarded

Value of permits in 12 identical cities in Texas:
Calendar year 1933 ---------- $13,024,842
Calendar year 1936 ---------- 55,282,580
Percentage of increase, 324 percent.
Reported by the Bureau of Labor Statistics.

Receipts from the sales of principal farm products and Government payments

	Calendar year 1933	Calendar year 1936
Farm marketings	$436,688,000	$403,432,000
Government payments	44,961,000	27,205,000
Total	391,649,000	430,637,000

Percentage of increase, 10 percent. Reported by the Bureau of Agricultural Economics.

EMPLOYMENT AND PAY ROLLS

Employment in manufacturing industries rose 21.2 percent from 1933 to 1936.

Pay rolls in manufacturing industries rose 53.1 percent from 1933 to 1936.

These figures are based on preliminary census figures for 1933 and 1935, and on reporting samples for 1935 and 1936.

Loans and grants (adjusted) by Federal agencies from emergency funds from Mar. 4, 1933, through Dec. 13, 1936

LOANS

Farm Credit Administration	$215,779,460
Commodity Credit Corporation	42,792,686
Home Owners' Loan Corporation	103,208,774
Public Works Administration	45,071,750

GRANTS AND EXPENDITURES

Agricultural Adjustment Administration	$185,991,177
Federal Emergency Relief Administration	98,456,763
Emergency Conservation Work	47,061,673
Bureau of Public Roads	74,434,184
Social Security Act	5,099,455
Works Progress Administration	52,332,728
Public Works Administration	63,943,860

LOANS INSURED

Title I—Modernization and repair notes	$13,677,756
Title II—Mortgages accepted for insurance	21,366,915

CRITICS ANSWERED

These records should answer the carping critics who still can see nothing good in the wonderful program worked out and enacted into law under this administration; but for some time we have realized that all is not quiet on the Potomac, that our critics have managed to continue their barrage of criticism and, through their government by injunction, have managed to almost completely block the administration's power program designed to furnish cheap electricity to every farm and home in America.

I will now undertake to point out as I go along not only how the power program of this administration has been nullified by the Supreme Court decisions, but will call to your attention how the tax burden has been shifted largely from the rich to the poor through the decisions of the Supreme Court.

LOWER LIGHT RATES

It is well known that this is the first administration we have had in Washington that has really tried to regulate the power industry and set up power yardsticks throughout the Nation whereby the people can know first-hand how cheaply electricity may be generated and distributed for their use. Under the Tennessee Valley Authority and other power projects under construction throughout the Nation, it has been demonstrated that electric current can be produced and furnished the people in quantity lots for less than 1 cent per kilowatt-hour, and what the Tennessee Valley Authority has meant to that 500-mile radius, the Brazos and Colorado River Authorities should mean the same cheap electric current for Texas and that section of the country.

POWER PROGRAM SABOTAGED

Let me insert at this point a letter just received from Col. Horatio B. Hackett, Assistant Administrator of the Federal Emergency Administration of Public Works, in answer to an inquiry I made concerning the latest injunction suit filed by the Electric Bond & Share Co. enjoining the construction of a municipal light plant loan and grant made by the Government for the city of Electra, Tex.:

FEDERAL EMERGENCY ADMINISTRATION OF PUBLIC WORKS,
Washington, D. C., February 16, 1937.

Hon. W. D. MCFARLANE,
Member of Congress.

MY DEAR MR. MCFARLANE: In response to your telephonic request of Mr. Clark Foreman regarding the status of the allotment to Electra, Tex., our docket Texas 2004 p–d, I can inform you that any payment of funds for this project has been restrained by order of the District Court of the District of Columbia. This order was issued February 12.

In response to your further question, this order of the court brings up to $27,491,863 the amount of money which is held in suspense by court injunction against P. W. A. Altogether, 53 projects are in this category, with 4 in addition on which injunctions have been modified to allow a limited amount of work to proceed. It is estimated that these injunctions are preventing 20,847 people from being employed on the projects, and approximately 80,000 more from being employed in the production and transportation of the various materials which would be necessary for the construction.

A good many additional projects have been enjoined but, because of the expense and delay of the litigation, or for other reasons, the applicants have withdrawn their applications and the allotments have been rescinded. Injunctions have been granted in other cases even before an allotment has been made.

Based on an actual study of six completed P. W. A. power projects made by the Bureau of Labor Statistics, more than four men were employed indirectly on these projects for every one employed on the site. These projects were steam or Diesel plants, whereas some of the enjoined allotments are for hydro plants and for the hydro plants the ratio would not be so high. However, the general ratio for all P. W. A. has been found by the Bureau of Labor Statistics to be 2.5 employed off the site for every one employed on the site.

It was hoped that litigation on these projects would have been settled by a Supreme Court decision in the *Duke Power Co.* v. *Greenwood County* case. This case was heard by the Supreme Court last fall but no decision was made on the merits as the Supreme Court found that the lower courts had made certain procedural errors; and therefore this case, which had already been in the courts for nearly 3 years, was returned to the district court of South Carolina for retrial.

In all four of the cases of this nature that have been decided by the circuit courts of appeal, the decision has been in favor of the Government. Every effort is being made to get another case before the Supreme Court this term, but at present there is little prospect of achieving this as the nearest cases are two which were heard before the Court of Appeals of the District of Columbia on February 15. Judging by the delays which have faced this type of litigation in the past, that will not allow time for this case to get to the Supreme Court this term, and therefore there is probably no likelihood of getting a decision on them before next Christmas, even if further procedural technicalities are not discovered in those cases.

In this connection, I think I should add that the procedural errors which caused the Supreme Court to remand the Greenwood County case were not due to any fault of the Government attorneys and they were not points raised by either side in the litigation. All the evidence either side had desired to introduce was before the Supreme Court at that time; but the Court sent the case back, saying that there was "no exigency"—although the consequent delay means, as above noted, that thousands of persons will remain unemployed. Needless to say, the P. W. A. will continue to push this litigation with all speed, as we are very desirous of having the question determined one way or the other so that the money which Congress has appropriated may serve the purpose for which Congress appropriated it.

Sincerely yours,

HORATIO B. HACKETT,
Assistant Administrator.

GOVERNMENT BY INJUNCTION

A recent document published by the Government gives the number and result of the injunctions that have been

issued against municipal and public projects throughout the country during recent years. The title is "Restraining Orders and Injunctions Instituted Against Public Electric Projects" (S. Doc. 182, 74th Cong., 2d sess). This study shows that there have been 278 petitions for injunctions filed against 195 public authorities in the United States.

It further shows that the delays caused by 246 of these suits amounted to nearly 290 years—289 years 8 months and 22 days, to be exact.

That the total direct cost of these suits in 198 cases amounted to $376,233.

That the total indirect cost of 162 of these cases amounted to $11,920,207.

There are 91 of these public authorities that have not yet been able to build their plants.

The greatest amount of indirect expense reported for any single municipality is Camden, N. Y., $2,838,888.

Mr. Chairman, let me say that I have offered legislation that I believe, if enacted into law, will greatly relieve the strangle hold the Power Trust now has through injunctions upon practically all the power projects approved by this administration throughout this Nation.

The recent decision of the Supreme Court in the case of the Duke Power Co. et al. against Greenwood County et al. read in the light of their decision on the Tennessee Valley Authority and other power projects, leaves little hope of any legislation we can enact that will stand the test of the Supreme Court on the power question.

You will remember that in 1930 the Supreme Court held, in a utility rate case, that anything less than 7½ (7.44) percent per year was confiscatory; and under the power set-up in the Nation, as shown from the records, the utilities have been allowed to earn $1,000,000,000 annually in excess of the Tennessee Valley Authority yardstick rate. Thus, for the past 6 years alone the Power Trust has been able to earn more than $6,000,000,000 in excess of the Tennessee Valley Authority rates under which the T. V. A. is furnishing citizens of that area electric current at about 30-percent profit, based on T. V. A. rates. Based on the excessive rates charged throughout the Nation for telephone, telegram, gas, and transportation services, as compared with the excessive rates charged by the power interests, you have a clear picture of what the Supreme Court, through its decisions, has allowed all the different utilities to get by with in their excessive charges for each and all of these services.

ANTITRUST LAWS INVALIDATED

In order to prevent small industries from being crushed by the giants of monopoly Congress in 1890 passed the Sherman antitrust law to protect trade and commerce against unlawful restraints and monopolies. The first real legal test on this act came before the Supreme Court in 1895 and involved the sugar interests (*U. S.* v. *E. C. Knight Co.*, 156 U. S. 1). For all practical purposes the Supreme Court admitted that a monopoly exists. According to the findings of the Court the American Sugar Refining Co. had acquired the stock of four Philadelphia refineries and by this act had, to use the words of the Court itself, "acquired nearly complete control of the manufacture of refined sugar within the United States." Notwithstanding this fact, the Court made a unique decision that the acts of the parties "bore no direct relation to commerce between the States or with foreign nations." By making the absurd holding that such a combination had no direct relation to commerce, the Supreme Court successfully clipped the power of Congress to outlaw monopolies and based on the Tariff Commission reports and other information available the consumers of sugar are paying about 100 millions of dollars annually to the sugar monopoly in excess of what other nations are paying for sugar. Later in 1904 when Theodore Roosevelt attempted to bust the monopolistic trusts of the country the Supreme Court came to the rescue of certain large corporations and saved them from the penalties of the antitrust laws and assured all corporations of such magnitude and power that they had nothing to fear, that only their corporations were liable, and that, of course, corporations cannot be sent to jail.

CLAYTON ACT VOIDED

After the Supreme Court emasculated the Sherman Antitrust Act Congress passed new legislation in 1914 in what was known as the Clayton Antitrust Act and at the same time created the Federal Trade Commission. However, Congress was soon to discover that it could not keep pace with the destructive decisions of the Supreme Court. The Clayton Act soon followed the Sherman Act into the Supreme Court's wastebasket. The first decision involved the Carnegie Steel Co., and the Supreme Court overruled the decision of the Federal Trade Commission and supported the Carnegie Steel Co. (*Federal Trade Commission* v. *Warren, Jones and Gratz*, 253 U. S. 542).

Later it again struck at the Clayton Act in the case of the Curtis Publishing Co. (*Federal Trade Commission* v. *Curtis Publishing Co.*, 262 U. S. 568), though it was alleged the contracts of that company were admittedly producing monopolistic practices in violation of the Clayton Act. This was followed by the decision of the Court holding that the Federal Trade Commission had no power to prevent fraudulent or deceptive advertising (283 U. S. 643).

Under the leadership of the present Chief Justice the Court has continued to nullify the efforts of the Federal Trade Commission and the Sherman Act. In a decision favoring the Standard Oil Co. the Court held that cross licensing of patents and pooling of royalties were not in violation of the legislation against monopolies (*Standard Oil Company* v. *U. S.*, 283 U. S. 163).

INTERSTATE COMMERCE COMMISSION NULLIFIED

In 1896 the Supreme Court began its attack upon the Interstate Commerce Commission, which had been established in 1887 to give the people a fair break on railroad rates. By this action the Court restored to the railroad a right to practically fix rates thus outlawing years of efforts by the people of the country to obtain fairer and more just railroad rates. From that day to this the Interstate Commerce Commission has never exercised the protective powers which it was intended they should have in order to protect the people from being plundered by the large corporations (*Maximum Freight rate case*, 167 U. S. 479).

RAILROAD RATES ALL TRAFFIC WILL BEAR

In determining the rates to be charged by the railroads the Supreme Court has required that consideration be given to reproduction costs and not to the amount of capital invested in the enterprise. In other words, though the owners of a railroad may have only $10,000,000 invested in it, if it would today cost $20,000,000 to build the railroad, the $20,000,000 figure (and not the $10,000,000) is considered in fixing the rates. However, this rule which was laid down in 1925 in the *O'Fallon case* (*St. Louis & O'Fallon R. R. Co.* v. *U. S.*, 279 U. S. 461), when values were increasing, does not work both ways. A decrease in value does not serve to decrease the rates, so the people learned when the Court refused to allow a reduction in public utility rates by reason of the decrease in values due to the depression (*West* v. *Chesapeake & Potomac Tel. Co.*, 295 U. S. 662), and a still further scuttling of the Interstate Commerce Commission was recently made by the Supreme Court when it failed to protect the bondholders by nullifying an order of the Commission designed to prevent excessive reorganization fees in the Chicago, Milwaukee, St. Paul and Pacific Railroad reorganization. This decision was the Supreme Court's gift to the lawyers and the others who thrive upon the fat fees allowed them in reorganizing corporations which are in financial difficulties, such persons being the only ones who derive any profit out of the reorganization (*U. S.* v. *Chicago, Milwaukee & St. Paul R. R.*, 283 U. S. 840).

FREEDOM OF SPEECH

A good deal has been said to the effect that the Supreme Court is necessary for the protection of our fundamental rights such as freedom of the press and freedom of speech.

The truth of the matter is that the courts are the ones which, without limitation, may throttle the press and the people in expressing their opinions. If a State imposes a tax upon newspapers the Court invalidates the tax on the alleged ground that it violates the freedom of the press. If a State passes an act to prevent a newspaper from publishing "malicious, scandalous, and defamatory" matter, the act is declared invalid by the Supreme Court. In other words, a newspaper can do just about anything it wants to do by way of malicious and defamatory publication, but if it points a gentle finger at the courts, that is an entirely different proposition, for the courts have taken unto themselves the power of supervising the press. If anyone has any question on this point let him look at the decision of the Supreme Court in *Toledo Newspaper Co.* v. *United States*, 247 U. S. 402. In that case the Toledo News-Bee very vigorously expressed its opinion with respect to a suit brought by the creditors of a street railway to restrain the enforcement of a city ordinance with respect to the fares to be charged. For such expression the newspaper and its editor were held for contempt of court.

TRIAL BY JURY

The significance of a contempt proceeding is that the party has no right to a jury trial, so the courts have held. In other words, the judge who holds a person for contempt of court is also the one who decides the case without giving the accused a jury trial. Following this procedure in the Toledo case, the judge found the editor guilty of contempt of court, despite the fact that it was not shown or found that any of the publications complained of was brought into the court room or court building or read by the judge. This star chamber procedure by which the court throttles the press was sustained by the United States Supreme Court, and yet today there are persons who think that the Supreme Court is a protector of the freedom of the press.

HOURS AND WAGES LEGISLATION NULLIFIED

The Supreme Court's decision in the case of *Schechter Poultry Corporation* v. *United States* (295 U. S. 495), in which the Court held that the N. R. A. was an improper delegation of power by Congress and an unlawful attempt to regulate intrastate commerce, was the death knell to legislation by the Congress to regulate hours and wages.

Then when we consider the case of *Atkins* v. *Children's Hospital* (261 U. S. 525), wherein the Supreme Court killed the minimum-wage law for the District of Columbia, holding that a board to fix minimum wages for women to protect their health and morals violates due process of law, and last year in *Moorehead* v. *New York* (298 U. S. 597) the Court by another 5-to-4 decision nullified New York State's minimum-wage law, which had been on the statute books for more than 10 years.

So thus we find the Supreme Court holds that hours and wages cannot be regulated by Federal statute, and that the State has no power to regulate hours and wages by State statute. Then the question arises, Who has the power to regulate hours and wages?

SIT-DOWN STRIKERS

This administration carefully worked out a program to protect the innocent public from fraudulent sales of worthless securities, and the big brokers and stock salesmen refused to be bound by it and filed injunction suits. We enacted a program to regulate and eliminate useless holding companies in the power industry and the utilities refused to be bound by it, and filed injunction suits. We enacted legislation to regulate hours and wages and to adjust labor disputes and those affected refused to be bound by it, and filed injunction suits. In other words, they went on sit-down strikes and refused to obey the laws of Congress, and each and all of these economist royalists are now looking to the Supreme Court to approve of their "sit-down strike", and the Supreme Court in the legislation they have so far reached have given their approval by declaring invalid the N. R. A., A. A. A., the Guffey Coal Act, and many other important pieces of legislation, and thus have nullified many important acts of Congress. But when the laboring man, because of the Supreme Court's decisions nullifying all State and Federal legislation to regulate hours and wages and working conditions, takes upon himself to engage in the same sit-down strike started by big business, he is bitterly condemned by the subsidized press Nation-wide. This sit-down strike business is wrong for both sides, for both capital and labor, and should not be tolerated. It is to be hoped that respect for law and order by all parties concerned will be given more consideration in the immediate future.

CANNOT REGULATE CHILD LABOR

The Supreme Court has repeatedly held that Congress has the power to regulate commerce, lottery, obscene literature, diseased cattle, persons, impure food or drugs, and so forth. However, in 1918 the Court in another 5-to-4 decision held invalid the child-labor law closing the channels of interstate commerce to the products of child labor, and we have sought since 1918 to amend the Constitution to stop child labor, and now have finally secured the approval of only 28 of the necessary 36 States for such an amendment.

Yet the economic royalists and our misguided theorists would have you believe that the only way to change the complexion of the Supreme Court is through constitutional amendment rather than through statutory enactment as recommended by the President. It took from 1895 to 1913 to reenact the clearly written income-tax provision of the Constitution the Supreme Court had nullified, and it will take at least that long to enact the child-labor amendment. No short-cut method of amendment has yet been suggested that has stood the "guess" of the Supreme Court. And as suggested by Thomas Jefferson when he said:

> Our case is the more desperate as the attempt to make the law by amendment is only throwing out new amendments for sophistry.

The Constitution is written in such clear, understandable language that even the Supreme Court should be able to understand it. However, since they have through hair-splitting, 5-to-4 decisions nullified many provisions as above quoted from Thomas Jefferson, why throw out new amendments for them to nullify? What we need is new blood which will fairly interpret the Constitution as written.

CANNOT LEGISLATE FOR THE WELFARE OF THE MASSES

The Supreme Court struck down the Farm Moratorium Act and the Agricultural Adjustment Act with the same ease that they voided the Railroad Pension Act, the Municipal Bankruptcy Act, and the Guffey Coal Act, in each of which cases three or four Judges dissented. There is now little doubt in the mind of Congress but what the Supreme Court will nullify the Wheeler-Rayburn Holding Company Act, the Wagner-Connery Labor Relations Act, the Social Security Act, and other important acts just as soon as they reach them. Then here we are—a great party, with the largest Democratic majority in Congress in the history of the Nation; with the greatest President we have ever had, showing the most courageous leadership—and yet we are blocked largely by the same crowd that has been repudiated at the polls in the last three elections.

CAN LEGISLATE FOR THE WELFARE OF THE CLASSES—INCOME TAX

Mr. Chairman, let me now call to your attention some more decisions of the Supreme Court in which they have taken plain, simple language and have nullified our tax laws which have benefited the rich at the expense of the poor, running into hundreds of millions of dollars.

Take, first, the case of *Collector* v. *Day* (11 Wall. 813 (Apr. 3, 1871)). The Court in this case held that the Federal Government held no authority to subject to the income tax the salary of any State official or employee, and later decisions have reaffirmed same, to date, thereby losing $165,000,000 to the Government.

Next, take the case of *Pollock* v. *Farmers Loan & Trust Co.* (151 U. S. 429; 158 U. S. 601). In this case the Court held our income-tax law invalid even before it had had an opportunity to function. However, from income-tax returns filed

before the nullification of the law on May 20, 1895, the Government records show:

	Number of returns	Amount
Persons	48,672	$6,128,051.45
Corporations	29,653	9,815,697.24

It is estimated that had this income-tax law been allowed to function, even though the tax was very small, only 2 percent, with an exemption of $4,000 for individuals, it is estimated that the Government during the interim from 1895 to 1913 lost a revenue on the law as written amounting to more than $100,000,000 per year, or more than $1,800,000,000 in revenue.

In 1895 the New York World listed the income of the millionaires of New York, which showed that 54 persons had an income of $79,344,250. Thus with a 2-percent tax these 54 persons alone would have paid nearly $2,000,000 in income tax. Yet these and thousands of other persons and corporations throughout the Nation escaped the payment of any income tax for nearly 20 years because of this decision.

THE 1913 INCOME-TAX AMENDMENT

This 1913 income-tax amendment permits taxation of income from whatever source derived. Despite this broad language the Supreme Court has repeatedly restricted its scope. In the case of *Eisner* v. *Macomber* (125 U. S. 189) the Court held that stock dividends were not subject to income taxation, and over a period of 16 years thus lost to the Government $1,060,000,000 in revenue. In other words, if a person has a net income of $5,000, he must pay an income tax on it unless he is a State, county, or municipal employee, or comes under other exemption. However, a corporation with the same $5,000 net income can issue stock dividends and thus avoid payment of any income tax.

The Court has held that Congress cannot tax interest on bonds issued by State, county, or other local subdivisions. This act created a large field of tax-exempt securities, and this decision rendered despite the fact that Chief Justice Hughes as Governor of New York opposed the amendment, but as Chief Justice of the Supreme Court continues to adhere to the decision that Congress has no power to tax such bonds. The amount of securities from which the income is wholly exempt as a result of the Supreme Court action runs into billions. The figures for the 12 years, 1925 to 1936, are as follows:

Amount of securities

1925	$16,645,000,000
1926	17,636,000,000
1927	18,846,000,000
1928	19,892,000,000
1929	20,957,000,000
1930	23,785,000,000
1931	25,750,000,000
1932	28,456,000,000
1933	31,804,000,000
1934	34,400,000,000
1935	36,146,000,000
1936	37,611,000,000
Total	311,828,000,000

The estate-tax and gift-tax decisions of the Supreme Court has cost the Government many millions of dollars in losses of revenue. During the period 1920–27 Congress appropriated the following sums for income-tax refunds to persons and corporations:

Mar. 6, 1920 (refund to Charles I. Freer estate)	$1,000,000
May 29, 1920	12,000,000
Mar. 3, 1921	4,435,000
Mar. 3, 1921	12,000,000
Dec. 15, 1921	24,849,000
Feb. 17, 1922	12,000,000
July 1, 1922	28,122,500
Jan. 3, 1923	12,000,000
Jan. 22, 1923	42,430,000
Apr. 2, 1924	105,467,000
Apr. 4, 1924	12,000,000
Dec. 5, 1924	16,140,000
Jan. 20, 1925	150,000,000
Mar. 3, 1926	488,000
Mar. 3, 1926	$149,250,000
Feb. 28, 1927	175,000,000
Total	757,181,500

The Court has held stamp tax on foreign bills of lading was unconstitutional (*Fairbanks* v. *United States*, 181 U. S. 283).

The income from oil land leased by a State to a private corporation is not subject to an income tax (*Burnet* v. *Coronado Oil & Gas Co.*, 285 U. S. 398).

JUDGES' PENSIONS, YES; WORKERS' PENSIONS, NO

In the case of *Railroad Retirement Board* v. *The Alton R. R. Co. et al* (295 U. S. 330), by a 5-to-4 decision the Railroad Old-Age Pension Act was nullified, and the decision of the Court is in language which makes it impossible to write a valid pension law.

In the case of *Evans* v. *Gore* (253 U. S. 245), the Supreme Court held that salaries of judges of all constitutional courts are not subject to payment of any income tax. This exempts the salary of the Judges of the Supreme Court or other courts of appeal and all Federal district judges.

And when we passed the economy bill, reducing all Federal employees' salaries 15 percent, the Court, in the case of *O'Donoghue* v. *United States* (289 U. S. 516), held that the salaries of all judges of the above-named courts are exempt not only from income tax but were not subject to reduction under the economy bill. Moreover, all salaries of all retired or pensioned judges of all these courts are not subject to income tax or any salary reductions.

Mr. Chairman, let me summarize some of the decisions of the Supreme Court above cited, showing the amount of money that has been lost in revenue to the Government.

Decision	Issue	Loss in revenue
Collector v. *Day*	Taxability of State, county, and municipal employees.	$165,000,000
Pollock case	Power to tax income	1,800,000,000
Eisner v. *McComber*	Stock dividends	1,060,000,000
National Life Insurance Co	Reduction allowance for reserves by tax-exempt interest.	97,500,000
Railroad Retirement Act	Constitutionality of act	100,000,000
Neiner v. *Donnan*	Gift in contemplation of death	5,000,000
Nichols v. *Coolidge*	do	10,000,000
Blodgett v. *Holden*	Gift tax	3,500,000
Guffey Coal Act	Constitutionality of act	1,000,000
Agricultural Adjustment Act	do	1,017,000,000
May v. *Heiner*	Creation of trusts	25,000,000
Power rate cases 6-year loss		6,000,000,000
Total		10,290,000,000

A complete showing of all cases, including a study of all excessive utility rates permitted under the Supreme Court decisions, it is believed on good authority, would more than double this amount.

STATES' RIGHTS

Our critics, in some places, strongly urge States' rights. Last year the Supreme Court, in the case of the *Great Northern Railway Co.* v. *Weeks* (297 U. S. 135), held that the local assessment of property tax cannot be made without possibility of being declared invalid by the Supreme Court.

Similar decisions covering almost every conceivable subject limiting States' rights have been nullified by the Supreme Court lawmaking body.

JUDICIAL SUPREMACY

Chief Justice Hughes was right when he said:

> We are under a Consitution, but the Constitution is what the judges say it is.

I have always been of the opinion that that great jurist, the late Oliver Wendell Holmes, was right when he said:

> I do not think the United States would come to an end if we lost our power to declare an act of Congress void. I do think the Union would be imperiled if we could not make that declaration as to the laws of the several States. For one in my place sees how often a local policy prevails with those who are not trained to national views, and how often action is taken that embodies what the commerce clause was meant to end.

Not only has the Supreme Court with deadening regularity paralyzed the work of this administration through their po-

litical decisions declaring the economic policies of a past decade and generation that has thrice been repudiated at the polls of the Nation, and each time by increased majorities, and in the face of this crisis the economic royalists or critics of the past three campaigns are now bitterly fighting, bringing forth every possible false issue to try to mislead the American people on the President's judicial reform program.

THE PRESIDENT RECOMMENDS

Let us examine the President's proposal. It states:

(a) When any judge of a court of the United States, appointed to hold his office during good behavior, has heretofore or hereafter attained the age of 70 years and has held a commission or commissions as judge of any such court or courts at least 10 years, continuously or otherwise, and within 6 months thereafter has neither resigned nor retired, the President, for each judge who has not so resigned or retired, shall nominate and, by and with the advice and consent of the Senate, shall appoint one additional judge to the court to which the former is commissioned. *Provided*, That no additional judge shall be appointed hereunder if the judge who is of retirement age dies, resigns, or retires prior to the nomination of such additional judge.

(b) No more than 50 judges shall be appointed thereunder, nor shall any judge be so appointed if such appointment would result in "(1) more than 15 members of the Supreme Court of the United States", (2) more than 2 additional members so appointed to a circuit court of appeals, the Court of Claims, the United States Court of Customs and Patent Appeals, or the Customs Court, or (3) more than twice the number of judges now authorized to be appointed for any district or, in the case of judges appointed for more than one district, for any such group of districts.

Thus we find as clearly stated in the above proviso that no additional judge will be appointed when this legislation is enacted when the present judge who is eligible under the Retirement Act to resign or retire from service does resign or retire. It seems to be generally conceded that the six judges eligible for retirement with full pay for the remainder of their lives will probably retire upon the passage of this act should their retirement not come beforehand. But should they not retire the Court will be increased to 15 judges.

NEW JUDGES NEEDED

According to the message of the President and report of the Attorney General, 87 percent of the cases presented by private litigants last year to the Supreme Court were denied without even an expression of any kind of a written report filed. In other words, about seven out of eight cases last year filed by private litigants were denied without hearings or written opinions. And in the light of the written opinions filed the past 7 years by the six judges eligible for retirement, the records show these judges have averaged examining the following number of cases per year:

	Salary
Chief Justice Hughes, age 74, 24 cases	$20,500
Justice Van Devanter, aged 77, 4 cases	20,000
Justice McReynolds, age 75, 16 cases	20,000
Justice Brandeis, age 80, 16 cases	20,000
Justice Sutherland, age 74, 17 cases	20,000
Justice Butler, age 70, 18 cases	20,000

Thus we find from the record, if the litigants before the Supreme Court are to have their cases properly considered that there is ample need for more judges on the Supreme Court, or of younger judges capable of doing more work. The President makes the same recommendation for expediting the Court's business in the district, circuit, claims, and customs courts, as well as the Supreme Court, as to age and retirement. No one has suggested that he is wrong in his recommendations in regard to these courts, except as to the Supreme Court, where the age is greater and the average length of service longest. Some of the gentlemen preceding me stated there is no precedent for such action. Let us look at the record. The Court was created in 1789 with six members. It was reduced in 1801 to 5 members; it was increased to 7 members in 1807; it was increased to 9 in 1837; it was increased to 10 in 1863; it was reduced to 7 in 1866; it was increased to 9 in 1869.

Each of the above changes was a political move by the administration in power to change the Court to give their administration some political advantage.

MORE PRECEDENTS

Mr. Chairman, our critics should at least try and be fair. They know, as we all know, that for many years under civil-service law all Federal employees are retired at 70 years; in the Army and Navy all officers are retired at 64. And the plutocrats who are now leading the fight against the President's Court proposals nearly all refuse to employ people in their plants who have passed the age of 45 years. So, in the light of these and many other precedents, our critics should be the last to complain.

HOUSE OF LORDS INCREASED

In England the House of Lords has been increased on different occasions to enact important legislation to serve the Government. Certainly a crisis has arisen in this country and the time has come when action is necessary now if we are to serve this country for the masses of the people who have made it. Our critics argue that we are trying to "pack" the Supreme Court without any opportunity for the people of the country to express themselves on this question.

THE CAMPAIGN ISSUE

Certainly the opposition made the Supreme Court an important issue in the last campaign throughout the Nation. The President in answering our critics, particularly in his Madison Square Garden speech, called to the attention of the voters of the Nation the unfinished business yet to be carried out. The President, in this speech, said in part:

Our vision for the future contains more than promises. This is our answer to those who, silent about their own plans, ask us to state our objectives.

Of course, we will continue to seek to improve working conditions for the workers of America—to reduce hours overlong, to increase wages that spell starvation, to end the labor of children, to wipe out sweatshops. Of course, we will continue every effort to end monopoly in business, to support collective bargaining, to stop unfair competition, to abolish dishonorable trade practices. For all these we have only just begun to fight.

Of course, we will continue to work for cheaper electricity in the homes and on the farms of America, for better and cheaper transportation, for low interest rates, for sounder home financing, for better banking, for the regulation of security issues, for reciprocal trade among nations, for the wiping out of slums. For all these we have only just begun to fight.

Of course, we will continue our efforts in behalf of the farmers of America. With their continued cooperation we will do all in our power to end the piling up of huge surpluses which spelled ruinous prices for their crops. We will persist in successful action for better land use, for reforestation, for the conservation of water all the way from its source to the sea, for drought and flood control, for better marketing facilities for farm commodities, for a definite reduction of farm tenancy, for encouragement of farmer cooperatives, for crop insurance, and a stable food supply. For all these we have only just begun to fight.

Of course, we will provide useful work for the needy unemployed; we prefer useful work to the pauperism of a dole.

Of course, we will continue our efforts for young men and women, so that they may obtain an education and an opportunity to put it to use. Of course, we will continue our help for the crippled, for the blind, for the mothers—our insurance for the unemployed—our security for the aged. Of course, we will continue to protect the consumer against unnecessary price spreads, against the costs that are added by monopoly and speculation. We will continue our successful efforts to increase his purchasing power and to keep it constant.

For these things, too, and for others like them we have only just begun to fight.

This speech was clearly in keeping with the Democratic platform of 1936, which said:

We have sought, and will continue to seek, to meet these problems through legislation within the Constitution.

And let me call to your attention that none of our critics have seriously contended that the President's court proposals are in any way unconstitutional.

UNPACKING THE COURT

So in reply to our critics who charge us with packing the Court, we answer that we desire to unpack the Court which has been packed against the rights of the masses and in favor of the classes for many, many years, as is shown by the kind and character of decisions they have rendered. "By their works ye shall know them."

GOVERNMENT BY JUDGES OR BY REPRESENTATIVES OF PEOPLE

The great issue confronting us at this time is whether or not we shall permit the judiciary to continue to be the legislative and policy-making department of the Government. Our forefathers when they wrote the Constitution clearly defined the powers and duties of the three departments of Government and left all remaining power in the hands of the people.

ARTICLE IX (AMENDMENT)

Article 9 of the Constitution provides:

The numeration, in the Constitution, of certain rights shall not be construed to deny or disparage others retained by the people.

During the debate in the Constitutional Convention on four different occasions, June 4th, 6th, July 21st, and August 15th, 1787, James Madison and Alexander Hamilton tried to write into the Constitution provisions giving the Supreme Court the power to declare acts of Congress invalid, without success. Instead our forefathers did carefully provide in the Constitution how our laws should be enacted.

LAWMAKING

Article 1, section 7, provides how laws shall be enacted, as follows:

Every bill which shall have passed the House of Representatives and the Senate shall before it becomes a law—

Be declared valid by the Supreme Court? No—

be presented to the President of the United States. If he approves, he shall sign it; if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their Journal and proceed to reconsider it. If, after reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall be reconsidered, and, if approved by two-thirds of that House, it shall become a law.

You will note, by carefully reading the Constitution, that nowhere in it do you find any power granting the Supreme Court the right to declare acts of Congress invalid.

POWERS OF CONGRESS

Article 1, section 8, provides the powers of Congress, as follows:

The Congress shall have power—

To lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defense and general welfare of the United States, but all duties, imposts, and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post offices and post roads;

To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas and offenses against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than 2 years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever over such district (not exceeding 10 miles square) as may, by cession of particular States and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the State in which the same shall be for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by this Constitution in the Government of the United States or in any department or officer thereof.

POWERS OF THE SUPREME COURT

The powers of the Supreme Court are clearly set forth in the Constitution in article III, sections 1 and 2, and article VI and article XI (amendment), which read as follows:

ARTICLE III

SECTION 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SEC. 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens, or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and facts, with such exceptions and under such regulations as the Congress shall make.

ARTICLE VI

This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.

ARTICLE XI (AMENDMENT)

The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state.

The Judiciary Act enacted into law by the Congress on September 24, 1889, carrying into effect the above-quoted provisions clearly show how the Congress then and ever since then has regarded the delegated powers of the Constitution. Section 25 reads as follows:

SEC. 25. *And be it further enacted,* That a final judgment or decree in any suit in the highest court of law or equity of a State in which a decision in the suit could be had where is drawn in question the validity of a treaty or statute of, or an authority exercised under the United States, and the decision is against their validity; or where is drawn in question the validity of a statute of, or an authority exercised under any State, on the ground of their being repugnant to the Constitution, treaties, or laws of the United States, and the decision is in favor of such their validity, or where is drawn in question the construction of any clause of the Constitution, or of a treaty, or statute of, or commission held under the United States, and the decision is against the title, right, privilege, or exemption specially set up or claimed by either party, under such clause of the said Constitution, treaty, statute, or commission, may be reexamined and reversed or affirmed in the Supreme Court of the United States upon a writ of error, the citation being signed by the chief justice or judge or chancellor of the court rendering or passing the judgment or decree complained of, or by a Justice of the Supreme Court of the United States, in the same manner and under the same regulations, and the writ shall have the same effect as if the judgment or decree complained of had been rendered or passed in a circuit court, and the proceeding upon the reversal shall also be the same, except that the Supreme Court, instead of remanding the cause for a final decision as before provided, may at their discretion, if the cause shall have been once remanded before, proceed to a final decision of the same and award execution. But no other error shall be assigned or regarded as a ground of reversal in any such case as aforesaid than such as appears on the face of the record and immediately respects the before-mentioned questions of validity or construction of the said Constitution, treaties, statutes, commissions, or authorities in dispute.

Thus you will note from the last section of article III, section 2, that the Supreme Court has appellate jurisdiction of the cases above referred to "with such exceptions and under such regulations as the Congress shall make."

And under section 25 of the Judicial Code you will note that the Congress has never given any Federal court the power of declaring acts of Congress unconstitutional. This power has been usurped entirely by the Supreme Court without any legal right.

OUR FOREFATHERS' INTENTIONS

Thus we find clearly stated in simple language the powers of Congress as well as the Supreme Court. The preamble of the Constitution should throw some light on what our forefathers' intentions were. The preamble states:

We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity do ordain and establish this Constitution for the United States of America.

You will note the clause "promote the general welfare" in the preamble, also in article I, section 8, of the Constitution, provides:

The Congress shall have power * * * to provide for the * * * general welfare of the United States.

The Supreme Court has gone out into the speculative of construing "due process of law", "equal protection of the laws", "equal privileges and immunities", "State's rights", "Federal powers", "implied powers", "emergency powers", "police powers", "legislative powers", "delegated powers", "administrative powers", "arbitrary and capricious powers", "governmental functions", "public purpose", "implied prohibitions", "property rights", "individual freedom", "interstate commerce", "special circumstances", "just and reasonable", and have followed off almost every other kind of economic policy and theory and subject they desired to write upon, but when it comes to the general-welfare clause, the rights of the downtrodden and underprivileged, they have never found time to even discover any such clause in the Constitution.

In many of their decisions they have taken plenty of pains to clearly limit article I, section 8, of the Constitution, which contains the welfare clause, as has been well pointed out by several eminent speakers on the floor of this House, including the gentleman from Maryland [Mr. LEWIS], the gentleman from Texas [Mr. CROSS], and others. But our critics take the position that someone should pass on the acts of Congress, and why not the Supreme Court, to which we the people reply, why not the duly elected representatives of the people—the Congress of the United States?

LAW-MAKING POWER

Our forefathers seriously debated that very question in the Constitutional Convention, and, as above shown, they decided to allow the Congress the right to write the laws and to allow the Supreme Court to have jurisdiction of the construction of the law, but all power not given to either department of government was to remain in the people—and why not? The Supreme Court under the Constitution is appointed for life, subject to removal for misbehavior, while the Congress each 2 years comes fresh from the people, and any law enacted that is unsatisfactory can be repealed by changing the Congress, if necessary, at the next election.

But if, as is the case before us, the Supreme Court, because of a wornout economic and political philosophy, through usurpation, declares, as they have done, acts of Congress invalid, there is no adequate way the people can remedy that situation other than the proposal now before us.

OATH TO SUPPORT THE CONSTITUTION

Our critics argue that the Supreme Court is under oath to support the Constitution; and so is the President and the Congress under the same oath, and I dare say both the President and Congress value their oath just as highly as do the members of the Supreme Court, and, being elected by the people and fresh from the people each 2 or 4 years, it seems that they should know better the wishes of the people than the nine men who were appointed for life, seven of whom were appointed by Republicans, a majority of whom were repudiated by their own people before they received such appointment, and their decisions show that they have lost step with the economic program and policy of the present day and generation. It was 14 years before the Supreme Court usurped the power of declaring invalid any act of Congress.

MARSHALL THE FIRST, SECOND, AND THIRD

Then it was that Chief Justice Marshall, because of bitter political controversy between himself and Thomas Jefferson, through the pronouncement of obiter dictum in the case of Marbury against James Madison, declared an act of Congress invalid, affecting a justice of the peace in the District of Columbia.

Lawyer Marshall, the first, a few years before he was appointed to the bench, in the case of *Ware* v. *Hilton* (3 Dall. 211, 223), as an attorney for the defendant in that case, said:

> The legislative authority of any country can only be restrained by its own municipal constitution. This is a principle that springs from the very nature of society; and the judicial authority can have no right to question the validity of a law unless such a jurisdiction is expressly given by the Constitution.

Thus, he argued, the Supreme Court had no jurisdiction to question the validity of any law unless expressly so given by the Constitution. However, Chief Justice Marshall, the second, in the Marbury case said:

> So, if a law be in opposition to the Constitution, if both the law and the Constitution apply to a particular case, so that the Court must either decide that case conformably to the law, disregarding the Constitution, or conformably to the Constitution, disregarding the law, the Court must determine which of these conflicting rules governs the case. This is of the very essence of judicial duty. Thus the particular phraseology of the Constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law repugnant to the Constitution is void, and that courts, as well as other departments, are bound by that instrument.

However, within 2 years after he wrote the Marbury against Madison opinion, Chief Justice Marshall, the third, wrote a letter to Justice Chase, who was under impeachment charges, then on the Supreme Bench, which letter has only recently become public.

In this letter Chief Justice Marshall appeals the claim of final authority in the courts to nullify acts of Congress, and in this letter from Chief Justice Marshall to Justice Chase he said:

> A reversal of those legal opinions deemed unsound by the Legislature would certainly better comport with the mildness of our character than the removal of the judge who has rendered them unknowing of his faults.

Now, since this opinion of Chief Justice Marshall is the first opinion and the basis upon which the Supreme Court has builded their stare decisis of opinions to date with almost unlimited jurisdiction of declaring acts of Congress invalid, and since Lawyer Marshall and Chief Justice Marshall so widely differ in their opinions, and since he nor none of his successors can point to any constitutional authority as a basis for voiding acts of Congress, then where, in truth and in fact, is the basis for any real sound argument?

During the first 75 years of our Republic, when our country was in its formative state, the Supreme Court declared but two acts of Congress invalid: Marbury against Madison and Scott against Sandford (the Dred Scott case).

Following the first decision, President Jefferson and his administration gave Marshall and his Federalist (reactionary) friends so much criticism that he dared not again attempt such a thing.

The Dred Scott decision drenched the Nation in blood in the Civil War.

Since the Civil War the Supreme Court, through their reckless usurpation of power, have broadened the scope of jurisdiction and powers until no one can tell how far they will go in remaking our laws to suit their own economic policies, if any.

I am convinced that we should act now to return our Government to the principles set forth in the Constitution. The Supreme Court should construe the Constitution in the light of the information available, under which it was written. We will then have the three separate and distinct departments of Government as set forth in the Constitution, the executive, legislative, and judicial, each working in its own sphere, cooperating with each other, as provided under the Constitution. When we enact legislation bringing about this result, we will have in truth and in fact a three-horse team pulling together and the field will be plowed. [Applause.]

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

> For personal services in the District of Columbia in connection with carrying out the provisions of the Emergency Banking Act, approved March 9, 1933 (48 Stat. 1), the Gold Reserve Act of 1934 (48 Stat. 337), the Silver Purchase Act of 1934 (48 Stat. 1178), and any Executive orders, proclamations, and regulations issued under such acts, $30,000.

Mr. DIRKSEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I did not want to see this portion of the pending bill passed by without making an observation or

two relative to what I deem the silly silver policy we are pursuing at the present time.

I recall out of my high-school reading that Jason and his Argonauts pursued and finally found the golden fleece back in the days of Greek mythology, but under the Silver Purchase Act of 1934 we have set a nation looking for the silver fleece, and it will never be found. As a matter of fact, it seems to me, day in and day out, we are receding further from the original quest.

May I remind you that under the Silver Purchase Act that was enacted by Congress in January, as I recall, of 1934 we mandated the Federal Treasury to buy enough silver to effect a ratio of 1 to 3 as against the gold monetary stock of this country?

Mr. LUDLOW. If the gentleman will permit, I think it was 1 to 4.

Mr. DIRKSEN. That is right; 1 to 4.

If you will examine the hearings on this matter you will find that the Secretary of the Treasury testified that on the 19th of June 1934 it would be necessary to buy 2,034,000,000 ounces of silver in order to effect this ratio. At that time the world price of silver was 44 cents an ounce. So he proceeded forthwith, under the mandate of the Congress, and began to make purchases, and up to the last of November 1936 he had actually purchased under the Silver Purchase Act 915,000,000 ounces at an average rate of 60 cents an ounce. In addition thereto we nationalized, under Executive order, 113,000,000 ounces that cost us 50 cents an ounce, and now when we look at the score, after having acquired more than 1,000,000,000 ounces of silver under the act of 1934, we still need 1,054,000,000 ounces before we effect this 1 to 4 ratio.

The singular thing is they started buying silver when it was 44 cents an ounce, and if you will look at the silver market today you will find that we have acquired in excess of 1,000,000,000 ounces and the market is back to 45 cents, while another singular thing is that the Federal Treasury today is buying newly mined silver for 78 cents an ounce.

A dentist in any constituency in this country can buy silver with which to fill teeth for 45 cents on the world market, but Uncle Sam continues to pay 78 cents for newly mined silver.

You tell me what kind of policy this is. You may ask, What is the reason for all this? The reason is simply this: The amount of gold we have in this country is not a constant quantity. It has been increasing by leaps and bounds to the point where today we have one-half of all the gold in the world. We have over eleven and a half billion dollars worth of gold at the present time and when the amount of gold in this country increases that means that the desired ratio of gold and silver recedes just a little further into the distance, and the Secretary of the Treasury must proceed, under this act, to buy silver until we effect this ratio of 1 to 4, or until the price reaches $1.29 an ounce. The price has been going down steadily, and this means that so long as the Silver Purchase Act of 1934 is on the statute books of this country the Federal Treasury is constrained to buy silver, and all it amounts to is simply a subsidy to a few silver mines in this country that are profiting by the disparity of 45 cents, which is the world price, and 78 cents, which is the price for domestic newly mined silver.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. TABER. And the Secretary's testimony indicated that the American Smelting & Refining Co. and the United States Smelting & Refining Co. were the chief profiteers.

Mr. DIRKSEN. That is right.

[Here the gavel fell.]

Mr. DIRKSEN. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SIROVICH. How much did that subsidy amount to last year?

Mr. DIRKSEN. If you can buy on the world market all the silver you want for 45 cents and you are paying the mines 78 cents, the profit going to virtually two mining companies in the country today, it is the difference in price multiplied by the production, and the production has increased from 24,000,000 ounces in 1933 to over 63,000,000 ounces in 1936. We could put every silver miner in this country on relief and give him two or three thousand dollars outright and still be money ahead.

I do hope that some day this silly and fallacious policy will be expunged from the statute books of the country. [Applause.]

Mr. BIERMANN. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, when the distinguished gentleman from New York [Mr. TABER] had the floor I tried to get him to answer yes or no as to whether the Democratic surpluses in the Post Office Department were figured exactly the same as the Republican deficits. Of course, being a lawyer, the gentleman would not answer yes or no.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. BIERMANN. In just a moment.

Mr. TABER. I answered the gentleman that the deficit was $19,000,000 for 1936, which was direct and specific.

Mr. BIERMANN. In the 4 years or so I have been in this House I have noticed that the lawyers consistently and persistently refuse to answer yes or no, but they put everybody else on the stand and they want them to answer yes or no, while they themselves will never meet any question head-on.

I telephoned over to the Comptroller of the Post Office Department to get the figures, and I was informed by him that on June 9, 1930, a Republican Congress passed a law authorizing the Post Office Department to classify separately certain nonpostal items in figuring the matter of surpluses or deficits.

With this kind of figuring and with this kind of Republican bookkeeping during the last 3 Republican years the following figures were obtained; and, Mr. Chairman, I ask unanimous consent to set out these figures in the form of a table in my remarks.

The CHAIRMAN. The Chair will inform the gentleman from Iowa that such consent must be obtained in the House.

Mr. BIERMANN. I shall give the figures for the fiscal years ending June 30. Take the three Republican years following the passage of the law of June 9, 1930. Ending June 30, 1931, the deficit was $98,500,000. Ending June 30, 1932, the deficit was $153,500,000, and ending June 30, 1933, the deficit was $48,000,000, making a total deficit under this Republican system of bookkeeping, under which they could subtract the nonpostal items, of $300,000,000 for these three Republican years. Now for the Democratic years. Under this Republican system of bookkeeping for 1934 the surplus was $12,000,000; for 1935, $5,000,000; and for 1936, when they got the 40-hour week in the Post Office Department, and the Post Office Department was thereby put to a greatly increased expense, the deficit was $17,000,000. In other words, for the three Democratic years, the Post Office Department has broken exactly even while under the last three Republican years it lost $300,000,000.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. BIERMANN. Yes.

Mr. TABER. The reason for the difference is that the Democratic Administration has had the benefit of $100,000,000 a year growing out of the increase in the first-class postage rate from 2 cents to 3 cents.

Mr. BIERMANN. I never heard the amount estimated as large as that.

Mr. TABER. It is $100,000,000.

Mr. BIERMANN. A year or so ago it was stated at $78,000,000. Several gentlemen argued that it brought in less money.

Mr. DIRKSEN. The First Assistant Postmaster General testified before the committee that that constituted a net gain of $100,000,000, and that there would be practically

no offset for any increase under a reversion to 2-cent postage.

Mr. BIERMANN. Did he mean to say that we would send just as many letters under a 3-cent postage as a 2-cent rate?

Mr. DIRKSEN. He said that the net loss to be suffered if we reverted to 2-cent postage would be $100,000,000.

Mr. BIERMANN. That surely is a matter of speculation, and my figures are not a matter of speculation. Here they are:

Fiscal years ending June 30

REPUBLICAN YEARS

1931, deficit	$98,500,000
1932, deficit	153,500,000
1933, deficit	48,000,000
Total deficit for 3 years	300,000,000

DEMOCRATIC YEARS

1934, surplus	$12,000,000
1935, surplus	5,000,000
1936, deficit	17,000,000

Under these 3 Democratic years the Post Office Department broke even—a net gain, under the same system of accounting, of $300,000,000 over the last 3 Republican years.

The Clerk read as follows:

Total, Coast Guard, exclusive of Office of the Commandant, $24,259,600: *Provided*, That not more than a total of $1,821,900 out of the appropriations contained in this act under the caption "Coast Guard" except the appropriations "Salaries, Office of the Commandant" and "Replacement airplanes", shall be expended for aviation: *Provided further*, That section 18 of the Treasury-Post Office Appropriation Act, fiscal year 1934, is hereby continued in full force and effect during the fiscal year ending June 30, 1938; and for the purpose of making such section applicable to such latter fiscal year, the figures "1934" shall be read as "1938."

Mr. SCOTT. Mr. Chairman, I make the point of order against that particular provision, beginning in line 10.

Mr. LUDLOW. Mr. Chairman, will the gentleman reserve his point of order so that I can make a statement?

Mr. SCOTT. I reserve the point of order.

Mr. LUDLOW. Mr. Chairman, I think we ought to have some understanding as to just what this would mean if this be stricken from the bill. Let us at least not do this in the dark. Let us look at the facts. Admiral Waesche, Commandant of the Coast Guard, said that this reenlistment gratuity would cost $412,896 in the Coast Guard. In the Navy it would cost approximately $2,400,000 and in the Army approximately $2,400,000. There would be some cost in the Marine Corps, the amount of which I am not advised. So that this would run something like $6,000,000 of a charge against the Federal Treasury every year, and it is testified, insofar as the Coast Guard is concerned, that 50 percent reenlist without this gratuity, so that it is not at all needed to get appropriate and suitable material for the Coast Guard.

Having said that, I have nothing more to say. I assume that perhaps it is subject to the point of order. I am sorry to see the point of order made. If the Chair can construe the Holman rule so as to obviate this point of order, I think it would be in the public service, but I will say that it is impossible to state how much money would be saved definitely. All that could be done is to estimate it. There is not the slightest doubt it would mean an enormous saving if we could go ahead without this reenlistment gratuity, but I cannot tell in dollars and cents how much would be saved.

Mr. O'NEAL of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. LUDLOW. Yes.

Mr. O'NEAL of Kentucky. Is it not also true that there is a surplus in the upper grades of the Coast Guard, and that the Coast Guard Academy is graduating more men than are actually needed; and if this point of order is sustained, it will have a tendency, so far as the upper grades are concerned, to continue the surplus there and be a waste of the Government's funds?

Mr. LUDLOW. I am very glad the gentleman raised that point because, in my judgment, and in accordance with what we heard in the way of expert testimony from the officials, the restoration of this reenlistment item would be prejudicial to the service for the very reason stated by the gentleman from Kentucky—that there is already a surplus in these upper grades.

Mr. WADSWORTH. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield.

Mr. WADSWORTH. The gentleman has referred to the Coast Guard Academy graduating more men than are needed. The graduates of the Coast Guard Academy are not affected by this provision; they become officers.

Mr. O'NEAL of Kentucky. I was in error as to the Coast Guard. The statement was made that there was a surplus in the upper grades. It would be poor economy to put more men in grades where they are not needed.

Mr. LUDLOW. And, another thing, if the gentleman will yield, the gentleman from New York spoke as if this were hardly keeping faith with the enlistees in these various services. This inhibition against the gratuity has been in effect since July 6, 1933. Certainly every person who enlisted since that time did so with his eyes open and knew that he would not get this gratuity. So it cannot be said there is any bad faith on the part of the Government as far as those enlistees are concerned.

Mr. WADSWORTH. Mr. Chairman, will the gentleman yield?

Mr. SCOTT. I yield.

Mr. WADSWORTH. The men enlisted in this period under the theory that this was a purely temporary thing, but now it has gone on for almost 4 years. We have restored allowances in all other branches. They had the right to feel it would be restored to the enlisted men of the Coast Guard.

Mr. LUDLOW. Let me ask the gentleman on what basis they could suppose it was a temporary thing?

Mr. WADSWORTH. Because when the original proviso was passed in 1933 it was announced as being temporary.

Mr. O'NEAL of Kentucky. Mr. Chairman, will the gentleman yield for one further statement?

Mr. SCOTT. I yield.

Mr. O'NEAL of Kentucky. There is no difficulty now in securing reenlistments. A great many men prefer not to reenlist because they can find more lucrative employment in private industry. I see no reason why we should encourage men to reenlist at the expense of the Government to the extent of $412,000 a year.

Mr. LUDLOW. In this one service.

Mr. O'NEAL of Kentucky. In this one service, where the men themselves are not desirous of coming back because they can secure employment in private industry.

Mr. LUDLOW. It seems to me this is a time when we should consider the country's taxpayers. Of course, I want the Government to keep faith with everybody, but I cannot see even a semblance of bad faith in this proviso.

Mr. SCOTT. Mr. Chairman, the reason I am opposed to this particular provision is not to cut out enlistment bonuses offered to induce people to stay in the service but merely as a restoration to them of what they have always considered a part of their regular pay. When they reenlist they expect this. I understand they get from $21 to $35 a month. This is the only branch of the service to which any part of the old economy act continues to apply.

Mr. LUDLOW. I still do not understand why the gentleman feels they should consider this as part of their compensation, especially since this provision has been in effect since 1933.

Mr. SCOTT. If it is the intention of Congress to take this reenlistment bonus away from them permanently, why do we not amend the law itself, instead of carrying a paragraph in an appropriation bill each year? Why not do it right by amending the law itself?

Mr. Chairman, I insist on the point of order that the provision is not germane to the subject matter of the appropriation bill. This bill appropriates money for the Treasury and Post Office Departments. It includes a provision restricting appropriations for the Army, Navy, and Marine Corps, and, because it relates to other branches than those covered by the bill, it has no place in the bill.

The CHAIRMAN (Mr. GREENWOOD). The Chair is ready to rule on the point of order.

The point of order is made against this proviso appearing on page 27, at line 10:

Provided further, That section 18 of the Treasury-Post Office Appropriation Act, fiscal year 1934, is hereby continued in full force and effect during the fiscal year ending June 30, 1938, and for the purpose of making such section applicable to such latter fiscal year the figures "1934" shall be read as "1938."

This section clearly continues a provision of the so-called Economy Act of the Seventy-third Congress enacted in 1933, which eliminated bonus payments for reenlistment in certain departments of the Government. This provision expired by operation of law. This section provides for its reenactment or its continuance, and is, therefore, legislation. The suggestion has been made that the point of order should be overruled because there is a retrenchment under the Holman rule.

The Chair reads from Cannon's Precedents, volume 7, section 1538:

Unless an amendment proposes legislation which will retrench an expenditure with definite certainty, it is not in order under the Holman rule.

And, again, section 1542 of the same volume, which is a little more clearly applicable to this particular point of order:

In construing the Holman rule the Chair may not speculate or surmise as to whether a particular provision might or might not operate to retrench an expenditure. Legislation proposed on an appropriation bill must indicate by its terms an unqualified reduction of expenditure to fall within the exception of the rule.

The Chair is of the opinion that the showing made is not definite enough to be an unqualified reduction of expenditure, because it is entirely speculative as to whether there would be reenlistments. The Chair, therefore, does not believe the proviso comes within the provisions of the Holman rule. It is clearly legislation on an appropriation bill, and the Chair sustains the point of order.

Mr. LUDLOW. Mr. Chairman, certainly as a matter of fact there would be a reduction. May I ask, if it were established to the satisfaction of the Chair that there would be a reduction in any amount, even though the amount is indefinite, the Chair would then hold the Holman rule would not apply?

The CHAIRMAN. The Chair has to be certain there would be a reduction of the compensation paid out of the Treasury, and that could only be based upon the assumption that there would be no reenlistments. That is not sufficiently certain for the Chair to say that there would be a definite amount saved; therefore, the Chair thinks the Holman rule would not apply. It is clearly legislation upon an appropriation bill. The Chair sustains the point of order.

The Clerk read the bill down to and including line 7, page 50.

Mr. LUDLOW. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. BOLAND] having resumed the chair, Mr. GREENWOOD, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H. R. 4720, the Treasury-Post Office Department appropriation bill for the fiscal year 1938, had come to no resolution thereon.

TEACHING OR ADVOCATING COMMUNISM IN THE PUBLIC SCHOOLS OF THE DISTRICT OF COLUMBIA

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 148) to repeal a proviso relating to teaching or advocating communism in the public schools of the District of Columbia, and appearing in the District of Columbia Appropriation Act for the fiscal year ending June 30, 1936, with a Senate amendment thereto, disagree to the Senate amendment, and ask for a conference.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Mrs. NORTON, Mr. KENNEDY of Maryland, and Mr. SHORT.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. HILL of Oklahoma for 1 week on account of business.

EXTENSION OF REMARKS

Mr. BIERMANN. Mr. Speaker, I ask unanimous consent that in the remarks I made in Committee today I may be permitted to set out some figures in the form of a table instead of running them in paragraphs.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. TABER. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made this afternoon in Committee and insert therein certain tables prepared by myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McFARLANE. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made this afternoon and to include therein certain excerpts.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

(Mr. RANDOLPH asked and was granted leave to extend his own remarks in the RECORD.)

Mr. DUNN. Mr. Speaker, I ask unanimous consent to insert in the RECORD a bill which I introduced today pertaining to old-age pensions.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MILLS. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made this afternoon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 48 minutes p. m.) the House adjourned until tomorrow, Friday, February 19, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

The Committee on Interstate and Foreign Commerce will hold hearings on Friday morning, February 19, at 10 a. m., in the committee hearing room, 1334 House Office Building, on H. R. 3143, to amend the Federal Trade Commission Act.

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Friday, February 19, 1937, at 10:30 a. m., to hold hearings on the following projects: San Francisco Harbor, Calif.; Grand Haven Harbor, Mich.; Town River, Quincy, Mass.; Westport Slough, Oreg.

COMMITTEE ON PENSIONS

The Committee on Pensions will hold a meeting at 10:30 a. m. Friday, February 19, on H. R. 2887, to amend the provisions of the pension law for peacetime service to include Reserve officers and members of the Enlisted Reserves.

COMMITTEE ON FOREIGN AFFAIRS

The Committee on Foreign Affairs will continue hearings on the neutrality bills Friday, February 19, 1937, at 10 a. m.

EXECUTIVE COMMUNICATIONS, ETC.

382. Under clause 2 of rule XXIV, a letter from the Assistant Administrator of Public Works, transmitting a draft of a bill to continue the Federal Emergency Administration for an additional period of 2 years, was taken from the

Speaker's table and referred to the Committee on Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. STEAGALL: Committee on Banking and Currency. S. 417. An act to extend the period during which direct obligations of the United States may be used as collateral security for Federal Reserve notes; without amendment (Rept. No. 263). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mrs. NORTON: Committee on the District of Columbia. S. 989. An act to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. Clarence Quinton Pair; without amendment (Rept. No. 264). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 505) granting a pension to Fred W. Coleman; Committee on Military Affairs discharged, and referred to the Committee on Pensions.

A bill (H. R. 805) granting a pension to Paul Chick; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1219) granting an increase of pension to Cecelia A. Burns; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1282) granting a pension to Fannie Conrad; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1438) granting a pension to Cordie Brandenburg; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1797) granting an increase of pension to Roy Smith; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1847) for the relief of the Pokegama Sanatorium; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 3047) for the relief of Florence Byvank; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 3099) for the relief of R. F. Lane; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 3195) for the relief of C. B. Morse; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 3232) conferring jurisdiction upon the Court of Claims of the United States to hear, consider, and render judgment on the claims of Joliet National Bank, of Joliet, Ill., and Commercial Trust & Savings Bank, of Joliet, Ill., arising out of loans to the Joliet Forge Co., of Joliet, Ill., for the providing of additional plant facilities and material for the construction of steel forgings during the World War; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 3430) for the relief of Robert Fix, Clara Fix Nichols, Phillip Fix, and Gertrude Fix Dalton; Committee on Claims discharged, and referred to the Committee on Indian Affairs.

A bill (H. R. 3840) for the relief of Julian J. Gill; Committee on Claims discharged, and referred to the Committee on the Civil Service.

A bill (H. R. 4022) for the relief of William D. Wilson; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 4175) for the relief of Maxwell S. Turner; Committee on Claims discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 4432) for the relief of James N. Hudson; Committee on Claims discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 4439) granting a pension to Clarence N. Garrett; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 4447) for the relief of Margaret Dunn; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 4571) for the relief of Helen Mahar Johnson; Committee on Claims discharged, and referred to the Committee on War Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. RANKIN: A bill (H. R. 4880) to amend certain laws and veterans' regulations affecting World War veterans and their dependents, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. COLE of New York: A bill (H. R. 4881) to amend Public Law No. 732, of the Seventy-fourth Congress, authorizing the operation of stands in Federal buildings by blind persons, and for other purposes; to the Committee on Labor.

By Mr. LARRABEE: A bill (H. R. 4882) to provide for a census of unemployment, employment, occupations, and population, and for other purposes; to the Committee on the Census.

By Mr. SADOWSKI: A bill (H. R. 4883) to amend the act of June 24, 1935, so as to include certain alien veterans of the World War who left the United States prior to their being called in the draft to serve in the military or naval forces of any of the countries allied or associated with the United States; to the Committee on Immigration and Naturalization.

By Mr. DISNEY: A bill (H. R. 4884) to compel Government departments and officials to give full faith and credit to the decrees, judgments, etc., of State courts of record; to the Committee on the Judiciary.

By Mr. CARTWRIGHT: A bill (H. R. 4885) to enable the people of Puerto Rico to draft a constitution through a constitutional convention; to submit such constitution in referendum to the people of Puerto Rico; to provide for the establishment of independence, if the people of Puerto Rico approve the constitution; and for other purposes; to the Committee on Insular Affairs.

By Mr. CRAVENS: A bill (H. R. 4886) to amend the act of May 18, 1934 (48 Stat. 780; U. S. C., title 18, secs. 253 and 254), as amended by the act of February 8, 1936 (Public, No. 431, 74th Cong.), to give the United States courts jurisdiction in cases of killing or assaulting officers and employees of the Forest Service while in the discharge of their official duties; to the Committee on the Judiciary.

By Mr. ALLEN of Illinois: A bill (H. R. 4887) to provide for the construction of a post-office building at Oregon, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. BIERMANN: A bill (H. R. 4888) to establish the Bureau of Martial Sociology for sociological research in matters connected with war; to the Committee on Labor.

By Mr. DIMOND: A bill (H. R. 4889) to promote air navigation in the Territory of Alaska and between the continental United States and the Terriory of Alaska; to the Committee on the Territories.

By Mr. FERGUSON: A bill (H. R. 4890) relative to the disposition of public lands of the United States situated in the State of Oklahoma between the Cimarron base line and the north boundary of the State of Texas; to the Committee on the Public Lands.

By Mr. O'CONNELL of Montana: A bill (H. R. 4891) to limit the car length of trains which may be operated upon railroads by common carriers engaged in interstate and foreign commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. CLASON: A bill (H. R. 4892) to authorize the Secretary of War to convey to the International Young Men's Christian Association College and to the trustees of the Gunn Realty Trust all right, title, and interest of the United States in and to certain lands in Hampden County, Mass.; to the Committee on Military Affairs.

By Mr. TOLAN: A bill (H. R. 4893) authorizing the Secretary of the Treasury to establish a Coast Guard air station in the San Francisco Bay region; to provide for quick rescue facilities on the San Francisco Bay; to strengthen the Immigration and Customs Service patrol; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. WILCOX: A bill (H. R. 4894) to limit the right of removal to Federal courts in suits against corporations authorized to do business within the State of residence of the plaintiff; to the Committee on the Judiciary.

Also, a bill (H. R. 4895) to further define the jurisdiction of the district courts in case of suits involving corporations where jurisdiction is based upon diversity of citizenship; to the Committee on the Judiciary.

By Mr. BEITER: A bill (H. R. 4896) to authorize a preliminary examination and survey of Cayuga Creek, N. Y., with a view to the control of its floods; to the Committee on Flood Control.

By Mr. HEALEY: A bill (H. R. 4897) to allow the Home Owners' Loan Corporation to extend the period of amortization of home loans from 15 to 18 years; to the Committee on Banking and Currency.

By Mr. BRADLEY: A bill (H. R. 4898) for the better assurance of the protection of persons within the several States from mob violence and lynching, and for other purposes; to the Committee on the Judiciary.

By Mr. McFARLANE: A bill (H. R. 4899) to limit the jurisdiction of district courts and circuit courts of appeal with respect to suits to enjoin the execution of acts of Congress on the ground of unconstitutionality, and for other purposes; to the Committee on the Judiciary.

By Mr. VOORHIS: A bill (H. R. 4900) to regulate the appellate jurisdiction of the Supreme Court and the jurisdiction of inferior Federal courts and of State courts of cases and proceedings involving statutes enacted to carry out certain powers of Congress; to the Committee on the Judiciary.

By Mr. JENKINS of Ohio: A bill (H. R. 4901) to provide that payment of adjusted-service credit may be made to the dependent brothers and sisters of the veteran; to the Committee on Ways and Means.

Also, a bill (H. R. 4902) for the better assurance of the protection of persons within the several States from mob violence and lynching, and for other purposes; to the Committee on the Judiciary.

By Mr. BLAND: A bill (H. R. 4903) to provide for preliminary examination and survey of the western shores of the Chesapeake Bay from Plum Point, York County, Va., to the waters of Hampton Roads, Va., with a view to protection of the navigable water of the Chesapeake Bay and Hampton Roads from shoaling; to the Committee on Rivers and Harbors.

By Mr. KRAMER: A bill (H. R. 4904) to provide for the payment of rewards to persons supplying the United States with information concerning frauds or conspiracies in public-land cases; to the Committee on the Judiciary.

By Mr. JONES: A bill (H. R. 4905) to extend the period during which the purposes specified in section 7 (a) of the Soil Conservation and Domestic Allotment Act may be carried out by payments by the Secretary of Agriculture to producers; to the Committee on Agriculture.

By Mr. LEMKE: A bill (H. R. 4906) to amend the United States Grain Standards Act, approved August 11, 1916, and acts amendatory thereto; to the Committee on Agriculture.

By Mr. DUNN: A bill (H. R. 4907) to provide a pension of $50 a month for men and women in the United States and its possessions who have attained the age of 50 years and whose incomes are less than $1,200 per annum; to the Committee on Appropriations.

By Mr. GREEN: A bill (H. R. 4908) for the appointment of two additional circuit judges for the fifth judicial circuit; to the Committee on the Judiciary.

By Mr. KRAMER: Resolution (H. Res. 122) designating the Secretary of Labor to be a member of Federal commissions on expositions; to the Committee on Foreign Affairs.

By Mrs. NORTON: Joint resolution (H. J. Res. 232) proposing an amendment to the Constitution of the United States providing for national representation for the people of the District of Columbia; to the Committee on the Judiciary.

By Mr. LUCKEY of Nebraska: Joint resolution (H. J. Res. 233) to maintain the neutrality of the United States in the event of war or threat of war between or among foreign nations; to the Committee on Foreign Affairs.

By Mr. MERRITT: Joint resolution (H. J. Res. 234) authorizing Federal participation in the New York World's Fair, 1939; to the Committee on Foreign Affairs.

Also, joint resolution (H. J. Res. 235) making an appropriation for certain improvements in the East River, New York City, and on site of New York World's Fair, 1939, and for other purposes; to the Committee on Rivers and Harbors.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Texas, memorializing the Congress of the United States to enact such legislation as is necessary to retain in the star-mail service experienced, satisfactory contractors; to the Committee on the Post Office and Post Roads.

Also, memorial of the Legislature of the State of South Carolina, memorializing the Congress to include in the social-security legislation provisions that will secure old-age benefits to people engaged in farming; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of Oregon, memorializing the honorable President of the United States and Congress to take action and pass adequate legislation to provide for negotiation of a treaty with the Dominion of Canada looking toward joint and equitable supervision of fishery; to the Committee on Foreign Affairs.

Also, memorial of the Legislature of the State of Arkansas, memorializing the Congress of the United States for the passage of House bill 4214, by Mr. COLMER; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEAM: A bill (H. R. 4909) for the relief of Lawrence Michael Keating; to the Committee on Naval Affairs.

Also, a bill (H. R. 4910) for the relief of John G. Condon; to the Committee on Naval Affairs.

Also, a bill (H. R. 4911) for the relief of Frank Zych; to the Committee on Military Affairs.

Also, a bill (H. R. 4912) for the relief of Henry Hillgameyer; to the Committee on Naval Affairs.

By Mr. BLOOM: A bill (H. R. 4913) authorizing the appointment and retirement of Parker C. Kalloch, Jr., as a major, United States Army; to the Committee on Military Affairs.

By Mr. BUCK: A bill (H. R. 4914) granting a pension to Wallace S. MacFarlane; to the Committee on Pensions.

By Mr. CASEY of Massachusetts: A bill (H. R. 4915) for the relief of Bessie and Edward Dunn; to the Committee on Claims.

Also, a bill (H. R. 4916) for the relief of Mary E. Spinney; to the Committee on the Civil Service.

By Mr. CRAVENS: A bill (H. R. 4917) granting a pension to Mrs. Tony Jackson Coward; to the Committee on Pensions.

Also, a bill (H. R. 4918) authorizing the President to present in the name of Congress a Medal of Honor to Harold R. Wood; to the Committee on Naval Affairs.

Also, a bill (H. R. 4919) for the relief of Enoch F. Liles; to the Committee on Claims.

Also, a bill (H. R. 4920) granting a pension to Julia E. Pitts; to the Committee on Pensions.

By Mr. CREAL: A bill (H. R. 4921) for the relief of Hugh Ray; to the Committee on Claims.

By Mr. CELLER: A bill (H. R. 4922) for the relief of the Nafra Co., Inc., and to confer jurisdiction upon the Court of Claims of the United States to hear, consider, and render judgment on certain claims of the Nafra Co., Inc., against the United States; to the Committee on Claims.

By Mr. CLASON: A bill (H. R. 4923) for the relief of William D. Ellison; to the Committee on Military Affairs.

By Mr. COFFEE of Washington: A bill (H. R. 4924) for the relief of Harry J. Tucker; to the Committee on the Civil Service.

By Mr. COLE of New York: A bill (H. R. 4925) granting an increase of pension to Elizabeth Eastman; to the Committee on Invalid Pensions.

By Mr. DEMPSEY: A bill (H. R. 4926) to authorize a payment to Annie Brown Corson in lieu of pension not paid to her father or his widow; to the Committee on Pensions.

Also, a bill (H. R. 4927) for the relief of Euralio Dominguez, Agapita Dominguez, and Luis Dominguez; to the Committee of Claims.

By Mr. FISH: A bill (H. R. 4928) for the relief of Samuel Keller; to the Committee on Claims.

By Mr. FITZPATRICK: A bill (H. R. 4929) for the relief of Anthony Fornabaio and others; to the Committee on Claims.

By Mr. GINGERY: A bill (H. R. 4930) for the relief of Cyril Francis Reagan; to the Committee on Naval Affairs.

By Mr. KRAMER: A bill (H. R. 4931) for the relief of Evelyn D. Phelps; to the Committee on Pensions.

By Mr. GREGORY: A bill (H. R. 4932) granting a pension to Ethel Drew; to the Committee on Pensions.

By Mr. HARRINGTON: A bill (H. R. 4933) for the relief of Frederick Henry Pollman; to the Committee on Military Affairs.

By Mr. HENDRICKS: A bill (H. R. 4934) granting a pension to Emma Washburn; to the Committee on Pensions.

By Mr. KENNEDY of Maryland: A bill (H. R. 4935) for the relief of Joe V. Elgin, Jr.; to the Committee on Claims.

Also, a bill (H. R. 4936) for the relief of the legal guardian of Charlotte Sweeney and Howard Sweeney; to the Committee on Claims.

Also, a bill (H. R. 4937) for the relief of William Hentz and Martha Hentz; to the Committee on Claims.

Also, a bill (H. R. 4938) to confer jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the claim of Pan American Petroleum & Transport Co. against the United States; to the Committee on Claims.

By Mr. KRAMER: A bill (H. R. 4939) for the relief of Joseph A. Howell; to the Committee on Claims.

By Mr. McCORMACK: A bill (H. R. 4940) for the relief of Ralph Adams Cram; Lydia B. Kimball, executrix under the last will and testament of Bertram G. Goodhue, deceased; and Donald G. Ferguson, administrator of the estate of Frank W. Ferguson, deceased; to the Committee on Claims.

By Mr. RYAN: A bill (H. R. 4941) for the relief of Rogowski Bros.; to the Committee on Claims.

Also, a bill (H. R. 4942) for the relief of A. L. Mallery; to the Committee on Claims.

By Mr. SADOWSKI: A bill (H. R. 4943) for the relief of John A. Nasser, alias John A. Albert; to the Committee on Military Affairs.

By Mr. WOOD: A bill (H. R. 4944) granting an increase of pension to Bettie J. Williams; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

393. By Mr. COLDEN: Joint resolution of the Senate and House of Representatives of the State of Oregon, addressed to the President of the United States and the Senate and House of Representatives, urging the negotiation of a treaty with the Dominion of Canada looking toward joint and equitable supervision of the pilchard or sardine (Sardinops caerulea) fisheries in the waters along and off the Pacific coast of the United States and Vancouver Island, inasmuch as the said species of fish is apparently of migratory character; also a survey and investigation under the direction of the Federal Bureau of Fisheries, in coordination with the fisheries departments of the States of Oregon, Washington, and California, and the appropriation by Congress of sufficient funds to carry on such investigation and survey, a part of which shall be equitably allocated to the fisheries departments of the States of Oregon, Washington, and California for their part in such work; to the Committee on Foreign Affairs.

394. By Mr. DUNN: Petition of the General Assembly of Pennsylvania, endorsing the Presidential proposed judicial reform; to the Committee on the Judiciary.

395. By Mr. FISH: Petition of 40 residents and citizens of the town of Goshen, Orange County, N. Y., and its vicinity, who desire to express their unqualified condemnation of the bill introduced by Senator ASHURST, of Arizona, at the instance of President Roosevelt, for the purpose of increasing the membership of the Supreme Court of the United States, and earnestly protesting against its passage; to the Committee on the Judiciary.

396. By Mr. FORAND: Petition of the Newport Veterans Association, of Newport, R. I., for the retention of the frigate *Constellation* at Newport, R. I.; to the Committee on Naval Affairs.

397. By Mr. GRAY of Pennsylvania: Petition of residents of the Borough of Franklin, Cambria County, Pa.; to the Committee on Ways and Means.

398. By Mrs. HONEYMAN: Senate Joint Memorial No. 2, referring to a scientific survey and investigation of fish; to the Committee on Merchant Marine and Fisheries.

399. By Mr. MERRITT: Resolution of the New York Young Republican Club, concurring in the statements of the chairman of the House Judiciary Committee that Congress has come to have a too casual responsibility in legislating within its constitutional limitations and the wave of sentiment against the courts for their so-called narrow interpretations will gradually subside as Congress comes to a fuller realization of its duty toward our system of government and legislates accordingly; to the Committee on the Judiciary.

400. Also, resolution of the New York Young Republican Club, reaffirming its traditional stand in favor of reforms in our judicial system; to the Committee on the Judiciary.

401. Also, resolution of the New York Young Republican Club, that any proposal to change the tenure or size of the Supreme Court and any proposal to limit or alter the power of the Court to pass upon the constitutionality of acts of Congress should properly be proposed and carried out only through the procedure provided in the Constitution itself for amendment; to the Committee on the Judiciary.

402. Also, resolution of the New York Board of Trade, Inc., opposing any legislation, now or about to be introduced, aimed to change the Supreme Court; to the Committee on the Judiciary.

403. Also, resolution of the New York Board of Trade, Inc., opposing emphatically any and all legislation that would grant to the Department of Labor the power of subpena in the handling of industrial disputes; to the Committee on Labor.

404. By Mr. MILLARD: Resolution adopted by the members of the Mohegan Chapter, Daughters of the American Revolution, opposing the enactment of the President's proposal to increase the membership of the Supreme Court; to the Committee on the Judiciary.

405. Also, resolutions adopted by the New York Young Republican Club, New York City, relating to the President's proposal to reform the judiciary and the child-labor amendment; to the Committee on the Judiciary.

406. Also, resolution adopted by the Sons of the American Revolution Empire State Society, with headquarters in New York City, opposing the enactment of the President's proposal to reorganize the judiciary and increase the

membership of the Supreme Court; to the Committee on the Judiciary.

407. By Mr. MOSER of Pennsylvania: Concurrent resolution of the Legislature of Pennsylvania, adopted by the General Assembly of Pennsylvania, February 15, 1937, endorsing the proposal of the President of the United States for additional Justices of the Supreme Court; to the Committee on the Judiciary.

408. By Mr. PFEIFER: Petition of James A. Gaynor, president, New York Chapter, Federation of Architects, Engineers, Chemists and Technicians, New York City, favoring the passage of Senate bill 714, removing age restrictions for Government positions; to the Committee on Labor.

409. By Mr. TEIGAN: Memorial of the Minnesota House of Representatives, urging Congress to give the Townsend recovery plan careful and serious consideration; to the Committee on Ways and Means.

410. By Mr. THOMAS of New Jersey: Resolution of the mayor and Common Council of the Borough of Ogdensburg, N. J., protesting the President's proposed reorganization of the Supreme Court; to the Committee on the Judiciary.

411. By Mr. TOBEY: Memorial of the House of Representatives of the State of New Hampshire, opposing passage of bill providing for changes in the Supreme Court as outlined in the recent message of the Executive; to the Committee on the Judiciary.

412. By Mr. WIGGLESWORTH: Petition of the Bar Association of the City of Boston, urging the Congress of the United States to reject the proposals contained in the President's message of February 5, 1937, and in the bill accompanying it insofar as they relate to the Supreme Court of the United States; to the Committee on the Judiciary.

SENATE

FRIDAY, FEBRUARY 19, 1937

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O Heavenly Father, who understandest all Thy children, and through whose gift of faith we bring our perplexities to the light of Thy wisdom: Grant us the vision of the great emprise which Thou, through us, hast purposed for our country, and make us conscious of such high intent that we may ever use those meeker things which make up half the nobleness of life—words of good cheer and a glance of friendly eyes, by which we pluck delight from the dusty wayside of earth's strife as we give some morsel to a starving heart and teach it to behold some glimpse of Thee. We ask it in the name of Jesus Christ, who, in His hour of crying need, bore witness to the truth that man doth not live by bread alone but by every word that cometh from the mouth of God. Amen.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of the proceedings of the calendar day Wednesday, February 17, 1937, when, on request of Mr. ROBINSON and by unanimous consent, the further reading was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF A BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that on February 11, 1937, the President approved and signed the bill (S. 1439) to provide for loans made necessary by floods or other catastrophes in the year 1937.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 4064) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1938, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. WOODRUM, Mr. JOHNSON of Oklahoma, Mr. FITZPATRICK, Mr. JOHNSON of West Virginia, Mr. HOUSTON, Mr. WIGGLESWORTH, and Mr. DIRKSEN were appointed managers on the part of the House.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 148) to repeal a proviso relating to teaching or advocating communism in the public schools of the District of Columbia, and appearing in the District of Columbia Appropriation Act for the fiscal year ending June 30, 1936, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mrs. NORTON, Mr. KENNEDY of Maryland, and Mr. SHORT were appointed managers on the part of the House at the conference.

The message further announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 2291. An act to amend the act of May 25, 1933 (48 Stat. 73);

H. R. 2901. An act to amend the act of May 29, 1930 (46 Stat. 349), for the retirement of employees in the classified civil service and in certain positions in the legislative branch of the Government to include all other employees in the legislative branch;

H. R. 2909. An act authorizing an appropriation for payment to the Government of Great Britain for the account of N. J. Moosa, a British subject;

H. R. 2910. An act authorizing an appropriation for payment to the Government of the Netherlands for the account of the family of Miguel Paula;

H. R. 2911. An act authorizing an appropriation for payment to the French Government for the account of Henry Borday, a citizen of France;

H. R. 2912. An act authorizing an appropriation for payment to the Government of Great Britain for the account of the Shanghai Electric Construction Co., Ltd.;

H. R. 2913. An act authorizing an appropriation for payment to the Government of Canada for the account of Janet Hardcastle Ross, a citizen of Canada;

H. R. 2914. An act authorizing an appropriation for payment to the Government of Chile for the account of Enriqueta Koch v. de Jeanneret, a citizen of Chile;

H. R. 2915. An act authorizing an appropriation for payment to the Government of China for the account of Li Po-tien;

H. R. 2916. An act authorizing an appropriation for payment to the Government of China for the account of certain Chinese citizens;

H. R. 2917. An act authorizing an appropriation for the payment of the claim of Gen. Higinio Alvarez, a Mexican citizen, with respect to lands on the Farmers Banco, in the State of Arizona;

H. R. 2918. An act authorizing an appropriation for payment to the Government of China for the account of certain citizens of China;

H. R. 2919. An act authorizing an appropriation for payment to the Government of China for the account of certain Chinese citizens;

H. R. 2920. An act authorizing an appropriation for payment to the Government of the Dominican Republic for the account of Mercedes Martinez Viuda de Sanchez, a Dominican subject;

H. R. 2921. An act authorizing an appropriation for payment to the Government of China for the account of Ling Mau Mau, a citizen of China;

H. R. 2922. An act authorizing an appropriation for payment to the Government of China for the account of certain Chinese citizens;

H. R. 2923. An act authorizing an appropriation for payment to the Government of Nicaragua for the account of Mercedes V. de Williams and others;

H. R. 2925. An act authorizing an appropriation for payment to the Government of Great Britain for the account of certain British citizens;

H. R. 2928. An act to amend the law relating to residence requirements of applicants for examinations before the Civil Service Commission;

H. J. Res. 193. Joint resolution to authorize an appropriation for the expenses of participation by the United States in the Eleventh International Dairy Congress, Berlin, Germany, in 1937; and

H. J. Res. 229. Joint resolution to make funds available for health and sanitation activities in the areas recently stricken by floods.

The message returned to the Senate, in compliance with its request, the bill (S. 204) relative to the qualifications of practitioners of law in the District of Columbia.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

S. 466. An act granting the consent of Congress to the county of Barry, State of Missouri, to construct, maintain, and operate a free highway bridge across the White River, at or near Eagle Rock, Mo.;

S. 715. An act to extend the time for completing the construction of a bridge across the Delaware River near Trenton, N. J.; and

S. J. Res. 70. Joint resolution relating to the participation by the United States in the International Exposition of Paris, 1937.

CALL OF THE ROLL

Mr. LEWIS. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Davis	Lee	Reynolds
Andrews	Dieterich	Lewis	Robinson
Ashurst	Duffy	Lodge	Russell
Austin	Ellender	Logan	Schwartz
Bachman	Frazier	Lonergan	Schwellenbach
Bailey	George	Lundeen	Sheppard
Barkley	Gerry	McCarran	Smith
Black	Gibson	McGill	Steiwer
Bone	Gillette	McKellar	Thomas, Okla.
Borah	Glass	McNary	Thomas, Utah
Bridges	Green	Maloney	Townsend
Brown, Mich.	Harrison	Minton	Truman
Bulkley	Hatch	Murray	Tydings
Bulow	Hayden	Neely	Vandenberg
Byrd	Herring	Norris	Van Nuys
Byrnes	Holt	O'Mahoney	Walsh
Capper	Hughes	Overton	Wheeler
Caraway	Johnson, Calif.	Pepper	White
Chavez	Johnson, Colo.	Pittman	
Connally	King	Pope	
Copeland	La Follette	Radcliffe	

Mr. LEWIS. I announce the absence of the Senator from Missouri [Mr. CLARK], the Senator from Ohio [Mr. DONAHEY], and the Senator from Pennsylvania [Mr. GUFFEY], who are detained from the Senate because of illness. I further announce that the Senator from Mississippi [Mr. BILBO], the Senator from New Hampshire [Mr. BROWN], the Senator from Nebraska [Mr. BURKE], the Senator from South Dakota [Mr. HITCHCOCK], the Senator from California [Mr. MCADOO], the Senator from New Jersey [Mr. MOORE], and the Senator from New York [Mr. WAGNER] are necessarily detained from the Senate.

Mr. AUSTIN. I announce that the senior Senator from Minnesota [Mr. SHIPSTEAD] is absent because of illness.

The VICE PRESIDENT. Eighty-one Senators have answered to their names. A quorum is present.

INDEPENDENT OFFICES APPROPRIATIONS

The VICE PRESIDENT laid before the Senate the action of the House of Representatives, disagreeing to the amendments of the Senate to the bill (H. R. 4064) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1938, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GLASS. I move that the Senate insist on its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice President appointed Mr. GLASS, Mr. BYRNES, Mr. RUSSELL, Mr. ADAMS, and Mr. STEIWER conferees on the part of the Senate.

ACKNOWLEDGMENT OF LETTERS AND TELEGRAMS BY SENATOR COPELAND

Mr. COPELAND. Mr. President, I should like to make a statement in the nature of a petition in my own behalf.

I have received about 30,000 letters and telegrams relative to the Supreme Court. My office is swamped with them. I have had to employ extra help to open the envelopes. I should like to take this method of announcing to my constituents that I have received these letters and telegrams. It would bankrupt me certainly, and perhaps the Government, if I were to attempt to make reply to all of them, although many of them ask for an immediate reply.

Mr. President, of course I am happy to hear from those constituents, but I am anxious likewise to have some of the mail from other constituents, relating to other subjects, brought to my attention. It is so submerged in the letters relating to the Supreme Court that my office is quite disorganized; in spite of its able personnel, it is almost unable to cope with the flood of mail.

Accordingly, Mr. President, I petition, through you, sir, my constituents to please give us some relief. I feel that I am fully informed now of their views, and, of course, shall not forget their wishes, ever bearing them in mind.

TRANSFER OF CERTAIN SENATE RECORDS TO NATIONAL ARCHIVES

The VICE PRESIDENT laid before the Senate a letter from the Archivist, relative to the transfer of certain records and papers from the files of the Senate to The National Archives Building, which, with the accompanying papers, was referred to the Committee on the Library.

FEDERAL EMERGENCY ADMINISTRATION OF PUBLIC WORKS

The VICE PRESIDENT laid before the Senate a letter from the Assistant Administrator of the Federal Emergency Administration of Public Works, transmitting a draft of proposed legislation to continue the Federal Emergency Administration of Public Works for 2 years, and for other purposes, which, with the accompanying paper, was referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the Legislature of the State of Oklahoma, which was referred to the Committee on Agriculture and Forestry:

Concurrent resolution of the senate and the house of representatives memorializing the Congress of the United States to give favorable consideration to the retention of United States experiment stations in Oklahoma and other Middle Western States

Whereas we are advised that the National Budget for the fiscal year 1938, as presented to the Congress of the United States, contains the following statement: "A reduction of $40,578 for dry-land agriculture is estimated"; and

Whereas in order to meet this reduction it is proposed to discontinue entirely the work now being conducted by the Division of Dry Land Agriculture at eight experiment stations located in Oklahoma and other Middle Western States; and

Whereas a survey of these experiment stations shows that they have authentic information on weather, crops, soils, tillage, plants, insects, and diseases which is valuable to the farmers of the State of Oklahoma; and

Whereas the information supplied by these stations are at the ready command of farmers who may visit these stations in person or who may request this information by direct correspondence; and

Whereas these stations maintain a close contact and relationship with many other Federal and State agencies that are actively interested in farm problems, thereby resulting in a mutual advantage to the general interests of dry-land agriculture; and

Whereas the value of research obtained through the continuous operation of these experiment stations over a period of many years has been of great value; and

Whereas a committee appointed by the President to make a study of the Great Plains region of the United States made a specific recommendation in their report that the regular annual appropriation for the Division of Dry Land Agriculture be increased to $250,000, we see no logical reason for the proposed reduction of $40,578 to the Division of Dry Land Agriculture: Now, therefore, be it

Resolved by the House of Representatives and the Senate of the State of Oklahoma, That the Congress of the United States be memorialized and respectfully urged to give favorable consideration to the retention of the various experiment stations in the middle western part of the United States, and the clerk of the senate is hereby directed to send an enrolled copy of this resolution to the President of the Senate of the United States, and to the Speaker of the House of the United States, and to each member of the Oklahoma delegation in the Congress of the United States.

The VICE PRESIDENT also laid before the Senate the following resolution of the House of Representatives of the State of Minnesota, which was referred to the Committee on Finance:

Resolution memorializing Congress to give the so-called Townsend recovery plan, otherwise known as the General Welfare Act of 1937, careful and serious consideration

Whereas among the greatest problems before our country as a whole at this time are unemployment and care of the aged; and

Whereas the United States Government is seeking ways and means to restore prosperity in our country; and

Whereas many thousands of our citizens in Minnesota and throughout the Nation have indicated that they believe that the Townsend plan, if adopted, will provide an adequate plan of recovery and greatly benefit all our people: Now, therefore, be it

Resolved by the House of Representatives of the State of Minnesota, That the Congress of the United States be, and it is hereby, urgently petitioned to give the so-called Townsend recovery plan, otherwise known as the General Welfare Act of 1937, careful and serious consideration; be it further

Resolved, That the Minnesota Members of the United States Senate and the Representatives in Congress from the State of Minnesota be, and they are hereby, petitioned and most earnestly urged to use their best efforts to bring about careful and serious consideration of the said plan; be it further

Resolved, That a duly authenticated copy of this resolution be presented to the President of the United States, to the presiding officers of the Senate and of the House of Representatives of the Congress of the United States, and to each of the Senators and Representatives from the State of Minnesota in the Congress of the United States.

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of the State of South Carolina, which was referred to the Committee on Finance:

Concurrent resolution memorializing Congress to include in the social security legislation provisions that will secure old-age benefits to people engaged in farming

Whereas South Carolina is primarily an agricultural State and a great portion of its citizenry is engaged in farming; and

Whereas the United States of America, under the leadership of President Roosevelt, has provided for old-age benefits to accrue to persons engaged in various businesses; and

Whereas no provision has been made to secure old-age benefits to people engaged in farming: Now, therefore, be it

Resolved by the house of representatives (the senate concurring), That the Congress of the United States of America be, and the same is hereby, requested to include persons engaged in farming as beneficiaries under the old-age benefit provisions of the social security legislation; be it

Resolved further, That a copy of this resolution be forwarded to the Clerk of the United States House of Representatives and the Clerk of the United States Senate.

The VICE PRESIDENT also laid before the Senate the following joint memorials of the Legislature of the State of Oregon, which were referred to the Committee on Foreign Relations:

Senate Joint Memorial 2

To His Excellency the Honorable President of the United States and the Senate and House of Representatives in Congress assembled:

We, your memorialists, the Senate and House of Representatives of the State of Oregon, in legislative session assembled, most respectfully represent and petition as follows:

Whereas certain species of fish, *Sardinops Caerulea*, popularly known as pilchard or sardine, is found in abundance along and off the entire Pacific coast of the United States and Vancouver Island; and

Whereas said species of fish is apparently of migratory character, being found along and off said entire Pacific coast; and

Whereas it is desirable that adequate information and knowledge be had concerning the habitat, the abundance, and wise use of said fish; and

Whereas no one State or sovereignty should be considered as having any vested exclusive right to or interest in the resource, and an adequate survey cannot be carried on by one State alone; and

Whereas such scientific findings may form the basis for sound governmental control and conservation, which is desired: Now, therefore, be it

Resolved by the Senate of the State of Oregon (the house of representatives jointly concurring therein), That we do most earnestly petition and memorialize the Honorable President of the United States and Congress to take action and pass adequate legislation to provide:

1. For negotiation of a treaty with the Dominion of Canada looking toward joint and equitable supervision of said fishery.

2. For immediate scientific investigation and survey of said resource under the direction of the Federal Bureau of Fisheries in coordination with the fisheries departments of the States of Oregon, Washington, and California.

3. For the appropriation by Congress of sufficient funds to carry on such investigation and survey, a part of which shall be equitably allocated to said fisheries departments of said States of Oregon, Washington, and California for their part in such work; be it further

Resolved, That the chief clerk of the Senate of the State of Oregon be authorized and directed to forward without delay a copy of this memorial to the President of the United States, the President of the Senate, to the Speaker of the House of Representatives of the Congress of the United States, and to each Senator and Representative in Congress of the United States from the States of Oregon, Washington, and California.

Senate Joint Memorial 4

Whereas it appears that there is an attempt to secure a ratification of the Argentine Sanitary Convention; and

Whereas any attempt to raise the embargo on animal products from Argentina, or any province thereof, would subject the livestock and game of the United States to a constant menace of foot-and-mouth disease; and

Whereas past experience shows that foot-and-mouth disease has caused millions of dollars' damage and depletion of livestock and game and has caused great economic loss: Now, therefore, be it

Resolved by the Senate of the State of Oregon (the house of representatives jointly concurring therein), That we, your memorialists, respectfully petition the Senate of the United States to refrain from the ratification of the Argentine Sanitary Convention and urge that the present embargo against every country where the foot-and-mouth disease is known to exist be maintained in order that there shall be no experimentation at the expense of the health and safety of our livestock and wild animals; be it further

Resolved, That a copy of this resolution be forwarded to the President of the United States, to both Houses of Congress of the United States and to each Member thereof from this State, to the Secretary of Agriculture, and to each house of the legislative assembly of those States whose legislatures now are in session.

The VICE PRESIDENT also laid before the Senate a resolution of the House of Representatives of the State of New Hampshire, protesting against the enactment of legislation that might affect the independence of the judicial branch of the Government, which was referred to the Committee on the Judiciary.

(See resolution printed in full when presented today by Mr. BRIDGES.)

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of the State of South Dakota, which was referred to the Committee on Military Affairs:

Concurrent resolution memorializing Congress to enlarge the activities of the C. C. C. camps

Whereas large agricultural districts in the State of South Dakota have become infested with obnoxious and destructive weeds, particularly creeping Jennie and leafy spurge; and

Whereas the drought and crop failures prevailing in the same districts has made it impossible for the farmers to adequately clean their farms and fields and to eradicate the spread of said weeds; and

Whereas the value of the farms is being destroyed as a result thereof: Now, therefore, be it

Resolved by the House of Representatives of the State of South Dakota (the senate concurring), That we respectfully urge Congress to amend the Federal statutes and enlarge the activities of the C. C C. camps so that the services of the members thereof may be employed in assisting in the destruction and eradication of such obnoxious weeds on both the public and private lands within the State of South Dakota; and be it further

Resolved, That the secretary of state is hereby instructed to transmit copies of these resolutions to the presiding officers of the Senate of the United States and the House of Representatives, and to the several members of the South Dakota delegation in Congress, and to the Secretary of Agriculture.

The VICE PRESIDENT also laid before the Senate a resolution adopted by the New York branch of the National League of Wholesale Fresh Fruit and Vegetable Distributors, favoring an increase in the appropriation, and also an extension of time, for the Federal Trade Commission to complete its investigation into the marketing of perishable farm commodities, which was referred to the Committee on Agriculture and Forestry.

He also laid before the Senate the memorial of the Keokuk (Iowa) Trades and Labor Assembly, remonstrating against the confirmation of the appointment of George J. Keller as Iowa State administrator of the Works Progress Administration, which was referred to the Committee on Appropriations.

He also laid before the Senate a resolution adopted by Local No. 301, United Electrical and Radio Workers of America, of Schenectady, N. Y., favoring the enactment of legislation for the benefit of unemployed youth, which was referred to the Committee on Education and Labor.

He also laid before the Senate the memorial of William H. Schifelbein, of Milwaukee, Wis., remonstrating against the enactment of legislation tending to abridge the rights of freedom of religion, of speech, and of the press, which was referred to the Committee on the Judiciary.

He also laid before the Senate a resolution adopted by the Board of Aldermen of Chelsea, Mass., favoring donation to that city of the marine hospital land and building for park or recreational purposes, which was referred to the Committee on Naval Affairs.

He also laid before the Senate the petition of Edward J. Crowley, of Lead City, S. Dak., praying for the enactment of legislation providing for the issuance of renewable contracts to qualified star-route contractors and subcontractors, which was referred to the Committee on Post Offices and Post Roads.

He also laid before the Senate a resolution adopted by the Citizens Forum of Columbia Heights, Washington, D. C., favoring the repeal of legislation relating to the teaching or advocating of communism in the public schools in the city of Washington, which was ordered to lie on the table.

He also laid before the Senate a resolution adopted by the Central Committee of the Non-Partisan Party of Hawaii, favoring the establishment of a branch of the National Labor Relations Board in Hawaii and also the appointment of a Federal Labor Commissioner for that Territory, which was referred to the Committee on Territories and Insular Affairs.

Mr. WALSH presented a resolution adopted by the Board of Aldermen of Chicopee, Mass., requesting the construction of new dikes for flood protection along the Connecticut River, including that portion of the Chicopee River at its confluence with the Connecticut River which would be subjected to backflow during flood periods, which was referred to the Committee on Commerce.

Mr. CAPPER presented a resolution adopted by the Butler County Teachers Association, of Augusta, Kans., favoring the enactment of legislation to assist the States and Territories in providing more effective programs of public education, which was referred to the Committee on Education and Labor.

Mr. VANDENBERG presented a resolution adopted by the Rotary Club of Flint, Mich., protesting against the enactment of legislation to enlarge the membership of the Supreme Court of the United States, which was referred to the Committee on the Judiciary.

He also presented memorials, numerously signed, by sundry citizens of the State of Michigan, remonstrating against the enactment of legislation that might affect the independence of the judicial branch of the Government, which was referred to the Committee on the Judiciary.

Mr. BRIDGES. I present a resolution adopted by the New Hampshire Legislature relative to the proposed change in the judiciary system, and ask that it be incorporated in the RECORD and appropriately referred.

The VICE PRESIDENT. Under the rule, the resolution will be printed in the RECORD and will also be referred to the Committee on the Judiciary.

The resolution is as follows:

Whereas the form of government under which the United States has prospered for a century and a half, and under which the liberties of the American people have been guaranteed by the independence of the judiciary branch of the Government, is now threatened by bills pending in the National Congress; and

Whereas it is of vital concern to all citizens of the United States to preserve and protect the independence of the courts: Now, therefore, be it

Resolved by the House of Representatives of the State of New Hampshire as the guardian of the interests of our people, That this house is opposed to the passage of the aforesaid bills; and be it further

Resolved, That the clerk of the house be instructed to forward a copy of these resolutions to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives of the United States, and to each Senator and Representative in Congress from this State.

Mr. BACHMAN presented the following joint resolution of the Legislature of the State of Tennessee, which was referred to the Committee on Commerce:

Senate Joint Resolution 14

Whereas the great loss of human life and the property damage resulting to the people of Tennessee living in the Cumberland River Valley and on its tributaries and in the Mississippi Valley from the ravages of the recent floods in those streams have been so great as to shock the people of the entire Nation; and

Whereas the people living in the Tennessee River Valley and on its tributaries have suffered no loss of life and practically no financial loss on account of the said flood, the rainfall being as great over the Tennessee River Valley as over the valley of the Cumberland River and other parts of Tennessee; and

Whereas the developments made on the Tennessee River and its tributaries by the Tennessee Valley Authority were the sole protection of citizens and property within the Tennessee River Valley and its tributaries, thus furnishing a striking example of the efficiency of the great program of President Roosevelt to improve the navigation of these interstate streams, protect the soil from erosion, and encourage reforestation, and insure agricultural rehabilitation and power development for the benefit of the people of the territory affected, and, indirectly, for the benefit of the people of the Nation as a whole, thus vindicating the wisdom of President Roosevelt and the Congress in establishing the Tennessee Valley Authority; and

Whereas it is now manifest to every intelligent person that the Cumberland River should be developed along the same lines as the Tennessee River projects are being developed, and that this development is a pressing and urgent need of the people of the State of Tennessee: Now, therefore, be it

Resolved by the Senate of the State of Tennessee (the house concurring, That the Congress of the United States be memorialized by the General Assembly of the State of Tennessee to proceed at the earliest practical moment to enact legislation along the lines of the Logan bill which passed the United States Senate over a year ago, that the Cumberland River and its tributaries, and territory adjacent thereto, be attached to and become a part of the Tennessee Valley Authority and that the Congress appropriate an amount sufficient to make the necessary improvements on said stream; be it further

Resolved, That the clerk of the senate transmit to the Vice President of the United States and to the Speaker of the House of Representatives and to Senators MCKELLAR and BACHMAN, and to each of the Congressmen from the State of Tennessee, copies of this resolution.

FORM PROTESTS AGAINST JUDICIARY REORGANIZATION PLAN

Mr. McKELLAR. Mr. President, I hold in my hand a number of printed protests against the appointment of additional Judges to the Supreme Court. The first is a printed postal card which has only the name of the writer and is manifestly propaganda. The second is a printed pink slip marked at the top "Hands off the Supreme Court", and everything is arranged except the signature. The next is a green slip of the same character; and the fourth is a more extended propaganda document headed "Only They Deserve Liberty Who Are Willing to Fight for It."

Fifth, I send to the clerk's desk a printed letter sent out by John E. Edgerton, of Lebanon, Tenn., president of Southern States Industrial Council, Inc., a piece of political propaganda that is unique. The President's proposal on the Court question is termed "Democracy's Last Trench", is severely denounced, and the members of the council are urged to write letters to Members of Congress. This is not only political propaganda but it is vicious partisan propaganda. I ask, Mr. President, that the entire letter, including headings, be printed in the RECORD, and that the several form protests to which I have referred be printed in the RECORD just as they have come to me and appropriately referred.

There being no objection, the protests and letter were referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

CAMBRIDGE, MASS., *February 16, 1937.*

Senator MCKELLAR,
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: I earnestly advocate that you use your influence to prevent passage of any legislation permitting the appointment of additional Justices to the Supreme Court of the United States.

Yours truly,

BRIAN CALDWELL.

Voting address: Memphis, Tenn.

HANDS OFF THE SUPREME COURT!

DEAR SIR: Believing that the proposal to revise and weaken the United States Supreme Court would prepare the way for dictatorship in our country, I earnestly urge you to use your influence against the measure.

Mrs. J. C. BOY.

HANDS OFF THE SUPREME COURT!

DEAR SIR: Believing that the proposal to revise and weaken the United States Supreme Court would prepare the way for dictatorship in our country, I earnestly urge you to use your influence against the measure.

C. F. KING.

ONLY THEY DESERVE LIBERTY WHO ARE WILLING TO FIGHT FOR IT

To the Members of the Senate and House of Representatives of the United States:

We, the undersigned citizens of the United States, exercising our right of petition, protest against the President's bill or any substitutes permitting the executive branch of the Government to control or subordinate the judicial or the legislative powers established under the Constitution.

This bill would give to the President the power to remake the Supreme Court and to pack it with men to interpret the Constitution as he wishes. Such concentration of power is dangerous even in the hands of the best-intentioned man.

The framers of the Constitution divided the Government into independent legislative, executive, and judicial departments, because history shows that concentration of those powers in one department, or in one man, inevitably leads to dictatorship.

This bill would establish such concentration of power as no one at any time in any place has been able to use for the public good. The independent branches of the Government would become the instruments of the White House. Public respect for the courts and the Congress, so essential in a democracy, would be seriously impaired.

If one President is allowed in this fashion to create a Supreme Court to interpret the Constitution so as to validate the laws he desires, neither he nor his successors will have to consult the will of the people concerning future amendments.

We, therefore, protest and demand that the constitutional safeguards of an independent judiciary be retained.

The power to amend our Constitution is not the Executive's to exercise by indirection. It is not yours to surrender. It is ours, and we look to you, trustees of the people's liberties, to protect it. How you vote on this issue is all-important, now and in the future.

G. H. Parham, 517 Hawthorne, Knoxville, Tenn.; Robert Thurman, R. F. D. No. 3, Knoxville, Tenn.; Andrew Pryor, R. F. D. No. 3, Knoxville, Tenn.; O. M. Neal, R. F. D. No. 3, Knoxville, Tenn.; Edgar Jacks, R. F. D. No. 10, Knoxville, Tenn.; L. I. Taylor, R. F. D. No. 3, Knoxville, Tenn.; Audre Byrd, R. F. D. No. 3, Knoxville, Tenn.; Alvin Berry, R. F. D. No. 3, Knoxville, Tenn.; H. L. Ottinges, R. F. D. No 3, Knoxville, Tenn.; W. H. Berry, R. F. D. No. 3, Knoxville, Tenn; Thomas Evans, R. F. D. No. 3, Knoxville, Tenn.; Fairwick Jones, R. F. D. No. 3, Knoxville, Tenn.; Eddie Vaughn, Plaza 406, Knoxville, Tenn.; Joe R. Callaway, R. F. D. No. 3, Knoxville, Tenn.; Ed Richards, 1803 Pennsylvania Avenue, Knoxville, Tenn.

[Southern States Industrial Council, Inc., 1103-1111 Stahlman Building. President, John E. Edgerton, president, Lebanon Woolen Mills, Lebanon, Tenn.; vice president, John A. Miller, executive vice president, Exposition Cotton Mills, Atlanta, Ga.; vice president, Fitzgerald Hails, president, N., C. & St. L. Ry., Nashville, Tenn.; treasurer, S. L. Durham, president, Louisville Bedding Co., Louisville, Ky.; secretary, C. C. Gilbert, Nashville, Tenn.; research director, Margaret Mager, Nashville, Tenn.; executive committee, J. F. Ames, Selma, Ala., S. L. Durham, Louisville, Ky., J. E. Edgerton, Lebanon, Tenn., Fitzgerald Hall, Nashville, Tenn., T. M. Martin, El Dorado, Ark., H. M. McCulloch, Rossville, Ga., John A. Miller, Atlanta, Ga., Paul A. Redmond, Birmingham, Ala.; C. S. Steward, Chattanooga, Tenn.]

NASHVILLE, TENN., *February 11, 1937.*

DEMOCRACY'S LAST TRENCH

To the Industrialists of the South:

This is not a song of hate. It is not just another word of warning. It is intended to be the loudest alarm we have ever sounded.

I believe that every calm, thoughtful citizen in these United States, whether he be Democrat or Republican, New Dealer or anti-New Dealer, is or will be shocked as he has never been before by what appears to be a proposal to cudgel our present Supreme Court into servile acquiescence or innocuous retirement. No such mandate has been given to anybody. No matter how sympathetic he may be with the general policies of the present administration, or with its high objectives, no Member of the United States Congress who has his country's welfare at heart will look at this revolutionary proposal from a partisan political viewpoint. It involves, in my opinion, the very life of the Republic and of our democratic ideals.

The Nation remembers well that recovery did not actually begin in this country until the Supreme Court invalidated, by unanimous decision, the N. R. A. That and other memorable decisions stimulated the confidence of the people that in our Federal courts the country has a nonpolitical and dependable defender of their rights and liberties against any ambitious encroachments of either of the other two coordinate branches of our Government. Whatever hasty, ill-considered legislation might be passed by a submissive Congress there stood ready the greatest court on earth to protect justice and the people's rights. That is what gave the people the most of their confidence, for they realized that the judicial branch of Government was the only one of the three that was functioning normally and independently of political compulsion. When our courts, therefore, are curbed or handicapped in the free exercise of their fundamental powers, or when they become invaded at any point by fear of political or social reprisal, the last great bulwark of our liberties against the tyrannies of popular passion will be gone.

Even in their demonstrated loyalties to the political traditions of their section, the people of the Southern States are calling upon all of their representatives in the United States Congress to divest their minds and hearts of whatever partisan bias or passion they may have and stand like good American soldiers and save our courts from all impassioned efforts to destroy their independence. For never was the spirit of lawlessness so manifestly rampant in our Nation as at this hour. Witness the audacious defiance at Detroit and other places of not only the courts but of all public authority. This universally condemned spectacle of outlawry is typical of those forces that despise courts and orderly government. Out of these forces came the first clamor for vengeance against judicial authority, and its chorus has increased with every decision that was displeasing to them. Even if judicial reform is desirable at any point, this is the poorest time in the world to give what will be interpreted as aid and comfort to the enemies of law and of our country. The people beseech you, gentlemen, to think clearly, independently, and for a long time before you vote at all, and then vote to do nothing that will weaken our judicial system in any degree or bring it into disrepute or humiliation.

No man who believes in America, in American principles, ideals, and institutions, can view with complacency a proposal which will virtually establish beyond question a dictatorship in our country. When our Supreme Court is sterilized, or neutralized, the very last obstruction to a dictatorship will be gone. There have been, therefore, few moments in our Nation's history as serious as this one. The next few weeks will tell the story. Unless the people arouse and bestir themselves as they never have before democracy's last trench will be taken. The only influence with Congress that can match that of the President's is that of the people. Every citizen who does not believe that the time has arrived for a dictatorship in our Nation should wire both his Congressman and his two Senators protesting in the most respectfully vigorous language possible against any tampering with the Supreme Court of the United States.

This is no time for timidity or cowardice. It is no time for pussyfooting. Those who are in their hearts opposed to the subjugation of our Supreme Court should speak out in no uncertain terms, and speak quickly. I beseech every recipient of this letter to weigh carefully, and without bias of any sort, its contents and its suggestion. If you agree, then please act promptly and get as many others to act in similar manner as possible.

Very sincerely yours,

JOHN E. EDGERTON, *President.*

REPORTS OF COMMITTEES

Mr. TYDINGS, from the Committee on Naval Affairs, to which was referred the bill (S. 1120) authorizing an appropriation for the erection of a memorial to the officers and men of the United States Navy who lost their lives as the result of a boiler explosion that totally destroyed the U. S. S. *Tulip* near St. Inigoes Bay, Md., on November 11, 1864, and for other purposes, reported it without amendment and submitted a report (No. 106) thereon.

Mr. WALSH, from the Committee on Naval Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 1313. A bill for the relief of Lt. Comdr. Chester B. Peake, Supply Corps, United States Navy (Rept. No. 107); and

S. 1485. A bill to prohibit the making of photographs, sketches, or maps of vital military and naval defensive installations and equipment, and for other purposes (Rept. No. 108).

Mr. GILLETTE, from the Committee on Naval Affairs, to which was referred the bill (H. R. 824) for the relief of James Luker, Sr., reported it without amendment and submitted a report (No. 109) thereon.

He also, from the Committee on Agriculture and Forestry, to which was referred the joint resolution (S. J. Res. 75) making funds available for the control of incipient or emergency outbreaks of insect pests or plant diseases, including grasshoppers, Mormon crickets, and chinch bugs, reported it without amendment and submitted a report (No. 110) thereon.

Mr. HARRISON, from the Committee on Finance, to which was referred the joint resolution (H. J. Res. 212) to amend the act entitled "An act to levy an excise tax upon carriers and an income tax upon their employees, and for

other purposes", approved August 29, 1935, reported it without amendment and submitted a report (No. 112) thereon.

Mr. REYNOLDS, from the Committee on Military Affairs, to which was referred the bill (S. 46) for the relief of Ernest S. Frazier, reported it without amendment and submitted a report (No. 113) thereon.

RECIPROCAL-TRADE AGREEMENTS—REPORT OF FINANCE COMMITTEE—AMENDMENTS

Mr. HARRISON, from the Committee on Finance, to which was referred the joint resolution (H. J. Res. 96) to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended, reported it without amendment and submitted a report (No. 111) thereon.

Mr. VANDENBERG. Mr. President, in connection with the report just submitted by the able Senator from Mississippi relating to the Trade Agreement Act, I desire to submit certain amendments intended to be proposed by me when the joint resolution comes before the Senate for action. I ask that the proposed amendments may be printed and lie on the table.

The VICE PRESIDENT. The three amendments intended to be proposed by the Senator from Michigan [Mr. VANDENBERG] to House Joint Resolution 96 will be received, printed, and lie on the table.

Mr. O'MAHONEY submitted an amendment, and Mr. CAPPER submitted two amendments intended to be proposed by them, respectively, to the joint resolution (H. J. Res. 96) to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended, which were ordered to lie on the table and to be printed.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ROBINSON:

A bill (S. 1623) to amend section 36 of the Emergency Farm Mortgage Act of 1933, as amended, to provide an interest rate of 3 percent per annum on loans to agricultural improvement districts; to the Committee on Agriculture and Forestry.

A bill (S. 1624) to amend section 36 of the Emergency Farm Mortgage Act of 1933, as amended; to the Committee on Banking and Currency.

By Mr. DUFFY:

A bill (S. 1625) to authorize the appointment of official reporters in the district courts of the United States and to fix their duties and compensation; to the Committee on the Judiciary.

By Mr. REYNOLDS:

A bill (S. 1626) to amend the military record of Maurice D. Pryor, and for other purposes; to the Committee on Military Affairs.

By Mr. POPE:

A bill (S. 1627) to establish the Shoshone Ice Caves National Monument; to the Committee on Public Lands and Surveys.

By Mr. MALONEY:

A bill (S. 1628) to regulate the issuance of commemorative coins; to the Committee on Banking and Currency.

By Mr. WALSH:

A bill (S. 1629) to amend the act entitled "An act to regulate the sale of viruses, serums, toxins, and analogous products in the District of Columbia, to regulate interstate traffic in said articles, and for other purposes", approved July 1, 1902, to make it applicable to surgical ligatures and sutures; to the Committee on the District of Columbia.

A bill (S. 1630) for the relief of Frank P. Hoyt; to the Committee on Military Affairs.

A bill (S. 1631) for the relief of Commander William I. Causey, United States Navy, and Lt. Comdr. Earl LeRoy Bailey, Supply Corps, United States Navy;

A bill (S. 1632) for the relief of Capt. Benjamin Dutton, Jr., Capt. C. H. J. Keppler, Commander Leo H. Thebaud, and Lt. Comdr. Gordon S. Bower, Supply Corps, United States Navy; and

A bill (S. 1633) to increase the efficiency of the United States Navy; to the Committee on Naval Affairs.

By Mr. PEPPER:

A bill (S. 1634) to provide for the education of all types of physically handicapped children, to make an appropriation of money therefor, and to regulate its expenditure; to the Committee on Education and Labor.

By Mr. LONERGAN:

A bill (S. 1635) for the relief of Charles H. Weldon; to the Committee on Claims.

By Mr. CAPPER:

A bill (S. 1636) for the relief of Maj. Wilbur Rogers; to the Committee on Claims.

By Mr. LEE:

A bill (S. 1637) for the relief of Mrs. Charles R. Warner; to the Committee on Claims.

By Mr. FRAZIER:

A bill (S. 1638) for the relief of Oscar R. Fisher; to the Committee on Claims.

A bill (S. 1639) granting a pension to Clarence Carpenter; to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 1640) for the relief of Harry Bryan and Alda Duffield Mullins, Elbert Grover and Mattie Jane Facemire Harrison, Wayne B. and Macel Burrows Stanley, Carl Benjamin and Vera Smallridge Hitchcock, William Henderson Coulter, Homer Clay and Grace Holt Isenhart, Osey G. Bosley, Albert Thomas and Myrtle Bell Keaton Helmick, Leslie Lewis and Lula Beatrice Hamric Belknap, Patrick Daniel and Nora Helena Grace Hickey, Everett French Mick, William M. and Ato Norman Young, Albert and Della Workman Groves, Ethel Rollyson Lough, and Ray Earl Bennett; to the Committee on Claims.

A bill (S. 1641) granting a pension to Alma P. Miller; and

A bill (S. 1642) granting an increase of pension to Mary D. Richards; to the Committee on Pensions.

By Mr. McCARRAN:

A bill (S. 1643) granting a pension to Martha J. Rhodes; to the Committee on Pensions.

By Mr. ADAMS:

A bill (S. 1644) to amend section 21 of the Permanent Appropriation Repeal Act, 1934; to the Committee on Banking and Currency.

By Mr. McNARY:

A bill (S. 1645) to amend section 4 of the Rural Electrification Act of 1936; to the Committee on Agriculture and Forestry.

A bill (S. 1646) for the relief of Robert G. Duncan; to the Committee on Claims.

A bill (S. 1647) granting a pension to Perly E. West (with accompanying papers); to the Committee on Pensions.

By Mr. MINTON:

A bill (S. 1648) granting a pension to Ella Foreman; to the Committee on Pensions.

A bill (S. 1649) for the relief of Philipina Baca Klemencic; to the Committee on Immigration.

By Mr. THOMAS of Oklahoma:

A bill (S. 1650) conferring jurisdiction on the Court of Claims to adjudicate the rights of the Otoe and Missouria Tribes of Indians to compensation on a basis of guardian and ward;

A bill (S. 1651) to amend the act entitled "An act authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California", approved May 18, 1928 (45 Stat. 602);

(By request.) A bill (S. 1652) to provide for the payment of certain Creek equalization claims, and for other purposes; and

(By request.) A bill (S. 1653) to authorize the acquisition of 640 acres of land for the use and benefit of the Santa Rosa Band of Mission Indians, State of California; to the Committee on Indian Affairs.

By Mr. ANDREWS:

A bill (S. 1654) to provide for the obtaining of a site for, and the construction of, a Federal building to accommodate the post office, Federal district court, and other Federal

units as may be now or hereafter located in the city of Orlando, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. SMITH:

A bill (S. 1655) for the erection of a public building at Myrtle Beach, S. C., and appropriating money therefor; to the Committee on Public Buildings and Grounds.

By Mr. STEIWER:

A bill (S. 1656) authorizing the establishment of a revolving fund for the Klamath Indians, Oregon;

A bill (S. 1657) providing for the final enrollment of the Indians of Klamath Indian Reservation in the State of Oregon;

A bill (S. 1658) to credit the Klamath Indian tribal funds with certain amounts heretofore expended from tribal funds on irrigation works of the Klamath Reservation, Oreg.; and

A bill (S. 1659) to authorize payments in lieu of allotments to certain Indians of the Klamath Indian Reservation in the State of Oregon; and to regulate inheritance of restricted property within the Klamath Reservation; to the Committee on Indian Affairs.

By Mr. HATCH:

A bill (S. 1660) for the relief of Essie E. Leatherwood; to the Committee on Claims.

A bill (S. 1661) authorizing the Secretary of the Interior to patent a certain tract of land to the State of New Mexico for the use and benefit of the Carrie Tingley Hospital for Crippled Children; to the Committee on Public Lands and Surveys.

By Mr. O'MAHONEY:

A bill (S. 1662) for the relief of William J. Ashcraft; to the Committee on Public Lands and Surveys.

By Mr. JOHNSON of California (for himself and Mr. McADOO):

A joint resolution (S. J. Res. 87) to protect the copyrights and patents of foreign exhibitors at the Golden Gate International Exposition, to be held at San Francisco, Calif., in 1939;

A joint resolution (S. J. Res. 88) providing for the participation of the United States in the world's fair to be held by the San Francisco Bay Exposition, Inc., in the city of San Francisco during the year 1939, and for other purposes; and

A joint resolution (S. J. Res. 89) providing for the importation of articles free from tariff or customs duty for the purpose of exhibition at the Golden Gate International Exposition, to be held at San Francisco, Calif., in 1939, and for other purposes; to the Committee on Commerce.

By Mr. MINTON:

A joint resolution (S. J. Res. 90) for the relief of stricken flood sufferers; to the Committee on Appropriations.

CHANGE OF REFERENCE

Mr. McCARRAN. Mr. President, the bill (S. 739) to authorize the rewriting of the Code of Laws for the District of Columbia by inadvertence was referred to the Committee on the Judiciary. I ask that the Committee on the Judiciary be discharged from the further consideration of the bill, and that it be referred to the Committee on the District of Columbia.

The VICE PRESIDENT. Without objection, it is so ordered.

PAYMENT TO SAN CARLOS APACHE INDIANS—AMENDMENT

Mr. HAYDEN submitted an amendment, intended to be proposed by him to the bill (S. 1231) authorizing payment to the San Carlos Apache Indians for the lands ceded by them in the agreement of February 25, 1896, ratified by the act of June 10, 1896, and reopening such lands to mineral entry, which was ordered to lie on the table and to be printed.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred as indicated below:

H. R. 2291. An act to amend the act of May 25, 1933 (48 Stat. 73); to the Committee on Military Affairs.

H. R. 2901. An act to amend the act of May 29, 1930 (46 Stat. 349), for the retirement of employees in the classified civil service and in certain positions in the legislative branch of the Government, to include all other employees in the legislative branch; and

H. R. 2928. An act to amend the law relating to residence requirements of applicants for examinations before the Civil Service Commission; to the Committee on Civil Service.

H. R. 2909. An act authorizing an appropriation for payment to the Government of Great Britain for the account of N. J. Moosa, a British subject;

H. R. 2910. An act authorizing an appropriation for payment to the Government of the Netherlands for the account of the family of Miguel Paula;

H. R. 2911. An act authorizing an appropriation for payment to the French Government for the account of Henry Borday, a citizen of France;

H. R. 2912. An act authorizing an appropriation for payment to the Government of Great Britain for the account of the Shanghai Electric Construction Co., Ltd.;

H. R. 2913. An act authorizing an appropriation for payment to the Government of Canada for the account of Janet Hardcastle Ross, a citizen of Canada;

H. R. 2914. An act authorizing an appropriation for payment to the Government of Chile for the account of Enriqueta Koch v. de Jeanneret, a citizen of Chile;

H. R. 2915. An act authorizing an appropriation for payment to the Government of China for the account of Li Po-tien;

H. R. 2916. An act authorizing an appropriation for payment to the Government of China for the account of certain Chinese citizens;

H. R. 2917. An act authorizing an appropriation for the payment of the claim of General Higinio Alvarez, a Mexican citizen, with respect to lands on the Farmers Banco in the State of Arizona;

H. R. 2918. An act authorizing an appropriation for payment to the Government of China for the account of certain citizens of China;

H. R. 2919. An act authorizing an appropriation for payment to the Government of China for the account of certain Chinese citizens;

H. R. 2920. An act authorizing an appropriation for payment to the Government of the Dominican Republic for the account of Mercedes Martinez Viuda de Sanchez, a Dominican subject;

H. R. 2921. An act authorizing an appropriation for payment to the Government of China for the account of Ling Mau Mau, a citizen of China;

H. R. 2922. An act authorizing an appropriation for payment to the Government of China for the account of certain Chinese citizens;

H. R. 2923. An act authorizing an appropriation for payment to the Government of Nicaragua for the account of Mercedes V. de Williams and others;

H. R. 2925. An act authorizing an appropriation for payment to the Government of Great Britain for the account of certain British citizens; and

H. J. Res. 193. Joint resolution to authorize an appropriation for the expenses of participation by the United States in the Eleventh International Dairy Congress, Berlin, Germany, in 1937; to the Committee on Foreign Relations.

RECIPROCAL-TRADE TREATIES WITH DEBTOR NATIONS

Mr. LEWIS. Mr. President, I tender a resolution and ask to have it read, and then ask permission to submit a few remarks in support of the resolution.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the resolution will be read.

The Chief Clerk read the resolution (S. Res. 83), as follows:

Whereas the present policy of the United States in international economics is for recoprical treaties of trade between nations; and

Whereas there exist undischarged and unadjusted debts due to the United States from nations of the world in all exceeding $12,000,000,000, and with interest and premiums due approaching $25,000,000,000; and

Whereas European nations indebted in the largest of sums refuse to pay the debt or any portion of it, refuse to pay the interest or any portion of it, and in many instances repudiate the debt and deny the obligation, in other instances refuse to submit any

suggestion of adjustment, liquidation or compromise: Therefore be it

Resolved, That no reciprocal-trade treaty should be made between the United States of America and any nation which, being a debtor to the United States, refuses to pay the debt or to adjust the same, or which repudiates the debt due the United States.

Mr. LEWIS. Mr. President, with the grace of the Senate, I beseech its courtesy to allow me the privilege of making definite the reasons for the proposals embodied in my resolution.

Mr. President, the public press which comes to us from London announces that the distinguished visitor who lately was in our midst, Sir William Runciman, stated to his people upon his return, after conference with the officials of America here at Washington, that he had not obtained all that he desired in the requests which were made, and that he stated frankly that "some of them he would not be able yet to obtain." I call the attention of the Senate to the fact that the distinguished gentleman said it was his desire, if possible, to secure arrangements with America in the form of trade relations that would prevent the United States from forbidding the furnishing to England in any form of supplies that would be necessary should she become involved in a war in which our sympathies were interested or our national interests were in common.

At the same time I beseech the Senate to recall that in this week the distinguished government for which that eminent statesman stood renewed its protective-tariff treaties with favor to the countries of Asia and three of Europe, leaving only as specially named what is known as the Ottawa agreement granting preferences and privileges to Canada. The United States, for reasons satisfactory to that great government, is particularly excluded from these trade favors advanced. At the same time, Mr. President, we note that the English Government finds it agreeable to enter into an agreement with Germany by which the balances of exchange in matters of finance give to Germany advantages. These at the same time are directly arranged and so conducted as to be to the disadvantage of this our United States. Of that we make no complaint. These nations have a right to protect themselves in such manner as they feel to their advantage.

In the meantime, Mr. President, France suggests to this Government a trade treaty called a reciprocal-trade treaty. The suggestion is made, as I understand, by the distinguished visitor who is here with us as the new Ambassador of France, whose presence is most welcome, and who, we hope, will find his official errand in this community quite agreeable from the point of social and personal relation. But the proposed treaty, as I behold it, runs counter to the principal productions of five of our great States of the United States. At the same time the great Government of France negotiates an agreement, partly with England and partly with other sources, to obtain hundreds of millions of dollars which are to be advanced to Poland. This is to pay the expenses of Poland for an increased army and further armament, to enable Poland—I use the language of quotation—"to meet any offense or defense necessary for its protection or the protection of its friends"—the latter meaning France—in anticipated conflict as to herself and Germany, or perchance Germany and Russia.

Mr. President, in the same season we behold that Italy enters into an understanding of trade and finance specifically with Germany. This special undertaking provides increased armament for both countries and provides for an issue now of bonds to be floated in this our America as the source of the eternal supply and the eternal spring of charity and financial favor, with the generosity of American money. These, sir, are all submitted at this time. While our United States has as the policy of our Government to enter into treaties with these nations which pretend to give some reciprocation, yet on their face as I behold them, in view of the results, they do not reciprocate to us, but involve wholly contribution from us.

Mr. President, today England announces the expenditure of $1,000,000,000 for a new form of armament and an increased form of offense or defense from a military point of view, and, as stated this morning, all in addition to what was lately pronounced as essential to her protection.

Now, Mr. President, regarding all of these matters, sir, we do not offer one word as to the purely domestic policy of any country. We may deplore, as deplore we ever do, that any land should expend such vast millions in armament and preparation for war, the beginning of which means, sooner or later, sir, threatening with destruction everything in civilization; but I say, sir, in all of this, that in none of these countries, with their vast expenditures, the sums they may expend or those which they are borrowing, is there the slightest pretense of meeting the obligation they have to the United States of America, either to pay a dollar of the indebtedness that is due us or to hold a conference by which the indebtedness may either be adjusted or in any form whatever liquidated. To the contrary, I cannot overlook the fact that within the past few days there has come from official sources, addressed to this honorable Government, the statement that these countries cannot send and never have intended to send anybody to our midst to take up the debt question; and the distinguished gentlemen who are with us as the representatives of these lands disclaim that they are authorized to touch this question in any form whatever.

Mr. McKELLAR. Mr. President——

Mr. LEWIS. I yield to the Senator from Tennessee.

Mr. McKELLAR. The Senator spoke of Mr. Runciman, who came over to visit us on the business he has suggested. The New York Herald Tribune of January 26, 1937, carried the following item relative to Mr. Runciman's visit:

> One situation not discussed today was that of the war debts. Mr. Runciman was asked if he found anyone brave enough to bring up this subject. "I haven't met that bold person yet", he said.

Mr. LEWIS. To which he added, "If it ever should come up, God forbid!"

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. LEWIS. Certainly.

Mr. ROBINSON. The Senator from Illinois has repeatedly brought this subject before the Senate during the past 2 or 3 years. I wish to say to him and to the country that, in my opinion, there is now in progress a reversal of sentiment, so that there is a strong likelihood that within the next year something substantial may be accomplished looking toward the final settlement of the war debts. I believe that there is in some of the debtor countries a public opinion just beginning to grow which recognizes the unavoidability, the absolute necessity of sustaining their reputations by declining to commit themselves permanently to a policy of repudiation.

Mr. BORAH. Mr. President——

Mr. LEWIS. At this moment I express my thanks to the Senator from Arkansas for his observation. It is pertinent and very appropriate.

I yield to the Senator from Idaho.

Mr. BORAH. Mr. President, I wish to ask the Senator from Arkansas if, in his opinion, the movement of which he speaks involves the reduction of the debts now owed the United States?

Mr. ROBINSON. No proposal has been submitted. No plan has been formulated. The only point in my statement is that, in my judgment, there is now in some of the important debtor countries the beginning of a movement which will build up a public opinion which will make it possible to work out some plan of final settlement.

I wish it to be distinctly understood that I do not speak for any public authority other than myself. It is my information that that public opinion is beginning to grow.

Mr. BORAH. Mr. President, if we may judge of the public opinion in the several countries by the press and by the statements of public men from those countries, there is undoubtedly on foot a movement to secure a reconsideration and a readjustment of the debts; but the entire program, so far as anything is concerned that I have been able to see or hear, is based upon the proposal of a reduction of the present debt; another contract, but no payment.

Mr. ROBINSON. Mr. President, in connection with the remarks of the Senator from Idaho, I should like to say that

I do not think it would be possible at this time to forecast what may be accomplished. I should not like to say that I should be unwilling to agree to any form of reduction of the debts, nor should I like to say that it would be essential to advance a proposal for their reduction. My point is that in all likelihood within the next few months there will be demonstrated in this country a sentiment strongly in favor of collection, and in some of the debtor countries the necessity for payment will be recognized because of the growth of public opinion in those countries in favor of sustaining the national honor and declining to sustain repudiation.

Mr. BORAH. Mr. President——

Mr. LEWIS. I yield further to the Senator from Idaho.

Mr. BORAH. There is no doubt that some of these countries would like to maintain their national honor; but I have yet to see the first paragraph in any foreign newspaper, or the first statement by any foreign public man, indicating that they have any intention of paying the debt as it now stands.

Mr. LEWIS. Mr. President, I have encouraged these interpolations. They are filled with wisdom and are very suggestive of what we all hope, looking for some rescue, some refuge from the present financial impasse. I trust that the remarks of the Senator from Arkansas [Mr. ROBINSON], the leader of this side, and the able Senator from Idaho [Mr. BORAH] indicate that there is on the way a settlement that will do some justice to the United States and enable us to escape the imputation indulged all over the world that, through either our cowardice or our ignorance, we are allowing ourselves to be continuously imposed on.

Mr. VANDENBERG. Mr. President——

Mr. LEWIS. I yield for the moment to the Senator from Michigan.

Mr. VANDENBERG. Mr. President, I should like to add to this symposium that I hope none of these foreign countries is misled into believing that by making a few small token payments upon these obligations it can reestablish a credit that can be extended once more into a fabulous borrowing, because, in my judgment, that is not going to be consented to again.

Mr. LEWIS. Mr. President, the observation of the Senator from Michigan is very pertinent. We know what is afloat in the atmosphere, and I recall that it fulfills the definition of Jonson in his definition of gratitude—that "it is a lively sense of favors yet to come." [Laughter.]

Mr. President, on this point I will add that, while I join in the suspicion toward the declaration on the part of those who hope to borrow upon the small earnest payment to which my distinguished friend from Michigan alludes, I trust they will not be successful, for we have been deluded sufficiently to have learned some lesson by our experiences.

Therefore I come to the definite point of my resolution, that I may not disturb the Senate unnecessarily long. The Government of Argentina, beholding that we had passed some law, in the form, I believe, of a tariff bill, which forbids the cattle of Argentina entering the United States because of what we feel is some infection which would defile if not destroy our own, refuses now, in retaliation, to enter into any trade treaty with the United States of America. With this before us, I have the suggestion to make, if the hope of the able Senator from Arkansas and the inclination upon the part of the able Senator from Idaho may be fulfilled, a hope that is indulged by us all, that there will be a disposition that will do credit to the creditor as well as honor to the debtor. I suggest that one of the methods that will most completely advance it, and I believe speedily and with success, is that we announce that as to any nation which has treated us in the manner described as to its debt and continues to repudiate the debt while it holds us up to opprobrium before the world as a nation seeking to collect money that is not our property, and making a demand which takes the form of blackmail upon civilized nations, there shall be no further negotiation touching these trade treaties; that our country will refuse to enter into reciprocity or trade treaties with nations which, obtaining all benefits under such treaties, afford us not only no benefit but disadvantage, great indebtedness, and, finally, a continuation of a policy toward us of little less than national robbery.

I propose in this resolution that we decline to negotiate trade treaties with the countries which have treated us in this manner, and which continue to do so. I go further and suggest that we continue the policy as to all of these countries regarding these trade treaties so long as they continue their policy of repudiation and injustice to us in the matter of the debts.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. LEWIS. I yield.

Mr. TYDINGS. As I understand, the Senator from Illinois wants more money and less acrimony? [Laughter.]

Mr. LEWIS. I want the money. As to the acrimony, I concur. I do not want the acrimony; but if the consonants can be changed, and the word be made "alimony", I will accept that. [Laughter.]

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. LEWIS. I yield.

Mr. COPELAND. To be serious again, I noticed what the Senator from Illinois said about a certain country seeking to ship meat into this country.

Mr. LEWIS. I referred to Argentina.

Mr. COPELAND. We spent millions of dollars and destroyed millions of cattle in the United States in an effort to eradicate the foot-and-mouth disease. I think it would be unpatriotic if we should enter into any arrangement with any country which would permit them to ship into the United States any substance which might mean reinfection of our cattle, or might harm in any sense the health of the people and of the animals of the United States.

Mr. KING. Mr. President, will the Senator yield?

Mr. LEWIS. I accept the suggestion of the Senator from New York, as his contribution to any discussion is always informing.

I yield to the Senator from Utah.

Mr. KING. I apologize for disturbing the Senator; but in reply to the statement made by the Senator from New York I may say that the matter to which he has referred has been thoroughly investigated by the State Department and by the Secretary of Agriculture, and there are now upon the statute books laws under which the Department of Agriculture has full and complete authority to prohibit the importation into the United States of any cattle or of any horticultural products which are diseased, or which threaten in any way to jeopardize the health of the people of the United States.

Mr. COPELAND. Mr. President, will the Senator from Illinois yield further?

Mr. LEWIS. I yield.

Mr. COPELAND. I realize that there are such laws, but if we were to have a treaty such as is proposed those laws would go into the discard. What I have said does not apply to every section of the Argentine, but if there were permission to ship meat products into the United States from certain sections of the Argentine it would be harmful not alone to the stock raisers and the farmers of the United States but certainly to the health of the herds of the entire country.

Mr. KING. Mr. President, if the Senator from Illinois will permit me one more word, I think the Senator from New York is entirely mistaken in assuming that any treaty would be negotiated which would abrogate the laws which now exist for the exclusion from the United States of any diseased cattle or, for that matter, any diseased vegetables or other products of the soil. I may say that any treaty or trade agreement would take cognizance of the situation, and all the authority now in the Department of Agriculture would be preserved, and the interests of the United States would be fully protected. We need have no apprehension as to the result of any treaty or trade agreement.

Mr. BORAH and Mr. CONNALLY addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Illinois yield; and if so, to whom?

Mr. LEWIS. I yield to the Senator from Idaho, and then I will yield to the Senator from Texas.

Mr. BORAH. I understood the Senator from Utah to say that no treaty would be negotiated which would impair the protection of the livestock industry of the United States. Of course, I am quite willing to admit that the authorities would not intentionally negotiate any such treaty; but, in my opinion, a treaty has been negotiated which, if put into effect, will have that very result. We hear talk about there being no foot-and-mouth disease in some particular portion of the Argentine. No one today knows where the disease may spread in Argentina from where it is now. It is a disease which spreads rapidly, and no method has ever been discovered by which to control its spread.

Mr. LEWIS. I now yield to the Senator from Texas.

Mr. CONNALLY. Let me ask the Senator from Illinois if some confusion has not arisen. There are two treaties. The Argentine sanitary treaty is the one dealing with the matter mentioned by the Senator from Idaho, which is altogether another matter from the reciprocal-trade agreement. It is against the so-called sanitary treaty that the Senator from Idaho is directing his observations.

I heartily concur with the Senator from Idaho, and I expect vigorously to oppose any ratification of the treaty with the Argentine which would make it even remotely possible to reintroduce into the United States the very dangerous and ofttimes fatal foot-and-mouth disease, which in 1914 was prevalent in 24 States of this Union, and which required the expenditure of not only millions of dollars but the killing of entire herds of cattle and the incineration of their bodies in order to stamp out the disease.

As stated by the Senator from Idaho, medical science has never discovered any remedy for this disease, and we do not propose to endanger all of the dairy herds in Wisconsin and the cattle in Montana, Wyoming, New Mexico, and, incidentally, in Texas, and the great dairy herds in New York State, in order to get two bits' worth of trade, while endangering the whole cattle industry of the United States.

I thank the Senator from Illinois for yielding to me.

Mr. LEWIS. Mr. President, I appreciate the contribution of the Senator from Texas upon the matter of disease of cattle. I am not so well learned on that subject as are many Senators who have risen to speak on this phase. I recognize the necessity for legitimate protection of the United States, but what I fear is not that these nations will inject this cattle controversy, not that they will do something that converts us to cattle, but it is their treating us as asses that causes me serious concern. [Laughter.]

Mr. President, I have occupied much of the time of the Senate in discussing this resolution. I conclude by merely expressing the wish that these great nations shall apply to themselves the Christian principle to which in religion they are subscribed, "That which ye would have done for you, you do unto ourselves."

I thank the Senate for its indulgence.

I take it that the resolution in natural course would go to the Committee on Foreign Relations. I will leave it to any other Senator to move a disposition of it if I am wrong in my judgment. Otherwise, I shall move that the resolution be referred to the Committee on Foreign Relations.

The PRESIDENT pro tempore. If the Senator will permit the Chair to make a suggestion, resolutions of this character have generally gone to the Committee on Finance.

Mr. LEWIS. I have no objection to the resolution's being referred to any appropriate committee. I myself was in doubt, and I take the opinion of the Chair on the subject. I move that the resolution be referred to the Committee on Finance.

The PRESIDENT pro tempore. The Senator can move to have the resolution referred to any committee he may desire.

Mr. ROBINSON. Mr. President, I think the resolution should go to the Committee on Finance, because it is a matter which relates to legislation emanating from that committee.

The PRESIDENT pro tempore. Without objection, the resolution will be referred to the Committee on Finance.

INVESTIGATION OF VIOLATIONS OF FREE SPEECH AND ASSEMBLY—LIMIT OF EXPENDITURES

Mr. BYRNES. Mr. President, I ask unanimous consent to return to the order of reports of committees so that I may be permitted from the Committee to Audit and Control the Contingent Expenses of the Senate to report, with an amendment, Senate Resolution 70 [submitted by Mr. THOMAS of Utah (for himself and Mr. LA FOLLETTE) on the 27th ultimo] increasing the limit of expenditures of the Special Committee on Civil Liberties.

The PRESIDENT pro tempore. Without objection, the report will be received.

Mr. BYRNES. I ask unanimous consent for the present consideration of the resolution.

There being no objection, the Senate proceeded to consider the resolution.

The amendment of the Committee to Audit and Control the Contingent Expenses of the Senate was, in line 6, after the word "by", to strike out "$50,000" and to insert in lieu thereof "$40,000", so as to make the resolution read:

Resolved, That the limit of expenditures under Senate Resolution 266, Seventy-fourth Congress, second session, agreed to June 6, 1936, to investigate violations of the right of free speech and assembly and interference with the right of labor to organize and bargain collectively, is hereby increased by $40,000.

The amendment was agreed to.

The resolution as amended was agreed to.

Mr. LA FOLLETTE. If the Chair will permit me, I should like to make a brief statement concerning the resolution which has just been agreed to? I merely wish to state, Mr. President, that in view of the depleted funds of the special committee I am not resisting the amendment recommended by the Committee to Audit and Control the Contingent Expenses of the Senate, but the members of the special committee feel that the amount originally suggested is the barest minimum, and that it will probably be necessary for the committee to return, before the conclusion of the investigation, and ask for an additional appropriation in case the Senate wishes the inquiry continued.

The PRESIDENT pro tempore. Does the Senator from Wisconsin desire to move reconsideration of the action by which the resolution was agreed to?

Mr. LA FOLLETTE. I have already made the statement, Mr. President, that I have not resisted the amendment for the simple reason that the special committee will have to conclude its hearings today and could not proceed without the money provided in the resolution.

CONFERENCE ON FLOOD RELIEF

Mr. BARKLEY. Mr. President, on the 16th of the present month there was a conference held in the office of Mr. Harry L. Hopkins, W. P. A. Administrator, with a number of mayors and representatives of mayors from the Ohio Valley in the flood region, with respect to what could be done by the various Government agencies dealing with flood relief. Certain questions were propounded in writing, to which Mr. Hopkins gave detailed answers. Those answers and questions together make up a very informative memorandum for the information of public officers and private individuals as to what can be done in the way of rehabilitation. I ask unanimous consent that the minutes of that conference in the form of a memorandum be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

WORKS PROGRESS ADMINISTRATION,
Washington, February 17, 1937.

To participants in the conference which was held in the office of Mr. Harry L. Hopkins, Works Progress Administrator, on February 16, 1937, and attended by various persons representing the State of Kentucky and communities therein:

At Mr. Hopkins' direction, there is forwarded herewith a memorandum which summarizes the answers which were given during the conference to the list of questions which were propounded, covering the assistance that can be given by various agencies of the Federal Government in connection with meeting the flood situation in Kentucky.

F. C. HARRINGTON,
Assistant Administrator, Chief Engineer.

The names of the various persons representing the State of Kentucky and communities therein, who attended the conference held in the office of Mr. Harry L. Hopkins, Works Pregress Administrator, on February 16, 1937, are shown herewith: Hon. Alben W. Barkley, United States Senator, Washington, D. C.; Hon. Brent Spence, Member of Congress, Washington, D. C.; Hon. Andrew J. May, Member of Congress, Washington, D. C.; Hon. Emmet O'Neal, Member of Congress, Washington, D. C.; Hon. William V. Gregory, Member of Congress, Washington, D. C.; Hon. Fred M. Vinson, Member of Congress, Washington, D. C.; Hon. A. B. Chandler, Governor of Kentucky, Frankfort, Ky.; Dr. A. T. McCormack, State Commissioner of Public Health, Louisville, Ky.; Mr. Bob Humphreys, chairman, Kentucky Highway Commission, Mayfield, Ky.; Hon. Brady Stewart, county judge of McCracken County, Paducah, Ky.; Hon. Ben F. Ewing, county judge of Jefferson County, Louisville, Ky.; Mr. Laurence S. Graumann, county attorney of Jefferson County, Louisville, Ky.; Hon. Joe Hermann, mayor of Newport, Newport, Ky.; Hon. Henry Knollman, mayor of Covington, Covington, Ky.; Hon. Olin Davis, mayor of Dayton, Dayton, Ky.; Hon. William C. Simpson, mayor of Ashland, Ashland, Ky.; Hon. Hugh Chatfield, mayor of Catlettsburg, Catlettsburg, Ky.; Mr. John Rawlings, city manager, Newport, Ky.; Mr. Henry Newmann, city commissioner, Covington, Ky.; Mr. Urey Woodson, alien property custodian, Owensboro, Ky.; Mr. C. J. Neekamp, chairman, flood control committee, post office box 569, Ashland, Ky.; Mr. Forest J. Alvin, president, chamber of commerce, Covington, Ky.; Mr. Tom Waller, Paducah, Ky.; Major Lebkuecher, aide to the Governor, Frankfort, Ky.; Mr. Harry L. Hopkins, Administrator Works Progress Administration, Washington, D. C.; Lt. Col. F. C. Harrington, Assistant Administrator and Chief Engineer, Works Progress Administration, Washington, D. C.

MEMORANDUM

FEBRUARY 17, 1937.

At the conference in the office of Mr. Harry L. Hopkins, Works Progress Administrator, on February 16, 1937, a list of questions relating to the Federal agencies from which assistance may be drawn in the rehabilitation made necessary by the recent floods was the subject of discussion. There follows this list of questions, beneath each of which is given a summary of the answer as developed during the discussion.

It should be noted that the answers regarding assistance for individuals are given with specific reference to people to whom ordinary sources of credit are not available. As used hereafter "loan" refers to an advance of funds for which the borrower makes a promise to repay, whereas "grant" refers to money advanced without promise to repay. In this connection all advances made by the Red Cross are grants.

THE FARMER

1. How can he secure food for his stock?

Loans for feed for stock can be obtained from the Farm Credit Administration, which, however, takes a first lien on the stock. Loans can also be obtained from the Disaster Loan Corporation or the Resettlement Administration. The Resettlement Administration can also make a grant, which may or may not be in connection with a loan, for feed for stock owned by properly qualified persons. Under certain circumstances the Red Cross also will make grants for such feed.

2. How can he secure food for himself and his family?

Grants for food can be obtained from the Red Cross by farmers and their families who are in need. Loans or grants for such purposes can also be had from the Resettlement Administration.

3. How can he secure farming implements destroyed by the flood?

The Resettlement Administration is prepared to make loans or grants, where necessary, for farm implements.

4. How can he secure furnishings for his house?

The Red Cross is prepared to replace furniture for individuals who have no other means of replacing it. The Resettlement Administration could make loans for this purpose.

5. How can he secure the livestock necessary for farming which have been destroyed?

Loans or grants from the Resettlement Administration can be obtained for this purpose.

6. In what manner can he secure aid to repair his home, barns, and buildings?

Should no credit be available, the Red Cross can make a grant for materials and repair work. The Resettlement Administration can make grants, or loans and grants, for such purposes. In cases where mortgages on the property are held by the Farm Credit Administration, needed additional loans for the repair of the property can, and should, be obtained from that agency.

7. How can he secure the reconstruction of buildings destroyed?

The Resettlement Administration can make loans for replacing such buildings as houses or barns which have been destroyed, and modest replacements can be obtained through grants. Whether the replacement would be obtained through a loan or a grant would depend on the individual circumstances of the case. Modest replacements can also be obtained through Red Cross grants, where needed.

8. In the event it is deemed necessary that he should remove from the area, what can be done as to his resettlement?

The Resettlement Administration is authorized to resettle rural families on farms, and this authority is interpreted to include the resettlement of persons living in cities and towns whose previous background is primarily agricultural.

9. How can he secure temporary work during the period of emergency when he has no other means of livelihood?

The Works Progress Administration will provide work on local public projects for all people in need of work who can be spared from work on the farms. The employment will be available as long as it is necessary.

10. What projects will be set up for his benefit?

The local public projects undertaken by the Works Progress Administration preferably will be those identified with flood damage. However, they will also be any other types of new projects desired by the local governmental agencies, or will be the continuation of work on projects already in operation. In any case the projects must be on public property.

URBAN HOME OWNER

11. What provision is being made for cleaning and minor repairs?

The responsibility for cleaning up and making minor repairs is primarily that of the individual owner, who will be assisted by the Red Cross where necessary. Clean-up work can be undertaken by the Works Progress Administration on private property only where the public-health office certifies a public-health hazard exists.

12. What provision is being made for major repairs?

The Red Cross is prepared to make grants for repairs on homes where the individuals have no credit resources. Loans for the repair of property on which the Home Owners' Loan Corporation holds mortgages can, and should, be obtained from that agency. Where other credit is not available loans can be obtained from the Disaster Loan Corporation.

13. What provision is being made for rebuilding where a house is destroyed?

The same resources mentioned under the previous question are available. In connection with this question there was discussion as to the dividing line between loans to be made by the Disaster Loan Corporation and regular industrial loans made by the Reconstruction Finance Corporation. It was agreed that this is a matter that should be given further consideration and Mr. Hopkins will discuss it with the Chairman of the Reconstruction Finance Corporation. A copy of the press release which was read in the meeting, issued by the Reconstruction Finance Corporation, February 11, 1937, relative to the operation of the Disaster Loan Corporation is attached hereto.

14. Is there any policy as to resettlement in the event the area is uninhabitable?

See questions no. 8 and no. 21.

15. What provision is there for temporary work?

The Works Progress Administration is prepared to put to work on local public projects on public property all people who are in need of work.

16. What provision is there in the situation where there is an H. O. L. C. mortgage?

Loans for the repair of property on which the Home Owners' Loan Corporation holds mortgages can, and should, be obtained from that agency.

17. What provision is there where there is a mortgage other than an H. O. L. C. mortgage and in the situation where there is no mortgage?

The Disaster Loan Corporation is not prevented by the existence of a previous mortgage from making loans. Where small amounts are needed, grants as previously explained can be obtained from the Red Cross.

18. How can the home owner whose credit has been impaired or destroyed by the flood obtain the necessary money to rehabilitate himself, through your organization or any other Government agency?

The Works Progress Administration is prepared to give such a person a job where supply of funds through work relief is appropriate. A Red Cross grant or a loan from the Disaster Loan Corporation is available for such a person as previously explained.

19. If such home owner cannot qualify for a loan, to what extent, and how would you provide financial aid to him?

The Red Cross is prepared to provide grants in such cases.

20. Will these loans and conditions be accorded to urban and rural home owners alike?

Yes. However, certain agencies will specialize in handling loans. The Resettlement Administration and the Farm Credit Administration will operate primarily in rural areas, while the Home Owners' Loan Corporation and the Disaster Loan Corporation will be the leading agencies in urban areas.

21. How can one whose home has been destroyed in the flood procure a new home above flood crests?

No categorical answer could be given to this question at this time, as the problem of moving persons from areas subject to flood to more secure locations is one that requires further exploration. The moving of the home of an individual can be handled under the methods previously described, but the relocation of small towns or of portions of the residential sections of cities may require additional legislation.

22. What can Works Progress Administration labor do, and how long can they be employed?

Works Progress Administration labor can be employed on public projects as previously explained under questions 9, 10, and 15. The employment will be provided for as long a period as the need for it continues.

23. Is it possible to have the Works Progress Administration provide labor in the repairing and reconstruction of homes?

Works Progress Administration labor may not be used for the repair or reconstruction of private property. The agency which assumes responsibility for the repair or reconstruction of homes whose owners are without financial resources is the Red Cross. Such assistance is usually granted by having the Red Cross as-

sume the cost of repairs up to a certain amount and permitting the individual to make his own arrangements as to having the work done.

24. How can one whose home is uninhabitable by reason of the flood, procure in money the damage he has sustained, so that the money may be available for the establishment of a new home above flood stage?

It should be clearly understood that neither the Government agencies nor the Red Cross undertake to indemnify individuals for losses sustained by reason of the flood. The purpose of the various forms of assistance which are rendered is to give the help which is necessary in order that the individual may reestablish himself.

25. Is there any present power to supplement any of the aforementioned loans by grants, and if not, would you suggest and be in favor of legislation for that purpose?

The cases in which loans can be supplemented by grants are quite thoroughly covered in the answers to the preceding questions. It is believed that the grants which can be made by the Resettlement Administration and the Red Cross, coupled with the liberal lending powers possessed by other agencies, make it possible to meet the situation without additional legislation.

SMALL BUSINESS

26. What can be done for stock replacement?

The Disaster Loan Corporation is prepared to make loans for the replacement of stock where other sources of credit are not available. Under appropriate circumstances the Red Cross could make a grant for the same purpose. In this connection many wholesalers are willing to extend credit for stock replacement to individuals whose previous credit is good.

27. What can be done as to repairs?

The same resources exist as those mentioned under question no. 26.

28. What can be done as to rebuilding?

The same resources exist as those mentioned under question no. 26.

29. What provision will be made as to character loans?

The law creating the Disaster Loan Corporation was clearly drawn so as to authorize and encourage so-called character loans. Collateral is not essential, although where collateral is available it will be required.

30. What is the interest rate?

Three percent on loans made under the Disaster Loan Corporation.

31. What can be done as to loans and terms of loans?

The character of the various types of loans which can be made is quite thoroughly covered in the answers to the preceding questions. The circumstances of each individual case will govern the terms of the loan to be made.

PUBLIC INSTITUTIONS

32. What is going to be your policy with reference to rehabilitating churches, schools, and hospitals in the flood area?

The Works Progress Administration cannot undertake work on property that is not owned by a governmental agency, but can do work on such buildings as public schools and public hospitals. Sponsors will be expected to make such contributions as they can, and the proportion of Federal funds provided by the Works Progress Administration will be decided upon the circumstances in each individual case.

The Disaster Loan Corporation can make loans for the rehabilitation of privately owned schools and hospitals and has authority to lend to churches. The Red Cross assumes responsibility for the rehabilitation of churches, lodge buildings, and similar privately owned structures which were used for housing flood refugees and damaged in the process.

Proposals for undertaking large building construction projects should preferably be presented to the Public Works Administration.

33. How can an advance be received by State, county, or municipal governmental units, which have already spent their anticipated income, and which, because of State constitutional limitations, cannot legally bind themselves to repay any money borrowed?

No comprehensive answer can be given to this question. Each individual case will have to be explored upon its merits. Legislation by the State of Kentucky may be necessary to meet the situation. It is believed that the number of such cases will be small.

34. How can any city, State, or municipal governmental unit receive materials which are necessary for the reconstruction or repairing of public buildings, streets, water systems, and sewers, which have been damaged or destroyed during the recent flood, and where no funds are in the governmental treasury to purchase said materials and where the governmental agency cannot obtain credit by reason of constitutional limitations?

The bulk of the work described in this question would be undertaken by the Works Progress Administration. Sponsors will be expected to contribute funds for the purchase of materials to the extent of their ability. Where necessary, due to the financial condition of the sponsor, the Works Progress Administration will make funds available for the purchase of materials. Experience with sponsors in the flood area indicates that in many instances they are able to make substantial contributions.

MISCELLANEOUS

36. In all these matters, what is to be your general policy with regard to liberality and expedition of procedure?

The general policy is to render all necessary assistance to communities and individuals with the least possible delay.

35 and 37. What local branches will there be of the various departments of the Government? To insure prompt action and intelligent handling, we recommend a local office be arranged to cover each flood area.

A pamphlet covering the sources of assistance to those in need in the flood area will be prepared under the direction of the State Works Progress administrator for Kentucky, Mr. George H. Goodman, Ninth and Broadway, Louisville.

Steps are being taken to provide that the services available from the various Federal agencies will be properly coordinated and so that duplication of effort will be avoided wherever possible. In establishing such offices as may be necessary, the agencies, such as the Red Cross and the Disaster Loan Corporation, will arrange to tie in closely with the various other agencies. Information which has been obtained from the various agencies regarding the local offices now existing or to be established for service to the flood area in Kentucky is given herewith.

DISASTER LOAN CORPORATION

Inquiries at present should be directed to Mr. J. Fort Abell or Mr. Ben Johnson, Reconstruction Finance Corporation, Lincoln Bank Building, 421 West Market Street, Louisville, Ky.

It is expected that decision as to the establishment of temporary offices at Paducah or other locations will be made by Friday, February 19, 1937.

AMERICAN RED CROSS

Work in McCracken, Marshall, Calloway, Graves, Ballard, Carlisle, Hickman, and Fulton Counties is under the direction of Mr. George E. Myer, American Red Cross, Sterick Building, Memphis, Tenn.

Work in all of the other counties affected by the flood is under the direction of Mr. A. L. Schafer, American Red Cross, 321 West Broadway, Louisville, Ky.

It is expected that the counties specifically named above will shortly be taken over by the office at Louisville. Information regarding the locations of the local offices should be obtained from one of those mentioned here.

RESETTLEMENT ADMINISTRATION

Inquiries as to the location of the county agents under whose charge specific matters would be handled or inquiries for other information should be directed to Mr. Earl Mayhew, State director, 801 South Limestone Street, Lexington, Ky.

HOME OWNERS' LOAN CORPORATION

Mr. John F. Davis, State manager, Home Owners' Loan Corporation, Kentucky Home Life Insurance Building, Louisville, Ky.

FARM CREDIT ADMINISTRATION

Mr. Ernest Rice, general agent, Farm Credit Administration, Louisville, Ky.

WORKS PROGRESS ADMINISTRATION

State office: Mr. George H. Goodman, State administrator, Works Progress Administration, Ninth and Broadway, Louisville, Ky.

District offices covering the flood area are located at Madison, Ky.; Louisville, Ky.; Lexington, Ky.; Paintsville, Ky.

FEBRUARY 15, 1937.

Jesse H. Jones, Chairman of the Reconstruction Finance Corporation, today made public the following announcement:

The directors of the Reconstruction Finance Corporation have appointed C. B. Henderson and Emil Schram, members of their board, joint managers of the Disaster Loan Corporation, and a loan committee consisting of Ben Johnson, Morton Macartney, W. J. Johnson, B. C. Stafford, E. E. Pendleton, and James Cole, all members of the R. F. C. Washington staff.

Mr. Henderson, Mr. Schram, and members of this loan committee, will visit the flood areas, and will where deemed advisable set up local advisory committees to assist in making the loans.

It will be our purpose to cooperate with the Red Cross and the Works Progress Administration in assisting those who have suffered losses that they can ill afford to stand.

The Disaster Loan Corporation will have no hard and fast rules as to terms or security. The act prescribes that the Corporation is empowered to make such loans as may be determined to be necessary or appropriate because of floods or other catastrophes in the year 1937, and that the loans shall be upon such terms and conditions, and made in such manner, as the Corporation may prescribe.

We interpret this to mean that loans should be made in accordance with the ability of the borrower to repay, and secured where the applicant is able to give security. Where the applicant is not able to give security but has a good reputation for paying his debts, his application will be given favorable consideration if the amount applied for and the purpose of the loan appear appropriate. Security may consist of collateral, personal endorsements, chattel mortgages on plant, equipment, fixtures, implements, livestock, etc., or mortgages upon real estate.

The interest rate will be 3 percent per annum, with a waiver of interest for the first 4 months. The terms and conditions of the loan will be fixed as nearly as possible to meet the requirements of the applicant, but with a view to the loan being repaid within a reasonable time.

No part of this fund will be lent to borrowers who are able to get money through the normal channels, or who are able to give the kind of security upon which the R. F. C. lends through its Industrial Loan Division or the R. F. C. Mortgage Co.

No additional personnel will be needed to administer the disaster loans, except possibly a little in the flood regions, and we

hope to borrow most of that from banks and industries in the territory.

REORGANIZATION OF FEDERAL JUDICIARY—ADDRESS BY SENATOR BYRNES

[Mr. ROBINSON asked and obtained leave to have printed in the RECORD a radio address on the proposed reorganization of the Federal judiciary, delivered by Senator BYRNES on Feb. 17, 1937, which will appear hereafter in the Appendix.]

THE CONSTITUTIONAL CRISIS—ARTICLE BY WALTER LIPPMANN

[Mr. MALONEY asked and obtained leave to have printed in the RECORD an article written by Walter Lippmann entitled "The Constitutional Crisis", published Feb. 17, 1937, which appears in the Appendix.]

THE SUPREME COURT—ARTICLE BY EDWARD S. CORWIN

[Mr. LA FOLLETTE asked and obtained leave to have printed in the RECORD an article by Edward S. Corwin entitled "President and Court: A Crucial Issue", published in the New York Times Magazine of Feb. 14, 1937, which appears in the Appendix.]

CONSTITUTIONAL GOVERNMENT—LETTER BY WILLIAM T. EVJUE

[Mr. LA FOLLETTE asked and obtained leave to have printed in the RECORD an open letter by William T. Evjue, editor of the Capital Times, of Madison, Wis., published in that newspaper Feb. 16, 1937, in reply to Frank E. Gannett, publisher of the Gannett newspapers, of Rochester, N. Y., which appears in the Appendix.]

REORGANIZATION OF FEDERAL JUDICIARY—NEW YORK TIMES EDITORIAL

[Mr. BAILEY asked and obtained leave to have printed in the RECORD an editorial entitled "Time for Deliberation", published in the New York Times of Friday, Feb. 19, 1937, which appears in the Appendix.]

HIGHWAY SAFETY—ARTICLE BY SENATOR REYNOLDS

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD the third of a series of articles written by himself on the subject of safety on the highways, published in the New York Herald Tribune of Sunday, Feb. 14, 1937, which appears in the Appendix.]

NEED OF ANTIPOLLUTION LAW—ARTICLE BY SENATOR LONERGAN

[Mr. BYRD asked and obtained leave to have printed in the RECORD an article by Senator LONERGAN entitled "Anti-Pollution Law Cited as U. S. Need", published in the Washington Times of Friday, Feb. 19, 1937, which appears in the Appendix.]

POSTMASTER GENERAL JAMES A. FARLEY

[Mr. DIETERICH asked and obtained leave to have printed in the RECORD an editorial from the State Register of Springfield, Ill., of Feb. 16, 1937, paying tribute to Postmaster General James A. Farley, which appears in the Appendix.]

EXTENSION OF RECIPROCAL TRADE AGREEMENTS ACT

[Mr. BYRD asked and obtained leave to have printed in the RECORD a statement relative to the proposed extension of the Reciprocal Trade Agreements Act by L. W. Douglas, former Director of the Budget, before the Senate Committee on Finance, Feb. 15, 1937, which appears in the Appendix.]

EXCERPTS FROM ADDRESS BY COMPTROLLER OF THE CURRENCY

[Mr. GILLETTE asked and obtained leave to have printed in the RECORD excerpts from an address delivered by Hon. J. F. T. O'Connor, Comptroller of the Currency, before the Nebraska Bankers' Association, Lincoln, Nebr., Nov. 9, 1934, which appear in the Appendix.]

DEVELOPMENT OF SUGAR INDUSTRY OF FLORIDA

[Mr. PEPPER asked and obtained leave to have printed in the RECORD a letter from the Clewiston Chamber of Commerce, Clewiston, Fla., relative to the development of the sugar industry in Florida, which appears in the Appendix.]

TEACHING COMMUNISM IN THE DISTRICT PUBLIC SCHOOLS

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 148) to repeal a proviso relating to teaching or advocating communism in the public schools of the District of Columbia, and appearing in the District of Columbia Appropriation Act for the fiscal year ending June 30, 1936, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BLACK. I move the Senate insist upon its amendment, agree to the conference requested by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. BLACK, Mr. COPELAND, Mr. WALSH, Mr. BORAH, and Mr. LA FOLLETTE conferees on the part of the Senate.

CROP INSURANCE (H. DOC. NO. 150)

The PRESIDENT pro tempore laid before the Senate a message from the President of the United States, which was read and referred to the Committee on Agriculture and Forestry, as follows:

To the Congress of the United States:

During the past 4 years the Government has assisted farmers in meeting emergencies of two different types. The first was the collapse of prices resulting from huge surpluses for which foreign markets had disappeared. The second was widespread failure of crops resulting from drought.

Government action helped both farmers and consumers. Meanwhile again it has been shown that neither producers nor consumers are benefited by wide fluctuations in either prices or supplies of farm products.

Convinced that the time has come to take permanent steps to protect farmers and consumers against disasters of both types, I appointed, on September 19 last, a committee of representatives of Federal agencies and requested this committee to prepare a report and recommendations for legislation providing a plan of "all-risk" crop insurance.

The committee has now completed its work, and I transmit to you its report, entitled "Report and Recommendations of the President's Committee on Crop Insurance." I have examined this report and I am convinced that the plan it outlines is practical, socially desirable, and worthy of your thoughtful consideration.

I believe that it provides an adequate basis for legislation which will make possible a program of crop insurance applying to wheat for the crop year 1938. I believe that legislation should authorize application of similar programs to other commodities when it is established that producers desire them and application of the plan to wheat has provided a backlog of experience in applying the principles of crop insurance.

Crop insurance and a system of storage reserves should operate so that surpluses in years of good weather might be carried over for use in years of unfavorable growing conditions. Crop insurance and a system of storage reserves would help to protect the income of individual farmers against the hazards of crop failure; it would help to protect consumers against shortages of food supplies and against extremes of prices; and, finally, it would assist in providing a more nearly even flow of farm supplies, thus stabilizing farm buying power and contributing to the security of business and employment.

The Government also has a special interest in measures which would assist in guarding farmers and consumers against emergencies arising out of extremes of surpluses or shortages. The expense in the past to Federal, State, and local governments arising by reason of crop losses points to the desirability of employing the principle of insurance in order to lessen the cost—financial and human—of future crop disasters.

A program of crop insurance and storage of reserves should be part of the foundation of agricultural policy which we are building and which must include the conservation of soil and water, better land use, increased farm income, and alleviation of distress in rural areas arising out of factors beyond the control of individual producers.

May I repeat what I have suggested in a former message: That because economic and social reforms of this character are essentially national in scope and in administration, the

citizens of our Nation believe that our form of government was never intended to prohibit their accomplishment.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *February 18, 1937.*

INVALIDATION OF ACTS OF CONGRESS BY SUPREME COURT

Mr. GILLETTE. Mr. President, I am deeply aware that it may be construed as unseemly for a freshman Senator to take the time of the Senate by speaking, especially so when the subject of his remarks pertains, in some degree at least, to the functions of the Supreme Court, but I wish to speak for the purpose of directing the attention of the Senate to a bill which was introduced by me about 2 weeks ago, and which, in my opinion, has some merit, and I wish to draw it to the attention of Senators for whatever worth they may feel it possesses.

The fundamental character of the issue of judicial overturn of legislative acts of the Congress, affecting as it does all our citizenry and all their interests, warrants fullest discussion and widest knowledge of any proposal for change. That self-evident fact is my justification for presuming now to take up a few minutes of the Senate's time.

I shall not attempt to discuss the Judiciary Act of 1789, an act concerning whose scope, effectiveness, and limitations, many and various arguments have been and can be made. I remind those who speak of usurpation by the Supreme Court that by that law the Congress itself granted to that tribunal certain jurisdiction to pass on the constitutionality of acts of Congress.

I shall confine myself to an attempt, in rather brief lay language, to tell about a simple proposal which, in my judgment, has a place in the consideration of the Congress and which, indeed, is desirable of enactment, regardless of what other steps may be taken as to the Supreme Court.

On this subject there are certain points which seem obvious even to those of us who do not profess to be profound constitutional lawyers. I do not and cannot claim to be versed in constitutional law, and so am not attempting any profound discussion of that nature.

In the grave situation which now confronts our country in connection with the efforts of our socially minded and forward-looking administration to take care of several vital national problems, there are certain possibilities of remedy or remedial aids which can be seen and appreciated by those of us of ordinary vision.

The bill which I have offered for consideration by the Congress consists of only nine lines, exclusive of the enacting clause. I shall read it:

Be it enacted, etc., That the Judiciary Act of September 24, 1789 (1 Stat. 73), as amended (28 U. S. C., sec. 344), be amended by adding thereto the following: "No act of Congress, nor any part thereof, shall be held invalid, as contrary to the Constitution of the United States, by the Supreme Court, in any proceedings before it, unless the Court shall determine such invalidity to have been established beyond a reasonable doubt. The dissent of two or more Justices shall in and of itself constitute a reasonable doubt."

The sole purpose of this proposal is to have the Supreme Court itself, in cases of such importance, actually and uniformly to follow its own repeatedly professed and stated rule. In my judgment, this simple proposed statute accords with the Supreme Court's own tenets of construction and legislative standards which have been uniformly stated by it, but followed, in some cases, only to the degree that the exigency has demanded.

This bill defines a standard. The Court, especially in several recent decisions, has found fault with Congress for failure to state any sufficiently clear or explicit standard. To lay down definite standards is thus, by the Supreme Court's own pronouncement, not only recognized as a function of the legislature but has been affirmatively imposed upon Congress, under penalty of futility if we fail so to do.

I am aware that doubt, but doubt only, has been expressed by some based on the thought that a statute flatly requiring a certain number or percentage of the members of the Court to vote for the unconstitutionality of a law enacted by Congress in order to make such decision valid and binding may itself be a judicial process, and so unconstitutional. This bill avoids that pitfall. It does not contain a requirement that any certain percentage of the Court is necessary to overturn an act of Congress. It is a legislative definition of reasonable doubt. To do this is a legislative function. The bill provides, regardless of what the membership of the Court at any time may be, that whenever two or more members thereof reach the conclusion that an act of Congress is constitutional in opposition to the views of other members of the Court, such lack of unanimity in itself shall constitute what in fact it must be, reasonable doubt, and in that case the law as passed by Congress shall stand.

In sense and logic this proposal is on much firmer foundation than the recent unescapable implication in the A. A. A. case (*U. S.* v. *Butler*, 56 Sup. Ct. Repts. 312, p. 320 et seq.) In that case, although three members dissented, the six majority members presumed to follow this rule and to find that "by no reasonable possibility"—and I am assuming that "possibility" in this context is not substantially different from "doubt"—could the act be held constitutional. And this the Court held, if you please, Mr. President, after previously announcing in that decision the other well-known foundation for the validity of acts of the coordinate legislative branch, namely, page 320:

Every presumption is to be indulged in favor of faithful compliance by Congress with the mandates of the fundamental laws.

The opinion of three Justices joining in a most vigorous dissent was not sufficient in the minds of the majority six to create one presumption out of all the presumptions covered by the word "every", which the majority had just averred should stand in favor of the validity of the act of the coordinate Congress! Nor have four dissenters created a presumption in the minds of five! No outsider has ever passed on the members of the Court such strictures as these by its own majority.

How arbitrarily empty does the profession of following their own rule of necessity of determining a conclusion of invalidity beyond any reasonable doubt appear when the vigorous and logical dissent of Justice Stone, speaking for the three dissenting Justices, is read.

Stripped bare, the opinion of the six says that the opinion of the three speaking contra does not arise to the dignity of even raising a "reasonable possibility."

Thus the Supreme Court has itself furnished a most convincing example of the need of the definition made by the bill which I am now discussing.

For, having thus reaffirmed the rule uniformly presumed to be followed by the Supreme Court, Justice Roberts, speaking for five of his colleagues and himself, promptly disregards the implication of very grave doubt stated in the forceful words of the dissenting three, and proceeds to find beyond any "reasonable possibility" that there is neither expressed nor "reasonably to be implied" power in the coordinate branch to enact such a law, and, therefore, it must fall.

It would almost seem to be an act of kindness for Congress thus, by statute, to point out to the Court what should be obvious to all.

If more is needed to point the necessity of defining reasonable doubt by statute when applied in statutory construction, the great conflict of opinions in both Federal and State courts in such cases affords rather an overwhelming proof of such need. It also shows the total lack of holding to such rule for any purpose except a verbal standard to which varying degrees of adherence has been given as the bent of mind of the judges has dictated.

Clearly, then, the courts have in fact no uniform standard, but each court makes its own standard for the time and circumstance. The bill introduced by me lays down a standard, which is a legislative function; it lays down a reasonable standard which in no way impinges on the court's function, but is in aid of that function.

Just one word more, Mr. President. I do not believe that, in fairness to the Senate, I should neglect to say that I have not overlooked the case of *United States* v. *Klein* (80 U. S. 128), in which the Court struck down a proviso in an act because it attempts to prescribe a "rule of decision" to the "judicial department." But that case sought to have the Court oust itself, absolutely and without exception or

discretion, from jurisdiction, concededly granted, in the midst of a proceeding, if and whenever it should find certain evidence to exist. The Court also found that the proviso impinged upon the Executive pardon power by denying to a pardon its legal and proper effect.

Such mandate by the Congress was analogous to an attempt by mandamus to compel a discretionary authority to act only in a required manner. The proposed act does nothing of this sort. It merely exercises a proper legislative function by laying down a standard. Under that standard the Court has complete power and discretion. To make the proposed act fall under the principle of the Klein case it would have to deny the Court the right to pass on constitutionality. This, of course, the bill does not do. On the contrary, it concedes such jurisdiction and states the standard in exact accord with the Court's own oft-stated principles of statutory construction.

Mr. CONNALLY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Texas?

Mr. GILLETTE. I am glad to yield to the Senator from Texas.

Mr. CONNALLY. Does the Senator's bill simply relate to acts of Congress or does it touch the power of the Supreme Court to overrule State statutes and State laws?

Mr. GILLETTE. It refers to the function of the Supreme Court in the exercise of its appellate jurisdiction.

Mr. CONNALLY. Well, does the Senator construe his bill to cover also the constitutionality of State acts? Would the Senator allow the Supreme Court to retain its power to declare State acts unconstitutional without any restriction and put the restriction merely on its power to construe Federal laws?

Mr. GILLETTE. Mr. President, answering the Senator, my bill is designed simply to allow the Court to retain the jurisdiction it now has, but to prescribe a standard so that in the exercise of that jurisdiction it will follow the standard which Congress as a legislative body defines for it. It involves no change in the jurisdiction that now exists.

Mr. CONNALLY. If I understand the Senator correctly, his bill provides, in brief, that if two or more judges express a reasonable doubt, then the Court cannot hold an act unconstitutional?

Mr. GILLETTE. The bill expresses in exact words what the Supreme Court has so often stated in its decisions, that unconstitutionality must be determined beyond a reasonable doubt. Then it provides that the dissent of two or more Justices in the finding shall of itself constitute such reasonable doubt.

Mr. CONNALLY. That is the point I am getting at. There may be six judges who are clearly of the opinion that an act is unconstitutional, but if three of them have any doubt, then the opinion of the three would govern. Is that correct?

Mr. GILLETTE. That would be the construction.

Mr. CONNALLY. In other words, instead of an act being upheld by two-thirds under the Senator's bill it would be upheld by one-third?

Mr. GILLETTE. That would be the effect.

REORGANIZATION OF FEDERAL JUDICIARY

Mr. ASHURST. Mr. President, I would not vex the ears of the Senate at this time except that I cannot escape the feeling that I owe a duty not only to the Senate but as well to the country to speak on the subject of the bill to reorganize the judicial branch of the Government, especially in view of the widespread misapprehension and misconception of what is within the four corners of the bill recommended to the Congress by the President in his message of February 5, which bill I introduced and which has been referred to the Senate Committee on the Judiciary.

Mr. President, that bill is the mildest of all the bills that could have been introduced on the subject, and in the present circumstances I marvel at the moderation of the President. Possibly I should apologize in advance for the all-too frequent use of the personal pronoun "I" that may swarm through this address, but I wish, first, to say that I have always resisted, and shall continue to resist, any bill or proposed constitutional amendment which would take away from the Supreme Court of the United States the power to examine acts of Congress and to declare them invalid if the Court finds them to be invalid. Moreover, I believe that the power does rest, and should rest, in the Supreme Court of the United States to declare acts of the various States invalid when the Supreme Court finds them to be contrary to the Constitution of the United States. It has been well said that the Constitution of the United States is what the Supreme Court says it is. With that I agree in toto; that is the only rule that can be set up in our form of government.

Mr. LEWIS. Mr. President, the Senator from Arizona, I am sure, did not realize that he used an expression which I think he did not mean to use. The Senator does not mean the Supreme Court of the United States, in its judgment, should have a right to declare a State statute invalid merely because it disagrees with it. The point of view of the Senator is that if the statute violates the Constitution of the United States, then it should be declared invalid.

Mr. ASHURST. Quite so; and I thank the Senator for his timely interruption.

Mr. President, while I fully agree with the statement—I do not know by whom it was made—that the Constitution is what the Supreme Court says it is——

Mr. CONNALLY. It was the statement of Chief Justice Hughes.

Mr. ASHURST. Senators around me suggest the name of the distinguished Chief Justice, and others suggest that it was the dictum of the late lamented Oliver Wendell Holmes. I withdraw the adjective "lamented", for no human being will ever have cause to lament such a character as Oliver Wendell Holmes, a combination of scholar, philosopher, and lawyer, and what was called a "liberal" on the bench. He believed in the power and authority of the Supreme Court to declare acts of Congress void when they were in opposition to the Constitution; he also believed in the power and authority and the duty of the Supreme Court of the United States to declare acts of the States invalid when they were in opposition to the Constitution of the United States.

I am opposed to any legislation which would in any way dictate to the Supreme Court and say to it that it may decide various acts to be unconstitutional only by a two-thirds vote or a 7-to-2 vote. I believe that the judicial power of this Government was rightly and wisely placed in the Supreme Court of the United States. I believe it would be harmful to the public interest and would not be keeping pace with the great forward movement of our country to take from the Supreme Court of the United States the power to declare laws invalid.

Therefore it will be perceived that I do not support and will not support the amendment proposed by the able Senator from Montana [Mr. WHEELER] and the able Senator from Washington [Mr. BONE], who propose that if any act of Congress has been declared by the Supreme Court to be unconstitutional, a referendum to the Congress shall be had upon the bill. I am not unaware of the fact that James Madison and John Marshall urged such a plan. The reason I am opposed to that proposition is that it would transfer the judicial power of this Government from the Supreme Court to the Congress.

It may be asked then how can I support the bill of the President? It is easy for me to do so, and that without any inconsistency, so far as I am able to perceive. I repeat that I marvel at the moderation of the President. He has a constitutional right and duty to urge legislation and he would be derelict in his duty if he failed to make suggestions to the Congress. It has been the subject of some criticism that, forsooth, he attached to his message the outline of a bill. But, Mr. President, he has the same right that every other citizen of this Republic possesses. Senators from time to time meet with their constituents and their constituents suggest bills and ask Senators to examine and introduce them. There is nothing wrong about that. The citizen has such a right and the President has as many rights on that subject as has any other citizen.

Summarizing, we find that the Constitution grants to the Congress the power to determine the number of judges who shall compose the Supreme Court of the United States; to fix the salaries of the Justices of the Supreme Court of the United States, with the single exception that Congress may not—and it is a wise provision—reduce their salaries during their term of office, which is during good behavior, or, in fact, their lifetime; to determine and make regulations as to the appellate jurisdiction of the Supreme Court of the United States; to establish inferior courts and make all rules and regulations for such courts, including, of course, the personnel and jurisdiction.

Congress has from time to time changed and altered the number of judges composing the Supreme Court of the United States. I think George Washington appointed 11 judges, perhaps more. My learned friend from Tennessee [Mr. McKELLAR] says 10. I hope no one rose and accused General Washington of "packing" the Supreme Court when he appointed 10 men to that bench.

The Supreme Court was established with 6 members in 1789. It was reduced to 5 members in 1801, increased to 7 under Thomas Jefferson in 1807, and was increased to 9 in 1837.

Mr. CONNALLY. Mr. President, will the Senator yield at that point?

Mr. ASHURST. Certainly.

Mr. CONNALLY. It was decreased from 6 to 5 by the Federalists just as they went out of office so that Thomas Jefferson would not have power to appoint a new judge.

Mr. ASHURST. I have learned to depend upon the scholarship and learning of the able Senator from Texas, and while that particular point is not in my mind I believe it is true.

Mr. CONNALLY. I thank the Senator very much. I shall not interrupt him any more. I merely wanted to leave the record clear.

Mr. ASHURST. The Supreme Court was increased to 9 in 1837, and in 1863 it was increased to 10; it was reduced to 7 in 1866 and increased to 9 in 1869. Possibly I would better discuss the subject of "packing" the Court before I pass on to some other subject.

No one yet has risen in the Senate, no one in the country has made himself so ridiculous as to suggest that this bill is unconstitutional. No one has yet made himself so ridiculous as to assert that this is unprecedented.

I adopt the language used a moment ago, because it was appropriate, by the learned Senator from Arkansas [Mr. ROBINSON] on another matter in which he said his views expressed on the subject then before the Senate were his own views. I do not think I need give the Senate of the United States or the country any assurance that what I now say represents my own views. If I have ever established anything in this country, it is that my views are my own, reached by a process of reasoning or by whatever method one may choose to term it, and that I pride myself upon that rather rare virtue of correcting myself if I think I am wrong. I am not going into that subject, however, because I am not on trial. [Laughter.] But if any Senator wishes to bring forward any accusation against me of inconsistency, I am sure I shall not come out second best in such a colloquy. I may refer to this later.

In 1863 there was a President of the United States who was one of the mildest, one of the most even-tempered, patient, and tolerant men who ever sat in the office of the Chief Executive, a man of many trials, whose face it seemed was seared with the plowshare of sorrow—Abraham Lincoln. He was not glad or happy when he told witty stories. It was his way of ridding himself of the presence of bores. It was a way of approaching a subject directly. It was a way by which, instead of making labored arguments, he could dispose of a subject in a sentence.

The last man on earth our present generation would accuse of having been a dictator is Abraham Lincoln, yet vast sections of the country, both north and south of the Mason and Dixon line, denounced him as a dictator. I shall not here insult the Senate by repeating the Rabelaisian ribaldry used by agitators in the North during the war and before the war against Abraham Lincoln, because, forsooth, they did not believe he was stern enough. I do not choose in this presence to repeat the opprobrious epithets used against Lincoln by many northern statesmen during the war. We find that under his administration the Supreme Court was increased from 9 to 10; and speaking to a citizen eminent in that day, a Mr. Boutwell, Lincoln said:

> There are three reasons in favor of his appointment—

He was referring to the appointment of Mr. Chase as Chief Justice of the United States.

> There are three reasons in favor of his appointment and one very strong reason against it. First, he occupies the largest place in the public mind in connection with the office. Then, we wish for the Chief Justice one who will sustain what has been done in regard to emancipation and legal tender.

Who said that? The fiery Andrew Jackson? Who said that? Franklin Roosevelt? Who said that? Theodore Roosevelt, against whom the charge was often made of attempting to dictate? Abraham Lincoln said it. One of the most gentle of all our Presidents said:

> We wish for Chief Justice one who will sustain what has been done in regard to emancipation and legal tender.

President Roosevelt would scorn to use such language. I am not speaking for him. I have no authority to do so, but he would not utter such a sentiment. He would not insult Congress or the country by any such language.

It might interest Senators to know what happened in regard to Chase. He was nominated. Let me read first further what Lincoln said:

> We cannot ask a man what he will do. If we should ask him and he should answer us we would despise him for it.

Correct! If the President, in selecting material to fill a vacancy on the bench, should ask a man his opinion the man would despise him for it, and justly so. A President never asks anyone whom he considers for judicial appointment what his views would be. If he should ask any Senator what his views were to be, the Senator would walk from that distinguished presence if he were fit to be a Senator.

Chase was nominated and confirmed. As was pointed out by the learned Senator from Tennessee [Mr. McKELLAR] the other day, during the time Mr. Chase was Secretary of the Treasury he formulated, advocated, drew, and caused to be introduced the bill relating to the issuance of greenbacks to pay the expenses of the war. Later, when Mr. Chase became Chief Justice, he helped in the first Legal Tender case to strike down as unconstitutional the legal-tender law, and said in his opinion:

> My conclusions as Secretary of the Treasury have undergone revision.

He was courageous enough to correct what he though was an error.

Without going into the long details of the question, suffice it to say that on the day the first Legal Tender case was decided by the Supreme Court of the United States there happened to be two vacancies on the Supreme Court. President Grant filled them by appointing Mr. Strong and Mr. Bradley. Upon a rehearing, the constitutionality of the legal-tender law was sustained.

But I come back to the mildness of the proposal of President Roosevelt. Out of the dozens of suggestions with reference to the Supreme Court he has adopted the most gentle. His proposal does not "tinker" with the Constitution. It does not "curb" the Supreme Court powers in any way. There is no suggestion in his recommendations to require a unanimous decision or a two-thirds majority or a 7-to-2 decision. There is nothing in the bill that in any way restricts the Supreme Court acting as it has in the past. There is no suggestion of a transfer of any of the judicial power of the Government from the Court to the Congress.

Mr. President, in all governments there reposes——

Mr. BARKLEY. Mr. President, will the Senator yield to me at that point?

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Kentucky?

Mr. ASHURST. Certainly.

Mr. BARKLEY. My recollection is that some twenty-odd years ago the Senate passed an act intended to make it possible for the President to appoint new judges where sitting judges had become incapacitated by reason of physical or mental debility. My recollection is that that bill required the President to find as an affirmative fact that the sitting judge by reason of physical or mental condition was no longer fitted to perform his duties, and the bill provided that in that case the President might appoint an Associate Justice.

That bill passed the Senate and went to the House, and, as I recall, failed of passage in the House. The bill put upon the President the very unpleasant duty of ascertaining, by examination or other method, whether any sitting judge was disqualified by reason of physical or mental disability. Certainly the method now under discussion is a very charitable and a very kind measure compared to that, because the present measure not only relieves the President of the unpleasant duty of finding that any given judge is unfitted to perform his duty but it relieves the judge of the embarrassment of having it found that he is unfitted to perform his duty in order that the President may replenish the bench by the appointment of another judge.

Mr. ASHURST. The Senator has accurately stated the situation; and I had omitted—if it occurred to me at all—to add that fact or that feature in pointing out the mildness of the present proposal.

Again, as to this excitable cry about "packing" the Court: I have great respect for the American Bar Association. It is my regret that I am not able each year to attend their meetings, because at their sessions I would sit as Saul sat at the feet of Gamaliel and would be enlightened.

SEVERAL SENATORS. The Senator means "Paul."

Mr. ASHURST. No; he was Saul when he sat at the feet of Gamaliel, and after he saw the light he was Paul. Saul sat at the feet of Gamaliel, and Saul also was a distinguished alumnus of the university at Tarsus, where the rich Romans sent their sons for education.

But, getting back to the American Bar Association, I am sure Senators are fair enough not to accuse the American Bar Association of any attempt at any time to "pack" the Supreme Court. I am sure they will in advance acquit the American Bar Association of any so-called wild, radical ideas. But let me read to Senators a report submitted to the American Bar Association by a distinguished committee in 1921. This committee, after carefully considering the subject, made, among others, the following suggestions:

This report was signed by Everett P. Wheeler, chairman, a great lawyer. I knew him 25 years ago. This report was also signed by the distinguished Henry W. Taft; by Thomas J. O'Donnell; and by Mr. Henry B. F. Macfarland, one of the most distinguished lawyers in this District, gone now to where, beyond our voices, there is for him peace. It was signed by Mr. J. F. Loughborough, Mr. Robert P. Schick, Mr. Randolph Barton, Jr., Mr. Tore Teigen, Mr. William Hunter, and Mr. John R. Hardin. This committee of the American Bar Association—and this report was adopted—went on to say:

> It seems to your committee that the most important subject for inquiry in this connection is the composition of the Supreme Court of the United States. The great extension of Federal legislation to many subjects with which formerly it did not deal, and the many questions of difficulty arising out of the war, have thrown a heavy burden upon that Court. This burden could be relieved in one of two ways:
>
> 1. The right of appeal to the Supreme Court could be materially limited.
>
> 2. Provision could be made for increasing the number of Justices of the Court to 11, besides the Chief Justice. Six justices, as now, would constitute a quorum. The concurrence of five should be necessary to render a decision.

Mr. McKELLAR. Mr. President, what is the date of that report?

Mr. ASHURST. It is found in the proceedings of the American Bar Association of the year 1921. I need not digress for any extended eulogy of the members of that committee or of the bar association in general.

It would be interesting to pursue for a moment what happened to the Presidents under whose administrations judgeships were created.

One of the learned Senators—I think it was the Senator from Texas [Mr. CONNALLY]—mentioned John Marshall. Before Thomas Jefferson was inaugurated as President, Chief Justice Oliver Ellsworth resigned. John Marshall was a distinguished soldier and a distinguished lawyer remotely related to Thomas Jefferson. Family quarrels are sometimes the bitterest. Jefferson and Marshall never fraternized much socially and not at all politically.

Judges appointed by President Jefferson and President Madison joined with Chief Justice Marshall in sustaining and developing the strongly nationalistic interpretation of the Constitution so obnoxious to President Jefferson.

It is one of the sharpest ironies of our national history that when John Marshall was nominated for Chief Justice by President John Adams the feeling against Marshall in the Senate on the part of the Federalist Senators was strong, and he probably would have been rejected by the Federalist Senators except for the fact that President Adams definitely informed them—the Federalist Senators—that even if Marshall were not confirmed he, President Adams, would not nominate their choice, Judge Paterson. The Federalist Senators suspected Marshall of Republican tendencies.

President Jefferson was disgusted by the decision of John Marshall in the case of Aaron Burr at Richmond, Va., but President Jefferson was more than disgusted; he was enraged—if, indeed, a philosopher could be enraged—that the first act of judicial interference with Jefferson's embargo laws should have come from Judge William Johnson, of South Carolina, who granted a mandamus and announced a decision holding that Jefferson's instructions to the collector of the port of Charleston were illegal and void.

It will be remembered that under the Embargo Act of April 25, 1808, collectors of customs were required to detain any vessel ostensibly bound with cargo to United States ports whenever in their opinion the intention was to evade the embargo. In the enforcement of this law President Jefferson had assumed to direct the Secretary of the Treasury to instruct collectors to detain all vessels. Jefferson's resentment was fierce against Judge Johnson, a Democrat whom Jefferson had appointed to the Supreme Court from the Democratic State of South Carolina.

Judges appointed by President Jackson joined with Chief Justice Marshall and with Judge Story, who was appointed by President Madison, in supporting the Cherokee missionaries against Georgia in direct opposition to President Jackson. Judges appointed by President Jackson decided against his policy in relation to the Spanish land claims. Judges appointed by President Jackson and President Van Buren threw down the gauntlet to Jackson by issuing a mandamus against his favorite Postmaster General. In every case involving slavery, antislavery judges joined with proslavery judges in rendering the decision. The constitutionality of the obnoxious fugitive-slave law was upheld by antislavery Whig judges and by proslavery Democrats alike. A northern Democrat joined with a northern Whig judge in dissenting in the Dred Scott case. President Lincoln's legal-tender policy was held unconstitutional by his own appointees.

In the famous Milligan case in April 1866, within the short space of 3 weeks after the arguments the Supreme Court rendered its decision, holding that the Military Commission set up by President Lincoln was unlawful and void. The opinion of the Court holding Lincoln's tribunal illegal was delivered by Judge David Davis, Lincoln's personal appointee and close personal friend.

The reconstruction policies and acts of the Republican Party were held unconstitutional by a Republican bench. The constitutional views of the Democratic Party as to our insular possessions were opposed by a Democratic judge, who joined with his Republican associates in making up the majority in the Insular cases. Many other illustrations might be cited. Nothing is more obvious in the history of the Supreme Court of the United States than the manner in which the hopes of those who might have expected a judge to follow the political views of the President appointing him have been disappointed.

The Supreme Court of the United States is and ought to be independent of the Army, independent of the Navy, independent of the Treasury, independent of patronage, and independent of popularity.

There sits on my left the Senator from Texas [Mr. CONNALLY], who is far more familiar with the Milligan case than I happen to be; but it will be remembered that the mild-mannered President Lincoln was accused in his day of setting up a military tribunal. Lincoln, to the Supreme Bench, appointed, among other men, his—Lincoln's—own personal friend and his own personal attorney, David Davis; and yet, when the military tribunal was questioned before the Supreme Court, that bench, after 3 weeks' consideration, in 1866, destroyed and struck down Lincoln's military tribunal; and Judge David Davis—Lincoln's friend and personal attorney—read the opinion of the Court. Am I correct about that?

Mr. CONNALLY. The Senator is correct, as he always is.

Mr. ASHURST. So, Mr. President, of all the impossible arguments, of all the insulting arguments that ever could be made, the most impossible and insulting would be that the President would presume to suggest to any prospective appointee how he—the appointee—should decide a case; and any man fit to wear the judicial ermine, any man fit to sit upon the bench, I repeat for the third time, would be justly insulted by any suggestion as to how he should decide any case.

Mr. LEWIS. Mr. President, I dare say the Senator from Arizona will pardon me if I continue briefly his history of David Davis.

Mr. ASHURST. I am glad to yield to the Senator from Illinois.

Mr. LEWIS. He was from the State of Illinois.

Mr. ASHURST. He was.

Mr. LEWIS. His home was Bloomington, Ill. He was elected to the Senate as a Democrat. His attitude of mind changed in some ways. He was made President of the Senate; and it was while he was President of the Senate—my able friend is quite correct—that he was designated to the Supreme Court by Lincoln, and promptly demonstrated his independence of thought by deciding against President Lincoln.

Mr. ASHURST. I thank the Senator.

Mr. LEWIS. That is immaterial to the Senator's argument, but I wish to take credit to my State of Illinois.

Mr. ASHURST. Davis was on the bench, as the Senator correctly says, from Illinois. When the Hayes-Tilden controversy arose, Davis was taken by the Legislature of Illinois from the bench and elected to the Senate.

Mr. President, I now return to the fact that the bill does not take any judicial power from the Supreme Court. I do not believe that a bill proposing to lodge judicial power in the Congress would receive 20 votes in the Senate of the United States. I do not believe that any constitutional amendment proposing to take judicial power from the Supreme Court and lodge it with Congress would be ratified. We have no judicial power at all, except regarding impeachments and the determination of the qualifications of our own Members. That is all the judicial power we have. That is all we should have.

In the course of the debate which I believe will ensue upon this bill no Senator will be heard to say that this bill takes any judicial power from the Supreme Court and gives it to Congress. No Senator, during the course of the debate, will be heard to say that this bill is unconstitutional. Some of them, being good judges of morals, may say that it is immoral. It may be this or that. They have the right to say that it may be unwise; but, whatever this bill is, it does not take from the Supreme Court one iota, one jot or title of judicial power. It does not give to the Congress any judicial power.

If it gave judicial power to the Congress, I would be on my feet opposing it rather than advocating it.

Mr. President, in 1869 the number of judges was fixed at nine. The population of our country then was thirty-eight and one-half million. Now the population is 128,000,000, and the business of the Supreme Court has quintupled in these 68 years.

In 1921 the American Bar Association urged that additional judges be appointed, and if my particular views be of importance, who other than I has stood on the floor of the Senate for nearly 15 years urging more judges, more judges, more judges? I treasure the friendship which exists between me and the Senators from New York. I almost irritated them during the last session of the Congress by my insistent demand that a certain district in their State should have two more judges in order to carry on the business. It was not a pleasant task.

Who for the past 15 years has led the demand here for more judges? I, myself. The first bill I introduced at this session of the Congress, as soon as I could get the floor, was a bill creating an additional judgeship in the State of Georgia, a bill creating an additional judgeship in the State of Washington, creating an additional judgeship in the State of Louisiana, and one in the State of Texas. I am advised that the able Senator from Washington [Mr. BONE] proposes to introduce a bill to create two additional circuit judgeships in the ninth circuit. I am for the bill. I hope he will make haste and introduce it. The ninth circuit is larger than any other. That circuit hears appeals from China, Hawaii, and Alaska, and is composed of Arizona, California, Nevada, Oregon, Washington, Idaho, and Montana. It is a great circuit with five judges. The fourth circuit needs an additional judge, as does the second. I could go on at some length along this line.

Mr. President and Senators, the President's proposal, in my judgment, meets the needs and demands of the country. I need not, after his message and after what has been pointed out by many Senators, spend any time descanting upon the fact that this is a government of law, and when cases are pending from 3 to 5 years in some of the courts, as they have been, and in some 10 years, it becomes outrageously unjust to the citizen, for it is a trite expression that delayed justice is justice denied.

Mr. ROBINSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Arkansas?

Mr. ASHURST. I yield.

Mr. ROBINSON. One of the unaccountable things that arises in connection with the proposed legislation is that there is general acceptance of the plan of the President insofar as it applies to the so-called inferior courts; that is, the district courts and the circuit courts of appeal of the United States.

Mr. ASHURST. That is correct.

Mr. ROBINSON. And that is true with respect to retirement, and true with respect to the appointment of additional judges.

Mr. ASHURST. Quite true.

Mr. ROBINSON. The whole fire of the opposition has been concentrated and directed on the proposal as it relates to the Supreme Court. I want someone to tell me why a different rule, either with respect to retirement or with respect to the appointment of additional judges, should be applied to the district courts and to the circuit courts of appeal from that which is applied to the Supreme Court of the United States.

If it be admitted that as to the judges of the so-called inferior courts there comes a time in life when physical and mental powers usually are diminished and impaired, I ask now, what is there either in the functions of the Supreme Court or in the personality of the members of the Supreme Court that warrants the conclusion that those who have the greatest responsibilities, those whose duties are most arduous, those who have the final judgment upon questions relating to the constitutionality of State statutes and acts passed by the Congress, should be held exempt from the contemplated provisions of law that are designed to assure vigor and capacity both with respect to physical and mental being on the part of the judges who pass upon the questions in the first instance?

Why should a judge who has become decrepit or senile be distinguished or discriminated in favor of because he is vested with the authority to pass final judgment? If it will not be interrupting the Senator——

Mr. ASHURST. I gladly yield.

Mr. ROBINSON. I do not wish to trespass upon the Senator's time.

Mr. ASHURST. The Senator's interruption is going to prove one of the strongest parts of my speech, and I yield to him gladly. [Laughter.]

Mr. ROBINSON. I cannot accept that compliment without protest. Modesty compels me to say that in that particular I do not agree with the Senator from Arizona. [Laughter.]

Mr. ASHURST. I yield.

Mr. ROBINSON. Let me add to what I have said with the indulgence of the Senator from Arizona a further statement.

A young man who happens to have my name, who represents the Associated Press, and who serves in the press gallery, asked me yesterday whether I had read the article by Mr. Walter Lippmann published just a day or two ago on the constitutional crisis. Everyone who knows Mr. Lippmann esteems him highly and regards him as a great writer, and some of us think of him as a philosopher.

Mr. Lippmann recognizes that there are two ways of approaching this subject, and like myself, he has preferred the constitutional-amendment process. In his article, to which reference has just been made, is contained a declaration which is common to the experience of every Senator here. We have all studied this subject. I had thought that I should refrain from any expression on it in the Senate until the bill was before this body. But the issue is now most prominent of any in the mind of the American people, and there is a strongly organized force seeking to control every publicity agency in the United States to cry down this plan for reorganization of the judiciary as something unfair and subversive.

The Senator from Arizona has declared and demonstrated that no one has questioned the constitutionality of the plan. Many have said that the easiest and most direct way of approach is through a constitutional amendment, but Mr. Walter Lippmann discloses the impracticability of meeting existing conditions with respect to the courts by an amendment to the Constitution. I am going to read what he said:

> Ever since the N. R. A. decision in 1935 I have been collecting proposed amendments, but thus far I have never seen one which seemed to me desirable or practicable.

This great man has been at work 2 years; he has gathered together all the amendments that have been proposed; he believes in a constitutional amendment rather than in legislation to remedy existing conditions, and yet he declares, after working 2 years and gathering together all of the proposals that have been made, that he has never seen one that is practicable or desirable.

Then he finally reaches a conclusion, and do Senators know what his conclusion is? Listen to it. It is that the Constitution ought to be amended so as to make it easy to change the Constitution in the particulars that you desire and difficult to amend it in the particulars that you oppose amendment.

Some years ago when we had all the discussion about stock and bond speculation an eminent Washington society woman is reputed to have declared that she had discovered how to make money easily by dealing in stocks. Someone asked her what the process was, and she replied complacently, "Buy them when they are low and sell them when they are high." [Laughter.] And that is the plan that my friend Mr. Walter Lippmann, who is opposed to the President's plan, suggests for remedying the existing situation—make it easy to amend the Constitution when you wish to and difficult to amend it when you do not desire to amend it; just as if there is any concurrence of opinion on the part of the public or on the part of the legislators as to in what particulars the Constitution should be easily amended and as to in what particulars it should be difficult to amend it. It is true, that, insofar as civil rights and democratic principles are concerned, he would make it very difficult to change the Constitution, but, so far as economic propositions are concerned, he would make it easy to amend the Constitution. Then he discloses that he does not know how he would do it after those 2 years of study.

I quote further:

> My suggestion is that a study be made of some other way of amending the Constitution with a view to excluding from the easier methods of amendment all democratic rights and civil liberties.
>
> So I argued that what was really wanted was to make it easier to amend section 8, which enumerates the powers of Congress, and to leave it just as hard to amend the rest of the Constitution. My idea then is to amend the amending clause of the Constitution by providing an easier method of amendment in regard to the power to regulate commerce. I do not see any reason why there should not be provided an easy way to amend one part of the Constitution and a hard one to amend other parts.

Two years' thought and study of the subject by this great man, and the conclusion that he comes to, after having exhausted his great mental powers, is that you ought to amend the Constitution first so as to make it easy to amend it in regard to the regulation of commerce and leave it difficult to amend it regarding other things. That illustrates some of the inconsistencies in the position and the arguments of those who say that this proposition is in some mysterious way a subversion of the fundamental rights of the people.

I think I have presumed on the kindness of the Senator from Arizona too long. I thank him for yielding, and on some future occasion I shall resume a discussion of the subject.

Mr. ASHURST. Mr. President, it was not meant as a mere pleasantry when I said that the interruption by the Senator from Arkansas [Mr. ROBINSON] might prove, and probably will prove, to be the strongest part of my speech. I am grateful to him for adverting to the question of the ages of Justices. Since the legislation has been proposed pundits and scholars have assembled a list of the men from the days of antiquity to the present time who did great work after the age of 70, but they were exceptions.

Mr. BAILEY rose.

Mr. ASHURST. I yield now to the able Senator from North Carolina, and I will say that when the telegraphic dispatches reached me that the Senator from that State had been reelected I rejoiced, and I rejoice now that that superb intellect is here with us to help us in this matter, whatever views we may hold or whatever positions we may take upon the subject.

Mr. BAILEY. I thank the Senator. I will say that I also rejoiced when I heard that the Senator from Arizona had been reelected for the fifth time.

Mr. ASHURST. Politically I have put on immortality! I am on the other side of the resurrection politically.

Mr. BAILEY. The Senator from Arizona is the only Senator who occupies his position without a predecessor or, I might almost say, even without the possibility of a successor.

In view of the fact that our leader, the distinguished Senator from Arkansas, assisted the Senator from Arizona in proving a great point, I myself am going to try to assist him further.

Mr. ASHURST. I yield to the Senator.

Mr. BAILEY. I shall try to do so by asking a question. I wish to ask the Senator if, as reported in the newspapers, he spoke the following words?—

> And among the unjust criticisms which have been uttered, or printed, rather, about President Roosevelt was that he intended at some time—nobody knows when or where—to increase by some legerdemain—nobody knows when or where—the membership of the Supreme Court of the United States, so that his policies might be sustained. A more ridiculous, absurd, and unjust criticism of a President was never made. * * * No person whose opinion is respected has favored attempting such a reckless foray and folly.

I desire to ask the Senator from Arizona whether that is an accurate quotation from the newspaper of his remarks?

Mr. ASHURST. It is obvious from the rhetoric that that is my utterance. The rhetoric alone carries its own proof. I ask the Senator to allow me to say that the complete

sentence I used may not be there, but it is not the first time I have made a statement along that line. My statement contained the words: "Any attempt to increase the Court to secure a particular decision on a particular case." Add those words to the quotation and I can bear with equanimity any charge of inconsistency the able Senator may bring.

Mr. President, I did not intend to talk about the charge made against me of being inconsistent. There was published a few days ago in the Washington News——

Mr. BAILEY. Mr. President, I wish to say that I did not charge the Senator with being inconsistent. I think he is very consistent. I simply asked him if he made the statement which I read. I think he is entirely consistent. One may be consistently inconsistent.

Mr. ASHURST. As I said before, all one needs to do is to look at the rhetoric to know that the expression is mine. It carries its own proof.

Here is an article from the News of February 15, entitled "Henry, Thou Art a Jewel." [Laughter.] I secured as many copies of that article as I could; and if Senators have not received a copy, it is because I have been too busy to send them one. When I was sworn in as a Senator, now nearly 25 years ago—a third of a good lifetime—I had no secret reservation, and I resolved that I should never try to be consistent.

My faults are obvious. There can be no doubt that I have my full share of faults. I suffer from cacoëthes loquendi, a mania or itch for talking, and from vanity, if you please, and morbidity [laughter], and, as is obvious to everyone who knows me, an inborn, an inveterate flair for histrionics.

Mr. LOGAN. Mr. President——

Mr. ASHURST. Permit me to finish my sentence. But there never has been superadded to these vices of mine the withering and embalming vice of consistency.

Now I yield to the able Senator from Kentucky.

Mr. LOGAN. Mr. President, I believe the Senator knows, and everyone in the United States knows, that Daniel Webster was the greatest defender of the Supreme Court, and was known as the expounder of the Constitution. He generally opposed any legislation of any kind that would have any effect in any way on the Supreme Court, but when the members of the Court grew old, about 1823, and the public was very generally dissatisfied with the Supreme Court, may I ask the Senator if it is not true that Daniel Webster himself introduced in the House of Representatives a bill to increase the membership of the Supreme Court by three, and that he gave as a reason, in writing to one of his friends somewhere, that it was necessary to do that so that two judges could be appointed from a certain section of the United States in order to allay the very intense feeling against the Supreme Court? Is that historically correct?

Mr. ASHURST. The able Senator has, indeed, as far as my memory serves—it has been some years since I read it—stated with precision and accuracy the attitude at that time of Daniel Webster.

Mr. President, I knew that I ought to be hazed on the charge of inconsistency; but the Senate has some sense of humor. It is useless to attempt to tell the country that I am not inconsistent; but let me say that whoever in his public service is handcuffed and shackled by the vice of consistency will be a man not free to act as various questions come before him from time to time; he will be a statesman locked in a prison house the keys to which are in the keeping of days and events that are dead. I would rather leave this august presence and walk out of yonder door than to be shackled, handcuffed, and gyved to events and days that are dead. Perhaps I cannot quote accurately what Emerson said about consistency, but let me try to do so. He said "consistency"——

Mr. LEWIS. "A foolish consistency"——

Mr. ASHURST. I thank the Senator—"a foolish consistency."

Mr. LEWIS. "Is the hobgoblin of little minds."

Mr. ASHURST. The Senator from Illinois is correct. "A foolish consistency is the hobgoblin of little minds, adored by little statesmen." I cannot, however, use that quotation with any degree of appositeness in this presence, because nobody here is accused of "a foolish consistency", and here there are no "little minds" and no "little statesmen." [Laughter.] I spoke of my vice, cacoëthes loquendi, a mania to talk. There is another vice of mankind called cacoëthes carpendi, the mania to find fault, the mania of carping against everything that somebody else proposes but never suggesting a remedy yourself. Such is cacoëthes carpendi, a vice not wholly unknown in this Chamber. [Laughter.]

The able Senator from Arkansas adverted to the question of age. I long ago formed a friendship, which I treasured highly, with ex-President Taft, subsequently Chief Justice of the United States. Whatever may have been his merits or demerits as a statesman—and I think his merits were many—he was a great lawyer and a great judge, whose decisions enriched the legal annals of our country. He wrote—the statement was not made in a political speech where passion or expediency might have been indulged, but in his book Popular Government, published in 1913 (pp. 158–160):

> There is no doubt that there are judges at 70 who have ripe judgments, active minds, and much physical vigor, and that they are able to perform their judicial duties in a very satisfactory way. Yet, in a majority of cases, when men come to be 70, they have lost vigor, their minds are not as active, their senses not as acute, and their willingness to undertake great labor is not so great as in younger men, and as we ought to have in judges who are to perform the enormous task which falls to the lot of Supreme Court Justices. In the public interest, therefore, it is better that we lose the services of the exceptions—

I may say, interpolating, that the exceptions are numerous. They are obvious in this body, for some of the ablest Members of the Senate who are constantly on duty are over 70 years of age. President Taft continues:

> In the public interest, therefore, it is better that we lose the services of the exceptions who are good judges after they are 70 and avoid the presence on the bench of men who are not able to keep up with the work or to perform it satisfactorily. The duty of a Supreme Judge is more than merely taking in the point at issue between the parties and deciding it. It frequently involves a heavy task in reading records and writing opinions. It thus is a substantial drain upon one's energy. When most men reach 70 they are loath thoroughly to investigate cases where such work involves real physical endurance.

Who made that statement? Was it someone on the hustings shouting to an excited populace? No; it is the voice of William Howard Taft, in his book, speaking from experience and as to judges over the age of 70.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. ASHURST. I yield.

Mr. CONNALLY. Under the bill as introduced and under the Constitution, Congress cannot force the retirement of judges when they reach the age of 70.

Mr. ASHURST. No; it cannot.

Mr. CONNALLY. Very well. Suppose 6 new judges should be appointed because 6 of the present ones are over 70; then when the 6 new ones reach the age of 70, would 6 more have to be appointed, making 21, thus continuing building up this "old men's club"?

Mr. ASHURST. No.

Mr. CONNALLY. It would have to follow that when the 6 proposed to be added to the Court reached 70, 6 more would have to be appointed to take their places, provided no Justice died in the meantime.

Mr. ASHURST. No; the bill proposes to limit the number to 15.

Mr. CONNALLY. I understand that; but, according to my philosophy, when the 6 new Justices reach the age of 70, 6 more would have to be appointed. Is not that correct?

Mr. ASHURST. When the Senator discourses upon law and discusses history and literature, I bow to him; but the Senator does not belong in the realm of philosophers. [Laughter.] That is a realm out of which it is safer for him to stay. He is safe in his scholarship ventures and in legal matters; but, let me tell it to him as a dear friend, do not enter the domain of philosophy; the Senator is too young for that. [Laughter.]

Mr. President, I think it was the junior Senator from Kentucky [Mr. LOGAN] who spoke of Daniel Webster as inveighing against the Supreme Court. If I have ever said anything about the Court in this presence or elsewhere, it has been said only in the greatest respect. No one has a higher respect for the Justices of the Supreme Court than have I. They deal with ever-present and complex propositions involving national sovereignty and the sovereignty of 48 different States, so that the questions which they are called upon to consider are indeed difficult and complex. I am trying to assist them. I am told now—I am not asserting this to be a fact, because I have not verified it, but the gentleman who advised me asserts it to be a fact—that the petitions for writs of certiorari alone run into the hundreds. There is a record to be read; there is a brief for the application of the writ and a brief for the denial of the writ; and such petitions and the briefs alone aggregate thousands of printed pages—25,000 or 30,000 pages—annually. Somebody must read them all, and I am assuming that the Justices of the Supreme Court read those thousands upon thousands of printed pages.

So, Mr. President, whatever may have been my vices—and I have recounted them—I am exempt from the charge that I have ever said aught of disrespect against the Justices of the Supreme Court.

One of my early boyhood idols—and I have never forgotten him—was a great Senator from New York, Roscoe Conkling. I have quoted him more often than I have any other Senator, and have done so during my mature life. It was charged that he was proud, and the charge was true. He walked in the wide, free air as though there flowed within his veins the blood of a hundred kings, and my youthful spirit thrilled whenever I read any of Roscoe Conkling's speeches. He never "crooked the pregnant hinges of the knee"; he was a great Senator, but to my surprise I found that he had so far forgotten himself, Republican that he was, as to use, when he was a Member of the House of Representatives in 1859, the language I am about to quote. He went on to say in delivering a violent assault upon the Supreme Court that—

> Wherever a decision, in the judgment of Congress, is subversive of the rights and liberties of the people, or is otherwise hurtfully erroneous, it is not only the right but the solemn duty of Congress to disregard it.

Mr. President, I do not agree with that great man, and it is not to his credit, as a statesman or a lawyer, that he could have proclaimed anywhere that it is the duty of Congress to disregard decisions of the Supreme Court of the United States.

Mr. BONE. Mr. President, will the Senator yield?

Mr. ASHURST. I yield to the Senator from Washington.

Mr. BONE. If the Senator from Arizona feels that the question I am about to ask is not altogether fair, I would not feel badly if he should decline to answer it.

Mr. ASHURST. The Senator from Washington would not and could not ask an unfair question. I am sure in advance that whatever question he may ask will be directed to acquiring information, and I yield to the Senator.

Mr. BONE. I wonder if the Senator will not agree with me that today there is in the hearts of millions of Americans a definite conviction and a hope that if the proposed change in the Supreme Court is brought about there will thereafter follow a change in the current of its decisions? I mean by that, a change of viewpoint, if I may put it in that way, which will reflect itself in a different attitude toward social legislation.

I ask the Senator that question because I have listened with close attention to his speech, which I have greatly enjoyed. He has referred to the fact that the Supreme Court will remain precisely as it is, not only a court of last resort but a court that shall ultimately determine, without any external influence, vital questions that Congress is trying to decide in a legislative way. If that be true, I am wondering just what sort of picture we present to the Court in our arguments here, if this hope, which is impressed upon me by letters I receive and from books and magazines I read, that there is to be a change in the viewpoint of the Court may not be realized.

I am wondering what the attitude of the Senator might be toward that particular problem, because obviously it is a problem. The American people as a whole believe that the Court will change its mind toward things like child-labor legislation. I have voted for this kind of legislation, and I have seen the Supreme Court destroy it. It would avail nothing to me as a progressive person if a court somewhat differently constituted should destroy that kind of legislation. That is the great interest I have in the question.

Mr. ASHURST. Mr. President, I doubt if the Senator from Washington was here when, in the initial part of my remarks, I descanted at some length upon how judges appointed felt free to differ from the views of the President. The Senator from Washington would not vote to confirm any man who put his hands into the hands of another man and said, "If I go on the bench, I will vote thus and so to sustain your views." The Senator from Washington is too proud, too good a lawyer, to vote to confirm any man who gives any assurance in advance as to what his attitude will be when he takes the bench.

Mr. BONE. I am constrained to agree with the Senator, but we are here dealing with a very concrete fact. That concrete fact is an organized public opinion, a public opinion that is being built around certain arguments which have been advanced. One is that if we could get a Court expanded in number we would and could hope for a more wholesome viewpoint, a more progressive viewpoint, a more humane viewpoint than that expressed in some of the decisions which seem to be based upon pure legalism. I do not believe we can walk away from that. As the representatives here of the people, we deal with human emotions that the people have in their hearts. The people vote for the Senator from Arizona and vote for me and for other Members of this body because they believe we are going to see and understand the aspirations in their hearts, and they want this kind of legislation. I do not believe I am wrong in that viewpoint.

Mr. ASHURST. I am not going to be driven or led into any statement that by even remote conjecture might be said to put me into a position of being favorable to an increase in the number of the members of the Supreme Court in order that they may render a particular decision upon a particular subject. I decline to adopt that particular philosophy.

Mr. BARKLEY. Mr. President——

The PRESIDING OFFICER (Mr. BROWN of Michigan in the chair). Does the Senator from Arizona yield to the Senator from Kentucky?

Mr. ASHURST. Certainly.

Mr. BARKLEY. I do not wish to go into the details of the history of the Supreme Court, but is it not historically true that from time to time there have been periodical ebbs and flows in the tide of judicial continuity even in the Supreme Court with respect to its attitude upon matters apparently similar but arising in different periods of the country's history?

Mr. ASHURST. Certainly. The Supreme Court of the United States has—and I think justly—reversed itself. I cannot say how many times, but surely threescore times, it has reversed its former opinions, and I think to its credit. Every lawyer knows what it is to make a motion for a rehearing. In the lower courts one cannot even appeal until he first has filed his motion for a rehearing and had it decided.

Mr. BONE. Mr. President, will the Senator yield further?

Mr. ASHURST. Certainly.

Mr. BONE. I know the Senator will understand my question was to get information. I am sure my position is made evident by the provisions of a bill which I introduced just a few days ago relating to the number of judges on the circuit court of appeals.

Mr. ASHURST. The Senator did a splendid public service, and I am for it.

Mr. BONE. There are now five judges on the circuit court of appeals. Twenty years ago there were only four, but the

litigation in that court has increased to a point so that each of the five judges now has 70 percent more appeals filed than confronted the judges 20 years ago. Their problem is intensified by post-war legislation and post-war conditions and the great intricacies of our economic business structure.

Mr. ASHURST. Mr. President, a great many learned people say we ought to have a Government like England, where Parliament is the supremely legislative and supremely judicial authority. I do not agree with those persons. I do not believe Congress should be supremely legislative and supremely judicial. I think the Supreme Court should be supremely judicial, and not the Congress.

The able Senator from Idaho [Mr. BORAH], whose services in the Senate have given glory to himself and to the country, in the course of an address or a letter or an article which he published a year or more ago pointed out that even before we achieved our independence some courts in the colonies had declared acts of the colonial legislature to be void. The erudite Senator from Alabama [Mr. BLACK] made an investigation, if I am advised correctly, to see if any such decisions had been rendered. He did not find the number to be as great as that number set forth by the able Senator from Idaho, but he did find some.

Let me say that before we became an independent nation the colonies, through the judicial branch of their government, when they found an act of their legislative body to be in conflict with the colonial charter, they declared it to be void and of no effect. When our founding fathers set up this Government they were most careful to see that there was a distribution of the powers—the legislative, the judicial, and the executive. The reason why the Parliament of England is supremely legislative and also supremely judicial is that William the Conqueror, who defeated Harold at the Battle of Hastings in 1066, scarcely had taken his seat upon the throne when he created in his own hall the curia regis or aula regis—a court to make laws and to declare the laws it made. That principle has been carried on down through parliaments for many centuries. Hence the law enacted by Parliament is the law.

But we do not want that form of government. In our turbulent democracy, in our great desire to promote human liberty, we do not trust the judicial power to the Congress of the United States. While I am always ready to defend the Congress, we do not need that power and we could not use it properly. The judicial power belongs to the Supreme Court.

In England the supreme legislative power is in the Parliament and the supreme judicial power is also in the Parliament. We will do very well if we confine ourselves to the exercise of our legislative powers without attempting to take over the judicial powers. If the bill suggested by the President in the most remote approach looked toward Congress' acquiring any judicial power, I would be here declaiming against it; but I said in the beginning of my remarks that it does not take from the courts any of their judicial power.

The President, however, is rather strangely situated in the present condition of the public mind. He has two species of opposition, and I now in this great forum concede to his opponents honesty and integrity of mind. Some of his best friends in the Senate do not agree with him on this subject. Some of the best intellects in the Senate do not agree with the President. For them I have great respect. I have no right to horiscope the opinion of any Senator, but if the able senior Senator from Nebraska [Mr. NORRIS] sees fit to disagree with the President, I know the processes of the Senator's mind and the integrity and judgment with which he reaches his conclusion.

The President, nevertheless, is between two fires, between two sets of public opinion. One declares he has gone too far. We hear it everywhere that he has gone too far. The other public opinion is that he has not gone far enough. Mr. President, he has turned neither to the right nor to the left. He has plowed a straight furrow forward.

I see sitting before me the able senior Senator from Texas [Mr. SHEPPARD]. More than 50 years ago there came into Arizona from the State of Texas several hundred of those rare and racy spirits driving thundering herds of cattle. The cowboys, as they drove those herds, sang their folklore songs. The words have perished, but the lilt of the songs still lingers; and those rare and racy spirits, the cowboys, so noted throughout our country for their verve and courage, became the knights—indeed, the only knighthood we ever had in America—and among the songs that they sang was "Git along, little dogie, git along."

The dogies were the thin, undernourished, spindling, motherless calves. The cowboy knew that if those dogies could be nourished and cared for and fed, they would at the market place within 2 or 3 years richly reward the care the owner had bestowed upon them. The cowboys never sang, "Git along, you longhorns."

They knew that the longhorns, in their strength, would reach water and grass. Their solicitude was for the weaker ones.

So it is with human society. The cowboy gave to the world an evidence of his familiarity with philosophy. He knew that his herd could travel only as fast and as far as the slowest and weakest could go; hence, his solicitude for the weakest. So it is with human society. With all of our accomplishments in art, science, sculpture, architecture, chemistry, economics, statesmanship, medicine, and the things that ameliorate human suffering, we have tickled Nature until she has laughed forth her most closely hidden secrets. To this generation has been given the keys to the kingdom of the material sciences; but with all our grand achievements we are not going to go any faster than the slowest of our people can go.

This slow progress may be irksome and irritating to those persons who are gifted or fortunate and who, therefore, laudably desire more rapidly to achieve beneficent results in government and in ameliorating distress; but this slow advance of society is an immutable law of natural philosophy and physics that admits of no amendment or repeal.

The President, in my judgment, in the bill that he transmitted to Congress, proposed the slowest, the easiest, the least drastic measure of all that had been suggested. It is not unconstitutional. It is not without precedent. It has been done several times before.

I searched my imagination—which Senators know is vivid—and the fleetest and most remote excursion of my imagination cannot find a measure less drastic, more surely constitutional, more truly justified by precedent, than this measure, granting neither to the Congress nor to the President judicial power. It was once suggested by the American Bar Association to increase the Supreme Court membership. It has been suggested by Senators from time to time. The President has met the requirements of calm reason. He has not attempted to overdrive. He has not attempted to do those things that were impossible.

It is not the beautiful speeches, it is not alone the ideals that we entertain, but it is the power to translate ideals into concrete activities for human good, that gives greatness to men like Jefferson, Jackson, Lincoln, Cleveland, McKinley, Theodore Roosevelt, and Franklin Roosevelt.

Will the Senate pardon me for adverting again to Conkling? You see how I cling to my idol. Conkling was attempting to nominate General Grant for a third term, and in the convention of 1880 he used a sentence that sticks like a burr in my memory, and has been there ever since I first read it. It is fine rhetoric. There is only one adjective in it. Speaking of Grant, Conkling said:

> His greatness is not alone the greatness of things written and of things said, but the arduous greatness of things done.

And when Clio with her iron pen comes to write history, whether she write upon the printed page, upon parchment, or upon clay or stone, she will write down that no one in your day, Senators, ever more nobly strove for the common good than the present President of the United States for his greatness is the greatness of things done. His solicitude has been to give all men an equal chance.

I believe in the right of men to acquire money. We hear men say "property rights—property rights!" Why, there is no such thing as property rights. That is a misnomer that should have been discarded years ago. The right of men to acquire property, both large and small, is one of the most precious of all human rights. An insensate piece

of paving stone has no right, has no feeling. When men talk about property rights, I believe they must mean the right of men to acquire property, both large and small. I do not believe in any restrictions on the right of the citizen to acquire wealth, be it great or small; but we have a right to ask in this country, and it is going to be asked, that men of great wealth shall contribute their part of the burden in the way of taxes to help support the Government under which they built up their great fortunes. The fact that a man has acquired his millions or his scores of millions does not arouse any envy in my breast. We do not ask him, except for purposes of taxation, "How much have you?" But we have a right to ask, "How did you get it?" That is one of the rights of the American Congress. It is a right we should and do possess.

Mr. President, I have detained the Senate longer than I had expected. I have spoken from the conviction that it was my duty to speak at this time; and if I have been able in a small degree to point out that the bill does not seek to take from the Supreme Court any judicial power, that it has abundant precedent, that an increase in the Supreme Court has been recommended from time to time by bar associations and by various Senators—if I have been able to throw some light upon that subject, I shall be content with my time and labor of today.

HEALTH AND SANITATION IN FLOOD AREAS

Mr. ROBINSON. Mr. President, it is my intention to move an executive session, and, following that, an adjournment until Monday, when the calendar may be called.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. ROBINSON. I yield to the Senator from New York.

Mr. COPELAND. Does the Senator mean that no bills are to be taken up today?

Mr. ROBINSON. It was not my intention to have that done.

Mr. COPELAND. There is one matter, if I may call it to the attention of the Senate, which is very important. I refer to Senate Joint Resolution 79, being Calendar No. 101.

Mr. ROBINSON. I understand that both the Senator from New York [Mr. COPELAND] and the Senator from Kentucky [Mr. BARKLEY] are anxious to have that measure considered.

Mr. COPELAND. My anxiety lies in the fact that the United States Public Health Service, through the Treasury Department, is making a very urgent request that immediate action be taken.

Mr. ROBINSON. Very well. I suggest to the Senator that he ask for the consideration of the joint resolution, or move its consideration.

Mr. COPELAND. Mr. President, I ask unanimous consent for the present consideration of Calendar No. 101, being Senate joint resolution 79.

Mr. McKELLAR. Mr. President, will the Senator yield for a moment? Is that measure similar to House Joint Resolution 229, which has been passed by the House?

Mr. COPELAND. It is; and I shall move at the proper time to substitute the House joint resolution for the Senate measure.

Mr. McKELLAR. I am glad to know the Senator is going to do that.

The PRESIDING OFFICER (Mr. BROWN of Michigan in the chair). Is there objection to the request of the Senator from New York?

There being no objection, the Senate proceeded to consider the joint resolution (S. J. Res. 79) making funds appropriated for emergency relief available for health and sanitation activities in the flood areas.

Mr. COPELAND. I move that House Joint Resolution 229, which is for the same purpose and has passed the House, be substituted for the Senate joint resolution.

The PRESIDING OFFICER. The question is on the motion of the Senator from New York.

The motion was agreed to; and the Senate proceeded to consider the joint resolution (H. J. Res. 229) to make funds available for health and sanitation activities in the areas recently stricken by floods, which was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the President is hereby authorized to allocate funds to the United States Public Health Service for health and sanitation activities in the areas recently stricken by floods from the appropriation made in the Emergency Relief Appropriation Act of 1936, as supplemented by the appropriation for relief and work relief in the First Deficiency Appropriation Act, fiscal year 1937, for the following purposes: (1) Grants to States for the purpose of aiding such States, or any county, health district, or other political subdivision thereof, in establishing and maintaining adequate public-health services in the prevention and control of diseases in the areas recently stricken by floods, under regulations prescribed by the Surgeon General of the United States Public Health Service; (2) the employment of personnel in the city of Washington and elsewhere, without regard to the civil-service laws and regulations and the Classification Act of 1923, as amended, to replace commissioned officers and other employees of such Public Health Service detailed to such areas; (3) reimbursement of appropriations of such Service for expenditures made from such appropriations for emergency work in such areas; and (4) the purchase of supplies and equipment to replace articles furnished from stock on hand for the care, support, and maintenance of flood refugees and in rendering assistance to health authorities.

The allocations made by authority of this joint resolution shall not be exclusive but shall be in addition to those which otherwise may be made under the provisions of such Emergency Relief Appropriation Act of 1936, as supplemented.

Mr. COPELAND. Mr. President, the purpose of this joint resolution is to permit the United States Public Health Service to cooperate with the States in guarding against disease in the flood-stricken areas. I wish, in just a moment's statement, to praise the Public Health Service for what it has done.

The great danger of the recent flood lies in the fact that typhoid fever will follow immediately, and malaria after a little while. The Public Health Service, in cooperation with the States, has inoculated already—just think of the figures—1,600,000 persons. It has used 80 gallons of serum for this purpose; and when we remember that 7 drops is a dose we can imagine what great work has been accomplished. The joint resolution provides for grants to the States for the purpose of assisting them in their work in this specific field, and for reimbursement to the Public Health Service for what it has spent from its own funds for this specific purpose.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. BARKLEY. In order to emphasize what the Senator has said about the importance of immediate action, I wish to call attention to the fact that 177 counties in 11 States have been affected by the flood, and that the population of the flood-stricken area amounts to 7,746,000. Preliminary reports show that the homes of 1,205,000 persons were flooded, and that 740,000 persons were cared for by the Red Cross. The number of homes that were abandoned and must be repaired and cleaned up because of this disastrous flood mounts into the thousands; and, while temporary provision has been made between the Public Health Service of the United States and the State public-health services for immediate action to ward off epidemic and disease for the next 30 days, action on this measure is immediately necessary in order to continue the work, to reimburse the Public Health Service for what it has already done, and to make grants to the States and counties for the continuation of the service.

Mr. McKELLAR. Mr. President, if the Senator will pardon me, Representative EDWARD TAYLOR, of the Committee on Appropriations of the House, has made a report on this very joint resolution; and I ask unanimous consent that the entire report of Mr. TAYLOR on this subject be printed in the RECORD as a part of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The report (No. 262) submitted by Mr. TAYLOR on February 18, 1937, is as follows:

The Committee on Appropriations, to whom was referred House Joint Resolution No. 229, to make funds available for health and sanitation activities in the areas recently stricken by floods, report the same without amendment and with a recommendation for its immediate consideration and passage.

The purpose of the joint resolution is to permit funds, made available in the Emergency Relief Appropriation Act of 1936, as supplemented, to be allocated to the Public Health Service for grants to States for the purpose of aiding such States, or any county, health district, or other political subdivision thereof in

establishing and maintaining adequate public health services in the prevention and control of diseases in the areas recently stricken by floods under regulations prescribed by the Surgeon General of the Public Health Service, and in addition to permit the employment of temporary personnel to replace regular Public Health Service personnel detailed to those areas, to reimburse the Public Health Service for expenditures from its appropriations, and to replace supplies and equipment furnished from stocks.

The recent disastrous winter floods have affected a total of 177 counties in 11 different States. The population of these flood-stricken areas is 7,746,984. Preliminary reports show that the homes of 1,205,265 persons were flooded, 740,229 had to be cared for by the Red Cross and other agencies, 23,783 homes were seriously or completely destroyed, and 117 public water supplies servicing 1,617,000 persons were put out of operation. Floods occurring in winter precipitate particularly menacing health and sanitation problems.

The immediate emergency of health and sanitation in the first 30 days has been met by State and local agencies in cooperation with the United States Public Health Service. An allotment of $245,000 made to the latter service from emergency funds will be exhausted by March 1.

The committee was advised by Surgeon General Parran that conditions require prompt and continued application of modern health protective measures if costly illnesses and premature deaths are to be averted. He said: "I have no hesitation in saying that the cost of prevention will be far less than the consequences of neglect." The purpose of the joint resolution is to care for the rehabilitation situation that now presents itself in these areas.

Many of the communities suffering from the flood will undoubtedly require outside assistance other than that which State and local sources can furnish. Some communities will be without resources for health or other purposes. The Surgeon General states it will be advisable to set up a complete health service to operate during this rehabilitation period in some of the areas and in others it will be necessary to supplement existing services that are reasonably sufficient in normal times but inadequate to handle emergency conditions.

The proposed plan under the joint resolution contemplates an average expenditure of $6,000 per county for each of the 177 counties during the next 6 months. It is the opinion of the Surgeon General that this aid should be provided through grants by the Federal Government to the flooded States on the basis of relative needs under the general plan in effect as to regular grants under the provisions of the Social Security Act. The grant method is recommended by the Surgeon General in the belief that it will simplify administration of health and sanitation activities. Expenditure of funds would be through State and local organizations under Federal supervision and regulation. If the assistance were to be undertaken by direct employment of personnel by the Federal agency there would be the complication of two agencies, Federal and State or local, in the same areas striving for the same ends in varying degrees, but each under different operating conditions.

A clause is included in this joint resolution to make it clear that allocations of these funds for the purposes of the joint resolution shall be in addition to those which may otherwise be made under the Emergency Relief Act of 1936, as supplemented, and shall not be considered as excluding other allocations which may lawfully be made to the Public Health Service under the terms of that act.

Mr. ROBINSON. Mr. President, I merely desire to add to what has been said that this is an emergency appropriation. It is essential that the funds carried in the joint resolution be made available as soon as practicable.

The PRESIDING OFFICER. The question is on the third reading and passage of the joint resolution.

The joint resolution (H. J. Res. 229) was ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. Without objection, Senate Joint Resolution 79 will be indefinitely postponed.

AUTHORITY TO SIGN HOUSE JOINT RESOLUTION 229

Mr. ROBINSON subsequently said: Mr. President, I ask unanimous consent that during the recess or adjournment of the Senate to follow today's session, the Vice President be authorized to sign House Joint Resolution 229.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER OF BUSINESS

Mr. ROBINSON. Mr. President, a few moments ago I stated that, in all probability, an opportunity for consideration of bills on the calendar would be afforded on Monday. It is recalled that Monday will be a holiday in commemoration of the birth of President George Washington, and on second thought I desire to withdraw the announcement I made, and to say that unless something of an emergency character shall be brought before the Senate, it is not expected that business will be transacted following the reading of the Farewell Address by the Senator from Massachusetts [Mr. LODGE]. In the early future, at the next session following the meeting on Monday, the opportunity will be afforded to consider bills on the calendar.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. ROBINSON. Certainly.

Mr. VANDENBERG. Is the Senator able to say whether the reciprocal trade treaty bill will probably come before the Senate Tuesday?

Mr. ROBINSON. I understood from the Senator from Mississippi [Mr. HARRISON], who is in charge of the bill, that he expects to bring it forward in the very early future. Probably he will ask for its consideration next Tuesday.

COLLECTION OF STATE TAXES—JURISDICTION OF FEDERAL DISTRICT COURTS

Mr. BONE. Mr. President, on the 17th of the present month I introduced a very short bill, to amend section 24 of the Judicial Code. The proposed amendment would affect the jurisdiction of district courts of the United States over suits relating to the collection of State taxes.

In view of the fact that the jurisdiction of the lower Federal courts has been under discussion during the last few days, I think this a proper time to bring the bill forward, and I hope that the Committee on the Judiciary of the Senate will give it the attention I think it merits.

I introduced the bill primarily because it affects my own State, but I dare say that almost to the degree it would affect my State, it would affect the States of other Senators. The purpose of the bill is to take away the jurisdiction of Federal district courts to enjoin, suspend, or restrain the assessment or collection of any tax imposed by or pursuant to the laws of any State. Provision is made that the bill is not to affect suits pending at the time of its enactment.

I digress to call attention to the fact that even if this bill shall be enacted it will not affect the litigation now under way in the courts in my State, or in the courts in any other State.

At this point I ask unanimous consent that the bill to which I refer, Senate bill 1551, be inserted in my remarks, so that those who read them may know the nature of the bill.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

A bill to amend section 24 of the Judicial Code, as amended, with respect to the jurisdiction of the district courts of the United States over suits relating to the collection of State taxes

Be it enacted, etc., That the first paragraph of section 24 of the Judicial Code, as amended, is amended by adding at the end thereof the following: "Notwithstanding the foregoing provisions of this paragraph, no district court shall have jurisdiction of any suit to enjoin, suspend, or restrain the assessment, levy, or collection of any tax imposed by or pursuant to the laws of any State where a plain, speedy, and efficient remedy may be had at law or in equity in the courts of such State."

SEC. 2. The provisions of this act shall not affect suits commenced in the district courts, either originally or by removal, prior to its passage; and all such suits shall be continued, proceedings therein had, appeals therein taken, and judgments therein rendered, in the same manner and with the same effect as if this act had not been passed.

EXAMPLES OF SIMILAR LEGISLATION

Mr. BONE. Mr. President, the proposed legislation is not novel in character.

Section 3224 of the Revised Statutes provides that "No suit for the purpose of restraining the assessment or collection of any tax shall be maintained in any court." This provision applies only to taxes levied by the Federal Government. State Railroad Tax Cases, 92 U. S. 575.

An act of March 4, 1927, provides that "No suit for the purpose of restraining the assessment or collection of any tax imposed by the laws of Puerto Rico shall be maintained in the district court of the United States for Puerto Rico."

The Johnson Act of May 14, 1934, after which this bill is modeled, provides that—

no district court shall have jurisdiction of any suit to enjoin, suspend, or restrain the enforcement, operation, or execution of any order of an administrative board or commission of a State, or any rate-making body of any political subdivision thereof, or to enjoin, suspend, or restrain any action in compliance with any such order, where jurisdiction is based solely upon the

ground of diversity of citizenship, or the repugnance of such order to the Constitution of the United States, where such order (1) affects rates chargeable by a public utility, (2) does not interfere with interstate commerce, and (3) has been made after reasonable notice and hearing, and where a plain, speedy, and efficient remedy may be had at law or in equity in the courts of such State.

Most of the arguments which were used in support of the Johnson Act and brought about its enactment apply in like manner to the legislation now proposed.

NECESSITY FOR THE LEGISLATION

The existing practice of the Federal courts to entertain tax-injunction suits make it possible for foreign corporations to withhold from a State and its governmental subdivisions taxes in such vast amounts and for such long periods as to disrupt State and county finances, and thus make it possible for such corporations to determine for themselves the amount of taxes they will pay.

While this situation exists in many of the States, the detailed information presented herewith relates only to the State of Washington.

Mr. President, at this point I desire to read brief excerpts from a letter to me from an assistant attorney general of the State of Washington dealing with this particular matter and referring to a very important piece of litigation in my own State at this time. The writer of this letter is Mr. R. G. Sharpe, assistant attorney general of my State, who says:

(1) The statutes of Washington (ch. 61, Laws of 1931), takes away from the State courts the right to enjoin the collection of State and county taxes, unless the tax law is invalid or the property is exempt from taxation, and provides that taxpayers can contest their taxes only in refund actions after payment under protest. This law makes it possible for the State and its various agencies to survive while long drawn out tax litigation is in progress. But if those to whom the Federal courts are open may secure injunctive relief against offensive taxes, we have presented the highly unfair situation of the ordinary citizen being required to pay first and then litigate, while those privileged to sue in the Federal courts need pay only what they choose and withhold the balance during years of litigation.

Pending and past tax injunction suits maintained in the Federal courts of this State serve to emphasize the point last urged. Thus, in December 1936 the Northern Pacific Railway Co. instituted in the Federal District Court at Spokane a suit to restrain a portion of the taxes levied upon that company's operating property located in 23 counties of this State for the years 1935 and 1936. The tax for 1935 is $1,401,549, of which the company has refused to pay and seeks to restrain the collection of $618,087. The tax for 1936 is $1,343,460, of which the company has refused to pay and seeks to restrain the collection of $856,495. Thus, for these 2 years the company is seeking to enjoin the collection of $1,474,582, or more than half of its taxes. From the history of past similar litigation it is quite apparent that the company will refuse to pay any of these unpaid taxes until the end of the litigation, several years hence, and will likewise prosecute similar actions against the counties for the taxes for future years and will likewise withhold large proportions of its taxes for these later years. And it is likewise more than likely that other roads will institute similar suits and follow the same practice.

In this, history will but repeat itself, as shown by the records of the same Federal district court in similar suits begun 10 years ago. In the fall of 1926 and the beginning of 1927 the Northern Pacific and the Chicago, Milwaukee, St. Paul & Pacific Railroad (the "Milwaukee") instituted suits in the Federal court at Spokane to restrain the collection of their taxes, the N. P. for its 1925 and 1926 taxes, and the Milwaukee for its 1926 and 1927 taxes. Each year thereafter similar suits were instituted by the two companies, so that by the time decrees in the original suits were entered by the district court in September 1932 suits involving the N. P. taxes for 1926 to 1931 were pending, and suits involving the Milwaukee taxes for 1926 to 1931 were likewise pending. Later suits involving the 1932 N. P. taxes and the 1932 and 1933 Milwaukee taxes were instituted.

The 1925 and 1926 N. P. suit and the 1926 and 1927 Milwaukee suit took a year and a half to try, the trial being had before a special master, and, although every effort was made by the county defendants to press the suits to judgment, decrees were not entered in those suits, as I have said, until September 1932. By this time the counties were so hard-pressed for money by reason of these railroads withholding such a large proportion of their taxes, that the railroads, the N. P. and the S. P. & S. (another litigating road), were in a position to dictate the terms of settlement, and as a result the counties threw up their hands and by agreed decrees entered February 20, 1933, consented to a settlement of the N. P. suits, which settlements resulted in the counties receiving substantially $1,500,000 less in taxes for the years 1927 to 1932 than they would have received under the formula of valuation announced by Judge Webster in his decision of the 1925 and 1926 case. (See *N. P. Ry.* v. *Adams County*, 1 Fed. Supp. 163.)

The Milwaukee's offer of settlement was too ridiculous to be stomached by the counties, even in their distressed financial condition, and an appeal was taken to the Circuit Court of Appeals, resulting in a reversal of the 1926 and 1927 Milwaukee tax decree, in July 1934. (See *C. M. St. P. & P. R. Co.* v. *Adams Co.*, 72 Fed. (2d) 816.) The tax commission thereupon made assessments of the Milwaukee property for the years 1926 to 1932, and on November 30, 1934, the Milwaukee elected to pay the taxes as so reassessed, on the 10-year installment plan. In neither the N. P. nor the Milwaukee settlement was any interest allowed on the taxes wrongfully withheld for all these years.

I am enclosing herewith a few rather startling figures with respect to these suits. In so doing, however, I have ignored the N. P. suit relating to the 1925 and 1926 taxes for the reason that the N. P., in March 1927, paid substantially all of its taxes for those 2 years, pursuant to stipulation that a judgment of refund might be entered for the excess taxes found, if any.

May I here restate a few of the figures shown by this statement:

Total taxes assessed against N. P., 1927 to 1931, and against Milwaukee, 1926 to 1932		$22,349,469
Total of said taxes paid by said companies prior to suit		12,893,713
Total of said taxes canceled as result of Milwaukee reassessment and settlements to which counties were forced to accede	$3,576,242	
Total of said taxes wrongfully withheld and paid to counties (without interest) by N. P. on Feb. 20, 1933, and by Milwaukee on Nov. 30, 1934	5,879,514	
		9,455,756
Interest to which counties would have been entitled at legal rate of 6 percent on said taxes wrongfully withheld for varying periods, some as long as 7½ years		1,120,774
Interest to which counties would have been entitled on said taxes wrongfully withheld as penalty for nonpayment of delinquent taxes		1,867,956

The suit of the Northern Pacific Railway Co. now pending in Washington serves to indicate the methods used by these powerful corporations to harass the State and local governments. The attorneys for the plaintiff very astutely did not make the State or the State tax commission parties to the action, but sued the 23 counties of the State in which the railway has property collectively, the purpose being to compel the defense of the action to be handled by 23 local prosecuting attorneys who may not be familiar with the processes by which utilities are valued and assessed by the State tax commission, and who may not be experts in the field of Federal court practice.

Perhaps it should be emphasized at this point that the bill does not take away any equitable right of a taxpayer, or deprive him of a day in court. Specific provision is made that the suit will be taken out of the jurisdiction of the Federal court only if a plain, speedy, and efficient remedy may be had at law or in equity in the courts of the State. Thus a full hearing and judicial determination of the controversy is assured.

At present the foreign corporation has a choice of going into two tribunals. The advantage thus given is illustrated by the following quotation from the report of the Committee on the Judiciary on the Johnson Act:

Indeed, the utility company may pursue these two remedies concurrently. The Supreme Court of the United States had held that State and Federal courts have concurrent jurisdiction in such cases and a utility company can proceed in both State and Federal courts until a final judgment is rendered in one of the two proceedings. This gives the utility an opportunity, as the case progresses, to ascertain the views of the State authorities and the Federal authorities and, when it once ascertains these views, and finds it will probably be defeated in one of the proceedings, it can dismiss the case in that proceeding and rely upon the other. It seems quite plain that to give the utility this advantage is unreasonable and unfair. It is likewise exceedingly expensive and always means long delay. All the expenses in the end must be borne by the people who pay the rates to the public utility company. It all comes out of the ultimate consumer.

The following quotations from the same report are also thought to be applicable to this bill in the same manner that they were applicable to the Johnson bill:

LITIGATION IN FEDERAL COURTS MORE EXPENSIVE THAN IN STATE COURTS

It is much more expensive to litigate in Federal courts than in State courts. Attorney fees are usually higher, and the other expenses connected with the litigation are, as a rule, many times higher in Federal court than in the State court. The wealthy individual or corporation is thus often enabled to wear out his opponent and compel him to settle or submit to an unjust judgment for the very reason that his opponent is not financially able to follow him through the tortuous and expensive route through the Federal court to the Supreme Court of the United States at

Washington. And all the time in this dispute there is no Federal question involved. There is a dispute arising under a State statute or law of other origin and nothing more. There are many places in the United States where litigants must travel several hundred miles to attend the place of trial if they are sued in Federal court.

It is not argued that the Federal court will be unjust. For the purpose of our illustration we can assume that the Federal court will be just as fair and as just as the State court. But when sued in a Federal court, the defendant will be required to take his attorneys and his witnesses long distances where the Federal court sits. If the case is continued, they must come again. And when the case is finally decided, the poor defendant may be successful, but his opponent, because he is a nonresident, has taken him into Federal court and he appeals the case to the Federal court of appeals. Then he must send his attorneys several hundred miles to the place where the Federal court of appeals sits. This means again a very much increased expense and, in almost every case, a much larger attorney fee. He may win his case in the court of appeals, but, if so, his opponent may possibly take the case to the Supreme Court of the United States and he will have to send his attorneys perhaps a thousand or 2,000 miles, paying the expenses and again a much larger attorney fee than he would pay in the State courts.

It means, therefore, that a person taken against his will into the Federal court for the purpose of settling a State question is worn out before he reaches the end. He is financially unable to follow the case to the end. Therefore, at the beginning, he perhaps submits to an injustice because he knows it means financial ruin to pursue the case to its final determination.

It is easy to be seen, therefore, that while perhaps there was some basis for this kind of a law when our Constitution was adopted, the purpose for which this provision of law is now used was never dreamed of by our forefathers when they adopted the Constitution. The effect of this provision of law is now entirely different from what it was then. First adopted to bring about justice, it has, as a matter of practice, very largely resulted in injustice and discrimination. Originally intended for the protection of the nonresident, it has become a weapon of destruction and injustice in his hands.

Those who favor the continuance of this unjust discrimination base their reason upon the original claim of jealousies existing between citizens of different States. But the real reason is that they want to protect the "privilege" which this law gives them. They desire to have the right in their litigation to choose between two tribunals. What was originally intended to protect them in a right has become a "privilege" which they use to give them an advantage over their adversaries.

RELIEF OF FEDERAL COURTS FROM CONGESTION

The congestion in our Federal district courts is acknowledged by all. That of itself is often a denial of justice. All classes of our citizens have recently become interested in various proposals for the relief of the congestion in our Federal district courts. The President of the United States has sent official messages to Congress on the subject. He has appointed a commission composed of eminent jurists and other able, patriotic scholars. The question has received the attention of the leading members of the bar throughout the entire country. Federal judges from the Supreme Court down have lent their assistance in trying to devise some plan by which the Federal courts can be relieved from a large amount of the work now upon Federal judicial dockets.

Why not do this by letting State courts settle State controversies and confine Federal courts to the settlement of Federal questions? When a State question arises under a State statute, why not let the courts of that State settle that controversy, whether the controversy is between citizens of one State or citizens of two different States? Why not be logical and let the State courts try controversies arising under State laws within their borders instead of permitting a few privileged persons who do business in a State to take their controversies into Federal courts and thus burden Federal judges with the settlement of State questions and the control of lawsuits arising entirely and solely out of controversies under State laws?

CONSTITUTIONALITY OF PROPOSED LEGISLATION

While there are many other parts of the committee's report on the Johnson Act which are well worth rereading in connection with the consideration of the proposed legislation, there is presented here only one additional quotation, which deals with the constitutional power of the Congress to enact legislation of this type:

The object of the legislation, as it has been distinctly stated, is to take away jurisdiction from the district courts of the United States. It is not intended to take away and does not take away any jurisdiction of the Supreme Court of the United States. The Supreme Court is the only court where jurisdiction is conferred by the Constitution. All the inferior courts—which means all the courts of the United States except the Supreme Court—obtain their jurisdiction from statute. It would be perfectly constitutional for Congress to pass an act which would abolish every Federal court in existence except the Supreme Court. All the jurisdiction which such inferior courts have has been conferred upon them by statute, and the Supreme Court of the United States has repeatedly held that it is within the power of Congress to add to that jurisdiction within the limits of the Constitution, and to take away any part or all of it.

In the case of *Kline* v. *Burke Construction Co.* (260 U. S. 226 (1922)) the Supreme Court said:

"The right of a litigant to maintain an action in the Federal court on the ground that there is a controversy between citizens of different States is not one derived from the Constitution of the United States, unless in a very indirect sense. Certainly it is not a right granted by the Constitution. The applicable provisions, so far as necessary to be quoted here, are contained in article III. Section 1 of that article provides: 'The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish.' By section 2 of the same article it is provided that the judicial power shall extend to certain designated cases and controversies, and, among them 'to controversies * * * between citizens of different States * * *.' The effect of these provisions is not to vest jurisdiction in the inferior courts over the designated cases and controversies, but to delimit those in respect of which Congress may confer jurisdiction upon such courts as it creates. Only the jurisdiction of the Supreme Court is derived directly from the Constitution. Every other court created by the General Government derives its jurisdiction wholly from the authority of Congress. That body may give, withhold, or restrict such jurisdiction at its discretion, provided it be not extended beyond the boundaries fixed by the Constitution."

This question was passed upon directly by the Supreme Court in an early day. In *Turner* v. *Bank of America* (4 Dall. 8, 10 (U. S. 1799)) the Supreme Court, speaking through Mr. Justice Chase, said:

"The notion has frequently been entertained that the Federal courts derived their judicial power immediately from the Constitution; but the political truth is, that the disposal of the judicial power (except in a few specified instances) belongs to Congress. If Congress has given the power to this Court, we possess it, not otherwise; and if Congress has not given the power to us, or to any other court, it still remains at the legislative disposal. Besides, Congress is not bound, and it would, perhaps, be inexpedient, to enlarge the jurisdiction of the Federal courts to every subject, in every form, which the Constitution might warrant."

It is perfectly clear that this bill cannot be successfully attacked on constitutional grounds. Congress, in legislating on that subject, has always acted on that theory.

Since the Johnson Act was passed, its constitutionality has been upheld in an opinion by a United States district court in Mississippi, which reviewed at length the constitutional basis for such legislation in the case of *Mississippi Power & Light Co.* v. *City of Jackson* (9 Fed. Supp. 564).

Mr. President, in conclusion I desire to ask of my brethren a careful consideration of this particular bill, not because it affects my State only, but because the problem raised by reason of the holding that litigants have a right to go into the Federal court and seek relief against the imposition of taxes, as in the State of Washington, is one that confronts every State in the Union. It is a problem which is challenging to every State in the Union which has tax problems confronting it.

I sincerely hope that the Committee on the Judiciary of the Senate will see fit to report this bill promptly. I think my friend the Senator from Nebraska [Mr. NORRIS] wrote a portion of the committee's report from which I have quoted.

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES

The PRESIDING OFFICER (Mr. BROWN of Michigan in the chair) laid before the Senate a message from the President of the United States, submitting the nomination of Murray W. Latimer, of New York, to be a member of the Social Security Board for the remainder of the term expiring August 13, 1941, vice John G. Winant, which was referred to the Committee on Finance; and also a message withdrawing the nomination of John G. Winant, of New Hampshire, to be a member of the Social Security Board for the remainder of the term expiring August 13, 1941 (which was sent to the Senate Jan. 8, 1937), which was ordered to lie on the table.

EXECUTIVE REPORTS OF COMMITTEES

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

He also, from the Committee on Appropriations, reported favorably the nomination of David R. Kennicott, of Illinois, to be State director of the Public Works Administration in Illinois.

Mr. TYDINGS, from the Committee on Territories and Insular Affairs, reported favorably the nomination of Paul V. McNutt, of Indiana, to be United States High Commissioner to the Philippine Islands.

Mr. DUFFY, from the Committee on Interoceanic Canals, reported favorably the nomination of Col. Clarence S. Ridley, Corps of Engineers, United States Army, for appointment as Governor of the Panama Canal, as provided by law, vice Col. Julian L. Schley, Corps of Engineers, United States Army, resigned.

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nomination of Col. Raymond Franklin Metcalfe, Medical Corps, to be assistant to the Surgeon General, with the rank of brigadier general, Regular Army, for a period of 4 years from date of acceptance, with rank from March 1, 1937, vice Brig. Gen. M. A. W. Shockley, assistant to the Surgeon General, to be retired February 28, 1937.

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state the first nomination in order on the calendar.

DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk read the nomination of Reginald S. Castleman, of California, to be Secretary in the Diplomatic Service.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

THE JUDICIARY

The legislative clerk read the nomination of Stanford C. Stiles to be United States marshal, eastern district of Texas.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. SHEPPARD. Mr. President, I ask unanimous consent that the President may be notified of the confirmation of the nomination of Mr. Stiles to be United States marshal.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the President will be notified.

RURAL ELECTRIFICATION ADMINISTRATION

The legislative clerk read the nomination of John M. Carmody, of New York, to be Administrator.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. COPELAND. Mr. President, there are reasons why the President should be notified immediately of the confirmation of the nomination of Mr. Carmody, and I make the request that he be notified.

Mr. NORRIS. Mr. President, I was unable to hear the suggestion of the Senator from New York as to this nomination.

Mr. COPELAND. I asked that the President be notified immediately of the confirmation of the nomination.

Mr. NORRIS. Very well. I was going to make the same request, and I hope that will be done.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York that the President be notified of the confirmation? The Chair hears none, and it is so ordered.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask unanimous consent that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the nominations are confirmed en bloc.

NOMINATION IN THE ARMY

The legislative clerk read the nomination of Frederick LeRoy Martin to be brigadier general.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

CHIEF OF INFANTRY

The legislative clerk read the nomination of George Arthur Lynch to be Chief of Infantry, with the rank of major general.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. SHEPPARD. I ask unanimous consent that the President be immediately notified of the confirmation of the nomination of General Lynch.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL NOMINATIONS IN THE ARMY

The legislative clerk proceeded to read sundry nominations for appointment, by transfer, in the Regular Army.

Mr. SHEPPARD. I ask unanimous consent that the remaining nominations in the Army be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

NATIONAL GUARD

The legislative clerk read the nomination of John Elmer Stoddard to be brigadier general, Adjutant General's Department, National Guard of the United States.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

That concludes the Executive Calendar.

ADJOURNMENT TO MONDAY

Mr. ROBINSON. I move that the Senate stand adjourned until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 3 o'clock and 3 minutes p. m.) the Senate adjourned until Monday, February 22, 1937, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate February 19, 1937

MEMBER, SOCIAL SECURITY BOARD

Murray W. Latimer, of New York, to be a member of the Social Security Board for the remainder of the term expiring August 13, 1941, vice John G. Winant.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 19, 1937

DIPLOMATIC AND FOREIGN SERVICE

Reginald S. Castleman to be secretary in the Diplomatic Service.

UNITED STATES MARSHAL

Stanford C. Stiles to be United States marshal, eastern district of Texas.

RURAL ELECTRIFICATION ADMINISTRATION

John M. Carmody to be Administrator of the Rural Electrification Administration for the remainder of the term expiring May 28, 1946.

APPOINTMENT TO TEMPORARY RANK IN THE AIR CORPS, IN THE REGULAR ARMY

Frederick LeRoy Martin to be brigadier general, wing commander.

APPOINTMENT IN THE REGULAR ARMY

George Arthur Lynch, Infantry, to be Chief of Infantry, with the rank of major general.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

Capt. Roy Travis McLamore, to Quartermaster Corps.

Capt. Albert James Wick, to Quartermaster Corps.

Capt. James Wilbur Mosteller, Jr., to Chemical Warfare Service.

Lt. Col. Peter Cleary Bullard, to Infantry.

APPOINTMENT TO THE NATIONAL GUARD OF THE UNITED STATES

John Elmer Stoddard to be brigadier general, Adjutant General's Department, National Guard of the United States.

POSTMASTERS

MISSOURI

Ercelle W. Johnson, Ridgeway.

NORTH DAKOTA

Richard T. L. Noyes, Cando.

OKLAHOMA

Dora E. Senter, Bristow.

RHODE ISLAND

Arnold Sherman Knowles, Jr., Kingston.

WITHDRAWAL

Executive nomination withdrawn from the Senate February 19, 1937

MEMBER, SOCIAL SECURITY BOARD

John G. Winant, of New Hampshire, to be a member of the Social Security Board for the remainder of the term expiring August 13, 1941, which was sent to the Senate January 8, 1937.

HOUSE OF REPRESENTATIVES

FRIDAY, FEBRUARY 19, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Gracious Lord and father of us all, we pray that the footfall of the Master may pass this way. It was He who opened the way into the bosom of the Father, revealing His gentleness, mercy, and love. May we be faithful to the requirements of our calling by heeding the words: "Whatsoever thy hand findeth to do, do it with thy might." Be Thou unto us one whom we delight to serve. Cleanse our minds from prejudice and confirm us in trust as against all fear. Bless all schools and all instruments of education and let their light be diffused throughout our whole country. Look with divine favor upon all churches and all institutions of beneficence. May our fellow men come to the knowledge of the revelation of the truth as it is in the teaching of the Man of Galilee. May there be peace and happiness in all the earth, and Thine shall be the praise. Through Christ our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate insists upon its amendments to the bill (H. R. 4064) entitled "An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1938, and for other purposes", disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. GLASS, Mr. BYRNES, Mr. RUSSELL, Mr. ADAMS, and Mr. STEIWER to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 148) entitled "An act to repeal a proviso relating to teaching or advocating communism in the public schools of the District of Columbia, and appearing in the District of Columbia Appropriation Act for the fiscal year ending June 30, 1936", disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BLACK, Mr. COPELAND, Mr. WALSH, Mr. BORAH, and Mr. LA FOLLETTE to be the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. Res. 229. Joint resolution to make funds available for health and sanitation activities in the areas recently stricken by floods.

SANITATION ACTIVITIES IN AREAS STRICKEN BY FLOODS

Mr. WOODRUM. Mr. Speaker, it is expected that the joint resolution (H. J. Res. 229) to make funds available for health and sanitation activities in the areas recently stricken by floods, which we passed yesterday, will pass the other body today.

I ask unanimous consent that the Clerk be authorized to accept the message from the Senate if it comes over while the House is not in session and that the Speaker be permitted to sign the joint resolution while the House is not in session.

The SPEAKER. The gentleman from Virginia asks unanimous consent that the Clerk of the House may be authorized to receive the message from the Senate with respect to House Joint Resolution 229 after the adjournment of the House and that the Speaker be authorized to sign the same. Is there objection?

There was no objection.

UNITED STATES DELAWARE VALLEY TERCENTENARY COMMISSION

The SPEAKER. Pursuant to the provisions of Public Resolution 102, Seventy-fourth Congress, the Chair appoints to fill the vacancy on the United States Delaware Valley Tercentenary Commission, the gentleman from Delaware [Mr. ALLEN].

TREASURY AND POST OFFICE APPROPRIATION BILL, 1938

Mr. LUDLOW. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 4720) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1938, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4720, with Mr. GREENWOOD in the chair.

The Clerk read the title of the bill.

The Clerk read as follows:

Appropriations hereinafter made for the field service of the Post Office Department, except as otherwise provided, shall not be expended for any of the purposes hereinbefore provided for on account of the Post Office Deartment in the District of Columbia: *Provided*, That the actual and necessary expenses of officials and employees of the Post Office Department and Postal Service, when traveling on official business, may continue to be paid from the appropriations for the service in connection with which the travel is performed, and appropriations for the fiscal year 1938 of the character heretofore used for such purposes shall be available therefor: *Provided further*, That appropriations hereinafter made, except such as are exclusively for payment of compensation, shall be immediately available for expenses in connection with the examination of estimates for appropriations in the field including per-diem allowances in lieu of actual expenses of subsistence.

Mr. CONNERY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONNERY: On page 51, line 11, strike out "$216,000" and insert in lieu thereof "$223,320."

Mr. LUDLOW. Mr. Chairman, I make the point of order that that item has been passed in the reading of the bill.

Mr. CONNERY. Mr. Chairman, will the gentleman withhold the point of order? I have been trying to follow the reading of the paragraphs and I have three or four different amendments and amendment no. 1 comes at page 51, and the others will come at other parts of the bill.

Mr. LUDLOW. Mr. Chairman, I reserve a point of order against the amendment.

Mr. CONNERY. Mr. Chairman, what I am trying to do by these amendments is this. There are three or four different amendments at different pages.

The Budget asked for 45 inspectors in the Post Office Department, and the Appropriations Committee provided for 5 inspectors.

The Inspection Service of the United States Post Office Department is very similar to the organization of the G-men in the Department of Justice, and recently we provided 200 additional investigators for the Bureau of Investigation of the Department of Justice, and these post-office inspectors, like they say of the Canadian Northwest Mounted, always get their man. They are supposed to go on throughout the years chasing up postal robbers and investigating everything in connection with the efficiency of the Post Office Department. They are very valuable men to the country.

When the Budget, with the approval of the President, asks for 45 inspectors, I would not say that I would expect the Appropriations Committee to give them the entire 45, but it seems to me that cutting them down to 5 is a very

big cut, and I would like to see some compromise reached to bring the number up to 25.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. I yield.

Mr. TABER. The biggest part of the work in which they say they are behind, relates to following up the post express statute, where they have instances of violations where the Government, by reason of curtailment of transportation, has cut out a lot of service and people in various towns, if they want to get their documents into certain places at a particular time, are obliged to hire some messenger to carry them there, because the Government does not furnish any such service itself. They want to follow up these people where they pay a messenger in such cases and do not pay any postage on the letters. This was too much. This is the kind of work as to which they are so far behind, having to do with complaints of violations. Their regular work is not very far behind.

Mr. CONNERY. They have investigations of post offices, post-office sites, and some of these men have not had a furlough for 3 or 4 years and have not had their time off. They are called up just like the G-men. They go home for a day to start a furlough and they are called back immediately and do not get any furlough.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. Yes.

Mr. RICH. The post-office inspectors have made investigations of shortages in accounts in my district, in Potter County, and they found there are shortages in the accounts, but they have not gone ahead and prosecuted the people responsible for those shortages. Why do they not do it?

Mr. CONNERY. That is not up to the inspectors. The inspectors turn over their reports and then the Post Office Department or the Department of Justice takes action.

Mr. RICH. It is up to the Post Office Department, but it has not taken any action.

Mr. CONNERY. That is not the fault of the inspectors. I am trying to get a decent break for these inspectors, who do not even get overtime when they work overtime.

Mr. RICH. The inspectors have made their report and the Post Office Department has not gone ahead with the prosecution.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. Yes.

Mrs. ROGERS of Massachusetts. I agree thoroughly with the gentleman. I have followed the work of the inspectors and I think it is very arduous and their service is very fine. I have sent a good many matters for inspection to them. They have done good work, and I know that they work many hours without rest at all. They are overworked at the present time.

Mr. DIRKSEN. Mr. Chairman, I suggest to the gentleman from Massachusetts that on page 56 of the bill there is an additional $20,000 placed at the discretion of the Postmaster General for the purpose of examining into the violations of postal laws; so if the gentleman has in mind matters of substantive violations, the additional $20,000 has been provided for that purpose.

Mr. CONNERY. I do not mean that. The Budget asked the approval of the President for 45 additional inspectors, and the committee has granted only 5.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. LUDLOW. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended for 5 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CONNERY. The Budget asked for 45 new inspectors, and if the Appropriations Committee had come in with 25 and said that they would cut us down to 25, that would be something, but they cut it down to 5 after the President and the Budget admitted that the Post Office Department needs 45; it seems to me too much of a cut.

Mr. LUDLOW. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. Yes.

Mr. LUDLOW. The gentleman is addressing himself to the proposed increase in the number of inspectors.

Mr. CONNERY. Yes.

Mr. LUDLOW. We have been very liberal in building up the force of post-office inspectors. During the fiscal year 1936 Congress provided 15 additional inspectors in charge of divisions, and 580 inspectors. Congress provided 15 additional inspectors, and in the current law provision was made for 35 more, making a total added to the force in the past 2 years of 50 men, and with the 5 additional in this bill the augmentation of the force in 3 years will have been 55. That is a pretty liberal increase in their force, and they are high-salaried people, and that imposes a very heavy permanent personnel charge on the Treasury of the United States. The field of service of the post-office inspectors undoubtedly is as wide as all outdoors. There are many things that they can do. Perhaps some sort of justification could be made for a thousand inspectors, but where are we ever going to end on the proposition? There is a very large force of inspectors at the present time, and we have augmented it 55 in the last 2 years. We think that we have provided all the inspectors needed. In view of the state of the Nation's finances and the enormous drain on the Treasury otherwise, we think we have given all that good practice should give, and they can get along very well. They can perform useful service with the force they have now. We do not feel under all the circumstances that any more should be allowed at the present time, without any prejudice whatever to what may be justified in the future.

Mr. CONNERY. What puzzles me is when the United States Post Office Department goes to the Budget and tells the Budget what they need, and then the Budget comes down here and they come to you, and you cut them down.

Mr. LUDLOW. The gentleman has not stated in toto what the Post Office Department wants. They wanted 100 additional inspectors. They want any number, but that is no reason why they should be granted.

Mr. CONNERY. The Budget cuts them down, and then the Budget, with the approval of the President, says 45 are needed, and the man from the Post Office Department who appears before the Committee on Appropriations is not permitted to tell even what the needs of his Department are. He must stand for the Budget estimate.

Mr. LUDLOW. Further, since 1934 in the augmentation of this service we have imposed a fixed annual charge of $400,000 on the United States Treasury. Are we to go on and on and increase this force when it is not necessary?

Mr. CONNERY. They think it is necessary. Will the gentleman withdraw his point of order and let us have a vote?

Mr. LUDLOW. I have no disposition in the world to hold the gentleman off. I am very glad to assist him in any proposition that he has before the House, and I withdraw the point of order.

Mr. MEAD. Mr. Chairman. will the gentleman yield?

Mr. CONNERY. Yes.

Mr. MEAD. In order that we may have the figures before us before we take a vote, let me say that the Post Office Department requested a number of additional inspectors from the Budget.

I do not know whether they requested 100 or not, but I will assume that they did. Everybody knows that the rapid growth of the service and the assumption on the part of the Department of such extraneous activities as Social Security and payment of the soldiers' bonus, and so forth, required additional appropriations. The Budget, however, after thoroughly considering the matter, recommended an appropriation which would permit of the appointment of 45 additional inspectors.

[Here the gavel fell.]

Mr. CONNERY. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MEAD. The committee reduced that amount so that the Department will only be able to appoint five additional inspectors to take care of these tremendously increasing activities of the Government. It is the opinion of the Department and of the Budget that that is too meager for present-day needs.

Mr. LUDLOW. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. I yield.

Mr. LUDLOW. May I ask the able gentleman from New York how far he thinks we ought to go in filling up this costly additional personnel in the inspection service? How many inspectors does the gentleman think we ought to have?

Mr. MEAD. I would say they needed a sufficient inspection force to insure expeditious delivery of the mail, to protect the patrons of the Service, and to see to it that the Service is mobilized and systematized so that it will render every increasing and improved service to the people of the country. Five inspectors, in my judgment, is a very meager allowance.

Mr. LUDLOW. That is five additional inspectors, the gentleman will note. We already have a very large inspection force.

Mr. MEAD. Yes; and we have a very large postal force; but that is no reason why we should not have a larger one.

Mr. LUDLOW. The gentleman has spoken in very general terms. In what respect can the gentleman advise us that the mails are not being protected at this time?

Mr. MEAD. I can say to the gentleman that when the Chief Inspector requests the appointment of 100 additional inspectors it is evidence that he needs them for his work. He knows his needs.

[Here the gavel fell.]

Mr. TABER. I make the point of order that the amendment is not in order at this point in the bill.

Mr. CONNERY. Mr. Chairman, I offered my amendment to page 50.

The CHAIRMAN. Having passed the paragraph to which the amendment is offered, the amendment is not in order, and the Chair sustains the point of order.

The Clerk read as follows:

FIELD SERVICE, POST OFFICE DEPARTMENT

OFFICE OF THE POSTMASTER GENERAL

Rewards to postal employees for inventions: The Postmaster General is hereby authorized to pay a cash reward for any invention, suggestion, or series of suggestions for an improvement or economy in device, design, or process applicable to the Postal Service submitted by one or more employees of the Post Office Department or the Postal Service which shall be adopted for use and will clearly effect a material economy or increase efficiency, and for that purpose the sum of $200 is hereby appropriated: *Provided*, That the sums so paid to employees in accordance with this Act shall be in addition to their usual compensation: *Provided further*, That no employee shall be paid a reward under this appropriation until he has properly executed an agreement to the effect that the use by the United States of the invention, suggestion, or series of suggestions made by him shall not form the basis of a further claim of any nature upon the United States by him, his heirs, or assigns.

Mr. PHILLIPS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I call the attention of the House to line 24, on page 53, where it is stated that the sum of $200 is appropriated for the purpose mentioned. Mr. Chairman, it will be noticed that the purpose mentioned is to reward postal employees for inventions they may have made and assigned to the United States Government, thereby, I suppose, helping the Postal Service.

By reference to page 95 of the hearings we see that the gentleman from Indiana [Mr. LUDLOW] has very properly questioned this amount of money; and we see that the answer has been that it is well for the psychological effect to include this $200. We see also from the report of the hearing that in 1931 we spent $1,450 and in 1932, $1,000.

I believe, Mr. Chairman, that $200 is entirely inadequate for the purpose mentioned. If a man invents anything, it will cost him almost $200 to perfect the invention and patent it; and certainly he is not going to divulge it to any of his mates, or anybody else, until it is thoroughly protected. I question whether $200 is sufficient for the entire Postal Service.

Mr. LUDLOW. Mr. Chairman, will the gentleman yield?

Mr. PHILLIPS. I yield.

Mr. LUDLOW. The gentleman is aware, no doubt, that there have been no expenditures at all under this head since 1932.

Mr. PHILLIPS. Yes; I am aware of that; and I feel that the reason there have been no expenditures has been because the amount is entirely inadequate.

Mr. MOSER of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. PHILLIPS. I yield.

Mr. MOSER of Pennsylvania. I may say that for a great many years any man who has patented anything and assigned it to the Post Office Department has received nothing but a letter of commendation.

Mr. PHILLIPS. I think he should have received more. Mr. Chairman, I believe that this amount should be raised to $4,000, at least. I believe, furthermore, that it should be specifically stated in the law that this award is available to employees of the Postal Department. It should be specifically stated in the law that a notice of this possible award and reward shall be posted in every post office of the United States, thereby encouraging invention among postal employees.

Mr. LUDLOW. Mr. Chairman, will the gentleman yield?

Mr. PHILLIPS. I yield.

Mr. LUDLOW. The gentleman has not consulted the administrative officials of the Postal Service in regard to this matter, has he?

Mr. PHILLIPS. No; I have not.

Mr. LUDLOW. He will find that they do not see any necessity for such amount as the gentleman suggests; in fact, they do not find any way to spend the very limited amount of $200.

Mr. PHILLIPS. That is exactly my point—if the amount were adequate and notice of its existence were posted in the various post offices, it would stimulate invention among the employees of the Postal Service.

Mr. LUDLOW. Does not the gentleman think that perhaps the best judge of the necessity or desirability of an appropriation of this kind is the postal officials, who are in touch with the Postal Service and know all about it?

Mr. PHILLIPS. Theoretically I think the gentleman is right, but I realize very often business officials get into a rut.

[Here the gavel fell.]

The pro-forma amendment was withdrawn.

Mr. MEAD. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I was very glad to hear the chairman of the subcommittee a moment ago say that the very best authorities on subjects of this kind are to be found in the Post Office Department; and if we follow their advice, I assume from what he said, we will be at least conducting the Postal Service in an efficient manner.

May I say I will not ask for anything today that has not been recommended by that expert authority he just mentioned. I do want to point out, Mr. Chairman, that the policy adopted in the last few years, both by the Budget and our Appropriations Committee, does not indicate we are coping in a wise and businesslike manner with the ever-increasing volume of mail coming into the Postal Service. The postal employees are not looking for an increased appropriation for salaries, nor are they looking for any betterment of existing conditions. However, I do want to appeal to the Members of the House to reverse the policy we have adopted during the last 2 or 3 years, so that the service of this Department will be increased and additional service may be given to the people of this country.

We have instituted no village carrier service in the last 4 or 5 years. We have steadily turned down applications for extension of rural services and requests for new rural routes.

Mr. TABER. Will the gentleman yield?

Mr. MEAD. I want to make my statement first; then I shall be glad to yield if I can secure additional time.

These services, whether they be village delivery, rural delivery, or air mail, have been reduced, diminished, or postponed as a result of this policy. In order to get my story before you quickly and in general terms, may I ask you to look at the record.

In 1933 the gross revenue of the Department amounted to $587,000,000. The estimated number of pieces handled by the Department that year was a little less than 20,000,000,000. The appropriation for that year was $805,000,000. Now, then, the gross revenue of 1936, compared with 1933, rose from $587,000,000 to $665,000,000. The estimated number of pieces handled increased from 19,868,000,000 in 1933 to 23,571,000,000 in 1936; the appropriation was cut from $805,000,000 to $728,000,000.

How can you do more business and increase and extend the service where it is warranted and at the same time cut, cut, and cut the allotments?

Mr. RICH. Will the gentleman yield?

Mr. MEAD. I refuse to yield.

Mr. Chairman, under the present system the Department officials may go to the Budget, but beyond that their power is limited. They cannot appeal to us over and above the authority of the Budget. The evidence presented to the committee by Department heads reveals that such is the case.

What is the situation this year? We find that the committee has reduced a number of estimates below the Budget figures and below the request of the Department. When the chairman of the subcommittee said to the distinguished gentleman from Connecticut that we can get expert advice in that Department, he stated a truism. I agree with him, but it is high time that we follow that expert advice given to us by the Department officials.

[Here the gavel fell.]

Mr. MEAD. Mr. Chairman, in order that I may present my whole story, I ask unanimous consent to continue for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LUDLOW. Will the gentleman yield?

Mr. MEAD. I yield to the gentleman from Indiana.

Mr. LUDLOW. The gentleman said it is a truism that we can get expert advice from the Post Office Department. The gentleman made quite a point of the fact that additional village service was being established. That being a truism, I want to quote what the Post Office Department has to say on that.

Mr. MEAD. Please do not take all of my time.

Mr. LUDLOW. I quote the following from the hearings before our subcommittee:

Mr. LUDLOW. The Post Office Department has no plans for the establishment of additional village delivery service, has it?

Mr. DONALDSON. We do not want to establish it.

Mr. MEAD. Mr. Chairman, I would like to state that if any Member of Congress has a village in his district where the people in their own judgment and opinion are entitled to village delivery service, it is the duty of the Congress to provide for it. The Department is not extending any service simply because they have to pinch and borrow from one bureau to another in order to make ends meet. They cannot continue to do this with safety, and at the same time give expeditious service.

You will find that last year's appropriation bill for the Post Office Department amounted to $780,584,589; this year's bill amounts to $782,469,361, an increase of $1,184,772. But the Budget approved an appropriation of $785,744,478, or $3,275,117 more than the committee has allowed. The Department asked the Budget for all that and more. The Postal Service needs more money. Take, for instance, the Railway Mail Service. It has been so curtailed that the workroom in the railway mail cars is overcrowded. Ordinarily the car is left free, so far as doors, aisles, and washrooms are concerned, for the men to work in safety. Today the cars are piled high with mail, so that if you go over and ask a railway mail clerk to take a letter he cannot open the door because the car is crowded to the ceiling with mail. If he opens the other door he will have to hold the bags back in order to keep them from falling over while he takes your letter.

The mail is being delayed today. A postmaster in North Carolina told me that he is going to increase his revenues by two hundred to three hundred thousand dollars a year because a firm located in Baltimore is going to take its mail to a North Carolina city in order to avoid the delays in the Postal Service.

Mr. Chairman, if you will consider the increased revenue, the increased number of pieces handled by this Department every year, and then give the Department the amount of money indicated by a fair comparison in order to do the increased amount of work, we will have the greatest Postal Service in the world. We know now, even though they are working under a very severe handicap, they are doing their level best to carry out the rich traditions of this Department; but the appropriations requested by the Department are being continually cut.

I am not asking for much money, but I believe the Postal Service ought to have enough to give real service to the people of America. Why, I myself some few months ago mailed a number of letters to constituents in my district urging them to meet me at a given point at a designated time. Those letters left here in plenty of time to reach my constituents, and yet they were 3 days late at four out of five offices in reaching their destination. I find that such conditions are due entirely to inadequate appropriations in the various bureaus of this Service. [Applause.]

Mr. RICH. Mr. Chairman, I rise in opposition to the amendment.

It is very interesting to hear the chairman of the Committee on the Post Office and Post Roads asking for increased appropriations in order to perfect the service of the Post Office Department.

Four years ago the President of the United States appointed a Postmaster General to put the Post Office Department on a business basis. The then Postmaster General decided the only way he could do that would be to increase the first-class postage rate 50 percent, and instead of having a 2-cent letter we have a 3-cent letter. From this we received additional revenue of over $100,000,000 a year, which the people of this country must pay. It was the thought that if we put 1 cent additional postage on the letters we would balance the budget in the Post Office Department and have fifty millions to the good, but we have had deficit after deficit during the last administration of the Postmaster General. Thanks to him, when he resigned last September we then had hopes of a balanced Post Office budget, but the results were and are still very disappointing. The receipts are still less than the expenditures.

Mr. MOSER of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. RICH. I cannot yield now.

Mr. MOSER of Pennsylvania. I wish my colleague would yield to me.

Mr. RICH. I cannot yield. I have only 5 minutes.

POST-OFFICE EXPENSES HIGHEST THEY HAVE EVER BEEN

Last year they were $88,000,000 in the "red" after they had received an additional $100,000,000 from the 3-cent postage. No wonder the old Postmaster General decided he did not want to cut off that 1 cent in revenue, because then we would have been $188,000,000 in the "red"; but, thank goodness, that Postmaster General resigned. His name was Jim Farley, of Manhattan, N. Y.

A NEW POSTMASTER GENERAL APPOINTED

The President has seen fit to appoint a new Postmaster General. His name is Hon. James Farley, of New York, N. Y. Now, I presume, we will get a balanced budget in the Post Office Department, and we are going to look forward to that; but I understand the same Postmaster General is going to continue to have 3-cent postage.

Well, he is a great fellow. You know the Democrats had a banquet for him in Washington the other day up at the Mayflower Hotel. [Applause.] There were many speeches at that evening's entertainment and they lauded him to the skies so much that I am afraid they will turn his head and

he will not be able to do a good job in the Post Office Department. If he does not do a good job, I may say to you men who made speeches at the banquet, it is just going to be too bad for the Treasury Department of the United States, because they do not request the Post Office to pay expenses out of the revenues they receive; instead of that, the expenses go to the Treasury Department and Mr. Morgenthau has to foot the bill. Now, Mr. Morgenthau is going to have a mighty hard time footing the bills of the new Postmaster General, Mr. Farley, because Mr. Farley, I can see, is going to go into the red, and if the chairman of the Committee on the Post Office and Post Roads does not help Mr. Farley, they are going to be in mighty hot water down there before the end of the next fiscal year, because if they did not get the additional 1-cent postage which they want and which they are demanding that the people pay, you would be from $150,000,000 to $200,000,000 in the red each year in the operation of the Post Office Department under this administration of Mr. Roosevelt and Farley.

It is a pretty serious state of affairs when the Post Office Department of this country receives such great revenues. It seems to me you ought to be conservative in your expenditures and you ought to make some recognition of the fact that this subcommittee has tried to give you a bill with the appropriations cut as far as they possibly could be cut, and I hope you will defeat any amendments proposing any increases at this particular time. I invite you men to read the statement of the Federal Treasury, showing the largest deficit in this country's history, and not only that you are at the present time spending more money for Government operation than any administration in the history of the Nation. You are going to shock the American people some of these days such as you have never shocked them before if you do not begin to economize in the operation of this Government. [Applause.]

[Here the gavel fell.]

Mr. MOSER of Pennsylvania. Mr. Chairman, I move to strike out the last five words.

I shall not take the usual amount of time, but I should like to answer my colleague, the gentleman from Pennsylvania [Mr. RICH], who, I take it, is an experienced Member of this House.

For some years past, having covered the CONGRESSIONAL RECORD, I wish to take this occasion to mention that we had a Postmaster General serving in 1932 by the name of Walter F. Brown, who advocated the additional 1-cent postage, and the Ways and Means Committee brought the bill before the House of Representatives, according to the CONGRESSIONAL RECORD, and levied that additional 1 cent as a tax for the duration of the emergency, passed by the last session of the Seventy-second Congress.

The Clerk read as follows:

OFFICE OF CHIEF INSPECTOR

Salaries of inspectors: For salaries of 15 inspectors in charge of divisions and 580 inspectors, $2,232,500.

Mr. CONNERY. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. CONNERY: Page 55, strike out lines 2, 3, and 4 and insert in lieu thereof:

"Salaries of inspectors: For salaries of post-office inspectors, $2,377,000."

Mr. CONNERY. Mr. Chairman, these different amendments are all along the same line. The entire cost is about $175,000 to put these 45 inspectors on the job, as recommended by the Budget and by the President. We heard the gentleman from New York [Mr. MEAD], chairman of the Committee on the Post Office and Post Roads, who has lived with this subject, and he has told us that you cannot cut down the Budget estimates in the Post Office Department and get decent results from the post-office workers of the United States. I call attention to the post-office inspectors particularly, because their record back through the years of solving crime mysteries, in regard to the post-office robberies, and protecting the mail in the air, on the train, on the steamship, and inspecting post-office sites has been very valuable. They have saved millions and millions of dollars to the taxpayers of the United States by recovering stolen money, by getting information in respect to post-office sites, so that no one can put over anything on the Government, and when the site is picked the Government gets the best site at the least cost. Particularly, as the chairman of the Committee on Labor, I am interested in the fact that these men are not getting their time off. As I pointed out, they are like the G-men. The G-men are called in, and they get sent away for a day's vacation, they may be out for 3 hours, when they are called in again and told that they have to go to Milwaukee or Minneapolis or St. Paul or San Francisco on a kidnaping case. The post-office inspectors are in the same situation. They get a day off, and they are called back on some postal robbery or someone's defaulting with the funds of the United States Government, or the thousand and one things that come in through keeping up the efficiency of the Postal Service.

The gentleman from New York [Mr. MEAD] also spoke about the expert advice of people from the Department appearing before the Committee on Appropriations. I do not think it is generally known, at least among the new Members of Congress, that an official of any department of the Government before the Committee on Appropriations is gagged. He is tongue-tied. He cannot say what his department needs. It is against the law, it is against the regulations for him to go before the Committee on Appropriations and say, "This is actually what we need." I never could understand for the life of me how that got into the law, that a Government official, when a committee of this House is supposed to get every bit of available information, when he comes before the Committee on Appropriations is not allowed to speak his mind, to tell the needs of his department.

The Post Office Department, for instance, tells the Budget what they think they need. The Budget cuts them down and says, "This is what we think you need." When that Post Office official goes before the Committee on Appropriations he is forbidden to ask for anything except what the Budget estimates call for. I am getting up to the point that when the President of the United States approves the Budget, and the Budget asks the Committee on Appropriations of this House to give them 45 inspectors in the Post Office Department, I cannot see how within reason, in order to keep up the efficiency of that Department, the committee can cut it down to 5. I know what it is to attempt to overturn the Committee on Appropriations. I know they are the watchdogs of the Treasury, but it seems to me at a time like this the chairman of this committee should offer some sort of a compromise and say, "If we cannot give you 45 inspectors for the Post Office Department, we will give you 25 or even 22." But to cut it down from 45 to 5 does not seem to me to be reasonable.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. Yes.

Mr. MAY. I call the gentleman's attention to the fact that on page 45 of the committee report they show an item of interest on public debt of $860,000,000 for 1938, and $835,000,000 for 1937. That is an increase of $25,000,000 over 1 year in that fixed amount. Does the gentleman not think that we ought to go slow about increasing the appropriation?

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. CONNERY. Mr. Chairman, I ask unanimous consent to proceed for 5 minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. CONNERY. You have a choice there of being penny wise and pound foolish, of destroying the morale and efficiency of your Government department, or cutting it down and cutting it down. The gentleman remembers what happened in the economy bill. We were going to take $300,000,000 away from the disabled veterans to protect the taxpayers of the United States—take it away from men many of whom served and were shot on the fields of France. Then we came along and we said that we were

going to cut the salaries of the Government workers. They get $1,100 a year and we would cut them down to $800 a year, and we were going to cut the salaries of Members of Congress and cut everybody's salary, and we did, and within the period of 3 months the American people said, "Don't be so foolish. We don't want economy of that sort. We don't want efficiency impaired. We believe that people should get decent wages under decent conditions and that the Government should function properly as a Government."

Mr. MAY. I am just asking the gentleman to express his views on the subject of when we ought to stop some of this cost.

Mr. CONNERY. I am willing to go along with the Budget. The Budget and the President say they want 45 inspectors, and we may rest assured that when the Budget asks for 45 inspectors the chances are the Department needs 75.

Mr. MEAD. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. I yield.

Mr. MEAD. I am sure we should have in mind in considering appropriations for the Postal Service the fact that the Postal Service is one service that produces an approximate balance of its expenditures; in other words, the Postal Service receives revenue. It is not like the Army or the Navy, where all the appropriation is spent and no revenue is brought back into the Treasury.

Mr. CONNERY. Not only that, but from what I have been told the American people never have wanted to balance the budget of the Post Office Department; they say, "We want service."

Mr. LUDLOW. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. I yield.

Mr. LUDLOW. I feel I must challenge the statement of the distinguished Chairman of the Post Office Committee that the inspection service is a revenue-producing service.

Mr. MEAD. I did not say that.

Mr. CONNERY. He did not say that; he said the Post Office Department was a revenue-producing department.

[Here the gavel fell.]

Mr. CONNERY. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. LUDLOW. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. I yield.

Mr. LUDLOW. The gentleman seems to base his very fervid argument for these additional inspectors on the ground that the Post Office Department wants them.

Mr. CONNERY. No; that is only one of the arguments. The President and the Bureau of the Budget wants them.

Mr. LUDLOW. Will the gentleman tell us what specific part of the Postal Service needs them?

Mr. CONNERY. The whole Post Office Department.

Mr. LUDLOW. That is very general.

Mr. CONNERY. They are needed to catch train robbers who rob the United States mail.

Mr. LUDLOW. But all that work is being done now.

Mr. CONNERY. We have not done away with crime in the United States.

Mr. LUDLOW. We never will.

Mr. CONNERY. I hope that some day we will get away from crime, but a lot of additional inspectors are needed now and will be needed in the future.

Mr. LUDLOW. If we had 10,000 inspectors, we could not do away with crime.

Mr. CONNERY. But we could catch some of the criminals.

[Here the gavel fell.]

Mr. O'NEAL of Kentucky. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think the House should face this question right now and adopt some philosophy as to what they are going to do toward economy and toward the efforts of its committees to effect economy.

It would be very pleasing to the chairman and to the members of our committee to allow every dime asked for and to make every effort to satisfy everyone as to this Post Office and Treasury Department bill; then we would receive the agreeable praises of those who were helped in getting a little bit more from the Government.

In order to be fair to the taxpayers and to the people we must, however, stop long enough to analyze the well-meant, plausible, and sympathetic appeals made by Members on this floor in the interest of special groups here and there. I know that I could take any section of this bill, either Treasury or Post Office, and speak dramatically about any item, justifying an increase. It would be very fine to be able to make that kind of speech. There is not an item in the bill that any member of the committee or I could not stand here and say should be larger; but somewhere, sometime, this House has to stop and say, "Here we economize." We must close our ears to sentimental appeals based on the betterment of the service. We must cut down somewhere.

May I say in passing, Mr. Chairman, that the trouble in America today is that our people want too much? It is time to cease to consider ourselves as a people who must have de luxe service, advantages, rewards, benefits, and all the other emoluments and perquisites that are labeled as belonging to American citizens. We must stop and ask ourselves where the money is coming from.

It is time for us in this House, even though the appeal may be sentimental, to analyze it and see whether the people of America cannot afford to deprive themselves of just a little service in order to save the taxpayers of the United States.

Now, with reference to this particular amendment, we have in the Postal Service 555 inspectors today. In the last 2 years we have added 55 inspectors. The Post Office Department says they want 47 more. Gentlemen, you do not need an Appropriations Committee if you are merely going to accept the recommendations of the Department—not only the Postal Service but other departments as well. We do not need to meet if we are going to give it to them because they say they want it. They want to do a beautiful job, of course. They want to make the service perfect; but your committee after a thorough study believes that the 55 inspectors given to them the last 2 years and the 5 inspectors we are allowing them in this bill should do the job. If the people of America have to stand the awful handicap of enduring less than perfect service, we shall begin to have more in the Treasury.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. LUDLOW. Mr. Chairman, can the gentleman yield at that point without disturbing the continuity of his thought?

Mr. O'NEAL of Kentucky. Yes.

Mr. LUDLOW. Supplementing the very able appeal the gentleman from Kentucky has made for economy, I wish to inject the fact that since 1930 we have added an annual increase to the inspection service of $441,045.

Mr. O'NEAL of Kentucky. I am glad to have those figures in the RECORD. May I say in closing, Mr. Chairman, that the Members should not be swayed by their sympathies. Be fair to the Government and to the taxpayers.

Let us teach the people of America that the old principle of denying ourselves something is still a good principle to follow. I believe if this Committee will stand by the subcommittee of the Appropriations Committee in applying reason as well as sympathy to this problem we can save the Government a great deal of much-needed money. In that way we can aid in recovery and our Budget will be balanced and people will feel secure that the Government is living within its means. [Applause.]

Mr. KELLER. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I want to call the attention of the Members of this body to a few facts. The first one is that the people of the United States have a right to whatever they want. They have the duty then to pay for it. We talk about balancing the Budget. We are building up a condition here

without going through with it. Of course, we can balance the Budget when we come to that, but we ought to see these simple things, and we ought to recognize them. We are partly out of the depression we went into in 1929 and 1930 only because we spent money and we are out of that depression only in proportion to the amount of money we have spent. We are going to get out of it completely only if we spend money to get out of it. If we do not, we are not going to get out. Instead of pinching and scrimping as we have done in the past, and the gentleman spoke of the so-called economy bill, which was rotten economy, we ought to get wise. If we want to balance the Budget—and we will in due course—we have to go about it in a different way. We can only do that if we are willing to increase the national income. When we increase the national income as we ought to do, as we can do, and as we must do, then we can balance the Budget. We can do that only if we spend money which will enable us to do that. When we get our national income to a sufficient size, then we can balance the Budget, and not until then. We are not going to be able to balance the Budget by pinching and scrimping. When we pinch and scrimp, such as we did through the economy bill, it is the worst thing we can do.

Mr. CONNERY. Will the gentleman yield?

Mr. KELLER. I yield to the gentleman from Massachusetts.

Mr. CONNERY. We are telling private industry to shorten its hours and also to increase their wages and allow their people to live under decent living conditions. Yet in the Government we pay a starvation wage, we work the people 70 or 90 hours a week and say to them: "We are not going to give you any help at all. You are going to work 24 hours a day without any sleep", and give them a small per-diem allowance. We do not give them a break, in other words. That is what we do with our own employees, and we call that economy.

Mr. KELLER. Yes; we call it economy, but it is nonsense. It is a stultification of reason.

Mr. LUDLOW. Will the gentleman yield?

Mr. KELLER. I yield to the gentleman from Indiana.

Mr. LUDLOW. I think for the purpose of clarification the philosophy as indicated by the gentleman from Massachusetts should not be directed to this service, because these post-office inspectors are not paid starvation wages. They are paid very amply, and I cannot quite see the appropriateness of the gentleman's remarks as applied to this particular item.

Mr. KELLER. There are a lot of places in the Post Office Department where they are paid starvation wages.

Mr. LUDLOW. I am not challenging that statement, either; but later on we expect to remedy the situation in respect to the custodial employees. I do not understand the applicability of the gentleman's remarks to this particular service, however.

Mr. CONNERY. I may say the applicability is that the Pinkerton men who were sent to spy in the factories do not receive $2,600 or $3,500 a year. They get far more than that. Our inspectors, who are supposed to go and ferret out crime, are supposed to live munificently on $3,500 a year.

Mr. LUDLOW. They are getting the standardized wage of the Service.

Mr. CONNERY. It is too low.

Mr. MEAD. Mr. Chairman, will the gentleman yield?

Mr. KELLER. I yield to the gentleman from New York.

Mr. MEAD. The representatives of the committee, who are ably presenting their case, emphasize the fact that we must economize. While I agree that economy is meritorious in many cases, let me recall a statement made by Postmaster General Bissel during the administration of President Cleveland at the time a crisis occurred in connection with Government appropriations and revenues. He said that it might be possible to economize in other departments of the Government, but the Post Office Department is one department in which economy of that nature cannot be practiced. This is a service that stimulates business. It renders service to the business of the country, and we ought to keep this Department up to par.

Mr. KELLER. The gentleman is absolutely correct. It is correct philosophy and correct common sense.

Mr. MEAD. If the gentleman will yield further, let me show him where he is right in attacking this policy of unwise economy.

In the 4 years after the depression, when business was dropping, the appropriations were in excess of $800,000,000—$820,000,000 in 1930, $839,000,000 in 1931, $841,000,000 in 1932, $805,000,000 in 1933, and now, when business is coming back, they cut the Department to $713,000,000 in 1934, $669,000,000 in 1935, $728,000,000 in 1936.

Mr. Chairman, look at this record: We handled 23,500,000,000 pieces of mail in 1936 as against 19,800,000,000 in 1933. I want economy, but, above all, Mr. Chairman, I want service for the people of our country, and we are not giving as good service as we should because in the past few years the Appropriations Committee have not been reporting appropriations of sufficient size.

Mr. KELLER. I thank the gentleman. The fact of the case is there are two kinds of economy, false economy and real economy. False economy is where we do foolish things or where we cut where we ought not to cut; where we deny ourselves the money to do the things that ought to be done. Good economy is the doing of those things that ought to be done.

Balancing of the Budget will come only when we increase our national income, and until we take measures to do this and until we continue along lines that have helped us in this direction in the past, we are going to get nowhere.

I only wish to call the attention of this Committee to a thing I have stated here before: Following the Civil War the indebtedness of the American Government amounted to 17½ percent of the entire national wealth at that time. At the present time it amounts to less than 8 percent of our national wealth. It does seem to me that since we did pay our indebtedness when it amounted to 17½ percent of our national wealth under conditions then existing, we ought not to be foolish enough to be worried or excited about balancing the Budget until we come to that in a natural and normal way. At the present time a man is producing three times as much wealth, man for man, as a man at the end of the Civil War was able to produce, and if we could pay 17½ percent of our national wealth in '65, we certainly can pay three times that proportion of our national wealth at the present time, and with exactly the same ease. We are simply running away from the common sense of the thing. We ought to increase our national income. We have got to do this, and we are going to do it, if we are wise, as I think we are. And we are not going to be scared into trying to balance a Budget by skimping and pinching. You cannot balance the Budget in that way. It will never be balanced in that way.

If you cut the appropriation of every department in the Government to half what they have had, it would not begin to balance your Budget. This is not the place to begin balancing the Budget. The place to begin is where we will be able to take in a larger amount of money by increasing the national income, and we cannot do it otherwise. What we ought to do is to establish real economy where it properly belongs and not allow false economy to delude us. We are going to go on spending money until we get out of our present condition, and then our national income will come up to what it ought to be, and then we can put our hands on the resources necessary to pay our debts. I do not know what has been the experience of other men, but mine has been that where I have been able to finance things well they have succeeded well, and where I have been compelled to do them on a shoestring they generally have not succeeded well. This is certainly true of government more than it is true of men. We ought to finance ourselves squarely. We ought to see where we are going today and how we are going to pay what we owe. We cannot do this by scrimping and pinching or by cutting the wages of our Government employees or by denying service to the people of this country. They have a right to the service they want, and they will kick about it if you do not give them the service. [Applause.]

Mr. TABER. Mr. Chairman, this is not a relief appropriation. It is a service appropriation for a service which is supposed to do work in carrying on one of those businesses in which the Government has had a monopoly ever since its foundation. It is not supposed to carry more funds than are needed to take care of this service. It is not supposed to provide jobs for relief cases.

The appropriations at the peak of the Government service, or in 1930, for this item, were $2,041,000. The amount carried in the bill as it stands is $2,234,500. This is the largest amount ever recommended by the Appropriations Committee for this particular service. It involves a service where we have made an increase every year. This makes the third year, and this year we are carrying an increase of five.

Now, what is the status of the situation with reference to the work of these people? It appears that the work with reference to crime is just about as it has been for a number of years, and that the number of cases in arrears is not substantially higher than it ordinarily is. It also appears that the regular inspection of post offices was right up to date on the 30th of last June. It appears right straight through that the investigations with reference to sites and that sort of thing are more with reference to sites for the smaller offices than previously, because the larger offices have been more nearly taken care of.

The increase of five inspectors here is a liberal increase from the standpoint of the needs of the Service.

Nowhere has this committee ever suggested a decrease in an appropriation unless it allowed enough, in its opinion, to take care of the needs of the Service, and in this particular case we have done this absolutely and fully.

Mr. WOODRUM. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. WOODRUM. A number of gentlemen here today have rather forcefully arraigned our Postal Service. Does not the gentleman think that we have in America the finest Postal Service of any country on the face of the earth?

Mr. TABER. I think we have, and I think that we are providing sufficient funds to take care of that Service everywhere. There has been provision for increased personnel where increased personnel is needed, and here there has been exceedingly liberal increase considering the needs. On page 156 of the hearings we find that the number of recorded hours of overtime was 2,165, or 4 hours per year each for this Service.

Mr. LUDLOW. Mr. Chairman, I ask unanimous consent that debate upon this paragraph and all amendments thereto close in 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MILLS. Mr. Chairman, this is the second time that I have risen on this floor, and I think it is time for new Congressmen to be heard and state how they stand on the issues before this Government. Most of you Congressmen who came here did not come here because the job was handed to you, but you came here pledged that you would represent your district, this Government, and your State to the best of your ability, and yet you are sitting here without letting your voice be heard. Do you gentlemen know the amount recommended in this bill? It is $778,406,287. Yet you sit here and do not raise your voice in opposition to the increase in this bill. I am against this amendment. I cannot afford to vote to appropriate a larger amount of money than this bill asks for. This Government is going deeper and deeper into debt every day; therefore amendments and bills are brought to this House asking for various appropriations. I am not against the efficiency of the Post Office Department, and I agree, as the distinguished gentleman from Virginia [Mr. WOODRUM] said a moment ago, we have the finest post-office system in the world. I am not rising in opposition to the efficiency of the Post Office Department. I am rising in opposition to this amendment, as we should put a check to additional appropriations to every bill brought to this House. What is going to become of the taxpayers of this country, with millions and millions of dollars being appropriated in this way? Where are you going to get the money? For one, I shall vote against this amendment to appropriate additional money.

The CHAIRMAN. The time of the gentleman from Louisiana has expired.

Mr. WOODRUM. Mr. Chairman, it seems to me that one or two observations upon the question of this appropriation bill might not be out of order at this time. In the first place, let us start to clear up one or two things. In the first place, nobody is trying to starve the Post Office Department or hurt the Postal Service. That issue is not involved here. If it were, our genial friend from New York [Mr. MEAD], the chairman of the Committee on the Post Office and Post Roads, instead of sitting there with his genial smile, would be down here in front tearing his hair, and I would agree with him. As I remarked to the gentleman from New York [Mr. TABER]—and he agreed with me—aside from partisan considerations, we do have in America the finest, most efficient Postal Service of any nation on the face of the earth; and we want to keep it that way, and we propose to keep it that way. I should like to follow that statement further and pay tribute to the vast army of faithful, loyal employees in that Service. It is because of those employees that we have this perfect service. It is not possible always, Mr. Chairman, to do everything that we should like to do or to do everything that is desirable. Would it not be nice if you could trade in that "tin lizzie" your wife uses every year and get her a new car? Would it not be fine if you could get that new dress every time she wants one, and would it not be splendid if you could send that boy all the way through grammar school, through every college in the world and give him proper clothes and the riding horses that he wants? Is it any sign that you do not love him because you do not do that? That is the question here.

The function of the Committee on Appropriations is to do two things. First, to try to conserve the assets of this Nation.

Gentlemen may ridicule the idea of balancing the Budget if they please, but there is not a man on the floor of this House whose constituents do not expect him to try to save the taxpayers money when he can do it and try to conserve assets and, on the other hand, to adequately appropriate for governmental functions. The committee is doing that. This bill has $2,000,000 more in it this year than it had last year. The Postal Service is going ahead, it is progressing—perhaps not so fast as the bureau chiefs and the departmental heads would like to have it, but you know you never can do that. This Congress can never appropriate as much as these bureau chiefs and departmental heads would like to have us do. What can we do? We can try to find the right of the thing after careful study. The distinguished gentleman from Indiana, the gentleman from New York [Mr. TABER], and his colleagues on this subcommittee have done, I think, a grand job of it; and I hope the membership of this House today on these amendments will back up this subcommittee and help to bring out a bill here that appropriates enough money for the Department. There is no use dumping unnecessary funds on them.

Mr. BEITER. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I yield.

Mr. BEITER. The gentleman made reference to the wife and the tin Lizzie, or trading in the tin Lizzie. The gentleman undoubtedly has been driving a car for many years. I am just wondering if it is not better economy to trade in that tin Lizzie rather than drive it too long.

Mr. WOODRUM. Yes; but you cannot trade it in every year, as your wife would like to have you do just because the Joneses have a new one. You have got to pay some attention to your income. My friend knows that one cannot take a vacation every time one gets the urge to go somewhere. If you did, where would you be? We have done a pretty good job so far in spending a great deal of money, but the time has come when we really ought to consider the question of outgo and income.

Mr. BEITER. I do not say the car ought to be traded in every year, but it should be traded in every other year. It would create more jobs. This is not a second-hand country.

Mr. WOODRUM. We do that; we trade them in every 2 or 3 years; and the Post Office Department has received increases. There is an increase in this particular item of $400,000 since 1930.

[Here the gavel fell.]

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Massachusetts:

Page 55, strike out lines 2, 3, and 4, and insert in lieu thereof "Salaries of inspectors: For salaries of post-office inspectors, $2,377,000."

The question was taken; and on a division (demanded by Mr. CONNERY) there were—ayes 23, noes 75.

So the amendment was rejected.

The Clerk read as follows:

Compensation to assistant postmasters: For compensation to assistant postmasters at first- and second-class post offices, $6,925,000.

Mr. MEAD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MEAD: Page 57, line 2, after the word "offices", strike out "$6,925,000" and insert in lieu thereof "$7,100,000."

Mr. MEAD. Mr. Chairman, in connection with this item, which pertains to pay of assistant postmasters in the second-class offices of the country, the appropriation requested by the Department was reduced by the Budget Bureau, and further reduced by the Appropriations Committee to $6,925,000.

There are 1,772 second-class offices which have no assistant postmasters. The Department believes that all of these places should be filled, and there is ample law for making the assignments. The Department's request was very modest and moderate—that it be given sufficient money to fill 100 of these 1,772 vacancies. The amount allowed by the Budget would permit filling 60 of these positions, while the amount allowed by the committee would permit filling only 30.

These promotions, Mr. Chairman, would go to deserving clerks at small second-class offices and would mean a promotion of $100 a year, or from $2,100 to $2,200. In the larger cities the postmasters are permitted to promote men by making them special clerks at $2,200 and $2,300, but this is the only avenue open for the smaller offices to promote clerks with meritorious records.

I appeal to the Members in the name of these employees in the smaller offices of the country. I appeal to you in behalf of the Department that made the original request for this appropriation. We ought to make a start as suggested by the committee, but let us make a substantial start and allow for the promotion of 100 of these employees. Let us approve the amendment and make it possible to advance 100 men to the office of assistant postmaster where these offices are authorized by law.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is an instance of adding to the annual charge on the taxpayers of the country $175,000 that is not necessary in the public service. These offices are all second-class offices. The fact is that a great many of these offices have been functioning very admirably and to the complete satisfaction of the public without any assistant postmaster.

The Budget estimate provided for the filling of 60 of these offices.

We thought we were exceedingly liberal in this matter and in harmony with the best interest of the public service in allowing 30. There is provision in this bill to take care of all promotions of assistant postmasters that will come about automatically by the increase in the postal receipts. This item goes exclusively to the question of how many of these vacancies we shall fill. The service has been running along without impairment to the public service. We felt that in the interest of economy we could allow 30. I do not think we should allow an additional $175,000.

Mr. BEITER. Will the gentleman yield?

Mr. LUDLOW. I yield to the gentleman from New York.

Mr. BEITER. Does the gentleman have the number of hours these men work overtime and for which they receive no pay?

Mr. LUDLOW. I do not think it is any different in their case from other employees of the Government.

Mr. O'NEAL of Kentucky. Will the gentleman yield?

Mr. LUDLOW. I yield to the gentleman from Kentucky.

Mr. O'NEAL of Kentucky. Is it not true this item was increased $150,000 over the 1937 estimate?

Mr. LUDLOW. That is absolutely true. We allowed an increase of $150,000, which was only $75,000 less than the Budget estimate.

Mr. BIERMANN. Will the gentleman yield?

Mr. LUDLOW. I yield to the gentleman from Iowa.

Mr. BIERMANN. The gentleman from New York stated these men worked overtime. They are clerks under the civil service, and they cannot work overtime unless they get paid.

Mr. LUDLOW. Mr. Chairman, I move that all debate on this paragraph now close.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. MEAD].

The question was taken; and there were on a division (demanded by Mr. MEAD)—ayes 26, noes 51.

So the amendment was rejected.

The Clerk read as follows:

Clerks, first- and second-class post offices: For compensation to clerks and employees at first- and second-class post offices, including auxiliary clerk hire at summer and winter post offices, printers, mechanics, skilled laborers, watchmen, messengers, laborers, and substitutes, $195,000,000.

Mr. MEAD. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. MEAD: Page 57, line 7, after the word "substitutes", strike out "$195,000,000" and insert in lieu thereof the following: "$197,250,000."

Mr. MEAD. Mr. Chairman, in explanation of this amendment may I say to the Members the current appropriation for clerks is $186,900,000. The Budget approved an item of $195,000,000 for 1938, which figure has been reported by the committee. Here is an instance in which the committee and the Budget are in harmony, but this amount allows only enough money to permit the appointment of about 1,000 additional clerks for the entire Postal Service of the United States. At least 2,500 additional clerks are needed, rather than 1,000.

Boston, Chicago, Philadelphia, Los Angeles, and one or two other cities have already requested as many clerks as will be permitted under this appropriation, and if their requests are granted the mail volume in all the other post offices in the country will have to be handled as best it can by the present personnel.

Not only should we take into consideration the tremendous increase in mail volume, running into billions of pieces, but we should likewise consider the reduction in personnel that has taken place in the last 6 or 7 years.

Under the administration of former Postmaster General Brown the Service was overmanned, due to the large drop in mail volume from 1929 to 1933. At that time the chairman of the Appropriations Committee and the Postmaster General urged that an appropriation be approved which would man the service adequately to expedite the delivery of the mail The Postmaster General at one of the hearings before the Appropriations Committee boldly told the chairman of that committee that the Postal Service was overmanned, yet the Appropriations Committee allowed that appropriation.

In the last year or two of the administration of Postmaster General Brown the personnel was reduced by over 8,000. Under the present Postmaster General and in the early days of his administration a further reduction of over 10,000 was made in the Service. That is a total reduction of 18,000 in personnel. But with the volume of mail increasing rapidly, and a further increase prophesied for the coming year, with the post offices in many of the large cities of the United

States inadequately manned, with no surplus personnel, as was the case a few years ago, the Post Office Department cannot secure from the Appropriations Committee a sufficient appropriation to man the post offices of the country adequately.

Mr. Chairman, I am not here asking you to appropriate money in a manner that would be unwise and imprudent, but I do want to call attention to these facts.

[Here the gavel fell.]

Mr. MEAD. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that all debate on this paragraph close in 10 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. MEAD. Mr. Chairman, I am merely pleading for an efficient service to increase and intensify the Nation's drive for economic recovery. I want to encourage rather than harass business in its effort to reemploy the unemployed of our country. I want the Members of the House to realize that the Post Office Committee in the last few years has recommended many savings that are reflected in the present appropriation bill. It was the Post Office Committees of the House and Senate that revised the air-mail law which resulted in a saving of $8,000,000. It was our committee that initiated a bill reclassifying the salaries of rural letter carriers and resulting in a saving of two to three million dollars.

Under an authorization which had the support of our committee the Department may purchase and construct substations and garages, which resulted in large and substantial savings. By a revision of special mail rates we have increased the revenues of the Department. So we are only here pleading with you for an efficient mail service.

The Department has also made many savings, and I believe you will agree with me that our present Postmaster General is the best Postmaster General we have had since the turn of the century. [Applause.] He has brought the budget of the Postal Service into balance for 2 years in succession. He is interested in giving good service and, at the same time, in conducting the Post Office Department economically. It was in the purchase of supplies and trucks that he effected savings; in new leases for substations at lower rates; in the consolidation of rural routes; in the elimination of many fourth-class offices; and in the cutting down of subsidies.

All that I am interested in is in appropriating an adequate sum so we will not impair the Postal Service. If we do not increase the appropriations in some of the items, in the next fiscal year Members will realize we have impaired this, the greatest Postal Service on earth.

Mr. LUDLOW. Mr. Chairman, I rise in opposition to the amendment.

I think all of us admire the fighting qualities of the brilliant and resourceful gentleman from New York, but in this particular matter he is on the most untenable ground he has occupied during the entire day, because we allowed what the Post Office Department thought we ought to allow to cover this item. We have allowed the enormous increase of $8,100,000 over the appropriation for 1937. We have allowed 1,000 additional clerks to cover the service obligations of the vastly expanding Postal Service, and when the Post Office Department itself says this is ample we believe we ought to give respectful consideration to what the Department itself asks, and we certainly should not plunge blindly into adding enormous sums to this bill that are not asked by the Post Office Department.

In this case the particular increase proposed by the gentleman from New York would add an annual obligation of $2,250,000, which the Post Office Department states is not necessary.

On page 48 of the hearings you will find the testimony of Mr. Donaldson, the Deputy First Assistant Postmaster General, in which he itemizes the various items that would be covered by the $195,000,000, which we allow in this bill, and he states that this amount of $195,000,000, which we have allowed, is the Post Office Department's estimate of the requirements.

Mr. O'NEAL of Kentucky. Mr. Chairman, will the gentleman yield for a question?

Mr. LUDLOW. Yes.

Mr. O'NEAL of Kentucky. Is it not also true that the sum appropriated in the bill will provide for overtime, automatic promotions, auxiliary and vacation service, differential for night work, and a minimum of 1,000 additional employees?

Mr. LUDLOW. That is true.

Mr. FULMER. Mr. Chairman, will the gentleman yield?

Mr. LUDLOW. I yield.

Mr. FULMER. I have had several complaints from third-class post offices stating that they have been unable to get sufficient funds to pay assistants or clerical help the proper amount in line with the increased receipts of third-class post offices. I have had this matter up with the Department, and they have stated that, although they are entitled to an additional amount because of the increase in receipts, they did not have the funds, and therefore they have not made proper payment.

Mr. LUDLOW. I may say to the gentleman that that is not involved in this particular item.

Mr. FULMER. It is not in this item, but I simply want to ask the gentleman if he knows whether or not this is taken care of in the bill?

Mr. LUDLOW. That is an administrative matter, and undoubtedly the funds are provided. Why they have not acted favorably in the cases the gentleman refers to I cannot inform the gentleman.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. MEAD].

The question was taken; and on a division (demanded by Mr. MEAD) there were—ayes 25, noes 53.

So the amendment was rejected.

The Clerk read as follows:

Special-delivery fees: For fees to special-delivery messengers, $8,000,000.

Mr. CONNERY. Mr. Chairman, I move to strike out the last word. I rise at this time so as to get in a little ahead of time to prepare the House for an amendment I intend to offer on page 67, and to ask the committee to consider the amendment very carefully.

Custodial employees in the post-office buildings employed by the Post Office Department have their salaries fixed by the Department under a provision of law—section 2, Brookhart Act of July 3, 1930—which authorizes and directs the heads of departments to fix the salaries of positions in the field service to conform as nearly as practicable to the salaries for similar positions as fixed under the Classification Act in the District of Columbia. The Post Office Department is thus required to follow the same salary ranges as appear in the Classification Act for the same kinds of positions, the principal difference being that in the field service the Post Office Department has the final authority as to the grade or salary range in which each position is classified, whereas in the departmental service in the District of Columbia under the Classification Act the Civil Service Commission possesses this final authority.

It is within the discretion of the Post Office Department to increase the salary of any custodial employee to the next higher rate within the range of pay for the grade to which his position is allocated, if the Department thereby does not incur a deficiency. In other words, so long as it has the money for the purpose, it may take this action at any time. Consequently an additional appropriation for the purpose of increasing the salaries of custodial employees of the Post Office Department within the salary ranges in which the Department has already classified their positions would not

be new legislation nor would it be inconsistent with any existing law.

On page 67 I shall offer an amendment to raise the appropriation so that these custodial employees may receive the automatic increase—it amounts to $60 a year—which the post-office employees in the Post Office already receive, such as clerks, carriers, and laborers, who are not in the custodial service but in the Post Office Department. The custodial employees do not receive this $60 automatic increase every year .

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. Yes.

Mr. TABER. We have already provided $200,000 for that very purpose.

Mr. CONNERY. No; that is what I wanted to say to my friend from New York. You have provided $200,000 to raise the ones getting $1,140 up to $1,200.

Mr. TABER. Oh, no.

Mr. LUDLOW. The gentleman from Massachusetts is not correct.

Mr. TABER. We have provided $200,000 for the purpose of raising the most-deserving cases, those who have the hardest tasks and have been in the Service the longest—one step. Frankly, I supposed that that was satisfactory. We were particular not to attempt to raise all of those below $1,200, because they were in the smaller places. It would cut out any increases in the cities of 100,000 or over, and we were very particular to leave it open so that the Department might exercise its discretion and take care of the most-deserving cases.

Mr. CONNERY. I am deeply appreciative of what the gentleman from New York and the gentleman from Indiana and the chairman of the committee [Mr. BUCHANAN] did in regard to that $200,000, but here is what I am after. Take a city of 100,000. They get $1,200 a year now, but they cannot get that $1,260 next year, and they cannot go up just like the carriers and the clerks and the other laborers in the Post Office do. All I am asking is to have you step them up $60.

Mr. TABER. We are providing the $200,000 so that the most-deserving persons can be taken care of, and we feel that this group is the most deserving of all of the Post Office employees, so far as salary increases are concerned. We have tried to put it where it could be done in any case, within the range of the civil-service law, where the Postmaster General's force think it is correct.

Mr. CONNERY. But $130,000 would have taken care of the ones merely between $1,140 and $1,200.

Mr. TABER. We are not attempting to take care of them.

Mr. CONNERY. I know; but that is what that would have done; that is what I was originally after. The committee gave $200,000 to take care of the most deserving cases.

Mr. TABER. Regardless of the $1,140 or the $1,200 one.

Mr. CONNERY. Regardless of the $1,140 or the $1,200 one. But that will not take care of the automatic increase of your custodial service, starting with $1,140 or $1,200. You have not enough money to take care of that $60 step-up like the others have.

Mr. LUDLOW. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. Yes.

Mr. LUDLOW. The gentleman from New York [Mr. TABER] has correctly stated the situation. We have not undertaken to raise those below $1,140 to $1,200, because that would be manifestly unfair, as those men live in country towns, where the living is cheap, but in cities, where living is more expensive, under the provision that we have made, the Postmaster General in an administrative way can determine those who ought to have it, whether they get $1,200 or not.

Mr. CONNERY. But $200,000 would not be enough to take care of your worthy cases.

Mr. LUDLOW. Mr. Chairman, if the gentleman will yield, on that very point, Charles I. Stengle, chairman of the American Federation of Government Employees, spoke with the utmost enthusiasm to me today on the provision we have made in this bill for these custodial employees. He said it is very pleasing to them, and he represents them. The whole thing, of course, ought to be determined, not only with reference to this group alone but to all groups of the miserably paid employees of the Government. A study should be made, and all the factors that enter into the compensation of all Government employees carefully weighed; but we of our subcommittee, recognizing that this was probably the most poorly paid of all the groups, wanted to relieve them at once. Many of them are having a very hard struggle. Many of them are married. We made this provision of $200,000 to be distributed administratively so that it would go just as far as possible in alleviating the most deserving of these cases.

Mr. HEALEY. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. I yield.

Mr. HEALEY. What is the record of salaries for custodial employees in cities over 100,000?

Mr. CONNERY. From $1,200 to $2,800.

There are only about 475 people in the custodial service of the United States who get $2,800. The great majority of this group get less than $2,000.

Mr. HEALEY. The great majority of this group get the minimum.

Mr. CONNERY. Yes; they are in the lower brackets.

Mr. HEALEY. Many of these men are married and have families.

Mr. CONNERY. Yes.

Mr. HEALEY. Yet they live in cities of over 100,000, where rentals are more than $25 a month.

Mr. CONNERY. That is right.

Mr. JOHNSON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. I yield.

Mr. JOHNSON of Minnesota. In the Minneapolis case the great majority of the custodial employees; that is, the elevator operators, janitors, window washers, the fellows who fix doors and do sundry tinkering around the post office get $1,320 a year. Does the gentleman's amendment take care of these men and give them an automatic step-up?

Mr. CONNERY. This takes care of the custodial force in post-office public buildings in the United States. There are two kinds of laborers: There are laborers who come directly under the Post Office Department, and there are laborers in this custodial service which is separate. There is a discrimination between the two classes of laborers.

Mr. JOHNSON of Minnesota. What do those laborers handling mail bags get?

Mr. CONNERY. They get an increase of $60 a year.

Mr. JOHNSON of Minnesota. And this takes care of the other laborers?

Mr. CONNERY. Yes.

[Here the gavel fell.]

Mr. CONNERY. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CONNERY. The only difference between Mr. LUDLOW, Mr. TABER, Mr. BUCHANAN, and myself came up over this amendment. They gave us $200,000 in an endeavor to clean up this situation. They feel that there are parts of the country where they do not want the new set-up, in small towns. They figure they perhaps do not need it so much as in the big towns; but I feel that this automatic increase of $60 a year should be applicable to the small towns, to cities equally, because, goodness knows, they get little enough for the work they do. While I deeply appreciate what my colleagues Messrs. BUCHANAN, LUDLOW, and TABER have done, I would like to see this amendment passed in order that we may do justice to the poorest-paid workers in the Government.

Mr. O'NEAL of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. I yield.

Mr. O'NEAL of Kentucky. Those interested and those who represent these employees are satisfied with this amount. Is not the gentleman satisfied?

Mr. CONNERY. No. I want to answer my friend from Indiana. I have two friends here right now in the gallery, Arthur F. McGlue, State president of the Associated Employees of the Custodial Department of the Post Office of Massachusetts, and Thomas F. O'Malley, president of the Boston local of the same organization. These men organized the custodial workers. They are the ones who asked me to offer this amendment. I know what I am talking about.

Mr. LUDLOW. Mr. Chairman, inasmuch as this matter will come up later I move that all debate now close on this pro-forma amendment.

The CHAIRMAN. Is there objection to the request of the genlteman from Indiana?

There was no objection.

By unanimous consent, the pro-forma amendment was withdrawn.

The Clerk read as follows:

Star-route service, Alaska: For inland transportation by star routes in Alaska, $207,245.

Mr. DIMOND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DIMOND: On page 58, line 17, after the word "Alaska", strike out "$207,245" and insert in lieu thereof "$280,000."

Mr. DIMOND. Mr. Chairman, I spoke at some length on this matter the other day. It will not be necessary, therefore, for me to spend much time on it now.

The committee has very fairly given us in the bill $68,692 for a year-round weekly air-mail service between Juneau and Fairbanks, Alaska. The Department recommended and the Bureau of the Budget approved an additional item of $72,755 to extend the air-mail service from Tanacross, in the interior of Alaska, to the larger towns on the coast of Alaska—Cordova, Valdez, Seward, and Anchorage.

We are grateful to have the beginning from Juneau to Fairbanks, but this service will only be half as valuable as it might be, with the other, the star-route service cut off. The only reason for dividing it in the first place was because the route between Juneau and Fairbanks passes over the soil of the Dominion of Canada and it was necessary, therefore, to divide it into a foreign air-mail route and a domestic air-mail route, the domestic route being the star-route service. If it were not for the necessity of flying over foreign territory, we would see this combined in one route between Juneau and Fairbanks and thence down to the coast. When the mail goes to Fairbanks in the interior of Alaska it is highly advisable that the other route be flown and that the distribution be made to the places on the coast which I have named.

In this proposed air-mail service for Alaska there is the same need for distribution of the mail carried that is or would be the case in the United States, and I say this without detracting in anywise from the real value of carriage of air mail on the route between Juneau and Fairbanks even if it goes no farther at this time. But what would be said of a proposal to carry mail by air between Washington and St. Louis and then stop the air-mail service at St. Louis and require mails to go by train between St. Louis and San Francisco? While the case is not strictly analogous to that with which we are confronted in Alaska the circumstances are sufficiently similar to make the comparison appropriate.

It is scarcely necessary to say that the air-mail service in Alaska which we now desire will not at first pay its own way. No mail service in the world ever paid for itself through postage receipts in the first instance. But we are all convinced, and the report of the committee shows the conviction of the committee, that the extension of air-mail service generally over the world is worth while because, in addition to the tangible revenue which goes into the United States Treasury from the sale of air-mail postage, the Nation benefits greatly through the intangible increment to the people arising from the development of trade and commerce. All of the arguments which may be advanced now against the extension of air mail in Alaska were advanced even more vigorously when the air-mail service was first undertaken in the United States and those arguments, while weakening in force and of smaller volume, have continued until the present time.

As I pointed out the other day, it is clearly to the advantage of the people of the United States to develop Alaska. The sums required now for this beginning of air-mail service in the Territory are relatively insignificant when compared with the benefits which will accrue to all of the people of the country through the speeding up of transportation in the vast Territory which extends to a point actually in sight of Asia.

In consideration of this question I am reminded of the strong opposition to the purchase of Alaska in the first instance, so that the Territory was called by the opponents of the purchase "Seward's folly." That purchase price was $7,200,000, but in the few years that have elapsed since 1867, we have seen the commerce of Alaska expand until now each year the trade value of Alaska to the United States, including the total sums of its exports to the United States and of its imports from the United States is each year about fourteen times the original purchase price.

Mr. Chairman, the only defect in the amendment that I offer and which I ask the House now to adopt is that it is too modest. Instead of asking for an increase of $72,755, I should ask for an increase of $100,000 more, so as to be able to furnish a weekly year-round service of mail by air between Fairbanks and Nome covering the settlements in between, and between either Fairbanks and Anchorage and Bethel in the lower Kuskokwim, again giving service to the points between. This is the plan—a definite, reasonable, well-thought-out and well-worked-out plan—which was prepared in the Post Office Department in 1935 and which was submitted by the Department to the Bureau of the Budget and was approved by the Budget for the fiscal year 1937. For that fiscal year the Department recommended and the Budget approved an item of $450,000 for star-route service in Alaska, thus setting up more than $242,000 for new service of mail by air between Juneau and Fairbanks and providing also for the line between Tanacross on the north and Cordova, Valdez, Seward, and Anchorage on the south, and for service on the line between Fairbanks and Nome and on the line either from Fairbanks or Anchorage to Bethel. Unfortunately the committee and the House then refused to approve the project, and so now we have the approval of the Budget only for the service between Juneau and Fairbanks, which has been incorporated in the bill by the committee, and the service between Tanacross and the southern coast towns, which the committee has refused to approve and to put in the bill. The only reason that I confined my amendment to an increase in the item under consideration of $72,755 in an attempt to raise it from $207,245 to $280,000, is to keep within the amounts recommended by the Bureau of the Budget. It is to be remembered, too, that the Bureau of the Budget gave to this proposal the same serious and earnest consideration which has been bestowed upon it by the committee, and yet the Budget unhesitatingly approved of the service for both the fiscal years 1937 and 1938.

I am deeply sensible of the thoughtful consideration of the subject shown in the reference to the Juneau-Fairbanks air-mail route made by the distinguished chairman of the subcommittee, Mr. LUDLOW, in the really great and statesmanlike speech which he made on the bill yesterday, wherein he said, in part:

Our subcommittee in approving this comparatively inexpensive service from Juneau to Fairbanks believes it will function in the public interest and will be the means of some valuable pioneering work which will show more clearly a year or two hence how important a part air mail will have in the further development of Alaska.

Mr. Chairman, it is submitted that the justification so clearly and concisely stated by the chairman of the subcommittee on the floor of the House—and stated in the committee report on the bill—for the Juneau-Fairbanks route is equal justification for the route which I am now seeking to have established from Tanacross to the coast. May I repeat that it is really a part and parcel of the Juneau-Fairbanks route and should be so considered.

What we ask is little enough. The day is not far distant when an air-mail route between the States and Alaska will be set up. It is really warranted at the present time, and the only reason it is not now being actively sought is because a large part of that route will be through Canadian territory along which it will be necessary to establish facilities for air navigation. But the service I seek by the proposed amendment can be furnished at once and at comparatively little expense.

Since I spoke on the subject last Wednesday, I now submit the amendment to the House.

Mr. LUDLOW. Mr. Chairman, I rise in opposition to the amendment.

Mr. DOWELL. Will the gentleman yield?

Mr. LUDLOW. I yield to the gentleman from Iowa.

Mr. DOWELL. In reference to these star routes, how rapidly are those increasing?

Mr. LUDLOW. In Alaska?

Mr. DOWELL. No. I refer to the paragraph before that. I did not notice it at the time. How rapidly are the star routes increasing throughout the country?

Mr. LUDLOW. Right offhand I do not know whether I can tell the gentleman the concrete figures.

Mr. DOWELL. Approximately?

Mr. LUDLOW. It is all covered in the report. The appropriation for this year is $11,000,000, an increase of $200,000 over last year.

Mr. DOWELL. May I make this further inquiry: Is this service increasing rapidly all the while, and is it to be increased in the future as it has been in the past?

Mr. LUDLOW. According to the appropriations that have been made, it is diminishing, but I think the Postal Service regards it as an excellent and cheap service, and I assume they intend to continue it with reasonable extensions, but I could not advise the gentleman as to the exact details of the program.

Mr. DOWELL. I was only asking for the information as to the increase of this service.

Mr. LUDLOW. I do not know how to answer the question except I have told the gentleman the appropriation that has been made from year to year.

Mr. TABER. Will the gentleman yield. I think I can contribute something to this.

Mr. LUDLOW. I yield to the gentleman from New York.

Mr. TABER. The mileage of these star routes has been increasing, but the cost has been lowered because the people bid less to get the jobs in the last 4 or 5 years. How long that will continue and how soon it will be necessary if the service is to go along before we will have to provide more money no one can tell. All we know is that the bids that have come in so far are probably on a little lower basis than the old contracts.

Mr. DOWELL. That is the question I am trying to get at. These contracts are all let by bids?

Mr. LUDLOW. By competitive bidding.

Mr. DOWELL. For how long are the contracts made?

Mr. TABER. Four years.

Mr. LUDLOW. They are 4-year contracts.

Mr. DOWELL. Is it not true in a number of these cases a bidder may bid a great deal lower than it is possible to perform this service?

Mr. LUDLOW. That undoubtedly is true. They sometimes bid lower than they can afford to perform the service for, and, as a result, lose money. However, they have a right to submit any bid they want to submit, but it is a matter of historical fact, as the gentleman says, they do sometimes bid lower than they can afford to perform the service.

Mr. DOWELL. Is there any way to help the situation so that this will not occur, or will not continue? In other words, if a person bids too low, is it not possible the service may be very much impaired, and that those who would be able to perform the service at a reasonable figure are being deprived of the opportunity to give a good service to the Government?

Mr. LUDLOW. I may say to the gentleman he is a much older and experienced legislator than I am. Perhaps he could frame a law that would apply. Offhand I do not know what sort of law could apply as long as we observe the system of competitive bidding, because everybody has a right to come in and bid. If they bid too low, that is their bad luck.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. LUDLOW. Mr. Chairman, I rise now in opposition to the amendment offered by the gentleman from Alaska [Mr. DIMOND]. I think all of us, and especially the members of the Appropriations Committee, have an exceedingly high opinion of the gentleman from Alaska [Mr. DIMOND], and we appreciate his zeal and efficiency in serving the great Territory of Alaska. Perhaps, if it had not been for his most agreeable personality and his persistency, there would not have been any new air-mail item in this bill for Alaska at all, because there was a good deal of opposition to the granting of an appropriation for this line running from Juneau to Fairbanks on what appeared to be pretty sound ground.

The Territory of Alaska has altogether only 60,000 people, and of those only 30,000 are white people. There could not possibly be any justification for air mail into Alaska except on one ground, and that is, it is a territory of vast and unfathomable riches that awaits development. It is practically in a virgin and undeveloped state as far as we could determine. There is no likelihood of the Territory, on account of its terrain, on account of meteorological and other conditions, being developed unless the airplane performs an important function in that development.

It was practically altogether on the basis of contributing something in a speculative and pioneering way to the development of Alaska that we approved this relatively inexpensive service from Juneau to Fairbanks. We could not possibly see our way clear, though, to approve the shuttle line which the gentleman proposes in his amendment. We do not think it is advisable. We do not think it is desirable to go one dollar further than we have in this bill in order to establish this service from Juneau to Fairbanks. That service after a little time will develop the part that the airplane will perform in the further pioneering of Alaska. Let us not at this time impose another heavy charge on the United States Treasury to add to that service which we have provided for in this bill until we have tried out the service and see how it will operate. That is the sensible thing to do, and that is the course we ought to pursue, keeping in mind the interest of the American taxpayer. With all due respect to the Delegate from Alaska, whom all of us respect, I hope his amendment will be defeated.

Mr. WHITE of Idaho. Will the gentleman yield?

Mr. LUDLOW. I yield to the gentleman from Idaho.

Mr. WHITE of Idaho. The gentleman states that there are only 30,000 white people in Alaska. Does the gentleman want to perpetuate that condition by denying them an air-mail service or transportation service?

Mr. LUDLOW. Oh, I do not think that denial of air mail alone would perpetuate that condition.

Mr. WHITE of Idaho. The gentleman does not think it would?

Mr. LUDLOW. I think there are factors other than air mail that would perpetuate that condition.

[Here the gavel fell.]

Mr. WHITE of Idaho. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, we are dealing in this amendment as proposed by the Delegate from Alaska with one of the most important developments of the mail in the most important Territory that is under the jurisdiction of the United States.

I recently read in the newspapers that the annual business with Alaska is 12 times the amount that was paid for the Territory by Secretary Seward. If there is any country under the jurisdiction of the United States that is handicapped by impassable barriers and rugged mountain areas and a country that is full of natural, undeveloped resources of minerals and timber and everything that makes

for wealth it is Alaska, and yet we will appropriate millions of dollars for other purposes while refusing small appropriations for this Territory.

Why, in the independent offices bill I find two million and a quarter dollars appropriated for printing and binding. I come along the corridors of the House Office Building and see trucks being loaded with waste paper and with books whose bindings have never been opened. We will spend money like drunken sailors for that purpose, but when it comes to giving proper mail service to these hardy pioneers who have penetrated the wilds of Alaska and need to have some means of communication and means of doing business with the outside world, we cut them off with a niggardly appropriation.

It appears that in this bill we have reduced the Budget estimates by some $71,000. We appropriated the other day $1,000,000 for the printing and binding of one governmental department, and yet we could not carry in this bill a little item for one of the greatest Territories that has to be developed by the United States. The Resettlement Administration is developing this country and has tried to establish a colony there at terrific expense, and yet we do not want to help the people who have had the hardihood to go up into this country and establish themselves.

Mr. LUDLOW. The gentleman knows that we carry in this bill——

Mr. WHITE of Idaho. Last year you cut out the entire amount. A blank is shown here, so you did not give them anything.

Mr. LUDLOW. We carry in this bill a provision for air service from Juneau to Fairbanks.

Mr. WHITE of Idaho. And you are carrying that over British territory. You are doing something for the British side. Why not do something for the American side?

Mr. LUDLOW. That is far more important to Alaska than this shuttle line would be.

Mr. WHITE of Idaho. That is the gentleman's estimation. I am talking for the prospector and pioneer in that country who is living there under the most adverse weather conditions to be found on the continent. I am trying to do something to help these people, and I hope the Committee will vote for this amendment in order to give these people some means of communication and put them in touch with the outside world. If we are going to do anything for the air service anywhere, let us do it for Alaska.

[Here the gavel fell.]

The CHAIRMAN (Mr. HANCOCK of North Carolina). The question is on the amendment offered by the Delegate from Alaska.

The question was taken; and on a division (demanded by Mr. WHITE of Idaho) there were—ayes 16, noes 36.

So the amendment was rejected.

The Clerk read as follows:

Railroad transportation and mail messenger service: For inland transportation by railroad routes and for mail messenger service, $107,900,000: *Provided*, That separate accounts be kept of the amount expended for mail messenger service: *Provided further*, That there may be expended from this appropriation for clerical and other assistance in the District of Columbia not exceeding the sum of $60,922 to carry out the provisions of section 5 of the act of July 28, 1916 (U. S. C., title 39, sec. 562) (the space basis act), and not exceeding the sum of $33,050 to carry out the provisions of section 214 of the act of February 28, 1925 (U. S. C., title 39, sec. 826) (cost ascertainment).

Mr. MEAD. Mr. Chairman, we are approaching the paragraph devoted to the Railway Mail Service. Before we reach that paragraph I want to take opportunity to explain the most important amendment I shall offer today, one that I trust will receive your careful and favorable consideration. But before taking up that amendment I want to pay my respects and commend the members of the Appropriations Subcommittee for their effectiveness in debate and, particularly, for their versatility.

The chairman of the subcommittee on one occasion said, "It is well to follow the advice of the experts in the Department." I wish the committee and the Members of the House would apply that yardstick to the amendments I am offering here today, because every one meets with the approval of the Department.

Mr. LUDLOW. Mr. Chairman, will the gentleman yield?

Mr. MEAD. In just a moment. Let me first finish my statement.

We read in the committee's printed hearings the chairman's invitation to come back to the committee for a supplemental appropriation if additional personnel prove to be necessary in actual practice. That is a commendable, open-minded attitude; but there is another committee on the Senate side to which we have to bring these matters and can we be sure they will feel the same way? In this other committee one of the members remarked:

As I understand the situation all administrative officers of the Government are forbidden to spend money in excess of the funds appropriated. Do I understand that a department can compel another department to pay more than has been appropriated?

And a little later another member of that same committee, in voicing the policy of that committee, said:

I want to say this, that when Congress acts it is the duty of everyone else in the Department to follow the action of the Congress and not to follow their own views as to what they might be able at a subsequent time to get out of Congress.

In other words, the Senate committee has laid down the policy that the Post Office Department must live within the appropriation. I believe, therefore, that if the Postal Service needs more money, we should appropriate it now.

Mr. BIERMANN. Mr. Chairman, I rise in opposition to the pro forma amendment. I like this talk about economy this afternoon, and I hope there will be more of it every day. I am one of the gentleman who is not apologizing for voting for the famous Economy Act of 1933, and in voting for it I did not vote to cut $300,000,000 from the veterans disabled in France. I voted for a better, fairer arrangement for those men.

Mr. CONNERY. Mr. Chairman, will the gentleman yield?

Mr. BIERMANN. Yes.

Mr. CONNERY. It did take away $365,000,000 from the disabled veterans, whether they were disabled in France or not, and by increasing the tax on exempt securities 1 percent, we could have gotten $360,000,000 and it wouldn't have taken a spoonful of food out of anybody's mouth.

Mr. BIERMANN. The Economy Act struck off the rolls 438,000 veterans who were drawing compensation for disabilities that had no connection at all with their service in the Army, not even theoretical connection, and I may say I have offered an amendment to the Constitution to abolish all tax-exempt securities.

Mr. CONNERY. But at the same time when you cut off these non-service-connected disabilities—and there had to be 25-percent disability—you just threw those people back on the cities and towns.

Mr. BIERMANN. You did not have to have 25-percent disability to get compensation.

Mr. CONNERY. That is what you have to have to get non-service-connected disability.

Mr. BIERMANN. If the gentleman will read the transcript of his remarks he will see that he did indicate that $300,000,000 was cut off men who had been disabled in France.

Mr. CONNERY. I said some of them wounded in battle and shot in France.

Mr. BIERMANN. I am willing to make a small bet with the gentleman that he indicated the entire $300,000,000 came off men disabled in France.

Mr. CONNERY. We will look it up afterward.

Mr. DITTER. Mr. Chairman, will the gentleman yield?

Mr. BIERMANN. I yield to the gentleman.

Mr. DITTER. I assume that the gentleman takes exception to the treatment that is accorded the veteran growing out of the economy bill. I am wondering whether he, like many of us, was prompted to support the economy bill because of the President's assurance that substantial justice would be done to the veterans.

Mr. BIERMANN. That was one of the reasons, yes; and I will say that under the Economy Act in my own district I

had veteran after veteran whose compensation was raised, if he got an injury in France.

Mr. JOHNSON of Minnesota. The gentleman will admit also that he grabbed a pretty hot potato, and you had to give it back to the boys.

Mr. BIERMANN. I did not vote to give it back to those without service-connected disabilities. I am not one of those who keep their ears so close to the ground as some of the gentlemen have who have piled up these tremendous deficits.

But I want to talk about the Post Office bill. Yesterday something was said about the losses due to carrying second-class mail matter; that is, newspapers and magazines. That is the biggest hole in the pocketbook of the Post Office Department, but it cannot be corrected by this committee. It has to be corrected by the committee of which the gentleman from New York [Mr. MEAD] is the chairman.

Second-class mail matter has never begun to pay its way in the United States. So far as I know, I am the only editor that ever had anything to say about it in the columns of his newspaper. I ran a newspaper for 23 years, and occasionally I would mention the fact that we were the beneficiaries of charity from the United States Government. Up until the administration of Postmaster General Burleson the newspapers of the United States and the magazines were carried through the mail at the flat rate of 1 cent a pound, and that does not mean that each piece paid 1 cent.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. BIERMANN. I ask unanimous consent to proceed for 5 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BIERMANN. That does not mean 1 cent per each newspaper or magazine. That means 1 cent for the total of as many pieces as it took to make up a pound of the newspaper or magazine. That arrangement persisted for many years, up to the time of the great Postmaster General Burleson. If it took eight newspapers to make a pound, why, one of those could be sent to Portland, Oreg., one to Portland, Maine, another to Miami, Fla., and another to San Francisco, and so on, until the eight papers were sent out, all for 1 cent.

When Mr. Burleson put into effect something like reasonable rates for second-class matter he was denounced by every newspaper in the United States except the one I was running.

Mr. MOSER of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BIERMANN. I yield.

Mr. MOSER of Pennsylvania. Will the gentleman state what it costs in the county of publication?

Mr. BIERMANN. Yes; in the county of publication the papers go free to all the subscribers except to those getting their mail out of post offices having city mail delivery.

I have received the following figures from the comptroller of the Post Office Department as to the losses that have been incurred in the last 6 fiscal years because of carrying second-class mail matter at less than cost. I will give just even money: In 1931 it was $96,000,000, in 1932 it was $102,000,000, in 1933 it was $88,000,000, in 1934 it was $77,000,000, in 1935 it was $86,000,000, in 1936 it was $90,000,000. In other words, in the past 6 years we have donated to Hearst, to the Chicago Tribune, and the other disreputable, slimy newspapers and magazines of that kind, $542,000,000 out of the Treasury of the United States, and nothing is said about it. These newspapers will tell you that the Members of Congress of the United States are creating a deficit in the operation of the Postal Service because of their franking privilege. The figures show, however, that the franking privilege of all Members of Congress combined costs the Department but a very small fraction of 1 percent of the total revenues of the Post Office Department. But here are the figures that show that in 6 years second-class mail matter in the United States has cost the Treasury more than $500,000,000. If there are any reporters in the gallery or within sound of my voice, I should like to have them make some mention of this fact in their papers this evening or tomorrow.

Mr. FULLER. Mr. Chairman, will the gentleman yield?

Mr. BIERMANN. I yield.

Mr. FULLER. Is it not a fact that the Federal Government has been contributing to Dr. Townsend in helping him to scatter his paper all over the United States?

Mr. BIERMANN. Yes; to the extent of thousands and thousands of dollars.

The plea is made by the newspapers sometimes that this great loss is justifiable on the ground that it is incurred to encourage the dissemination of knowledge. The fact of the matter is that the flat rate on that portion of a newspaper that is devoted to reading matter is 1½ cents a pound. The rate on that portion of the newspaper or magazine devoted to advertising, from which the publisher gets his revenue, is charged according to zones. For example, if a publisher mails 1,000 pounds of his paper or magazine and it turns out, in measuring up the newspaper or magazine, that 40 percent of it is reading matter and 60 percent of it is advertising, then 400 pounds is charged at 1½ cents a pound, no matter where the newspaper goes; and on the other 600 pounds the publisher pays a zone rate according to where the newspaper goes. Here are the zone rates he pays:

Zone	Radius	Rate per pound for advertising
	Miles	*Cents*
First and second	150	1½
Third	300	2
Fourth	600	3
Fifth	1,000	4
Sixth	1,400	5
Seventh	1,800	6
Eighth	(1)	7

[1] All beyond.

The injustice of these rates is shown by comparison with parcel-post rates. Parcel-post rates, of course, apply to each parcel separately, even though all go to the same place, and even to the same individual. Rates on newspapers and magazines are calculated by the pound, and in each pound may be 2, 3, 4, or 10 papers, each one going to a different place and to a different person. In equity, the parcel-post rates should be less than the newspaper rates, because the expense of delivery is less. But here are the parcel-post rates, which it is well to compare with the second-class postage rates above:

Parcel-post rates

Zone	First pound	Each additional pound
	Cents	*Cents*
First and second	8	1.1
Third	9	2
Fourth	10	3.5
Fifth	11	5.3
Sixth	12	7
Seventh	14	9
Eighth	16	11

I should like to see the time come when the proper committee of this House has the courage to tell Mr. Hearst and the publishers of the other papers here in Washington and the newspapers and magazines over all the United States that they have got to pay their way through the Post Office Department of the United States. [Applause.]

[Here the gavel fell.]

The Clerk read as follows:

Railway Mail Service: For 15 division superintendents, 15 assistant division superintendents, 2 assistant superintendents at large, 1 assistant superintendent in charge of car construction, 121 chief clerks, 121 assistant chief clerks, clerks in charge of sections in the offices of division superintendents, railway postal clerks, substitute railway postal clerks, joint employees, and laborers in the Railway Mail Service, $56,750,000.

Mr. LUDLOW. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. LUDLOW: Page 59, line 16, strike out "$56,750,000" and insert in lieu thereof "$56,950,000."

Mr. LUDLOW. Mr. Chairman, this particular item has given our subcommittee more perplexity, perhaps, than all the other items combined. We wanted to do the right thing and at the same time we wanted, of course, as with all of these other items, to protect the interests of the taxpayers; so we sought with great diligence to ascertain what figure ought to be placed for the salaries of the Railway Mail Service.

The 1937 appropriation is $57,000,000. The expenditures during the first 4 months of 1937 were at the rate of $56,033,000 per annum. On first consideration of the matter we arrived at a figure of $56,750,000, or $420,000 more than the rate at which the expenditures are running during the first 4 months of the fiscal year 1937. Then, on further consideration of the matter, we appreciated the fact that extra and auxiliary service at certain seasons of the year, Christmas especially, would not be reflected in the expenditures for the first 4 months. Auxiliary service is required also to a certain extent during the Valentine season and during the Easter season.

So we finally decided after calling the officials before us on two separate occasions that our original estimate was too close an estimate, and there should be provided an additional amount over and above the amount carried in this bill.

Mr. Chairman, I ask unanimous consent to read at this time a letter from the Second Assistant Postmaster General in respect to this matter.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. LUDLOW. I may say that after a thorough consideration of the matter we decided to offer this amendment which would bring the total amount for salaries in the Railway Mail Service up to $56,950,000, or an additional $200,000 over and above what our first calculation showed might be adequate. I want to read this letter from the Second Assistant Postmaster General, who has jurisdiction over the Railway Mail Service, in which he says that the additional amount of $200,000, as provided in this committee amendment, will be adequate to carry on the Service during the next fiscal year. This letter was just placed in my hands a few minutes ago. It is dated February 19, 1937.

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. LUDLOW. This letter reads as follows:

POST OFFICE DEPARTMENT,
SECOND ASSISTANT POSTMASTER GENERAL,
Washington, February 19, 1937.

Hon. LOUIS LUDLOW,
Chairman, Subcommittee on Appropriations,
House of Representatives.

MY DEAR MR. LUDLOW: In response to your telephone inquiry of this morning in regard to the estimate for salaries in the Railway Mail Service for the fiscal year 1938, the following information is submitted:

In the original justification submitted to the Bureau of the Budget under this item, it was estimated that $57,400,000 would be necessary to meet the needs of the Service during the fiscal year 1938, as against an appropriation of $57,000,000 for the fiscal year 1937. After considerable discussion in regard to the matter, the Bureau of the Budget suggested to the representatives of the Post Office Department that it undertake to get along on $56,950,000, and the representatives of the Department agreed to try and do this. Later, when the Bureau of the Budget had further considered this item it approved an estimate of $56,750,000. The Bureau of the Budget having approved only this amount, the Post Office Department is, of course, not in position to ask for any increase.

You have inquired of the Department whether an increase of $200,000 in the amount approved by the Budget would be sufficient for the Department to conduct the Service during the fiscal year 1938. As stated above, the Department cannot request an appropriation greater than that approved by the Bureau of the Budget; but, answering your direct question, the Department believes that it can conduct the Service within the amount named by you.

Whatever amount may be appropriated by the Congress, you have my assurance that no effort will be spared to carry on our operations at a minimum cost consistent with efficient service to the public.

Sincerely yours,

HARLLEE BRANCH,
Second Assistant Postmaster General.

I may say the $200,000 had been agreed upon by the Budget and Post Office Department, which is the estimate that came to us and received our first consideration.

In this letter the official in charge of the administration of the Railway Mail Service says that the amount which we propose in this committee amendment will meet the requirements of the Service during 1938. I therefore ask approval of the committee amendment.

Mr. HOBBS. Will the gentleman yield?

Mr. LUDLOW. I yield to the gentleman from Alabama.

Mr. HOBBS. That applies only to the Railway Mail Service?

Mr. LUDLOW. That is right.

Mr. HOBBS. But not to the Service as a whole?

Mr. LUDLOW. To the Railway Mail Service only.

Mr. HAINES. Will the gentleman yield?

Mr. LUDLOW. I yield to the gentleman from Pennsylvania.

Mr. HAINES. Does not the gentleman read between the lines that the Second Assistant Postmaster General believes he ought to have more money?

Mr. LUDLOW. I can only construe the language that appears in the letter. He says that will be sufficient. I will read his own language again:

Answering your direct question, the Department believes it can conduct the service within the amount named by you.

I do not believe in throwing a lot of money into the Post Office Department that is not necessary.

Mr. HAINES. I believe that, and I do not want the gentleman to throw money into the Post Office Department that they do not have a need for, but, as I stated to the gentleman yesterday, there is no provision for even one additional clerk in the Railway Mail Service for the year 1938. Of course, with this $200,000 I presume that will take care of some additional clerks.

Mr. LUDLOW. Undoubtedly.

Mr. HAINES. It seems to me we ought to ask for a lot more money.

Mr. LUDLOW. I am sure the gentleman from Pennsylvania does not believe we ought to appropriate more than the Post Office Department thinks is necessary.

Mr. HAINES. But I read between the lines.

Mr. LUDLOW. To my good friend, whom I esteem very highly, let me say that I am not an occult specialist. I cannot read between the lines.

Mr. MEAD. Mr. Chairman, I rise in opposition to the amendment.

I felt quite sure that the chairman of the subcommittee would yield a little on this amendment, but the trouble with him is he did not go far enough. He quoted a letter from the Second Assistant Postmaster General, who, in keeping with the policy of his Department and all Departments, is not violating the rule by going over the head of the Budget Bureau and making a request for an additional appropriation.

But, as I said in the beginning of my many talks today on this subject, I am interested in personnel. I am interested in service. I am interested in building up this great Department so that it will actually serve the needs of the people.

Mr. Chairman, the mail volume is increasing tremendously. How do you suppose they are handling that mail? They have no robots in the Department. They have to work this mail by hand.

Let me quote the record so that you may realize how magnanimous this subcommittee has been in the last 2 or 3 years in providing the Post Office Department with adequate personnel. In 1930, after the depression had struck this country and before the 40-hour law went into effect, we had 20,608 men in the Railway Mail Service. In 1936, after the shorter

week made it necessary to augment the personnel, we provided for only 19,911 men in this Service.

Mr. Chairman, I say that the amount provided in this amendment is inadequate. It is an incipient effort, in my opinion, to meet a growing demand for an increased volume of business in this Service. As a clerk in the Railway Mail Service told me only a few days ago—

> Every trip is a Christmas trip. We are overloaded. We work from the minute we get to the depot in advance of train time until long after we end our trip on the road.

That is the trouble with this service. They have less men now than they had in the early days of the depression. They have less men than they had before the 40-hour law made additional appointments necessary. If they received $57,000,000 last year and business has increased, how can you do more work with less money and less men this year?

I may say to the gentleman here is one way they are doing it, and in my opinion it is unfair, and it is penurious on the part of a great government to practice such a policy: They have 1,800 men who have worked regularly in this service day in and day out, many of them, for over a year, who are still classified as substitutes. They are acting clerks. They are getting the minimum wage provided for apprentices in the service.

As I stated a moment ago, the policy has changed in the last few years, and to illustrate this I want to point out that up until a few years ago if a man worked steady 60 days as a substitute he was made a regular as long as the work was there. They are now working over a year as substitutes at the lower pay in order to make both ends meet. This is unfair.

I hope this amendment is defeated and that my amendment, which will come up next, is approved.

Mr. LUDLOW. Mr. Chairman, the gentleman has asked why we are proposing in this amendment to appropriate $50,000 less than the 1937 appropriation, which is a very proper question. The reason is they are not going to use all of the money appropriated for 1937. There will be a balance in that appropriation and therefore we do not need to appropriate more.

Mr. MEAD. Yes; and I answered that question when I said you have 1,800 men who are working for far less than the law provides, which is unfair. These 1,800 men who have been substitutes for over a year on regular assignment ought to be given the wage which the law provides.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. MEAD. I yield.

Mr. WHITE of Idaho. How does the gentleman reconcile the statement that he is in favor of building up the Department with his vote against giving a little increase to bring the appropriation for Alaska in line with the Budget?

Mr. MEAD. I voted for the gentleman's amendment and I can see the value of the extension of the service in Alaska. Alaska is a place where we can very well develop the Air Mail Service, not only for the mail service, but for its military value as well, and I voted for the gentleman's amendment.

[Here the gavel fell.]

Mr. O'NEAL of Kentucky. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, we are again facing the same proposition we have been facing all day long. The question is whether we care to increase the service and increase the expense, even though the Department itself states that the amount recommended is adequate.

The gentleman from New York [Mr. MEAD] has twitted our chairman about not following the directions of the Department. I call your attention to the fact that the Department states this sum is adequate to carry on a satisfactory service in the Railway Mail Bureau. Mr. Chairman, this estimate of the Railway Mail Service has not been arrived at arbitrarily. Way last summer they went before the Bureau of the Budget and after a most thorough hearing—far more thorough than any gentleman here on the floor has been able to give other than the members of the committee—the Budget recommended a certain amount. This was probably very adequate, but this committee, fearing it had not been liberal enough and trying to help a situation such as the gentleman from New York has stated, goes beyond what the Budget asked for and recommends by this amendment an increase of $200,000.

The amendment of the chairman is offered after a most thorough and careful study by the Budget and by the committee, and it is hoped you will support the amendment because it is fair, not alone to the Service but to the people of this country.

The CHAIRMAN (Mr. GREENWOOD). The question is on the committee amendment offered by the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. MEAD) there were—ayes 56, noes 39.

So the committee amendment was agreed to.

The Clerk read as follows:

> Foreign mail transportation: For transportation of foreign mails by steamship, aircraft, or otherwise, $14,054,823: *Provided*, That not to exceed $9,230,823 of this sum may be expended for carrying foreign mail by aircraft under contracts which will not create obligations for the fiscal year 1939 in excess of $10,221,463: *Provided further*, That the Postmaster General is authorized to expend such sums as may be necessary, not to exceed $170,000, to cover the cost to the United States for maintaining sea post service on ocean steamships conveying the mails to and from the United States including the salary of the Assistant Director, Division of International Postal Service, with headquarters at New York City.

Mr. HARTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

> Amendment offered by Mr. HARTER: Page 61, line 4, after the period, add the following: "The term 'aircraft' as used herein shall include both airships and airplanes."

Mr. LUDLOW. Mr. Chairman, I make a point of order against the amendment.

Mr. HARTER. Mr. Chairman, I hope the able and courteous chairman of the committee will permit me to make a statement on the amendment.

Mr. LUDLOW. I reserve the point of order, Mr. Chairman.

Mr. HARTER. Mr. Chairman, I rise to explain this proposed amendment. The amendment is offered for the purpose of having free and open competition in the matter of contracts for foreign-mail service. The paragraph under consideration at the present time relates to expenditures for foreign-mail transportation. Yesterday in the discussion in committee, the chairman of the committee was asked whether the door was left open to lighter-than-air ships in foreign-mail transportation, and in answer to that question the chairman said:

> I find by referring to the Air Mail Act that the appropriation could not be made in this bill, because it is specifically provided in the Air Mail Act that air mail must be carried by airplanes.

I yield to no one in this House a greater interest in aviation than I have myself, and by this I mean I have the utmost faith in the ultimate outcome of our efforts in the field of aeronautics. I am proud of the record of this country in commercial aviation. As a matter of fact, American air transport leads the world. We are producing large passenger airplanes which are unsurpassed anywhere. But I am also mindful of the achievements that have been made in recent years in the art of lighter-than-air craft. We have witnessed the outstanding records for safety and reliability of *Graf Zeppelin* and the *Von Hindenburg*, which has been put in operation recently by the Germans, and we know that people in this country are considering getting into the business of operating commercial lighter-than-air ships. We further know that whenever Government agencies and departments restrict competition, Government costs, as well as the ultimate cost to the taxpayer, rise.

When we have free and open competition it means that we get lower costs on whatever product or type of Government service it may be. We had an example of that, known to many Members of the House, in recent years when we were getting military aircraft of a type that were very inferior to what we obtain at the present time. It was only because, at the instance of this House, restricted competition was eliminated so that companies that had never before had an opportunity to compete upon the procurement of military

aircraft had that chance, that we did get superior airplanes and much increased performance. We had open design competition and we received far better models. Got far more for our money. I submit that in authorizing appropriations for awarding contracts of this kind, Congress is responsible to the people of the country to see to it that these great departments of government are so instructed that there is the fullest competition allowed. Let all types of aircraft compete—planes, airships, and any other aircraft that may be developed.

I hope the chairman of the committee will see fit to withdraw his point of order so that we may open up these air-mail contracts to the widest possible competition.

Mr. LUDLOW. Mr. Chairman, I should like to discuss this question, including the point of order.

The CHAIRMAN. Does the gentleman want to be heard on the point of order?

Mr. LUDLOW. I do, and I should like, by unanimous consent, to make some observations about the questions raised by the point of order.

The CHAIRMAN. The Chair will hear the gentleman on the point of order. The Chair is ready to rule.

Mr. LUDLOW. Mr. Chairman, the foreign air-mail law approved March 2, 1929, under which the Post Office Department let these foreign air-mail contracts, provides:

> That the rate to be paid for such service for the load of mail provided by the Postmaster General to be carried in a plane shall not in any case exceed $2 per mile each way, plus not exceeding $1 per pound per thousand miles, or pro rata thereof, for greater or less mileage for any mails required to be carried in the same plane in excess of the specified load.

In other words, the Air Mail Act provides specifically that foreign air mail must be carried in airplanes, and, therefore, I submit that the amendment offered by the gentleman from Ohio contravenes existing law and is out of order, and I make the point of order.

Mr. HARTER. Mr. Chairman, will the gentleman yield?

Mr. LUDLOW. Yes.

Mr. HARTER. If it is decided that this is a part of the Air Mail Act, and that we cannot broaden the base of competition here, is the gentleman in favor of an amendment to that act so that we may open this to all types of aircraft?

Mr. LUDLOW. Of course, I cannot speak for the subcommittee; but if the gentleman wants my personal opinion, I am free to say that I favor the widest latitude and would open up the whole matter, so that all who desire to bid may have an opportunity to do so.

The CHAIRMAN. The amendment offered by the gentleman from Ohio reads as follows:

> The term "aircraft", as used herein, shall include both airships and airplanes.

It proposes to place a construction upon the term "aircraft" and give it a broader construction so as to include airships. The Chair is of opinion that this is legislation, and the point of order is sustained.

Mr. LUDLOW. Mr. Chairman, I ask unanimous consent to proceed for 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LUDLOW. Mr. Chairman, I appreciate the zeal of the gentleman from Ohio [Mr. HARTER] in looking after the industries of his district, which he ably does. He represents the district in which the city of Akron is located, and, of course, the city of Akron is intimately associated with the dirigible form of aircraft. His amendment, had it been adopted, I think would have entirely ruined the negotiations now going on between the United States and England respecting the transportation of air mail across the Atlantic Ocean. That is a matter that has been going on for 2 or 3 years. It is the subject of negotiations between the two English-speaking peoples, and from the very beginning it has been oriented around the airplane. These negotiations are complete. England has agreed to the proposal and is cooperating in every way. All of the intermediate-landing points between America and England are controlled by the British. If this tentative agreement is interfered with in any way now, we would probably lose the prospect of ever establishing air mail across the Atlantic, and it would be most distressing to inject this new issue into the situation which might spoil any prospect of effectually establishing trans-Atlantic air mail, and I feel sure the gentleman from Ohio would not want to do that.

Mr. HARTER. Mr. Chairman, will the gentleman yield?

Mr. LUDLOW. Yes.

Mr. HARTER. That is the trouble here. Why should the postal departments of the two nations, Great Britain and the United States, confine their bids to one particular type of air transportation? They are interested in the quick delivery of mail. Why should they exclude another type of aircraft, when perhaps by its inclusion they could get fairer figures?

That is what I am striking at, lack of competition on the part of our Post Office Department. Congress should require them to allow the fullest competition in a matter of as great importance as this. May I also say to the gentleman, Mr. Chairman, that while it is true that the lighter-than-air industry has been centered in my district, it is also a fact that my district manufactures myriad articles that go into the assembly of heavier-than-air craft; and probably the most extensive investigations into de-icing and various safety devices are carried on in my home city—Akron; so my interest is not alone in lighter-than-air ships but in heavier-than-air craft as well. I believe, however, in the principle of competition, the fullest and most open competition, in contracts of this kind.

Mr. LUDLOW. I may say to the gentleman that I absolutely agree with him, but—and I am not criticizing anybody—nobody ever suggested dirigibles in connection with this trans-Atlantic service until this bill was brought into the House.

Were we to adopt such an amendment it would be simply to throw out of the window this trans-Atlantic air service between the United States and Great Britain, and nobody wants to do that.

I may say to the gentleman that his opportunity will come later, for negotiations are in progress between the United States and Germany looking to the establishment of a trans-Atlantic service between these countries that will, in all probability, be on the basis of the use of dirigibles, because Germany is committed to them. The *Graf Zeppelin* has made a wonderful success in long-distance flights, and it is expected that negotiations for this American-German service will be on the basis of the use of dirigibles.

It could not possibly be that service will be established across the Atlantic by the use of dirigibles under the existing airplane act, which fixes a limit of $2 per mile as compensation. I take it that no dirigible on earth could run for such a small amount as that. I think the gentleman's course, in his zeal to protect the interests of his constituents, is to go before the Committee on the Post Office and Post Roads with a proposed amendment to the Air Mail Act, which would open the matter up, so that in the future this question could not be raised, so that in the future all kinds of aircraft might be considered legally in trying to arrive at a conclusion as to the character of service. I would like to make that suggestion to the gentleman.

Mr. HARTER. If the gentleman will yield further, with reference to the cost of transportation of mail by lighter-than-air craft, I refer the gentleman to the talk made by Dr. Eckener in Detroit on January 17 of this year, where he showed that it was very profitable to carry mail at a rate comparable with the $2-per-mile rate set up by the Post Office Department.

Let me say to the gentleman that the reason, probably, why the matter of the competitive use of airships was not considered before his committee was that the Post Office Department was proceeding on its own initiative. Nobody knew what was going on until the bill came on the floor.

Mr. LUDLOW. Mr. Chairman, I ask unanimous consent at this time to read a letter from the Second Assistant Postmaster General in respect to this proposal.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. LUDLOW. I read as follows:

POST OFFICE DEPARTMENT,
SECOND ASSISTANT POSTMASTER GENERAL,
Washington, February 18, 1937.

Hon. LOUIS LUDLOW,
House Office Building, Washington.

MY DEAR CONGRESSMAN: Replying to your request by telephone that I comment on the proposal to amend the post office appropriations bill, as reported by your committee, by inserting after the word "aircraft", in line 19, page 60, the following: "And for transportation of such foreign mail the Postmaster General is authorized to contract for service by airships, as well as by airplanes", I submit the following:

My understanding is that those who are advocating the use of airships, or lighter-than-air craft, only have in mind the employment of such aircraft in overseas service. The only new overseas service contemplated in the appropriation act which your committee has recommended is a twice-a-week round trip service between the United States and England. If such a service is to be provided, it must be done under the terms of a reciprocal arrangement with Great Britain. For more than a year the Government of Great Britain has been negotiating with the United States for a reciprocal service, whereby a British company will fly two round trips a week over the Atlantic and an American company will fly a like number of trips.

In their negotiations the British have concerned themselves entirely with airplanes for this service and have not indicated that they ever contemplate the use of airships. They are now constructing special types of airplanes for this service and in their negotiations with the United States they have confined their discussions to the use of airplanes by both the British and the American companies.

With Great Britain controlling the "stepping stones" over the Atlantic air route, it is necessary, if the United States is to participate in the proposed reciprocal agreement, that the American company employ airplane equipment.

Under these circumstances it does not appear possible that even if the act is amended as proposed the United States will be in position to use airships in reciprocal trans-Atlantic service.

Germany has not only indicated its interest in an arrangement for reciprocal airplane service between the United States and Germany, but it has also indicated interest in reciprocal airship service between the United States and Germany. However, the appropriation for trans-Atlantic service sought by the Department and approved by your committee is designed to cover only the reciprocal British-American service. The questions of additional trans-Atlantic service to Germany and France are for future consideration. Missions from both Germany and France have had these questions up with the United States.

If Congress desires that reciprocal trans-Atlantic airship service be provided, it would seem that such provision should be made in a special act which would set out the conditions upon which it is to be performed and the kind of contract it should be operated under, along with the maximum amount of mail pay—whether by the pound for mail carried or by the miles flown.

I do not see how the objective desired by the advocates of an airship subsidy can be attained by the simple inclusion of the proposed amendment to the Post Office Appropriation Act.

The foreign air-mail law approved March 2, 1929, under which the Post Office Department lets contracts, provides "that the rate to be paid for such service for the load of mail provided by the Postmaster General to be carried in a plane shall not in any case exceed $2 per mile each way, plus not exceeding $1 per pound per thousand miles, or prorate thereof for greater or less mileage for any mails required to be carried in the same plane in excess of the specified load, * * *."

Sincerely yours,

HARLLEE BRANCH,
Second Assistant Postmaster General.

The Clerk read as follows:

Contract Air Mail Service: For the inland transportation of mail by aircraft, and for personal services for examining and auditing the books, records, and accounts of air-mail contractors, as authorized by law, and for the incidental expenses thereof, including not to exceed $22,200 for supervisory officials and clerks at air-mail transfer points, and not to exceed $46,460 for personal services in the District of Columbia and incidental and travel expenses, $14,250,000.

Mr. MEAD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, we are now on the item for the operation of the domestic air-mail service for the next fiscal year. I want to say to the members of the Committee that there has been no new air-mail service for 2 years. This is indicative of the policy of the committee—that is, we are restricting instead of expanding postal facilities.

A bill which I have introduced at the request of the Department will provide for 3,000 additional air-route miles. I doubt very much whether the enactment of this proposed bill will be beneficial to any section of the country that believes it is entitled to air-mail service, because the appropriation provided here will not permit of much expansion. Members interested in the extension of the Service have little to hope for from the appropriation we are now considering. While it is true that the appropriation bill includes a little more than was provided for this Service last year, the chances are that needed increased frequency, increased schedules on existing lines, together with the possibility of increased rates approved by the Interstate Commerce Commission, will consume the additional appropriation.

A year ago I pointed out to the committee that the appropriation for Air Mail Service was inadequate. According to the record the chairman of the subcommittee referred to the fact that the Interstate Commerce Commission had authority to regulate rates, and stated that the committee did not appropriate more money because the Interstate Commerce Commission might reduce the rates. Everybody familiar with the rate structure, the law, and the bidding for contracts realized that if the Interstate Commerce Commission took up the matter of rates after the initial bidding there was only one way the contracts could be adjusted, and that was upward. Some of the rates were as low as 9 cents a mile, and you could not operate a truck on the highway for that.

The Interstate Commerce Commission did adjust the rates, and they adjusted them upward. The Post Office Department was then forced to come before the committee and ask for a deficiency appropriation. They received one of $1,084,000, but when it got into the Senate it was not greeted as cordially as it was by this subcommittee, and the provision as it was finally adopted prevented payment to the air-mail contractors for increased rates approved prior to the passage of the bill. The contractors have thousands of dollars coming that they will probably have to go into the Court of Claims to collect.

I was right a year ago, and I am quite sure I am right today about the appropriation being inadequate. If any Members are interested in increasing the schedules of existing service in his community, or if any one of you believes your district is entitled to new air-mail facilities, please realize that you cannot have it unless you increase the limited appropriation contained in this bill.

[Here the gavel fell.]

Mr. MARTIN of Colorado. Mr. Chairman, I move to strike out the last two words.

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. MARTIN of Colorado. Mr. Chairman, I will not take the full 5 minutes, and I am only prompted to take the floor at this time by the remarks of the gentleman from New York [Mr. MEAD]. Here is a specific instance, and no doubt there are many others. Ever since I have been a Member this last time an application has been pending for an extension, or what is really a hook-up of an air-mail route from Pueblo, Colo., to Wichita, Kans. Those two cities are important terminals. That extension would complete a north and south hook-up from the far Northwest down through Kansas, connecting at Wichita with an established line to Oklahoma and Texas. We are put off from year to year for the reason that the law does not make sufficient provision to install that service. Those are not only important cities but this route would traverse the populous Arkansas Valley, in which are situated important towns and cities. This bill carries as a total for the Air Mail Service $14,250,000, but I notice in checking over the explanation of the gentleman from Indiana, the chairman of the subcommittee, of that amount there will only be available $400,000 for new routes. That will provide for some 1,600 miles of new routes.

Mr. LUDLOW. And extensions.

Mr. MARTIN of Colorado. There is $400,000 there for new routes and extensions. Ten percent is for extensions and 90 percent for new routes.

Mr. LUDLOW. I may say it is contemplated there shall be 1,620 miles, approximately, of new routes, and the balance will be extensions.

Mr. MARTIN of Colorado. What does that amount to? Here is an illustration: The route I am talking about would be about 400 miles. In other words, it would take one-fourth of the total new mileage provided for in this bill to put in that one new route between Pueblo, Colo., and Wichita, Kans. You can imagine what a fat chance our people out there in the great open spaces will have to get recognition.

Mr. MEAD. Will the gentleman yield?

Mr. MARTIN of Colorado. I yield to the gentleman from New York.

Mr. MEAD. This is the comment of the Department on this appropriation, so that the gentleman may understand the situation:

If the Interstate Commerce Commission should increase the rates on any routes, and they have on every one they tackled so far, it will be necessary for the Department to request a deficiency appropriation.

Mr. MARTIN of Colorado. I cannot understand the niggardly policy that is being followed in connection with this legislation. I do not see why they do not provide for more mileage and for a larger appropriation, leaving it to the determination of the Post Office Department to some extent as to what routes they will put in. I know very well they are in favor of that route, and have been all these years. I know they would put it in if they were able, considering the pressure for new routes, perhaps, that comes from more populous sections of the country having greater influence in Washington, but we can never get it under this legislation.

The Clerk read as follows:

Rural Delivery Service: For pay of rural carriers, auxiliary carriers, substitutes for rural carriers on annual and sick leave, clerks in charge of rural stations, and tolls and ferriage, Rural Delivery Service, and for the incidental expenses thereof, $92,500,000.

Mr. LUDLOW. Mr. Chairman, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. LUDLOW: On page 61, line 24, before the period, insert the following: ", of which not less than $250,000 shall be available for extensions and new service."

Mr. LUDLOW. Mr. Chairman, speaking in reference to the proposed amendment, I may state that the Post Office Department advises us that under our proposed appropriation for Rural Delivery Service, which is $92,500,000 for 1938, the Department can maintain all existing services and spend $250,000 for the establishment of new services.

Mr. Cole, representing the Post Office Department, appeared before our subcommittee, and we had quite extensive hearings because we wanted to be sure that this Rural Delivery Service would not stagnate and there would be some provision made for new routes and new services.

Mr. WADSWORTH. Mr. Chairman, will the gentleman yield?

Mr. LUDLOW. Yes.

Mr. WADSWORTH. I am not sure I heard the reading clerk accurately. Does the gentleman's amendment read to the effect that of this $92,500,000, not less than $250,000, and so forth?

Mr. LUDLOW. That is right.

Mr. WADSWORTH. Then the entire $92,500,000 could be used?

Mr. LUDLOW. Of which not less than $250,000 shall be available for extensions and new services.

Mr. WADSWORTH. Does not the gentleman mean "not more than $250,000?"

Mr. TABER. No; the gentleman from Indiana is right. The gentleman means that at least this amount must be spent for extensions. Frankly, it is my opinion, as well as the opinion of the Committee, there will be much more than $250,000 available for extensions, and we do not want to limit the Department to that amount.

Mr. LUDLOW. I am informed this is the usual language employed in limitations of this kind.

I quote from the hearings before our subcommittee when Mr. Cole appeared, representing the Department, and I asked Mr. Cole this question:

On the basis of the proposed appropriation of $92,500,000, you figure that out of our appropriation you would have at least as much as $200,000 for new services and extensions.

Mr. COLE. Yes.

Mr. LUDLOW. And, probably, more than that?

Mr. COLE. Yes; I think it would be around $250,000. I think it might probably run as high as $300,000, but when we try to figure so close, or when we get so close to the deadline, it is hard to figure.

So taking his own testimony and the testimony of the Post Office Department, we did not use his high estimate of $300,000, but we took his certain estimate, the one he is absolutely sure of, which is $250,000 available for additional service, and we provide in this limitation that at least $250,000 shall be available to establish new routes and extensions.

I ask that the Committee adopt the amendment.

Mr. MEAD. Mr. Chairman, I send to the desk an amendment which I offer as a substitute for the amendment offered by the gentleman from Indiana.

The Clerk read as follows:

Amendment offered by Mr. MEAD as a substitute for the committee amendment: On page 61, line 24, strike out "$92,500,000" and insert in lieu thereof "$92,800,000."

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes.

Mr. HOFFMAN. Mr. Chairman, I object.

Mr. WOODRUM. Mr. Chairman, I move that all debate on this paragraph and all amendments thereto close in 10 minutes.

The motion was agreed to.

Mr. MEAD. Mr. Chairman, for the information of any Members here who are interested in the extension of a rural service or in the establishment of a new rural route, it is my judgment that the only way it can be secured is by the Committee of the Whole making provision for it at this time.

The current appropriation for the Rural Delivery Service is $93,200,000. The Budget approved an appropriation of $92,500,000. If the Department had $300,000 more it could establish new routes which are needed and provide necessary extensions.

One hundred thousand dollars of this amount is needed for new routes, the applications for which have been approved by the Department and are being held up awaiting the authorization of sufficient allowances by Congress. Surveys have been conducted by inspectors and interested Members of Congress have called on the Department urging the institution of these services.

Two hundred thousand dollars of the money contained in my proposed amendment is for extensions of existing services; in other words, $300,000 is necessary for new routes and extensions now pending in the Department.

Mr. McFARLANE. Mr. Chairman, will the gentleman yield for a question?

Mr. MEAD. I yield to the gentleman from Texas.

Mr. McFARLANE. I know that in my district I have some routes and extensions that are badly needed that are being held up on account of lack of funds. I hope the gentleman's amendment will be adopted.

Mr. MEAD. I may say to the gentleman we have already reduced this appropriation under the appropriation for 1937 by $700,000.

We cannot expect the Department to do more work and handle more mail with less personnel. Just look at the record. It is exactly similar in this instance to several others that I cited here today. In 1930 we had 43,000 rural letter carriers. Today we have 34,000. Of course, much of that is due to consolidations. Again I ask you, How are you going to do more work, handle more mail, create more routes, and approve more extensions on less money? It just cannot now be done. Not only that but we need more rural service than previously, because the Department has drastically reduced the number of fourth-class postmasters in the last few years.

In 1920 we had 41,000 fourth-class postmasters. In 1936 we had only 31,000.

How can you build up a great service agency by reducing the appropriations year after year? We are cutting the appropriations altogether too fine.

Mr. TABER. The appropriation carried here is $92,500,000. On the basis of expenditure so far this year, down to the 1st of January, the amount used this year would be $91,633,328. That is more than a million dollars below the current appropriation. Already there have been established upward of 3,000 extensions to rural routes, and we are told by the Department that there will undoubtedly be established in the rest of the year enough to total 5,000. There has been much saving on account of consolidations and there is much more to come. The Department figures that they will be able absolutely, and without figuring the usual amount of lapses and that sort of thing, to provide at least $250,000 for extensions. Frankly, figuring the thing out, what the situation in the Department and the Service actually is, I can see no reason why there will not be $500,000. So far as the Department thinks, there will be $300,000.

Mr. LUDLOW. Is it not true that in the first estimate the Department officials submitted to us they said there would be $750,000?

Mr. TABER. That is correct.

Mr. WOODRUM. As I understand the situation, it is this—that the amendment offered by the gentleman from Indiana will definitely earmark not less than $250,000 for extensions and additions to existing service; that there is money enough to carry the service as it is and a minimum of $250,000 for extensions.

Mr. TABER. Absolutely.

Mr. STEFAN. Mr. Chairman, will the gentleman yield?

Mr. TABER. Yes.

Mr. STEFAN. I am interested in the Rural Delivery Service. I am wondering if the people of the cities are as much interested in that as we of the country are. You cut this appropriation down $700,000. Does this mean that you are going to curtail the extensions in the rural service?

Mr. TABER. There is no intention of curtailing the extensions in the rural service, but there is going to be less money used this year by far than the amount which we carry for next year, and this fund that we are carrying in this bill provides an increase over the amount that will actually be used by the Department in this current fiscal year.

Mr. STEFAN. Does that mean that applications in my district for extension in rural service will not be given any attention because they have curtailed the number of extensions to 6,000?

Mr. TABER. Oh, no; the 6,000 extensions mean that on an average each congressional district will get about 20 extensions.

Mr. STEFAN. They are curtailing it to 20 extensions to each district?

Mr. TABER. No; that is what they are getting this year, and that is quite a substantial number. It is more than has been allowed for a long time.

Mr. STEFAN. We need a lot of extensions in my district.

Mr. TABER. This would provide a lot.

Mr. STEFAN. Only 20.

The CHAIRMAN. The time of the gentleman from New York has expired. All time has expired. The question is on the amendment offered by the gentleman from New York as a substitute for the committee amendment.

Mr. HOFFMAN. Mr. Chairman, I offer the following preferential motion, which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. HOFFMAN moves the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. HOFFMAN. Mr. Chairman, I offer that motion because I wanted to offer an amendment to the last paragraph read to strike out $92,500,000 and insert in lieu thereof $92,500,105.90, but was cut off by the motion of Mr. WOODRUM limiting amendment and debate.

The reason for my amendment was that over in the Fourth Michigan District we have some rural routes. One of them we wanted to change. It would make no increase in the length at all and would entail no extra cost. One tenant house that was being served was being moved away. We wanted the route changed so that five or six people who owned their farms—not under the farm tenancy bill, but who have owned their farms for years—could get rural service. They did not see fit down in the Department to do that. They denied the change, although the change would neither have lengthened the route nor have added to the cost of the service from that particular office.

Another route was over in another county, where the extension would serve eight families, all American born, all able to read and to write; but it would add 2 miles to the route and would cost the amount of this amendment, $105.90. The Department could not see it. Listening as I have today, however, to the appropriating of these millions and millions of dollars to carry the mail across the ocean so that somebody over in London would get a letter a little quicker, and all the other millions that were being appropriated for air mail, I could not understand why, both of these counties being Republican territory, the Postmaster General should not be helped by these two changes to get a fair share of these tons of propaganda to these Republicans so they might be converted. [Laughter.]

The administration and its Party has always been against the privileged few, the economic royalists, the Wall Street manipulators of financial matters, the apostles of greed, and so, while the administration today was busy appropriating these millions of dollars for those it has so roundly and constantly condemned, it seemed appropriate to me to put in a word for the common man, the forgotten man, the man who lives back in the country and who, while he is not interested in foreign mail nor in air mail, yet is interested in receiving letters from his relatives and friends and obtaining perhaps a monthly or weekly farm paper.

I want these people to learn. They have lived along there all these years without ever discovering they were misused. They have been living peaceably and contentedly; they have been making a small profit in spite of the depression; they own their own farms; and unless someone tells them that they are underprivileged and misused, they are never going to learn it, and when they do learn it, I would like them to be able to get Sears, Roebuck, Montgomery-Ward, and these other mail-order house catalogs, so they can buy these bathtubs that Mrs. Roosevelt regrets the people never learned how to use, and all those things. The people to whom I refer are honest, taxpaying, law-abiding, thrifty, industrious, American citizens, but the Government takes no account of them. It is interested in getting the mail to London, to Paris, and to other foreign cities.

I do hope the gentleman will not object but will let this little $105 go through, because this is the first time I have made a Democratic speech since I have been here, the first time I have spoken in favor of appropriating money; and it is only because some of you gentlemen have convinced me that we ought to get a part of ours while you are getting yours that I speak today.

Mr. LUDLOW. Mr. Chairman, I rise in opposition to the motion. I do so not that I am especially concerned about the motion.

Mr. HOFFMAN. Mr. Chairman, I withdraw the motion.

The CHAIRMAN. Without objection, the motion will be withdrawn.

There was no objection.

Mr. LUDLOW. May I not still be heard?

Mr. WOODRUM. Mr. Chairman, the gentleman has the right to rise in opposition.

The CHAIRMAN. The motion has been withdrawn.

Mr. WOODRUM. A motion cannot be withdrawn except by unanimous consent.

The CHAIRMAN. Unanimous consent was granted.

Mr. WOODRUM. I did not hear the Chair put the question.

The CHAIRMAN. The amendment before the House is the substitute amendment of the gentleman from New York.

Mr. LUDLOW. Mr. Chairman, I ask unanimous consent that the amendment may again be read.

The CHAIRMAN. Without objection, the Clerk will again read the amendment.

The Clerk read as follows:

Substitute amendment offered by Mr. MEAD to the committee amendment: On page 61, line 24, strike out "$92,500,000" and insert in lieu thereof "$92,800,000."

Mr. WOODRUM. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WOODRUM. The gentleman from Michigan made a motion to strike out the enacting clause. The gentleman from Indiana was on his feet asking recognition of the Chair. The gentleman from Michigan said he withdrew his motion.

Mr. Chairman, I make the point of order that a motion cannot be withdrawn without unanimous consent, and no such request was made or granted. The gentleman from Indiana is entitled to recognition.

The CHAIRMAN. The Chair put the request of the gentleman from Michigan to the House, and no objection was raised.

The Chair ruled then that the motion had been withdrawn.

Mr. WOODRUM. If the Chair says the Chair put the request, then, of course, the Chair put it; but I did not hear the proceedings, and the gentleman from Indiana was on his feet seeking recognition.

The CHAIRMAN. Several gentlemen were on their feet. The gentleman's request was not objected to.

The question is on the amendment offered by the gentleman from New York as a substitute for the committee amendment.

The question was taken; and on a division (demanded by Mr. WOODRUM) there were—ayes 38, noes 49.

So the amendment was rejected.

The CHAIRMAN. The question recurs on the committee amendment offered by the gentleman from Indiana.

The committee amendment reads as follows:

Page 61, line 24, before the period, insert the following: ", of which not less than $250,000 shall be available for extensions and new service."

The committee amendment was agreed to.

The Clerk read as follows:

Post-office stationery, equipment, and supplies: For stationery for the Postal Service, including the money-order and registry system; and also for the purchase of supplies for the Postal Savings System, including rubber stamps, canceling devices, certificates, envelopes, and stamps for use in evidencing deposits, and free penalty envelopes; and for the reimbursement of the Secretary of the Treasury for expenses incident to the preparation, issue, and registration of the bonds authorized by the act of June 25, 1910 (U. S. C., title 39, sec. 760); for miscellaneous equipment and supplies, including the purchase and repair of furniture, package boxes, posts, trucks, baskets, satchels, straps, letter-box paint, baling machines, perforating machines, duplicating machines, printing presses, directories, cleaning supplies, and the manufacture, repair, and exchange of equipment, the erection and painting of letter-box equipment, and for the purchase and repair of presses and dies for use in the manufacture of letter boxes; for postmarking, rating, money-order stamps, and electrotype plates and repairs to same; metal, rubber, and combination type, dates and figures, type holders, ink pads for canceling and stamping purposes, and for the purchase, exchange, and repair of typewriting machines, envelope-opening machines, and computing machines, numbering machines, time recorders, letter balances, scales (exclusive of dormant or built-in platform scales in Federal buildings), test weights, and miscellaneous articles purchased and furnished directly to the Postal Service, including complete equipment and furniture for post offices in leased and rented quarters; for the purchase of arms and miscellaneous items necessary for the protection of the mails; for miscellaneous expenses in the preparation and publication of post-route maps and rural delivery maps or blueprints, including tracing for photolithographic reproduction; for other expenditures necessary and incidental to post offices of the first, second, and third classes, and offices of the fourth class having or to have rural delivery service, and for letter boxes; for the purchase of atlases and geographical and technical works not to exceed $1,500; for wrapping twine and tying devices; for expenses incident to the shipment of supplies, including hardware, boxing, packing, and not exceeding $55,000 for the pay of employees in connection therewith in the District of Columbia; for rental, purchase, exchange, and repair of canceling machines and motors, mechanical mail-handling apparatus, accident prevention, and other labor-saving devices, including cost of power in rented buildings and miscellaneous expenses of installation and operation of same, including not to exceed $35,000 for salaries of 13 traveling mechanicians, and for traveling expenses, $2,491,100: *Provided*, That the Postmaster General may authorize the sale to the public of post-route maps and rural delivery maps or blueprints at the cost of printing and 10 percent thereof added: *Provided further*, That no part of this appropriation shall be expended for the purchase of furniture and complete equipment for third-class post offices except miscellaneous equipment of the general character furnished such offices during the fiscal year 1931.

Mr. McFARLANE. Mr. Chairman, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. MCFARLANE: On page 64, line 19, after the word "added", insert a period and strike out all after the word "added", line 19, down to and including line 23.

Mr. McFARLANE. Mr. Chairman, I call attention to the wording of this amendment, which strikes out the following language:

Provided further, That no part of this appropriation shall be expended for the purchase of furniture and complete equipment for third-class post offices except miscellaneous equipment of the general character furnished such offices during the fiscal year 1931.

I understand there is about $100,000 worth of equipment down there in the post office that is not now being used which these overworked and underpaid third-class postmasters could have made available to them if this amendment is agreed to. This would give the Post Office Department the opportunity to let them have this furniture. I see no reason why these third-class postmasters should be forced to buy new equipment when this equipment is available down there and now owned by the Federal Government at this time. It should be made available to these postmasters. Therefore, I ask the adoption of the amendment which I have offered.

Mr. MEAD. Will the gentleman yield?

Mr. McFARLANE. I yield to the gentleman from New York.

Mr. MEAD. I feel sure the chairman of the subcommittee will be for the gentleman's amendment, because for 2 years now both the Department and the Budget have been recommending a fairly substantial item rather than this prohibition so as to repair these lock boxes after they are removed from buildings and put them in third-class post offices, thereby effecting a saving both to the postmasters and to the Government. Therefore, I am quite sure, if you remind the gentleman that both the Budget and the Department favor your amendment, that he probably will support it.

Mr. McFARLANE. I think the statement the gentleman just made is very clear, and since the Appropriations Subcommittee has been following the recommendations of the Budget so closely, I cannot understand why we cannot use the post-office equipment that is now owned by the Government and effect a substantial saving. I do not understand why they have not followed the Post Office Department officials and the officials of the Bureau of the Budget in this particular instance. I hope my amendment will be adopted. If it is adopted it will save the Government a considerable amount of money, and will work to the advantage of the third-class post offices.

The representative of the Post Office Department appeared before the subcommittee and asked that this provision be eliminated, and asked for appropriations of $100,000 with which to supplement funds on hand to purchase furniture for third-class postmasters. This sum, together with the large amount of post-office furniture on hand, will be ample to meet the needs of the Post Office Department in supplying third-class postmasters with necessary equipment. Under the law first- and second-class postmasters are furnished all of their equipment by the Government and proper allowance is made for fourth-class postmasters. Only third-class postmasters must arrange for their post-office equipment, and this has worked a tremendous hardship upon many of the third-class postmasters throughout the Nation.

I wish to cite some examples of the abuses of the leasing racket that has apparently grown up in this country.

The postmaster at Salina had rented the equipment from the Keyless Lock Co. at the rate of $148.20 per year for 8 years, or a total of $1,185.60. As the result of the investigation by the inspector looking toward making a lease at Salina, with the Department supplying the equipment, the Department purchased all new modern standard equipment from the Keyless Lock Co. for the sum of $1,129.36.

In support of the contention that the lease contracts which the Keyless Lock Co. made with various postmasters were unfair and that the company was quite willing to cancel the agreements rather than to force postmasters to continue paying rentals, it has been ascertained that the Keyless Lock Co., in many cases involving purchase of Government-owned equipment, offered to sell to the Department, at a greatly reduced price, the second-hand equipment which was then being rented to the postmasters.

Oldham, S. Dak.: Postmaster rented equipment from the Keyless Lock Co. at $165 per year for 7 years. Department bought new equipment from Morgan Lumber & Manufacturing Co. for $822.76.

St. George, S. C.: Postmaster rented equipment from the Keyless Lock Co. at $171.60 per year for 5 years. Department bought new equipment from the Keyless Lock Co. for $944.30 f. o. b. Indianapolis, Ind.

Pemberville, Ohio: Equipment rented by postmaster from the Keyless Lock Co. at $152.40 per annum for 7 years. Department purchased new equipment from Federal Equipment Co. for $892.

Cumberland, Ky.: Screen line only rented from the Keyless Lock Co. for several years at $273 per annum. Department purchased new equipment from the Keyless Lock Co. for $1,311.33.

Whitesville, W. Va.: Lessor rented equipment from the Keyless Lock Co. at $150 per annum. Department purchased new equipment from Federal Equipment Co. for the net sum of $818.90. The Keyless Lock Co. offered to sell to the Department, for $495, the second-hand equipment it was renting to the postmaster for the sum of $150 per year. This proposal was rejected, however, inasmuch as the used equipment was not standard.

Tinley Park, Ill.: Postmaster paid $264 to the Keyless Lock Co.—per year—for equipment, 2 years. Department purchased equivalent equipment from McLane Manufacturing Co. for $752.40.

Gridley, Ill.: Postmaster paid $142 per year to American Post Office Equipment Co. for equipment for 8 years; value, $1,190. Department purchased new equipment from the Keyless Lock Co., delivered and installed, for $1,036.33.

Isle, Minn.: Postmaster paid $144, per year, rent to the Keyless Lock Co. for equipment, 6 years. Department purchased new equipment from the Keyless Lock Co. (delivered and installed) for $805.49, less 5 percent, 10 days.

There seems to be some dispute as to the amount of appropriations requested by the Post Office Department in order to supply third-class postmasters with necessary equipment and in order to furnish them with the post-office furniture owned by the Government now on hand.

In the post-office hearings on this bill, on page 359, Hon. S. W. Purdum states:

Mr. PURDUM. $250,000 are the figures for the estimated obligations for 1938.

Mr. TABER. For third-class offices?

Mr. PURDUM. No, sir; $150,000 is to be used for first- and second-class offices, and $100,000 is for third-class offices * * *.

It may be that in a number of cases the offices would have partial equipment, and this would supplement such equipment. At the last Congress there was a bill passed by the House of Representatives granting postmasters at third-class offices 50 percent of their box-rent collections. The post-office records show that the collections of box rents for the fiscal year 1936 amounted to $1,968,175.81. One-half of that would be just a little less than $1,000,000, assuming that such legislation would be enacted. * * *

Mr. Chairman, at offices of the first and second class, the Government furnishes the equipment, and at those offices the Government receives every penny of revenue that is taken in. At post offices of the fourth class, legislation provides that 15 percent of the earned compensation goes to the postmaster toward defraying his expense for quarters, light, and fuel. At third-class Presidential offices, the Government receives all the revenue; yet the provision made for third-class offices is in no wise comparable to the provision made for equipment for other Presidential offices. We believe that it would be equitable and economical in the end to provide as much equipment as possible for offices of the third class.

Mr. LUDLOW. Is that the proposed legislation you refer to?

Mr. PURDUM. Yes, sir; it passed the House of Representatives.

Mr. LUDLOW. How many third-class postmasters are there?

Mr. PURDUM. According to the records, there are at this time 9,841.

Mr. LUDLOW. So that if 100 post offices are equipped for $100,000, the equipping of all of them would cost the taxpayers ultimately about $10,000,000.

Mr. PURDUM. No, sir; I do not think so.

Mr. LUDLOW. Why not?

Mr. PURDUM. For these reasons: There will be surplus Government-owned equipment from leased quarters where post offices are moving into new Federal buildings; and also equipment transferred from old Federal buildings replaced by new structures erected in pursuance of congressional authorization. For several years past we have been making use of this surplus equipment referred to, which includes thousands of lock boxes, making a wide distribution of same to offices of the third class where the needs appeared most urgent. We believe that it is in the interest of the Government to make use of the said equipment, instead of discarding it as in former years. We are satisfied that our action in the premises has made for better equipped third-class post offices and for increase in the postal revenues.

Mr. LUDLOW. That is the Post Office Department's own estimate. I refer to the estimate of $10,000,000 as the ultimate cost of this proposal. A few years ago Mr. Nichol, who was at that time the Deputy Fourth Assistant Postmaster General, testified before our committee, to be exact on February 3, 1932, that this identical program would cost $10,000,000.

Mr. PURDUM. We are not responsible for the estimates made at that time.

Mr. LUDLOW. By a process of calculation, if it would cost $100,000 to equip 100 offices, and there are nearly 10,000 offices, it if were projected to that total number, the cost would be about $10,000,000.

Mr. PURDUM. Mr. Chairman, the cost could not possibly be anywhere near $10,000,000, for the reasons that approximately 2,000 such offices are in leased quarters; equipment is being provided by the lessors; and partial equipment, including many thousands of post-office lock boxes secured from vacated buildings, is now installed in a great many other third-class offices, and we are continually receiving from time to time such equipment, including post-office lock boxes, from buildings as they are being vacated. Having the foregoing in mind, Mr. Chairman, is the reason why we requested only $100,000. Fifty percent of box rents at offices of the third class would amount to approximately $1,000,000 a year.

* * * * * * *

Mr. PURDUM. At the present time there are some postmasters at third-class offices who own their equipment. They have purchased it from their predecessors or from other former postmasters or from manufacturers. There is a considerable number who are renting their equipment under lease contracts carrying so much rental per month or quarter during their incumbency as postmaster, regardless of the length of time of service. We have records to show that lessees have paid in some instances an amount that greatly exceeded the original value of the equipment.

* * * * * * *

Mr. PURDUM. My understanding is that in some cases, where the equipment is under lease to the postmasters the amounts that have been paid exceed the original cost or value of the equipment.

Mr. LUDLOW. There are some 10 companies, as I understand it, in this business. It is wide open competition, and, that being true, why should there be any excessive charges?

Mr. PURDUM. It is wide open competition in what respect—in leasing or buying?

Mr. LUDLOW. I know there are about 10 companies that supply this furniture. What number of them furnish it under lease, I do not know, but it is not a closed matter.

Mr. PURDUM. I think very few are furnishing it under lease to postmasters; in fact, my best information is that there are only two companies leasing to postmasters at this time, namely, the Postmasters Supply Co. and the Keyless Lock Co.

Then as to the number of offices the $100,000 appropriation would serve, pages 366 and 367, Mr. Purdum states:

Mr. PURDUM. If this $100,000 is granted, we could apply it to several hundred post offices.

Mr. LUDLOW. I did not understand you, Mr. Purdum.

Mr. PURDUM. If this $100,000 is granted, we could apply it to several hundred post offices.

Mr. LUDLOW. That is the only reason I said 100—because you mentioned that number in your testimony a little while ago.

Mr. PURDUM. That was to cover this completely. You pressed for an estimate.

Mr. LUDLOW. Would you try to apportion these among all the States, make them regional, or how else would you select them?

Mr. PURDUM. We would handle each case on its merits and take the most urgent ones first.

If this amendment is adopted all equipment would be purchased through competitive bidding and this would relieve the third-class postmasters from the great injustices now being done them. In the hearings Mr. Purdum states, page 367:

Mr. PURDUM. Should our request be granted, any article that we might purchase would be secured under competitive bidding, through the purchasing agent.

Mr. LUDLOW. There is no government manufacturing involved?

Mr. PURDUM. No, sir; none whatever. There is no repair work involved either. Mr. Chairman, I do not believe that the situation as it exists is equitable and just with reference to the postmasters of the Presidential class. I believe that the time will come when complete equipment will be furnished to offices of the third class by the Government, or a considerable part of the postal receipts will be paid out for the rental of equipment.

Mr. LUDLOW. What is the average salary of third-class postmasters?

Mr. PURDUM. The salary ranges up to $2,300 per annum.

Mr. LUDLOW. That is the top salary?

Mr. PURDUM. Yes, sir. Those salaries have the same bases as the salaries to postmasters of the first and second classes.

Mr. LUDLOW. You mean the salaries are based upon receipts?

Mr. PURDUM. Yes, sir; entirely on the postal receipts.

Mr. LUDLOW. What percentage of them are in the higher bracket and what percentage are in the $1,500 class?

Mr. PURDUM. I should have to check up on that. I am told that $1,700 a year is the average salary of postmasters at offices of the third class.

Mr. SLATTERY. In justifying the appropriation for "unusual conditions; separating mails; clerks in third-class post offices", I am sure it came out, either this year or last year, in the testimony of the First Assistant Postmaster General that the third-class postmasters are probably the worst off of any postal employees. That testimony was given in a plea for more allowances for clerks at third-class post offices.

Mr. LUDLOW. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from Texas is wrong when he says that the adoption of this amendment would save the Government a lot of money. On the contrary, it would subject the Government to an expenditure of about $10,000,000.

The equipment for these offices is now furnished either by rental or by purchase by postmasters. It is proposed by the pending amendment to initiate a program here involving $100,000 a year to enable the Government to purchase this furniture and give it as a present to the third-class postmasters who are now equipped with furniture. Instead of this being an economical move, it would be most wasteful, because it would mean the throwing out and destruction of the furniture which they already have.

Mr. Chairman, this proposal has been before our subcommittee ever since the late beloved Speaker Joseph W. Byrns occupied the position that it is now my honor to hold. Mr. Byrns very vigorously opposed it as a wanton and wasteful use of the public funds and not justified by any economic reasons; but, on the contrary, he was convinced that it showed a partiality because this equipment would have to be furnished in limited amounts over a long period of time to certain favored employees out of this group of postmasters. If you will read the hearings you will find completely set forth the views of Mr. Byrns under whose leadership this inhibition was inserted in the bill, and year after year we have been carrying the same inhibition because we do not think the Government ought to enter into that sort of thing and the taxpayer should not be saddled with this additional expense, amounting according to the testimony of the Post Office Department officials, to an aggregate of $10,000,000.

Mr. MEAD. Mr. Chairman, I move to strike out the last three words.

First of all, I want to preface my remarks by making the observation I did not introduce this amendment; nevertheless, I think the amendment is one worthy of favorable consideration. In view of the fact that the committee has provided this inhibition against the use of funds for the purpose of installing equipment of this kind, it might be well for the matter to rest as it is until the Senate committee takes up the bill.

Mr. McFARLANE. Will the gentleman yield?

Mr. MEAD. I yield to the gentleman from Texas.

Mr. McFARLANE. Why not strike this provision out of the bill and let the Senate, if it sees fit, put the necessary appropriation in there so that we can use the $100,000 worth of furniture and post-office equipment that is laying there idle. Why should it be laying there idle?

Mr. MEAD. I think the gentleman is correct. We should take out the inhibition.

So that you may have the idea correctly in your mind when you vote on the amendment offered by the gentleman from Texas, may I say that first- and second-class postmasters have their equipment furnished to them by the Government. The fourth-class postmasters are given an allowance for rent, light, and fuel. Third-class postmasters are called upon to furnish their own equipment. The equipment that we talk about here consists of lockboxes, windows, and so forth that you see when you enter the lobby of a third-class post office.

Mr. McFARLANE. Will the gentleman yield?

Mr. MEAD. I yield to the gentleman from Texas.

Mr. McFARLANE. Where do these third-class postmasters buy this equipment?

Mr. MEAD. They do not buy it. They lease it.

Mr. McFARLANE. Where do they lease it?

Mr. MEAD. I would prefer to have the chairman of the committee answer that question in his own time.

In view of the fact third-class postmasters are called upon to furnish their own equipment, it was thought by our committee and by the Department years ago that in justice to them a start should be made so that some day the Government would own this equipment.

Now, a start has been made and a great many third-class postmasters are in leased buildings where this equipment is furnished to them, but there are still thousands of them in the clutches of this firm that exacts extortionate rates and charges that are out of all proportion. There are leases now in existence that are 20 years old and they were liquidated, so far as the actual cost of the equipment is concerned, in 10 years.

This system is unfair, it is unjust, and the Department would favor legislation or an appropriation which will allow them to eventually rid the Service of this nuisance.

This is certainly unfair when we consider third-class postmasters, one has to pay a large rental for his equipment and turn over all the money he collects to the Department, another postmaster has this equipment furnished him by the Department, while still another has this equipment furnished by the owner of the building in which the post office is located.

I hope some action is taken shortly to prevent this company from charging exorbitant rates on the leasing of this equipment to our third-class postmasters. [Applause.]

Mr. LUDLOW. Mr. Chairman, I do not know what my parliamentary rights may be, but I wish to speak further in opposition to the amendment.

The CHAIRMAN. The gentleman from Indiana is recognized for 5 minutes.

Mr. LUDLOW. The gentleman from New York [Mr. MEAD] has indicated there is just one company concerned here. The names of the companies were set forth in the hearing and there are 10 companies that furnish this equipment. No one is closed out and every postmaster has the right to rent this furniture or to purchase it, whichever he chooses, because it is a matter of competition.

With respect to the statement made in regard to extortionate rates, it was developed that the average charge for this equipment is $3.75 a month to the postmaster. Of course, if a postmaster rents for a long period of years, even at an acknowledged fair and moderate rental, there comes a time, perhaps, when the amount he pays in rent equals the purchase price of the equipment, but the same is true of an individual who rents a house. The time may come when his rental, even if it is on a low basis, will be equal to the purchase price of the house. The same is true in regard to anything that is rented.

This matter has been gone into repeatedly before our subcommittee, and I would like to quote what Chairman Byrns put into the RECORD when he first insisted that the Government should not go into this paternalistic enterprise, because that is what it is. The Government is taking on activities that it should not take upon itself, and it is also a discrimination in favor of a very limited group

of postmasters that would be furnished this furniture as against all the other postmasters in the same group.

I may also state that there is not any rehabilitation of second-hand furniture involved here, as someone has asserted, but it is proposed to furnish new furniture and facilities for these post offices.

Mr. Byrns made this statement in the RECORD:

Some of these postmasters would have to wait 20 years for an increase—

He held that this was tantamount to an increase in salary—

In other words, they would probably have two or three successors before they would get the same increase, and I would take it that one is as deserving as the other, and so, frankly—and I am just one member of the committee—it looks as if this is one appropriation that should be cut out. I cannot see it in any other light, especially when we have to reduce appropriations.

Mr. O'NEAL of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. LUDLOW. I yield.

Mr. O'NEAL of Kentucky. Is it not a fact that if the proposed amendment were adopted it would mean millions of dollars of extra expense to the Government?

Mr. LUDLOW. It was testified by the Post Office officials that it would mean $10,000,000 to that Department.

Mr. O'NEAL of Kentucky. Is it not a further fact that if the subject under discussion were properly looked into it would not be handled through this amendment but in some other way?

Mr. LUDLOW. I think that is quite true. It should be looked into by some legislative committee, I take it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. MCFARLANE].

The question was taken; and on a division (demanded by Mr. LUDLOW and Mr. O'NEAL of Kentucky) there were—ayes 38, noes 46.

Mr. MCFARLANE. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

The Clerk read as follows:

PUBLIC BUILDINGS, MAINTENANCE AND OPERATION

Operating force: For personal services in connection with the operation of public buildings, including the Washington Post Office and the Customhouse Building in the District of Columbia, operated by the Post Office Department, together with the grounds thereof and the equipment and furnishings therein, including telephone operators for the operation of telephone switchboards or equivalent telephone switchboard equipment in such buildings jointly serving in each case two or more governmental activities, $17,200,000: *Provided*, That in no case shall the rates of compensation for the mechanical labor force be in excess of the rates current at the time and in the place where such services are employed.

Mr. CONNERY. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CONNERY: Page 67, line 24, after the word "activities", strike out "$17,200,000" and insert "$17,975,740."

Mr. LUDLOW. Mr. Chairman, this matter has been thoroughly discussed. I ask unanimous consent that all debate upon this provision close in 15 minutes.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent that all debate upon this amendment close in 15 minutes. Is there objection?

There was no objection.

Mr. CONNERY. Mr. Chairman, as the gentleman from Indiana says, this amendment has been thoroughly discussed. I merely wish to call the attention of the House at this time to the fact that there are 11,304 custodial workers who receive less than $2,000 a year, and only 475 in the whole custodial force who receive over $2,000 a year, and that the highest any one of them can receive is $2,843.

Mr. Chairman, I ask unanimous consent to place in the RECORD at this time a list of custodial employees and their salaries, received in 1937 and to be received in 1938.

The CHAIRMAN. The Chair thinks that the gentleman should ask that in the House.

Mr. CONNERY. Very well.

The list referred to is as follows:

Custodial service

	1938		1937	
	Positions	Salary	Positions	Salary
Grade 10:				
Assistant custodian	28	$2,843	28	$2,843
Chief engineman	21	2,742	21	2,742
Assistant custodian-engineman	4	2,825	4	2,825
Grade 9:				
Assistant custodian	32	2,694	32	2,694
Chief engineman	12	2,518	12	2,518
Assistant custodian-engineman	26	2,512	25	2,512
Engineman	3	2,600	3	2,600
Elevator mechanic	16	2,400	16	2,400
Junior assistant custodian	1	2,500	1	2,500
Grade 8:				
Assistant custodian	13	2,233	13	2,233
Assistant custodian-engineman	73	2,112	67	2,113
Assistant elevator mechanic	15	2,100	14	2,100
Assistant engineman	178	2,140	171	2,141
Elevator mechanic	20	2,100	19	2,100
Engineman	1	2,100	1	2,100
Junior assistant custodian	2	2,100	2	2,100
Mechanic	2	2,050	1	2,100
Ventilating mechanic	8	2,100	8	2,100
Grade 7:				
Carpenter	14	2,024	14	2,024
Cabinetmaker	16	1,898	13	1,907
Electrician	54	1,851	53	1,851
Electrician-janitor	1	1,860	1	1,860
Engineman	5	1,912	5	1,912
Engineman-electrician	1	1,800	1	1,800
Engineman-janitor	33	1,870	29	1,871
Machinist	1	1,980	1	1,980
Painter	8	1,868	6	1,870
Plumber	11	1,955	12	1,955
Steamfitter	3	1,860	3	1,860
Fireman	4	1,860	4	1,860
Ventilating-mechanic	1	1,860	1	1,860
Grade 6:				
Elevator mechanic-helper	15	1,680	13	1,680
Engineman-janitor	111	1,743	95	1,743
Engineman-helper	20	1,758	20	1,758
Senior janitor	52	1,770	52	1,770
Grade 5:				
Captain of the watch	4	1,500	4	1,500
Engineman-helper	144	1,561	136	1,561
Fireman	65	1,574	65	1,574
General mechanic	9	1,567	9	1,567
Janitor	56	1,663	56	1,663
Wireman	3	1,600	3	1,600
Grade 4:				
Assistant janitor	3	1,500	3	1,500
Carpenter's helper	3	1,420	3	1,420
Fireman	114	1,388	105	1,388
Fireman-watchman	107	1,340	100	1,340
Foreman of laborers	81	1,414	70	1,414
Gardener	2	1,380	2	1,380
Elevator starter	14	1,380	14	1,380
Lampist	69	1,393	56	1,400
Lieutenant of the watch	4	1,410	4	1,410
Machine operator	2	1,320		
Marble polisher	14	1,406	14	1,406
Mechanic's helper	17	1,429	16	1,429
Oiler	15	1,466	14	1,466
Painter's helper	2	1,380	1	1,380
Plumber's helper	1	1,380	1	1,380
Electrician's helper	3	1,380	3	1,380
Window cleaner	29	1,320	29	1,320
Grade 3:				
Assistant forewoman	1	1,260	1	1,260
Elevator operator	561	1,305	530	1,306
Elevator operator-watchman	15	1,324	15	1,324
Elevator operator-laborer	144	1,293	144	1,293
Fireman-helper	7	1,346	7	1,346
Fireman-watchman	159	1,261	142	1,261
Fireman-laborer	2,851	1,273	2,562	1,274
Forewoman	2	1,290	2	1,290
Watchman	454	1,324	423	1,325
Watchman-laborer	69	1,300	69	1,300
Watchman-fireman	6	1,310	6	1,310
Watchman-elevator operator	2	1,320		
Janitor-laborer	3	1,220	3	1,220
Grade 2:				
Coal passer	8	1,210	8	1,210
Laborer	5,571	1,179	5,047	1,180
Grade 1:				
Head charwoman	12	1,004	11	1,004
Charwoman and charman	2,869	783	2,655	912
Miscellaneous:				
Relief telephone operator	22	456	22	456
Part-time employment	547	293	497	293
Total permanent, field	15,079		13,808	

Mr. HEALEY. Mr. Chairman, will the gentleman yield?

Mr. CONNERY. Yes.

Mr. HEALEY. Those employees receiving more than $2,000 are skilled persons?

Mr. CONNERY. Yes. And most of those who receive less than $2,000 are skilled workers.

Mr. HEALEY. They are holding positions that call for technical skill?

Mr. CONNERY. There are engineers, firemen, watchmen, firemen-laborers who would require a considerable apprenticeship to be admitted into a labor union to perform their work on the outside.

Mr. DOWELL. Mr. Chairman, what is the wage of those employees?

Mr. CONNERY. It averages $1,140. Some of them are lower than that—as the charwomen, for instance—and some salaries go up to $2,800, although there are only 475 persons who receive more than $2,000.

Mr. DOWELL. And the gentleman's amendment will increase those?

Mr. CONNERY. All it will do would be to give these people $60 a year automatic raise, as everybody else in the Department gets; and then only up to $240 increase in one grade. One laborer works alongside another in the Post Office Department, doing practically the same work, and one man gets a step-up of $60 a year, and the man in the custodial work, who does almost the same work, does not get it. The most that any below $2,000 can step up is $240. I hope the amendment will be agreed to. It takes care of the lowest paid employees in the United States Government—charwomen, people who wash the windows, who do heavy manual labor, who keep the post offices clean, and who see to it that the American people can be proud of the condition of their public buildings. Certainly they deserve well of their Government.

Mr. HEALEY. Mr. Chairman, I move to strike out the last word. I rise to support the amendment of my colleague, and I wish to point out that these persons who are in the higher brackets, mentioned by my colleague, some 475 of them, who do receive over $2,000 a year, are technically trained men—men who, if they were employed in private industry, with their skill and knowledge and experience, would receive much higher wages. The ordinary custodial employee, however, in cities of over 100,000, the janitor in the post office, the man who does the cleaning up around there, the man who has to have considerable skill himself, because he has to be a plumber and a locksmith and an electrician in order to do odd jobs, gets $1,200 a year, or $25 a week. In a city of over 100,000 population it is very difficult, as you can very easily realize, for a man to support himself and family on $25 a week.

Mr. CONNERY. Mr. Chairman, will the gentleman yield?

Mr. HEALEY. I yield.

Mr. CONNERY. I know my colleague also wanted to call attention to the fact that when these custodial employees work nights they do not get the night differential that the clerks, carriers, and other postal laborers get.

Mr. HEALEY. That is true. I happen to know a great deal about this class of employees, because I maintain an office in the post-office building in my own home city. There are only four or five of these custodial employees there, and these men perform all sorts of work—hard, difficult, arduous labor. I know how difficult it is for these men to live in that community on an income of $25 a week. Why, they cannot hire a house there—anything that is fit for human habitation—for less than $30 a month. Think of taking $30 a month for rent out of an income of $100 a month!

I am conscious of the fact that tremendous drains are being made on the Government and that all employees are looking for increased compensation, but I agree with my colleague that we ought to start down at the bottom, down at the base of the whole structure, and raise the wages of these men who are working in the Government service for what I think is unconscionably low compensation. I do not think that any man who preforms the work required of these men in the service of the Government ought to receive less than $1,500 a year. The Government ought to set the example of hiring men to perform such arduous duties and not pay them such inordinately low wages. So I hope that this amendment which will provide for step increases for this grade of employees will be agreed to.

Mr. LUDLOW. Mr. Chairman, our committee is just as sympathetic with these poorly paid employees and just as solicitous of their welfare as any gentleman in this House, and that is the reason why we have made a start in this bill toward alleviating the situation of these excessively underpaid employees in the custodial service.

I believe, as does the gentleman from Massachusetts [Mr. HEALEY], who just spoke, that a higher minimum ought to be fixed for all underpaid Government employees; and we understand that the Bureau of the Budget is investigating this matter very thoroughly right now, and that Senator MCCARRAN and the gentleman from Massachusetts [Mr. CONNERY] have a bill which will take care of this situation as applied to the entire Government service; and, for one, I give that bill my most sincere benediction and my hope that something tangible will develop from it and that all low-paid groups—this is only one of them—will have justice done them.

Mr. CONNERY. Mr. Chairman, will the gentleman yield?

Mr. LUDLOW. Briefly.

Mr. CONNERY. I would like to call my friend's attention to the fact that these men were shifted over from the Treasury Department to the Post Office Department and a discrimination exists between laborers in the custodial service and laborers in the Post Office Department.

Mr. LUDLOW. There is no quarrel between the gentleman from Massachusetts and myself, we both feel deeply and earnestly for these men. But I submit that we have made a very great start in this bill toward helping them What we have attempted to do is to extend aid to the most deserving of these people by including an item of $200,000 in this bill. This will provide step-ups for something like 3,400 of these people who are poorly paid, who have families, and who are entitled to an increase.

I would remind these gentlemen that the head of the American Federation of Government Employees, Mr. Stengle—he is, of course, solicitous for all poorly paid groups—has complimented us on the fine start we have made toward relieving these underpaid employees. We think we have made a good start. Speaking for myself, and I think I voice the sentiment of all members of the committee, but certainly my own sentiment, is that this matter will be pursued further through general legislation to take care of the entire situation as far as these excessively underpaid groups are concerned in the entire Government service. But we do not think that it is fair that the very well-meant effort we are making here through the appropriation of this $200,000 for the most deserving of these people, the money to be distributed administratively, ought to be upset at this time. It is a good start in the right direction; and, as I say, it has the support and approval of the gentleman who is authorized to speak for the Government employees.

We have not gone as far as we would like to, we have not gone as far as ultimately no doubt will be gone in the way of general legislation on this subject; but let us give some time to the committees to work out the Connery-McCarran bill and see if it cannot be done in a way that will do justice to all of these groups—and there are other comparable groups in many of the departments, groups that are as low-paid as this custodial group in the Post Office Department. We are sympathetic with all these groups, but groups in the other departments do not come under our jurisdiction. This group does because it comes under the bill we are considering. We feel that we have gone a long way to assist them in this bill.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken; and on a division (demanded by Mr. LUDLOW) there were—ayes 41, noes 38.

Mr. LUDLOW. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. LUDLOW and Mr. CONNERY to act as tellers.

The Committee again divided; and the tellers reported there were ayes 51 and noes 48.

So the amendment was agreed to.

The Clerk read as follows:

SEC. 5. No part of the appropriations contained in this act shall be used to pay the compensation of any person detailed or loaned for service in connection with any investigation or inquiry undertaken by any committee of either House of Congress under special resolution thereof.

Mr. RANKIN. Mr. Chairman, I make a point of order against section 5 on the ground it is legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman desire to be heard further?

Mr. RANKIN. If the Chair desires to hear me, yes.

Mr. WOODRUM. We would like to hear the grounds of the gentleman's point of order.

Mr. RANKIN. If the Chair desires to hear me, I should like to be heard.

The CHAIRMAN. The Chair will hear the gentleman briefly.

Mr. RANKIN. Mr. Chairman, this is clearly legislation on an appropriation bill and is not in order under rule XXI, which provides that no proposition the effect of which is to change existing law is in order on a general appropriation bill unless it appears upon the face of the bill that the proposition will retrench expenditures in one of the three methods specified. It must reduce the number or salaries of Government employees, reduce the compensation of any employee, or reduce the amount of money appropriated by the bill.

It does neither of these. In fact the result of the operation of this section will be to increase the expenditures, if anything, or it will result in additional expenditures.

Mr. Chairman, this question has been passed upon time and time again. I have looked up some of the decisions, and I find, for instance, one by Mr. Currier, of New York. I call attention to the fact that the same provisions of the rule were in existence at that time. Mr. Payne, of New York, was in the chair on February 4, 1896, and here is his decision:

In the opinion of the Chair, it is no answer to a point of order that the amendment changes existing law to say there is at present no statute law upon the subject.

The mere absence of a law, Mr. Chairman, on the subject makes this legislation upon an appropriation bill, even if it does not change existing law. This adds new law.

Mr. Payne further stated:

In the absence of statute law there is still a rule established by custom. That is the law, and any proposition which enacts positive law is a change of existing law in that respect. The enactment of law where none now exists is a change of existing law. It is acknowledged by the mover of this amendment that it does enact positive law where none now exists and in that it changes existing law. The point of order is sustained.

Mr. Chairman, he could not have described the provision of a bill more completely if he had had this bill before him. Here we have a provision of law that proposes to change existing law that has been in operation for years, or insert new law, and changes a custom that has existed ever since this Government was founded.

There are so many of these decisions I will not attempt to read them all. However, in one of the decisions I find this statement:

The Chair also finds that Mr. Hatch, of Missouri, in 1894 ruled an amendment out of order because it limited the discretion of the Postmaster General. This amendment clearly proposes to limit the discretion of the Secretary of the Navy. There is a long line of authorities which the Chair will not take time to cite.

That is from a decision rendered by Mr. Olmsted, of Pennsylvania, in 1904.

We find also that this question was passed upon in a recent Congress by the gentleman from Massachusetts [Mr. LUCE], I believe in 1925, and he used this language, and almost the same proposition was before him:

In the judgment of the Chair the amendment is submitted in its proper place inasmuch as it immediately follows a paragraph of limitation, and as it has the form of an amendment of limitation. However, the Chair is compelled to face one aspect of the issue at once, and he feels that he could not satisfy his own judgment in the matter of limitations if he took the ground that a limitation of this sort is necessarily within the contemplation of the second paragraph of rule 21 or is of the class that has been so often permitted under the customary extension of its application. He believes he should look through the form to the purpose. So doing, he finds the purpose to be legislative, in that the intent is to restrict Executive discretion to a degree that may be fairly termed a change in policy rather than a matter of administrative detail. For this reason he feels it is incumbent on himself to sustain the point of order.

In other words, the gentleman from Massachusetts, presiding at that time, stated that you have to look beyond the form to the intent of the legislation. What is its intent?

Its intent is to write into an appropriation bill permanent legislation or legislation changing a policy of this Government or practices or customs that have been carried on for years.

I have also before me a decision in 1907 by Mr. Currier, of New Hampshire, in which he says:

The existing law has received a construction by the officers charged with the duty of administering it, and that construction the Chair feels bound to follow. The proposed amendment changes existing law as it is construed by the proper officer by changing the divisor. This is in the guise of a limitation; but it has been held over and over again here that a limitation is negative in its nature and may not include positive enactment establishing rules for executive officers. It has been held further that while limitation may provide that a part of an appropriation shall not be used except in a certain way, yet the restriction of executive discretion may not go to the extent of an imposition of new duties. And the limitation on the discretion exercised under the law by a bureau of the Government is a change of existing law.

The limitation on the discretion exercised under the law by a bureau of this Government is a change of existing law. And that is what this is. Further—

The decision on the question of limitation, the attempt to draw a well-defined distinction between changes of existing law and a proper limitation are among the most difficult questions that the Chair is ever called upon to decide. "Where a proposed limitation might be construed by the executive or administering officer as a modification of a statute and change of existing law, it could not be held to be a limitation."

Again, Mr. Chairman, we find this statement:

Does the limitation curtail or extend, modify or alter existing powers or duties or terminate or confer new ones? If it does, then it must be conceded that legislation is involved for without legislation these results could not be accomplished.

Now, I have some other decisions here, Mr. Chairman, but I do not think it is necessary to go into any more of them.

Let me now read this section to the Chair. Section 5 provides that—

No part of the appropriations contained in this act shall be used to pay the compensation of any person detailed or loaned for service in connection with any investigation or inquiry undertaken by any committee of either House of Congress under special resolution thereof.

You are attempting to curtail, as a former presiding officer has said, practices that have been in existence ever since this Government began, and I submit it is not only a limitation that is unauthorized by law, it is not only inserting new law into the statute, but it is clearly legislation, and new legislation, upon an appropriation bill, and therefore is not in order.

Mr. WOODRUM. Mr. Chairman, almost without exception, as I could follow the gentleman, the decisions which he read and quoted were Holman rule decisions referring to cases where it was sought through the device of a limitation to change existing law; and, as one of the decisions so appropriately remarked, many times there is a line of demarcation hard to find or hard to decipher, and many of the cases present extremely difficult problems. There is no such problem involved here at all. Section 5 of this bill is a clear-cut, unconditional, unequivocal, direct limitation on the funds appropriated in this bill.

It is always proper and appropriate to provide specifically that you cannot use these funds for a specific purpose and to name the purpose. Let us make a practical application and look through the substance to the intent.

This bill appropriates money for the Treasury and Post Office Departments. Aside from not changing existing law, I may say to my friend from Mississippi this amendment is

trying to enforce existing law, because there is law upon the statute books which says it is unlawful for any bureau or department to spend money for any purpose except that for which money is appropriated; but notwithstanding this positive direction of law, we find departments taking money appropriated for one department and spending it for another purpose.

Now, what do we have here? We say to the Postmaster General that it shall be unlawful for him to take any money here appropriated for employees in the Post Office Department and pay them for doing work somewhere else. This is a clear-cut, unconditional limitation upon the direct funds appropriated in this act.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Mississippi.

Mr. RANKIN. I say to the gentleman this does not affect the salaries being paid. It does not change, reduce, or alter a single salary being paid in the Department.

Mr. WOODRUM. It does not have to do that.

Mr. RANKIN. This is simply trying to prevent the Department from permitting these men to help Members of Congress, the House or the Senate, in these investigations, as they have been doing for 150 years.

Mr. WOODRUM. Again my friend confuses the Holman rule with a limitation on an appropriation.

Mr. RANKIN. No; I do not.

Mr. WOODRUM. If the gentleman will permit, I think he does. Under the Holman rule, where you seek to change existing law by legislation on an appropriation bill, you have to show that you are saving money.

Here is an appropriation bill where we are directly appropriating money, and it is perfectly legitimate and proper to say, "You can have it for this, but you cannot have it for that", earmarking and speaking specifically of the funds appropriated here. We do not have to show that it will save money. As a matter of fact, it will save money.

I do not wish to prolong the discussion further, Mr. Chairman.

Mr. RANKIN. Mr. Chairman, I submit to the Chair that on the face of it, this section does not save a single dollar; it does not curtail a single salary. It does not reduce the number of employees. It does not do any one of those three things that would make it in order, but on the other hand it is likely to result in additional expenditures, because all these men in the departments capable of doing this work, may not be called, men who are efficient and trained for this purpose, to assist the special Senate committees, or special House committees, yet we would have to go into the Treasury to appropriate additional money for that purpose. So, instead of the far-fetched argument that it is saving money, I submit that it is costing money, and it is clearly legislation on an appropriation bill, and the point of order should be sustained.

The CHAIRMAN. The point of order made by the gentleman from Mississippi is directed against section 5, the last section of the bill, which reads as follows:

SEC. 5. No part of the appropriations contained in this act shall be used to pay the compensation of any person detailed or loaned for service in connection with any investigation or inquiry undertaken by any committee of either House of Congress under special resolution thereof.

The question raised is whether this is a proper limitation to be placed on an appropriation bill. If it be a proper limitation, then the point of order cannot be sustained. It is a question whether any law is changed by this section. If special committees desire to employ any employee from a department, they can still employ them by making proper arrangements and paying for them out of the appropriations that have been made for the special committees, but this is an appropriation bill for the Treasury and Post Office Departments, and the question arises whether the House in Committee of the Whole can place a limitation not only that will save money, but will direct to whom that money will be paid.

There are many decisions defining limitations on appropriation bills, but one of the best that the Chair has found is one given by Chairman Nelson Dingley, of Maine, on January 13, 1896, which is found on page 47 of Cannon's Procedure of the House of Representatives. The ruling of the Chairman at that time was as follows:

The House in Committee of the Whole has the right to refuse to appropriate for any object, either in whole or in part, even though that object may be authorized by law. That principle of limitation has been sustained so repeatedly that it may be regarded as a part of the parliamentary law of the Committee of the Whole.

There are many precedents, but the Chair has selected two that he thinks are in point. On April 30, 1921, the Army appropriation bill was under consideration in Committee of the Whole House on the state of the Union, when the Clerk read the following item:

For aviation: To officers of the Air Service, $1,000,000: *Provided*, that no portion of this appropriation shall be used for pay of Reserve officers.

Mr. Hull, of Iowa, made a point of order against that item and said:

It changes the law; it does not reduce the amount at all; it simply says you shall make the payment to the Regular Army and not to the Reserve officers, and that is not a limitation; the amount is not reduced at all. The money will be paid out just the same. It will be paid out to officers of the Regular Army.

The Chairman on that occasion was Mr. Tilson, and he ruled:

The Chair will call attention to the fact that Congress could make any limitation it pleases. It could say that the money could not be paid to the Regular officers of the Army. The Chair must overrule the point of order.

That decision may be found in Cannon's Precedents, volume 7, section 1587.

Again, on December 8, 1922, the Treasury Department appropriation bill was under consideration in the Committee of the Whole House on the state of the Union, when the paragraph providing an appropriation for the enforcement of the National Prohibition Act was reached Mr. TINKHAM, of Massachusetts, proposed this amendment:

Add a new provision, as follows: "*Provided*, That no part of this appropriation shall be used for the payment of a salary of any employee who shall not have been appointed after a competitive examination and certification by the Civil Service Commission."

Mr. Madden made a point of order against this amendment and cited the section of the law which permitted the Commissioner of Internal Revenue and the Attorney General to select certain employees to help enforce the law.

The Chairman of the Committee of the Whole at that time was the gentleman from Indiana, Mr. Sanders; and the Chair reads his decision:

The Committee on Appropriations, of course, have no legislative powers except such as are prescribed by the rules, and an amendment cannot be offered which proposes legislation unless it comes within the rules. However, there is a very long line of decisions which permits limitations upon appropriations. An amendment may be offered which provides that no part of this appropriation shall be paid to any certain class of employees, and the Chair knows of no reason why an amendment which provides that no part of this appropriation shall be paid to employees unless they have certain qualifications is not a proper limitation. The Chair therefore overrules the point of order.

That decision may be found in Cannon's Precedents, volume 7, section 1593.

The Chair thinks that the section of the bill against which the point of order is made is a proper limitation upon the use of the appropriation contained in the bill. It does not necessarily have to reduce the amount that shall be paid. It can direct to whom it shall be paid. The Chair is of the opinion, therefore, that the section is clearly within the power of the Committee of the Whole to place a limitation upon an appropriation; and the Chair, therefore, overrules the point of order.

Mr. RANKIN. Mr. Chairman, I offer the following motion.

The Clerk read as follows:

Mr. RANKIN moves to strike out, beginning on page 72, line 9, all of section 5.

Mr. LUDLOW. Mr. Chairman, I ask unanimous consent that all debate on this motion conclude in 10 minutes.

Mr. RANKIN. Mr. Chairman, I shall reserve the right to object on that. Wait until the 10 minutes is up. Other Members realizing the importance of this amendment probably will want to be heard on it.

The CHAIRMAN. Objection is heard.

Mr. RANKIN. Mr. Chairman, I am of course unalterably opposed to this provision of the bill, the result of which will be to paralyze those investigations that have been carried on by Senate committees for many years. I submit, further, that the Senate is the only place we have been able to get investigations into various and sundry things touching the very economic life of the American people ever since I have been a Member of the House, to say the least. If this provision had been in the law 10 years ago or 15 years ago, as I pointed out the other day, there could have been no Teapot Dome investigation, we would have been precluded from the investigation of the cotton exchange that brought about the reforms there; it would have paralyzed the investigation of the holding companies, and it would have paralyzed investigations that are going on at the other end of the Capitol now.

It does not cost any money. These people will still be on the pay roll, and you will not be crippling any department by striking this provision out and permitting those employees who have the information that is necessary in these investigations to come before these committees and assist. They tell us we can get a separate appropriation. How does that comport with the idea that this saves money? Oh, you try your case on the floor of the House and the Senate and inform the very ones you are going to investigate of all the charges and the avenues of information you expect to explore.

I say, Mr. Chairman, that this provision should be stricken from the bill; and it will be stricken from the bill at the other end of the Capitol. It is a question of whether or not the House wants to gag the United States Senate, or try to do so. I appeal to you, therefore, to vote for this amendment, to vote this section out of the bill, in order that the Senate of the United States and special committees of this House may be at liberty to continue those investigations, some of which are needed now. I appeal to every Member within the sound of my voice to vote this section out of the bill. It is unnecessary; it is absolutely tying the hands of those courageous men at the other end of the Capitol who have rendered such great services in the past and who are rendering such great services now. It ought never to have been put in the bill. It is going mighty far afield when the Appropriations Committee writes legislation of this kind into the law to say to a special committee of the House or to a special committee of the Senate that they cannot use people already on the Federal pay roll to help investigate the matters that come before them and in which the people of this country are vitally interested.

Mr. McFARLANE. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I yield.

Mr. McFARLANE. It seems to me, in line with the gentleman's argument, that under these special investigating committees we can send for the employees of these departments and secure the information we need without any additional employees at all, and it will actually save money if we strike this provision from the bill.

Mr. RANKIN. Why, of course. If you do not do it, what is going to be the result? Every time you have an investigation or a special committee you cannot send for people already on the pay roll and who have information the committees need, people who are peculiarly fitted to assist, unless you get a special appropriation for that purpose. This means that your investigation will close. This means a muzzling of the United States Senate so far as these salutary investigations are concerned.

I sincerely trust, Mr. Chairman, that the House will vote this section out of the bill. [Applause.]

Mr. WOODRUM. Mr. Chairman, I ask unanimous consent that all debate on this paragraph close in 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. McFARLANE. Mr. Chairman, it seems to me the time has come to cross this creek. A similar section was placed in a previous appropriation bill while in the House only to be taken out in the Senate. It is in this bill, and it is the intention of this committee as expressed on the floor to include it in other bills.

What is the intent of this section? Of course, impugning the motives of no one, it is very clear, as shown by the amendment, the intention is, as expressed in the previous debate on the other bill to stop investigating committees from using employees down here in the various departments, also using employees on W. P. A. rolls. What does that mean? It means when you have good information, given you confidentially as a Member of the House, and information upon which you can rely and you come in here and offer a resolution to investigate something which needs investigation, you are going to have to disclose the facts and put the people you intend to investigate on notice. In other words, you try your case down here in the Well of the House and you let the culprits escape before you can get your resolution passed giving you proper authority and funds to investigate them.

What do we do now under our investigations? In connection with every investigation that has been conducted within my knowledge in recent years the information has been secured by investigators going into the files of the people we investigate, and securing the information upon which the exposure is made. If it had not been for that system we would not have been able to get the information.

If this section is adopted, you will stifle any chance to get results from these investigating committees. You know it. If you do not know it you will find it is true. I think it is penny-wise and pound-foolish. Oh, you say you can cross these creeks when you get to them, and when you offer the resolution. You might as well forget the resolutions if you are going to follow this system and allow this committee to run the Congress. There will not be any use offering them if you have to expose your hand on the floor of the House trying to get the resolution passed.

You will put the people you are investigating on notice. They will strip their files, run to cover, and you will get a water haul if and when you make the investigation. It has obviously been quite evident you get a very small appropriation out of this committee to investigate with anyway.

Mr. Chairman, we might as well call a spade a spade. That is what we are running into. The House has been slow to investigate anything within my knowledge, and we have gotten water hauls on what we did investigate.

The Senate for many years has made the exposures through careful investigation, through trained investigators, who have gone out and got the information before the people could run to cover and hide the information. Take the investigations of the Teapot Dome, the ocean-mail contracts, lobbying, Power Trust, and other investigations that have saved the Government millions of dollars. Those disclosures would not have been made had such a section been in effect during the time these resolutions were called up for consideration.

Mr. MARTIN of Colorado. Will the gentleman yield?

Mr. McFARLANE. I yield to the gentleman from Colorado.

Mr. MARTIN of Colorado. Is it not a fact these big investigations are carried on right through long recesses of Congress and that a need for this assistance could be developed when Congress was not in session and no appropriation possible, which would simply stop the investigation?

Mr. McFARLANE. That is true. There are many employees down in the departments who are not busily engaged all the time. They are glad to put in this additional time furnishing information to the Congress. They are down there anyway. They have a knowledge of these facts. They can give this information with little or no additional expense. It we keep this section, you are tying our hands; you are making it almost impossible for the Government to develop its case and to see that justice is done. I hope that course will not be pursued. [Applause.]

[Here the gavel fell.]

Mr. JOHNSON of Minnesota. Mr. Chairman, having listened to the splendid words of the gentleman from Illinois [Mr. SABATH], who is the dean of the House, I, being a member of the Farmer-Labor Party, have long been an admirer of the Roosevelt administration in that they have discovered facts concerning the Government of the United States which have been the basis of most of the New Deal legislation.

The common people, not having the advantages of the press on their side, have had to fall back for information on their own resources for facts discovered by the United States Senate.

A couple of weeks ago we had the gentleman from Michigan [Mr. HOFFMAN] rise on this floor and denounce the Secretary of Labor, Madam Perkins, in no uncertain terms because she had refused to furnish certain facts to this House concerning the strike at Flint, Mich. Now, I have watched that same gentleman from Michigan, and he has supported amendments of this nature which are trying to cripple the detailing or the finding of events so far as facts are concerned by this Congress. It is interesting to note that in this strike there was a standstill in Michigan between labor and the C. I. O. on one side and General Motors on the other until Senator LA FOLLETTE and his Senate Civil Liberties Committee, by a few shrewd questions, exposed certain matters on General Motors in his special investigation, and it is noticeable that when the La Follette investigation hit at the heart of the matter the strike ended, and it ended in favor of labor.

This matter can be discussed pro and con, but it seems to me that the gentleman from Mississippi [Mr. RANKIN] is essentially correct in that we should not disturb the fact-finding activities of the United States Congress because, after all, you are the only group, except the President, that is responsible to the people of this country, and this New Deal legislation, which was based on these exposures, was five times killed by the Supreme Court, not 300 yards distant, and I really think you gentlemen who are for the New Deal ought to stand by the New Deal activities in this respect. [Applause.]

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Minnesota. I yield.

Mr. HOFFMAN. Was the activity on the part of this Civil Liberties Committee in payment of the $500,000 campaign contribution by the C. I. O.?

Mr. JOHNSON of Minnesota. I will say this much. I should rather take their money than the money of the fat boys in Wall Street. [Applause.]

Mr. HOFFMAN. All right; but was it?

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Minnesota. I yield.

Mr. RANKIN. Whenever the gentleman from Michigan [Mr. HOFFMAN] tells us how much money the Republican Party got from those who are being investigated, then we will match facts with him.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, there is not involved here any question of trying to stop any investigation. I believe the members of this committee will believe me when I tell them that not a living human being, so far as I know, has ever approached any member of the Appropriations Committee to ask that anything be done to throw anything in the way of these investigations. Is there not every reason to think that your colleagues on the Appropriations Committee, on both sides of the aisle, are just as much interested in discovering pertinent facts with reference to fraud and corruption and graft in this country as you gentlemen are? I know I am. But this is not the question here.

We have a duty as the Appropriations Committee of the House. You have given us a duty as your committee, and that duty is to see that funds go where you vote them to go.

Mr. HOOK. Mr. Chairman, will the gentleman yield?

Mr. WOODRUM. Not now. I have only 5 minutes, and I hope the gentleman will excuse me. Three gentlemen have spoken for the motion, and only my feeble words are against them.

All this section provides is that the money in this bill shall be used for these purposes. This does not stop any committee of Congress from getting information that it wants from any Government department.

It does not affect that in any way whatever. It does not stop any standing committee of Congress calling on any bureau to get any information it wants to be in a pertinent matter. What did our committee find out when we started into the Interstate Commerce Commission? We asked them why they had not done a certain job we had appropriated money for and they said they did not have the personnel to do it. Why? Because $400,000 of the money that Congress had appropriated for the Interstate Commerce Commission to look after the safety of employees on railroads and the other great work of that Commission, the regulation of motor-vehicle transportation, $400,000 of that money had been diverted and used in a committee investigation. All the Committee on Appropriations wants is this: If the Senate wants its own investigation, the Senate can get its money out of its contingent fund. It does not come out of the Appropriations Committee. If the House wants an investigation, the House can get the money from the Committee on Accounts, but the Committee on Appropriations asks you gentlemen in the interest of integrity and honesty of appropriations not to have us sitting on cases and appropriate money for a department and then have that department permit hundreds of thousands of dollars of that money to be diverted into other channels. Hundreds of thousands of dollars that you voted here to feed hungry men and women have been used for other purposes.

Mr. RANKIN. Oh, now!

Mr. WOODRUM. I cannot yield, but I am stating the fact. Hundreds of thousands of dollars of W. P. A. money was used in investigations. I am willing to stand with the gentleman from Mississippi [Mr. RANKIN] and with other gentlemen and vote any needed sums for these investigations, but why are we to assume that the House and the Senate are not just as ready and willing to pursue these inquiries seriously and with needed funds as we would be to appropriate them in this bill? But, gentlemen, we do ask you as your committee to help us when we are trying to protect these Departments and insist that they use the money for the purposes for which you voted it out of your constituents' pockets. We ask you to back your Committee on Appropriations in this. This amendment was adopted in the independent offices appropriation bill, which is now in conference, and the two investigations that have been going on in the Senate have not been interfered with in any way. They have gone to the contingent fund of the Senate and have got their money and have pursued their investigations.

Mr. RANKIN. But did not the Senate strike it out of the other bill?

Mr. WOODRUM. The Senate struck it out, and it is in conference now, and we hope in the independent offices appropriation bill to find suitable language to cover the situation.

The CHAIRMAN. The time of the gentleman from Virginia has expired. All time has expired. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken; and the Chair being in doubt, the Committee divided, and there were—ayes 39, noes 61.

So the amendment was rejected.

Mr. RAYBURN. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. RAYBURN: Page 72, after line 13, add a new paragraph, as follows:

"SEC. 6. The unobligated balances on the date of the approval of this act of appropriations contained in the Legislative Branch Appropriation Act, 1937, for three positions in the office of the majority floor leader, House of Representatives, are hereby made available for four positions in such office at annual rates of compensation, respectively, as follows: Legislative clerk, $3,110; clerk, $2,530; and two assistant clerks, at $1,800 each."

Mr. RAYBURN. Mr. Chairman, there is no increase involved in this amendment, but I think that I can take four

clerks instead of three and do better work for the House of Representatives than I can with three. That is the reason why I ask to be allowed to name four for the same amount of money for which I now name three.

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LUDLOW. Mr. Chairman, I move that the Committee do now rise and report the bill, with the amendments, to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GREENWOOD, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee had had under consideration the bill H. R. 4720, the Treasury and Post Office Departments appropriation bill, 1938, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. LUDLOW. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

On motion of Mr. LUDLOW, a motion to reconsider the vote by which the bill was passed was laid on the table.

SUPREME COURT

Mr. BOILEAU. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BOILEAU. Mr. Speaker, today the Farmer-Labor and Progressive conference, consisting of Members of this House belonging to those two parties, had a conference on the question of the President's message of February 5 proposing a reform of the Federal judiciary. At this meeting a statement was authorized to be made expressing the view of those who attended the conference.

Mr. Speaker, I ask unanimous consent to extend my remarks by inserting at this point the statement authorized by that conference.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The matter referred to follows:

The Farmer-Labor Progressive conference called by Chairman GARDNER R. WITHROW authorized the issuance of the following statement:

When Chief Justice Hughes was Governor of New York he said: "We are under a Constitution, but the Constitution is what the Judges say it is."

This statement is as true now as it was then. The fact that the present Justices of the Supreme Court have been divided in most of their opinions declaring acts of Congress unconstitutional should convince every fair-minded citizen that it is possible for the most intelligent, capable, and loyal jurists to differ in their interpretations of the constitutional provisions.

Without imputing improper motives to any members of the Court, we respectfully submit that if the Court had been composed of a majority of liberals rather than of conservatives, most of the acts of Congress which have been invalidated by the Supreme Court would have been upheld. Most of the Justices of the Supreme Court were appointed by conservative Presidents, largely because they, too, were conservatives. These Justices certainly have not become more progressive with advanced years. The Court has been "packed" with conservatives who have prevented Congress from effectively dealing with the complex problems of modern economic and social life. Equally able jurists, both on and off the Court, are of the opinion that in most instances the majority of the Court was wrong when it declared these acts of Congress unconstitutional.

Shall the people sit idly by and permit a Supreme Court that has been "packed" with ultraconservatives to tie its hands? It is necessary that we progress—that our Government meet the problems of the present day—that our constitutional form of government be saved. We cannot progress—the Government cannot function adequately—we endanger our form of government itself—unless we "unpack" the Supreme Court of the United States.

We cannot hope for immediate judicial reform through a constitutional amendment. Such procedure would require a two-thirds vote of each House of Congress and ratification by three-fourths of the States. Even though Congress should submit such a resolution for ratification, special privilege would use all its influence and resources to block favorable action on the part of the States. Thirteen States containing only 5 percent of the national population could prevent an amendment to the Constitution. We have seen that even in the case of the proposed child-labor amendment to the Constitution, with its great emotional appeal, approval of which has been urged by both a Republican and Democratic President, special privilege has succeeded in confusing the issue and preventing ratification. We cannot look in that direction for an effective means of solving our present problems.

The practical way to meet this great problem is to accept the recommendations which have been made by the President of the United States and thereby enlarge the membership of the Supreme Court by providing for additional and younger men to serve with those now on the Court, in the hope that the Constitution will then be interpreted in such a way as to meet the needs of the modern world. This would not do violence to the Constitution but it would do justice to the people whom the Constitution was intended to protect. The new appointees would take the same oath to defend and protect the Constitution—they would be men of unquestioned patriotism and devotion to duty. But they would be younger, more vigorous, and not so conservative as many of the men now on the Court.

We endorse the President's proposal and urge liberals to united action.

EXTENSION OF REMARKS

Mr. CONNERY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks by printing in the RECORD at the point to which I referred to them certain tables I used in my remarks this afternoon on the Treasury-Post Office bill.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

(Mr. RICH, Mr. LUECKE of Michigan, Mr. MOSER of Pennsylvania, and Mr. RANKIN asked and were given permission to revise and extend their remarks.)

Mr. BIERMANN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to set out in tabular form a few figures I used in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. SCOTT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing in the Appendix a radio speech I delivered.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. STARNES. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein an address delivered by the Secretary of the Interior, Mr. Ickes, at San Antonio, Tex., last Tuesday evening.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by printing in the Appendix a radio speech I delivered last night.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. McFARLANE. Mr. Speaker, I ask unanimous consent to revise and extend my remarks by including certain short excerpts from the testimony of the hearings on the Treasury-Post Office bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BINDERUP. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes on next Tuesday after the reading of the Journal and the disposition of business on the Speaker's table.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

Mr. RAYBURN. Mr. Speaker, reserving the right to object, Tuesday, by unanimous consent, is District day. I think the District Committee wants to consider several bills. Thursday of next week we shall either have no program or else there will be general debate on the naval appropriation bill. May I suggest, therefore, to the gentleman from Nebraska, that he wait until we see what the situation is on Tuesday? If the matters from the District Committee do not take up a great deal of time, he can speak later in the day. If not, I am sure there will be very liberal debate on the naval appropriation bill when it comes up.

Mr. BINDERUP. Mr. Speaker, I am very anxious to make my request comply to the rules of the House. I therefore withdraw my request.

ADJOURNMENT OVER

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. NICHOLS, for 10 days, on account of important official business.

ENROLLED JOINT RESOLUTION SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H. J. Res. 229. Joint resolution to make funds available for health and sanitation activities in the areas recently stricken by floods.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a joint resolution of the House of the following title:

H. J. Res. 229. Joint resolution to make funds available for health and sanitation activities in the areas recently stricken by floods.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 32 minutes p. m.) the House, in accordance with its previous order, adjourned until Monday, February 22, 1937, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

383. Under clause 2 of rule XXIV a letter from the Secretary of War, transmitting the draft of a bill to authorize the acquisition of land for cemeterial purposes in the vicinity of San Francisco, Calif., was taken from the Speaker's table and referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 4287. A bill to authorize the Attorney General to settle outstanding claims against Chapman Field, Fla., and for other purposes; without amendment (Rept. No. 265). Referred to the Committee of the Whole House on the state of the Union.

Mr. JONES: Committee on Agriculture. H. R. 1645. A bill to facilitate the extension of agricultural credit at lower interest rates by providing for the issue of certain bank notes, to encourage the ownership of farm homes, and for other purposes; without amendment (Rept. No. 290). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 328. A bill for the relief of Brown McCubbin; with amendment (Rept. No. 266). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 458. A bill for the relief of Eva Markowitz; with amendment (Rept. No. 267). Referred to the Committee of the Whole House.

Mr. THOMAS of New Jersey: Committee on Claims. H. R. 595. A bill for the relief of C. E. Landtiser; with amendment (Rept. No. 268). Referred to the Committee of the Whole House.

Mr. ATKINSON: Committee on Claims. H. R. 2771. A bill for the relief of Harold W. Snell; with amendment (Rept. No. 269). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 2772. A bill for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department; without amendment (Rept. No. 270). Referred to the Committee of the Whole House.

Mr. SMITH of Washington: Committee on Claims. H. R. 2773. A bill to authorize the settlement of individual claims for personal property lost or damaged, arising out of the activities of the Civilian Conservation Corps, which have been approved by the Secretary of War; without amendmemnt (Rept. No. 271). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 3636. A bill for the relief of Margaret Scott Bayley; with amendment (Rept. No. 272). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 3701. A bill for the relief of the Sterling Bronze Co.; with amendment (Rept. No. 273). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 3706. A bill for the relief of Ella Goodwin; without amendment (Rept. No. 274). Referred to the Committee of the Whole House.

Mr. CARLSON: Committee on Claims. H. R. 3722. A bill for the relief of Alfred T. Johnston; without amendment (Rept. No. 275). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 3734. A bill for the relief of Zoe A. Tilghman; without amendment (Rept. No. 276). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 3736. A bill for the relief of Mr. and Mrs. Edward J. Pruett; with amendment (Rept. No. 277). Referred to the Committee of the Whole House.

Mr. NICHOLS: Committee on Claims. H. R. 3750. A bill for the relief of Jack C. Allen; with amendment (Rept. No. 278). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 3812. A bill for the relief of the estate of Rees Morgan; with amendment (Rept. No. 279). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 3921. A bill for the relief of Nell Mullen; with amendment (Rept. No. 280). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 3954. A bill for the relief of Milo Milliser; with amendment (Rept. No. 281). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 3956. A bill for the relief of Mr. and Mrs. Charles F.

Carter, parents and guardians of Louise Marie Carter, a minor; without amendment (Rept. No. 282). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 3967. A bill for the relief of Adele Fowlkes; with amendment (Rept. No. 283). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 4023. A bill for the relief of Lucy Jane Ayer; without amendment (Rept. No. 284). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 4233. A bill for the relief of Annie E. Hyland; with amendment (Rept. No. 285). Referred to the Committee of the Whole House.

Mr. RYAN: Committee on Claims. H. R. 4242. A bill for the relief of V. P. Johnson; without amendment (Rept. No. 286). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 4246. A bill for the relief of N. C. Nelson; without amendment (Rept. No. 287). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 4258. A bill for the relief of Barbara Jean Matthews, a minor; without amendment (Rept. No. 288). Referred to the Committee of the Whole House.

Mr. RYAN: Committee on Claims. H. R. 4259. A bill for the relief of Ralph P. Kellogg; without amendment (Rept. No. 289). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HULL: A bill (H. R. 4945) to appropriate a sum of money for drought relief purposes; to the Committee on Appropriations.

By Mr. KOCIALKOWSKI: A bill (H. R. 4946) to provide a government for American Samoa; to the Committee on Insular Affairs.

By Mr. SMITH of Connecticut: A bill (H. R. 4947) to amend the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes", approved June 3, 1916, as amended, and for other purposes; to the Committee on Military Affairs.

By Mr. SMITH of Washington: A bill (H. R. 4948) to authorize the maintenance and operation of Bonneville project for navigation and flood control, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. O'CONNOR of Montana: A bill (H. R. 4949) authorizing the Arapahoe and Cheyenne Indians to submit claims to the Court of Claims, and for other purposes; to the Committee on Indian Affairs.

Also, a bill (H. R. 4950) to credit certain Indian tribes with sums heretofore expended from tribal funds on Indian irrigation works; to the Committee on Indian Affairs.

By Mr. O'LEARY: A bill (H. R. 4951) to amend section 704 of the Merchant Marine Act of 1936 (49 U. S. Stat. L. 2008–2009); to the Committee on Merchant Marine and Fisheries.

By Mr. PHILLIPS: A bill (H. R. 4952) for the furtherance of the freedom of the press; to the Committee on the Judiciary.

By Mr. ROBINSON of Utah: A bill (H. R. 4953) to provide that land in national game preserves shall be subject to prospecting and location under the United States mining laws; to the Committee on Mines and Mining.

Also, a bill (H. R. 4954) to aid business and economic research in connection with collegiate schools of business in the several State and Territorial universities; to the Committee on Education.

By Mr. LEWIS of Maryland: A bill (H. R. 4955) extending the protection of the law to the worker's right to work and to a just share of the employment available; forming trade associations to effectuate such protection and to stabilize business; and imposing certain excise taxes, with privilege draw-back; to the Committee on Ways and Means.

By Mr. CASE of South Dakota: A bill (H. R. 4956) to provide for a preliminary examination of the White River in South Dakota with a view to flood control; to the Committee on Flood Control.

Also, a bill (H. R. 4957) to provide for a preliminary examination of the Keyapaha River in South Dakota with a view to flood control; to the Committee on Flood Control.

Also, a bill (H. R. 4958) authorizing a preliminary examination of the Bad River from Philip to Fort Pierre, S. Dak.; to the Committee on Flood Control.

Also, a bill (H. R. 4959) to enable farmers in disaster areas to pay their seed and feed loans by working on farm-to-market roads and water-control projects; to the Committee on Agriculture.

By Mr. MARTIN of Massachusetts: A bill (H. R. 4960) to regulate advertising of imported articles; to the Committee on Interstate and Foreign Commerce.

By Mr. WHITE of Ohio (by request): A bill (H. R. 4961) for the better assurance of the protection of persons within the several States from mob violence and lynching, and for other purposes; to the Committee on the Judiciary.

By Mr. O'BRIEN of Michigan: A bill (H. R. 4962) to prohibit and penalize the manufacture of munitions of war except by the War and Navy Departments of the United States of America or by authorization from the Congress of the United States; to the Committee on Military Affairs.

By Mr. PETERSON of Florida: A bill (H. R. 4963) authorizing a preliminary examination and survey of Estero River, Imperial River, Corkscrew River (Horse Creek), Gordon River, and Rock Creek, all in Florida, with a view to the control of their floods; to the Committee on Flood Control.

By Mr. DISNEY: A bill (H. R. 4964) to restore in their original form sections 3 to 7, inclusive, of the Subsistence Expense Act of 1926, amended by sections 207 and 208 of the Legislative Appropriation Act approved June 30, 1932; to the Committee on the Civil Service.

By Mr. LEMKE: Resolution (H. Res. 123) to make H. R. 1612, a bill to amend title I of an act entitled "Agricultural Adjustment Act" (Public, No. 10, 73d Cong.), and to provide additional relief by securing to the farmers a minimum price for agricultural commodities of not less than the cost of production thereof, and for other purposes, a special order of business; to the Committee on Rules.

By Mr. O'CONNOR of Montana: Resolution (H. Res. 124) to make H. R. 213 a bill to liquidate and refinance agricultural indebtedness at a reduced rate of interest by establishing an efficient credit system, through the use of the Farm Credit Administration and the Federal Reserve banking system, a special order of business; to the Committee on Rules.

By Mr. GAVAGAN: Resolution (H. Res. 125) to make H. R. 1507 a bill to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching, a special order of business; to the Committee on Rules.

By Mr. McFARLANE: Resolution (H. Res. 126) to investigate the explosion on the United States battleship *Wyoming* of February 17; to the Committee on Rules.

By Mr. HILL of Washington: Resolution (H. Res. 127) to make H. R. 214 a bill to liquidate and refinance existing mortgages on homes in cities and towns at a reduced rate of interest by establishing an efficient credit system through the Home Owners' Loan Corporation and the Federal Reserve banking system, a special order of business; to the Committee on Rules.

By Mr. CROWE: Joint resolution (H. J. Res. 236) for the relief of stricken flood sufferers; to the Committee on Appropriations.

By Mr. GRAY of Pennsylvania: Joint resolution (H. J. Res. 237) proposing an amendment to the Constitution of the United States granting the power of the Congress of the United States to regulate maximum hours, minimum wages, and working conditions in industry, mining, and manufacturing in the United States and in the several States; to the Committee on the Judiciary.

By Mr. CASE of South Dakota: Joint resolution (H. J. Res. 238) proposing the "Unknown Soldier" amendment to the Constitution of the United States, restoring the right

to the people to declare war abroad; to the Committee on the Judiciary.

Also, joint resolution (H. J. Res. 239) proposing an amendment to the Constitution of the United States to include citizen Indians in counting the whole number of persons in each State for apportionment of Representatives; to the Committee on the Judiciary.

By Mr. BERNARD: Joint resolution (H. J. Res. 240) to invoke the Neutrality Act of 1935 (Public Res. 67, 74th Cong., 1st sess.), approved August 31, 1935, and apply that act specifically to nations presently in a state of war; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Pennsylvania, memorializing the Congress of the United States, and in particular the Representatives of Pennsylvania in the Congress, to vote in the affirmative concerning additional Justices of the Supreme Court; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of Oklahoma, memorializing the Congress of the United States to give favorable consideration to the retention of United States experiment stations in Oklahoma and other Middle Western States; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of South Dakota, memorializing the Congress of the United States to enlarge the activities of the Civilian Conservation Corps camps; to the Committee on Labor.

Also, memorial of the Legislature of the State of New Hampshire, memorializing the Congress of the United States with a petition opposed to the passage of the bills changing the judiciary; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of Minnesota, memorializing the Congress of the United States to urgently give the so-called Townsend recovery plan, otherwise known as the General Welfare Act of 1937, careful and serious consideration; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of Oregon, memorializing the Congress of the United States to refrain from the ratification of the Argentine Sanitary Convention; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of Wisconsin, memorializing the Congress of the United States to consider their Joint Resolutions Nos. 13A, 16A, 17A, and 20A; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. WHITE of Ohio: A bill (H. R. 4965) granting a pension to Ada Thomas Hackett; to the Committee on Invalid Pensions.

By Mr. WILCOX: A bill (H. R. 4966) for relief of the M. F. Comer Bridge & Foundation Co.; to the Committee on Claims.

By Mr. MASON: A bill (H. R. 4967) granting a pension to Mae McBratney; to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 4968) for the relief of Lester I. Conrad; to the Committee on Claims.

By Mr. EDMISTON: A bill (H. R. 4969) granting a pension to Frederick L. Knicely; to the Committee on Pensions.

Also, a bill (H. R. 4970) for the relief of Harry Bryan and Alda Duffield Mullins, Elbert Grover and Mattie Jane Facemire Harrison, Wayne B. and Macel Burrows Stanley, Carl Benjamin and Vera Smallridge Hitchcock, William Henderson Coulter, Homer Clay and Grace Holt Isenhart, Osey G. Bosley, Albert Thomas and Myrtle Bell Keaton Helmick, Leslie Lewis and Lula Beatrice Hamric Belknap, Patrick Daniel and Nora Helena Grace Hickey, Everett French Mick, William M. and Ato Norman Young, Albert and Della Workman Groves, Ethel Rollyson Lough, and Ray Earl Bennett; to the Committee on Claims.

Also, a bill (H. R. 4971) granting an increase of pension to Sarah M. Waugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4972) granting an increase of pension to Anzina L. Harper; to the Committee on Invalid Pensions.

By Mr. HALLECK: A bill (H. R. 4973) for the relief of Francis B. Cornell; to the Committee on Military Affairs.

Also, a bill (H. R. 4974) granting an increase of pension to Florence Uplinger; to the Committee on Invalid Pensions.

By Mr. KINZER: A bill (H. R. 4975) granting an increase of pension to Annie M. Evans; to the Committee on Invalid Pensions.

By Mr. KNIFFIN: A bill (H. R. 4976) granting an increase of pension to Anna Palmer; to the Committee on Invalid Pensions.

By Mr. LEA: A bill (H. R. 4977) for the relief of Carl J. Canada; to the Committee on Military Affairs.

By Mr. LUDLOW: A bill (H. R. 4978) granting a pension to Bertine B. Boswell; to the Committee on Pensions.

By Mr. McGRATH: A bill (H. R. 4979) for the relief of Gustav Schmidt; to the Committee on Claims.

By Mr. MILLER: A bill (H. R. 4980) for the relief of Leo Janes; to the Committee on Claims.

Also, a bill (H. R. 4981) for the relief of J. D. Campbell; to the Committee on Claims.

By Mr. ROBERTSON: A bill (H. R. 4982) to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. William Justin Olds; to the Committee on the District of Columbia.

By Mr. TOWEY: A bill (H. R. 4983) granting a pension to Mary Honig Schnepel; to the Committee on Pensions.

By Mr. VINSON of Kentucky: A bill (H. R. 4984) granting an increase of pension to Caroline Hockley; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

413. By Mr. ASHBROOK: Petition of Mrs. George Perman and 70 residents of Shelby, Ohio, asking that no law be passed that would disturb or abridge the religious rights and privileges of the American people; to the Committee on Foreign Affairs.

414. By Mr. CULKIN: Petition of W. M. Sprague and other citizens of Lacona, N. Y., opposing the proposal on the Supreme Court; to the Committee on the Judiciary.

415. Also, petition of William J. Potter, Jr., and other citizens of Sandy Creek, N. Y., opposing the proposal on the Supreme Court; to the Committee on the Judiciary.

416. By Mr. FISH: Petition of 56 residents and citizens of Orange County (Twenty-sixth Congressional District) of New York, who desire to express their unqualified condemnation of the President's proposal to pack and control the Supreme Court; to the Committee on the Judiciary.

417. By Mr. HALLECK: Petition of Chaplin Brown Post 106, Grand Army of the Republic, and Porter Camp 116, Sons of Union Veterans of the Civil War, of Valparaiso, Ind., opposing an increase in the number of judges on the Supreme Court of the United States; to the Committee on the Judiciary.

418. Also, petition of 74 citizens of Hamlet, Ind., protesting against the enactment of proposed legislation affecting the Supreme Court; to the Committee on the Judiciary.

419. Also, resolution unanimously adopted by the Jasper Bar Association, of the State of Indiana, opposing the enactment of legislation increasing the number of judges on the Supreme Court of the United States; to the Committee on the Judiciary.

420. Also, petition of 82 citizens of Linton, Ind., opposing an increase in the number of Justices on the Supreme Court of the United States; to the Committee on the Judiciary.

421. By Mr. JARRETT: Resolution of the Kiwanis Club of Oil City, Pa., protesting against legislation by Congress to increase the membership of the Supreme Court, and opposing legislation that will destroy constitutional checks in Federal Government; to the Committee on the Judiciary.

422. Also, resolution adopted at a mass meeting held in Oil City, Pa., February 15, 1937, J. V. Frampton, secretary, Samuel R. Maxwell, chairman, condemning and recording opposition to such recommendation of the President and to the attempted usurpation of the right and power of the people to amend the Federal Constitution, etc.; to the Committee on the Judiciary.

423. By Mr. MEAD: Petition of Hertel Avenue Citizens and Taxpayers Association, Inc., of Buffalo, N. Y., urging an expansion of the Works Progress Administration and an increase in rates of pay for persons working on Works Progress Administration projects; to the Committee on Ways and Means.

424. By Mr. MERRITT: Resolution of the Empire State Society of the Sons of the American Revolution, opposing the enactment of the bill for the reorganization of the Federal judiciary submitted to Congress with the message of the President of the United States on February 5, 1937, or to any other bill the effect of which would be to increase the number of Justices of the Supreme Court of the United States, or otherwise to interfere with the independent action of the Federal courts and the justices and judges thereof, as one of the three great departments of the Federal Government; to the Committee on the Judiciary.

425. Also, resolution of the bishop and members of the standing committee of the diocese of Long Island of the Protestant Episcopal Church, opposing the enactment of the bill for the reorganization of the judiciary of the United States submitted to the Congress with the message of the President of the United States on February 5, 1937, or to any other bill the effect of which would be to increase the number of the Justices of the Supreme Court of the United States or otherwise interfere with the independent action of the courts of the United States and the justices and judges thereof; to the Committee on the Judiciary.

426. Also, resolution of the National Association of Woodwork Jobbers, recording its appreciation of the constructive activities of the Federal Housing Administration toward home modernization, improvement, and repair, and urging the extension of that section of the said title I of the National Housing Act; to the Committee on Banking and Currency.

427. By Mr. MILLARD: Resolution adopted by the Nanuet Republican Club, Nanuet, N. Y., opposing the proposal to enlarge the Supreme Court; to the Committee on the Judiciary.

428. Also, resolution adopted by the New York Patent Law Association, opposing the President's proposal to increase the membership of the Supreme Court; to the Committee on the Judiciary.

429. Also, resolution adopted by the Westchester County (N. Y.) Bar Association, opposing the President's proposal to change the membership on the Supreme Court; to the Committee on the Judiciary.

430. Also, resolution adopted by the executive council of the Federation of Greenburgh Taxpayers' Association, Westchester County, N. Y., opposing the President's proposal to increase the membership of the Supreme Court; to the Committee on the Judiciary.

431. Also, resolution adopted by the Banksville Council, No. 86, Junior Order United American Mechanics, at Bedford, N. Y., opposing the President's proposal to increase the membership of the Supreme Court; to the Committee on the Judiciary.

432. Also, resolution adopted by the members of the Hartsdale (N. Y.) Republican Club, opposing the President's proposal to increase the membership of the Supreme Court; to the Committee on the Judiciary.

433. By Mr. MOTT: Six petitions signed by citizens of Albany, Oreg., urging that the Congress pass no law that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

434. By Mr. PFEIFER: Petition of the New York Newspaper Printing Pressmen's Union, No. 2, New York City, with reference to investigation; to the Committee on Labor.

435. By Mr. SACKS: Concurrent resolution of the General Assembly of the State of Pennsylvania, calling upon the Congress of the United States, and particularly the Representatives of Pennsylvania, to vote in the affirmative upon the proposal of the President to enlarge the membership of the Supreme Court; to the Committee on the Judiciary.

436. By Mr. SMITH of West Virginia: Resolution of the Bar Association of the City of Charleston, W. Va., protesting against the reorganization of the Supreme Court; to the Committee on the Judiciary.

437. By Mr. THOMAS of New Jersey: Petition dated February 13, 1937, and signed by some 111 citizens of Branchville, N. J., protesting the President's proposed reorganization of the Supreme Court; to the Committee on the Judiciary.

438. By the SPEAKER: Petition of the central committee of the Non-Partisan Party of Hawaii, petitioning a branch of the National Labor Relations Board in the Territory of Hawaii; to the Committee on Labor.

439. Also, petition of KGIR, Inc. (the voice of Montana), offering a proposed bill to amend the act entitled "An act to amend and consolidate the acts respecting copyright", approved March 4, 1909, as amended, and for other purposes; to the Committee on Patents.

SENATE

MONDAY, FEBRUARY 22, 1937

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Lord of all power and might, whose name is excellent in all the earth, whose glory is above the heavens, and who didst enable our forefathers to lay the strong foundations of peace, liberty, and safety for our Nation: Grant to us and to every citizen of the United States of America a devout sense of Thy signal mercies to our land, and increase in us a spirit of love and thankfulness to Thee, the author of all good, and a spirit of true devotion to the welfare of our country.

In imitation of him whose birthday we commemorate, help every member of our Government to hold his conscience higher than the praise of men, that his own righteous self-respect may suffice alike for motive and reward in the sphere of duty unto which he has been called. We ask it in the name of Him who is the great example to men and the hope of all nations, Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of Friday, February 19, 1937, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Megill, one of its clerks, announced that the House had passed a bill (H. R. 4720) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1938, and for other purposes, in which it requested the concurrence of the Senate.

CALL OF THE ROLL

Mr. ROBINSON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Davis	La Follette	Pittman
Andrews	Dieterich	Lewis	Pope
Ashurst	Duffy	Lodge	Reynolds
Austin	Ellender	Logan	Robinson
Bachman	Frazier	Lonergan	Russell
Bailey	George	Lundeen	Schwartz
Black	Gerry	Maloney	Schwellenbach
Bone	Gibson	McCarran	Sheppard
Borah	Gillette	McGill	Steiwer
Brown, Mich.	Glass	McKellar	Thomas, Okla.
Bulow	Green	McNary	Thomas, Utah
Burke	Harrison	Minton	Townsend
Byrd	Hatch	Moore	Truman
Byrnes	Hayden	Murray	Tydings
Capper	Herring	Neely	Vandenberg
Caraway	Holt	Norris	Van Nuys
Chavez	Hughes	Nye	Walsh
Clark	Johnson, Calif.	O'Mahoney	White
Connally	Johnson, Colo.	Overton	
Copeland	King	Pepper	

Mr. LEWIS. I announce that the Senator from Ohio [Mr. DONAHEY] and the Senator from Pennsylvania [Mr. GUFFEY] are absent from the Senate because of illness; and that the Senator from Mississippi [Mr. BILBO], the Senator from New Hampshire [Mr. BROWN], the Senator from Kentucky [Mr. BARKLEY], the Senator from South Dakota [Mr. HITCHCOCK], the Senator from Oklahoma [Mr. LEE], the Senator from California [Mr. MCADOO], the Senator from Maryland [Mr. RADCLIFFE], the Senator from South Carolina [Mr. SMITH], the Senator from New York [Mr. WAGNER], and the Senator from Montana [Mr. WHEELER] are unavoidably detained.

I further announce that the Senator from Ohio [Mr. BULKLEY] is absent investigating flood conditions in his State.

Mr. AUSTIN. I announce that the senior Senator from Minnesota [Mr. SHIPSTEAD] is still absent because of illness, and that the Senator from New Hampshire [Mr. BRIDGES] is necessarily detained from the Senate.

The VICE PRESIDENT. Seventy-eight Senators have answered to their names. A quorum is present.

READING OF WASHINGTON'S FAREWELL ADDRESS

The VICE PRESIDENT. Under a standing order of the Senate, the junior Senator from Massachusetts [Mr. LODGE] having been designated to read the Farewell Address of George Washington, that Senator will now kindly advance to the desk and read the address.

Mr. LODGE advanced to the desk and said:

Mr. President, mindful as I have always been of the great traditions of the United States Senate, I deeply appreciate the honor of reading the immortal Farewell Address of George Washington.

Mr. LODGE then read the address, as follows:

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism,—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite moment, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming

yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south*, in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations,—*northern* and *southern*—*Atlantic* and *western;* whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations: they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and maintaining within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presuppose the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill

concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however spacious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.—But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one part against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is neces-

sary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties,) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal

favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism, this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least believed myself to be guided by them.

In relation to the still subsisting war in Europe; my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. What ever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON

UNITED STATES,
17th September, 1796.

The PRESIDING OFFICER (Mr. BACHMAN in the chair). The Chair, on behalf of the Senate, desires to thank the junior Senator from Massachusetts for his splendid rendition of Washington's Farewell Address.

REASONS FOR AND MEANING OF THE FAREWELL ADDRESS

Mr. THOMAS of Utah. Mr. President, the reading of Washington's Farewell Address on his birthday is a Senate custom which the country highly approves. It is a mark of respect due the Father of his Country. This custom began in the eighties of the last century. Through the nineties, year after year, Senator Hoar, of Massachusetts, submitted a resolution providing that the address be read. On January 24, 1901, he changed his resolution to read as follows:

Ordered, That, unless otherwise directed, on the 22d day of February in each year, * * * Washington's Farewell Address shall be read in the Senate by a Senator to be designated for the purpose by the presiding officer * * *. (Senate Journal, 103, 56–2, Jan. 24, 1901.)

Since the standing order was adopted, the Farewell Address has been read alternately by a Democrat and Republican each year.

Laudable as the reading of the address is, it may become a perfunctory practice or it may result in an adherence to one-sided or at least sloganized deductions if we do not from time to time rehearse the real meaning of the address and the reasons for which it was written.

Washington's Farewell Address was not merely advice for future generations prepared by our great first President without consultation, nor was it without partisan political significance. Great as the address is, and important as it has become, it was a defense of his administration quite as much as an exposition of wisdom and virtue. Washington's wisdom and virtue may be accepted as universal, but his defense must not be separated from his time. The address did not receive unanimous approval. The opponents to his administration saw in it only partisan motives. This is historical fact, not a reflection upon Washington.

A great compliment that can be paid to General Washington was that he took advice. Woodrow Wilson writes:

* * * General Washington * * * set an example which few of his successors seem to have followed * * *. He made constant and intimate use of his colleagues in every matter that he handled, seeking their assistance and advice by letter when they were at a distance * * *. It is well known * * * that his greater state papers * * * are full of the ideas and the very phrases of the men about him whom he most trusted. His rough drafts came back to him from Mr. Hamilton and Mr. Madison in great part rephrased and rewritten, in many passages reconceived and given a new color. * * * (The President of the United States, by Woodrow Wilson, pp. 67 and 68.)

Professor Beard pictures the background and the address thus:

This state of affairs confirmed Washington in his determination to retire * * *. He was weary from his burdensome labors in field and forum. * * * Once he had received respectful homage on all occasions; now, near the close of his second administration, he was shocked and grieved to find himself spattered with the mud of political criticism. Having definitely alined himself with the Federalist group, * * * he had voluntarily incurred the risks of partisan attacks. Nevertheless, he was distressed beyond measure to hear himself assailed, as he complained, "in such exaggerated and indecent terms as could scarcely be applied to a Nero, a notorious defaulter, or even to a common pickpocket." * * * In September 1796, on the eve of the Presidential election, he announced his decision in a Farewell Address that is now among the treasured state papers of the American Nation.

In this note of affection and warning to his fellow citizens, Washington directed their attention especially to three subjects of vital interest. Having dimly sensed the conflict impending between the North and the South, he gravely cautioned them against sectional jealousies. Having suffered from the excesses of factional strife, he warned them against the extremes of partisanship. * * * Having observed the turbulent influence of foreign affairs

upon domestic politics, he put them on their guard against "permanent alliances, * * * artificial entanglements, * * * (and) the insidious wiles of alien intrigues."

Then in simple words of reconciliation he expressed the hope that his country would forgive the mistakes which he had committed during his 45 years of public life, and that he might enjoy, in the midst of his countrymen, "the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors, and dangers." (The Rise of American Civilization, by Charles A. Beard and Mary R. Beard, pp. 371, 372.)

Professor Nevins writes:

Earnestly desiring leisure, feeling a decline of his physical powers, and wincing under opposition abuse, Washington refused to yield to the general pressure for a third term. This refusal was blended with a testament of sagacious advice to his country in the Farewell Address of September 19, 1796, written largely by Hamilton but remolded by Washington and expressing his ideas. (Biography of George Washington (Retirement), by Allan Nevins.)

Professor Philbrick, in writing of Alexander Hamilton, has this to say:

His activity in the Cabinet was by no means confined to the finances. * * * It is often said that Hamilton's counsels were predominant with Washington. In domestic affairs this is, on the whole, true * * *. With regard to foreign relations, common sense and better judgment usually supported Jefferson's counsels—but where those qualities were involved Washington needed no counsel. Neutrality and isolation were American policies (to be found in the letters of every public man) before any occasion arose for their official promulgation. There was here no real difference between Hamilton and Jefferson—one sympathized with England, the other with France, but both desired neutrality. * * * In January 1795 Hamilton resigned and returned to the practice of law in New York * * *. But though in private life he remained the continual and chief adviser of Washington, * * * Washington's Farewell Address cannot fairly be said to have been "written" by Hamilton; for Washington had worked upon it for years, and Madison had contributed to it. But though Washington supplied what he called the "body" to Hamilton, the latter apparently largely re-dressed it; and in particular he added what he described as "such reflections and sentiments as will wear well, * * * and redound to future reputation." (Biography of Alexander Hamilton, appearing in the Encyclopaedia Britannica, author, Francis S. Philbrick.)

From the above and other sources we know that early in 1796 Washington began his valedictory. This constituted the first draft, which was sent to Hamilton. Hamilton made a digest known as Abstract of Points to Form an Address. From this digest, Hamilton began what he called a major draft, and as a result of correspondence the major draft passed back and forth between Washington and Hamilton, and by revision and extension was considerably amended. After Hamilton had completed this major draft and had sent it to Washington, he made another draft known as the "draft for incorporating", meaning that Washington might choose either the major draft as material for consideration, or incorporate the other draft with Washington's first one. Washington then began the preparation in his own hand of a manuscript for the printer, known as his own "final manuscript", from the material furnished him by Hamilton.

After Washington died, and down through the years, sentences and paragraphs from Washington's address have been pounced upon and quoted as Scripture to serve a purpose at a given time or a given place. In a year like the present, when neutrality is on the minds of all, Washington's defense of his own neutrality acts may be used to justify or to condemn a neutrality stand of the present. This is hardly fair. It is the world of today that we must legislate for; not the world as it was in Washington's day. If the address is used for argument today, it is the spirit of the whole that should guide us and not a single phrase or paragraph. The reading of all the related paragraphs to the defense of his neutrality policy proves that he did not conceive conditions to remain as they were, nor did he assume future policy necessarily to be identical with his. His reference to neutrality comes in justification of his proclamation of the 22d of April 1793 and the subsequent legislation. His stand on neutrality referred definitely and particularly to what had been done. Note his words:

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance, and firmness.

* * * * * * *

Against the insidious wiles of foreign influence (I conjure you to believe me, fellow citizens), the jealousy of a free people ought to be constantly awake; since history and experience prove that foreign influence is one of the most baneful foes of republican government. * * * Excessive partiality for one foreign nation and excessive dislike for another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other.

Thus from experiences which were his own came the following general principles:

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. * * *

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient Government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Running through the whole of the address we discover the elements of growth, as expressed above in the words "the period is not far off." We note also his desire for constitutional change only by peaceful process, and the theory that the time may come when our strength may be sufficient to withstand all threats to our peace. Thus one reason for our neutrality then was a necessary one due to our weakness.

Washington, with the wisdom of a prophet, foresaw that an adherence to the policies of fair dealing and honesty would bring its reward to the Nation just as it does to the individual. Nowhere in Washington's writings do we find the assumption that conditions are static. It would be impossible for him to have accepted that philosophy when we understand the theories of his time in regard to the concept of progress. The fathers of our country were influenced in their philosophical outlook by the theory of progress which broke upon the European and American world like a new renaissance after certain contacts with an older civilization. Condorcet and the Encyclopédistes had caught the spirit of progress. Washington, Jefferson, and our whole early governmental processes reflect it. Without the idea of progress could our Government have adopted the motto for its great seal, "Annuit Coeptis. Novus Ordo Seclorum"?

Chief Justice Jay, in his decision in *Chisholm* v. *Georgia* (2 Dall. 419), lays down the doctrine that a new order of legal processes was set up under the Constitution which was a break with the past. Jay carried the idea too far, because, of course, there can be no break with the past. The people soon overcame the legal consequences of Jay's decision by adopting the eleventh amendment.

The following quotation from Jefferson also reflects the spirit of progress of the time:

* * * I shall not die without a hope that light and liberty are on steady advance. We have seen, indeed, once within the records of history a complete eclipse of the human mind continuing for centuries. * * * And even should the cloud of barbarism and despotism again obscure the science and liberties of Europe, this country remains to preserve and restore light and liberty to them. In short, the flames kindled on the 4th of July 1776 have spread over too much of the globe to be extinguished by the feeble engines of despotism; on the contrary, they will consume these engines and all who work them. (Jefferson's letter to John Adams, Sept. 12, 1821.)

Washington's idea was one of change resulting in growth and development for he had already written:

* * * as the member of an infant empire * * * and as a citizen of the great republic of humanity at large, I cannot help turning my attention sometimes to this subject. I would be understood to mean I cannot avoid reflecting with pleasure on the probable influence that commerce may hereafter have on human manners and society in general. On these occasions I consider how mankind may be connected, like one great family, in fraternal ties. I indulge a fond, perhaps an enthusiastic, idea that, as the world is evidently much less barbarous than it has been, its amelioration must still be progressive; that nations are becoming more humanized in their policy; that the subjects of ambition and causes for hostility are daily diminishing; and in fine that the period is not very remote when the benefits of a liberal and friendly commerce

will pretty generally succeed to the devastation and horrors of war. (Washington's letter to Lafayette, Aug. 15, 1786.)

Students of the history of ideas know where Washington got the phrase "one great family, in fraternal ties."

As these ideas continued to evolve in his mind, he conceived of a changing and more refined justification of war, for he wrote that the resort to war can be justified only on the score of maintenance of self-respect. Thus, by 1795, he believed—

It is well known that peace (to borrow a modern phrase) has been the order of the day with me since the disturbance in Europe first commenced. My policy has been, and will continue, while I have the honor to remain in the administration of the Government, to be upon friendly terms with, but independent of, all nations of the earth; to fulfill our own engagements; to supply the wants and be carrier for them all; being thoroughly convinced that it is our policy and interest to do so. Nothing short of self-respect, and that justice which is essential to a national character, ought to involve us in war. (Washington's letter to Gouverneur Morris, Dec. 22, 1795.)

If we do not consider a man's life, his writings, and his aspirations as a whole, but consider them only in minute detail, and if we draw deductions from those details, we may find a mass of contradictions and end in an argument over petty deductions. Thus, in spite of all that Washington advised against alliance (and the alliance principle was the international curse of his time, as it is of ours), Washington said this:

At present everything in America is tranquil, and I hope will long remain so. It is not our interest to seek new broils, and I hope our neighbors will not commence them. * * * I never expect to draw my sword again; I can scarcely conceive the cause that would induce me to do it. But if, contrary to all expectations, such an event should take place, I should think it a fortunate circumstance, and myself highly honored, to have it supported by yours. * * * My first wish is * * * to see the whole world in peace, and the inhabitants of it as one band of brothers striving who should contribute most to the happiness of mankind. (Washington's letter to the Marquis de la Rouerie, Oct. 7, 1785.)

Here, again, we may refer to the prophetic Washington. He did look into the future, as anyone who has accepted Condorcet's theory of progress must; and if he could have seen this day, he would not see the whole world in peace, but he would see a group made up of many nations "striving to contribute most to the happiness of mankind", and he would see his own country cooperating with most of the nations of the world, or with citizens of most of the world's nations, in international problems "striving to contribute most to the happiness of mankind." Washington's dream of the nations working together has in a sense been fulfilled. His own country participates officially in at least six forms of what we may call permanent international cooperation, and in the fiscal year ending June 30, 1935, the United States took part in more than 50 international conferences and congresses. During the same year America participated in five international expositions and celebrations and associated itself with about 15 permanent international commissions, committees, institutes, tribunals, and similar organizations. During the same year the United States participated in more than 15 permanent international bureaus, unions, and similar organizations. The United States now is a party to treaties of conciliation with more than 35 countries. Likewise, during the fiscal year ending June 30, 1935, the United States functioned through five special arbitration tribunals of limited duration. The above international undertakings are all outside our regular Diplomatic and Consular Services.

Was Washington thinking only of the Thirteen States when he wrote the following? Probably so; I do not know. But the program which he conceived for the future welfare of the Thirteen States is in spirit a program which we might conceive as broad enough for the future welfare of all States. Washington's program was:

First. * * * Union of the States under one Federal head;
Second. A sacred regard to public justice;
Third. The adoption of a proper peace establishment; and
Fourth. The prevalence of that pacific and friendly disposition among the people of the United States, which will induce them to forget their local prejudices and policies; to make those mutual concessions, which are requisite to the general prosperity; and, in some instances, to sacrifice their individual advantages to the interest of the community. (Washington's Legacy, addressed to the Governors of all the States on the disbanding of the Army from his headquarters at Newburgh, N. Y., on June 8, 1783.)

To the extent that we in America have followed Washington's four principles we have succeeded in becoming what we are. To the extent that the world as a whole will adopt those principles, the people of the world may enjoy peace and orderly intercourse. It is the idea which I would stress. For no one in the world today would advocate a world-wide super state. But the rest of the program has universal application.

And thus Washington dreamed. But no dream can equal the real march of America. Even Condorcet could not envision progress equal to this simple retelling of actual history:

Under heaven Columbus sailed and a new world was found. Here men of common hope from many climes made homes. These men, nurtured in freedom, brought to the New World tried and lasting ideals of the old, and when the motherland failed to cherish the best of its own, a clash occurred. This Jefferson justified and made purposeful by the Declaration of Independence (1776). Led by Washington, patriots put down the mighty, and those of low degree sought safety in law. Blessed by peace, but not yet one in purpose, the fathers of the new nation covenanted for a more perfect union. They proposed a government to bring justice to life and liberty in pursuit of happiness. Thus 13 States became one and democracy was given birth. Citizens, guided by a President, spoke their will through Congress, and that they might never lose their rights through the force of the past or the will of the dead, and that the letter of the law might not kill but its spirit live, a supreme court was established, and thereby the Constitution of the United States became a living oracle, fitting past purposes to present needs and freeing the minds of men from fear of the future (1789). Loosed from powers that dull and thwart, the people, inspired with justice, caused the newly founded democracy to fill the vacant places. Imbued with zeal to make sleeping nature serve and the desert blossom as the rose, they pressed on that many might earn blessings formerly garnered only by the few. Onward and upward and ever forward they advanced, unashamed to pray, willing to die, happy in planting that men might eat. Urged to use, bent on building, they never once turned back. Moving westward, by purchase, they added vast Louisiana (1803). Next, south, they won by cession the Floridas (1819). Then into Texas they went, which, by annexation, became part of the Union (1845). By agreement with neighbors on the north, Oregon was divided, bringing lasting peace to a long boundary (1846). After strife a sister nation to the south ceded and sold Mexican soil (1848). To this mighty country, rich in plenty and secure in law, many thousands came to enjoy her benefits and admire her greatness. They built a nation of free men, a nation of thoughtful women, a nation of forward-looking children, where each, equal before the law, is master of himself but servant to all; where the majority rule, but the minority are protected; where kings may pause to see justice done, but where no king shall ever reign. This land, where men are responsible and restrained but free to think, to come, to go, and to do—so great in territory, so noble in tradition—nevertheless fought with itself, and under Lincoln men gave their all that the government of the people, by the people, and for the people should not perish from the earth. Wounds healed, the people again made one, no longer is there North and no longer is there South. With new faith in old purposes, Alaska was purchased, removing despotic rule from America (1867). To surround the land by a single sea, Roosevelt built the Panama Canal, which united a nation by dividing a continent (1904). No longer are the waters of the earth separate. No longer is there East and no longer is there West. For God hath wrought that men may have joy and in this land of promise gain life abundant. Then a strife-maddened earth called democracy to its assistance. Men died that war might be no more. Victory gained, Wilson proposed and nations set up institutions for peace and legal process (1919). The path of peace is not assured, but the way to peace is in the earth.

Thus Washington's dream of "one great family in fraternal ties" and of himself "a citizen of the great republic of humanity at large" is today democracy's promise for the future.

With this broad introduction, I shall turn to an incident which occurred on this floor 2 years ago today. Our great friend and neighbor, the dean of this body, whom every Senator respects and whom I honor, arose in the Senate and delivered as strong and as powerful an oration of a dozen lines as I have ever heard. The Senator impressively spoke the following:

It is clear to me, Mr. President, that this statement attributed to George Washington is a crude, clumsy, impudent forgery. It carries the brand of criminal falsehood upon its face. In style, in manner of expression, in substance, and in thought it is manifestly a weak but vicious pretense.

Even had Washington entertained such an opinion, he would not have expressed it in such feeble and impotent terms.

It was forged for a purpose; that purpose was to plant in our historic literature a view contrary to all views expressed and opinions entertained by the Father of his Country. (CONGRESSIONAL RECORD, 74th Cong., 1st sess., Feb. 22, 1935, p. 2538.)

That which furnished the stimulus for the Senator's remarks was a Washington Post editorial of January 12, 1934, attributing the following to the Father of his Country:

* * * That Washington foresaw a future "when our institutions being firmly consolidated and working with complete success, we might safely and perhaps beneficially take part in the consultations held by foreign states for the advantage of the nations."

Those were the words which were pronounced a forgery. The Washington Post apologized in the following words, which I quote, because the Post appreciated and described the painstaking research which the Senator concluded before he reached his decision:

The Post owes an apology to Senator BORAH and is glad to make it without reservation. Indeed, the sting to editorial pride is greatly softened by whole-souled admiration for the Senator's course of conduct in the incident. It has taken more than a year for Mr. BORAH to bring us to book, but while he has ground slowly in the matter, he has also ground exceeding small.

Over a year ago, on January 12, 1934, we printed an editorial in which we suggested that advocates of isolation should look further than the Farewell Address in quoting from George Washington, and should consider also his anticipation (as we said) of a time "when, our institutions being firmly consolidated and working with complete success, we might safely and, perhaps, beneficially, take part in the consultations held by foreign states for the advantage of the nations." The editorial containing this quotation was pointed at a speech which Senator BORAH had just made in New York.

The quotation attributed to Washington we took from Prof. George H. Blakeslee's book on the Recent Foreign Policy of the United States (the Abingdon Press, 1925). Knowing the outstanding scholastic reputation of Dr. Blakeslee, who has handled several special assignments for the Department of State in addition to his academic achievements, we relied upon his authority. Not so Senator BORAH, who, as he said on the floor of the Senate on Friday, "began an investigation to find when and where Washington used the language attributed to him above."

The Senator's researches stand out as a model to which many less busy public figures, not excluding Professor Blakeslee, might properly address themselves. Mr. BORAH first took the matter up with the legislative reference service, which could not find the source but told him of its quotation by Professor Blakeslee. Correspondence with the professor followed. He stated that his source was not the papers of George Washington but an article by Dr. Horace M. Kallen, published in the Journal of International Relations in October 1921.

Correspondence with Professor Kallen, at the New School for Social Research, in New York, then failed to develop any evidence of the original source of the attributed quotation. But to satisfy himself completely on the spurious character of the statement, the Senator wrote to other authorities, including the secretary of the American Historical Society, receiving in every case the conclusion that Washington never said what Professor Kallen, Professor Blakeslee, and, in turn, ourselves, assumed he said.

There can be nothing but admiration for the painstaking and irrefutable manner in which Senator BORAH has developed the evidence of forgery in this matter. And the fact that we prompted his investigations remains as a certain compensation for having unwittingly made a link in a chain of misstatement of very curious and thought-provoking origin.

The editorials and the strong statement attracted my attention. The spirit of the words attributed to Washington seemed in harmony with the ideas of Washington's time when I thought of the dawning of the concept of progress. To me the words did not seem contrary to what Washington might have said. If they were a forgery, I realized that the spurious origin of this idea had done violence to many of those thoughtful in America, and I became interested to see if I could find their origin. I was not interested in finding someone wrong. As a teacher of historical method, that emotion left me long ago. A desire for the truth was my aim. Those of us, of course, who feel that the future welfare of the world lies in the road of conciliation, cooperation, arbitration, and peaceful adjustment rather than in fear and distrust, with their resultant dependence on force, would like to have seen such sentiments expressed by the Father of his Country. Washington's outstanding characteristic was that of honesty; and if our faith in him is not grounded on honesty and truth, that faith is vainly placed.

With all of the aids that the Senator from Idaho taught me were at my disposal, I started an investigation, using the same aids. Curiosity, though, drove me to use my own methods. These are the results:

Nowhere in Washington's writings have we found those words. If he ever uttered the sentiments, they came to the first user of the words by tradition and hearsay. The words are old in our political literature. They have been used by men recognized as of competent authority. They have been used in more than one place and one time and by persons representing different groups of thought. They first came into our political literature in 1863, and were first used by Secretary of State William H. Seward in relation to a controversy existing at that time.

Mr. Seward, in writing to Mr. Dayton, United States Minister to France, used them thus:

It is true that Washington thought a time might come when, our institutions being firmly consolidated and working with complete success, we might safely and perhaps beneficially take part in the consultations held by foreign states for the common advantage of the nations. (Diplomatic correspondence, 1863, I, 667; Moore, Digest of International Law, VI, 23.)

Seward did not use quotation marks, and it is of interest that the words were used by him in relation to a controversy which arose at the time of our Civil War. The circumstances under which Seward wrote were these: France was contemplating using moral influence with the Emperor of Russia respecting the harsh treatment by the Emperor of his rebellious subjects, the Poles. France extended an invitation to the United States to associate itself with this movement, which had already been joined by several European powers. In Mr. Seward's letter of instruction to the French Minister Mr. Seward used the above words, and then stated that it was impossible for the United States to join in the movement, one ground being that such intervention in Russia might afford grounds for a precedent of intervention in our own Civil War by European powers. Seward implies that in spite of Washington's ideas to the contrary, America would not join with France and her associates in united action. This implication leaves us with the thought that the idea was a common one, or had at least been suggested by Mr. Dayton.

Mr. Seward was, of course, a leader of the great Republican Party during its years of infancy and was Lincoln's trusted adviser during the Civil War. Having found the words used by Mr. Seward, we became more fascinated with the search, and naturally turned to other writings of Seward to see if we could find the origin of the words. In this we failed, but we did find reference to the idea.

In March 1852, when Mr. Seward was a Senator of the United States, and after sentiment in our country had arisen in behalf of Hungary in her troubles with Russia, Mr. Seward introduced in the Senate the following resolution:

Resolved, That, considering that the people of Hungary, in the exercise of the right secured to them by the laws of nations, * * * asserted their national independence, * * * and that the Emperor of Russia, without just or lawful right, invaded Hungary, * * * and thereby reduced that country to the condition of a province ruled by a foreign power; the United States, in defense of their own interests, and of the common interests of mankind, do solemnly protest against the conduct of Russia on that occasion * * *; and the United States do further declare that they will not hereafter be indifferent to similar acts of national injustice * * * wherever they occur.

During the debate in favor of this resolution Mr. Seward uttered the following words on March 9, 1852:

There remains the objection, that flows so readily from all conservative pens and tongues on this side of the Atlantic, and still more freely from the stipendiary presses of Paris and Vienna, that a protest would be a departure from the traditional policy of our country, and from the precepts of Washington * * *.

What irony of ironies! Seward credits the foreign papers of Paris and Vienna with using Washington's Farewell Address in keeping the United States from doing what Paris and Vienna did not want her to do. It is a shame that Seward did not point to these facts as "insidious wiles of foreign influence." It is indeed strange that historians have not pointed out that in the campaigns for entrance into the League of Nations and adherence to the World Court protocols great foreign blocs among our naturalized citizens led in the opposition and, like the Paris and Vienna press of 1852, used the American traditional policy taken from the precepts of Washington as their reason. This was no more their real reason in 1919, 1926, and 1934 than it was the real reason of the French and Austrian press in 1852.

Seward continued:

Sir, granting for a moment that Washington inculcated just such a policy as is claimed by my opponents, is it so entirely certain that it ought always and under all circumstances be pursued? * * *

I hope it will not now be thought presumptuous on my part or irreverent to the memory of Washington or dangerous to the State if I inquire on what principle the duty of neutrality was founded by that illustrious man, and whether he enjoined that policy as one of absolute and perpetual obligation?

In this same Senate address we find, in Seward's explanation of Washington's defense of his neutrality policy in the Farewell Address, the thought which was later clothed in the words under discussion:

"The duty of holding a neutral conduct", said he in his Farewell Address, "may be inferred without anything more from the obligation which justice and humanity impose on every nation, in cases in which it is free to act to maintain inviolate the relations of peace and amity toward other nations."

Our "freedom", in that case, resulted from the circumstances which excused us from cooperating with France, notwithstanding our treaty of alliance; and the exercise of "justice and humanity" was in favor of our own people.

"The inducements of interest for observing that conduct", said he, "will best be referred to your own reflections and experience. With me a predominate motive has been to endeavor to gain time to settle and mature its yet recent institutions and to progress without interruption to that degree of strength and constancy which is necessary to give it, humanly speaking, the command of its own fortunes." (The Works of William H. Seward, edited by George E Baker (new edition, 5 vols., Boston, 1884), vol. I, pp. 196, 206, 218–219.)

Thus we see a chain of thought. When Seward wrote his letter of May 11, 1863, to Mr. Dayton he seems to have put into words an idea he had carried in his mind for 11 years. On this supposition Seward's assertion of what Washington thought was based not on a saying of Washington but on Seward's own inference that if Washington in his Farewell Address based his recommendation of neutrality on conditions existing at the time, when conditions had changed Washington would have given different advice. There is a strong similarity between Seward's words in 1863 and his interpretation of Washington's Farewell Address in 1852. From Seward these words found their way into Wharton's International Law Digest and are therein printed on page 182 of volume I.

In the Atlantic Monthly of May 1898 there appears an article by Richard Olney entitled "International Isolation of the United States", which had been first delivered as an address at Sanders Theatre, Harvard University, March 2, 1898. Olney was Secretary of State under Grover Cleveland. In his article he used the identical words used by Seward, placed them in quotation marks, and prefaced them with the introductory remark:

There is authority of the highest character for the statement that he (Washington) entertained an exactly opposite view and thought a time might come—

And so forth.

This "highest authority" undoubtedly referred to Seward, and it is from Olney's speech, or from Wharton's International Law Digest, or later, Moore's Digest of International Law, that the quotation became current, especially since the turn of the century, and from that time on it has been quite commonly used, and it has been commonly assumed as being authoritative.

In our search for the source of the controversial quotation we found that Secretary Olney, in his speech in 1898, used another quotation from Washington:

We at this great distance from the northern parts of Europe hear of wars and rumors of wars as if they were the events or reports of another planet.

Believing that if we could locate this other quotation we might have a key to the discovery of the first, we commenced a search for the second one. This we found. It appears in a letter dated April 29, 1790, written to Marquis de la Luzerne, Minister of France to London. The letter is in the handwriting of David Humphreys, Washington's secretary, but is signed by Washington. We have a photostatic copy from the files of the State Department. It is a mere deduction, but if a former Secretary of State, who had an opportunity to get near original sources used an original source which was not commonly current, was it wrong to surmise that probably Olney's "highest authority" was from a source even older than Seward? I have made this assumption in spite of the fact that Mr. Putnam, the present Librarian of Congress, and then librarian of the Public Library of Boston, apparently at Secretary Olney's request, was unable to find the original source of the quotation used by Olney. Mr. Putnam's letter to Olney, dated March 9, 1898, only 1 week after the delivery of the address by Olney, reports a fruitless search for the source beyond Seward. In any event, Olney accepted the theory of the quotation, and, therefore, probably convinced himself of its genuineness. This is proved quite strikingly from a preliminary draft of Olney's 1898 speech, which is still in existence, where he said:

He, on the contrary, distinctly declared that the time would come—

And so forth.

This preliminary draft was discovered through the research of Dr. Denys P. Myers, who writes:

Mr. Olney constantly made drafts and revisions of any paper which was incubating in his mind. The address of March 2, 1898, was under preparation from some time in 1897, the year when he ceased to be Secretary of State. None of his longhand drafts exist, but two typewritten drafts do. The earlier of these is undated, but must have been typed by the first week of February 1898.

There was discovered in our search for the controversial quotation an extremely interesting letter from President Grover Cleveland to Olney, dated March 27, 1898, which technically has no place here aside from that of interest in the man and his reaction to Secretary Olney's use of the quotation. The letter of Cleveland is so typical that I cannot refrain from quoting it:

I only yesterday had an opportunity to read your address, and I assure you I did it with the greatest satisfaction. When you intimated that the late G. Washington ever said anything that can be criticized or that by any chance does not fit every phase of our Nation's life, why, I just want a little time to consider that proposition. You see that comes pretty near to being treasonable, and a fellow shivers a little as he puts his foot in. (Letters of Grover Cleveland, by Allan Nevins, pp. 196, 197.)

I need not deal further with the wide use of the quotation from the turn of the century down to almost the present time, excepting to say that it was so extensively used that writers did accept it as valid, thus making the point of the challenge of the senior Senator from Idaho all the more pertinent, but at the same time weakens in a great degree the apology of the editor of the Washington Post. It is indeed unique in at least my editorial experiences to see an editor blown over by one mighty blast when he might have turned for justification to men of unquestioned authority. If editors base their generalizations, first, upon a single statement, and then upon a contradiction, editorial consistency, if that jewel can possibly be found, will not be of lasting worth.

We have tried to give these quotations as accurately as possible, but the little study we have made shows that Washington is quoted much as Shakespeare has credited the devil with quoting his Scripture, "for his own purpose."

The late H. H. B. Myer, director of the legislative reference service, wrote me of the evolution of the quotation between its appearance in 1898 with Olney and its arrival in 1934 in the Washington Post, and in a paragraph of his own Mr. Myer used these words:

It is not a forgery, but a misinterpretation. No evidence has been found to indicate that any of those concerned were intentionally misrepresenting.

Since 1919 the quotation has been used by those favoring America's cooperation with the institutions of the League of Nations. Even if the quotation came thundering directly from the lips of Washington it would not be valid argument for that. If we cooperate with the League, it must be justified in the light of the present. Washington's precepts are not valid because he uttered them but because they were based on demonstrated truth. Nothing that he may have said about the future could come within that rule.

Since the League of Nations was established it has performed a sufficient number of functions for us to know now from experience what functions it can or cannot perform. From experience we know that the fears that were entertained about it at first were unfounded. The League has not gotten anyone into war, as was at first feared it would do. Instead the League has prevented and stopped wars, not all wars, to be sure, but some wars. It is also interesting to see how the League has changed with the changing times, and has refused to be static. It is the most outstanding agency in the world today for the keeping of people out of war, and we now know that the United States may cooperate with the League's principle without doing violence to our traditional policies. For the League is merely an agent of its nation members, and not even the smallest has lost its ability to act for itself. I, for one, believe that cooperation with the League in one form or another is the best antiwar medicine that we can take at this time.

If the League of Nations does not take its place in the world, what are the alternatives? The League of Nations can afford to wait, but it is the only institution in Europe that can afford to wait. We do not need the League, we never have needed it, for with us it is merely a matter of moral support of ideas which from our own experience we know are sound. We have, though, an interest in the League, for we know that war is of universal concern or we never should have bothered with neutrality legislation. Peace, too, brings a universal blessing and that which holds out an ideal of peace has our lasting interest. But which way can Europe turn if she does not build up this power of unit action to drive away a return to the old alliance system, with its balance—a balance which, if it ever got out of control, meant war or uncertainty? Look at conditions in Europe today and answer the question for yourself. No longer are the problems of Europe purely economic, no longer are they purely political, no longer is it merely ambition of a dictator that threatens the welfare of man, but all Europe has turned as a result of universal fear to a simple security basis. Distrust, and with that rearmament, is in the minds of men. Even the minor states who have felt secure in the friendliness of a big neighbor are arming. This is the situation in Europe today.

Germany has not sufficiently rearmed or aligned its friends to be ready for war at this time. The other two single-willed states—Italy and Japan—wish a present peace, at least, in order to consolidate their recent gains. France, Great Britain, and the Soviet Union are steadily growing stronger, with France and Great Britain becoming more friendly with each other. Germany has failed to break up the French alliance, and the states of central Europe, together with Poland and Italy, are opposed to German expansion in the east. Likewise, the October entente between Italy and Germany has been weakened by Great Britain's and Italy's exchange of notes regarding the Mediterranean. Thus international controls are functioning. Nevertheless the international situation is highly unstable and dangerous and the problems of Europe remain unchanged.

Rearmament is world-wide, due in part to the expiration in December of the naval limitation treaties of 1922 and 1930, and also in part due to the unknown factors in regard to the marching feet of threatening aggressors. About 19 percent of the entire national incomes of Germany and of Russia is spent for armament. France expends 8 percent. Great Britain 6 percent, and the United States 2 percent. The present stalemate in Europe may be overcome by reason of changed economic conditions which may swing the sympathies of the people in central Europe toward one of the "isms." A civil conflict in Europe might well bring about a clash between Russia and Germany, as it has almost done in Spain. Germany is fast approaching economic bankruptcy because of her rearmament program, and when that financial limit is reached a new source must be found. Until an economic settlement between Germany and the other powers is reached, the international situation will continue to be precarious.

I repeat, What are the alternatives? Can the world continue the master contest based upon fear, distrust, and force, or shall it turn to the sobering advice of a Washington, whose spirit speaks to us today from between the lines of his words uttered in 1783? We need a sacred regard for public justice and the adoption of a proper peace establishment. For Europe it is collective action or continued fear, dread, and uncertainty.

America will not be unmindful of the spirit of uncertainty which broods over the world. She deplores this condition; but it is not her function to interfere in foreign quarrels. She stands for the peaceful settlement of differences. America's peaceful attitude is sincere and rests upon moral suasion. America reiterates her renunciation of war as a national policy. She proposes to adhere to the policy of friendly intercourse with nations at peace.

The American people have commended this administration's policies, expressed both in law and by proclamation, affecting our relations with nations at war. They rejoice over the repeal of the Platt amendment and the independence of the Philippines. They continue to respect international organization. They are proud of the accomplishments of the Pan American Union, and they congratulate this sisterhood of American States in its response to the good-neighbor attitude. Americans recognize the good to the world accomplished by the International Court of Arbitration and the International Labor Office. They favor adherence to the Permanent Court of International Justice with safeguards consistent with American traditions. Their faith in the ultimate triumph of a world controlled by law based on international morality has not dimmed. They propose to resist, resolutely, aggression against themselves; and they will guard against being drawn, by private trading or international banking, into other people's wars against their wishes, their interest, and their conscience. These things I do not say lightly, for on the first Tuesday after the first Monday of last November the American people defeated, in a way no major party ever suffered defeat before, that party which had denounced as unworthy of American membership the two greatest institutions for world peace established to preserve the nations of the earth from another world war, to one of which, paradoxically, three of that party's Presidents had recommended our adherence. The American people have not belittled and they will not belittle the purposes for which America fought in the World War, nor will they turn their backs upon the ideals for world peace proclaimed by our late great President, Woodrow Wilson. For 12 long years the belittlers of Wilson's mighty ideals talked about a mandate from the people. They now have a mandate, for the party that proposed "that America shall not become a member of the League of Nations nor of the World Court" carried but 2 States and elected but 5 Senators and but 89 Representatives. That is what I have called the people's mandate, but I will not press the point. I only hope this sloganized appeal is at last removed from our political argumentative vocabulary.

Thus ends what may be deemed purely an academic discussion. Washington, great as he was, sound as were his visions of the future, nor his associates could have envisioned that which is actually taking place. The fulfillment is greater than the dream. That which the Fathers wrought is so mighty in its ability to serve the welfare of men that one is justified in the conclusion that it was actually aided by Heaven. But we would do violence to Washington's thought, and I am sure, to his spirit if America of 1937 should interpret her duty, her right, her position, or her relation to the rest of the world in accordance with what the necessities of a struggling nation, barely removed from its swaddling clothes, made wise and necessary. America's eyes today must not be turned backward. America's hope today looks to the

future and justifies itself in the past. The worth of democracy has been proved, its ability to serve and to stabilize and to grow has been recognized by all who view things as they are. The great institutions, both national and international, established and working as a result of democratic fundamentals, both in the world and at home, need, though, a new baptism, not of blood, not of sacrifice, not of suffering, but a baptism resting upon the concept of the worth-whileness of men, women, and children. Democracy reconceived, not as a nationalist movement to accomplish some competitive purpose in a world of conflict and contest but democracy conceived in the spirit of service built upon self-restraint and self-control that the processes of peace and good will may have a chance in the world; democracy with a single thought, and that to serve men, women, and children, that the lives of all these may be economically full, culturally complete, and free from unnecessary concern and worry; democracy nationally striving for the fuller life, internationally seeking to be a better neighbor—nationally or internationally, democracy is, after all, the world's one hope.

Mr. BORAH. Mr. President, I wish to take a moment to address myself to the remarks of the Senator from Utah [Mr. THOMAS].

The quotation which has been attributed to George Washington, and concerning which the debate has been proceeding for some time, is as follows:

> When, our institutions being firmly consolidated and working with complete success, we might safely and perhaps beneficially take part in the consultations held by foreign states for the advantage of the nations.

This, Mr. President, is in quotation marks; and it has been asserted in editorials and asserted by some writers of prominence that it is to be found in Washington's writings. Of course, it is not to be found in Washington's writings; and we have now the statement of the able Senator from Utah, who has made a thorough investigation, that it is not in Washington's writings. But that is not all. There is not to be found in Washington's writings a phrase or a sentence which is in harmony with the view expressed here. On the other hand, his writings are in direct contradiction, so far as their teachings are concerned or as concerns the principles with which they deal, with the principle which is embodied in this quotation.

The Senator from Utah seems to conclude that this quotation had its origin some 60 years after Washington's death in construction which was placed upon Washington's writings by the then Secretary of State, Mr. Seward. I think probably it is true that Mr. Seward did place such an interpretation upon Washington's address. How he could do so, what instigated him to do so, is beyond my comprehension, because it is an absolute contradiction of everything that Washington ever said on this subject. The construction was wholly gratuitous. Who put the quotation marks about the words in question I do not know. But those who asserted this language to be in Washington's address and those who put the quotations about it were impudent forgers and nothing less.

This is not a trivial matter. It is in contradiction of all the teachings of the Father of his Country, and it cannot be excused by saying that somebody has put his construction upon it. When it turned up a little later with quotation marks about it such action had its purpose and its objective, and I have no doubt that it was a sinister motive which put that construction upon it and put the quotation marks around it.

SIGNING OF AN ENROLLED JOINT RESOLUTION

The VICE PRESIDENT announced that, under authority of the order of the Senate of the 19th instant, the President pro tempore on that day signed the enrolled joint resolution (H. J. Res. 229) to make funds available for health and sanitation activities in the areas recently stricken by floods, which had previously been signed by the Speaker of the House of Representatives.

COURT ORDERS RESTRAINING ENFORCEMENT OF LAWS

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the Interstate Commerce Commission relative to Senate Resolution 82 (agreed to Feb. 17, 1937), calling for certain information concerning injunctions or judgments issued or rendered by Federal courts since March 4, 1933, in cases involving acts of Congress, and stating in part:

> We understand this request to include only action taken by the Federal courts enjoining, suspending, or restraining enforcement, operation, and execution of acts of Congress, as distinguished from orders made by the Commission under authority conferred upon it by Congress; and since, generally speaking, the laws under which the Commission operates were passed upon and held to be constitutional prior to the date of March 4, 1933, above mentioned, we have no cases of the kind referred to in the resolution to report.

Which was ordered to lie on the table.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following resolution of the Senate of the State of New York, which was referred to the Committee on Finance:

STATE OF NEW YORK,
IN SENATE,
Albany, February 9, 1937.

Whereas the Congress of the United States provided in the War Risk Insurance Act that the Director shall "promptly determine upon and publish the full and exact terms and conditions of such contract of insurance" (Public, No. 90, 65th Cong., sec. 402); and

Whereas soldiers and marines paid for "war risk insurance" out of their earnings as soldiers and marines during the World War; and

Whereas although the Government of the United States accepted insurance premiums from World War veterans, and veterans assumed that such insurance protected them in case of "total and permanent disability" resulting from war injuries; and

Whereas the courts of the United States have held that "total and permanent disability" within the meaning of the War Risk Insurance Act means inability to follow "any gainful occupation"; and

Whereas by the rules and regulations of the director of the war risk insurance and the construction of the said rules and regulations by the courts, insurance protection to disabled veterans is of no force or effect, except in cases of "total disability", and soldiers and marines who lost a limb or eye or the use of hearing as a result of war injuries have not received insurance benefits paid for by them; and

Whereas, on the other hand, the Congress of the United States did provide that in the case of sailors injured during the World War the following sums should be paid as insurance:

"In case of any of the following losses, for the payment of the percentage of the principal sum adjudicated on the following tables:

	Percent
"One hand	50
"One arm	65
"One foot	50
"One leg	65
"One eye	45

"Total destruction of hearing, 50 percent" (Public, No. 20, 65th Cong., sec. 3–A);

Now therefore, be it *Resolved*, That the Senate of the State of New York respectfully memorialize the Congress of the United States of America to amend the War Risk Insurance Act so as to provide that the amounts payable for insurance to sailors for World War injuries be paid to soldiers and marines for like injuries.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of Idaho, which was referred to the Committee on Irrigation and Reclamation:

Legislature of the State of Idaho, Twenty-fourth Session. In the House of Representatives, House Joint Memorial No. 4

By Lewis. A joint memorial

To the honorable Senate and House of Representatives of the United States in Congress assembled:

We, your memorialists of the Legislature of the State of Idaho, respectfully represent:

Whereas, the paramount and immediate necessity for the successful progress of reclamation is the development and preservation of water, and

Whereas, many sections of the northwest are fostering plans for the diversion of the unappropriated waters of our inland rivers and lands, so that the same may be applied to the useful purposes of irrigation, and

Whereas, one of the feasible plans for the replenishing of the waters of the Snake River Valley is the diversion of the natural flow from the Yellowstone Lake into the Snake River, and

Whereas, the flood waters from the Yellowstone Lake now flow into the Mississippi River, and

Whereas, the flood control of the Mississippi River is one of the major projects of the United States, and

Whereas, the diversion of the flow of this water to the Snake River would reduce the flood waters of the Mississippi River. Now, therefore, be it

Resolved by the House of Representatives of the State of Idaho (the senate concurring) That we most respectfully urge upon the United States Reclamation Department and upon the Congress of the United States the favorable consideration of the legislation and of necessary appropriations to carry to completion a project that will divert the natural flow from the Yellowstone Lake into the Snake River, be it further

Resolved, That the Secretary of State of the State of Idaho be authorized and he is hereby directed to immediately forward certified copies of this Memorial to the Secretary of Interior, to the Senate and the House of Representatives of the United States of America, and to the Senators and the Representatives in Congress from this State.

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of the State of Kansas, which was referred to the Committee on the Judiciary:

House Concurrent Resolution No. 14, memorializing the Congress of the United States and the Members from Kansas to oppose the passage of any bill which makes provision for an increase in the number of judges of the Supreme Court

Whereas the President has submitted to the Congress a proposal for a reorganization of the judicial department; and

Whereas in such proposal the number of judges of the Supreme Court may be increased by the will of the President through the appointment of additional judges: Now, therefore, be it

Resolved by the House of Representatives of the State of Kansas (the senate concurring therein), That the Congress of the United States is hereby respectfully requested to oppose any provision for an increase in the number of judges of the Supreme Court through the appointment, at the discretion of the President, of additional judges. That the Members of Congress from Kansas are hereby respectfully requested to vote against the passage of any bill which may include a provision for increasing the number of Judges of the Supreme Court. That the secretary of state is hereby authorized and directed to send copies of this resolution to the Vice President of the United States, the Speaker of the House of Representatives of the United States, and to each Member of the Kansas delegation in Congress.

The VICE PRESIDENT also laid before the Senate the following resolutions of the Legislature of the State of Nebraska, which were referred to the Committee on the Judiciary:

Resolution memorializing the Congress of the United States to oppose the plan for the reorganization of the Federal courts as now introduced in Congress

(Introduced by L. C. Nuernberger, W. F. Haycock, Fred L. Carsten, and Frank J. Brady)

Whereas there has been introduced in the Congress of the United States a plan providing for the retirement of all Federal judges over the age of 70 years, or the appointment of an additional judge for each judge over that age, and for the increase of the number of Judges upon the Supreme Court of the United States; and

Whereas the Constitution of the United States provides means whereby it may be amended to provide for reorganization of the Federal courts if the same be necessary; and

Whereas the Legislature of the State of Nebraska is opposed to said plan and the passage of said legislation: Now, therefore, be it

Resolved by the Legislature of the State of Nebraska in fifty-second regular session assembled—

1. That the Legislature of the State of Nebraska hereby respectfully petitions and memorializes the Congress of the United States to oppose the plan now introduced in the Congress, or any similar plan for the increasing of the number of Judges upon the Supreme Court of the United States, or for the mandatory retirement of Federal judges over the age of 70 years.

2. That the chief clerk of this legislature is hereby ordered and directed forthwith to forward a copy of this resolution, properly authenticated and suitably engrossed, to the presiding officer of the United States Senate and to the Speaker of the House of Representatives of the United States Congress, and to the Senators and Congressmen representing the State of Nebraska in the Congress.

Resolution memorializing the Congress and the President of the United States to enact a Federal antilynch law

(Introduced by John Adams, Jr., of Douglas)

Whereas there is now pending before the Judiciary Committee of the Senate of the United States a Federal antilynch bill for the prevention of lynching and mob violence in the United States of America and its territories;

Whereas there have been over 5,000 lynchings in the United States in the last 50 years and only five convictions;

Whereas it is contrary to the constitutional provision that "no person shall be deprived of life, liberty, or property without due process of law", and

Whereas lynching is inhuman, barbaric and uncivilized, and a reflection upon the people of this great Nation: Now, therefore, be it *Resolved by the Legislature of the State of Nebraska assembled—*

1. That this legislature does most earnestly petition and memorialize the Congress and the President of the United States to enact a Federal antilynch law, for the prevention of lynching in this Nation.

2. That the chief clerk of this legislature be instructed and directed forthwith to forward a copy of this resolution properly authenticated and suitably engrossed to the President of the United States, to the Vice President, to each of the Senators and Representatives representing this State in the National Congress, and to the Secretary of the Judiciary Committee of the Senate.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on Military Affairs:

House Joint Memorial 8

To the honorable Senate and House of Representatives of the United States in Congress assembled:

We, your memorialists, the Legislature of the State of Oregon, respectfully represent:

Whereas it is believed that it would be desirable from a patriotic standpoint, as well as for the convenience of the friends and surviving relatives of the deceased veterans, to have a national cemetery located in the State of Oregon: Be it

Resolved by the House of Representatives of the State of Oregon (the senate jointly concurring therein), That we, your memorialists, the Thirty-ninth Legislative Assembly of the State of Oregon, convened in regular session, respectfully petition the Congress of the United States to provide for the establishment and maintenance of a national cemetery within the State of Oregon; and be it further

Resolved, That a copy of this memorial be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and to each Member of the Oregon delegation in Congress, and that the secretary of state be instructed to have said memorial printed and transmitted to the above.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on Naval Affairs:

House Joint Memorial No. 10

To the Honorable Senate and House of Representatives of the United States, in Congress assembled:

We, your memorialists, the Thirty-ninth Legislative Assembly of the State of Oregon, convened in regular session, respectfully request and petition as follows:

Whereas the present disposition of the naval and military forces and national defense establishments of the United States makes inadequate provision for the national defense requirements of the State of Oregon and the Columbia River area, as evidenced by the fact that there has been expended by the Federal Government in Oregon only six-tenths of 1 percent of the total Federal expenditures for national defense establishments on the continental Pacific coast; and

Whereas the Columbia River drains a territory of over 250,000 square miles, the second largest watershed in the United States, rich in agricultural, industrial, and mineral resources, and there are now being constructed on the Columbia River and its tributaries great power, navigation, irrigation, and flood-control projects which are destined to greatly increase the economic importance and national value of this area; and

Whereas the Columbia River entrance and channel have been improved for navigation to a degree comparable with the greatest world ports, the Columbia River estuary being the largest and deepest harbor between San Francisco and Puget Sound, and along the Columbia River and its tributaries are main arteries of rail, highway, and air-transportation routes between the interior and the Pacific coast; and

Whereas the State of Oregon, particularly the area on the Oregon coast and adjacent to the Columbia River, constitutes the most vulnerable part of the Pacific coast, there being no naval shore establishment in the more than 1,000 miles of coast line between San Francisco Bay and Puget Sound, only negligible and obsolete military harbor defenses at the mouth of the Columbia River and no provisions in the State of Oregon for military or naval aviation defense or offense: Now therefore be it

Resolved by the House of Representatives of the State of Oregon (the senate jointly concurring therein), That we, your memorialists, the thirty-ninth legislative assembly of the State of Oregon, respectfully petition the Congress of the United States, the Secretary of the Navy, and the Secretary of War:

That sufficient funds be appropriated by the Congress and expended by the Navy and War Departments to provide more adequate national defenses for Oregon and the Columbia River area, particularly as follows:

Immediate development of the naval base site at Tongue Point, on the Columbia River, this site having been originally donated to the Navy Department by Clatsop County upon assurance from the Navy Department that the site would be developed as a base for light cruisers, destroyers, submarines, and aviation; the immediate development as requested herein to be commenced as provided in legislation now before the Congress, and the development to be continued as provided in the assurances originally made by the Navy Department.

Modernization and improvement of the present harbor defenses by allocation of modern defense weapons and increased personnel.

Establishment of a military air base and depots in the State of Oregon and allocation thereto of the usual complements of aviation units, maintenance facilities, and personnel; be it further

Resolved, That a copy of this memorial be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, the Secretary of the Navy, the Secretary of War, and the Oregon congressional delegation, and that the secretary of state of the State of Oregon is hereby instructed to transmit the same.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of Colorado, which was referred to the Committee on the Judiciary:

House Joint Resolution 7

Whereas the President of the United States has in a message to Congress proposed a reorganization of the Supreme Court and Federal judiciary and has submitted to Congress a program for such reorganization; and

Whereas it is apparent that such reorganization is much needed, and will further the ends of justice and promote the general welfare; and

Whereas the people of the State of Colorado are vitally interested in the courts of the land: Now, therefore, be it

Resolved by the house of representatives of the thirty-first general assembly (the senate concurring herein), That the Congress of the United States is hereby respectfully memorialized and urged to assist the President in accomplishing the reorganization of the Supreme Court and the Federal judiciary as submitted by the President of the United States; and be it further

Resolved, That each of the Senators and Representatives in Congress from the State of Colorado be urged to assist the President in accomplishing the reorganization of the Supreme Court and Federal judiciary; and be it further

Resolved, That a copy of this memorial be forwarded to each of the Senators and Representatives in Congress from the State of Colorado, and to the President of the Senate and the Speaker of the House of Representatives, and chairmen of the Judiciary Committees.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of Colorado, which was referred to the Committee on Education and Labor:

House Joint Memorial No. 5

Whereas there is now pending in the Congress of the United States, Senate Resolution No. 298, which said resolution gives consideration to the problem of relief of thousands of unemployed and needy persons now designated as "transients"; and

Whereas due to the geographical position and climatic advantages of the State of Colorado and continued periods of unemployment, the problem of relief for such transients in the State of Colorado has become increasingly serious and alarming; and

Whereas no adequate solution of said problem can be accomplished without the coordinating activities of other States and the Federal Government under a unified Federal transient program; and

Whereas said Senate Resolution No. 298, proposes such a program of united Federal and State cooperation in the solution of the transient problem: Now, therefore, be it

Resolved by the house of representatives of the thirty-first general assembly (the senate concurring herein), That the Congress of the United States be urged to take such action under Senate Resolution No. 298 as will speedily and adequately solve the problem of transient relief for the States of the United States; be it further

Resolved, That copies of this resolution be forwarded to the President of the Senate of the United States and to the Senators and Representatives of the State of Colorado in Congress assembled.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of Colorado, which was referred to the Committee on Foreign Relations:

House Joint Memorial No. 6

Whereas it has come to the attention of the members of the Thirty-first General Assembly and officials of the State of Colorado that there is now pending in the Department of State negotiations for a treaty between the United States of America and the country of Mexico concerning the conservation, control, regulation, and use of waters which are beneficial to said countries; and

Whereas a treaty of this nature undoubtedly involves general agreements concerning the conservation, control, regulation, and use of the waters of the Colorado and Rio Grande Rivers, which arise in the State of Colorado and to which the State of Colorado contributes more than 70 percent of the entire flow of waters; and

Whereas any general treaty of the nature above mentioned would undoubtedly be injurious to the best interests of the people of the State of Colorado in that the State would be denied adequate representation to insure the conservation of the waters of the Colorado and Rio Grande Rivers and the use of said waters by the citizens of the State for beneficial purposes; and

Whereas any agreement or agreements, treaty or treaties between the United States of America and the country of Mexico concerning the waters of the Colorado and Rio Grande Rivers should be made the subject of special treaty or treaties between said countries, with adequate representation for the State of Colorado upon any commission or commissions established or created to carry out the provisions of said treaty or treaties: Now, therefore, be it

Resolved by the House of Representatives of the Thirty-first General Assembly of the State of Colorado (the senate concurring herein), That in the undertaking of any negotiations toward the establishment of a treaty or treaties between the United States of America and the country of Mexico relative to the beneficial waters of said countries, the Secretary of State of the United States be respectfully requested and urged to make any agreement concerning the waters of the Colorado and Rio Grande Rivers the subject of a separate and distinct agreement or treaty; that the Congress of the United States be respectfully requested and urged to take whatever steps are necessary to insure the protection of the people of the State of Colorado by the negotiation and adoption of a separate agreement or treaty concerning the waters of the Colorado and Rio Grande Rivers; that the Senators and Representatives of the State of Colorado in Congress assembled are hereby respectfully requested and urged to exert their efforts to see that any negotiations relating to a treaty with Mexico on the Rio Grande River be conducted separately and apart from any negotiations relative to a treaty on the Colorado River, and that they insist that in any negotiations affecting either of said rivers the State of Colorado shall be adequately represented on any commission having such negotiations in charge, by a representative or representatives from Colorado residing in the river basin concerned. Be it further

Resolved, That copies of this memorial be forwarded to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, the Secretary of State of the United States, and the Senators and Representatives of the State of Colorado in Congress assembled.

The VICE PRESIDENT also laid before the Senate a joint resolution of the Legislature of the State of Wisconsin, memorializing Congress to provide for the repayment of Wisconsin Emergency Relief Administration loans made to farmers in drought-stricken areas for working on county, township, or village municipal work projects, which was referred to the Committee on Appropriations.

(See joint resolution printed in full when presented today by Mr. DUFFY.)

The VICE PRESIDENT also laid before the Senate a joint resolution of the Legislature of the State of Wisconsin, memorializing Congress to enact more simplified and stringent regulatory measures for aircraft and other legislation tending to lessen the hazards of aviation, which was referred to the Committee on Commerce.

(See joint resolution printed in full when presented today by Mr. DUFFY.)

The VICE PRESIDENT also laid before the Senate a joint resolution of the Legislature of the State of Wisconsin, urging Congress to allocate to the several States the entire appropriation authorized by the so-called George-Deen Act for vocational education, which was referred to the Committee on Education and Labor.

(See joint resolution printed in full when presented today by Mr. DUFFY.)

The VICE PRESIDENT also laid before the Senate a joint resolution of the Legislature of the State of Wisconsin, memorializing Congress to amend the Federal Social Security Act so as to include other classes of labor, which was referred to the Committee on Finance.

(See joint resolution printed in full when presented today by Mr. DUFFY.)

The VICE PRESIDENT also laid before the Senate a resolution adopted by the board of directors of the American Statistical Association, Washington, D. C., favoring the enactment of pending legislation to create a central statistical committee and a central statistical board, which was referred to the Committee on Appropriations.

He also laid before the Senate resolutions adopted by the executive committee of the Contra Costa County (Calif.) Development Association, favoring the enactment of pending legislation providing for the establishment of a Coast Guard station on the shore of Contra Costa County, Calif., which were referred to the Committee on Commerce.

He also laid before the Senate resolutions adopted by the committee on immigration and naturalization of the Federal Bar Association of New York, New Jersey, and Connecticut, at New York City, N. Y., requesting that the chair-

man of that committee be supplied with 10 copies of all reports on immigration and naturalization matters, which were referred to the Committee on Immigration.

He also laid before the Senate a resolution adopted by the executive committee of the Eleanor Roosevelt League of Women, of Michigan, favoring the prompt enactment, in substantially its present form, of the bill (S. 1392) to reorganize the judicial branch of the Government, which was referred to the Committee on the Judiciary.

He also laid before the Senate resolutions adopted by the directors of the Detroit (Mich.) Bar Association; the Ninth Ward Republican Club of Upper Darby, Delaware County, Pa.; and the New Century Club, of West Chester, Pa., protesting against the enactment of pending legislation to reorganize the judicial branch of the Government, which were referred to the Committee on the Judiciary.

He also laid before the Senate the petition of the Fifth Annual Conference of the American Veterans' Association at Chicago, Ill., praying that that association be heard on certain recommendations concerning the Veterans' Administration in connection with the proposed legislation relative to reorganization of the executive branch of the Government, which was referred to the Select Committee on Government Organization.

He also laid before the Senate a paper from officers and members of the Markham Workingmen's Society, of Makinen, Minn., endorsing the stand of Representative JOHN T. BERNARD, of Minnesota, relative to the placing of an embargo on shipments of arms and munitions to Spain, which was ordered to lie on the table.

Mr. DUFFY presented the following joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Appropriations:

Joint resolution memorializing Congress to provide for the repayment of Wisconsin Emergency Relief Administration loans made to farmers in drought-stricken areas by working on county, township, or village municipal work projects

Whereas from December 1, 1934, to May 31, 1935, Wisconsin needy farmers signed promissory notes in consideration for seed or livestock feed supplied on purchase order by the Wisconsin Emergency Relief Administration and the Wisconsin Rural Rehabilitation Corporation, which seed or livestock feed was necessary to the life-sustaining operation of the farms; and

Whereas the terms of such loans called for repayment in money; and

Whereas the board of directors of the Wisconsin Rural Rehabilitation Corporation, to which corporation all drought promissory notes were transferred by the W. E. R. A. on December 26, 1935, on April 1, 1936, voted to permit the farmers to work off on county, township, or village municipal projects one-half of the unpaid balance of said drought notes as of July 31, 1936; and

Whereas due to the poor crops resulting from drought and scorching heat in 1936 in many sections of the State, such farmers now find it impossible to make repayment of the other one-half of the principal and interest of such loans in cash; and

Whereas the repayment of such loans in money will impose a hardship and retard the progress of the farmers in regaining a self-sufficient basis; and

Whereas the financial condition of many of the municipalities in the drought-stricken sections renders it impossible to conduct their ordinary and regular municipal work and duties; and

Whereas, if enabled, many of such borrowers could repay such loans by labor performed on municipal projects with great benefit to the farmers and the communities; now, therefore, be it

Resolved by the assembly (the senate concurring), That this legislature respectfully memorializes the Congress of the United States to enact legislation permitting drought-relief loans to be repaid in full by allowing such farmers to work on municipal projects; be it further

Resolved, That properly attested copies of this resolution be transmitted to both Houses of Congress of the United States and to each Wisconsin Member thereof.

Mr. DUFFY also presented the following joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Commerce:

Joint resolution memorializing the Congress of the United States to enact more simplified and stringent regulatory measures for aircraft and other legislation tending to lessen the hazards of aviation

Whereas the United States in the year 1936 was the scene of numerous major crashes of scheduled United States airliners; and

Whereas the death toll for that year in crashes of scheduled transport planes alone was 59, the highest in history; and

Whereas this figure does not include the large number of fatalities of pilots, copilots, students, passengers, aircraft crews, ground personnel and spectators in miscellaneous civil aircraft accidents for this period; and

Whereas fatal accidents in the air have been increasing in alarming proportions to the grave consternation of the American citizens; and

Whereas the Bureau of Air Commerce has failed to determine the cause or offer a remedy for the decided increase in aircraft accidents; and

Whereas those acquainted with aviation are in accord that what is needed to curb disasters in the air is more money, better equipment, more simplified and stringent Government regulations and an improved personnel to guide the destinies of aviation: Now, therefore, be it

Resolved by the assembly (the senate concurring), That the legislature of the State of Wisconsin respectfully memorializes the Congress of the United States to take immediate steps to enact more simplified and comprehensive regulatory measures for aircraft and aviation legislation, to provide money for the purchase and operation of high-grade aeronautic equipment and the hiring of highly trained men in our air commerce department and such other provisions as may tend to lessen the hazards of flying; and be it further

Resolved, That properly attested copies of this resolution be sent to both houses of Congress and to each Wisconsin Member thereof.

Mr. DUFFY also presented the following joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Education and Labor:

Joint resolution urging the Congress of the United States to allocate to the several States the whole appropriation authorized by the George-Deen Act for vocational education

Whereas the George-Deen Act, passed at the second session of the Seventy-fourth Congress and approved by the President on June 8, 1936, authorized an appropriation of $14,200,000 as Federal aids for the further development of vocational education in the several States and Territories; and

Whereas it was the intent and purpose of the Congress and the President under the George-Deen Act to increase Federal participation in the fields of trades and industry, agriculture, rural home economics, distributive occupations, and teacher training; and

Whereas, following the approval by the President of the George-Deen Act on June 8, 1936, the several States and Territories prepared to develop programs commensurate with the purposes and intent of the Federal Vocational Act and in reliance upon the full Federal aids to be made available thereunder; and

Whereas in the Executive Budget recently submitted to the first session of the Seventy-fifth Congress only $3,000,000 of the $14,200,000 appropriation authorized by the George-Deen Act has been allocated to the several States and Territories, which amount so far as Wisconsin is concerned is grossly inadequate to carry out effectively the present program of vocational education Federally aided under the George-Ellzey Act, which expires on June 30, 1937; and

Whereas the Seventy-fourth Congress gave most careful consideration to the needs of the country in considering and passing the George-Deen Act by nearly a unanimous vote, and had in mind the following impelling reasons, among others, for enacting the measure:

1. That the rural areas of the United States are facing an emergency in that farmers are confronted with difficult problems of agricultural adjustment, farm credit, production, and reduced incomes; that such conditions definitely indicate an expanded vocational program in the rural areas.

2. That the unemployment situation in both urban and rural communities has created a permanent need for an expanded vocational program to prevent the unemployed from becoming permanently unemployable.

3. That in Wisconsin and in many States most rural communities are unable to finance the needed expansion of vocational programs for the farmer, industrial worker, and unemployed youth; and

Whereas the expanding program and the growing apprenticeship requirements for vocational training would be seriously and irreparably curtailed unless Federal participation is maintained in accordance with the intent and provisions of the George-Deen Act; and

Whereas the entire Wisconsin program for vocational education, rural and urban, is dependent upon permanent and assured Federal participation as provided for in the George-Deen Act; Now, therefore, be it

Resolved by the assembly (the senate concurring), That this legislature respectfully petitions the Seventy-fifth Congress of the United States to restore in the President's Executive Budget the original amount of $14,200,000 authorized for Federal aids for vocational education by the Seventy-fourth Congress under the terms of the George-Deen Act; be it further

Resolved, That properly attested copies of this resolution be sent to the President of the United States, to each House of the Congress, to each Wisconsin Member of Congress, to the several members of the Federal Board for Vocational Education, to the United States Commissioner of Education, and to the President's Committee on Vocational Education.

Mr. DUFFY also presented the following joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Finance:

Joint Resolution memorializing the Congress of the United States to amend the Federal Social Security Act to include other classes of labor

Whereas under the provisions of title II of the Federal Social Security Act, farmers, agricultural labor, domestic service in private homes, certain other designated classes of labor, and any person who has sufficient initiative to employ himself, are excluded from all benefits conferred thereunder; and

Whereas 50 percent of the funds necessary for the payment of the old-age benefits are obtained, under the provisions of title VIII of said act, by an excise tax on employers; and

Whereas such employers will of necessity in practically every instance add their share of the cost to the sale price of their products, or to the price of the service they render; and

Whereas farmers, agricultural laborers, domestic servants in private homes, and the other classes of labor excluded from the benefits under the Social Security Act are all consumers and contribute to the old-age benefit fund every time they make a purchase, either of commodities or of service, from an employer who pays toward said fund; and

Whereas it is grossly unfair to exact indirect contributions from this excepted class of labor for the benefit of others and then deny equal benefits and an opportunity of security and protection to them; and

Whereas this excepted class constitutes a very large percentage of the population of the country and should be afforded the same safeguards against the insecurities of life through cooperative effort as others; now, therefore, be it

Resolved by the assembly (the senate concurring), That the Legislature of the State of Wisconsin respectfully memorializes the Congress of the United States to enact amendments to the Social Security Act providing for the inclusion of farmers, agricultural labor, domestic service in private homes, and others who are without benefit of retirement funds provided for by law. Be it further

Resolved, That properly attested copies of this resolution be transmitted to the President of the United States, to both Houses of the Congress of the United States and to each Wisconsin member thereof.

EMBARGOES ON IMPORTATIONS OF LIVESTOCK

Mr. O'MAHONEY. Mr. President, there has been transmitted to my colleague, the junior Senator from Wyoming (Mr. SCHWARTZ), and myself a memorial adopted by the Legislature of the State of Wyoming expressing opposition to the repeal or modification of livestock embargoes affecting foreign countries. I ask that the memorial may be printed in the RECORD and that it be transmitted to the Committee on Foreign Relations.

There being no objection, the memorial was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Enrolled Joint Memorial No. 1, Senate, Twenty-fourth Legislature of the State of Wyoming, opposing modifications of existing Federal laws and regulations governing importations of livestock or unsterilized livestock products from countries harboring transmissible diseases of livestock

Whereas a certain treaty has been signed by representatives of the United States and the Argentine Republic and has been submitted to the United States Senate for ratification, which said treaty is commonly known as the Argentine Sanitary Pact, and

Whereas the operation of said treaty would have the effect of suspending or modifying the existing embargo against importations of livestock and unsterilized livestock products from numerous countries harboring foot-and-mouth and other contagious and infectious diseases of livestock which do not now exist in the United States, and

Whereas the United States has in the past spent millions of dollars in the eradication of foot-and-mouth disease brought into this country through livestock products of foreign origin: Now, therefore, be it

Resolved, by the Senate of the State of Wyoming (the house of representatives concurring), That these bodies vigorously oppose any change either by treaty or modification of existing laws, or existing Federal embargoes against the importation of livestock or unsterilized livestock products from any foreign country where foot-and-mouth disease is known to exist; be it further

Resolved, That certified copies of this resolution be forwarded by the Governor to the President of the United States, the Secretary of State at Washington, D. C., the Presiding Officer of the United States Senate, and to the Speaker of the House of Representatives of the United States, the Secretary of Agriculture of the United States, and the Chairman of the Foreign Relations Committee of the Senate and of the House of Representatives of the United States, and to United States Senators JOSEPH C. O'MAHONEY and HARRY H. SCHWARTZ.

REPORTS OF COMMITTEES

Mr. CONNALLY, from the Committee on Public Buildings and Grounds, to which was referred the joint resolution (S. J. Res. 73) providing for the construction and maintenance of a National Gallery of Art, reported it with an amendment and submitted a report (No. 114) thereon.

Mr. O'MAHONEY, from the Committee on the Judiciary, to which was referred the bill (S. 761) for the relief of the State of Massachusetts, reported it without amendment and submitted a report (No. 115) thereon.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHEPPARD:

A bill (S. 1663) to provide for the advancement on the retired lists of certain officers and enlisted men of the Army, Navy, Marine Corps, and Coast Guard; to the Committee on Military Affairs.

By Mr. SCHWELLENBACH:

A bill (S. 1664) for the relief of Mr. and Mrs. Victor Mills; to the Committee on Indian Affairs.

A bill (S. 1665) regulating the performance of work by the enlisted or commissioned personnel of the United States Navy, Army, and Coast Guard; to the Committee on Naval Affairs.

By Mr. NEELY:

A bill (S. 1666) granting a pension to Harold A. Staats; to the Committee on Pensions.

By Mr. MALONEY:

A bill (S. 1667) to provide for a census of unemployment, to prohibit the interstate transportation of certain articles and commodities in certain cases, to protect the health and provide for the welfare of the unemployed, to provide for the general economic welfare of the Nation, and for other purposes; to the Committee on Commerce.

HOUSE BILL REFERRED

The bill (H. R. 4720) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1938, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

REGULATION OF TRAFFIC IN FOOD, DRUGS, AND COSMETICS—AMENDMENT

Mr. DUFFY submitted an amendment intended to be proposed by him to the bill (S. 5) to prevent the adulteration, misbranding, and false advertisement of food, drugs, devices, and cosmetics in interstate, foreign, and other commerce subject to the jurisdiction of the United States, for the purposes of safeguarding the public health, preventing deceit upon the purchasing public, and for other purposes, which was ordered to lie on the table and to be printed.

OPERATION OF NAVAL ORDNANCE PLANT AT SOUTH CHARLESTON, W. VA.

Mr. NEELY. I submit a resolution for reference to the Committee on Naval Affairs. The object of the resolution is to have appointed a special Senate committee to determine the desirability of operating the naval ordnance plant at South Charleston, W. Va., in order to supply the Government's pressing need for steel.

The PRESIDING OFFICER. The resolution will be received and referred as indicated.

The resolution (S. Res. 84) was referred to the Committee on Naval Affairs, as follows:

Resolved, That a special committee of three Senators, to be appointed by the President of the Senate, is authorized to make a full and complete investigation of the desirability of operation by the Government of the naval ordnance plant at South Charleston, W. Va., for the purpose of furnishing steel for Government use. The committee shall report to the Senate as soon as practicable, but not later than July 1, 1937, the results of its investigation, together with its recommendations, if any, for necessary legislation.

For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate in the Seventy-fifth Congress, to employ such clerical and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents a hundred words. The expenses of the committee, which shall not exceed $——, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

WAR PROFITS AND NEUTRALITY—ADDRESS BY SENATOR CLARK

[Mr. NYE asked and obtained leave to have printed in the RECORD a radio address on war profits and neutrality

delivered by Senator CLARK before the Veterans of Foreign Wars on Monday, February 15, 1937, which appears in the Appendix.]

ENLARGEMENT OF SUPREME COURT—ADDRESS BY SENATOR BAILEY

[Mr. BYRD asked and obtained leave to have printed in the RECORD a radio address to the members of the National Grange on the subject of the proposed enlargement of the Supreme Court, delivered by Senator BAILEY on the 20th instant, which appears in the Appendix.]

REORGANIZATION OF FEDERAL JUDICIARY—ADDRESS BY SENATOR GREEN

[Mr. ROBINSON asked and obtained leave to have printed in the RECORD a radio address on the subject of the proposed reorganization of the Federal judiciary, delivered by Senator GREEN on February 21, 1937, which appears in the Appendix.]

REORGANIZATION OF FEDERAL JUDICIARY—STATEMENT OF GEORGE L. BERRY

[Mr. LA FOLLETTE asked and obtained leave to have printed in the RECORD a statement made on Tuesday, February 9, 1937, by Maj. George L. Berry, president of Labor's Non-Partisan League, regarding the President's recommendation for Federal judiciary reform and reorganization, which appears in the Appendix.]

REORGANIZATION OF FEDERAL JUDICIARY—EDITORIAL FROM LEWISTON TRIBUNE

[Mr. POPE asked and obtained leave to have printed in the RECORD an editorial from the Lewiston (Idaho) Morning Tribune of February 7, 1937, on the President's proposal concerning the judiciary, which appears in the Appendix.]

CROP INSURANCE—EDITORIAL FROM WENATCHEE JOURNAL

[Mr. POPE asked and obtained leave to have printed in the RECORD an editorial on crop insurance from the Wenatchee (Wash.) Journal of February 18, 1937, which appears in the Appendix.]

RESERVES UNDER FEDERAL OLD-AGE BENEFIT PLAN

Mr. VANDENBERG. Mr. President, I am instructed by the Senate Finance Committee to ask that there be printed in the RECORD a letter from the Social Security Board commenting upon my Senate Concurrent Resolution No. 4, dealing with compulsory old-age pensions.

The Senate Finance Committee had a full hearing this morning on the subject. We discussed at great length with the members of the Board the possible desirability of doing away with the full reserve system, and thus escaping the ultimate challenge of the enormous $47,000,000,000 reserve which otherwise is involved.

I ask that the letter, as requested by the Finance Committee, be printed in the RECORD; and in addition I ask that a list of 60 presidents of 60 leading life-insurance companies of the United States be printed in the RECORD, this list representing the gentlemen of greatest experience in connection with insurance, who unitedly testified that the full reserve system is not necessary in a Government insurance system, but that the Government system can safely and wisely operate on a pay-as-you-go basis with only a moderate contingent reserve.

I desire to state in this connection that the Finance Committee this morning created a special committee, consisting of the Senator from Mississippi [Mr. HARRISON], the Senator from Virginia [Mr. BYRD], and myself, to act with the members of the Social Security Board in forming a general advisory council from among the insurance and social service experts of the country for the purpose of surveying the question of reserves. If the full reserve system can be changed as proposed, it will be to the advantage of the pensioners and the pay roll taxpayers, and it will eliminate an enormous economic and governmental hazard.

There being no objection, the letter and list were ordered to be printed in the RECORD, as follows:

FEBRUARY 20, 1937.

Hon. PAT HARRISON,
Chairman, Committee on Finance,
United States Senate, Washington, D. C.

DEAR SENATOR HARRISON: We are in receipt of your letter of February 2, relative to Senate Concurrent Resolution 4. While the introductory paragraph of this resolution refers to the "hazards of old age, unemployment, and other disabilities", it deals entirely with the Federal old-age benefits plan. As regards the Federal old-age benefits plan, it deals only with certain aspects thereof.

In substance, the resolution directs the Social Security Board to report to Congress either a plan to start the payment of Federal old-age benefits sooner and in more liberal amounts during the next 10 to 20 years (without, however, increasing benefits for those retiring in later years) or a plan to leave benefit payments as now provided, but to reduce pay-roll taxes. The resolution also directs the Social Security Board to report a plan to extend the coverage of the Federal old-age benefits plan.

Inasmuch as the resolution is specifically related only to the Federal old-age benefits plan, the Board assumes it is desired that the Board's comments be limited to that phase of the Social Security program. These comments are as follows:

1. Every worker, no matter how young he is when he enters taxable employment nor how much he is paid, will always receive in benefits more than he has paid in taxes. Moreover, the monthly benefit payable will always be more than any worker could purchase from a private insurance company at present rates with the amount of money which he will have paid in taxes. It is true that a larger proportion of the employer's tax which is levied upon the total pay roll may be considered as offsetting the payment of benefits to workers now nearing retirement. This is also true of all private pension plans and of all Government retirement plans.

2. Under any old age retirement plan like the plan established by the Social Security Act which expects to be self-supporting, unless funds are collected during the early years over and above the amounts payable in benefits each year, eventual financial provision (in the case of the Social Security Act, eventual tax rates) will have to be increased radically. This is because the number drawing pensions starts at zero and increases indefinitely both because of a steady gain in the proportion of the aged qualifying for benefits and because of the gain in the total number and proportion of the aged. Moreover, under an old-age retirement system providing pensions bearing some proportion to past earnings the average pension payable to those retiring in successive years will increase each year for an indefinite period. Thus, under the present Federal old-age benefit plan it is thought that the total amount of monthly benefits payable each year will increase up to a figure of at least $3,000,000,000 in 1980.

3. The Government would have to levy approximately 5 percent on pay rolls from the very beginning if it wished to fix a rate that apparently would offset, without change for a considerable period into the future, the cost of benefits as they come due without recourse to any other funds except sums collected to pay interest upon the accumulated reserve at the rate of 3 percent. Under the present plan the equivalent of this 5 percent rate is presumably present in the present 2-percent tax rate which increases triennially by 1 percent until the maximum of 6 percent is reached in 1949. To counteract the inadequacy which would be present in early monthly old-age benefits, were they based upon a constant relationship to earnings, a higher rate of benefits is allowed for the early wages than later wages. If this more liberal allowance for early wages were recognized as it would be in group annuity insurance as "accruing liability" the present value of future benefits arising from current wage payments would exceed the expected tax collections under title VIII over a long period of time. It is estimated that during the first year of operation alone this accruing liability would amount to $5,000,000,000 against probable tax collections of $600,000,000. By 1946 this accruing liability would probably amount to $25,000,000,000 whereas it is anticipated that the residue of tax collections over benefit payments and administrative expenses, with interest at 3 percent compounded annually, probably will amount to but $9,000,000,000, an apparent deficiency of $16,000,000,000.

4. The present scale of taxes was deemed to be sufficiently large so that for a considerable period into the future the sum of the expected tax collections less administrative costs plus interest on the accumulated funds would be substantially in excess of the total benefit payments. By 1980, according to estimates of the progress of the program there might be a fund of $47,000,000,000 which would be about two-thirds of the reserve which a private insurance company probably would expect to accumulate. If no interest-bearing reserve is accumulated and no other revenue is provided, the pay-roll taxes required would probably have to be increased to 10 percent by 1980.

5. One of the assumptions entering into the estimated ultimate cost has been that before 1980 a stable population would be reached, a rather dubious assumption. Many other assumptions entering into these cost estimates are extremely crude and have not been made with any belief that they can possibly foretell what future benefits will be in a time so far removed from the present. This somewhat arbitrary estimate of a maximum reserve of $47,000,000,000 may be considered as representing $14,000,000,000 collected in pay-roll taxes in excess of cash benefits already paid, the balance of $33,000,000,000 representing interest and compound interest thereon.

6. Had the interest on the reserve account been compounded at 2½ percent (about the present average rate of return on Federal obligations), instead of 3 percent as provided in the law, the amount of compound interest contributed to the reserve would be $25,000,000,000 instead of $33,000,000,000. The excess of $8,000,000,000 through estimating 3 percent instead of 2½ percent could be considered as a Government subsidy. Similarly, if it is

recognized that a conceivable method would call for no interest payments, such a Government subsidy would be $33,000,000,000.

7. It is possible to develop a plan to start Federal old-age benefits sooner and to pay such benefits in more liberal amounts during the early years without increasing benefits for those retiring in later years.

8. It is also possible to develop a schedule of reduced pay-roll taxes. However, the present tax rate, which the resolution indicates is satisfactory, is not increased for 3 years, so this is not an immediate problem.

9. Reduction in tax rates or increase in benefit rates under the Federal old-age benefits system would reduce the reserve below the amount estimated to be necessary to keep the system on a self-sustaining basis. However, the advantage of the self-sustaining principle is lessened as the proportion of the gainfully occupied persons protected by the system is increased. At present that proportion is about 50 percent, and most of the cost of the benefits is met by the beneficiaries, whereas the abandonment of the self-sustaining principle would transfer an undue proportion of this cost to the 50 percent not covered by the system.

10. The problem of extending the coverage of the Federal old-age benefits system is largely a problem of developing appropriate administrative processes (particularly tax-collection techniques) in the case of such large excluded groups as domestic servants and farmers. Moreover, the type of legislation and the kind of administrative procedures to be developed depend to a considerable extent upon the definition of Federal powers by the courts. Since very little administrative experience is yet available, and the courts have not yet passed upon the constitutionality of the Federal powers involved, if legislative action is taken at this time to extend coverage to groups now excluded, such as domestic servants and farmers, such action should be made effective not earlier than January 1, 1939.

11. It is highly desirable that as soon as practicable provision be made for paying monthly benefits to those permanently disabled and to survivors of beneficiaries under the Federal old-age benefits plan. However, some of the problems involved require extended study and consideration.

In accordance with the duty placed upon it by section 702 of the Social Security Act the Board has been studying the problems touched upon by this resolution, as well as a number of other problems intimately related thereto. Some information has already been assembled and more will be assembled as quickly as possible.

The Board will be glad to be of as much service as possible to the committee.

Sincerely,

——— ———, *Chairman.*

Thomas A. Buckner, president, New York Life Insurance Co., New York, N. Y.

William H. Kingsley, president, Penn Mutual Life Insurance Co., Philadelphia, Pa.

Edward D. Duffield, president, Prudential Life Insurance Co., Newark, N. J.

M. B. Brainard, president, Aetna Life Insurance Co., Hartford, Conn.

M. J. Cleary, president, Northwestern Mutual Life Insurance Co., Milwaukee, Wis.

B. J. Perry, president, Massachusetts Mutual Life Insurance Co., Springfield, Mass.

Guy W. Cox, president, John Hancock Mutual Life Insurance Co., Boston, Mass.

L. E. Zacher, president, Travelers Insurance Co., Hartford, Conn.

Arthur F. Hall, president, Lincoln National Life Insurance Co., Fort Wayne, Ind.

John R. Hardin, president, Mutual Benefit Life Insurance Co., Newark, N. J.

George Willard Smith, president, New England Mutual Life Insurance Co., Boston, Mass.

Carl Haye, president, Guardian Life Insurance Co., New York, N. Y.

M. A. Linton, president, Provident Mutual Life Insurance Co., Philadelphia, Pa.

John C. Hill, president, Standard Life Insurance Co., Pittsburgh, Pa.

M. Clark Terrill, vice president, Phoenix Mutual Life Insurance Co., Hartford, Conn.

A. Carleton McKenney, vice president, Life Insurance Co. of Virginia, Richmond, Va.

Henry Moir, chairman, finance committee, United States Life Insurance Co., New York, N. Y.

A. A. Rydgren, president, Continental American Life Insurance Co., Wilmington, Del.

C. C. Criss, president, United Benefit Life Insurance Co., Omaha, Nebr.

W. P. Stevens, president, Scranton Life Insurance Co., Scranton, Pa.

John E. Reilly, president, Old Line Life Insurance Co., Milwaukee, Wis.

T. W. Appleby, president, Ohio National Life Insurance Co., Cincinnati, Ohio.

Danforth E. Ball, president, Columbus Mutual Life Insurance Co., Columbus, Ohio.

Edwin A. Olson, president, Mutual Trust Life Insurance Co., Chicago, Ill.

W. W. Putney, president, the Midwest Life Insurance Co., Lincoln, Nebr.

W. G. Tallman, president, Great Western Insurance Co., Des Moines, Iowa.

Arthur R. German, president, Baltimore Life Insurance Co., Baltimore, Md.

Clarence J. Daly, president, Capitol Life Insurance Co., Denver, Colo.

Ralph R. Lounsbury, president, Bankers National Life Insurance Co., Montclair, N. J.

C. B. Little, president, Provident Life Insurance Co., Bismarck, N. Dak.

A. L. Key, chairman of board, Volunteer State Life Insurance Co., Chattanooga, Tenn.

James L. Loomis, president, Connecticut Mutual Life Insurance Co., Hartford, Conn.

John V. Hanna, president, United Life Insurance Co., Concord, N. H.

H. G. Royer, president, Great Northern Life Insurance Co., Chicago, Ill.

Cornelius A. Craig, chairman of board, National Life Insurance Co., Nashville, Tenn.

H. M. Merriam, president, Franklin Life Insurance Co., Springfield, Ill.

Walter L. Fallet, president, Fidelity Mutual Life Insurance Co., Philadelphia, Pa.

W. L. Mood, Jr., president, American Life Insurance Co., Galveston, Tex.

A. O. Swink, president, Atlantic Life Insurance Co., Richmond, Va.

Raymond F. Low, president, American Reserve Life Insurance Co., Omaha, Nebr.

Robert E. Sweeny, president, State Life Insurance Co., Indianapolis, Ind.

F. B. Wilde, president, Connecticut General Life Insurance Co., Hartford, Conn.

L. J. Dougherty, president, Guaranty Life Insurance Co., Davenport, Iowa.

Crawford H. Ellis, president, Pan-American Life Insurance Co., New Orleans, La.

S. B. Coley, president, Durham Life Insurance Co., Raleigh, N. C.

J. J. Cadigan, president, New World Life Insurance Co., Seattle, Wash.

T. A. Phillips, president, Minnesota Mutual Life Insurance Co., St. Paul, Minn.

Victor Ettienne, Jr., president, West Coast Life Insurance Co., San Francisco, Calif.

R. B. Richardson, executive vice president, Montana Life Insurance Co., Helena, Mont.

C. F. O'Donnell, president, Southwestern Life Insurance Co., Dallas, Tex.

C. W. Young, president, Monarch Life Insurance Co., Springfield, Mass.

Charles A. Harrington, president, Massachusetts Protective Life Assurance Co., Worcester, Mass.

Henry H. Kohn, president, Morris Plan Insurance Society, New York, N. Y.

E. O. Burget, president, Peoples Life Insurance Co., Frankfort, Ind.

George W. Steinman, president, Midland Mutual Life Insurance Co., Columbus, Ohio.

Chandler Bullock, president, State Mutual Life Assurance Co., Worcester, Mass.

W. T. Grant, president, Businessmen's Assurance Co., Kansas City, Kans.

C. R. Boardman, president, Wisconsin National Life Insurance Co., Oshkosh, Wis.

E. C. Green, president, Pilot Life Insurance Co., Greensboro, N. C.

Clem E. Peters, president, Conservative Life Insurance Co., Wheeling, W. Va.

ADJOURNMENT

Mr. ROBINSON. I move that the Senate adjourn.

The motion was agreed to; and (at 2 o'clock and 2 minutes p. m.) the Senate adjourned until tomorrow, Tuesday, Feb. 23, 1937, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

MONDAY, FEBRUARY 22, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. J. Shera Montgomery, D. D., offered the following prayer:

Almighty God, our everlasting Father, Thy marvelous Providence is seen in shaping and guiding the destinies of men and nations. Thou hast raised up a man clothed in majesty to sustain and with might to overcome the giant forces arrayed against the march of civilization. Today the heart of our country is stirred in praise and gratitude for the peerless Washington, first in war, first in peace, and first in the hearts of his countrymen. We thank Thee for this patriot, statesmen, and Christian gentleman who knelt at the altar of sacrifice that freedom from tyrannical domination might live. In this sacred hour as we are reminded of the providential epochs of his life and the wisdom of his deathless words, may we seek to emulate his courage, persistence, and his undying devotion which are the admiration of the world.

Blessed Lord, let us feel Thy spirit bowing over us in holy benediction, of whom the world was not worthy. Amen.

The Journal of the proceedings of Friday, February 19, was read and approved.

The SPEAKER. The Chairman will recognize gentlemen to submit unanimous-consent requests.

EXTENSIONS OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and insert therein certain excerpts from a speech made by Mr. C. H. March, former member of the Federal Trade Commission and now a member of that Commission.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. RICH. Mr. Speaker, reserving the right to object, is he at the present time a member of the Commission?

Mr. PATMAN. Yes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

(Mr. MAVERICK and Mr. LUDLOW asked and were given permission to extend their remarks in the RECORD.)

Mr. DONDERO. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a radio address made by our colleague the gentleman from Kansas [Mr. GUYER].

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to insert therein a radio address which I am going to make at 1: 30 this afternoon.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WOODRUFF. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a brief quotation from certain items of historic interest.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. SNYDER of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a radio address made by myself last Friday evening on the subject of our national defense.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. FULMER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and insert therein a small article with reference to the life of one of my constituents who offered himself to a test in connection with yellow fever back in the Spanish-American War days. This man died some days ago.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

Mr. RICH. Mr. Speaker, reserving the right to object, is that a newspaper article?

Mr. FULMER. It is a very short article on the life of this man to whom I referred.

Mr. RICH. We cannot permit newspaper articles to go into the RECORD.

The SPEAKER. Does the gentleman object?

Mr. RICH. It is a newspaper article, and I therefore object.

Mr. FULMER. If the gentleman will withhold his objection a moment, may I say this is a very short article about a man who died some days ago. This man offered himself as a test in connection with the yellow-fever peril back in the Spanish-American War days.

Mr. RICH. May I say to the gentleman I am not opposed and cannot oppose anything that the gentleman may want to put in the RECORD in the way of his own remarks, but when he holds up a newspaper article he knows it is against the rules of the House and the rules of the Joint Committee on Printing to have newspaper articles incorporated in the RECORD.

Mr. FULMER. This is a very short article giving the life of this very distinguished American hero.

Mr. RICH. Is the gentleman going to put this in as his article?

Mr. FULMER. Yes.

Mr. RICH. Then I will not object. I may say to the Members of the House and to the gentleman when he holds up a newspaper article and wants to insert it in the RECORD we cannot permit that because we may have everything inserted in the RECORD from newspaper articles. This is strictly contrary to the rules.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

(Mr. KOPPLEMANN asked and was given permission to extend his remarks in the RECORD.)

Mr. KOPPLEMANN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute to ask the gentleman from Texas, our leader, a question.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. KOPPLEMANN. May I ask the gentleman from Texas [Mr. RAYBURN] if he will be good enough to inform me when there will be a report from the Appropriations Committee on the bill known as the naval appropriation bill?

Mr. RAYBURN. I think on next Thursday. The chairman of the subcommittee spoke to me on Friday and said he would know definitely tomorrow.

Mr. KOPPLEMANN. The report will be submitted on Thursday?

Mr. RAYBURN. I think it will be out on Wednesday. The bill will be called up for consideration on Thursday.

Mr. KOPPLEMANN. That is the information I wanted. May I suggest to the gentleman from Texas that those who are interested, and I personally am interested in that measure, should be given an opportunity to read and study this bill thoroughly.

[Here the gavel fell.]

Mr. KOPPLEMANN. Mr. Speaker, I ask unanimous consent to proceed for 1 additional minute.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. KOPPLEMANN. Mr. Speaker, my purpose in rising at this time is to suggest that we have more opportunity to study this measure in order to be prepared to act more intelligently upon it. If it is reported on Wednesday at the very earliest and called up on Thursday, there will be a repetition of what happened last year when a bill was submitted, reported, and within 2 days voted upon by this House. This is too important a matter to be acted on in that way.

Mr. RAYBURN. I may say to the gentleman there will be at least 1 day of general debate on the measure when it comes up in the House for consideration. General debate will then go over until Friday, which will allow 2 nights and a day for study.

Mr. KOPPLEMANN. It is my opinion, sir, that is hardly sufficient time for study and deliberation upon a measure of such importance and carrying so tremendous an appropriation. It seems to me we ought to have more time. There is no reason to rush these matters.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. COX. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a speech I made over the radio recently on the so-called proposal to reform the judiciary.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. SCRUGHAM (at the request of Mr. CARTER), for 1 week, on account of death in family.

EXTENSION OF REMARKS

Mr. BREWSTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an address of our colleague the gentleman from Oregon [Mr. MOTT] on the occasion of Lincoln's Birthday.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

WASHINGTON'S FAREWELL ADDRESS

The SPEAKER. On January 29, 1937, the following order was had:

On motion of Mr. RANKIN, by unanimous consent, ordered: That on Monday, February 22, 1937, after the reading of the Journal and disposition of business on the Speaker's table, it shall be in order for the Speaker to designate a Member who shall read Washington's Farewell Address.

Pursuant to the above motion, the Chair has designated the gentleman from New Jersey [Mr. O'NEILL] to deliver Washington's Farewell Address.

Mr. O'NEILL of New Jersey. Mr. Speaker, may I acknowledge my appreciation of the honor that comes to me in being designated to recall to our colleagues these memorable and still timely words:

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those, out of whom a choice is to be made.

I beg you, at the same time, to do me the justice to be assured, that this resolution has not been taken, without a strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country; and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest; no deficiency of grateful respect for your past kindness; but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me, have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded, whatever partiality may be retained for my services, that in the present circumstances of our country, you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust, were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government, the best exertions of which a very fallible judgment was capable. Not unconscious in the outset, of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more, that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country, for the many honors it has conferred upon me; still more for the steadfast confidence with which it has supported me; and for the opportunities I have thence enjoyed of manifesting my inviolable attachment, by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise, and as an instructive example in our annals, that under circumstances in which the passions, agitated in every direction, were liable to mislead amidst appearances sometimes dubious, vicissitudes of fortune often discouraging—in situations in which not unfrequently, want of success has countenanced the spirit of criticism,—the constancy of your support was the essential prop of the efforts, and a guarantee of the plans, by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave, as a strong incitement to unceasing vows that heaven may continue to you the choicest tokens of its beneficence—that your union and brotherly affection may be perpetual—that the free constitution, which is the work of your hands, may be sacredly maintained—that its administration in every department may be stamped with wisdom and virtue—that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation, and so prudent a use of this blessing, as will acquire to them the glory of recommending it to the applause, the affection and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger, natural to that solicitude, urge me, on an occasion like the present, to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom, as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people, is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence; the support of your tranquility at home; your peace abroad; of your safety; of your prosperity; of that very liberty which you so highly prize. But, as it is easy to foresee that, from different causes and from different quarters much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed; it is of infinite moment, that you should properly estimate the immense value of your national union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever

may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth, or choice, of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism, more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have, in a common cause, fought and triumphed together; the independence and liberty you possess, are the work of joint counsels, and joint efforts, of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest.—Here, every portion of our country finds the most commanding motives for carefully guarding and preserving the union of the whole.

The *north*, in an unrestrained intercourse with the *south*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry.—The *south*, in the same intercourse, benefiting by the same agency of the *north*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *north*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength, to which itself is unequally adapted. The *east*, in a like intercourse with the *west*, already finds, and in the progressive improvement of interior communications by land and water, will more and more find a valuable vent for the commodities which it brings from abroad, or manufactures at home. The *west* derives from the *east* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions, to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *west* can hold this essential advantage, whether derived from its own separate strength; or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts, greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value, they must derive from union, an exemption from those broils and wars between themselves, which so frequently afflict neighboring countries not tied together by the same government; which their own rivalship alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues, would stimulate and embitter.—Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind and exhibit the continuance of the union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who, in any quarter, may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations,—*northern* and *southern*—*Atlantic* and *western;* whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourselves too much against the jealousies and heart burnings which spring from these misrepresentations: they tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head: they have seen, in the negotiation by the executive, and in the unanimous ratification by the senate of the treaty with Spain, and in the universal satisfaction at the event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the union by which they were procured? will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute; they must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a constitution of government, better calculated than your former, for an intimate union, and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and maintaining within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presuppose the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberations and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency.—They serve to organize faction, to give it an artificial and extraordinary force, to put in the place of the delegated will of the nation the will of party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests.

However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men, will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority, but also that you resist with care the spirit of innovation upon its principles, however spacious the pretext. One method of assault may be to effect, in the forms of the constitution, alterations which will impair the energy of the system; and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments, as of other human institutions:—that experience is the surest standard by which to test the real tendency of the existing constitution of a country:—that facility in changes, upon the credit of mere hypothesis and opinion, exposes to perpetual change from the endless variety of hypothesis and opinion: and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable. Liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is, indeed, little else than a name, where the government is too feeble to withstand the enterprises of faction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular references to the founding them on geographical discrimination. Let me now take a more comprehensive view, and warn you in the most solemn manner against the baneful effects of the spirit of party generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind.—It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism.—But this leads at length to a more formal and permanent despotism. The disorders and miseries which result, gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms; kindles the animosity of one part against another; foments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true; and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be, by force of public opinion, to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those intrusted with its administration, to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department, to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominate in the human heart, is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern; some of them in our country and under our own eyes.—To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the constitution designates.—But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil, any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked, where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths which are the instruments of investigation in courts of justice? and let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect, that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions, in time of peace, to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should co-operate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind, that towards the payment

of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper object (which is always a choice of difficulties,) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all. Religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things, the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it; can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan, nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others, should be excluded; and that, in place of them, just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence, frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity, and adopts through passion what reason would reject; at other times, it makes the animosity of the nation subservient to projects of hostility, instigated by pride, ambition, and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest, in cases where no real common interest exists, and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation, of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained, and by exciting jealousy, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld; and it gives to ambitious, corrupted or deluded citizens who devote themselves to the favorite nation, facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity; gilding with the appearances of a virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils!—Such an attachment of a small or weak, towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence, (I conjure you to believe me fellow citizens,) the jealousy of a free people ought to be *constantly* awake; since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealousy, to be useful, must be impartial, else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another, cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious; while its tools and dupes usurp the applause and confidence of the people, to surrender their interests.

The great rule of conduct for us, in regard to foreign nations, is, in extending our commercial relations, to have with them as little *political* connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith:—Here let us stop.

Europe has a set of primary interests, which to us have none, or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence, therefore, it must be unwise in us to implicate ourselves by artificial ties, in the ordinary vicissitudes of her politics, or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon, to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest, guided by justice, shall counsel.

Why forego the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world; so far, I mean, as we are now at liberty to do it; for let me not be understood as capable of patronizing infidelity to existing engagements. I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy. I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, and a liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand; neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce, but forcing nothing; establishing with powers so disposed, in order to give trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another; that it must pay with a portion of its independence for whatever it may accept under that character; that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors, and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect, or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make

the strong and lasting impression I could wish; that they will control the usual current of the passions, or prevent our nation from running the course which has hitherto marked the destiny of nations, but if I may even flatter myself that they may be productive of some partial benefit, some occasional good; that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism, this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far, in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least believed myself to be guided by them.

In relation to the still subsisting war in Europe; my proclamation of the 22d of April, 1793, is the index to my plan. Sanctioned by your approving voice, and by that of your representatives in both houses of congress, the spirit of that measure has continually governed me, uninfluenced by any attempts to deter or divert me from it.

After deliberate examination, with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound, in duty and interest, to take a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct, it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without any thing more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions, and to progress, without interruption, to that degree of strength, and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration, I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. What ever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence; and that, after forty-five years of my life dedicated to its service, with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it, which is so natural to a man who views in it the native soil of himself and his progenitors for several generations; I anticipate with pleasing expectation that retreat in which I promise myself to realize, without alloy, the sweet enjoyment of partaking, in the midst of my fellow citizens, the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON

UNITED STATES,
17th September, 1796.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, as a further mark of respect to the memory of Washington I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 1 o'clock and 2 minutes p. m.) the House adjourned until tomorrow, Tuesday, February 23, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Tuesday, February 23, 1937, at 10:30 a. m., to hold hearings on the following projects at Frankfort Harbor, Mich.; Ouachita River, Ark.; and Bellingham Harbor, Wash.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization in room 445, House Office Building, at 10:30 a. m. on Wednesday, February 24, 1937, for public consideration of H. R. 30, to protect the artistic and earning opportunities in the United States for American actors, vocal musicians, operatic singers, solo dancers, solo instrumentalists, and orchestra directors, and others.

EXECUTIVE COMMUNICATIONS, ETC.

384. Under clause 2 of rule XXIV, a letter from the Solicitor of Labor, transmitting a letter signed by Assistant Secretary McGrady with reference to a suggested amendment of House Joint Resolution 4, was referred to the Committee on Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. KELLER: Committee on the Library. House Joint Resolution 217. A joint resolution providing for the construction and maintenance of a National Gallery of Art; without amendment (Rept. No. 291). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLE of Maryland: Committee on Interstate and Foreign Commerce. H. R. 3898. A bill to amend section 318 of the Communications Act of 1934; without amendment (Rept. No. 292). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. VINSON of Kentucky: A bill (H. R. 4985) to regulate interstate commerce in bituminous coal, and for other purposes; to the Committee on Ways and Means.

By Mr. McANDREWS: A bill (H. R. 4986) to extend the time of the Chicago Park District (successor by operation of law to the South Park Commissioners and the Commissioners of Lincoln Park) for the construction and completion of two bridges, one across that portion of Lake Michigan lying opposite the entrance to the Chicago River and one across the Michigan Canal otherwise known as Ogden Slip in the city of Chicago, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. BUCK: A bill (H. R. 4987) to amend the act known as the Perishable Agricultural Commodities Act, 1930, approved June 10, 1930, as amended; to the Committee on Agriculture.

By Mrs. ROGERS of Massachusetts: A bill (H. R. 4988) to provide that only a citizen of the United States by birth shall be appointed Chief Justice of the United States or Associate Justice of the Supreme Court; to the Committee on the Judiciary.

By Mr. THOMASON of Texas: A bill (H. R. 4989) to impose a duty on crude or unmanufactured sand; to the Committee on Ways and Means.

By Mr. DOCKWEILER: A bill (H. R. 4990) providing for an additional military academy, and for other purposes; to the Committee on Military Affairs.

By Mr. REILLY: A bill (H. R. 4991) to provide that loans made by certain financial institutions on and after April 1, 1937, and prior to April 1, 1938, may be insured by

the Administrator of the National Housing Administration; to the Committee on Banking and Currency.

By Mr. JOHNSON of Minnesota: Joint resolution (H. J. Res. 241) proposing an amendment to the Constitution providing for the election of President and Vice President; to the Committee on Election of President, Vice President, and Representatives in Congress.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Kansas, memorializing the Congress of the United States to consider their House Concurrent Resolution No. 14; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of Oregon, memorializing the Congress of the United States to consider their House Joint Memorial No. 8, to provide a national cemetery; to the Committee on Military Affairs.

Also, memorial of the Legislature of the State of Oregon, memorializing the Congress of the United States to consider their House Joint Memorial No. 10; to the Committee on Military Affairs.

Also, memorial of the Legislature of the State of Nebraska, memorializing the Congress of the United States to oppose the reorganization of the Federal courts; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of Illinois, memorializing the Congress of the United States of America be urged to furnish immediate financial assistance to these people in our flood area; to the Committee on Banking and Currency.

Also, memorial of the Legislature of the State of Wyoming, memorializing the Congress of the United States that they vigorously oppose any change of existing laws or existing Federal embargoes against the importation of livestock from any foreign country; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of Arkansas, memorializing the Congress of the United States to pass, and the President of the United States to approve, if passed, said House bill No. H. R. 4214, by Colmer; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Legislature of the State of Colorado, memorializing the Congress of the United States is hereby urged to assist the President in accomplishing the reorganization of the Supreme Court and Federal judiciary as submitted by the President of the United States; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of Colorado, memorializing the Congress of the United States to consider their House Joint Memorial No. 6; to the Committee on Foreign Affairs.

Also, memorial of the Legislature of the State of Nebraska, memorializing the Congress of the United States of America to oppose the plan to change the judiciary; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of New York, memorializing the Congress of the United States of America to amend the War Risk Insurance Act; to the Committee on Banking and Currency.

Also, memorial of the Legislature of the State of Idaho, memorializing the Congress of the United States and the United States Reclamation Department to consider their House Joint Memorial No. 4; to the Committee on Irrigation and Reclamation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOILEAU: A bill (H. R. 4992) for the relief of the estate of Margaret Breseman; to the Committee on Claims.

Also, a bill (H. R. 4993) for the relief of the estate of Teresa Van Ryn; to the Committee on Claims.

Also, a bill (H. R. 4994) for the relief of the estate of William A. Van Ryn; to the Committee on Claims.

Also, a bill (H. R. 4995) for the relief of Donald A. Van Ryn; to the Committee on Claims.

Also, a bill (H. R. 4996) for the relief of Sue VanRyn; to the Committee on Claims.

By Mr. DISNEY: A bill (H. R. 4997) for the relief of Pauline McKinney; to the Committee on Claims.

By Mr. DOCKWEILER: A bill (H. R. 4998) for the relief of Squire Estes; to the Committee on Military Affairs.

Also, a bill (H. R. 4999) for the relief of Jerry Kearney; to the Committee on Naval Affairs.

By Mrs. JENCKES of Indiana: A bill (H. R. 5000) granting a pension to Mary Jane Gaskin; to the Committee on Pensions.

By Mr. JOHNSON of Minnesota: A bill (H. R. 5001) for the relief of Roy Hall; to the Committee on Naval Affairs.

Also, a bill (H. R. 5002) granting a pension to William S. Morrison; to the Committee on Pensions.

Also, a bill (H. R. 5003) for the relief of Paul J. Kohanik; to the Committee on Claims.

Also, a bill (H. R. 5004) for the relief of Joseph F. Smith who enlisted as Clare Holmes; to the Committee on Military Affairs.

By Mr. LAMNECK: A bill (H. R. 5005) granting an increase of pension to Alice C. Scott; to the Committee on Invalid Pensions.

By Mr. PATMAN: A bill (H. R. 5006) for the relief of DeWitt F. McLaurine; to the Committee on Military Affairs.

By Mr. RIGNEY: A bill (H. R. 5007) authorizing the President to order Jesse T. McDavid before a retiring board for a hearing of his case, and upon the findings of such board determine whether or not he be placed on the retired list, because of distinguished service in the World War, with the rank and pay of a lieutenant colonel; to the Committee on Military Affairs.

By Mr. ROBSION of Kentucky: A bill (H. R. 5008) granting a pension to Millard C. Helm; to the Committee on Pensions.

By Mr. SHANNON: A bill (H. R. 5009) granting an increase of pension to Christine Hounshell; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

440. By Mr. ASHBROOK: Petition of Elston Curren and 42 citizens of Shelby, Ohio, asking that no law be passed that would disturb or abridge the religious rights and privileges of the American people; to the Committee on the Judiciary.

441. By Mr. CROWTHER: Petition of residents of Schenectady County, N. Y., favoring all antilynching measures pending before the present Congress; to the Committee on the Judiciary.

442. By Mr. DIXON: Joint resolution memorializing Congress to reenact the provisions of the Reconstruction Finance Corporation measure, approved April 13, 1934, adopted by the Seventy-third Congress, pursuant to the provisions of Public, No. 180. Submitted by Ninety-second General Assembly of Ohio; to the Committee on Banking and Currency.

443. By Mr. FISH: Resolution from Chester Grange, No. 984, Chester, Orange County, N. Y., opposing any change in the United States Supreme Court; to the Committee on the Judiciary.

444. Also, resolution adopted by the Upton Lake Grange, No. 802, Clinton Corners, Dutchess County, N. Y., in opposition to the President's plan to pack and control the Supreme Court; to the Committee on the Judiciary.

445. Also, petition of 32 residents and citizens of the city of Middletown, Orange County, N. Y., protesting the President's plan to pack the Supreme Court; to the Committee on the Judiciary.

446. Also, petition of eight residents and citizens of Port Jervis, Orange County, N. Y., protesting against President

Roosevelt's proposal to enlarge the Supreme Court; to the Committee on the Judiciary.

447. Also, resolution from the Middletown Bar Association, of Middletown, N. Y., opposing and protesting the President's plan to increase the number of Justices in the Supreme Court; to the Committee on the Judiciary.

448. Also, resolution from the Webutuck Grange, Amenia, Dutchess County, N. Y., opposed to any tampering with the Supreme Court, and also opposed to any method of changing the supreme law of the land except by orderly methods prescribed by the Constitution; to the Committee on the Judiciary.

449. Also, petition of 52 residents and citizens of the city of Beacon, Dutchess County, N. Y., in opposition to the President's plan to pack and control the Supreme Court; to the Committee on the Judiciary.

450. Also, petition of 24 residents and citizens of the city of Newburgh, N. Y. (Twenty-sixth Congressional District), who are opposed to the President's plan to increase the Supreme Court; to the Committee on the Judiciary.

451. By Mr. JARRETT: Petition of W. H. Flann, W. L. Shoup, and 50 others, of Oil City, Pa., protesting the President's tampering with our Supreme Court, etc.; to the Committee on the Judiciary.

452. By Mr. LAMBERTSON: House Concurrent Resolution No. 14 of the Legislature of Kansas, opposing the passage of any bill which makes provision for an increase in the number of Judges of the Supreme Court; to the Committee on the Judiciary.

453. By Mr. MARTIN of Colorado: House Joint Memorial No. 4 of the General Assembly of Colorado, for Works Progress Administration appropriation of $1,000,000,000; to the Committee on Appropriations.

454. Also, House Joint Memorial No. 6 of the General Assembly of Colorado, recommending separate treatics with the Republic of Mexico affecting use of the waters of the Colorado and Rio Grande Rivers; to the Committee on Foreign Affairs.

455. Also, House Joint Resolution No. 7 of the General Assembly of Colorado, endorsing the President's proposed reorganization of the Supreme and Federal Courts; to the Committee on the Judiciary.

456. Also, House Joint Memorial No. 5 of the General Assembly of Colorado, endorsing Senate Resolution No. 298, Seventy-fifth Congress, regarding transients; to the Committee on Ways and Means.

457. By Mr. MEAD: Resolution of the Senate of the State of New York that the Congress of the United States of America amend the War Risk Insurance Act so as to provide that the amounts payable for insurance to sailors for World War injuries be paid to soldiers and marines for like injuries; to the Committee on Military Affairs.

458. By Mr. MOTT: Eleven petitions signed by citizens of Albany, Oreg., urging that the Congress pass no law that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

459. Also, eight petitions signed by citizens of Albany and Mehama, Oreg., urging that the Congress pass no law that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

460. Also, eight petitions signed by citizens of Albany, Oreg., urging that the Congress pass no law that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

461. By Mr. STEFAN: Resolution of the Nebraska Legislature, adopted February 18, 1937, memorializing the Congress and the President of the United States to enact a Federal antilynch law; to the Committee on the Judiciary.

462. Also, resolution of the Nebraska Legislature, adopted February 17, 1937, memorializing the Congress of the United States to oppose the plan for the reorganization of the Federal courts as now introduced in Congress; to the Committee on the Judiciary.

463. By Mr. THOMASON of Texas: Petition of residents of Iraan, Tex., voicing opposition to the proposal to increase the membership of the Supreme Court beyond its present number; to the Committee on the Judiciary.

464. Also, petition of the Adult Teachers' Association of El Paso County urging adoption of the proposals for judiciary reform; to the Committee on the Judiciary.

465. By the SPEAKER: Petition of International Hod Carriers' Building and Common Laborers' Union of America, opposing war; to the Committee on Military Affairs.

466. Also, petition of Detroit Bar Association, opposing any change in the judicial system; to the Committee on the Judiciary.

467. Also, petition of Markham Workingmen's Society, requesting the upholding of the Spanish arms embargo; to the Committee on Foreign Affairs.

468. Also, petition of Constitutional Democracy Association, requesting a Constitutional Government Day, March 31; to the Committee on the Judiciary.

469. Also, petition of Tuscaloosa Chamber of Commerce, protesting against the interference of one branch of our Government with another branch; to the Committee on Ways and Means.

470. Also, petition of Mobile Bar Association, protesting against the increasing the membership of the United States Supreme Court; to the Committee on the Judiciary.

471. Also, petition of the American Legion, Puerto Rico, requesting aid for Gilberto Mercado Soto; to the Committee on Interstate and Foreign Commerce.

472. Also, petition of Robert B. Laughlin, opposed to any change of the judicial branch of the Government; to the Committee on the Judiciary.

473. Also, petition of the American Veterans' Association, in regard to the reorganization of the Federal Government; to the Committee on Government Organization.

474. Also, petition of National League of Wholesale Fresh Fruit and Vegetable Distributors invite your consideration of their resolution dated February 16, 1937; to the Committee on Interstate and Foreign Commerce.

SENATE

TUESDAY, FEBRUARY 23, 1937

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Spirit of holiness and grace, turn not Thou away as we bring before Thee the sin and disorder of our souls, beset by vain imaginings and the shame of the earthly mind.

Shine Thou into our souls with Thy splendor, before which every vileness must shrink away, that with clarity of vision, made possible by the hoarded thoughtfulness of earnest years, we may revere the majesty of Thy gifts and day by day grow in faith, in charity and self-denial, and in purity of heart by which we may see Thee and attain unto the larger life of love. Through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of Monday, February 22, 1937, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. LEWIS. To assure the presence of a quorum, I ask for a roll call.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Burke	Frazier	Johnson, Calif.
Andrews	Byrd	George	Johnson, Colo.
Ashurst	Byrnes	Gerry	King
Austin	Capper	Gibson	La Follette
Bachman	Caraway	Gillette	Lewis
Bailey	Chavez	Green	Lodge
Barkley	Clark	Harrison	Logan
Black	Connally	Hatch	Lonergan
Bone	Copeland	Hayden	Lundeen
Borah	Davis	Herring	McCarran
Bridges	Dieterich	Hitchcock	McGill
Brown, Mich.	Duffy	Holt	McKellar
Bulow	Ellender	Hughes	McNary

Maloney	Pepper	Schwellenbach	Vandenberg
Moore	Pittman	Sheppard	Van Nuys
Murray	Pope	Steiwer	Wagner
Neely	Radcliffe	Thomas, Okla.	Walsh
Norris	Reynolds	Thomas, Utah	Wheeler
Nye	Robinson	Townsend	White
O'Mahoney	Russell	Truman	
Overton	Schwartz	Tydings	

Mr. LEWIS. I announce that the Senator from Ohio [Mr. DONAHEY] and the Senator from Pennsylvania [Mr. GUFFEY] are absent because of illness.

The Senator from Mississippi [Mr. BILBO], the Senator from New Hampshire [Mr. BROWN], the Senator from California [Mr. MCADOO], the Senator from Indiana [Mr. MINTON], and the Senator from South Carolina [Mr. SMITH] are necessarily detained.

I further announce the absence of the Senator from Oklahoma [Mr. LEE], who desires me to state to the Senate that he is engaged in a teachers' convention that may hold him for some days.

The Senator from Ohio [Mr. BULKLEY] is absent in connection with an examination of flood conditions in his State.

Mr. BYRD. I announce that my colleague, the senior Senator from Virginia [Mr. GLASS], is absent because of illness.

Mr. AUSTIN. I announce that the Senator from Minnesota [Mr. SHIPSTEAD] is absent because of illness.

The VICE PRESIDENT. Eighty-two Senators have answered to their names. A quorum is present.

CROP INSURANCE—NOTICE OF HEARINGS

Mr. POPE. Mr. President, I announce that on Thursday of the present week at 10 o'clock there will begin hearings on the so-called crop-insurance bill, being Senate bill 1397, before a subcommittee of the Committee on Agriculture and Forestry. I should like to have printed in the body of the RECORD, as a part of my remarks, a copy of the bill and a copy of a statement which I have prepared in connection with it.

There being no objection, the bill and statement were ordered to be printed in the RECORD, as follows:

S. 1397

A bill to create a Federal Crop Insurance Corporation, and for other purposes

Be it enacted, etc., That it is the purpose of this act to promote the national welfare by alleviating the economic distress caused by wheat-crop failures due to drought and other causes, maintaining the purchasing power of farmers, and providing for stable supplies of wheat for domestic consumption and the orderly flow thereof in interstate commerce.

SEC. 2. To carry out the purposes of this act there is hereby created a body corporate with the name "Federal Crop Insurance Corporation" (herein called the Corporation). The principal office of the Corporation shall be located in the District of Columbia, but there may be established agencies or branch offices elsewhere in the United States under rules and regulations prescribed by the Board of Directors. This act may be cited as the Federal Crop Insurance Act.

SEC. 3. (a) The Corporation shall have a capital stock of $100,000,000 subscribed by the United States of America, payment for which shall be subject to call in whole or in part by the Board of Directors of the Corporation.

(b) There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $100,000,000 for the purpose of subscribing to said stock.

(c) Receipts for payments by the United States of America for or on account of such stock shall be issued by the Corporation to the Secretary of the Treasury and shall be evidence of the stock ownership by the United States of America.

SEC. 4. (a) The management of the Corporation shall be vested in a Board of Directors (hereinafter called the Board) subject to the general supervision of the Secretary of Agriculture. The Board shall consist of three persons employed in the Department of Agriculture who shall be appointed by and hold office at the pleasure of the Secretary of Agriculture.

(b) Vacancies in the Board so long as there shall be two members in office shall not impair the powers of the Board to execute the functions of the Corporation, and two of the members in office shall constitute a quorum for the transaction of the business of the Board.

(c) The directors of the Corporation appointed as hereinbefore provided shall receive no additional compensation for their services as such directors, but may be allowed actual necessary traveling and subsistence expenses when engaged in business of the Corporation outside of the District of Columbia.

(d) The Board shall select, subject to the approval of the Secretary of Agriculture, a manager, who shall be the executive officer of the Corporation, with such power and authority as may be conferred upon him by the Board.

SEC. 5. The Corporation—

(a) shall have succession in its corporate name;

(b) may adopt, alter, and use a corporate seal, which shall be judicially noticed;

(c) may make contracts and purchase or lease and hold such real and personal property as it deems necessary or convenient in the transaction of its business, and may dispose of such property held by it upon such terms as it deems appropriate;

(d) subject to the provisions of section 7 (c), may sue and be sued in its corporate name in any court of competent jurisdiction, State or Federal: *Provided*, That no attachment, injunction, execution, or other process, mesne or final, shall be issued against the Corporation or its property;

(e) may adopt, amend, and repeal bylaws, rules, and regulations governing the manner in which its business may be conducted and the powers granted to it by law may be exercised and enjoyed;

(f) shall be entitled to the free use of the United States mails in the same manner as the executive departments of the Government;

(g) with the consent of any board, commission, independent establishment, or executive department of the Government, including any field service thereof, may avail itself of the use of information, services, facilities, officials, and employees thereof in carrying out the provisions of this act;

(h) may conduct researches, surveys, and investigations relating to crop insurance for wheat and other agricultural commodities;

(i) shall determine its necessary expenditures under this act and the manner in which they shall be incurred, allowed, and paid, without regard to the provisions of any other laws governing the expenditure of public funds, and such determinations shall be final and conclusive upon all other officers of the Government; and

(j) shall have such powers as may be necessary or appropriate for the exercise of the powers herein specifically conferred upon the Corporation and all such incidental powers as are customary in corporations generally.

SEC. 6. (a) The Board shall appoint, in accordance with the provisions of the Classification Act of 1923, as amended, and subject to the provisions of the civil-service laws, such officers and employees as may be necessary for the transaction of the business of the Corporation, fix their compensation, define their authority and duties, require bond of such of them as it may designate, and fix the penalties thereof, provided (1) appointments of attorneys and experts may be made without regard to the civil-service laws or the Classification Act of 1923, as amended; and (2) nothing in this section shall be construed to prevent the Board from employing in the administration of this act persons in the employ of the Department of Agriculture on the date of this enactment.

(b) Insofar as applicable, the benefits of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, shall extend to persons given employment under the provisions of this act, including the employees of the committees and associations referred to in subsection (c) of this section and the members of such committees.

(c) The Board may establish or utilize committees or associations of producers in the administration of this act and make payments to such committees or associations to cover the estimated administrative expenses to be incurred by them in cooperating in carrying out this act and may provide that all or part of such estimated expenses may be included in the insurance premiums provided for in this act.

(d) The Board may allot to the bureaus and offices of the Department of Agriculture or transfer to such other agencies of the Federal and State Governments as it may request to assist in carrying out this act any funds available for the purposes of this act.

SEC. 7. To carry out the purposes of this act the Corporation is authorized and empowered—

(a) Commencing with the wheat crop planted for harvest in 1938, to insure, upon such terms and conditions not inconsistent with the provisions of this act as it may determine, producers of wheat against loss in yields of wheat due to drought, flood, hail, wind, tornado, insect infestation, plant disease, and such other causes as may be determined by the Board. Such insurance shall not cover losses due to the neglect or malfeasance of the producer. Such insurance shall cover a percentage, to be determined by the Board, of the recorded or appraised average yield of wheat on the insured farm for a representative base period subject to such adjustments as the Board may prescribe to the end that the average yields fixed for farms in the same area which are subject to the same conditions may be fair and just. The Board may condition the issuance of such insurance in any county or area upon a minimum amount of participation in a program of crop insurance formulated pursuant to this act.

(b) To fix premiums for such insurance, payable either in wheat or cash equivalent as of the due date thereof, on the basis of the recorded or appraised average crop loss of wheat on the insured farm for a representative base period subject to such adjustments as the Board may prescribe to the end that the premiums fixed for farms in the same area which are subject to the same conditions may be fair and just. Such premiums shall be collected at such time or times, in such manner, and upon such security as the Board may determine.

(c) To adjust and pay claims for losses either in wheat or in cash equivalent under rules prescribed by the Board. In the event that any claim for indemnity under the provisions of this act is denied

by the Corporation an action on such claim may be brought against the Corporation in the district court of the United States in and for the district in which the insured farm is located, and exclusive jurisdiction is hereby conferred upon such courts to determine such controversies without regard to the amount in controversy: *Provided*, That no suit on such claim shall be allowed under this section unless the same shall have been brought within 1 year after the date when notice of denial of the claim is mailed to the claimant.

(d) From time to time, in such manner and through such agencies as the Board may determine, to purchase, handle, store, insure, provide storage facilities for, and sell wheat, and pay any expenses incidental thereto, it being the intent of this provision, however, that, insofar as practicable, the Corporation shall purchase wheat only at the rate and to a total amount equal to the payment of premiums in cash by farmers or to replace wheat sold to prevent deterioration; and shall sell wheat only to the extent necessary to cover payments of indemnities and to prevent deterioration. Wheat acquired under the provisions of this act shall be kept in federally bonded or State licensed warehouses or in such other manner as the Board determines will adequately protect the interests of the Corporation and the producers insured.

SEC. 8. Claims for indemnities under this act shall not be liable to attachment, levy, garnishment, or any other legal process before payment to the insured or to deduction on account of the indebtedness of the insured or his estate to the United States except claims of the United States or the Corporation arising under this act.

SEC. 9. All money of the Corporation not otherwise employed may be deposited with the Treasurer of the United States in any Federal Reserve bank, or in any other bank approved by the Secretary of the Treasury, subject to withdrawal by the Corporation at any time, or may be invested in obligations of the United States. The Federal Reserve banks are hereby authorized and directed to act as depositories, custodians, and fiscal agents for the Corporation in the performance of its powers conferred by this act.

SEC. 10. The Corporation, including its franchise, its capital, reserves, and surplus, and its income and property, shall be exempt from all taxation now or hereafter imposed by the United States or by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority.

SEC. 11. When designated for that purpose by the Secretary of the Treasury, the Corporation shall be a depository of public money, except receipts from customs, under such regulations as may be prescribed by said Secretary; and it may also be employed as a financial agent of the Government; and it shall perform all such reasonable duties, as a depository of public money and financial agent of the Government, as may be required of it.

SEC. 12. The Corporation shall at all times maintain complete and accurate books of account and shall file annually with the Secretary of Agriculture a complete report as to the business of the Corporation. The financial transactions of the Corporation shall be audited by the General Accounting Office at such times and in such manner as the Comptroller General of the United States may prescribe for the sole purpose of making a report to Congress, together with such recommendations as he may deem advisable.

SEC. 13. (a) Whoever makes any statement knowing it to be false, or whoever willfully overvalues any security, for the purpose of influencing in any way the action of the Corporation, or for the purpose of obtaining for himself or another money, property, or anything of value, under this act, shall be punished by a fine of not more than $5,000 or by imprisonment for not more than 2 years, or both.

(b) No person shall, while acting in any official capacity in the administration of this act, speculate, directly or indirectly, in any agricultural commodity or product thereof, to which this act applies, or in contracts relating thereto, or in the stock or membership interests of any association or corporation engaged in handling, processing, or disposing of any such commodity or product. Any person violating this subsection shall upon conviction thereof be fined not more than $10,000 or imprisoned not more than 2 years, or both.

(c) Whoever, being connected in any capacity with the Corporation, (1) embezzles, abstracts, purloins, or willfully misapplies any moneys, funds, securities, or other things of value, whether belonging to the Corporation or pledged or otherwise entrusted to it; or (2) with intent to defraud the Corporation, or any other body politic or corporate, or any individual, or to deceive any officer, auditor, or examiner of the Corporation, makes any false entry in any book, report, or statement of, or to, the Corporation or draws any order, or issues, puts forth, or assigns any note or other obligation or draft, mortgage, judgment, or decree thereof; or (3) with intent to defraud the Corporation, participates or shares in or receives directly or indirectly any money, profit, property, or benefits through any transaction, loan, commission, contract, or any other act of the Corporation, shall be punished by a fine of not more than $10,000 or by imprisonment for not more than 5 years, or both.

(d) Whoever willfully shall conceal, remove, dispose of, or convert to his own use or to that of another, any property mortgaged or pledged to, or held by, the Corporation, as security for any obligation, shall be punished by a fine of not more than $5,000 or by imprisonment for not more than 2 years, or both.

(e) Whoever conspires with another to accomplish any of the acts made unlawful by the preceding provisions of this section shall, on conviction thereof, be subject to the same fine or imprisonment, or both, as is applicable in the case of conviction for doing such unlawful act.

(f) The provisions of sections 112, 113, 114, 115, 116, and 117 of the Criminal Code of the United States (U. S. C., title 18, secs. 202 to 207, inclusive) insofar as applicable, are extended to apply to contracts or agreements with the Corporation under this act: *Provided, however*, That the provisions of section 3741 of the Revised Statutes (U. S. C., title 41, sec. 22) and sections 114 and 115 of the Criminal Code of the United States shall not apply to any crop-insurance agreements made under this act.

SEC. 14. The Secretary of Agriculture is authorized to appoint from time to time an advisory committee, consisting of not more than five members experienced in agricultural pursuits and appointed with due consideration to their geographical distribution, to advise the Corporation with respect to carrying out the purposes of this act. The compensation of the members of such committee shall be determined by the Board but shall not exceed $10 per day each while actually employed and actual necessary traveling and subsistence expenses.

SEC. 15. There are hereby authorized to be appropriated and made available to the Corporation such sums, not in excess of $10,000,000 for any fiscal year, as may be necessary to cover the operating and administrative costs of the Corporation other than payments of claims for indemnities.

SEC. 16. The sections of this act and subdivisions of sections are hereby declared to be separable, and in the event any one or more sections or parts of the same of this act be held to be unconstitutional, the same shall not affect the validity of other sections or parts of sections of this act.

SEC. 17. The right to alter, amend, or repeal this act is hereby reserved.

FEDERAL CROP INSURANCE

By Senator JAMES P. POPE

In Salt Lake City there stands an imposing monument to the seagull. It commemorates the occasion in June 1848 when the seagull saved the Mormon people from a disastrous attack on their crops by crickets. Since that time there have been serious invasions of crops in Utah and Idaho by these pests. They are now a serious threat to crops in that section.

On October 1, 1935, a blinding snowstorm with low temperatures hit the Northwestern States, freezing fruit on the trees, potatoes in the ground, and other crops for the first time so early in the season for 40 years. Other natural hazards to agriculture, such as drought and floods, have been unusually severe during the last few years. This has brought to the attention of many thoughtful people the problem of total or partial crop failures to individuals and to sections of our country due to these hazards.

One day a thrifty, hard-working farmer said to me: "Why is it that merchants, manufacturers, and nearly all others can insure their property against loss, even goods and ships may be insured against storms at sea, while the farmers can have no protection for their crops growing in the field? Why is it that all other property may be insured against damage, while crops in the field are denied insurance against fire, storms, waterspouts, frost, floods, noxious insects, and plant diseases? Does not the Government, which could insure the lives of soldiers in war, have enough ingenuity and regard for farmers to insure them against these disasters?

"This may be a new idea", he said, "but it ought to be done."

The fact is that insurance can be obtained against almost everything else. Insurance is available against loss by burglary, defalcation, war, unemployment, old age, and strikes. Lloyds has even insured against twins. Farmers would be glad to take care of their twins if they could obtain some protection for their crops.

The record of the Government in its insurance ventures has been remarkable. In 1914, shortly after the World War began, Mr. MCADOO asked Congress to organize an American Risk Insurance Bureau for insuring hulls and cargoes under the American flag. The total of the policies issued was $2,250,000,000. The premiums received amounted to $46,000,000, and the losses paid were $29,000,000, leaving a profit of $17,000,000. The expense of conducting this enormous business for 4 years was only $165,000, or a little over one-third of 1 percent upon the premiums received. When we remember that private insurance costs about 60 percent of the premium, this record of Government management seems remarkably efficient. Fifty thousand dollars was appropriated by the Government for working capital for this Bureau, but not a dollar was ever drawn, for the reason that the premiums received from the first exceeded the losses and expenses incurred.

I introduced a bill at the last session of Congress to authorize the Government to adopt a plan of crop insurance against extraordinary and unusual natural hazards. I have been discussing it throughout the country during the past year with good response.

Last summer the President appointed a committee to study the problem and to make recommendations. About a month ago this committee made its report—a very interesting report—with recommendations that legislation be enacted to give the Department of Agriculture authority to administer a crop-insurance program as to wheat. It was thought advisable by the committee to limit the insurance to wheat for two reasons: First, wheat farmers seemed to be very strongly in favor of it; and, second, the committee had obtained quite complete data on that commodity. A further reason appealed to the committee that since the program would be more or less experimental, it might be well to start with one commodity.

This committee discovered that the idea of crop insurance was not new at all. It is at least a half century old. As far back as 1888 a rather comprehensive report was made on this subject by a German economist to the Japanese Government. He pointed out then many of the factors that enter into such a plan. He said that private insurance of crops would probably be inadequate because of limited capital and limited area of operation; that the

greater the area covered the more perfect would be the insurance; that the first requirement for general crop insurance is that it should spread over the whole country; that drought and wet years "occur more frequently in continuous succession of years than singly"; that years of good yield frequently succeed each other; that the quantity and quality of the yield depend both on men and on Nature.

It was further pointed out in this old report that insurance of yield on a large scale would be practical, but insurance of prices would be attended by much difficulty; that in years of large yield prices might be so low that income would be less than in years of poor yield.

Since that time some efforts have been made by private companies in this and other countries to insure crops in the field. These efforts, except as to hail, have resulted in failure for several reasons. First, the limited area in which the insurance was put into effect with a limited spread of the risk made it subject to the danger of serious crop failures for the first years of operation and disastrous loss to the companies. Second, attempts to insure income rather than yield losses alone proved disastrous; and, third, there was inadequate data for determining risk.

The President's committee, after obtaining data from the Bureau of Agricultural Economics as to average yields of wheat in the various States in the Union, recommended a plan of crop insurance to be effective for the 1938 crop; that the program be administered by the Department of Agriculture and integrated with other farm programs; that insurance be voluntary and limited to farmers participating in the soil-erosion program; that premiums be paid in wheat or cash equivalent at the time premiums are collected; that wheat so accumulated be stored as reserves; and that indemnities be paid in wheat or cash equivalent at the time of payment of such indemnities. The committee further recommended that only crop yields be insured without insurance of price; that only a designated percentage of the producer's average yield be insured; that determination of the premiums be made on the basis of both individual and regional loss experience.

A most important and interesting feature of such a plan would be the accumulation of substantial reserves of wheat during general good-yield years and the reduction of such reserves or surpluses during years of poor yield. For instance, a chart has been prepared which shows how this would have worked in the Great Plains area covering Montana, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. During the years 1930, 1931, and 1932 reserves of some 75,000,000 bushels, being the excess of premiums over indemnities, would have accumulated, and during the drought years of 1933, 1934, and 1935 the reserves would have vanished because of the excess of indemnities over premiums. During the first 3 years the value of the wheat received as premiums at the low prices then prevailing was some $60,000,000. During the last 3 years the value of the same wheat received as indemnities by the farmers was worth about $100,000,000, or $40,000,000 more. This prospect that the farmer may get some part of the benefit of increased prices is a novel one. Those who speculate in wheat usually get these benefits. The transfer from the speculator to the farmer is an experiment which I think the farmers would be delighted to try. It is generally true that in years of surplus production prices are low and in years of scant production prices are high. This means that the farmer, instead of the speculator, gets the benefit of increased prices in short-yield years when the bulk of indemnities will be paid.

The question is frequently asked: "Would not the accumulation of substantial reserves of wheat be a threat to the market?" It is thought not, for the reason that these reserves could not be placed on the market except as indemnities in wheat are received by the farmer and sold by him. This would clearly distinguish the method of disposition of these reserves from that of large accumulations acquired and held by the Farm Board.

This plan is new in that it combines the principle of insurance for the farmers' yields with the establishment of reserves that would tend to stabilize the available supply of wheat and give the farmer and consumer the benefit of it. It would reduce the fluctuations in market supplies and prices of wheat. Wheat would be taken off the market in years of good crops and surplus production, and would be put back on the market only in years of general poor crops and short production. The accumulation of reserves would automatically be regulated by crop insurance requirements.

Naturally, the question arises as to whether crop insurance should be a private or public enterprise. I have pointed out that private efforts in this regard have failed. They have failed because this is a larger enterprise than any company or group of companies would desire to undertake, and, too, the reserve feature of such a plan is not within the field of private insurance. It is clearly an undertaking for the Government.

This plan is not a substitute for any farm program now being administered. It is supplementary. It should be integrated with other programs.

Crop insurance should reduce to a considerable extent the necessity for seed and feed loans, drought loans, and similar relief. It should assist many wheat farmers to help themselves in emergencies. Because insurance would reduce the need for relief that has been afforded by Federal agencies, the Government would be justified in contributing toward the administration and storage costs in such a plan.

It is estimated that some $615,000,000 has been expended by the Federal Government during the past 10 years for agricultural relief. This figure does not include benefit payments under the Agricultural Adjustment Act. This means that an average of $61,000,000 a year during the past 10-year period has been spent by the Federal Government for farm relief. It is certainly reasonable to assume that a substantial part of this relief would be made unnecessary by an insurance program.

Crop insurance would be of value to banks, insurance companies, and other institutions extending farm credit. It would be of vital importance to the farmer in maintaining his credit.

Such a program would help to solve an age-old problem of the farmer. No other industry is so menaced by weather conditions as agriculture. None is so uncertain on account of natural hazards as well as prices that may be received. Back in 1914 Prof. Josiah Royce, of Harvard, wrote a remarkable essay entitled "War and Insurance." In it he said, "Floods, famines, pestilences, earthquakes, and volcanoes may interfere, in various fashions, with the economic as well as with the rest of the social life of the peoples thus afflicted. Apart from actual famines, a considerable failure of their crops may impair for a season the normal supplies of individual nations." He goes on to point out the necessity for insurance for the farmer as well as for others afflicted by these calamities.

It is the duty of the Government to establish a system of crop insurance to give the farmer that security to which he is entitled as the original producer of the necessaries of life for all mankind.

DRAFTS OF PROPOSED INDIAN AFFAIRS LEGISLATION

The VICE PRESIDENT laid before the Senate two letters from the Acting Secretary of the Interior, transmitting drafts of proposed legislation, which, with the accompanying papers, were referred to the Committee on Indian Affairs, as follows:

A proposed bill to define the exterior boundary of the Uintah and Ouray Indian Reservation in the State of Utah, and for other purposes; and

A proposed bill to authorize the Secretary of the Interior to exchange certain lands and water rights in Inyo and Mono Counties, Calif., with the city of Los Angeles for the purpose of providing homes for the Indians living in Owens Valley, Calif.

DRAFTS OF PROPOSED NATIONAL PARKS LEGISLATION

The VICE PRESIDENT laid before the Senate three letters from the Acting Secretary of the Interior, transmitting drafts of proposed legislation, which, with the accompanying papers, were referred to the Committee on Public Lands and Surveys, as follows:

A proposed bill to provide for the residence of the United States commissioners appointed for the national parks, and for other purposes;

A proposed bill to make available for national-park purposes certain lands within the area of the proposed Mammoth Cave National Park, Ky.; and

A proposed bill to authorize the Secretary of the Interior to accept donations of land, interests in land, buildings, or other property for the extension of national parks, national monuments, battlefield sites, national military parks, and other areas administered by the National Parks Service, and for other purposes.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint resolution of the Legislature of the State of Illinois, which was ordered to lie on the table:

Whereas the southern boundary of our State is being devastated by the relentless surge of the floodwaters of the Ohio River; and

Whereas several thousand acres of valuable land have been inundated, upward of 50,000 of our citizens have been rendered homeless, and nearly $100,000,000 property damage has been suffered; and

Whereas the immediate rehabilitation of a considerable number of our people is a matter of vital importance in order that they be assisted in resuming a normal existence and to prevent threatened depopulation of a vast territory: Therefore be it

Resolved by the house of representatives of the sixtieth general assembly (the senate concurring herein), That the President and Congress of the United States be urged to furnish immediate financial assistance to those people in our flood area who desire to rebuild their homes and business establishments; that such aid be in the form of loans at a nominal rate of interest and long periods of maturity; and that people of sound character and integrity be afforded such help without the necessity of complying with strict security requirements; and be it further

Resolved, That a copy of this resolution be immediately forwarded to the President of the United States, the President of the Senate, and the Speaker of the House of Representatives of the United States, and to each Congressman and Senator from Illinois.

The VICE PRESIDENT also laid before the Senate a joint memorial of the Legislature of the State of Wyoming, protesting against the ratification of the Argentine Sanitary

Convention relative to importations of livestock, which was referred to the Committee on Foreign Relations.

(See joint memorial printed in full when presented by Mr. O'MAHONEY on the 22d instant, p. 1468, CONGRESSIONAL RECORD.)

The VICE PRESIDENT also laid before the Senate a resolution adopted by the Bar Association of Laramie County, Wyo., protesting against the enactment of pending legislation relating to the retirement of Justices and enlargement of the membership of the Supreme Court, which was referred to the Committee on the Judiciary.

Mr. CAPPER presented a concurrent resolution of the Legislature of the State of Kansas, protesting against the enactment of legislation to increase the number of Justices of the Supreme Court of the United States, which was referred to the Committee on the Judiciary.

(See resolution printed in full when laid before the Senate by the Vice President on the 22d instant, p. 1465, CONGRESSIONAL RECORD.)

Mr. NORRIS presented a resolution of the Legislature of the State of Nebraska, opposing the enactment of pending legislation, or any similar legislation, proposing to increase the number of Justices of the Supreme Court of the United States or for the mandatory retirement of Federal judges over the age of 70 years, which was referred to the Committee on the Judiciary.

(See resolution printed in full when laid before the Senate by the Vice President on the 22d instant, p. 1465, CONGRESSIONAL RECORD.)

Mr. NORRIS also presented a resolution of the Legislature of the State of Nebraska, favoring the enactment of a Federal antilynching law, which was referred to the Committee on the Judiciary.

(See resolution printed in full when laid before the Senate by the Vice President on the 22d instant, p. 1465, CONGRESSIONAL RECORD.)

Mr. STEIWER presented a joint memorial of the Legislature of the State of Oregon, favoring the enactment of legislation for the establishment and maintenance of a national cemetery in Oregon, which was referred to the Committee on Military Affairs.

(See joint memorial printed in full when laid before the Senate by the Vice President on the 22d instant, p. 1465, CONGRESSIONAL RECORD.)

Mr. STEIWER also presented a joint memorial of the Legislature of the State of Oregon, favoring the enactment of legislation appropriating sufficient funds for the Navy and War Departments to provide more adequate national defenses for Oregon and the Columbia River area, which was referred to the Committee on Naval Affairs.

(See joint memorial printed in full when laid before the Senate by the Vice President on the 22d instant, pp. 1465–1466, CONGRESSIONAL RECORD.)

Mr. COPELAND presented a resolution of the Senate of the State of New York, favoring the enactment of legislation to amend the War Risk Insurance Act so as to provide that the amounts payable for insurance to sailors for World War injuries also be paid to soldiers and marines for like injuries, which was referred to the Committee on Finance.

(See resolution printed in full when laid before the Senate by the Vice President on the 22d instant, p. 1464, CONGRESSIONAL RECORD.)

Mr. COPELAND also presented a resolution adopted by the executive committee of the Morris Plan Bankers' Association, at Baltimore, Md., favoring an extension of the provisions in the National Housing Act authorizing issuance of loans for the repair, alteration, and improvement of property, which was referred to the Committee on Banking and Currency.

He also presented a resolution adopted by the North Harlem Community Council, of New York City, favoring the establishment of a consumers' bureau under the Federal Government, which was referred to the Committee on Commerce.

He also presented a resolution adopted at Brooklyn, N. Y., by citizens of New York State, favoring the enactment of the so-called American youth bill, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Catskill Peace Group, of Catskill, N. Y., favoring the enactment of neutrality legislation laying mandatory embargoes on arms and munitions of war, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by Danby Grange, No. 1254, of Danby, N. Y., protesting against the modification of embargoes on shipments of livestock from any country harboring serious animal diseases, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by Camillus Grange, No. 466, Patrons of Husbandry, of Camillus, N. Y., protesting against the ratification of the proposed child-labor amendment to the Constitution, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the New York Board of Trade, Inc., of New York City, protesting against the granting of power to the Department of Labor to subpena witnesses and records in labor disputes, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Advertising Club of Harlem, New York City, N. Y., favoring the issuance of a postage stamp bearing the likeness of President Franklin D. Roosevelt in connection with the New York World's Fair of 1939, Inc., which was referred to the Committee on Post Offices and Post Roads.

Mr. VANDENBERG. Mr. President, I present a memorial signed by 79 members of the faculty of the University of Michigan, which I ask to have printed in the RECORD and referred to the Judiciary Committee.

There being no objection, the memorial was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

We, the undersigned, members of the faculties of the University of Michigan, signing not as such but as citizens of the United States and of the State of Michigan, desire to record our opposition to the proposal of the President of the United States as contained in his message to Congress of February 5, 1937, and in the draft bill accompanying the same, by which it is contemplated drastically to change the organization, character, and operation of the Supreme Court of the United States.

We are opposed to this proposal for the following reasons:

1. It would destroy the historic independence of that Court guaranteed to us after centuries of struggle for constitutional liberty both in England and in America and recognized throughout our history as necessary for the protection of the States, indestructible in an indestructible union, of minorities, and of the personal and civil liberties of each individual citizen.

2. It seeks to accomplish, under the guise of apparent congressional authority, what would amount to an amending of the Constitution, by effectually modifying the tenure of the judiciary as now fixed therein. If the tenure of the judiciary is to be modified, it should be by means of orderly constitutional amendment, by which the people, from whom all political power proceeds, may have the opportunity to express their opinion.

3. It seeks to set an arbitrary age limit of 70 years upon Federal judicial tenure. Such a limitation would have deprived the country in times past of years of invaluable services rendered by all of the Chief Justices and many of the Associate Justices of the Supreme Court since the days of Marshall, services rendered by men designated both as liberals and as conservatives.

4. It seeks to increase the membership from 9 to 15 under the claim that thereby the efficiency of the Court will be increased and greater despatch of business effected. The fact is that the Supreme Court is not now and has not been, for a number of years, behind in its work. As each case on appeal is heard before a full bench, no time can be gained by a larger Court, but, on the contrary, much time would be lost.

5. Under the guise of increasing the efficiency of the Federal court system, the proposal, if adopted, would enable the President to control the Supreme Court, so as to encroach upon the powers of that Court. The Constitution separates the departments of government and thereby guarantees liberty in providing "a Government of laws and not of men."

6. Under the guise of increasing the efficiency of the Court, the purpose is clearly to provide a means by which recent legislation, declared by the Supreme Court to be beyond the powers of Congress, may be reinstated and validated. The Constitution provides the only orderly method to accomplish this. Twice in our history the people by constitutional amendment have given or denied powers to the Government so as to overcome decisions of the Supreme Court. It is the function of the Supreme Court to declare what the supreme law is—only the people, by the amending process, can change it.

We therefore very earnestly urge upon you that you oppose the proposal to change the Supreme Court because we believe that such a change is revolutionary in spirit, if not in form; that it disturbs the established and desirable balance of powers in the Federal Government; that it greatly increases the powers of the President, inviting still further assaults upon the constitutional balance of powers; and that it encourages encroachments by the Executive and the creation of real despotism. It would be a change of government by usurpation in order to gain an immediate political advantage. "Though this in one instance", in the words of Washington, "may be the instrument of good, it is the customary weapon by which free governments are destroyed."

Mr. VANDENBERG also presented the petition of sundry students of the University of Michigan Law School, Ann Arbor, Mich., praying for a reorganization of the Federal district and circuit courts, and remonstrating against the enactment of legislation proposing to enlarge the membership of the Supreme Court, which was referred to the Committee on the Judiciary.

He also presented the petitions of Ironwood Miners' Union, No. 129, of Ironwood, and Local Union No. 38, International Union of United Brewery, Flour, Cereal, and Soft Drink Workers of America, of Detroit, both in the State of Michigan, praying for the enactment of the bill (S. 1392) to reorganize the judicial branch of the Government, which was referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Detroit Bar Association and the Citizens Civic and Social Union, of Detroit, both in the State of Michigan, protesting against the enactment of the bill (S. 1392) to reorganize the judicial branch of the Government, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Grand Rapids Bar Association, of Grand Rapids; the Muskegon County Bar Association, of Muskegon; and the Kiwanis Club of Flint, all in the State of Michigan, protesting against the enactment of legislation proposing to enlarge the membership of the Supreme Court, which were referred to the Committee on the Judiciary.

He also presented two memorials, numerously signed, by sundry citizens of Detroit, Decker, Deford, Kingston, Marlette, and Snover, all in the State of Michigan, remonstrating against the enactment of the bill (S. 1392) to reorganize the judicial branch of the Government, which were referred to the Committee on the Judiciary.

He also presented five memorials, numerously signed, by sundry citizens of the State of Michigan, remonstrating against the enactment of legislation changing the number of Justices of the Supreme Court, which were referred to the Committee on the Judiciary.

REORGANIZATION OF FEDERAL JUDICIARY

Mr. NORRIS. I present a copy of correspondence between Frank E. Gannett, president of the Gannett Newspapers, of Rochester, N. Y., and Dan V. Stephens, of Fremont, Nebr. I ask that the letter of Mr. Gannett and the reply of Mr. Stephens be printed in the RECORD and lie on the table.

There being no objection, the correspondence was ordered to lie on the table and to be printed in the RECORD, as follows:

THE GANNETT NEWSPAPERS,
Rochester, N. Y., February 12, 1937.

Mr. DAN V. STEPHENS,
Fremont, Nebr.

DEAR MR. STEPHENS: "There is no liberty if the power of judging be not separated from the legislative and Executive powers."

This was said while adoption of our Constitution was under discussion.

Today this principle is attacked and in danger, although its vital truth is as self-evident now as then. Life tenure was assured to judges because the founders of this Government knew that to preserve government under law, independence of the judiciary is indispensable.

The fight to protect our Supreme Court from subordination to the Executive can be won. It requires organization, national and local; immediate aggressive action—and enough money to carry the cost of awakening public opinion. I have joined with others in organizing a national nonpartisan, nonpolitical committee to carry on this fight.

1. Will you sign and circulate the attached petition?

2. Will you volunteer to help organize a nonpartisan local committee to cooperate with us in your own congressional district? The outcome in Congress will depend upon how well and quickly public opinion is mobilized in every congressional district and State. Will you protest to your Senators and Congressman at once, sending me a copy?

3. Will you make a contribution to help carry the expenses of a national organization?

Prompt mass action is essential. Please show this letter to friends and business associates. Enlist their cooperation with yours.

Please write me your suggestions and viewpoint and also return the enclosed blank by earliest mail.

Yours sincerely,

FRANK E. GANNETT.

FEBRUARY 15, 1937.

Mr. FRANK E. GANNETT,
Rochester, N. Y.

DEAR MR. GANNETT: In response to your favor of February 12 promoting a campaign against the people of the United States, which, of course, is not your proclaimed purpose, will say that I am not interested in promoting the campaign for the protection of the Supreme Court from the alleged Executive domination, which you refer to, because it is quite apparent that the Supreme Court is "out of step" with the country. The President was elected twice by an overwhelming majority on the issues of the New Deal, and the Supreme Court has prevented its realization to a large degree and continues to prevent it.

The opening paragraph of your letter states:

"There is no liberty if the power of judging be not separated from the legislative and Executive powers."

Admitting that abstractly the theory is correct, the facts are that all powers, broadly speaking, are now in the hands of the Supreme Court and it has usurped the functions of both the legislative and administrative branches of the Government. This is no longer a coordinated government of three branches.

If this country is a government by the people and for the people their sentiments were certainly expressed at the polls in two consecutive Presidential campaigns in favor of Roosevelt and the New Deal. Then how does it come that a patriotic gentleman like yourself can take the attitude that the Government should be turned over to the rule of five men on the Supreme Bench, who are so reactionary in their sentiments that it is impossible for the will of the people to be expressed through government?

Answering your questions categorically:

1. "Will you sign and circulate the attached petition?" I certainly will not. I would feel that I was unpatriotic and conspiring in the overthrow of my Government.

2. "Will you volunteer to help organize a nonpartisan local committee, etc., and protest to your Senators and Congressman?" I will not. On the contrary, I will urge our Congressmen and Senators to sustain the hands of the President in this fight against the usurpation of government by the Supreme Court.

3. "Will you make a contribution to help carry the expenses of a national organization?" I certainly will not. I would consider such a contribution a crime against my country, and, furthermore, the interests that are represented behind your movement (whether you represent them or not) have plenty of funds for this purpose—much more than the people have in the support of our Government.

I consider your letter one of the most offensive political letters I ever received, notwithstanding the fact that you did not intend it to be so. I consider it offensive in the sense that you are proposing to me a sort of conspiracy against a peoples' government as represented by two Presidential elections in a vote that has never been equaled in the history of the country.

You ask for my suggestions, and you have them, and I regret exceedingly that there are so many men like yourself in this country—learned men, men in strong positions—who represent views so inimical to the welfare of the common people.

Yours very truly,

DAN V. STEPHENS.

REPORTS OF COMMITTEES

Mr. PEPPER, from the Committee on Military Affairs, to which was referred the bill (S. 44) for the relief of Edward N. Jerry, reported it without amendment and submitted a report (No. 116) thereon.

Mr. LOGAN, from the Committee on Military Affairs, to which was referred the bill (S. 294) for the relief of Elmer Blair, reported it without amendment and submitted a report (No. 117) thereon.

Mr. McCARRAN, from the Committee on the Judiciary, to which was referred the bill (H. R. 2518) to provide for retirement of Justices of the Supreme Court, reported it without amendment and submitted a report (No. 119) thereon.

Mr. BARKLEY, from the Committee on the Library, to which was referred the joint resolution (S. J. Res. 66) providing for the participation by the United States in the Greater Texas and Pan American Exposition to be held in the State of Texas during the year 1937, reported it without amendment.

POSTPONEMENT OF STAR-ROUTE CONTRACT AWARDS

Mr. McKELLAR. From the Committee on Post Offices and Post Roads I report back favorably, with an amendment, the joint resolution (S. J. Res. 84) to authorize the Postmaster General to withhold the awarding of star-route

contracts for a period of 60 days. I ask that the joint resolution be read, and then I shall ask for its immediate consideration.

The Chief Clerk read the joint resolution (S. J. Res. 84) to authorize the Postmaster General to withhold the awarding of star-route contracts for a period of 60 days, which had been reported from the Committee on Post Offices and Post Roads with an amendment.

Mr. McKELLAR. I ask unanimous consent for the immediate consideration of the joint resolution.

The PRESIDENT pro tempore. Is there objection?

Mr. McNARY. My attention was diverted for a moment and I did not hear the joint resolution read. What is its purport?

Mr. McKELLAR. I shall be glad to explain to the Senator the purpose of the joint resolution.

Some days ago a bill was reported from the Committee on Post Offices and Post Roads providing for continuation of the star-route contracts. The committee proposed an amendment which would give the Postmaster General authority to extend the contracts. That was not satisfactory. The time is very near when contracts will have to be advertised or otherwise disposed of. The joint resolution merely provides that the present contracts shall be continued for a period of 60 days, until the whole matter may be thrashed out by the committee and a proper report made. If the joint resolution is passed, I am going to ask permission to have the bill, which has already been reported, sent back to the committee for further consideration.

Mr. McNARY. I dislike, as the Senator knows, to legislate in this fashion. May I ask if the Republican members of the committee have considered the joint resolution and favor it?

Mr. McKELLAR. The Senator from New Hampshire [Mr. BRIDGES] understands the situation and, I am sure, will be glad to explain it to the Senator from Oregon.

Mr. BRIDGES. Mr. President, I believe the immediate consideration of the joint resolution would be advisable, because, as I understand, the Post Office Department must act quickly regarding the present contracts, which will expire on April 1, 1937, unless the joint resolution is passed. If the joint resolution is passed, then orderly consideration may be given to the various amendments and to the various measures before the Senate and House at this time relating to the subject. Passage of the joint resolution granting the extension of 60 days would allow ample opportunity to clear up the situation and would protect the star-route contractors whose contracts will expire on April 1. I favor the immediate passage of the joint resolution.

Mr. McNARY. In view of the statement of the Senator from New Hampshire, I have no objection to immediate consideration of the joint resolution.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution which had been reported from the Committee on Post Offices and Post Roads with an amendment, in line 1, after the word "authorized", to insert the words "and directed", so as to make the joint resolution read:

That the Postmaster General is authorized and directed to withhold the awarding of any star-route contract for a period of 60 days after March 31, 1937.

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. McKELLAR. I now ask unanimous consent that the bill (S. 740) to provide for the issuance of renewable 4-year-term contracts to qualified star-route contractors and subcontractors, and for other purposes, be recommitted to the Committee on Post Offices and Post Roads for further consideration and action.

The PRESIDENT pro tempore. Without objection, it is so ordered.

AMERICAN NEUTRALITY—REPORT OF FOREIGN RELATIONS COMMITTEE (S. REPT. NO. 118)

The PRESIDENT pro tempore. The present occupant of the chair, from the Committee on Foreign Relations, reports favorably, with an amendment in the nature of a substitute, Senate Joint Resolution 51, proposing to amend the present neutrality law, and submits a report (No. 118) thereon. The present occupant of the chair asks unanimous consent that the joint resolution, as reported, and the accompanying report be published in the RECORD. Is there objection?

There being no objection, the joint resolution, as reported with an amendment, together with the report (No. 118), was ordered to be printed in the RECORD, as follows:

[Omit the part in black brackets and insert the part in quotations]

Senate Joint Resolution 51

Joint resolution to amend the joint resolution entitled "Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war", approved August 31, 1935, being Public Resolution No. 67, Seventy-fourth Congress (S. J. Res. 173), as amended by joint resolution approved February 29, 1936, entitled "Joint resolution extending and amending the joint resolution (Public Resolution No. 67, 74th Cong.), approved August 31, 1935"

Resolved, etc., [That section 1 of the joint resolution (Public Resolution No. 67, 74th Cong., approved Aug. 31, 1935) as amended by Public Resolution No. 74, Seventy-fourth Congress, approved February 29, 1936, be, and the same is hereby, amended as follows, to wit: Insert the following paragraph after the first paragraph of section 1:

["Whenever the President shall find that a state of civil war exists in a foreign state and that such armed conflict is of a magnitude or is being conducted under conditions that the export of arms, ammunition, and implements of war from the United States to said foreign state would threaten and endanger the peace of the United States, the President shall proclaim such fact, and it shall thereafter be unlawful to export arms, ammunition, or implements of war from any place in the United States, or possessions of the United States, to any part of such state or to any neutral port for transshipment to, or for use in, said state."

[In the last paragraph of said section 1 strike out the words "this section and all proclamations issued thereunder shall not be effective after May 1, 1937", and insert in lieu thereof "prior to the revocation of the proclamation or proclamations issued thereunder."

[Amend section 2, page 2, in the fourth line from the bottom of said page after the words "shall not be issued", add a new paragraph to read as follows, to wit:

["Whenever a proclamation or proclamations are issued, as provided in section 1 of this act, all licenses theretofore issued under the act shall, ipso facto, and immediately upon the issuance of such proclamation or proclamations, cease to grant authority to export arms, ammunition, or implements of war from any place in the United States, or possessions of the United States, to any port in said belligerent states or to such state wherein civil war has been declared by Presidential proclamation to exist or to any neutral port for transshipment to, or for use in, any belligerent country or for use in any country where civil war is proclaimed to exist; and said license or licenses, insofar as the grant of authority to export to such countries named in such proclamation or proclamations of the President, shall be null and void."

[Amend section 3 by inserting after the word "war" in line 5 of said section 3 the following words: "or to the state where civil war is proclaimed to exist", and by adding, after the word "country", in line 6, section 3, a comma in place of the period and the words "or within the state where civil war is proclaimed to exist."

[Amend section 6, in line 9, by striking out the word "belligerent", and striking out, in lines 8 and 9, the words "no citizen of the United States shall" and inserting in lieu thereof the following: "and thereafter it shall be unlawful for any citizen of the United States to travel on any vessel of any nation declared in the proclamation provided for in section 1 of this act to be a belligerent or to be a state wherein civil war exists."

[Strike out all of lines 10 and 11 down to and including the word "prescribed."

[Add another section to the resolution, to be known as section 1 A, to read as follows:

["SEC. 1 A. (a) Whenever the President shall have issued a proclamation or proclamations as provided in section 1 of this act and he shall thereafter find that the placing of restrictions on the shipment of certain articles or materials in addition to arms, ammunition, and implements of war from the United States to said belligerent described in the proclamation issued under said section 1, or to a country wherein civil war has been proclaimed to exist, is deemed necessary to promote the security and preserve the peace or neutrality of the United States or to protect the lives and commerce of nationals of the United States, he shall so proclaim and it shall thereafter be unlawful for any American vessel to carry such articles or materials to any belligerent country or any country wherein civil war exists, named in said proclamation or proclamations issued under section 1 of this act, or to any neutral country for transshipment to, or for the use of, such belligerent countries or within such country where civil war exists.

["(b) The President shall by proclamation from time to time definitely enumerate said articles and materials which it shall be unlawful for American vessels to transport.

["(c) The President shall from time to time by proclamation extend such restrictions as are imposed under this section to other countries as and when they may be declared to become belligerents under proclamations issued under section 1 of this act.

["(d) The President may from time to time change, modify, or revoke in whole or in part any proclamations issued by him under this section."

[Add a new section after section 6, on page 4, to be known as section 6 A, to read as follows:

["Whenever the President shall have issued a proclamation or proclamations, as provided in section 1, it shall thereafter be unlawful for any American vessel other than vessels of war engaged in commerce with a belligerent country to be armed or to carry any armament, arms, ammunition, or implements of war except small arms and ammunitions therefor and other weapons as the President may publicly designate to be in possession of the officers of such vessels deemed by the President necessary for the preservation of discipline aboard such vessels and until said proclamation or proclamations are revoked."]

"That the joint resolution entitled 'Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war', approved August 31, 1935, as amended, is amended to read as follows:

"'That (a) whenever the President shall find that there exists a state of war between, or among, two or more foreign states, the President shall proclaim such fact, and it shall thereafter be unlawful to export arms, ammunition, or implements of war from any place in the United States, or possessions of the United States, to any such belligerent state, or to any neutral state for transshipment to, or for the use of, a belligerent state.

"'(b) The President shall, from time to time, by proclamation, extend such embargo upon the export of arms, ammunition, or implements of war to other states as and when they may become involved in such war.

"'(c) Whenever the President shall find that a state of civil strife exists in a foreign state and that such armed conflict is of a magnitude or is being conducted under such conditions that the export of arms, ammunition, or implements of war from the United States to said foreign state would threaten or endanger the peace of the United States, the President shall proclaim such fact, and it shall thereafter be unlawful to export arms, ammunition, or implements of war from any place in the United States, or possessions of the United States, to any such state or to any other state for transshipment to, or for use in, the state named in the proclamation.

"'(d) The President, by proclamation, shall definitely enumerate the arms, ammunition, and implements of war, the export of which is prohibited by this act.

"'(e) Whoever, in violation of any of the provisions of this act, shall export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from the United States, or any of its possessions, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both, and the property, vessel, or vehicle containing the same shall be subject to the provisions of sections 1 to 8, inclusive, title 6, chapter 30, of the act approved June 15, 1917 (40 Stat. 223–225; U. S. C., title 22, secs. 238–245).

"'(f) In the case of the forfeiture of any arms, ammunition, or implements of war by reason of a violation of this act, no public or private sale shall be required; but such arms, ammunition, or implements of war shall be delivered to the Secretary of War for such use or disposal thereof as shall be approved by the President of the United States.

"'(g) When in the judgment of the President the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke the same and the provisions hereof shall thereupon cease to apply.

"'(h) Except with respect to offenses committed, or forfeitures incurred prior to the revocation of the proclamation or proclamations issued thereunder, said proclamations shall become ineffective after revocation.

"'SEC. 2. (a) Whenever the President shall have issued a proclamation or proclamations as provided in section 1 of this act and he shall thereafter find that the placing of restrictions on the shipment of certain articles or materials in addition to arms, ammunition, and implements of war from the United States to said belligerents named in the proclamation issued under said section 1, or to a country wherein civil strife has been proclaimed to exist, is deemed necessary to promote the security or preserve the peace or neutrality of the United States or to protect the lives and commerce of nationals of the United States, he shall so proclaim and it shall thereafter be unlawful for any American vessel or aircraft to carry such articles or materials to any belligerent country, or any country wherein civil strife exists, named in said proclamation or proclamations issued under section 1 of this act, or to any other country for transshipment to, or for the use of, such belligerent countries or within such country where civil strife exists. The President shall by proclamation from time to time definitely enumerate said articles and materials which it shall be unlawful for American vessels or aircraft to transport.

"'(b) It shall be unlawful to export or transport to any belligerent country, or to any country wherein civil strife exists, named in said proclamation or proclamations issued under section 1 of this act, or to any other country for transshipment to, or for the use of, such belligerent country or such country wherein civil strife exists, any articles or materials whatever until all right, title, and interest therein shall have been transferred to some foreign government, agency, institution, association, partnership, corporation, or national. The shipper of such article shall be required to file with the collector of the port from which the articles or materials are to be exported a declaration under oath that there exists in American citizens no right, title, or interest in such articles or materials, and to comply with such rules and regulations as shall be promulgated by the President. Any such declaration so filed shall be a conclusive estoppel against any claim of any American citizen of right, title, or interest in such articles or materials. Insurance written by American underwriters on any articles or materials, the exportation of which is prohibited by this act, or on articles carried by an American vessel or aircraft contrary to subsection (a) of this section shall not be deemed an American interest therein, and no insurance policy issued on such articles or materials and no loss incurred thereunder shall be made a basis of any claim put forward by the Government of the United States.

"'(c) The President shall from time to time by proclamation extend such restrictions as are imposed under subsection (a) of this section to other countries as and when they may be declared to become belligerents under proclamations issued under section 1 of this act.

"'(d) The President may from time to time change, modify, or revoke in whole or in part any proclamations issued by him under subsection (a) of this section.

"'SEC. 3. (a) Whenever the President shall have issued his proclamation or proclamations as provided for in section 1 of this act, it shall thereafter during the period of the war or civil strife be unlawful for any person within the United States to purchase, sell, or exchange bonds, securities, or other obligations of the government of any belligerent country or country wherein civil strife exists, or of any political subdivision thereof, or of any person acting for or on behalf of such government, issued after the date of such proclamation, or to make any loan or extend any credit to any such government or person: *Provided*, That if the President shall find that such action will serve to protect the commercial or other interests of the United States or its nationals, he may, in his discretion, and to such extent and under such regulation as he may prescribe, except from the operation of this section ordinary commercial credits and short-time obligations in aid of legal transactions and of a character customarily used in normal peacetime commercial transactions.

"'(b) The provisions of this section shall not apply to a renewal or adjustment of such indebtedness as may exist on the date of the President's proclamation.

"'(c) Whoever shall violate the provisions of this section or of any regulations issued hereunder shall, upon conviction thereof, be fined not more than $50,000 or imprisoned for not more than 5 years, or both. Should the violation be by a corporation, organization, or association, each officer or agent thereof participating in the violation may be liable to the penalty herein prescribed.

"'(d) When the President shall have revoked his proclamation as provided for in section 1 of this act, the provisions of this section and of any regulations issued by the President hereunder shall thereupon cease to apply.

"'SEC. 4. This act shall not apply to an American republic or republics engaged in war against a non-American state or states, provided the American republic is not cooperating with a non-American state or states in such war.

"'SEC. 5. (a) For the purposes of this act—

"'(1) The term "Board" means the National Munitions Control Board which is hereby established to carry out the provisions of this act. The Board shall consist of the Secretary of State, who shall be chairman and executive officer of the Board; the Secretary of the Treasury; the Secretary of War; the Secretary of the Navy; and the Secretary of Commerce. Except as otherwise provided in this act, or by other law, the administration of this act is vested in the Department of State;

"'2. The term "United States", when used in a geographical sense, includes the several States and Territories, the insular possessions of the United States (including the Philippine Islands), the Canal Zone, and the District of Columbia;

"'(3) The term "person" includes a partnership, company, association, or corporation, as well as a natural person.

"'(b) Every person who engages in the business of manufacturing, exporting, or importing any of the arms, ammunition, or implements of war referred to in this act, whether as an exporter, importer, manufacturer, or dealer, shall register with the Secretary of State his name, or business name, principal place of business, and places of business in the United States, and a list of the arms, ammunition, and implements of war which he manufactures, imports, or exports.

"'(c) Every person required to register under this section shall notify the Secretary of State of any change in the arms, ammunition, or implements of war which he exports, imports, or manufactures; and upon such notification the Secretary of State shall issue to such person an amended certificate of registration, free of charge, which shall remain valid until the date of expiration of the original certificate. Every person required to register under

the provisions of this section shall pay a registration fee of $500, unless he manufactured, exported, or imported arms, ammunition, and implements of war to a total sales value of less than $50,000 during the 12 months immediately preceding his registration, in which case he shall pay a registration fee of $100. Upon receipt of the required registration fee, the Secretary of State shall issue a registration certificate valid for 5 years, which shall be renewable for further periods of 5 years upon the payment for each renewal of a fee of $500 in the case of persons who manufactured, exported, or imported arms, ammunition, and implements of war to a total sales value of more than $50,000 during the 12 months immediately preceding the renewal, or a fee of $100 in the case of persons who manufactured, exported, or imported arms, ammunition, and implements of war to a total sales value of less than $50,000 during the 12 months immediately preceding the renewal. The Secretary of the Treasury is hereby directed to refund, out of any moneys in the Treasury not otherwise appropriated, the sum of $400 to every person who shall have paid a registration fee of $500 pursuant to this act, who manufactured, exported, or imported arms, ammunition, and implements of war to a total sales value of less than $50,000 during the 12 months immediately preceding his registration.

"'(d) It shall be unlawful for any person to export, or attempt to export, from the United States any of the arms, ammunition, or implements of war referred to in this act to any other country or to import, or attempt to import, to the United States from any other country any of the arms, ammunition, or implements of war referred to in this act without first having obtained a license therefor.

"'(e) All persons required to register under this section shall maintain, subject to the inspection of the Board, such permanent records of manufacture for export, importation, and exportation of arms, ammunition, and implements of war as the Board shall prescribe.

"'(f) Licenses shall be issued to persons who have registered as provided for, except in cases of export or import licenses where exportation of arms, ammunition, or implements of war would be in violation of this act or any other law of the United States, or of a treaty to which the United States is a party, in which cases such licenses shall not be issued.

"'(g) Whenever a proclamation or proclamations are issued, as provided in section 1 of this act, all licenses theretofore issued under the act, shall ipso facto, and immediately upon the issuance of such proclamation or proclamations, cease to grant authority to export arms, ammunition, or implements of war from any place in the United States, or possessions of the United States, to any port in said belligerent states or to such state wherein civil strife has been declared by Presidential proclamation to exist or to any other country for transshipment to, or for use in, any belligerent country or for use in any country where civil strife is proclaimed to exist; and said licenses, insofar as the grant of authority to export to such countries named in such proclamation or proclamations of the President is concerned, shall be null and void.

"'(h) The Board shall be called by the chairman and shall hold at least one meeting a year.

"'(i) No purchase of arms, ammunition, or implements of war shall be made on behalf of the United States by any officer, executive department, or independent establishment of the Government from any person who shall have failed to register under the provisions of this act.

"'(j) The provisions of the act of August 29, 1916, relating to the sale of ordnance and stores to the Government of Cuba (39 Stat. 619, 643; U. S. C., title 50, sec. 72), are hereby repealed as of December 31, 1937.

"'(k) The Board shall make an annual report to Congress, copies of which shall be distributed as are other reports transmitted to Congress. Such reports shall contain such information and data collected by the Board as may be considered of value in the determination of questions connected with the control of trade in arms, ammunition, and implements of war. It shall include a list of all persons required to register under the provisions of this act, and full information concerning the licenses issued hereunder.

"'(l) The Secretary of State shall promulgate such rules and regulations with regard to the enforcement of this section as he may deem necessary to carry out its provisions.

"'(m) The President is hereby authorized to proclaim upon recommendation of the Board from time to time a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this section.

"'SEC. 6. (a) Whenever the President shall issue a proclamation provided for in section 1 of this act, thereafter it shall be unlawful for any American vessel or aircraft to carry any arms, ammunition, or implements of war to any port of the belligerent countries named in such proclamation as being at war, or to the state where civil strife is proclaimed to exist, or to any neutral port for transshipment to, or for the use of, a belligerent country, or within the state where civil strife is proclaimed to exist.

"'(b) Whoever, in violation of the provisions of this section, shall take, attempt to take, or shall authorize, hire, or solicit another to take any such vessel or aircraft carrying such cargo out of port or from the jurisdiction of the United States shall be fined not more than $10,000 or imprisoned not more than 5 years, or both; and, in addition, such vessel or aircraft, her tackle, apparel, furniture, equipment, and the arms, ammunition, and implements of war on board shall be forfeited to the United States.

"'(c) When the President finds the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation, and the provisions of this section shall thereupon cease to apply.

"'SEC. 7. Whenever, during any war in which the United States is neutral, the President, or any person thereunto authorized by him, shall have cause to believe that any vessel or aircraft, domestic or foreign, whether requiring clearance or not, is about to carry out of a port of the United States, or its possessions, men or fuel, arms, ammunition, implements of war, or other supplies to any warship, tender, or supply ship of a foreign belligerent nation, but the evidence is not deemed sufficient to justify forbidding the departure of the vessel or aircraft as provided for by section 1, title V, chapter 30, of the act approved June 15, 1917 (40 Stat. 221; U. S. C., title 18, sec. 31), and if, in the President's judgment, such action will serve to maintain peace between the United States and foreign nations, or to protect the commercial interests of the United States and its citizens, or to promote the security of the United States, he shall have the power and it shall be his duty to require the owner, master, or person in command thereof, before departing from a port of the United States, or any of its possessions, for a foreign port, to give a bond to the United States, with sufficient sureties, in such amount as he shall deem proper, conditioned that the vessel or aircraft will not deliver the men, or the cargo, or any part thereof, to any warship, tender, or supply ship of a belligerent nation; and if the President, or any person thereunto authorized by him, shall find that a vessel or aircraft, domestic or foreign, in a port of the United States, or one of its possessions, has previously cleared from such port during such war and delivered its cargo or any part thereof to a warship, tender, or supply ship of a belligerent nation, he may prohibit the departure of such vessel or aircraft during the duration of the war.

"'SEC. 8. Whenever, during any war in which the United States is neutral, the President shall find that special restrictions placed on the use of the ports and territorial waters of the United States, or of its possessions, by the submarines or armed merchant vessels of a foreign nation will serve to maintain peace between the United States and foreign nations, or to protect the commercial interests of the United States and its citizens, or to promote the security of the United States, and shall make proclamation thereof, it shall thereafter be unlawful for any such submarine or armed merchant vessels to enter a port or the territorial waters of the United States or any of its possessions, or to depart therefrom, except under such conditions and subject to such limitations as the President may prescribe. When, in his judgment, the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation and the provisions of this section shall thereupon cease to apply.

"'SEC. 9. Whenever the President shall have issued a proclamation or proclamations as provided in section 1 of this act it shall be unlawful thereafter for any citizen of the United States to travel on any vessel or aircraft of the nation or nations named in the proclamation or proclamations issued pursuant to section 1 of this act, unless in accordance with such rules and regulations as the President shall prescribe: *Provided, however,* That the provisions of this section shall not apply to a citizen traveling on a vessel or aircraft whose voyage was begun in advance of the date of the President's proclamation, and who had no opportunity to discontinue his voyage after that date: *And provided further,* That they shall not apply under 90 days after the date of the President's proclamation to a citizen returning from a foreign country to the United States or to any of its possessions. When, in the President's judgment, the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation and the provisions of this section shall thereupon cease to apply.

"'SEC. 10. Whenever the President shall have issued a proclamation or proclamations as provided in section 1, it shall thereafter be unlawful for any American vessel engaged in commerce with a belligerent country or a country wherein civil strife is proclaimed to exist to be armed or to carry any armament, arms, ammunition, or implements of war except small arms and ammunitions therefor and other weapons as the President may publicly designate to be in possession of the officers of such vessels deemed by the President necessary for the preservation of discipline aboard such vessels and until said proclamation or proclamations are revoked.

"'SEC. 11. In every case of the violation of any of the provisions of this act where a specific penalty is not herein provided, such violator or violators, upon conviction, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both.

"'SEC. 12. If any of the provisions of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

"'SEC. 13. There is hereby authorized to be appropriated from time to time, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions and accomplish the purposes of this act.

"'SEC. 14. The President shall promulgate such rules and regulations not inconsistent with the provisions of this act as he shall deem necessary for the administration and enforcement of the provisions of this act.'"

[S. Rept. No. 118, 75th Cong., 1st sess.]

AMENDMENTS TO THE NEUTRALITY ACT

Mr. PITTMAN, from the Committee on Foreign Relations, submitted the following report (to accompany S. J. Res. 51):

The Foreign Relations Committee of the United States Senate, having had under consideration Senate Joint Resolution 51, introduced by Senator PITTMAN on January 22, 1937, and referred to the committee, herein report back to the Senate the said resolution with the recommendation that it do pass.

The committee also had under consideration at the same time Senate Joint Resolution 60, introduced by Senators CLARK, BONE, VANDENBERG, and NYE on February 1, 1937, also Senate Joint Resolution 47, introduced by Senator THOMAS of Utah on January 19, 1937, and the bill (S. 1249) introduced by Senator LEWIS on February 1, 1937.

Senate Joint Resolution 51 does not in any material respect amend or change the existing law as stated in Public, No. 67, Seventy-fourth Congress, as amended, except to strike out the limitations on the life of the act of May 1, 1937, and to make the legislation permanent.

Senate Joint Resolution 51, however, does add several provisions to the existing law. It does extend the provisions of the existing law to foreign states wherein civil strife exists of such a magnitude and conducted under such conditions that the export of arms, ammunition, and implements of war from the United States to said foreign state would threaten and endanger our peace. This is an addition to section 1 of the existing law.

Section 2 adds three new provisions to the existing law. In subsection (a) it is provided that the President may designate articles in addition to arms, ammunition, and implements of war that may not be transported upon American ships from the United States to belligerents when he deems it necessary to make such restrictions to promote the security or preserve the peace or neutrality of the United States or to protect the lives and commerce of the nationals of the United States.

Under subsection (c) of section 2 it is provided that "The President may from time to time change, modify, or revoke, in whole or in part, any proclamations issued by him under subsection (a) of this section." It is not anticipated that the President will use the authority to place such restrictions on American ships unless necessary, and only as to such articles the transportation of which would threaten the destruction of the vessel. He should, therefore, have the power granted in subsection (c) of section 2.

Subsection (b) of section 2 not only applies to American ships but to all ships engaged in the transportation of any articles and materials exported from the United States to belligerent countries. It provides that no article or material shall be so transported "until all right, title, and interest therein shall have been transferred to some foreign government, agency, institution, association, partnership, corporation, or national." The shipper is required to make affidavit that such title has been transferred, and to otherwise prove the same in accordance with the rules and regulations that may be prescribed by the President. This subsection (b) has chiefly for its purpose the limitation of all possibility of a controversy arising with regard to the alleged illegal destruction of property of American citizens. This provision preserves the property of our citizens, but does not sufficiently tend to preserve the lives of our citizens on the high seas. The fact that belligerents are notified that American ships are not exporting to belligerents certain materials will tend to induce such belligerents to refrain from sinking such ships without providing for the safety of the lives of those on board.

There is also another provision in section 2 with reference to insurance companies. This does not prohibit the writing of insurance, nor does it attempt to declare any insurance unlawful and void. It does provide, however, that insurance written by American underwriters on any articles or materials, the exportation of which is prohibited, or on articles carried on American vessels or aircraft contrary to subsection (a) of section 2, shall not be deemed an interest therein and shall not be made a basis of any claim put forward by the Government of the United States.

Section 2 of the existing law, being section 5 of Senate Joint Resolution 51, dealing with the question of registration and licensing of exporters and importers, has been changed only in that the registration fee is reduced from $500 to $100 for small exporters, and also by providing that upon the issuance of the proclamation contained in section 1 with regard to embargoes on arms, ammunition, and implements of war, any license theretofore issued for such exports or for the export of additional articles prohibited under subsection (a) of section 2, shall ipso facto, and immediately upon the issuance of such proclamation or proclamations cease to grant authority to so export such articles or materials.

Section 2 of the existing law, being section 5 of Senate Joint Resolution 51, is amended by repealing the act of August 29, 1916, relating to the sale of ordnance and stores to the Government of Cuba. This amendment is to repeal a law that is no longer deemed necessary or desirable.

Section 8 of Senate Joint Resolution 51, which is section 5 of the existing law, amends such section by including armed merchant vessels with submarines of a foreign nation. By this amendment the President can also restrict such armed merchant vessels to enter our ports under such conditions and subject to such limitations as he may prescribe. It is strongly contended by eminent writers upon international law that as a small cannon mounted on a merchant ship may sink a submarine on the surface with one shot that arm no longer has the character of a defensive weapon solely, but becomes a weapon of offense as far as submarines are concerned; that, therefore, a merchantman so armed betakes of a character of a vessel of war. In any future war it may be necessary for our Government to take cognizance of such question if and when raised.

Section 6 of the existing law, which is section 9 of Senate Joint Resolution 51, is amended by making it unlawful for citizens of the United States to travel upon belligerent vessels unless in accordance with such rules and regulations as the President may prescribe. This simply eliminates the necessity for the President proclaiming that citizens shall not travel on belligerent ships. The provision simply goes into effect when the President shall make his proclamation as provided under section 1 of the existing law.

Section 10 of Senate Joint Resolution 51 is an entirely new provision. It makes it unlawful for American merchant vessels engaged in commerce with belligerents to be armed for offensive or defensive purposes.

Section 14 is a new provision, and grants to the President of the United States the power to make such rules and regulations not inconsistent with the provisions of the act as he shall deem necessary for the administration and enforcement of its provisions.

The chairman of the committee was authorized and directed to include in one amendment the existing law and the proposed amendments included in Senate Joint Resolution 51. This procedure was adopted because it enables the Senate to better understand the effect of the proposed amendments, and also because the entire law upon the enactment of the amendment will be found in one act.

The chairman has also been authorized to change numbers of the sections and subsections of Senate Joint Resolution 51, as reported out of the committee, so that the entire resolution, when finally enacted, may be so numbered as to be easily followed and referred to in debate and in the consideration of amendments that may be subsequently offered to any section or subsection of the act.

Under the procedure adopted with regard to the hearings held in executive session on February 13, 1937, such hearings are to be made public upon submitting the report of the committee. While the hearings are short and will be reported to the Senate at the same time with this report and be available to each Senator, it may be proper in this report to quote some of the testimony before the committee on behalf of the State Department, on page 4, as follows:

"The CHAIRMAN. * * * Have you read this composite print, Mr. Moore?

"Assistant Secretary MOORE. Yes.

"The CHAIRMAN. Have you anything you wish to say with regard to it?

"Assistant Secretary MOORE. Only generally this: That no measure proposed or sponsored by the administration has been introduced in the Senate or in the House, but the State Department has been very anxious to be of any assistance possible; and quite subsequent to the introduction of Senator PITTMAN's bill, and the bill introduced by Senator VANDENBERG and others, and the bills introduced by Senator THOMAS and Senator LEWIS, this matter has been discussed a good deal, and we are looking primarily at the joint resolution to which the chairman of the committee has just referred.

"It seemed to us that if it is assumed that Congress is likely to enact legislation pretty much of the same character as that now on the statute books, this joint resolution would prove perhaps as desirable and as workable as any other, with the changes which Senator PITTMAN has just indicated.

"It seems to me that fundamentally, substantially, the Pittman measure and the Vandenberg joint resolution are not very different. I do not think the original Pittman joint resolution or the one with these changes which have been discussed this morning fails to accomplish what is designed by the Vandenberg joint resolution."

In discussing the difference in the provisions with reference to "cash and carry" in the Clark et al. joint resolution and the Pittman joint resolution, the respective sections were read. The Pittman resolution requires that the title shall be transferred out of the citizen before any shipment to any belligerent or for the use of any belligerent was made.

The Clark resolution required that such transfers of title be made, not when the goods were being shipped to a belligerent, but when "transversing those waters adjacent to a belligerent state which are within the zone of belligerent operations as determined by the President * * *." The following colloquy took place:

"The CHAIRMAN. The only material distinction I see there is the zone proposition. The provision does not prohibit, as I read it, transportation to a belligerent. Such transportation is controlled by the zone through which it would have to go. The zone might include neutral countries.

"I may say that personally I have always opposed the proposition of establishing zones. It is an attempt at blockade, I suppose.

"Senator BORAH. Does this undertake to say that a person may not assert any right, title, or interest in any commodity which he has heretofore owned because of his undertaking to ship it?

"The CHAIRMAN. I think that is it.

"Assistant Secretary MOORE. To come down to the question of the provision relative to zones, the practical difficulty is that a great war zone would change so constantly and rapidly it would be impossible to administer such a provision.

"Senator VANDENBERG. I think that is very doubtful language.

"The CHAIRMAN. I am not trying to prevent shipments to neutral countries.

"Senator VANDENBERG. I do not think this is intended to, either.

"The CHAIRMAN. But it is capable of doing it.

"Senator VANDENBERG. I rather think it is.

"The CHAIRMAN. Where a zone is marked out on the high seas on a map, it is very difficult to tell ships where it is. You cannot have flags on the corners of it, and a person going to Morocco may casually drop into that zone for a few hundred miles and not know it.

"Senator VANDENBERG. I think that is it."

The following excerpt is quoted from pages 16 and 17 of the hearings:

"Senator VANDENBERG. Do I understand, Judge Moore, that the Pittman joint resolution, as amended this morning, substantially meets with your approval?

"Assistant Secretary MOORE. Yes; if it is assumed that we could not get an amendment along the line of the opinion of the Court to which I have referred. I have looked at Senator THOMAS' joint resolution, and, as I understand it, he makes even the arms provision permissive.

"Senator THOMAS of Utah. Yes.

"Assistant Secretary MOORE. He makes that permissive. He has a more flexible joint resolution than the Pittman measure, looking at that one feature.

"Being a practical man, and my understanding being that in all human probability the Congress is going to retain that mandatory provision, I say the Pittman joint resolution would, as I understand it, be fairly satisfactory."

The resolution reported by the committee rewrites the joint resolution of August 31, 1935, as amended, and for the convenience of the Senate the amendments to existing law made by the resolution as reported are indicated below. Existing law is shown in roman type; existing law proposed to be eliminated is shown in black brackets; matter proposed to be added is shown in italic type.

"Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war, and restricting travel by American citizens on belligerent ships during war

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, [Whenever] *That (a) whenever* the President shall find that there exists a state of war between, or among, two or more foreign states, the President shall proclaim such fact, and it shall thereafter be unlawful to export arms, ammunition, or implements of war from any place in the United States, or possessions of the United States, [to any port of such belligerent states, or to any neutral port for transshipment to, or for the use of, a belligerent country.] *to any such belligerent state, or to any neutral state for transshipment to, or for the use of, a belligerent state.*

"(b) The President shall, from time to time, by proclamation, extend such embargo upon the export of arms, ammunition, or implements of war to other states as and when they may become involved in such war.

"(c) Whenever the President shall find that a state of civil strife exists in a foreign state and that such armed conflict is of a magnitude or is being conducted under such conditions that the export of arms, ammunition, or implements of war from the United States to said foreign state would threaten or endanger the peace of the United States, the President shall proclaim such fact, and it shall thereafter be unlawful to export arms, ammunition, or implements of war from any place in the United States, or possessions of the United States, to any such state or to any other state for transshipment to, or for use in, the state named in the proclamation.

"(d) The President, by proclamation, shall definitely enumerate the arms, ammunition, [or] *and* implements of war, the export of which is prohibited by this act.

"(e) Whoever, in violation of any of the provisions of this [section] *act,* shall export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from the United States, or any of its possessions, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both, and the property, vessel, or vehicle containing the same shall be subject to the provisions of sections 1 to 8, inclusive, title 6, chapter 30, of the act approved June 15, 1917 (40 Stat. 223–225; U. S. C., title 22, secs. 238–245).

"(f) In the case of the forfeiture of any arms, ammunition, or implements of war by reason of a violation of this act, no public or private sale shall be required; but such arms, ammunition, or implements of war shall be delivered to the Secretary of War for such use or disposal thereof as shall be approved by the President of the United States.

"(g) When in the judgment of the President the conditions which have caused him to issue his proclamation have ceased to exist he shall revoke the same, and the provisions hereof shall thereupon cease to apply.

"(h) Except with respect to offenses committed, or forfeitures incurred prior to [May 1, 1937, this section and all proclamations issued thereunder shall not be effective after May 1, 1937] *the revocation of the proclamation or proclamations issued thereunder, said proclamations shall become ineffective after revocation.*

"Sec. 2. (a) Whenever the President shall have issued a proclamation or proclamations as provided in section 1 of this act and he shall thereafter find that the placing of restrictions on the shipment of certain articles or materials in addition to arms, ammunition, and implements of war from the United States to said belligerents named in the proclamation issued under said section 1, or to a country wherein civil strife has been proclaimed to exist, is deemed necessary to promote the security or preserve the peace or neutrality of the United States or to protect the lives and commerce of nationals of the United States, he shall so proclaim, and it shall thereafter be unlawful for any American vessel or aircraft to carry such articles or materials to any belligerent country, or any country wherein civil strife exists, named in said proclamation or proclamations issued under section 1 of this act, or to any other country for transshipment to, or for the use of, such belligerent countries or within such country where civil strife exists. The President shall by proclamation from time to time definitely enumerate said articles and materials which it shall be unlawful for American vessels or aircraft to transport.

"(b) It shall be unlawful to export or transport to any belligerent country, or to any country wherein civil strife exists, named in said proclamation or proclamations issued under section 1 of this act, or to any other country for transshipment to, or for the use of, such belligerent country or such country wherein civil strife exists, any articles or materials whatever until all right, title, and interest therein shall have been transferred to some foreign government, agency, institution, association, partnership, corporation, or national. The shipper of such article shall be required to file with the collector of the port from which the articles or materials are to be exported a declaration under oath that there exists in American citizens no right, title, or interest in such articles or materials, and to comply with such rules and regulations as shall be promulgated by the President. Any such declaration so filed shall be a conclusive estoppel against any claim of any American citizen of right, title, or interest in such articles or materials. Insurance written by American underwriters on any articles or materials, the exportation of which is prohibited by this act, or on articles carried by an American vessel or aircraft contrary to subsection (a) of this section shall not be deemed an American interest therein, and no insurance policy issued on such articles or materials and no loss incurred thereunder shall be made a basis of any claim put forward by the Government of the United States.

"(c) The President shall from time to time by proclamation extend such restrictions as are imposed under subsection (a) of this section to other countries as and when they may be declared to become belligerents under proclamations issued under section 1 of this act.

"(d) The President may from time to time change, modify, or revoke in whole or in part any proclamations issued by him under subsection (a) of this section.

"SEC. [1a] 3. (a) Whenever the President shall **have** issued his proclamation *or proclamations* as provided for in section 1 of this act, it shall thereafter during the period of the war *or civil strife* be unlawful for any person within the United States to purchase, sell, or exchange bonds, securities, or other obligations of the government of any belligerent country *or country wherein civil strife exists,* or of any political subdivision thereof, or of any person acting for or on behalf of such government, issued after the date of such proclamation, or to make any loan or extend any credit to any such government or person: *Provided,* That if the President shall find that such action will serve to protect the commercial or other interests of the United States or its nationals, he may, in his discretion, and to such extent and under such regulations as he may prescribe, except from the operation of this section ordinary commercial credits and short-time obligations in aid of legal transactions and of a character customarily used in normal peacetime commercial transactions.

"(b) The provisions of this section shall not apply to a renewal or adjustment of such indebtedness as may exist on the date of the President's proclamation.

"(c) Whoever shall violate the provisions of this section or of any regulations issued hereunder shall, upon conviction thereof, be fined not more than $50,000 or imprisoned for not more than 5 years, or both. Should the violation be by a corporation, organization, or association, each officer or agent thereof participating in the violation may be liable to the penalty herein prescribed.

"(d) When the President shall have revoked his proclamation as provided for in section 1 of this act, the provisions of this section and of any regulations issued by the President hereunder shall thereupon cease to apply.

"SEC. [1b] *4.* This act shall not apply to an American republic or republics engaged in war against a non-American state or states, provided the American republic is not cooperating with a non-American state or states in such war.

"SEC. [2. That for] *5.* (a) *For* the purposes of this act—

"[(a)] *(1)* The term 'Board' means the National Munitions Control Board, which is hereby established to carry out the provisions of this act. The Board shall consist of the Secretary of State, who shall be chairman and executive officer of the Board; the Secretary of the Treasury; the Secretary of War; the Secretary of the Navy; and the Secretary of Commerce. Except as otherwise provided in this act, or by other law, the administration of this act is vested in the Department of State;

"[(b)] *(2)* The term 'United States', when used in a geographical sense, includes the several States and Territories, the insular possessions of the United States (including the Philippine Islands), the Canal Zone, and the District of Columbia;

"[(c)] *(3)* The term 'person' includes a partnership, company, association, or corporation, as well as a natural person.

"[Within 90 days after the effective date of this act, or upon first engaging in business, every] (b) *Every* person who engages in the business of manufacturing, exporting, or importing any of the arms, ammunition, [and] *or* implements of war referred to in this act, whether as an exporter, importer, manufacturer, or dealer, shall register with the Secretary of State his name, or business name, principal place of business, and places of business in the United States, and a list of the arms, ammunition, and implements of war which he manufactures, imports, or exports.

"(c) Every person required to register under this section shall notify the Secretary of State of any change in the arms, ammunition, [and] *or* implements of war which he exports, imports, or manufactures; and upon such notification the Secretary of State shall issue to such person an amended certificate of registration, free of charge, which shall remain valid until the date of expiration of the original certificate. Every person required to register under the provisions of this section shall pay a registration fee of $500, [and upon receipt of such fee the Secretary of State shall issue a registration certificate valid for 5 years, which shall be renewable for further periods of 5 years upon the payment of each renewal of a fee of $500] *unless he manufactured, exported, or imported arms, ammunition, and implements of war to a total sales value of less than $50,000 during the 12 months immediately preceding his registration, in which case he shall pay a registration fee of $100. Upon receipt of the required registration fee, the Secretary of State shall issue a registration certificate valid for 5 years, which shall be renewable for further periods of 5 years upon the payment for each renewal of a fee of $500 in the case of persons who manufactured, exported, or imported arms, ammunition, and implements of war to a total sales value of more than $50,000 during the 12 months immediately preceding the renewal, or a fee of $100 in the case of persons who manufactured, exported, or imported arms, ammunition, and implements of war to a total sales value of less than $50,000 during the 12 months immediately preceding the renewal. The Secretary of the Treasury is hereby directed to refund, out of any moneys in the Treasury not otherwise appropriated, the sum of $400 to every person who shall have paid a registration fee of $500 pursuant to this act, who manufactured, exported, or imported arms, ammunition, and implements of war to a total sales value of less than $50,000 during the 12 months immediately preceding his registration.*

"(d) It shall be unlawful for any person to export, or attempt to export, from the United States any of the arms, ammunition, or implements of war referred to in this act to any other country or to import, or attempt to import, to the United States from any other country any of the arms, ammunition, or implements of war referred to in this act without first having obtained a license therefor.

"(e) All persons required to register under this section shall maintain, subject to the inspection of the Board, such permanent records of manufacture for export, importation, and exportation of arms, ammunition, and implements of war as the Board shall prescribe.

"(f) Licenses shall be issued to persons who have registered as provided for, except in cases of export or import licenses where exportation of arms, ammunition, or implements of war would be in violation of this act or any other law of the United States, or of a treaty to which the United States is a party, in which cases such licenses shall not be issued.

"*(g) Whenever a proclamation or proclamations are issued, as provided in section 1 of this act, all licenses theretofore issued under the act, shall ipso facto, and immediately upon the issuance of such proclamation or proclamations, cease to grant authority to export arms, ammunition, or implements of war from any place in the United States, or possessions of the United States, to any port in said belligerent states or to such state wherein civil strife has been declared by Presidential proclamation to exist or to any other country for transshipment to, or for use in, any belligerent country or for use in any country where civil strife is proclaimed to exist; and said licenses, insofar as the grant of authority to export to such countries named in such proclamation or proclamations of the President is concerned, shall be null and void.*

"(h) The Board shall be called by the Chairman and shall hold at least one meeting a year.

"(i) No purchase of arms, ammunition, [and] *or* implements of war shall be made on behalf of the United States by any officer, executive department, or independent establishment of the Government from any person who shall have failed to register under the provisions of this act.

"*(j) The provisions of the act of August 29, 1916, relating to the sale of ordnance and stores to the Government of Cuba (39 Stat. 619, 643; U. S. C., title 50, sec. 72), are hereby repealed as of December 31, 1937.*

"(k) The Board shall make an annual report to Congress, copies of which shall be distributed as are other reports transmitted to Congress. Such reports shall contain such information and data collected by the Board as may be considered of value in the determination of questions connected with the control of trade in arms, ammunition, and implements of war. It shall include a list of all persons required to register under the provisions of this act, and full information concerning the licenses issued hereunder.

"(l) The Secretary of State shall promulgate such rules and regulations with regard to the enforcement of this section as he may deem necessary to carry out its provisions.

"(m) The President is hereby authorized to proclaim upon recommendation of the Board from time to time a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this section.

"[This section shall take effect on the ninetieth day after the date of its enactment.]

"SEC. [3] *6.* (a) Whenever the President shall issue [the] *a* proclamation provided for in section 1 of this act, thereafter it shall be unlawful for any American vessel *or aircraft* to carry any arms, ammunition, or implements of war to any port of the belligerent countries named in such proclamation as being at war, *or to the state where civil strife is proclaimed to exist*, or to any neutral port for transshipment to, or for the use of, a belligerent country, *or within the state where civil strife is proclaimed to exist.*

"(b) Whoever, in violation of the provisions of this section, shall take, attempt to take, or shall authorize, hire, or solicit another to take any such vessel *or aircraft* carrying such cargo out of port or from the jurisdiction of the United States shall be fined not more than $10,000 or imprisoned not more than 5 years, or both; and, in addition, such vessel *or aircraft*, her tackle, apparel, furniture, equipment, and the arms, ammunition, and implements of war on board shall be forfeited to the United States.

"(c) When the President finds the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation, and the provisions of this section shall thereupon cease to apply.

"SEC. [4] *7.* Whenever during any war in which the United States is neutral the President, or any person thereunto authorized by him, shall have cause to believe that any vessel *or aircraft*, domestic or foreign, whether requiring clearance or not, is about to carry out of a port of the United States or its possessions men or fuel, arms, ammunition, implements of war, or other supplies to any warship, tender, or supply ship of a foreign belligerent nation, but the evidence is not deemed sufficient to justify forbidding the departure of the vessel *or aircraft* as provided for by section 1, title V, chapter 30, of the act approved June 15, 1917 (40 Stat. *221;* U. S. C., title 18, sec. 31); and if in the President's judgment such action will serve to maintain peace between the United States and foreign nations, or to protect the commercial interests of the United States and its citizens, or to promote the security of the United States, he shall have the power, and it shall be his duty to require the owner, master, or person in command thereof before departing from a port of the United States or any of its possession for a foreign port to give a bond to the United States, with sufficient sureties, in such amount as he shall deem proper conditioned that the vessel *or aircraft* will not deliver the men or the cargo or any part thereof to any warship, tender, or supply ship of a belligerent nation; and if the President or any person thereunto authorized by him shall find that a vessel *or aircraft*, domestic or foreign, in a port of the United States or one of its possession, has previously cleared from such port during such war and delivered its cargo or any part thereof to a warship, tender, or supply ship of a belligerent nation he may prohibit the departure of such vessel *or aircraft* during the duration of the war.

"SEC. [5] 8. Whenever, during any war in which the United States is neutral, the President shall find that special restrictions placed on the use of the parts and territorial waters of the United States, or of its possessions, by the submarines *or armed merchant vessels* of a foreign nation will serve to maintain peace between the United States and foreign nations, or to protect the commercial interests of the United States and its citizens, or to promote the security of the United States, and shall make proclamation thereof, it shall thereafter be unlawful for any such submarine *or armed merchant vessels* to enter a port or the territorial waters of the United States or any of its possessions, or to depart therefrom, except under such conditions and subject to such limitations as the President may prescribe. When, in his judgment, the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation and the provisions of this section shall thereupon cease to apply.

"SEC. [6] *9.* Whenever [during any war in which the United States is neutral, the President shall find that the maintenance of peace between the United States and foreign nations, or the protection of the lives of citizens of the United States, or the protection of the commercial interests of the United States and its citizens, or the security of the United States requires that the American citizen should refrain from traveling as passengers on the vessels of any belligerent nation, he shall so proclaim, and thereafter no citizen of the United States shall travel on any vessel of any belligerent nation except at his own risk] *the President shall have issued a proclamation or proclamations as provided in section 1 of this act it shall be unlawful thereafter for any citizen of the United States to travel on any vessel or aircraft of the nation or nations named in the proclamation or proclamations issued pursuant to section 1 of this act,* unless in accordance with such rules and regulations as the President shall prescribe: *Provided, however,* That the provisions of this section shall not apply to a citizen traveling on [the vessel of a belligerent] *a vessel or aircraft* whose voyage was begun in advance of the date of the President's proclamation, and who had no opportunity to discontinue his voyage after that date: *And provided further,* That they shall not apply under 90 days after the date of the President's proclamation to a citizen returning from a foreign country to the United States or to any of its possessions. When, in the President's judgment, the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation and the provisions of this section shall thereupon cease to apply.

"SEC. 10. Whenever the President shall have issued a proclamation or proclamations as provided in section 1, it shall thereafter be unlawful for any American vessel engaged in commerce with a belligerent country or a country wherein civil strife is proclaimed to exist to be armed or to carry any armament, arms, ammunition, or implements of war except small arms and ammunitions therefor and other weapons as the President may publicly designate to be in possession of the officers of such vessels deemed by the President necessary for the preservation of discipline aboard such vessels and until said proclamation or proclamations are revoked.

"SEC. [7] *11.* In every case of the violation of any of the provisions of this act where a specific penalty is not herein provided, such violator or violators, upon conviction, shall be fined not more than $10,000 or imprisoned not more than 5 years or both.

"SEC. [8] *12.* If any of the provisions of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

"Sec. 13. There is hereby authorized to be appropriated from time to time, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions and accomplish the purposes of this act.

"Sec. 14. The President shall promulgate such rules and regulations not inconsistent with the provisions of this act as he shall deem necessary for the administration and enforcement of the provisions of this act."

Mr. LEWIS subsequently said: Mr. President, I ask unanimous consent that the report submitted today by the chairman of the Foreign Relations Committee touching the joint resolution known as the neutrality resolution, and the joint resolution itself, be printed in the CONGRESSIONAL RECORD.

The PRESIDENT pro tempore. That order has already been made.

Mr. DUFFY. Mr. President, in connection with the so-called neutrality joint resolution, which has been reported favorably by the Committee on Foreign Relations, I desire to have printed, as a part of my remarks in the RECORD, a statement as to just what the joint resolution contains as set forth by Raymond Clapper in the Washington Daily News of Monday, February 22. Members of the committee believe that it is a very accurate and a very concise statement of just what the joint resolution contains, and I think it will be very informative to the country.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Daily News of Feb. 22, 1937]

UNITED STATES NEUTRALITY COMPROMISE PLAN DESTINED TO BE LANDMARK—PITTMAN PROPOSAL INVOLVES REVOLUTIONARY DEPARTURE FROM OUR PAST CONDUCT AS NEUTRAL AND ABANDONS ALL ATTEMPT TO DEVISE COMPLETE OR PARTIAL EMBARGOES AGAINST SUPPLIES, OTHER THAN ARMS

By Raymond Clapper

The Senate Foreign Relations Committee has agreed upon a compromise neutrality or peace program. This measure probably will be brought up in the Senate this week and is likely to go on the statute books with little change.

The resolution, to be known as the Peace Act of 1937, bearing the name of Senator PITTMAN, chairman of the Senate Foreign Relations Committee seems destined to be a landmark. It involves a revolutionary departure from our past conduct as a neutral.

Essential provisions of the Pittman measure are these:

1. Continuation of existing provisions for mandatory embargo on shipments of arms and ammunition to all belligerents or factions in civil strife.

2. Discretionary power to the President to list additional materials which American ships would be prohibited from transporting to any belligerent.

3. No materials shall be allowed to leave the country until all ownership and interest in them has been transferred to the foreign purchaser.

4. Mandatory embargo on all loans or credits to all belligerents, although the President may except short-term commercial credits used in normal peace-time transactions.

5. Mandatory prohibition upon any American vessel carrying arms and ammunition into any belligerent port.

6. Discretionary authority for the President to prevent American ports from being used as supply stations for belligerent vessels.

7. Mandatory prohibition on American citizens traveling on vessels or aircraft of belligerents.

8. Mandatory prohibition upon arming of American merchant vessels that go into belligerent ports.

Thus the program essentially is based on the "cash and carry" policy and upon keeping American citizens and their interests out of the line of fire.

This is not exactly the policy that the State Department would like. The Pittman measure is built entirely upon the purpose of isolating Americans from trouble. It is indifferent as to the merits of the respective belligerents and is concerned entirely with keeping the United States out of the fight. Many in the State Department have felt that the United States should cooperate with other nations against the aggressor. The Pittman program, theoretically, treats all belligerents alike.

Practically, it would not work out quite that way, particularly in event of a general European war, because our raw materials and other supplies, aside from direct arms and ammunition, would be available to those who could come and get them and pay for them. In such a line-up of powers as is taking place in Europe, our policy would therefore favor Great Britain, or whatever group of powers held the sea power.

The Pittman plan abandons all attempts to devise complete or partial embargoes against supplies, other than direct arms and ammunition, which are flatly embargoed. Considering the intense controversy over this subject, and the danger that under pressure of potential war orders such embargoes might not hold, the Pittman measure probably rests upon a more secure foundation in permitting the trade, but at the foreign purchaser's risk.

BORAH and HIRAM JOHNSON are against the policy. They say it means giving up freedom of the seas, that historic doctrine which says that American citizens have the right to wander at will through the fire lines of a world war, peddling their goods, and guaranteeing safe delivery.

On the other hand, the Pittman program has the support of several diverse groups in the Senate who take the view that modern wars being what they are, we must curtail the activities of our traveling salesmen or else be preparing to back them up by getting into foreign wars.

ENROLLED BILLS AND JOINT RESOLUTIONS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that that committee presented to the President of the United States the following enrolled bills and joint resolutions:

On February 17, 1937:

S. J. Res. 38. Joint resolution to extend for a period of 2 years the guarantee by the United States of debentures issued by the Federal Housing Administrator.

On February 19, 1937:

S. 466. An act granting the consent of Congress to the county of Barry, State of Missouri, to construct, maintain, and operate a free highway bridge across the White River at or near Eagle Rock, Mo.;

S. 715. An act to extend the time for completing the construction of a bridge across the Delaware River near Trenton, N. J.; and

S. J. Res. 70. Joint resolution relating to the participation by the United States in the International Exposition of Paris, 1937.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

A bill (S. 1668) for the relief of William Anderson; to the Committee on Claims.

By Mr. BYRD:

A bill (S. 1669) for the relief of Nannie D. Harding; and

A bill (S. 1670) for the relief of Ben Jacobs; to the Committee on Claims.

By Mr. LOGAN:

A bill (S. 1671) to amend the act, approved August 4, 1919, as amended, providing additional aid for the American Printing House for the Blind; to the Committee on Education and Labor.

By Mr. STEIWER:

A bill (S. 1672) to amend the Social Security Act with respect to the meaning of the term "agricultural labor"; to the Committee on Finance.

By Mr. MALONEY:

A bill (S. 1673) for the relief of Lewis Leonard Wood and Winifred Wood; to the Committee on Immigration.

By Mr. CAPPER:

A bill (S. 1674) granting a pension to I. A. Persinger (with accompanying papers); to the Committee on Pensions.

Mr. COPELAND. Mr. President, I introduce four bills for appropriate reference. One of the bills I am introducing by request of the American Federation of Labor for the Masters', Mates', and Pilots' Association.

The PRESIDENT pro tempore. The bills introduced by the Senator from New York will be received and appropriately referred.

By Mr. COPELAND:

A bill (S. 1675) granting an increase of pension to Ella Jenkins; to the Committee on Pensions.

A bill (S. 1676) for the promotion of certain retired officers of the Navy and Marine Corps; to the Committee on Naval Affairs.

(By request.) A bill (S. 1677) to provide for the establishment of stability tests for American and foreign vessels

which carry a deck cargo of timber, and for other purposes; to the Committee on Commerce.

A bill (S. 1678) to provide additional home-mortgage relief by providing for (1) a moratorium on foreclosures permitting appropriate legislation to provide further emergency relief to home-mortgage indebtedness; (2) to further refinance home mortgages; (3) to reduce the rate of interest and extend payment and amortization of mortgages; (4) to eliminate personal and deficiency judgments in foreclosures; and for other purposes; to the Committee on Banking and Currency.

By Mr. PEPPER:

A bill (S. 1679) to provide for establishing engineering experiment stations at the land-grant colleges; to the Committee on Agriculture and Forestry.

By Mr. BLACK:

A bill (S. 1680) to establish a 6-hour day for employees of carriers engaged in interstate and foreign commerce, and for other purposes; to the Committee on Interstate Commerce.

By Mr. SCHWELLENBACH:

A joint resolution (S. J. Res. 91) authorizing the Commissioner of Internal Revenue to grant further extensions of time for filing returns under title III of the Revenue Act of 1936; to the Committee on Finance.

REGULATION OF COMMERCE IN SUGAR—AMENDMENT

Mr. OVERTON submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (S. 1428) to protect domestic producers of sugar beets and sugarcane and to encourage the domestic production thereof by the regulation of foreign and interstate commerce in sugar; to provide for the fixing and revision of yearly quotas of sugar that may be imported into, transported to, or received in continental United States; to maintain a continuous and stable supply of sugar in continental United States for the benefit of both producers and consumers; and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

FRANCES H. CARSON—WITHDRAWAL OF PAPERS

On motion of Mr. O'MAHONEY, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers accompanying the bill (S. 1576) granting a pension to Frances H. Carson (72d Cong.), no adverse report having been made thereon.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, communicated to the Senate the intelligence of the death of Hon. JAMES P. BUCHANAN, late a Representative from the State of Texas, and transmitted the resolutions of the House thereon.

THE PRESIDENT'S ADDRESS AT THE FARLEY DINNER

[Mr. WAGNER asked and obtained leave to have printed in the RECORD the address delivered by the President of the United States at the testimonial dinner to Hon. James A. Farley, on Feb. 15, 1937, which appears in the Appendix.]

REORGANIZATION OF FEDERAL JUDICIARY—STATEMENT BY SENATOR COPELAND

[Mr. GEORGE asked and obtained leave to have printed in the RECORD a statement by Senator COPELAND opposing the proposal to reorganize the Federal judiciary, published in the New York Times of Sunday, Feb. 21, 1937, which appears in the Appendix.]

THE LESSON OF JOHN MARSHALL—ADDRESS BY SENATOR BARKLEY

[Mr. ROBINSON asked and obtained leave to have printed in the RECORD a radio address delivered by Senator BARKLEY Monday evening, Feb. 22, 1937, on the subject of The Lesson of John Marshall, which appears in the Appendix.]

REORGANIZATION OF THE FEDERAL JUDICIARY—ADDRESS BY SENATOR WHEELER

[Mr. CLARK asked and obtained leave to have printed in the RECORD a radio address on the proposed reorganization of the Federal judiciary, delivered by Senator WHEELER on Friday, Feb. 19, which appears in the Appendix.]

THE SUPREME COURT—ADDRESS BY SENATOR BRIDGES

[Mr. DAVIS asked and obtained leave to have printed in the RECORD an abstract of an address on the President's proposal regarding the Supreme Court, delivered by Senator BRIDGES in New York City on Washington's birthday anniversary, Feb. 22, 1937, which appears in the Appendix.]

THE GOLD AND SILVER QUESTIONS—ARTICLE BY SENATOR PITTMAN

[Mr. PITTMAN asked and obtained leave to have printed in the RECORD an article prepared by him, entitled "The Gold and Silver Questions", published in the Mining Congress Journal for February 1937, which appears in the Appendix.]

PEACE IN TERMS OF NATIONAL DEFENSE—ADDRESS BY SENATOR WALSH

[Mr. DIETERICH asked and obtained leave to have printed in the RECORD a radio address on the subject George Washington and Peace in Terms of National Defense, delivered by Senator WALSH on the evening of Feb. 22, 1937, which appears in the Appendix.]

"PLANT TO PROSPER" MEETING OF FARMERS—ADDRESS BY ALFRED D. STEDMAN

[Mr. MCKELLAR asked and obtained leave to have printed in the RECORD an address delivered by Alfred D. Stedman, Assistant Administrator of the A. A. A., at the "Plant to Prosper" meeting of farmers at Memphis, Tenn., Dec. 16, 1936, the address being entitled "Is Farm Chemurgy a Panacea?" which appears in the Appendix.]

OREGON AND COMPULSORY DRILL

[Mr. FRAZIER asked and obtained leave to have printed in the RECORD an article from the Social Frontier, entitled "Oregon and Compulsory Drill", which appears in the Appendix.]

TAXES UPON CARRIERS AND THEIR EMPLOYEES

The PRESIDENT pro tempore. Morning business is closed.

Mr. HARRISON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the joint resolution (H. J. Res. 212) to amend the act entitled "An act to levy an excise tax upon carriers and an income tax upon their employees, and for other purposes", approved August 29, 1935.

The joint resolution extends until June 30, 1938, the tax upon the employers and employees which is provided for in the railroad-retirement bill. Unless action is taken in the meantime the tax will expire the 28th of this month, and should be extended. It is a tax of 3½ percent on railroad employers and employees. The committee proposes to extend the tax until June 30, 1938.

I may say in explanation that the Supreme Court ruled against the first act and Congress passed another one. I understand the representatives of the railroads and the four brotherhoods involved have about agreed in the matter, but the agreement has not yet been signed by all concerned. However, we are assured that it will be signed. Both sides are very anxious to have the tax continued. There is no opposition from any source. The joint resolution is reported unanimously from the Finance Committee.

Mr. ROBINSON. Mr. President, the joint resolution on the calendar is Order of Business 112, is it not?

Mr. HARRISON. Yes. It has passed the House.

Mr. MCNARY. Mr. President, may we have the clerk read the joint resolution at this juncture?

The PRESIDENT pro tempore. The joint resolution will be read as requested.

The Chief Clerk read the joint resolution (H. J. Res. 212), as follows:

Resolved, etc., That section 12 of the act entitled "An act to levy an excise tax upon carriers and an income tax upon their employees, and for other purposes", approved August 29, 1935, is amended by striking out "February 28, 1937" and inserting in lieu thereof "June 30, 1938."

Mr. LEWIS. Mr. President, I am in receipt of communications, which I do not have on my desk at the moment, from certain elements of railroad employees in my city and State saying peace has been declared or something of a harmonious

program agreed upon between themselves and their employers with reference to this measure. I am authorized to say there is no contest over it.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered, ordered to a third reading, read the third time, and passed.

Mr. ROBINSON. Mr. President, may I suggest to the Senator from Mississippi that he have his report on the joint resolution published in the RECORD in connection with the passage of the measure?

Mr. HARRISON. I ask unanimous consent that the report of the committee may be published in the RECORD at this point.

There being no objection, the report (No. 112) was ordered to be printed in the RECORD, as follows:

The Committee on Finance, to whom was referred the joint resolution (H. J. Res. 212) to amend the act entitled "An act to levy an excise tax upon carriers and an income tax upon their employees, and for other purposes", approved August 29, 1935, having considered the same fully, report favorably thereon without amendment and recommend that the joint resolution do pass.

This joint resolution passed the House of Representatives on February 15, 1937. Under section 12 of the above-entitled act the taxes imposed by the act, unless extended, will expire by limitation upon February 28, 1937. It is the purpose of this joint resolution to extend the levy of such taxes up to and including June 30, 1938.

It was not contemplated that these taxes would be allowed to expire, and the time limitation was placed in the original bill so that the rate of tax might be adjusted after investigation. Such investigation is not completed; and since the revenue is urgently needed, it is proposed at this time to extend the levy of the taxes to the end of the fiscal year 1938. It is expected that before that date the necessary data will have been made available to enable the Congress to determine the rate of tax which it will be necessary permanently to impose in order to raise the amount of revenue required.

The purposes of this joint resolution are fully explained in a letter from the Under Secretary of the Treasury, excerpts from which are incorporated herein and made a part of this report, as follows:

"Under section 12 of the act of August 29, 1935 (49 Stat. 974, U. S. C., title 45, ch. 9, sec. 252), hereinafter referred to as the 'Carriers' Taxing Act', the taxes imposed by that act on carriers, their employees, and the representatives of such employees terminate on February 28, 1937.

"Section 12 of that act provides as follows:

"'The taxes imposed by this act shall not apply to any compensation received or paid after February 28, 1937.'

"There is no time limitation, however, on the payment of the retirement benefits to such employees and representatives under the provisions of the Railroad Retirement Act of 1935 (49 Stat. 967, U. S. C., title 45, ch. 10).

"It thus appears that although there will be continuing demands on the Treasury for the payment of those pensions after February 28, 1937, the revenues to satisfy those demands will cease on that date. The following amendment extending to June 30, 1938, the period for the collection of the taxes has been passed by the House:

"'*Resolved, etc.*, That section 12 of the act entitled "An act to levy an excise tax upon carriers and an income tax upon their employees, and for other purposes", approved August 29, 1935, is amended by striking out "February 28, 1937", and inserting in lieu thereof "June 30, 1938."'

"In the above proposal June 30, 1938, is suggested as the extended date instead of February 28, 1938. The question of a further extension may again arise next year, and if the extended date is June 30, 1938, Congress will have more time to act. February 28, 1938, is so soon after Congress meets that there is danger that Congress might not act in time to extend the collection of the taxes, with consequent embarrassment to the Treasury Department.

"In connection with the above proposal, the following brief discussion may be helpful as background.

"The Carriers' Taxing Act was introduced as H. R. 8652. When the bill was reported from the Committee on Ways and Means (Aug. 22, 1935, H. Rept. No. 1882, 74th Cong., 1st sess.) it contained the provision (sec. 12) that the taxes imposed should not apply to any compensation received or paid after February 28, 1937. The reason for that provision does not appear anywhere in the record, but Mr. L. H. Parker, of the Joint Committee on Internal Revenue Taxation, advises that it is his recollection that the committee members were dissatisfied with the rate of tax prescribed, since they had no adequate information upon which to base a sound judgment. The limitation was accordingly written into the law in order to insure that the matter would again be considered by Congress. It was thought that meanwhile an investigation could be made (probably by the Commission to which reference is hereafter made) and facts procured upon which a proper rate could be based.

"The Railroad Retirement Act of 1935 was introduced as H. R. 8651. The House Committee on Interstate and Foreign Commerce, in reporting the bill (Aug. 3, 1935, H. Rept. No. 1171, 74th Cong., 1st sess.), included a provision providing for the creation of a Commission to investigate and report to Congress not later than January 1, 1936, upon the facts with reference to a railroad retirement annuity system. (See sec. 8 of the act.)

"Mr. Murray Latimer, Chairman of the Railroad Retirement Board, advises orally as follows: 'The Commission referred to above was appointed but functioned only perfunctorily. It made a report to Congress dated December 31, 1935, the gist of which is as follows:

"'"The Commission held its first meeting December 18, 1935, at Washington, D. C., and conducted successive meetings through December 31, conferring with members of the Railroad Retirement Board and representatives of railroad employees and railroad executives. The Commission has not found it possible to make such an investigation of the subject referred to it as would enable it by January 1, 1936, to submit recommendations which would be of value to the Congress.

"'"The Commission accordingly presents this report without recommendations."'

"The District Court of the United States for the District of Columbia in *The Alton Railroad Co. et al.* v. *Railroad Retirement Board et al.* (June 26, 1936, C. C. H. Unemployment Insurance Service, p. 8203) held the Carriers' Taxing Act to be unconstitutional and enjoined collection of the tax. That case is now pending on appeal before the Court of Appeals for the District of Columbia but has not yet been set for argument.

"In the President's Budget message to Congress for the fiscal year 1937 it was estimated that $134,600,000 would be collected under the Carriers' Taxing Act. The following table discloses the amounts of assessments and payments under the act through December 31, 1936:

	Assessed	Paid
Carriers' tax and employees' tax	$1,364,185.23	$86,729.11
Representatives' tax	57,515.30	42,269.21
Total	1,421,700.53	128,998.32

"The foregoing amounts include approximately $4,000 of interest and penalties. For the two quarterly periods ended May 31, 1936, and August 31, 1936, a total of 758 returns of carriers were filed, and 3,808 returns of representatives were filed. Since August 31, 1936, small amounts of tax have been voluntarily paid, but the total collections are to date very little in excess of $200,000."

EXTENSION OF AUTHORITY TO NEGOTIATE TRADE AGREEMENTS

Mr. HARRISON. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the joint resolution (H. J. Res. 96) to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended. The joint resolution, if enacted, would extend the President's authority to negotiate foreign-trade agreements for 3 years.

Mr. McNARY. Mr. President, I think in order to give parliamentary status to the measure the Senator should move that the Senate proceed to the consideration of the joint resolution.

Mr. HARRISON. Very well. I move that the Senate proceed to the consideration of the joint resolution in order that it may be made the unfinished business. I had thought perhaps that its consideration would not go beyond today.

Mr. McNARY. I think there is a possibility that it may.

Mr. HARRISON. Very well. I submit my motion to proceed to the consideration of the joint resolution in order that it may be made the unfinished business of the Senate.

The motion was agreed to; and the Senate proceeded to consider the joint resolution (H. J. Res. 96) to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended.

Mr. HARRISON. Mr. President, in presenting the original bill to the Senate in 1934 I discussed at some length the urgency of the situation requiring immediate steps to safeguard and expand our declining foreign trade, the terms of the bill, and the constitutional question of delegation of authority to the Executive to negotiate trade agreements. I shall not burden the Senate at this time with a full restatement of what I said on that occasion. I do, however, want to refresh the memories of Senators on two broad points.

First, I want to recall the seriousness of the situation that confronted us at that time. As was then pointed out, trade barriers throughout the world had been mounting at such a rapid pace that it appeared as if the nations of the world were literally vying with each other in a mad race for the elimination of all international trade.

The results had been disastrous. World trade had fallen to only about a third of its 1929 level, and our own foreign trade had fallen even lower. Between 1929 and 1933 we had lost six and one-half billion dollars' worth of foreign trade. Our share of declining world trade had fallen from nearly 14 percent to about 11 percent. It was clear that we were rapidly losing out, not only on account of the general decline in world trade but also because of a failure to maintain our former share of whatever trade there was. This decline in our foreign trade, together with the collapse of the domestic market, for which the shrinkage of our foreign trade was in no small degree responsible, had resulted in the complete prostration of agriculture and industry in this country and had left millions of workers on our farms and in our cities in idleness and distress.

Second, we pointed out that the exigencies of this situation required that our Government have at its disposal machinery for coping with it no less efficient than that of other countries. It was clear that there was urgent need for a grant by Congress to the Chief Executive of tariff-adjustment authority which would permit him to take prompt and effective action for the purpose of safeguarding and expanding our foreign trade. It was equally clear that a general downward revision of the tariff by Congress would not suffice, since that would have offered us no leverage with which to induce other countries to lower their barriers against our products.

It was in the light of this situation that we urged the Senate to approve the grant of authority to the Executive contained in the Trade Agreements Act. We did not then assume that this grant of authority would work wonders overnight toward restoring trade to its former levels, and we did not believe anyone familiar with the complexity and magnitude of the problem so assumed. No informed person could have failed to foresee the tremendous difficulties that would confront our negotiators in their efforts to stem the tide of declining trade and turn it back in the direction of a healthy expansion in the general interest of the country as a whole. Certainly there were no illusions about this matter on the part of those who were to be charged with this responsibility. From the very beginning they knew it was certain to be a long, hard fight against great odds. But there were no real alternatives. It was a challenge that had to be met without further delay.

Nearly 3 years have since passed. Considering the obstacles with which those in charge of the negotiations have had to contend, the results accomplished have, in my judgment, more than vindicated the trust which Congress reposed in the Executive in enacting this legislation. Of course, there is opposition and dissatisfaction in some quarters. There never was, and there never will be, a method of dealing with the tariff that will prevent that; and it goes without saying that mistakes may occasionally have been made. Nevertheless, I do not see how any reasonable person could give careful study to the testimony submitted to the House Ways and Means Committee and to the Senate Finance Committee on the renewal of this act without concluding that great progress has been made.

It is impossible, in the scope of my remarks, to review all of the evidence on this point; but I do want to call attention to some of the outstanding facts.

Trade agreements have been concluded with 16 countries, the two latest—with Costa Rica and El Salvador—not yet having gone into effect. The list, in order of signature, includes Cuba, Brazil, Belgium, Haiti, Sweden, Colombia, Canada, Honduras, the Netherlands, Switzerland, Nicaragua, Guatemala, France, Finland, Costa Rica, and El Salvador. Our trade with these countries accounted, in 1934, for 38 percent of our total foreign trade. In 1929 we had a $3,600,000,000 trade with them. In 1934, when the Trade Agreements Act was passed, it was down to one billion four hundred millions. In 1936, due to a number of causes, of which I readily concede that trade agreements was but one, it was up again to one billion nine hundred millions—an increase of one-half of a billion over 1934.

Now let us look at these agreements for the moment from the export side. What have our negotiators gotten for us? Let us pass momentarily over the question as to whether the concessions obtained from other countries have thus far resulted in large or small trade gains, and consider simply the concessions themselves.

After studying these agreements and the facts submitted in the course of the House and Senate hearings, I assert that the list of concessions obtained for products of our farms and factories is a highly impressive one. For example, take agriculture: We have obtained tariff reductions or other mitigations of trade barriers on farm products accounting for nearly a third of our 1929 exports of agricultural products to these 16 trade-agreement countries, and we have secured pledges of continuation of favorable trade treatment affecting nearly another third of our farm exports to these countries. Similar benefits have been obtained for manufactured products.

I wish there were time to delve into the list of concessions obtained and to discuss specific items, but if we were to pick out particular items it would seem to be emphasizing them at the expense of many others which I could not possibly mention. I do, however, desire to call the Senate's attention to the table in the Senate hearings on this joint resolution (pp. 11–13) containing a list of agricultural and industrial products benefited, and, with respect to each product, the number of agreements and the names of the countries in which concessions were obtained. The list is too long for me to go through here, but I ask permission to have it inserted at this point in my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list is as follows:

CONCESSIONS OBTAINED IN TRADE AGREEMENTS

The wide range of benefits which have been provided for our export trade is indicated by the following list of important agricultural and industrial products upon which reductions in duty or liberalization of other restrictive measures have been obtained in trade agreements:

AGRICULTURAL PRODUCTS

	Agreements
Canned peaches: Cuba, Belgium, Haiti, Sweden, Brazil, Canada, Switzerland, Honduras, Colombia, Nicaragua, Finland, Costa Rica.	12
Canned pears: Cuba, Belgium, Haiti, Sweden, Brazil, Canada, Switzerland, Honduras, Colombia, Nicaragua, Finland, Costa Rica.	12
Canned grapefruit: Belgium, Sweden, Brazil, Canada, Switzerland, Honduras, Colombia, France, Nicaragua, Finland, Costa Rica.	10
Canned pineapple: Belgium, Sweden, Brazil, Canada, Honduras, Switzerland, Colombia, France, Nicaragua, Finland, Costa Rica.	11
Canned fruits for salad: Cuba, Belgium, Haiti, Sweden, Brazil, Canada, Honduras, Switzerland, Colombia, France, Nicaragua, Finland, Costa Rica.	13
Prunes: Cuba, Belgium, Haiti, Netherlands, Switzerland, Honduras, Colombia, France, Nicaragua, Finland.	10
Raisins: Cuba, Haiti, Sweden, Netherlands, Honduras, Colombia, France, Nicaragua, Finland, Costa Rica.	10
Dried apples: Cuba, Belgium, Canada, Netherlands, Honduras, Colombia, Nicaragua, Switzerland, Costa Rica.	9
Dried apricots: Cuba, Belgium, Haiti, Canada, Netherlands, Switzerland, Honduras, Colombia, Nicaragua, Finland, Costa Rica.	11
Fresh apples: Haiti, Sweden, Canada, Colombia, France, Finland, Netherlands.	7
Fresh pears: Belgium, Haiti, Sweden, Canada, Netherlands, Colombia, France.	7
Oranges: Canada, Colombia.	2
Grapefruit: Belgium, Sweden, Canada, Netherlands, Colombia, France, Finland.	7
Grapes: Haiti, Canada, Colombia.	3
Pork and pork products: Cuba, Belgium, Haiti, Canada, Honduras, Colombia, Guatemala, France, Costa Rica.	9
Lard: Cuba, Haiti, Canada, Switzerland, Colombia, Nicaragua, Finland, Costa Rica.	8
Beef: Cuba, Canada, Colombia, Haiti, Guatemala.	5
Oleo oil stock and stearine: Cuba, Canada.	2

CONCESSIONS OBTAINED IN TRADE AGREEMENTS—Continued

AGRICULTURAL PRODUCTS—continued

	Agreements
Prepared milk products Haiti, Brazil, Honduras, Colombia, Guatemala, France, Nicaragua, Costa Rica.	8
Vegetables, fresh and dried Cuba, Haiti, Canada, Colombia, France.	5
Canned vegetables Cuba, Sweden, Brazil, Canada, Switzerland, Honduras, Colombia, France, Nicaragua, Finland, Costa Rica.	11
Tobacco and tobacco products Cuba, Colombia, Costa Rica.	3
Vegetable oils and fats Cuba, Canada, Guatemala.	3
Oatmeal Cuba, Belgium, Brazil, Canada, Honduras, Guatemala.	6
Crackers and biscuits Cuba, Canada, Honduras, Colombia, France.	5
Breakfast foods Sweden, Canada, Colombia, Costa Rica.	4
Cornstarch Cuba, Belgium, Colombia, France.	4
Malt Cuba, Canada, France.	3
Rye Canada, France.	2
Rye flour Canada, France.	2
Rice Cuba, Canada, France.	3
Oats Cuba, Canada, France.	3
Wheat Canada, Netherlands.	2
Wheat flour Cuba, Canada, Netherlands.	3
Linseed cake Cuba, Belgium.	2

FISH PRODUCTS

Canned salmon Cuba, Brazil, Canada, Switzerland, Honduras, Colombia, Guatemala, France, Costa Rica.	9
Canned sardines (including pilchards) Cuba, Belgium, Canada, Switzerland, Honduras, Colombia, Guatemala, France, Costa Rica.	9
Canned shellfish Cuba, Canada, Switzerland, Colombia, Guatemala, France, Costa Rica.	7

INDUSTRIAL PRODUCTS

Passenger automobiles and chassis Cuba, Belgium, Brazil, Canada, Switzerland, Colombia, Guatemala, France.	8
Trucks, busses, and chassis Cuba, Brazil, Canada, Switzerland, Colombia.	5
Automobile engines, parts, and accessories Cuba, Belgium, Brazil, Canada, Colombia, France.	6
Leather Cuba, Haiti, Brazil, Canada, Colombia, France.	6
Rubber tires and inner tubes Cuba, Haiti, Sweden, Brazil, Canada, Switzerland, Guatemala, France, Finland.	9
Rubber belting Belgium, Brazil, Canada, France.	4
Cotton yarn Cuba, Canada, France.	3
Cotton piece goods Cuba, Canada, Honduras, Colombia, France.	5
Silk hosiery Cuba, Belgium, Canada, Colombia, France, Costa Rica.	6
Rayon fabrics Cuba, Canada, France.	3
Lumber and timber Cuba, Belgium, Canada, Switzerland, France, Costa Rica.	6
Petroleum products Canada, Switzerland, Colombia, France.	4
Iron and steel plates and bars Cuba, Canada, Colombia, France.	4
Iron and steel wire Cuba, Canada, France.	3
Metal furniture Cuba, Brazil, Canada, Colombia, Guatemala, Finland, Costa Rica.	7
Cooking and heating equipment Cuba, Canada, Switzerland, France.	4
Tools Cuba, Brazil, Canada, France.	4
Agricultural machinery Cuba, Canada, France.	3
Industrial machinery Cuba, Brazil, Canada, France.	4
Radio apparatus Cuba, Belgium, Haiti, Brazil, Canada, Switzerland, Guatemala, France.	8
Electric refrigerators Cuba, Canada, Switzerland, France.	4
Batteries Cuba, Canada, Brazil, France.	4

CONCESSIONS OBTAINED IN TRADE AGREEMENTS—Continued

INDUSTRIAL PRODUCTS—continued

	Agreements
Electric motors Cuba, Canada, France.	3
Typewriters, cash registers, and business machines Cuba, Belgium, Canada, Switzerland, Colombia, France.	6
Aircraft, parts and accessories Cuba, Canada, Colombia, France.	4
Railway cars and parts Cuba, Canada, France.	3
Medicinal and pharmaceutical preparations Cuba, Haiti, Canada, Honduras, Colombia, France, Nicaragua, Costa Rica.	8
Paints and varnishes Cuba, Belgium, Brazil, Canada, Colombia, Guatemala, France, Nicaragua, Costa Rica.	9
Chemicals Cuba, Canada, France, Honduras, Sweden.	5
Soaps, cosmetics, and other toilet preparations Cuba, Sweden, Colombia, Brazil, Canada, Honduras, France, Costa Rica.	8

Mr. HARRISON. Moreover, I call attention to the fact that, while some of these concessions may have been of minor significance, by and large they have been real ones and not mere gestures. If anyone doubts that, let him examine the official releases given out upon the signing of each trade agreement, analyzing the agreement and comparing the new with the old rates. Let him also examine the report prepared by the Commerce Department last June, under the title "American Export Products Benefiting from Reciprocal Trade Agreements Signed Thus Far", which document was inserted in the CONGRESSIONAL RECORD on July 1, 1936, as an extension of the remarks of Representative CITRON in the House on June 20. If he is interested simply in agricultural products, let him examine the data submitted by Representative BUCK in a speech in the House on March 30, 1936. He might also examine the relevant sections of a study entitled "The Midwest and the Trade Agreements Program", by Dr. H. S. Patton, which appears as one of the exhibits offered by Assistant Secretary of State Sayre in his recent testimony before the Ways and Means Committee on renewal of the Trade Agreements Act—see hearings, pages 258–278. No reasonable person could examine this evidence and fail to be impressed by the scope and magnitude of the concessions obtained on behalf of American agriculture and industry.

In order to obtain these concessions, it has been necessary for us to make concessions in return. That is as it should be. If we are to reduce trade barriers, we must do it all around. Even if foreign countries were foolish enough to grant us liberal concessions while requesting none in return, it would not be in our interest to operate on any such basis. There is much current nonsense about this matter. If we were to judge by the opposition that is fighting renewal of the Trade Agreements Act, we should have to assume that the Hawley-Smoot Act was an ideal piece of tariff legislation which should not be modified in any substantial particular, lest the welfare of this country be placed in jeopardy. These gentlemen talk about reciprocity, and some of them profess to believe in it, provided, however, that we grant no concessions to any other country on any product even remotely competitive with anything produced in the United States. They blandly assume that other countries will be willing to grant us concessions on products competing with their domestic industries, while our concessions to them are to be confined to wholly noncompetitive products.

The trouble with this theory is not only that it rests on a false assumption, but that in any event it would soon lead to an impasse, with little accomplished. Most of the wholly noncompetitive products, such as rubber, coffee, cocoa, and so forth, are already on our free list. Tariff negotiations limited to such articles could not get us very far. Despite the efforts of opponents of the program to muddy the waters, the fact is that, as a practical matter, we cannot hope to get far in reviving our exports on a stable basis without increasing our imports. Just how we are to increase imports if we confine negotiations to wholly noncompetitive articles that are already on the free list the die-hards fail to explain.

The truth is that this whole contention of the opposition is a sham and a snare. If our negotiators adhered rigidly to any such policy, we would get exactly nowhere. We would be able here and there, perhaps, to reduce a duty on something, but for all practical purposes we would be leaving the Hawley-Smoot Act intact in every essential particular. Of course, there are some who would desire that and this too, in spite of the overwhelming evidence of the sinister role played by Smoot-Hawleyism in aggravating and deepening the world depression, and in retarding economic recovery both at home and abroad. There may be a few who would not agree with me in that statement, but only a few.

The clue to this matter of effective tariff negotiation does not lie in confining action wholly to items that are not even remotely competitive with domestic production. That would condemn the program to sterility from the start. It consists rather in recognizing that there are scores of items where competition from imports is so limited and indirect, or so completely removed by prohibitive tariff rates, that tariff reductions can be made without material damage even to the domestic industries affected—indeed, to the ultimate gain of most of them—and to the great advantage of the country as a whole. Those of the opposition either fail to see or refuse to recognize this, but it is the truth just the same. They would rather shut out completely every product even remotely competitive with anything produced in the United States, even though they throw the whole economic life of the country out of gear and spoil the very markets at home which they profess to be safeguarding. Their memories refuse to go back even 5 years, and Senators know what the situation was then.

In the agreements thus far concluded, it is as plain as a pikestaff to anyone who will study the facts that our negotiators have been more than cautious in the matter of granting tariff reductions which might seriously injure any well-established American industry. The clamor set up by certain industries claiming serious injury is equaled only by the hollowness of their claims. It was surprising to me that so few criticisms might arise in relation to a law which has been in operation now for going on 3 years, and those criticisms only as to three or four products, which I shall discuss.

Not a single tariff reduction has been made without the most careful and painstaking examination of the relevant facts by qualified experts. The interdepartmental organization set up to administer the act commands the services of the best talent the Government can summon. Every private interest has been given full opportunity to be heard and present its claims, as provided in the act. If any mistakes have been made they have been made only after running the gamut of the most thoroughgoing procedure for acting in the light of complete information ever set up in our entire tariff history.

Recently the practice as to hearings has been modified. Heretofore our officials went into negotiations with the representatives of a foreign country, they held hearings, and people came here from various sections. Now, however, when the Government begins to negotiate with a foreign country, there is a public statement as to just what particular products are to be considered, and everyone who is interested in one of those products can come and be heard.

I was glad to see that step taken, because I think it is progressive, and that it broadens the opportunity for people to be heard. Some have said they did not know the administration was negotiating about this product or that product, but no one has made profert of himself before the committee, nor has anyone made an attempt to get any information from the committee relative to any hearing who failed to get it.

Mr. President, the following paragraphs are from the statement of Assistant Secretary of State Sayre before the Committee on Finance, particularly in connection with what I have just been saying. He stated:

> To open up trade channels trade barriers naturally must be reduced on both sides. This does not mean free trade. It does not mean throwing open the floodgates so as to allow the importation of great quantities of foreign goods which are highly competitive with our own. It does not mean, as some would have you believe, lessened home production in return for increased foreign production, nor lessened production in American industries for home consumption in return for increased production in American export industries. What it does mean is reducing on both sides such barriers as have no economic justification and cause injury rather than benefit to our Nation as a whole. If by the judicious and careful lowering of an unjustifiable trade barrier, we can increase our national trade without substantial injury to efficient domestic producers, both countries gain.

Who would deny that statement? Dr. Sayre continued:

> The result is increased production in both countries, since the people of each desire more of the goods of the other. This has been our constant objective in the administration of the Trade Agreements Act.
>
> Thus, in return for concessions benefiting our exports, the United States has granted moderate tariff reductions, but not a single reduction has been made except after the fullest and most careful study of what would be its effects direct and indirect upon domestic industries. In the course of these studies elaborate reports have been prepared by governmental experts of the Tariff Commission, the Departments of Commerce, Agriculture, Treasury, and State. These have been painstakingly studied; and they have been supplemented by the views of interested private individuals, presented by word of mouth at public hearings, by briefs, or by less formal correspondence. In addition, constant conferences have been held and are daily being held between interested producers or business groups and officials in the various Government departments to discuss the effects of various proposals or possible tariff reductions with relation to their particular enterprise or business.

The men who have administered this program have acted with the utmost caution and discretion, as the record clearly shows. If we examine the concessions granted by us on non-agricultural products, we find that the bulk of them are either on products required by other industries and agriculture or else on specialties of which the domestic production is small or nonexistent. If we examine the concessions granted on agricultural products, we find that the number is small compared with those on manufactured products, and also as compared with the concessions obtained by us from other countries on farm products which we export. We find, also, that many of the agricultural products affected are not directly competitive with American farm products, and that not a few are items of which our farmers are themselves the purchasers; and we find that the concessions granted on the more competitive agricultural products are generally moderate and, in most cases, accompanied by strict limitations on the quantities to be admitted at the reduced rates or on the seasons when the reduced rates apply.

All the caution in the world, however, could not prevent agitation against many of these duty cuts. One would suppose from this agitation that important branches of industry or of agriculture were being forced to the wall by ruthless and ill-considered tariff reduction. Yet not a single representative of industry or agriculture appearing before the congressional committees hearing testimony on the proposed legislation even claimed, much less demonstrated, that his particular industry was worse off today than it was before the tariff was reduced. On this point their silence was loud and emphatic. The best any of them could do was to attempt to belittle what has been accomplished on the export side, and to seek to leave the impression that their own particular industries would have been better off than they now are had it not been for the duty reductions.

The exaggeration, and the unwarranted fears sought to be aroused, are illustrated by the claque that has been set up over agricultural imports. Because agricultural imports have been larger during the past 2 or 3 years than they were during the low depression years there has been insistent propaganda to make it appear that these imports were highly injurious to American agriculture and have been due in large measure to trade-agreement concessions. One might have supposed that this misleading propaganda, which has long since been thoroughly exposed, would have reached its peak during the Presidential campaign and would by now have subsided. But the testimony before the House and Senate committees and speeches in the House show that this is not the case.

Now, getting down to cattle, which is one of the items to which attention has been called, we are still being asked to believe that a duty reduction on 156,000 head of cattle, a reduction which still leaves the rate on these animals as

high as under the Fordney-McCumber Act, had a highly detrimental effect on cattle prices, even though the number involved amounts to only three-fourths of 1 percent of our total annual slaughter. We still hear the charge that these shipments were seasonally concentrated, which was true to some extent. But nothing is said of the fact that it was 10 months before the quota was filled, or of the fact that the number coming in during the first half of the year could not in any case have had any material effect on the general level of cattle prices. We still hear that prices in particular markets were demoralized on particular days by large receipts from Canada, but not a word about the days when they were demoralized by large receipts of domestic animals, with few or none arriving from Canada—as if there were something peculiarly sinister about imported animals that makes them more disturbing to prices than any others. But not a word is said about the prices declining on some particular day because of large receipts of domestic cattle coming into some particular market.

The facts, as revealed before our committee, show that the prices declined more largely on that class of cattle which is produced in our country and not imported from Canada.

We do not hear that prices of cattle declined most in the spring of 1936 on high-grade domestic cattle of a type of which few are imported. We are not told that, at the rate of cattle importation from Canada in 1936, it would take nearly 30 years for as many to come in as the Federal Government bought up from the producers and took off their hands in a single year, during the 1934 drought.

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. HARRISON. I much prefer to finish my statement, and then I shall be glad to answer any questions Senators desire to ask.

Mr. FRAZIER. The Senator was making some rash statements about no farm organizations coming before the committee and protesting against the measure under discussion.

Mr. HARRISON. I did not say that, Mr. President.

Mr. FRAZIER. I know that representatives of farm organizations protested in the hearings before the committee.

Mr. HARRISON. The representatives of the National Grange were before our committee, and called our attention to the proposal concerning cattle.

Mr. FRAZIER. They also called attention to the decrease in the price of cattle after the Canadian treaty was entered into.

Mr. HARRISON. Yes; I made that statement, but I am stating that the facts do not show that they are justified in that contention. I do not know whether or not the Senator from North Dakota was here when the Fordney-McCumber Act was up for consideration.

Mr. FRAZIER. No; I was not.

Mr. HARRISON. I know that if ever there was a protectionist who adorned the House of Representatives, it was Brother Joe Fordney. He stated, in speech after speech, that there was no greater protectionist in the country than himself. He asserted that the tariff wall could not be built high enough. He would put a complete embargo on everything. It was under his leadership in the House and under the leadership of Senator McCumber in this body that a tariff was placed on cattle at just the rate that we placed in the Canadian agreement on certain kinds of cattle, and in addition we have now fixed a quota providing that not more than 156,000 cattle may come into this country in a year. So we are not trying to destroy anything.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Idaho?

Mr. HARRISON. I yield.

Mr. BORAH. Do I understand that the Senator has accepted the rates laid down by Representative Fordney as a basis for the present program?

Mr. HARRISON. No; Mr. President. I was merely answering the Senator from North Dakota and trying to refresh the memory of the Senator from Idaho.

Mr. BORAH. I do not need to have my memory refreshed. I know what his view was. I am only surprised that the Senator has accepted Fordney's rule.

Mr. HARRISON. In connection with the Canadian agreement we accepted Fordney's rate on cattle; but, Mr. President, I would never accept Fordney's rule on tariffs.

Mr. FRAZIER. Mr. President, will the Senator yield again?

Mr. HARRISON. I yield.

Mr. FRAZIER. I was not here when the Fordney-McCumber tariff bill was discussed, but I was here when the Smoot-Hawley tariff bill was under discussion. I remember very vividly that the Senator from Mississippi voted for a number of the high tariff rates contained in the Smoot-Hawley bill.

Mr. HARRISON. Yes, Mr. President; on some of the agricultural products I voted for some high rates—much higher than could be justified. But the Senator appreciates that the bill was a Republican protective measure, and in the circumstances of the high rates being imposed on industrial products I thought agriculture should be fairly treated. The proposal concerning cattle was advanced by the Senator from Texas [Mr. CONNALLY], I think, and by certain cattle people, and I do not recall whether a record vote was taken; but in all probability, if there was, I probably voted for it.

Mr. President, we hear nothing about cattle prices today being well up toward twice what they were in 1932–33. We hear nothing of the fact that recovery of domestic purchasing power is a matter of particular significance to cattlemen, owing to the sharpness with which the demand for beef rises with increases in consumer incomes.

I know of no class of people more interested in the economic recovery of the country, in people being put to work, in industries running full time, than the cattle people, because the higher the wages that the laboring man gets, and the stronger the economic health of this country is, the more beef can be sold and the higher the prices that can be obtained therefor; and if we are helping in the general economic revival of the country by making some little concession to Canada permitting the importation of 156,000 head of a certain kind of cattle, far more is the cattleman helped and benefited by the general economic recovery that might in part be influenced by that concession.

We are simply expected to be foolish enough to believe that such slight additions to our cattle supplies as can be attributed to the highly safeguarded duty reduction in the Canadian agreement can have had any materially adverse effect on prices, and we are expected to ignore the increase in general purchasing power throughout the country to which the trade-agreements program is contributing. Small wonder that the Secretary of Agriculture, when asked, in testifying before the Finance Committee, whether, in his opinion, the cattle industry had been substantially injured, replied with an unqualified "No"; and no one will deny that the Secretary of Agriculture is about as good a friend to agriculture as could be found in the United States.

Most of the agitation with respect to other farm products is no better grounded. Take the case of the duty reduction on Cheddar cheese in the Canadian agreement. I call attention to that particular case because most of the harangue concerning the Canadian treaty has been in connection with dairy products.

Someone induced our friend, the late candidate for President on the Republican ticket, to discuss this question up in Michigan somewhere. I was delighted that wiser heads and closer advisers got him away from it just as quickly as they could.

The duty reduction on Cheddar cheese in the Canadian agreement did not prevent the domestic industry from selling more Cheddar, at higher prices, in 1936 than in 1935; it did not prevent producers from getting prices more than half again as high as they were getting in 1932; and it did not prevent the gross income of the industry from rising to about double what it was in 1932. Yet in 1932 practically no Cheddar was imported. Are we to conclude that the cheese producers would prefer to have 100 percent of a poor domestic market, as they had in 1932? Or would they prefer to have nearly 98 percent of a good market, as in fact they did have in 1936?

We might get excited over the reduction in the duty on cream, were it not for the fact that the amount coming in

at the reduced rate of 35 cents a gallon is limited to 1,500,000 gallons, or about one-tenth of 1 percent of the cream equivalent of our total milk production. And lest that seem too alarming, let it further be noted that Canada filled less than 3 percent of this limited quota during 1936.

Mr. DUFFY. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. DUFFY. My State happens to produce more cheese than all the other 47 States put together. There has been considerable dissatisfaction with the Canadian treaty because it reduced the rate on cheese, and I think it did result in increased importation of cheese from Canada to this country. I personally should have much preferred that the rate had not been reduced; but this is a comparison that I think could be made:

In 1929, when dairy prices were high, Wisconsin products sold to foreign countries amounted to $125,000,000; but in 1932, when our foreign trade was largely destroyed, the amount had decreased to only $14,000,000; and in that year there was practically no imports of cheese. It was while there was that decrease, when so many Wisconsin workmen were out of employment, that the price of cheese went down to its all-time low. So while there is perhaps seemingly some justification for complaint because more cheese did come in after the Canadian agreement, yet, taking the situation of the country as a whole, by increasing the purchasing power of people who purchase cheese and other dairy products, I think the net result was beneficial.

Mr. HARRISON. I thank the Senator from Wisconsin for his contribution. The thing that impressed me about the question was that in spite of the quota we gave to Canada, and the reduced rates, Canadian imports amounted to only 6 percent of that quota. Those were the facts presented to the committee.

Let us now get down to a proposition that I never heard of until recently, and I do not think many other Senators have. That has to do with the babassu nut. Of course the distinguished leader on the other side may have heard of that nut, becauses he raises and produces certain kinds of nuts; but in all this discussion concerning oil, when a few years ago we were trying to keep it from coming into our country, to keep it from coming into competition with our vegetable oil, and imposed a processing tax on this and that, and when everyone suggested the exclusion of every kind of oil they ever heard of, babassu-nut oil was not mentioned. It has always come into this country duty free. It is produced in Brazil. It is a very cheap product. We hear much of it now because there is some importation of babassu-nut oil.

Who would have supposed, until last autumn, that the fate of a national election——

Mr. DAVIS. Mr. President, will the Senator yield?

Mr. HARRISON. I shall be glad to yield to the Senator after I shall have finished this sentence, because it is most interesting to the Senator from Pennsylvania. I repeat: Who would have supposed, until last autumn, that the fate of a national election—nay, of the Nation itself—would hinge upon this poor little unassuming nut?

I will now answer the Senator if I am able to do so.

Mr. DAVIS. Babassu oil is a substitute for coconut oil, is it not?

Mr. HARRISON. That I do not know. That may be very questionable. Due to the fact that oils in the United States have risen so high in price, due in large part to the embargo or the tax that has been placed on all kinds of oils, including copra, coconut oil, and other oils, the babassu nut, which is so cheap, the oil of which is so cheap, is now being imported into this country to some extent.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. HARRISON. I yield.

Mr. CLARK. Is it not true that the testimony before the Finance Committee shows that the total importation of babassu-nut oil, compared to the total consumption of vegetable oils and fats is so small as to be infinitesimal and that the effect of its importation is inconsiderable when its price is compared with the price range of animal fats in this country?

Mr. HARRISON. Yes; I was going to come to that.

It seems that our tariff negotiators, hard pressed to find enough items on which to grant concessions to Brazil in return for the concessions obtained for American products, found babassu nuts on the free list and also without any excise tax which would be tantamount to a duty. During the past year, however, due to a relative domestic shortage and high prices of fats and oils—the result partly of reduced imports and reduced domestic supplies and partly of increased demand—babassu nuts have been imported. During 1936 the oil equivalent of the imports was 35,600,000 pounds, of which 16,000,000 pounds went into margarine, the rest probably into soap.

Babassu oil comprised about 5 percent of the oil used in making margarine during 1936. If not a pound had been so used, the production of margarine would probably have been about the same. And if not a pound of margarine had been produced, the price of butter probably would not have been increased by more than from 1 to 1½ cents a pound. Figure this out for yourselves, Senators. No wonder the Secretary of Agriculture was unable to suppress the smile which played over his stoic countenance when one of my distinguished fellow members of the Finance Committee asked him about babassu.

So far as concerns the balancing of concessions granted with concessions obtained, I do not see how anyone can doubt for one moment, after examining the actual contents of the 16 agreements thus far negotiated, that our negotiators have done a good job. This is true of the concessions as a whole. It is no less striking when we come to balance agricultural concessions obtained against those granted. To be sure, any such balancing is an inadequate test of the significance of the trade agreements for agriculture, because it takes no account of gains from better markets at home in consequence of increased employment and enhanced purchasing power resulting from industrial concessions obtained from other countries. But, even on that basis, the balance is heavily on the side of concessions obtained for farm exports.

All this relates to the concessions as such. Now, what about the results? Here, Senators, is where the "phoney" business starts on the part of those who are out to belittle and discredit what has been done. These objectors have learned to play on three strings—one tune for each string. But the tunes they play are always based on the same theme; namely, that our negotiators have been outbargained by the wily foreigners and have merely sold our industries and our agriculture "down the river" for a mess of pottage. The first tune is a funeral march to the effect that the trade-agreements program is largely responsible for the decline in our export balance—excess of exports over imports—in 1936 to a relatively small net figure, a development assumed to be ominously sinister for the national welfare. The second tune is a medley, a sort of statistical hodgepodge, in which, by resort to all manner of hocus-pocus, it is sought to create the impression that nothing substantial has been accomplished through trade agreements toward expanding export outlets for American products. The third tune is that well-known bucolic strain to the effect that agriculture has not been benefited in the aggregate by these agreements and stands to gain little or nothing in the future—that the interests of the farmer are being sacrificed.

Fortunately the first of these bogeys has been so thoroughly exploded in the report of the Ways and Means Committee on the pending joint resolution—see pages 4 to 7—that I need not dwell on it at great length. It so happens that our exports in 1936, which totaled some $2,453,000,000, were $171,000,000 larger than in 1935, but that our imports, amounting to some $2,419,000,000, were $372,000,000 larger than in 1935. The result was that our net export balance declined to some $34,000,000. Seizing upon the widespread but false notion that it is in the interest of the United States always to have the largest possible export balance—or so-called favorable balance—opponents of the trade-agreements program have sought to spread alarm concerning this development and to fix a large measure of responsibility for it upon trade agreements.

The report of the Ways and Means Committee, together with the testimony of Assistant Secretary of State Sayre, effectively disposes of this trade-balance myth. It shows that, while the trade agreements tended to stimulate both imports and exports, there is no evidence that they fostered imports to any greater extent than exports. It shows beyond peradventure of a doubt that the chief cause of the increased imports was economic recovery in the United States, an occasion not for alarm but for rejoicing on the part of all of us. It shows that the bulk of the increase in imports is accounted for by raw materials or other products for which a rapidly rising purchasing power in this country is increasing the demand, and it points out, further, that most of the increase is accounted for by products competitive only indirectly, if at all, with articles of domestic production. Finally, but not least, it disposes of the notion that the reduced export balance—whatever its cause may have been—is a proper occasion for alarm. On this phase I can do no better than quote the report itself. On page 7 I find the following:

> As already stated, the committee is definitely of the opinion that the decline in our export "balance" in 1936 gives no cause for alarm. Our export balance may fluctuate widely from year to year (e. g., $225,000,000 in 1933; $478,000,000 in 1934; $235,000,000 in 1935) in response to shifting economic conditions at home and abroad.
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> There is no reason to assume that a so-called favorable balance of trade is a good thing for every country and under all conditions. It may or it may not be. Commodity trade is only a part of the total of economic transactions with other countries; other items which enter into the balance sheet (i. e., the balance of international payments or accounts), such as tourist trade, immigrant remittances, shipping earnings, insurance, etc., must also be considered.
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> The creditor position of the United States today definitely calls for a larger importation of goods and services (excluding interest and dividends) than of exports of goods and services, except as earnings on investments may be reinvested abroad (which only postpones payment of interest and dividends), or as adjustment may be made through continued piling up of stocks of gold in the United States. This does not mean that we should have an "unfavorable" balance of commodity trade alone; but, under present conditions, it does definitely imply a smaller commodity export balance than in the past unless we want to resume foreign lending on a vast scale.
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> What the committee desires to stress as of paramount importance is the fact that trade in both directions has expanded greatly in 1936; in fact, by more than a half billion dollars. Our net creditor position and our desire to maintain and expand our export trade render desirable and necessary a growing volume of imports, provided only that they do not disrupt and dislocate domestic industries, but, rather, contribute to a rising prosperity in which all branches of our economic life may share. The caution with which the trade-agreements program has been administered in this latter regard, the higher levels of prices and prosperity in the very industries in which duties have been reduced, as well as in others, and the nature of the increased imports as indicated by the foregoing analysis all attest to the fact that the adjustments that have been taking place are fundamentally in the economic interest of the country as a whole.

The second tune—the statistical medley designed to leave the listener in a sort of musical funk concerning the constructive accomplishments of the program—has no more foundation than the first. From the very outset of the program, powerful organizations hostile to its purposes have been at work, with the best statisticians they could hire, combing every trade figure and seizing at every straw in an effort to play down its effectiveness as an aid to exports but to play up its influence on imports.

The devices resorted to by these improvisers of statistical medley are various and wonderful. They discover that our exports increased to certain of the non-trade-agreement countries more than they did to certain of the trade-agreement countries. They discover that exports of certain products on which we obtained concessions in certain countries increased less to those countries than to certain other countries with which no agreements have been made. Or they unearth the fact that our exports to certain trade-agreement countries have increased little, or perhaps not at all. These and similar bits of statistical fancy work are supposed to leave the unsuspecting layman supine and in grave doubt as to whether anything significant is being accomplished for our export industries.

The chief trouble with these statistical performances is that they are unsupported by practical application. They appear to be arguing, by inference, that when we reduce trade barriers we do not encourage—nay, perhaps even discourage—trade. That is strange doctrine to emanate from representatives of protected industries which are ever seeking to increase, not reduce, trade bariers. Did anyone ever hear of a protectionist asking for reduced duties in order to restrict imports of competitive products? Surely it must be clear to anyone with an ounce of common sense that if the imposition of tariffs and other trade barriers tends to restrict imports and thus reduce trade, the relaxation of such barriers must have the opposite result.

That is the basic error of these ex-parte statisticians who seek to obfuscate the public about this program. What makes it possible for them to operate on this line with an appearance of plausibility is the fact that trade agreements are but one of many factors influencing the course of our foreign trade. Other, and powerful, factors have been at work, such as general economic recovery both at home and abroad; droughts, floods, and so forth. There is no way in which the influence of trade agreements on imports and exports can be isolated from other influences and subjected to precise measurement, the one as against the other. And even if it were posible, it would still be necessary to bear in mind that most of the trade agreements have been in effect but a short time; that it takes time for trade to adjust itself completely to such influences; and that the longer-run effects of most of the agreements are still to be realized.

Such considerations, however, do not prevent the statistical obfuscators from playing with the figures; in fact, just the contrary. One favorite device is to compare percentage increases in exports to with imports from a particular trade agreement country. If it happens that the percentage increase in imports is greater than the percentage increase in exports, the victim who reads this is supposed to jump to the conclusion that this is an alarming state of affairs, brought about by the trade agreement Yet, for any given period, other factors may largely dominate the trade. Our imports may increase sharply, due to domestic recovery, to domestic crop shortages, or to special factors relating to our trade with that particular country. Our exports may be retarded by crop shortage, by adverse economic and political factors in the particular country, or by other factors. They may increase relatively more to some countries with which trade agreements have not been made, but in which economic recovery has been marked, than to some with which agreements have been made. The total imports into a particular trade-agreement country may be increasing but little, or even declining; yet the trade agreement may be enabling the United States to do more business, and obtain a larger share of the trade, than would otherwise have been possible.

As a matter of fact, there are inherent reasons why we should expect the trade agreements with some countries to tend to stimulate imports more than exports, and with others the reverse. If the agreement is with a country in which the barriers to imports from the United States were moderate before the agreement was made, it could hardly be expected that the concessions granted to us would affect its imports in the same manner as would be the case if it were reducing barriers formerly highly restrictive of trade. That is precisely the situation with regard to some of the countries with which we have made agreements. A very substantial part of the value of our agreements with such countries is, and must be, the safeguards which are set up in the way of continuation of the relatively favorable treatment which we have received in the past. With some other countries on whose products we have regularly imposed few or no duties the situation is just the reverse.

The idea that the value of a particular trade agreement is to be measured by a comparison of imports from with exports to that country following the agreement is a superficial and a mercantilistic notion. The purpose of the agreements is to stimulate trade in both directions. Temporarily, external factors may tend either to obscure, or to exaggerate, the apparent effects of the concessions obtained or granted. Yet the clear fact remains that the reduction or removal of barriers to trade, on both sides, must inevitably tend to make it easier for trade to flow both ways than it was before. This is a truism and not a theory. If it were otherwise, then one would have to deny that tariffs and

other barriers tend to restrict imports. That, as I have already suggested, is hardly a tenable position for those who seek such barriers as a protection for domestic industries.

I referred a moment ago to the fact that there is no evidence that the trade agreements entered into have tended to increase imports more than exports. It was contended before the Finance Committee that a much larger proportion of the increase in imports may be attributed to the trade-agreements program than of the increase in exports. Those so contending neglected to point out, however, that our exports in 1936 to countries with which our trade agreements were in force during all or part of 1936 were 15 percent greater than in 1935, whereas our exports to all other countries increased by only 4.2 percent. If these figures do not absolutely prove that the concessions we obtained were helpful to our exports, they certainly place a heavy burden of proof on anyone who would deny it. The same objectors neglected to note that, whereas the increase of exports to these trade-agreement countries was nearly four times greater than the increase to other countries, in the case of imports the increase from these same trade-agreement countries was only about one-third greater than the increase from the other countries. If these ratios prove anything, they suggest a greater relative influence of trade agreements on exports than on imports.

As a matter of fact, the specific evidence of export gains to trade-agreement countries offered for the record in the testimony of Assistant Secretary of State Sayre establishes the strongest possible presumption that reduction of uneconomic barriers has been a substantial and important contributing factor. I especially call the Senate's attention to the section of his statement before the Ways and Means Committee which offers a wide range of specific illustrations of sharp increases in exports of both industrial and agricultural products to trade-agreement countries. I also call the Senate's attention to the fact that, generally speaking, exports to trade-agreement countries of products on which we obtained concessions have increased by distinctly greater percentages than have other exports to such countries.

There remains the third string of my musical metaphor—the string which peals forth that familiar strain to the effect that agriculture has gained nothing by this program and stands to gain nothing by it.

In connection with this matter I desire to quote from Mr. Sayre's statement before the committee:

> At this point I should like to make an observation or two, if I may, with regard to agriculture's interest in the trade-agreements program. I have already commented on the concessions obtained for our agricultural products in the agreements thus far negotiated. I cannot, however, ignore the efforts that have been made in certain quarters to misrepresent the objectives and achievements of the program as they affect agriculture and the fundamental interests of agriculture in relation to the program.
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> It is one of the ironies of our public life that such misrepresentation and misunderstanding should prevail, in view of the fact that those who have been charged with the responsibility for executing the program have been so painstaking and tireless in their efforts to help agriculture and have accomplished so much in the face of the great obstacles which they have confronted. The fact is that no stone has been left unturned to get valuable concessions for our farm products abroad, and much has already been accomplished. Moreover, there are excellent prospects that much more can be accomplished toward reopening foreign outlets during the next few years.
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> There are those who make much of the fact that imports of agricultural products have increased markedly during the past 2 or 3 years and seek to portray this as a highly sinister development for which trade-agreement concessions on farm products are primarily responsible. Nevertheless the essential facts are: (1) That much of the increase in imports of farm products is in raw materials and foodstuffs which are wholly noncompetitive with domestic agriculture and is simply an accompaniment of economic recovery; (2) that most of the remaining increase is in products of which severe domestic shortages developed as the result chiefly of two of the worst droughts in our history; and (3) that trade-agreement concessions on farm products, while facilitating somewhat the entry of certain products, have on the whole been a very minor factor in the import situation.
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> In all of the controversial discussion of this matter of farm imports there is one cardinal fact that those who criticize the trade agreements persistently ignore. That fact is that a tariff policy which spoils agriculture's domestic, as well as its foreign market, cannot in the long run be helpful to any branch of agriculture. The prohibitive Hawley-Smoot rates did not rescue agriculture from the depression; just the contrary—they helped to intensify the depression and made the situation infinitely worse for farmers. What comfort is there for farmers in the thought that they are in possession of 100 percent of a domestic market if meanwhile gross farm income falls from $11,900,000,000 to $5,300,000,000, as it did between 1929 and 1932? Which is better for the agricultural producers of this country, complete possession of a domestic market in which they can sell only 100,000,000 pounds of a given commodity at poor prices or 97 percent of a domestic market in which they can sell 200,000,000 pounds at good prices? That is the nub of the whole matter. The trade-agreement program is helping to restore prosperity for the country as a whole, and in doing that it cannot fail to benefit all branches of agriculture.

Doubtless there are some who sincerely feel that agriculture has gained little from the program and stands to gain little. We have had this issue debated backward and forward for nearly 2 years. The voters in the farm States were exposed last autumn to almost every imaginable type of misrepresentation on the subject. The election results speak for themselves. They indicate, to say the very least, that the great majority of voters in the farm States were not sufficiently impressed by the political ballyhoo and babassu against trade agreements to vote against the administration which was responsible for them, and rightly so.

No administration in the history of this country has done so much for the farmers of this country as this one. None has had their interests so much at heart. Trade agreements have been one phase of the general attack on the agricultural problem. From the very beginning of the program Secretary Wallace has stood squarely behind it. In his speeches and writings he has had the courage to tell the truth about it to the farmers despite the frantic efforts of some of the farm lobbyists to discredit it. He has not pretended that trade agreements are the sole solution of the farm problem. But he has insisted that agriculture's dependence on foreign markets make the efforts of the administration to reopen those markets a logical and integral part of any well-ordered program to promote the true interests of agriculture. In a letter to the chairman of the Ways and Means Committee, and through personal appearance before the Senate Finance Committee, he has given his unqualified endorsement to the pending resolution to renew the act.

I come back, therefore, to my original proposition, namely, that, all things considered, those who have had the responsibility of administering the Trade Agreements Act have done a first-class job. They have not been able to achieve the impossible, but they have battled patiently and tirelessly against an adverse tide and have made remarkable headway. Their record is one of which this administration can justly be proud. They have carried out the mandate of Congress with admirable restraint and caution and with complete fidelity to the letter, as well as to the spirit, of the law.

But the job has not been finished. Our foreign trade still lags behind the other indices of economic recovery, in spite of the marked gains that have been made. Whereas factory employment in October 1936 was 15 percent below the average level of 1929 and industrial production 8 percent below, our exports in October were 50 percent below; and for the year 1936, 53 percent below. That is far better than 1932, when they were 69 percent below; but it is far from satisfactory. This lag in foreign trade is one of the chief obstacles to complete and stable economic recovery. Unless we continue our efforts to remove the excessive barriers that stand in the way of continued expansion of our foreign trade, we will be in danger, not only of retarding full and sustained general recovery but of losing a part of the substantial gains already made.

Let no one suppose for a single moment that either agriculture or industry has not a big stake in the continuance of this program. There need be no illusions about that. Agriculture is still heavily dependent on export outlets. The readjustments that have taken place since 1929 have not altered that basic fact. Even in 1935–36 our agricultural exports were equivalent to the production of some 28,000,000 acres of good farm land. Shut out every dollar's worth of agricultural imports even indirectly competitive with domestic farm products, and we would still have a vast acreage dependent upon exports. During the past 3 years our surpluses of some of the major crops were drastically reduced

or eliminated by two of the severest droughts in our entire history. What will happen if we have 1 or 2 years of good or better-than-average yields? The difference between good and poor foreign markets will mean the difference between good and ruinous prices for such crops. When prices of export crops are low, that means increasing diversion of the land to other crops and increasing competition with them.

Industry's stake in the program is likewise a big one. Those powerful branches of our manufacturing industry that are geared to produce for export as well as for the home market—and they are a mighty important part of the entire manufacturing industry of this country—cannot be prosperous if they cannot find profitable foreign outlets for their surpluses.

In spite of the encouraging progress that has been made, trade barriers remain excessively high. It is vital that the efforts of our Government to reduce them should continue. There are now indications of a turn in the tide, at long last, in the direction of more liberal commercial policies throughout the world. The outlook is more promising than at any time during the past few years. There are excellent prospects of negotiations with countries some of which are highly important markets for farm products. Moreover, the continuance of the program has a definite bearing on the issue of peace and war which today hangs so delicately in the balance. None has seen this more clearly, or been more tireless in his efforts to bring the entire country to a realization of it than our great Secretary of State. Every Senator and every citizen would do well to read and ponder the complete text of his letter to me as chairman of the Finance Committee. I shall quote here only the last three paragraphs:

> There is not the slightest doubt that our abandonment of the trade agreements program at this juncture would mean a resumption of international economic warfare which is now showing such marked signs of abatement. Renewed economic warfare would inevitably mean an intensification of the present-day political tension which is already pushing many nations in the direction of military conflict.
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> If such a conflict should break out, we shall, of course, do everything humanly possible to make certain that we shall not be involved in war. But even if we escape the doom of actual hostilities, we cannot avoid being hurt by the profound economic upheaval which must inevitably accompany a widespread military conflict anywhere in the world. There is, of course, only one sure way for us to be spared the damage wrought by war and that is for war not to occur.
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> There is no more dangerous cause of war than economic distress, and no more potent factor in creating such distress than stagnation and paralysis in the field of international commerce. In the years which lie immediately ahead, an adequate revival of international trade will be the most powerful single force for easing political tensions and averting the danger of war. The most basic interests of our Nation will be betrayed unless we are able to continue for some time ahead to pursue the same policy for bringing about such a trade revival as we have so far pursued under the Trade Agreements Act. Neither constructive thought nor actual experience has suggested any alternative method of attaining this vital objective.

In view of all the circumstances, it is my sincere judgment that a failure on the part of the Senate to approve the pending resolution, without amendment, would be most regrettable. I earnestly believe that its passage is, from every standpoint, in the interest of the Nation as a whole, and I, therefore, urge my colleagues on both sides of this Chamber to give it their wholehearted support.

Mr. President, before I conclude I wish to pay my tribute to the fine service rendered by the distinguished Secretary of State who has carried forward this program. I do not know any gentleman in the present Cabinet or in any President's Cabinet in recent times who has performed a greater service to the country than has the present Secretary of State. He has made a great name for himself. The manner in which this program has been handled under his great leadership is in keeping with the fine services he has otherwise rendered.

Let me venture the suggestion that it will be a long time until there is a general revision of the tariff in the Congress of the United States. Those of us who have been here and observed the consideration of tariff bills in the Congress know how difficult it is to get a fair, a just, an equitable tariff bill passed. As the Senator from Utah [Mr. KING] suggests sotto voce—and he has been here a long time—"it is impossible." We know how groups are formed and combinations are created to thwart the purposes and intentions of those who have such bills in charge. It is almost impossible to get a satisfactory measure passed. The negotiating of trade agreements as now conducted by our present Secretary of State is the best way to build up our international trade. While we are doing it in this way we are reducing tariff barriers and other restrictions, thereby promoting trade from and to our country, as well as influencing a better and more common understanding among the peoples of the world.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. HARRISON. Certainly.

Mr. McNARY. I assume rightfully that the Senator is speaking for the administration when he says that in the next 4 years there will be no revision of the tariff?

Mr. HARRISON. No; the Senator surely heard me say I was only expressing my own personal belief that it will be some time before there is a general revision of the tariff.

Mr. McNARY. I am curious about the situation, and I think that curiosity is shared by most of us. There are certain imperfections and inequities in the present existing situation. Are we to suffer those to continue rather than submit them to the deliberation and consideration of the Congress?

Mr. HARRISON. Nothing would delight me more than to engage in a general revision of the tariff. I know that my views in the matter would be disregarded and my hopes shattered before I got fairly started, and that in the end I would not get anywhere. The Senator from Oregon is a distinguished Member of this body who has been here a long time. He has voted right a great many times. However, in his long experience here, even while he was trying to prevent it, he has seen combinations formed to put into effect certain high tariffs. I think one of the worst things ever enacted in the law or that was ever considered by the Senate was a combination which was formed here on certain articles—and this within our memory. I need not mention the incident with more particularity. Everyone remembers it.

I assert again that the better plan is the one now being pursued in the matter of negotiating trade agreements. This is better, in my opinion, for the time. Until the country gets completely back on its feet and until world economic conditions are stabilized it is much better for us to try to negotiate these international agreements, giving and taking, not to the injury of the American producer, because it has not been shown in a single instance that we have conceded to the point where it has hurt an industry as much as it has benefited it under these agreements. The men who are conducting these negotiations are well grounded in the work. They have their feet on the ground. They may not please everyone, but they are doing a good piece of work. The work is not yet finished, and we ought to extend the authority which was given 3 years ago so the work may be continued. That is just what the joint resolution provides.

I hope, after the Senate has considered it, we may do what the House has done, but by a proportionately larger vote—pass it without amendment, sending it to the President for his signature—so that negotiations may be continued for the enlargement of our international trade and the general welfare of our great country.

Mr. BONE. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. PEPPER in the chair). Does the Senator from Mississippi yield to the Senator from Washington?

Mr. HARRISON. Certainly.

Mr. BONE. I am sure that we are quite likely to enact neutrality legislation very shortly. However, I wonder if the committee would be willing to have an amendment to the joint resolution now before us extending the life of these trade agreements or the authority of the President to enter into them, an amendment which would direct the Secretary of State to incorporate in all such reciprocal trade agreements which might be entered into hereafter a reservation of the right of the United States to exercise fully and completely all the powers given the Government in the neutral-

ity legislation which we all hope will soon be enacted? I am rather inclined to think it would be a good suggestion to follow. It would not interfere with the trade-agreement legislation.

Mr. HARRISON. As a member of the Committee on Foreign Relations, I voted for the recommendation of the committee on the neutrality measure. I read somewhere in the papers, though I know not how authentic it may be, that such a provision is being placed in the trade agreements. As I said, I do not know whether the statement was authentic. I should dislike very much to have an amendment of that character placed on this measure. I would rather have it presented otherwise.

Mr. BONE. I had thought of it, not perhaps as rising to the dignity of a Senate resolution but merely as a direction, because the question of trade relations under neutrality legislation is something of a question that is relevant.

Mr. HARRISON. They both tend toward peace, in my opinion, but I would not want this joint resolution complicated with such a proposal. I very much hope the Senator will not offer such an amendment. If it should be offered I should feel disposed to vote against it.

Mr. BONE. I had hoped the committee would tack it on the joint resolution merely as a direction to the Secretary of State. I think it is a very desirable thing to do.

Mr. HARRISON. As chairman of the committee, I would be very glad, with the approval of my colleagues on the committee, to bring it to their attention and transmit the request to the Secretary of State.

Mr. KING. Mr. President, will the Senator yield?

Mr. HARRISON. Certainly.

Mr. KING. That does not mean the chairman would recommend or bring to the attention of the committee the suggestion made by the Senator from Washington with a view to incorporating it in the pending joint resolution?

Mr. HARRISON. Oh, no.

Mr. KING. His suggestion is to consider it as an independent proposal. I should object to it being attached to the joint resolution now before the Senate.

Mr. McNARY. Mr. President, I did not wish to interrupt the able Senator from Mississippi in his presentation today. I recall that 3 years ago, when the original bill dealing with this subject was before the Senate, I opposed it, and followed in debate the Senator who is now offering this joint resolution. At that time I stated on the floor of the Senate that I was very much afraid no sufficient opportunity would be given to the producers of this country to present their views when there came before the State Department the question of a hearing touching an agreement with some foreign nation.

I have had some experience along that line. I recall 2 years ago appearing before the State Department and the Tariff Commission, attempting to locate the particular products that I thought might be affected by a trade agreement. I was told that the plan was general in its nature. I was not apprised that any particular product of agriculture or manufactures was to be considered. I was obliged to guess at the scope of the proposed agreement. It was very unfair.

The same experience, I think, came to all who appeared before the State Department and the Tariff Commission. The indictment was a blanket one. There was no specific statement as to the product or commodities about to be considered in the negotiations for a reciprocal-trade agreement.

I thought I heard the able Senator from Mississippi say a few moments ago that there was a modification of the former plan, so that now we might have a better understanding than we have had heretofore of the product that was about to be traded off or the duty to be modified.

Mr. HARRISON. Dr. Sayre stated before the committee, and I have heard him say privately, that those in charge of making these trade agreements had progressed with reference to their public hearings; that they thought they had previously given an opportunity to everybody to be heard, but they had issued an order that in future negotiations they would give public notice of the certain particular things and products about which they were to negotiate, and that anyone who desired to come before them with reference to those products could do so, and that nothing would be incorporated in the agreements outside of the particular articles or products enumerated.

Mr. McNARY. Mr. President, that is comforting, but not wholly complete or satisfactory. Does the record contain this promulgation which has been made by the Secretary of State, and which has just been referred to?

Mr. HARRISON. It was made by Dr. Sayre, the Assistant Secretary of State.

Mr. McNARY. But is it simply a verbal statement which was made before the committee, or is it a policy which has been announced by the Department of State?

Mr. HARRISON. It is a policy which has been announced by the negotiators appointed by the Secretary of State to negotiate these trade agreements.

Mr. McNARY. Can I find it in the record of the Senate hearings?

Mr. HARRISON. If it is in the hearings at all, it is under the heading of Dr. Sayre's statement. I have not refreshed my memory about it.

Mr. McNARY. In view of the Senator's very complete statement, and the splendid assurance he has given, would he be willing to obtain from Dr. Sayre a letter embodying the particular things he is going to do in the future, and have it placed in the RECORD?

Mr. HARRISON. I will either find the statement which was made or I will obtain a letter to that effect, if it is possible, or I will make an explanation regarding it.

Mr. McNARY. I thank the Senator.

Mr. VANDENBERG obtained the floor.

Mr. McNARY. Mr. President, if I may further intrude, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	La Follette	Radcliffe
Andrews	Davis	Lewis	Reynolds
Ashurst	Dieterich	Lodge	Robinson
Austin	Duffy	Logan	Russell
Bachman	Ellender	Lonergan	Schwartz
Bailey	Frazier	Lundeen	Schwellenbach
Barkley	George	McCarran	Sheppard
Black	Gerry	McGill	Steiwer
Bone	Gibson	McKellar	Thomas, Okla.
Borah	Gillette	McNary	Thomas, Utah
Bridges	Green	Maloney	Townsend
Brown, Mich.	Harrison	Moore	Truman
Bulow	Hatch	Murray	Tydings
Burke	Hayden	Neely	Vandenberg
Byrd	Herring	Norris	Van Nuys
Byrnes	Hitchcock	Nye	Wagner
Capper	Holt	O'Mahoney	Walsh
Caraway	Hughes	Overton	Wheeler
Chavez	Johnson, Calif.	Pepper	White
Clark	Johnson, Colo.	Pittman	
Connally	King	Pope	

The PRESIDING OFFICER. Eighty-two Senators having answered to their names, a quorum is present.

Mr. VANDENBERG. Mr. President, the able Senator from Mississippi [Mr. HARRISON], chairman of the Finance Committee, has just completed probably the ablest possible defense that could be made of the trade-agreement program. In fact, in some instances it is far abler than the case he has presented warrants.

I rise in opposition and to present certain phases of the matter upon which the Senator from Mississippi has very adroitly remained silent. There is a challenging case to be made in sound faith, sound economics, and sound constitutionalism against this program.

My reasons against the existing reciprocal trade formula have been stated so often that I do not intend to labor the RECORD with them at great length or in detail. I prefer to emphasize and dramatize some of my objections through the more constructive method of submitting amendments a little later in the debate; but on the general subject I do desire to present a brief summary of the reasons why I continue to rise against the extension of the Reciprocal Trade Treaty Act.

I owe it to candor at the outset, and to an appropriate recognition of my function as a Michigan representative, to state that many of my constituents, regardless of party, are in disagreement with me in this matter. Particularly does

the automotive industry, in much of its spokesmanship, endorse these trade agreements. The automotive industry has been most generously and sympathetically treated by the State Department in all the agreements thus far negotiated. I am glad to join in its appreciative acknowledgment of this sympathetic consideration. The press of my State, in its metropolitan sectors, very generally favors the Hull policy.

I have no disposition to disguise these facts; but I believe Michigan agriculture very generally disapproves of the Hull policies, either in whole or in part; and for myself, viewing the national problem that is involved, I cannot surrender the deep conviction that, regardless of incidental and spotted commercial benefits here and there, this particular kind of reciprocity is unfortunate, ill-advised, unwarranted, and in direct violation of the Constitution of the United States. I stand for reciprocity in noncompetitive goods or with the American cost of production protected in respect of competitive goods. I stand for reciprocity which produces an equivalent net American advantage. I stand for reciprocity which does not leave American producers wholly at the final mercy of secret bureaucratic negotiations, and which falls within what I believe to be the American constitutional system. But I do not believe the present and pending formula remotely meets these specifications. Therefore, I am opposed to it, for the following specific reasons, briefly summarized:

First, the law itself, and therefore this proposed extension of it, is an unconstitutional delegation of legislative power to the Executive. I shall not enlarge upon this point; I shall leave it to the far abler argument of those who subsequently will follow me, and who have a right to speak from a technical point of view; but I do give my layman's conception of it that it is an unconstitutional delegation of power beyond any peradventure whatsoever.

While it limits tariff changes to 50 percent, it does not assert a definite formula, such as the cost-of-production formula in the elastic or flexible provision in the tariff law, to guide the Executive. The absence of a definite formula is the fatal defect, a statement which is made not on my own responsibility but on the responsibility of many of the most distinguished constitutional lawyers in the land.

Many of the great lawyers in the Congress opposed even the elastic tariff, despite its definite cost-of-production rule, as an unconstitutional delegation of power. The distinguished Secretary of State himself, for whom I have the same high regard and warm affection which was expressed by the able senior Senator from Mississippi—the Secretary of State himself, then a Member of the House of Representatives, said in the debates respecting the elastic tariff law:

> I strongly condemn the proposed course which contemplates such additional authority to the President as would practically vest in him the supreme taxing power of the Nation—

These are Mr. Hull's words, not mine—

> Contrary to the plainest and most fundamental provisions of the Constitution.

Mr. President, I did not personally believe that the elastic tariff, with its definite cost-of-production rule, warranted this challenge; but when the cost-of-production rule disappeared in the Trade Agreements Act, and for it was substituted a vague reliance on pious but nonetheless indefinite executive discretion, it seemed to me that the same challenge then became and now becomes inescapable. The utterly inscrutable thing to me today is how the distinguished Secretary of State, and those who shared his views, who found a limited yardstick delegation of elastic tariff powers to be "contrary to the plainest and most fundamental provisions of the Constitution", can find no such infirmity at all in a delegation of power without any definitive formula, which is being used not only to rewrite tariffs, but also to tie congressional hands respecting internal Federal taxation, and even to abrogate treaties of the Government of the United States.

The distinguished Secretary of State, then a Representative in Congress, declared that the former utterly limited elastic tariff power was—

> A vast and uncontrolled power, larger than had been surrendered by one great, coordinate department of government to another since the British Commons wrenched the taxing power from an autocratic king.

That is the way the present Secretary of State felt—and I repeat, I speak of him with the greatest admiration and respect—when the limited elastic flexible tariff powers were proposed. Yet now, when an infinitely greater delegation of power is being used under his auspices and upon his authority, all suggestion of unconstitutionality has disappeared.

I confess that I cannot follow such logic.

I am not speaking now merely of the letter of the Constitution; I am speaking of the spirit of the Constitution. I am not speaking of the matter as a challenge in consistency. Consistency is interesting and laudable; but the distinguished Senator from Arizona [Mr. ASHURST] has recently reminded us that it also is the vice of little minds. His position, as I understand it, is that while consistency may be a jewel, too much jewelry may be vulgar. [Laughter.] I am not discussing consistency; I am discussing the logic of the proposition. I am saying that if the flexible tariff was deemed an unconstitutional delegation of power to the Executive when the delegation included a fixed cost of production formula to make the Executive's decisions purely ministerial, I do not see how the reciprocal tariff can be accepted as a constitutional delegation of power to the Executive, when the delegation of it lacks any fixed rule whatever, but palpably depends purely upon Executive discretion.

Mr. President, I supported the flexible tariff. I was perfectly willing to trust the President then, and am now, within the boundaries of the cost-of-production rule. The Supreme Court has since held the flexible-tariff provision to be constitutional; but it did so with great emphasis upon the limitations created by the cost-of-production rule. It virtually said that the absence of the rule which had been fixed would have been fatal. The rule is wholly absent in the pending measure. In other words, it seems to my lay mind that those who thought the flexible tariff, with its infinitely lesser delegation of power, was unconstitutional, and those who supported the flexible tariff as being constitutional only because it contained the cost-of-production rule, must find their own logic inexorably challenging the constitutionality of the present act.

But there is something more involved today than there was when the reciprocal act was passed 3 years ago. We now have the proofs of the vast extent of delegated power which the State Department thinks it got under this act; and I am unable to believe that some of these exhibits can win any Senatorial approval. I am unable to believe that the Senate will be willing to extend some of these amazing usurpations of power by the State Department; and I think it can be clearly demonstrated they are such, and I challenge any proof to the contrary.

Now I desire to submit two exhibits upon this score. I wish to submit two examples of what I believe to be the utterly unjustified use by the State Department of the power which it thought it found in the Trade Agreements Act which we are now asked to renew and extend. I wish to call the attention of the Senate to the Trade Agreements Act between the United States of America and Brazil, which became effective January 1, 1936. I desire to show that it contains a section which absolutely ties the hands of Congress against assessing any new national or Federal internal taxes—I repeat, internal taxes—against the imports from Brazil. I assert, and I shall undertake to demonstrate textually, that this is a direct invasion of the domestic taxing power. Where is the warrant in the law for such an exercise of Executive discretion, and where is the warrant in the Constitution itself, even if it were in the law?

Now, let us see. I read from article 7 of the Brazilian trade agreement:

> Articles the growth, produce, or manufacture of the United States of America or the United States of Brazil enumerated and described in schedules I and II, respectively, after importation into the other country—

Listen to this—

> shall be exempt from any national or Federal internal taxes, fees, charges, or exactions other or higher than those imposed or required to be imposed by laws of the United States of Brazil and the United States of America, respectively, in effect on the day of the signature of this agreement, subject to constitutional requirements.

In other words, within this act which we are asked to extend without limit, the Department of State has assumed to find authority to tie the hands of Congress, to tie the hands of every State in the Union, against any increase in—

Internal taxes, fees, charges, or exactions.

Mr. President, there is no doubt about the power and authority which the Department of State thinks it has in this respect. This is no mere accident. I call the Senate's attention to my colloquy with Assistant Secretary Sayre, found at page 39 of part I of the hearings. Surely there is some concern left for the integrity and the validity of the congressional constitutional authority. Surely it has not as yet all gone. I read from the hearings before the Senate Finance Committee on February 10, 1937:

Senator VANDENBERG. Would you say you had the power to agree with England that the internal tax on British cigarettes sold in this country could not be raised?

Mr. SAYRE. I would want to consult a good many lawyers before I answered a question like that, sir.

Senator VANDENBERG. I think on the basis of the Brazilian precedent your answer would be "yes."

Mr. SAYRE. I would want to consult a good many lawyers.

In other words, Mr. President, we are on notice that the negotiating authority of the Department of State at this hour is not willing to say that there is not contained in this simple, innocent little act of extension upon which we are now asked to vote the hidden authority which will permit the negotiators of a trade agreement to reach within the internal taxing power of the United States and every State in the Union, and bind the hands of National and State legislators against the exercise of free authority in the internal taxing aspect.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. SCHWELLENBACH. As I heard the Senator read the provision in the Brazilian agreement, I did not understand that it said anything about State taxes.

Mr. VANDENBERG. About what?

Mr. SCHWELLENBACH. Did it not specifically limit itself to Federal taxes?

Mr. VANDENBERG. It says—

From any National or Federal internal taxes, fees, charges, or exactions.

Mr. SCHWELLENBACH. That does not mean State taxes.

Mr. VANDENBERG. No; but I am asserting to the Senate that if the State Department thinks it has the power to barter away the internal taxing authority in respect to Federal taxes, it is only a logical step to the State Department's invasion of the internal taxing power of the individual States in connection with some future trade agreement. Does the Senator understand what I am trying to say?

Mr. SCHWELLENBACH. With the provision contained in the measure that it refers only to National and Federal taxes, I cannot understand that it can be logically argued that the State Department has the power to limit or would attempt to limit the power of States.

Mr. VANDENBERG. Let me ask the Senator a question. Admitting a difference of opinion regarding the collateral effect of this provision upon the State taxing power—and I am simply arguing that collaterally the State one day may not be a free agent—the Senator would freely concede that, as this trade agreement reads, it does reach into the internal taxing power of the Congress of the United States, would he not?

Mr. SCHWELLENBACH. Yes. My objection is to the Senator's use of and repetition of the words "the States."

Mr. VANDENBERG. Let us leave that out, if we can agree on the other. Will not the Senator also agree with me that it is utterly impossible for us to delegate to the Secretary of State the power to tie our hands in respect to internal taxes?

Mr. SCHWELLENBACH. If that be true, then all the argument about what the State Department has done is rather immaterial; because, if they cannot do it, what they have done does not amount to anything.

Mr. VANDENBERG. Ah, Mr. President, that is a very interesting statement; but does it not put us on notice that when we extend their power for 3 years we should do the thing which I shall specifically ask to have done, namely, amend the grant of the extension of power with a limitation that there shall be no further effort, even, to tie the hands of the internal taxing officers of the United States? While it is very easy for us to say "they cannot do it", yet it involves a moral responsibility after they have done it; and I submit to the Senator that now is the time for Congress to assert to the State Department that there never was any delegation of power to control the internal tax prerogative, and that we do not propose that there shall be.

Does the Senator quarrel with that?

Mr. SCHWELLENBACH. I do not quarrel with the conclusion the Senator reaches; but I think we should be very careful in attempting to limit this power, and we should weigh the benefits that may be obtained as a result of the use of the power as against the difficulties which, as the Senator says, may arise by reason of doing something they cannot lawfully do. I cannot see that it is very important to take up very much time arguing about it, because the Senator from Michigan is the one who says it cannot be done.

Mr. VANDENBERG. The Senator says the Department cannot do anything they cannot do. That is something like the old familiar story of the man who was in jail, who was told by his lawyer that the authorities could not put him in jail; but there he was. [Laughter.]

Mr. LEWIS. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. LEWIS. With respect to the provision which the Senator says is a limitation upon, if not a grant of exemption from, taxes upon products sent in by Brazil, I ask the able Senator from Michigan if he has information or has discovered whether that is not a mere reciprocity by way of a similar grant of immunity given to United States products going into Brazil as to taxes there, such as is granted here with respect to Brazilian products?

Mr. VANDENBERG. It so states in the article I read; but I submit to my able friend, the Senator from Illinois, that that is beside the point as to whether or not we have the right to delegate that sort of a taxing power to the Secretary of State, or whether he has the right to use it.

Mr. LEWIS. The Senator from Michigan takes the position, does he, that under the treaty we cannot release certain products imported from a foreign country from a form of tax here, in return for the foreign country's releasing our products from the same amount of tax there?

Mr. VANDENBERG. I take the position that under the terms of the act, the constitutionality of which I completely doubt, it is assumed that import duties reciprocally may be frozen, or raised, or lowered; but after the goods have entered this country, I submit to the Senator from Illinois, I am complaining against a holding by the State Department that Congress may not deal with them on an excise internal tax basis. They have ceased to be imports. They have flowed into the stream of domestic commerce. They are part of the business of the United States; and when they are a part of the business of the United States, I submit to the Senator that they are within the taxing jurisdiction of the Congress of the United States, in spite of any effort the Department of State may have made to immunize them.

Mr. LEWIS. Does not the able Senator think that provision was limited to mean that there should be no tax upon the product as it is entered here under our tariff tax levied upon imports upon the theory that by putting on such extra tax a burden is placed upon the product by which it must be increased in price and its capacity for sale diminished? Does not the Senator feel that that is all the limitation of tax; that it does not have any reference whatever to any tax by the United States after the product becomes the property of the citizen of the United States?

Mr. VANDENBERG. No, Mr. President. The Assistant Secretary of State very frankly discussed the matter with the committee, and said that it means precisely what I am saying. I desire to be very fair with him. His defense and

explanation of it is solely that we cannot hope to have an effective reciprocal-trade arrangement which deals with import duties alone if, after we have frozen or reduced our import duties, the contracting parties may go back home and nullify the effect of the whole transaction with an internal excise tax as a substitute. The Department is perfectly frank about the matter. It intends by this agreement to prevent Congress from touching with internal taxation any of the commodities listed in the trade agreement upon which this immunity has been granted.

Let me show the Senate how it works. The Senator from Mississippi had a great deal of fun talking about babassu-nut oil. I know just as little about babassu-nut oil as he does, which means that with respect to it I am in a complete state of ignorance; but I do know what the witnesses said upon the subject. Here is the contemplation which I submit to my able friend from Illinois as an explanation of the realities involved: Congress in its wisdom put an internal excise tax upon imported coconut oil for the defense and protection of domestic agriculture. We will not argue whether they were right or wrong; it was the congressional judgment that that tax should be imposed. After the Congress had taken that action, then out of Brazil came this new and heretofore unknown competitive oil made from the babassu nut, which is now coming in by millions of tons per month, and is doing precisely the same thing in respect to the domestic vegetable oils and fats as was done by the import of coconut oil. Therefore it is threatening to undo whatever the congressional objective was when it put the excise tax on coconut oil.

Now, I submit to the Senator that Mr. Sayre and Mr. Hull and the State Department have made it impossible, except through a breach of faith, for Congress to say that the babassu-nut oil from Brazil shall be taxed precisely the same as coconut oil from the Philippine Islands. That is the vice of the situation.

Suppose we concluded, as we previously concluded in respect to coconut oil, that it was essential for the sake of domestic agriculture that there should be a similar excise tax against the import of this Brazilian nut; our hands are tied as a result of this agreement; and I submit to the Senator from Illinois and his customary candor that that is the use of a power that we never proposed to give to the State Department and which they have no right to exercise under the Constitution.

Mr. LEWIS. Mr. President, does the Senator contend, after that oil has reached our country, America, and has passed, we will say, into the hands of the manufacturer who makes soap from it, that the soap thus made from the oil or the oil in the hands of the manufacturer previously to being converted into soap cannot be taxed by the States where the manufacturers live or by the Federal Government under our taxing laws?

Mr. VANDENBERG. The Senator will have to answer his own question so far as following the commodity down into the processing net result is concerned. I go only to the point—because I have not thought it through beyond that—that the raw material, the oil itself, enters this country, and I say that the State Department has tied the hands of Congress in respect to the exercise of the kind of power that we thought it was necessary and advisable to exercise in respect to coconut oil.

I am not arguing whether it should have been done; I am simply saying that Congress concluded it had to be done; and I am saying that the State Department has bartered away our right to say again under similar circumstances that it would have to be done if such were the conclusion.

Mr. President, that is not the worst of it. I submit there was a delegation of power which no Senator in this Chamber contemplated would ever be used; but there is another power which, certainly, no Senator who has the slighest respect for the fundamental responsibilities and prerogatives of the United States Senate as a body can condone. I now call attention to the reciprocal agreement with Colombia which became effective May 20, 1936, and I read from page 14 of the printed text, article XI, of the agreement. Listen to this:

As long as the present agreement remains in force, it shall supersede any provisions of the treaty of peace, amity, navigation, and commerce between the United States of America and the Republic of New Granada, signed at Bogotá, December 12, 1846, which may be inconsistent with this agreement. However, upon the expiration of this agreement, the provisions of the aforesaid treaty which have been suspended temporarily shall automatically resume operation and shall continue in full force and effect subject to termination as provided in that treaty.

The State Department issued a long, detailed official explanation of the Colombian treaty on September 13, 1935, in which it gave us much detail along with other matters, but it dismissed article XI with this curt, cryptic, and wholly unrevealing sentence:

Article XI covers the relations of the agreement to certain existing—

What?—

treaties between the United States and Colombia.

In other words, the State Department finds itself in this strange paradoxical position: They say, "Oh, no; these agreements are not treaties; there is no necessity for Senate ratification of these agreements because they are merely agreements and they do not fall within the treaty power"; yet, according to their own official explanation of the paragraph I have read in the Colombian agreement, they have chosen in using the power given them to make what they call agreements to abrogate existing treaties and further to assume the power and authority to recall those treaties back to life at the end of this trade agreement, when, of course, the treaty is dead after it has been abrogated in respect to any provision of it.

Mr. President, where was there anything in the Trade Agreement Act which gave the State Department any power to reach back into the independent structure of international treaty law and assume the authority to say that any of our external agreements shall be abrogated, or, after being abrogated, shall be renewed? Where is the authority in the original act for any such use of power; and even if there were such authority could it possibly fall within the boundaries of the Constitution of the United States?

Mr. LEWIS. Mr. President——

Mr. VANDENBERG. I yield to my able friend from Illinois.

Mr. LEWIS. Mr. President, I beg to advise the able Senator that it was myself who, closing the debate on the measure to which he alludes, took the position that the trade agreements which the President was given power to negotiate were not treaties within the meaning of the word as used in the Constitution, but were mere trade compacts as to which we were constituting the President as a mere agent of trade, as we had constituted hundreds of others over all Europe and Asia in the matter of trade agreements in our behalf.

I ask the Senator is he quite sure in his conviction as to these utterances which he says are equivalent to admissions that the treaty with Colombia was modified? Do they refer to the treaty or do they merely refer to such provisions of that treaty as relates to the mere subject matter to which we subsequently have made addenda or changed by the last reciprocity arrangement?

Mr. VANDENBERG. I think the Senator has described the precise thing that has happened. I repeat the exact language.

As long as the present agreement remains in force—

That is, the trade agreement—

it shall supersede any provisions of the treaty of peace, amity, navigation, and commerce between the United States of America and the Republic of New Granada, signed December 12, 1846, which may be inconsistent wtih this agreement.

That certainly is an amendment of the old treaty of 1846; that certainly cannot be considered as doing anything except reaching back into the treaty of 1846, a treaty which was ratified by the Senate of the United States and which no one else has any right to tamper with conclusively. It certainly does reach back and invade the senatorial authority.

Mr. LEWIS. Mr. President——

Mr. VANDENBERG. I yield to my friend from Illinois.

Mr. LEWIS. I do not wish to have it inferred from what I have said that I am withdrawing anything I have heretofore said or have altered my position, which is that if these trade

arrangements are treaties within the meaning of the term "treaty" under the Constitution, I deny the power of the Senate to agree to abdicate its duty that calls for it to ratify a compact before it becomes a treaty. I respectfully insist that if we entered into an agreement by which we would abdicate our duty under the Constitution to ratify treaties we, ourselves, would violate the Constitution.

Second. I insisted heretofore, as I insist now, that if a trade agreement is a treaty within that sense, this honorable body has no right to abdicate the duty imposed upon it by the Constitution. Therefore, I take the liberty to ask the able Senator would he not realize the distinction, if it be well taken, which I contend, that, so far as the mere matter of exchange of goods for goods is concerned, in that respect a trade agreement is a mere qualification of trade; and if that be so, it cannot be said to be a treaty within the meaning of that word as expressed in the Constitution and as used in that document. The mere fact that we call it a trade treaty does not make it a treaty within the Constitution. It merely constitutes it a compact of trade and exchange between countries negotiated through our trade agent, whom we speak of as the President of the United States. If that point be not well taken, then we are not acting constitutionally in allowing these compacts to go without ratification of this body, as I behold it.

Mr. VANDENBERG. I thank the able Senator for his statement. A portion of his statement is not involved in the particular point I am now stressing. I submit that, whatever the State Department choose to call these agreements, for the purpose, in my judgment, of evading Senate ratification, whether they call them trade agreements or anything else, when they insert within such an agreement a limitation upon or a suspension of what is an existing treaty, they put themselves absolutely beyond the realm of logic in respect to their own hypothesis.

So, Mr. President, there are at least two exhibits to which I fail to find any answer, two exhibits concerning which I fail to hear any justification, two exhibits to prove the extent to which the State Department is willing to use this delegated power even beyond the extent of the delegation itself. Since it is my position that the original delegation was unconstitutional, it must be my position—and I fail to understand how anyone can take any other position in logic—that these agreements, which thus themselves invade the constitutional jurisdiction of the Senate, cannot possibly be condoned or justified. It seems to me, when we have been put upon notice as to the extent to which the State Department is willing to extend and expand its authority, we had better write a few limitations in the joint resolution of extention before we again lose all control of the acts which may be done under it.

So much for that phase of the matter.

Mr. BORAH. Mr. President, will the Senator yield before he leaves that phase of the matter?

Mr. VANDENBERG. I am glad to yield.

Mr. BORAH. It has always been my view that these trade agreements are treaties; that they measure up to every definition of a treaty. They are binding contracts between sovereign nations. But waiving that consideration for the time, after that, I agree entirely with the able Senator from Illinois [Mr. LEWIS]; we cannot waive our constitutional duty to ratify treaties.

Here, however, we have a situation which I wish to emphasize for a moment. We have a treaty with Colombia, which is conceded to be a treaty made in the usual course of negotiating and ratifying treaties. We have a trade agreement with Colombia. Certainly nothing less than an agreement equal in force and effect to a treaty could abrogate the first treaty.

If this agreement has any force or effect whatever with reference to the modification of the former treaty we must take the position, it seems to me, that it is a treaty. Otherwise, whatever has been said with reference to modifying the treaty would be wholly void, ineffective, far beyond their jurisdiction to act. Of course, the treaty with Colombia can be modified by a trade agreement if it is desired to bring the trade agreement to the Senate and have it ratified. But the Secretary of State certainly cannot modify a treaty of the United States by an agreement with which the treaty-making power has nothing to do.

Mr. LEWIS. Is it the Senator's position, from his experience, that the ordinary trade treaty negotiated by our trade agents abroad with various countries must be or is required by law to be ratified by the Senate?

Mr. BORAH. In my opinion, when we make an agreement with a foreign nation with reference to trade or anything else, which is an agreement binding upon the two nations, it is a treaty and must be ratified by the Senate. Up until very recent years that was the undisputed and accepted doctrine of this country. We might make an agreement with a nation which is in the nature of an Executive agreement. It might have to do with things over which the Executive has exclusive control. It might have to do with the protection of the rights of particular citizens. But when we reach up to the dignity of binding the Nation as a nation, whether it is trade, or whether it is extradition, or what it is, it is a treaty.

Mr. LEWIS. Would the Senator conclude that bringing silver from China, say, with the consent of the Chinese Government, under laws we have lately enacted under an agreement the details of which he may recall, would require the confirmation of the United States Senate?

Mr. BORAH. I do not recall the details of the agreement to which the Senator refers. I do not know what its binding effect was upon the respective nations or whether it was an agreement running with binding obligations upon the Nation; but I do not modify my view that if it is a contract between sovereign countries, binding upon the nations as sovereigns, then it is a treaty in every sense of the word.

Mr. LEWIS. I apologize to the Senator from Michigan and thank him for his generosity in permitting these interruptions.

Mr. VANDENBERG. I am very glad to have the able Senator's observations. I particularly welcome the observations of my distinguished friend from Idaho [Mr. BORAH], who has expressed much more clearly than I did my own definite and unequivocal conviction in respect to this phase of the subject. I desire now to turn to another phase. Let us leave the realm of constitutional discussion. Let us find out what is really happening to America under this much-praised system of reciprocal-trade agreements.

Mr. President, I profoundly doubt the wisdom of a general campaign of tariff reductions at the present time; and I believe this is precisely what is occurring. The use of the most-favored-nation formula for generalizing all trade-agreement benefits to the whole wide world, without specific compensation, beautifully suits itself to such a purpose. I cannot help remembering the sage observation of the late Senator John Sharp Williams, of Mississippi, who preceded the present able Finance Committee chairman in the Senate, and who said—quoting John Sharp Williams:

> There is also a tariff revision by piecemeal, which is the handmaiden of the other system. This is the tariff revision by reciprocal-trade agreements with other nations. Much can be done along this piecemeal line of tariff revision under a Democratic or approximately a Democratic law.

Mr. President, in my judgment, that is precisely the thing that is going on. It is proceeding without congressional cooperation, although the Constitution clearly establishes congressional responsibility. It is proceeding without reference to the difference in cost of production at home and abroad, which is the sole defense upon which American agriculture, industry, and labor can rely.

It is significant in retrospect to read Assistant Secretary of State Sayre's testimony, in March 1934, when the trade agreement law was first proposed. He listed anonymously 705 basic commodities from 29 major countries. He then asserted these were to be the basis for negotiating trade agreements. Every congressional effort to obtain some sort of identification was successfully resisted. Senators will remember how we tried to find out what it was, by way of example or demonstration, that it was proposed to do, what product it was upon which it was proposed to reciprocate these agreements. Never once was a specification permitted to our knowledge. But we now are able to identify Mr. Sayre's list of 705 basic commodities. We find that it covers

practically the entire tariff schedule, and practically all of 3,000 rates.

In other words, the executive branch of the Government knew in advance that it proposed to rewrite practically the entire tariff law by Executive order. It is proceeding substantially according to this preconceived purpose; and those American producers not yet touched may reasonably anticipate their early turn upon the chopping block. This, I submit, puts our entire economic destiny, as respects every protected job and every protected commodity, at the absolute mercy of whatever unnamed group of negotiators may be delegated by the State Department to make these trade agreements according to their own notion of the propriety of things and according to their own well-known ideas of internationalism. It is the greatest single delegation of the greatest single power that Congress has ever made.

I repeat that I do not believe this is a safe time for a general tariff revision or a general leveling of protective-tariff rates. If there are excessive and exorbitant rates, they can be effectually reached through the elastic clause in the Tariff Act of 1930. That there are few such rates, in spite of wholesale condemnations to the contrary, is clearly indicated by the record of the present administration's actions under section 336 of the Tariff Act of 1930, the so-called elastic clause.

There has been much complaint about the Smoot-Hawley Act, and I certainly do not propose to resurrect it for the purpose of providing a post-mortem defense; but it is very interesting to me that in spite of what were claimed to be the notoriously indefensible exactions of the Smoot-Hawley Act, and although it has been officially condemned time and time again by our friends across the aisle and by their party as a policy, never once in the 4 years they have had complete control of the entire legislative branch of the Government has there been one step taken toward its repeal; and what has happened? That is what I am now coming to.

Those who condemn the Smoot-Hawley Act have had the chance, under the elastic-tariff law, to go to the Tariff Commission and secure the reduction of any rate of duty which is higher than that necessary to measure the difference in cost of production at home and abroad. What have they done? In 4 years the Tariff Commission has been appealed to in regard to just 35 commodities. Just 35 times in 4 years the Tariff Commission has been asked to investigate whether or not the existing rates are exorbitant and excessive, whether or not they are greater than the actual difference in cost of production at home and abroad; and what has happened as a result of these 35 investigations? Eleven rates out of 35 were actually raised, 11 more were left without change, and just 13 were reduced. The mountain labored and brought forth a mouse! There is the net result—13 rates were reduced in 4 years under the cost-of-production rule!

I submit that it is highly significant of the rising cost level in the United States that the Tariff Commission could not honestly find "exorbitant" rates when they had to tie themselves to the cost-of-production rule. I submit that corresponding emphasis is given by this contemplation to the necessity for continued protection.

Still more significant is the record for the recent calendar year 1936. In all 12 months of the past year just six commodity rates were reviewed by the Tariff Commission and by the President under their joint elastic powers, although the whole wide tariff structure was open to them at any point they wanted to walk in. Just six times in 1936 were these powers invoked under the cost-of-production rule. Once the rate on liquor was lowered; but five times out of six in 1936, when the cost-of-production rule was applied by the President on the advice of the Tariff Commission, the rates had to be increased.

That is what happens when the cost-of-production rule is consulted. That is what happens under the present administration when it is required to protect the American standard of living and the American standard of wage. That is what happens when the administration is required by statute to preserve the differential between the cost of production at home and abroad, and thus to give American industry and agriculture the primary control of their own domestic market. Five times out of six, when the present administration applied the cost-of-production rule in 1936, they had to raise the rates; but when they used their trade-treaty policy, freed from any cost-of-production rule, free to do as they pleased with their internationalism and their kindred negotiations, 100 times out of 100 they decreased the protection for the American agriculturist, the American laborer, and the American industrialist.

That is why I say we are entitled to recall the words of John Sharp Williams, and to recognize the cold-blooded fact that we are getting a general tariff revision today to a lower basis, when first the administration could not get it under the elastic clause which requires them to consult the cost of production, and, second, when they would not dare seek to get it by a frontal attack upon the tariff law upon the floors of Congress.

Mr. President, there is no doubt about the fact that there are many groups in this country who share the view I am asserting here regarding the present necessity for continued legitimate protection on the basis of the difference in cost of production at home and abroad. There is no doubt about the existence of groups believing in that proposition, in spite of the very suave and persuasive way in which my able friend from Mississippi went around the subject.

I will give just one exhibit. I will call attention to the brief filed with the Finance Committee by the American Wage Earners' Protective Conference.

Let us see, Mr. President, who the American Wage Earners' Protective Conference is. This is no ordinary group. This is the kind of group to which my friends across the aisle, particularly, are usually willing to listen; the kind of group to which we all ought to be willing to listen in respect to the American standard of living. Who is in the American Wage Earners' Protective Conference? The International Photo Engravers' Union, the Glass Bottle Blowers' Association, the Boot and Shoe Workers' Union, the Cigar Makers' International Union, the National Brotherhood of Operative Potters, the United Association of Plumbers and Steamfitters of the United States and Canada, the American Flint Glass Workers' Union, the United Wallpaper Crafts, the American Wire Weavers' Protective Association. These poor groups have not had the benefit of the eloquence of the Senator from Mississippi and they are benightedly joining in still protesting that there is an American standard of living and an American wage which cannot be preserved against foreign competition without the use of the rule of cost of production.

I have not finished reading this list. It also includes the American Federation of Musicians, the International Union of Operating Engineers, the International Ladies' Garment Workers' Union, the International Brotherhood of Bookbinders, the Amalgamated Lithographers' Association, the International Alliance of Theatrical Stage Employees and Moving-Picture Machine Operators, the International Brotherhood of Firemen and Oilers, and the International Fur Workers' Union. What do they say? This is what they say to you, Mr. President, this afternoon, in respect to this specific issue, and they have said it within the past week in writing, so that it could be reported to you:

> In closing, we desire to state most emphatically that we are opposed to our country entering into international trade treaties or trade agreements with foreign nations without ratification of such treaties or agreements by the Senate of the United States. We are more particularly opposed to our entry into trade treaties or trade agreements with foreign nations, which treaties or agreements permit the delivery into the United States—

Listen to this—

> the delivery into the United States of the products of foreign workers or farmers at total landed costs which are less than the production costs of similar or competitive goods, articles, or commodities the products of America's workers or farmers.

There is still many a voice raised in this country in behalf of the maintenance of a legitimate protection for the American producer's right to maintain the primary control of his own domestic market. So long as I am in my seat, regardless of any spotted or casual advantage which some group in my great Commonwealth may get from some particular

trade bargain that may have been made in its behalf, I shall insist upon assessing this problem upon a national basis, and upon concluding, as I have always concluded, that there is no national basis upon which it can be assessed rightly and safely and soundly except a basis which protects America against the low costs of production abroad.

Mr. President, I repeat that of all times in the world's history, this is the worst to embark upon a wholesale tariff-lowering campaign which ignores the cost-of-production rule.

The spread in the cost of production at home and abroad is constantly growing wider. There are many contributing factors, all of them welcome to Americans who want the mass standards of living and of wage increases in this country. Among these factors are a shorter workweek, an increased wage scale, a rising price index on raw materials, and the pay-roll taxes that pay for social security. How are we to continue to have social security financed by pay-roll taxes if we are not to equalize those pay-roll taxes at the customhouse with a sufficiently protective rate to defend the American operation against cheap production abroad which does not have social security, and which does not have to pay the pay-roll tax?

There is a further factor, not so welcome but unavoidable, namely, increasing general taxation to pay for heavily increased governmental service. All these elements enter into the American cost of production on the farm, in the factory, in the mine, in the store, and everywhere.

Meanwhile, the costs of production abroad are going down still lower, thanks to our own exportation of our own mass production methods, of our mass production machinery, and of our mass production brains. The infinitely lower foreign unit of wage goes still lower, in terms of production, when it is linked up with these methods of wholesale production. The pressure against American commodities in their own domestic market increases in proportion. When we have caught up with the depression lag in our purchases, I seriously doubt whether our protected agriculture and our protected industry and our necessarily protected labor can stand the competition without a realistic protection at the customhouse. We could not do it in the past. We shall be even less able to do it in the future.

The truth of the matter is that our tariff rates, in terms of net effectiveness, are lower today than at any time since 1925. According to the United States Tariff Commission, the average percentage of rate to value on dutiable imports during the first 11 months of 1936 was 37.6. That compares with 59.1 percent in 1932 at peak. It is lower, thanks to higher costs, than at any time since 1925 when it was 37.6 percent. In other words, natural circumstances, plus some small influence of these trade agreements, already have driven our protection average lower than in the pre-Smoot-Hawley days.

Our imports are increasing far faster than our exports. Eliminating for the moment what effect the Hull policies may have upon this calculation, the fact is that from 1934 to 1935 our exports went up $149,000,000, but our imports went up $392,000,000. From 1935 to 1936 our exports went up $171,000,000, but our imports went up $372,000,000. These are merchandising figures. Of course, if we add silver and gold imports, the disparity already existing becomes positively staggering.

I know the internationalistic school of thought does not worry about our balance of trade. If anything, they are strangely comforted when they see it turning against us because, they say, we are now a "creditor nation" and should behave accordingly. I am not going to argue that proposition this afternoon, although it is my view that if a realistic count be taken of foreign investments in our good American securities, now probably totaling as high as $8,000,000,000, and if a realistic inventory be made of the market value of defaulted war debts that are owed to us, and if a realistic assessment runs against our purchase at fantastic prices of all the gold and silver offered in the world, we would not be a creditor but a debtor nation.

But whatever we are, to many of us a receding balance of trade—which progressively recedes at a rapid rate—is a danger signal in respect to the domestic economy. It is finally calculated to spell more jobs abroad and less jobs at home. After all, in the heyday of our former artificially swollen foreign trade, it accounted for an annual average of but 7 percent of our annual business. The great 93 percent was home trade in home commodities with home folks. I have the unreconstructed idea that this still is—and always must be—the backbone of our domestic prosperity. The American producer primarily needs, and primarily deserves, the American market. A receding balance of trade inevitably trends toward jeopardy for this great and vital 93 percent.

That is precisely what is happening today. In 1934 we had a favorable balance of trade in merchandise of $478,000,000; just 2 years ago. In 1935 it dropped to $235,000,000, just 1 year ago. In 1936 it hit the all-time low of 41 years—$34,000,000. And that is only half the story. If we took account of silver imports, the 1936 balance would be many millions against us already; and if we took account of gold, the adverse balance of international payments would be further increased by more than a billion dollars.

As for agriculture, which was supposed to be the chief beneficiary of this new arrangement through providing foreigners with greater power to buy our farm commodities, it is the chief victim of the plan. While nonagricultural exports have substantially increased, though not in line with imports, agriculture's exports were practically static in 1935 and actually decreased $38,000,000 in 1936. It is no wonder that most farm organizations view the situation critically.

I am unable to believe that this is healthy for America, or that this adverse trend can continue indefinitely without jeopardy. I fear that the present American trade agreement school of thought encourages this jeopardy, and that the present trade agreement formula—in the hands of earnest internationalists—multiplies it. I repeat that I do not believe that this is a time for general tariff reductions without regard to the difference in costs of production at home and abroad.

Indeed, Mr. President, we need new industries to help take up our employment. Inadequate tariffs and hostile trade agreements make the creation and nourishment of new industries difficult if not impossible. This is a particularly serious matter in respect to agriculture, where science is constantly striving to find new industrial uses for farm commodities, a process which probably is the most hopeful of all permanent and realistic farm relief formulae.

But just when American science and ingenuity find a way to make starch out of the sweetpotato, the State Department makes a trade agreement with the Netherlands which opens the domestic market to foreign starch. When American science and ingenuity find a way to make paper out of slash pine in the South the State Department makes a trade agreement with Canada which discourages this brave domestic effort. When American science and ingenuity develop a new process for making cotton rugs with hemp backs the State Department makes a trade agreement with Belgium which all but renders the domestic effort null and void. I am unable to believe, Mr. President, that this is the way to build America.

This brings me to the third general proposition which I wish briefly to discuss. The record likewise fails to prove that the trade agreements are accomplishing their intended purpose, if that purpose was to bring us full measure of compensation for the domestic privileges which we give to foreign nations. The record proves, on the contrary, that export trade often grows as well, and often better, without trade agreements than with them. I discuss the former proposition first.

The trade agreements are stimulating imports, Mr. President, faster than they are stimulating exports. The able Senator from Florida [Mr. PEPPER], who now occupies the chair, himself knows, through the experience of the winter-vegetable growers in his own State of Florida, that there is a hazard to agriculture in these imports. He is one of those who have joined in an effort to see to it that, if there are to be further trade agreements, we shall not be traded out of our boots in this aspect.

The trade agreements, as I have said, are stimulating imports faster than they are stimulating exports. This disparity will disclose itself upon examination of the figures on comparative trade with any treaty country. I quote from The Trend of United States Foreign Trade, an official publication of the Department of Commerce. These figures compare the first 11 months of 1936 with the first 11 months of 1935 in respect to six countries with which trade agreements were operative all or most of last year.

Listen, Senators. The able Senator from Mississippi undertook to demonstrate with metaphor rather than mathematics the great advantage that we have gained from these agreements. Let us look at the last record for six of these major-agreement countries. Our exports to Belgium—that is, what we sent to them—fell off 1 percent, while our imports from Belgium—that is, what we bought in competition with our domestic production—increased 46 percent. I do not know what trade agreements had to do with that, but I do know that Belgium is a trade-agreement country; and it may be a coincidence or it may be the law of cause and effect, but, whichever it is, there is the record; and the amazing thing is that it is about like the record with respect to all the trade-agreement countries.

Our exports to Canada—that is, the advantage we are supposed to get out of this so-called bargaining—went up 17 percent; but our imports from Canada, which measure Canada's advantage, went up 30 percent.

Our exports to Cuba went up 11 percent but our imports from Cuba went up 19 percent.

Our exports to the Netherlands went up 7 percent but our imports from the Netherlands went up 22 percent.

Our exports to Sweden went up 9 percent but our imports from Sweden went up 21 percent.

In every instance, with the single exception of Brazil, our import increase with trade-agreement countries was greater than our export increase, and in every such instance the import increase was heavily greater than our 17-percent average increased imports in trade with all the countries of the world. Undoubtedly our so-called bargains were not the only influence upon this balance against us; but it certainly looks very decidedly as though we were getting the worst of the so-called bargains. In the case of Cuba, for example, the boasted stimulation in the first full treaty year showed our imports from Cuba to be up $67,000,000 while our exports to Cuba were up only $28,500,000. In other words, for every $1 of increased exports we have accepted $2.35 of increased imports, and this is typical of what is happening all along the line.

How many times we can repeat that sort of an economic victory and still be solvent, Mr. President, is beyond my comprehension.

Nor is this all the picture. These disparities, running heavily against us, count only the direct loss and gain. There is yet another loss, namely, the loss from the generalization of these American rate reductions to some 50 other nations which under the "most-favored-nation" formula, get all the American benefits which we grant in each individual contract without contracting any direct equivalent concessions in return. This loss is so far-flung and indefinable that it is impossible to estimate its influence upon our vanishing balance of trade; but we have some interesting collateral evidence in at least one instance.

Again I beg the Senate to listen. During the first 11 months of 1936 our exports to England were up 2 percent over the corresponding period of 1935; but our imports from England were up 24 percent, or just 12 times as much as the trade benefit flowing into the United States. In the face of such an exhibit, it is not surprising to hear the editors of the famous London Economist say:

> It is fully possible * * * that Great Britain has already gained more from the concessions made by the United States in her treaties with other countries than could be obtained in a direct Anglo-American treaty.

Mr. President, I am driven by all these exhibits to the irresistible conclusion that we are not "getting our money's worth" out of the Hull program; but that, on the contrary, we are once more "giving away America."

This leads me to the other point; namely, that it is not necessary to "give away America" in order to get foreign trade.

The impression is cultivated in some quarters that the expansion of our foreign trade is wholly or largely dependent upon these trade agreements under the Hull policy, and therefore that anyone who is critical of them is standing against foreign-trade expansion. The impression also is cultivated that our notably increased export trade during the past 2 years is essentially the result of these trade agreements. The facts warrant neither conclusion. There is no doubt that wise reciprocity in noncompetitive commodities can and does aid foreign trade; but the natural, normal resurgence of world trade following a world-wide depression is the paramount and dominating factor in both these considerations. The truth is that general world trade was on the upgrade before the Hull agreements were ever started. Indeed, the editors of this same journal, the London Economist, assert the following:

> It will be noticed that (American) trade with these 10 countries (the first 10 with which we negotiated agreements) was increasing more rapidly than trade with other countries in the year before the agreements came into force.

Remember that. Before the agreement came into force our export trade was increasing more rapidly with the particular countries with which we chose to make our first agreements. Then what happened? Here comes the astounding revelation from the same authentic source:

> But in the last year, with agreements in force, American export trade with other countries has actually increased faster than with the 10 treaty countries.

Illuminating proof may be particularized in respect to the export of automobiles. I have already indicated that automobile exports have had especially sympathetic treatment from the Hull negotiators, and that automobile producers, speaking officially for the automotive export trade before the Senate Finance Committee, endorsed the present law and asked for its extension. I must leave no doubt upon that score. But I very respectfully submit that automotive exports have increased to nontreaty countries quite as eloquently as to treaty countries—and that is my present point.

Exports of American motor vehicles to Belgium and the Belgian Congo, a treaty country, increased 76 percent from 1934 to 1936; but the same exports to New Zealand, a nontreaty country, increased 80 percent.

Exports of American motor vehicles to Cuba, a treaty country, increased 160 percent; but the same exports to Rumania, a nontreaty country with very unfavorable import permit restrictions, increased 350 percent.

These exports to Brazil, a treaty country, increased 20 percent. The same exports to Mexico increased 100 percent.

There are spectacular extremes at both ends of the line. For example, the automotive export to Canada leaped up enormously. On the other hand, even Australia—which is supposed to discriminate against our trade so heavily that it is one of two countries to which we refuse to generalize our "most-favored-nation" treatment—increased its imports 28 percent.

I do not claim that any such figures are conclusive. On the one hand, the Trade Agreement Act has not yet had time to be wholly effective. On the other hand, foreign purchasing power, like our own, is greatly affected by local vicissitudes. But I do claim that such figures as these invite the realistic conclusions that, first, world recovery is the great factor in increased exports and, second, that these so-called and often miscalled "bargains" are not indispensably prerequisite to our sharing in this recovery.

This is no reason for not striving through realistic negotiations to break down anti-American trade discriminations; nor is there ever any reason for not attempting always to increase our foreign trade. Of course, we want, and we shall cherish, all the foreign trade we can get. But I respectfully submit that it is a reason for being entirely practical in the candor with which we determine the virtue of the present trade-agreement program and the price which we are paying under it for the privilege of the experiment. It is not indispensable to increased export trade. It is not often productive in net values to America. It is frequently highly harmful

to our domestic economy, as has been insistently urged, for example, by spokesmen for American cattle and wool and fruits and dairy products, and as will be increasingly apparent to our unemployed if a tariff differential honestly measuring the spread between cost of production at home and abroad is much longer seriously ignored.

Finally, Mr. President, let me dwell very swiftly upon a few of what I believe to be favorite fallacies which are earnestly sustained by those who have faith in them in respect to generally and substantially lower American tariffs, that being the apparent objective of the Hull program in keeping with the long-time low tariff views of the distinguished Secretary of State, to whom I pay the deserved compliment of being unwaveringly loyal and consistent in these views throughout the years.

When we talk of recaptured foreign trade, Mr. President, to the tune of four or five billion dollars, it is simply wishful thinking, and the quicker we get it out of our heads the more realistic we can be in building a firm export recovery. I repeat it is simply wishful thinking to talk about recovering a foreign trade of four or five billion dollars; indeed, the term "wishful thinking" was applied to this objective by none other than Mr. Chester A. Davis, late head of the Triple A, after a recent European study on the ground. The distinguished Secretary of Agriculture, Mr. Henry A. Wallace, virtually admitted as much last week before the Senate Finance Committee. We had those enormous exports only in two eras; one when we fed nations at war, and the other when we financed our customers and lost most of the money. I am sure American citizens have no desire to duplicate either of those tragic experiences for the sake of gaining temporarily an abnormal export trade. The old trade in the old measure is not there to be recaptured in any such grand totals. It is further circumscribed by the fruits of an almost universal struggle for self-containment which is going on all around the globe, and is not calculated to stop just because of our neighborly gratuities. We must fit our trade ideas to the world as it is, and not dream away any part of our most priceless trade possessions, namely, the incomparably rich American domestic market.

Again, it is said that international trade is a two-way street and that we must buy if we would sell. The able Senator from Mississippi [Mr. HARRISON] dwelt with some emphasis upon this proposition in his address this afternoon. It is partially true, and we shall always buy to an enormous extent certain noncompetitive raw materials and other commodities, but it is highly important to realize that it is not wholly true, because except as we do realize that it is not wholly true we will be led into certain specious conclusions, as was my able friend from Mississippi this afternoon. For example, in the 38 years from 1896 to 1933 our tourist expenditures and our immigrant remittances abroad amounted to more than $19,000,000,000. During the same period our shipping and freight services rendered to the world, plus our interest and dividend payments on foreigners' investments in the United States, totaled another $19,000,000,000. That is a total of $38,000,000,000 in 38 years in other things than imports available to balance foreign accounts. In other words, we do not have to balance every export with an import in order to sell the export.

Nor is that all. It has not been lack of money, Mr. President—and I beg of Senators to listen—nor lack of a medium of exchange which has prevented foreigners from buying our goods, and I might add, from paying their debts during the past few years. In 1935 they bought only $390,000,000 of our unmanufactured cotton and only $356,000,000 of all our other agricultural commodities. They did not have the money to buy any more our friends across the aisle may say; but they did have the money, Mr. President, for they found a way to buy $1,411,000,000 of our good securities and short-term accounts. In the first 9 months of 1936 they had only $448,000,000 to spend in our farm markets, but they had $870,000,000 to spend on our security exchanges. We do not have to sacrifice our domestic market in order to have an excellent and healthy export trade.

Then, moreover, there is another favorite fallacy to which I wish briefly to refer as I hasten on. It is constantly said that except as we deal with the tariff through these trade agreements the only alternative is to go back to the old log-rolling process of general tariff revision in Congress. I deny it. There is the other method which is in the law, for which I voted and for which I stand, and which I would trust in the hands of a Democratic President precisely as I did in the hands of a Republican President, namely, the elastic flexible tariff, under which the President, within limits of 50 percent, upon the recommendation of the United States Tariff Commission, can change rates as demonstrated to be necessary by the differential in cost of production at home and abroad.

I agree that we cannot put commerce in a straitjacket of a general tariff which has to be revised every 15 or 20 years; I agree that we do not want to leave our tariffs solely and exclusively at the mercy of a general revision; I agree that we ought to have as few general revisions as possible; but I assert that a courageous and sympathetic President—I mean "courageous and sympathetic" with the flexible tariff law—can use that law to level off any injustices that exist and can use it from day to day and month to month to recreate any protection that is essential in order to keep an American commodity alive, and under that law can bring about a living, dynamic trade which is static in no sense of the word whatever.

Lastly, Mr. President, I want to speak most respectfully of the latest and newest argument advanced for this Hull process, namely, that it encourages the peace of the world. In whatever degree it does it renders noble service; but I am unable to identify its blessings in any contemporary survey of the world today. Unquestionably economic pressure causes wars; unquestionably it is at the seat of much of Europe's unrest; but I submit that it is an economic pressure of so fundamental and nationalistic a nature that the comparatively inconsequential contributions which America may make in connection with these trade agreements are not calculated even remotely to be impressive or resultful. Furthermore, if the price of export trade should ever be a warrant that it must continue in time of war and that our neutrality must stand against it, then, so far as America's peace is concerned, it is a liability rather than an asset.

Mr. President, we are striving to stabilize economic conditions in the country in order that private business may the better be able to respond to the President's demand that private business shall absorb a greater number of the unemployed. It seems to me that wherever uncertainty can be driven out of the business equation, it ought to be our aim to drive it out. But the extension of the Trade Agreements Act for 3 years more, in its present "blank check" form, drives uncertainty into the equation, because no industry can make a long-range plan so long as it does not know at what moment the State Department negotiators may conclude, in their own academic wisdom, to strike down the tariff protection which alone makes many business operations possible. This process is the exact reverse of stabilization. Therefore it is the exact reverse of encouragement to domestic expansion and domestic reemployment.

Holding such views, much as I dislike to disagree with many of my friends in Michigan, they will expect me to oppose the extension of a measure which I believe to be both unconstitutional and unsound.

Mr. President, I thank the Senate for indulging me in this expression of my general viewpoint in respect to this problem. Before the consideration of the bill shall be concluded I shall offer three amendments: First, to reclaim to Congress its control over internal taxation, a power which has been usurped by the State Department under the Trade Agreements Act: second, a requirement that any trade agreements hereafter made under this extension, if it shall occur,

must be made within the rule of American cost of production; and, third, an amendment requiring that there shall be realistic notification to American producers who may be jeopardized by contemplated changes in rates which are secretly agreed upon, in the closet of bureaucracy, without any effective opportunity for Americans to speak or fight for themselves. At the moment, as the pending question, I offer the amendment which I send to the desk, and I shall postpone speaking on it until it comes to issue.

The PRESIDING OFFICER. The amendment will be read.

The LEGISLATIVE CLERK. It is proposed to insert at the end of the joint resolution the following proviso:

Provided, That after the enactment of this joint resolution no trade agreement shall include any provision in any way undertaking to limit the power of Congress over internal taxes.

Mr. CAPPER. Mr. President, I regret exceedingly that I cannot support in its present form the pending joint resolution to extend for the 3 years the Reciprocal Trade Agreements Act.

My vote on the original act, in favor of its passage, is one evidence that I give more than lip service when I reiterate what I said at that time. I believe in extending our foreign trade. I believe that one of the ways is through reciprocal-trade agreements with other nations.

I will state frankly, however, that when I voted for the original measure, now before us for extension through the pending joint resolution, I did so with grave misgivings on two points.

In the first place, I doubted the wisdom—I will say nothing of the constitutionality—of the provision by which these agreements would be binding simply by action of the Chief Executive. It seemed to me at the time that it would have been better and more in keeping with the spirit of our Constitution and of our form of government to make the agreements subject to ratification by the Senate, the same as formal treaties. As to this granting of legislative powers to the Executive, I had rather serious doubts at the time.

There also was some doubt in my mind, although not as serious as that regarding the wisdom of giving sole power to the Chief Executive to ratify these agreements, as to whether the unconditional most-favored-nation clause should be used in these agreements.

But I resolved these doubts, Mr. President, in favor of the original act. I voted to give these powers to the executive department; I discarded in my own mind the possibilities that we might get the worst of it in some instances through abuse of the most-favored-nation clause, and voted for the bill.

My reasons for so voting I considered good at that time. I still consider them good. It has been my steadfast policy in the Senate to vote for whatever measures I believed might help agriculture and might help the people of my native State of Kansas and the best interests of the country. I had strong hopes that turning this treaty-making power—for that is what it is, even though this act may be in legal language termed a "trade agreement" rather than a "treaty"—I repeat, I had strong hopes that this treaty-making power in the hands of the Executive would be used to improve the export markets for agricultural products.

The prosperity of my State and of my section of the country, Mr. President, has been in great measure dependent upon foreign markets for some of its products. In even greater measure, however, it is dependent upon the domestic market. We feel that our farmers are entitled to the domestic market for our wheat and other products of the farm up to the limit of their ability to supply that market. Also we know that our surplus production, beyond the needs and demands of the domestic market, must be marketed abroad or that surplus production will depress the domestic market prices to the point where our farmers will lack purchasing power. When the farmers of this Nation, Mr. President, lack purchasing power, it is inevitable that there will be bread lines in the cities, as well as distress and misery on our farms.

It is not my intention to go into a discussion of the farm problem at this time beyond stating it was my hope and the hope of our people of Kansas and the great Midwest that this power to negotiate and to ratify trade agreements, this power placed in the hands of the Executive and taken from the Senate, would be wisely used to better the condition of agriculture as well as of industry.

That hope, Mr. President, has been disappointed. Whatever the effects of the act as administered may have been upon other producers and industries, and I understand there are differences of opinion on that point, I do not believe it can be fairly asserted that agriculture has been benefited directly by these treaties. While I have great respect for the opinions of Secretary Henry A. Wallace on agriculture, it did not seem to me that he made his point before the finance committee when he contended that the indirect benefits to agriculture through increased employment in manufacturing would in the long run more than offset the losses due to the domestic market being supplied with farm products from farmers of other nations.

It is my belief that agriculture has suffered some distinct losses and has been placed at serious disadvantage by the terms of the agreements which have been made effective to date. Also, in view of the agreements already made, I can see no good reason for believing, or even for hoping, that future agreements will be more favorable to agriculture than those which already have been made. I have read most of the testimony given before the House Ways and Means Committee. I have paid close attention to the testimony before the Senate Finance Committee, of which I am a member. I can only conclude from these hearings that the trade agreements have been a detriment, not a benefit, to the farmers of Kansas and of the Nation.

Mr. President, the national farm organizations and the leaders of these organizations have reached the same conclusion that I have reached. Representatives of several industries, of the Chamber of Commerce of the United States, and of various departments of the national administration in power appeared before the Senate and House committees in support of the pending joint resolution to extend the Reciprocal Trade Agreements Act for another 3 years.

But, Mr. President, I heard no representative of agriculture, aside from the Secretary of Agriculture, asking the members of the Senate Finance Committee to recommend this joint resolution for passage. I failed to find in the report of the hearings before the House Ways and Means Committee any record of any farmer or farm-organization leader appearing in support of the joint resolution to extend these powers without limitation for another 3 years.

On the contrary, farm representatives appeared before these committees and opposed the adoption of this resolution. Mr. Fred Brenckman, representing the National Grange; Mr. Charles W. Holman, representing the National Milk Producers' Federation; Mr. John D. Miller, president of the National Cooperative Council; Mr. A. L. Loomis, representing the National Dairy Union—all these went on record, as representatives of their respective organization, in opposition to the joint resolution.

Also, I invite the attention of the Senate to the fact that F. E. Mollin, president of the American Livestock Association, appeared before the Senate committee in opposition to the joint resolution, and that briefs in opposition were filed with the Senate committee by E. H. Everson, head of the National Farmers' Union, and by Robin Hood, secretary-treasurer of the National Cooperative Council, in opposition to the joint resolution as it is written.

Mr. President, these representatives of the great farm organizations, like myself, are not opposed to expansion of our foreign trade. They are not opposed to reciprocal-trade agreements. But in the main they take the position that

such trade agreements should be ratified by the Senate before they become effective. They take the position that the trade agreements should not contain the most-favored-nation clause. They take the position that it is not sound public policy to trade off the domestic market for farm products in exchange for foreign markets for manufactured products.

Now these farm organizations did not come before the Senate and House committee merely presenting their own personal views. They appeared as representatives of their organizations. They spoke for their organizations, and I desire at this point in my remarks to include the official actions of some of these organizations in regard to the trade agreements.

The following resolution was adopted by the National Grange at its annual meeting in Columbus, Ohio, on November 11, 1936:

Whereas it appears likely that Congress may reenact legislation authorizing the Department of State to enter into reciprocal-trade agreements with other nations, which authority expires on June 12, 1937: Therefore be it

Resolved, That while we favor any expansion of foreign trade which is advantageous to our people, we are persuaded that so long as the protection system prevails, the American farmer is entitled to the American market, so far as he is able to supply the demand; and be it further

Resolved, That in the event of the renewal of this act, trade treaties with other nations should be ratified by the United States Senate before taking effect. Such treaties should not contain the unconditional most-favored-nation clause, under which policy we gain concessions from one nation while making concessions to practically all other nations producing and exporting any given commodity.

The National Cooperative Council, which is a Nation-wide organization composed of all leading farm cooperatives, adopted the following resolution at its annual meeting in Washington, January 9, 1937:

As stated in the resolutions of the National Cooperative Council of last year, the sound policy for agriculture in relation to our foreign trade is to maintain all of the domestic markets for American farmers with regard to products produced within the United States and to encourage our farmers to produce products which will take the place of those now being imported whenever such a procedure is practicable. It is also essential to the continued prosperity of our people that every sound effort be made to regain and to expand our foreign-trade outlets, particularly outlets for agricultural products.

The record of our foreign trade for the first 10 months of last year makes it very questionable as to whether the present trade-agreement program of our Government is in the best interest of agriculture. The adverse balance of total trade as between the United States and the first six nations with which we have signed trade agreements during this period has increased to nearly $90,000,000. Looking toward the end of developing foreign trade, if the policy of trade agreements is to be continued, the following changes should be made in the act of June 12, 1934:

1. The right of the Senate to ratify trade agreements should be restored.

2. General application of tariff benefits should be abandoned so that only the nations signatory to such agreements should obtain their benefits.

3. Public hearings should be held on trade agreements before they are completed by whatever authority considers them.

The State Department should refrain from negotiating any further reductions in import duties on agricultural products, in binding agricultural products on the free list, and in binding the Federal Government not to increase nor levy internal taxes upon imported products which directely or indirectly compete with those produced on farms in the United States. The Congress should not shrink from abandoning the most-favored-nation clauses in most of the treaties which the United States has signed with other nations.

The American National Live Stock Association adopted the following resolutions at its fortieth annual meeting, held at El Paso, Tex., in January 1937:

Whereas the reduction in tariff on cattle in the Canadian reciprocal-trade agreement and the extension of the same reduction to imports from Mexico has been one of the major factors in causing a sharp decline in cattle prices, as a careful examination of official Government market reports clearly indicates; and

Whereas the tariff on agricultural products has been reduced to increase the export of industrial products; and

Whereas these imports have been received in such manner as to effect a decline out of all proportion to the actual numbers involved: Therefore be it

Resolved, That we urge that the Reciprocal Trade Act be repealed or that all treaties negotiated under it be subject to ratification by a two-thirds vote of the United States Senate; and be it further

Resolved, That we request that until the act is repealed or the Canadian agreement is nullified or expires the imports of cattle under this agreement should be placed on a weekly or monthly quota for 1937, in order to prevent dumping of large numbers on our markets in a short period, as was done in the spring of 1936.

The American Farm Bureau Federation adopted the following resolution concerning the reciprocal-trade treaties at its annual convention held in Pasadena, Calif., December 11, 1936:

We reaffirm our support of reciprocal-trade treaties which are negotiated primarily to restore agricultural exports by judicious lowering of industrial tariffs, thus admitting more goods into this country and making it possible for us to sell more of our farm products abroad.

We insist that this principle be adhered to in framing reciprocal-trade treaties and that there be no reduction in present agricultural tariffs on any farm product that would have the effect of holding or reducing domestic price levels below parity on such product. We insist that prior to the conclusion of agreements opportunity be afforded official representatives of farmers to be heard in public hearings on questions at interest and that the most-favored-nation clause be eliminated.

Countries enjoying wide outlets in the American market of commodities on the free list should be effectively encouraged in large part to take in exchange commodities produced in the United States which they require.

Mr. President, why have these great farm organizations taken their positions either against extending the reciprocal-trade agreements at all or at least against the extension of the act unless it is properly safeguarded by, first, requiring Senate ratification, and, second, elimination of the most-favored-nation clause from the agreements?

They have not taken these positions because they are opposed to expansion of our foreign trade. They are in favor of expansion of our foreign trade.

They have not taken their positions because they are opposed to the principle of reciprocal-trade agreements. They are in favor of reciprocal-trade agreements as a means of breaking down trade barriers.

They have not taken their positions because they are opposed to the administration in power; in fact, a considerable part of the membership have supported this administration. They have taken these positions because they not only know that the trade agreements have failed to get the results hoped for but they also realize that the results attained have been, in the main, unfavorable to agriculture and inimical to the interests of the farmers of the United States.

Mr. President, the situation of agriculture is much better than it was a few years ago. Many of the measures taken by this administration have contributed to this better position of agriculture. I make the assertion, however, that this administration's tariff policy—and its tariff policy is summed up in the reciprocal-trade agreements, because otherwise it has not made one move toward changing the tariff policies of the preceding Republican administrations—has not contributed in the least toward better conditions for farmers and for agriculture.

We have a good test for this assertion in the official figures showing the trend in foreign trade in farm products since 1934. If these figures showed an increase in agricultural exports, as was hoped by those who advocated the Reciprocal Trade Agreements Act in 1934—and I was one of those who supported that act in the hope that it would work benefits—then it could be said that as to those crops the act has been measurably, at least, successful. If the act had been so administered that there had not been an increase in competitive agricultural imports, then at least it could be asserted that the act had been successful in negative fashion.

But unfortunately for the farmer—and unfortunately for those who contend that the Reciprocal Trade Agreements Act has helped agriculture—the records show that farm exports have not increased. I desire to place in the RECORD, in support of this assertion, a table, which I ask leave to insert in the RECORD without reading.

The PRESIDING OFFICER (Mr. ELLENDER in the chair). Without objection, it is so ordered.

The table is as follows:

Exports of certain articles, 1933, 1934, 1935, and first 11 months of 1936

Article	1933		1934		1935		First 11 months 1936	
	Amount	Value	Amount	Value	Amount	Value	Amount	Value
Cotton, unmanufactured.....1,000 bales..	8,532	$398,212,000	5,943	$372,755,000	6,093	$390,899,000	5,028	$320,823,000
Tobacco, unmanufactured.....1,000 pounds..	438,936	82,924,000	440,866	125,064,000	396,330	134,043,000	383,806	123,070,000
Vegetables, fresh.....		3,223,000		3,707,000		3,768,000		5,800,000
Vegetables, dried.....1,000 bushels..	174	462,000	135	395,000	146	404,000	156	425,000
Wheat.....do....	7,983	4,769,000	16,970	10,249,000	233	212,000	1,829	1,796,000
Oranges.....1,000 boxes..	3,399	6,665,000	3,318	8,227,000	948	1,926,000	447	793,000
Do.....1,000 baskets..	286	414,000	417	698,000	1,262	5,352,000	764	3,170,000
Apples.....1,000 barrels..	1,173	4,365,000	766	3,116,000	5,463	13,622,000	3,962	10,611,000
Do.....1,000 boxes..	7,224	8,318,000	7,355	10,187,000	6,973	9,999,000	5,305	7,879,000
Meat products.....1,000 pounds..	231,439	25,507,000	251,393	35,168,000	155,347	28,323,000	124,896	23,497,000
Lard.....do....	579,132	34,098,000	431,237	26,096,000	96,355	11,870,000	101,908	12,281,000
Dairy products.....		4,021,000		5,195,000		4,533,000		3,788,000
Rice, milled.....1,000 pounds..	107,064	2,864,000	79,936	2,625,000	161,307	4,936,000	14,169	489,000
Wheat flour.....do....	3,693	13,823,000	4,163	16,837,000	1,003	4,248,000	802	4,150,000
Oil cake and oil-cake meal.....do....	760,478	8,646,000	461,536	5,948,000	469,878	5,577,000	420,432	5,422,000
Dried and evaporated fruits.....do....	396,790	21,762,000	337,793	21,691,000	403,952	23,927,000	329,871	19,593,000
Canned fruits.....do....	266,251	17,132,000	238,881	17,304,000	322,481	23,818,000	251,601	18,552,000

Source: Statistical Abstract and Monthly Summary of Foreign Commerce, Department of Commerce.

Mr. CAPPER. These figures show not an increase in exports of agricultural products but a decrease. The actual experience of the past 2 years does not indicate that agriculture has benefited from increased exports. So, whatever the reciprocal-trade agreements have accomplished, they have not given us increased markets for farm products abroad; and most certainly the reciprocal-trade agreements have not been accompanied by any decrease in imports of farm products from abroad. Not only have the trade agreements failed to benefit agriculture positively; they have been accompanied by, if they have not actually caused, increases in imports of certain farm products. I may be wrong, but it is my contention that every pound or other unit of competitive farm products imported takes away just that much of the domestic market from the American farmer; and I also say that the American farmer is entitled to the American market for his products so long as he is able to supply the needs of the American market.

But do not take this on my say-so. Let us look at the record. I ask to have included in the RECORD at this point as part of my remarks a table taken from the Statistical Abstract of the Monthly Summary of Foreign Commerce, from the Department of Commerce, showing imports of certain articles in 1933, 1934, 1935, and the first 11 months of 1936.

The PRESIDING OFFICER. Without objection, it is so ordered.

The table is as follows:

Imports of certain articles, 1933, 1934, 1935, and first 11 months of 1936

Article	1933		1934		1935		First 11 months 1936	
	Amount	Value	Amount	Value	Amount	Value	Amount	Value
Tallow.....1,000 pounds..	239	$7,000	42,813	$1,625,000	245,851	$13,105,000	68,468	$3,536,000
Flaxseed.....1,000 bushels..	13,966	13,578,000	14,170	15,028,000	17,560	15,623,000	13,876	13,760,000
Wool, unmanufactured.....1,000 pounds..	152,067	18,547,000	109,401	16,784,000	202,733	29,925,000	228,688	46,573,000
Wheat.....1,000 bushels..	31	21,000	7,737	6,884,000	27,439	21,072,000	8,295	7,296,000
Other grains.....		7,518,000		18,991,000		42,932,000		33,314,000
Meat products.....1,000 pounds..	60,684	9,293,000	65,302	12,840,000	115,039	19,178,000	143,182	23,197,000
Butter.....do....	899	150,000	1,253	210,000	22,675	3,577,000	8,719	1,798,000
Cheese.....do....	49,497	10,844,000	47,532	10,659,000	48,932	11,201,000	53,620	11,434,000
Vegetable oils, edible.....do....	91,108	7,050,000	91,745	8,522,000	397,634	25,483,000	306,228	21,397,000
Sugar (cane).....do....	5,668,906	104,934,000	5,994,375	117,614,000	5,908,295	140,475,000	5,639,652	149,623,000

Source: Statistical Abstract and Monthly Summary of Foreign Commerce, Department of Commerce.

Mr. CAPPER. The table dealing with imports which I have placed in the RECORD I will summarize briefly by stating that practically without exception it shows increases in agricultural imports during the entire period the Reciprocal Trade Agreements Act has been in effect.

In regard to cattle I will state that the importations of cattle into this county for 1934 were 66,138 head; in 1935 the importations totaled 378,124 head; in 1936 there were more than 400,000 head imported.

There is considerable distress among our cattlemen over the effect of the Canadian agreement, which lowered the tariff on 150,000 head of cattle imported each year. There may be some merit in the contention that this is such a small percentage of the total slaughter that it should not affect prices materially, but the fact seems to be just the contrary. These imports do affect prices and affect them unfavorably.

The trouble is that these Canadian cattle seem to be thrown on the American market in large numbers, and the effect is to drive prices downward. I am going to quote from the testimony of Mr. F. E. Mollin, of Denver, representing the American National Livestock Association, as to the effect of the Canadian agreement on the cattle market. He is an authority on the subject. I do not claim to be an authority. In answer to a question, Mr. Mollin told the Finance Committee:

> Seventy and two-tenths percent of the quota of 155,799 head of cattle weighing more than 700 pounds as established in the Canadian agreement, or 109,408 head, entered this country in the 4 months March to June, inclusive. This is, last spring 24¾ percent, or 37,887 head, entered in the month of April alone. Large numbers of these cattle were received at the St. Paul and Buffalo markets. I have carefully examined the official Government reports as to market conditions at St. Paul during the months in question, and find repeated instances where from 50 to 125 loads of Canadian cattle were received at that market on Monday, and in almost every instance the market slumped sharply with trading very slow and considerable numbers held over. Our central market system is such that a condition of this kind on any one market is immediately reflected by wire to all the other markets and hence my statement that the Canadian importations had an influence on price out of all proportion to the actual numbers involved.
>
> Now, I have here a statement which I prepared last summer. It is based on the official records of the St. Paul market, official Government reports, and I would like to have it put in the record without taking the time or opportunity to read it.

Mr. President, I ask unanimous consent to place in the RECORD at this point, without taking the time of the Senate to read it, the matter referred to by Mr. Mollin.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

EFFECT OF CANADIAN IMPORTATIONS ON DOMESTIC CATTLE MARKETS

St. Paul, Monday, Apr. 6, 1936

Cattle receipts, South St. Paul---------- 5,600
Total cattle receipts for 7 markets (South St. Paul, Chicago, Kansas City, Omaha, East St. Louis, St. Joseph, Sioux City) ---------- 44,600
Actual cattle receipts (7 markets) week ago---------- 55,556
Actual cattle receipts (7 markets) year ago---------- 42,631

St. Paul: Receipts Canadian cattle about 80 cars, some of these being holdovers from late last week. Trade at a standstill during much of the forenoon, despite decrease in supplies around the Midwestern market circle. Clearance still incomplete at most points around the noon hour, as salesmen felt additional declines lacked justification.

Chicago: Moderate receipts of cattle more than offset the depressing influence of religious holidays. At the finish, some weakness had crept into the trade and sales of medium- and lower-grade steers indicated that most of the early strength had disappeared.

St. Paul, Monday, Apr. 13, 1936

Cattle receipts, South St. Paul---------- 3,500
Total cattle receipts for 7 markets (South St. Paul, Chicago, Kansas City, Omaha, East St. Louis, St. Joseph, Sioux City) ---------- 46,500
Actual cattle receipts (7 markets) week ago---------- 46,169
Actual cattle receipts (7 markets) year ago---------- 46,937

St. Paul: Canadian receipts some 55 cars, part of these holdover from Saturday. Market mostly steady on medium-grade fed steers; 10 to 15 cents lower on better grades. Many loads still in first hands as afternoon opened.

Chicago: Market ruled 15 to 25 cents lower on kinds of value to sell at $8.50 upward. Comparative scarcity led the handful of lower grades to sell not only steady but rather actively at $8 downward.

St. Paul, Wednesday, Apr. 15, 1936

Cattle receipts, South St. Paul---------- 4,300
Total cattle receipts for 7 markets (South St. Paul, Chicago, Kansas City, Omaha, East St. Louis, St. Joseph, Sioux City) ---------- 28,100
Actual cattle receipts (7 markets) week ago---------- 23,044
Actual cattle receipts (7 markets) year ago---------- 25,045

St. Paul: Canadian receipts around 60 cars. Slaughter steers and fed yearlings comprised the greatest share of the day's run. Most sales 15 to 25 cents lower, but some bids showed greater downturns, and numerous carloads were still unsold around 1:30 p. m.

St. Paul, Monday, Apr. 20, 1936

Cattle receipts, South St. Paul---------- 6,900
Total cattle receipts for 7 markets (South St. Paul, Chicago, Kansas City, Omaha, East St. Louis, St. Joseph, Sioux City) ---------- 63,600
Actual cattle receipts (7 markets) week ago---------- 48,837
Actual cattle receipts (7 markets) year ago---------- 50,615

St. Paul: Canadians, about 125 cars on hand, part of these being hold-overs. The only question about lower prices was apparently a matter of degree or extent, most buyers favoring a flat 50-cent reduction for slaughter steers, while salesmen felt that around 25 cents was more nearly justified and trading was very slow to be established, with the greater share of steers and yearlings still unsold about noon. Limited selling was at 25 to 50 cents lower levels.

St. Paul, Thursday, Apr. 23, 1936

Cattle receipts, South St. Paul---------- 4,600
Total cattle receipts for 7 markets (South St. Paul, Chicago, Kansas City, Omaha, East St. Louis, St. Joseph, Sioux City) ---------- 23,000
Actual cattle receipts (7 markets) week ago---------- 21,935
Actual cattle receipts (7 markets) year ago---------- 18,704

St. Paul: Receipts, Canadians, approximated 60 loads, largely steers of medium and lower grades. Trade was draggy on the general run of slaughter steers, barely steady mostly, although strictly corn-fed native steer yearlings worked out firm, due partly to scarcity.

Chicago: Canada had cattle here, mainly through St. Paul. The small run of Canadians here sold at $7.25 to $8.35 but other markets, notably St. Paul, saw a liberal run of "canucks", there being approximately 125 loads at that market on Monday, as well as 1,300 head at Buffalo. Thus the crop of Canadian cattle was an item in beef tonnage figures even if a moderate supply is being moved direct to Corn Belt feed lots.

St. Paul, Monday, Apr. 27, 1936

Cattle receipts, South St. Paul---------- 6,200
Total cattle receipts for 7 markets (South St. Paul, Chicago, Kansas City, Omaha, East St. Louis, St. Joseph, Sioux City) ---------- 47,800
Actual cattle receipts (7 markets) week ago---------- 64,286
Actual cattle receipts (7 markets) year ago---------- 41,399

St. Paul: Canadians, about 110 loads, mostly steers, with some she stock. Slaughter steer and yearling trade was slow, but most sales worked out about steady. Undertone weak on the part of big killers, especially for the bulk of medium-grade Canadian steers.

Chicago: Most of the crop were medium to good-grade steers of value to sell at $9.25 down late last week—this is what the cattle brought today on a steady to strong, but very slow, market.

Chicago, Thursday, Apr. 30, 1936

Not only natives but Canadians are running rather freely, most of the latter cattle stopping at St. Paul and Buffalo.

St. Paul, Monday, May 4, 1936

Cattle receipts, South St. Paul---------- 5,600
Total cattle receipts for 7 markets (South St. Paul, Chicago, Kansas City, Omaha, East St. Louis, St. Joseph, Sioux City)---------- 50,100
Actual cattle receipts (7 markets) week ago---------- 45,826
Actual cattle receipts (7 markets) year ago---------- 43,868

Chicago, Wednesday, May 6, 1936

As partly explaining the recent beef pile-up, the trade is pointing to recent liberal runs of Canadian cattle at Buffalo and St. Paul. A good many Canadian steers at Buffalo had to be carried over on last Monday's market when other trade centers were congested. Fat cattle are also moving freely out of the Lancaster, Pa., district, part of these being originally Canadians, according to unofficial reports.

St. Paul, Thursday, May 7, 1936

Cattle receipts, South St. Paul---------- 4,500
Total cattle receipts for 7 markets (South St. Paul, Chicago, Kansas City, Omaha, East St. Louis, St. Joseph, Sioux City)---------- 23,900
Actual cattle receipts (7 markets) week ago---------- 21,293
Actual cattle receipts (7 markets) year ago---------- 14,995

St. Paul: Receipts, Canadians, 75 cars, mostly steers. A few better finished yearling steers and heifers sold early at near steady rates. Otherwise the market was hardly established on the majority of slaughter steers and butcher she stock before the noon hour. Scattered sales appeared around 25 cents lower, with bids mostly that much or more off, and the bulk of the supply still in first hands around 12:30 p. m. and numerous loads of steers still without bids.

Chicago: The fed and yearling trade more nearly approached a state of complete collapse than at any time within recent weeks. While steers were more affected than other classes, there was a pronounced break all through the list. Canadian steers ran freely at St. Paul and Buffalo, but only five or six loads showed up locally to sell at $7.25 to $7.40.

St. Paul, Monday, May 11, 1936

Cattle receipts, South St. Paul---------- 4,300
Total cattle receipts for 7 markets (South St. Paul, Chicago, Kansas City, Omaha, East St. Louis, St. Joseph, Sioux City)---------- 35,400
Actual cattle receipts (7 markets) week ago---------- 52,615
Actual cattle receipts (7 markets) year ago---------- 38,981

St. Paul: Canadians, about 60 cars, some of these being holdovers. Buyers were practically without interest in fresh purchases except at material and in some sharp reductions, while salesmen had anticipated recovering part of last week's sharp losses due to lighter receipts. Bids were frequently as much as 50 cents off on the rank and file of steers and yearlings, and the majority still in first hands when the afternoon began.

St. Paul, Monday May 25, 1936

Cattle receipts, South St. Paul---------- 4,700
Total cattle receipts for 7 markets (South St. Paul, Chicago, Kansas City, Omaha, East St. Louis, St. Joseph, Sioux City) ---------- 43,300
Actual cattle receipts (7 markets), week ago---------- 34,945
Actual cattle receipts (7 markets), year ago---------- 45,181

St. Paul: Canadians, about 60 loads, mostly steers of medium quality and finish. Weightier steers, particularly lower quality offerings, were harder to move, and many were still unsold around the noon hour, Canadians included, resisting weak to lower bids.

St. Paul, Monday, June 1, 1936

Cattle receipts, South St. Paul---------- 6,500
Total cattle receipts for 7 markets (South St. Paul, Chicago, Kansas City, Omaha, East St. Louis, St. Joseph, Sioux City) ---------- 47,400
Actual cattle receipts (7 markets), week ago---------- 43,759
Actual cattle receipts (7 markets), year ago---------- 43,639

St. Paul: Canadians, 78 loads. With supplies running largely to slaughter steers, that part of the trade was very draggy. Limited sales occurred around 25 cents lower, with finished yearlings or steers about 900 pounds down showing less decline, while long yearlings and weightier beeves received bids up to about 40 cents off, and the majority of all offerings still unsold around 1 p. m.

St. Paul, Monday, June 15, 1936

Cattle receipts, South St. Paul	5,800
Total cattle receipts for 7 markets (South St. Paul, Chicago, Kansas City, Omaha, East St. Louis, St. Joseph, Sioux City)	45,700
Actual cattle receipts (7 markets), week ago	44,393
Actual cattle receipts (7 markets), year ago	36,160

St. Paul: Canadians, 75 cars, largely weightier steers. Weights around 1,000 pounds down developed about steady prices, while heavier kinds remained draggy and weak, with bids frequently lower and many still in first hands when the afternoon began.

Mr. CAPPER. Mr. President, there is one other point in relation to the livestock industry upon which I wish to dwell briefly. I understand it will be discussed in more detail by other Members of the Senate. This is the matter of sanitary regulations.

At the present time we have embargoes against imports of livestock from some twoscore nations in which the dread foot-and-mouth disease is prevalent. Mr. President, those restrictions should be retained. In the United States we maintain high standards of health for animals which are to be slaughtered for human consumption. The same high standards should be effective on imports of animals or meats for human consumption.

It is possible, as I understand the situation, for these trade agreements to abrogate or mitigate, or at least pave the way for the abrogation or mitigation, of these sanitary requirements on imports.

We can see what is in prospect if we take a look at the proposed Argentine Sanitary Convention, now pending before the Senate Committee on Foreign Relations. This convention would let down the bars, in some degree at least, against imports of cattle, sheep, beef, and mutton from the Argentine, where there is considerable foot-and-mouth disease.

It is not my intention to discuss the proposed Sanitary Convention at this time. I merely desire to point out that this Sanitary Convention cannot become effective without ratification by the Senate. But if it were included in one of these reciprocal-trade agreements—I am not saying it will be—the Senate would have nothing whatever to say about its going into effect, because, when we adopt the pending joint resolution, the Senate will have given over to the executive department the power the people gave the Senate to protect the livestock industry of this country against foot-and-mouth disease.

Mr. President, it seems to me this is a case in point that makes it imperative upon the Senate to adopt my amendment to the joint resolution. That amendment would require ratification by the Senate of each of these trade agreements before they can become effective.

It does not seem to me necessary to elaborate upon this point. It is intended by the Constitution that the Senate should pass upon treaties, and in effect these trade agreements are treaties, as so clearly shown in the remarks of the Senator from Michigan and the Senator from Idaho.

I desire also to point out that 13 of the 15 nations with which the State Department has negotiated these trade agreements require ratification by their parliaments before the trade agreements become effective. The Canadians are too intelligent to allow a trade agreement to become effective until their Parliament ratifies it. Surely we ought to exercise the same care in protecting the rights of our own citizens.

I am frankly of the opinion that the Reciprocal Trade Agreements Act as it stands puts entirely too much power in the hands of the Executive and surrenders not only the power of the Senate to pass on these agreements but also its responsibility. The statute represents an undue delegation of legislative authority. As I said at the beginning of these remarks, I had grave doubts when the original act came before the Senate as to the wisdom and the validity of this part of the act, but I resolved those doubts in favor of the measure. This I did in the hope—I am sorry that it seems to have been a vain hope—that the power would be used to help a distressed American agriculture. Now that we know it has not had that effect, I say the time has come for the Senate to recapture the power it gave away in 1934. And I hope that a majority of the Senate will take this view of the matter.

Further, Mr. President, I am opposed to continuing the power of the executive branch of the Government to incorporate the most-favored-nation clause in these trade agreements. As I understand, we have obtained trading concessions—such as they are, they certainly have not benefited agriculture—but in return we have granted concessions to some 70 nations, of which only some 15 have granted similar concessions to us.

Mr. President, I have taken more time than I intended. It is a matter of regret to me that I cannot support the joint resolution to extend the Reciprocal Trade Agreements Act for another 3 years. I certainly cannot support the joint resolution unless it is changed in two vital respects.

First. All such agreements should be subject to ratification by the Senate. I would be willing to provide that they become effective upon failure of the Senate to act within a reasonable time after the agreements are presented to the Senate. But by all means the power to act should be returned to the Senate.

Second. The power of the executive branch to incorporate the most-favored-nation clause in these agreements should be abrogated. The provisions of the agreements should be restricted to apply only to articles the growth, produce, or manufacture of the foreign country with which the agreement is entered into.

These two amendments, Mr. President, are proposed in good faith for the purpose of strengthening the Reciprocal Trade Agreements Act, not for the purpose of weakening it. I desire at this time to reiterate my hearty sympathy with and complete approval of the doctrine of trade reciprocity.

It is my desire to make the doctrine of reciprocity effective by requiring reciprocal agreements only. The United States, under my proposal, would make certain concessions to some other nation in the matter of import restrictions. That nation would reciprocate by making us certain concessions. But we would not make concessions to 70 nations in return for concessions made to us by 14 or 15 nations.

I sincerely hope that the Senate will decide to accept these two proposals offered by me, and thus provide proper safeguards in the public interest, before it extends the Reciprocal Trade Agreements Act for 3 years, as provided in the pending joint resolution.

ORDER FOR CONSIDERATION OF CALENDAR TOMORROW

Mr. ROBINSON. Mr. President, I ask unanimous consent that tomorrow after the conclusion of the morning business the Senate shall proceed to the consideration of unobjected bills on the calendar.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

Mr. HATCH, from the Committee on the Judiciary, reported favorably the nomination of Sam E. Whitaker, of Chattanooga, Tenn., to be Assistant Attorney General of the United States to fill an existing vacancy.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDING OFFICER (Mr. ELLENDER in the chair). The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state in order the nominations on the calendar.

HIGH COMMISSIONER TO THE PHILIPPINE ISLANDS

The legislative clerk read the nomination of Paul V. McNutt, of Indiana, to be United States High Commissioner to the Philippine Islands.

Mr. FRAZIER. Mr. President, I noted in the newspapers a day or two ago that some objection was made to the appointment of Governor McNutt to the position of United States High Commissioner to the Philippine Islands. I was wondering whether the Senator in charge of this nomination could tell us anything about the situation. As I remember,

the objection was based on Governor McNutt's record as a militarist.

Mr. KING. Mr. President, the Senator from Maryland [Mr. TYDINGS], the chairman of the Committee on Territories and Insular Affairs, does not seem to be in the Chamber at the present time.

Mr. BARKLEY. Mr. President, the criticism referred to by the Senator, which appeared in the newspapers, is merely a charge against Governor McNutt by a man named Libby, who is connected with some sort of peace organization in this country, to the effect that he had used force in some way in connection with a labor dispute in Indiana. It was merely a newspaper article, as I understand. The man did not come before the committee to protest against the nomination. He made no representation about it until after Governor McNutt had been appointed, and then only in a newspaper article, which I think was in substance what I have just stated.

Mr. FRAZIER. Can the Senator tell me whether or not Governor McNutt, while in office in Indiana, did call out the militia in labor disputes?

Mr. BARKLEY. I, myself, do not know whether he did or not.

Mr. ROBINSON. Was the report of the committee unanimous?

Mr. BARKLEY. It is my understanding that the report was unanimous.

Mr. KING. Mr. President, in answer to the question of the Senator from Arkansas, there was no formal meeting of the Committee on Territories and Insular Affairs to consider this nomination, but I believe the chairman contacted all the members of the committee. I know he contacted me, and I saw the report, which was signed, so far as I know, by substantially all of the members of the committee. I do not mean to say that every Senator on the committee signed the report, but my recollection is that nearly all had signed when the report was presented to me. I do not know, I repeat, whether or not the report was unanimous, but there was no objection.

I may add that I received a communication yesterday through the mail, as I recall, from an organization the name of which I have forgotten, in which a protest was made against the nomination of Governor McNutt.

Mr. VAN NUYS. Mr. President, in answer to the query of the Senator from North Dakota [Mr. FRAZIER], let me say that Governor McNutt did on some occasions call out the militia owing to widespread strikes in the State of Indiana, just as the present Governor of Indiana, Governor Townsend, put the entire county of Madison, in which the city of Anderson is located, under military rule on account of violence being committed there.

Governor McNutt is a man who has served his State as Governor in the most acceptable manner. He cooperated with the National Government in all relief work. He was formerly dean of the law school of the State university, and he is equipped both as a diplomat and as an executive for the high office to which he has been nominated.

I am familiar with the complaint of which the Senator speaks. It was simply a publicity stunt, the complaint being given to the newspapers even before the letter was addressed to the President, and I doubt whether it will receive any recognition or acknowledgment from the White House.

I underwrite Governor McNutt from every angle for the high position to which he has been nominated.

Mr. FRAZIER. Mr. President, I am glad to hear the endorsement of the Senator from Indiana of this nomination.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to this nomination?

The nomination was confirmed.

GOVERNOR OF PANAMA CANAL

The legislative clerk read the nomination of Col. Clarence S. Ridley, Corps of Engineers, United States Army, to be Governor of the Panama Canal.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

PUBLIC WORKS ADMINISTRATION

The legislative clerk read the nomination of David R. Kennicott to be State director, Illinois.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations are confirmed en bloc.

IN THE ARMY

The legislative clerk read the nomination of Raymond Franklin Metcalfe to be assistant to the Surgeon General.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

DEATH OF REPRESENTATIVE BUCHANAN, OF TEXAS

The Senate resumed legislative session.

The PRESIDING OFFICER (Mr. ELLENDER in the chair). The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The legislative clerk read the resolutions (H. Res. 128), as follows:

House Resolution 128

IN THE HOUSE OF REPRESENTATIVES, UNITED STATES,
February 23, 1937.

Resolved, That the House has heard with profound sorrow of the death of Hon. JAMES P. BUCHANAN, a Representative from the State of Texas.

Resolved, That a committee of 10 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provision of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

Mr. SHEPPARD. Mr. President, I offer the resolutions which I send to the desk, and ask for their immediate consideration.

The resolutions (S. Res. 85) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. JAMES P. BUCHANAN, late a Representative from the State of Texas.

Resolved, That a committee of two Senators be appointed by the Vice President to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The PRESIDING OFFICER. Under the second resolution the Chair appoints the senior Senator from Texas [Mr. SHEPPARD] and the junior Senator from Texas [Mr. CONNALLY] as the committee on the part of the Senate to attend the funeral of the deceased Representative.

Mr. SHEPPARD. As a further mark of respect to the memory of the deceased Representative, I move that the Senate do now adjourn.

The motion was unanimously agreed to; and (at 3 o'clock and 45 minutes p. m.) the Senate adjourned until tomorrow, Wednesday, February 24, 1937, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 23, 1937

UNITED STATES HIGH COMMISSIONER TO THE PHILIPPINE ISLANDS

Paul V. McNutt to be United States High Commissioner to the Philippine Islands.

GOVERNOR OF PANAMA CANAL

Col. Clarence S. Ridley, Corps of Engineers, United States Army, to be Governor of the Panama Canal.

PUBLIC WORKS ADMINISTRATION

David R. Kennicott to be State director of the Public Works Administration in Illinois.

APPOINTMENT IN THE REGULAR ARMY

Raymond Franklin Metcalfe to be assistant to the Surgeon General with the rank of brigadier general.

POSTMASTERS

DELAWARE

Robert H. Denney, Smyrna.

MASSACHUSETTS

Peter F. Tague, Boston.

NEW JERSEY

Henry G. Roberts, Bay Head.
John W. Guire, Long Branch.
Leo Francis Nash, New Egypt.
Hugh O. Moore, Ocean Grove.
Edward von Kattengell, Red Bank.

SOUTH CAROLINA

Richard M. Smith, Bishopville.

VERMONT

Mildred A. Dailey, Hartford.
Neal B. Smith, Williamstown.

HOUSE OF REPRESENTATIVES

TUESDAY, FEBRUARY 23, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou infinite God, our Father, we thank Thee for all the light which has fallen upon the earth. By the inspiration of this sacred moment may we be prepared to meet the obligations of this day. Blessed Lord, the whole work of life and its contests represent the struggles and the aspirations of man; may we put ourselves under Thy guidance. Hide not Thy face from us in the time of our need; in the day when we call, answer us speedily. Let not the sun stand a thousand years in the firmament until the rulers of earth bring Thee their glory and in Thy light may the nations walk. Heavenly Father, another Member has fallen. He was pronounced in his convictions and pure in motives. He served his State and country with fidelity and singleness of purpose. Comfort all those who knew and loved him. In the name of our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE LATE REPRESENTATIVE JAMES P. BUCHANAN

Mr. SANDERS. Mr. Speaker, I offer the following resolution, which I send to the desk.

The Clerk read as follows:

House Resolution 128

Resolved, That the House has heard with profound sorrow of the death of Hon. JAMES P. BUCHANAN, a Representative from the State of Texas.

Resolved, That a committee of 10 Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provision of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Mr. SANDERS. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. CANNON] be recognized.

The SPEAKER. Is there objection?

There was no objection.

Mr. CANNON of Missouri. Mr. Speaker, when the news of Gladstone's death reached London the British Cabinet was in session. A secretary handed the memorandum to the Premier, and the Premier, reading the announcement to the Cabinet, said, "We have lost a great man." Mr. Balfour, the First Lord of the Treasury, who was sitting beside him, said, "It is worse than that; we have lost a friend." I am certain every Member of the House who has been associated with Chairman BUCHANAN in his long and eventful and distinguished service here echoes that sentiment this morning. He was not only a man of commanding ability but he was one of the most lovable men in the House. He dies as he would have preferred to die—and as he would have expressed it—"with his spurs on and riding hard." His physician, his family, his secretaries, his friends urged him to husband his strength, but there was work to be done, important work to be done, work which no one else could do so well, and so he gave what might have been the last and best years of his life to do it.

Mr. Speaker, the Nation has lost a faithful and efficient public servant, and we have lost a friend. I heartily concur with the gentleman from Texas [Mr. SANDERS] in the resolution.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

The SPEAKER. Without objection, the Chair will designate the members of the committee provided for by the resolution after the adjournment and announce the names through the press. The Clerk will report the remainder of the resolution.

ADJOURNMENT

The Clerk read as follows:

Resolved, That as a further mark of respect the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 8 minutes p. m.) the House adjourned until tomorrow, Wednesday, February 24, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization in room 445, House Office Building, at 10: 30 a. m., on Wednesday, February 24, 1937, for public consideration of H. R. 30, to protect the artistic and earning opportunities in the United States for American actors, vocal musicians, operative singers, solo dancers, solo instrumentalists, orchestra directors, and others.

EXECUTIVE COMMUNICATIONS, ETC.

385. Under clause 2 of rule XXIV, a letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 15, 1937, submitting a report, together with accompanying papers and illustration, on a preliminary examination and survey of Old River, Calif., authorized by the River and Harbor Act approved August 30, 1935 (H. Doc. No. 151), was taken from the Speaker's table and referred to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. BLAND: Committee on Merchant Marine and Fisheries. H. R. 4951. A bill to amend section 704 of the Merchant Marine Act of 1936 (49 U. S. Stat. L. 2008–2009); without amendment (Rept. No. 293). Referred to the Committee of the Whole House on the state of the Union.

Mr. DOUGHTON: Committee on Ways and Means. H. R. 4985. A bill to regulate interstate commerce in bituminous coal, and for other purposes; without amendment (Rept. No. 294). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PATMAN: A bill (H. R. 5010) establishing the monetary policy of the United States for the regulation of the value of money, acquiring the stock of the Federal Reserve banks, and for other purposes; to the Committee on Banking and Currency.

By Mr. BARRY: A bill (H. R. 5011) to increase the minimum salary of deputy United States marshals to $2,500 per annum; to the Committee on the Judiciary.

By Mr. PETERSON of Florida: A bill (H. R. 5012) to provide a survey and examination of the Hillsborough River in Hillsborough County, Fla., from the end of the present Federal project to Sulphur Springs; to the Committee on Rivers and Harbors.

By Mr. RANKIN: A bill (H. R. 5013) to restore certain benefits to World War veterans suffering with paralysis, paresis, or blindness, or who are helpless or bedridden, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. MERRITT: A bill (H. R. 5014) to promote on the retired list Army officers retired for wounds received in battle; to the Committee on Military Affairs.

By Mr. FERNANDEZ: A bill (H. R. 5015) to provide for court stenographers in the United States district courts and to fix their duties and compensation; to the Committee on the Judiciary.

By Mr. RANKIN: A bill (H. R. 5016) to make World War disability and death compensation and pension awards permanent after 5 years from the awarding thereof, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. BLAND: Resolution (H. Res. 129) for the consideration of H. R. 4951, a bill to amend section 704 of the Merchant Marine Act of 1936 (49 Stat. L. 2008–2009); to the Committee on Rules.

By Mr. MASSINGALE: Resolution (H. Res. 130) to make House Joint Resolution 88, a joint resolution staying mortgage foreclosures by the Home Owners' Loan Corporation and the Farm Credit Administration for a period of 2 years, a special order of business; to the Committee on Rules.

By Mr. McREYNOLDS: Joint resolution (H. J. Res. 242) to maintain the neutrality of the United States in the event of war between or among foreign nations, and for other purposes; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BARRY: A bill (H. R. 5017) granting a pension to Mary Hutcheson; to the Committee on Pensions.

Also, a bill (H. R. 5018) for the relief of Joseph Roig; to the Committee on Military Affairs.

Also, a bill (H. R. 5019) for the relief of George A. Voss; to the Committee on Naval Affairs.

By Mr. COLE of New York: A bill (H. R. 5020) granting an increase of pension to Jessie McCumber McManus; to the Committee on Invalid Pensions.

By Mr. DEMPSEY: A bill (H. R. 5021) for the relief of Essie E. Leatherwood; to the Committee on Claims.

By Mr. DOWELL: A bill (H. R. 5022) granting an increase of pension to Lydia Todhunter; to the Committee on Invalid Pensions.

By Mr. GOLDSBOROUGH: A bill (H. R. 5023) for the relief of Gordy Z. Parks; to the Committee on Claims.

By Mr. McCORMACK: A bill (H. R. 5024) for the relief of William A. Patterson; Albert E. Rust; Louis Pfeiffer; and John L. Nesbitt and Cora B. Geller, as executors under the will of James T. Bentley; to the Committee on Claims.

By Mr. McGROARTY: A bill (H. R. 5025) for the relief of J. S. Mott; to the Committee on Military Affairs.

By Mr. TAYLOR of Tennessee: A bill (H. R. 5026) for the relief of Harvey T. Wilson; to the Committee on Claims.

By Mr. WELCH: A bill (H. R. 5027) for the relief of John Meirose; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

475. By Mr. BIERMANN: Memorial of the State Senate of Iowa, protesting against the proposal to increase the number of Supreme Court Justices; to the Committee on the Judiciary.

476. Also, memorial of several citizens of St. Ansgar, Iowa, protesting against the proposal to increase the number of Supreme Court Justices; to the Committee on the Judiciary.

477. By Mr. FORAND: Petition of Newport Lodge, No. 104, Benevolent and Protective Order of Elks, favoring the retention of the frigate *Constellation* at Newport, R. I.; to the Committee on Naval Affairs.

478. By Mr. FORD of California: Resolution adopted by the Los Angeles County Board of Supervisors, petitioning the Congress of the United States to do everything within its power to make available loans or grants to the citrus industry to enable it to comply with an ordinance prohibiting the expelling to the air of smoke, carbon, and soot of orchard-heating equipment; to the Committee on Agriculture.

479. By Mr. MAPES: Petition of 36 residents of the Fifth Congressional District of Michigan, requesting that no law be passed by Congress that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

480. By Mr. MERRITT: Resolution of the Port Jervis Democratic Club, thoroughly approving President Roosevelt's judiciary reform bill; to the Committee on the Judiciary.

481. Also, resolution of the Banksville Council, No. 86, Jr. O. U. M. M., unalterably opposing that section of the President's court-reform bills offered to Congress February 5, 1937, pertaining to the enlargement and/or forced retirement of certain members of our Supreme Court; to the Committee on the Judiciary.

482. Also, resolution of the New York Patent Law Association, that the board of governors regards the preservation of the independence and of the constitutional powers of the Supreme Court of the United States as vital to the Republic and to the system of government under which this Nation has prospered for a century and a half, and is unalterably opposed to all proposals to limit or to qualify either that independence or those powers, and in particular is unalterably opposed to all suggestions for increasing the number of United States Supreme Court Judges, or tending in any way, directly or indirectly, to bring the Supreme Court under the power or influence of any other branch of the Government; to the Committee on the Judiciary.

483. By Mr. RICH: Petition from the Pennsylvania Society of Colonial Dames of America, of Philadelphia, Pa., protesting against the President's plan to change the Supreme Court; to the Committee on the Judiciary.

484. Also, petition from Local Union No. 2098, United Mine Workers of America, at Antrim, Pa., approving President Roosevelt's plan of reorganizing the Federal courts; to the Committee on the Judiciary.

485. Also, petition of the Clio Club of Williamsport, Pa., protesting against the President's plan to increase the membership of the United States Supreme Court; to the Committee on the Judiciary.

486. Also, petition of the Sally Wister Chapter of the Daughters of the American Revolution, of Bradford, McKean County, Pa., opposing the President's plan to increase the membership of the Supreme Court; to the Committee on the Judiciary.

487. Also, petition of citizens of Lock Haven, Pa., protesting against the President's plan to increase the membership of the Supreme Court; to the Committee on the Judiciary.

488. By the SPEAKER: Petition of Cooper Anderson and 30 others, opposing any change in the judiciary; to the Committee on the Judiciary.

489. Also, petition of Eleanor Roosevelt League of Women of Michigan, approving the program of the President with regard to the judiciary; to the Committee on the Judiciary.

490. Also, petition of the Contra Costa County Development Association, petitioning favorable action on House bill 1979, Seventy-fifth Congress, first session; to the Committee on Merchant Marine and Fisheries.

SENATE

WEDNESDAY, FEBRUARY 24, 1937

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O God, whose mercy is as great as our unworthiness, by whose command the order of all time doth run its course: Forgive, we beseech Thee, the impatience of our unbelief, and make perfect that which is lacking in our faith, that we may learn alike from joy and pain the blessedness of fellowship with Thee, and become interpreters of the higher life to those who know Thee not.

We ask not to escape from trouble but for grace to rise victorious over it; we come before Thee not as mere seekers of peace but as men who desire to be makers of peace by contending for equity and justice and the kingdom of God and His righteousness. So guide us in our deliberations that when evening comes, and our task is done, we may have that peace which passeth all understanding. Through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, February 23, 1937, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations and a convention, were communicated to the Senate by Mr. Latta, one of his secretaries.

CALL OF THE ROLL

Mr. LEWIS. In order to assure the presence of a quorum, I ask for a roll call.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Johnson, Colo.	Pittman
Andrews	Copeland	King	Pope
Ashurst	Davis	La Follette	Radcliffe
Austin	Dieterich	Lewis	Reynolds
Bachman	Duffy	Lodge	Robinson
Bailey	Ellender	Logan	Russell
Barkley	Frazier	Lonergan	Schwartz
Black	George	Lundeen	Schwellenbach
Bone	Gerry	McCarran	Sheppard
Borah	Gibson	McGill	Steiwer
Bridges	Gillette	McKellar	Thomas, Okla.
Brown, Mich.	Green	McNary	Thomas, Utah
Bulkley	Guffey	Maloney	Townsend
Bulow	Harrison	Moore	Truman
Burke	Hatch	Murray	Tydings
Byrd	Hayden	Neely	Vandenberg
Byrnes	Herring	Norris	Van Nuys
Capper	Hitchcock	Nye	Wagner
Caraway	Holt	O'Mahoney	Walsh
Chavez	Hughes	Overton	Wheeler
Clark	Johnson, Calif.	Pepper	White

Mr. LEWIS. I desire the RECORD to show for the day that the Senator from Ohio [Mr. DONAHEY] is ill, and therefore absent; that the Senator from Mississippi [Mr. BILBO], the Senator from New Hampshire [Mr. BROWN], the Senator from California [Mr. MCADOO], the Senator from Indiana [Mr. MINTON], and the Senator from South Carolina [Mr. SMITH] are unavoidably detained from the Senate.

The Senator from Oklahoma [Mr. LEE] asks me to say to the Senate that he is absent for a few days, caused by his attendance upon a convention of teachers of which he is a member.

Mr. BYRD. I announce that my colleague the senior Senator from Virginia [Mr. GLASS] is absent because of illness.

Mr. AUSTIN. Mr. President, I announce the absence of the senior Senator from Minnesota [Mr. SHIPSTEAD] due to illness.

The VICE PRESIDENT. Eighty-four Senators have answered to their names; a quorum is present.

BONNEVILLE ELECTRIC POWER PROJECT, OREGON (S. DOC. NO. 21)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a progress report of the committee on national power policy (appointed by him on the 18th ultimo) on the Bonneville project, situated on the Columbia River, Oreg., which was read, and, with the accompanying report, ordered to be printed, and referred to the Committee on Commerce, as follows:

THE WHITE HOUSE,
Washington, February 24, 1937.

MY DEAR MR. VICE PRESIDENT: As you know, the Bonneville project is nearing completion, and I am informed by the War Department that the first electric power will probably be available for public distribution late this year.

It seems necessary, therefore, to enact legislation at this session of the Congress setting up machinery for the administration of the dam, locks, fishways, and power plant of that project. Such legislation should be of a provisional character pending the establishment of permanent administration of Bonneville and other Federal projects in the Columbia Basin, but should not be inconsistent with national power policies which may be hereafter adopted.

On January 18 I appointed a committee on national power policy and requested the committee as its first assignment to make suggestions for the administration of the Bonneville project. The committee has submitted its recommendations, which I transmit herewith for the information of the Congress. I approve the recommendations and believe that they merit careful consideration.

Very sincerely yours,

FRANKLIN D. ROOSEVELT.

The Honorable the VICE PRESIDENT,
Washington, D. C.

COURT ORDERS RESTRAINING ENFORCEMENT OF LAWS

The VICE PRESIDENT laid before the Senate letters from the Chairmen of the Social Security Board and the Federal Power Commission, respectively, submitting the information requested by Senate Resolution 82 (agreed to on the 17th instant), calling for certain information concerning injunctions or judgments issued or rendered by Federal courts since March 4, 1933, in cases involving acts of Congress, which were referred to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on Military Affairs:

House Joint Memorial 9

To the Honorable Senate and House of Representatives of the United States of America in Congress assembled:

We, your memorialists, the Thirty-ninth Legislative Assembly of the State of Oregon, convened in regular session, respectively represent that:

Whereas the United States Government has created civilian conservation camps to provide useful employment; and

Whereas irrigation, drainage and/or improvement districts are in need of roads to aid in their development: Now, therefore, be it

Resolved by the House of Representatives of the State of Oregon (the senate jointly concurring therein), That the Legislative Assembly of the State of Oregon hereby does petition the Congress of the United States to enact into law legislation authorizing the use of the Civilian Conservation Corps in construction of highways within irrigation, draining, and/or improvement districts to aid in their settlement and development; be it further

Resolved, That the secretary of state of the State of Oregon is hereby directed to send a copy of this memorial to the Speaker of the House of Representatives and the President of the Senate, Washington, D. C., a copy to each Representative and Senator from the State of Oregon, also a copy hereof to the speaker of the house and president of the senate of each State legislature in the United States which shall convene during the year 1937.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of Washington, which was referred to the Committee on Education and Labor:

House Joint Memorial 4

To the Honorable Franklin D. Roosevelt, President of the United States of America; to the Honorable Senate and House of Representatives of the United States of America; and to the Honorable Harry L. Hopkins, Administrator of the Works Progress Administration:

We, your memorialists, the Senate and the House of Representatives of the State of Washington in legislative session assembled, most respectfully petition your honorable bodies as follows:

Whereas the Honorable Harry L. Hopkins, Administrator of the Works Progress Administration, recently promulgated an order discharging many men and women over 65 years of age from Works Progress Administration employment and who are now without any means of support; and

Whereas these aged persons cannot receive a pension from the State of Washington for at least 3 months following their discharge and because of their aged condition find it difficult to

obtain any private employment, or even public or private relief; and

Whereas if such a condition continues thousands of our worthy citizens who are now destitute will lose their homes by foreclosure proceedings, and their personal possessions: Now, therefore, be it

Resolved, That your memorialists respectfully urge the Honorable Harry L. Hopkins to rescind the said order to the effect that no person or persons over 65 years of age shall be dropped from said employment until such a time as their pension application has been approved and an initial payment made thereon; and be it further

Resolved, That those aged persons over the age of 65 years who have previously been dropped from the Works Progress Administration rolls shall be reinstated until they receive their first pension check; and be it further

Resolved, That the Senate and House of Representatives of the United States be urged to pass a sufficient appropriation to continue on with the Works Progress Administration employment; and be it further

Resolved, That copies of this memorial be transmitted to the Honorable Franklin D. Roosevelt, President of the United States; to the Honorable Harry L. Hopkins, Administrator of the Works Progress Administration; and to the United States Senate and House of Representatives of the United States.

The VICE PRESIDENT also laid before the Senate the following joint memorials of the Legislature of the State of Washington, which were referred to the Committee on Irrigation and Reclamation:

House Joint Memorial 7

To the Honorable the Senate and the House of Representatives of the United States of America in Congress assembled:

We, your memorialists, the Senate and House of Representatives of the State of Washington in legislative session assembled, respectfully petition your honorable body as follows:

Whereas, without regard to geographical location, the prosperity of the business and industry of the United States is dependent upon a self-sustaining and prosperous agriculture, the development of which is one of the most vital problems confronting this Nation; and

Whereas this Nation as a whole must depend, at an ever-increasing rate, upon a continued and sound development of its fertile and irrigable arid lands wherever situated for a large part of its present and a much larger part of its future requirements of those crops particularly adapted to irrigable-land production and of which there is no national problem of unexportable surplus; and

Whereas the Pacific West is not now self-supporting in agricultural products required for food, and the rapid increase in population on the Pacific coast, especially in the larger cities, is making it imperative that additional land be made productive for the raising of necessary food products; and

Whereas it has been conclusively demonstrated within recent years that the Federal policy of national reclamation is sound; that it is as vital to the national welfare as flood control and other recognized Federal projects; that the initial financing of reclamation projects by the Federal Government is not a gift of Federal funds to a section of the country but rather a temporary and sound loan certain to be repaid; that the financing of these projects by the arid-land States is impossible because of small taxable values due largely to huge holdings of lands within their borders by the Federal Government; and that the development of these reclamation projects create new wealth and business for every section of the Nation; and

Whereas a failure on the part of the Congress of the United States to continue the national reclamation program and the development of reclamation projects would cause a tremendous financial loss to the Federal Government represented in uncompleted reclamation projects now under construction; would make impossible any balanced solution of the problem of agriculture and proper land use; and would leave this Nation with an imminent shortage of a type of land most adapted to growing specialized crops required by and consumed in every part of the United States: Be it

Resolved, That the Senate and the House of Representatives of the State of Washington in legislative session assembled hereby respectfully petition your honorable body to enact at the earliest possible moment such legislation as may be necessary and proper for the continuance as a permanent Federal policy of the national reclamation program and the development of reclamation projects approved by the Federal Bureau of Reclamation; and be it further

Resolved, That copies of this memorial be sent to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives of the United States, and to each Member of the United States Senate and House of Representatives from the State of Washington.

House Joint Memorial 8

To the Honorable Senate and House of Representatives of the United States of America in Congress assembled:

We, your memorialists, the Senate and the House of Representatives of the State of Washington, in legislative session assembled, most respectfully represent and petition your honorable body as follows:

Whereas recognizing the imperative need for the early development of the Grand Coulee power and reclamation project, we urge our congressional and senatorial delegation in the Congress of the United States to use every effort to secure necessary appropriation for the Grand Coulee project so that the work may be continued without delay. A discontinuance of the present work would result in demoralization of the splendid organization built up by the Federal Reclamation Service, would throw out of employment thousands of our citizens, and would be a distinct discouragement to the orderly development of the Pacific Northwest.

In the past year many people from the drought area of the Central West have come to our State seeking homes. These people are farmers, honest, industrious, and trained in agriculture. We believe that the Columbia Basin lands will be needed by the people of the Nation as soon as they are available. These lands of necessity must be developed slowly, unit by unit, as they are needed for the production of farm products; and

Whereas this great project is of such national importance that any interruption of the work would be regarded in the nature of a tragedy: Therefore

We urge Congress to appropriate sufficient money to finish the present contract and provide funds for a new contract so that the work may continue through the years 1937 and 1938.

The VICE PRESIDENT also laid before the Senate a letter from the Oneida County (N. Y.) Bar Association, embodying a resolution adopted by that association protesting against the enactment of legislation to enlarge the membership of the Supreme Court, which was referred to the Committee on the Judiciary.

Mr. NEELY presented a resolution adopted by the Young Democratic Club, of Wood County, W. Va., favoring the enactment of legislation to reorganize the judicial branch of the Government, which was referred to the Committee on the Judiciary.

Mr. LODGE presented 15 memorials, numerously signed, by sundry citizens of the State of Massachusetts, remonstrating against the enactment of legislation to reorganize the judicial branch of the Government, which were referred to the Committee on the Judiciary.

He also presented a resolution adopted by the board of managers of the Society of the Sons of the Revolution in Massachusetts, Boston, Mass., protesting against the enactment of legislation to reorganize the judicial branch of the Government, which was referred to the Committee on the Judiciary.

Mr. GUFFEY presented the following concurrent resolution of the Legislature of the State of Pennsylvania, which was referred to the Committee on the Judiciary:

Whereas the President of the United States has requested the Congress to authorize additional Justices of the Supreme Court in certain instances; and

Whereas the purpose of this request is to provide assistance to the Court and prevent delay and obstruction in the administration of justice; and

Whereas the effect of this proposal will be to hasten those urgently needed governmental and economic reforms demanded by the people which have been obstructed by the political and economic opinions of certain present Supreme Court Justices; and

Whereas the public welfare has suffered almost irreparable harm as a result of decisions denying the protection of labor legislation to the worker abolishing the assistance given farmers and otherwise placing legal technicality above the general welfare; and

Whereas the action proposed by the President would remedy this condition: Now, therefore, be it

Resolved (if the house of representatives concur), That the General Assembly of the Commonwealth of Pennsylvania hereby calls upon the Congress of the United States and in particular the representatives of Pennsylvania in the Congress to vote in the affirmative upon this question to the end that justice may be served and the principles of democracy may prevail in the Federal Union; and be it further

Resolved, That copies of this resolution be sent to the President of the United States and to all Members of the Congress of the United States.

Mr. POPE presented the following joint memorial of the Legislature of the State of Idaho, which was referred to the Committee on Commerce:

House Joint Memorial 3

A Joint Memorial to the Idaho Congressional Delegation:

Your memorialists, the Legislature of the State of Idaho, respectfully represent that—

Whereas for many years past Bonner County has been a principal center of production for the lumber industry of Idaho until recent years, and now the larger mills have been closed and this region must now rely upon its other resources of farming and recreational facilities; and

Whereas the Legislature of the State of Idaho, realizing the recreational resources of this region, in 1927 enacted a law directing the Governor of this State to appropriate, in trust for the people of the State of Idaho, all the unappropriated water of Pend d'Oreille Lake and declared the preservation of said water for scenic beauty, health, recreation, transportation, and commercial purposes necessary and desirable for all the inhabitants of the State, to be a beneficial use of such water; and

Whereas the War Department of the United States has submitted a comprehensive plan contained in reports published in House Document 103, Seventy-third Congress, first session, which proposed ultimately to store 1,610,000 acre-feet in Lake Pend d'Oreille and regulate it below elevation 2,066.8, United States Coast and Geodetic Survey, by a dam to be constructed at Albany Falls; and

Whereas to maintain the level of the water in Lake Pend d'Oreille at elevation 2,066.8 will submerge and inundate approximately 12,000 acres of cultivable land at the delta of the Clark Fork River and will also submerge and inundate a considerable part of the city of Sandpoint and all of the sewer and water lines of said city; and

Whereas it is the considered belief of your memorialists that to maintain the water of said Lake Pend d'Oreille at a point not in excess of elevation 2,053, United States Coast and Geodetic Survey, will permit the rehabilitation and cultivation of the land aforementioned in the delta of the Clark Fork River and will prevent inundation of any part of the city of Sandpoint or the sewer and water lines thereof: Now, therefore, be it

Resolved, That the Board of Engineers of Rivers and Harbors, created under section 3 of the Rivers and Harbors Act of June 13, 1902, be, and is hereby, requested to review the reports submitted in House Document 103, Seventy-third Congress, first session, and any further investigation necessary as aforesaid, with a view to determine the advisability of stabilizing the level of Lake Pend d'Oreille at a point not to exceed elevation 2,053, United States Coast and Geodetic Survey, by channel improvements on Clark Fork River and construction of a dam at Albany Falls at the earliest possible date. This work is in no way to interfere with the development of the proposed Cabinet Gorge project; be it further

Resolved, That the secretary of state of the State of Idaho send a copy of this memorial to the congressional delegates from the State of Idaho, to be submitted to the Committee on Commerce in the United States Senate and the Committee on Rivers and Harbors, House of Representatives.

Mr. POPE also presented a joint memorial of the Legislature of the State of Idaho, favoring the enactment of legislation and necessary appropriations to carry to completion a project to divert the natural flow of water from Yellowstone Lake into the Snake River, which was referred to the Committee on Irrigation and Reclamation.

(See joint memorial printed in full when laid before the Senate by the Vice President on the 22d instant, p. 1464, CONGRESSIONAL RECORD.)

Mr. LEWIS presented a joint resolution of the Legislature of the State of Illinois, favoring the prompt enactment of legislation to furnish financial assistance to the people of the flood-stricken area of Illinois, who desire to rebuild their homes and business establishments, in the form of loans at a nominal rate of interest, long periods of maturity, and without the necessity of complying with strict security requirements, which was ordered to lie on the table.

(See joint resolution printed in full when laid before the Senate by the Vice President on the 23d instant, p. 1481, CONGRESSIONAL RECORD.)

REORGANIZATION OF THE JUDICIARY

Mr. McKELLAR. Mr. President, I ask unanimous consent to have printed in the RECORD and appropriately referred a resolution adopted by a mass meeting of citizens of Lauderdale County, Tenn., on February 20, 1937, in reference to the Federal judiciary.

There being no objection, the resolution was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

Be it resolved by the citizens of Lauderdale County, Tenn., in mass meeting assembled on this the 20th day of February, 1937, at the courthouse of said county:

1. We endorse the action of our President, Franklin D. Roosevelt, in submitting to the Congress of the United States his message and plan for the reformation of the Federal judiciary and especially that portion of same designed to "rejuvenate" the Supreme Court of the United States of America.

2. We recognize the fact that the proposed plan is in absolute accord with many previous acts of the Congress wherein the number of Supreme Court Justices has been increased and believe that the welfare of our people demands an interpretation of our laws according to the original intent of the framers of the Constitution and not a narrow, strict, and strained interpretation, such as is being given to it now by those who refuse to see the problems of the day through modern glasses.

3. And we urge our Senators, the Honorable K. D. McKELLAR and Hon. NATHAN L. BACHMAN, and our Congressman JERE COOPER to support the President without hesitancy and wholeheartedly in his plan; be it further

Resolved, That copies of this resolution be transmitted to our said Senators and Congressman and a copy furnished to the press.

REPORTS OF COMMITTEES

Mr. BACHMAN, from the Committee on Military Affairs, to which was referred the bill (S. 1236) authorizing the President of the United States to appoint Sgt. Alvin C. York as a major in the United States Army and then place him on the retired list, reported it without amendment and submitted a report (No. 120) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the bill (S. 722) for the relief of Jesse W. Smith, reported it without amendment and submitted a report (No. 121) thereon.

Mr. WALSH, from the Committee on Naval Affairs, to which was referred the bill (S. 1311) for the relief of Norman Hildebrand, reported it without amendment and submitted a report (No. 122) thereon.

Mr. ANDREWS, from the Committee on Naval Affairs, to which was referred the bill (S. 1315) to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects lost by fire at the naval radio station, Eureka, Calif., on January 17, 1930, reported it without amendment and submitted a report (No. 123) thereon.

Mr. GERRY, from the Committee on Naval Affairs, to which was referred the bill (S. 1454) to provide for the reimbursement of certain enlisted men of the Navy for the value of personal effects destroyed in a fire in building no. 125, United States Navy Yard, Washington, D. C., on July 16, 1935, reported it without amendment and submitted a report (No. 124) thereon.

Mr. NEELY, from the Committee on the Judiciary, to which was referred the bill (S. 1437) relating to the disposition of cases in which the validity of acts of Congress is drawn into question, reported it without amendment and submitted a report (No. 125) thereon.

Mr. BYRNES, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the resolution (S. Res. 65) authorizing an investigation relative to utilization of water resources of arid and irrigable States (submitted by Mr. BANKHEAD on Jan. 19, 1937), reported it without additional amendment.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McKELLAR:

A bill (S. 1681) to extend the time for filing claims for refunds under section 15 (c) of the Agricultural Adjustment Act; to the Committee on Agriculture and Forestry.

A bill (S. 1682) to abolish the legal fiction that a corporation is a citizen of the State by which it is chartered, and to provide that, for jurisdictional purposes in the Federal courts, all corporations shall be deemed citizens of the State in which their stockholders, or any of them, reside; to the Committee on the Judiciary.

A bill (S. 1683) to authorize the payment of an annuity to William Madden, upon his retirement, in recognition and appreciation of his services to the United States; to the Committee on Appropriations.

By Mr. GUFFEY:

A bill (S. 1684) for the relief of the State of Pennsylvania; to the Committee on Claims.

(Mr. WAGNER introduced Senate bill 1685, which was referred to the Committee on Education and Labor, and appears under a separate heading.)

By Mr. LOGAN:

A bill (S. 1686) to establish uniform requirements affecting Government contracts, and for other purposes; to the Committee on the Judiciary.

By Mr. McGILL:

A bill (S. 1687) to amend the act entitled "An act for the retirement of employees in classified civil service, and for other purposes, approved May 22, 1920, and acts in amendment thereof", approved July 3, 1926, as amended; to the Committee on Civil Service.

By Mr. WHEELER:

A bill (S. 1688) to provide for the acquisition of a site for and establishment of a fish hatchery for Glacier National

Park, in the State of Montana, and for other purposes; to the Committee on Commerce.

By Mr. CAPPER:

A bill (S. 1689) for the relief of the heirs of Prof. William H. H. Hart, principal of the Hart Farm School and Junior Republic for Dependent Children; to the Committee on Claims.

By Mr. MURRAY:

A bill (S. 1690) to provide for holding terms of the district court of the United States in Miles City, Mont.; and

A bill (S. 1691) to provide that residence requirements for judges shall not be held to apply to judges who have retired or resigned; to the Committee on the Judiciary.

A bill (S. 1692) to amend section 460, chapter 44, title II, of the act entitled "An act to define and punish crimes in the District of Alaska and to provide a code of criminal procedure for said district", approved March 3, 1899, as amended; to the Committee on Territories and Insular Affairs.

By Mr. NEELY:

A bill (S. 1693) granting an increase of pension to Laura B. Strider; to the Committee on Pensions.

A bill (S. 1694) authorizing the Secretary of War to convey to the town of Montgomery, W. Va., a certain tract of land; to the Committee on Public Lands and Surveys.

By Mr. SHEPPARD:

A bill (S. 1695) for the relief of John C. Crossman; to the Committee on Claims.

By Mr. BONE:

A bill (S. 1696) to authorize the revision of the boundaries of the Snoqualmie National Forest, in the State of Washington; to the Committee on Agriculture and Forestry.

By Mr. THOMAS of Oklahoma:

A bill (S. 1697) for the relief of Mrs. W. B. Nix and Mrs. J. A. Nix; to the Committee on Claims.

A bill (S. 1698) granting an increase of pension to Mary Harvey Draper; to the Committee on Pensions.

HOUSING FOR LOW-INCOME GROUP

Mr. WAGNER. Mr. President, I introduce, for appropriate reference, a bill known as the United States housing bill of 1937. The object of the bill is to rehouse the low-income group of our country. There is widespread interest in the proposed legislation, and I ask unanimous consent that the bill itself may be printed in the RECORD, and also an explanatory statement following the bill.

The VICE PRESIDENT. Without objection, it is so ordered.

The bill (S. 1685) to provide financial assistance to the States and political subdivisions thereof for the elimination of unsafe and insanitary housing conditions, for the provision of decent, safe, and sanitary dwellings for families of low income, and for the reduction of unemployment and the stimulation of business activity, to create a United States Housing Authority, and for other purposes, was read twice by its title, referred to the Committee on Education and Labor, and ordered to be printed in the RECORD, as follows:

A bill to provide financial assistance to the States and political subdivisions thereof for the elimination of unsafe and insanitary housing conditions, for the provision of decent, safe, and sanitary dwellings for families of low income, and for the reduction of unemployment and the stimulation of business activity, to create a United States Housing Authority, and for other purposes

Be it enacted, etc.,

FINDINGS AND POLICY

SECTION 1. There exist in urban and rural communities throughout the United States slums, blighted areas, or unsafe, insanitary, or overcrowded dwellings, or a combination of these conditions, accompanied and aggravated by an acute shortage of decent, safe, and sanitary dwellings within the financial reach of families of low income.

These conditions are inimical to the general welfare of the Nation by (a) encouraging the spread of disease and lowering the level of health, morale, and vitality of large portions of the American people; (b) increasing the hazards of fires, accidents, and natural calamities; (c) subjecting the moral standards of the young to bad influences; (d) increasing the violation of the criminal laws of the United States and of the several States; (e) impairing industrial and agricultural productive efficiency; (f) lowering the standards of living of large portions of the American people; (g) necessitating a vast and extraordinary expenditure of public funds, Federal, State, and local, for crime prevention, punishment, and correction, fire prevention, public-health service, and relief.

The failure to remedy the acute dwelling shortage has also produced stagnation of business activity in the construction, durable goods, and allied industries, thus impeding business activity throughout the Nation and resulting in widespread, prolonged, and recurring unemployment with its injurious effects upon the general welfare of the Nation.

Private industry alone has been and now is unable to overcome the obstacles in the way of relieving the shortage of decent, safe, and sanitary dwellings for families of low income, or to prevent the widespread, prolonged, and recurring unemployment resulting from the persistence of such obstacles, and the several States and their political subdivisions have been and now are unable adequately to aid in remedying this condition without financial assistance. The legislatures of many of the States have expressly declared the need for assistance along the lines set forth in this act in order to remedy the aforesaid conditions.

It is hereby declared to be the policy of the United States to promote the general welfare of the Nation by employing its funds and credit, as provided in this act, to assist the several States and their political subdivisions to alleviate present and recurring unemployment and to remedy the unsafe and insanitary housing conditions and the acute shortage of decent, safe, and sanitary dwellings for families of low income that are injurious to the health, safety, and morals of the citizens of the Nation.

DEFINITIONS

SEC. 2. When used in this act—

(1) The term "low-rent housing" means decent, safe, and sanitary dwellings within the financial reach of families of low income, and developed and administered to promote serviceability, efficiency, economy, and stability; and embraces all necessary or desirable appurtenances thereto, including administrative, educational, recreational, commercial, and other lands, buildings, and facilities. The dwellings in low-rent housing as defined in this act shall be available solely for families whose net income at the time of admission does not exceed five times the rental (including the value or cost to them of heat, light, water, and cooking fuel) of the dwellings to be furnished such families, except that in the case of families with three or more minor dependents such ratio shall not exceed six to one.

(2) The term "families of low income" means families who cannot afford to pay enough to cause private enterprise in their locality or metropolitan area to build an adequate supply of decent, safe, and sanitary dwellings for their use.

(3) The term "slum" means any area where dwellings predominate which, by reason of dilapidation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitation facilities, or any combination of these factors, are detrimental to safety, health, or morals.

(4) The term "slum clearance" means the demolition and removal of buildings from any slum area, and may embrace the adaptation of such area to public purposes, including parks or other recreational or community facilities.

(5) The term "development" means any or all undertakings necessary for planning, financing (including payment of carrying charges), land acquisition, demolition, construction, and equipment, in connection with a low-rent-housing or slum-clearance project, but not beyond the point of physical completion. Construction activity in connection with a low-rent-housing project may be confined to the reconstruction, remodeling, or repair of existing buildings. The development of a low-rent-housing project may include slum clearance. The development of a slum-clearance project may be confined to demolition and removal.

(6) The term "administration" means any or all undertakings necessary for management, operation, maintenance, and financing, in connection with a low-rent-housing or slum-clearance project, subsequent to physical completion.

(7) The term "demonstration project" means any project owned or administered by the Authority, whether or not developed pursuant to section 11.

(8) The term "acquisition cost" means the acquisition cost to the Authority or to a housing agency, as the case may be.

(9) The term "going Federal rate of interest" means, at any time, the annual rate of interest specified in the then most recently issued bonds of the Federal Government having a term of 10 years or more.

(10) The term "public housing agency" means any State, county, municipality, or other governmental entity or public body (excluding the Authority), which is authorized to engage in the development or administration of low-rent housing or slum clearance.

(11) The term "consumers housing society" means any association, cooperative, or corporate body organized solely to promote and administer low-rent housing, whose members are persons of low income in need of such housing, whose officers and directors are the freely chosen representatives of such members, which is operated without possibility of direct or indirect financial profit, and which submits its records to the inspection of the Authority to the extent necessary to carry out the provisions of this act.

(12) The term "limited-profit housing agency" means any association, cooperative, limited-dividend corporation, or other corporate body organized to develop or administer low-rent-housing projects, whose dividend rates, if any, capital structure, interest payments, and rental charges are regulated or limited by law or subject to the supervision and control of the Authority, and which submits its records to the inspection of the Authority to the extent necessary to carry out the provisions of this act.

(13) The term "housing agency" means any public housing agency, consumers housing society, or limited-profit housing agency.

(14) The term "State" includes the States of the Union, the District of Columbia and the Territories, dependencies and possessions of the United States.

(15) The term "Authority" means the United States Housing Authority created by section 3 of this act.

UNITED STATES HOUSING AUTHORITY

SEC. 3. (a) There is hereby created a body corporate of perpetual duration to be known as the United States Housing Authority, which shall be an agency and instrumentality of the United States.

(b) The management of the Authority shall be vested in a board of directors (hereinafter referred to as the board) composed of three members appointed by the President, by and with the advice and consent of the Senate, and removable by the President upon notice and hearing for neglect of duty or malfeasance in office, but for no other cause. One of the three original members shall serve for a term of 1 year, one for a term of 3 years, and one for a term of 5 years, but their successors shall be appointed for terms of 5 years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as chairman and executive officer of the board, in charge of the routine administration of the Authority.

(c) A vacancy in the board shall not impair the right of the remaining members to exercise all the powers of the board, and two members of the board shall at all times constitute a quorum.

SEC. 4. (a) Each member of the board shall receive a salary of $10,000 a year, shall be eligible for reappointment, and shall not engage in any other business, vocation, or employment. No officer or employee of the Authority shall participate in any manner in the deliberation upon or the determination of any question affecting his personal interests or the interests of any corporation, partnership, or association in which he is directly or indirectly interested.

(b) The Authority is authorized, without regard for the civil-service laws or the Classification Act of 1923, as amended, to employ such officers, attorneys, and experts and hire such skilled and unskilled labor as may be necessary for the proper performance of its duties under this act, and subject to such laws to appoint and fix the compensation of such other employees as may be necessary for such purposes: *Provided*, That insofar as such other employees are drawn from any department or agency of the government where they have been engaged in work connected with housing or slum clearance, they shall be included within the civil service upon certification by the Authority (within 90 days of their employment) to the Civil Service Commission and upon passing a noncompetitive examination given by such Commission.

(c) The Authority may accept and utilize such voluntary and uncompensated services and with the consent of the agency concerned may utilize such officers, employees, equipment, and information of any agency of the Federal, State, or local governments as it finds helpful in the performance of its duties. In connection with the utilization of such services the Authority may make reasonable payments for necessary traveling and other expenses.

(d) The President may at any time in his discretion transfer to the Authority any right, interest, or title held by any department or agency of the Federal Government in any housing or slum-clearance projects, including all assets, contracts, records, libraries, research materials, and other property held in connection with such projects, and any unexpended balance of funds allocated to such department or agency for such projects; and the Authority may continue any or all activities undertaken in connection with such projects, subject to the provisions of this act.

SEC. 5. (a) The principal office of the Authority shall be in the District of Columbia, but it may establish branch offices or agencies in any State, and it may meet and exercise any of its powers at any place within the United States. The Authority may, by one or more of its officers or employees or by such agents or agencies as it may designate, conduct hearings or negotiations at any place.

(b) The Authority shall sue and be sued in its own name, and all suits shall be brought in the Federal courts except where the Authority consents specifically to a different forum. Attorneys appointed by the Authority may, at the direction of the Authority, appear for and represent the Authority in any case in court.

(c) The Authority shall have an official seal, which shall be judicially noticed.

(d) The Authority shall be granted the free use of the mails in the same manner as the executive departments of the Government.

(e) The Authority, including but not limited to its franchise, capital, reserves, surplus, loans, income, assets, and property of any kind, shall be exempt from all taxation now or hereafter imposed by the United States or by any State, county, municipality, or local taxing authority. Obligations issued by public housing agencies in connection with low-rent-housing and slum-clearance projects, and the income derived by such agencies from such projects shall be exempt from all taxation now or hereafter imposed by the United States.

SEC. 6. (a) The Authority may make such expenditures for the acquisition and maintenance of adequate administrative agencies, offices, vehicles, furnishings, equipment, supplies, and books, for attendance at meetings, for instruction, for traveling expenses, and for such other facilities and services as it may from time to time find necessary for the proper administration of this act. The Authority shall determine and prescribe the manner in which its obligations and expenses shall be incurred, allowed, and paid, and the manner in which accounts shall be audited. Vouchers approved by the Authority for expenditures of its funds shall be final and conclusive upon all officers of the Government; except that all financial transactions of the Authority shall be examined by the General Accounting Office at such times and in such manner as the Comptroller General of the United States may by regulation prescribe. Such examination shall be for the sole purpose of making a report to the Congress and to the Authority of expenditures in violation of law, together with such recommendations thereon as the Comptroller General deems advisable.

(b) The provisions of section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) shall apply to all contracts of the Authority for services and to all of its purchases of supplies except when the aggregate amount involved is less than $300.

(c) The use of funds made available for the purposes of this act shall be subject to the provisions of section 2 of title 3 of the Treasury and Post Office Appropriation Act for the fiscal year 1934 (47 Stat. 1489), and to make such provisions effective every contract or agreement of any kind pursuant to this act shall contain a provision identical to the one prescribed in section 3 of title 3 of such act.

SEC. 7. (a) The Authority may engage in research, studies, surveys, experimentation, and experimental construction, and may publish and disseminate information pertinent to the various aspects of housing.

(b) In January of each year the Authority shall make an annual report to Congress of its operations, including loans and grants made or contracted for, low-rent-housing and slum-clearance projects undertaken, and the assets and liabilities of the Authority. Such report shall include operating statements of all projects under the jurisdiction of or receiving the assistance of the Authority, including summaries of the incomes of occupants, sizes of families, rentals, and other related information.

SEC. 8. (a) The Authority may from time to time make, amend, and rescind such rules, regulations, and definitions as may be necessary to carry out the provisions of this act.

(b) In the exercise of its discretion pursuant to this act and pursuant to the standards, definitions and considerations of policy set forth herein, the findings of the Authority, if reasonably substantiated, shall be conclusive.

ASSISTANCE TO LOCAL LOW-RENT-HOUSING AND SLUM-CLEARANCE PROJECTS

SEC. 9. (a) The Authority may make grants and loans to public-housing agencies to assist the development, acquisition, or administration of low-rent-housing projects by such agencies.

(b) The grant for any such project shall be paid in the form of fixed and uniform annual contributions, over a fixed period not exceeding 60 years. The Authority shall embody the provisions for such grant in a contract of grant guaranteeing such fixed and uniform annual contributions over such fixed period. Such annual contributions as are contracted for shall be strictly limited to the amounts and period necessary, in the determination of the Authority, to assure the low-rent character of the housing project involved: *Provided*, That the fixed contribution payable annually under any such contract of grant shall not exceed a sum equal to the annual yield at the going Federal rate of interest (at the time such contract of grant is made) plus 1 percent upon the development or acquisition cost of such project.

(c) All payments of annual contributions pursuant to this section shall be made out of any funds available to the Authority when such payments are due, except that its capital and its funds obtained through the issuance of obligations pursuant to section 20 (including repayments or other realizations of the principal of loans made out of such capital and funds) shall not be available for the payment of such annual contributions.

(d) In any one fiscal year the Authority shall not enter into contracts of grant which provide for annual contributions aggregating more than $10,000,000 per year exclusive of any annual contributions payable under contracts of grant made by it in prior fiscal years: *Provided*, That if the contracts of grant entered into in any one fiscal year provide for annual contributions aggregating less than the authorized $10,000,000, the unutilized balance of such authorization may be carried over as an authorization for any subsequent fiscal year. The faith of the United States is solemnly pledged to the payment of all annual contributions contracted for pursuant to this section, and there is hereby authorized to be appropriated in each fiscal year, out of any money in the Treasury not otherwise appropriated, the amounts necessary to provide for such payments.

(e) The loans for any low-rent-housing project pursuant to this section shall bear interest at such rate not less than the going Federal rate at the time the loan is made, be secured in such manner, and be repaid within such period, not exceeding 60 years, as may be deemed advisable by the Authority. The total of such loans outstanding for any such project shall not exceed the development or acquisition cost of such project, less the total amounts outstanding on loans made by third parties, senior to the loans of the Authority, and secured by such project or payable from the revenues thereof.

SEC. 10. The Authority may make loans to limited-profit housing agencies to assist the development or acquisition of low-rent-housing projects: *Provided*, That not more than $25,000,000 shall

be so loaned in any one fiscal year. Such loans shall bear interest at such rate not less than the going Federal rate at the time the loan is made, be secured in such manner, and be repaid within such period, not exceeding 60 years, as may be deemed advisable by the Authority. The total of such loans outstanding for any such project shall not exceed 85 percent of the development or acquisition cost of such project, less the total amounts outstanding on loans made by third parties, senior to the loans of the Authority, and secured by such project or payable from the revenues thereof.

DEMONSTRATION PROJECTS

SEC. 11. (a) The Authority may develop and administer low-rent-housing and slum-clearance-demonstration projects in order to demonstrate to localities the benefits to be derived therefrom. No such projects shall be commenced in any locality without the consent of a governing body having jurisdiction over such locality: *Provided*, That not more than one demonstration project shall be commenced hereafter in any one locality and that the total estimated development cost of all such projects commenced in any one fiscal year shall not exceed $25,000,000.

(b) As soon as practicable the Authority shall sell its demonstration projects or divest itself of their management through leases.

(c) The Authority may sell a low-rent-housing demonstration project only to a public housing agency. Any such sale shall be for a consideration, in whatever form may be satisfactory to the Authority, equal at least to the amount which the Authority determines to be the fair value of the project for housing purposes, less such allowance for depreciation as the Authority shall fix. Such project shall then become eligible for a grant and loans pursuant to section 9. Any obligation of the purchaser accepted by the Authority as part of the consideration for the sale of such project shall be deemed a loan pursuant to section 9.

(d) The Authority may lease any low-rent-housing demonstration project in whole or in part to a public housing agency or a consumers' housing society: *Provided*, That the tenant eligibility for a project leased to a consumers' housing society shall not be limited to the members of such society. The lessee of any project, pursuant to this paragraph, shall assume and pay all management, operation, and maintenance costs, together with payments, if any, in lieu of taxes, and shall pay to the Authority such annual sums as the Authority shall determine are consistent with maintaining the low-rent character of such project. The provisions of section 321 of the act of June 30, 1932 (U. S. C., Supp. VIII, title 40, sec. 303 (b)), shall not apply to any lease pursuant to this act.

(e) In the administration of any low-rent-housing demonstration project pending sale or lease, the Authority shall fix the rentals at the amounts necessary to pay all management, operation, and maintenance costs, together with payments, if any, in lieu of taxes, plus such additional amounts as the Authority shall determine are consistent with maintaining the low-rent character of such project.

GENERAL POWERS OF THE AUTHORITY

SEC. 12. (a) In connection with the development or administration of any low-rent-housing or slum-clearance project, the Authority may acquire real or personal property or any interest therein by purchase, eminent domain, gift, devise, lease, or otherwise. In the acquisition of any land or site the provisions of section 355 of the Revised Statutes, as amended, shall not apply, but the Authority may avail itself of the services of the Attorney General acting in accord with his powers under such section to procure information relating to the state of title. The Attorney General shall, upon the application of the Authority, institute condemnation proceedings in its name. The practice and procedure governing such proceedings by the United States shall be followed, and the Authority shall likewise be entitled to proceed in accordance with the provisions of an act of Congress approved February 26, 1931 (46 Stat. 1421), and an act of Congress approved March 1, 1929 (45 Stat. 1415). The Authority may enter into agreements to reimburse any State or political subdivision thereof, or any housing agency, for expenses incurred in the acquisition, by condemnation or otherwise, of property to be conveyed to the Authority for the development of a low-rent-housing or slum-clearance project.

(b) The Authority may foreclose on any property or commence any action to protect or enforce any right conferred upon it by any law, contract, or other agreement. The Authority may bid for and purchase at any foreclosure by any party or at any other sale, or otherwise acquire, and may administer, any low-rent-housing project which it previously owned or in connection with which it has made a loan or grant pursuant to section 9 or a loan pursuant to section 10.

(c) The acquisition by the Authority of any real property pursuant to this act shall not deprive any State or political subdivision thereof of its civil and criminal jurisdiction in and over such property, or impair the civil rights under the State or local law of the inhabitants on such property; and, insofar as any such jurisdiction may have been taken away or any such rights impaired by reason of the acquisition of any property transferred to the Authority pursuant to section 4 (d), such jurisdiction and such rights are hereby fully restored.

(d) The Authority may enter into agreements to pay annual sums in lieu of taxes to any State or political subdivision thereof with respect to any real property owned by the Authority. The amount so paid for any year upon any such property shall not exceed the taxes that would be paid to the State or subdivision, as the case may be, upon such property if it were not exempt from taxation thereby.

(e) The Authority may procure insurance against any loss in connection with its property and other assets (including mortgages), in such amounts, and from such insurers, as it deems desirable.

(f) The Authority may dedicate land for parks, playgrounds, and other recreational facilities, for sewers, for the opening or widening of streets, for incidental improvements, or for any other public purpose, and may grant licenses and easements upon such terms as it deems reasonable.

(g) The Authority may sell or exchange at public or private sale, or lease, any real property (except low-rent-housing projects, the disposition of which is governed elsewhere in this act) or personal property, and sell or exchange any securities or obligations upon such terms as it may fix. To facilitate the sale of such securities or obligations any other securities or obligations retained by the Authority may be subordinated to those sold. The Authority may borrow on the security of any real or personal property owned by it, or on the security of the revenues to be derived therefrom, and may use the proceeds of such loans for the purposes of this act.

SEC. 13. Subject to the specific limitations or standards in this act governing the terms of sales, rentals, leases, loans, contracts of grant, or agreements, the Authority may, whenever it deems it necessary or desirable in the fulfillment of the purpoces of this act, consent to the modification, with respect to rate of interest, time of payment of any installment of principal or interest, security, amount of annual contribution, or any other term, of any contract or agreement of any kind to which the Authority is a party or which has been transferred to it pursuant to this act. Any rule of law contrary to this provision shall be deemed inapplicable.

STANDARDS

SEC. 14. In making any loan or contract of grant for the development, acquisition or administration of a project pursuant to section 9, or any loan for the development or acquisition of a project pursuant to section 10, and in undertaking any demonstration project pursuant to section 11, the Authority shall be guided by these considerations:

(1) In the case of a low-rent-housing project, that there exists in the locality or metropolitan area concerned a shortage of decent, safe, and sanitary dwellings within the financial reach of families of low income, which is not being remedied adequately by private enterprise;

(2) In the case of a slum-clearance project, or a low-rent-housing project which includes slum clearance, that substantially all of the dispossessed inhabitants will be provided for by the development of sufficient low-rent housing, within their financial reach, either upon the site to be cleared or in some other suitable locality, unless the clearance of the area will not make it impracticable for the inhabitants thereof to secure equivalent dwellings elsewhere at no higher cost to them or better dwellings elsewhere within their financial reach;

(3) That the project conforms to a general program formulated by the Authority to distribute the benefits of this act as widely as practicable throughout the United States, consistent with the needs of the several States and their political subdivisions;

(4) That the form of assistance to the project is an appropriate means of carrying out the purposes of this act in the particular case, and that the amount of financial assistance to be afforded such project by the Authority will not be in excess of the amount necessary for such purposes;

(5) That the site on which the project is or shall be developed has been selected primarily for its present and continued suitability for its intended use; that its location and planning are consistent with a logical development of land uses in the locality or metropolitan area concerned; and that it has been or will be acquired for a reasonable price;

(6) The assistance, if any (in the form of partial financing, annual contributions, land in whole or in part, community facilities or services, partial or complete remission of taxes), given to the project by the State or political subdivision in which it is located;

(7) That the advice has been sought, where available, of such planning commission or board (created under charter, statute, or ordinance) as may exist in the locality of the project.

SEC. 15. In order to insure that the low-rent character of housing projects will be preserved, and thus to protect private industry from the competition that would exist either if other than families of low income were accepted as tenants in such projects or if such projects were withdrawn from the financial reach of such families, it is hereby provided that—

(1) When a loan is made pursuant to section 9 or section 10, the Authority may retain the right, in the event of a substantial breach of the covenant (which shall be embodied in the loan agreement) to maintain the low-rent character of the housing project involved or in the event of the acquisition of such project by a third party in any manner including a bona-fide foreclosure under a mortgage or other lien held by a third party, to increase the interest payable thereafter on the balance of said loan then held by the Authority to a rate not in excess of the going Federal rate (at the time of such breach) plus 2 percent per annum or to declare the unpaid principal on said loan due forthwith.

(2) When a contract of grant is made pursuant to section 9, the Authority shall retain the right, in the event of a substantial breach of the covenant (which shall be embodied in such contract of grant) to maintain the low-rent character of the housing project involved, to reduce or terminate the annual contributions payable under such contract of grant. In the event of the acquisition of such project by a third party in any manner including a bona-fide foreclosure under a mortgage or other lien held by a third party, such annual contributions shall terminate.

(3) When a lease of a low-rent-housing project is made pursuant to section 11, the Authority shall retain the right to

terminate such lease in the event of a substantial breach of the covenant (which shall be embodied in such lease) to maintain the low-rent character of such housing project.

(4) The Authority may also insert in any contract of loan or grant, lease, mortgage, or any other agreement or instrument made pursuant to this act, such other covenants, conditions, or provisions as it may deem necessary in order to insure the low-rent character of the housing project involved.

SEC. 16. In order to protect labor standards—

(1) The provisions of the act of August 30, 1935, entitled "An act to amend the act approved March 3, 1931, relating to the rate of wages for laborers and mechanics employed by contractors and subcontractors on public buildings" (49 Stat. 1011), and of the act of August 24, 1935, entitled "An act requiring contracts for the construction, alteration, and repair of any public building or public work of the United States to be accompanied by a performance bond protecting the United States and by an additional bond for the protection of persons furnishing material and labor for the construction, alteration, and repair for the said public buildings and public works" (U. S. C., Supp., 1934 edition, title 40, sec. 270 (a) to (d), inclusive), shall apply to contracts in connection with the development or administration of low-rent-housing or slum-clearance demonstration projects and the furnishing of materials and labor for such projects: *Provided*, That suits shall be brought in the name of the Authority and that the Authority shall itself perform the duties prescribed by section 3 (a) of the act of August 30, 1935, and section 3 of the act of August 24, 1935.

(2) Any contract for a loan, grant, sale, or lease, pursuant to this act shall contain a provision requiring that the wages prevailing in the locality, as determined or adopted (subsequent to a determination under applicable State or local law) by the Authority, shall be paid to all laborers and mechanics employed in the development or administration of the low-rent-housing or slum-clearance project involved; and the Authority may require certification as to compliance with the provisions of this paragraph prior to making any payment under such contract.

(3) The act entitled "An act limiting the hours of daily services of laborers and mechanics employed upon work done for the United States, or for any Territory, or for the District of Columbia, and for other purposes", as amended (37 Stat. 137), shall apply to contracts of the Authority for work in connection with the development and administration of low-rent-housing or slum-clearance demonstration projects.

(4) The benefits of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes" (39 Stat. 742), shall extend to officers and employees of the Authority.

(5) The provisions of sections 1 and 2 of the act of June 13, 1934 (U. S. C., title 40, sec. 276 (b) and (c)), shall apply to any low-rent-housing or slum-clearance project financed in whole or in part with funds made available pursuant to this act.

(6) Any contractor engaged on any project financed in whole or in part with funds made available pursuant to this act shall report monthly, and shall cause all subcontractors to report in like manner (within 5 days after the close of each calendar month, on forms to be furnished by the U. S. Department of Labor), as to the number of persons on their respective pay rolls, the aggregate amount of such pay rolls, the total man-hours worked, and itemized expenditures for materials. Any such contractor shall furnish to the Department of Labor the names and addresses of all subcontractors on the work at the earliest date practicable.

FINANCIAL PROVISIONS

SEC. 17. The Authority shall have a capital stock of $1,000,000, which shall be subscribed by the United States and paid by the Secretary of the Treasury out of any available funds. Receipt for such payment shall be issued to the Secretary of the Treasury by the Authority and shall evidence the stock ownership of the United States of America.

SEC. 18. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $51,000,000 for the fiscal year ending June 30, 1938, of which $1,000,000 shall be available to pay the subscription to the capital stock of the Authority. Such sum, and all receipts and assets of the Authority, shall be available for the purposes of this act until expended.

SEC. 19. (a) Any funds available under any act of Congress for allocation for housing or slum clearance may, in the discretion of the President, be allocated to the Authority for the purposes of this act.

(b) Any unallocated funds now in the hands of the Federal Emergency Administration of Public Works, or hereafter received by it, which are derived from the sale of securities acquired pursuant to title 2 of the National Industrial Recovery Act or the Emergency Relief Appropriation Act of 1935, may, in the discretion of the President, be allocated to the Authority for the purposes of this act.

SEC. 20. (a) The Authority is authorized to issue obligations in the form of notes, bonds, or otherwise, which it may sell to obtain funds for the purposes of this act. The Authority may issue such obligations in an amount not to exceed $200,000,000 on or after July 1, 1937, an additional amount not to exceed $250,000,000 on or after July 1, 1938, an additional amount not to exceed $250,000,000 on or after July 1, 1939, and an additional amount not to exceed $300,000,000 on or after July 1, 1940.

Such obligations shall be in such forms and denominations, mature within such periods not exceeding 60 years from date of issue, bear such rates of interest not exceeding 4 percent per annum, be subject to such terms and conditions, and be issued in such manner and sold at such prices as may be prescribed by the Authority, with the approval of the Secretary of the Treasury.

(b) Such obligations shall be exempt, both as to principal and interest, from all taxation (except surtaxes, estate, inheritance, and gift taxes) now or hereafter imposed by the United States, or by any State, county, municipality, or local taxing authority.

(c) Such obligations shall be fully and unconditionally guaranteed upon their face by the United States as to the payment of both interest and principal, and in the event that the Authority shall be unable to make any such payment upon demand when due, payment shall be made to the holder by the Secretary of the Treasury with money hereby authorized to be appropriated for such purpose out of any money in the Treasury not otherwise appropriated. To the extent of such payment the Secretary of the Treasury shall succeed to all the rights of the holder.

(d) Such obligations shall be lawful investments, and may be accepted as security for all fiduciary, trust, and public funds the investment or deposit of which shall be under the authority or control of the United States or any officer or agency thereof. The Secretary of the Treasury is likewise authorized to purchase any such obligations, and for such purchases he may use as a public-debt transaction the proceeds from the sale of any securities hereafter issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under such act, as amended, are extended to include any such purchases. The Secretary of the Treasury may at any time sell any of the obligations acquired by him pursuant to this section, and all redemptions, purchases, and sales by him of such obligations shall be treated as public-debt transactions of the United States.

(e) Such obligations may be marketed for the Authority at its request by the Secretary of the Treasury, utilizing all the facilities of the Treasury Department now authorized by law for the marketing of obligations of the United States.

SEC. 21. (a) Any money of the Authority not otherwise employed may be deposited, subject to check, with the Treasurer of the United States or in any Federal Reserve bank, or may be invested in obligations of the United States or used in the purchase or retirement or redemption of any obligations issued by the Authority.

(b) The Federal Reserve banks are authorized and directed to act as depositories, custodians, and fiscal agents for the Authority in the general exercise of its powers, and the Authority may reimburse any such bank for its services in such manner as may be agreed upon.

(c) The Authority may be employed as a financial agent of the Government. When designated by the Secretary of the Treasury, and subject to such regulations as he may prescribe, the Authority shall be a depository of public money, except receipts from customs.

PENALTIES

SEC. 22. All general penal statutes relating to the larceny, embezzlement, or conversion or to the improper handling, retention, use, or disposal of public moneys or property of the United States shall apply to the moneys and property of the Authority and to moneys and properties of the United States entrusted to the Authority.

SEC. 23. Any person who, with intent to defraud the Authority or to deceive any director, officer, or employee thereof or any officer or employee of the United States, makes any false entry in any book of the Authority or makes any false report or statement to or for the Authority shall, upon conviction thereof, be fined not more than $1,000 or imprisoned for not more than 1 year, or both.

SEC. 24. Any person who shall receive any compensation, rebate, or reward, or shall enter into any conspiracy, collusion, or agreement, express or implied, with intent to defraud the Authority or with intent unlawfully to defeat its purposes, shall, upon conviction thereof, be fined not more than $1,000 or imprisoned for not more than 1 year, or both.

SEC. 25. Any person who induces or influences the Authority to purchase or acquire any property or to enter into any contract and willfully fails to disclose any interest, legal or equitable, which he has in such property or in the property to which such contract relates, or any special benefit which he expects to receive as a result of such contract, shall, upon conviction thereof, be fined not more than $1,000 or imprisoned for not more than 1 year, or both.

SEC. 26. No individual, association, partnership, or corporation shall use the words "United States Housing Authority", or any combination of these four words, as the name, or part thereof, under which he or it shall do business. Any such use shall constitute a misdemeanor and shall be punishable by a fine not exceeding $1,000.

SEC. 27. Wherever the application of the provisions of this act conflicts with the application of the provisions of Public, No. 837, approved June 29, 1936 (49 Stat. 2025), Public, No. 845, approved June 29, 1936 (49 Stat. 2035), or any other act of the United States dealing with housing or slum clearance, or any Executive order, regulation, or other order thereunder, the provisions of this act shall prevail.

SEC. 28. Notwithstanding any other evidences of the intention of Congress, it is hereby declared to be the controlling intent of Congress that if any provision of this act, or the application thereof to any person or circumstances, is held invalid, the remainder of this act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SEC. 29. This act may be cited as the "United States Housing Act of 1937."

The explanatory statement, submitted by Mr. WAGNER relative to Senate bill 1685, is as follows:

UNITED STATES HOUSING BILL OF 1937—STATEMENT AND EXPLANATION

This bill embodies, in improved form, the major provisions of the housing bill which passed the Senate last year. At that time the measure received tremendous Nation-wide support from all groups interested in housing, including tenants, home owners, builders, workers, concerns financially connected with the construction industry, and the existing agencies of Federal, State, and local governments interested in various aspects of the housing problem. This year, in its present form, the proposal has received even wider general endorsement, particularly from all sectors of the Federal Government that have dealt with this problem.

MAIN PURPOSES

The main purposes of the bill are closely related to the report of the President's Committee on Planning, recently submitted to the Congress. This report stressed the imperative necessity for meeting the unemployment problem on a long-range rather than a temporary basis; for guiding the Federal Government's assistance to business, labor, and the general public along lines dictated by permanent rather than emergency objectives; for measuring each dollar of public moneys spent in terms of its ultimate accomplishments rather than its immediate ameliorative effects; for withdrawing public asistance as private capacity mounts, thus creating a balance wheel to stabilize the industrial activity of the Nation.

The long-range and carefully planned housing program embodied in this measure meets each of these tests to a unique degree. By stimulating the durable-goods industries, now lagging furthest behind in the recovery drive, and by facing the problem of technological unemployment, it will create jobs in private industry for the men and women still idle and dependent upon public relief despite their overwhelming desire to earn a decent living in a normal way. Consequently it will augment and insure the permanence of the remarkable business comeback that we have staged during the past 2½ years. And at a cost much cheaper than the terrible social and business toll of unhealthful housing—in terms of disease, crime, and maladjustment—it will provide better living quarters for millions who now dwell in dismal and insanitary surroundings.

DIFFERENT FROM PRESENT AGENCIES

In 1933 it was imperative to save the home owners from eviction, to repair dwellings that had become delapidated or decayed, and to rescue the investors in real estate from complete ruin. But today the problem before the Nation is positive rather than negative. Instead of saving old homes, new ones must be built. Rather than refinancing old investments, areas must be developed for the operation of new capital.

The undertakings of the R. F. C. and the F. H. A. can do no more than facilitate the financing of homes for people who can afford homes and who have credit standing. This may restore the residential industry to its 1926 status as a luxury trade, but it can never create the solid foundation for permanent economic stability. A foundation must be at the bottom and not at the top. In housing this means provision for the larger market at the bottom of the economic structure who need housing most.

PROVISIONS OF THE BILL

The bill provides for loans and contracts of grant by the Federal Government to assist local authorities in developing low-rent housing and slum-clearance projects for families of low income.

The loans, which may cover the construction cost of a project, will in all cases be fully recoverable by the Federal Government, and will bear at least the going Federal rate of interest. They will thus be sound interest-bearing investments and will cost the taxpayer nothing.

The contracts of grant will provide for subsidies in the form of fixed and uniform annual contributions to housing projects over a period of years. These annual contributions, as determined upon at the outset of any housing project, will be in the amount necessary, and only in the amount necessary, to achieve its availability for families of low income. But in no case will the total annual contributions to any project exceed the carrying costs upon the loan; and, measured in terms of effect upon reducing rentals, in no case will the total subsidy exceed a maximum of approximately 45 percent. Such annual contributions, based upon the remarkably successful English system, will keep Federal appropriations very low, will put the program of necessary public aid on a "pay-as-you-go" basis, and will maintain in the hands of the central authority such control over the continuing aid as will insure the perpetual low-rent character of the projects involved.

The bill therefore embraces a 4-year program by providing $1,000,000,000, to be raised through a bond issue and to be available for sound interest-bearing Federal loans. It also carries an appropriation of $50,000,000 to pay the annual contributions during this 4-year period, at an average of only about $12,500,000 a year. When the housing program is in full swing, every $1,000,000,000 worth of low-rent housing will cost the Federal Government less than $20,000,000 per year, or less than 2 percent. No other undertaking of the Federal Government during the past 4 years holds forth such certain prospects of business stimulation, economy, reemployment, and social advancement.

The following table indicates the scope of the 4-year program as proposed:

Fiscal year	Family dwelling units constructed	Total capital cost (at $4,000 per family unit)	Non-Federal loans (estimated)	Federal loans authorized	Annual contributions through Federal appropriations
1938	50,000	$200,000,000		$200,000,000	
1939	75,000	300,000,000	$50,000,000	250,000,000	$6,250,000
1940	100,000	400,000,000	150,000,000	250,000,000	15,625,000
1941	150,000	600,000,000	300,000,000	300,000,000	28,125,000
Total	375,000	1,500,000,000	500,000,000	1,000,000,000	50,000,000

This table shows that the Federal expenditures, in terms of appropriations over the 4-year period, will be only $1 for every $29 of private money drawn into the building program. And when we take account of the likely effect of this low-rent housing program upon housing for other income groups generally, we may say that each dollar of Federal expenditure will evoke $50 worth of private investment in home building.

NO COMPETITION WITH PRIVATE INDUSTRY

It is the inadequate character of the public assistance to date that has made it impractical to rent the present public housing projects except to people of moderate means. This penny-wise pound-foolish policy has brought on the very type of competition with private industry that should be avoided, and, in addition, has carried us directly into a kind of housing that has no just claim on public funds. To reach those who are really entitled to public assistance, and to get into the field where private enterprise really cannot operate profitably is the objective of this bill.

The bill contains other safeguards against competition with private industry. Every housing project that receives a penny of Federal assistance, either loan or grant, will be available only to those families of low income who cannot purchase safe and sanitary quarters elsewhere. If there is competition, it will be only with the miserable conditions of slums and blighted areas.

DECENTRALIZED PROGRAM

All the direction, planning, and management in connection with publicly assisted housing projects are to be vested in local authorities, springing from the initiative of the people in the communities concerned. The Federal Government will merely extend its financial aid through the medium of these agencies. The only exception to the strictly decentralized administration is that the Federal Government may set up a few demonstration projects in order that local areas without adequate instrumentalities of their own may benefit by an experience in low-rent housing. Such projects are limited strictly to one-tenth of the Federal aid. It is provided that these demonstration projects shall be transferred to local agencies as soon as possible. In order to minimize the likelihood of Federal operation even where no local agencies exist, the Housing Authority is authorized to lease its demonstration projects to cooperative nonprofit associations of families of low income who have banded together for the purpose of securing decent housing.

UNITED STATES HOUSING AUTHORITY

The bill contemplates the establishment of a new United States Housing Authority. The encouragement of low-rent housing will be in years to come one of the most significant undertakings of the Government; and to this work should be devoted the single-minded attention and resources of a permanent and independent corporate agency. The establishment of such an agency will not tend to multiplicity. On the contrary, it will enable the President to gather under one roof the scattered organizations now empowered to engage in housing.

CONCLUSION

This is truly a modest beginning. But it is a start in a direction so obviously proper that it has won already an amazingly wide range of support. It combines the business desire for more complete recovery with the humanitarian impulse to provide safer and healthier places in which the people may live.

CLAIM OF JACK J. WICK—AMENDMENTS

Mr. NEELY submitted amendments intended to be proposed by him to the bill (S. 1414) for the relief of Jack J. Wick, which were referred to the Committee on Claims and ordered to be printed.

ACCOMMODATIONS FOR DISTRICT COURT, LEWISBURG, W. VA.—AMENDMENT

Mr. NEELY submitted an amendment intended to be proposed by him to the bill (S. 1522) to provide suitable accommodations for the district court of the United States at Lewisburg, W. Va., which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

REORGANIZATION OF THE FEDERAL JUDICIARY—ADDRESS BY SENATOR BLACK

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD a radio address delivered by Senator BLACK

on Feb. 23, 1937, on the proposed reorganization of the Federal judiciary, which appears in the Appendix.]

REORGANIZATION OF FEDERAL JUDICIARY—STATEMENT BY SENATOR CLARK

[Mr. KING asked and obtained leave to have printed in the RECORD a statement issued on Feb. 12, 1937, by Senator CLARK, relative to the proposal to reorganize the Federal judiciary, which appears in the Appendix.]

REORGANIZATION OF THE FEDERAL JUDICIARY—ADDRESS BY SENATOR WHEELER

[Mr. THOMAS of Oklahoma asked and obtained leave to have printed in the RECORD a radio address delivered by Senator WHEELER at Kansas City, Mo., on Sunday evening, Feb. 21, 1937, on the proposed reorganization of the Federal judiciary, which appears in the Appendix.]

REORGANIZATION OF THE FEDERAL JUDICIARY—ADDRESS BY SENATOR NYE

[Mr. WHEELER asked and obtained leave to have printed in the RECORD a radio address on the subject of the proposed reorganization of the Federal judiciary, delivered by Senator NYE on Feb. 21, 1937, which appears in the Appendix.]

REORGANIZATION OF FEDERAL JUDICIARY—STATEMENT BY M. W. THATCHER

[Mr. LA FOLLETTE asked and obtained leave to have printed in the RECORD a statement issued Feb. 23, 1937, by M. W. Thatcher, Washington representative, Farmers' National Grain Corporation, etc., which appears in the Appendix.]

REORGANIZATION OF FEDERAL JUDICIARY—LETTER OF STUART CHASE

[Mr. LA FOLLETTE asked and obtained leave to have printed in the RECORD a copy of a letter written by Stuart Chase to the editor of the New York Times relative to the President's proposal regarding the Supreme Court, which appears in the Appendix.]

REORGANIZATION OF THE FEDERAL JUDICIARY

[Mr. BLACK asked and obtained leave to have printed in the RECORD an article from the Washington Daily News on Feb. 23, 1937, written by Raymond Clapper, entitled "Fear Held Responsible for Opposition to Court Reform", which appears in the Appendix.]

TRIBUTE TO POSTMASTER GENERAL FARLEY

[Mr. GEORGE asked and obtained leave to have printed in the RECORD an editorial from the Atlanta (Ga.) Journal of Feb. 17, 1937, written in tribute to Postmaster General Farley, which appears in the Appendix.]

CONSIDERATION OF THE CALENDAR

The VICE PRESIDENT. Morning business is closed. Under a special order adopted yesterday the Senate will proceed to the consideration of unobjected bills on the calendar, and the clerk will state the first bill in order.

RESOLUTION PASSED OVER

The resolution (S. Res. 8) limiting debate on general appropriation bills was announced as first in order.

Mr. VANDENBERG. Let the resolution go over.

The VICE PRESIDENT. The resolution will be passed over.

ACCOUNT BETWEEN UNITED STATES AND VERMONT

The joint resolution (S. J. Res. 21) directing the Comptroller General to readjust the account between the United States and the State of Vermont was announced as next in order.

The VICE PRESIDENT. Without objection, the joint resolution will be ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BURKE. Mr. President, I inquire if it is Order of Business 28, Senate Joint Resolution 21, which was just called?

The VICE PRESIDENT. It is. Does the Senator desire to have it go over?

Mr. BURKE. I desire to ask, on behalf of the chairman of the Claims Committee, to have the bill, which is a claims bill, referred to the Committee on Claims. The Senator from North Carolina [Mr. BAILEY] intended to present that matter here this morning, but he has not as yet arrived on the floor. Meanwhile, I ask that the joint resolution go over.

The VICE PRESIDENT. The joint resolution will be passed over.

HOLDING OF CIVIL OFFICE BY RETIRED OFFICERS

The Senate proceeded to consider the bill (S. 1116) to amend section 1860 of the Revised Statutes, as amended, to permit retired officers and enlisted men of the Army, Navy, and Marine Corps to hold civil office in any Territory of the United States.

The bill had been reported from the Committee on Naval Affairs with an amendment, on page 1, line 6, after the word "naval", to strike out "or Marine Corps" and insert "Marine Corps, or Coast Guard"; and in line 9, after the word "Navy", to strike out "or the Marine Corps" and insert "Marine Corps, or Coast Guard", so as to make the bill read:

Be it enacted, etc., That the fourth clause of section 1860 of the Revised Statutes of the United States as amended is hereby further amended to read as follows:

"Fourth. No person belonging to the Army, Navy, Marine Corps, or Coast Guard shall be elected to or hold any civil office or appointment in any Territory, except officers and enlisted men of the Army, the Navy, Marine Corps, or Coast Guard on the retired list."

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, I ask that there may be an explanation of the bill.

Mr. WALSH. Mr. President, under the Revised Statutes of 1860 no person belonging to the Army or Navy could be elected to or hold any civil office by appointment in any Territory. Later, in 1883, the law was amended by the addition of the following clause:

Except officers of the Army on the retired list.

At that time all Territories were within the continental limits of the United States except Alaska. It was considered that retired Army officers were well fitted for administrative duties in those Territories. We now have within the continental limits no Territories except Alaska. We now have many insular possessions, and it is deemed proper that retired naval officers, as well as Army officers, should be eligible for administrative duties in those insular possessions. The purpose of the bill is to give the same privilege to retired naval officers and enlisted men that is now given under existing law to retired Army officers and enlisted men. Let me add that there are naval officers now acting in administrative capacity in Guam and Samoa that are not incorporated Territories. The Governors of these possessions are officers of the Navy.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. WALSH. Certainly.

Mr. ROBINSON. What was the reason for the distinction between Army and naval officers in the original act?

Mr. WALSH. At the time of the enactment of the original law we had no insular possessions. The Territories of the United States were all within the continental limits. It was deemed by reason of the Army being trained for preserving order on land that Army officers should be eligible for appointment to administrative duties in those Territories. Now, with insular possessions, it is felt in many cases desirable to have naval officers appointed.

The VICE PRESIDENT. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend section 1860 of the Revised Statutes, as amended, to permit retired officers and enlisted men of the Army, Navy, Marine Corps, and Coast Guard to hold civil office in any Territory of the United States."

TRANSFER OF EXPLOSIVE MATERIALS FROM WAR DEPARTMENT

The bill (S. 1280) to repeal an act of March 3, 1933, entitled "An act to provide for the transfer of powder and other explosive materials from deteriorated and unserviceable ammunition under the control of the War Department to the Department of Agriculture for use in land clearing, drainage, road building, and other agricultural purposes" was con-

sidered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the act of Congress entitled "An act to provide for the transfer of powder and other explosive materials from deteriorated and unserviceable ammunition under the control of the War Department to the Department of Agriculture for use in land clearing, drainage, road building, and other agricultural purposes", approved March 3, 1933, be, and the same is hereby, repealed.

REGULATION OF COMMERCE IN FIREARMS

The Senate proceeded to consider the bill (S. 3) to regulate commerce in firearms.

Mr. ROBINSON. Mr. President, this is an important bill. Insofar as I have had an opportunity to examine it, the measure seems to be meritorious. However, I should like to have the author of the bill or the chairman of the committee who reported it make an explanation of the manner in which it is proposed to regulate commerce in firearms.

Mr. COPELAND. Mr. President, let me say to my leader that the Senate passed an identical bill at the end of the last session. The bill goes no further than to provide that the shipment of firearms in interstate commerce shall be regulated with a view, so far as possible, to preventing their falling into the hands of criminals or gangsters.

If Senators have read of the murder of a labor leader in New Jersey within 2 or 3 days, they will recall that the number of the gun had been filed off. This bill would endeavor to prevent the shipment in interstate commerce of guns whose numbers have been removed or altered. The bill in no sense interferes with the private possession of firearms by farmers or sportsmen, and has the full approval of the National Rifle Association and the National Pistol Association.

Mr. ROBINSON. I have read the report and, as already stated, am in hearty sympathy with the purposes of the bill. Can the Senator explain briefly how it will prevent firearms from passing into the hands of gangsters?

Mr. COPELAND. The Senator will observe, on page 4, that subsection (d) provides:

(d) It shall be unlawful for any person to ship, transport, or cause to be shipped or transported in interstate or foreign commerce any firearm or ammunition to any person knowing or having reasonable cause to believe that such person is under indictment or has been convicted in any court of the United States, the several States, Territories, possessions (including the Philippine Islands), or the District of Columbia of a crime of violence or is a fugitive from justice.

Then subsection (e) provides:

(e) It shall be unlawful for any person who is under indictment or who has been convicted of a crime of violence or who is a fugitive from justice to ship, transport, or cause to be shipped or transported in interstate or foreign commerce any firearm or ammunition.

On page 5, subsection (h) provides as follows:

(h) It shall be unlawful for any person to receive, conceal, store, barter, sell, or dispose of any firearm or ammunition or to pledge or accept as security for a loan any firearm or ammunition moving in or which is a part of interstate or foreign commerce, and which while so moving or constituting such part has been stolen, knowing, or having reasonable cause to believe the same to have been stolen.

We have had trouble with pawn shops and other institutions in my section of the country, and it is desired to regulate the matter in that regard.

Mr. ROBINSON. What penalty attaches for violation of the provisions of the bill?

Mr. COPELAND. On page 8 will be found the penalty clause, providing a fine of not more than $2,000 or imprisonment for not more than 5 years, or both.

Mr. BORAH. Mr. President——

Mr. COPELAND. I yield to the Senator from Idaho.

Mr. BORAH. The bill covers about seven printed pages, and I should like to know a little more about it before being called upon to pass on it. The people in my section of the country are very much interested in the regulation of firearms because of a fear that it may interfere with the possession of firearms by them as sportsmen and for other legitimate uses.

Mr. COPELAND. The bill in its original form was violently opposed by many who might wish, for legitimate purposes, to have firearms in their possession. It received very serious study on the part of the National Rifle Association and the National Pistol Association, and it was with their aid that the bill was finally perfected and now has had removed all the objections which such persons as those mentioned by the Senator from Idaho had to the bill in its original form. The superintendent of my own farm protested vigorously to me about the bill in the first place, but the objections that he and others similarly situated had in mind have been removed. The bill has to do largely and almost exclusively with the shipment of firearms by or to persons with a criminal record. The Senate passed an identical bill last year.

Mr. BORAH. Yes; I know that to be so.

Mr. COPELAND. If, after further study of the bill, the Senator feels that it should be given further consideration, I shall be glad to join with him in asking for its reconsideration; but I hope he will let the bill pass, because we want to bring about the control of firearms as far as we can, and this is a long step in that direction.

Mr. BORAH. The bill has been stripped of its objectionable features as presented in the first place?

Mr. COPELAND. It certainly has.

Mr. BORAH. At the present time it is really confined to the question of controlling licensees and licensors in the shipment of arms in interstate commerce?

Mr. COPELAND. That is correct.

Mr. VANDENBERG. Mr. President——

Mr. COPELAND. I yield to the Senator from Michigan.

Mr. VANDENBERG. The bill is not only stripped of its objections, but those who previously objected are now endorsing it.

Mr. COPELAND. That is correct.

Mr. BORAH. That is what was bothering me. I have had letters in the last 2 or 3 days from those who were not certain about it.

Mr. COPELAND. They were, perhaps, thinking of the original bill; but I assure the Senator the objectionable features have been removed.

Mr. BORAH. Very well.

The VICE PRESIDENT. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That as used in this act—

(1) The term "person" includes an individual, partnership, association, or corporation.

(2) The term "interstate or foreign commerce" means commerce between any State, Territory, or possession (including the Philippine Islands), or the District of Columbia, and any place outside thereof; or between points within the same State, Territory, or possession (including the Philippine Islands), or the District of Columbia, but through any place outside thereof; or within any Territory or possession or the District of Columbia.

(3) The term "firearm" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive and a firearm muffler or firearm silencer.

(4) The term "manufacturer" means any person engaged in the manufacture or importation of firearms, or ammunition or cartridge cases, primers, bullets, or propellent powder for purposes of sale or distribution; and the term "licensed manufacturer" means any such person licensed under the provisions of this act.

(5) The term "dealer" means any person engaged in the business of selling firearms or ammunition or cartridge cases, primers, bullets, or propellent powder, at wholesale or retail, or any person engaged in the business of repairing such firearms or of manufacturing or fitting special barrels, stocks, trigger mechanisms, or breach mechanisms to firearms, and the term "licensed dealer" means any such person licensed under the provisions of this act.

(6) The term "crime of violence" means murder, manslaughter, rape, mayhem, kidnaping, burglary, housebreaking; assault with intent to kill, commit rape, or rob; assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than 1 year.

(7) The term "fugitive from justice" means any person who has fled from any State, Territory, the District of Columbia, or possession of the United States to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.

(8) The term "ammunition" shall include all pistol or revolver ammunition except .22-caliber rim-fire ammunition.

SEC. 2. (a) It shall be unlawful for any manufacturer or dealer, except a manufacturer or dealer having a license issued under the provisions of this act, to transport, ship, or receive any firearm or ammunition in interstate or foreign commerce.

(b) It shall be unlawful for any person to receive any firearm or ammunition transported or shipped in interstate or foreign commerce in violation of subdivision (a) of this section, knowing

or having reasonable cause to believe such firearms or ammunition to have been transported or shipped in violation of subdivision (a) of this section.

(c) It shall be unlawful for any licensed manufacturer or dealer to transport or ship any firearm in interstate or foreign commerce to any person other than a licensed manufacturer or dealer in any State the laws of which require that a license be obtained for the purchase of such firearm, unless such license is exhibited to such manufacturer or dealer by the prospective purchaser.

(d) It shall be unlawful for any person to ship, transport, or cause to be shipped or transported in interstate or foreign commerce any firearm or ammunition to any person knowing or having reasonable cause to believe that such person is under indictment or has been convicted in any court of the United States, the several States, Territories, possessions (including the Philippine Islands), or the District of Columbia of a crime of violence or is a fugitive from justice.

(e) It shall be unlawful for any person who is under indictment or who has been convicted of a crime of violence or who is a fugitive from justice to ship, transport, or cause to be shipped or transported in interstate or foreign commerce any firearm or ammunition.

(f) It shall be unlawful for any person who has been convicted of a crime of violence or is a fugitive from justice to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce, and the possession of a firearm or ammunition by any such person shall be presumptive evidence that such firearm or ammunition was shipped or transported or received, as the case may be, by such person in violation of this act.

(g) It shall be unlawful for any person to transport or ship, or cause to be transported or shipped, in interstate or foreign commerce any stolen firearm or ammunition, knowing, or having reasonable cause to believe, same to have been stolen.

(h) It shall be unlawful for any person to receive, conceal, store, barter, sell, or dispose of any firearm or ammunition, or to pledge or accept as security for a loan any firearm or ammunition, moving in or which is a part of interstate or foreign commerce, and which while so moving or constituting such part has been stolen, knowing, or having reasonable cause to believe the same to have been stolen.

(i) It shall be unlawful for any person to transport, ship, or knowingly receive in interstate or foreign commerce any firearm from which the manufacturer's serial number has been removed, obliterated, or altered, and the possession of any such firearm shall be presumptive evidence that such firearm was transported, shipped, or received, as the case may be, by the possessor in violation of this act.

SEC. 3. (a) Any manufacturer or dealer desiring a license to transport, ship, or receive firearms or ammunition in interstate or foreign commerce shall make application to the Secretary of Commerce, who shall prescribe by rules and regulations the information to be contained in such application. The applicant shall, if a manufacturer, pay a fee of $100 and, if a dealer, shall pay a fee of $1.

(b) Upon payment of the prescribed fee, the Secretary of Commerce shall issue to such applicant a license which shall entitle the licensee to transport, ship, and receive firearms and ammunition in interstate and foreign commerce unless and until the license is suspended or revoked in accordance with the provisions of this act: *Provided*, That no license shall be issued to any applicant within 2 years after the revocation of a previous license.

(c) Whenever any licensee is convicted of a violation of any of the provisions of this act, it shall be the duty of the clerk of the court to notify the Secretary of Commerce within 48 hours after such conviction and said Secretary shall revoke such license: *Provided*, That in the case of appeal from such conviction the licensee may furnish a bond in the amount of $1,000, and upon receipt of such bond acceptable to the Secretary of Commerce he may permit the licensee to continue business during the period of the appeal, or should the licensee refuse or neglect to furnish such bond, the Secretary of Commerce shall suspend such license until he is notified by the clerk of the court of last appeal as to the final disposition of the case.

(d) Licensed dealers shall maintain such permanent records of importation, shipment, and other disposal of firearms and ammunition as the Secretary of Commerce shall prescribe.

SEC. 4. The provisions of this act shall not apply with respect to the transportation, shipment, receipt, or importation of any firearm, or ammunition, sold or shipped to, or issued for the use of, (1) the United States or any department, independent establishment, or agency thereof; (2) any State, Territory, or possession, or the District of Columbia, or any department, independent establishment, agency, or any political subdivision thereof; (3) any duly commissioned officer or agent of the United States, a State, Territory, or possession, or the District of Columbia, or any political subdivision thereof; (4) or to any bank, public carrier, express, or armored-truck company organized and operating in good faith for the transportation of money and valuables; (5) or to any research laboratory designated by the Secretary of Commerce: *Provided*, That such bank, public carriers, express, and armored-truck companies are granted exemption by the Secretary of Commerce; nor to the transportation, shipment, or receipt of any antique or unserviceable firearms, or ammunition, possessed and held as curios or museum pieces.

SEC. 5. Any person violating any of the provisions of this act or any rules and regulations promulgated hereunder, or who makes any statement in applying for the license or exemption provided for in this act, knowing such statement to be false, shall, upon conviction thereof, be fined not more than $2,000, or imprisoned for not more than 5 years, or both.

SEC. 6. This act shall take effect 30 days after its enactment.

SEC. 7. The Secretary of Commerce may prescribe such rules and regulations as he deems necessary to carry out the provisions of this act.

SEC. 8. Should any section or subsection of this act be declared unconstitutional, the remaining portion of the act shall remain in full force and effect.

SEC. 9. This act may be cited as the Federal Firearms Act.

RIVER AND HARBOR WORKS FOR FLOOD CONTROL

The Senate proceeded to consider the bill (S. 1173) to amend an act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936, which was read as follows:

Be it enacted, etc., That section 5 of the act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936, is hereby amended by revising the first paragraph under the heading "Ohio River Basin" to read as follows:

"Reservoir system for the protection of Pittsburgh: Construction of reservoirs for the Allegheny-Monongahela Basin as in comprehensive plan for the protection of Pittsburgh and for the reduction of flood heights in the Ohio Valley generally, as set forth in House Document No. 306, Seventy-fourth Congress, first session, and in the report on the Allegheny-Monongahela Rivers and tributaries on record in the Office of the Chief of Engineers, with such revisions or modifications as may be found advisable by the Chief of Engineers upon further investigation; estimated construction cost, $20,646,000; estimated cost of lands and damages, $34,569,000."

Mr. KING. Mr. President, may I inquire of the Senator from New York [Mr. COPELAND] whether the bill carries an appropriation or an authorization for an appropriation?

Mr. COPELAND. It does not.

Mr. KING. I notice that $34,000,000 may be used.

Mr. COPELAND. The sum mentioned is simply a repetition of the language used in the original act. All this bill proposes to do is to permit the Army engineers to build a dam at a different location than indicated originally. It carries no new money and does not change the effect of the prior act except that it authorizes the Army engineers to use their judgment in relation to the location of the dam.

Mr. CLARK. Mr. President, I understand the Senator from New York to say that the bill carries no new authorization, and authorizes no new bridges or any change, except that it authorizes the Army engineers to change the location of a bridge or dam if they please?

Mr. COPELAND. That is correct.

Mr. CLARK. I have no objection to the bill under those circumstances. However, I desire to give notice, in view of the strict limitation of $50,000,000 put on flood-control legislation by the last Congress, and in view of the fact that the Congress actually appropriated no money for flood control, and that allocations were even recommended in certain sections, that, so far as I am concerned, in the future we are going to sink or swim together.

Mr. KING. I should like to ask the Senator again, if he will pardon me, if the act which apparently this bill is to amend authorized the construction of works upon the river referred to at a cost of $20,000,000, and the acquisition of lands and the payment of damages at a cost not to exceed $34,500,000?

Mr. COPELAND. To be paid by the State. Let me say to the Senator that bill merely takes out a paragraph of the measure which was passed last year, the flood-control bill, in which was declared a general policy of the division of funds, and so forth. This measure has absolutely nothing to do with the former bill except in the following respect:

The Army engineers at Johnstown, where the great flood occurred a number of years ago, and another one recently, have found on further study that the location of the dam as prescribed in the original bill was at the wrong place, and this bill merely permits the dam to be placed at another location when the money is provided.

Mr. KING. If the money is to be paid by the State, may I ask the Senator what authority there is in the Federal Government to impose limitations upon the State with respect to the amount which is to be paid for land, and the amount which is to be expended for the construction of the reservoir?

Mr. COPELAND. The only restriction is that unless the State does certain things, under the terms of the bill the

Army will not proceed with the expenditure of money as authorized.

Mr. KING. I shall not object; but I think the bill needs a little further examination.

The VICE PRESIDENT. The question is on the engrossment and third reading of the bill.

The bill S. 1173 was ordered to be engrossed for a third reading, read the third time, and passed.

PERMANENT INSTRUCTION STAFF AT COAST GUARD ACADEMY

The bill (S. 1441) to authorize the establishment of a permanent instruction staff at the United States Coast Guard Academy was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the President of the United States is authorized, by and with the advice and consent of the Senate, to appoint not to exceed five professors to the United States Coast Guard as heads of the departments of instruction at the Coast Guard Academy. An original appointment as professor not made from a civilian instructor or regular commissioned officer in the United States Coast Guard shall be a temporary appointment; but a professor so appointed, after completion of a satisfactory probationary period of 2 years, may be regularly appointed as professor to rank from the date of his original appointment: *Provided*, That any person who has served as a civilian instructor in the Coast Guard Academy for 15 years or more may be appointed to the office of professor in the Coast Guard Academy pursuant to this section without physical examination.

SEC. 2. A professor in the Coast Guard shall be a commissioned officer with rank not above that of commander and shall receive the pay and allowances of a commissioned officer of the same rank and length of service. When any such professor is commissioned with rank less than that of commander, he shall be promoted through the successive ranks to a rank not above that of commander under such regulations as the President shall prescribe. A professor shall exercise command only in the academic department of the Coast Guard Academy.

SEC. 3. The Secretary of the Treasury is authorized to appoint in the Coast Guard, subject to the competitive provisions of the civil-service laws and regulations, not to exceed three civilian instructors, and the compensation of such appointees shall be fixed in accordance with the Classification Act of 1923, as amended.

SEC. 4. Service as a civilian instructor or professor at the Coast Guard Academy or as a commissioned officer in the Coast Guard (regular or temporary), rendered prior to an appointment as a professor pursuant to the provisions of this act, shall be credited in computing the length of service as a professor for purposes of pay and allowance.

SEC. 5. Professors in the Coast Guard shall be on the same footing as to retirement from active service for any cause as other commissioned officers of the Coast Guard: *Provided*, That service as a civilian instructor or professor at the Coast Guard Academy or as a commissioned officer in the Coast Guard (regular or temporary), rendered prior to an appointment as a professor pursuant to the provisions of this act, shall be credited in computing length of service for retirement purposes: *Provided further*, That the provisions of law relating to retirement for disability in line of duty shall not apply in the case of a professor until he shall have served 15 years in the Coast Guard.

SEC. 6. The Secretary of the Treasury is authorized to appoint an advisory committee of the Coast Guard Academy which shall consist of not to exceed five persons of distinction in the field of education who shall serve without pay. The members so appointed shall visit the Coast Guard Academy at least once during the academic year on the call of the chairman and may convene once each year at headquarters at the call of the commandant, for the purpose of examining the course of instruction and advising the Secretary of the Treasury relative thereto. The actual expenses of the members of the committee while engaged in these duties, including their actual expense of travel, shall be defrayed under Government travel regulations from any appropriation available for the authorized work of the United States Coast Guard.

SEC. 7. In addition to the advisory board there shall be appointed in January of each year a Board of Visitors to the Coast Guard, which shall consist of two Senators and three Members of the House of Representatives appointed by the chairmen of the committees of the Senate and the House of Representatives, respectively, having cognizance of legislation pertaining to the Coast Guard Academy. The chairmen of such committees shall be ex-officio members of the Board.

(b) Such Board shall visit the Coast Guard Academy annually on a date to be fixed by the Secretary of the Treasury. Each member of the Board shall be reimbursed under Government travel regulations for the actual expense incurred by him while engaged upon duties as a member of such Board.

SEC. 8. Nothing in this act shall be construed to prevent the Secretary of the Treasury from assigning any commissioned officer, chief warrant officer, warrant officer, or enlisted man to appropriate instruction duty at the Coast Guard Academy.

SEC. 9. Any appropriation which is now or may hereafter be available for the payment of expenses for the authorized work of the Coast Guard shall be available to carry out the purposes of this act.

SEC. 10. Section 4 of an act entitled "An act to promote the efficiency of the Revenue Cutter Service", approved June 23, 1906 (34 Stat. 453; U. S. C., 1934 ed., title 14, sec. 124), as amended by the act of July 1, 1918 (40 Stat. 640), is hereby repealed, but such repeal shall not be construed to affect existing appointments: *Provided*, That no appointee, appointed prior to the enactment of this act, may be retained as an instructor in the Coast Guard Academy without appropriate civil-service status for a period longer than 6 months from the effective date of this act.

PURCHASE OF ORDNANCE PROPERTY BY COAST GUARD OFFICERS

The bill (S. 1442) to enable Coast Guard officers to purchase articles of ordnance property for use in the public service in the same manner as such property may be purchased by officers of the Army, Navy, and Marine Corps was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the act of March 3, 1909 (35 Stat. 732, 751; U. S. C., 1934 ed., title 34, sec. 540), is hereby amended by inserting in line 15 of page 751 of volume 35 of the Statutes at Large of the United States, after the words "Marine Corps", the words "and Coast Guard."

LITTLE ROCK CONFEDERATE CEMETERY, ARK.

The bill (S. 975) to amend the act approved February 7, 1913, so as to remove restrictions as to the use of the Little Rock Confederate Cemetery, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 1 of the act of Congress approved February 7, 1913 (37 Stat. 663), be, and the same is hereby, amended to read as follows:

"That the Secretary of War is hereby authorized to accept a conveyance to the United States of the Confederate cemetery in Little Rock, Ark., which adjoins the national cemetery at that place, and when so accepted the Government shall take care of and properly maintain and preserve the cemetery, its monument or monuments, headstones, and other marks of the graves, its walls, gates, and appurtenances, and preserve and keep a record, as far as reasonably practicable, of the names of those buried therein, with such history of each as can be obtained, and the said conveyance shall be such that it will permit the burial in said cemetery of all soldiers, sailors, or marines and all officers or men of the Coast Guard, dying in the service of the United States, or dying in a destitute condition after having been honorably discharged from the service, or who served, or hereafter shall have served, during any war in which the United States has been, or may hereafter be, engaged, and, with the consent of the Secretary of War, any citizen of the United States who served in the army or navy of any government at war with Germany or Austria during the World War and who died while in such service or after honorable discharge therefrom, as provided in Revised Statutes, 4878, amended by the act of April 15, 1920 (41 Stat. 552; U. S. C., title 24, sec. 281), and the act of June 13, 1935 (Public, No. 132, 74th Cong.), in addition to men who were in the military and naval service of the Confederate States of America: *Provided*, That the Secretary of War shall at all times leave sufficient space in said cemetery for the purpose of future burials of Confederate veterans: *Provided further*, That organized bodies of ex-Confederates or individuals shall have free and unrestricted entry to said cemetery for the purposes of burying worthy ex-Confederates, for decorating the graves, and for all other purposes which they have heretofore enjoyed, all under proper and reasonable regulations and restrictions made by the Secretary of War."

ANASTASIA ISLAND LIGHTHOUSE RESERVATION, FLA.

The Senate proceeded to consider the bill (S. 1125) to amend the act entitled "An act to authorize the Secretary of Commerce to dispose of certain portions of Anastasia Island Lighthouse Reservation, Fla., and for other purposes", approved August 27, 1935, and for other purposes, which had been reported from the Committee on Commerce with amendments, in section 2, page 2, line 5, after the word "Florida", to insert "to be used for public park purposes", and at the end of the section to insert "reserving unto the United States of America a perpetual easement for beams of light across any part of said lands that may be between the lighthouse and the sea", so as to make the bill read:

Be it enacted, etc., That section 2 of the act entitled "An act to authorize the Secretary of Commerce to dispose of certain portions of Anastasia Island Lighthouse Reservation, Fla., and for other purposes", approved August 27, 1935, is amended (1) by inserting immediately after the words "holders of record title thereto" a comma and the following: "their heirs or assigns,"; and (2) by striking out "to Southern Real Estate Corporation, lots 4 to 7, block B, 3 to 7, block C, all of blocks D and E, Seaside Heights;".

SEC. 2. The Secretary of Commerce is authorized to convey by quitclaim deed to the city of St. Augustine, Fla., to be used for public park purposes, that property authorized to be conveyed by such act of August 27, 1935, to such Southern Real Estate Corporation, reserving unto the United States of America a perpetual easement for beams of light across any part of said lands that may be between the lighthouse and the sea.

The VICE PRESIDENT. The question is on agreeing to the amendments of the committee.

Mr. McKELLAR. Mr. President, will the Senator from Florida [Mr. PEPPER], who reported the bill, explain it?

Mr. COPELAND. Mr. President, in the absence of the Senator from Florida, I will say that this is a bill which has passed the Senate heretofore. It is the bill of the late Senator Fletcher; and it is put upon its passage now in order that it may go to the House for further consideration.

Mr. McKELLAR. The amendments merely perfect the bill?

Mr. COPELAND. That is all.

The VICE PRESIDENT. The question is on agreeing to the amendments of the committee.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL PASSED OVER

The bill (S. 5) to prevent the adulteration, misbranding, and false advertisement of food, drugs, devices, and cosmetics in interstate, foreign, and other commerce subject to the jurisdiction of the United States, for the purposes of safeguarding the public health, preventing deceit upon the purchasing public, and for other purposes, was announced as next in order.

Mr. COPELAND. Mr. President, this is the so-called food and drug bill. I am about to ask that it go over without prejudice; and my purpose in saying anything is to urge Senators who have any amendments to it to be good enough to have them printed and sent to the committee, in order that they may be given consideration.

Mr. McKELLAR. Mr. President, I have some amendments that I shall offer just as soon as possible—today if I can; and, if not, by tomorrow anyway.

Mr. COPELAND. The committee will be very happy if the amendments may come in at once, because it is hoped that before long the bill may be given consideration. Meantime, I ask that it go over.

The VICE PRESIDENT. The bill will be passed over.

EXTENSION OF NAVAL COMMISSARY PRIVILEGES

The Senate proceeded to consider the bill (S. 1133) to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes", approved March 3, 1909, to extend commissary privileges to widows of officers and enlisted men of the Navy and Marine Corps, and also to officers of the Foreign Service of the United States at foreign stations, which was read, as follows:

Be it enacted, etc., That that part of the act of March 3, 1909 (35 Stat. 768; U. S. C., title 34, sec. 533), which provides "That hereafter such stores as the Secretary of the Navy may designate may be procured and sold to officers and enlisted men of the Navy and Marine Corps, also to civilian employees at naval stations beyond the continental limits of the United States and in Alaska, under such regulations as the Secretary of the Navy may prescribe", is hereby amended to read as follows: "That hereafter such stores as the Secretary of the Navy may designate may be procured and sold to officers and enlisted men of the Navy and Marine Corps; to the widows of such officers and enlisted men; to civilian employees of the Navy Department and to officers of the Foreign Service of the United States at naval stations beyond the continental limits of the United States and in Alaska, under such regulations as the Secretary of the Navy may prescribe."

Mr. WALSH. Mr. President, the Navy Department maintains commissary stores in those parts of the world where it is not possible for officers and enlisted men readily to buy the necessary supplies which Americans are accustomed to use. There are about 13 of such stores located in the Philippine Islands, China, Hawaii, the Canal Zone, Guam, and elsewhere. Under existing law, the officers and enlisted men of the Navy, the Army, the Marine Corps, and the Naval Reserve, and civilian employees may purchase supplies at these stores. This bill proposes to enlarge the number of persons who may take advantage of the privilege of making purchases at these stores so as to include widows of officers, enlisted men, and civilian employees, and also officers of the Foreign Service.

For illustration, if an officer dies in China, his widow under existing law cannot purchase supplies from commissaries there and it may be impossible for her in the stores of China to get the food that she and her family require. So the bill merely extends to widows of officers and enlisted men of the Navy and Marine Corps, and also to men and their families engaged in the Foreign Service, the privilege of making purchases at these commissaries in countries where it is not feasible or possible for them to get so-called American supplies.

That is the reason for this bill.

Mr. GIBSON. Mr. President, I ask the chairman of the committee if there is any objection to an amendment to include the widows of officers of the Coast Guard.

Mr. WALSH. It is my opinion that they are already included. In fact, since the Senator from Vermont spoke to me about the matter I made inquiry, and I find that the present list of persons to whom these privileges are extended is as follows:

Officers, enlisted men, and nurses of the Navy.
Officers, enlisted men, and nurses of the Marine Corps.
Officers, enlisted men, and nurses of the Army.
Officers, enlisted men, and nurses of the Coast Guard.
Officers of the Public Health Service.
Members of the Naval Reserve on active duty.
Members of the Naval Reserve in a retired-pay status.
Retired emergency officers of the Army, Navy, or Marine Corps.
Officers and crews of vessels of the Lighthouse Service.
Lightkeepers and depot keepers of the Lighthouse Service.
Honorably discharged officers and enlisted men of the Army, Navy, Marine Corps, and Coast Guard who are being cared for and are receiving medical treatment from the Veterans' Administration.
Wives, children, and other members of the immediate household of officers and enisted men of the Navy.

So while officers, enlisted men, and nurses of the Coast Guard are provided for, it is a fact that their widows and children would not have this privilege. Therefore I see no objection to the Senator's amendment.

Mr. GIBSON. I offer the amendment which I send to the desk and asked to have stated.

The PRESIDENT pro tempore. The amendment will be stated.

The CHIEF CLERK. On page 1, line 7, after the word "Navy", it is proposed to strike out the word "and" and insert a comma; also, in line 7, after the word "Corps", it is proposed to strike out the comma and add the words "and Coast Guard."

On page 2, line 5, after the word "Navy", it is proposed to strike out the word "and" and insert a comma; also, on the same page and line, after the word "Corps", it is proposed to add the words "and Coast Guard."

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Vermont.

The amendment was agreed to.

Mr. BORAH. Mr. President, is provision made for new stores?

Mr. WALSH. None whatever.

Mr. BORAH. The bill applies only to existing stores?

Mr. WALSH. Yes.

Mr. KING. Mr. President, in view of the enlarged category of persons who are to be privileged to purchase supplies from the Navy stores, I desire to ask the Senator from Massachusetts whether there will not be increasing demands for appropriations and the building of new stores, and whether there will not be perhaps a million or a million and a half persons who will be buying supplies from commissaries, and the Government will be running all sorts of commercial and business activities?

Mr. WALSH. I will say to the Senator from Utah that if any attempt should be made to provide such stores in communities other than isolated sections and where private individuals could furnish these supplies to Government officials and officers, there would be a tremendous protest. These stores are generally located where there are no American establishments, and it is impossible to get American food, especially meats, and other American supplies. Furthermore, they are self-supporting. They are the cause

of no expense whatever to the Government. The cost of these supplies is the exact amount that is necessary to maintain the stores without any additional expense to the Government; and whatever profit is made goes to providing cash registers, wrapping paper, twine, baskets, and the other things necessary for carrying and delivering the food and other supplies.

Mr. KING. This bill, then, would not apply to cases in the interior of the United States where there happen to be widows and children of officers?

Mr. WALSH. I notice in the list I have been given that there are only two or three stations in the United States. There is one at Lakehurst, N. J., and one at Pensacola, Fla., and a few at other naval bases removed from communities that could readily furnish supplies. In all, there are 13.

Mr. KING. There will be more.

The PRESIDENT pro tempore. The question is on the engrossment and third reading of the bill.

The bill (S. 1133) was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to amend an act entitled 'An act making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes', approved March 3, 1909, to extend commissary privileges to widows of officers and enlisted men of the Navy, Marine Corps, and Coast Guard, and also to officers of the Foreign Service of the United States at foreign stations."

REIMBURSEMENT OF MEMBERS OF MARINE CORPS FOR EFFECTS LOST BY FIRE

The Senate proceeded to consider the bill (S. 1314) to provide for the reimbursement of certain enlisted men and former enlisted men of the Marine Corps for the value of personal effects lost by fire at the Marine Barracks, Quantico, Va., on October 5, 1930, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum or sums, amounting in the aggregate not to exceed $2,900.04, as may be required by the Secretary of the Navy to reimburse, under such regulations as he may prescribe, enlisted men or former enlisted men of the Marine Corps for the value of personal effects lost as a result of the fire which occurred at the Marine Barracks, Quantico, Va., on October 5, 1930: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claims. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claims, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. KING. Mr. President, in view of this bill and the one following it, I desire to ask the Senator from Washington [Mr. SCHWELLENBACH] whether he has given further attention to the questions involved, as he raised this issue when a similar bill was under consideration some time ago.

Mr. SCHWELLENBACH. I should like to say to the Senator from Utah that I have examined the reports on both these bills, and both of them show negligence upon the part of the Government.

Mr. WALSH. Mr. President, in connection with this bill I should like to call attention, especially in this day of agitation for increased wages, to the fact that when a man enlists in the Navy of the United States he is given $21 a month and a bag which provides him with a uniform and other clothing, shoes, and other supplies that cost the Government $100 and 70 cents. Never again, so long as he is in the service, even if it be 30 years, does he get another uniform or other clothing at Government expense. After he is in the service for 4 months he is paid at the rate of $36 a month, and that is the maximum for the average enlisted man in the Navy. Out of this he must purchase future uniforms and other wearing apparel.

To be sure, those who perfect themselves in certain special and technical vocations, and become expert electricians, plumbers, machinists, radio operators, gunners' mates, and others with technical ratings, or who become yeomen or petty officers, have their pay materially increased; but the average salary of the ordinary enlisted man remains at $36 a month. Many of them are high-school graduates, and some of them are even college graduates. The Navy, Army, and Marine Corps never have had better types of enlisted men than at the present time.

In the Marine Corps an enlisted man gets $21 a month and an additional sum of 29 cents a day for the first year and 9 cents a day thereafter which in a year amounts to about $33, and he must buy his own uniform and all other clothing and articles of wearing apparel. Where disaster happens, if it is a "marine disaster", under general law the Navy, without any further legislation, can compensate him for losses of personal effects, but where the disaster happens on land there is no general law covering the case. Therefore, where a fire happens, as in this case and in the next case, through some negligence on the part of the Government, by reason of defective wiring, which is this case, it has been the custom for the Congress to reimburse the men after the Navy makes a report as to the actual loss, and the cause of the fire, and requests legislation in the nature of relief bills like the one now pending.

The PRESIDENT pro tempore. The question is on the engrossment and third reading of the bill.

The bill (S. 1314) was ordered to be engrossed for a third reading, read the third time, and passed.

REIMBURSEMENT OF NAVAL PERSONNEL

The bill (S. 1317) to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects destroyed in a fire at the naval radio station, Libugon, Guam, on April 15, 1932, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum or sums, amounting in the aggregate not to exceed $1,486.22, as may be required by the Secretary of the Navy to reimburse, under such regulations as he may prescribe, certain enlisted men and former enlisted men of the Navy for the value of personal effects destroyed as the result of a fire at the United States naval radio station, Libugon, Guam, on April 15, 1932: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claims. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claims, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000.

STEPHEN SOWINSKI

The bill (S. 510) for the relief of Stephen Sowinski was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Stephen Sowinski, late of Casual Detachment, Second United States Field Artillery, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 4th day of August 1909 for disability of epilepsy (grand mal) incurred in the service in line of duty: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

MICHAEL J. QUINN

The Senate proceeded to consider the bill (S. 687) authorizing the Secretary of War to bestow the Silver Star upon Michael J. Quinn, which was read, as follows:

Be it enacted, etc., That notwithstanding the provisions of the act of May 26, 1928, the Secretary of War is authorized to pass upon the recommendations now in the War Department for the award of the Silver Star citation to Michael J. Quinn, late of Battery B, Seventh Regiment United States Field Artillery, and, if such recommendations are found sufficient under the law governing the award of the Silver Star, to award such decoration to Michael J. Quinn.

Mr. McKELLAR. Mr. President, I notice that the War Department, in the letter from the Secretary, makes this statement:

It is the view of the War Department that, in general, awards of decorations should be confined to cases recommended by the agencies which have been established to administer the general laws providing for awards and that awards by special legislation would be inadvisable and prejudicial to good administration of the general laws.

For the above reasons, the War Department does not favor the proposed bill.

It seems to me there is a good deal of hard common sense in that statement. If there is a board whose duty it is to administer the law relating to such awards, it seems to me we ought to leave such matters to the board, and, as I understand, the board has not recommended this award.

Mr. SHEPPARD. The title of the bill is somewhat misleading. All the bill does is to authorize the Secretary of War to examine further evidence which has been presented, the time allowed by law having passed.

Mr. McKELLAR. Why does the Secretary recommend against it, under those circumstances?

Mr. SHEPPARD. He opposes the policy of reconsideration.

The PRESIDENT pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. McKELLAR subsequently said: Mr. President, while the Senator from Texas [Mr. SHEPPARD] is present, I desire to call his attention to Calendar Nos. 94 and 95, being, respectively, Senate bill 510 and Senate bill 687. I ask unanimous consent to return to those two bills for the purpose of asking that the votes by which they were passed be reconsidered, and allowing the bills to go over so that I may look into those two matters. I should like very much that the action by which the bills were passed be considered at this time.

Mr. SHEPPARD. Certainly.

The PRESIDING OFFICER. Without objection, the votes by which Senate bill 510 and Senate bill 687 were ordered to be engrossed for a third reading and passed will be reconsidered, and the bills will be passed over.

Mr. McKELLAR. I should like very much that these bills remain on the calendar.

The PRESIDING OFFICER. Without objection, the bills will remain on the calendar.

ROGER P. AMES

The bill (S. 655) to amend an act entitled "An act to recognize the high public service rendered by Maj. Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever", approved February 28, 1929, as amended, by including Roger P. Ames among those honored by said act, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the act entitled "An act to recognize the high public service rendered by Maj. Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever", approved February 28, 1929, be, and the same is hereby, amended by inserting between the names "Aristides Agramonte" and "John H. Andrus" the name of "Roger P. Ames", so that the act, as amended, will read as follows:

"That in special recognition of the high public service rendered and disabilities contracted in the interest of humanity and science as voluntary subjects for the experimentations during the yellow-fever investigations in Cuba, the Secretary of War be, and he is hereby, authorized and directed to publish annually in the Army Register a roll of honor on which shall be carried the following names: Walter Reed, James Carroll, Jesse W. Lazear, Aristides Agramonte, Roger P. Ames, John H. Andrus, John R. Bullard, A. W. Covington, William H. Dean, Wallace W. Forbes, Levi E. Folk, Paul Hamann, James F. Hanberry, Warren G. Jernegan, John R. Kissinger, John J. Moran, William Olsen, Charles G. Sonntag, Clyde L. West, Dr. R. P. Cooke, Thomas M. England, James Hildebrand, and Edward Weatherwalks, and to define in appropriate language the part which each of these persons played in the experimentations during the yellow-fever investigations in Cuba; and in further recognition of the high public service so rendered by the persons hereinbefore named, the Secretary of the Treasury is authorized and directed to cause to be struck for each of said persons a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary of the Treasury, and to present the same to each of said persons as shall be living and posthumously to such representatives of each of such persons as shall have died, as shall be designated by the Secretary of the Treasury. For this purpose there is hereby authorized to be appropriated the sum of $5,000; and there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such amounts annually as may be necessary in order to pay to the following-named persons during the remainder of their natural lives the sum of $125 per month, and such amount shall be in lieu of any and all pensions authorized by law for the following-named persons: Pvt. Paul Hamann; Pvt. John R. Kissinger; Pvt. William Olsen, Hospital Corps; Pvt. Charles G. Sonntag, Hospital Corps; Pvt. Clyde L. West, Hospital Corps; Pvt. James Hildebrand, Hospital Corps; Pvt. John H. Andrus, Hospital Corps; Mr. John R. Bullard; Dr. Aristides Agramonte; Pvt. A. W. Covington, Twenty-third Battery, Coast Artillery Corps; Pvt. Wallace W. Forbes, Hospital Corps; Pvt. Levi E. Folk, Hospital Corps; Pvt. James F. Hanberry, Hospital Corps; Dr. R. P. Cooke; Pvt. Thomas M. England; Mr. John J. Moran, and the widow of Pvt. Edward Weatherwalks."

SGT. SAMUEL WOODFILL

The bill (S. 300) authorizing the President of the United States to appoint Sgt. Samuel Woodfill a captain in the United States Army and then place him on the retired list was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint Sgt. Samuel Woodfill, late of the Headquarters Company, Eleventh Regiment United States Infantry, an officer with the rank of captain in the United States Army and then to place him on the retired list in that grade.

PURCHASE AND DISTRIBUTION OF FISHING-INDUSTRY PRODUCTS

The Senate proceeded to consider the bill (S. 1498) to authorize the purchase and distribution of products of the fishing industry, which was read, as follows:

Be it enacted, etc., That there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, or out of funds appropriated for relief purposes, the sum of $2,000,000 for the purpose of enabling the Federal Surplus Commodities Corporation to divert surplus fish (including shellfish) and the products thereof from the normal channels of trade and commerce by acquiring them and providing for their distribution through Federal, State, and private relief agencies. No commodities shall be acquired under this act after 90 days after the date of its enactment: *Provided, however*, That distribution thereof may extend beyond said period. The provisions of law relating to the acquisition of materials or supplies for the United States shall not apply to the acquisition of commodities under this act.

Mr. COPELAND. Mr. President, this bill is one of a series of three which have been presented by the Senator from Massachusetts [Mr. WALSH] relating to fish. It seems that the Federal Surplus Commodities Corporation have a right to buy agricultural products for distribution for relief purposes, but not the right to distribute fish. The purpose of these bills is to make it possible for them to distribute fish in the same way agricultural products are distributed.

The bill now pending was the subject of a hearing before the Committee on Commerce, and it was decided by the committee that it was a reasonable measure, and ought to be passed.

Mr. McKELLAR. The only purpose of the three bills is to include fish which may be bought, both canned and fresh fish?

Mr. COPELAND. Yes; it would include both.

Mr. McKELLAR. It would include both fresh and canned fish?

Mr. COPELAND. So long as they are refrigerated.

Mr. HAYDEN. Mr. President, is not this bill identical with Order of Business 103, House bill 4609?

Mr. COPELAND. Mr. President, I am not able to answer the Senator.

Mr. HAYDEN. Apparently a similar bill passed the House, and if that is the case, we should act on the House bill.

Mr. COPELAND. I ask that the House bill be substituted for the Senate bill.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H. R. 4609) to authorize the purchase and distribution of the products of the fishing industry.

Mr. KING. Mr. President, may I ask the Senator from New York whether this bill provides an independent appropriation, or whether the money will come out of the funds heretofore appropriated to the President for various relief purposes?

Mr. COPELAND. As I understand, the suggestion in the latter part of the Senator's question explains how the funds are to be provided.

Mr. KING. The bill does not provide an independent appropriation, does it?

Mr. COPELAND. In any event, it would be an authorization.

The PRESIDENT pro tempore. The question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Without objection, Senate bill 1498 will be indefinitely postponed.

AUTHORIZATION OF PER DIEMS IN AERIAL SURVEYS

The Senate proceeded to consider the bill (S. 1119) to amend section 5 of the act entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 3, 1925, to authorize the payment of a per diem in connection with naval aerial surveys and flight checking of aviation charts, which was read, as follows:

Be it enacted, etc., That the first paragraph of section 5 of the act entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 3, 1925 (43 Stat. 1190; U. S. C., title 34, sec. 893), is hereby amended to read as follows:

"SEC. 5. To cover actual additional expenses to which fliers are subjected when making aerial surveys, hereafter a per diem of $7 in lieu of other travel allowances shall be paid to officers, warrant officers, and enlisted men of the Army, Navy, and Marine Corps for the actual time consumed while traveling by air, under competent orders, in connection with naval aerial surveys and flight checking of Hydrographic Office aviation charts and aerial surveys of rivers and harbors or other governmental projects, and a per diem of $6 for the actual time consumed in making such aerial surveys or flight checking of Hydrographic Office aviation charts. The per diem authorized in connection with naval aerial surveys and flight checking of Hydrographic Office aviation charts shall be paid from the appropriation 'Pay, subsistence, and transportation of naval personnel.' The per diem authorized in connection with aerial surveys of rivers and harbors or other governmental projects shall be paid from appropriations available for the particular improvement or project for which the survey is being made: *Provided*, That not more than one of the per-diem allowances authorized in this section shall be paid for any one day: *Provided further*, That Naval and Marine Corps personnel shall not be entitled to the allowances authorized by this section when naval tender facilities or the equivalent thereof are available while traveling by air or in the area where the naval survey or flight checking duties are performed."

Mr. GIBSON. Mr. President, may I ask the chairman of the Committee on Naval Affairs whether the provisions of this bill should not also apply to the Coast Guard?

Mr. WALSH. I should like to inquire of the Senator whether the Coast Guard makes any aerial surveys?

Mr. GIBSON. It has been so represented to me.

Mr. WALSH. I am not so informed. I may state to the Senate that if the officers of the Aviation Corps of the Army or the Navy are assigned to make aerial surveys under the Department of Commerce of rivers and harbors or other projects, it is provided by law that they shall receive a per diem of $7 and an expense account of $6 a day while actually engaged in making such aerial survey, in lieu of other allowances. These surveys, however, under the law must be other than those pertaining to the naval or military service.

When the Navy undertakes to make an aerial survey its aviators and enlisted men are accompanied by a tender, and on the tender they are given the necessary supplies, so there is no need or occasion for a per-diem travel or expense item. But occasionally it happens—and two such instances have been called to the attention of the committee—that an aerial survey is made at a point or place where a tender cannot accompany the naval officers or enlisted men who are making the survey. Let me add that if it were possible to do so, if it were a matter of national defense, it would be of great advantage if we should have an aerial survey of every part of the world on file. When the Army makes a survey it interchanges the results thereof with the Navy, and when the Navy makes a survey, it interchanges with the Army.

But there are places, as in Alaska and Panama, where it is conceived that at sometime a hostile force might attempt to enter our possessions. It has been deemed wise to make aerial surveys in such remote and distant places. A tender cannot reach some of these places or it would be too expensive to use one for these trips. In these cases, and in other cases, although it rarely happens—I think the total expense is thought to be less than $1,500 a year—it is necessary for the air crew of aerial surveyers to go to a hotel or boarding house and be subjected to abnormal expense.

Under existing law those extra expenses must be borne by the personnel concerned, unless the survey is in connection with a nonnaval or nonmilitary Government project. Specifically, the personnel of the naval aviation detachment who made the aerial survey of the route from Seattle, Wash., to Dutch Harbor, Aleutian Islands, did not receive reimbursement for their necessary expenses incident to that survey, nor did they receive the per-diem allowances authorized by the act of March 3, 1925, because the survey was a naval one. On the other hand, naval aviators who were engaged in conducting an aerial survey in Alaska for the Department of the Interior were compensated for their necessary expenses by receiving the per-diem allowance. In each case the personnel were subjected to additional expense.

The committee feel that the existing law is unfair to service men who are detailed to duty on military and naval projects and believe that the law should be amended to allow them per-diem allowances while on such duty.

Frankly, I do not think there is any occasion for including the Coast Guard.

The PRESIDENT pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ACCEPTANCE OF MEDALS AND DECORATIONS

The bill (S. 1455) to authorize certain officers of the United States Navy and officers and enlisted men of the Marine Corps to accept such medals, orders, and decorations as have been tendered them by foreign governments in appreciation of services rendered was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the following-named officers of the United States Navy and officers and enlisted men of the Marine Corps are hereby authorized to accept such medals, orders, and decorations as have been tendered them by foreign governments in appreciation of services rendered:

United States Navy: Rear Admiral William H. Standley, retired; Capt. Laurence N. McNair; Capt. William D. Puleston; Capt. John T. G. Stapler; Capt. Rufus F. Zogbaum, retired; Capt. Harry J. Abbett; Capt. Archibald L. Parsons (CEC); Capt. Grear A. Duncan (CEC); Capt. Ernest R. Gayler (CEC); Commander Wallace L. Lind; Lt. Comdr. Ben. N. Wyatt; Lt. Comdr. Frederick S. Holmes; Lt. Brook S. Mansfield; and Lt. (Jr. Gr.) Robert R. DeWolfe.

Marine Corps: Col. Frank E. Evans; Lt. Col. Pedro A. Del Valle; Lt. Col. Maurice G. Holmes; Capt. Harold D. Hansen; and First Sgt. Frederick Belton.

CESARIA DEL PILAR

The bill (S. 1310) for the relief of Cesaria Del Pilar was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Cesaria Del Pilar, mother of Agapito Lomobos, the sum of $250, in full settlement of all claims against the Government of the United States on account of the death of Agapito Lomobos, which resulted from a gunshot wound caused by a pistol bullet fired by a member of a Marine Corps firing party during target practice at the Naval Station, Olongapo, P. I., on April 25, 1933: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

G. A. TROTTER

The bill (S. 1423) for the relief of G. A. Trotter was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit in the accounts of G. A. Trotter, former superintendent and special disbursing agent of the Zuni Indian Agency, for payments aggregating $102.40 made to Will Halloran as mileage for the use

of his personally owned automobile while performing his official duties as road supervisor in the Indian Service.

SAN CARLOS APACHE INDIANS

The Senate proceeded to consider the bill (S. 1231) authorizing payment to the San Carlos Apache Indians for the lands ceded by them in the agreement of February 25, 1896, ratified by the act of June 10, 1896, and reopening such lands to mineral entry, which was read as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, as payment in full to the San Carlos Apache Indians, at the rate of $1.25 per acre for 232,320 acres of land ceded by them under the agreement of February 25, 1896, ratified by the act of June 10, 1896 (29 Stat. L. 358), less $12,433.63 received by the Indians as royalty under mining permits, the sum of $277,966.37 to be deposited in the Treasury of the United States to the credit of the San Carlos Apache Indians, and to be available for expenditure for the benefit of such Indians: *Provided*, That none of the funds herein authorized to be appropriated shall be subject to the payment of any claims, judgments, or demands against the San Carlos Apache Indians accruing prior to the approval of this act.

SEC. 2. The lands referred to in the first section of this act shall be reopened to location and entry under the laws of the United States relating to mineral lands.

Mr. HAYDEN. Mr. President, I desire to offer an amendment to this bill.

The PRESIDENT pro tempore. The clerk will state the amendment.

The CHIEF CLERK. It is proposed to add a new section, as follows:

SEC. 2. The lands referred to in the first section of this act are hereby reopened to location and entry under the public land and mineral laws of the United States.

Mr. HAYDEN. Mr. President, as introduced and as reported to the Senate by the Committee on Indian Affairs, the lands referred to would be open only to general mineral entry. Since the bill was reported it has been brought to my attention that all existing public-land laws should also apply. The idea I originally had in mind was that this land was ceded primarily for mining purposes; but the Taylor Grazing Act and all other land laws should apply. The effect of my amendment is to accomplish that purpose.

Mr. KING. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. KING. Is this bill restricted to any particular area, or does it apply to all public land?

Mr. HAYDEN. It refers to the area of land described in the bill, aggregating 232,320 acres, which was excluded from the San Carlos Apache Indian Reservation in 1896 and opened for coal-mining purposes. The Indians were to receive royalties from the coal-mining permits. They have received only a little over $12,000 from that source. Not much of a coal field was developed.

In the meantime, however, mining claims of all kinds have been located, and lands strategically located have passed into private ownership, particularly where water is available. It would now be of no material advantage to have the area restored to the San Carlos Reservation. But the Apache Indians feel that they have a claim to the extent of $1.25 an acre for the lands they lost, and this bill would compensate them to that extent, less the $12,000 they have heretofore received in royalties. A similar bill passed the Senate at the last session of Congress, and was favorably reported to the House of Representatives, but did not pass that body.

Mr. KING. May I ask the Senator from Arizona whether the case provided for in the bill is the one concerning which there was a great deal of controversy several years ago, and the contention made that the Indians were being robbed by a number of white persons who had located mining claims upon lands belonging to Indians at a time when the title was absolutely in the Indians, and there was no provision covering such matters in the laws of the United States?

Mr. HAYDEN. No, Mr. President; the Senator is referring to some other instance, because the land involved in this bill was ceded by a treaty or agreement ratified by the Congress in 1896.

Mr. KING. I have no objection if the bill in question does not cover the case to which I refer.

The PRESIDING OFFICER (Mr. BACHMAN in the chair). The question is on agreeing to the amendment offered by the Senator from Arizona [Mr. HAYDEN].

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MEMORIAL TO THOSE WHO LOST THEIR LIVES ON THE U. S. S. "TULIP"

The bill (S. 1120) authorizing an appropriation for the erection of a memorial to the officers and men of the United States Navy who lost their lives as the result of a boiler explosion that totally destroyed the U. S. S. *Tulip* near St. Inigoes Bay, Md., on November 11, 1864, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the sum of $2,000, or so much thereof as may be necessary, is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of the Navy for the erection of a suitable memorial to the officers and men of the United States Navy who lost their lives as the result of a boiler explosion that totally destroyed the U. S. S. *Tulip* on November 11, 1864, such memorial to be erected on the site of the interment of such officers and men near St. Inigoes Bay, Md., and for the acquisition of the land constituting said site.

LT. COMDR. CHESTER B. PEAKE, UNITED STATES NAVY

The bill (S. 1313) for the relief of Lt. Comdr. Chester B. Peake, Supply Corps, United States Navy, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit the accounts of Lt. Comdr. Chester B. Peake, Supply Corps, United States Navy, with the sum of $39.45, representing payments made by him to the late Commander William F. Gresham, United States Navy, as rental allowance for the period February 15 to March 31, 1935, and disallowed by the Comptroller General as being in excess of the rental allowance to which Commander Gresham was legally entitled.

PHOTOGRAPHING OF MILITARY AND NAVAL DEFENSES

The bill (S. 1485) to prohibit the making of photographs, sketches, or maps of vital military and naval defensive installations and equipment, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, whenever, in the interests of national defense, the President shall define certain vital military and naval installations or equipment as requiring protection against the general dissemination of information relative thereto, it shall be unlawful to make any photograph, sketch, picture, drawing, map, or graphical representation of such vital military and naval installations or equipment without first obtaining permission of the commanding officer of the military or naval post, camp, or station concerned, or higher authority, and promptly submitting the product obtained to such commanding officer or higher authority for censorship or such other action as he may deem necessary. Any person found guilty of a violation of this section shall be punished by a fine of not more than $1,000 or by imprisonment for not more than 1 year, or by both such fine and imprisonment.

SEC. 2. Any person who uses or permits or procures the use of an aircraft for the purpose of making a photograph, sketch, picture, drawing, map, or graphical representation of vital military or naval installations or equipment, in violation of the preceding section, shall be liable to the penalty therein provided.

SEC. 3. On and after 30 days from the date upon which the President defines any vital military or naval installation or equipment as being within the category contemplated under the first section of this act, it shall be unlawful for any person to reproduce, publish, sell, or give away any photograph, sketch, picture, drawing, map, or graphical representation of the vital military or naval installations or equipment so defined, without first obtaining permission of the commanding officer of the military or naval post, camp, or station concerned, or higher authority, unless such photograph, sketch, picture, drawing, map, or graphical representation has clearly indicated thereon that it has been censored by the proper military or naval authority. Any person found guilty of a violation of this section shall be punished as provided in the first section of this act.

SEC. 4. The term "aircraft" as used in this act means any contrivance known or hereafter invented, used, or designed for navigation or flight in the air. The expression "post, camp, or station" as used in this act shall be interpreted to include naval vessels, military and naval aircraft, and any separate military or naval command.

SEC. 5. The provisions of this act shall extend to all Territories, possessions, and places subject to the jurisdiction of the United States, whether contiguous thereto, or not, and offenses under this

act when committed upon or over the high seas or elsewhere within the admiralty and maritime jurisdiction of the United States and outside the territorial limits thereof shall be punishable hereunder.

JAMES LUKER, SR.

The bill (H. R. 824) for the relief of James Luker, Sr., was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized and directed to pay, out of the current appropriation of the Navy Department for awards of 6 months' gratuity to beneficiaries of deceased enlisted men of the Navy, to James Luker, Sr., father of George De Witt Luker, late an enlisted man in the Navy, who was killed as a result of a powder explosion on board the U. S. S. *Trenton* on October 22, 1924, the sum of $324, being a gratuity equal to 6 months' pay at the rate received by George De Witt Luker at the time of his death: *Provided*, That James Luker, Sr., shall first establish to the satisfaction of the Secretary of the Navy that he was actually dependent upon said George De Witt Luker at the time of the latter's death.

CONTROL OF INSECT PESTS OR PLANT DISEASES

The joint resolution (S. J. Res. 75) making funds available for the control of incipient or emergency outbreaks of insect pests or plant diseases, including grasshoppers, Mormon crickets, and chinch bugs, was announced as next in order.

Mr. SCHWELLENBACH. Mr. President, I should like to make an inquiry, solely for the purpose of the RECORD. I wish to ask the Senator from Iowa [Mr. GILLETTE], the author of the joint resolution, if it is his opinion that the use of the words "grasshoppers, Mormon crickets, and chinch bugs" would in any way deprive the Secretary of Agriculture of the power to use these funds for the control of other pests?

Mr. GILLETTE. Mr. President, in answer to the Senator, I will say that in the opinion of the Bureau of Entomology and Plant Industry and the Secretary of Agriculture it would not preclude them from going into other fields in connection with migratory insects.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That for the application of such methods of control of incipient or emergency outbreaks of insect pests or plant diseases, including grasshoppers, Mormon crickets, and chinch bugs, as, in the judgment of the Secretary of Agriculture, may be necessary, in cooperation with such authorities of the States concerned, organizations or individuals as the Secretary may deem necessary to accomplish such purposes, including the employment of persons and means in the District of Columbia and elsewhere, printing, rent outside of the District of Columbia, and for other purposes, the sum of $5,000,000 is hereby authorized to be appropriated, to be made immediately available and remain available until expended; and there are hereby authorized to be appropriated such additional sums as may be necessary to replenish the fund to its original amount at the beginning of each fiscal year: *Provided*, That such appropriations shall be administered by the Bureau of Entomology and Plant Quarantine and shall be used for expenditures of general administration and supervision, surveys, purchase, transportation, and application of poison baits or materials and equipment for control of insect pests or plant diseases, including grasshoppers, Mormon crickets, and chinch bugs, or for the preparation of such materials for application, and such other expenses as in the discretion of the Secretary of Agriculture may be deemed necessary: *And provided further*, That no part of such appropriations shall be used to pay the cost or value of farm animals, farm crops, or other property injured or destroyed.

ERNEST S. FRAZIER

The bill (S. 46) for the relief of Ernest S. Frazier was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Whereas the War Department has itself eliminated from the discharge certificate of Ernest S. Frazier, late of the Texas National Guard in Federal service, the words "illiterate and degenerate": Therefore

Be it enacted, etc., That the War Department is hereby authorized and directed to eliminate the words "illiterate and degenerate" from the record of said Ernest S. Frazier wherever the said words occur in such records.

SEC. 2. That the Veterans' Administration is also hereby authorized and directed to eliminate the words "illiterate and degenerate" from the record of Ernest S. Frazier wherever said words occur in such records.

The preamble was agreed to.

NATIONAL GALLERY OF ART

The joint resolution (S. J. Res. 73) providing for the construction and maintenance of a National Gallery of Art was announced as next in order.

Mr. McNARY. Mr. President, in the absence of the Senator from Nebraska [Mr. NORRIS], I am requested on behalf of the Senator from Wisconsin [Mr. LA FOLLETTE] to ask that the bill be passed over; and I ask that it go over.

Mr. WALSH. Mr. President, I will say for the benefit of the Senator from Oregon [Mr. McNARY] that the joint resolution is for the purpose of carrying out the wishes of Mr. Mellon in the matter of presenting an art gallery to the Government.

Mr. McNARY. Yes; I understand that to be the purpose. However, I have been requested to ask that the joint resolution be passed over, and I ask that that be done.

The PRESIDING OFFICER. The joint resolution will be passed over.

STATE OF MASSACHUSETTS

The bill (S. 761) for the relief of the State of Massachusetts was announced as next in order.

Mr. McKELLAR. Mr. President, I observe that this bill does not authorize an appropriation, but it specifically appropriates money. I desire to call the attention of the author of the bill to the fact that the bill will have to go to the Appropriations Committee first, and I think it would be advisable if he would ask unanimous consent to let the bill be referred to that committee.

Mr. WALSH. The Senator from Nebraska [Mr. BURKE] has objected to the bill, and I assume it will go over; and I will give attention to the suggestion of the Senator from Tennessee in the meantime.

Mr. BURKE. Mr. President, my objection today was on the basis that the Committee on Claims, at its meeting, decided to ask that these bills, which are strictly of a claims nature, should be referred to the Committee on Claims. This bill came before the Committee on the Judiciary, and should properly have come before the Committee on Claims. The Senator from North Carolina [Mr. BAILEY] at an early opportunity will ask to have bills of this nature referred to the Committee on Claims for study.

Mr. McKELLAR. At all events, Mr. President, the bill must go to the Committee on Appropriations, because it is against the rules to appropriate money directly, as proposed in the bill.

Mr. WALSH. A similar bill has on four previous occasions been passed by the Senate. The opposition seems to be due to the age of the claim rather than its merit.

Mr. McKELLAR. I am not criticizing the bill.

Mr. WALSH. I am not in opposition to the Senator's suggestion. I think the request of the Senator from Nebraska is in order, and that the bill may go over to be given more consideration.

The PRESIDING OFFICER. The bill will be passed over.

JOINT RESOLUTION PASSED OVER

The joint resolution (S. J. Res. 51) to amend the joint resolution entitled "Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war", approved August 31, 1935, being Public Resolution No. 67, Seventy-fourth Congress (S. J. Res. 173), as amended by joint resolution approved February 29, 1936, entitled "Joint resolution extending and amending the joint resolution (Public Res. 67, 74th Cong.), approved August 31, 1935", was announced as next in order.

Mr. McNARY. I ask that the joint resolution be passed over.

The PRESIDING OFFICER. The joint resolution will be passed over.

EDWARD N. JERRY

The bill (S. 44) for the relief of Edward N. Jerry was announced as next in order.

Mr. KING. I ask that the bill be passed over.

Mr. SHEPPARD. Mr. President, may I make an explanation of the bill?

Mr. KING. Let me call the attention of the chairman of the Committee on Military Affairs to the fact that the letter from Major General Conley, contained in the report of the committee, seems to discredit this bill.

Mr. SHEPPARD. Not in view of what the Veterans' Administration reports regarding this measure.

This soldier, through no fault of his own, failed to make application within the legal time limit for benefits under the Emergency Officers' Retirement Act. He was not to blame for not knowing when the time limit expired. It is beyond the question that his injury occurred in line of duty; and all the bill asks is that he be allowed to present his claim at this time to the Veterans' Administration for consideration on its merits.

Mr. KING. My recollection of the testimony and report indicates that there was no injury of any consequence.

Mr. SHEPPARD. I will say to the Senator that we have found, from evidence presented to us, that this soldier received a permanent injury in line of duty while serving in France by being thrown violently against a tree from a horse he was riding, which became frightened at the explosion of a shell. Be that as it may, all the evidence will be considered, if this bill becomes law, in connection with the soldier's application to the Veterans' Administration for benefits under 1928 Emergency Officers' Retirement Act.

Mr. KING. I might add, supplementing what I said, that General Conley in his letter says:

> At present no evidence of soreness or tenderness of knee and no oedema. The examining surgeon further stated that in view of his occupation this officer was no percent disabled.

Mr. SHEPPARD. General Conley is referring to the soldier's condition at the time of his discharge in 1919. Evidently the injury became active again, because General Hines, of the Veterans' Administration, states in his report on the case that this veteran has a service-connected disability and that he is currently rated as disabled to a degree of permanent partial 63 percent.

Mr. KING. I think the Government probably will suffer an injustice, but I withdraw the objection.

There being no objection, the bill (S. 44) for the relief of Edward N. Jerry was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Administrator of Veterans' Affairs is authorized and directed to extend the benefits of the act entitled "An act making eligible for retirement, under certain conditions, officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability in line of duty while in the service of the United States during the World War", approved May 24, 1928, to Edward N. Jerry, who was appointed as captain, Coast Artillery Officers' Reserve Corps, November 27, 1917, and who was assigned to active duty the same date. The application of the said Edward N. Jerry for the benefits of such act of May 24, 1928, shall be filed with the Veterans' Administration within 6 months from the date of the approval of this act.

BILL PASSED OVER

The bill (S. 294) for the relief of Elmer Blair was announced as next in order.

Mr. KING. Mr. President, according to my recollection, a bill similar to the one now before us was vetoed by the President.

Mr. SHEPPARD. Mr. President, that bill may go over for the present.

The PRESIDING OFFICER. The bill will be passed over.

RETIREMENT OF JUSTICES OF THE SUPREME COURT

The bill (H. R. 2518) to provide for retirement of Justices of the Supreme Court was announced as next in order.

Mr. McNARY. I ask that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

GREATER TEXAS AND PAN AMERICAN EXPOSITION, TEXAS, 1937

The joint resolution (S. J. Res. 66) providing for the participation by the United States in the Greater Texas and Pan American Exposition to be held in the State of Texas during the year 1937 was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Resolved, etc., That there is hereby established a Commission, to be known as the United States Greater Texas and Pan American Exposition Commission (hereinafter referred to as the Commission), to be composed of the Vice President, the Secretary of State, the Secretary of Agriculture, and the Secretary of Commerce, which Commission shall serve without additional compensation and shall represent the United States in connection with the holding of the Greater Texas and Pan American Exposition in the State of Texas during the year 1937.

SEC. 2. There is hereby created a United States Commissioner General for such exposition, to be appointed by the President, by and with the advice and consent of the Senate, who shall serve without compensation. The expenses of said Commissioner General and the salary and expenses of such staff as he may require shall be paid out of the funds made available by this joint resolution for a period of time covering the duration of the exposition and not to exceed a 6-months' period following the closing thereof, and for such period prior to the opening of the exposition as the Commission shall determine.

SEC. 3. The Commission shall prescribe the duties of said Commissioner General and shall delegate such powers and functions to him as it shall deem advisable, in order that there may be exhibited at such exposition by the Government of the United States, its executive departments, independent offices, and establishments such articles and materials and documents as will best tend to illustrate the functions and administrative faculty of the Government in the advancement of industry, science, invention, agriculture, the arts, and peace, and demonstrate the nature of our institutions, particularly as regards their adaptation to the needs of the people.

SEC. 4. The Commissioner General is authorized to appoint such clerks, stenographers, and other assistants as may be necessary and to fix their salaries in accordance with the Classification Act of 1923, as amended, purchase such materials, and contract for such labor and other services as are necessary, and exercise such powers as are delegated to him by the Commission.

SEC. 5. The heads of the various executive departments, independent offices, and establishments of the Government are authorized to cooperate with the said Commissioner General in the procurement, installation, and display of exhibits, and to lend to the Commission such articles, specimens, and exhibits which said Commission shall deem to be in the interest of the United States and in keeping with the purposes of such exposition, to contract for such labor or other services as shall be deemed necessary, and to designate officials or employees of their departments, independent offices, and establishments to assist said Commissioner General. At the close of the exposition, or when the connection of the Government of the United States therewith ceases, said Commissioner General shall cause all such property to be returned to the respective departments, independent offices, and establishments from which taken, and any expenses incident to the restoration, modification, and revision of such property to a condition which will permit its use at subsequent expositions, fairs, and other celebrations, and for the continued employment of personnel necessary to close out the fiscal and other records and prepare the required reports of the participating organizations, may be paid from the funds made available herein; and if the return of such property is not feasible, he may, with the consent of the department, independent office, or establishment from which it was taken, make such disposition thereof as he may deem advisable and account therefor.

SEC. 6. The Commission is authorized to make any expenditures or allotments deemed necessary by it to fulfill properly the purposes of this joint resolution. The Commission is further authorized to rent such space as it may deem adequate to carry out effectively the provisions of this joint resolution; and to provide for the decoration of buildings or structures, for the proper maintenance of buildings or structures, site, and grounds occupied by the United States during the period of the exposition. The funds made available herein may be used for the operation of such building or buildings, structure or structures, including light, heat, water, gas, janitor, and other required services; for the selection, purchase, preparation, assembling, transportation, installation, arrangement, safekeeping, exhibition, demonstration, and return of such articles and materials as the Commission may decide shall be included in such Government exhibit; for the payment of all necessary expenses of such Commissioner General, and for the compensation of other officers and employees of the Commission in the District of Columbia and elsewhere; for the payment of salaries of officers and employees of the Government employed by or detailed for duty with the Commission, and for actual traveling expenses, including travel by air, and for per diem in lieu of actual subsistence at not to exceed $6 per day: *Provided*, That no such Government official or employee so designated shall receive a salary in excess of the amount which he has been receiving in the department, independent office, or establishment where employed, plus such reasonable allowance for travel, including travel by air, and subsistence expenses as may be deemed proper by the Commissioner General; for telephone service, purchase or rental of furniture and equipment, stationery and supplies, typewriting, adding, duplicating, and computing machines, their accessories and repairs, books of reference and periodicals, uniforms, maps, reports, documents, plans, specifications, manuscripts, newspapers and all other appropriate publications, and ice and drinking water for office purposes: *Provided further*, That payment for telephone service, rents,

subscriptions to newspapers and periodicals, and other similar purposes may be made in advance; for the purchase and hire of passenger-carrying automobiles, their maintenance, repair, and operation, for the official use of said Commissioner General in the District of Columbia or elsewhere as required; for printing and binding; for entertainment of distinguished visitors; and for all other expenses as may be deemed necessary by the Commission to fulfill properly the purposes of this joint resolution. All purchases, expenditures, and disbursements of any moneys made available by authority of this joint resolution shall be made under the direction of the Commission: *Provided further,* That the Commission, without release of responsibility as hereinbefore stipulated, may delegate these powers and functions to said Commissioner General, and said Commissioner General, with the consent of the Commission, may subdelegate them: *Provided further,* That the Commission or its delegated representative may allot funds made available herein to any executive department, independent office, or establishment of the Government, with the consent of the heads thereof, for direct expenditure by such executive department, independent office, or establishment, for the purpose of defraying any expenditure which may be incurred by such executive department, independent office, or establishment in executing the duties and functions delegated by the Commission. All accounts and vouchers covering expenditures shall be approved by the said Commissioner General, or by such assistants as he may designate, except for such allotments as may be made to the various executive departments, independent offices, and establishments for direct expenditure; but these provisions shall not be construed to waive the submission of accounts and vouchers to the General Accounting Office for audit, or permit any obligations to be incurred in excess of the amount authorized herein: *And provided further,* That in the construction of exhibits requiring skilled and unskilled labor, the prevailing rate of wages, as provided in the act of March 3, 1931, shall be paid.

SEC. 7. The Commissioner General, with the approval of the Commission, may receive contributions from any source to aid in carrying out the purposes of this joint resolution, but such contributions shall be expended and accounted for in the same manner as the funds made available by this joint resolution. The Commissioner General is also authorized to receive contributions of materials, or to borrow materials or exhibits, and to accept the services of any skilled and unskilled labor that may be available through State or Federal relief organizations, to aid in carrying out the general purposes of this joint resolution. At the close of the exposition or when the connection of the Government of the United States therewith ceases, the Commissioner General shall dispose of any such portion of the material contributed as may be unused, and return such borrowed property: *Provided,* That all disposition of such materials and property shall be at public sale to the highest bidder, and the proceeds thereof shall be covered into the Treasury of the United States.

SEC. 8. The rights and liabilities under existing contracts entered into by the United States Texas Centennial Commission under the authority granted to it by Public Resolution No. 69, Seventy-fourth Congress, approved February 11, 1936, shall be transferred to and assumed by the Commission established by this joint resolution. All authority, powers, and duties of the United States Texas Centennial Commission under such Public Resolution No. 69, and all unexpended balances of appropriations available to said Commission, shall be transferred to the United States Greater Texas and Pan American Exposition Commission to carry out the provisions of this joint resolution. Such unexpended balances of appropriations shall remain available until expended. Any monuments, statues, markers, buildings, and other structures, erected or constructed, and any lands, historic papers, and paintings purchased, by the United States Texas Centennial Commission directly under contract shall be transferred to the Commission established by this joint resolution, and any such property may be assigned by such latter Commission in the manner prescribed by section 2 of such Public Resolution No. 69. This section shall take effect on the date of the submission to the Congress of the final report of the United States Texas Centennial Commission as provided by section 9 of Public Resolution No. 37, Seventy-fourth Congress, approved June 28, 1935.

SEC. 9. All funds allocated by the United States Texas Centennial Commission to the Commission of Control for Texas Centennial Celebrations under the provisions of such Public Resolution No. 69 shall be transferred, on the date of enactment of this joint resolution, to said Commission of Control for Texas Centennial Celebrations to carry out the purposes for which such funds were so allocated.

SEC. 10. It shall be the duty of the Commission to transmit to Congress, within 6 months after the close of the exposition, a detailed statement of all expenditures, and such other reports as may be deemed proper, which reports shall be prepared and arranged with a view to concise statement and convenient reference. Upon the transmission of such report to Congress the Commission established by and all appointments made under the authority of this joint resolution shall terminate.

The PRESIDING OFFICER. That completes the calendar.

EXTENSION OF AUTHORITY TO NEGOTIATE TRADE AGREEMENTS

The Senate resumed consideration of the joint resolution (H. J. Res. 96) to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended.

The PRESIDING OFFICER. The pending question is the amendment of the Senator from Michigan [Mr. VANDENBERG].

Mr. AUSTIN obtained the floor.

Mr. McCARRAN. Mr. President, will the Senator from Vermont yield to me?

Mr. AUSTIN. I yield to the Senator from Nevada for a question.

Mr. McCARRAN. Will the Senator yield for a motion to take up a House bill which has just been passed over?

Mr. AUSTIN. Is it a motion to recur to something on the calendar that was passed over?

Mr. McCARRAN. Yes. It refers to Calendar No. 119, House bill 2518.

Mr. McNARY. Mr. President, I objected to the consideration of that bill when it was called on the calendar.

Mr. McCARRAN. I desire to move that the bill be taken up now.

Mr. McNARY. A motion of that kind would not be in order. The Senate is working under a unanimous-consent agreement, and upon the objection of one Senator a bill goes over, and that settles the status of the bill for the day.

The PRESIDING OFFICER. The Chair will state that the Senate has completed the consideration of bills on the calendar. The Senator from Vermont has the floor.

Mr. AUSTIN. Mr. President, the pending question relates to means of government concerning production, manufacturing, commerce, and other economic functions. Moreover, the pending joint resolution, if effective, would extend to 1940 Executive power to legislate and to make treaties. Although the subject matter is tariff, excises, and import restrictions, schedules, definitions, and classifications, the most significant import of the resolution is its character as one of the measures centralizing governmental functions in the Executive.

Shall we restore the republican form of government or shall we continue the temporary reversion to autocracy suffered under the stress and pressure of emergency?

Considering the economic aspect of the question, protective tariffs have been beneficial. We have observed the direct effect of them in raising the value of our farms and the standard of living of our people.

We have noticed that, as a sequel, our neighbors from across the boundary have immigrated and settled in our country in such numbers that we had to build up against immigration powerful walls and barriers. Now almost everybody is in favor of the protective tariff.

Of course, we must recognize that there are some who believe in what they call a competitive tariff, but the essential principle of protection is contained even in the competitive tariff.

We have had depressions from time to time and, with the rest of our neighbors, have suffered, but, speaking relatively, our progress has outrun that of our neighbors, and this is undoubtedly due to the protection from competition abroad currently with the free competition among the several States. We have kept the standard of living high by coordinating our foreign and domestic economies. We have kept our factories operating and our farms and mines producing by preventing foreign cheap labor from preempting their market. We have kept the price to the consumer within the four corners of the pay envelope by our domestic competitive system; so that the quantity of goods and the measure of other purchasable satisfactions that our people on the average could buy with their income has been high. Obviously, the lower prices produced by competition has given us a higher real income or, to state it in another way, a higher standard of living. Now we are setting out to reverse the policy. By regimentation among the several States we set about to increase costs of production, and by lowering duties and modifying import restrictions we set about to increase competition.

Under the protective system the wages of our workmen have exceeded those of other nations, and hours and conditions of service have improved. Nevertheless, we aim at still better conditions and higher standards of living, as

well as regularization of employment. These objectives are not monopolized by any party or faction. They animate all who oppose, as well as all who support, the pending joint resolution. The point of departure is as to the means of attaining the end.

The lowering of duties on competitive commodities below the cost of production at home, and the removal of import restriction and defensive measures, is in conflict with the economy claimed by the New Deal and expressed in the N. I. R. A., the A. A. A., and the 30-hour bill.

The collision of economic principles between the Tariff Act of 1934, which is the act sought to be extended by the pending joint resolution, as interpreted by those who claimed to know most about it in the hearings before the Committee on Finance, and New Deal legislation regimenting interstate commerce is apparent when one examines section 3 (e) of the N. I. R. A. Act.

Let me call attention to that section, because it shows the concern which labor has, which working people have, that the higher cost of production of goods here at home should not throw them out of employment by virtue of the tremendous advantage possessed by foreign goods and commodities brought to our shores and produced under conditions not requiring the shortening of hours and the increasing of wages. I read section (e) because I think it is one of the most eloquent proofs of the collision of systems, the collision of economic plans and schemes, and shows that none of them have been thought out to the end so that they would be pulling together instead of pulling apart. Section 3 (e) reads:

On his own motion, or if any labor organization, or any trade or industrial organization, association, or group, which has complied with the provisions of this title, shall make complaint to the President that any article or articles are being imported into the United States in substantial quantities or increasing ratio to domestic production of any competitive article or articles on such terms or under such conditions as to render ineffective or seriously to endanger the maintenance of any code or agreement under this title, the President may cause an immediate investigation to be made by the United States Tariff Commission, which shall give precedence to investigations under this subsection, and if, after such investigation and such public notice and hearing as he shall specify, the President shall find the existence of such facts, he shall, in order to effectuate the policy of this title, direct that the article or articles concerned shall be permitted entry into the United States only upon such terms and conditions and subject to the payment of such fees and such limitations in the total quantity which may be imported (in the course of any specified period or periods) as he shall find it necessary to prescribe in order that the entry thereof shall not render or tend to render ineffective any code or agreement made under this title.

In addition, in furtherance of the section, he had power to forbid entirely the importation of any articles. Thus—

In order to enforce any limitations against the total quantity of imports, in any specified period or periods, of any article under this subsection, the President may forbid the importation of such article or articles unless the importer shall have first obtained from the Secretary of the Treasury a license pursuant to such regulations as the President may prescribe. Upon information of any action by the President under this subsection the Secretary of the Treasury shall, through the proper officers, permit entry of the article or articles specified only upon such terms and conditions and subject to such fees, to such limitations in the quantity which may be imported, and to such requirements of license, as the President shall have directed. The decision of the President as to facts shall be conclusive. Any condition or limitation of entry under this subsection shall continue in effect until the President shall find and inform the Secretary of the Treasury that the conditions which led to the imposition of such condition or limitation upon entry no longer exists.

The collision of economic principles between the Tariff Act of 1934, as interpreted, and New Deal legislation, regimenting interstate commerce, is apparent when considering section 15 (e) of the A. A. A., providing for a compensating tax on any article processed or manufactured wholly or in chief value from a basic commodity and imported into the United States, the compensating tax to equal the amount of the processing tax in effect with respect to domestic processing at the time of importation.

And this requirement is attached to that enactment.

Such tax shall be paid prior to the release of the article from customs custody or control.

The collision of economic principles between the Tariff Act of 1934, as interpreted, and New Deal legislation, regimenting interstate commerce, is also apparent when considering the 30-hour bill, S. 158, in the Seventy-third Congress, first session, page 10, section 8 of the Connery amendment; also found on page 3 of the report of the Committee on Labor of the House of Representatives, dated May 10, 1933.

Its omission from the pending Federal licensing bill, H. R. 2881, Seventy-fifth Congress, first session, calendar day January 13, 1937, introduced in the House of Representatives by Mr. CONNERY, is a recognition of the collision.

It was provided that while the proposed 30-hour act continued in force the Secretary of the Treasury should—

Prohibit the entry of foreign-made goods, which goods are similar or comparable to goods produced in the United States of America, if such foreign-made goods are entered at total landed costs which are less than American cost of production of similar or comparable American-made goods.

It is very interesting to observe what William Green, president of the American Federation of Labor, had to say about that attempt to preserve the protective principles of the United States in order to save American labor at a time when its condition was being bettered, if possible, by legislation which was obviously in direct conflict with the Tariff Act of 1934.

What the president of the American Federation of Labor said appears at page 65 of the hearings before the Committee on Labor of the House of Representatives, Seventy-third Congress, first session. I read as follows:

I am directed by the executive council to say to you, Mr. Chairman, and to the committee, that we are in favor of this part of the bill, the 6-hour day and the 5-day workweek applying to goods manufactured abroad and shipped here and sold in the United States in competition with goods manufactured at home.

Mr. WELCH. Will you repeat that, Mr. Green, so the committee will be sure to get it? It is a matter in which we are all vitally concerned.

Mr. GREEN. I thought you were. I am directed by the executive council to say to this committee that we favor the clause in the Connery bill—perhaps I should put it that way—which makes applicable the restrictions of the 6-hour day and the 5-day week to goods manufactured abroad, shipped to the United States, and sold here in interstate commerce.

In passing, let me ask what, as a practical matter, may Congress do with respect to the hundreds of items of goods or commodities which already have been tied up for 3 years and 6 months by treaties with 15 different countries which have the effect of making changes in tariff regulations and restrictions, lowering tariff duties and providing other conditions which affect our international commerce? Under such circumstances what can Congress do with reference to the improvement of the conditions of labor?

What can Congress do with reference to the improvement of the condition of labor that is engaged in the manufacture of any of these articles? Certainly if Congress is undertaking to carry out the protection to the extent expressed in the Connery bill, it will cover not only the same goods but it will cover similar goods also. The language is:

Which goods are similar or comparable to goods produced in the United States of America.

That broadens the scope of the act to the point where he who runs may read the collision between these two principles, the principle of free trade as represented by the application of the Tariff Act of 1934 in the 15 treaties already made, and the principle of regimented trade among the several States, a complete upheaval and overturning of the principles under which American women and American men have developed to be the smartest women and the most capable men in all the world.

Again the question occurs to one studying the situation, When will the President request of us the power to open the doors to unrestricted immigration as an element of bargaining? He might as well, of course, let the immigrant in and have him do his work here as to leave him outside the door and permit his work to come in. In fact, from an economic point of view, probably it would be better for the working people of this country if he were brought in and his service put on the same plane of competition with the service of the workmen already here.

When will Japan ask the United States to raise the barriers to her nationals, to admit them freely to the United

States, as a consideration for the commercial advantages to the raisers of cotton in the United States? When the demand is made, why not expect to find the President of the United States sending to Congress a message, with a bill all drafted by him, granting to him that extraordinary power of legislating the policy, describing the schedules, formulating the restrictions, and thereupon himself ratifying the treaty?

A recent expression of the danger of foreign competition to labor is that of Matthew Woll, president of America's Wage Earners' Protective Conference. Let me say in passing that I regard him as an authority well worth while giving weight to on any matter that affects American workmen. In a radio address which he delivered February 4 this year he concluded as follows:

Against the background of this brief survey it seems imperative that American labor and American industry receive legislative answer to these questions:

1. Ordinary import duties are no defense against an invasion of the American market by aggressive foreign industries. What protection does our Government propose to make to protect our market from the invasion of these foreign-made goods subsidized by foreign governments?

Subsidized in many and various ways, not only for entry into this country but we find them subsidizing their goods for entry into other countries where we are natural competitors with them. So it is that not only does labor make an outcry at this intolerable situation which is permitted to go on in spite of the power given by us to the President to make these treaties, but also we find that the exporters, as represented in the national foreign trade convention of the National Foreign Trade Council, Inc., and the National Foreign Trade Association, recently held at Chicago, passed this broad resolution which constitutes not merely a request for something to be done but constitutes evidence of the condition which we complain exists:

We call attention to the fact that the reciprocal principle is vitiated when a country having a trade agreement with the United States permits uncontrolled entry from a third country of goods which have been subsidized in any form to a degree prejudicial to our ability to compete. We believe suitable steps should be taken to remedy this situation.

Here are employees and here are distributors speaking. We have the workmen, the employer, and the distributor all agreeing on the proposition that the protective principle must be preserved in order to save our workmen from being driven out of their employment ultimately by the competition of goods made abroad under conditions of service and under laws with respect to hours and wages with which we cannot possibly compete.

Again Mr. Woll said:

2. Barter deals by American and foreign firms result in acceptance in payment by such firms of articles of other and unrelated industries dumped on the American market without regard to effect on prices, wages, and employment. What protection may we expect against the dumping of foreign-made goods?

3. American sales in foreign markets are being destroyed by the discriminatory treatment of foreign governments, including the governments of the British Empire. What action, if any, is contemplated to secure the removal of Empire preferences and the resultant discriminations which are flourishing in various parts of the world?

Is there under consideration an adequate program of action to meet these dangerous problems, dangerous alike to labor, farm, and industry?

Mr. President, I invite attention to the fact that the Tariff Act of 1934 will be in effect for 3 years and 6 months after the effective date of the last tariff treaty which may be made under it. Nothing that we can do, legally or morally right, can stop that. The autocratic power granted to the President will continue until June 12, 1940, if House Joint Resolution 96 should become a law and should not go to the Supreme Court and be declared void.

There are those who are especially interested in international trade. We have observed that during the depression some of our manufacturers depended upon foreign markets to keep them alive. Although our foreign trade is historically less than 10 percent of our whole trade, nevertheless it is so specialized that it is important to our welfare that it be encouraged. Moreover, as consumers of some goods mainly produced abroad, it is for our benefit to reduce the price by reducing the rate of duty or by putting such articles on the free list. There seems no room for debate over the proposition that if rates are too high or too low they come in conflict with our free economy at home and all of its beneficial objectives. The means of regulation of these rates of duty, therefore, should be scientific and flexible and capable of adaptability to emergencies and changing conditions.

In passing let me call attention again to what was so eloquently spoken of yesterday by the Senator from Michigan [Mr. VANDENBERG], contrasting the flexible, scientific, and capable manner of adapting rates to conditions and costs of production with this unconstitutional method of fiat by the Executive, proclaiming duties, proclaiming laws, proclaiming treaties without ratification. Six times in the year 1936 the Tariff Commission reported to the President that rates ought to be changed, and six times during that one year the President proclaimed the change of those rates; and five times out of the six he had to raise the rates, not lower them. The protective principle as an oaken beam supporting the economy of this country was recognized and saved by this scientific method of handling tariff rates. On the other hand, 100 percent of all the changes of rates made under this fixed and arbitrary plan of Presidential proclamation was to lower the duties.

Mr. LEWIS. Mr. President——

Mr. AUSTIN. I yield to the Senator from Illinois.

Mr. LEWIS. I interrupt the Senator from Vermont to ask him his legal opinion, recognizing him both as an able lawyer and as a student of constitutional government. Does he recall the exact distinctions which the Supreme Court of the United States made in Field against Clark as sustaining the provision of reciprocity and tariff reduction by commission, as then advanced under a tariff act which we speak of as the McKinley Act? Does my able friend from Vermont accept that decision as establishing a basis for the right of government to transfer these questions of tariff taxes to a President or to a commission instead of to Congress?

Mr. AUSTIN. Mr. President, I cannot claim such lucid and sound memory of cases as I accord to the distinguished and able Senator from Illinois. I have come to respect with awe his memory regarding cases; but I should say that my present recollection is—though I have not recently studied that case—that it turned upon this feature of the statute; namely, the establishment of a standard which should guide the Commission and the President in the performance of what is in effect a ministerial function, acting as the hand of the Congress of the United States, as it were, and that that standard and guide was the very principle for which I am arguing today, namely, the difference between the cost of production of goods here in America and the cost of production abroad. The act provided that between certain fixed limits—namely, 50 percent above and 50 percent below the existing amounts of duty—this scientific, nonpolitical Commission, actuated by the citizen or actuated by the Chief Executive or actuated by the Congress, could make an investigation in which that rule was employed, a rule of the Congress; and my recollection is that that was the essential thing that supported as constitutional that apparent delegation of power.

Does that answer the Senator's question?

Mr. LEWIS. I am quite sure the Senator is right as to that feature of the act. I did not mean to assume that I have a superior knowledge or memory to any other Senator touching their citations of the Supreme Court of the United States generally. I inform the Senator that my memory as to this particular case is impressed all the more as it arose in my city. It was a suit brought by Marshall Field's establishment, the great dry-goods house of Chicago, against the collector of customs, whose name at that time was Clark. It is my recollection that when that case reached the Supreme Court of the United States, the Court held that it was within the power of Congress to transmit to the President, or to such body as he might name, the power to suggest rates as equitable, and that when adopted by the President they afterward became the law of the land.

I may be slightly in error, and the Senator may be right in his statement.

Mr. AUSTIN. I do not recall that feature of the case. Undoubtedly the Senator from Illinois is correct.

Mr. LEWIS. I may be wrong in part of it, but that is my memory only, and I felt this:

I say now that I do not agree with the decision. I beg pardon of the Senator for saying that I belong to the class of Democrats who believe that tariffs are essential to this country and the just protection of our produce to the full extent as against other countries that levy similar burdens against us to protect themselves and place embarrassment against our produce. I felt that that decision opened the gates to taking away from Congress the privilege of creating the rates of tariffs and framing a tariff bill, and transmitting it to executive bodies—a power that was never intended by the Constitution to be thus vested.

Mr. AUSTIN. Mr. President, I thank the distinguished Senator from Illinois for his remarks. I have much respect for the position he takes; but I admit that my own view is that the delegation contained in the Tariff Act of 1930 of power to operate by means of a commission is a proper delegation of power, because it delegates a minor function, a function that is not of that primary importance which must be held to be legislation under our Constitution.

However, that takes me far afield from the thought I had in mind; and I now return to the proposition that the means of regulating these rates of duty should be scientific and flexible and capable of adaptability to emergencies and changing conditions. These means should not, however, be a device capable of arbitrarily destroying or injuring one activity for the benefit of another activity. Viewing the long-time welfare as well as the immediate promotion of business, we Americans must have the right to be heard in the levying of taxes which we pay. The Tariff Act of 1934 deprives us of this right, and is, therefore, not beneficial from the long-time point of view. With respect to immediate promotion of business, even here it cannot be determined with certainty that the exercise of arbitrary power in making the 15 treaties already in effect is the cause of increased business, or is of net financial benefit, or is fair to all activities. The length of time during which any treaty has been in effect is too short to afford decisive evidence. I suppose a good test of the effectiveness of this evidence would be to turn to the Belgian treaty, because the Belgian treaty went into effect on May 1, 1935, and therefore is one of the two oldest treaties in point of effectiveness.

Since under the Belgian treaty none of the import duties may be reduced during the life of the treaty, and since they are all extended to all other nations having most-favored-nation relations with us, and since the imports from Belgium of the commodities on which duties have been reduced have increased in quantity and value during the first 12 months of the treaty 111 percent, against an increase of exports granted concessions by Belgium of 10 percent, is it not reasonable to conclude that economic benefits to us have not been established by our experience under the Belgian treaty?

That is one of the most favorable treaties that could be considered from length of operation, as I view it; and yet it is obvious that if the benefits to Belgium by way of a gain or increase have equaled 111 percent, whereas our exports to Belgium have gained only 10 percent, we must conclude, if we are going to conclude from the mere fact of this experience, that the treaty is economically bad for us, instead of economically beneficial. But I would not be so intemperate as to make that claim here. What I am claiming is that the length of time during which any of these treaties has been in effect is too short to afford decisive evidence. Such reciprocal treaties, however, as we have heretofore lived under do afford some evidence of what the principle of reciprocity means to us, and it is rather significant that we did not see fit to maintain them.

During peace negotiations at the conclusion of the World War the United States Tariff Commission, pursuant to section 704 of title VII of the act of September 8, 1916, transmitted to the Congress a report on reciprocity and commercial treaties which shows, among other things, attempts to cultivate amicable relations with foreign states made through reciprocal provisions in commercial treaties.

We hear today the doctrine advanced that these commercial treaties will promote amicable relations and will tend to keep us out of the wars of the world. For my part, I doubt it. I believe that the more intimately connected with a foreign country we become by means of commercial ties, the more likelihood there is that we will be drawn into controversies of that country with its neighbors.

From time to time since 1854 the United States has made this beau geste both under Republican and Democratic administrations with rather disappointing results economically. The reciprocity experience of the United States, viewed in a perspective sufficiently long to minimize errors of judgment, lacks decisiveness.

Speaking of the efforts connected with the Canadian Treaty of 1854 to secure equality of opportunity in foreign markets by offering equality of opportunity to all countries seeking American markets on the basis of mutual concessions, the Tariff Commission reported:

> During the 11 years of the reciprocity period, the total trade of the two countries increased approximately threefold, and, for the United States, the trade with Canada became second in importance only to that with Great Britain. How much of this was due to the improvement in general relations between the two countries and how much to the reciprocity provisions of the treaty cannot be determined. But it may safely be asserted that its several features in reciprocity arrangement contributed largely to the very considerable growth of trade and that both countries were benefited by it.

Under the Hawaiian reciprocity treaty of 1875, extended by negotiation in 1884, reciprocity was conspicuously effective in economical benefits to Hawaii, with political benefits to the United States. The Commission's comment was:

> But when all the various factors have been taken into account, the conclusion is inevitable that the reciprocity relationship with Hawaii was economically unprofitable to the United States. However, in a comprehensive estimate the fact must not be overlooked that in entering into the reciprocity arrangement Congress had not been actuated primarily by economic considerations.

The trade treaties under the Tariff Act of 1890 providing for free entry of certain commodities between the United States and certain Latin American countries, with penalty duties against certain other countries, resulted in a substantial increase of trade in countries parties to the treaties, but these treaties were terminated in 1894 under a Democratic administration.

Reciprocity was again written into the tariff act by a Republican administration in 1897. Reciprocal commercial relations were set up thereunder with Spain, Bulgaria, Great Britain, the Netherlands, France, Portugal, and Italy, and resumed with Switzerland. These treaties are referred to historically as the Argol Agreements. They were terminated in 1909. The Commission characterized their effect upon trade as follows:

> The only general conclusion derivable is negative. When reductions obtained by agreement are few and small and are shared by all or most of the competing countries, the agreements will have very limited influence on the amount or the direction of trade.

The Commission reported on the Brazilian preferential arrangement made under the provisions of the act of 1890 as follows:

> It would appear that although preference did not secure the desired results with respect to the chief item, wheat flour, it was moderately successful in stimulating an expansion of American trade in general with Brazil.

The Cuban reciprocity treaty of 1902 expressed the fiduciary interest of the United States in the reconstruction of Cuba after the conclusion of the Spanish-American War. It was expressly specialized, and contained a provision—

> That the reductions in duty specified should not be extended to any other country.

Currently with that treaty there was in operation another prescribing the conditions under which American military authority would be withdrawn and those under which it might be reinstated in the island. The guaranty of public order which this treaty insured to labor and capital so far contributed to the commercial development of the island that the Tariff Commission reported:

> Any estimate of the effects of the first treaty must take into consideration the influence of the second.

The Canadian treaty under the present law has excited the criticism of farmers. The cause of the criticism might have been entirely prevented if fair hearings had been given agriculture before the treaty was concluded and the reduction of rates proclaimed. The same may be said with respect to lumber, which affects the Northwest, and furs, which affect the extreme South.

In passing it should be noted that this agreement is not entirely reciprocal. Canada has the benefit of the proclaimed duties under the nine treaties made effective on the same day as the Canadian treaty and subsequent thereto, so that there are added to the list of the agricultural commodities on which concessions were made in the Canadian treaty many other agricultural items by virtue of the most-favored-nation policy.

The duty on lumber was cut 50 percent. The revenue tax thereof was also cut in half, with a quantity limit on imports. We should not forget, in passing, that the lumber coming from Canada in Canadian bottoms enjoys a preferential freight rate of $3 per thousand.

The duty on cattle and calves and dairy cows was cut 33⅓ percent, with a quantity limit.

Substantial reductions were made in the duty on cream, cheese, poultry, eggs, horses, honey, fish, barley, rice, hulled oats unfit for human consumption, cereal breakfast foods, fruit, grass and other forage, crop seeds, peas—green and unripe—seed potatoes, turnips, hay, and maple sugar.

I have been somewhat interested in studying the testimony which is reported in the transcript of the hearings on the pending measure to note that frequently use is made of the relative inferiority in amount of the total imports which have come in by virtue of the concessions made by us through these treaties compared with the entire production of the country, and to note an utter obliviousness to the fact that as to many of these items the effect is concentrated locally, and the real damage is done because the imports come into just a small section or area of the country, and all the pressure of that competition is borne down on that one spot.

For example, let us take cream. If Senators will examine the record of the importations of cream under the treaty, they will discover that of the quantity, which approximated for the calendar year 1936, from all countries 44,396 gallons, from Canada 44,053 gallons, almost all of it came into the State of Vermont; namely 43,767 gallons, and there is probably no place in the United States so dependent upon the dairy industry as is the State of Vermont. It is a basic industry with us. We provide two-thirds of all the fluid milk that goes into the Boston market every morning, and the effect of the dumping of approximately 44,000 gallons of cream into the State of Vermont, in the short period since that concession was made on cream, injures us. There are men within the sound of my voice who could point to other items, the importations of which have a local effect in a competitive way. It is injurious, although it is not related at all to the ratio of the quantity that is imported to the total quantity produced in this country.

By virtue of the most-favored-nation treatment, the concessions to other countries made by us on agricultural products added to Canada's benefits reductions in duty on herring, pearl barley, preserved cherries, red clover seed, other garden and field seeds not provided in the Canadian treaty, peas, prepared or preserved, split peas, cabbage in its natural state, certain manufactures wholly or in chief value of wool, boots and shoes wholly or in chief value of leather, spring clothes pins, spools wholly of wood, plywood wholly or in chief value of birch, and potato starch.

All these concessions extend to the 48 nations with which we have most-favored-nation treaties, and to approximately 40 other nations, under the act of 1934. If a notice and hearing on these commodities had been held, it is possible that the reductions made on them would not have been made. Moreover, if hearings had been given, it is possible that the psychological effect in this country, which is exceedingly important—for public opinion is the basis of public life here; it is the strength and power and the only strength and power of any law that we make—might have been such that the farmers of this country might not have found fault with the rates and with the concessions made on their products.

The items to which I have called attention were sufficiently important to farmers to entitle them to be heard. What is more, we should have had credit for them in our trade and in our treaty with Canada.

Great Britain has benefited by all of these concessions without any treaty. She has had to make no concessions to us, and she has had a special and peculiar benefit by virtue of the Canadian treaty in this, that we have frozen for at least 3 years and 6 months the discrimination against us which she makes in the form of special privileges between herself and countries under her sovereignty.

Let me quote from the Canadian treaty.

Mr. LEWIS. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. LEWIS. May I ask the able Senator if it is his opinion, because we have a treaty with Canada, that under what is known as the most-favored-nation clause we could not avail ourselves of the benefit of the most-favored-nation clause, and obtain all the benefits we extend to Canada without her extending anything to us under an obligation to do so as an exchange for what she obtained under the most-favored-nation clause?

Mr. AUSTIN. Mr. President, I must confess I am not very clear as to the question.

Mr. LEWIS. What I mean to ask the Senator is this: Is it his opinion that Great Britain, recognizing that we have made a reciprocity treaty, stands upon the most-favored-nation clause to enjoy the benefit of the treaty we made with Canada, and obtains the benefits to herself under the most-favored-nation clause without extending anything toward us in exchange?

Mr. AUSTIN. Mr. President, one can readily conjecture that under the most-favored-nation treaty of many years ago—I think 1912—which cannot be denounced except upon at least 1 year's notice, and which differs from the particular extension of benefits provided in the act of 1934, Great Britain, receiving every benefit of concessions made by us to every other country as well as to the Dominion of Canada, may well not pay us any concession. Thus far she has not had to make any concessions to us. We are now bound to go on, if we continue in our policy of the Tariff Act of 1934, to make other treaties with other countries. Why? Because we have destroyed all our defenses. We repealed all the defensive provisions of the tariff law of the United States of America in the act of 1934. We are obliged to go forward under that act, or we must legislate and build up our defenses once more. Not only that, but we have contemptuously said to the citizens of America, "We are not going to be bothered with you. We will exercise this arbitrary power without any appeal by you. The rights granted to you under the tariff law of 1930 to come into a court of justice with your claim are also hereby repealed."

Mr. President, it is a natural and logical conjecture that a country which enjoys in volume great trade relations with us should sit smugly at the table and say nothing just so long as we, in the 15 treaties which we have already made and in the 80 or 90 treaties we may in the future make, extend to her all the benefits which we extend to all other countries.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield.

Mr. WHITE. Is it not true that in addition to the advantage Great Britain gets as a favored nation in our markets, she has an advantage over us in the Canadian market through the fact that she gets the benefit of the lowest rates of duty of Canada, and our products at best get only the intermediate Canadian tariff rate?

Take, for illustration, textile goods. Textile goods enter Canada under a rate of duty which is lower than that which Canada accords to us, even under the treaty.

Mr. AUSTIN. Mr. President, I answer that inquiry in the affirmative positively and with certainty in my own mind. Not only did we freeze those preferences against us, but we also froze preferences that amounted to the difference between free entry and high duty—free entry on goods from

Great Britain into Canada and high duty on goods shipped by us into Canada—and we did it by this phrase, which I will read, contained in the treaty. I quote:

> The advantages now accorded or which may hereafter be accorded by Canada exclusively to other territories under the sovereignty of His Majesty the King of Great Britain, Ireland, and the British dominions beyond the seas, Emperor of India, or under His Majesty's suzerainty or protection, shall be excepted from the operation of this agreement.

In other words, our deal with Canada let down the bars by lowering duty on those very competitive articles which the President in his Baltimore speech said he had no intention of reducing. We let down the bars on agricultural products, and at the same time we said to Canada, We do not ask to have any of those advantages on these products or any other products which you have accorded to Great Britain or any country under the suzerainty or protection of Great Britain.

Thus, with one of our most important markets, one of our greatest customers, we have frozen for 3 years and 6 months a preference, to the damage of the people of this country who produce on the farms and in the factories of this country.

Mr. LEWIS. Mr. President, will the Senator yield?

Mr. AUSTIN. I yield to the Senator from Illinois.

Mr. LEWIS. I beg to say to the Senator from Vermont that the distinguished Senator from Rhode Island [Mr. GERRY] has just asked me if it is the clear suggestion of the Senator from Vermont and a statement from myself that should this arrangement which affects England, with respect to that which she has enjoyed, be regarded as burdensome and unjust, and should we desire to escape from the treaty, there is a clause therein which calls for notice for 1 year before we can escape the burden after having discovered the inequalities contained in the treaty?

Mr. AUSTIN. Mr. President, I speak from memory, and I now have nothing better to go on but my memory of that treaty of 1912—I believe that is the one—in which we established this relationship with Great Britain. It requires a year's notice under which to denounce the treaty.

I have observed, from such a study as I could make in the brief time since these hearings were printed, that the Cuban treaty is spoken of with some pride, and spoken of as if it afforded evidence that this new policy under our Tariff Act of 1934 is beneficial to this country; and I ask the Senate to consider whether the evidence is not just exactly in the opposite direction.

The treaty with Cuba is also special and peculiar. We must in any consideration of the evidentiary effect of the treaty with Cuba recognize the cost to us of the increased business which is pointed to as arising under that treaty. I give credit to the Honorable FRANK CROWTHER, a Representative in Congress from the State of New York, for bringing it to the attention of the American people early in an address printed in the CONGRESSIONAL RECORD of February 28, 1936, which shows that the cost of securing business valued at $20,000,000 in 1934, $17,000,000 of which occurred after the treaty took effect, involved a loss in duties, as between the new and old tariff rates, amounting to $32,000,000; and, in addition thereto, a cost in the increase in the price of sugar paid by our citizens aggregating more than $15,000,000, making a total cost of $47,000,000. Estimating the cost for the present year he said:

> The new tax laid upon the American people for the privilege of doing business with Cuba in the present year, therefore, will amount to more than $80,000,000.

Mr. Sidney Morgan, secretary of the Tariff Commission, testifying before the subcommittee of the Committee on Appropriations of the House of Representatives on the independent offices appropriation bill for 1938, as reported in the hearings at pages 570 to 573, showed that the duty on sugar from Cuba was reduced 25 percent under Presidential proclamation effective June 8, 1934.

Let me digress to point out that that was a reduction based upon a nonpolitical, scientific investigation by the Tariff Commission and that finding of fact ought to have been a very important factor motivating the President of the United States if he should again within a short time after that have undertaken to consider the rate of that duty. He did have to consider it very soon afterward, evidently. Having already by proclamation, based on a scientific finding, reduced the tariff 25 percent, he again reduced it by treaty to nine-tenths of a cent a pound.

I have given figures that are hardly in comparable form, so I will refer to them again. The reduction made June 8, 1934, was from 2 cents to 1½ cents a pound on raw sugar, 96° sweet. The reduction made on September 3, 1934—that is, within 6 months thereafter—was from 1½ cents a pound to nine-tenths of a cent a pound on raw sugar, 96° sweet. If the consumer in the United States had received the benefit of that reduction someone in this hall might rise and say, "Well there was at least that benefit from the transaction; there was the benefit, for example, that the wholesale price of sugar in America was reduced, or that the retail price to the housewives was reduced." But, Mr. President, do you hear anyone within the sound of my voice, whether a member of the committee or not a member of the committee, making such a claim? No; you do not. The fact is that the tables furnished by Dr. Sayre, the testimony of the secretary of the Tariff Commission, all the evidence without any controversy, prove that the first reduction in the tariff rate, as well as the second reduction resulted in no substantial reduction of the cost to the consumer.

Mr. ELLENDER. Mr. President, will the Senator yield?

Mr. AUSTIN. Yes; I yield.

Mr. ELLENDER. Was there not a processing tax put on sugar at that time of one-half cent?

Mr. AUSTIN. Let us see. The date was September 3, 1934; does the Senator think so?

Mr. ELLENDER. Did not that make up the difference caused by the reduction of the tariff, and might not that have been the reason for the sugar market to remain stable?

Mr. AUSTIN. I do not think so. This would be proceeding under section 15 (a) of the Triple A Act, and nothing that I have seen indicates that to be so. Does the Senator claim it to be so?

Mr. ELLENDER. As I recall, there was placed on sugar a processing tax of a half a cent, and, as I understand, there was a reduction in the tariff duty on Cuban sugar of a little over one-half, so that with the processing tax placed on sugar it had a tendency of balancing, in a measure, the duty reduction. Therefore I do not see how the Senator can argue that there should have been a reduction in the price of sugar.

Mr. AUSTIN. I think the Senator misapprehends the law. Section 15 (a) had for its objective keeping up the duty, not lowering it. That provision of the Triple A act was to guard against the situation that if the processing tax on domestic sugar made the cost of such sugar to the consumer in America greater than the cost of imported Cuban sugar after the tariff duty was paid on it, then the President, if complaint was made to him or if he saw fit to initiate the action, could lift the tariff rate so that the Cuban sugar would not have an advantage in the American market over the domestic sugar. So I suspect that this reduction was not under the Triple A; but whether it was or not makes no difference. The proposition is that there is absolutely no evidence—not even the evidence of a temporary benefit in price reduction to the housewife—that the trade treaty with Cuba has been an economic benefit to the United States of America.

Mr. President, speaking generally of international business, the record shows that no special deduction can as yet be made from the improvement occurring since the effective dates of the 15 treaties, 10 of which are less than 1 year old. As a matter of fact, the record shows that there was an increase in general trade before ever these treaties went into effect; that is, from a low in 1932 of one and six-tenths billion dollars our exports have increased as follows: In 1933, to one and seven-tenths billion dollars; in 1934, to two and one-tenth billion dollars; in 1935, to two and three tenths billion dollars; and in 1936, for the 10 months ending October 31—we have no data for the other months—one and nine-tenths billion dollars. Thus it is seen that before ever any of the reciprocal treaties went into effect there was a gain in export trade.

There is further special evidence in the figures as to our trade relations. It is significant that our sales abroad during 1934 exceeded those of 1933 by $475,000,000, whereas our sales abroad during 1935 exceeded those of 1934 by only $150,000,000. In other words, there was less gain in sales abroad under the treaties than without them by the enormous sum of $307,000,000. Certainly the mere fact of trade expansion is not conclusive evidence, since both our import and export trade with the United Kingdom—a country with which we have not concluded an agreement—rose at a more rapid rate compared with the first half of 1935 than was the case with Canada. The experience of the last 2 years demonstrates that other factors than the trade agreement excited the growth of trade. These two treaties are unfortunate illustrations for the advocates of the Tariff Act of 1934, though they are often used as examples. They are not typical—they are extraordinary.

Mr. President, the economic situation of all countries is improved over that of 1932. For example, we find in the United Kingdom and in Sweden the index of production is now higher than it was in 1929. It is an axiom that the direction of trade is influenced largely by the price. Buyers will buy in our market if there is an advantage to them in price. They came to our markets notwithstanding the duties under the Tariff Act of 1934, as I have just proved.

Mr. President, we view, therefore, the discussion before us as largely theoretical, and so far as it affects the fundamentals of government it depends upon the character and genius of our people and their probable capacity in the future for self-government. Speed—speed of action was the underlying motive for taking the taxing power from Congress and placing it in the President. Speed was the motive asserted for taking the treaty-making power away from the Senate and placing it in the President. Even now, in relation to the pending measure, the urge for making as permanent as possible the transfer of the treaty-ratifying power from the Senate to the President is based on speed.

On the same theory that one will admit that autocracy is speedier than democracy, one can admit that the levying of taxes by proclamation is speedier than by legislation. It is admitted that one man can exercise the powers contained in the Tariff Act of 1934 more speedily than Congress can legislate rates and forms of import duties. He can amend the existing definition and classifications of articles and create entirely new definitions faster than Congress can. He can exact limitations, prohibitions, charges, and exactions other than duties imposed for the regulation of imports more expeditiously than Congress can. He can with great haste conclude the exclusive agreement with Cuba modifying the preferential customs treatment on any article.

The velocity of his action may surpass that of Congress in determining the legislative policy differently with different foreign nations. Thus, he may freeze, for the term of 3½ years, the consent of our people to tariff treatment of Canada by Great Britain and of all British countries by Canada, which discriminates against us; and he may make us pay Cuba an extravagant price for whatever increase in our exports to Cuba he may please.

However, the foregoing powers are legislative, and all legislative powers granted by the Constitution are vested in Congress. The foregoing powers relate to the treaty-making power and the Senate under the law is an indispensable agent in the creation of a treaty with a foreign power. Besides that, Congress has the sole power to lay and collect taxes, duties, imports, and excises, and to regulate commerce with foreign nations.

Speed? No great delay marks the history of ratification of reciprocity treaties in the past. The record shows graphically as follows:

The Canadian treaty of 1854 was ratified and made effective in 1855, and it endured 11 years.

The Hawaiian treaty, negotiated in 1875, was ratified in the same year 1875 and was effective 25 years. Its extension was negotiated in 1884, ratified in 1887, and that extension was effective 13 years.

Ten treaties with countries in the Western Hemisphere were negotiated and proclaimed in 1 year, 1891, and existed until 1894, when a Democratic administration denounced and terminated them.

The Argol treaties under the act of 1897 show similar promptness of action. The first series proclaimed from 1898 to 1900 consisted of treaties with France, Portugal, Germany, and Italy, and an exceptional one with Switzerland. The second series of Argol agreements were concluded after, 1906 and 1908.

Although President McKinley gave continued support to a group of reciprocal treaties negotiated under another section of the Tariff Act of 1897, they failed of ratification by the Senate largely because the Republican Party favored reciprocity only—

So directed as to open our markets on favorable terms for what we do not ourselves produce in return for free foreign markets.

President McKinley's last speech contained this statement:

The period of exclusiveness is past, the expansion of our trade and commerce is the pressing problem. Commercial wars are unprofitable. A policy of good will and friendly trade relations will prevent reprisal. Reciprocity treaties are in harmony with the spirit of the times; measures of retaliation are not.

The Argol Agreements were terminated by the Tariff Act of 1909. The treaty with Newfoundland was unratified. Therefore, speed is not a valid excuse for transferring the legislative and treaty-making power affecting the tariff to the exclusive judgment of the President.

In this case the transfer of power was made on the theory of emergency. Secretary Hull, addressing the Finance Committee, said:

There should, I repeat, be no misunderstanding as to the nature or the purpose of this measure. It is not an extraordinary plan to deal with ordinary or normal conditions nor an ordinary plan to deal with extraordinary conditions. Its support is only urged as an emergency measure to deal with a dangerous and threatening emergency situation. * * * If the emergency requiring the proposed reciprocity trade agreements did not call for reasonably prompt action in many instances the special and temporary authority asked for would naturally not be sought.

Why not? We are not left to conjecture to know that Secretary Hull regarded this means of taxation and treaty making as unauthorized. As a member of the Ways and Means Committee of the House, in his minority report on the tariff bill of 1930, which contained the flexible tariff provisions by which the Tariff Commission and the President were authorized within certain limits and based on definite standards to adjust the rates, he stated that the provisions were—

Subversive of the plain functions of Congress.

On another occasion he declared that they—

Constituted an unjustifiable arrogance of power and authority to the President.

In a speech made on May 9, 1932, in another legislative body, he asserted that these provisions practically vested in the President the—

Supreme taxing power of the Nation, contrary to the plainest and most fundamental provisions of the Constitution.

He also referred to the power granted to the President thereunder as a—

Vast and uncontrolled power, larger than had been surrendered by one great coordinate department of the Government to another since the British House of Commons wrenched the taxing power from an autocratic King.

In 1894 there was a large Democratic majority in the House of Representatives and a small Democratic majority in the Senate.

In its report recommending the repeal of the reciprocity provision of the Tariff Act of 1890, the Committee on Ways and Means of the House went on record as follows:

Moreover, we do not believe that Congress can rightly vest in the President of the United States any authority or power to impose or release taxes on our people by proclamation or otherwise or to suspend or dispense with the operation of a law of Congress.

The Tariff Act of 1934 is notably different from the acts so denounced by Secretary Hull and by the Ways and Means Committee of the House. The Tariff Act of 1934 differs from the acts of 1890 and 1930 in respect to the absence of detailed instruction affording a standard found in those acts. The act of 1934 authorizes the President to

make the treaties and to proclaim the duties, restrictions, and treatment of foreign trade without instructions, the only limitation being that he may not increase or decrease rates more than 50 per centum thereof, or transfer any article between the dutiable and the free list.

The penalty for such a revolutionary departure from government by the people is felt at once. A midwestern newspaper called attention to the situation thus:

> Perhaps the heartiest chuckle Secretary Hull is enjoying these days results from the bitter charge frequently heard that the Department of State is negotiating the schedules of its reciprocal treaties "behind closed doors."

The departure from the fundamental law immediately brought to the front the danger of every such step, for it showed to our people that they could be taxed without representation. It showed that their property could be taken without their having any notice or real hearing.

The provision in the act of 1934 for public notice was construed by the President as not relating to notice of what rates and schedules are intended to be discussed. The vague provision "reasonable public notice of the intention to negotiate an agreement with such government or instrumentaly shall be given" evidently was intended merely as a pacifier, because the President wrote to the Senator from Oregon [Mr. STEIWER] on April 8, 1935, as shown by the CONGRESSIONAL RECORD of April 26, 1935, among other things, as follows:

> Because of this and other considerations, I believe that the present procedure of announcing only the name of the foreign country concerned and making readily available statistical and other information concerning the trade between the United States and the country is quite satisfactory.

Just think of that. Making readily available statistical and other information concerning the trade between the United States and the foreign country is satisfactory as a notice.

Mr. President, if you want to lose a pebble, throw it on the beach. If you want to lose a leaf, cast it in the forest. If you desire to hide a commodity, throw it into statistical information concerning the trade between the United States and other countries.

Citizens are not eager to beg the question with the Government. Farmers who had been informed by the President, through his Baltimore speech, that there was no intention of lowering their protection would not regard that kind of a notice as a cause for them to appear before the committee for reciprocity information. In fact, no citizen would rush in to defend a right that he did not know was going to be attacked.

I ask a question: Assuming that the commodity committee, or committees, prepare the schedules of concessions to be requested by foreign countries and the concessions which might be granted by this country, and assuming that the commodity committees prepare data with respect to a class or group of commodities to be involved in trade negotiations, would it not be feasible and wise, even under the law as it is and without any amendment of it, to make available to the public the reports of these two committees so far as they indicate what commodities and what import restrictions thereon will be considered for change, and especially if they contemplate changing the description of a schedule—for example, changing the description of what will be regarded as manufactured and what will be regarded as unmanufactured granite—so that the parties to be affected thereby may have notice before hearings and be afforded a full opportunity to present their views with respect to the specific change considered?

On competitive commodities, a rule should be fixed that the rate changes should be adjusted to equalize the difference between foreign and domestic production costs for the protection of our laborers and farmers.

I have read part of the hearings. I know it was claimed therein that it is futile to attempt to arrive at foreign costs and domestic costs. Well, the man who is in competition with foreign goods has no difficulty at all in recognizing the difference between the prices at which those foreign goods and his goods sell in the same market; and if we have not enough intelligence in our Government to ascertain the difference—at least the superficial difference, if nothing more—between wholesale prices here or landed prices here and the cost of our own production, then we had better give up; then we had better not try to compete with the rest of the world.

Another thing: Legislative policy should be determined and expressed in detail in the act relating to form of import duties, classification of articles, limitations, prohibitions, charges, and exactions other than duties imposed on importations or imposed for regulation of imports.

The most casual study of this record shows a conflict of opinion regarding the meaning of the law itself when it speaks of "charges other than duties" and speaks of "excises." It should not be left to the Chief Executive to determine the definition of what those taxes are. For that reason I am very anxious that the amendment which is offered here, which would exclude from this arbitrary power any right to levy or to interfere with our domestic taxes, should be adopted and that power removed from the bill.

The committee or other agency of government which is to pass on the public good or necessity of change should be a creature of the Congress, not a creature of the Executive, and its powers should be defined, and notices should inform the public what duties and other import restrictions are intended to be considered. Hearings should be accorded to all interested parties, not by grace, not only when the department sees fit to grant this privilege, but by the law.

I am well aware of the testimony of Dr. Sayre that since a certain time—and I am quite well acquainted with that time—the authorities have begun to practice giving an opportunity to be heard on the specific items; but we are dealing with the law. We are dealing with a means of government. We are dealing with a fundamental right of the people; and I say we cannot effectively turn over to the Executive this legislative function.

Concessions made to one country in exchange for compensating concessions should not be given general application to all other countries without compensation. Reciprocity and most-favored-nation treatments should be defined so that they cannot be made to mean one thing with one country like Great Britain and another thing with another country like Belgium. The reciprocal principle is vitiated when a country having a trade agreement with the United States permits uncontrolled entry from a third country of goods which have been subsidized in any form to a degree prejudicial to our ability to compete.

Mr. President, while we continue our generosity to all other nations, let us try to prevent injury to our form of government and hindrance of our economic recovery.

Mr. BORAH obtained the floor.

Mr. McNARY. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HATCH in the chair). The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Johnson, Colo.	Pittman
Andrews	Copeland	King	Pope
Ashurst	Davis	La Follette	Radcliffe
Austin	Dieterich	Lewis	Reynolds
Bachman	Duffy	Lodge	Robinson
Bailey	Ellender	Logan	Russell
Barkley	Frazier	Lonergan	Schwartz
Black	George	Lundeen	Schwellenbach
Bone	Gerry	McCarran	Sheppard
Borah	Gibson	McGill	Steiwer
Bridges	Gillette	McKellar	Thomas, Okla.
Brown, Mich.	Green	McNary	Thomas, Utah.
Bulkley	Guffey	Maloney	Townsend
Bulow	Harrison	Moore	Truman
Burke	Hatch	Murray	Tydings
Byrd	Hayden	Neely	Vandenberg
Byrnes	Herring	Norris	Van Nuys
Capper	Hitchcock	Nye	Wagner
Caraway	Holt	O'Mahoney	Walsh
Chavez	Hughes	Overton	Wheeler
Clark	Johnson, Calif.	Pepper	White

The PRESIDING OFFICER. Eighty-four Senators having answered to their names, a quorum is present.

Mr. BORAH. Mr. President, we have had the subject of reciprocal trade agreements before this body in different forms since 1911, when the then President of the United

States, Mr. Taft, sought to establish a reciprocal trade agreement with Canada. I shall come back to that later in my remarks as an illustration of what I contend—that is, that the burden of these reciprocal trade agreements falls upon agriculture. It is almost inevitable, due to economic factors, that it should fall upon agriculture.

We have been operating under the present program now about 2 years. We are able to get some idea as to its operation, and possibly form some conclusion as to its future effect.

As I understand the reciprocity principle, and as I gather that principle from those who have advocated it on other occasions, I find no objection to it whatever. But I feel that the operation of the principle under the present program is not working to the interest of agriculture. I doubt if it is in the interest of the country as a whole.

The President of the United States, in his famous letter to the London Conference of 1933, used this paragraph:

> Restoration of world trade is an important partner both in the means and in the result. Here also temporary exchange fixing is not the true answer. We must rather mitigate existing embargoes to make easier the exchange of products of which one nation has and the other nation has not.

In my opinion, that states all there is to international trade. To the extent that we can build up a trade based upon the principle of exchanging the products which one nation has and another has not, we are building upon a perfectly sound principle, and when we go beyond that it seems to me that we are no longer upon a sound principle of international trade.

I can see no possible benefit from engaging in an international trade which brings into our country that which we already have, which we are prepared to supply, and which our people are ready and anxious to supply. If we can build a trade by the interchange of those articles which we have not and which we desire to secure, or vice versa, it has its decided advantage. I repeat that in this line from the President's letter of 1933 is found, in my judgment, the extent of fruitful and desirable international trade. And furthermore, it is perfectly clear from these agreements already made that regardless of what we may do, other nations are not opening their markets to our commodities when they at home are prepared to produce them or where it is calculated to do injury to their producers. Every nation is fighting for self-containment. However much they may talk as to theories, in practice they are vigilantly protecting their own.

The President had prior to that time amplified this view in his statement in October 1932, when he said:

> It is absurd to talk of lowering tariff duties on farm products.

Why absurd? Because we have the farm products, we have the capacity to produce them to the full demands of the American market. It is unreasonable and unsound in principle to bring into the American market through reciprocal trade agreements that which we have or that which we are prepared and ready and anxious to supply. It was further said by the President:

> I declared that all prosperity in the broader sense springs from the soil. I promised to endeavor to restore the purchasing power of the farm dollar by making the tariff effective for agriculture, and raising the prices of farmers' products. I know of no effective excessively high-tariff duties on farm products. I do not intend that any such duties shall be lowered.

In my opinion that is in perfect harmony with the principle which he later announced in his letter, and a principle with which I am in entire accord. If we were engaged now, through the reciprocal-trade agreements, in interchanging those products which we have not in our market but which we desire, no possible objection could be raised to the program. But under these principles announced by the President, how can we lower tariff duties on farm products?

I think this was in a measure the idea which Dr. Sayre had in mind when the bill first passed the Senate, when he said:

> It is not to my mind a proceeding which will mean a tariff revision. It is a proceeding which will mean finding bargains which will prove of advantage to foreign trade without injury to the American producer. Those responsible for this program will have the program and a real program of finding just how trade can be increased without injury to American producers.

It has been called to our attention that this program is in harmony with the doctrine announced by President McKinley in what I believe was the last speech he ever made; and the principle announced by President McKinley was exactly the principle which was announced by the present President in his letter, to find a market for our products by exchanging the things which we are prepared to produce. One is almost forced to conclude that some of those who point us to McKinley as a justification of this program are as unfamiliar with the rule announced by McKinley as they are disregardful of the rule announced by President Roosevelt.

President McKinley said:

> The end in view is always to be opening up of new markets for the protection of our country, and granting concessions to the products of other lands that we need and cannot ourselves produce, and which do not involve any loss of labor to our own people but tend to increase the employment.

To build up our market by securing those things which we have not which other countries do produce, but not bringing into our market those things of which we have an ample amount or perhaps a surplus, as we have in regard to agriculture. I can readily support that kind of reciprocity.

As I understand the contention of the proponents, especially of the able Secretary of State, Mr. Hull, and his supporters, it is that by building up the foreign purchasing power of nations it enables them to buy our products and our commodities. That by permitting them to sell in our market and we buy of them we increase their purchasing power, and thereby increase their capacity to buy our product. That was the idea advanced by Mr. Wallace in his appearance before the committee 2 years ago. The theory is sound. But the question arises, Mr. President, when we are trying to determine how this is affecting particular products of agriculture, how does the foreigner use this increased purchasing power? Does he use it to purchase the products of the American farm, or is he using it to any extent of any moment whatever in purchasing our commodities? I think I will be able to show, Mr. President, from the records of the Government that if we have succeeded in building up the purchasing power of the foreigner he is not using that purchasing power to any appreciable extent for the purchase of American products, and especially the products of the American farm. He is purchasing those things, as we shall see, which in no sense serves the farmer of this country.

I call attention that in 1933 the agricultural exports of this country increased $32,000,000. In 1934 they increased $39,000,000. In 1935 they increased $14,000,000. In 1936 they decreased $38,000,000. It must be apparent that the increased imports in the United States of 1935 and 1936 did not help American agriculture in general. It must be apparent that if we did enlarge the purchasing power of these nations that they did not use it to purchase the products of the American farm.

Let us look for a moment at the balance of trade. In 1933 our favorable balance of merchandise trade was $225,000,000. In 1934 it was $478,000,000. In 1935 it was $235,000,000. In 1936 it was $34,000,000. It will be observed there was a falling off of our favorable balance of trade of $201,000,000 between 1935 and 1936. This item has been taken notice of by Mr. Wallace and others, and the explanation which has been advanced—I am quoting now:

> While the so-called favorable trade balance was off $201,131,000 from 1935, the position of the United States was bettered through the increased payments of interest on foreign loans—estimated by one authority at more than $350,000,000—made possible by an increase of $371,744,000 in imports.

And in an article released in London sometime ago the Secretary said:

> • • • The least controversial and most realistic way to state the situation—

With reference to the unfavorable balance of trade—

> is to say that the United States in the year 1936 has probably received over $350,000,000 more in interest and dividends and

payments on war debts from the outside world than she had paid out to the outside world.

The fact that the balance of trade ran against us $201,000,000 in a single year was not supporting the theory that as we build up their foreign purchasing power they would increase their purchases here and directly or indirectly our farmers would be benefited. But they were rapidly decreasing their purchases here until we were near zero on the balance of trade.

In other words, while it is conceded that the balance of trade has run against us from $235,000,000 down to $34,000,000 it is claimed that that is explained and we are compensated by reason of the fact that there has been a payment of war debts and interest on war debts and private investments to the amount of $350,000,000 or $400,000,000. Assuming, for the sake of the argument for just a moment, that that is true, I ask what benefit has American agriculture received from the transaction? If its products have been decreased in value by reason of the imports and foreigners did not purchase in return the products of the American farm, but paid interest and paid on the foreign debt, it would be of very little value to the American farmer.

But that is not what happened. In 1933 we received on war debts $20,000,000. In 1934 we received $1,000,000. In 1935 we received $396,000. In 1936 we received $396,000. And at the end of 1936 the amount previously due and unpaid on war debts had increased approximately $1,300,000,000. I presume the $396,000 is from honest Finland; she declines to repudiate her contract. It is perfectly apparent that this increased purchasing power which had been established in the foreign nations had gone neither to the farmer nor to pay the foreign debt nor the interest upon the foreign debt.

Let us look at the private investments and private debt. Perhaps this increase in purchasing power was applied there. It might have been, but it was not. In 1933 interest paid to American investors holding foreign bonds was $267,000,000. In 1934 it was $215,000,000. In 1935 it was $188,000,000. In 1936 it was $160,000,000, estimated. Even if the foreign nations had paid interest on these investments, what particular benefit would have inured to agriculture?

So the payments upon the foreign private investments had continued to fall from 1933 to 1936. Is it not apparent that they were not paying interest either upon the public debt or the private debt by reason of the fact that they had gained some advantages in our foreign market? But, Mr. President, I think it can be explained where this increased purchasing power went. The earnings of American branch factories established by the Fords and the du Ponts and the General Motors in foreign countries—in practically all the countries with which we deal—was $105,000,000 in 1933, $200,000,000 in 1934, $320,000,000 in 1935, and $400,000,000 in 1936. That is the only place where I have been able to discover that this increased purchasing power might have gone. They might have purchased the General Motors automobiles in South America, or in the Netherlands, or elsewhere, and perhaps did, with their increased purchasing power; or they might have purchased Fords, or the du Pont factories might have been accommodated—and possibly these figures demonstrate the fact that such was the case—but if the foreigners did not, then they did not use their increased purchasing power of any moment in the United States.

It will be instructive if we compare the purchases of our farm commodities and other commodities with the purchases of securities in the United States. We will see that the American farmer is suffering a reduction of his tariff, and possibly of his prices, to furnish money to enable foreigners to buy American securities.

In 1935 foreign nations purchased from the United States agricultural commodities, aside from leaf tobacco and unmanufactured cotton, of a value of $233,100,000; but they purchased United States securities to the extent of $1,411,415,000. These nations are unable to find the money with which to pay the debts they owe, but they find the dollars with which to purchase $1,411,415,000 in 1 year of American securities; and that condition, Mr. President, has ramifications other than those affecting the question of reciprocal trade agreements and their effect.

Let me go a little further with these figures. Of American farm commodities, including leaf tobacco and unmanufactured cotton, foreign nations in 1935 purchased $747,700,000 all told, as against $1,411,415,000 of United States securities.

Mr. KING. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. KING. Would it not be fair to state that those investments in American securities during the period alluded to were made by private individuals, and, in part, were due to the troubled if not turbulent conditions in Europe which made those who happened to have funds a little fearful as to the results of the future and apprehensive possibly of the confiscation of their funds and property?

Mr. BORAH. Yes, Mr. President; those securities were undoubtedly purchased by private individuals generally, and so would farm commodities be if they were going to buy them. The increased purchasing power of which we speak is supposed to flow into the pockets of the people and enable them to buy more farm commodities or more merchandise of the United States. That is the theory upon which the program is built. I am only seeking to show that while individuals had money with which to buy securities, they chose to buy securities rather than to buy farm commodities.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. COPELAND. I do not think the Senator made quite an informative answer to the Senator from Utah [Mr. KING], when he said, in view of the disturbed conditions in Europe and the fear of private investors, that possibly they had sent funds here for investment instead of making use of them at home. Was not that the form of the question?

Mr. BORAH. Possibly that is true. I do not know what actuated them; I only know that the American farmer was left out of the picture; I only know that he has had the agricultural products of foreign nations put into the American market to compete with him, upon the theory that, in turn, they would buy our farm commodities, but that has not happened. I do not myself think there is scare behind these purchases. I think they were buying what they wanted and because they wanted it.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. HARRISON. Has the Senator the figures to show whether there has been an increase of exports from the United States during the last few years into these countries with which we have trade agreements in comparison with our trade with all the other nations of the world with whom we have no trade agreements?

Mr. BORAH. I have not them all, but I have some which, I think, prove the rule. Take the Netherlands, for instance. The Netherlands purchased of our farm commodities, except manufactured cotton, in 1936, $7,700,000, but they purchased $80,469,000 of United States securities.

Mr. HARRISON. I am not debating with the Senator the question of securities. Of course, that has been bothering the Federal Reserve Board and some others in the executive department.

Mr. BORAH. It will bother us more, because it is a very serious matter, as I said a few moments ago.

Mr. HARRISON. It is a serious matter, and it may be that the Senate may vote on a proposal that will stop it at an early day.

Mr. BORAH. One way that I would stop it would be to refuse to permit the American farmer to contribute to it.

Mr. HARRISON. The Senator has made his statement, but the facts show, if the Senator from Idaho will permit me, that with countries with which we have entered into trade agreements in 1934 our exports were $752,000,000, while in 1936 they were $864,000,000, a percentage of increase of over 15. With all the other countries of the world with which we have not entered into trade agreements our exports in 1935 were $1,490,000,000 and in 1936, $1,559,000,000, showing an increase of only 4 percent. In other words, we

have increased our exports to the countries with which we have entered into reciprocal agreements 15 percent, while we have increased our exports to all other countries only 4 percent.

Mr. BORAH. How much was the purchase of American farm commodities increased?

Mr. HARRISON. Most of the increase, in my opinion, has been in farm commodities.

Mr. BORAH. I think the Senator perhaps is mistaken about that.

Mr. HARRISON. I may be mistaken, but a good part of the increase has been in farm commodities.

Mr. BORAH. Let me give some more figures. I think we entered into one of the reciprocal trade agreements with Switzerland.

Mr. HARRISON. We did.

Mr. BORAH. In 1936 Switzerland purchased $866,000 worth of farm commodities, except unmanufactured cotton, but she purchased $167,250,000 worth of the United States securities.

Mr. President, if the honorable chairman of the Committee on Finance will observe, what I am contending for is that the theory which we had in mind and upon which we built this program was that it would result in an increased purchase of farm commodities; but that has not happened, because, as I stated a few moments ago, our export of farm commodities, as compared to the previous year, decreased in 1936, $38,000,000.

In 1911 the then President of the United States, Mr. Taft, and his supporters, made no concealment of the fact that any reciprocal arrangement would inevitably fall with its heaviest weight upon agriculture, for the reason that it was our agricultural market into which foreign nations so much desired to enter, and about the only thing on which they would trade was agricultural commodities. Certain Republican leaders proposed to trade off the American farmer for the benefit of the manufacturing interests of the East; there was no concealment of the fact; and, while it is contended in the case of the reciprocal trade agreements, that a different result is happening, my observation and my investigation lead me to believe that, whatever the intention was, the same thing is happening in this case and that the great weight is falling upon American agriculture.

Mr. HARRISON. Mr. President, may I ask the Senator what particular agricultural product has been affected by virtue, for example, of the Canadian agreement to which he is now particularly referring? Does the Senator think the price of cattle has been affected by the 156,000 head permitted to come in from Canada?

Mr. BORAH. I heard the Senator say yesterday that not enough came in to make any difference; but if not enough came in to hurt the American farmer, not enough came in to help the Canadian farmer. Why the agreement?

Mr. HARRISON. The Senator does not expect us to get concessions from a foreign country if we cannot give some concessions to that country, does he?

Mr. BORAH. That is what I said a moment ago: that the very nature of the situation makes it impossible to negotiate these trade treaties without putting the great burden upon the American farmer, because agriculture furnishes the commodities as to which we have got to make concessions, and agricultural commodities are the only things other nations will trade on.

Mr. HARRISON. I do not agree with the Senator about that, because, naturally, we have got a great many surpluses in certain agricultural products; it is those surpluses that affect the price of the agricultural products; and if we can find markets for them, it greatly helps the farmer.

Mr. BORAH. Everybody knows that the cattle industry has been in a distressed condition since away back in 1920. Only for short periods has it at any time during the interim been in any degree prosperous. We have had ample cattle to supply the American market. It is true that there were admitted only, as I recall, 156,000 head of cattle from Canada. Was not that the figure?

Mr. HARRISON. Yes; 156,000 head.

Mr. BORAH. But I ask, in all candor, why admit any cattle into the American market when we have a surplus of cattle?

Mr. HARRISON. What is the price of cattle today as compared with the price before we entered into the trade agreement?

Mr. BORAH. The price of everything has gone up, so far as that is concerned; we are not proceeding upon the prices which were created by the depression. I say to the Senator that my personal experience covers one instance, which, I presume, might be multiplied, although perhaps not very many times; but in traveling in the West last summer I met a cattleman who had just shipped his cattle into the Omaha stockyards or Chicago—I do not remember which. He told me that on the day the cattle reached the stockyards there was a very heavy supply of cattle from Canada. Generally speaking, that would not affect the price throughout the United States, but he said it did depress the price in the stockyards at that time, on that day, and he lost a certain amount, the figures of which he gave me. The effect of the lowering of the price in the Omaha stockyards, according to the trader, would be reflected in the Chicago stockyards whether or not Canadian cattle were in that market. In other words, if the price of cattle went down to a certain point in Omaha it would likewise go down in Chicago, regardless of whether or not Canadian cattle were there.

I do not contend that the number of cattle which has been shipped in has of itself had the universal effect of depressing prices; I make no such contention; but I do contend that it is not sound to import anything into the domestic market when there is on hand a surplus which has been produced by American farmers and cattle growers. Whatever effect it has must be adverse to the producers. And if the program is continued as it is now proposed it must work very marked injury.

Mr. HARRISON. I merely suggest to the Senator that the facts revealed to the committee show that the prices had declined on other characters of cattle than those imported from Canada.

Mr. BORAH. Of course, it may be, as the Senator said yesterday, and as I understand he contends today, that the amount was not sufficient to work any permanent or universal injury to the cattle industry. That may be true. But temporary injury must become permanent if the program is permanent.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. BORAH. I yield.

Mr. NORRIS. I should like to submit to the Senator—and I do it without any information on the subject—that in passing on whether there should be any cattle admitted we should take into consideration what concessions the American Government got when it agreed to let in any cattle.

Mr. BORAH. I agree to that. If the concessions or if the general result had inured to the benefit of the cattle raiser or of the farmer by reason of the fact that he could sell more goods in this country or sell more stock in this country, if the people shipping merchandise found a market in Canada and by reason of that market they had to provide a greater supply of merchandise and therefore increased wages and increased the demand for foodstuffs and that sort of thing, I quite agree that that item should be taken into consideration. But I have undertaken to show, and it is my contention, that it has not resulted in that benefit to the American farmer.

Mr. President, I think I gave some of these figures, but I am not sure that I covered them all. Great Britain in 1936 purchased $102,400,000 worth of our commodities. She purchased $225,270,000 in United States securities.

Germany purchased $7,800,000 worth of farm products. Of course we had not any trade agreement with these nations, I understand, but Germany purchased $7,800,000 worth of farm products and $37,269,000 worth of United States securities.

The Netherlands, with whom we have a trade agreement, purchased $7,700,000 worth of farm commodities and $80,469,000 worth of United States securities.

Switzerland is another country with which we have a trade agreement. Switzerland purchased $866,000 worth of farm commodities and $167,250,000 worth of United States securities.

The grand total of the purchases of farm commodities in the United States in 1936 was $238,400,000, outside of unmanufactured cotton. The grand total of purchases of United States securities was $870,244,000.

I now invite attention, Mr. President, to some items with reference to the effect of these trade agreements upon the farm and dairy interests. I first invite attention to some testimony from Mr. Holman. Mr. Holman is the National Cooperative Milk Producers' representative in this city. At page 359 he said:

> It is perfectly apparent from the combination of these figures and the analysis of them that certain phases of agriculture are being asked to pay the cost of the trade-agreements program. This is further sustained by the Department of Agriculture's analysis of the trade with Canada, issued on December 28, 1936, in which, for the months running through the month of October, the first 10 months, they show that our imports from Canada of nonagricultural products had increased by $38,809,000. Our increases of direct agricultural products were $29,127,000.
>
> Our exports to Canada, for that same period, of nonagricultural products was $34,435,000, and of agricultural products only $7,809,000.

I have a letter from one of the large dairy cooperative organizations, in which it is said:

> Trade agreements have been made with Canada, the Netherlands, Switzerland, Finland, and France by which import duties on dairy products are affected. Cheese import duties have been substantially lowered and there has been an influx of Canadian cheese during 1936 of around 14 times the quantity that came from them in 1935.
>
> Reports are current that butter may be included in further trade agreements to come under a further lowering of the present duty of 14 cents per pound, and if this should be done, our price level on butter will drop overnight the amount of the lowering of the duty. And if our people are stampeded as they usually are, the price will be depressed several cents more than the duty reduction.
>
> The Department of Agriculture advocates a program of higher prices for farm products and in these trade agreements we see a program set up which has the effect of lowering those same products.
>
> The Dairymen's Cooperative Creamery of Boise Valley manufactures approximately 5,000,000 pounds of butter yearly. If the tariff is lowered 5 cents a pound, this would mean, in all probability, a loss to our members of $250,000 in a year's time, and assuming that we handle one-half of the butterfat in the Boise Valley, the yearly loss to the valley would be $500,000, and an immense sum to the whole industry.
>
> We have no objection to a truly reciprocal trade agreement; by that I mean an exchange of products under certain conditions advantageous to both parties, and such products as are not produced in both the contracting countries.

That is stating in another way and not quite so briefly the exact position stated by the President in his letter to the London Conference.

> This might be beneficial to the automobile maker or other manufacturers, but it hits the dairymen below the belt.

I ask to have the entire letter placed in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit A.)

Mr. BORAH. I omitted a few moments ago to refer to an article, parts of which have a bearing on this question of the Government using increased-purchasing power to purchase American securities, an article written by Mr. Lindley in the Saturday Evening Post of February 14, 1937. It was a very illuminating article. From the article I quote:

> Popular discovery of the growth of a great foreign stake in the United States is menacing to at least two ideas which have been preached sedulously in this country. The first of these is summarized by the assertion that to sell more goods abroad we must buy more goods from abroad. The important place occupied by movements of capital in international transactions exposes that idea as only half true, or, at best, only theoretically and ultimately true. Likewise, if we lend more money to foreigners, we do not necessarily increase our exports, but may only provide foreigners with more dollars to invest in our own securities. Likewise, also imports of gold and silver may be converted into American investments rather than into purchases of American goods.

Mr. President, I ask that this article also may be inserted in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit B.)

Mr. President, what is the condition of agriculture in the United States today?

In 1929 the income of the American farm was about $11,500,000,000. It dropped down in 1932 to a point where it was about $5,500,000,000. It is now back to where it is about $8,500,000,000 or possibly $9,000,000,000. It is about three or three and a half billion dollars below where it was in 1929. We know what the condition on the farm was in 1929. We know that farmers were constantly going behind on their income. We know that mortgages were being foreclosed, and that tenancy was spreading, and that the condition upon the farm was such as to call for special attention from Congress and from both the political parties. At this time, nevertheless, we are about three and a half billion dollars behind the point where we were in 1929.

Mr. President, I believe that the American market belongs exclusively to the American farmer to the full extent of his ability to supply it. I know that he is able to supply the American market today; and unless he is given the American market he cannot hope to recover the position where he has any degree of prosperity upon the American farm.

The American farmer must have the cost of production if he is to stay on the farm; and I maintain that that is utterly impossible if he is made to compete even in a limited degree with those agricultural nations which produce for about three-fourths or one-half what it costs the American farmer to produce.

I am not concerned with this particular instance or that particular instance, or the effect of this particular treaty or that particular treaty. I am concerned with the program which proceeds step by step, whether it is in the case of American cattle or babassu oil, to encroach upon the market which belongs to the American farmer. It may be small, but its effect upon him under present circumstances is very great. The competition, which seems to us here of no concern, is of very great concern to the man who ships his cattle into the stockyards; and the very fact that the manufacturer and those concerned in buying raw material as cheaply as they can buy it know that this program is in progress will cause them to purchase their raw material as scantily as possible, until, step by step, the American market is taken possession of, to a limited degree at least, by the foreign producer. Why add a single item of burden to agriculture when it is fighting for existence?

A report which was filed a few days ago shows the following facts:

> Counting only the heads of families, which in these groups include many having much more than the average number of children and dependents, the 1935 farm census listed 2,865,155 farms operated by tenants, representing 42.1 percent of the total of 6,812,350 farm operators.
>
> This was a percentage decrease of four-tenths of 1 percent from the 1930 tenancy ratio; but the actual number of farm tenants increased from 2,664,365 in 1930 to 2,865,155 in 1935, the number of operators in 1930 having been 6,288,648. Farm acreage, meanwhile, increased from 986,771,016 to 1,054,515,111.

These figures show, as has been shown by the report made to the President, that there are today on the American farm conditions which it is practically beyond the power of human language to describe.

We may do something for the tenant; we may give him some help; we may relieve his condition; we may loan money to the farmer and relieve his condition; but unless we give him a market at a reasonable price we cannot solve the farm question or the tenant question or the agricultural question. Unless we can find for him a market for his products at a reasonable price, it is impossible to have any permanent result from these remedies which, however humanitarian or desirable they may be, cannot be permanent in their nature.

I repeat, while we have this farm condition, and while we have the American farmer ready and prepared to supply the market, why put him in competition in any respect whatever with the producer of foreign agricultural products? Of course, it is said that that may result in a little cheaper mutton for the cities, or cheaper food products for the cities; but let me say to the gentlemen who represent the great cities and the great manufacturing centers that there is not a better market for them anywhere than a prosperous American agriculture. The American farmer is the best buyer under the flag when he has the means with which to buy; and he has not a thing on his farm today—his granaries, his barns, his fences, his plows—everything but which call for what you have to sell.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. COPELAND. I have always said of my city that the only time we have prosperity there is when there is prosperity on the farm. The manufactured products of our city are not used in the city. They are sold largely to the farm. Therefore, so far as I am concerned, representing a large urban population, I am in full sympathy with what the Senator has said.

Mr. BORAH. Mr. President, I was looking at the Senator from New York, but I was not singling him out particularly for my remarks. [Laughter.]

Go back, however, to the debates in 1911 and 1912, and it will be found that the great Elihu Root, and other leaders of protection, stood upon the floor here and argued that the time had come when the people would not any longer submit to having duties upon foodstuffs or farm products. When he was asked if people did not also have to wear clothes, and whether he was in favor of having duties upon clothing, he said that that was upon a little different principle. There was no concealment at that time of the fact that what was then proposed was for the purpose of enabling the manufacturers to buy their raw material in a cheaper market; and whether or not that is the design now, it is the result of the transaction.

Mr. LEWIS. Mr. President——

Mr. BORAH. I yield to the Senator from Illinois.

Mr. LEWIS. May I ask the Senator from Idaho, whose exposition of this problem must attract us, whether he contends, or would insist, that the remedy for the evil which he indicates exists is that of a tariff which would prohibit and prevent the shipment into America of any form of agricultural production from foreign countries?

Mr. BORAH. Mr. President, I do not know that I should say that I would be in favor of an embargo upon agricultural products; but, in view of the condition of the American farmer, I think some drastic measures should be taken to protect his market.

I certainly should maintain rigidly a tariff which represents the difference between the cost of production which the farmer in this country sustains and the cost to the farmer of a foreign country. I do not know that I would go so far as to put on an embargo, but I would protect his market. I am a firm believer, especially since I have read these recent reports, in the theory that our agricultural people are passing very rapidly to a state of peasantry. Anybody who will read the report which came in, made up by the committee appointed by the President of the United States, cannot come to any other conclusion than that we have in the midst of the body politic an economic cancer which is eating the very heart out of American life. These American girls and boys on these farms have no place to go. They have no hope and therefore little aspiration. They live from day to day and from year to year and from decade to decade, if they live, utterly without any hope of escaping from the iron economic condition which has been fastened on them.

Mr. LEWIS. Mr. President, does not my eminent friend concede that the administrations, without regard to any party alinements, have been making efforts with the object and professed purpose of relieving the very situation the Senator so aptly describes?

Mr. BORAH. I concede that every effort is being made to find a remedy. So far no effective remedy has been found.

Mr. LEWIS. Has my able friend had time to contemplate what he thinks will be a sufficient remedy?

Mr. BORAH. I am now dealing with the proposition that the basis for any successful rehabilitation of American agriculture is to give over to the American farmer the American market. That is the foundation upon which we must build.

Mr. LEWIS. The able Senator really feels that if we could convert the American market to the uses of the American farmer we would by such act protect him from the difficulties under which he presently labors?

Mr. BORAH. No; I do not contend that. I contend that is a basic consideration; but I know there are other elements which enter into it. I know that the question of interest and the question of commercial loans as applied to the farmer are crushing in their effect. He cannot live under the present commercial system so far as loans and interest are concerned. I know that also, and my opinion is that he cannot live under our present monetary system.

Mr. LEWIS. If I do not misunderstand the Senator, he feels that the remedy lies in a pretty general reform and change in the present methods touching economics generally as to all citizens, particularly as to the farmer?

Mr. BORAH. Yes; I agree with that.

Mr. GEORGE. Mr. President, may I ask the Senator from Idaho a question?

Mr. BORAH. I yield.

Mr. GEORGE. I think the Senator must agree that the basic principle which he asserts must be taken into consideration in forming any sound farm policy, that is to say the American farmer is entitled to the American market if he is able to supply it. Nevertheless, the Senator leaves out of consideration the farmer who produces for export.

Mr. BORAH. I agree with that. The Senator has reference, I suppose, particularly to the cotton industry?

Mr. GEORGE. Yes, Mr. President; cotton is the principal export crop.

Mr. BORAH. I am frank to say that I should be glad to have the Senator suggest what he has in mind. I do not know just what the remedy is with reference to cotton. I know that a number of the great cotton-using nations of the world are turning their attention to other countries for the purchase of their cotton. Great Britain is purchasing from Brazil, and she is also developing in Egypt.

Mr. GEORGE. The Senator is quite right about that, and obviously, if the basic consideration which the Senator lays down is to form the basis of our farm program or policy, the producer of a crop sold 50 percent or more in export must abandon that crop or else he will always be at a very great disadvantage.

Mr. BORAH. I do not concede that anything I have said would affect the cotton market at all.

Mr. GEORGE. I do not know that it would, but what I am trying to say to the Senator is that there are producers of farm products who have an interest in foreign commerce as well as in domestic commerce, and it seems obvious to me that the producer of cotton who sells 50 to 60 percent of his annual production in the foreign market would, upon the basis of the doctrine of American markets for the American farmer, accompanied, of course, by such protective measures as would absolutely give them to him, necessarily deprive the cotton farmer of the full enjoyment of a profitable foreign market. I am not finding fault with the Senator's proposition; I am merely calling his attention to the fact that there are farmers in this country who are dependent both upon the domestic and upon the foreign market, and in that view of it, I think they should not be greatly blamed for looking with favor upon anything which might tend to increase or better the foreign market, provided, of course, it does not destroy the domestic market of other American farmers.

Mr. BORAH. I would join the Senator in any program which would increase the foreign market for the American cotton farmer, and if the present program were working to that end I would not be discussing it now. But let me call attention to the fact that in 1933 cotton exports increased $53,000,000; in 1934 they decreased $25,000,000; in 1935 they

increased $18,000,000; in 1936 they decreased $30,000,000. It does not seem that this program is having any considerable effect upon the cotton market to its advantage.

Mr. President, there are other matters touching this measure which I hope to have an opportunity to discuss later.

EXHIBIT A

DAIRYMEN'S CO-OP CREAMERY OF BOISE VALLEY,
Caldwell, Idaho, February 4, 1937.

Hon. WILLIAM E. BORAH,
United States Senate, Washington, D. C.

DEAR SIR: I feel impelled to write you today to apprise you of a grave situation that is confronting the dairy farmers of the Nation. I do this because I know of your genuine interest in the welfare of the farmers and because you are a member of our body of national lawmakers, and closely connected with all foreign affairs.

As manager of the Dairymen's Cooperative Creamery of Boise Valley, a cooperative organization owned and operated by more than 4,000 farmer stockholders for the processing and manufacturing of milk and milk products, I have first-hand knowledge as to how dairymen are affected.

I refer to the so-called reciprocal-trade agreements now in effect between the United States and other countries, and trade agreements that may be entered into. The act authorizing such agreements was signed in 1934 by the President, and unless extended will die June 12 of this year. By the terms of this act, the President is given the power to ratify trade agreements, with the only limitation that he cannot reduce duties more than one-half of existing rates.

Trade agreements have been made with Canada, the Netherlands, Switzerland, Finland, and France, by which import duties on dairy products are affected. Cheese import duties have been substantially lowered and there has been an influx of Canadian cheese during 1936 of around 14 times the quantity that came from them in 1935.

Reports are current that butter may be included in further trade agreements to come under a further lowering of the present duty of 14 cents per pound, and if this should be done, our price level on butter will drop overnight the amount of the lowering of the duty. And if our people are stampeded, as they usually are, the price will be depressed several cents more than the duty reduction.

The Department of Agriculture advocates a program of higher prices for farm products, and in these trade agreements we see a program set up which has the effect of lowering those same products.

The Dairymen's Cooperative Creamery of Boise Valley manufactures approximately 5,000,000 pounds of butter yearly. If the tariff is lowered 5 cents a pound, this would mean, in all probability, a loss to our members of $250,000 in a year's time, and assuming that we handle one-half of the butterfat in the Boise Valley, the yearly loss to the valley would be $500,000 and an immense sum to the whole industry.

We have no objection to a truly reciprocal-trade agreement. By that I mean an exchange of products under certain conditions advantageous to both parties, and such products as are not produced in both the contracting countries.

We could well exchange with some coffee-producing country, but when we get dairy products from outside they come into direct competition with one of our own basic industries. This might be beneficial to the automobile maker or other manufacturers, but it hits the dairymen below the belt.

I am aware that the impression that farmers are accepting the idea of reciprocal trade is more or less general, but the farmers are not accepting the idea of using our basic products as trading stock.

I wonder if the actual conditions surrounding this industry are clearly understood by the average Member of Congress, or whether this may be considered as a minor matter, comparatively speaking, and therefore is not receiving the attention we dairymen feel it deserves.

I am sending copies of this letter to the other Idaho congressional delegates, as I have no doubt that the Idaho delegation at times considers jointly the problems that affect the residents of their State.

I will be pleased to have your views on this matter, and if you desire further information as to how we are affected, please advise me and I will try to get it for you.

Very truly yours,

J. R. BROWN, *Manager.*

JEROME COOPERATIVE CREAMERY,
Jerome, Idaho, February 12, 1937.

Hon. WILLIAM E. BORAH,
United States Senate, Washington, D. C.

DEAR SENATOR: Knowing your interest in affairs affecting the farmers of Idaho, we are enclosing herewith resolutions approved at the twenty-second annual membership meeting of the Jerome Cooperative Creamery, held at Jerome, Idaho, February 9, 1937. For your information, the present membership of this organization includes over 4,000 farmers residing in south central Idaho.

Thanking you for any support you are in a position to give in connection with the program referred to, we are,

Yours very truly,

JEROME COOPERATIVE CREAMERY,
By ROY D. SMITH, *General Manager.*

RESOLUTIONS APPROVED BY THE MEMBERSHIP OF THE JEROME COOPERATIVE CREAMERY AT ANNUAL MEETING, FEBRUARY 9, 1937, JEROME, IDAHO

Resolution 1

Whereas the reciprocal-trade policy of our Federal Government has, through the reduction of tariff protection on certain dairy products, proven harmful to dairy farmers;

Whereas we have reasons to believe that additional reciprocal trade agreements, with further tariff reduction on dairy products, including butter and casein, are being considered;

Whereas we regard this program of reducing the dairy tariff structure as being detrimental to dairy farmers and inconsistent with any governmental program aimed at the achievement of better conditions for dairy farmers: Therefore be it

Resolved, That this association urge that in the consideration of any additional trade agreements no further concessions be made insofar as the tariff structure on dairy products is concerned; be it further

Resolved, That this association request that as soon as possible the tariff duties on dairy products which have been reduced be restored to the provisions as fixed in the Tariff Act of 1930.

Resolution 2

Whereas the present tax on foreign fats and oils does not adequately protect the dairy industry; and

Whereas such protection is paramount to the success of the industry: Therefore be it

Resolved, That we urge the enactment of additional Federal taxes on all foreign fats and oils which will provide a coordinated tax or tariff structure of at least 5 cents per pound on all foreign fats and oils and an equivalent rate of duty on the seeds or nuts from which these fats and oils are extracted. Where any such foreign fats and oils are now covered by trade agreements, we believe the tax should be made effective upon the expiration date of such trade agreement.

Resolution 3

Whereas oleomargarine competition continues to be one of the most aggravating problems confronting the dairy industry. During the year of 1936 oleomargarine production increased 10,000,000 pounds over the production during the same period in 1935. This increased production is occasioned in no small degree by cheap materials used by the oleomargarine industry, many of which are of foreign origin, and by the fact that the oleomargarine industry does not bear a share of the State and Federal tax burden commensurate to that being carried by dairy farmers: Therefore be it

Resolved, That the twenty-second annual Jerome Cooperative Creamery membership meeting go on record as favoring the immediate enactment of legislation imposing an additional Federal tax of at least 5 cents per pound on all oleomargarine manufactured and sold in the United States. This association further requests the enactment of Federal legislation which will prevent the shipment of oleomargarine in interstate commerce into States having oleo taxes where such interstate shipments are being utilized by the oleomargarine industry to defeat the taxes imposed upon this product by State legislatures.

EXHIBIT B

[From the Saturday Evening Post of Feb. 13, 1937]

CAN $8,000,000,000 STAY NEUTRAL?

By Ernest K. Lindley

For 3 years our bankers and Government officials have watched with growing concern the rise of foreign investments and deposits in the United States to the unprecedented total of between seven and one-half and eight billion dollars. These billions helped to push up the prices of American securities and piled up an embarrassing excess of bank reserves. To guard against the dangers of a speculative inflation, the Federal Reserve authorities have increased reserve requirements, and in late December the Treasury began to neutralize the effect of the continuing inflow on our banking system by sterilizing new gold imports in the currency-stabilization fund. The possibility of a temporary unsettlement of our financial markets and banking system by the sudden withdrawal, in the form of gold, of any substantial amount of these foreign deposits and investments also has caused some concern.

But for 3 years the gravest danger of this huge foreign stake in the United States received no more than the barest of passing attention. That danger is the use that could be made of these foreign investments and deposits in the event of another World War.

This foreign stake is a potential war chest. It is stored-up buying power. In large part, it could be withdrawn in the form of American raw materials and manufactured products. In the event of major wars abroad, some of it almost certainly will be withdrawn in exactly that way, unless the United States adopts effective preventive measures. Up to now, we have taken no such measures except an embargo on the export of actual munitions to nations at war. Except for a limited number of manufactured products under the heading of "arms, ammunition, and implements of war", this foreign stake in the United States is capable of creating for us the kind of war boom which we experienced in 1915 and 1916, and which, if it was not the underlying cause of our entry into the World War, at least created an economic condition which made it extremely difficult for us to remain aloof.

As the outlook in Europe and the Far East has become more ominous, the American people have shown in many ways that they are at present determined to have no part in any war abroad. Congress enacted the Johnson Act, closing the American loan market to nations which have defaulted on their debts to us. It passed temporary neutrality legislation in August 1935 and re-

newed it in amplified form last year. The present neutrality legislation expires on the 1st of May, but certainly will be reenacted in some form. Meanwhile the Senate munitions investigation, under the chairmanship of Senator GERALD P. NYE, had made its intensive study of American policy from 1914 to 1917, and of the circumstances of our entry into the World War.

All this activity has been inspired by a determination to learn and apply the lessons of 1914–17, with the hope of preventing a repetition of the consequences of that period to us.

WAR PROFITS

Underlying all the efforts to remove, in advance, incidental causes of controversy which might imperil our peace has been a growing realization that if we are to remain at peace we must prevent a war boom. Walter Millis, in his Road to War, and the studies of the Nye committee have shown how a swelling tide of prosperity, induced by war orders, swept us in 1914–17 to the point where, when the financial resources of the Allies were exhausted, we could no longer have remained aloof without precipitating a depression at home. The basic importance of preventing a war boom is recognized even by those who hold that in the event of a general war in Europe it will be impossible for us to remain neutral in fact—they bolster this view largely by the argument that our manufacturers, merchants, and farmers will not be able to resist the opportunities to make money. Certainly, if general wars occur, pressures at home are likely to make difficult the maintenance of self-denying legislation. These pressures may be manageable if we can prevent the growth of a boom based on war trade. But if we allow our productive system to be geared up to supply an export market suddenly expanded by the demands for goods from belligerent nations, certainly the difficulty of preserving our neutrality during a prolonged war will be greatly increased.

The main purpose, probably, of the ban on credits and loans to belligerent nations is to prevent the growth of such a war boom. This purpose is also inherent in the proposal of Bernard M. Baruch that we limit our sales to belligerents to what they can buy with cash and carry away in their own bottoms. It has been widely assumed that if we don't extend credits or loans, belligerent nations will be unable to obtain the dollars with which to buy large quantities of our products in wartime. This assumption has been encouraged, perhaps unintentionally, by the pleas of certain nations that they were unable to make payments on their war debts to us. It has been encouraged, too, by constant emphasis on the fact that the United States is now a creditor nation, whereas in 1914–17 it was a debtor nation. In 1914 several billion dollars of foreign investments in this country, with only a small offset in American investments abroad, were the evidence of our indebtedness to the world. The sale of a large part of these foreign investments in the United States was one of the main sources of the foreign purchasing power which produced the war boom of 1915–17. The transfer of gold to the United States was a second major source. Loans and credits were the third—but it is often forgotten that most of the private loans and credits extended to the Allies before our entry into the war were based upon collateral, and a large part of this collateral consisted of foreign-owned American securities. Thus the foreign stake in the United States, or as much of it as could be commanded by the Allies, was used in two ways to build up our war boom: By selling American securities and using the dollar proceeds to buy our goods, and by posting them as collateral for loans which, in turn, were used to buy our goods.

THE DANGER OF ANOTHER WAR BOOM

Now we are a net creditor Nation. If the war debts are counted, our claims on foreign nations substantially exceed foreign claims on the United States. To what extent, if any, we are a net creditor nation if war debts are excluded depends largely on how some of our dubious foreign assets are valued. But our net position is not of primary importance in considering our vulnerability to a war boom. For foreign investors and depositors enjoy the right to withdraw their investments and deposits, when they wish, in gold or goods. We do not enjoy the same privilege with respect to many of our holdings abroad. We would be likely to lose the privilege in a few of the countries where we still enjoy it, if they went to war, and our investors might not exercise the privilege even if they had it. In short, foreign nationals or their governments can convert their stake in the United States into goods and present us with a war boom without expecting, under existing law, any substantial offsets or retaliations, such as by the withdrawal of American investments abroad.

Although we are a net creditor Nation, we are also a debtor Nation to a greater extent, probably, than ever before in our history. Our extreme vulnerability to a war boom is indicated by the fact that foreign investments and deposits in the United States are now from three to three and one-half billion dollars greater than they were estimated to be at the outset of the World War. The December 1936 issue of the Federal Reserve Bulletin estimated the size of this foreign stake in the United States at from six to six and one-half billion dollars in long-term investments, of which, perhaps, two-thirds are readily marketable stocks and bonds, plus nearly one and one-half billion dollars in short-term balances, as of September 30, or a grand total of from seven and one-half to eight billion dollars. The commonly used estimate of the extent of foreign investments in the United States in 1914 is $4,500,000,000. The part of this smaller sum which was under the control of the Allies was quite ample, in conjunction with loans and gold shipments, to create for us a full-sized war boom.

During the World War, about half of all foreign investments in the United States passed into the hands of American owners. The foreign stake accordingly was reduced to a low point of approximately two and one-quarter billion dollars. Much of the undisturbed balance was owned in nations which had remained neutral during the World War, or was in the form of real estate and other tangible properties owned in belligerent nations, although the British retained until the end, and were allowed to take home, a large bloc of American securities that they had posted as collateral for loans.

During the post-war period, foreign funds again flowed into this country in large amounts. In effect, a substantial part of the dollar exchange which we made available to foreigners by our lavish lending during the post-war decade was used by them to buy American securities. During the early depression years, both American-owned and foreign-owned capital flowed out of this country. But, with the devaluation of the dollar and its return to a modified gold-bullion standard in January 1934, the flow of capital again headed into the United States.

THE FOREIGN STAKE IN THE UNITED STATES

Until now, except for a short period while we were in the World War, we have never tried to keep an accurate check on the movement of investment funds in and out of our country. At the end of 1935 the Department of Commerce took a census of foreign investments in the United States. Although it had to rely on estimates for some items, its conclusion that foreign long-term investments here totaled more than $5,000,000,000 is probably the most reliable available figure. Beginning January 1935, the Treasury Department has tried to keep full statistics of capital movements between the United States and foreign countries and of purchases and sales of foreign exchange in the United States. By combining the Department of Commerce and Treasury data and making allowance for rises in the value of securities, the Federal Reserve Bulletin achieved its estimate that as of September 30, 1936, foreign long-term capital in the United States totaled between six and six and one-half billion dollars, apart from approximately one and one-half billions in short-term capital. The heavy inflow of short-term capital was attributable in part to successive financial and political crises in the former gold-bloc countries. Only a few degrees removed, of course, are the main reasons why foreign money has sought haven in the United States during the last 3 years—fears of wars or civil disturbances abroad, combined with the prospect of making a profit here.

The Department of Commerce census separated long-term investments in the United States at the end of 1935 into the following categories:

[In millions of dollars]

Common stocks (market value)	2,015
Preferred stock (par value)	329
Bonds (par value)	607
Direct investments (book value)	1,045
Other investments (various bases of value)	1,039
Total	5,035

The foregoing table does not include the already liquid, short-term balances, which amounted to almost one and one-half billion dollars on September 30, 1936. Money of this type shifts easily. Short-term balances in this country, on the outbreak of another war, might be either substantially larger or smaller than they are now. In the quick movements in international finance which would occur on the outbreak of war they might be partly canceled by the withdrawal of some of the short-term balances we have abroad. These amounted to more than $800,000,000 on September 30, 1936.

Direct investments, as totaled in the table, are for the year 1934, but the figures from the Treasury indicate that only about $24,000,000 in new foreign capital was added to direct investments during 1935.

More important than the aggregate figures is the geographical distribution of the ownership of these investments and deposits. With respect to long-term investments at the end of 1935 the Department of Commerce found this to be as follows:

[In millions of dollars]

	Direct investments	Common stocks	Preferred stocks	Bonds	Other investments	Total
Canada	322	408	66	49	161	1,006
Great Britain	362	372	146	91	403	1,374
France	14	142	19	53	54	282
Netherlands	249	196	13	220	106	784
Switzerland	13	214	32	65	75	399
Other Europe	62	350	30	87	123	652
Latin America	5	19	3	8	8	43
Other countries	18	314	20	34	109	495

Almost 70 percent of long-term investments of all types were owned in European nations. Great Britain alone owned more than 27 percent. Great Britain and Canada together owned more than 47 percent. Great Britain, Canada, and France, combined, owned almost 53 percent. Judging from past experience, the ultimate ownership of many investments made via other nations is likely to lie, or to be controlled, in Great Britain. Even without allowance for that, a war which found the British Commonwealth of Nations and France fighting on the same side would find them in possession of half of the foreign stake in the United States. A large part of the balance rests in the hands of friendly

powers or neutrals where British and French finance are influential.

THE BRITISH LION'S SHARE

We imported more than $225,000,000 in new British capital during the first 9 months of 1936. With the rise in security values, Great Britain's direct claims on us may now aggregate in the neighborhood of $2,000,000,000. Canadian claims probably have risen to one and one-half billion dollars or more. By mobilizing the investments of her nationals and those of her allies and economic affiliates, Great Britain might be able to muster a grand total of $5,000,000,000 or more in claims on the United States—more, incidentally, than our claim on Great Britain on account of her war debt to us, and probably more than the total of our private claims on Great Britain. By selling to residents of the United States some of her choice investments in Canada, Argentina, and other countries at a discreet distance from the theater of war, Great Britain probably could add a few billion dollars more to the total sum of American dollars on which she could put her hands.

ECONOMIC SUCTION

A mere two or three billion dollars, used rapidly for the purchase of American supplies, would be enough to give us a good size war boom. That much or more is readily available to the British Government in bank balances and easily marketable American securities.

During that portion of the World War in which we were a neutral, our exports to the four great Allies—Great Britain, France, Russia, and Italy—were worth approximately $7,000,000,000.

If general war breaks out again in Europe the economic suction applicable to us through the conversion of foreign savings in this country into purchasing power would be fully as great as that applied to us in 1914–17. To an even greater degree than then, this suction is likely to come from one direction, Great Britain.

During the World War, the British treasury mobilized, from among British investors, approximately $1,423,000,000 worth of American securities. It sold about two-thirds of these in the United States and used the remainder as collateral. In addition, it mobilized and sent to the United States, as security for loans, several hundred million dollars' worth of Canadian, West Indian, Egyptian, New Zealand, South African, and South American bonds, followed finally by some British railway and municipal bonds. But even when Great Britain was fighting for its very existence, it conserved as best it could its great international investment fund which represents its commercial empire.

During the Nye investigation, the late Henry P. Davison, Morgan partner, was quoted as having told the Federal Reserve Board, as late as November 1916 that he thought the British were holding back from $500,000,000 to $800,000,000 in first-class American securities. That was near the peak of the Allied financial crisis. After the war the British took home a huge bloc of securities which they had deposited in this country as collateral for private loans, including some $350,000,000 in American securities. Yet they sold what they needed to sell to obtain our goods. During the first three-quarters of 1916 the sale of American securities in the United States through J. P. Morgan & Co. provided more than one-third of the revenue used to buy war supplies from us.

Modern war requires the full mobilization of a nation's resources at home and abroad. If another general war comes, nations will commandeer the foreign investments of their nationals. Recently Germany and Italy have shown the extreme devices to which governments can resort when they are in imperative need of foreign exchange. There are devious ways by which particular investments may escape detection or commandeering, but the great bulk of the foreign investments of any nation strong enough to remain united in war can be mobilized and used to such purposes as its government deems useful and other nations will permit.

Popular discovery of the growth of a great foreign stake in the United States is menacing to at least two ideas which have been preached sedulously in this country. The first of these is summarized by the assertion that to sell more goods abroad we must buy more goods from abroad. The important place occupied by movements of capital in international transactions exposes that idea as only half true, or, at best, only theoretically and ultimately true. Likewise, if we lend more money to foreigners, we do not necessarily increase our exports, but may only provide foreigners with more dollars to invest in our own securities. Likewise, also, imports of gold and silver may be converted into American investments rather than into purchases of American goods.

The second major conception that is disrupted is that some of our war debtors have been unable to make payments because they have been unable to obtain dollar exchange. Of particular nations that is true, but of others it obviously is not, since their citizens have been able to obtain dollars in ample amount for investments—investments which, in turn, can be commandeered in wartime by their governments and used to buy American goods.

A STITCH IN TIME

This train of thought may suggest that it also would be possible for the Government of the United States to seize control of investments which belligerent nations have in this country, to assure that they are not used in any way inimical to our own interests. In the event of major wars abroad, the sterilization of some of these foreign funds in the United States might suggest itself as sensible. We could afford to let them be withdrawn in gold, of which we have a troublesome surplus.

To permit them to be withdrawn in valuable American materials and manufactured products would demonstrate again our celebrated capacity for quixotic generosity mixed with immovable determination to get our fingers burned.

Our present neutrality legislation contains nothing designed to cope with the dangers of a war boom inherent in foreign investments and deposits in this country. Nothing suggested during the congressional hearings and debates on neutrality legislation would touch them except a general embargo on exports or Secretary Hull's proposal that exports to belligerents of materials used in war be limited to normal peacetime quantities. Either would be difficult to administer. A general embargo would so disrupt our own economy as to be unenforceable, in all probability. Secretary Hull's normal-trade formula aroused vigorous resistance when the administration attempted to apply it by moral suasion during the Ethiopian crisis.

Congress apparently thought that it was striking at the root of the dangers of a war boom and of economic alliance with belligerent nations by a ban on credits and loans. But the Nye committee threw a bright light on the chain of economic causes and consequences in 1914–17.

THE LESSON OF 1914

As early as October 1914, by a verbal approval quietly conveyed to interested bankers, President Wilson exempted credits from the ban on loans to belligerents laid down in August by Secretary of State Bryan. By the summer of 1915 we were enjoying a thriving and growing export trade, but it was evident that it could not be maintained much longer unless loans were extended. The choice was between lending money to our customers and precipitating a domestic depression. The administration removed the ban on loans. Loans were made, the Allies sent us more gold and more American securities, and in 1916 our prosperity zoomed.

To strengthen his hands in negotiating with the British concerning interference with our mails and our trade with neutral nations, Congress gave the President the power of embargo. But he could not use it without hurting ourselves as well as our best customers.

When the Allies reached the end of their ability to borrow private funds, we entered the war and financed their purchases, as well as most of our own enormous war needs, with Government credit.

Whatever view one may hold of the specific causes of our entry into the World War, economic suction drew us toward the Allies. In another war the United States might consider it to be to its national interest to profit as much as it can and while it can from exports, even if that trade is largely or exclusively with one side in the conflict. But it should not start along that road without the realization that a halt is likely to be difficult, if not impossible, and without recognizing that an economic alliance behind the lines is likely to be only the prelude to an alliance on the battlefront.

Without effective control over the use of foreign investments in the United States in wartime, we may rapidly lose the chance to make a cool choice. The ban on loans and credits, desirable as it is, would not be effective, because several possible belligerents already have a large supply of dollars in the form of American securities and bank balances.

A war boom started by cash buying would be no less difficult to handle than one started with loans. It might easily brush aside our present noble determination that it shan't happen to us again.

Mr. HARRISON. Mr. President, it is evident that we cannot finish the consideration of the joint resolution this afternoon. Several Senators have inquired of me whether there will be a vote today. I assume there will not be a vote this afternoon, but it is hoped that before adjournment today some kind of an agreement can be entered into which may limit discussion on the joint resolution and amendments to 10 or 15 or 20 minutes for each Senator.

Mr. HARRISON subsequently said: Mr. President, I ask unanimous consent that on tomorrow, February 25, 1937, beginning at 3 o'clock p. m., no Senator shall speak more than once nor longer than 30 minutes on the joint resolution and 15 minutes on any amendment that may be offered.

The PRESIDING OFFICER (Mr. HUGHES in the chair). Is there objection? The Chair hears none, and it is so ordered.

Mr. DAVIS. Mr. President, I believe in reciprocal-trade agreements if and when they are the product of the considered judgment of the representatives of American labor, agriculture, and industry, worked out openly by students of domestic and foreign trade whose first loyalty is to our own people, brought to action without damage to our domestic markets, and affording opportunity for an interchange of commodities which can be produced elsewhere to a better advantage for us than in our own borders.

Mr. President, House Joint Resolution 96 provides for a 3-year extension in the life of the so-called Reciprocal Trade Agreements Act enacted June 12, 1934, and which will expire on June 12 of this year. This act goes much further even than tariff revision, in that it permits agreements with foreign countries that Congress will not, for a series of years, exer-

cise its right to revise what the President does. It goes still further in that it permits revision of the revenue laws, excise taxes, and so forth, and apparently permits agreements with foreign countries that Congress will not, for a series of years, exercise its right to impose excise or other taxes, for revenue or other purposes, or to revise excise and other taxes now on the statute books. Furthermore, the act does not provide for "reciprocity" in the generally accepted meaning of that term.

The act of 1934, which it is proposed by House Joint Resolution 96 to extend for 3 years, provides that any rate of duty may be increased or decreased by not to exceed 50 percent of the rates in the Tariff Act of 1930. It is significant that in the dozen or more agreements already entered into there have been no increases in rates. In other words, the whole program has been a general downward revision of all rates. An analysis of the progress to date shows 448 reductions in rates of duty, as follows:

	Reductions
On agricultural products	99
On fibers and textiles	56
On chemicals, oils, paints, etc	58
On earths, earthenware, and glassware	36
On metals and manufactures	116
On wood and manufactures, including paper and books	24
On sundry miscellaneous products	58
Total	448

Mr. President, in order not to be unfair, it should be added that in a few cases, where the countries dealt with were the principal suppliers, duties were not reduced but bound against increase. Thus, while 448 reductions were being made, 49 items were bound against increase; but many of these were duplicates. When duplicates are eliminated, it appears that only 28 rates of duty were left without reductions but with an agreement made that present rates would not be increased. Furthermore, while trading with these countries, 78 different items on the free list were bound with agreements that Congress would not place duties upon them.

So the result of the so-called reciprocal-trade agreements thus far has been to make 448 reductions in rates of duty, to bind 28 rates of duty against increase, and to bind 78 items on the free list. It seems clear to me that in no case was there an increase in rate of duty; and Congress not only has delegated this authority to revise the tariff generally downward but apparently has delegated authority to agree that in the future Congress will not change any of these rates.

WHAT IS THE BASIS FOR THE REDUCTIONS MADE?

Mr. President, apparently it is the opinion of the President and the distinguished Secretary of State that rates of duty in the Tariff Acts of 1922 and 1930 were too high. Let us go back and examine past experience. For 150 years we have been trying to raise the standards of living of American workmen and farmers. One important way has been to shut out cheap labor and cheap goods, whether made by workers in factories or by farmers. It is not necessary here to review the first 100 years—1775 to 1875. Let us look at the record since 1875.

From 1876 to 1880 the ratio of duties to value of dutiable goods imported averaged 43.77 percent. From 1881 to 1885 the ratio was 43.15 percent; from 1886 to 1890 it was 45.89 percent; from 1891 to 1895 it was 47.39 percent; and from 1896 to 1900 it was 46.65 percent. Thus, for the 25-year period 1876 to 1900 the average ratio of duties to value of dutiable goods imported was 45.37 percent.

Mr. President, we now come to the pre-war period—1900 to 1915. During that 15-year period the average ratio was 43.35 percent. It was slightly lower than for the 25 years 1876–1900 because of reductions in the Underwood Act of 1913.

Rates of duty under the Underwood Act of 1913 continued during the war and until the emergency act of May 27, 1921. Prices during the war period were so abnormal, and trade so disturbed, that rates of duty meant little. So let us look at the rates of duty from 1921 to 1935—the post-war period of 15 years. The average ratio of duties to value of dutiable goods imported for this 15-year period was 41.75 percent.

To summarize, the ratio of duties collected to value of dutiable goods imported—

	Percent
For the 25 years 1876–1900 averaged	45.37
For the 15 years 1900–15 averaged	43.35
For the 15 years 1921–35 averaged	41.75

Mr. President, from this it does not appear that rates of duty on the whole were higher on the average since the war than from 1875 to 1915.

In contrast we find that during the first 11 months of 1936 the average of all rates of duty to values of dutiable imports was down to 38.7 percent. It is perfectly obvious that the whole program, if carried through, is a general reduction; and apparently, when the job is completed, the average will be down to not more than from 20 to 30 percent.

WHAT IS THE TEST AS TO RATE OF DUTY?

Mr. President, a hundred years ago our policy was to impose duties on practically all imports. Revenue, as well as protection to infant industries, was involved. From 1820 to 1830 only 6 percent of our imports were free of duty. By 1875–80 we allowed about 33⅓ percent of all imports to come in free of duty. This included such items as tea and coffee, silk, bananas, and so forth, which we did not produce. As time went on, the percentage free of duty increased. By 1900–1915 almost 50 percent of our imports were free of duty, and from 1920–35 almost 66⅔ percent were free of duty.

During that period imports of dutiable goods increased in spite of the tariff. Even though duties averaged from 40 to 45 percent, our imports of dutiable goods increased as follows:

Average annual imports:	*Dutiable imports*
1901–05	$528,061,000
1906–10	712,721,000
1911–15	731,887,000
1921–25	1,333,816,000
1926–30	1,374,740,000

Mr. President, the collapse in imports from 1930 to 1935 was due to the collapse in prices and the general depression, not in any degree to the rates of duty or the tariff. This is easily demonstrated. Here are the figures:

Calendar year	Imports for consumption		Dutiable imports
	Total imports	Imports free of duty	
1929	$4,338,572,000	$2,880,128,000	$1,450,444,000
1933	1,433,013,000	903,547,000	529,466,000
Decrease	2,905,559,000	1,976,581,000	928,978,000
Percent decrease	66.9	68.6	63.7

Here we see that the value of imports free of duty declined 68.6 percent between 1929 and 1933. Certainly this was not due to the tariff, but to price decline and the depression. Decrease in value of imports subject to duty was 63.7 percent, or slightly less, and this decline was due to the same causes.

Mr. President, we now have clearly before us the question, What is the test as to rate of duty? Goods which we do not produce, but need, such as tea, coffee, cocoa, silk, rubber, bananas, and so forth, we keep on the free list; goods we can produce as cheaply or more cheaply than can other countries, such as middling cotton, we keep on the free list; but goods produced by cheap foreign labor, or controlled by foreign cartels and monopolies, and which are put into our markets in competition with our own products our tariff laws should protect. We must protect our own market in order to protect our farmers and wage earners.

What is the measure? How much tariff do we need? Each product is a problem by itself. On some items 5 percent or 10 percent is enough to protect our market. Sometimes it is necessary to have 33⅓ percent to 50 percent. Our test for many years has been the difference between the cost of production in the United States, with our hours much shorter than in most countries, with our wages higher, and so forth, and in the principal competing country.

If wages are low, hours of labor long in a foreign country, and standards of living are correspondingly low, frequently their cost of production is much lower than in this country.

They can enter our markets and either force our wages down and lengthen our hours of labor in an effort to meet the foreign competition or force our people out of employment.

Mr. President, the Tariff Act of 1922 carried a provision that if any citizen thought the rates of duty too high or too low, he might appeal to the Tariff Commission to make an investigation, and there was provided a way to raise or lower the rate of duty according to the facts. Hundreds of investigations were made and many rates of duty were either raised or lowered. This was a truly scientific way to check our tariff. In 1930, when Congress reviewed the entire tariff, again provision was made for necessary investigations and changes in rates to fit new conditions or changes in costs here or abroad. The purpose was to protect the American market for the American farmers and factory workmen.

What do we get under the so-called Reciprocal Trade Agreements Act of 1934? No tests as to foreign costs, wages, hours, or other items; no check against lower standards of living in other countries, or longer hours, or lower wages; no check on foreign cartels and monopolies. Unemployment is still with us; we shall see our wage earners increasingly losing their jobs as imports increase, or see them forced to work longer hours or accept lower wages in order to meet the foreign competition; and we shall see our farmers forced to accept lower prices for their products in order to hold the home market against an ever-increasing flood of imports.

Mr. President, already the movement has begun. With only a few trade agreements in effect, our imports in 1936 increased over 1935 from $2,038,905,000 to $2,421,056,000, an increase of $382,151,000, or 18.7 percent.

We were told that our exports would increase even more because of concessions other countries would grant to us and because others would buy from us if they could sell to us. But what has happened? Our exports increased between 1935 and 1936 from $2,243,081,000 to $2,416,477,000, an increase of only $173,396,000, or only 7.7 percent. So our imports increased more than twice as much as our exports. Evidently we are giving most of the concessions and getting little in return.

It has been said that if we did not import, we could not export—the foreigners could not buy our surplus farm products or our factory products. But it now appears that foreigners are shipping us not only more goods, but gold and silver, and instead of buying from us, they are buying our stocks and bonds and investing their surplus in this country. The plan has already failed. Why extend it another 3 years?

ESTABLISHMENT OF NEW INDUSTRIES

Mr. President, for more than a hundred years we have been building up our standards of living—raising wages, shortening hours, building better and more efficient factories, fostering inventions and new discoveries, and above all encouraging new industries so as to give profitable employment to our ever-increasing population. We have been building the policy of "the American markets for our own American farmers and factory workers." Now, under the new policy, we are opening up the American market for the low-cost' goods from foreign lands and not even getting equivalent concessions from them in return. Last year imports increased $382,151,000 over 1935, while exports increased only $173,396,000 over 1935. Thus imports increased over $200,000,000 more than exports.

Much of the increase in exports which we did make was to help Europe prepare for war. What if Europe should declare a "5-year peace program"? Much of our exports to them would disappear and our imports from them, under this trade program, would increase by leaps and bounds.

Lower wages, longer hours, increasing unemployment, lower prices for our farmers, these would be some of the penalties we would pay. We would be forced to defend ourselves against low foreign wages, long hours, low living standards, low price levels, foreign cartels, monopolies, and so forth.

Mr. President, is it not highly significant that evidently great care has been taken not to negotiate agreements as yet with countries which ordinarily would ship large quantities of manufactured goods to us, which at the same time have low production costs, low wage rates, long working hours, and so forth, such as Japan, the United Kingdom, Germany, Italy, and others?

In 1931, according to the list of countries furnished by the Assistant Secretary of State, the Honorable Francis Sayre, our dutiable imports were valued at $709,199,000. Dutiable imports from Belgium, Brazil, the Netherlands, Sweden, and Switzerland combined amounted to only $76,171,000, or less than 11 percent of the value of all dutiable imports. Most of the imports from Cuba consisted of sugar, which does not compete with American factories and organized labor. Most of the imports from France are made up of luxuries such as wines, perfumes, and so forth. Most of the imports from Canada are lumber, pulp, pulpwood, paper, and so forth.

Dutiable imports from the United Kingdom alone amounted to $66,113,000 in 1931, or about equal to those from the five countries noted above. Dutiable imports from Germany amounted to $84,093,000, or more than those from the five trade-agreement countries combined. Italy and Japan sent us dutiable imports valued at $78,843,000, or more than those from the five countries combined.

Mr. President, have agreements with United Kingdom, Germany, Japan, been delayed to quiet the fears of organized labor? Will trade agreements now be negotiated when a new 3-year extension is granted and the election is over? When these industrialized countries have completed their preparedness programs and the products of millions of soldiers and other millions of factory workers are offered for sale in our markets after our tariff has been reduced to a nonprotective basis, what will be the reaction of our wage earners, organized and unorganized?

CAN WE NOT AGREE ON SOME CONCESSIONS BY THE ADMINISTRATION?

Mr. President, if the administration is determined to go forward with this program for another 3 years under House Joint Resolution 96, will it not grant some concessions to our own people?

First. Will it not agree to examine the difference in cost of production between this country and the country with which it is negotiating? Will it not at least check wage levels, hours of employment, standards of living, and other items?

Second. Will it not at least agree not to negotiate with those who are in default or refuse to pay their debts to us?

Third. Will it not agree to limit the concessions to the one country with which it is dealing?

Fourth. Will it not agree to leave out further reductions in our internal taxes and promises to foreign countries that such foreign countries shall henceforth decide for us what taxes we shall impose?

Fifth. Will it not agree to submit agreements, when made, to Congress or at least to the Senate for study for a 30-day period before they are made effective, thus giving the representatives of the people a chance to suggest errors or changes?

Sixth. Will it not make public the terms of the agreement it has tentatively entered into and give the American citizens a 30-day chance to study them and file suggestions? American farmers, manufacturers, and laborers should have at least a chance to study the proposals and a chance to make suggestions.

Seventh. Will it not at least make public all of our economic transactions with each country, not just merchandise exports and imports, but also exports and imports of gold and silver, capital transactions, invisible items such as shipping, insurance, tourists' expenditures, and status of war debts?

Eighth. If the administration will make no concessions except to the foreigners with whom it is negotiating and is determined to go through with a complete general revision downward of every item in the Tariff Act and thus reverse the 100-year policy of this country, should not Congress write into House Joint Resolution 96 as a reservation an escape clause claiming the right to cancel all these agreements whenever it gets a mandate from the people,

without being put in the position of breaking what are in fact treaties with all foreign countries?

Mr. President, I desire now to refresh the memory of the distinguished chairman of the Finance Committee, the Senator from Mississippi [Mr. HARRISON], with reference to the long fight in the Congress and the great service he rendered to the country in passing restrictive and selective immigration laws in the years 1921 to 1924.

As Secretary of Labor for 10 years and responsible for the administration of our immigration laws, I know the demands that certain countries are constantly making to increase their quotas of immigrants, and especially the demand that has been and is now being made to extend the quota limitation law to the oriental and barred-zone countries. My experience as administrator of our immigration laws prompts me to inquire whether the delegated powers now exercised by the State Department relating to tariff agreements and treaties will be assumed in the future by this Department to apply to immigration laws as well? Will the proposed legislation be used to set aside our immigration laws? Will foreign countries use it as an entering wedge to barter away our rights of protection in the now barred zones of China, Japan, and India? Will the proposed legislation carry with it further commitments of delegated power in fields not now under our consideration?

With American machinery and the products of our heavy-goods industries moving into Europe and Asia with increasing economic force, what further invasion of our protective rights may we not soon expect? In the neighborhood where I was born in South Wales a $40,000,000 strip mill is now being erected. I am told that its product can be made at such low cost that it can be produced there and sold here so as to compete successfully with our domestic market under our present tariff schedules. With foreign labor abundant, wages low, hours long, and with our tariff protection falling, the prospect of work for those who are now unemployed in America under the proposed legislation is far from bright.

Mr. President, we must keep in mind that the American market has a buying power equal to that of all of Europe and, in light of that fact, we are called upon to determine how much of our market we wish to share with the rest of the world and upon what terms.

Many plans are being launched today to increase our foreign trade, which is now and has been but a very small fraction of our total trade. All of us are interested in foreign trade. It is important. Complete isolation is certainly impractical. We should do business with every country in the world that has something to sell without detriment to our own producers. In other words, that which we cannot produce we should buy from others, and others in turn should buy from us the things they cannot as satisfactorily produce as we can.

Mr. President, we have no assurance that the reduction of our tariff as accomplished during the last 3 years will result in increased business advantages to our own country, for the savings thus secured to others may often be used for their trade elsewhere rather than with us. Personally, I should want to make a close inspection of imports to ascertain the number of factories which we shall be forced to close down if we give a part of our own productive trade to foreign competitors.

This afternoon I listened with great interest to the distinguished Senator from Idaho [Mr. BORAH]. I fully agree with the following statement which he made in the course of his remarks:

> I believe that the American market belongs exclusively to the American farmer to the full extent of his ability to supply, and I know he is able to supply the American market today.

I, too, Mr. President, believe that the American market belongs to American labor and American industry to the full extent of their ability to supply it.

Mr. WALSH. Mr. President, I send to the desk a telegram bearing on the subject under discussion which I ask to have read.

The PRESIDING OFFICER. Without objection the clerk will read, as requested.

The legislative clerk read the telegram as follows:

BOSTON, MASS., *February 24, 1937.*

Hon. DAVID I. WALSH,
Senate Office Building:

Boston Chamber of Commerce respectfully urges your support of bill extending reciprocal trade-agreement program. Feel plan already of definite benefit to New England business and important factor in increasing trade at port of Boston. Believe proposed 3-year extension desirable for fully testing worth of program.

IRVING T. SORGE,
Chairman, Committee on Foreign Trade,
Boston Chamber of Commerce.

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. CLARK in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations and a convention, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. McKELLAR, from the Committee on Appropriations, reported favorably the nomination of George Keller, of Iowa, to be State administrator for Iowa in the Works Progress Administration.

He also, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

Mr. NEELY, from the Committee on the Judiciary, reported favorably the nomination of Alfred P. Murrah, of Oklahoma, to be United States district judge, eastern, northern, and western districts of Oklahoma, to fill an existing vacancy.

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state in order the nominations on the calendar.

DEPARTMENT OF JUSTICE

The legislative clerk read the nomination of Sam E. Whitaker, of Tennessee, to be Assistant Attorney General.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. ROBINSON. I ask unanimous consent that the nominations of postmasters on the calendar be confirmed en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. That completes the Executive Calendar.

RECESS

Mr. ROBINSON. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 20 minutes p. m.) the Senate took a recess until tomorrow, Thursday, February 25, 1937, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 24, 1937

WORKS PROGRESS ADMINISTRATION

A. P. Morgan, Jr., of Alabama, to be State administrator in the Works Progress Administration for Alabama, vice Thad Holt, resigned.

James H. Crutcher, of Louisiana, to be State administrator in the Works Progress Administration for Louisiana.

APPOINTMENTS IN THE REGULAR ARMY

MEDICAL CORPS

To be first lieutenants with rank from date of appointment

First Lt. Nicholas Fred Atria, Medical Corps Reserve.

First Lt. Joseph Rich, Medical Corps Reserve.

MEDICAL ADMINISTRATIVE CORPS

To be second lieutenants with rank from date of appointment

Second Lt. Glenn Keith Smith, Infantry Reserve.

Howard Brim Nelson, of Utah.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO QUARTERMASTER CORPS

Maj. Hugh Bryan Hester, Field Artillery, with rank from November 1, 1935.

Capt. Albert Newton Stubblebine, Jr., Field Artillery, with rank from August 1, 1935.

PROMOTIONS IN THE REGULAR ARMY

To be colonel

Lt. Col. Thomas Jefferson Johnson, Quartermaster Corps, from February 16, 1937.

To be lieutenant colonel

Maj. Daniel Allman Connor, Field Artillery, from February 16, 1937.

To be major

Capt. Oliver Stevenson Ferson, Air Corps (temporary major, Air Corps), from February 16, 1937.

MEDICAL CORPS

To be colonels

Lt. Col. Harley James Hallett, Medical Corps, from March 2, 1937.

Lt. Col. Sanford Williams French, Medical Corps, from March 4, 1937.

Lt. Col. Thomas Joseph Flynn, Medical Corps, from March 5, 1937.

Lt. Col. William Denton, Medical Corps, from March 12, 1937.

Lt. Col. John Joseph Reddy, Medical Corps, from March 15, 1937.

Lt. Col. Lloyd Ambrose Kefauver, Medical Corps, from March 17, 1937.

Lt. Col. John Roy McKnight, Medical Corps, from March 19, 1937.

To be lieutenant colonels

Maj. Edward Augustus Coates, Jr., Medical Corps, from March 1, 1937, subject to examination required by law.

Maj. Leroy Taylor Howard, Medical Corps, from March 3, 1937.

Maj. James Albertus Bethea, Medical Corps, from March 4, 1937.

Maj. Asa Margrave Lehman, Medical Corps, from March 5, 1937.

Maj. Thomas Lee Gore, Medical Corps, from March 7, 1937.

Maj. Oramel Henry Stanley, Medical Corps, from March 8, 1937.

Maj. Sewell Munson Corbett, Medical Corps, from March 9, 1937.

Maj. Samuel Reily Norris, Medical Corps, from March 11, 1937.

Maj. Benjamin Norris, Medical Corps, from March 12, 1937.

To be majors

Capt. Emery Ernest Alling, Medical Corps, from March 1, 1937.

Capt. John Allison Worrell, Medical Corps, from March 15, 1937.

To be captains

First Lt. Claude Cordray Dodson, Medical Corps, from December 7, 1936.

First Lt. William Darrell Willis, Medical Corps, from December 7, 1936.

First Lt. James Emile Graham, Medical Corps, from March 1, 1937.

First Lt. Jay Franchel Gamel, Medical Corps, from March 1, 1937.

First Lt. Aubrey L. Jennings, Medical Corps, from March 7, 1937.

VETERINARY CORPS

To be lieutenant colonels

Maj. Allen Chamberlain Wight, Veterinary Corps, from March 24, 1937.

Maj. Elwood Luke Nye, Veterinary Corps, from March 24, 1937.

CHAPLAIN

To be chaplain with the rank of lieutenant colonel

Chaplain (Maj.) Nathaniel Alexander Jones, United States Army, from March 23, 1937.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 24, 1937

ASSISTANT ATTORNEY GENERAL

Sam E. Whitaker to be Assistant Attorney General of the United States.

POSTMASTERS

ILLINOIS

Leslie B. Paddock, Barrington.

Emanuel J. Shafranski, Lemont.

MICHIGAN

Vernon E. Johnstone, Chesaning.

MISSOURI

Arvel F. Collins, Kirksville.

NORTH DAKOTA

Ella E. Morin, Neche.

WYOMING

Ella K. Peck, Saratoga.

HOUSE OF REPRESENTATIVES

WEDNESDAY, FEBRUARY 24, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou Almighty One, changeless from age to age, on Thee we build our faith. We can trust Thee in darkness and in the light, for ourselves and all whom we love, for time and eternity. Our Father, enable us to accept what cannot be avoided and sustain us with the peace of God, the higher calm and the eternal poise. Do Thou enrich us with Thy grace; it ripens to sweetness and joy; it softens prejudice and weakens bigotry and makes more beautiful this world home of ours. Blessed Lord, be Thou the comforter of any who may be suffering from undue care and anxiety; be with those of our Members who are ill. We beseech Thee to penetrate the shadows and give promise of health and strength. Merciful Father, draw very near our beloved Speaker and the Congress. In our Savior's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 212. Joint resolution to amend the act entitled "An act to levy an excise tax upon carriers and an income tax upon their employees, and for other purposes", approved August 29, 1935.

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S. J. Res. 84. Joint resolution to authorize the Postmaster General to withhold the awarding of star-route contracts for a period of 60 days.

The message also announced that the Senate had passed the following resolution on February 23, 1937:

Senate Resolution 85

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. JAMES P. BUCHANAN, late a Representative from the State of Texas.

Resolved, That a committee of two Senators be appointed by the Vice President to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased Representative the Senate do now adjourn.

COMMITTEE TO ATTEND FUNERAL OF THE LATE JAMES P. BUCHANAN

The SPEAKER. Pursuant to the provisions of House Resolution 128 and the special order agreed to on yesterday, the Chair did appoint the following Members of the House to attend the funeral of the late James P. Buchanan: Messrs. CANNON of Missouri, JOHNSON of Texas, LUDLOW, KLEBERG, THOMASON of Texas, WEST, RABAUT, POAGE, TREADWAY, and TABER.

PUBLIC WORKS ADMINISTRATION

Mr. COCHRAN. Mr. Speaker, I offer a privileged report on House Resolution 121 for immediate consideration.

The Clerk read as follows:

House Resolution 121

Resolved, That the Secretary of the Interior is hereby requested to furnish the House the following information:

(1) A list of non-Federal projects pending in the Federal Emergency Administration of Public Works, which have been approved by said Administration but for which allocations have not been made because of lack of funds available to such Administration for such projects, such list to indicate as to each project (a) its location; (b) its type; (c) its estimated cost; (d) the amount of loan requested; e) the amount of grant requested.

(2) A list of non-Federal projects pending in the Federal Emergency Administration of Public Works, which have not yet been finally disapproved by said Administration, such list to indicate as to each project (a) its location; (b) its type; (c) its estimated cost; (d) the amount of loan requested; (e) the amount of grant requested.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that the report may be read. It is very brief.

Mr. RICH. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question.

I understand that these P. W. A. proposals were submitted to the Members of Congress and that we had that information.

Mr. COCHRAN. The information, I may say to the gentleman from Pennsylvania, is in my office and will be in the office of the Committee on Expenditures, where any Member of Congress can see it. There is, therefore, no reason for the adoption of the resolution.

Mr. RICH. That is what I understand, that the gentleman has the information, and that it can be obtained in his office.

Mr. COCHRAN. I am going to move to lay the resolution on the table if the gentleman will give me the opportunity.

Mr. RICH. If this information were printed, would the cost come out of P. W. A. funds or Interior Department funds?

Mr. COCHRAN. It would come out of funds of the Congress.

Mr. RICH. I appreciate that, but where are we going to get the funds?

Mr. COCHRAN. The gentleman is a member of the Committee on Printing. It cannot be printed, under the rules, unless the gentleman's committee authorizes it to be printed.

Mr. RICH. If the gentleman has the information in his office, I can promise him that its printing will not be authorized.

The SPEAKER. Is there objection to the request of the gentleman from Missouri that the report be read?

There was no objection.

The Clerk read as follows:

[H. Rept. No. 295, 75th Cong., 1st sess.]

DIRECTING THE SECRETARY OF THE INTERIOR TO FURNISH THE HOUSE OF REPRESENTATIVES WITH A CERTAIN REPORT

Mr. COCHRAN, from the Committee on Expenditures in the Executive Departments submitted the following adverse report (to accompany H. Res. 121):

The Committee on Expenditures in the Executive Departments to whom was referred the resolution (H. Res. 121) requesting the Secretary of the Interior to furnish certain information relative to non-Federal projects pending before the Federal Emergency Administration of Public Works which have been approved by said Administration but for which allocations have not been made because of lack of funds, to the House of Representatives, having considered the same, report thereon with the recommendation that it do not pass.

The Federal Emergency Administrator of Public Works has submitted to the Committee on Expenditures in the Executive Departments the information desired in the resolution and it is on file in the office of the committee, room 304, House Office Building, where it can be seen by anyone interested.

The letter received from the Federal Emergency Relief Administrator of Public Works which accompanied the report follows:

FEDERAL EMERGENCY ADMINISTRATOR OF PUBLIC WORKS,
Washington, February 23, 1937.

Hon. JOHN J. COCHRAN,
House of Representatives.

MY DEAR MR. COCHRAN: In the absence of Administrator Ickes, I have your letter of February 18.

In response to your request, I am enclosing for the information of your committee the material which would be furnished to the House of Representatives in the event that House Resolution No. 121, introduced by Mr. BEITER, of New York, were acted upon favorably.

Sincerely yours,

HORATIO B. HACKETT,
Assistant Administrator.

Mr. COCHRAN. Mr. Speaker, the resolution speaks for itself. I move to lay the resolution on the table.

Mr. MAPES. Mr. Speaker, will the gentleman yield for a question?

Mr. COCHRAN. I yield for a question only.

Mr. MAPES. Inasmuch as this information has been prepared by the Department and furnished to the gentleman's committee, what would be the objection to transmitting it to the House so that every Member could have the benefit of it?

Mr. COCHRAN. That would require that the report be printed. The Committee on Expenditures does not desire the report printed. It therefore can be printed only as a document, by the introduction of a resolution referred to the Committee on Printing, reported, and passed by the House.

Mr. MAPES. But if the gentleman's committee should make a favorable report upon this resolution it would be passed by the House; that action would authorize the printing of the information.

Mr. COCHRAN. The committee does not feel justified in expending the amount of money necessary to print this report.

Mr. MAPES. How much would it cost to print it?

Mr. COCHRAN. I am not a judge of that; the Committee on Printing can decide that; offhand I would say at least a thousand dollars.

Mr. MAPES. Certainly we do a lot more printing that is a great deal more expensive for things which are of very much less importance.

Mr. COCHRAN. It is a matter over which I have no control.

Mr. Speaker, I move to lay the resolution on the table.

Mr. TABER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER (after counting). One hundred and thirty-five Members are present, not a quorum.

Mr. RAYBURN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 20]

Aleshire	Ditter	Lanham	Schulte
Allen, Del.	Englebright	May	Shannon
Bernard	Ford, Miss.	Meeks	Snell
Buckley, N. Y.	Gasque	Mosier, Ohio	Stubbs
Burdick	Goldsborough	Mouton	Sweeney
Chapman	Hancock, N. C.	Nichols	Tolan
Cluett	Higgins	Norton	Towey
Crowe	Jenks, N. H.	Parsons	Wolcott
Dies	Johnson, Minn.	Rogers, Okla.	
Dingell	Knutson	Romjue	

The SPEAKER. Three hundred and ninety-three Members have answered to their names. A quorum is present.

On motion of Mr. RAYBURN, further proceedings under the call were dispensed with.

Mr. COCHRAN. Mr. Speaker, for the moment I withdraw my motion in order to make a brief explanation for the benefit of Members who were not on the floor prior to the roll call.

Mr. TABER. Will the gentleman yield for a question?

Mr. COCHRAN. I will yield to the gentleman in just a moment.

Mr. Speaker, by direction of the Committee on Expenditures, I called up a privileged resolution introduced by the gentleman from New York [Mr. BEITER], which requested certain information from the Public Works Administration relative to pending projects. The Public Works Administration has supplied the Committee on Expenditures with the desired information. The committee therefore directed me to make an adverse report, which I have presented.

This information is in possession of the committee, and any Member who desires to see it may see it at any time.

I now yield to the gentleman from New York for a question only.

Mr. TABER. Do I understand this information is available so that any Member may see it?

Mr. COCHRAN. Any Member of Congress or citizen may see it.

Mr. Speaker, I move to lay the resolution on the table.

The motion was agreed to, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. BEITER. Mr. Speaker, I have not been permitted to speak on this resolution; therefore I ask unanimous consent to extend my remarks in the RECORD at this point on my own resolution.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. COCHRAN. Mr. Speaker, reserving the right to object, the gentleman does not intend to include the report from the P. W. A., copy of which I gave him?

Mr. BEITER. No.

Mr. COCHRAN. I refer specifically to the report made by the Public Works Administrator?

Mr. BEITER. No.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BEITER. Mr. Speaker, I have a resolution now before us requesting the Secretary of the Interior to furnish the House with a list of non-Federal projects pending in the Federal Emergency Administration of Public Works which have been approved by said Administration and for which no allocations have been made because of lack of funds. The resolution would also authorize the Secretary to furnish a list of non-Federal projects now pending before the Federal Emergency Administration of Public Works which have not been finally acted upon by said Administration.

From conversations I have had with various Members of the House, it is clear that the intent and purposes of the resolution are not fully understood, and I take this opportunity, with your kind permission, to explain my reasons for presenting the resolution at this time.

I have previously introduced in the House a bill to extend the authority of the Federal Emergency Administration of Public Works for 2 years from June 30, 1937, and to authorize an appropriation of $300,000,000 to be used in allocating funds for projects already approved by the Public Works Administration and for which no funds are now available. This list of approved projects totals 2,940 and represents the efforts of various municipalities throughout the country to restore purchasing power through the construction of useful public works and the encouragement of long-range planning in the field of public works.

Many of these municipalities have gone to great expense to draft plans for these projects, and in most cases referendums have been held and the voters have agreed to share the cost of the construction. The projects have been reviewed and approved by the engineering, finance, economics, statistics, and legal divisions of the Public Works Administration, and the municipalities have been led to believe that allocations will be forthcoming in the form of loans and grants to cover the cost of the work. Allotments for work are made on the basis of social benefit, economic feasibility, and financial, legal, and engineering soundness. To deny the municipalities who have approved projects pending an opportunity to benefit from the public-works program would result in unduly burdening the communities involved with debt or causing them to abandon altogether their long-range public-works programs of development.

Requests for a break-down by States of the projects included in this list of 2,940 have been coming in such frequency at the Public Works Administration offices that it is not always possible to furnish the information when desired. These requests usually include an inquiry regarding the nature and type of project, the amount of loan and grant, and the status of same, as well as the estimated cost. Time and expense are involved in furnishing detailed information of this character.

The list of pending non-Federal projects which have not yet been finally acted upon by the Public Works Administration totals 1,754, bringing the total of projects in both lists to 4,694. Every State in the Union is represented in this list, and I dare say every Member of this House is interested in one or more of the projects included therein. It is safe to assume that every congressional district in the United States has a project of some kind included in that list, whether it be a waterworks development, a sewer project, municipal power plant, hospital building, school addition, highway construction, bridge construction, or projects for the transmission of electrical energy.

I have proposed that a complete list of the projects pending be submitted to the House, but I am not going to press for action on this resolution but will submit today another one authorizing the printing of 5,000 copies of the list of pending non-Federal P. W. A. projects which have been approved or which have not yet been finally disapproved by the Federal Emergency Administration of Public Works. My purpose in doing this is to provide each Member of the House and Senate and others interested with a copy of the list, since I believe this information to be of widespread interest not only to the Congress but to the public bodies, municipalities, school districts, drainage districts, and others who have been induced to undertake construction of useful works. Certainly it will prove helpful to every Member of the Congress who is called upon to furnish information concerning the status of pending projects to the applying municipalities in his district.

I hope that each Member of this House will join with me in asking for favorable action on this resolution so that full information regarding this important matter may be made available not only to us but to those in our congressional districts who have a vital interest in the public-works program.

PERMISSION TO ADDRESS THE HOUSE

Mr. WILCOX. Mr. Speaker, I ask unanimous consent that on tomorrow, after the reading of the Journal and disposition of business on the Speaker's table, I may be permitted to address the House for 25 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, there are two Members on this side who would like to speak tomorrow. We have withheld asking unanimous consent because we thought an appropriation bill was coming up for consideration and general debate would be in order. May I ask the majority leader what the program is for tomorrow?

Mr. RAYBURN. On yesterday, after the death of our colleague the chairman of the Appropriations Committee, the members of the Subcommittee on Naval Appropriations felt that they did not care to go ahead tomorrow. Therefore there is nothing on the program for tomorrow, and I have accordingly suggested to several gentlemen who have spoken

to me about getting time to speak that they submit a unanimous-consent request to address the House tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. FERGUSON. Mr. Speaker, I ask unanimous consent that on tomorrow, after the reading of the Journal, the disposition of matters on the Speaker's table, and the previous order heretofore made, I may be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that on tomorrow after the reading of the Journal, the disposition of matters on the Speaker's table, and previous orders heretofore entered, the gentleman from Michigan [Mr. HOFFMAN] may be permitted to address the House for 25 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. HILL of Washington. Mr. Speaker, I ask unanimous consent that on tomorrow, after the reading of the Journal, the disposition of matters on the Speaker's table, and the previous orders heretofore entered, I may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that on tomorrow, after the reading of the Journal, the disposition of matters on the Speaker's table, and previous orders heretofore made, the gentleman from Minnesota [Mr. KNUTSON] may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

EXTENSION OF REMARKS

Mr. COLMER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in reference to the subject of an interstate sales tax.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. EBERHARTER. Mr. Speaker, I ask unanimous consent to extend my remarks by including therein a speech delivered by myself over the radio.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

FOOD, DRUGS, AND COSMETICS

Mrs. O'DAY. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

The SPEAKER. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. O'DAY. Mr. Speaker, I am getting a great many inquiries from women all over the country asking what action Congress is taking in protecting consumers of drugs, food, and cosmetics. They call my attention to the necessity for action on the drugs and food bill, because of the harm that is being done by the misleading and fraudulent advertisements of patent medicines during the last influenza epidemic. In spite of the fact the United States Public Health Service has so widely advertised that there are no preventives for flu and that preventive medicine or cures should not be depended upon, many people who are easily fooled have depended on such so-called cures until it was too late for medical care to save them.

The Federal Government at present has no way of preventing these misleading advertisements. A food and drugs bill was brought in about 3½ years ago, but no action has been taken on it, and the women of the country have asked me to bring this matter to the attention of the House. [Applause.]

EXTENSION OF REMARKS

Mr. REILLY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including an editorial written by Charles E. Broughton, editor of the Sheboygan Press, one of the leading papers of Wisconsin, on the President's program.

Mr. RICH. Mr. Speaker, I shall have to object to that request.

PERMISSION TO ADDRESS THE HOUSE

Mr. CASEY of Massachusetts. Mr. Speaker, I ask unanimous consent that on tomorrow, after the disposition of matters on the Speaker's table and after the previous unanimous-consent requests have been finished, I may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that on tomorrow, after the other speeches have been concluded, I may be permitted to address the House for 25 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXTENSION OF REMARKS

Mr. FOCHT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to insert a short reference to George Washington, prepared by myself.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HAINES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting in the Appendix thereof an address delivered by Mr. Harllee Branch, the Second Assistant Postmaster General, before the Transportation Club.

Mr. WADSWORTH. Mr. Speaker, reserving the right to object, is this by the Second Assistant Postmaster General?

Mr. HAINES. Yes; it is not a political address. It is a speech delivered before the Transportation Club in the city of Washington.

Mr. WADSWORTH. I have no doubt it is excellent; but, Mr. Speaker, I object.

Mrs. O'DAY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing a radio speech delivered by me.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SHAFER of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a speech which I delivered recently.

The SPEAKER. Is there objection?

There was no objection.

THE RECORD

Mr. BOYLAN of New York. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. BOYLAN of New York. Mr. Speaker, I take this occasion to say a few words to the House in connection with the objections raised here to printing certain matter in the RECORD. Sometime, several years ago, I made a campaign about this matter and considerable debate was had and a more liberal spirit existed in regard to inserting matters in the

RECORD. Lately, during this session, there appears to be a reversal of opinion relative to this practice. I have always felt, and I feel now, that the House has taken the part of the subservient member of the legislative body of this great country. We are apparently suffering from an inferiority complex; we are worrying about the cost of printing matters in the RECORD; and yet, what do we find? We permit ourselves to labor under a delusion, because if a matter is offered here and objection is made by some one of the great watchdogs of the Treasury, immediately the Member whose request is refused hies himself to another part of the Capitol and presents the matter to another Member of Congress; and, lo and behold, what was refused here is permitted over there, and the next day we see it in the RECORD. I cannot understand why the House takes this attitude. I would heartily agree if the same methods were pursued at the other end of the Capitol; but if we are going to be the small boys of the Congress, resting under the lash of the big brothers on the other end, naturally that is a matter for us to consider.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. BOYLAN of New York. Yes.

Mr. RICH. I may say for the information of my colleague that at the last meeting of the Joint Committee on Printing the Senators made the statement to the Members of the House that they were going to try, if possible, to keep the RECORD a record of the proceedings of the House and Senate, and they were going to do all within their power to eliminate from the RECORD all the articles published by individuals outside, so that one would know that it is a record of the actual proceedings of the House and Senate which it is supposed to be. And I feel sure they will try their best to do so.

Mr. BOYLAN of New York. Oh, that is the old story. I have heard that for years, yet they go on merrily printing editorials and magazine articles and every conceivable kind of manuscript, and yet here when we request that an address which has been delivered by some official of the Government be inserted in the RECORD we are denied that right. When are we going to wake up?

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. BOYLAN of New York. Yes.

Mr. RICH. Was the gentleman ever denied the privilege of putting anything in the RECORD that he would like to, so far as his being a Member of the House of Representatives is concerned?

Mr. BOYLAN of New York. Yes.

Mr. RICH. Then the man who denied the gentleman that privilege ought to be shot. [Laughter.]

Mr. BOYLAN of New York. I agree with the gentleman.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. BOYLAN of New York. Yes.

Mr. O'CONNOR of New York. The gentleman from Pennsylvania [Mr. RICH], a distinguished member of the Joint Committee on Printing, could work this out readily, if he would, by getting the Senators on that committee to object in the Senate to the insertion in the RECORD of any matter which has been refused insertion in the House.

Mr. RICH. I will say to the gentleman from New York we tried to get them to do that, and I think we are going to get some real action on that point from the Senators, and I am in hopes that they will ask every Member of Congress if he tried to have it inserted in the RECORD in the House; and if he gives the Senator an affirmative reply, then the Senator should have the courage to say "no"; I will not have it inserted in the Senate if you have been refused permission in the House of Representatives.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. BOYLAN of New York. Mr. Speaker, I ask unanimous consent to proceed for 2 or 3 minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to proceed for 2 or 3 minutes. Is there objection?

There was no objection.

Mr. BOYLAN of New York. The gentleman has hopes that something will be accomplished, but I have no hope, because I have been watching this thing now for about 15 years. We hear the same old story. Always somebody springs up here and says, "Oh, we have to keep down the cost of printing", yet the other body keeps right on piling it up. When are we going to get away from this inferiority complex? Are we not of equal importance with another branch of the Congress, or are we willing to be considered the small boy, the subservient member of the family, always yielding to the elder one, letting him do as he wishes, while we do as we are told? Let us have it either one way or the other; let all the matter go in here that is requested, the same as in the Senate, or cut it all out. I would be in favor of limiting matter in the RECORD, if it is the will of the House or the Senate, to matters actually spoken of and discussed on the floor; but if we are going to inject extraneous matter, let us do it as well as the other body.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. BOYLAN of New York. Yes.

Mr. RICH. Would two wrongs make a right?

Mr. BOYLAN of New York. Oh, the gentleman gets up here and shouts, "Where are you going to get the money?"

Mr. RICH. And the gentleman has never found anyone on his side of the House who can answer it, nor on this side as well.

Mr. KELLER. I did.

Mr. BOYLAN of New York. I never heard the gentleman answer his own question.

Mr. RICH. I am unable to answer it; the question is a great one.

The SPEAKER. The gentleman from New York has consumed 2½ minutes.

Mr. BOYLAN of New York. Mr. Speaker, I ask unanimous consent to proceed for 30 seconds.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WHITE of Idaho. Mr. Speaker, will the gentleman yield?

Mr. BOYLAN of New York. I yield.

Mr. WHITE of Idaho. Has the gentleman in mind the amount of money that printing and binding costs the Government?

Mr. BOYLAN of New York. I do not think the Appropriations Committee has ever objected to the cost of printing the RECORD.

Mr. WHITE of Idaho. I find that the departments are spending millions, but we deny ourselves the right to get a reflection of public sentiment in this country as evidenced in editorials and other such expressions. I think it will be found valuable 50 years from now to know what influenced the Congress in the formation of Government policy. I think it is appropriate and very valuable that such matters should go into the RECORD.

Mr. BOYLAN of New York. There is no question about it; I agree with the gentleman entirely. [Applause.]

[Here the gavel fell.]

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, I call the attention of the distinguished gentleman from New York [Mr. BOYLAN] to Government expenses; now I refer to the statement of the condition of the United States Treasury issued by Mr. Morgenthau on February 19, which I hold in my hand, showing the national deficit to be $34,550,781,583.15. The statement also shows that on that date the receipts were less than the expenditures by $15,449,540; that is about the average daily loss. Total expenditures this year over receipts has been $2,002,576,248.72.

I wish the gentleman from New York, or somebody on his side of the House, would tell us where we are going to get

the money. It is high time Congress does economize. [Applause.]

[Here the gavel fell.]

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday. The Clerk will call the first committee.

Mr. CHANDLER (when the Committee on the Judiciary was called). Mr. Speaker, by direction of the Committee on the Judiciary, I call up the bill (H. R. 137) to amend section 64 of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto.

The Clerk read as follows:

Be it enacted, etc., That subdivision 5 of paragraph (b) of section 64 of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto, be, and is hereby, amended to read as follows:

"(5) wages due to workmen, clerks, traveling or city salesmen on salary or commission basis, whole or part time, or servants, which have earned within 3 months before the date of the commencement of proceedings, not to exceed $600 to each claimant.

Mr. CHANDLER. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. This bill is on the House Calendar. The gentleman's request is not necessary. The gentleman is recognized.

Mr. CHANDLER. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. COCHRAN].

Mr. COCHRAN. Mr. Speaker, I introduced this bill in the previous Congress. It passed the House by unanimous consent.

Mr. Speaker, this is merely a clarifying amendment. Some referees in bankruptcy permit a traveling salesman to make claims as wages for commissions that are owed him; other referees in bankruptcy do not. It is to give the traveling salesman the same right as that enjoyed by every other employee of a corporation or partnership that goes into bankruptcy that this amendment is offered. That is all the bill does. I am sure all agree the salesman working on a commission should be recognized the same as any other employee in bankruptcy proceedings.

Mr. Speaker, I yield back the balance of my time.

Mr. CHANDLER. Mr. Speaker, I yield back the balance of my time.

Mr. MICHENER. Mr. Speaker, I would like to be heard on the bill.

The SPEAKER. The gentleman from Michigan is recognized.

Mr. MICHENER. Mr. Speaker, I think everybody who understands this bill is for it. I do not think there should be any opposition to it. The bill merely takes care of the commission man—the wage earner working on a commission—as it takes care of the man working on a salary.

The necessity for this bill was brought about during the depression when practically all traveling salesmen were laid off. Their employers could not hire them longer on a salary basis, but said to them they could continue to sell on a commission basis. Such a man went out on his own resources; he had no guaranty. It might happen that, while he was working, his employer went into bankruptcy. This man then found himself in a position different than he would be in had he been working on a salary. The pending bill gives him the status of a salaried employee—a wage earner. I hope everybody will support the bill.

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield?

Mr. MICHENER. I yield.

Mr. CRAWFORD. Why is the amount limited to $600?

Mr. MICHENER. To bring the commission man under this bill he has to be treated as the ordinary wage earner. If the gentleman is familiar with the bankruptcy law he will appreciate the situation. It is reasonable protection.

Mr. CRAWFORD. In many lines of industry a man working on commission may in a day sell goods to keep his customers going from 3 to 6 months. In that one day his earnings may be $1,500 or $2,000, but he may not earn any more for 6 months.

Mr. MICHENER. The purpose of this section of the bankruptcy law is the protection of wage earners in a reasonable wage. It must be remembered that under the original bankruptcy law a wage earner was declared to be a person who earned not more than $1,200 a year. This is a very fair provision.

[Here the gavel fell.]

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CHANDLER, a motion to reconsider the vote by which the bill was passed was laid on the table.

ESTABLISHMENT OF A TERM OF UNITED STATES DISTRICT COURT AT ORLANDO, FLA.

Mr. WALTER. Mr. Speaker, by direction of the Committee on the Judiciary, I call up the bill (H. R. 2905) to amend an act entitled "An act providing for the establishment of a term of the District Court of the United States for the Southern District of Florida at Orlando, Fla.", approved June 15, 1933, and ask unanimous consent that this bill may be considered in the House as in the Committee of the Whole.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act providing for the establishment of a term of the District Court of the United States for the Southern District of Florida at Orlando, Fla.", approved June 15, 1933, be, and the same is hereby, amended by adding at the end thereof the following proviso, to wit: "*Provided further*, That nothing in this act shall be construed to prevent the construction of quarters for the officers of said court and appropriate courtrooms for the holding of the sessions of said court in any new Federal building which may be constructed in Orlando, Fla."

With the following committee amendment:

On page 2, line 1, strike out "construction" and insert in lieu thereof "provision."

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALTER. Mr. Speaker, I yield 5 minutes to the gentleman from Florida [Mr. WILCOX].

Mr. WILCOX. Mr. Speaker, the bill now before the House is not a bill I introduced, but in view of the fact I was the author of the original bill establishing the United States court at Orlando, my colleague the gentleman from Florida [Mr. HENDRICKS] asked me to make a brief explanation of the purposes of this bill.

The act establishing a term of court at Orlando provided that the city of Orlando should supply to the United States Government, without cost, the quarters within which to hold court. Since that time the Federal Government has determined upon the possibility of constructing a new Federal building in that city.

The present bill simply provides that in event the Federal Government does build a new Federal building in the city of Orlando nothing in the act establishing this term of court down there shall be construed as preventing the Government from making provision for a courtroom in its new building. In other words, unless and until the Government decides to build and does actually construct a new Federal building, the old arrangement will continue. The city of Orlando will continue to furnish a courtroom and quarters for the officials of the court.

Mr. Speaker, this bill does not request the expenditure of any additional sum of money, nor does it require the Government to go to additional expense; but in event the Government does build a new building it will include quarters for a court in such new building as may be constructed.

Unless there is objection to the passage of this bill or there are questions that may be pertinent, I believe that is about the only explanation that I care to offer at this time. If there are any questions as to the propriety of the bill, I shall be glad to answer any question which any Member may wish to ask.

Mr. MICHENER. Will the gentleman yield?

Mr. WILCOX. I yield to the gentleman from Michigan.

Mr. MICHENER. The gentleman used very adroit language when he said the "possibility of the construction" of a building had been determined upon. I think that is true to an extent. The possibility of construction has been determined upon, but the actual construction has not been determined upon. For my part, I want it distinctly understood—and I think this is the feeling of the committee—when we passed the bill in the last Congress it was understood there would be no expense attaching to the United States Government, and that court would be held in quarters provided by the city of Orlando. The gentleman from Florida [Mr. WILCOX] has just stated that this measure would not involve the expenditure of an additional penny.

Here is what this will do: If a post-office building is constructed, additional quarters will be required for the holding of court, and this will include not only a courtroom but a complete set-up in the way of floor space for a marshal's office, a clerk's office, and so forth, and that will cost additional money. If court is held, quarters must be provided. The next thing that will follow will be the appointment of a United States marshal at Orlando, and following that a clerk will be appointed for Orlando. This bill should not be passed with the understanding it is not going to involve additional cost, because it is. First the building will cost more, if they are to construct a building there. I want the Procurement Division to take notice of what is stated here today when they are determining upon the possibility of constructing a building down there, and understand that it is not necessary to build this building because of court necessities.

Mr. WILCOX. May I say to the gentleman, in order that he may understand the exact situation which exists, the city of Orlando is located in almost the exact geographic center of the State of Florida. It is a very rapidly developing city and in a rapidly developing section.

The Procurement Division and the Post Office Department have found that the present quarters in the post-office building are inadequate even for the post office itself.

[Here the gavel fell.]

Mr. WALTER. Mr. Speaker, I yield the gentleman 5 additional minutes.

Mr. WILCOX. Mr. Speaker, in addition to the necessity for enlarged post-office quarters, there are located in the city of Orlando the branches of various Government activities, such, for example, as the collector of internal revenue, the Agricultural Department, and various other agencies of the Government. Those offices are scattered throughout the city in privately owned office buildings, and the rentals paid involve considerable expense to the Government. The Procurement Division, while it has not definitely determined it will build a new building down there, has reached a point in its consideration where it is now preparing plans for a building. In those plans they are providing not only for quarters for the Post Office Department but also providing offices for the Treasury Department, for the collector of internal revenue, the Department of Agriculture, and the various other Government activities. The Procurement Division has suggested in view of the fact they will probably construct a new building in that city in the near future that the Federal Government should house all of its activities in its own building.

Mr. Speaker, the city of Orlando has no desire to welch on this proposition of furnishing quarters. Until a new Federal building is built the city of Orlando is perfectly willing to continue its bargain, even though it may run a hundred years, of supplying quarters for the United States court and the officials thereof. It seems only reasonable, in view of the fact the Government is going to build a building to house the Post Office, the Treasury Department, the Agricultural Department, and other Government activities, that it should include quarters and a courtroom for the United States court. Of course, a building that is big enough to have a courtroom will cost a little more than a building that is not big enough for a courtroom, but may I call attention to the fact this will have to be a two-story building, anyway, because a one-story building would not be sufficient, and the additional cost of constructing a courtroom in this Federal building, if and when constructed, will not be sufficient to cause us a great deal of anxiety about additional cost.

Mr. MICHENER. How long does the court sit in Orlando each year?

Mr. WILCOX. I believe the court sits there 6 weeks out of the year.

Mr. HENDRICKS. Mr. Speaker, will the gentleman yield?

Mr. WILCOX. Yes; I yield to my colleague from Florida, who is thoroughly familiar with the facts.

Mr. HENDRICKS. I would like to correct the statement of my colleague the gentleman from Florida. The court sits in Orlando 3 months out of the year.

Mr. MICHENER. I may say to the gentleman from Florida [Mr. WILCOX] that he usually convinces us because he is sincere. I am sure the gentleman will do just what he says he will do, and I am sure Orlando will do what it has stated it will do, if it is in the gentleman's district, and I make no further objection.

Mr. WILCOX. Mr. Speaker, Orlando is not now in my district, but it was at the time of the passage of the original act. It was because of my statement to the House when you passed the original act for me to the effect that the city of Orlando would furnish quarters without cost that I am now taking up the time of the House to make this explanation.

The author of this bill is my colleague the gentleman from Florida [Mr. HENDRICKS], who now represents the territory in which the city of Orlando is located, and he asked me to make this explanation because of my familiarity with the original act.

Mr. GREEN. If my colleague will yield, is it not a further fact that this court at Orlando serves an unusually large territory and a great number of people?

Mr. WILCOX. It is my understanding, from what my colleague the gentleman from Florida [Mr. HENDRICKS] has told me, that approximately 35 percent of the business of that division of the southern district of Florida is transacted in this court at Orlando.

The SPEAKER pro tempore (Mr. DRIVER). The question is on the committee amendment.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. Is there any further business from the Committee on the Judiciary?

Mr. WALTER. No, Mr. Speaker.

Mr. MICHENER. Mr. Speaker, this is the Judiciary Committee's day, and the committee instructed its chairman to call up the bill (H. R. 2260) providing for appeals when constitutional questions are raised, which is a part of the President's proposal.

This bill was introduced in the Congress January 8, before the President made any suggestions. It was given thorough consideration by the Committee on the Judiciary and was to be considered on our last Calendar Wednesday day, when suddenly the House was adjourned in the middle of the afternoon. This is our next day, and it is possibly the last day we will get this session. I hope the gentleman from Pennsylvania [Mr. WALTER] will call up this bill that the President wants considered. It has the approval of the committee and would have passed the House on last Calendar Wednesday if the majority leader had not adjourned the House.

Mr. WALTER. Regular order, Mr. Speaker.

The SPEAKER pro tempore. The regular order is demanded. The Clerk will call the roll of committees.

Mr. MICHENER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MICHENER. Mr. Speaker, where a bill has been reported favorably by a committee, and the chairman of the committee is authorized to call the bill up on Calendar Wednesday, when the chairman absents himself from the floor, and when other members of the committee are present, is it proper for one of the other members to call up the bill?

The SPEAKER pro tempore. The Chair will state to the gentleman that under the rules only the chairman or the

member designated by the committee is authorized to call up a bill.

Mr. MICHENER. I thank the Chair.

The SPEAKER pro tempore. The Clerk will call the roll of committees.

COLLATERAL SECURITY FOR FEDERAL RESERVE NOTES

Mr. STEAGALL (when the Committee on Banking and Currency was called). Mr. Speaker, by direction of the Committee on Banking and Currency, I call up the bill (S. 417) to extend the period during which direct obligations of the United States may be used as collateral security for Federal Reserve notes.

The Clerk read the title of the bill.

Mr. STEAGALL. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the second paragraph of section 16 of the Federal Reserve Act, as amended, is amended to read as follows:

"Any Federal Reserve bank may make application to the local Federal Reserve agent for such amount of the Federal Reserve notes hereinbefore provided for as it may require. Such application shall be accompanied with a tender to the local Federal Reserve agent of collateral in amount equal to the sum of the Federal Reserve notes thus applied for and issued pursuant to such application. The collateral security thus offered shall be notes, drafts, bills of exchange, or acceptances acquired under the provisions of section 13 of this act, or bills of exchange endorsed by a member bank of any Federal Reserve district and purchased under the provisions of section 14 of this act, or bankers' acceptances purchased under the provisions of said section 14, or gold certificates: *Provided, however*, That until June 30, 1939, the Board of Governors of the Federal Reserve System may, should it deem it in the public interest, upon the affirmative vote of not less than a majority of its members, authorize the Federal Reserve banks to offer, and the Federal Reserve agents to accept, as such collateral security, direct obligations of the United States. At the close of business on such date, or sooner should the Board of Governors of the Federal Reserve System so decide, such authorization shall terminate and such obligations of the United States be retired as security for Federal Reserve notes. In no event shall such collateral security be less than the amount of Federal Reserve notes applied for. The Federal Reserve agent shall each day notify the Board of Governors of the Federal Reserve System of all issues and withdrawals of Federal Reserve notes to and by the Federal Reserve bank to which he is accredited. The said Board of Governors of the Federal Reserve System may at any time call upon a Federal Reserve bank for additional security to protect the Federal Reserve notes issued to it."

Mr. WOLCOTT rose.

The SPEAKER pro tempore. For what purpose does the gentleman from Michigan rise?

Mr. WOLCOTT. I thought possibly, for the benefit of the House, the gentleman from Alabama [Mr. STEAGALL] would wish to take 5 minutes to explain what the bill is, and that I might take 5 minutes later on in further explanation.

Mr. STEAGALL. Mr. Speaker, on February 27, 1932, the Congress passed an act authorizing the Federal Reserve Board, as it was called at that time, now the Board of Governors of the Federal Reserve System, to permit the use of Government obligations as collateral security for Federal Reserve notes. At that time there were outstanding $4,497,000,000, in round figures, of Federal Reserve notes, secured by $2,400,000,000 of gold certificates and only $900,000,000 of eligible paper. Our supply of gold at that time—our complete stock of gold—amounted, in round figures, to about $4,000,000,000. Paper covering commercial and agricultural transactions, that made up the eligible securities used by the Federal Reserve banks as collateral for Federal Reserve notes, had dwindled to the amount of $900,000,000, so that we were maintaining as cover for Federal Reserve notes somewhere above 80 percent in gold, whereas the requirements of the law necessitate the use of only 40 percent of gold as a basis for Federal Reserve notes. There were many reasons for the action that was taken that would require considerable time to explain. Everybody understands that the depression was on, that currency was being hoarded, that banks were failing, and many of them that had not closed were in embarrassment. The act was in the nature of a relief measure. Our gold position was imperiled, the country at that time being on the gold standard, and there being large foreign balances, and gold, of course, being liable at any time to be withdrawn to a point that would be embarrassing to the Government. In 1933, on the 3d day of March, we passed an act extending the original 1932 act for the period of 1 year, and on March 6, 1934, we passed another extension act for the period of 1 year, with authority conferred on the President to extend for an additional year, and an order was granted by the President providing such extension, so that this authority will expire on the 3d day of March 1937.

At the moment there may not be any overpowering necessity for the continuance of this law, but certain it is that eligible paper in the Federal Reserve banks has dwindled to a vanishing point at this time, such paper in the Federal Reserve banks at this time amounting to what is comparatively speaking the infinitesimal sum of $4,000,000. So that as a precautionary measure that seems clearly justified by the experience of the years in which we found ourselves in so much difficulty, and in order to safeguard possible unfortunate developments in the future it is desired that this authority be continued as provided in the measure before us for an additional 2 years. In conclusion, I wish to say that the bill was reported favorably by unanimous vote of the Committee on Banking and Currency, and simply continues existing law upon which the Congress has voted directly three times in the past.

The SPEAKER pro tempore. The time of the gentleman from Alabama has expired.

Mr. WOLCOTT. Mr. Speaker, I move to strike out the last two words. The Republicans on the Banking and Currency Committee did not see fit to contest this bill in the committee for the reason that there is an academic question involved which we thought we might have some time to discuss on the floor, realizing also the futility of trying to defeat a measure merely upon the premise that it is inconsistent with an announced policy on the part of the administration. This bill is, as the chairman has said, and as the Chairman of the Board of Governors of the Federal Reserve Board has said, inflationary in character in that it is for the purpose of offsetting an outflow of gold from the United States, or in any other manner to bolster up the commodity price index by cheapening the purchase power of currency by increasing the volume of Federal Reserve notes. I point that out to show that at the present there is a studied endeavor on the part of the Federal Reserve Board to prevent inflation or an unwarranted, unnatural rise in the commodity price index by raising reserve requirements, thereby stopping the flow of credit which naturally flows from banks to industry and agriculture and business, and it is anticipated that in the near future there will be a rise in the rediscount rates as well as reserve requirements for the same purpose. On the one hand the policy of the Federal Reserve Board is deflationary in that we are blocking up this flow of credit from the banks to industry, agriculture, and business, and on the other hand we are asked to pass this bill which will allow them to expand the currency.

The need for this arises only from the fact that at some time in the future there may be trade balances in favor of foreign countries which will accept gold in settlement of the exchange balances. That is about the only possibility there is that there will be any appreciable depletion of the ten-odd billions of gold which we have stored down in Kentucky. The only possibility, of course, of there being unfavorable trade balances with foreign countries will be due largely to the fact that foreign countries are given encouragement to sell more goods in the United States than we can sell in the foreign countries. This, in turn, brings us around to another academic question concerning the advisability of continuing the policy of the administration concerning reciprocal trade agreements, which I will not discuss. I just want to point out that we should know where we are going with respect to these money matters before we establish a policy.

When once we establish a policy the administration will have no trouble whatsoever in getting the Members on the Republican side of the House to go along with that policy so long as it is sound. One of the reasons why the Republican

side of the House has not been privileged to go along with this administration on these monetary policies is that they are so inconsistent that we do not know which policy they are going to accept at any particular time.

For these reasons we use this bill merely as a sounding board to advise you, who do not know what your monetary policies are, that there is such a gross inconsistency in them that even the members of the majority party have not been able to determine what they are. For this reason we may be excused this once for not contributing to these inconsistencies which are creating so much uncertainty in business and industry throughout the Nation today. [Applause.]

[Here the gavel fell.]

Mr. PATMAN. Mr. Speaker, I rise in opposition to the pro-forma amendment.

Mr. Speaker, I ask unanimous consent to proceed for 10 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 15 minutes.

GOVERNMENT BONDS AS ELIGIBLE PAPER FOR ISSUANCE CURRENCY

Mr. PATMAN. Mr. Speaker, although I am not in sympathy with the purposes of this bill, I am not opposing it. In the past I have opposed this proposal. Since that time, however, a situation has developed which I believe justifies my vote for the bill. It provides that it shall be effective for only 2 years. If a vote against it would cause a change in the banking system that I believe has caused the only argument in its favor, I would vote that way.

Mr. Speaker, under certain facts and circumstances with which I am acquainted, I am not going to make a speech in opposition to the bill and will vote for it. If this bill provided for a permanent extension, as proposed by a few in authority, I would oppose it in every honorable way that I could oppose it.

RIDICULOUS SITUATION

It seems ridiculous to me that the Government should issue a bond drawing 3 percent interest, sell that bond to a bank, then permit the bank to deposit the bond with the Federal Reserve bank and get its face value in new money by paying the rediscount rate of 1½ or 2 percent and continue to get 3 percent on the bond. Then the Federal Reserve bank by paying the cost of the printing, about 27 cents for every $1,000, may get Federal Reserve notes—new money—on this bond without paying the Government a penny for the use of its credit, which guarantees the money, and will collect from the member bank the rediscount rate of 1½ or 2 percent. Possibly this makes sense to some people, but it does not make sense to me. I am just a new member of the Banking and Currency Committee. Undoubtedly I will learn a lot I do not know, but I am afraid no one will ever be able to explain to me that the Government should pay banks for the use of its own credit.

I am going to take advantage of this opportunity to invite your attention to some very serious inconsistencies in regard to our banking system; that is, what I considered to be inconsistencies.

ORIGINAL INTENTIONS OF FEDERAL RESERVE LAW

In the first place, when the Federal Reserve banks were organized back in 1914—I believe the bill providing for their formation was passed 2 days before Christmas in 1913—it was contemplated that people engaged in agriculture, industry, and commerce would make application to their local banks for credit, give their notes for this credit, the notes to be accepted by the bank, and then that the bank, being a member of a Federal Reserve bank, would be permitted to deposit these notes with the Federal Reserve bank and receive currency or Federal Reserve notes in return for the individual notes given by the customers; and then when the customers paid back their money or Federal Reserve notes it would be returned to the Federal Reserve bank. The customer's notes would be returned to the member banks, the money canceled and the notes canceled. It was a beautiful theory. The law has been substantially changed from its original purposes. This bill carries a substantial change, but only temporary, we hope.

Mr. FOCHT. Mr. Speaker, will the gentleman yield at that point?

Mr. PATMAN. No; I cannot yield.

Mr. FOCHT. But right there the gentleman is dead wrong.

Mr. PATMAN. If the gentleman says I am wrong, I will certainly yield.

Mr. FOCHT. I am certain the gentleman is wrong, because when the bank presents the individual notes to the Federal Reserve bank it must also give collateral, must it not?

Mr. PATMAN. To take an illustrative case, the bank puts up this note of the gentleman's——

Mr. FOCHT. And collateral.

Mr. PATMAN. Well, the note itself is collateral.

Mr. FOCHT. But the bank must put up additional collateral; must put up bonds.

Mr. PATMAN. The bank puts it up with the Federal Reserve.

Mr. FOCHT. And it also puts up bonds along with the notes.

Mr. PATMAN. Then the Federal Reserve bank, not the gentleman's local bank, takes the gentleman's note—we will say it is for $1,000—and deposits it with the Federal Reserve bank's agent, together with 40 percent gold which the bank has, and in that way the gentleman's bank will obtain from the Federal Reserve bank of his district $1,000 in currency or Federal Reserve notes.

Mr. FOCHT. The gentleman forgot about that 40 percent gold, did he not?

Mr. PATMAN. The gentleman did not give me a chance to finish. Had he permitted, I would have spoken of it. The gentleman seemed to have the mistaken idea that his bank would put up 40 percent gold with his note to the Federal Reserve bank. I am sorry the gentleman interrupted me, but he said I was wrong. He found out, however, that I was not wrong.

Mr. FOCHT. I beg the gentleman's pardon.

BANKS HAVE BECOME COMMERCIAL BOOKKEEPERS AND SPECULATORS IN GOVERNMENT BONDS

Mr. PATMAN. In that way money is acquired from the Federal Reserve banks. That was a beautiful theory, it was very elastic, but in recent years the banks have been getting into a different kind of business. This law that was so good in the beginning had had many so-called perfecting amendments. The banks have been getting into the business of speculating in Government bonds, and in order to make more money for themselves they have been making service charges to their customers. Many of them have become commercial bookkeepers and bond speculators. They have been getting out of the banking business. I am now referring to local banks and not to the 12 Federal Reserve banks.

WILL THIS BILL ENCOURAGE BANKS TO STAY OUT OF REAL BANKING FUNCTIONS

The principal objection I have to the pending bill is that it looks to me like an encouragement to the banks to stay in this business rather than to get back into the business for which they were originally formed. According to this bill a bank may put up Government bonds instead of eligible paper such as was originally intended; instead of putting up the paper of agriculturists, the industrialists, or the merchants they just put up Government bonds and get money. This was all right during an emergency and we are not entirely free from an emergency even now.

Let us see what the effect of it is. Today the 14,000 banks of this Nation have approximately eighteen billions in Government securities.

ONE HUNDRED AND NINE BANKS REPRESENT 50 PERCENT CAPITAL OF ALL BANKS

There are 109 banks in this country that own 67 percent of all the bonds that all the banks hold. They have 50.1 percent of the capital stock of all 14,120 banks and 56.2 percent of the assets. It occurs to me that this policy has led to a situation where the banks cannot afford to get back into the banking business.

CAN BANKS AFFORD TO MAKE LOANS?

I wonder if they want to get back to furnishing industrial loans or loans for commerce and agriculture and make

money easy and create new loans with interest rates increasing, as they will. If the banks were to do that and the interest rates were to increase, which they would, what effect would that have upon their principal asset, the $18,000,000,000 in Government bonds? These bonds bear an average interest rate of 2.2. This increase in interest rates caused by easier money would cause those bonds to decrease in value.

EFFECT OF BOND DECREASE

Let us see what effect that would have upon the 14,120 banks. Although the banks hold $18,000,000,000 which are invested in Government securities, including $2,430,000,000 held by the 12 Federal Reserve banks, all the capital stock, surplus, and undivided profits of all the banks in this Nation only aggregate $7,000,000,000. Therefore the bonds would not have to depreciate a great deal in value until it would wipe out a substantial part of that $7,000,000,000. It seems to me instead of passing legislation of this kind we should pass a bill that would be more substantial and one which would get to the root of the problem. Obviously we cannot do that now so we will submit to the passage of this one. I am afraid this is in the direction of creating an incentive in the minds of the bankers to stay in this bond-speculating business and not get back into the banking business.

WHAT WILL BE OUTCOME?

I confess I do not know what is going to be the outcome. I hope the people in charge have a goal toward which they are steering a straight course, and one that will solve the situation, but it does look very unusual to me that the House and Senate would permit a situation to develop in which the banks could not afford to get out and engage in the banking business for fear it would destroy or depreciate the value of their principal asset, that is, $18,000,000,000 in Government bonds. If the Social Security reserve fund was large enough to buy the $18,000,000,000 in bonds held by these banks, the problem would be solved. Then interest would be paid by the Government on the bonds but it would go to our aged people and not to these banks. The bonds would be tax exempt as they are now but no one would object because the Government and the aged would be getting the benefit of such exemption. The banks would have the money now invested in bonds to extend loans to agriculture, commerce, and industry without fearing the depreciation of the value of Government bonds as they are now. This could not be done quickly but could be done gradually. If the Government owned the Federal Reserve banks, they could buy these Government bonds from the 14,120 banks and give them credit for them. Then the Government would not be compelled to pay interest on its own obligations. This could be done gradually, not quickly, without upsetting our banking system.

The Republican leadership has already commenced a campaign to change the Social Security reserve fund. They want the Government to pay interest to the banks instead of paying it to the fund for the aged.

The 109 large banks and the large insurance companies are going to put up a stiff fight to change that reserve-fund requirement in the Social Security law.

Mr. BIERMANN. Will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Iowa.

Mr. BIERMANN. Can the gentleman tell us how much of these Government securities have been put up by the Federal Reserve banks as security for note issues?

Mr. PATMAN. Only a very small, insignificant amount. I am glad the gentleman mentioned that.

ENORMOUS BUSINESS OF 12 FEDERAL RESERVE BANKS

There are 12 Federal Reserve banks, as the gentleman knows. Originally it was intended that all member banks should invest 6 percent of their capital and surplus in capital stock in the Federal Reserve banks; but they have never invested 6 percent. They have only paid in 3 percent; that is all they have been requested to pay, which aggregates only about $140,000,000. This is stated for information and not in criticism.

With that $140,000,000 these 12 Federal Reserve banks are doing a business totaling sometimes two or three hundred billion dollars a year. Obviously it is not the small amount that the banks paid in which permitted these 12 Federal Reserve banks to operate on such a large scale. It is the Government credit that permits them to operate on such a large scale.

Here is the way it works. If the 12 Federal Reserve banks buy bonds, they buy the bonds with the Government's own credit. That is what they buy them with. They hold $2,430,000,000 worth of them already, and instead of canceling the bonds, as should be done when bonds are purchased with the Government's credit, these bonds are held in the vaults of these 12 banks, and the Government continues to pay interest on them as though they had not been bought with the Government's own credit. I have introduced a bill providing that the Government shall take over and operate these 12 Federal Reserve banks since they are operated principally on the Government credit and pay the member banks the $140,000,000 stock investment they have in them.

THREE BIG CONCESSIONS MADE BY HOUSE TO GET FEDERAL DEPOSIT INSURANCE

When this law was passed in 1913, there was contained in it section 16 relating to eligible paper and the issuance of Federal Reserve notes. I hope you gentlemen will get a copy of the hearings held before the committee on February 16 and 18, 1937. I think you will find some interesting information in these hearings. Governor Eccles, of the Board of Governors of the Federal Reserve Board, testified. He was questioned for several hours and I know the Members will get some interesting information from these printed hearings which are available.

When these 12 Federal Reserve banks were organized it was contemplated that after the expenses were paid and a 6-percent dividend paid to the member banks for the amount that was put up as capital stock, the remainder would go into the Treasury of the United States. This surplus or excess earnings went to pay for the franchise, so-called. In other words, it would pay the Government something for the use of its own credit.

May I commend the chairman of the committee for his efforts in the direction of getting a Federal deposit-insurance law passed in 1933. That bill was first sponsored in the House, and it was passed by this House. In order for him to get the bill enacted into law, when it went over to the other body and a different bill passed which forced a conference, he had to make three big concessions. One provided that hereafter the local or individual banks shall not be required to pay interest on demand deposits. Not a penny interest was to be paid on demand deposits; made it a violation of the law to contract for such interest payment. Another was that the Board could regulate the interest paid by local banks on time deposits. The third was that the excess earnings of the 12 Federal Reserve banks would not go into the Treasury as intended, but would go into the surplus of the Federal Reserve banks themselves. Those three great concessions were made.

POSSIBLY OVER HALF A BILLION DOLLARS SAVED ANNUALLY

Let me tell you what they amount to. On demand deposits, Governor Eccles' testimony, together with tables I have inserted, will disclose that the 7,000 member banks of the Federal Reserve System, one-half of all banks, have possibly been saving about $300,000,000 a year since 1933 on that one concession; that is, on demand deposits. They have possibly been saving $200,000,000 a year on the concession involving time deposits, because the interest rate has been reduced and the excess-earnings law involving the 12 Federal Reserve banks changed so that all profits when made will go into the surplus fund of each bank instead of into the Treasury as part payment for the use of this valuable franchise. I insert herewith a statement prepared for me by the Federal Reserve Board relating to interest payments before the 1933 law and since. I realize that possibly the amounts would have been reduced anyway. However, it should be realized that these savings, or possible savings, were for 7,000 member banks only, or about one-half the number of banks in the Nation, although they represent the largest banks in the Nation.

Interest paid and interest received by member banks, Jan. 1, 1927–June 30, 1936

[Amounts in thousands of dollars]

	1927	1928	1929	1930	1931	1932	1933			1934	1935	First half of 1936
							Total for year	First half	Second half			
Interest paid by member banks on—												
Deposits of other member and nonmember banks [1]	81,642	75,352	68,131	72,847	52,935	34,599	13,424	11,747	1,677	3,498	2,695	1,101
Other demand deposits	225,685	234,926	246,493	225,280	140,691	97,862	42,802	34,437	8,365	12,494	9,298	3,706
Other time deposits	405,711	439,384	444,636	450,865	387,284	301,863	231,765	115,947	115,818	227,371	196,490	88,210
Average amounts of member bank deposits: [2]												
Deposits of other member and nonmember banks [1]	4,119,000	4,185,000	3,947,000	4,473,000	4,399,000	3,484,000	3,284,000	3,293,000	3,284,000	4,252,000	5,604,000	6,534,000
Other demand deposits [3]	17,862,000	18,103,000	18,641,000	17,923,000	16,609,000	14,161,000	14,005,000	13,723,000	14,005,000	16,425,000	19,342,000	21,466,000
Other time deposits	12,138,000	13,146,000	13,158,000	13,302,000	12,716,000	10,694,000	8,983,000	8,890,000	8,983,000	9,497,000	10,036,000	10,394,000
Average rate [4] of interest paid by member banks on—												
Deposits of other member and nonmember banks [1] ..percent	2.0	1.8	1.7	1.6	1.2	1.0	0.4	[5]0.7	[5]0.1	0.1	0.048	0.034
Other demand deposits [3] ..do	1.3	1.3	1.3	1.3	.8	.7	.3	[5].5	[5].1	.1	.048	.034
Other time deposits ..do	3.3	3.3	3.4	3.4	3.0	2.8	2.6	[5]2.6	[5]2.6	2.4	2.0	1.7
Interest earned by member banks on—												
Loans	1,254,289	1,374,130	1,562,769	1,349,364	1,072,927	851,007	604,297	307,908	296,389	540,014	498,419	253,059
Investments (including dividends on stock)	458,401	498,420	472,868	472,351	480,296	457,712	426,391	210,770	215,621	473,791	467,217	235,227
Balances deposited with other banks	36,318	33,178	33,264	35,799	28,682	16,759	7,705	6,190	1,515	2,425	1,681	596
Average rate [6] of interest earned by member banks:												
On loans ..percent	5.5	5.7	6.1	5.4	4.9	5.1	4.7	[5]4.8	[5]4.6	4.3	4.2	4.1
On investments ..do	4.7	4.7	4.7	4.6	4.1	3.9	3.5	[5]3.5	[5]3.6	3.3	2.8	2.5

[1] Including both demand and time balances.
[2] Averages of figures reported on call dates.
[3] Exclusive of certified and officers' checks and cash letters of credit and travelers' checks.
[4] These are not averages of the prevailing rates but simply ratios obtained by dividing interest payments by average deposits.
[5] Annual basis.
[6] These are not averages of the prevailing rates, but simply ratios obtained by dividing interest received by average loans and average investments, respectively.

Mr. BIERMANN. Will the gentleman yield?

Mr. PATMAN. I yield to the gentleman for a question.

Mr. BIERMANN. Is it not a fact the law prevents stock in Federal Reserve banks paying more than 6 percent, and is it not a further fact whenever these banks are liquidated every bit of the surplus or undivided profits goes into the Treasury of the United States?

Mr. PATMAN. I am of the opinion, for reasons I shall express at another time, that the law preventing interest being paid on demand deposits substantially helps big banks and substantially harms little banks.

It is not contemplated by anyone that they will be liquidated. I hope the gentleman will not insist on diverting me to what I consider a minor matter compared with a matter of much greater importance at this time, in view of my own limited time.

Mr. BIERMANN. The gentleman's time has not been greatly limited. The gentleman has had three times as much as the usual time allowed, and when the gentleman casts out the idea that by these arrangements which have been made recently——

Mr. PATMAN. No; I made it plain that this was in 1914.

Mr. BIERMANN. Whereas the law has always limited them to 6 percent and up until the act of 1932 half of their profits went to the Treasury of the United States, and in 1933 they gave to the Federal Deposit Insurance Corporation $150,000,000, or thereabouts; is not that correct?

Mr. PATMAN. I have not checked the gentleman's figures, but I know that 6 percent is the amount the banks received, and I know we appropriated approximately the amount stated by the gentleman from the fund stated for the purpose stated. They certainly would not ask for more than 6 percent, and all above 6 percent goes back to the surplus fund of the bank which they own under the new law. So certainly they are getting it all and not just 6 percent. At the proper time an effort will probably be made to distribute these earnings among the member banks. The earnings go to their own bank because the Federal Reserve banks, my dear sir, are not owned by the Government.

Mr. BIERMANN. I am just as well aware of that fact as is the gentleman.

FEDERAL RESERVE BANKS SUPERCORPORATION OWNED BY OTHER CORPORATIONS

Mr. PATMAN. The Federal Reserve banks are owned by 7,000 private banks of the country. The Government does not own one penny of stock in them. It could do so, but it never has. No individual owns a penny of stock in the Federal Reserve banks. All of the 12 Federal Reserve banks are owned by other banks. It is a supercorporation owned by other corporations.

Mr. BIERMANN. That is correct, and the dividend on the stock is limited to 6 percent, and has never gone under 6 percent in the history of the banks.

Mr. PATMAN. If not earned, it is paid out of surplus. I hope the gentleman will not insist on diverting me further.

HOW MONEY ISSUED ON GOVERNMENT BONDS

Under the original law, if a bank, for instance, here in Washington wants $1,000,000, it will deliver, or it used to deliver, $1,000,000 of eligible paper to the Federal Reserve bank in this district, which is at Richmond, Va., and the Richmond Federal Reserve Bank would let the local bank have that $1,000,000. Now, the Federal Reserve bank in Richmond, in order to get the money, would, of course, deposit the collateral with the Federal Reserve agent there, and then get the Bureau of Engraving and Printing to print the Federal Reserve notes or currency in order to let the local bank here have the $1,000,000.

[Here the gavel fell.]

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

Mr. BIERMANN and Mr. BLAND rose.

Mr. BIERMANN. If the gentleman will agree to yield for a few questions before he concludes, I will have no objection.

Mr. PATMAN. I hope the gentleman will not insist upon that. Of course, the gentleman can object.

Mr. BIERMANN. As the gentleman goes along, if he will submit to some questioning when he makes some preposterous statement——

Mr. PATMAN. I do not agree with the gentleman that I have been making preposterous statements. If the gentleman can show me that I am making such statements, I shall be very pleased to yield at any time, but the gentleman cannot do that.

Mr. BIERMANN. As I recall, the gentleman made the statement that the banks buy Government bonds with Government credit. That is a preposterous statement.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas to proceed for 5 additional minutes?

Mr. BLAND. Mr. Speaker, I reserve the right to object. I am not going to object to this request for 5 minutes, but I wish to remind the gentleman and the House that many committees are here awaiting the call of the calendar. I have an emergency matter to bring up today. Tomorrow, I believe, is to be "talk" day, and we had hoped to be able to proceed with other business today.

Mr. PATMAN. I thank the gentleman for his suggestion, and if granted this request will not take up any further time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I hope the gentleman will ask me a question on this particular point.

Mr. CRAWFORD. Yes. In the gentleman's analysis, has he drawn any relationship between the amount the banks have earned through its interest item which you quoted a minute ago of over $300,000,000 and the amount that the demand deposits would have earned on daily balances at the going rate of interest which prevailed under the old set-up?

LAW NOT BEING CARRIED OUT

Mr. PATMAN. I will ask the gentleman to refer to the hearings, where he will find information on that matter.

The point I am making is that under the law as originally contemplated, if the Federal bank at Richmond wanted to let the bank here have that $1,000,000, it would charge this bank a rediscount rate. That is the present law, and I do not object to it. That rate is now 2 percent at all Federal Reserve banks, except New York and Cleveland; it is 1½ percent at these banks. However, when the Federal Reserve banks gets the money issued to itself, it does not pay the Government a penny. That is what I do object to. The law says:

But to the extent such application—

Meaning application for Federal Reserve notes or currency—

may be granted by the Federal Reserve Board, it shall, through its local reserve agent, supply Federal Reserve notes to the bank so applying, and such bank—

Listen to this—

and such bank shall be charged with the amount of such notes—

Meaning Federal Reserve notes or currency—

and shall pay such rate of interest on said amount as may be established by the Federal Reserve Board.

This is very plain. This is still the law. When the Government's credit is used the Federal Reserve bank that is using that credit shall pay, according to law now in effect, a certain rate of interest for its use. This rate of interest to be fixed by the Federal Reserve Board, but the Federal Reserve Board said in 1914 or 1915, substantially, "we will fix a zero rate of interest for the reason that all the surplus earnings of the 12 Federal Reserve banks go into the Treasury of the United States anyway, and there is no reason why we should fix any rate of interest, since the excess goes into the Treasury." This was very reasonable; it sounded good. It was possibly good reasoning and perfectly logical until Mr. STEAGALL's bill went over to the Senate and they forced him to agree, in order to get the guarantee of bank deposits, that all excess earnings would go to the Federal Reserve banks themselves. This changed that law, and therefore, since the excess earnings do not go to the Government, why should not this provision of the law, which is still the law, be carried out? And when these Government bonds are placed on deposit and Federal Reserve notes, currency, issued in return for them, I just wonder why the Federal Reserve Board, or the Board of Governors as now established, does not require them to pay the interest rates that the law says they should pay.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. Yes.

Mr. McCORMACK. Assuming a bank owns $10,000,000 worth of Government bonds at the present time. Under this bill those bonds would be eligible as collateral for the issuance of Federal Reserve notes or currency.

Mr. PATMAN. Yes.

Mr. McCORMACK. And there would be a small service charge made. Is that right?

Mr. PATMAN. The rediscount rate would be paid, in New York 1½ percent and here 2 percent.

Mr. McCORMACK. In other words if $10,000,000 worth of Government bonds were deposited, and approximately $10,000,000 of Federal Reserve notes obtained, would the member bank pay the 2 percent in the various districts?

Mr. PATMAN. It would.

Mr. McCORMACK. For Federal Reserve notes that have been received?

Mr. PATMAN. Yes.

Mr. McCORMACK. They would receive the interest on the bonds?

Mr. PATMAN. That is true, and then the Federal Reserve bank would not have to pay anything for the issuance of notes, save the cost of printing, which is 27 cents a thousand.

Mr. McCORMACK. If the bonds are carrying 2½ percent interest, and this transaction took place in a discount district where the rate of discount is 2 percent, the member bank would be charged the 2 percent by the Federal Reserve bank and would obtain the 2½ percent interest from the Government.

Mr. PATMAN. That is true, but only a small amount is handled in that way.

Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to insert therein a list of the 109 banks representing 50 percent of the capital stock of all of the 14,000 banks, to show the percentage of Government securities held by those banks, compared with the Government securities held by the others, and other information in connection therewith and in explanation of my remarks. The following information concerning the 109 banks representing 50.1 percent of the capital stock of all the 14,120 banks was furnished me by the Federal Deposit Insurance Corporation at my request.

Principal assets and liabilities of the 109 largest insured commercial banks in the United States

[In thousands of dollars]

Name and location of bank	Total assets [1]	U. S. Government securities [1]	Total capital account [1]	Total deposits [2]	Interbank deposits [2]
The Chase National Bank of the City of New York, New York, N. Y.	2,356,357	735,987	240,488	1,948,998	539,431
Guaranty Trust Co. of New York, New York, N. Y.	1,972,869	818,382	267,649	1,391,358	385,396
The National City Bank of New York, New York, N. Y.	1,969,852	622,645	194,401	1,388,736	345,282
Bank of America, National Trust & Savings Association, San Francisco, Calif.	1,366,549	492,485	105,036	1,219,705	39,584
Continental Illinois National Bank & Trust Co. of Chicago, Chicago, Ill.	1,364,755	610,964	110,428	1,085,907	274,122
Bankers Trust Co., New York N. Y.	1,123,819	581,413	110,048	920,457	278,969
The First National Bank of Chicago, Chicago, Ill.	972,969	198,110	61,876	849,962	170,966
Central Hanover Bank & Trust Co., New York, N. Y.	970,721	397,944	92,326	764,668	228,991
Manufacturers Trust Co., New York, N. Y.	721,544	257,427	89,897	600,248	100,817
The First National Bank of Boston, Boston, Mass.	752,308	141,507	89,144	583,747	106,211
Security-First National Bank of Los Angeles, Los Angeles, Calif.	610,630	150,986	63,705	539,817	25,854
The First National Bank of the City of New York, New York, N. Y.	630,094	251,464	105,568	537,489	158,895

[1] Figures as of June 30, 1936, from second edition of Rand McNally Bankers Directory.
[2] Figures from F. D. I. C. Form 89, Summary of Deposits, May 13, 1936. Federal Deposit Insurance Corporation.

Principal assets and liabilities of the 109 largest insured commercial banks in the United States—Continued

Name and location of bank	Total assets	U. S. Government securities	Total capital account	Total deposits	Interbank deposits
Irving Trust Co., New York, N. Y.	729,842	209,878	109,102	520,344	146,310
Chemical Bank & Trust Co., New York, N. Y.	635,115	156,571	82,493	497,259	176,339
Bank of the Manhattan Co., New York, N. Y.	561,647	104,024	48,380	472,150	100,545
The Philadelphia National Bank, Philadelphia, Pa.	461,393	141,100	40,569	388,418	143,483
T heNew York Trust Co., New York, N. Y.	437,659	163,198	45,787	368,953	101,797
National Bank of Detroit, Detroit, Mich.	427,413	183,454	26,366	359,402	44,098
Mellon National Bank, Pittsburgh, Pa.	354,193	214,001	39,717	308,756	93,548
The Cleveland Trust Co., Cleveland, Ohio	348,412	70,854	32,477	302,795	13,134
The Northern Trust Co., Chicago, Ill.	334,492	168,278	20,757	298,164	50,436
The Union Trust Co. of Pittsburgh, Pittsburgh, Pa.	392,411	189,790	90,353	277,336	18,077
Corn Exchange Bank Trust Co., New York, N. Y.	329,306	150,279	32,471	274,122	26,713
American Trust Co., San Francisco, Calif.	288,181	33,586	25,209	271,974	17,631
The Pennsylvania Company for Insurances on Lives and Granting Annuities, Philadelphia, Pa.	255,611	47,892	24,305	236,146	51,171
Wells Fargo Bank & Union Trust Co., San Francisco, Calif.	247,636	98,649	17,482	219,449	46,296
First National Bank in St. Louis, St. Louis, Mo.	237,038	92,467	17,980	210,637	57,820
Harris Trust & Savings Bank, Chicago, Ill.	227,785	69,038	18,897	193,490	37,714
The Anglo California National Bank, San Francisco, Calif.	225,430	36,113	22,640	188,413	32,009
First National Bank of Baltimore, Baltimore, Md.	191,360	130,000	12,589	183,805	62,191
First Wisconsin National Bank, Milwaukee, Wis.	216,252	111,465	18,831	180,072	33,949
The National Shawmut Bank of Boston, Boston, Mass.	211,575	48,174	33,912	176,091	49,487
Commerce Trust Co., Kansas City, Mo.	181,694	37,077	9,418	164,612	81,685
Bank of New York & Trust Co., New York, N. Y.	186,146	60,547	19,274	162,252	30,163
The Marine Trust Co. of Buffalo, Buffalo, N. Y.	212,850	31,453	19,877	159,630	14,588
The San Francisco Bank, San Francisco, Calif.	171,078	62,318	14,606	153,425	1,796
Mercantile-Commerce Bank & Trust Co., St. Louis, Mo.	165,053	44,603	16,557	152,655	48,381
Fidelity Union Trust Co., Newark, N. J.	161,812	48,681	17,669	145,878	6,405
Fidelity-Philadelphia Trust Co., Philadelphia, Pa.	146,368	22,131	24,494	141,270	17,740
The Public National Bank & Trust Co. of New York, N. Y.	155,164	34,641	14,370	137,810	12,128
Central National Bank, Cleveland, Ohio	158,271	57,619	15,262	133,971	14,536
First National Bank & Trust Co., Minneapolis, Minn.	159,560	59,343	13,787	127,448	37,230
The National City Bank of Cleveland, Cleveland, Ohio	139,954	48,010	12,598	126,391	21,836
Crocker First National Bank of San Francisco, San Francisco, Calif.	142,653	52,401	14,065	124,701	16,658
Manufacturers National Bank of Detroit, Detroit, Mich.	139,449	23,883	6,682	124,539	11,705
Girard Trust Co., Philadelphia, Pa.	121,922	50,713	17,159	122,439	14,760
Seattle-First National Bank, Seattle, Wash.	143,012	39,295	11,773	120,571	17,532
First National Bank of St. Paul, St. Paul, Minn.	150,101	38,962	14,281	119,953	23,767
The Farmers and Merchants National Bank of Los Angeles, Los Angeles, Calif.	130,380	76,870	8,503	119,054	11,249
The Detroit Bank, Detroit, Mich.	129,998	44,584	6,500	118,742	3,977
Northwestern National Bank & Trust Co. of Minneapolis, Minneapolis, Minn.	131,137	39,435	12,250	116,827	33,314
Brooklyn Trust Co., Brooklyn, N. Y.	135,064	32,274	15,621	114,800	10,187
Industrial Trust Co., Providence, R. I.	131,227	43,094	15,546	114,435	2,943
First National Bank, Kansas City, Mo.	129,486	51,158	5,707	114,157	45,546
City National Bank & Trust Co., Chicago, Ill.	128,376	18,462	6,815	111,007	23,958
Citizens National Trust & Savings Bank of Los Angeles, Los Angeles, Calif.	118,074	21,842	9,890	106,863	10,077
Whitney National Bank of New Orleans, New Orleans, La.	119,212	43,983	8,394	106,178	21,643
The Bank of California, National Association, San Francisco, Calif.	129,379	28,313	15,276	105,700	15,260
The United States National Bank, Portland, Oreg.	114,603	47,520	9,003	104,949	10,904
First National Bank of Atlanta, Atlanta, Ga.	116,173	42,218	12,358	103,245	27,161
The Indiana National Bank of Indianapolis, Indianapolis, Ind.	108,715	50,607	7,454	99,233	20,453
The Marine Midland Trust Co. of New York, New York, N. Y.	120,522	25,985	13,685	98,408	26,456
First National Bank in Dallas, Dallas, Tex.	115,005	26,073	12,647	97,624	29,345
Corn Exchange National Bank & Trust Co., Philadelphia, Pa.	117,772	24,264	14,854	97,283	23,356
First National Bank at Pittsburgh, Pittsburgh, Pa.	114,915	43,162	12,282	96,320	29,100
The Riggs National Bank of Washington, D. C., Washington, D. C.	98,039	36,433	8,518	96,099	21,654
The Fifth Third Union Trust Co., Cincinnati, Ohio	111,012	25,584	10,796	95,291	16,549
The Merchants National Bank of Boston, Boston, Mass.	98,267	27,123	8,846	93,091	31,726
Farmers Deposit National Bank, Pittsburgh, Pa.	107,500	62,579	15,693	91,606	23,431
Peoples-Pittsburgh Trust Co., Pittsburgh, Pa.	108,480	19,000	15,867	90,203	3,676
State Street Trust Co., Boston, Mass.	87,315	17,963	9,300	90,012	3,676
Manufacturers & Traders Trust Co., Buffalo, N. Y.	100,784	17,953	12,020	89,363	9,756
Mississippi Valley Trust Co., St. Louis, Mo.	95,548	31,388	8,824	87,847	20,814
The Hibernia Savings & Loan Society, San Francisco, Calif.	101,291	29,584	12,857	87,344	11
The Commercial National Bank & Trust Co. of New York, New York, N. Y.	108,406	32,769	16,997	84,591	21,670
California Bank, Los Angeles, Calif.	100,321	14,944	9,996	84,529	2,602
The First National Bank of Philadelphia, Philadelphia, Pa.	99,794	28,436	9,768	84,155	21,157
Citizens & Southern National Bank, Savannah, Ga.	90,513	16,054	7,736	80,755	20,849
The First National Bank of Portland, Portland, Oreg.	85,734	16,195	6,329	77,479	5,671
The Toledo Trust Co., Toledo, Ohio	87,390	24,896	8,152	76,598	
The Second National Bank of Boston, Boston, Mass.	78,250	9,971	7,018	74,999	17,932
City Bank Farmers Trust Co., New York, N. Y.	106,880	32,897	24,661	74,477	900
First National Bank, Cincinnati, Ohio	82,988	9,737	11,872	72,996	17,402
United States Trust Co. of New York, New York, N. Y.	106,308		32,194	72,683	6,589
The First National Bank of Scranton, Scranton, Pa.	82,703	30,472	10,032	70,831	2,033
Wachovia Bank & Trust Co., Winston-Salem, N. C.	85,518	29,705	6,050	70,266	21,475
Hartford National Bank & Trust Co., Hartford, Conn.	68,787	22,170	8,287	69,787	4,964
New York State National Bank, Albany, N. Y.	68,921	22,882	5,890	66,544	6,250
The Continental Bank & Trust Co. of New York, New York, N. Y.	75,655	7,641	9,596	65,774	5,305
Republic National Bank & Trust Co., Dallas, Tex.	77,675	20,199	8,243	65,495	19,917
First & Merchants National Bank of Richmond, Richmond, Va.	73,615	20,735	6,719	65,384	20,304
The Ohio National Bank, Columbus, Ohio	72,265	25,808	6,772	64,700	7,022
Empire Trust Co., New York, N. Y.	73,477	16,051	7,708	63,963	7,936
The Central Trust Co., Cincinnati, Ohio	72,164	25,225	7,151	62,722	5,039
National Bank of Tulsa, Tulsa, Okla.	63,356	16,671	8,670	61,930	10,638
Lincoln-Alliance Bank & Trust Co., Rochester, N. Y.	67,761	18,390	6,261	60,893	938
The National Bank of Commerce of Seattle, Seattle, Wash.	67,038	21,876	5,746	60,405	7,772
Commercial Trust Co. of New Jersey, Jersey City, N. J.	78,229	17,889	7,994	56,959	994
The First National Bank of Denver, Denver, Colo.	63,159	16,128	4,514	56,609	20,890
The Huntington National Bank of Columbus, Columbus, Ohio	61,944	11,410	5,913	56,584	13,291
Provident Trust Co. of Philadelphia, Philadelphia, Pa.	63,685	16,755	18,017	55,142	5,272
First National Bank & Trust Co., Oklahoma City, Okla.	62,795	13,145	7,817	52,850	13,955
Central-Penn National Bank, Philadelphia, Philadelphia, Pa.	68,375	9,918	11,028	52,470	15,279
The Trust Co. of New Jersey, Jersey City, N. J.	60,661	12,888	7,268	52,416	471
First Trust & Deposit Co., Syracuse, N. Y.	63,513	6,812	10,132	51,926	2,406
Union Planters National Bank & Trust Co., Memphis, Tenn.	62,926	11,940	7,349	51,847	10,827
Citizens Union National Bank, Louisville, Ky.	54,454	20,207	3,977	51,503	20,935
The First National Bank of Birmingham, Birmingham, Ala.	63,755	16,097	11,794	51,382	10,782
Liberty Bank of Buffalo, Buffalo, N. Y.	60,538	17,492	8,684	50,701	2,452

The following statement was prepared by the Federal Deposit Insurance Corporation at my request:

Principal assets and liabilities of all insured commercial banks and of the 109 largest insured commercial banks in the United States

[In thousands of dollars]

	All banks (14,120 as of June 30, 1936)	109 largest banks	
		Amount	Percent of total
Total assets [1]	53,578,392	30,118,132	56.2
U. S. Government securities [1]	14,772,477	9,951,656	67.4
Total capital account [1]	6,298,588	3,156,616	50.1
Total deposits [2]	45,187,902	24,894,409	55.1
Interbank deposits [2]	6,315,339	5,155,371	81.6

[1] Figures for all insured commercial banks from the June 30, 1936, call report of the Federal Deposit Insurance Corporation. Figures for the 109 largest insured commercial banks as of June 30, 1936, from the final 1936 edition of Rand McNally Bankers Directory.

[2] Figures from F. D. I. C. form 89, Summary of Deposits, May 13, 1936, Federal Deposit Insurance Corporation.

It will be noticed that 109 banks of the 14,120 hold 67.4 percent of the Government securities held by all insured banks.

BRANCH BANKING

Gov. M. S. Eccles, Chairman of the Federal Reserve System, appeared before the Banking and Currency Committee in support of this bill. I interrogated him, in addition to other subjects, regarding his views on branch banking. A part of the testimony is as follows:

Mr. PATMAN. You have answered the question I asked. But I would like to ask another question. I know the time is getting late, but, as I said, we are interested in the direction you are going in this legislation and in similar legislation, and personally I would like to know about that. Perhaps all the other members of the committee know about it, but I am a new member on this committee. I would like to know how you feel about branch banking. Are you working in the direction of eventually having a branch-banking system in this country?

Mr. ECCLES. If you are speaking about any work that the Board has been doing, the matter has not been discussed, nor has it been mentioned. So far as I personally am concerned, I have done nothing, that is, I have done no work whatever, I have given no thought to the subject, and I have prepared no legislation, and I have not requested that any legislation be prepared with reference to the subject, in spite of the statements of some of the press and the bankers. So far as my position on branch banking is concerned, my position is well known. I stated my position before this committee 2 years ago and I still feel as strongly as I felt 2 years ago that a limited branch-bank development in this country is not only desirable in the public interest, as well as in the interest of the little bank, but it is inevitable.

Mr. PATMAN. I have here a list of the 109 largest banks in the United States, which I understand represent more than 50 percent of the total assets of all banks, and the amount of Government securities they hold and their deposits of interbank deposits. And one thing is very noticeable to me on this list. For instance, take the first three banks, which are New York banks, with assets of $2,356,000,000 for the first one, and the second one with total assets of $1,972,869,000, and the next one with total assets of $1,969,852,000. And all of these banks have interbank deposits. We find the Bank of America at San Francisco has total assets of $1,366,000,000.

The Bank of America at San Francisco has total assets of $1,366,000,000, but it has only $39,584,000 of interbank deposits. Then going down the list there is $254,122,000 interbank deposits for a smaller bank, and then $278,969,000, $170,966,000, and $228,991,000. It is noticeable that the larger banks have a large amount in interbank deposits except in the case of banks where there are branches. For instance, take the Los Angeles bank, the Security First National Bank of Los Angeles, and, although the bank compares in size with those just ahead of it, they have only $25,845,000 in interbank deposits. The one just ahead of it on the list has $106,000,000 in interbank deposits.

The First National Bank of New York is smaller, yet it has $158,000,000 in interbank deposits.

I have reached the conclusion, whether it is well founded or not—and I hope the Governor will tell me whether it is—that where they have branch banks, like they do in California, that they want to do business only with their own banks, and consequently they do not have many large interbank deposit accounts.

For instance, take Los Angeles and San Francisco; if there were a bank needed in a town the large bank in San Francisco or in Los Angeles would have the first claim on it, because an independent bank would not be very successful unless it had a connection with one of these larger banks. Therefore I have reached the conclusion from analyzing these figures, Governor, that branch banking has a tendency of concentrating the credit system of the country in a few hands, and that if we were to adopt a policy which led to branch banking that we would concentrate more power and wealth in the hands of a few. I presume the Governor may entertain an entirely different view than that.

Mr. ECCLES. Of course, this branch-banking question, I realize, is a very debatable question; and it has been for a long period of time. In other words, it is a hot subject. And for me to attempt to enter into a discussion with you, considering its advantages and its disadvantages——

Mr. PATMAN. I am not asking you to discuss it, Governor.

Mr. ECCLES. I realize that there are always two sides to every question. But no one is more sympathetic to the place that the little bank has been in the community than I am. And no one would be more unwilling than I would be to do anything to put that little bank out of business so long as it is giving the best service to its community. I would not want to be understood as favoring branch banking that permitted the establishment of branches in any community that already had banking service.

Mr. PATMAN. But, Governor, if you permit it, and then if your larger bank will not become the correspondent of the smaller bank in a little town, the bank will eventually dry up if it cannot get the service, and if the branch-banking concern does not want to serve it, it can destroy the little bank and in that way create a demand for one of their own branches, can it not?

Mr. ECCLES. Any unit bank can get far more service from the Federal Reserve System than from a correspondent bank.

Mr. PATMAN. But suppose it is not in the Federal Reserve?

Mr. ECCLES. Then it should join the Federal Reserve. I am also in favor of unification. Of course, there is the place where they should carry their balances. It is where the reserves should be kept, because the only place where a member of the System should keep his balance is with the Reserve bank.

The SPEAKER pro tempore. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD and to incorporate therein the matter he has indicated. Is there objection?

There was no objection.

The SPEAKER pro tempore. The time of the gentleman from Texas has again expired.

Mr. FOCHT. Mr. Speaker, I move to strike out the last two words. When I heard Senator Aldridge in 1913, in the Senate, read the report on the Federal Reserve bank, the impression was clearly left with me, and I am sure with the country, that we were going to have a revolution in the matter of loans to businessmen, that there was to be a wide extension of credit and a flexibility that would enable businessmen to deposit with the banks commercial paper, and get credit for that much cash. This commercial paper was to be translated into cash, and the cash used in business at a rate of interest, I think of 5½ percent at that time. The bill itself became a law under President Wilson. It was mutually agreed, it was a nonpartisan proposal, in order to extend and expand business, and that is the reason I inquired of the gentleman from Texas [Mr. PATMAN] when he was hurriedly going over this matter and telling us with what facility you could get this money—by taking a businessman's note and depositing it with the Federal Reserve and getting the cash, which is something that you cannot do at all. That was a delusion and a deception. A change was made in that bill—or at least something happened to it after it was reported—and the result is, and I know it by practical experience, that when you try to get some money you cannot get it, unless you have collateral in the form of bonds, stocks, mortgages, or endorsements. That is all I wanted to say about this, excepting that there is nothing more complicated in the world, except possibly what you have to go through with your income tax than you have to go through with these finances, and my sympathies are much with the able gentleman from Alabama [Mr. STEAGALL], and the gentleman from Maryland [Mr. GOLDSBOROUGH], because they are endeavoring to illuminate something that has been going on for 25 years, and I doubt whether many bankers or officials know any more about the Federal Reserve System than we did when Mr Aldridge read that report.

Mr. KITCHENS. Mr. Speaker, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. KITCHENS: Page 2, line 19, after the word "notes", insert *"Provided further,* That upon approval of this act all interest on United States bonds deposited with the Treasurer of the United States and against which currency

has been or may be issued shall cease so long as held as such collateral."

Mr. WOLCOTT. Mr. Speaker, I make a point of order against the amendment.

The SPEAKER pro tempore. The gentleman will state the point of order.

Mr. WOLCOTT. Mr. Speaker, this bill has to do with the issuance of Federal Reserve notes and the collateral for those notes. The gentleman's amendment has to do with interest on direct obligations of the Federal Government and has nothing whatsoever to do with the issuance of Federal Reserve notes or the collateral thereunder. For that reason I submit that the amendment offered by the gentleman is not germane.

Mr. KITCHENS. Mr. Speaker, will the gentleman withhold his point of order until I make a statement?

Mr. WOLCOTT. I reserve the point of order.

Mr. KITCHENS. Mr. Speaker, during the past few years I have heard a great deal of discussion regarding the policy of this Government in reference to the handling of its financial system through the bankers of the country. I know that as far back as this country's history goes we have had panics and depressions, if you please, about every 7 years.

Immediately after the Civil War we had a panic, which was about 1866. In 1873 we had another panic. In 1880 we had another panic. In 1886 and 1887 we had another panic. In 1893 we had another one. In 1900 we had another one. In 1907 we had another one. In 1914 we had another one. In 1920 and 1921 we had another one, and since 1929 we have had one which has lasted for about 7 years.

So I blame the troubles of this country upon the economic and the financial system of America. It has been under the control of the bankers of this country.

Now, this is the only way, it seems to me, this Government can put out money to the country. It is in their hands to control. They can make it scarce or they can make it plentiful, according to how they judge the situation. You know, and I know, that the Federal Reserve System is made up of the private banks of this country, as the gentleman from Michigan admitted a while ago, and as the gentleman from Texas stated. They are owned by private individuals of this country. They can take as much as $14,000,000,000, if they have that many bonds in their vaults today, walk to the Treasury of the United States, place those bonds on a table there, and demand of the Treasurer of the United States to print over there for nothing $14,000,000,000 worth of notes—currency—bring them back there, and turn them over to the bankers. And do the bankers pay one penny of interest for that $14,000,000,000 of currency? Not one penny in the world and at the same time they draw the interest on those bonds under the bankers' act, the National Bank Act of 1874, until the present time.

Today there are $87,000,000 worth of bonds in the Treasury of the United States bearing up to 3⅜-percent interest, and the Treasury of the United States—the people of the United States, if you please—have issued currency to the Federal Reserve banks and they pay no interest, and yet the people of the United States have to pay that 3⅜-percent interest on those bonds, amounting to about $2,500,000.

I see no reason for having a policy like this. If it is absolutely necessary that we handle the currency of this country through the bankers, I see no reason why they should be permitted to get currency for nothing and at the same time draw this interest on the bonds used as collateral with which to get the currency. This is just the same as if I should go to you and borrow $1,000 and give you my note for the $1,000 bearing 3-percent interest, and then you take my note, come back to me and borrow $1,000 from me. I pay you interest on the note, but you do not pay me any interest on the $1,000 that you get from me.

I may not understand this situation. I am a young Member of this House. I want to learn, and therefore I have introduced this amendment to find out a little something about the situation, because I have seen this in the papers and I have heard it discussed all over this country. I am here to learn, and if it is necessary to change the policy of this Government, I stand ready to change it, because I am opposed to a panic or a depression that robs the people of this country and puts them in poverty and causes more suffering than all the wars of the world, and we have them every 7 years, and it is up to the Congress of the United States to devise some policy that will prevent such outrages upon the great American people. We have the greatest people in the world, yet we stand here or we come to Congress and permit such an outrage as this upon this great country of ours. [Applause.]

Mr. WOLCOTT. Mr. Speaker, I make the point of order against this amendment.

The SPEAKER pro tempore (Mr. DRIVER). The point of order is sustained.

Mr. STEAGALL. Mr. Speaker, much has been said here that I do not desire to undertake to review or to answer at this time. But for the RECORD I do want to call attention to the fact that in December 1936 we had Federal Reserve notes outstanding amounting to $4,497,999,000, and against these notes there were pledged as collateral only $88,000,000 of United States obligations, and at that time only a nominal amount of eligible paper. Against these notes were pledged nearly 100 percent of gold certificates. It will be seen that we are in a most unusual situation, a condition that no experience in our history would justify us in assuming will long continue. In this situation any considerable withdrawal of gold, in the absence of eligible paper, would disclose difficulties similar to those that existed at the time of the passage of the original act in 1932. We have an abnormal situation which nobody could expect to continue indefinitely. We do not wish a repetition of embarrassments such as confronted us in 1931 and 1932.

The SPEAKER pro tempore. The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. WOODRUFF) there were—ayes 67, noes 23.

Mr. WOODRUFF. Mr. Speaker, I make the point of order there is not a quorum present and object to the vote on that ground.

The SPEAKER pro tempore. Evidently there is not a quorum present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 280, nays 104, not voting 48, as follows:

[Roll No. 21]

YEAS—280

Allen, La.	Celler	Dorsey	Gray, Ind.
Allen, Pa.	Champion	Doughton	Gray, Pa.
Anderson, Mo.	Chapman	Doxey	Green
Arnold	Clark, Idaho	Drew, Pa.	Greenwood
Ashbrook	Clark, N. C.	Drewry, Va.	Greever
Atkinson	Claypool	Driver	Gregory
Bacon	Cochran	Duncan	Griffith
Barden	Coffee, Nebr.	Eberharter	Griswold
Barry	Colden	Eckert	Haines
Beam	Cole, Md.	Edmiston	Hamilton
Beiter	Collins	Evans	Harlan
Bell	Colmer	Faddis	Hart
Biermann	Cooley	Farley	Harter
Bland	Cooper	Ferguson	Hartley
Bloom	Costello	Fernandez	Havenner
Boehne	Cox	Fitzpatrick	Hendricks
Boland, Pa.	Cravens	Flannagan	Hennings
Boren	Crawford	Flannery	Higgins
Boyer	Creal	Fleger	Hill, Ala.
Boykin	Crosby	Fletcher	Hill, Okla.
Boylan, N. Y.	Crosser	Forand	Hobbs
Bradley	Cullen	Ford, Calif.	Honeyman
Brooks	Curley	Frey, Pa.	Houston
Brown	Daly	Fries, Ill.	Hunter
Buck	Deen	Fuller	Imhoff
Buckley, N. Y.	Delaney	Gambrill	Izac
Bulwinkle	Dempsey	Garrett	Jacobsen
Burch	DeRouen	Gasque	Jarman
Byrne	Dickstein	Gavagan	Jenckes, Ind.
Caldwell	Dingell	Gifford	Jenkins, Ohio
Cannon, Mo.	Dirksen	Gildea	Johnson, Okla.
Cartwright	Dixon	Gingery	Johnson, Tex.
Casey, Mass.	Dockweiler	Goldsborough	Johnson, W. Va.

Jones	McSweeney	Phillips	Steagall
Kee	Mahon, S. C.	Ponge	Sullivan
Kelly, Ill.	Mahon, Tex.	Polk	Sumners, Tex.
Kelly, N. Y.	Maloney	Quinn	Sutphin
Kennedy, Md.	Mansfield	Rabaut	Swope
Kennedy, N. Y.	Martin, Colo.	Ramsay	Tarver
Kenney	Maverick	Ramspeck	Taylor, S. C.
Keogh	Mead	Randolph	Taylor, Tenn.
Kirwan	Meeks	Rankin	Terry
Kitchens	Merritt	Rayburn	Thom
Kleberg	Millard	Reilly	Thomas, N. J.
Kloeb	Miller	Richards	Thomas, Tex.
Kniffin	Mills	Rigney	Thomason, Tex.
Kocialkowski	Mitchell, Ill.	Robertson	Thompson, Ill.
Kopplemann	Mitchell, Tenn.	Robinson, Utah	Tolan
Kramer	Murdock, Ariz.	Rogers, Mass.	Towey
Kvale	Nelson	Ryan	Transue
Lambeth	O'Brien, Ill.	Sabath	Turner
Larrabee	O'Brien, Mich.	Sacks	Umstead
Lea	O'Connor, Mont.	Sadowski	Vinson, Ga.
Lesinski	O'Connor, N. Y.	Sanders	Vinson, Ky.
Lewis, Colo.	O'Day	Schaefer, Ill.	Wadsworth
Long	O'Leary	Schuetz	Walter
Lucas	O'Neal, Ky.	Scrugham	Warren
Luce	O'Neill, N. J.	Secrest	Wearin
Ludlow	O'Toole	Shanley	Weaver
Luecke, Mich.	Pace	Sheppard	Wene
McAndrews	Palmisano	Smith, Conn.	West
McClellan	Patman	Smith, Va.	Whelchel
McCormack	Patrick	Smith, W. Va.	Whittington
McGehee	Patton	Snyder, Pa.	Wilcox
McGranery	Pearson	Somers, N. Y.	Williams
McGrath	Peterson, Fla.	South	Wolverton
McKeough	Peterson, Ga.	Sparkman	Wood
McLaughlin	Pettengill	Spence	Woodrum
McMillan	Peyser	Stack	Zimmerman
McReynolds	Pfeifer	Starnes	The Speaker

NAYS—104

Allen, Ill.	Englebright	Lemke	Robsion, Ky.
Amlie	Fish	Lord	Rutherford
Andresen, Minn.	Fitzgerald	Luckey, Nebr.	Sauthoff
Arends	Focht	McFarlane	Schneider, Wis.
Bates	Gearhart	McLean	Scott
Bigelow	Gehrmann	Maas	Seger
Binderup	Gilchrist	Magnuson	Shafer, Mich.
Boileau	Guyer	Mapes	Short
Brewster	Gwynne	Martin, Mass.	Smith, Maine
Buckler, Minn.	Halleck	Mason	Smith, Wash.
Carlson	Hancock, N. Y.	Massingale	Stefan
Carter	Harrington	Michener	Taber
Church	Hildebrandt	Moser, Pa.	Teigan
Clason	Hill, Wash.	Murdock, Utah	Thurston
Coffee, Wash.	Hoffman	O'Connell, Mont.	Tinkham
Cole, N. Y.	Holmes	Oliver	Tobey
Crowther	Hook	O'Malley	Treadway
Culkin	Hope	Patterson	Voorhis
DeMuth	Hull	Pierce	Wallgren
Dondero	Jarrett	Plumley	Welch
Douglas	Johnson, Minn.	Powers	White, Idaho
Dowell	Keller	Reece, Tenn.	White, Ohio
Dunn	Kinzer	Reed, Ill.	Wigglesworth
Eaton	Lambertson	Reed, N. Y.	Withrow
Ellenbogen	Lanzetta	Rees, Kans.	Wolcott
Engel	Leavy	Rich	Woodruff

NOT VOTING—48

Aleshire	Cummings	Knutson	Owen
Allen, Del.	Dies	Lamneck	Parsons
Andrews	Disney	Lanham	Rogers, Okla.
Bernard	Ditter	Lewis, Md.	Romjue
Burdick	Eicher	McGroarty	Schulte
Cannon, Wis.	Ford, Miss.	May	Shannon
Case, S. Dak.	Fulmer	Mosier, Ohio	Sirovich
Chandler	Goodwin	Mott	Snell
Citron	Hancock, N. C.	Mouton	Stubbs
Cluett	Healey	Nichols	Sweeney
Connery	Jenks, N. H.	Norton	Taylor, Colo.
Crowe	Kerr	O'Connell, R. I.	Wolfenden

So the bill was passed.

The Clerk announced the following pairs:

General pairs:

Mr. Taylor of Colorado with Mr. Snell.
Mr. Dies with Mr. Cluett.
Mr. Lanham with Mr. Ditter.
Mr. Connery with Mr. Mott.
Mr. Romjue with Mr. Wolfenden.
Mr. Parsons with Mr. Andrews.
Mr. Schulte with Mr. Case of South Dakota.
Mr. Kerr with Mr. Goodwin.
Mr. May with Mr. Burdick.
Mr. Disney with Mr. Jenks of New Hampshire.
Mrs. Norton with Mr. Aleshire.
Mr. Sweeney with Mr. Cummings.
Mr. Chandler with Mr. Sirovich.
Mr. Fulmer with Mr. Mouton.
Mr. Crowe with Mr. Stubbs.
Mr. Hancock of North Carolina with Mr. McGroarty.
Mr. Shannon with Mr. Allen of Delaware.
Mr. Eicher with Mr. Rogers of Oklahoma.
Mr. Cannon of Wisconsin with Mr. Healey.
Mr. Owen with Mr. Citron.
Mr. Nichols with Mr. Lamneck.
Mr. Ford of Mississippi with Mr. Lewis of Maryland.

Mr. PATMAN. Mr. Speaker, the gentleman from Texas, my colleague, Mr. DIES, is unavoidably absent. If present, he would vote yea.

The result of the vote was announced as above recorded.

A motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS

Mr. HENDRICKS. Mr. Speaker, I ask unanimous consent to extend my remarks upon the construction of the Federal building at Orlando, Fla.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. KVALE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by placing in the Appendix an article upon silver by a former Director of the United States Mint, George P. Roberts, who is now vice president of the National City Bank.

The SPEAKER pro tempore. Is there objection?

Mr. MARTIN of Massachusetts. Mr. Speaker, I reserve the right to object. In the absence of the Republican member of the Committee on Printing, who is objecting to that sort of extension, I object.

CALL OF COMMITTEES

The SPEAKER pro tempore. The Clerk will call the committees.

OPERATOR LICENSES, RADIO STATIONS

Mr. LEA (when the Committee on Interstate and Foreign Commerce was called). Mr. Speaker, by authority of the Committee on Interstate and Foreign Commerce, I call up the bill (H. R. 3898) to amend section 318 of the Communications Act of 1934, and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from California calls up the bill H. R. 3898 and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 318 of the Communications Act of 1934 is hereby amended to read as follows:

"SEC. 318. The actual operation of all transmitting apparatus in any radio station for which a station license is required by this act shall be carried on only by a person holding an operator's license issued hereunder, and no person shall operate any such apparatus in such station except under and in accordance with an operator's license issued to him by the Commission: *Provided, however*, That the Commission may waive or modify the foregoing provisions of this section for the operation of any station except (1) stations for which licensed operators are required by international agreement, (2) stations for which licensed operators are required for safety purposes, (3) stations engaged in broadcasting, and (4) stations operated as common carriers on frequencies below 30,000 kilocycles.

With the following committee amendments:

Page 2, line 3, after the word "Commission", insert "if it shall find that the public interest, convenience, or necessity will be served thereby", and on page 2, line 11, after the word "kilocycles", strike out the period, insert a colon and the following: "*Provided further*, That the Commission shall have power to make special regulations governing the granting of licenses for the use of automatic radio devices and for the operation of such devices."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

Mr. MAPES. Mr. Speaker, I think there should be some explanation of the bill before it is passed.

Mr. LEA. Mr. Speaker, I move to strike out the last word. The gentleman from Maryland [Mr. COLE] reported the bill, and I yield to him.

Mr. COLE of Maryland. The purpose of this bill, stated briefly, is this: Under existing law, that is, section 318 of the Communications Act, the transmitting apparatus must be under the control of a licensed operator at all times. The Communications Commission having found that the language of the existing law when applied was entirely too

strict, recommended the changes incorporated in this bill, thereby vesting in the Commission certain descretion which it does not have at this time.

There are several reasons for this legislation, the first and most convincing being the situation at the Cruft Labratory at Harvard University. Harvard University was permitted a license for a general experimental station and for several years operated under that license, making continuous observations of the ionosphere. The licensee, being Harvard University in this case, felt that it could not afford to keep a licensed operator on duty throughout the continuous operation but because of the absolute requirements of section 318, no waiver of that requirement could be made by the Communications Commission. Consequently, this valuable collaboration between Harvard University and the Commission and the tremendous value being derived therefrom had to be discontinued. Another reason is the possibility of using automatic transmitters on police cars which will be valuable in this emergency field. At present, a central operation but because of the absolute requirement of section licensed operators. It is felt with this new provision in the law, radio beacons could be operated automatically at stations too remote and too expensive to operate under existing law.

A letter from the Communications Commission to me dated February 19, 1937, expresses very fully and in a most convincing way the controlling reason for our committee reporting this bill.

I ask unanimous consent to extend my remarks and incorporate therein this letter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The letter referred to is as follows:

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D. C., February 19, 1937.

Hon. WM. P. COLE, Jr.,
House of Representatives, Washington, D. C.

DEAR CONGRESSMAN COLE: In respect to your request by telephone for a statement of the considerations which the Commission had in mind in proposing an amendment to section 318 of the Communications Act of 1934, which amendment is embodied in H. R. 3898 in the form in which it was originally introduced at this session, I beg to report as follows:

This amendment is designed to give the Commission discretion in certain instances to relax the absolute requirement of section 318 that all transmitting apparatus at all times of operation must be under the control of a licensed operator.

The need for such discretion was brought to the attention of the Commission forcibly by an application of the Cruft Laboratory, Harvard University. A general experimental station had been licensed to that institution for several years for the purpose of making continuous observations of the ionosphere. The value of this research depended on continuous operation of the station. The results of the operation were recorded automatically. There was no function which an operator could have performed in this connection other than to keep the station upon its proper frequency. The Cruft Laboratory, in consultation with the Engineering Department of the Commission, worked out an automatic device capable of preventing improper operation of the station. The licensee felt that it could not afford to keep an operator on duty throughout continuous operation and regarded such a requirement as unreasonable in view of the fact that no useful function could be performed by the operator. However, the absolute requirement of section 318 prohibited such operation. Consequently, this important piece of research had to be discontinued. This is but one of a number of instances in which the actual operation of a station by a licensed operator is impractical and unnecessary from an engineering viewpoint. Useful scientific research is inhibited by the present rigid requirement of section 318. Free balloons containing small automatic transmitters are useful in obtaining reports and in recording atmospheric conditions at great altitudes.

The use of automatic transmitters on police cars controlled by a central operator would be of value in this important field of emergency service. It would obviate the existing necessity of requiring that police driving such cars be also licensed operators. Since these stations operate only on the ultra-high frequencies, there is little danger of interference from such operation.

The development of radio to promote the safety of life and property in the air is also handicapped. Without such a requirement, radio beacons could be operated automatically at remote points where the attendance of an operator would be impractical both from a physical and a financial standpoint.

It is important to remember that control by the Commission over a station is not lost because it is automatically operated. The control over the license of the licensee remains to insure proper operation.

It should be noted that the amendment suggested by the Commission excluded four classes of stations from the field of discretion of the Commission. These exceptions were carefully designed to avoid conflict with international agreements, to preserve safety, and to exclude stations operating with great power or on frequencies where considerable interference might be expected. It may be that the bill as amended before being reported out of committee confers somewhat greater discretion upon the Commission. However, the Commission believes that it can, in the exercise of its discretion, avoid any relaxation of the operator requirements where such relaxation would not be in the public interest.

Sincerely yours,

IRVIN STEWART, *Commissioner.*

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was, on motion of Mr. LEA, laid on the table.

The SPEAKER pro tempore. Has the Committee on Interstate and Foreign Commerce any further bills?

Mr. LEA. The committee has no further bills this afternoon, Mr. Speaker.

CALL OF COMMITTEES

The SPEAKER pro tempore. The Clerk will call the committees.

AMENDMENT OF MERCHANT MARINE ACT OF 1936

Mr. BLAND (when the Committee on Merchant Marine and Fisheries was called). Mr. Speaker, I call up the bill (H. R. 4951) to amend section 704 of the Merchant Marine Act of 1936 (49 Stat. L., 2008–2009).

The Clerk read the title of the bill.

Mr. BLAND. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole.

Mr. WEARIN. Mr. Speaker, reserving the right to object, if this request be granted, what will be the situation with reference to amendments to the bill?

Mr. BLAND. Amendments will be in order. My understanding is that the effect of this request is to eliminate general debate, that the bill is read under the 5-minute rule. As a matter of fact, when the bill is read I shall move to strike out the last word in order to make a statement.

The SPEAKER pro tempore. The Chair advises the gentleman from Iowa that the bill will be read under the 5-minute rule.

Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 704 of the Merchant Marine Act of 1936 (49 U. S. Stat. L. 2008–2009) be amended to read as follows:

"SEC. 704. All vessels transferred to or otherwise acquired by the Commission in any manner may be chartered or sold by the Commission pursuant to the further provisions of this act. All vessels transferred to the Commission by this act and now being operated by private operators on lines in foreign commerce of the United States shall be temporarily operated by the Commission for its account by private operators until such time and upon such operating agreements as the Commission may deem advantageous, preference to be given to present operators, and all operation of the Commission's vessels by private operators under such operating agreements shall be discontinued as soon as practicable after December 31, 1937: *Provided*, That nothing contained herein shall be construed as limiting or affecting the power of sale under provisions of section 705 of this act."

Mr. BLAND. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, it will be recalled that when the Merchant Marine Act of 1936 was passed there was no opportunity to go to conference, for it was during the closing hours of the session.

There was inserted in the Senate, and it first appeared by amendment on May 4, 1936, this section which we are seeking to amend, section 704. The pertinent portion as applicable to the situation before us deals with the operation of certain Government-owned lines that were operated by the Government and have been operated by the Government for many years. This section as originally passed provided that the Commission might continue the operation under agreements to be entered into with the operating managers and then provided that the operation should be discontinued within 1 year after the passage of the act. The act became a law on June 29, 1936. Five lines had

been in existence for many years operating Government ships. Some of them had tried to get ocean-mail contracts, but because of certain questions that arose—not with respect to these particular lines—they had been unable to do so. These lines are the America Pioneer Lines, which run to Australia and the Far East; the America-France Line, which runs from Hampton Roads and North Atlantic ports, Philadelphia, Boston, and New York to French ports; the American Hampton Roads Line-Yankee Line, which runs from the same ports to east ports of the United Kingdom; the Oriole Line, which runs from North Atlantic ports of the United States to west ports of the United Kingdom; and the American Republics Line, which runs to South America.

The act provided that the operation of these lines should be discontinued within 1 year from the passage of the act. Under section 704, as it was written, therefore, the operation of these lines would have to be discontinued as of June 29, 1937. Another question then arose, however, as to whether they could be operated up to June 29, 1937, for the reason that payments were made by the Government for the operation of the lines under the present operating agreement, based on a percentage of the net revenue.

The question was submitted to the Comptroller General, and the Comptroller General ruled that the operation must be discontinued by June 29, 1937. That resolved itself into this situation, that the lines running to the Far East take 120 days per trip. The last date on which a ship of those lines could sail would be March 3 of this year. Thereafter no ships would be permitted to run on that particular line, or if they did, no compensation would be paid them after June 29; and so with varying dates as to other lines. The effect of the ruling of the Comptroller General was to cut down the year that had been provided by Congress for the operation of these ships, as illustrated in the case of this particular line which could not make any sailings after March 3.

The Commission realizing, as it did, that these Government-owned lines should not be discontinued at this time, advertised them for a bare-boat charter. These bids are returnable on March 1.

[Here the gavel fell.]

Mr. BLAND. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BLAND. The situation is that these bids will come in on March 1, and with respect to one particular line something would have to be done by March 3. The committee, after careful investigation, after full hearings, are convinced that it was the intent of Congress to provide the original year and that there would be grave danger in the disruption of these services and great injury to the merchant marine unless the time were extended as herein provided. Provision is also made in the pending bill that the lines may be continued upon operating agreements agreeable to the Commission. The Commission is studying the essentiality of the services. It is also studying other important matters as to which it has reached no conclusion. In the opinion of the committee, it is important to arrive at a conclusion or definite policy before these lines are disrupted.

Mr. Speaker, I also call attention to the fact the original intent was 1 year within which it should continue to study this act. The bill was passed on June 29, 1936. The present temporary Commission was not appointed until September 1936. I am not criticizing, but simply bring the facts to the attention of the House. The permanent Commission that was contemplated by the act has not been appointed. A temporary Commission has been appointed under recess appointment, consisting of three men, two naval officers and one a gentleman who has been connected with the Treasury Department.

I yield to the gentleman from Massachusetts.

Mr. McCORMACK. I was going to ask the gentleman a question in connection with that matter, but he has covered it to some extent. However, I would like to ask him whether or not the situation with reference to the temporary Commission has had an effect upon the delay which brought about the emergency which the gentleman has so properly called the attention of the Members of the House to?

Mr. BLAND. Unquestionably there was a delay until September in connection with the appointment and no study could be made by a commission in that time.

Mr. McCORMACK. And unless this bill is passed between now and March 3 there will be irreparable damage done that the Congress never intended?

Mr. BLAND. Yes; the committee thinks so. Another thing is that two established lines that have been in operation since 1928 were consolidated, one of those operators being in New York and the other in the Hampton Roads ports.

Mr. Speaker, the committee is of the opinion there should be a definite policy set up; and if these charters were made now, there would be grave danger that a monopoly might be created in the North Atlantic by having some of those who hold ocean-mail contracts come in with their charter bids and thus oust these people who have been building up a business since 1918 in one case and 1929 in another case. It is to the interest of the American merchant marine that these people shall know what they are bidding on when they do bid and that a definite policy shall have been worked out. We believe that policy ought to be worked out by a permanent commission.

[Here the gavel fell.]

Mr. WELCH. Mr. Speaker, I move to strike out the last two words.

Mr. Speaker, the purpose of this bill is to amend section 705 of the Merchant Marine Act of 1936 by extending the time from 1 year, as provided in the bill, to approximately 18 months, or, to be exact, from June 29 to December 31 of this year, within which to carry out the purposes of the act as referred to in this section. This section reads, in part, as follows:

> It shall be the policy of the Commission to encourage the private operation of each essential steamship line now owned by the United States by selling such lines to citizens of the United States in the manner provided in section 7 of the Merchant Marine Act of 1920, and in strict accordance with the provisions of section 5 of said act or by demising its vessels on bare-boat charters to citizens of the United States who shall agree to maintain such line or lines in the manner hereinafter provided.

Mr. Speaker, this bill was considered very carefully by the Committee on Merchant Marine and Fisheries and was reported unanimously by the committee.

Mr. WEARIN. Mr. Speaker, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

> Amendment offered by Mr. WEARIN: Strike out all after the word "operators", on page 2, down to the colon in line 6, and insert in lieu thereof the following: "under existing operating agreements until a commission of five members is duly appointed and confirmed by the Senate, and thereafter may be so operated for a period not to exceed 6 months."

Mr. WEARIN. Mr. Speaker, I have been very much interested in merchant marine legislation for a long time. I compliment the distinguished chairman of the committee upon which I had the honor to serve until this year upon his excellent statement with reference to this bill. I believe it is generally agreed there is a necessity for some action with reference to this particular matter by virtue of the fact that the time is too limited for the temporary commission to proceed with the negotiations upon this particular matter. Furthermore, I am not so sure in my own mind that the present temporary commission, as constituted, has the authority to function as the maritime authority.

I would like to call attention to the fact that in the original Merchant Marine Act of 1936, which passed this House on June 29, certain principles were laid down. Among them was the outstanding one that the Merchant Marine Authority as appointed by the President and as confirmed by the Senate should have the authority to determine the policy with reference to a merchant marine, and great care was exercised to prevent the injection into that act of any intimation of preference to be granted to any particular

group. In this instance, and according to the language of the bill on page 2, it reads, beginning on page 1, line 8:

> All vessels transferred to the Commission by this act and now being operated by private operators on lines in foreign commerce of the United States shall be temporarily operated by the Commission for its account by private operators until such time and upon such operating agreements as the Commission may deem as advantageous, preference to be given to present operators, and all operation of the Commission's vessels by private operators under such operating agreements shall be discontinued as soon as practicable after December 31, 1937.

I do not believe any intimation of preference to any particular group should be injected into the body of the act of 1936, the spirit of which was specifically stated and outlined in the text of the act itself. Furthermore, insofar as the present operators are concerned, it may not prove to mean as much as they think it does.

I would also remind the Members of the fact that under the present language of the bill the operators of the charter lines that belong to the United States Government will continue their operations until December 31, 1937. I do not say that those operators would not be granted that permission by the new maritime authority, but I do believe the Authority's hands should be kept clear of any impediments of that character, with the thought in mind that they can function in accordance with the principles of the act when they come into possession of their rightful authorities by virtue of confirmation on the part of the Senate.

There is an important principle involved in this legislation. I discussed the matter with the honorable chairman of the Merchant Marine Committee, and, in all fairness to him and to his committee, I may say they had an opportunity to consider the amendment that I am offering.

I think these two things are very outstanding: that the matter of preference should not be specifically granted to anyone in this act, and, furthermore, that the hands of the maritime authority, whenever it is appointed, should not be tied but it should be permitted to function in accordance with the principles of the act, and it may be that the policy represented by the particular type of operation that we have here under these chartered lines would not be continued as a permanent policy by the maritime authority.

[Here the gavel fell.]

Mr. WEARIN. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. WEARIN. Now, the question may arise as to what would happen under this amendment to the bill in the event the commission is appointed tomorrow. That proposition would not affect an amended bill any more than it would affect the measure as it is now constituted. Furthermore, if the thought is advanced that the amendment under consideration involves uncertainty for the operators of the chartered lines, I would remind you that the language of the bill, as it is drawn now, does not give them any assurance as to what will happen to them beyond the fact that they are to be given preference, and what does that mean—no one has explained it.

We should by all means, I believe, maintain the spirit and the letter of the law that was enacted in 1936, at least until the maritime authority is appointed. After the authority assumes its duties and responsibilities, as such, it would, under my amendment, have an opportunity to proceed to establish a policy with reference to an American merchant marine immediately, which was obviously, and without doubt, and I say it without fear of any contradiction whatever, intended by the Congress in the original act. Furthermore, it would be able to do so without any limitations whatever, other than those provided in the original statute.

Remember that this language of mine is not offered with the intention of hamstringing this bill or doing the legislation any damage whatsoever, but in actually being of service to the legislation and of service to the American merchant marine, in which I am vitally interested, the same as every Member of the House, even though I represent a district in the interior of the country, because I realize the importance of it.

I also want to remind you that under my amendment, following the appointment of the maritime authority, it would have 6 months in which to complete the establishment of its policy with reference to its chartered lines.

I would remind you also that it would have this 6 months' period regardless of when the authority is appointed. If it is appointed a month from now, it would have 6 months; or if it is not appointed until 6 months from now, it would still have 6 months. This would be a flexible arrangement for the protection of both operators and the Government. Where the present bill fixes the date at December 31 regardless of what happens, my amendment fixes it at 6 months after the appointment of the authority and is sufficiently elastic to permit the set-up to have at least that amount of time within which to act.

This appears to me to be a very fair and reasonable thing to do with this legislation in order to facilitate the operations of the maritime authority whenever it is appointed and confirmed, and I sincerely hope the distinguished chairman of this committee, as well as the committee itself, will subscribe to my earnest efforts to try to improve upon the bill and to assist the maritime authority in the avowed purpose that was set out in the act of 1936, namely, to determine a policy and launch immediately into the business of developing a merchant marine.

Mr. BLAND. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, the speaker certainly, and I believe the entire committee, appreciate the effort of the gentleman from Iowa to improve the bill. I submit the amendment does not. It brings in the very defect that the gentleman is complaining about.

If you will read the original bill which we have introduced, you will realize that we say that the lines shall be operated by private operators upon such agreements as may be made with the Commission. We do not tie the hands of the Commission in the operating agreement that they have made. They have made what is known as the operating agreement of 1935. If our bill is passed and the Commission chooses to change that operating agreement it can do so, whereas under the amendment that is offered by my friend, they could not do so because it is the express mandate of Congress that they shall continue under existing operating agreements. The language "existing operating agreements" makes it more nearly certain that the present operators would continue than the bill as originally introduced and as reported by the committee. We say that the Commission shall operate upon an agreement that is satisfactory to the Commission or within the discretion of the Commission. If the Commission chooses within this period to change that operating agreement, then the present operators would be given a preference, but they would not absolutely have the right to get the agreement, whereas the amendment that is offered by my friend says, "Under existing operating agreements until a Commission of five members is appointed."

Suppose it should be the wisdom of the Commission that the present operating agreement is not a satisfactory one, and that another operating agreement more to the interest of the Government should be made. The Commission would have the right under the bill we presented to make a new operating agreement and then to say to the Roosevelt Steamship Co., to the Cosmopolitan Steamship Co., to any of the present operators, "Will you accept this?" They will give such operator the preference, because they have established contacts, they have agencies getting business throughout the country, they have their agencies operating abroad to secure business, they are in a position to carry on. They are given preference further because the act of 1936 and every act that has been passed by this Congress since 1920 says that in the sale and operation preference shall be given to those people who have the support, financial and otherwise, of the respective communities which they serve. We want to preserve that. There appeared before this committee representatives from Boston, representatives from New York, representatives from the Hampton Roads

territory, all testifying to the splendid service these operators have rendered. The amendment would provide that these operations could be terminated immediately after the appointment of the Commission, and may be operated for a period of 6 months. We have given a broader discretion to the Commission because we say that after December 31, 1937, they shall be discontinued as soon as practicable. As soon as practicable in the judgment of whom? In the judgment of the Commission, and the benefit of that provision over the other is that you do not throw those lines all on the market at the same time. It may be advisable to terminate the service as to one line and yet it would not be practicable to terminate that service as to another. I believe that upon reflection, if the committee would compare the bill with the proposed amendments, it would find the Committee on Merchant Marine and Fisheries has given greater discretion and liberality to the Commission than does the amendment proposed by my distinguished friend.

The SPEAKER pro tempore. The time of the gentleman from Virginia has expired.

Mr. CULKIN. Mr. Speaker, I move to strike out the last two words. The gentleman from Iowa [Mr. WEARIN] takes a just pride in the enactment of the Subsidy Act of last year. I fought shoulder to shoulder with him on that. He rendered able service in writing that legislation. I am compelled to believe, however, that unwittingly, and due to poor leadership in some quarter, in this instance he is rendering a disservice to the American merchant marine.

Mr. WEARIN. Mr. Speaker, will the gentleman yield?

Mr. CULKIN. I cannot yield at this time. This pending bill was originally introduced by the gentleman from New York [Mr. O'LEARY], and provided for the extension of this period for a full year. As a result of full, adequate, and complete hearings, at which the gentleman from Iowa [Mr. WEARIN] was not present—he is no longer a member of the committee—the amendment offered by the chairman of the committee was written after full and careful consideration of all of the facts. I shall not undertake to criticize the Executive for failing to appoint a full-time, full-fledged commission, although it has seemed to me that that would be a most desirable thing. The amendment of the gentleman from Iowa offers bad draftsmanship, because it provides that this contingency shall continue until the President appoints five members to the Commission. He has appointed three so far, but they are only tentative. The gentleman from Iowa predicates his amendment and this proposed regulation for an extension of time upon some future act of the President.

It seems to me it is writing legislation on a contingency which involves the ability to peer into the mind of the distinguished occupant of the White House as to when he is going to appoint this commission. Much as I admire the distinguished gentleman from Iowa, I know that neither he nor any other American has that power, because the mind of the President is not only devious but it is also very able. I am saying that for the benefit of the other side. I am opposed to this amendment. It makes confusion worst confounded. I am strong in my devotion, and unyielding in that, to the cause of an adequate merchant marine, both in personnel and in shape. The amendment offered by this committee has been fully considered, carefully considered, and it does no violence to the questions raised by the gentleman from Iowa. I trust that in the interest of orderly legislation the amendment proposed by the gentleman from Iowa will be rejected. I now yield to the gentleman from Iowa.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. CULKIN. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. CULKIN. I yield to the gentleman from Iowa.

Mr. WEARIN. Mr. Speaker, the gentleman infers that this amendment of mine with reference to granting a free hand to the commission or to the authority when it is appointed is befogging the issue. The gentleman understands, does he not, that under the language of the present bill——

Mr. CULKIN. Oh, I beg the gentleman not to lecture me.

Mr. WEARIN. The gentleman understands that under the present language of the bill you cannot by any means expect to make any changes in the present set-up until after December 31, no matter what happens.

Mr. CULKIN. That is a leading question, of course.

Mr. WEARIN. No; it is not leading; it is just an out-and-out statement of fact, a question of whether the gentleman agrees with it or does not.

Mr. CULKIN. Has the gentleman concluded?

Mr. WEARIN. I have concluded that one question.

Mr. CULKIN. I yielded the gentleman only 1 minute.

Mr. WEARIN. Does the gentleman want to answer the question?

Mr. CULKIN. I will answer this way: The amendment offered by the gentleman from Iowa confuses instead of clarifies this problem. I cannot, in the time I have, tell this House about the ramifications of the hearings before the committee. I can say only that the findings of the Commission, this passing, tentative Commission on this proposition, are oppressive and destructive of the interests of the merchant marine. Our committee, after due hearings, found that they were not in the public interest, but were disruptive of American service to France from Boston, New York, and southern ports. We had expert testimony, impartial testimony, not by the carriers interested but by impartial people concerned only with the building up of the merchant marine. After due consideration of the amendment offered by the gentleman from Iowa the committee unanimously rejected the proposed amendment and reported the pending bill. I trust that the amendment will be rejected and the bill as reported passed. [Applause.]

[Here the gavel fell.]

Mr. McCORMACK. Mr. Speaker, I rise in opposition to the pro-forma amendment.

Mr. Speaker, I hope the amendment offered by the gentleman from Iowa will not be adopted. I appreciate the fact that the gentleman from Iowa is deeply interested in the furtherance of our merchant marine. His amendment, however, would work contrary to the best interests of those who are operating the vessels at the present time and contrary to the best interests of the Government.

His amendment is predicated upon an uncertainty. The amendment offered by the committee is definite and specific. The rights of the Government are definitely established by the bill which the committee has reported, and those who are operating the vessels at the present time definitely know what their rights will be. If the amendment of the gentleman from Iowa is adopted it would create an atmosphere of uncertainty. It is an amendment made in good faith and not in any hostile manner, but unconsciously and unintentionally it produces a result which will create uncertainty, first, as to the position of the Government, and, second, as to the position of those who are operating the vessels.

Mr. WEARIN. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. Yes; I yield for a question. My friend is very philosophical and sometimes delves into things deeply.

Mr. WEARIN. I appreciate the generosity of the gentleman from Massachusetts.

Mr. McCORMACK. And may I say that I made that statement as a compliment? I wish I had the gentleman's mental capacity.

Mr. WEARIN. The gentleman surpasses me in that respect, and I am sure he realizes that this particular amendment of mine will protect the interest of the present charter operators better than it is protected by the present language of the bill. There is no uncertainty whatever for them under my amendment, and it will do so without violating the spirit of the 1936 act. I am sure that the gentleman from Massachusetts believes that the maritime authority should have the power to determine the policy with reference to our merchant marine; does he not?

Mr. McCORMACK. The gentleman goes pretty far afield. Let us review the history of this section. This provision was to become operative 1 year after June 29, 1936. Only three members have been appointed, and they have not yet been

confirmed by the Senate. They were not appointed until September; so, from June 29 until sometime in September went by before any action was taken. That time is taken out of the time allowed in the original section 704.

In justice to those who are operating these vessels, that should be given consideration. Three members of a commission of five have been appointed. There is justification for this delay, but it has created uncertainty. If the gentleman, I, or any three Members of the House were appointed tentatively and our appointments had not been confirmed, we would hesitate to establish any policy—first, because we were only three of five members; and, second, because we had not been confirmed by the Senate. All that works against the operators of the vessels.

The operators are entitled to equitable consideration. If there is to be an extension, which I urge, then, as between the uncertainty expressed in the amendment offered by the gentleman from Iowa and the certainty expressed in the bill reported by the committee, I feel that the House should go along with the committee with its expression of certainty, rather than the uncertainty of the amendment of the gentleman from Iowa.

Mr. WEARIN. Mr. Speaker, will the gentleman yield for a question?

[Here the gavel fell.]

The SPEAKER. The question is on the amendment offered by the gentleman from Iowa.

Mr. WEARIN. Mr. Speaker, I ask unanimous consent that the amendment may be read again.

The SPEAKER pro tempore. Without objection, the Clerk will again read the amendment.

There was no objection.

The Clerk read as follows:

Mr. WEARIN moves to amend by striking all after the word "operators", in line 1 on page 2, as far as the colon in line 6, and inserting in lieu thereof the following: "under existing operating agreements until a commission of five members is duly appointed and confirmed by the Senate and thereafter may be so opened for a period not to exceed 6 months."

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Iowa.

The question was taken; and on a division (demanded by Mr. WEARIN) there were—ayes 9, noes 69.

So the amendment was rejected.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was, on motion of Mr. BLAND, laid on the table.

Mr. BLAND. Mr. Speaker, I ask unanimous consent to revise and extend my remarks; and I also ask that this privilege be granted my colleague the gentleman from New York [Mr. O'LEARY], the author of the bill, who is detained on account of sickness.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. Is there anything further from the Committee on Merchant Marine and Fisheries?

Mr. BLAND. The committee has nothing further at this time, Mr. Speaker.

EXTENSION OF REMARKS

Mr. WELCH, Mr. WEARIN, Mr. CULKIN, and Mr. MCCORMACK asked and were given permission to revise and extend their remarks in the RECORD.

COMMITTEE ON MILITARY AFFAIRS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the Committee on World War Veterans' Legislation be discharged from the further consideration of the bill (H. R. 2692) to provide national flags for the burials of honorably discharged former service men and women, and that the bill be referred to the Committee on Military Affairs.

Mr. Speaker, I make this request as a result of a conference with the chairman of both these committees, this action being agreeable to them.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. CROWE, for today, on account of official business.

To Mr. KELLY of New York, for 1 week, on account of business.

To Mr. MAY (at the request of Mr. SPENCE), indefinitely, on account of illness.

To Mr. ROMJUE (at the request of Mr. WILLIAMS), on account of important business.

To Mr. ALESHIRE (at the request of Mr. MCSWEENEY), on account of illness.

To Mr. MOUTON, for 3 days, on account of important official business.

To Mr. RUTHERFORD, for Thursday and Friday, on account of business.

To Mr. HENNINGS (at the request of Mr. WILLIAMS), on account of official business.

To Mr. LANHAM (at the request of Mr. JOHNSON of Texas), for today, on account of illness.

Mr. GEHRMANN. Mr. Speaker, I ask unanimous consent that on Monday next, after the reading of the Journal and disposition of matters on the Speaker's table, I may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

Mr. RAYBURN. Mr. Speaker, reserving the right to object, I would prefer that the gentleman make the request for later. Monday is set aside for consideration of bills on the Consent Calendar, and there are quite a number of bills on that calendar to be called up. Can the gentleman come in tomorrow and make his speech?

Mr. GEHRMANN. There are so many on for tomorrow, and I had not figured on making the speech until next week.

Mr. RAYBURN. I wish the gentleman would defer his request for the present. I do not know of a time when speeches were permitted on Consent Calendar day. The Members who have bills pending on that calendar are anxious to have them called. Tuesday, I may say to the gentleman, is Private Calendar day, and the Members are very anxious to have their bills called on that day.

Mr. BOILEAU. There have been speeches made on Tuesday during this session.

Mr. RAYBURN. May I ask the gentleman to withhold his request and I will talk with him tomorrow?

Mr. GEHRMANN. This is the first time I have asked for time, and I would like to have the opportunity as soon as possible. I could have made it Friday, but I understand there is not going to be a session on Friday, and that is the reason I made the request for Monday.

Mr. RAYBURN. Could not the gentleman make his speech tomorrow?

Mr. GEHRMANN. There are too many ahead of me.

Mr. BOILEAU. It will take all day tomorrow to take care of the speeches we have.

Mr. RAYBURN. I just want to protect the two calendars and the Members who have bills on those calendars. Of course, I would like to accede to the gentleman's desires, but if I agree to his request to speak on Monday, then someone else will want 15 minutes following him, and it would be a rather embarrassing situation.

Mr. BOILEAU. Is there going to be a session on Friday?

Mr. RAYBURN. The intention is to adjourn over.

Mr. DICKSTEIN. Will there be a Calendar Wednesday next week?

Mr. RAYBURN. Yes. Would the gentleman be satisfied to speak on Tuesday after the bills on the Private Calendar are called? I do not think that will take all afternoon.

Mr. GEHRMANN. That will be all right. Mr. Speaker, I ask unanimous consent that on Tuesday next, after dispo-

sition of bills on the Private Calendar, I may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. TREADWAY. Mr. Speaker, as a member of the Committee on the Library, I am very much interested in the acceptance of the gift so generously made by Mr. Andrew W. Mellon. I do not expect to be able to be here when the measure is called up, as I am called to Texas upon a sad errand. The gentleman from Illinois [Mr. KELLER] tells me he hopes to be able to get it before the House for consideration quite soon. I wish to say that the Committee on the Library has made a very careful study of the measure and we had a very interesting hearing, one of the most interesting hearings I ever attended. There appeared at that hearing several witnesses who furnished the committee with much information, including representatives of the District administration, one of the Commissioners, the Secretary of the Smithsonian Institution, a member of the Fine Arts Commission, and at least two of those interested with Mr. Mellon, together with the architect of the building. We found that every interest in the city and in the Government is united in the merits of the proposition and a desire that the Government should follow the advice and request of President Roosevelt that this very generous gift on the part of Mr. Mellon be promptly accepted.

The chairman of the committee has circulated among the Members this afternoon copy of Report No. 291, which I commend to your attention. What I am saying now is practically covered in that report. One of the most interesting things to me in the hearing was an inquiry that I made of the gentleman in charge of the art itself as to the value of the donation to be made. His answer was that, of course, it was very difficult to give any actual cash value, but the paintings were rated as being valued in excess of $50,000,000, and with a building to house then costing ten to twelve million dollars, you can see what a wonderful donation to education and art this will be. The building and the paintings will compare most favorably with the celebrated collections of the world.

Therefore, I join the other members of the Committee on the Library in a most urgent request that this gift be accepted by the Congress as soon as possible in order that work may be commenced on the preparation of detailed drawings, the change of roadway and the various other features that will be involved.

The architect, Mr. Pope, of New York, one of the leading architects in the country, has stated that the entire structure undoubtedly could be finished and the collection housed therein in about 2 years. So the sooner this donation is accepted, the quicker, of course, work can be commenced and the people begin to receive the benefit of viewing this marvelous collection of art in one of the finest buildings the world has ever known for such purposes. [Applause.]

EXTENSION OF REMARKS

Mr. RAMSAY asked and was given permission to extend his remarks in the RECORD.

ENROLLED JOINT RESOLUTION SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H. J. Res. 212. Joint resolution to amend the act entitled "An act to levy an excise tax upon carriers and an income tax upon their employees, and for other purposes", approved August 29, 1935.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 15 minutes p. m.) the House adjourned until tomorrow, Thursday, February 25, 1937, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

386. A letter from the Acting Secretary of the Interior, transmitting the draft of a proposed bill to define the exterior boundaries of the Ute Indian Reservation in the State of Utah, and for other purposes; to the Committee on Indian Affairs.

387. A letter from the Acting Secretary of the Interior, transmitting the draft of a bill to provide for the residence of the United States commissioners appointed for the national parks, and for other purposes; to the Committee on the Public Lands.

388. A letter from the Acting Secretary of the Interior, transmitting the draft of a bill to make available for national park purposes certain lands within the area of the proposed Mammoth Cave National Park, Ky.; to the Committee on the Public Lands.

389. A letter from the Acting Secretary of the Interior, transmitting the draft of a bill to authorize the Secretary of the Interior to accept donations of land, interests in land, buildings, or other property for the extension of national parks; to the Committee on the Public Lands.

390. A letter from the Acting Secretary of the Interior, transmitting the draft of a proposed bill to authorize the Secretary of the Interior to exchange certain lands and water rights in Inyo and Mono Counties, Calif., with the city of Los Angeles for the purpose of providing homes for the Indians living in Owens Valley, Calif.; to the Committee on Indian Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 2565. A bill to confer jurisdiction on the Court of Claims to hear, determine, and enter judgment upon the claims of contractors for excess costs incurred while constructing navigation dams and locks on the Mississippi River and its tributaries; without amendment (Rept. No. 296). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. RYAN: Committee on Claims. H. R. 450. A bill for the relief of A. D. Hampton; with amendment (Rept. No. 297.) Referred to the Committee of the Whole House.

Mr. THOMAS of New Jersey: Committee on Claims. H. R. 591. A bill for the relief of John T. Clarkson; with amendment (Rept. No. 298). Referred to the Committee of the Whole House.

Mr. SOUTH: Committee on Claims. H. R. 736. A bill for the relief of Asa C. Ketcham; with amendment (Rept. No. 299.) Referred to the Committee of the Whole House.

Mr. DICKSTEIN: Committee on Claims. H. R. 886. A bill for the relief of Guideo Biscaro, Giovanni Polin, Spironello Antonio, Arturo Bettio, Carlo Biscaro, and Antonio Vannin; with amendment (Rept. No. 300.) Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 937. A bill for the relief of Goldie Durham; with amendment (Rept. No. 301). Referred to the Committee of the Whole House.

Mr. ATKINSON: Committee on Claims. H. R. 988. A bill for the relief of Burton P. Cordle; with amendment

(Rept. No. 302.) Referred to the Committee of the Whole House.

Mr. RYAN: Committee on Claims. H. R. 1254. A bill for the relief of William A. McMahan; with amendment (Rept. No. 303.) Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 1690. A bill for the relief of Ralph Riesler; with amendment (Rept. No. 304.) Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 2333. A bill to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926; with amendment (Rept. No. 305). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 2352. A bill for the relief of Donald L. Bookwalter; with amendment (Rept. No. 306). Referred to the Committee of the Whole House.

Mr. EBERHARTER: Committee on Claims. H. R. 2774. A bill for the relief of certain employees of the Division of Investigation, Department of the Interior, and certain disbursing officers of the Department of the Interior; without amendment (Rept. No. 307). Referred to the Committee of the Whole House.

Mr. RYAN: Committee on Claims. H. R. 2789. A bill for the relief of Cohen, Goldman & Co., Inc.; with amendment (Rept. No. 308). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 2987. A bill for the relief of M. K. Fisher; with amendment (Rept. No. 309). Referred to the Committee of the Whole House.

Mr. COFFEE of Washington: Committee on Claims. H. R. 3204. A bill for the relief of F. E. Booth Co.; with amendment (Rept. No. 310). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 3738. A bill for the relief of Clifford Y. Long; without amendment (Rept. No. 311). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 4683. A bill to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects destroyed in a fire at the naval radio station, Libugon, Guam, on April 15, 1932; without amendment (Rept. No. 312). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 4684. A bill to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects lost, damaged, or destroyed by fire at the naval radio station, Eureka, Calif., on January 17, 1930; without amendment (Rept. No. 313). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 4685. A bill to provide for the reimbursement of certain civilian employees of the naval operating base, Hampton Roads, Va., for the value of tools lost in a fire at Pier No. 7, at the naval operating base, on May 4, 1930; without amendment (Rept. No. 314). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 4686. A bill to provide for the reimbursement of certain enlisted men and former enlisted men of the Marine Corps for the value of personal effects lost, damaged, or destroyed by fire at the Marine Barracks, Quantico, Va., on October 5, 1930; without amendment (Rept. No. 315). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DEEN: A bill (H. R. 5028) to furnish employment by providing for emergency construction of public highways and related projects, and for other purposes; to the Committee on Appropriations.

By Mr. FITZPATRICK: A bill (H. R. 5029) to authorize the Secretary of War to transfer and convey to the State of New York all right and title now vested in the United States to land and buildings thereon known as Fort Schuyler, N. Y.; to the Committee on Military Affairs.

By Mr. GASQUE: A bill (H. R. 5030) granting pensions and increases of pensions to certain soldiers, sailors, and nurses of the War with Spain, the Philippine Insurrection, or the China Relief Expedition, and for other purposes; to the Committee on Pensions.

By Mrs. NORTON: A bill (H. R. 5031) to amend subchapter 2 of chapter 19 of the Code of Law for the District of Columbia, relating to offenses against property; to the Committee on the District of Columbia.

By Mr. SHAFER of Michigan: A bill (H. R. 5032) changing the name of Camp Custer, in Calhoun and Kalamazoo Counties, Mich., to Fort Custer; to the Committee on Military Affairs.

By Mr. STEAGALL: A bill (H. R. 5033) to provide financial assistance to the States and political subdivisions thereof for the elimination of unsafe and insanitary housing conditions, for the provision of decent, safe, and sanitary dwellings for families of low income, and for the reduction of unemployment and the stimulation of business activity, to create a United States housing authority, and for other purposes; to the Committee on Banking and Currency.

By Mr. KNUTSON: A bill (H. R. 5034) to extend for a period of 2 years the insurance of loans and advances for improvements upon real property; to the Committee on Banking and Currency.

By Mr. RABAUT: A bill (H. R. 5035) to provide funds for acquisition of a site, erection of buildings, and the furnishing thereof for the use of the diplomatic and consular establishments of the United States at Brussels, Belgium; to the Committee on Foreign Affairs.

By Mr. PATTON: A bill (H. R. 5036) to amend the Emergency Farm Mortgage Act of 1933, as amended, and for other purposes; to the Committee on Agriculture.

By Mr. COSTELLO: A bill (H. R. 5037) to provide for the advancement on the retired lists of certain officers and enlisted men of the Army, Navy, Marine Corps, and Coast Guard; to the Committee on Military Affairs.

By Mr. ANDERSON of Missouri: A bill (H. R. 5038) to prescribe 5-year minimum terms for broadcasting licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. ALLEN of Illinois: A bill (H. R. 5039) amending the act entitled "An act to regulate the business of loaning money on security of any kind by persons, firms, corporations other than national banks, licensed brokers, trust companies, savings banks, building and loan associations, and real-estate brokers in the District of Columbia", approved February 4, 1913, as amended; to the Committee on the District of Columbia.

By Mr. BERNARD: A bill (H. R. 5040) to provide for the establishment of three Coast Guard stations on the north shore of Lake Superior; to the Committee on Merchant Marine and Fisheries.

Also, a bill (H. R. 5041) to investigate the claims of and to enroll certain persons, if entitled, with the Pottawatomie Tribe of Indians; to the Committee on Indian Affairs.

By Mr. BOREN: A bill (H. R. 5042) to govern the apportionment of appointments under civil service; to the Committee on the Civil Service.

By Mr. BYRNE: A bill (H. R. 5043) granting the consent of Congress to any two or more States to enter into agreements or compacts for cooperative effort and mutual assistance in the preservation of wildlife; to the Committee on Agriculture.

By Mr. DEMUTH: A bill (H. R. 5044) to provide for the completion of the 12-mile spacing of the horizontal-control and 5-mile spacing of vertical-control surveys in the State of Pennsylvania; to the Committee on Merchant Marine and Fisheries.

By Mr. DIMOND: A bill (H. R. 5045) to provide for the development of Alaska and authorizing an appropriation

therefor, and for other purposes; to the Committee on the Territories.

By Mr. BOREN: A bill (H. R. 5046) to make the Civilian Conservation Corps a permanent agency of the Government; to the Committee on Labor.

By Mr. MAAS: A bill (H. R. 5047) providing for naval and Marine Corps aviators who have qualified prior to April 1, 1917, and since disqualified for active duty to be advanced one grade on the retired list; to the Committee on Naval Affairs.

Also, a bill (H. R. 5048) prohibiting officers of the Navy from serving more than 4 years out of any consecutive 8 years on duty in the Navy Department, Washington, D. C.; to the Committee on Naval Affairs.

Also, a bill (H. R. 5049) to limit the consideration by boards convened by the Secretary of the Navy to select officers of the line and Staff Corps of the Navy for promotion to the professional records of eligible officers, and for other purposes; to the Committee on Naval Affairs.

Also, a bill (H. R. 5050) to authorize the appointments of cadets at the Military Academy through civil-service examination; to the Committee on Military Affairs.

By Mr. DREW of Pennsylvania: Resolution (H. Res. 131) to create a select committee to investigate highway plans for national defense; to the Committee on Rules.

Also, a resolution (H. Res. 132) to provide for the expenses authorized by House Resolution 131; to the Committee on Accounts.

By Mr. BIGELOW: Resolution (H. Res. 133) to make H. R. 1659, a bill providing for the coinage and issuance of money and to regulate the value thereof by establishing a bank of the United States, a special order of business; to the Committee on Rules.

By Mr. ELLENBOGEN: Resolution (H. Res. 134) to examine and investigate the economics of the iron and steel industry; to the Committee on Rules.

By Mr. MILLS: Resolution (H. Res. 135) providing for the establishment of a restaurant or coffee shop in each of the House Office Buildings; to the Committee on Accounts.

By Mr. CANNON of Wisconsin: Resolution (H. Res. 136) to create a select committee of the House to investigate the American Bar Association; to the Committee on Rules.

By Mr. MAAS: Resolution (H. Res. 137) to amend rules X and XI of the House of Representatives; to the Committee on Rules.

By Mr. BOYLAN of New York: Joint resolution (H. J. Res. 243) declaring the birthday of Thomas Jefferson to be a legal public holiday; to the Committee on the Judiciary.

By Mr. RIGNEY: Joint resolution (H. J. Res. 244) extending the appreciation of the United States Government to Robert M. Root for his painting The Spirit of Flight; to the Committee on the Post Office and Post Roads.

By Mr. STACK: Joint resolution (H. J. Res. 245) to provide for the construction and operation by the Secretary of the Navy of a Government steel plant in the vicinity of League Island, Philadelphia, Pa.; to the Committee on Naval Affairs.

By Mr. DIMOND: Joint resolution (H. J. Res. 246) authorizing a preliminary examination or survey of Grantley Harbor at Teller, Alaska; to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 5051) for the relief of William Francis Daniels; to the Committee on Naval Affairs.

By Mr. CANNON of Missouri: A bill (H. R. 5052) to extend the benefits of the Officers' Retirement Act to Buell Menefee; to the Committee on Military Affairs.

By Mr. CLASON: A bill (H. R. 5053) granting a pension to Pearl F. Hopper; to the Committee on Pensions.

Also, a bill (H. R. 5054) granting a pension to Mary R. Currier; to the Committee on Invalid Pensions.

By Mr. CLAYPOOL: A bill (H. R. 5055) granting an increase of pension to Mary Briggs; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5056) for the relief of A. R. Wickham; to the Committee on Military Affairs.

By Mr. CRAWFORD: A bill (H. R. 5057) granting a pension to Ethelyn Palmer; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 5058) for the relief of W. W. Cook; to the Committee on Claims.

By Mr. DUNN: A bill (H. R. 5059) for the relief of John Bodrog; to the Committee on Immigration and Naturalization.

By Mr. FULMER: A bill (H. R. 5060) granting a pension to Hattie R. Sonntag; to the Committee on Pensions.

By Mr. GOODWIN: A bill (H. R. 5061) granting an increase of pension to Libbie Van Deusen; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5062) granting a pension to Katherine Rinewell; to the Committee on Invalid Pensions.

By Mr. GRAY of Pennsylvania: A bill (H. R. 5063) for the relief of the Johnstown Coal & Coke Co.; to the Committee on Claims.

Also, a bill (H. R. 5064) for the relief of Joseph Kochinich; to the Committee on Military Affairs.

By Mr. GRIFFITH: A bill (H. R. 5065) for the relief of Carlo Levy McDaniel; to the Committee on War Claims.

Also, a bill (H. R. 5066) for the relief of Loyd Harrison Wayland; to the Committee on Naval Affairs.

By Mr. HIGGINS: A bill (H. R. 5067) for the relief of Ernest L. Viveiros; to the Committee on Naval Affairs.

Also, a bill (H. R. 5068) for the relief of Joseph Francis White; to the Committee on Naval Affairs.

Also, a bill (H. R. 5069) for the relief of William Reid; to the Committee on Naval Affairs.

Also, a bill (H. R. 5070) for the relief of John Raymond Sullivan; to the Committee on Naval Affairs.

Also, a bill (H. R. 5071) for the relief of John I. Peterson; to the Committee on Naval Affairs.

Also, a bill (H. R. 5072) for the relief of Albert L. Sliney; to the Committee on Naval Affairs.

Also, a bill (H. R. 5073) for the relief of Joseph P. Lynch; to the Committee on Naval Affairs.

Also, a bill (H. R. 5074) for the relief of John J. Martin; to the Committee on Naval Affairs.

Also, a bill (H. R. 5075) for the relief of James Healey; to the Committee on Naval Affairs.

Also, a bill (H. R. 5076) for the relief of John F. Henneberry; to the Committee on Naval Affairs.

Also, a bill (H. R. 5077) for the relief of John Charles Gallagher; to the Committee on Naval Affairs.

Also, a bill (H. R. 5078) for the relief of Julian A. Hanson; to the Committee on Naval Affairs.

Also, a bill (H. R. 5079) for the relief of Ralph Fern; to the Committee on Naval Affairs.

Also, a bill (H. R. 5080) for the relief of Thomas Theodore Foley; to the Committee on Naval Affairs.

Also, a bill (H. R. 5081) for the relief of Thomas F. Curry; to the Committee on Naval Affairs.

Also, a bill (H. R. 5082) for the relief of William J. Deasy; to the Committee on Naval Affairs.

Also, a bill (H. R. 5083) for the relief of Paul Lemar Blackmon; to the Committee on Naval Affairs.

Also, a bill (H. R. 5084) for the relief of James A. Cullinane; to the Committee on Naval Affairs.

Also, a bill (H. R. 5085) for the relief of Daniel J. O'Neill; to the Committee on Military Affairs.

Also, a bill (H. R. 5086) for the relief of Thomas Waters; to the Committee on Military Affairs.

Also, a bill (H. R. 5087) for the relief of Benjamin Wayler; to the Committee on Military Affairs.

Also, a bill (H. R. 5088) for the relief of Henry Clark; to the Committee on Naval Affairs.

Also, a bill (H. R. 5089) for the relief of Michael Calnan; to the Committee on Naval Affairs.

Also, a bill (H. R. 5090) for the relief of Thomas J. Boyan; to the Committee on Naval Affairs.

Also, a bill (H. R. 5091) for the relief of Andrew J. Bohn; to the Committee on Naval Affairs.

Also, a bill (H. R. 5092) for the relief of Michael Clark; to the Committee on Military Affairs.

Also, a bill (H. R. 5093) for the relief of William J. Duggan; to the Committee on Military Affairs.

By Mr. KNIFFIN: A bill (H. R. 5094) granting an increase of pension to Esther J. Kimberly; to the Committee on Invalid Pensions.

By Mr. LEWIS of Maryland: A bill (H. R. 5095) for the relief of Charles W. Sisk; to the Committee on Military Affairs.

Also, a bill (H. R. 5096) granting a pension to Nina G. Givens; to the Committee on Pensions.

By Mr. McCLELLAN: A bill (H. R. 5097) for the relief of Sam D. Carson; to the Committee on Claims.

By Mr. MILLS: A bill (H. R. 5098) for the relief of the heirs at law of the estate of Haller Nutt, deceased; to the Committee on Claims.

By Mrs. NORTON: A bill (H. R. 5099) for the relief of Vincent F. Leslie; to the Committee on Claims.

By Mr. PATTERSON: A bill (H. R. 5100) for the relief of Elmer D. Van Antwerp; to the Committee on Claims.

Also, a bill (H. R. 5101) granting a pension to Mary P. Morris; to the Committee on Pensions.

By Mr. PFEIFER: A bill (H. R. 5102) conferring jurisdiction upon the United States District Court for the Eastern District of New York to hear, determine, and render judgment upon the claim of Mr. and Mrs. Frank Muzio; to the Committee on Claims.

By Mr. RABAUT: A bill (H. R. 5103) for the relief of Joseph Zebelian; to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 5104) for the relief of the Acme Wire & Iron Works; to the Committee on Claims.

By Mr. REECE of Tennessee: A bill (H. R. 5105) granting a pension to John M. Saylor; to the Committee on Pensions.

Also, a bill (H. R. 5106) for the relief of Ike Kearney; to the Committee on Military Affairs.

Also, a bill (H. R. 5107) granting a pension to Chanley C. Freeman; to the Committee on Pensions.

Also, a bill (H. R. 5108) for the relief of W. S. Rosenbalm; to the Committee on Military Affairs.

By Mr. RIGNEY: A bill (H. R. 5109) granting a pension to Lawrence A. Golden; to the Committee on Pensions.

By Mr. ROBERTSON: A bill (H. R. 5110) to provide for the issuance of a license to practice chiropractic in the District of Columbia to Dr. Russell V. Pemberton; to the Committee on the District of Columbia.

By Mr. SCOTT: A bill (H. R. 5111) for the relief of Samuel S. Knox; to the Committee on Military Affairs.

By Mr. SUMNERS of Texas: A bill (H. R. 5112) for the relief of Frank Lee Borney; to the Committee on Claims.

By Mr. TOLAN: A bill (H. R. 5113) for the relief of Charles W. Langridge; to the Committee on Claims.

By Mr. WEST: A bill (H. R. 5114) granting an increase of pension to John C. Denbo; to the Committee on Pensions.

By Mr. WOOD: A bill (H. R. 5115) for the relief of Charles Dominic and others; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

491. By Mr. ANDREWS: Letter from the secretary of the Bar Association of Erie County, N. Y., having to do with the legislation affecting the Supreme Court of the United States; to the Committee on the Judiciary.

492. Also, petition of citizens of the city of Buffalo, N. Y., protesting against passage of legislation affecting the Supreme Court of the United States; to the Committee on the Judiciary.

493. By Mr. ASHBROOK: Petition of Mrs. F. M. Moor, of Polk, Ohio, and 36 other citizens, of Ashland, Ohio, protesting against the President's Supreme Court proposal; to the Committee on the Judiciary.

494. By Mr. BOYLAN of New York: Resolution adopted by the New York Board of Trade, Inc., New York, N. Y., opposing any legislation now or about to be introduced aimed to change the Supreme Court; to the Committee on the Judiciary.

495. Also, resolution adopted by the Greater City Master Plumbers' Association, Inc., New York, N. Y., urging support for the extension of title I of the National Housing Act; to the Committee on Banking and Currency.

496. Also, resolution adopted by the New York Board of Trade, Inc., New York, N. Y., opposing legislation that would grant to the Department of Labor the power to subpena witnesses and records in labor disputes; to the Committee on Labor.

497. Also, resolution adopted by the Sons of the American Revolution, Empire State Society, New York City, N. Y., at a meeting of the board of managers held February 11, 1937, opposing the enactment of a bill for the reorganization of the Federal Judiciary; to the Committee on the Judiciary.

498. By Mr. CULLEN: Petition of the Senate of the State of New York, respectfully memorializing the Congress of the United States to amend the War Risk Insurance Act so as to provide that the amounts payable for insurance to sailors for World War injuries be paid to soldiers and marines for like injuries; to the Committee on Military Affairs.

499. By Mr. COFFEE of Washington: Petition of the Women's Legislative Council of Washington, Seattle, Wash.; to the Committee on the Judiciary.

500. Also, petition of the Seattle Building Trades Council, Seattle, Wash.; to the Committee on Labor.

501. By Mr. CRAWFORD: Resolution of the Saginaw Bar Association, condemning the proposal to increase the size of the Supreme Court of the United States; to the Committee on the Judiciary.

502. Also, petition of Robert G. Leckie and 60 other residents, of Saginaw, Mich., protesting against the proposal to alter or subordinate the United States Supreme Court; to the Committee on the Judiciary.

503. Also, petition of S. H. Porterfield and 32 other residents of St. Johns, Mich., protesting against the proposed increase in the number of Judges of the Supreme Court; to Committee on the Judiciary.

504. Also, petition of Willena Keiser and 43 other residents of St. Johns, Mich., protesting against the proposal to revise the Supreme Court; to the Committee on the Judiciary.

505. By Mr. DORSEY: Petition of 151 residents of the Fifth Pennsylvania Congressional District, favoring the proposal of President Roosevelt on reorganization of the judicial branch as it refers to increasing the present membership of the Supreme Court; to the Committee on the Judiciary.

506. Also, petition of 35 residents of the Fifth Pennsylvania Congressional District, favoring the proposal of President Roosevelt on reorganization of the judicial branch as it refers to increasing the present membership of the Supreme Court; to the Committee on the Judiciary.

507. By Mr. FITZGERALD: Memorial of the Connecticut Association of Postmasters, requesting that justice be done their membership by the restoration of their salary schedules on the basis of 100 percent of receipts, instead of the present basis of 90 percent; to the Committee on the Post Office and Post Roads.

508. By Mr. GOODWIN: Memorial of the New York State Legislature, to amend the War Risk Insurance Act, so as to provide that the amounts payable for insurance to sailors for World War injuries be paid to soldiers and marines for like injuries; to the Committee on Military Affairs.

509. By Mr. HART: Petition of the Hoboken Chamber of Commerce, expressing its disapproval of any measure which would permit the appointment of more Justices than are now on the bench of the United States Supreme Court; to the Committee on the Judiciary.

510. Also, petition of the International Ladies' Garment Workers' Union, Local No. 148, of Hudson County, heartily

endorsing the President's proposal for judiciary reform; to the Committee on the Judiciary.

511. Also, petition of the New Jersey State Chamber of Commerce, opposing the President's Supreme Court proposals; to the Committee on the Judiciary.

512. By Mr. HILDEBRANDT: Resolution urging Members of Congress to favor a Federal excise retail sales tax upon goods sold at retail and shipped in interstate commerce to a State having a retail sales tax in force; to the Committee on Interstate and Foreign Commerce.

513. Also, House Concurrent Resolution No. 6, Legislature of South Dakota, twenty-fifth session; to the Committee on Interstate and Foreign Commerce.

514. Also, resolutions favorable to labor; to the Committee on Labor.

515. Also, Concurrent Resolution No. 6 of the Legislature of South Dakota; to the Committee on Ways and Means.

516. Also, memorial memorializing Congress to extend additional time on Federal farm loans and to reduce the rate of interest; to the Committee on Agriculture.

517. Also, resolution memorializing Congress to enlarge the activities of the Civilian Conservation Corps camps; to the Committee on Ways and Means.

518. Also, resolution petitioning Congress to favor the continuance of the present embargo against animal products from Argentina; to the Committee on Ways and Means.

519. By Mr. HOUSTON: Petition of the Kansas Petroleum Industries Committees of the Fifth Congressional District of Kansas, urging immediate repeal of the Federal gasoline and lubricating-oil taxes; to the Committee on Interstate and Foreign Commerce.

520. By Mr. JOHNSON of Texas: Petition of O. H. McCollum, president of the Hearne Chamber of Commerce, Hearne, Tex., urging that in the reorganization of the executive departments of the Government that the Interstate Commerce Commission remain as an independent Government unit; to the Committee on Reorganization of the Executive Departments.

521. Also, petition of R. E. Cornforth, superintendent of the National Compress Co., Hearne, Tex., urging that in the reorganization of the executive departments of the Government that the Interstate Commerce Commission remain as an independent Government unit; to the Committee on Reorganization of the Executive Departments.

522. Also, petition of the East Texas Chamber of Commerce, favoring Federal appropriation for research laboratory for discovery of new uses of cotton; to the Committee on Appropriations.

523. By Mr. KEOGH: Petition of the Bayside Hills Civic Association, Bayside, N. Y., opposing tax of 1 cent per gallon on fuel oil when used for the generation of heat; to the Committee on Ways and Means.

524. Also, memorial of the Senate, State Legislature of New York, favoring amendment to the War Risk Insurance Act so as to provide that the amounts payable for insurance to sailors for World War injuries be paid to sailors and marines for like injuries; to the Committee on World War Veterans' Legislation.

525. By Mr. KING: Resolution of the Bar Association of Hawaii calling attention to the serious situation in Hawaii during the recent maritime strike; to the Committee on Merchant Marine and Fisheries.

526. Also, resolution of the Free Kindergarten and Children's Aid Association, calling attention to the serious situation in Hawaii during the recent maritime strike; to the Committee on Merchant Marine and Fisheries.

527. Also, resolution of the Uluniu Women's Swimming Club, calling attention to the serious situation in Hawaii during the recent maritime strike; to the Committee on Merchant Marine and Fisheries.

528. By Mr. LEAVY: Petition of 25 leading members of the Washington State Bar Association of Spokane County, urging impartial consideration of the President's recommendation on the Federal judiciary and supporting the proposals made by the President of the United States in reference thereto; to the Committee on the Judiciary.

529. By Mr. MEAD: Petition of the Erie County committee of the American Legion, of Buffalo, N. Y., making certain recommendations for legislation affecting the United States Navy; to the Committee on Naval Affairs.

530. By Mr. MERRITT: Resolution of the board of directors of the Constitutional Democracy Association, Inc., requesting that the last Wednesday in March be officially declared a national holiday, known as Constitutional Government Day, and be appropriately observed and celebrated by the Nation, States, municipalities, and people; to the Committee on the Judiciary.

531. Also, resolution of the Harrison Teachers Association, requesting that a suitable system be established whereby monetary aid from the Federal Treasury may be distributed on an impartial basis to the individual States to be used for the purposes of education; and that it be understood that the control of all such funds shall be vested in the State and local school district; to the Committee on Ways and Means.

532. Also, resolution of the Republican Club of Staten Island, requesting that the members of the Republican Club of Staten Island, in meeting duly assembled, do record their strenuous opposition to the President's proposal, insofar as it affects the number of or ages of the Supreme Court Judges, or in any way limits the judicial power of the Court as now constituted; to the Committee on the Judiciary.

533. Also, resolution of the board of directors of the Brooklyn Chamber of Commerce, requesting that the Brooklyn Chamber of Commerce is unalterably opposed to the enactment of the bill for the reorganization of the Federal judiciary submitted to Congress with the message of the President of the United States on February 5, 1937, or to any other bill the effect of which would be to increase the number of Justices of the Supreme Court of the United States or otherwise interfere with the balance of power between the legislative, executive, and judicial departments of the Federal Government; to the Committee on the Judiciary.

534. Also, resolution of the Geneva Chamber of Commerce, requesting that the proposal to enlarge the Supreme Court, or to force the appointment of new Justices to promote the program of the administration, presents a serious threat to our civic liberties, and we protest with conviction any subordination of the Supreme Court to the administration of the hour, no matter how benevolent that administration may be; to the Committee on the Judiciary.

535. By Mr. O'CONNOR of New York: Memorial of the Senate of the State of New York; to the Committee on Military Affairs.

536. By Mr. RICH: Petition of citizens of Wellsboro, Tioga County, Pa., protesting against the President's plan to reorganize the judiciary; to the Committee on the Judiciary.

537. By Mr. THOMAS of New Jersey: Resolution adopted by the Hackensack Chapter, Daughters of the American Revolution, Hackensack, N. J., opposing the President's proposal to change the membership of the United States Supreme Court; to the Committee on the Judiciary.

538. Also, resolution adopted by Colonel Lowrey Chapter, Daughters of American Revolution, Flemington, N. J., opposing President's proposal to increase the membership of the Supreme Court; to the Committee on the Judiciary.

539. Also, resolution adopted by Hillsdale Republican Club, Hillsdale, N. J., opposing the proposal to enlarge the Supreme Court; to the Committee on the Judiciary.

540. Also, petition of Elizabeth Van Emburgh and 22 other citizens of Hackensack, N. J., opposing the proposal to pack and control the Supreme Court; to the Committee on the Judiciary.

541. By the SPEAKER: Petition of the Federal Bar Association of New York, New Jersey, and Connecticut, requesting copies of reports on immigration and naturalization; to the Committee on Immigration and Naturalization.

542. Also, petition of F. E. Mueller and others, petitioning that the religious rights be upheld; to the Committee on the Judiciary.

SENATE

THURSDAY, FEBRUARY 25, 1937

(Legislative day of Wednesday, Feb. 24, 1937)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, February 24, 1937, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had passed without amendment the bill (S. 417) to extend the period during which direct obligations of the United States may be used as collateral security for Federal Reserve notes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 137. An act to amend section 64 of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto;

H. R. 2905. An act to amend an act entitled "An act providing for the establishment of a term of the District Court of the United States for the Southern District of Florida, at Orlando, Fla.", approved June 15, 1933;

H. R. 3898. An act to amend section 318 of the Communications Act of 1934; and

H. R. 4951. An act to amend section 704 of the Merchant Marine Act of 1936 (49 U. S. Stat. L., 2008–2009).

ENROLLED JOINT RESOLUTION SIGNED

The message further announced that the Speaker had affixed his signature to the enrolled joint resolution (H. J. Res. 212) to amend the act entitled "An act to levy an excise tax upon carriers and an income tax upon their employees, and for other purposes", approved August 29, 1935, and it was signed by the Vice President.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Clark	King	Pittman
Andrews	Copeland	La Follette	Pope
Ashurst	Davis	Lee	Radcliffe
Austin	Dieterich	Lewis	Reynolds
Bachman	Duffy	Lodge	Robinson
Bailey	Ellender	Logan	Russell
Barkley	Frazier	Lonergan	Schwartz
Bilbo	George	Lundeen	Schwellenbach
Black	Gerry	McCarran	Smith
Bone	Gibson	McGill	Steiwer
Borah	Gillette	McKellar	Thomas, Okla.
Bridges	Green	McNary	Thomas, Utah
Brown, Mich.	Guffey	Maloney	Townsend
Brown, N. H.	Harrison	Minton	Truman
Bulkley	Hatch	Moore	Tydings
Bulow	Hayden	Murray	Vandenberg
Burke	Herring	Neely	Van Nuys
Byrd	Hitchcock	Norris	Wagner
Byrnes	Holt	Nye	Walsh
Capper	Hughes	O'Mahoney	Wheeler
Caraway	Johnson, Calif.	Overton	White
Chavez	Johnson, Colo.	Pepper	

Mr. MINTON. I announce that the Senator from Ohio [Mr. DONAHEY] is absent from the Senate because of illness.

The Senator from California [Mr. MCADOO] is unavoidably detained.

The senior Senator from Texas [Mr. SHEPPARD] and the junior Senator from Texas [Mr. CONNALLY] are absent attending the funeral of the late Representative Buchanan.

Mr. BYRD. My colleague the senior Senator from Virginia [Mr. GLASS] is detained from the Senate because of illness.

Mr. AUSTIN. I announce that the senior Senator from Minnesota [Mr. SHIPSTEAD] is still detained from the Senate because of illness.

The VICE PRESIDENT. Eighty-seven Senators have answered to their names. A quorum is present.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a joint resolution of the Legislature of the State of Wisconsin favoring inclusion of the production of agricultural lime in all work programs cooperatively carried on by the Federal and State Governments, which was referred to the Committee on Agriculture and Forestry.

(See joint resolution printed in full when presented today by Mr. LA FOLLETTE.)

Mr. GIBSON. Mr. President, I present, for printing in the RECORD and appropriate reference, a joint resolution adopted by the General Assembly of the State of Vermont opposing any modification of Federal laws, treaties, or conventions governing the movement of livestock and livestock products, and so forth.

The joint resolution was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Whereas there is pending before the Foreign Relations Committee of the Senate an agreement executed by officials of a foreign country and the United States; and

Whereas that country harbors within its boundaries infectious diseases of livestock, and particularly foot-and-mouth disease, which do not now exist in the United States; and

Whereas said agreement would modify the present embargo against that country which harbors foot-and-mouth disease within its borders and would permit importations of dressed-meat products; and

Whereas the importation of such products would seriously jeopardize the welfare of our livestock industry: Therefore be it

Resolved by the senate and house of representatives, That we go on record as vigorously opposing any modification of the existing Federal laws governing the movement of livestock or livestock products from any foreign country harboring foot-and-mouth disease or any other transmissible animal disease of serious economic importance which does not now exist in the United States.

Resolved, That the secretary of state be directed to send a copy of these resolutions to the President of the United States and to each Senator and Representative in the Vermont congressional delegation.

Mr. GIBSON also presented three memorials, numerously signed, by sundry citizens of the State of Vermont, remonstrating against the enactment of legislation to reorganize the judicial branch of the Government, especially the proposal to enlarge the membership of the Supreme Court, which were referred to the Committee on the Judiciary.

Mr. RUSSELL presented a resolution adopted by the Central Labor Union of Augusta, Ga., which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

Whereas in keeping with the progressive social and economic policies sponsored by the present national administration, the President of the United States has formulated and presented to the Congress certain judicial reforms appertaining to the status of the highest tribunal of our land; and

Whereas said changes, when wrought, would prevent judicial usurpation of the legislative and executive branches of our Government and confine the courts to their legitimate spheres of action; and

Whereas we recognize the futility of enacting legislation dealing with basic economic or social problems vitally affecting the security and welfare of the producing masses of this Nation unless there are adequate assurances that those who are called upon to pass upon the constitutional validity of said legislation are themselves conversant with the underlying social phenomena in our present economic structure; and

Whereas within the past 4 years many of the most vital laws affecting human welfare, passed by the Congress and approved by the President, have been set aside by the barest majority in the decisions of the Supreme Court; and

Whereas the people of the United States, by their mandate last November, have clearly and unmistakably affirmed their confidence and faith in the progressive and liberal policies sponsored by President Roosevelt and his administration: Therefore be it

Resolved, That organized labor of Augusta, represented by the Central Labor Union, in meeting assembled this 17th day of February 1937, unequivocally endorse the pending movement of the President for judicial reform within the Supreme Court and pledge him our loyal and undivided support in this laudable endeavor.

Mr. MURRAY presented the following joint resolution of the Legislature of the State of Montana, which was referred to the Committee on Foreign Relations:

Senate joint resolution opposing change of laws governing importation of livestock from Argentine

Whereas the Argentine Government and the State Department of the United States Government have negotiated a sanitary convention which has for its purpose the removal of the present sanitary regulations governing the importation of livestock or livestock products from any territory or zone in the Argentine which has temporarily been declared to be free from foot-and-mouth disease; and

Whereas the Argentine and other Republics of South America do not maintain a livestock sanitary organization comparable to the United States Bureau of Animal Industry; and

Whereas the Argentine Government has never inaugurated or carried on a systematic program for the eradication of foot-and-mouth disease, such as has been done by the United States Bureau of Animal Industry; and

Whereas there is grave danger of foot-and-mouth-disease virus being carried by livestock or livestock products from any country where foot-and-mouth disease exists; and

Whereas if foot-and-mouth disease ever became endemic in the State of Montana it would contaminate domestic and wild animals on the open plains, the deserts, and mountain regions of the West, would spread infection and be uncontrollable, with the probable effect of almost annihilating both domestic and wild animals, thus destroying the meat-food supply of our Nation and one of our major industries, and bring financial disaster to the great majority of our citizens; and

Whereas such sanitary pact is now before the Foreign Relations Committee of the Senate of the United States for ratification: Now, therefore, be it

Resolved, That the Twenty-fifth Legislative Assembly of the State of Montana, both houses concurring, respectfully petition the Foreign Relations Committee of the Senate of the United States that they do not recommend the ratification of the sanitary convention now pending before its body; and be it further

Resolved, That we petition the Honorable Burton K. Wheeler and James E. Murray, Congressmen James F. O'Connor and Jerry J. O'Connell, Secretary of State Cordell Hull, and Honorable Franklin D. Roosevelt to use their every endeavor to defeat the ratification of this sanitary pact with the Argentine, and that they vigorously oppose any modification of the existing Federal laws governing the movement of livestock or livestock products from any country where foot-and-mouth disease exists.

Mr. LA FOLLETTE presented the following joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Agriculture and Forestry:

Joint resolution urging the Congress of the United States to include the production of agricultural lime in all work programs carried out by the Federal Government

Whereas a proper solution of the problem of soil conservation arising through soil erosion and depletion of soil fertility is of the most urgent necessity; and

Whereas the dairy farmers of Wisconsin and of other dairy States must grow more feed crops, especially alfalfa, for the dairy herd, and can readily grow such feed crops in the course of a proper crop rotation; and

Whereas the growing of leguminous crops, especially alfalfa, is an essential feature of a soil-conservation program, both from the standpoint of checking and preventing soil erosion and the addition of nitrogen to the soil; and

Whereas the correction of acidity of the soil through the addition of agricultural lime is essential to the growing of leguminous crops, especially alfalfa in Wisconsin, in which State fully 80 percent of the soil is acid and in need of lime; and

Whereas, of the 8,000,000 acres of acid arable land in Wisconsin, it is estimated that only 2,000,000 acres have been limed, leaving at least 6,000,000 acres to be so treated, which would result in a direct benefit to 150,000 farmers in Wisconsin, or 75 percent of the total number of farmers in the State; and

Whereas the program for the production of agricultural lime, heretofore carried out by the Works Progress Administration in cooperation with the College of Agriculture of the University of Wisconsin and the various county agencies in the State, has proven to be especially adaptable to a works program by reason of the low other-than-labor costs involved in such production; and

Whereas a total of nearly 2,000,000 tons of pulverized limestone, marl, and papermill sludge have been produced and delivered to Wisconsin farmers during the past 2½ years, which was made available to Wisconsin farmers at greatly reduced costs under county-sponsored W. E. R. A. and W. P. A. work projects; and

Whereas the agricultural lime program has been the most popular of all projects undertaken by the Works Progress Administration because of its demonstrated worth, for the following more important reasons, among others:

1. The acreage of alfalfa in Wisconsin in the past 2-year period has increased from 525,000 acres harvested in 1934 to 1,171,000 acres in 1936, which large increase was made possible by the extensive use of lime.

2. The application of lime to the acid lime-deficient soils in Wisconsin is in reality making a capital investment in the State's greatest asset, the soil, and the rebuilding of the depleted fertility of Wisconsin farms will secure to the farmers a higher net income and a greater purchasing power, which in turn will reflect itself in greater prosperity and industry.

3. Authorative estimates show that the 2,000,000 tons of lime already applied to Wisconsin farm lands in the past 2-year period has added at least $100,000,000 to the potential income of Wisconsin farmers; and

Whereas the agricultural lime program has not operated to the detriment of private enterprise but rather has widened its opportunity through providing increased appreciation of the value of agricultural lime; and

Whereas the attempts on the part of counties in Wisconsin to secure approval of additional lime projects have been disapproved by the General Accounting Office in Washington on the ground that "These projects are considered by the General Accounting Office to be subsidies to a selected class, namely, farmers. There is no provision in the Emergency Relief Act of 1936 for making such subsidies"; and

Whereas the lime program heretofore carried out will terminate on the completion of presently authorized projects and thereafter agricultural lime will not be available except at prices materially higher than under such program: Now, therefore, be it

Resolved by the senate (the assembly concurring), That this legislature emphatically calls to the attention of the Congress the foregoing facts and urges the Congress to include the production of agricultural lime, similar to that heretofore carried out by the Works Progress Administration, in any and all works programs cooperatively carried on by the Federal and State governments, for the most impelling reason that the soil conservation service resulting from such a program is of the greatest public, as well as private, benefit and is most deeply involved in the promotion of the general welfare; be it further

Resolved, That properly attested copies of this resolution be sent to the President of the United States, to each House of the Congress, and to each Wisconsin Representative therein.

Mr. LA FOLLETTE also presented a joint resolution of the Legislature of the State of Wisconsin, memorializing Congress to provide for the repayment of Wisconsin emergency relief administration loans made to farmers in drought-stricken areas, which was referred to the Committee on Appropriations.

(See joint resolution printed in full when presented by Mr. DUFFY on the 22d instant, p. 1467, CONGRESSIONAL RECORD.)

Mr. LA FOLLETTE also presented a joint resolution of the Legislature of the State of Wisconsin, memorializing Congress to enact more simplified and stringent regulatory measures for aircraft, and also other legislation tending to lessen the hazards of aviation, which was referred to the Committee on Commerce.

(See joint resolution printed in full when presented by Mr. DUFFY on the 22d instant, p. 1467, CONGRESSIONAL RECORD.)

Mr. LA FOLLETTE also presented a joint resolution of the Legislature of the State of Wisconsin, urging Congress to allocate to the several States the entire appropriation authorized by the so-called George-Deen Act for vocational education, which was referred to the Committee on Education and Labor.

(See joint resolution printed in full when presented by Mr. DUFFY on the 22d instant, p. 1467, CONGRESSIONAL RECORD.)

Mr. LA FOLLETTE also presented a joint resolution of the Legislature of the State of Wisconsin, memorializing Congress to amend the Social Security Act so as to include within the scope of the act farmers, agricultural labor, domestic service in private homes, and others who are without benefit of retirement funds, which was referred to the Committee on Finance.

(See joint resolution printed in full when presented by Mr. DUFFY on the 22d instant, p. 1468, CONGRESSIONAL RECORD.)

Mr. CAPPER presented resolutions adopted by Herington Division, No. 152, of Herington, and Pittsburg Division, No. 93, of Pittsburg, both of the Order of Benefit Association of Railway Employees in the State of Kansas, favoring the enactment of legislation to repeal the so-called long-and-short-haul clause in section 4 of the Interstate Commerce Act, which were referred to the Committee on Interstate Commerce.

Mr. LODGE and Mr. WALSH jointly presented a resolution adopted by citizens of the town and county of Nantucket, Mass., protesting against the enactment of legislation to enlarge the membership of the Supreme Court, which was referred to the Committee on the Judiciary.

Mr. WALSH presented the following resolution of the General Court of Massachusetts, which was referred to the Committee on the Judiciary:

Order relative to opposing enactment by Congress of any legislation giving the President authority to appoint additional Judges to the Supreme Court

Whereas there is pending before the Congress of the United States a bill submitted to it by the President seeking a reorganization of the judicial department of the Government of the United States; and

Whereas a part of that bill would empower the executive department of the United States to dominate the judicial department by the appointment of additional Judges to the Supreme Court; and

Whereas the domination of one branch of the Government by another is contrary to the fundamental concept of American government: Now, therefore, be it

Ordered, That the General Court of Massachusetts hereby records its opposition to the enactment by the Congress of the United States of any legislation which would give the President authority to appoint additional Judges to the Supreme Court; and be it further

Ordered, That certified copies of this order be transmitted forthwith by the secretary of the Commonwealth to the President of the United States, to the presiding officer of each branch of Congress, and to the Members thereof from this Commonwealth.

Mr. WALSH also presented a resolution of the General Court of Massachusetts, favoring an amendment to the Constitution providing for the determination and establishment of minimum wages for women and children, which was referred to the Committee on the Judiciary.

(See resolution printed in full when presented today by Mr. LODGE.)

Mr. LODGE presented the following resolution of the General Court of Massachusetts, which was referred to the Committee on the Judiciary:

Resolution memorializing Congress to propose an amendment to the United States Constitution relative to the determination and establishment of minimum wages for women and children

Whereas for more than 20 years the legal status of legislation providing for minimum wages for women and children has been in doubt, and under court decisions such legislation, when mandatory, has been declared unconstitutional; and

Whereas the abolition of sweatshop labor and starvation wages is a matter of grave public concern, demanding immediate action: Therefore be it

Resolved, That the General Court of Massachusetts hereby respectfully requests the Congress of the United States to propose an amendment to the Constitution of the United States to provide for the determination and establishment of minimum wages for women and children; and be it further

Resolved, That copies of these resolutions be forwarded by the secretary of the Commonwealth to the presiding officers of both branches of the Congress of the United States and to the Members thereof from this Commonwealth.

Mr. LODGE also presented a resolution of the General Court of Massachusetts, protesting against the enactment of legislation to enlarge the membership of the Supreme Court, which was referred to the Committee on the Judiciary.

(See resolution printed in full when presented today by Mr. WALSH.)

Mr. LODGE also presented three memorials, numerously signed, by sundry citizens of the State of Massachusetts, remonstrating against the enactment of legislation to reorganize the judicial branch of the Government, which were referred to the Committee on the Judiciary.

He also presented 17 memorials, numerously signed, by sundry citizens of the State of Massachusetts, remonstrating against the enactment of legislation to reorganize the judicial branch of the Government, especially the proposal to enlarge the membership of the Supreme Court, which were referred to the Committee on the Judiciary.

Mr. COPELAND presented a resolution adopted by the Brooklyn Metal Trades Council of the New York Navy Yard, favoring continuance of the investigation of violations of the rights of free speech and assembly and interference with labor organizing and bargaining collectively, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Cayuga County (N. Y.) Petroleum Industries Committee, favoring the enactment of legislation repealing the tax on lubricating oil, which was referred to the Committee on Finance.

He also presented a resolution adopted by a mass meeting in Brooklyn, N. Y., protesting against alleged acts of the Government of Poland toward Lithuanian inhabitants of the occupied territory of Vilnius, which was referred to the Committee on Foreign Relations.

He also presented a resolution adopted by the transportation committee of the Association of Commerce, Elmira, N. Y., protesting against the enactment of legislation providing a 6-hour day for railroad employees and regulating the length of trains and the size of train crews, which was referred to the Committee on Interstate Commerce.

He also presented resolutions adopted by Buffalo Division, No. 84, and Rochester Division, No. 149, both of the Order of Benefit Association of Railway Employees in the State of New York, favoring the enactment of legislation to repeal the so-called long-and-short-haul clause in section 4 of the Interstate Commerce Act, which were referred to the Committee on Interstate Commerce.

He also presented the memorial of R. E. Bennison, of Nyack, N. Y., remonstrating against the enactment of any legislation that might abridge religious rights and privileges, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Stained and Leaded Glass Association, of New York City, N. Y., favoring the enactment of legislation to effectively control subversive efforts in opposition to the orderly administration of the laws under the Constitution of the United States, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by the New York State Bankers Association at Lake George, N. Y., favoring limitation of the operations of the Postal Savings System to communities lacking adequate banking facilities, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted by the Greater City Master Plumbers' Association, Inc., of New York City, favoring extension of insurance on loans made under the National Housing Act for the construction and repair of property, which was ordered to lie on the table.

He also presented a petition of sundry citizens of East Aurora, N. Y., praying for the enactment of neutrality legislation laying mandatory embargoes on arms and munitions of war, which was ordered to lie on the table.

PROPOSED ENLARGEMENT OF THE SUPREME COURT—PETITION

Mr. KING. Mr. President, I present, for appropriate reference, a petition signed by 1,846 citizens resident in the State of Utah. I ask that the body of the petition be inserted in the RECORD.

There being no objection, the petition was referred to the Committee on the Judiciary and the body thereof was ordered to be printed in the RECORD, as follows:

UTAH CHAPTER PRO AMERICA—PETITION TO CONGRESS

We, the undersigned, respectfully urge that you make every effort to defeat the proposal of President Roosevelt to increase the number of Judges on the Supreme Court of the United States. We regard this as an attempt to enlarge the Court to produce certain immediate decisions by Executive rather than by judicial authority, and inevitably to create a permanent subservience of the courts to the Executive. In our opinion, this would undermine the foundations upon which American institutions rest.

REPORTS OF THE COMMITTEE ON CLAIMS

Mr. SCHWELLENBACH, from the Committee on Claims, to which was referred the bill (S. 179) for the relief of J. H. Richards, reported it with amendments and submitted a report (No. 126) thereon.

He also, from the same committee, to which was referred the bill (H. R. 1120) for the relief of Fields B. Arthur and Arthur L. Allen, copartners, Colorado Culvert & Flume Co.; Glen Haller; Kenneth Austin; A. B. Hoffman; J. W. Jones; and Lloyd Lasswell, reported it without amendment and submitted a report (No. 127) thereon.

Mr. LOGAN, from the Committee on Claims, to which was referred the bill (S. 464) for the relief of certain disbursing officers of the Army of the United States, and for the settlement of individual claims approved by the War Department, reported it without amendment and submitted a report (No. 128) thereon.

He also, from the same committee, to which was referred the bill (S. 463) to settle claims of four persons arising from First Army maneuvers, August 1935, reported it with an amendment and submitted a report (No. 129) thereon.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (S. 713) to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926,

reported it with an amendment and submitted a report (No. 130) thereon.

Mr. ELLENDER, from the Committee on Claims, to which was referred the bill (S. 308) for the relief of the estate of Alice W. Miller, deceased, reported it with an amendment and submitted a report (No. 131) thereon.

Mr. HUGHES, from the Committee on Claims, to which was referred the bill (S. 525) for the relief of Harry King, reported it with amendments and submitted a report (No. 132) thereon.

He also, from the same committee, to which was referred the bill (S. 1147) for the relief of Alban C. Sipe, reported it without amendment and submitted a report (No. 133) thereon.

Mr. BROWN of Michigan, from the Committee on Claims, to which was referred the bill (S. 1413) for the relief of Capt. Eugene Blake, Jr., United States Coast Guard, reported it with amendments and submitted a report (No. 134) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LODGE:

A bill (S. 1699) granting an annuity to Frank W. Carpenter; to the Committee on Territories and Insular Affairs.

A bill (S. 1700) for the relief of William A. Patterson, Albert E. Rust, Louis Pfeiffer, and John L. Nesbitt and Cora B. Geller as executors under the will of James T. Bentley; to the Committee on Claims.

By Mr. THOMAS of Oklahoma:

A bill (S. 1701) for the relief of E. C. Beaver, who suffered loss on account of the Lawton, Okla., fire, 1917; and

A bill (S. 1702) for the relief of Milton J. Byars; to the Committee on Claims.

(By request.) A bill (S. 1703) to reserve certain public domain lands for the use and benefit of the Chippewa, Cree, and other Indians of Montana; to the Committee on Indian Affairs.

By Mr. WALSH:

A bill (S. 1704) for the relief of Edmund L. Moore; to the Committee on Patents.

A bill (S. 1705) to authorize the Secretary of War to release a certain right-of-way no longer needed for military purposes at the Springfield Armory, Mass.; and

A bill (S. 1706) to authorize the Secretary of War to convey to the International Young Men's Christian Association College and to the trustees of the Gunn Realty Trust all right, title, and interest of the United States in and to certain lands in Hampden County, Mass.; to the Committee on Military Affairs.

By Mr. WAGNER:

A bill (S. 1707) for the relief of the Union Shipping & Trading Co., Ltd.; to the Committee on Claims.

A bill (S. 1708) to amend section 4442 of the Revised Statutes of the United States, as amended (U. S. C., title 46, sec. 214), with respect to licenses of pilots of steam vessels; to the Committee on Commerce.

By Mr. WAGNER and Mr. VAN NUYS:

A bill (S. 1709) for the better assurance of the protection of persons from mob violence and lynching; to the Committee on the Judiciary.

By Mr. GUFFEY:

A bill (S. 1710) to provide means for the amicable settlement of all disputes between employers and employees that affect the service of carriers engaged in transportation of passengers and property in the water-borne interstate and foreign commerce of the United States, to promote industrial peace in the maritime industry, and for other purposes; to the Committee on Education and Labor.

By Mr. CAPPER:

A bill (S. 1711) to repeal the tax on gasoline and lubricating oils; to the Committee on Finance.

A bill (S. 1712) granting an increase of pension to Esther A. Kenworthy (with accompanying papers); to the Committee on Pensions.

By Mr. REYNOLDS:

A bill (S. 1713) for the relief of Zeb Vance Davidson; to the Committee on Naval Affairs.

By Mr. MINTON:

A bill (S. 1714) for the relief of third- and fourth-class postmasters; to the Committee on Post Offices and Post Roads.

By Mr. GILLETTE:

A bill (S. 1715) for the relief of Donald L. Bruner; to the Committee on Military Affairs.

By Mr. McNARY:

A bill (S. 1716) to amend section 601 of the Revenue Act of 1932, as amended, to provide for an excise tax on egg products; to the Committee on Finance.

By Mr. MOORE:

A bill (S. 1717) to establish a Bureau of Poultry Industry in the Department of Agriculture; to the Committee on Agriculture and Forestry.

By Mr. BONE:

A bill (S. 1718) granting a pension to Adah C. Seed; to the Committee on Pensions.

By Mr. CLARK:

A bill (S. 1719) to prohibit members, officers, and employees of the United States Maritime Commission from practicing before said Commission for a period of 3 years after they cease to be such members, officers, or employees; to the Committee on Commerce.

By Mr. BORAH:

A joint resolution (S. J. Res. 92) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 137. An act to amend section 64 of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto; and

H. R. 2905. An act to amend an act entitled "An act providing for the establishment of a term of the District Court of the United States for the Southern District of Florida, at Orlando, Fla.", approved June 15, 1933; to the Committee on the Judiciary.

H. R. 3898. An act to amend section 318 of the Communications Act of 1934; to the Committee on Interstate Commerce.

H. R. 4951. An act to amend section 704 of the Merchant Marine Act of 1936 (49 U. S. Stat. L. 2008–2009); to the Committee on Commerce.

RECOMMITTAL OF A BILL

Mr. NEELY. Mr. President, yesterday, from the Committee on the Judiciary, I favorably reported to the Senate without amendment Senate bill 1437, relating to the disposition of cases in which the validity of acts of Congress is drawn in question. At the request of a number of the members of that committee, I now ask unanimous consent that the bill be recommitted to the Committee on the Judiciary.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the bill will be recommitted.

THEFT OF ANIMALS IN INTERSTATE COMMERCE—AMENDMENT

Mr. McCARRAN submitted an amendment intended to be proposed by him to the bill (S. 1375) to provide for the punishment of persons stealing animals moving in interstate commerce, and for other purposes, which was referred to the Committee on the Judiciary and ordered to be printed.

THE INDEPENDENCE OF THE JUDICIARY—ADDRESS BY SENATOR BAILEY

[Mr. COPELAND asked and obtained leave to have printed in the RECORD a radio address delivered by Senator BAILEY, Feb. 23, 1937, on the subject of the Independence of the Judiciary, which appears in the Appendix.]

REORGANIZATION OF FEDERAL JUDICIARY—ADDRESS BY SENATOR HOLT

[Mr. WHEELER asked and obtained leave to have printed in the RECORD a radio address delivered by Senator HOLT on

Wednesday, Feb. 24, 1937, on the subject of the reorganization of the Federal judiciary, which appears in the Appendix.]

A PLEA FOR TOLERANCE AND FREEDOM—ADDRESS BY SENATOR WAGNER

[Mr. WALSH asked and obtained leave to have printed in the RECORD an address by Senator WAGNER before the American Jewish Congress on Feb. 4, 1937, on the subject A Plea for Tolerance and Freedom, which appears in the Appendix.]

AMERICAN INSTITUTE OF BANKING—ADDRESS BY COMPTROLLER OF THE CURRENCY

[Mr. WAGNER asked and obtained leave to have printed in the RECORD excerpts from an address delivered by Hon. J. F. T. O'Connor, Comptroller of the Currency, at a dinner given by the Washington chapter of the American Institute of Banking at the Willard Hotel, Feb. 20, 1937, which appear in the Appendix.]

LEON TROTSKY

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an editorial entitled "Our Neighbor's Guest" published in the State, which appears in the Appendix.]

THE MINERS' UNION

[Mr. HOLT asked and obtained leave to have printed in the RECORD an article appearing in the Parkersburg (W. Va.) Sentinel on Feb. 24, 1937, entitled "The Highway", which appears in the Appendix.]

EXTENSION OF AUTHORITY TO NEGOTIATE TRADE AGREEMENTS

The Senate resumed consideration of the joint resolution (H. J. Res. 96) to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended.

The VICE PRESIDENT. The question is on agreeing to the so-called Vandenberg amendment.

Mr. VANDENBERG. Mr. President, I ask that the amendment be stated.

The VICE PRESIDENT. The amendment offered by the Senator from Michigan, which is the pending question, will be stated by the clerk for the information of the Senate.

The LEGISLATIVE CLERK. It is proposed to add at the end of the joint resolution the following:

Provided, That after the enactment of this joint resolution no trade agreement shall include any provision in any way undertaking to limit the power of Congress over internal taxes.

Mr. STEIWER. Mr. President, the pending joint resolution presents questions of very grave importance. Prerequisite to the consideration of tariff rates and of tariff structures is the broad question of national policy which has been but little discussed during this debate. Yet we all know a fundamental question is the extent to which the Nation is to become self-contained, and that question underlies the fixing of tariff rates. We all know we may resort to a sort of national quarantine, either complete or partial, or we may expose ourselves to every alien influence by seeking and developing trade in all quarters of the world. Fundamental questions are whether we shall maintain our position as a creditor nation; whether we shall seek to maintain a balance of trade in our own favor; the questions that relate to neutrality to our relations to the other nations of the world; the question as to whether we are safer under a quarantine or under exposure which comes from a far-flung foreign trade.

These questions are of such great importance I think every Member of this body would be prepared to admit that they ought to be determined by the Congress. I have heard no suggestion in this debate or in the debate in 1934 that matters of such importance ought to be delegated to the keeping of any bureau in the executive branch of the Government.

Prior to the act of June 12, 1934, we were maintaining a policy with respect to our foreign trade and to our tariff structure. That policy was effectuated by a protective tariff. It was measured, in theory and, to a large extent, in practice, by the difference between the cost of production abroad and at home. I recognize, as we all recognize, that there have been variations from that policy. It was not always applied uniformly; it was not always applied equitably as between industries. In some instances duties were too high; in others duties were too low. Often economic changes in the world required changes in duty that could not well be made except under the application of the so-called flexible provisions which were written into the last two tariff laws prior to the act of 1934.

Admitting those variations, the fact remains that for many years our policy was one of protection, measuring the difference in the cost of production at home and abroad.

The act of 1934 definitely scuttled this policy, not in its express terms, but by indirection. It has for its avowed purpose the expansion of our foreign trade. I imagine that no one would maintain that this avowed purpose has been adhered to in the administration of the act. To some extent I suppose it is true that the purpose of the act has been adhered to, but in very many respects it has not. The act of June 12, 1934, has been employed by the State Department for many purposes aside from expansion of our foreign trade. It has been employed among other things for the destruction of the trade balance heretofore existing in our favor.

Yesterday the able senior Senator from Idaho [Mr. BORAH] called attention most graphically to our loss of trade balance and to the effect of the law upon the agricultural elements of our country. I shall not develop that matter further except to say in passing that I am entirely in accord with what the distinguished Senator from Idaho said yesterday.

I want to refer to the language of the act of 1934. It begins with this declaration:

For the purpose of expanding foreign markets for the products of the United States (as a means of assisting in the present emergency in restoring the American standard of living, in overcoming domestic unemployment in the present economic depression, * * *)—

And so forth.

It is quite obvious, not only from a reading of the language to which I have invited attention but from the debates which took place in the Senate and the House at the time of the enactment of the legislation, that the purpose of nearly all those who were supporting the legislation was to improve our economic condition by expanding our foreign trade.

As I said, the avowed purpose of the act has not always been carried out. One of those most intimately connected with the execution of the act is Dr. Sayre, whom we all know personally or by reputation. There was placed in the RECORD in the House of Representatives a certain quotation from an address which Dr. Sayre had delivered at New York City. I want to restate here the language which was quoted in the debate in the House of Representatives from the statement made by Dr. Sayre, as follows:

We are coming within striking distance of a balance between exports and imports. This may be but a temporary phenomenon. * * * But at least we are moving in the right direction. And it is of high importance that this balance is being reached, not through a reduction of exports * * * but through a substantial increase of imports. * * *

So we find that the loss of the balance of trade commented upon yesterday by the Senator from Idaho was not a mere incident but apparently was a thing definitely in the mind of one of those who was charged in a most important way with responsibility for the execution of the law.

Another who spoke with reference to the purpose of the trade treaties was Dr. Grady. He was at that time chief of the division in the State Department, having charge of foreign-trade agreements. Dr. Grady also made a speech on the subject of Reciprocal Trade Agreements. From his speech made in January 1936 I quote:

Our objective is a general amelioration of the world situation.

That, I submit, is something far different and other than the promotion of the foreign trade of the United States. It is a broader objective than the one declared by the Congress, and, like that in the mind of Dr. Sayre, it had never been passed upon by the Congress, but was created in the De-

partment of State in the brains of those gentlemen who are charged with the execution of the law.

In another speech on trade agreements delivered in California in December 1935, Dr. Grady made this statement:

> We are to a greater degree than ever before meshing our domestic economy into the world economy.

I do not know that I could interpret this language with accuracy, but it is fairly apparent from the statements of Dr. Grady that the trade treaties were regarded as a sort of commercial league of nations, and the objectives announced by the Congress have been disregarded in behalf of nebulous theories of world betterment in which these gentlemen are obviously primarily interested.

Secretary of State Hull, in his recent explanation of the results of the act before the Ways and Means Committee of the House, talked much of the attainment of peace by expansion of foreign trade. In his efforts to defend the act as he has administered it, he placed the greatest emphasis upon the supposition that the peace of this Nation has been promoted by the trade treaties which he had made.

I will not take time to discuss the theoretic question whether peace is promoted in this fashion. There is a school of thought which believes that our peace is promoted in a more secure way if we do not become dependent to too great an extent upon trade with the other nations of the world. In this school of thought it is believed that a nation, self-contained, self-sufficient, and self-reliant, is safer both in peace and war than a nation which is dependent upon the vagaries of world politics for its security.

We are all as much interested in peace as is the Secretary of State. I do not mention his position with the idea of criticizing the view which he entertains. I do not want to enter into that dispute at all. However, I do want to say that, so far as he is concerned, his purpose in the enforcement and execution of this law is just as far afield from the avowed purpose declared by the act as is the purpose of Dr. Sayre and Dr. Grady. All of these gentlemen, in their efforts to employ the powers which have been delegated to them through this act, have indulged in nebulous and wishful thinking. All of them are engaged in trying experiments. All of them seem willing—indeed, I think it is right to say they are willing—to sacrifice the American export trade and destroy the balance of trade which our country has enjoyed in order that they may bring about a condition which they privately believe will be for the benefit of this Nation.

Mr. President, I am enlarging upon this part of the case because in my mind the major evil of this kind of legislation is not the specific objections that we sometimes make to it. The major evil comes from the fact that the Congress has shirked its responsibility. It has failed to declare the policy of the country. It has delegated that power to the Executive, who has again delegated it to the Secretary of State; and the Secretary of State has delegated it to Mr. Sayre, and part of the time to Dr. Grady, and part of the time to others. The determination is now made in the remote recesses of the State Department, and there is nobody on this floor who can tell us today the exact purpose of that Department; nobody who can tell us precisely what is in the minds of the people who are engaged in negotiating these treaties and putting them into effect.

With respect to the proposal for a trade agreement with Great Britain, we do not know what the nature of that agreement may be. We are not consulted with regard to it. We only know that somebody in the State Department will be engaged in negotiations with representatives of the British Government, and that if they reach a deal whereby they think they can increase imports, that deal probably will be accepted by the Secretary of State and approved by the President of the United States.

That is the situation with which we will be confronted when the pending joint resolution becomes law.

I desire now to make a brief reference to the question of constitutionality.

At the time the original law was under consideration in this body, a number of us argued that the main feature of the law was unconstitutional, in that it constituted a delegation of the legislative power of Congress to the Executive, and also in that there was no standard provided for the guidance of the Executive; and, because there was no standard the law was condemned by the theory of cases which had been decided by the Supreme Court with respect to the tariff laws of 1890 and 1922.

I will not track again over the ground I covered at that time. Since that discussion the Supreme Court has spoken twice, in two very important decisions, one of which was unanimous and in the other of which the Court was divided, as I remember, 8 to 1. In those decisions the Court again considered the question of the standard which is necessary in order to save legislation from being subject to the charge of unconstitutional delegation of legislative power. Those decisions confirm and support the arguments which we made at that time; and if Senators are sincerely interested in the examination of that question they have but to turn to the act of 1934 to find that in it, although there is a declaration of purpose, there is not even the vestige of a standard of executive conduct. There is not even a hint, there is not anything from which a deduction may be made. I think it is accurate to say that not even a fair inference may be drawn. There is not a basis of any kind, express or implied, upon which the executive branch of the Government may determine what their rule of action should be in entering into these trade treaties.

Worse, though, than the unconstitutionality of the act, so far as its effect upon the business of the country is concerned, are certain specific objections, some of them economic in their character.

One is that the act is so lacking in restraint and boundary that the executive agents of the Government, known and unknown to us, may reward one industry at the expense, yes, even the destruction, of another. They may reward one area of the country at the expense of another. The same objection could be made to the enactment of a tariff bill by the Congress; but there is a vast difference in the two procedures. Whatever else may be said of the enactment of tariff legislation by the Congress, the facts remain—they are everywhere admitted and nowhere denied—that the evidence presented to the Congress is presented to the two committees in broad daylight and in public hearings.

Records are made of the testimony. The information is printed. It is available to everyone, both within and without the Congress. Reports are made by the committees, and the reports are printed and are available to everyone, both within and without the Congress. Finally, when the day of debate arrives, the debate is public, in the presence of the occupants of the galleries, in the presence of the representatives of the press; and finally the record is written down, and becomes a permanent part of the records of our Government. At least there is no secret in the making of the ordinary tariff bill.

When we get down to a consideration of the trade treaties, however, and especially during the time no information was given to American producers as to the items to be considered in those treaties, when we know that the only presentation that can be made is made to a buffer committee which does not participate in the making of the treaty, and that the evidence adduced before the buffer committee may or may not be considered by those who are actually charged with making the agreement; when we reflect that the details of the agreement are worked out by subordinates in the State Department, by members of certain committees, and that those committees change like the changing tides, that different men are introduced in the discussion of different subjects, and that none of us know who any of them are; when we realize, too, that the foreign negotiators are better advised than we are advised concerning the subject of the discussion, and are in position to exercise a greater influence upon our representatives than are the American producers; when we take into consideration, finally, that the ensuing agreement is not subject to ratification by the Senate; and when we realize, on top of it all, that these so-called trade agreements have been employed to abrogate and suspend previously executed treaties of the United States, we can realize the enormity of this situation.

This power ought not to be employed by any bureaucracy, by any Secretary of State, by any one man anywhere. There ought not to be a delegation of power to say that the automobile industry shall prosper, that we will make trades for its benefit, but that agriculture shall languish, that we will make concessions at the expense of the farmers of America in order that the great automobile industry may become still greater.

I make no attack upon any industry. I am not complaining of any treaty in particular, but I find most serious objection to the creation by legislative act of power in any executive branch of our Government to reward one group of our citizens at the expense of another.

Another specific objection is that the law permits our markets to be bartered away. I should not complain if concessions were made upon noncompetitive items, if our State Department would encourage the bringing into our country of goods which we do not and cannot produce. That is not the question here. I complain that the State Department is permitted to barter away the American market to foreign producers with respect to articles which we ourselves can and do manufacture, thus excluding our own people from our own markets; and I have not heard in this debate anything which I have regarded as an adequate justification of this proposition.

It is bad enough if done by the Congress, but at least here all the States are represented, all the districts are represented, everybody is given a hearing. More than that, when a law is enacted it has a certain degree of permanency; but these duties created by treaty are just as fugitive as the winds that blow. Duties have been reduced in one treaty and then reduced again in another treaty, and the industry which has lost its market or some part of its right to enjoy the American market wakes up tomorrow to find out that it has sustained a still further loss; so that the loss of market becomes only a part of the evil. The uncertainty that surrounds the production of goods in this country becomes a part of the evil also.

A third specific objection is that this law permits a group of theorists and dreamers in the State Department to apply their vagrant theories and employ devices to destroy the trade balance of the Nation.

Mr. President, I do not claim that we should always follow the practice of unlimited expansion in the balance of trade. It may well be that our position as a creditor nation just after the World War was not a favorable position from all aspects; that there is some advantage in bringing the trade relationship nearer into balance. I do not debate that question at all; but I do say that a matter of that kind is so great in its importance that if it is to be dealt with, it ought to be dealt with by the Congress as a part of the national economy. I do say that no clerk, no professor, no dreamer, no theorist anywhere, ought to be placed by legislation in position to deal with a subject of that kind, and that one of the vices of this law is that it has permitted exactly that sort of thing to be done.

Senators will remember that at the time this act was debated a most strenuous effort was made by some of us, following the leadership of the distinguished Senator from California [Mr. JOHNSON], to eliminate the consideration of agricultural tariffs entirely in the making of these trade the evil of the act of 1934 would have been averted if agri- agreements. In that effort we failed, and I have very much regretted that failure. I think much of the hardship and culture could have been eliminated entirely from the consideration of the experts and pseudo experts who are directing the affairs of our State Department in the making of these treaties. But agriculture was not eliminated. We have seen instance after instance of countries appearing at our door demanding concessions upon agricultural items. I understand 88 definite reductions have been made in agricultural tariffs.

We have seen our dairy industry and our livestock industry and other agricultural industries exposed to the competition of peoples whose costs do not exceed half the cost of production in the United States. We know that the importations of foreign agricultural products has not destroyed our markets in entirety; they have not deprived us entirely of the right to enjoyment of those markets; but there is no question at all, as Senators can determine if they will watch the quotations day after day, but that the appearance here of foreign-grown beef, and the appearance here of foreign-made dairy products, have affected our price levels to the disadvantage of the American producer.

Every Member of this body knows as well as I know the serious plight in which the farmer finds himself. We do know that, generally speaking, the American farmer stands with his back to the wall. We have sought by every means within our power to lighten his debt burden, to cut down his interest charge. We have sought in many other ways to bring him aid. Much has been done in his behalf. But I wish now to express my concurrence with what was said by the Senator from Idaho yesterday, that unless we give the American farmer the enjoyment of the American market to the extent of his ability to supply that market, the American farmer will never again come back to a condition of economic independence. He will, in fact, be as he was pictured in a recent report submitted to the Congress. He will tend toward peasantry, and there will come before this Nation in the not-too-distant future a more serious question than any question we are considering here now, the question of rehabilitation of a fallen and destroyed agriculture in the United States.

This condition ought not to be countenanced; it ought not to be tolerated. As far as I am concerned, I cannot bring myself to the support of a reciprocity measure which may make the farmer's condition worse.

I realize the futility of protesting here. I know that nothing said from this side of the aisle will change the result in the consideration of the pending joint resolution. But I am happy to have the opportunity to record my dissent, to make my objection, and to let the RECORD show that there are still some of us concerned with the realities of this situation, and concerned sufficiently to take a stand in behalf of the producers of our country.

Mr. WHITE. Mr. President, I am not willing that this matter should be disposed of without expressing, just as briefly as I can, my views concerning it.

In 1934 my vote was cast against the bill giving to the President the authority which the pending joint resolution proposes to extend. The original legislation vested in the President power to give preference to one section of our country at the cost of another section; to build one industry on the ruins of another; to encourage the employment of one citizen by bringing idleness to another. It was a power without check upon its arbitrary use. It was a power from which there was no appeal.

I was unwilling in 1934 to give to any one person this character and degree of authority over the agricultural and industrial life of our Nation and over the fortunes of the American citizen. I did not believe we could constitutionally so do.

Every objection which in 1934 made appeal to me today urges me to oppose the pending joint resolution, and the experience of the 2 years last past suggests further reasons for disapproval of the measure before the Senate.

The Senator from Michigan [Mr. VANDENBERG], the Senator from Vermont [Mr. AUSTIN], and the Senator from Idaho [Mr. BORAH] have made reference to the asserted right to deal with the internal tax structure of the United States by these treaties. I venture the assertion that no one in this body seriously contemplated the assertion of such a right by the President when the 1934 act was under consideration. The very whisper of a suspicion that such a right was given brought from the chairman of the Finance Committee the direct assurance that it was not intended by either House or Senate to give any such power to deal with the excise taxes of our country. The Secretary of State, at the hearing before the Ways and Means Committee of the House of Representatives, gave like assurance.

Notwithstanding this denial upon the highest legislative authority in such a matter, the Department asserts the right

to do this thing, and it has exercised that right in the Brazilian, the Colombian, and the Cuban treaties, and in respect to one item of one other treaty. This asserted right, even if it stood alone, would compel me to vote against the pending joint resolution.

A further usurpation and abuse of power not anticipated, I venture, by a single Senator is the suspension of a treaty entered into by the United States, with the ratification of the Senate, by a so-called trade agreement never submitted to this body. The right is asserted to bring to a temporary and a solemn obligation, sanctioned in constitutional manner and form, by a mere agreement approved by neither the Congress nor the Senate.

What treaties of the United States the administration claims the right thus to suspend, what treaties it will in effect abrogate, I do not know. I do hazard the opinion that no precedent and no authority can be found in law or in usage for the proposition that an obligation of the highest solemnity can be suspended or abrogated except as provided therein, or by an act or instrument of equal dignity. The assertion of this right is without warrant, and is an added reason for refusing the extension of the authority to the Department which claims it.

I oppose the joint resolution before us because of my conviction that in their general results the treaties already negotiated work to the harm of the agricultural interests of our country and do not contribute to the general welfare. I believe in the character of reciprocity approved yesterday by the distinguished Senator from Idaho [Mr. BORAH]. I would facilitate by every possible means the exchange of our surpluses for those things which we have not. I can see no good which can come to agriculture as a whole by reason of opening the American market to agricultural commodities which we can produce in this country to the capacity of our people to buy.

Speaking even more generally, I think it may be said that the acquisition of foreign markets may cost us more than such foreign markets are worth. In the 23 years preceding 1932 our total income from all exports averaged only 7.45 percent of the national income. In our recent efforts to increase this 7.45 percent we should not jeopardize the 92.55 percent of income which comes from our American market. This, I fear, is what is happening under these reciprocal-trade agreements. Through them we are scrapping the protective principle. Although we have entered into but 15 of these treaties, and although the nations with whom the treaties have been made took in 1935 less than 25 percent of our agricultural exports, there has resulted a reduction of duty for practically the world in at least 250 items heretofore enjoying tariff protection. The protective principle was designed to retain, in competitive goods, the American market for the American producer at an American price. These trade treaties are a proposal to swap the American market for a foreign market in which world prices obtain.

What is taking place? Our balance of trade grows less and less. In 1936 it reached the low for nearly half a century of time. In 1934 the balance was $478,000,000; in 1935 it had shrunk to $235,000,000; and in the past year it shrunk to a pitiable $34,000,000.

Mr. President, the Canadian reciprocal treaty is of special interest to the State of Maine and to me. Fully to understand what has taken place, it must be borne in mind that Canada has a three-tariff system. First, she has the Empire preferential rates, which are the lowest. These rest on the Ottawa conference, and are designed to facilitate trade between members of the British Empire, and to give definite tariff preferences to the units of the Empire. There are next the so-called intermediate rates, which generally are given to nations making special trade agreements with Canada. Then there are the general rates, which are the highest.

In addition to these three general classifications, Canada has certain other rates found in trade agreements she has entered into. These special arrangements fix rates far below the intermediate rates; and the United States alone among the principal commercial nations has paid the highest rate of Canadian tariffs.

We further should have in mind the fact that Canada's chief exports are agricultural, forest, fishery, and mineral products, and that her chief imports are manufactured goods, including a substantial volume of machinery intended and used for the increase of her industrial efficiency.

The trade agreement with Canada became effective January 1 of the past year. Speaking generally, Canada made concessions to the United States chiefly on manufactured products, and the United States made concessions to Canada chiefly on agricultural, forest, and fishery products. On the basis of 1929 trade, reductions of duty on agricultural, forest, and fishery products constitute about 86.7 percent of our concessions to Canada, while manufactured and miscellaneous items make up about 73.8 percent of the concessions made to us by Canada. These agricultural concessions, constituting so large a part of the total concessions made to Canada, were granted in violation of assurances given during the political campaign of 1932 that no agricultural tariff would be reduced.

Mr. AUSTIN. Mr. President——

The PRESIDING OFFICER (Mr. BARKLEY in the chair). Does the Senator from Maine yield to the Senator from Vermont?

Mr. WHITE. I yield.

Mr. AUSTIN. Does the Senator from Maine recognize that the power which we are asked to extend for 3 more years would enable the Chief Executive to reduce the duties—that is to say, make additional concessions—on the identical products concerning which we have already made a trade with Canada, and thus cut them still further through the operation of the most-favored-nation treatment?

Mr. WHITE. The Senator from Vermont is correct; and we have made a trade that no Yankee from Vermont would ever have made [laughter], as I shall undertake to show in a moment.

Let us now consider how this arrangement with Canada has worked out in the few months during which it has been in effect. Our concessions made to Canada are real concessions, but in most instances the advantages said to have been given to us by Canada are not real, for the reason that they have not met at all the rate accorded by Canada to all the parts of the British Empire, but are still substantially in excess thereof.

A few illustrations will make this point clear. Under the Canadian treaty the duty on American raisins—and this may be of interest to the Senator from California [Mr. JOHNSON]—was reduced from the general rate of 3 cents a pound to the intermediate rate of 3 cents a pound, which is no reduction at all, while Australian raisins continue to pour into Canada free of duty. We have in truth received no concession at all in this regard.

Print cotton further illustrates what has happened. Under the treaty the duty on print cotton entering Canada from the United States was reduced from 32.5 percent, plus 4 cents a pound, to the intermediate rate of 27.5 percent, plus 3½ cents a pound; but the United Kingdom continues to enjoy the Empire rate of 22.5 percent, plus 2 cents a pound. We are still at a definite disadvantage in the Canadian market as against the cotton print of the United Kingdom, and we shall continue to lose in the Canadian market so long as Great Britain retains her preferential rate over us.

I give another illustration: Under the reciprocal treaty the duty on vacuum cleaners coming from the United States—and these are but illustrations of the principle to which I have made reference—was reduced from the general rate of 25 percent to the intermediate rate of 20 percent; but the preferential rate to the Empire is 12½ percent, substantially under the new American rate.

These, Mr. President, are examples of the fact that, in many instances, we are getting from Canada no concessions not already given to a considerable number of other nations, and, with minor exceptions, no concessions at all which approach the rate accorded by Canada to the Empire; but

the advantages we have accorded Canada are real, and as a result thereof American agriculture suffers.

For the first 9 months of 1936 our exports to Canada increased by $33,000,000, while Canadian imports into the United States increased by $58,000,000. The most significant fact about these figures is that in the third quarter there was an increase in imports of $28,000,000, while our exports increased by only $10,000,000. This shows the cumulative trend against us with respect to Canadian importations into our country.

Mr. President, narrowing our figures to the agricultural trade with Canada for this 9-month period, we find that on items with reduced duties our exports increased by 36 percent, while our imports increased by 104 percent. On items on which duties were unchanged our exports increased by 12 percent; our imports by only 41 percent. This 104-percent increase in imports is a demonstration of what the Canadian treaty is doing to American agriculture.

The notable increases in imports, as well as many of the less significant increases, are upon the products of Maine. Almost every product of the farm, the forest, and the sea along our Maine shore comes also from the farm, the forest, and the sea of Canada. Concessions in regard to the products could only be at the expense of the industries and the people of my State. Under this treaty, hay, apples, poultry, cream, beans, potatoes, cheese, and other farm products, lumber and shingles, and various fishery products face the increased competition which lower duties on these commodities make inevitable, and to which it was intended they should be subjected.

The Canadian treaty freezes upon the free list other commodities of vital concern to Maine and her people. Pulp, pulpwood, and newsprint continue to face the competition of the world, and these products of my State see ahead domestic competition encouraged by public funds. If Government money is to be devoted to enterprises directly competitive with our industry, that industry should have some protection from foreign competition. It should not be required to meet foreign competition and subsidized domestic competition.

Mr. President, this Canadian treaty threatens the industries of my State; it is at the expense of the farmers of the entire Nation. The treaties altogether are opening American agriculture and industry to successful foreign assault. They place in the hands of one man a power which never should be lodged in a single person here in this America of ours. They violate sound constitutional principles. I was against the act of 1934; I am opposed to the pending joint resolution extending the Presidential authority as proposed.

Mr. FRAZIER. Mr. President, as has been said here, I realize that it is practically useless to indulge in debate or to interpose any opposition to the pending joint resolution; but I cannot let it pass without expressing myself briefly on the subject.

When in 1934 the original measure was passed giving the President authority to make reciprocal-trade agreements I was opposed to the measure, as I thought it gave the President too much authority, more authority than any President should want or should have, and I thought that such agreements or treaties should be ratified by the Senate in the constitutional way. I am still of the same opinion.

I was much interested the day the joint resolution was reported to the Senate by the chairman of the Committee on Finance, the Senator from Mississippi [Mr. HARRISON], in his explanation of the measure and how it was working. He seemed to want to give the impression that these reciprocal-trade agreements were quite satisfactory; that everything was going very nicely under them; and he rather sarcastically emphasized the fact that no one who came before the committee made any claim that conditions had not improved during the life of the act providing for reciprocal-trade agreements. He said:

> On this point their silence was loud and emphatic.

Mr. President, his statement, it seems to me, was rather unfair, because in 1934, when this act went into effect, we were in the midst of the depression; in 1934 we had one of the worst droughts ever known in the history of the country; and again, in 1936, we also had a severe drought; indeed, in some of the States there had been a continuous drought since about 1931.

So the fact of a continuous drought has made a difference in the prices, of course, of farm products and in the general condition of the farmers, especially of those not in the drought area. The Secretary of Agriculture, when he appeared before the committee, was fair enough to admit that weather conditions, the drought, had had a very decided effect upon the situation; indeed, he mentioned it in three or four places in his statement before the committee. The Secretary of Agriculture, I think, is honestly interested in the welfare of the farmers and is trying to do something for them, but, of course, being one of the promoters of the reciprocal trade agreement policy, he was strongly in favor of it, and he made the statement in his closing remarks before the committee:

> I think agriculture has been given treatment on the whole somewhat better than industry, not a great deal different but somewhat better. I think agriculture has been given a square deal.

Those were the words of the Secretary of Agriculture before the Committee on Finance considering this measure.

But, Mr. President, I wish to call attention to the fact that every representative of a farm organization that appeared before that committee went on record against the original act and against the joint resolution providing for the continuation of the reciprocal-trade agreements unless it be amended.

Immediately following the Secretary's statement in the printed record appears a letter signed by F. R. Marshall, secretary of the National Wool Growers' Association, Salt Lake City, Utah. I desire to read just a few words from his letter, as follows:

> The ill effects flowing from these agreements have paralyzed some of our industries and alarmed all producers of agricultural commodities.
>
> Agriculture has been and will continue to be the chief sufferer from this policy which increases imports of agricultural commodities produced in the United States sufficient to supply the Nation's needs.

Mr. President, if the wool growers of the Nation were in favor of this measure, they would not have allowed their secretary to make a statement of that kind against it.

Then in the printed hearings follows the statement of Mr. Mollin, secretary of the American National Livestock Association, with headquarters at Denver, Colo. Mr. Mollin was very strong in his statement against the provisions of this measure and gave some very interesting figures in regard to it, especially with respect to cattle. He stated that the total importations of cattle into this country in 1934 were 66,138 head; that in 1935 the importations had increased to 378,124 head; and in 1936, last year, they went up to 410,299 head. He does not claim that all that increase is due to the reciprocal-trade agreements. A part of it, of course, is due to the drought in this country and the shortage of feed for livestock, and so forth, but the fact is that during the life of the reciprocal-trade agreements the imports of cattle, especially the imports from Canada, have increased materially throughout the United States.

My State is on the Canadian border; we feel very materially the effects of the Canadian shipments of livestock, and there is a great deal of protest from the livestock growers of North Dakota and the other border States, especially against the cattle coming in from Canada.

I obtained a statement from the Commerce Department this morning and from the Bureau of Customs in regard to the cattle coming in from Canada. The total shipments of cattle from Canada in 1935 were 112,720 head, but in 1936 the number had more than doubled; the total in that year from Canada being 234,063 head, and the number of cattle 700 pounds in weight and over was 143,219 head.

It was shown that a great many of these cattle from Canada were shipped to the market at South St. Paul and that many of them came through the State of North Dakota on

our through lines from Canada to South St. Paul. I wish to call attention to a few statements made by Mr. Mollin in his testimony before the Finance Committee on the pending joint resolution. He gave the figures for a number of days showing the livestock receipts at St. Paul and other livestock markets and the number of cars of cattle from Canada. He starts in with Monday, April 6, 1936.

Cattle receipts, South St. Paul, 5,600—

And there is a note at the bottom stating that St. Paul receipts of Canadian cattle were 80 cars. Mr. President, that would amount to two trainloads of cattle from Canada coming into the St. Paul market on that day. Two trainloads make quite a difference in the market. No one can tell me that a continuation of such shipments by the trainload a day or two trainloads a day of cattle from Canada into any stock market in the United States cannot fail to have an effect upon the market. Even though the cattle were needed for sale and consumption here at home, the buyers would use the fact that foreign shipments of cattle were coming in as an excuse to hammer down the market. The situation became so bad at St. Paul that the Surplus Commodity Corporation—I am not certain that that is correct term—under the Agricultural Department went to St. Paul and bought cattle to keep the market from going too low.

Mr. Mollin gives the figures for several other days. The next date he gives is Monday, April 13, 1936, and on that day at the St. Paul market 55 cars of Canadian cattle were received; on April 15, 60 cars were received; and on April 20, 125 cars were received from Canada.

Mr. President, the 143,219 head of cattle which were shipped in from Canada during the year 1936 could not help but have an effect upon the prices of livestock to our own growers. More than that, it would take several thousand acres at least to produce the pasturage and hay and feed to produce those cattle in the United States. Mr. President, when the Agricultural Department has been recommending and had in force under the old Agricultural Adjustment Act a plan to reduce the production of farm commodities in the United States, because we were raising too much, under which plan the acreage was cut down and the Government paid the farmers millions of dollars for cutting down their acreage of farm products, it seems rather strange to me that there should have been negotiated these reciprocal-trade agreements which have resulted in an increased importation of such farm products into the United States.

It seems to me absurd and entirely foolish to spend Government money in that way, because the $1,000,000,000 worth of farm products imported into the United States last year from foreign countries would, if those products had been produced here, have taken out of production thousands of acres of cotton land and thousands of acres of wheat and other grain lands, and in that way cut down the production of the products of which we normally produce a surplus. These imports have increased year by year.

I invite attention to another farm representative who came before the committee, Charles W. Holman, secretary of the National Cooperative Milk Producers' Association. He gave some figures that were very interesting. He told about the increase of agricultural imports during the past few years. He said:

In the first 10 months of last year our imports of agricultural products exceeded our exports by 453.3 percent.

So our trade balance has gone the wrong way under these agreements. Part of that increase is undoubtedly due to drought conditions in this country. Nevertheless, it had the effect of increasing the imports of agricultural products. Only yesterday the senior Senator from Massachusetts [Mr. WALSH] had read into the RECORD a telegram from the Boston Chamber of Commerce favoring the joint resolution to continue the international trade agreements—why? Because they feel that their business interests are being benefited. Massachusetts is not an agricultural State. It is a manufacturing State. They think they have been getting some benefit from these trade agreements, and probably have.

There is no question, however, according to the representatives of the various farm organizations, that the farmers are getting the short end of the deal. They are being discriminated against perhaps for the benefit of some business interest. I do not blame the Chamber of Commerce of Boston for telegraphing in that way. I would not blame the automobile manufacturers of the great State of Michigan for sending a telegram of that kind, as they probably have. The claim was made, however, when the law was enacted in 1934, that it would be for the benefit of agriculture. That is one positive claim that was made.

Mr. Holman made a number of other statements. He said the amount of cream shipped in had increased. This whole statement is to the effect that agriculture is being discriminated against.

I invite attention also to a statement made by E. H. Everson, the national president of the Farmers Educational and Cooperative Union. He comes from South Dakota. He said:

I wish to call attention to the fact that immediately after our treaty with Canada went into effect the price of cattle on the South St. Paul market went down $1 per hundred, and this at a time when our cattle in that section were forced on the market on account of the drought.

He said the price of cheese also went down 2 or 3 cents a pound after that treaty was made. I think he is correct. He made several other statements along the same line to the effect that the farmers are being discriminated against by these international trade agreements which have been entered into up to date.

Another farm representative who came before the committee was Mr. A. M. Loomis, representing the Association of American Producers of Domestic Inedible Fats, and the National Dairy Union. Mr. Loomis made the same statement—that the farmers are being discriminated against by the international reciprocal-trade agreements. Mr. Loomis spoke of the babassu oil which was mentioned by the Senator from Mississippi [Mr. HARRISON] when he was explaining the joint resolution the other day. Mr. Loomis said:

The imports of babassu nuts and kernels free of duty in 1936 amounted to 59,021,600 pounds, every pound competing with a domestic fat or oil product. The processing of this oil in the United States and its commercial uses are on all fours with the processing of palm oil and coconut oil, which is subject to a 3-cent excise or processing tax. This constitutes an arbitrary gratuity to the importers of babassu oil of not less than $1,000,000 during the past calendar year.

Mr. President, that competition, of course, means a good deal to the farmers of America. Mr. Brenckman, secretary of the National Grange, made a statement also in regard to babassu oil. He said that the amount that came in last year replaced 37,400 dairy cows for a whole year. The amount of babassu oil shipped in from South American countries last year had that effect.

Mr. KING. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Utah?

Mr. FRAZIER. I yield.

Mr. KING. Is it not a fact there was a considerable increase in the number of dairy cows as well as other cattle during the period covered by that shipment, and that the prices, generally speaking, of butter and cheese have increased rather than diminished since the trade agreements have gone into effect?

Mr. FRAZIER. The price of butter has increased to some extent in some instances. Nevertheless, the price still is below what it should be from the standpoint of the farmers to enable them to get cost of production for their products.

Mr. KING. I wondered what became of those 37,000 dairy cows which the Senator stated had been displaced by this small importation of babassu oil. The number of dairy cows has increased, and they are still producing.

Mr. FRAZIER. The record shows we are using more milk and more of other dairy products than we have in the past, and in spite of that fact we are still not up to the point where we should be. There are still children and babies

going without milk, especially in the large cities and throughout the drought-stricken regions. The necessary dairy products should be produced here at home. These imports are all in competition with the dairy interests of the United States.

We feel that the farmers are entitled to cost of production for their products and that if any reciprocal-trade agreements are made affecting agricultural products, the tariff should be based on the difference between the cost in the foreign countries where these products originate and the cost of production here at home. That was the provision of the flexible-tariff act. It seems to me the flexible-tariff law was a great deal better from the farmers' standpoint than are the present reciprocal-trade agreements.

The point I want to stress is that, although the Secretary of Agriculture stated before the committee that he thought in these reciprocal-trade agreements the farmers had been given a square deal, every one of the representatives of the farmers and farm organizations who came before the committee has differed with him, and they represent a very large number of farmers. They are representatives of farmers and others in probably every State in the Union, and have all protested against the passage of the joint resolution and against the continuation of the law for another 3 years, unless it is amended, and against the way in which it has worked during the past 2 years.

Mr. President, if it is the farmers who are to be considered, then something should be done to discontinue the international trade agreements, or the law should be amended to provide that Congress shall ratify the agreements before they become effective, and that there shall be open hearings on the subject before an agreement is entered into on behalf of the United States.

The Senator from Kansas [Mr. CAPPER], on the day the discussion started on this measure, made the statement—I have not checked up on it, but I take it for granted that it is correct—that in the case of 13 out of the 15 nations that have entered into these agreements with the United States, before the agreement became binding on the foreign country it was ratified by its parliament. That is what has happened in the case of 13 out of 15 of those countries, and that includes the Dominion of Canada, too. Mr. President, if these other nations, before they will finally enter into these agreements, must have the proposed agreements ratified by their parliaments, their lawmaking bodies, why should not the same thing be true here in the United States? It seems to me that it should, by all means; and I hope this measure can be amended at least to provide that the Senate must ratify these agreements, which are nothing more or less than treaties, which the Constitution says must be ratified by the Senate.

Mr. President, I am not going to take up any more time; but it does seem to me that the American agricultural industry has been practically sold out under these agreements. As was so well said yesterday by the Senator from Idaho [Mr. BORAH], American farmers should have the American market. I believe the Senator from Idaho was absolutely correct in that statement. American farmers are entitled to the American market. We are trying to help them in many ways, among others by paying them to keep down their acreage, to produce less of their products; and, on the other hand, through these trade agreements, we are importing more farm products than we have ever before imported in the history of the United States; and, of course, the imported products come in direct competition with the products raised here at home by our farmers.

The argument was made that the importation of these products will help consumers by bringing down prices; but, as was pointed out yesterday by the Senator from Vermont [Mr. AUSTIN], that has not been the case. The imports undoubtedly have kept down the prices to the farm producers in this country; but the persons who handled those products after they were imported, and after similar products had gone out of the hands of the producers in the United States, manipulated the prices so that they were higher than they had been before, on the ground that imported products cost more money because the importers have to pay a duty on them. It seems to me that the whole argument in favor of this measure falls flat.

I hope the joint resolution will either be defeated or else amended so as to protect our American producers.

Mr. BRIDGES. Mr. President, during the past few days we have heard some very able discussions relative to the reciprocal trade agreement measure pending before the Senate. The matter has been very thoroughly gone into, and for that reason I shall make my remarks very brief.

I believe there are certain outstanding facts concerning reciprocal trade agreements which we should bear in mind at this time. We are extending to the Executive broad powers—powers concerning tariff making, treaty making, and taxation.

I believe there is a grave constitutional question whether we, as a Congress, have the power to transfer those duties to the Chief Executive of the Nation without limitation or condition.

I believe that if we are to transfer those powers to the Chief Executive, we should set up certain standards and certain restrictions in the measure under consideration. For example, I believe there should be in this proposed legislation a mandatory requirement for the calling of a public hearing some time in advance of the final negotiation or framing of a treaty. I believe there should be a mandatory requirement that announcement should be publicly made of the commodities under consideration some time in advance of their consideration. I believe that the negotiations should not be conducted in secret, without giving an opportunity to be heard to the American public who are vitally affected by the proposed agreements. I believe that when a public hearing is held it should be held by the same agency that is negotiating the treaty, rather than, as is now the case, by a committee that has nothing to do with the actual negotiation of the treaty.

I believe that the rates to be established on the various commodities under consideration in the various treaties should be based on the American cost of production of the commodities. I know that in the section from which I come—northern New England—the so-called Canadian reciprocal agreement worked a hardship on many of the producers of my section. I know that in certain instances, at least, the industries and the individuals affected had no advance notice of the pendency of negotiations regarding the commodities in which they were interested, and for that reason could not appear and present the facts relating to the problems they were confronting in their particular industry, and in turn protect themselves from unfair competition. In my opinion, treaties negotiated under this act should be subject to ratification by the United States Senate, just as in the case of any other treaties.

I am not opposed to the policy of real reciprocity; I am not opposed to the general principles which are embodied in this proposed legislation; but I am opposed to granting this power to the President of the United States without restriction and without limitation. I am opposed to giving him a blank check to sign, and having that blank check possibly affect the very lifeblood of our industries and the employees in those industries.

For that reason, unless the joint resolution is amended as a result of amendments to be proposed by certain of my colleagues, I shall vote against it. I believe this joint resolution should be amended first so as to make mandatory the public announcement of commodities under consideration some time in advance. I believe there should be a mandatory requirement for a public hearing, to be held before the agency that negotiates the treaty as to all commodities on which the producers care to be heard. I believe the joint resolution should be amended so that the commodities which are the basis of import negotiations should be prohibited for import at a price below the cost of American production of the commodities. I believe the joint resolution should be amended so as to provide for ratification of these treaties by the United States Senate, as all other treaties must be ratified.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Michigan [Mr. VANDENBERG].

Mr. HARRISON. Mr. President, may I ask the Senator from Oregon [Mr. MCNARY] whether any other Member on his side of the Chamber wishes to discuss this subject?

Mr. MCNARY. Yes, Mr. President; the Senator from Idaho [Mr. BORAH] wishes to discuss the constitutional features of the matter. He is the only other speaker who expects to make an extended address. I think he is willing to have the pending amendment disposed of at this time.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Michigan [Mr. VANDENBERG].

Mr. O'MAHONEY. I ask to have the amendment stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. At the proper place in the joint resolution it is proposed to insert the following:

Provided, That after the enactment of this joint resolution no trade agreement shall include any provison in any way undertaking to limit the power of Congress over internal taxes.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Michigan.

The amendment was rejected.

Mr. VANDENBERG. Mr. President, I offer another amendment, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. At the proper place in the joint resolution it is proposed to add the following:

Provided, That after the enactment of this resolution no proclamation shall be made reducing or otherwise changing any statutory duty on foreign imports below the amount necessary, as found by the United States Tariff Commission, to equalize the American cost of production of like or similar domestic commodities.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Michigan.

Mr. VANDENBERG obtained the floor.

Mr. MCNARY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Clark	King	Pittman
Andrews	Copeland	La Follette	Pope
Ashurst	Davis	Lee	Radcliffe
Austin	Dieterich	Lewis	Reynolds
Bachman	Duffy	Lodge	Robinson
Bailey	Ellender	Logan	Russell
Barkley	Frazier	Lonergan	Schwartz
Bilbo	George	Lundeen	Schwellenbach
Black	Gerry	McCarran	Steiwer
Bone	Gibson	McGill	Thomas, Okla.
Borah	Gillette	McKellar	Thomas, Utah
Bridges	Green	McNary	Townsend
Brown, Mich.	Guffey	Maloney	Truman
Brown, N. H.	Harrison	Minton	Tydings
Bulkley	Hatch	Moore	Vandenberg
Bulow	Hayden	Murray	Van Nuys
Burke	Herring	Neely	Wagner
Byrd	Hitchcock	Norris	Walsh
Byrnes	Holt	Nye	Wheeler
Capper	Hughes	O'Mahoney	White
Caraway	Johnson, Calif.	Overton	
Chavez	Johnson, Colo.	Pepper	

Mr. LEWIS. I reannounce the absence of certain Senators as announced by the Senator from Indiana [Mr. MINTON] on the former roll call.

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). Eighty-six Senators having answered to their names, a quorum is present.

Mr. VANDENBERG. Mr. President, the pending amendment is self-explanatory, and I shall say but a word in connection with it.

When Dr. Sayre appeared before the committee he said that the only rates of duty which he proposed at any time to reduce by agreement were duties which were exorbitant or excessive. I am now offering an amendment which merely requires that no rate shall be reduced below the American cost of production, and I fail to believe that any Senator is going to assert that a rate which covers the American cost of production as found by expert authority is an exorbitant or extravagant rate. The pending amendment does nothing except prohibit a reduction of a rate below the cost of production as found by the United States Tariff Commission.

If a Senator votes against this amendment, he closes the door upon ever logically complaining if the gentlemen at the other end of the Avenue slaughter agriculture in his area, or put some industry on the chopping block. That is happening now because the rule of the cost of production is not being followed.

It must be remembered that these agreements still are made in secret. While the process of notification has been somewhat revised as a concession to the tremendous complaints that rolled up from one end of the country to the other against the previous method obtaining, the fact is that the American producer, the American farmer, the American industrialist, whoever he may be, never knows what has happened to him in the State Department until the negotiations have proceeded beyond recall, until the decision has been made beyond the possibility of reopening it. I respectfully submit that somewhere along the line American agriculture and American industry are entitled at least to the minimum protection that they shall not be ravished below the American cost of production.

I have heard only one objection made to this amendment, and I know of only one objection that can be urged against it, unless Senators are willing to permit Dr. Sayre, Dr. Mordecai Ezekiel, and other gentlemen, to reduce these rates below the American cost of production. I repeat I know of only one reason that can be urged against this amendment, and I do not think that is a sound reason; I think it is an excuse. At any rate, it is said that the cost of production abroad is difficult to determine in these fluid economic days. Very well. I call attention to the fact that this amendment is so worded that it is unnecessary to determine the cost of production abroad. The only thing that is necessary is to determine the American cost of production, the cost at home, under the rule the United States Tariff Commission has been following every day of the year, and then to apply that cost of production to the landed cost of the import, and to tie the hands of the negotiators against reducing the differential below the point which permits American agriculture and American industry to survive.

There is no difficulty about finding the cost of production at home, even though it is a fluctuating matter, because the United States Tariff Commission has the 5-year average rule, which it uses all the time. The United States Tariff Commission ruled upon five major commodities in 1936 under the elastic clause of the tariff law, found the cost of production, and protected it under the necessary mandate of that law. But in respect to every other commodity which was touched in these trade agreements during the last 2 years there was no such protection; the American standard was frequently invaded and destroyed, and I am submitting that from now on, in the face of the protests from agriculture and industry, the least the Congress can do by way of reclaiming its own constitutional authority, by way of asserting a rule of conduct for these negotiators, is to insist that the American cost of production shall not be invaded.

I call attention to the fact that when the spokesmen for the dairy interests of America appeared before the Finance Committee the one thing above everything else they plead for was a rule of this character, to assure them against trades which would invade the American cost of agriculturad production.

Mr. President, this is all I have to say, except that I desire to have a roll call on the amendment, if I may be permitted to have it, because I want to know who says that the American cost of production shall not be preserved in connection with these international contracts.

Mr. HARRISON. Mr. President, if there is any amendment that would nullify the high purposes of the proposed legislation or hamper those who are negotiating these trade agreements it would be the amendment offered by the Senator from Michigan.

We have had discussions here for years regarding this cost-of-production idea. Senators know that one farmer

can produce cotton or wheat or corn at a certain figure and that the cost to another farmer will be entirely different. If the pending amendment should be agreed to, it would not only apply to the competing country which produces the competitive article but it would apply to every other country in the world. Of course, the idea of cost of production enters into the consideration given to the question by the negotiators whenever concessions are given or concessions are asked, but I sincerely hope that we will not hamstring this legislation by including in it a provision that the negotiators, before they can make a trade agreement, must send here and there, abroad and at home, to ascertain the cost of production. In some cases it might take 2 years to ascertain the cost of production of some items, and such delay would nullify the whole purpose of the proposed legislation.

Mr. President, we are asking an extension of the Trade Agreement Act for only 3 years, and that whole time, in some instances, may elapse before the cost of production in certain circumstances can be ascertained.

I hope that the amendment will be defeated.

Mr. McNARY and Mr. VANDENBERG called for the yeas and nays.

The yeas and nays were ordered on Mr. VANDENBERG'S amendment, which reads, as follows:

Provided, That after the enactment of this resolution, no proclamation shall be made reducing or otherwise changing any statutory duty on foreign imports below the amount necessary, as found by the United States Tariff Commission, to equalize the American cost of production of like or similar domestic commodities.

The Chief Clerk proceeded to call the roll.

Mr. HATCH (when Mr. ASHURST'S name was called). I have been requested to announce that the senior Senator from Arizona [Mr. ASHURST] is unavoidably detained, and that if present he would vote "nay" on this question.

Mr. BYRD (when Mr. GLASS'S name was called). I announce that my colleague the senior Senator from Virginia [Mr. GLASS], who is detained on account of illness, has a general pair with the Senator from Minnesota [Mr. SHIPSTEAD].

Mr. McNARY (when Mr. HALE'S name was called). The senior Senator from Maine [Mr. HALE] is necessarily absent. He has a pair with the junior Senator from South Carolina [Mr. BYRNES]. If present and at liberty to vote, the Senator from Maine would vote "yea", and I am advised that the Senator from South Carolina would vote "nay."

The roll call was concluded.

Mr. LEWIS. I announce that the Senator from Ohio [Mr. DONAHEY] is detained from the Senate on account of illness.

The Senator from Alabama [Mr. BLACK] is detained in a conference on the House side. If present and voting, he would vote "nay."

The senior Senator from Texas [Mr. SHEPPARD] and the junior Senator from Texas [Mr. CONNALLY] are absent attending the funeral of the late Representative Buchanan.

The Senator from South Carolina [Mr. BYRNES], the Senator from Arizona [Mr. HAYDEN], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Louisiana [Mr. OVERTON], the Senator from Nevada [Mr. PITTMAN], and the Senator from Oklahoma [Mr. THOMAS] are detained on departmental business.

The Senator from Ohio [Mr. BULKLEY], the Senator from California [Mr. McADOO], the Senator from South Carolina [Mr. SMITH], and the Senator from Maryland [Mr. TYDINGS] are unavoidably detained.

The result was announced—yeas 29, nays 47, as follows:

YEAS—29

Adams	Davis	Lodge	O'Mahoney
Austin	Frazier	Lundeen	Steiwer
Bailey	Gerry	McCarran	Townsend
Borah	Gibson	McNary	Vandenberg
Bridges	Holt	Maloney	White
Burke	Johnson, Calif.	Murray	
Capper	Johnson, Colo.	Norris	
Copeland	La Follette	Nye	

NAYS—47

Andrews	Barkley	Bone	Brown, N. H.
Bachman	Bilbo	Brown, Mich.	Bulow
Byrd	Harrison	McGill	Russell
Caraway	Hatch	McKellar	Schwartz
Clark	Herring	Minton	Schwellenbach
Dieterich	Hitchcock	Moore	Thomas, Utah
Duffy	Hughes	Neely	Truman
Ellender	King	Pepper	Van Nuys
George	Lee	Pope	Wagner
Gillette	Lewis	Radcliffe	Walsh
Green	Logan	Reynolds	Wheeler
Guffey	Lonergan	Robinson	

NOT VOTING—19

Ashurst	Chavez	Hayden	Shipstead
Bankhead	Connally	McAdoo	Smith
Black	Donahey	Overton	Thomas, Okla.
Bulkley	Glass	Pittman	Tydings
Byrnes	Hale	Sheppard	

So the amendment of Mr. VANDENBERG was rejected.

Mr. CAPPER. Mr. President, I offer an amendment to the pending joint resolution.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 1, line 8, it is proposed to strike out the period, insert a semicolon, and add the following:

Section 2 of the act entitled "An act to amend the Tariff Act of 1930", approved June 12, 1934, is amended by adding at the end thereof the following:

"(d) No foreign trade agreement hereafter entered into under section 1 of this act shall take effect until it shall have been ratified by the Senate of the United States with the concurrence of two-thirds of the Senators present."

Mr. BORAH. Mr. President, I desire briefly to submit some comments in regard to the amendment. I shall vote for it, although it does not represent the procedure which should obtain as to trade agreements. It is better than not to have any consideration in Congress at all, but the so-called trade agreements, in my opinion, are legislative measures and should originate in the other House and be considered by Congress.

Mr. President, as I see it, there can be only three categories into which these agreements can possibly fall. They are either executive agreements or legislative acts or treaties. I do not know of any other category into which they can possibly fall. I should be happy to have any other category mentioned. If they are executive agreements, there is no occasion and no justification on the part of the Congress to legislate in regard to them at all. The President may undoubtedly negotiate, within certain lines, agreements which are executive in character. It is a power which belongs to him by virtue of his position and which is given to him by the Constitution. We cannot take it away and we cannot add to it. He does not need legislation; he derives his power from the Constitution.

I do not know of any agreement which the President may make as an executive agreement which could possibly call for legislative action; but certainly if the agreement is not in the executive category, it must fall either within the legislative authority or the treaty-making power. In my opinion, it is a legislative prerogative. The Congress would have the power and the right to pass a law providing for the making of such agreements and specify the rule or the standard which should guide the negotiator in making the agreements. If we should undertake to deal with the subject as a legislative matter, it would involve our fixing a rule or standard or formula for the President, guiding or governing him in the making of the agreements. That seems to me to be the proper way to proceed. Then comes the question of the treaty-making power which is involved in the pending amendment.

It has been supposed and it has been contended that the decision in the Embargo case fully justifies these agreements. I do not so understand the Embargo case; in fact, I do not think that it has any bearing upon these agreements whatever. The joint resolution upon which the Court passed in the Embargo case read as follows:

That if the President finds the prohibition of sale of arms and munitions of war in the United States to those countries now engaged in armed conflict in the Chaco may contribute to the reestablishment of peace between those countries, and if, after consultation with the governments of other American republics and with their cooperation, as well as that of such other governments as he may deem necessary, he makes proclamation to that effect, it shall be unlawful to sell, except under such limi-

tations and exceptions as the President prescribes, any arms or munitions of war in any place in the United States to the countries now engaged in that armed conflict, or to any person, company, or association acting in the interest of either country until otherwise ordered by the President or by Congress.

That is the resolution upon which the Court was passing, and which the Court held to be valid. But the Court said in passing upon this matter:

Whether, if the joint resolution had related solely to internal affairs, it would be open to the challenge that it constituted an unlawful delegation of legislative power to the Executive we find it unnecessary to determine. The whole aim of the resolution is to affect a situation entirely external to the United States and falling within the category of foreign affairs. The determination which we are called to make, therefore, is whether the joint resolution, as applied to that situation, is vulnerable to attack under the rule that forbids a delegation of the lawmaking power. In other words, assuming (but not deciding) that the challenged delegation, if it were confined to internal affairs, would be invalid, may it nevertheless be sustained on the ground that its exclusive aim is to afford a remedy for a hurtful condition within foreign territory.

It seems to me that that is a wholly different proposition from dealing with a matter which does concern the internal affairs of the United States.

We are dealing with a matter which, while it connects with a foreign country, also has to do with the interests and welfare of the citizens of the United States. No one would contend that these trade agreements have to do solely with the interests of foreign governments. We have not quite reached that admission. They are agreements which involve also our local concerns. Thus, I do not think that decision has any bearing upon this particular matter.

However, the Supreme Court, in its decision and in the argument leading up to its conclusion, refers to the fact that the President might make certain agreements and among other decisions which it cited was the case of Field against Clark. The Court cited the case of Field against Clark not in disapproval but in approval. What does the case of Field against Clark decide? It decides that when the President is making these agreements or negotiating these understandings with foreign nations he must act under a rule, a regulation, or a specification of conduct prescribed by the Congress itself. There is nothing in the case of Field against Clark which even indicates that the President may proceed of his own discretion without regard to a rule laid down by the Congress; in fact, the Court decided specifically in the case of Field against Clark that the Congress cannot delegate its power in this matter and that the only way under which the President may act, and act authoritatively, is to act under a rule prescribed by the Congress itself.

Mr. LOGAN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Kentucky?

Mr. BORAH. I yield.

Mr. LOGAN. Before the Senator gets entirely away from the Embargo case, let me say that I understood the Senator to say that that case related to an entirely different matter from that which we are considering now because the agreements which we have under consideration now affect us internally while the Embargo case did not affect us internally. I do not exactly understand how that could be for embargo or prohibition of the exportation of goods did apply perhaps to the people of the United States as well as to those of foreign nations. It interfered with their business; it gave an opportunity to increase prices, and it denied our citizens who produce the articles in this country an opportunity to sell in foreign markets. So it seems to me that the embargo case did affect our people internally as well as externally.

Mr. BORAH. There may be something in the Senator's contention. I was reading, however, the basis upon which the Court rested its opinion, and the Court said in its opinion:

In other words, assuming (but not deciding) that the challenged delegation, if it were confined to the internal affairs, would be invalid, it may nevertheless be sustained on the ground that its exclusive aim is to afford a remedy for a hurtful condition within foreign territory.

It might be that the Senator and I would agree that it did affect the interest of this country, but the Court took the view that its exclusive aim was to deal with the matter in foreign countries, and upon that basis it rendered its opinion. The opinion cannot be cited as an authority upon any other state of facts than those assumed by the Court as the basis for its opinion.

Mr. LOGAN. That appears to be so; but, of course, in the nature of the circumstances, the embargo could not exclusively affect other countries. It seems that the Court took the view that the Embargo case only affected the people of other countries. I do not think that would be true in either case, but the Court seems to have said so in the Embargo case.

Mr. BORAH. I was citing the Embargo case because of the fact that it has been contended that the Embargo case makes these reciprocal-trade agreements valid. My contention is that it has no application to the trade agreements because the facts are the reverse of the facts which the Court assumed for its conclusions.

Mr. LOGAN. I do not think that is true. I think the reasoning of the Embargo case might be as well applied to this case as the circumstances involved in the Embargo case are the same. Perhaps there is something wrong about it, but the same opinion might apply to one just about as well as to the other.

Mr. LEWIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Illinois?

Mr. BORAH. I yield.

Mr. LEWIS. I interrupt the Senator from Idaho to call for his reconsideration of a statement which I think he did not intend to make. First, the Senator will recall that he and myself exchanged our views upon the question of these contracts, I insisting that it was within the power of the Executive right to make the contracts, and my able friend, to the contrary, insisting that they were treaties, as he thought, which were being made by government with government, and would, therefore, have to be ratified.

I had occasion, speaking to the Senator from Vermont [Mr. AUSTIN] touching his very able presentation as to the power of delegation, to say that the case of Field against Clark really decided that the President had the right to make the agreements as provided in the tariff act. My able friend from Idaho, unless I misunderstood him, said the Supreme Court decided he did not have the power.

Mr. BORAH. He had the power, but he had it only under a specified rule and standard fixed by the Congress. The Court specifically decided that without that standard and without that rule the President did not have the power to make the agreement. The Senator and I are not in disagreement, I am sure, as to what the opinion holds. I shall read a part of it. The opinion says:

That Congress cannot delegate legislative power to the President is a principle universally recognized as vital to the integrity and maintenance of the system of government ordained by the Constitution. Nothing involving the expediency or just operation of such legislation was left to the determination of the President.

In other words, the Congress specified certain duties with reference to the importation of certain articles then upon the free list. That was in the law. That was a part of the established law. Then it was provided that in case the President ascertained certain facts, another set of duties should go into operation upon the President declaring that state of facts. That is all there was in the case of Field against Clark. The President was acting as the agent and representative of the Congress of the United States to ascertain the fact of whether these foreign countries were dealing fairly and reciprocally with the United States, and if he declared they were not, then the law itself went into operation and not the declaration of the President as to rates.

Mr. LEWIS. Does not the Senator see some parallel in the statement of the Court in that case to the power granted, in the power given in the present treaties now before this body?

Mr. BORAH. I do not see the parallel. I would be glad to have the Senator state the parallel.

Mr. LEWIS. It is my judgment that the parallel lies in the fact that by legislation we granted the President the

right to make these treaties. I will have the Senator to understand that I do not concur in the suggestion that we can abdicate our duty to ratify any compact that in truth is a treaty, and were this proposition now an original undertaking and we were now for the first time considering it I would be opposed to the theory that undertakings of this kind in the form of a treaty could possibly exist without the ratification of the Senate. I deny that the Senate has the right to surrender its duty to ratify treaties and I deny the fact that the compact becomes a treaty until the Senate ratifies it.

But having gone into the proceeding my position is, making the parallel which I suggested to the able Senator, that Congress has given the power to the President to make these treaties and therefore to adjust and adjudge the situation of a foreign country and ourselves. In that case we have the parallel to the privilege laid down in the case which my able friend and myself have cited and with which we are both acquainted.

I may say also that I do not agree with Field against Clark. I think the able court got very wrong and very far afield from the correct principles of government, and laid down the beginning of a very bad and wrongful policy; but since it is the law that if we have the right to delegate these congressional duties to the President it is therefore done and affirmed, affirmed and announced by that act, I insist the decision affords a parallel which justifies the position of the chairman of the Committee on Finance in opposing the amendment of the able Senator from Kansas. I oppose the opinion as law, but follow it as authority.

Mr. BORAH. Let us consider the question of parallel for a moment. In the act which the Court passed upon in Field against Clark, the law in itself was complete. The rates were established. The conditions upon which they were to operate were provided. The only thing that the President was authorized to do was to ascertain a state of facts, and, when he ascertained that state of facts, to so announce by proclamation, and then the law went into operation as the Congress had provided.

In my opinion, that is not true here in any sense. The President is given unlimited power, without any rule or specification of principle by which to be guided in the making of rates or the kind of rates or the nature of duties, to make these agreements. The matter is entirely within his hands. Congress does not undertake to specify—in fact, has just recently refused to specify—that he shall even be guided by the rule of cost of production at home and abroad. It specifies no rule whatever. It is a delegation of legislative power. We need not be in error as to what we are doing. The President is not making Executive agreements and we are not making treaties. What we are doing is delegating in wholesale and riotous fashion legislative power. The very fact that we are legislating shows conclusively that this is not a treaty matter nor a matter of Executive agreements. It is a legislative matter and we are granting to the President legislative power. We fix no rule, no standard, no formula.

Mr. STEIWER. Mr. President, will the Senator yield at that point for a suggestion?

Mr. BORAH. I yield.

Mr. STEIWER. The distinguished Senator from Illinois, referring to the case of Field against Clark, if I understood him correctly, was proceeding on the theory that there was something novel about that decision. He expressed his disagreement with it.

It has been some time since I read the decision, but at one time I studied it very carefully and it is my recollection, which the Senator can confirm or correct, that in that case the Supreme Court merely applied the rule of general acceptation, a rule recognized both in England and America, and one which has been declared in the State courts of many of the States. The opinion specifically quoted, as I recall, from a decision handed down by the Supreme Court of the State of Ohio. There is nothing novel about the rule and nothing exceptional. It is the settled, accepted rule, and has been, I should say, for something like 75 years or more.

Mr. BORAH. I agree with both Senators. The principle which is announced by the Court, of course, is not novel. The application of that principle, in my judgment, was novel in that case. I think the Court went to the utmost limit in sustaining the delegation of power in that instance, and when they decided the Hampton case, using Field against Clark as a precedent, they sustained another delegation of power which has never appealed to me as a sound delegation of power. I do not cite either case because I agree with it. They are both bad law. I cite them, however, to show that, even bad law as they contain, they do not go anywhere near the distance we are going now.

Mr. AUSTIN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Vermont?

Mr. BORAH. I yield.

Mr. AUSTIN. I ask the Senator to consider the following language in the Tariff Act of 1934 to which allusion must be made, if to any language, in attempting to find a standard, namely:

> The President, whenever he finds as a fact that any existing duties or other import restrictions of the United States or any foreign country are unduly burdening and restricting the foreign trade of the United States and that the purposes above declared will be promoted by the means hereinafter specified, is authorized from time to time to enter into foreign trade agreements with foreign governments or instrumentalities thereof—

And so forth.

I ask the Senator, on any interpretation of that language, can one find a rule or standard laid down by the Congress by which to measure the amount of duties that should be charged or by which to ascertain what the terms of import restrictions are to be following that rule?

Mr. BORAH. I do not think there is any definite rule, and I do not think there was any rule in the Hampton case.

So far as I am concerned, I am not preaching any new doctrine. I think the last tariff act which we passed was a clear delegation of legislative power; and we are constantly, step by step, moving along that line. I opposed that delegation of power. I oppose this delegation of power because, in my opinion, it is wholly outside of any authority which may exercise in regard to it.

But, Mr. President, I do not wish to get away from this particular matter, and I do not wish to detain the Senate more than a moment longer, because I am satisfied the Senate is anxious to vote. My contention is that we must either treat this as an Executive agreement, in which case the Congress has nothing to do with it—it is a matter solely within the power of the President—or we must treat it as a legislative act, in which case we must lay down the rule and fix the standard by which the President is to be guided, or we must consider it as a treaty, in which case it must come back to the Senate for ratification.

I do not know of any category under which a trade agreement can fall if it does not fall in one of those three; and I do not know of any authority we have to control the President in making executive agreements. Does anybody know of such authority? Does Congress have to legislate in order that the President may discharge his executive duties with reference to making executive agreements? If we should do so, and we should undertake to limit his power in any respect whatever, he would pay no attention to our action. He has such power as the Constitution gives him to make certain classes of agreements which are executive agreements; but when we make a contract with a nation which binds that nation and binds us, which is a contract between sovereign powers, which is the law of the land so far as the United States is concerned, it measures up in every respect to the dignity of a treaty, and we must either regard it as such or else we must deal with it in a legislative way. I see no excuse from the conclusion that these agreements are legislation or treaties. I feel confident they fall within the legislative domain.

My reason for insisting that we should deal with this matter in a legislative way is that there can be no doubt but that we are dealing here with a question of revenue. There can be no doubt but that we are dealing here with a question of taxes and of revenue. Senators know, one king lost his head and another lost his crown because of trying to take away from Parliament the power to control the revenues of

the country. If there was anything which the fathers understood and which they undertook to do, it was to see that the whole power to deal with revenue, with taxes, was in the Congress of the United States, and exclusively in the Congress. The fathers even went so far as to provide that bills touching this subject must originate in that body which is elected every 2 years, in order to keep the entire subject close to the taxpayers of the United States. I would deal with it upon that basis rather than upon the basis of a treaty, although I will vote for a proposal to deal with the matter in the form of a treaty because, in my opinion, in some way Congress, or part of it, ought to be heard upon this question. But it is not the proper and constitutional way. And it is not the way to best protect the interests of the producers of this country.

Mr. GEORGE. Mr. President, I rise merely because of one question that has been injected into the discussion, and that is whether the act which is sought to be extended falls within the category of a treaty or an Executive agreement.

I think that in the case of Field against Clark, to which reference has been made, the distinction between a treaty and an Executive agreement is very well drawn. Indeed, it is not merely drawn in that case, but it is very well restated in that case.

A treaty can change existing law. In fact, a treaty, when ratified by two-thirds vote of the Senate, becomes a part of the supreme law of the land. A treaty, therefore, can supersede, can override, can change an existing congressional act.

An Executive agreement cannot change statutory law. In other words, the President, within the field in which he is authorized to negotiate an Executive agreement with a foreign government, is bound by existing law. He cannot override it; he cannot supersede it; he cannot contradict it by anything he puts into his Executive agreement.

That, as I understand, is the fundamental difference between an Executive agreement, in the field in which the Executive may act for the General Government, and a treaty, which, of course, must be ratified by the Senate.

Mr. BORAH. Mr. President, am I to understand the Senator from Georgia to contend that the President has no power to make executive agreements except as he derives it from some authority of Congress?

Mr. GEORGE. No; I do not make that contention. Upon that point I agree exactly with the Senator from Idaho. The Executive has the power to make an executive agreement, but in that agreement he is bound by the existing law of the land, and he cannot override it. That is very clearly recognized in the case of Field against Clark, in One Hundred and Forty-third United States Reports.

The only reason why this trade agreement measure is here is that by the law of the land certain duties upon certain imports are fixed; in other words, in our tariff act we have fixed the schedule and have fixed the rate of duty; and, therefore, the President could enter into no negotiations with any foreign government which would lower or raise by a hair's breadth the duty fixed by Congress, unless Congress gave him the power in the act now before it. That is the only reason why this measure was brought here in the first instance, and it is the only reason why it is here now.

Upon the still more troublesome question whether or not the act by which we seek to give the President the power to negotiate trade agreements is an unlawful delegation of legislative power, I very frankly said in the debates upon this subject, when we had under consideration the original act, that the question was one upon which I did not care to dogmatize, because it is an exceedingly close and difficult one; but, in view of the decision in Field against Clark, which, it is true, passed upon the power of the President to put in effect rates fixed by the Congress—the President was nevertheless given the broad discretion that whenever he determined it to be in the public interest—as broad and as genial as the encasing air—he might put into effect the new rates that were fixed by the Congress itself.

Mr. STEIWER. Mr. President, will the Senator yield?

Mr. GEORGE. I yield to the Senator from Oregon.

Mr. STEIWER. As I recall the statute which was under consideration in that case, it used the word "deems." It said, in effect, that whenever the President "deems" that discriminatory practices are being resorted to by foreign countries, he may do a certain thing; and my recollection is that the Court considered the use of that word, and interpreted it to mean "finds"; so they read the statute to mean, when the President finds a certain fact.

If I am in error about that, I should like to be corrected.

Mr. GEORGE. I think the Senator is correct.

Mr. STEIWER. If I am correct, then how can the Senator from Georgia say that the President was given a broad discretion? He was required to find either one way or the other, consistent with the fact.

Mr. GEORGE. Yes, Mr. President.

Mr. STEIWER. A fact is quite different from a discretion.

Mr. GEORGE. Yes; but the fact which he was authorized to find was, after all, the matter within his discretion, in my judgment. I have conceded that the point is a close one; but, based upon the authority in the Field case, and then if the Hampden case in Two Hundred and Seventy-sixth United States Reports be accepted, I do not see how we can escape the conclusion that the broad general power given the President in this particular act can be held to be an unlawful delegation of legislative power.

The only point upon which legislation is needed in order to authorize the President to make an Executive agreement with a foreign nation respecting commerce between the United States and that foreign nation is the power of the President to lower or raise, for the purposes of negotiating his agreement, the existing tariff rates. In the Hampden case it is true that the Court laid great stress upon the fact that a formula which was at least theoretically capable of exact application was laid down; but Chief Justice Taft in that case first announced the broad general principle that if an intelligible principle was laid down by the Congress for the guidance of the Executive, then the power delegated to the Executive to lower or raise tariff duties 50 percent was not an unlawful delegation of legislative power.

But I take great comfort in a line of cases which I think it is too late to overthrow, whatever may be said concerning those cases in point of theory or upon principle.

I think that if one reads carefully the power which the Congress gave to the Interstate Commerce Commission to fix just freight rates, and to regulate charges for carrying passengers and freight, he is bound to reach the conclusion that there is not laid down an exact, meticulous formula such as the Supreme Court itself undertook to say did exist in the tariff act considered by that Court in the Hampden case. Of course, the Court there had under consideration section 315 of the Tariff Act of 1922, which is substantially, though not precisely, the provision carried in the Tariff Act of 1930 in section 336.

The point is that if there is no unlawful delegation of legislative power to lower the rate upon an article of import, or to increase it, then the act must be, of course, taken as a valid act, and it answers the inquiry raised here, because it is essential to the power of the Executive to negotiate an Executive agreement that he act in accordance with a valid act of the land, and not contrary to it; and he cannot negotiate the treaties which we gave him the power in 1934 to negotiate unless this measure be passed by the Congress, and, of course, unless it be subsequently held by the Court that the Congress in passing it has not undertaken to make an unlawful delegation of legislative power.

Mr. VANDENBERG. Mr. President, may I ask the Senator a question?

Mr. GEORGE. I yield.

Mr. VANDENBERG. With great respect to the Senator's judgment, may I inquire of him whether he thinks Congress delegated to the Executive, through trade agreements, the power to abrogate or suspend other treaties?

Mr. GEORGE. I do not. I am not now discussing whether or not that has been done, because I have not examined into that; but if that has been done in any particular agreement, say, between the United States and

Brazil, or the United States and any other nation with respect to matters other than import duties, then that agreement partakes of the character of a treaty, and before it can be effective it must be ratified by a two-thirds vote of the Senate.

Mr. VANDENBERG. I thank the Senator.

Mr. KING. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. KING. I know what the Senator from Michigan has in mind. It seems to me, however, that an agreement of that character might be dual and could be divided—that the part of it which sought to supersede an existing treaty might be held to be unconstitutional and yet the residue of it be absolutely valid.

Mr. VANDENBERG. Mr. President, if the Senator will permit me, the challenge to me—and I am sure the Senator would agree—is less the thing that is done than the willingness of the State Department to go to such an extent in the interpretation of the delegation of power.

Mr. GEORGE. I do not think that in this act we undertook to delegate to the President the power to abrogate an existing treaty with respect to any matter other than import duties. I do not discuss whether any such treaty has been abrogated, or to what extent it would, of course, convert the agreement into a treaty; but it seems to me perfectly clear that if a treaty existing between the United States and any other country has, in fact, been abrogated by one of the so-called reciprocal-trade agreements with respect to any matter other than import duties, then that particular agreement partakes of the character of a treaty and must itself be ratified as provided in the Constitution.

Mr. BORAH. Just a word, Mr. President. It is rather interesting to me to know just where we are arriving with reference to this question. The Senator from Georgia made it very clear that, from his viewpoint, the President could not act in this matter without legislative authority; that he could not make one of these agreements without legislative authority. It is conceded, I suppose, on all hands, that Congress may abrogate a treaty by an act of legislation; and if Congress may abrogate a treaty by act of legislation, may not Congress delegate to the President, if it can delegate at all, the authority to make a so-called trade agreement which abrogates a treaty?

Mr. GEORGE. Mr. President, I am not debating the question which the Senator raises, that we might have given the President authority to modify or abrogate a treaty; but I do not think the act undertook to do that. I have conceded that in order for the President to negotiate a trade agreement which would be valid, there must be a delegation of authority to him to lower or raise an existing tariff rate. The only question in my mind is whether there has been an unlawful delegation of legislative power, or whether we have laid down in the legislation considered a rule that does come within the cases decided by the Supreme Court. We laid down, I frankly confess, a very broad rule; and fundamentally, of course, it simply gives to the President, when he finds that he can thereby increase the commerce of the United States, the power to enter into reciprocal-trade agreements and to affect existing rates. Whether or not the act is a valid one depends upon whether we have made an unlawful delegation of legislative power; and that, in turn, under our cases, depends upon whether or not we have laid down any sufficient criterion, or rule, or formula to guide and govern the Executive in making his decision.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kansas [Mr. CAPPER].

Mr. NORRIS. Mr. President, may not the amendment be stated?

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. It is proposed, on page 1, line 8, to strike out the period, to insert a semicolon, and to add the following:

Section 2 of the act entitled "An act to amend the Tariff Act of 1930", approved June 12, 1934, is amended by adding at the end thereof the following:

"(d) No foreign-trade agreement hereafter entered into under section 1 of this act shall take effect until it shall have been ratified by the Senate of the United States with the concurrence of two-thirds of the Senators present."

Mr. NORRIS. Mr. President, the debate, very interesting though it has been, has been really on the merits of the joint resolution itself, and not upon the pending amendment. It is interesting to note, in passing, that two great Senators have differed with the Supreme Court of the United States in two distinct cases. The Senator from Illinois [Mr. LEWIS] does not agree with the Supreme Court in the case of Field against Clark, and said so very courageously and very bravely. The Senator from Idaho [Mr. BORAH], equally learned in the law, does not agree with the Supreme Court in the so-called Hampden case. So, Mr. President, whither are we drifting? [Laughter.]

I suppose that if in the end it turns out that the Trade Agreements Act itself is unconstitutional, and that the President, acting under it, violates the Constitution on the ground that he is exercising authority which we had no right to give him, the Supreme Court, acting either in its judicial capacity or in its legislative capacity, or both, will rectify the evil, and everything will be lovely some day.

As to the particular amendment now pending, I can see how anyone could support it if he wants the joint resolution defeated. As I see it, if the pending amendment should be adopted, we might just as well reject the whole proposal. As I look at it, the adoption of the pending amendment would be the death knell of the joint resolution.

So far as the Supreme Court will allow us to delegate power to anybody, to the Tariff Commission, the President, or both of them put together, I feel friendly toward the delegation of authority to them to go as far as they can go in making tariff laws, because God knows, and every Senator knows, that the Congress of the United States, from the very nature of things, cannot make a scientific tariff law. The Congress has been trying to do that ever since the country was born, and it has never made a scientific tariff law yet.

It is perfectly foolish, it seems to me, to expect 500 or 550 men to consider the tariff, comprising several thousand items, all different, to a great degree, and enact a law which in the end will be as near a perfect law as 25 men or a lesser number could make, or as nearly perfect as a scientific commission, such as our Tariff Commission, enabled to conduct proper investigations, could make. So, whether right or wrong, I have always felt that we proceeded in the direction of efficiency when we delegated as much power as we could to the Tariff Commission and the President to rectify the evils which creep into every tariff law, made by two different legislative bodies, composed of a large number of men. I may be entirely wrong about that, but it seems to me that while the trade-agreements legislation is not perfect by any means it is a step in that direction. Therefore I favor this so-called delegation of authority to rectify and modify our tariff acts. I believe it tends toward more efficient government. The pending amendment, however, if agreed to, will require the President to submit to the Senate every trade agreement he makes; and we will take it up and debate it without limitation of time, and must ratify it by a two-thirds majority in order to make it effective. If we are going to do that we had better not attempt to do anything along this line, as I see it, and had better simply defeat the joint resolution.

Believing, as I do, that more efficient government is achieved by having this power delegated as we have tried to delegate it than without such delegation, I should not vote for any amendment which I believed would destroy the very life of the law itself. Believing that the proposed amendment would do that, I cannot see how anyone who believes in the law can vote for the pending amendment.

Mr. HARRISON. Mr. President, before the Senator from Nebraska takes his seat I wish to recall to his mind that in the Dingley tariff law, written by the party of the oppo-

sition on the other side of the Chamber, there was contained such a provision as the one now proposed, except that its application was limited to certain products. Under the Dingley law that power was delegated to the President.

Mr. NORRIS. As I read my history, I think that is true, although it happened quite a good many years ago. It was before I became active in senatorial matters—before my day, in other words. So I do not remember fully what the circumstances were at the time referred to by the Senator from Mississippi.

Mr. ROBINSON. Mr. President, I rise merely to say that if every reciprocal-trade agreement must be made into a treaty and disposed of as treaties are disposed of, it would make impossible the operation of the program for improving our commercial relations with foreign nations and for rebuilding and reestablishing the foreign trade of the United States. As has well been said by the Senator who preceded me, with the rule of unlimited debate applicable, and the disposition that always manifests itself to invoke that rule when economic issues of importance are involved, it would take an entire session of the Congress for the Senate to ratify one, two, or three of these trade agreements.

I think it has been demonstrated with reasonable certainty that it is proper for the Congress to give this authority to the President, and I am sure it has resulted in wholesome benefits to the general interests of this Nation, to the welfare and the progress of our people, and to the reestablishment of our commerce with foreign peoples.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kansas [Mr. CAPPER] on page 1, line 8.

The amendment was rejected.

Mr. CAPPER. Mr. President, in line with the statement which I made regarding the pending measure on Tuesday of this week, I now send to the desk an amendment which undertakes to abrogate the power of the executive branch to incorporate in trade agreements the most-favored-nation clause. I ask that the amendment be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 1, line 8, it is proposed to strike out the period and insert a colon and the following:

Provided, That (a) so much of paragraph "(2)" of subsection (a) of section 350 of the Tariff Act of 1930, as amended, as reads "The proclaimed duties and other import restrictions shall apply to articles the growth, produce, or manufacture of all foreign countries, whether imported directly or indirectly" is amended to read as follows: "The duties and other import restrictions proclaimed with respect to any agreement entered into under this section after June 12, 1934, shall apply only to articles the growth, produce, or manufacture of the foreign country with which the agreement is entered into."

(b) This section shall take effect 60 days after the date of the enactment of this act.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kansas [Mr. CAPPER].

The amendment was rejected.

Mr. O'MAHONEY. Mr. President, I call up my amendment, which is lying on the desk, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. At the proper place in the joint resolution it is proposed to insert the following:

Every proclamation of the President under this act shall be submitted to the Congress while in session, and shall not become effective until the expiration of 30 calendar days after such submission unless Congress, by a majority vote of both Houses, provide for an earlier effective date of such proclamation: *Provided*, That if Congress shall adjourn before the expiration of 30 calendar days from the date of such submission, such proclamation shall not be effective until after the expiration of 30 calendar days from the opening day of the next succeeding regular or special session.

LET THE PEOPLE KNOW

Mr. O'MAHONEY. Mr. President, if there had been a roll call upon the amendment offered a few moments ago by the Senator from Kansas [Mr. CAPPER] requiring ratification of trade agreements entered into under the authority of this measure by a two-thirds vote, I should have voted against the proposal, and I desire the RECORD to show that I was opposed to it. I agree with the arguments which have been offered here that any requirement of ratification would have made it altogether impossible to hope for any successful development of the program of reciprocal agreements.

The amendment which I now offer, however, is designed to obtain the same effect without the defects which were inherent in the amendment of the Senator from Kansas. Not argument and debate but public knowledge of what is being done before it has been accomplished is the objective of this amendment.

It is the identical one which I offered in this body when the Trade Agreements Act was first under consideration 3 years ago. It was not adopted at that time. But it seems to me that in all reason, in all principle, and from a perfectly practical point of view it ought to be adopted now. That the Senate and the House are now delegating to a department of the Government the power to change the tariff rates is, of course, apparent to anyone who reads the Reciprocal Trade Agreement Act and the resolution continuing it. No one, it seems to me, can deny that that power is a legislative function.

SENATE'S OBLIGATIONS

Those of us who sit in this body representing the several States are under an obligation to represent the people of our States and to protect them in all the legislative functions of the Government, and particularly to protect them in the levying of taxes and the fixing of tariff rates. Nothing can be more important to the people of the States than the tariff system under which the Nation operates. We all know that great industries have been built up by the exercise of the tariff power. We know that industries can be torn down by the exercise of the tariff power.

Yet under this bill as it was originally drawn and as we are now asked to vote for it, every Senator in this body completely surrenders the power to protect the citzens and the industries of his State that may be affected by tariff rates to be modified by the State Department under this bill.

I can give a very clear example of what I have in mind. When this act was originally adopted, all through the western part of this country, stockmen and ranchmen were worried about whether or not they would be able to continue to operate. Overproduction of livestock was the rule. Prices of livestock had tobogganed, the market for livestock products had been tremendously narrowed, the financial condition of ranchers and stockmen throughout the West, and, for that matter, throughout the country, was so bad that as one of the emergency measures of this administration we created the Farm Credit Administration to extend to these farmers and ranchmen the financial assistance of the Federal Government. We made loans on ranches. We made loans on livestock. We granted commissioner loans. We granted loans when the security to be offered was far below—I almost might say—what common sense would demand of any loaning agency, but we authorized that type of loan because we had faith that it would help to pull the country out of the depression. We had faith that it would enable the stockmen and the ranchers to redeem themselves, to put themselves again on a firm financial footing. We undertook to purchase cattle and sheep under the drought program for the purpose of eliminating the surplus supplies from the markets, and of maintaining the prices at the ranches and to the producers.

The PRESIDING OFFICER. If the Senator from Wyoming will suspend for a moment, the hour of 3 o'clock having arrived, the Chair desires to call the attention of the Senate to the unanimous-consent agreement entered into yesterday which provides that after the hour of 3 o'clock this afternoon no Senator shall speak more than once or longer than 30 minutes on the joint resolution or longer than 15 minutes on any amendment that may be offered. The Senator from Wyoming will proceed.

THE EFFECT UPON LIVESTOCK

Mr. O'MAHONEY. Mr. President, I have described the condition in which the livestock industry found itself in 1933.

The Government came to its aid, helping the industry to meet the effects of overproduction. The Reciprocal Trade Agreements Act was passed. The report was spread abroad throughout the West that, as a result of such agreements, livestock and livestock products would be admitted into the United States in competition with the domestic producers who already had a surplus production.

I was one of the representatives of the Western States who went to the State Department and suggested that it would be altogether out of harmony with the entire emergency program if, as a result of any reciprocal-trade agreement, there should be admitted into the United States the livestock or livestock products of any other country. I may have been laboring under a misconception—and I have no doubt I was—but when I left the State Department I came away with the feeling that livestock would not be included in any reciprocal-trade agreement.

Mr. HATCH. Mr. President, will the Senator yield at that point?

Mr. O'MAHONEY. I yield.

Mr. HATCH. Did not the Senator and also Representatives from other Western States who obtained the same impression assure their people that livestock would not be included in reciprocal-trade agreements?

Mr. O'MAHONEY. The Senator is absolutely correct. I suppose that every Senator from the Rocky Mountain area and from the Plains States gave that assurance to his constituents, and gave it in good faith.

Mr. BORAH. Mr. President——

Mr. O'MAHONEY. I yield.

Mr. BORAH. On this side we were unable to hear the statement made by the Senator from New Mexico.

Mr. O'MAHONEY. The Senator from New Mexico asked me if it was not a fact that I and several other Senators from the livestock-producing States gave assurance to our constituents that livestock and livestock products would not be admitted under any reciprocal-trade agreements.

Mr. BORAH. Did the Senator from Wyoming have authority to give such assurance?

Mr. O'MAHONEY. I have stated, I will say to the Senator from Idaho, that I came away from the State Department with a distinct impression that no reciprocal-trade agreement would be entered into which affected livestock. I say that I was undoubtedly laboring under a misapprehension. I realize how difficult it is sometimes to understand a plain statement. However, when the agreement with Canada was made it contained a provision reducing the tariff upon livestock 1 cent a pound upon a limited quota. It is true that the quota was limited; it is true that the reduction of 1 cent a pound upon 156,000 head probably had no effect whatsoever upon the price of livestock in the United States; but it did have another effect. It had the effect of increasing the importations of livestock, though in so small an amount that no cattleman could feel he was injured.

SUBMITS REPORT

I hold in my hand a copy of a report entitled "A Summary" which was issued this week by the Bureau of Agricultural Economics of the United States Department of Agriculture on the beef-cattle situation. In this report, made public just this week, a report which came into my hands only yesterday, I find some very illuminating figures.

Table 4 gives the imports of cattle and beef for consumption during the period of 1926 to 1936. In 1930 there was imported into the United States 232,895 live cattle and calves. That year the Smoot-Hawley law went into effect. To what extent that law retarded these importations I shall not attempt to say, but the figures I hold in my hand show that during the very next year, 1931, the importations were only 95,355 head of cattle. In 1932 the importations increased to 105,612 head; in 1933 they dropped to 81,591 head; and in 1934 they further dropped to 66,304 head.

The depression may have been, and undoubtedly was, responsible for the decrease in the importations of cattle. It was in 1934 that the Reciprocal Trade Agreement Act was passed. In 1935 the imports of live cattle increased to 378,124 head, an increase of 312,000 head as compared to the importations during the previous year. The reciprocal trade policy did not cause that increase. In 1936, however, following the adoption of the Canadian reciprocal tariff agreement, the importations of live cattle aggregated 410,299 head. That was an increase of only 32,175 head. It had, I am sure, not the slightest effect upon the price of cattle. Indeed, I said as much at the time. I told my constituents that they were benefited, not injured, by the Canadian pact.

The reciprocal trade agreement policy is affected by the most-favored-nation clause of our treaties; and as a result of the treaty with Canada—I withdraw the word "treaty" and say as the result of the Canadian agreement—the concessions granted to Canada were likewise granted to Mexico. It is true the quota limited them both, but cattle were coming in.

We had, or thought we had, a basis upon which to believe that cattle would not be affected by any trade agreement.

Mr. ADAMS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Colorado?

Mr. O'MAHONEY. I yield to the Senator from Colorado.

Mr. ADAMS. I should like to interrupt the Senator to obtain a little information. The Senator said that the quota limitations upon the importation of cattle apply both to Mexico and Canada?

Mr. O'MAHONEY. That is correct.

Mr. ADAMS. What I should like to know is how is the quota distributed? If there are two countries or three countries or four countries from which cattle are being brought into the United States, how does the State Department distribute the quota?

Mr. O'MAHONEY. I think the rule might be stated, "first come, first served." As the cattle come in, the Customs Bureau applies the tax, whatever it may be. There is a continuous, perhaps daily, weekly, or monthly report of the number of cattle coming into the United States, and, when the quota is reached, the tariff reduction ceases. If Canada should send in during the first month, let us say, 20,000 head of cattle, and Mexico should send in 5,000 head of cattle, then the agents of the Treasury Department would assess 25,000 against the quota, and so on, month by month.

Mr. ADAMS. Then, let me ask the Senator what assurance would the Dominion of Canada have that it would receive reciprocal benefits by being allowed under the trade agreement to bring in cattle if Mexico might consume the entire quota?

Mr. O'MAHONEY. It would have the assurance that, under the normal conditions of trade between the two countries, Mexico shipping in a particular kind of cattle and Canada shipping in a different kind of cattle, Canada would have the largest proportion. That is the way it works out.

Mr. ADAMS. I thank the Senator for the information.

Mr. O'MAHONEY. To return to what I was saying, we have no more assurance today than we had 3 years ago that cattle will not be admitted from some other country; indeed, we have reason to believe that a reciprocal trade agreement may be made with Argentina by which livestock and livestock products will be admitted to the United States, again injuring the market of the American producer, who is already turning out a surplus.

In the same document to which I refererd a moment ago, issued only this week by the Department of Agriculture, I find a very interesting statement. It seems that in December last the Government of Great Britain entered into a trade agreement with the Republic of Argentina. Let me read what the Department of Agriculture says about that agreement:

> Import duties on all beef items imported by the United Kingdom were established by that country in a recent trade agreement with Argentina. Under the agreement a minimum beef import allotment was granted by the United Kingdom to Argentina. If Argentine shipments to Great Britain are reduced, an increased proportion of slaughtered cattle in Argentina probably will be diverted to the canned beef trade, with the result that larger supplies of canned beef may be available for shipment into the United States.

I find this additional very interesting report upon that agreement:

BRITAIN-ARGENTINA PACT SIGNED

A new trade agreement between Argentina and the United Kingdom was signed December 1, 1936. As a result of this agreement duties became effective December 16 on all beef items imported from foreign countries by the United Kingdom. The most important of these items are listed in the accompanying table.

In this table we find that Great Britain put into effect on December 16 an increase of the British tariff upon Argentine canned beef and veal tongue. The British duty was raised from 10 percent to 20 percent ad valorem. Are we not to take notice of what the Department of Agriculture tells us, that as a result of that doubling of the British tariff upon canned meat the supplies available for importation into the United States are going to be increased?

Frozen beef and frozen edible offal were on the free list in Great Britain until this new trade agreement with Argentina was entered into by the United Kingdom. They have been taken off the free list and have been placed upon the tariff list with a duty of 20 percent ad valorem.

Then we have salted beef, chilled beef, and frozen beef, all upon the free list under the old agreement, admitted into Great Britain without a tariff. Now we find them bearing a tariff ranging from 1.3 cents per pound to 1.5 cents per pound.

GREAT BRITAIN AIDS THE DOMINIONS

If we read the remainder of this document issued by the Department of Agriculture we find that Great Britain has increased its duties upon the importation of meat and meat products for the purpose of encouraging importation from the British dominions.

Great Britain, in entering into a reciprocal trade agreement with Argentina, has acted for the benefit of the British Dominions. It seems to me that those of us who represent livestock States can with propriety request that in the negotiation of any reciprocal trade agreement by this country, the State Department shall take cognizance of the needs of the American States which produce livestock and livestock products, particularly when our whole record shows that we have an oversupply of those products. If Great Britain can aid its Dominions, our State Department can aid the States of the American Union.

The PRESIDING OFFICER (Mr. POPE in the chair). The Senator's time on the amendment has expired.

Mr. O'MAHONEY. I shall take my time on the bill.

If an agreement should be entered into with Argentina by our State Department, Members of the Senate representing the livestock States may take their hats in their hands and wend their way down Pennsylvania Avenue to the Department of State, and there politely inquire whether or not cattle are to be included in an agreement with Argentina. The polite response they get will be, "We will do nothing that will injure your product."

That is a matter of opinion. That is a matter of interpretation. When I stand on the floor of this Chamber representing in part the State of Wyoming, in which there are so many livestock producers who are still struggling to get their feet upon the ground financially, I cannot be satisfied, as a representative of my people, with any assurance of that kind, particularly when I know that under the Constitution and the law I have the right myself to have a vote upon what the tariff shall be.

Mr. MALONEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Connecticut?

Mr. O'MAHONEY. Certainly.

Mr. MALONEY. Would not the Senator from Wyoming like to point out right there that to this problem of agriculture and the stock raiser might be added tomorrow or another day the problem of the industrial East, with the same worry and the same denial of consideration?

MUST NOT SURRENDER POWER

Mr. O'MAHONEY. The Senator from Connecticut is absolutely correct. There is no difference between agriculture and industry so far as this is concerned. We are engaged here in formulating a law. We are engaged here in laying down a principle which is to guide the executive arm of the Government. That is our right. It is our duty to do that. If we represent our people we must do it, or else we confess that we are surrendering the power which was given to us under the Constitution, the power which we assumed when we took our offices.

Mr. ADAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Colorado?

Mr. O'MAHONEY. I yield.

Mr. ADAMS. Will the Senator give a little additional information? I understand there is pending before the Foreign Relations Committee a treaty with Argentina in reference to the importation of cattle to this country. I am wondering what is the difference between that instrument and trade agreements, one of them going through the processes on senatorial consideration and approval, and those which are designated as agreements being exempt from our consideration and approval?

Mr. O'MAHONEY. The Senator's question, of course, directs attention immediately to that broad field of legal metaphysics in which the Supreme Court and other courts so frequently indulge when they make distinctions without a difference.

I said we are undertaking to enact a law which lays down a principle. What is to be done under this measure does not depend upon the character and ability of Secretary Hull or of Secretary Wallace. I yield to no man in the United States in my respect for the high character and ability and good intentions of Secretary Hull. I think he has done a major and a very beneficial work. I would not withdraw any credit whatsoever from him. I have an equally high regard for the Secretary of Agriculture. I think Secretary Wallace represents the very highest type of public servant, because he is a man of complete frankness, a man of intellectual integrity, a man who says exactly what he means, and one who is guided by no purpose other than a desire to benefit the people of America.

But this is not a bill to delegate to Secretary Hull and to Secretary Wallace the power to make trade agreements. This is a bill which has the effect of delegating this power to whomever may occupy positions in the State Department and in the Department of Agriculture that by administrative act have jurisdiction under this measure. In the vicissitudes of life both Secretary Hull and Secretary Wallace might pass out of the picture tomorrow. Who then would carry on the negotiations? Employees actuated by the high ideals and motives of these men?

Who is there in this body who is naive enough to imagine that negotiations are carried on by Secretary Hull himself and by Secretary Wallace himself? These negotiations are delegated to clerical employees who have no legislative responsibility to their constituencies back home who, indeed, have no responsibility to the people. We have no knowledge whatsoever as to what they may do at any time and under the terms of the bill as it is written there is no check upon them.

PEOPLE HAVE RIGHT TO KNOW

I am one who believes from the very bottom of my soul in the democratic process. The democratic process does not necessarily mean science and efficiency in the enactment of law. It means the enactment of law by the representatives of the people of the United States.

It means that those who are out in the country rely upon their representatives in the House and in the Senate to speak their minds upon the things that affect them. How can we speak the minds of our constituents if we delegate to subordinate employees in the Department of State and in the Department of Agriculture the power to do the things which it is our duty to do?

There is no answer to that question. It cannot be answered, except upon the ground that we are trying to do this thing in an efficient manner. I voted for the original act 3 years ago because we were in an emergency. It was necessary then to take extraordinary steps in order to bring the country out of the depression. We have made wonderful progress under the leadership of a very great and able and

courageous President. We can begin to get back to fundamentals.

It seems to me the time has now come when we should take back to ourselves a portion of the power that is ours, the power that we surrendered in the interest of getting immediate action. This is particularly true since it appears that in 3 years we have made only 15 agreements, and know with any degree of accuracy the results of only two. The effects of the agreements with Cuba and Canada only have been studied. There is no official report on the other 13.

The amendment which I offer does not in any way hamper the State Department in the negotiation of these agreements. It merely provides that before the agreements shall become effective they shall have been filed in the Senate and in the House for 30 days so that the people of the country may know what is being done by their subordinate employees.

Can anybody object to that? Can anybody who believes in democratic principles in reason object to an amendment of this kind?

The amendment would have the effect of making it clear to those who negotiate these agreements in the future that before the agreements become effective they shall be known to the public. I believe in "open covenants, openly arrived at"; and I do hope the Members of the Senate will see fit to support the amendment which I present.

Mr. President, I ask unanimous consent that there may be printed as part of my remarks the official report from the Department of Agriculture from which I have quoted, issued in February of this year, being a summary of the beef-cattle situation; and I also ask unanimous consent that the report be printed as a Senate document.

The PRESIDING OFFICER. Without objection, the report will be printed in the RECORD and as a Senate document.

(See S. Doc. 22.)

The report is as follows:

THE BEEF CATTLE SITUATION

DEPARTMENT OF AGRICULTURE,
BUREAU OF AGRICULTURAL ECONOMICS,
Washington, February 1937.

SUMMARY

Little change has occurred in the general beef cattle situation since issuance of the January report. Prices for all grades of cattle advanced from late December to mid-January. Although prices for most classes and grades of slaughter cattle declined during the last 2 weeks of the month and in early February, prices of choice and prime-grade steers were maintained at about the level reached in mid-January.

Though slaughter supplies of cattle and calves were smaller in January than in December, inspected slaughter of cattle, except for January 1936, was the largest for the month since 1919. Inspected calf slaughter was the largest for the month on record. The number and proportion of the better grades of slaughter steers were smaller than in December, but still considerably above average for the month.

Supplies of the better grades of grain-fed cattle probably will be curtailed considerably in the next 6 months because of the current short supplies of feed grains. For the year as a whole, inspected cattle and calf slaughter is expected to be smaller than the record high slaughter of 1936, but larger than average for the 10 years 1924–33.

Cattle prices in 1937 are expected to average perhaps 10 to 20 percent higher than in 1936 as a result of the reduced slaughter supplies and probable improvement in consumer demand. It is anticipated that the advance in prices of the better grades of slaughter cattle which began in late 1936 will continue, or at least be well maintained in the first half of 1937. Prices of the lower grades of cattle probably will advance seasonally in the next 3 or 4 months.

Although cattle prices are expected to be higher in 1937 than in 1936, imports of Canadian cattle probably will be no larger, and may be smaller, than those of last year because of a reduction in the number of Canadian-fed cattle available for shipment.

Import duties on all beef items imported by the United Kingdom were established by that country in a recent trade agreement with Argentina. Under the agreement minimum beef import allotments were granted by the United Kingdom to Argentina. If Argentine shipments to Great Britain are reduced, an increased proportion of the slaughter cattle in Argentina probably will be diverted to the canned-beef trade, with the result that larger supplies of canned beef may be available for shipment to the United States.

REVIEW OF RECENT DEVELOPMENTS

Prices; decline in late January: Prices of all grades of slaughter cattle advanced fairly sharply from late December to mid-January. A recession occurred in prices of nearly all grades during the second half of the month and in early February. Prices for the better grades of steers at Chicago, however, averaged higher in the first week of February than in late December and early January.

Prices of vealers and heavy calves also advanced during the first half of January, but declined during the latter half to levels lower than those of a month earlier. Stocker and feeder cattle prices followed the same general course as prices of comparable grades of slaughter cattle and maintained a relatively strong position with respect to prices of such cattle during the month.

The top price of slaughter cattle at Chicago reached $14.50 per 100 pounds in late January, the highest price paid at that market since early last year. Although most grades of cattle declined in price during the last 2 weeks of January and the first week of February, prices of choice and prime-grade steers were maintained at about the level reached in mid-January—a reflection of the decrease in market receipts and the anticipated scarcity in supplies of heavy well-finished cattle in the next few months.

Prices of choice and prime-grade steers at Chicago advanced sharply in early January and averaged $13.12 per 100 pounds for the month, compared with $11.82 in December and $13.03 in January a year earlier. (See table 1, supplemental data.) Prices for other grades of beef steers also advanced from December to January, but the advances in prices for the lower grades were less pronounced than those for choice and prime-grade steers. The average price of all grades of beef steers at Chicago was $10.69 per 100 pounds in January, compared with $10.27 in December and $9.30 a year earlier.

Inspected slaughter, January records: Inspected slaughter of cattle in January totaled 867,000 head, 12 percent smaller than in December and 4 percent smaller than in January a year earlier. Except for January 1936, however, it was the largest for the month since 1919. Inspected calf slaughter totaled 484,000 head, 2 percent smaller than in December but 4 percent larger than a year earlier, and the largest for the month on record. (See table 2, supplementary data.)

Receipts of beef steers at Chicago in January were somewhat smaller than in December, but larger than in January a year earlier. Marketings of choice and prime grade steers declined from December to January, while marketings of all other grades increased. The proportion of choice and prime grade steers in the Chicago receipts declined from 39 percent of the total in December to 27 percent in January. Most of this decline was of a seasonal nature, however, and both the number and proportion of choice and prime grade steers marketed in January were considerably larger than those of a year earlier and larger than average for the month.

Storage supplies, above average: Stocks of beef in cold storage in public warehouses and packing plants on February 1 amounted to 181,000,000 pounds, 7 percent less than on January 1, but still considerably above average. Although storage holdings of beef declined during January, holdings of pork increased, and total meats reported in cold storage on February 1, including pork, beef, lamb, and mutton, amounted to 930,000,000 pounds, compared with 871,000,000 pounds a month earlier and 543,000,000 pounds a year earlier. These combined holdings were the largest for February 1 since 1929.

Storage holdings in January and early February this year included a relatively large proportion of frozen pork and beef, indicating that as slaughter supplies, particularly of hogs, are reduced in February and March, a good part of the meat in storage will move into consumptive channels. The increase in holdings of meats and lard over a year earlier was equivalent in live weight to about 2,500,000 head of hogs, 150,000 head of cattle, and 175,000 head of sheep and lambs.

IMPORTS IN 1936 WITH 1937 OUTLOOK

Imports of cattle and calves, and of fresh, pickled and cured, and canned beef in 1936, if converted to a live weight basis, amounted to 572,000,000 pounds compared with 496,000,000 pounds in 1935. Imports in 1936 were exceeded only by those in the years 1927–29, when they were the largest on record. The live weight equivalent of imports in 1936 was equal to about 5 percent of the live weight of cattle and calves slaughtered under Federal inspection and to only about 3 percent of the estimated total slaughter in the United States.

Canned beef was the most important beef import item in 1936, making up 57 percent of the total on an equivalent weight basis. Live animals constituted 41 percent of the total, while fresh, pickled, and cured beef amounted to only 2 percent.

Canned beef—upward trend since 1931: Canned beef imported by the United States originates mostly in Argentina and Uruguay. Such imports have increased fairly steadily since 1931 as a result of restrictions imposed on chilled and frozen beef imports by the United Kingdom and other European countries and, since 1933, as a result of rising prices for beef and veal in the United States. Total canned beef imports amounted to approximately 88,000,000 pounds actual weight in 1936, compared with 76,000,000 pounds in 1935 and 80,000,000 pounds in 1929, the previous high.

New United Kingdom-Argentina trade agreement.—A new trade agreement between Argentina and the United Kingdom was signed December 1, 1936. As a result of this agreement, duties became effective December 16 on all beef items imported from foreign

countries by the United Kingdom. The most important of these items are listed in the accompanying table.

Import duties on beef in the United Kingdom

Item	Duty effective Dec. 16, 1936	Duty previously in effect
Canned beef and veal tongues	20 percent ad valorem	10 percent ad valorem.
Frozen edible offals	do	Free.
Salted beef	1.3 cents per pound	Do.
Chilled beef	1.5 cents per pound	Do.
Frozen beef	1.3 cents per pound	Do.

These duties apply to imports from United States and other foreign countries as well as from Argentina, but do not apply to imports from British dominions. The duties are calculated to represent a rate of about 20 percent ad valorem. The agreement provides that if the ad-valorem equivalent of the specific rates should fall as low as 17.5 percent as a result of rising prices, the duties on an ad-valorem basis for other types of beef would be reduced correspondingly for a period of 6 months.

No definite system of actual import quotas has been established for beef. The agreement mentions a British proposal, however, for a conference of all interested countries for the purpose of reaching an agreement concerning the division of beef imports by the United Kingdom between domestic, Empire, and foreign producers. In the event of such an agreement, it is provided that Argentina shall receive a share in any non-Empire beef allotment that the United Kingdom may establish which will be no less in quantity or in proportion to the total non-Empire allotment than the minimum allotment to Argentina set forth in the trade agreement.

Under this recent agreement, Argentina is guaranteed certain minimum import allotments by the United Kingdom. The 1937 minimum allotment for chilled beef represents a reduction of about 2 percent from the 1935 level of imports from Argentina. The allotment for imports of frozen beef is about the same in quantity as actual imports from Argentina in 1935. Chilled beef is the principal item in the Argentine beef trade with Great Britain, and the allotment agreement plus the imposition of duties may result in a moderate decline in total shipments of beef to Great Britain. If such shipments are curtailed, the quantity of canned beef from South America available for shipment to the United States is likely to be increased.

Cattle and calves—sharp increase 1934 to 1936: Most of the live cattle and calves imported by the United States originate in Canada and Mexico. Imports of cattle from Canada increased sharply from 1934 to 1936, largely as a result of rising prices for cattle in the United States but partly because of the lowering of the import duty in 1936 from 3 to 2 cents a pound for cattle weighing over 700 pounds on a quota for all countries limited to 156,000 head. This quota was exceeded by about 9,000 head in 1936, Canada supplying 143,000 head and Mexico 22,000 head (exclusive of cattle imported for breeding purposes).

Imports of cattle in excess of the quota are subject to the full duty of 3 cents per pound. Reduced duties also apply to a quota of 20,000 head for dairy cows, weighing 700 pounds and over, imported from all sources. Only 6,700 head of such cattle were imported in 1936. The duty for the first 20,000 head of cows imported for dairy purposes in each calendar year is 1½ cents a pound compared with 3 cents for all such cows imported in excess of the quota. The same reduced rate applies to the first 52,000 head of calves weighing less than 175 pounds imported in the calendar year. Imports of calves in excess of that number are subject to the full duty for cattle weighing less than 700 pounds of 2½ cents a pound. The quota for calves was exceeded slightly in 1936, Canada supplying nearly all of such imports. Total imports of cattle and calves from Canada in 1936 amounted to 244,000 head compared with 126,000 head in 1935, and with 7,000 head in 1934 when cattle prices in the United States were relatively low.

Cattle and calves from Mexico normally are imported for further grazing in the range States and usually consist largely of animals weighing less than 700 pounds. In 1936, however, imports of cattle from Mexico weighing over 700 pounds were larger than in the preceding year largely as a result of the reduction in the duty on such cattle. Total imports of cattle from Mexico were smaller in 1936 than in 1935, totaling 165,000 head compared with 251,000 head in 1935 and 57,000 head in 1934.

Although the reduction in the duty under the reciprocal trade agreement with Canada accounted for a part of the increase in cattle imports in 1936, it is likely that imports of cattle from Canada would have increased considerably even if there had been no change in duty. Following the favorable returns from feeding in the winter and spring of 1934–35, cattle feeding in Canada as well as in the United States was expanded considerably in 1935–36. The relatively large shipments which characterized the first 9 months of 1936 were partly the result of this increased feeding.

The number of cattle imported from Canada in 1937 will depend in part on the level of cattle prices in this country and partly on the supply of Canadian cattle available for shipment. Cattle prices in the United States are expected to be higher in 1937 than in 1936, but it is probable that the number of fed cattle in Canada available for market in the first half of 1937 will be smaller than a year earlier because of reduced feed supplies and the unfavorable returns from cattle feeding last winter.

Imports of cattle from Canada in January were larger than those of a year earlier largely as a result of the relatively high prices in United States markets, and the small imports in December after the quota was filled. Such supplies of Canadian cattle, however, are expected to be rather sharply curtailed in the next 3 or 4 months. The total of such imports in the first half of 1937 probably will be no larger than a year earlier and may be smaller.

OUTLOOK

Demand for beef to continue high: Payments by packers for cattle and calves slaughtered under Federal inspection in 1936 amounted to $715,000,000, a 10-percent increase over 1935, and the largest total for any year since 1930. Such payments are expected to show a further increase in 1937 as a result of continued improvement in consumer purchasing power.

Consumer demand for beef and veal will be supported by increased national income in 1937. National income made an estimated 12-percent gain in 1936, and a further increase is anticipated for 1937. An additional supporting factor will be the relatively small supplies of hogs available for slaughter. Hog production in 1935 and 1936 was more severely affected by drought than cattle production, and slaughter supplies of hogs are expected to continue relatively small in 1937.

Beef and veal large in proportion to total meat production: As a result of the decline in slaughter supplies of hogs from 1929–33 levels and the increase in supplies of cattle and calves, the dressed weight of cattle and calves constituted 47 percent of the total dressed weight of livestock slaughtered under Federal inspection in 1936, 50 percent in 1935, and 42 percent in 1934. The dressed weight of cattle and calves in the 5 years from 1929 to 1933 averaged 35 percent of the total dressed weight of inspected livestock slaughtered. During this period the dressed weight of hogs slaughtered averaged 60 percent of the total. Cattle and calf slaughter in 1937 probably will continue to constitute a relatively large proportion of total livestock slaughter as in 1935 and 1936.

Slaughter to be smaller than 1936, but larger than average: Inspected slaughter of cattle and calves in 1937 is expected to be smaller than the record high slaughter of 1936, but considerably larger than average for the 10 years 1924–33. The number and proportion of the better grades of grain-fed cattle, however, probably will be somewhat smaller than average because of the current short supplies of feed grains.

Cattle prices during the spring and summer probably will show sufficient strength in relation to feed prices to encourage retention of breeding stock, assuming that feed grain and hay production in 1937 will be about normal. This will result in a reduction in the number of cows and heifers available for slaughter from late spring 1937 until the calves are born in the spring of 1938.

Most of the reduction in slaughter supplies of steers is expected to occur in the western Corn Belt States, where the number of cattle on feed January 1 showed a decrease of 33 percent from the number on feed a year earlier. The number on feed in the eastern Corn Belt States showed a decline of only about 3½ percent. In the 11 Western States and Texas and Oklahoma the number of cattle on feed January 1 was about 10 percent larger than those on feed a year earlier and twice as large as the number on January 1, 1935.

The number of steers sold out of first hands from the Corn Belt for slaughter at Chicago in 1937 probably will not be greatly different from that of 1935, although smaller than that of 1936. The number of cattle on feed at the beginning of the year was somewhat larger than 2 years earlier, but a larger proportion of the grain available in the Corn Belt is expected to be used for hog feeding this year. Many of the feeder cattle shipped into the Corn Belt last fall will be carried through the winter on hay, fodder, and other roughage, pastured next summer, and fed out on grain in the winter of 1937–38.

Prices likely to average higher in 1937: The general level of cattle prices in 1937, on the basis of present indications, is expected to average from 10 to 20 percent higher than in 1936 as a result of reduced slaughter supplies and the probable further improvement in consumer demand. It is anticipated that the number of well-finished cattle marketed in the first 6 months of 1937 will be smaller than a year earlier, and the advance in the price of the better grades which began in late 1936 will continue or at least be well maintained in the first half of 1937. The movement in prices of these kinds of cattle is usually downward from January through April.

Prices of the lower grades of cattle usually advance during the early months of the year. Although the proportion of the lower grades in the total slaughter supply is expected to be relatively large, prices for these kinds of cattle probably will advance seasonally during the first half of the year. It is anticipated that the relatively small number of slaughter hogs that will be available in this period will lend strength to prices of the lower grades of cattle.

SUPPLEMENTARY DATA

TABLE 1.—*Price per 100 pounds of cattle and calves, January 1937, with comparisons*

Classification	January average 1924–33	January 1934	January 1935	January 1936	1936–37 November	1936–37 December	1936–37 January
Beef steers sold out of first hands at Chicago:							
Choice and prime	$12.20	$6.01	$11.53	$13.03	$11.41	$11.82	$13.12
Good	10.61	5.20	9.90	10.28	9.95	10.38	10.88
Medium	9.19	4.86	7.60	8.18	8.38	8.64	8.95
Common	7.82	4.13	5.74	6.84	6.66	6.76	7.28
All grades	9.69	5.35	9.24	9.30	10.31	10.27	10.69
Cows, Chicago:							
Good		3.49	5.79	6.27	6.10	5.97	6.43
Low cutter and cutter	4.09	2.07	2.55	4.30	3.80	3.87	4.22
Vealers, Chicago:							
Good and choice	11.43	6.01	8.03	10.45	8.91	10.21	11.10
Stocker feeder steers, Kansas City:							
500–800 pounds, good and choice		4.36	5.76	7.48	6.37	6.61	7.14
800–1,050 pounds, good and choice		4.15	6.38	7.33	6.72	6.70	7.62
Average price paid by packers:							
Cattle	7.45	4.12	5.77	6.47	5.87	6.42	
Calves	9.50	4.73	6.11	8.65	6.10	6.76	
Average price received by farmers:							
Beef cattle	6.36	3.33	5.06	6.22	5.97	6.17	6.54
Calves	8.93	4.46	5.84	8.15	7.46	7.83	8.62

TABLE 2.—*Slaughter and market supplies of cattle and calves, 1936, with comparisons, and December 1936 and January 1937, with comparisons*

Item	Unit	Year Average 1924–33	Year 1935	Year 1936	Month January average 1924–33	Month January 1936	Month December 1936	Month January 1937
Inspected slaughter:[1]								
Cattle	Thousands	8,850	9,666	10,972	735	906	987	867
Calves	Thousands	4,819	5,679	6,070	377	465	494	484
Beef steers sold out of first hands at Chicago:								
Choice and prime	Thousands	159	100	262	4	4	28	19
Good	Thousands	471	366	345	31	26	18	20
Medium	Thousands	416	179	223	47	29	17	21
Common	Thousands	105	63	68	14	7	9	9
All grades	Thousands	1,151	708	898	96	66	72	69
Receipts of cattle at 7 markets.[2]	Thousands	[3] 8,044	7,842	8,495	[3] 628	632	654	601

Item	Unit	Year Average 1924–33	Year 1935	Year 1936	Month December average 1924–33	Month December 1935	Month November 1936	Month December 1936
Inspected slaughter:								
Cows and heifers	Thousands	4,181	5,412	5,727	386	538	620	575
Steers	Thousands	4,340	3,856	4,798	340	317	336	384
Average live weight:								
Cattle	Pounds	953	910	921	959	921	912	916
Calves	Pounds	176	189	193	176	200	214	208
Average dressed weight:								
Cattle	Pounds	516	476	488	512	475	465	475
Calves	Pounds	101	107	108	101	109	116	115
Total dressed weight:								
Cattle	Million pounds	4,532	4,564	5,317	379	420	456	465
Calves	Million pounds	487	603	653	39	52	55	57
Imports:								
Cattle [4]	Thousands	253	378	410	22	27	14	13
Canned beef [5]	1,000 lbs.	35,527	76,263	87,764	2,071	6,867	3,703	1,764

[1] Bureau of Animal Industry. Excludes Government slaughter in 1935 and 1936.
[2] Chicago, Kansas City, Omaha, East St. Louis, St. Joseph, Sioux City, and St. Paul.
[3] Average 1929–33.
[4] U. S. Department of Commerce. General imports prior to 1934; beginning Jan. 1, 1934, imports for consumption.
[5] U. S. Department of Commerce and U. S. Tariff Commission. Imports for consumption.

TABLE 3.—*Total dressed weight of livestock slaughtered under Federal inspection and proportion represented by each class of livestock, average 1929–33, annual 1934–36*

Item	Average, 1929–33	1934[1]	1935[1]	1936[1]
	Million pounds	*Million pounds*	*Million pounds*	*Million pounds*
Hogs	8,007	7,231	4,495	6,101
Cattle	4,255	4,960	5,564	5,317
Calves	469	643	603	653
Sheep and lambs	647	624	701	680
Total	13,379	13,458	10,274	12,751
PROPORTION OF TOTAL DRESSED WEIGHT REPRESENTED BY EACH CLASS OF LIVESTOCK				
	Percent	Percent	Percent	Percent
Hogs	59.9	53.7	42.9	47.9
Cattle	31.8	36.9	44.4	41.7
Calves	3.5	4.8	5.9	5.1
Sheep and lambs	4.8	4.6	6.8	5.3
Total	100.0	100.0	100.0	100.0

[1] Excludes Government slaughter.

TABLE 4.—*Imports of cattle and beef for consumption, 1926–36*

Year	Live cattle and calves: Total [1]	Live cattle and calves: Total live weight	Beef: Fresh [2]	Beef: Pickled or cured [2]	Beef: Canned
	Number	*1,000 pounds*	*1,000 pounds*	*1,000 pounds*	*1,000 pounds*
1926	219,584		20,106	3,813	21,045
1927	443,459		42,574	8,209	35,999
1928	534,804		49,218	8,462	52,738
1929	503,269		41,327	9,432	79,898
1930	232,895		17,078	2,318	56,105
1931	95,355		2,082	1,461	19,587
1932	105,612		909	818	24,639
1933	81,591		344	654	41,344
1934	66,304		325	862	46,674
1935	378,124	[3] 194,461	8,757	1,472	76,263
1936	410,299	[3] 235,257	4,081	2,181	87,764

[1] General imports prior to 1934, beginning Jan. 1, 1934, imports for consumption.
[2] Includes veal.
[3] Dutiable, comparable data for earlier years not available.
U. S. Department of Commerce. Free and dutiable.

TABLE 5.—*Imports of live cattle and calves from Canada, Mexico, and other countries, 1934–36*

Year	Canada	Mexico	Other countries	Total
	Number	*Number*	*Number*	*Number*
1934	7,433	57,090	1,781	66,304
1935	125,786	251,370	968	378,124
1936	244,406	164,730	1,163	410,299

Mr. HARRISON. Mr. President, there is little difference between this amendment and the amendment which the Senate has already voted down, offered by the Senator from Kansas [Mr. CAPPER]. Of course, the amendment offered by the Senator from Kansas called for the vote of two-thirds of the Senators present in order to ratify one of these agreements. In that respect the proposal is somewhat changed; but if the pending amendment should be agreed to it would mean a death blow to this program just as effectively as if the Capper amendment had been agreed to.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. HARRISON. I yield to the Senator from New Mexico.

Mr. HATCH. I am very much interested in this amendment. Is it the opinion of the Senator from Mississippi that if the pending amendment should be adopted, a vote of the Senate would be required before one of these agreements could become effective?

Mr. HARRISON. It would be necessary to send the agreement back to the Congress, and it would have to lie over for a certain time, which would result in slowing up all negotiations. I do not know whether the amendment calls for a vote by Congress or not. Does it?

Mr. HATCH. My understanding is that the amendment does not call for a vote. If I am in error about that, I should be glad to be corrected.

Mr. O'MAHONEY. Mr. President——

Mr. HARRISON. I yield to the Senator from Wyoming.

Mr. O'MAHONEY. I will say that the amendment does not call for a vote. It is a poor, weak thing at best, and merely requires that the proposed agreements shall be filed with the Senate and with the House, with nothing further.

Mr. HARRISON. I cannot see what particular good it would do, except that it would give the gentlemen who have been opposed to these trade agreements all the time another opportunity to come up and make their protests, talk to Representatives and Senators, and probably frighten some of them.

What I rose to do, however, so that no one from the West or anywhere else may be misled, is to show the condition of the cattle industry today, as reported by the facts as I have gathered them, and what it was a few years ago.

The Senator from Wyoming called attention to the fact that in 1935 there was a large increase in the importations of cattle to the United States; that in 1934 only 57,679 cattle were imported, and that in 1935, 364,000 cattle were imported. That is true; but at that time the agreement with Canada was not in force. Those cattle came in at a time when the tariff on cattle was 3 cents a pound. I will ask the Senator from Wyoming whether that is not correct.

Mr. O'MAHONEY. It is.

Mr. HARRISON. In 1936 the importations rose to 338,386 cattle. The Canadian agreement went into effect only a few months ago. Certainly these increased importations from 1934 were not influenced by any favored treatment in the way of concessions to the Canadian Government.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. HARRISON. I yield to the Senator from Wyoming.

Mr. O'MAHONEY. I acknowledge that the Canadian agreement probably had no bad effect upon the cattle market. As a matter of fact, I have defended the Canadian agreement, because I recognized the fact that we purchased in Canada a larger market for some of our industrial products; and by purchasing that increased market we put some of our mechanics to work, put some of those in industry to work, and, perhaps, we increased the market for our home products. That may be true. I will say to the Senator from Mississippi, however, that that is not the point.

The point is this: If we make one agreement with Canada which does very little damage, we may make another one with Argentina that will do a great deal of damage, because the importation of canned meats into the United States from Argentina and Uruguay has been increasing by leaps and bounds.

Mr. HARRISON. May I ask the Senator how much canned beef is produced in the United States?

Mr. O'MAHONEY. The canned beef produced in the United States is made only from the cheaper grades of livestock. That is true; but in Argentina and in Uruguay the canned beef comes from the very best grade of livestock. Therefore the canned beef that comes from South America is in direct competition with the very best products of our farms and ranches.

Mr. HARRISON. If the people interested in the American cattle industry would go into the production of canned beef, they might have a peg to stand upon to try to protect themselves against the importation of canned beef. We do not produce any canned beef in this country. What we have done in this matter—and I am delighted to hear the Senator from Wyoming say so—is that probably we have not affected the price of cattle or the cattle industry, because the statistics clearly show that we have not done so.

Let us consider the prices. In 1934 we imported from Canada only 1,825 head of cattle. What was the price of cattle in the United States at that time? The price was less than 5 cents a pound—to be exact, 4.91 cents a pound. In 1936, under this agreement, some more cattle came in, to the number of 156,000. That is their quota, and they cannot go over it; but those 156,000 cattle bore a tariff duty of 2 cents a pound, as high a duty as was incorporated in the Republican Fordney-McCumber high protective tariff act; and that is all the protection the cattle raisers asked for even then. Those 156,000 cattle coming to the United States from Canada under this agreement did not come in free of any tariff duty. They came in under the rates of the old Fordney-McCumber Tariff Act.

Under the agreement with Canada we have reduced the rate on cattle 1 cent from the rate of the general law. We have reduced it from 3 cents to 2 cents. That was a concession we had to make in order to get some concessions in the market in Canada. As I pointed out the other day, I have no doubt that the cattle people receive far more benefit than harm by virtue of this small concession, because as the country's economic condition is helped, business revives, employment is increased, industries start up, and the purchasing power of the people increases, the cattle people can sell more of their beef and they can sell it at a higher price. So this is but one of the great factors in the wonderful program of this administration that has helped the cattle industry of this country.

I am glad the Senator from Wyoming has told us his position on this subject. What was the price of cattle when a good many cattle were coming in from other countries? It was less than 5 cents a pound, as I have pointed out. What is it today? A fraction under 8 cents a pound—more than one and one-half times as much as it was in those days.

As to bringing the agreements back to Congress, that would be a cause of delay. That would just hinder the consummation of the agreements, and prevent this program being put into operation. I desire to recall to the Senate the fact that when the Dingley law of 1897 and the McKinley law of 1890 were enacted, the Senate was controlled by the Republican Party. McKinley was a great Republican. Dingley was a great Republican. A provision was then written into the law giving to the President the right to negotiate trade agreements. There were two provisions. One of them was a limited delegation of power, providing that he had to deal with foreign countries with reference to particular products and particular articles, and name them.

The other was that when agreements had been negotiated, they must come back to the Senate for ratification.

The Senate did not ratify a single agreement made under the general provison that the agreements had to be brought back to the Senate for ratification, although there were negotiated and made effective 12 trade agreements that worked to the advantage of this country. If it had been necessary to come back here for ratification of these agreements, we should be talking now about the rate on cattle, and many Members would be led off in regard to it.

The only way in which we can carry forward this fine program is to vote down such amendments as this, let these trade agreements be written fairly and justly, taking into consideration every factor entering into the matter, and then let the agreements be consummated without bringing them back here to let blocs be formed, and harangues made, and delay indulged in ad infinitum.

I hope the amendment will be voted down.

Mr. VANDENBERG. Mr. President, the Senator from Mississippi has made a very eloquent and vehement speech which has absolutely nothing to do with the pending amendment. There is not the remotest purpose or possibility, under the pending amendment, that any agreement would have to come back to the Senate for ratification. The only thing in the world involved in the amendments is a very meek and timid proposal that the American people shall be put on notice for 30 days as to what is to happen to them before it happens. That is all in the world there is in the amendment.

Mr. HARRISON. Mr. President, may I ask the Senator how he voted, when a similar amendment was offered, when the matter was before the Senate on a previous occasion? When the Senate considered the trade-agreement proposal on a previous occasion, how did the Senator vote on the amendment?

Mr. VANDENBERG. I hope I voted for it; I assume I did.

Mr. HARRISON. I think the Senator voted against it.

Mr. VANDENBERG. I think I voted for it. I do not know what difference it makes, anyway, because this particular proposal amounts almost to nothing in respect to the authority granted. I was proposing to offer an amendment which would go a little further, to give the American producer just a casual chance for his "white alley." But if this much cannot be done, there certainly is no sense in attempting to do something more. It is not a matter of ratification; that has not anything to do with it. It is not a matter of canned beef; it is a matter of "canned treaties", and that is all.

I repeat, it is solely a question whether the American people shall be put on notice respecting what is intended to be done to them before it happens, so that if, let us say, inadvertently and unwittingly the State Department negotiators do something which manifestly develops to be unprofitable, there still will be an opportunity for them upon their own responsibility to correct their error.

Mr. President, the Senator from Mississippi pleads that a 30-day delay would be utterly ruinous to all these wishful dreams. When these agreements have been signed over here and go to the other contracting nation, there is not only a 30-day delay but usually there is a 90-day delay, and often there is a 6- or an 8- or a 10-month delay. The other parties do not worry about 30 days in which their nationals might be permitted just a casual, brief squint at what their government proposes to do in respect of their economic life. Thirteen out of fifteen agreements had to be submitted to the legislative branch of the other government. In one instance it took 11 months to complete the agreement on the other side of the water; in another instance it took 6 months, in another 8 months, in another 5 months. The average, I should say, is about 3 months.

The only thing in the world the Senator from Wyoming is proposing is that after the negotiators have concluded and the President has prepared to proclaim the net result, 30 days shall elapse in which those who may be malignantly affected can have an opportunity to protest. They would not have any power; they would have merely a chance to present their petition and point out what is about to happen.

I will say to the Senator from Mississippi that, in my humble judgment, if this sort of a provision had existed in connection with the law, if a 30-day breathing spell had been provided in respect to the Colombian and the Brazilian treaties, and the texts had been made public, I strongly suspect that the Department of Justice would have sent word over to the Department of State that when they were trying to abrogate treaties through trade agreements, and when they were reaching into the internal taxing power of the United States with their trade agreements, they had better back up, because manifestly they were on unconstitutional ground.

Mr. President, I cannot think of a reason on earth why the amendment offered by the Senator from Wyoming should not be adopted.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wyoming [Mr. O'MAHONEY].

Mr. O'MAHONEY. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BYRNES (when his name was called). I have a general pair with the senior Senator from Maine [Mr. HALE]. I transfer that pair to the junior Senator from California [Mr. McADOO] and vote "nay."

The roll call was concluded.

Mr. McNARY. The senior Senator from Maine [Mr. HALE] would vote "yea" if present and voting.

Mr. BYRD. My colleague the senior Senator from Virginia [Mr. GLASS] has a general pair with the senior Senator from Minnesota [Mr. SHIPSTEAD].

Mr. MINTON. I announce that the Senator from Ohio [Mr. DONAHEY] is detained from the Senate because of illness.

The senior Senator from Texas [Mr. SHEPPARD] and the junior Senator from Texas [Mr. CONNALLY] are absent attending the funeral of the late Representative Buchanan.

The Senator from Ohio [Mr. BULKLEY], the Senator from West Virginia [Mr. HOLT], the Senator from Illinois [Mr. LEWIS], the Senator from California [Mr. McADOO], the Senator from South Carolina [Mr. SMITH], the Senator from Maryland [Mr. TYDINGS], and the Senator from New York [Mr. WAGNER] are unavoidably detained.

The result was announced—yeas 32, nays 48, as follows:

YEAS—32

Adams	Copeland	McCarran	Pope
Austin	Davis	McGill	Schwartz
Bailey	Frazier	McNary	Steiwer
Borah	Gibson	Maloney	Thomas, Utah
Bridges	Hatch	Murray	Townsend
Capper	Johnson, Calif.	Nye	Vandenberg
Caraway	Johnson, Colo.	O'Mahoney	Wheeler
Chavez	Lodge	Pittman	White

NAYS—48

Andrews	Clark	Hitchcock	Norris
Bachman	Dieterich	Hughes	Overton
Barkley	Duffy	King	Pepper
Bilbo	Ellender	La Follette	Radcliffe
Black	George	Lee	Reynolds
Bone	Gerry	Logan	Robinson
Brown, Mich.	Gillette	Lonergan	Russell
Brown, N. H.	Green	Lundeen	Schwellenbach
Bulow	Guffey	McKellar	Thomas, Okla.
Burke	Harrison	Minton	Truman
Byrd	Hayden	Moore	Van Nuys
Byrnes	Herring	Neely	Walsh

NOT VOTING—15

Ashurst	Donahey	Lewis	Smith
Bankhead	Glass	McAdoo	Tydings
Bulkley	Hale	Sheppard	Wagner
Connally	Holt	Shipstead	

So Mr. O'MAHONEY's amendment was rejected.

Mr. PEPPER. Mr. President, on behalf of my colleague [Mr. ANDREWS] and myself and the Senators from Louisiana [Mr. OVERTON and Mr. ELLENDER], I send forward an amendment, which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 1, line 8, before the period, it is proposed to insert a colon and the following:

Provided, however, That in the negotiation of any new agreement or agreements, or in the renewal or extension of any existing agreement or agreements, under the authority of this act the tariffs or import duties upon all agricultural and horticultural products shall be maintained at a point which will at least equalize the difference in the cost of production thereof in the country or countries dealt with and the United States as determined by the United States Tariff Commission as of the date any such new or extended agreement becomes effective.

Mr. PEPPER. Mr. President, Senators will observe that the chief difference between this amendment which has been offered by my colleague [Mr. ANDREWS] and myself and joined in by the two Senators from Louisiana [Mr. OVERTON and Mr. ELLENDER] and the amendment proposed by the Senator from Michigan [Mr. VANDENBERG] is that the amendment of the Senator from Michigan applied the cost-of-production rule to all imports, of whatever character. The pending amendment limits the application of that rule to the importation of agricultural and horticultural products. I did not presume to venture a sentiment contrary to the sentiments of my party when it related to industries not vitally a part of the activity of my own State, but I have peculiar knowledge of the adverse effect which agricultural and horticultural products grown by the citizenry of south Florida have sustained with respect to Cuban agricultural and horticultural competition.

I therefore respectfully offer the amendment designed for the protection of basic industries of my State and this Nation, and I respectfully ask for the yeas and nays.

Mr. HARRISON. Mr. President, I think the same arguments which were advanced with respect to a previous amendment are applicable to this amendment. I hope the amendment will be voted down.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. BYRNES (when his name was called). I announce that I have a general pair with the senior Senator from Maine [Mr. HALE]. I transfer that pair to the junior Senator from California [Mr. McADOO] and will vote. I vote "nay."

Mr. McNARY (when Mr. HALE's name was called). Mr. President, I announce that the senior Senator from Maine [Mr. HALE], if present, would vote "yea" on this amendment.

The roll call was concluded.

Mr. LEWIS. I announce that the Senator from Ohio [Mr. DONAHEY] is detained from the Senate on account of illness.

The senior Senator from Texas [Mr. SHEPPARD] and the junior Senator from Texas [Mr. CONNALLY] are absent attending the funeral of the late Representative Buchanan.

The Senator from Ohio [Mr. BULKLEY], the Senator from California [Mr. MCADOO], the Senator from South Carolina [Mr. SMITH], the Senator from Maryland [Mr. TYDINGS], and the Senator from New York [Mr. WAGNER] are unavoidably detained.

The Senator from West Virginia [Mr. NEELY] and the Senator from Montana [Mr. WHEELER] are detained in a committee meeting.

Mr. BYRD. My colleague the senior Senator from Virginia [Mr. GLASS], who is absent because of illness, has a general pair with the Senator from Minnesota [Mr. SHIPSTEAD]

Mr. McNARY. My colleague [Mr. STEIWER] is detained on official business. He is paired on this vote with the Senator from New York [Mr. WAGNER]. If present, the Senator from Oregon would vote "yea", and I am advised that the Senator from New York [Mr. WAGNER], if present, would vote "nay."

Mr. HARRISON (after having voted in the negative). I change my vote from "nay" to "yea."

The result was announced—yeas 43, nays 36, as follows:

YEAS—43

Adams	Copeland	Johnson, Colo.	Nye
Andrews	Davis	La Follette	O'Mahoney
Austin	Ellender	Lee	Overton
Bailey	Frazier	Lodge	Pepper
Bilbo	Gibson	Lundeen	Pittman
Borah	Gillette	McCarran	Pope
Bridges	Harrison	McGill	Thomas, Okla.
Burke	Hatch	McNary	Townsend
Capper	Hitchcock	Maloney	Vandenberg
Caraway	Holt	Murray	White
Chavez	Johnson, Calif.	Norris	

NAYS—36

Bachman	Clark	Hughes	Reynolds
Barkley	Dieterich	King	Robinson
Black	Duffy	Lewis	Russell
Bone	George	Logan	Schwartz
Brown, Mich.	Gerry	Lonergan	Schwellenbach
Brown, N. H.	Green	McKellar	Thomas, Utah
Bulow	Guffey	Minton	Truman
Byrd	Hayden	Moore	Van Nuys
Byrnes	Herring	Radcliffe	Walsh

NOT VOTING—16

Ashurst	Donahey	Neely	Steiwer
Bankhead	Glass	Sheppard	Tydings
Bulkley	Hale	Shipstead	Wagner
Connally	McAdoo	Smith	Wheeler

So the amendment of Mr. PEPPER was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 417. An act to extend the period during which direct obligations of the United States may be used as collateral security for Federal Reserve notes;

H. R. 824. An act for the relief of James Luker, Sr.; and

H. R. 4609. An act to authorize the purchase and distribution of products of the fishing industry.

EXTENSION OF AUTHORITY TO NEGOTIATE TRADE AGREEMENTS

The Senate resumed consideration of the joint resolution (H. J. Res. 96) to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended.

Mr. PEPPER. Mr. President, I send forward another amendment proposed by my colleague [Mr. ANDREWS] and myself, and joined in by the Senators from Louisiana [Mr. OVERTON and Mr. ELLENDER], which I ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. On page 1, line 8, before the period, it is proposed to insert a colon and the following:

Provided, however, That no agreement or proclamation shall be made which directly or indirectly shall have the effect of restricting or shall result in or require restrictions upon the production or marketing in the United States of any agricultural commodity which is produced in the United States in quantities insufficient for the consumption requirements thereof.

Mr. PEPPER. Mr. President, the amendment merely provides that in any case when an agricultural commodity is not produced in this country in sufficient quantities to meet the needs of the home market such commodity shall not be the subject of negotiation under the authority of the Reciprocal Trade Agreement Act.

In connection with my remarks I ask that there be printed in the RECORD a memorandum in support of the proposed amendment, a telegram from Gainesville, Fla., addressed to me, in support of the amendment, and a letter from Mr. Clarence R. Bitting dealing with the subject.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

MEMORANDUM IN SUPPORT OF THE AMENDMENT INTENDED TO BE PROPOSED BY MR. PEPPER TO THE HOUSE JOINT RESOLUTION 96, EXTENDING THE AUTHORITY OF THE PRESIDENT UNDER SECTION 350 OF THE TARIFF ACT OF 1930, AS AMENDED

The American market is by far the world's best market; and it is a known market. No one can possibly seriously deny this. That market belongs first to the American producer and the American laborer. It is doubtful that any one would seriously deny this. Florida is in favor of any trade arrangement or plan which helps to bring about a greater exchange of goods, whether the production of American farmers or of American laborers, between the United States and foreign countries, but it is unalterably opposed to any arrangement which exchanges the American market which the American producer and laborer can supply for an unknown and less important foreign market. Florida is entirely sympathetic with the necessity of exchanging surplus cotton, wheat, tobacco, and other surplus crops and surpluses of manufactured goods for things which we need and do not produce or produce in insufficient quantities. It is unalterably opposed to the opening up of our American market to competing low-wage countries so that they may sell us products which are already a surplus in this country. It is equally opposed to the opening up of the American market to low-wage countries so that they may sell a commodity which is a nonsurplus commodity which we can produce in this country, when the opening up of that market means reducing the production in the United States of that nonsurplus commodity.

The first is a matter of carrying out the trade-agreement powers in the interests of the United States. It would seem hardly necessary to have to tell those who are to carry out the trade agreements that they must not give low-wage countries the right to compete on the American market with respect to cotton, tobacco, wheat, or any other surplus crop. No arrangement giving up any part of the American market in respect to this question can possibly be in the interest of the United States. Yet our representatives did this very thing when they gave to Cuba the American market with respect to fruits and vegetables produced in ample quantities in the United States, and forced American producers to sell on the American market at a price below cost. No general rule would have to be prescribed or probably could be prescribed in this particular. It goes to the question of competency in effectuating trade agreements. If this part of the American market is to be taken away from the American producer and American laborer, then, obviously, we should terminate the power to make trade agreements, or insist that those who represent the United States be competent to trade our surplus commodities for things we need.

The second question is one which requires interpretation and requires a clean-cut understandable limitation upon the powers granted under the law. Clearly we want to exchange our market for products in which we are deficient for a foreign market for the products of which we have a surplus. But just as the Congress has limited the tariff reduction to 50 percent, so, too, should the Congress tell the executive branch what the limitation should be with respect to the market which may be traded. The limitation should be such that no part of the market which the American producer or American laborer can supply shall be traded away. If we are deficient in the production of any commodity and the American market therefor is to be traded away, it should not be traded away to the extent that we be required in this country to limit the production of that commodity.

For example, we are deficient in the production of flax, wool, and sugar. In the case of wool, we supply the entire American market with the sort of wool which we can produce. We import the cheaper variety, known as carpet wool, and a very high-grade wool which we use for blending. So long as we import those wools only, we are trading so much of the American market which we cannot supply. It should be made clear that the Congress does not want traded away any part of that market which we can supply. In the case of flax and sugar, the question of quality does not arise. We are confronted then with limiting the power to the trade away of so much of the American market as the American producer cannot supply.

There would seem to be every reason why the American market for sugar should not be traded away except to the extent that

the American producer cannot supply that market. Less than 25 percent of our sugar requirements is produced in continental United States, and less than 40 percent if Hawaii be included, and we are capable of producing more, at a fair price to the consumer, if permitted to sell it.

The Everglades of Florida have been endowed by nature with all of the worth-while, and none of the sordid, elements that combine to make it the outstanding sugar-producing area of the United States. It is one of the greatest undeveloped natural resources of the country.

Based on Tariff Commission reports on sugar for other areas and United States Sugar Corporation annual reports for Florida, cane sugar can be produced at lower unit cost in Florida than in Hawaii or Puerto Rico, at approximately the same cost as the Philippines, and at but little higher than the Cuban average cost, and this despite the payment of American wages in Florida only.

Spokesmen for "offshore" areas, testifying under oath during Tariff Commission hearings, stated that during the period 1929–32 they did not pay their labor sufficient to house and feed themselves. In the Florida Everglades field workers on cane plantations receive free housing, free medical care, free recreational facilities, free schooling for children, merchandise, food, and other supplies from company-operated stores at cost, no compulsory buying, no running accounts, no profit to company, and in addition receive in cash very much higher than average farm wages in the United States.

Hawaiian production costs are stated to be 2.854 cents per pound; Puerto Rican costs 2.818 cents and Philippine costs 2.360 (during hearings representatives of these areas stated such costs were too low to be used as averages); Florida costs in 1934 were 2.582 cents; 1935, 2.6459 cents; and 1936, 2.55 cents, including taxes, depreciation, and transportation to continental refinery. While Cuban costs have in many instances, though not all, been under Florida costs, this is not surprising when it is considered that spokesmen appearing under oath have admitted that, in some instances, wages were from 15 cents to 20 cents a day, and that in some instances labor has been worked for their keep alone. If wages and working conditions are taken into account, then Florida is the low-cost area for the production of sugar and can still produce sugar at a fair cost for the consumer.

Florida can produce thousands of tons more of sugar to supply the American market, pay decent wages, and at the same time sell cheap sugar to the American consumer.

In addition, the per-capita use of automobiles, radios, mechanical refrigerators, and telephones in Florida is many times greater than in any of the offshore sugar areas. This is accounted for by the fact that the wage scale and standard of living is very much higher in Florida. If Florida is permitted to sell the sugar which it is capable of producing on the American market it will mean not only the employment of thousands more persons directly in the production of sugar, but also the employment of many thousands of others in the factories of America.

It is, therefore, extremely logical to place the limitation upon the power given to the Executive in the manner proposed by this amendment.

Since the American market belongs primarily to the American people, they should not be deprived of that right through the trading away of so much of the American market as would require a restriction on the production of any nonsurplus crop. Neither the American farmer nor the American laborer should be penalized even by partial exclusion from the market that essentially and by all historical precedent belongs to him.

No foreign country has any vested right to our continental market. Every foreign country is seeking and expending its every effort to become self-sufficient, all in furtherance of their national defense and economic policies. They buy from us only those things which they cannot themselves produce or obtain at lower prices from others. They are willing to trade and have been trading the right to their market only with respect to those articles which they do not produce or produce in sufficient quantities.

A similar policy is the only one fair to the American producer and American laborer. The amendment which I propose merely places a limitation upon that part of the market which may be traded in conformity with the principles which guide foreign nations on their side in negotiating those trade agreements. This amendment recognizes that the American market belongs first to the American producer and the American laborer, and Florida, therefore, urges that this amendment be incorporated in the law, so that the American market will be reserved for them and will not be traded away.

GAINESVILLE, FLA., *February 22, 1937.*

HON. CLAUDE PEPPER,
United States Senate, Washington, D. C.:

Am authorized to submit following resolution for your consideration: "Be it

"Resolved by those representatives of agriculture, industry, science, and finance in attendance at the Florida Chemurgic Conference at Gainesville February 20, That the chairman be authorized to petition appropriate officials of the Federal Government having jurisdiction in the extension and negotiation of reciprocal-trade treaties and in the establishment of domestic and imported sugar allotments that the people of the State of Florida be permitted at least to produce enough sugar within their own State to feed themselves and those guests whom they are pleased to welcome from the other 47 States of the Union. Florida's present sugar allotment is only 60,000 tons annually, or about one-half its requirements. It has ample acreage of fertile soil, willing farmers, and sorely pressed unemployed available to produce this increased allotment. It is with a feeling of embarrassment and in a spirit of utmost humility that the people of this State find it necessary to petition the Federal Government for the divine right to till their own soil to feed themselves; be it further

"Resolved, That a copy of this resolution be forwarded to the distinguished Florida citizens who represent this State in the Senate and in the House of the United States Congress with the plea that they intercede in behalf of their constituents and of their just rights."

B. F. WILLIAMSON, *Chairman.*

NEW YORK, *February 15, 1937.*

HON. CLAUDE PEPPER,
Senate Office Building, Washington, D. C.

DEAR SENATOR PEPPER: Much has been said and written about the economic sin of producing sugar in continental United States because the costs of such production are claimed to be so much higher than the costs in "offshore" areas.

The Fifth Annual Report of United States Sugar Corporation, page 25, presents statistics that conclusively disprove the contention that it costs more to produce sugar on the continent than in the "offshore" areas.

Using the 1935–1936 unit costs for Florida with the 1929–1930 unit costs taken from Tariff Commission's report for "offshore" areas show that Florida should be the sugar bowl of the continent as the costs of production of raw cane sugar plus cost of delivery to continental refinery, in cents per pound, 96° equivalent, compare as follows: Florida, 2.55; Hawaii, 3.00; Puerto Rico, 2.86; Philippine Islands, 2.47; Cuba, 1.86.

The production of our own necessities, particularly when they can be produced at a comparable cost and in addition pay an American scale of wages, is economically sound and will greatly increase the national wealth and welfare as well as aid in the national defense.

The American market for the American producer.

Very truly yours,

CLARENCE R. BITTING.

Mr. PEPPER. I move the adoption of the amendment, and ask for the yeas and nays.

Mr. HARRISON. Mr. President, I hope this amendment will not be adopted. There is no doubt about the wisdom of the policy of the administration with reference to reciprocal-trade agreements. The last amendment which was adopted, in my opinion, practically kills the program, and I hope at some time we may secure a reconsideration of that action; but if this amendment and other amendments are tacked on, we had just as well throw up our hands and withdraw this proposal. I hope the amendment will be voted down.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Florida [Mr. PEPPER], on which the yeas and nays are demanded.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BYRNES (when his name was called). I have a pair with the senior Senator from Maine [Mr. HALE], which I transfer to the junior Senator from California [Mr. McADOO], and will vote. I vote "nay."

The roll call was concluded.

Mr. McNARY. The senior Senator from Maine [Mr. HALE], if present, would vote "yea" on the pending amendment.

Mr. LEWIS. I announce that the Senator from Ohio [Mr. DONAHEY] is detained from the Senate on account of illness.

The senior Senator from Texas [Mr. SHEPPARD] and the junior Senator from Texas [Mr. CONNALLY] are absent attending the funeral of the late Representative Buchanan.

The Senator from Ohio [Mr. BULKLEY], the Senator from California [Mr. McADOO], the Senator from Nevada [Mr. PITTMAN], the Senator from South Carolina [Mr. SMITH], the Senator from Maryland [Mr. TYDINGS], and the Senator from New York [Mr. WAGNER] are unavoidably detained.

Mr. BYRD. My colleague the senior Senator from Virginia [Mr. GLASS] is detained from the Senate by illness. He has a general pair with the Senator from Minnesota [Mr. SHIPSTEAD].

The result was announced—yeas 30, nays 52, as follows:

YEAS—30

Adams	Bilbo	Capper	Ellender
Andrews	Bone	Chavez	Frazier
Austin	Borah	Copeland	Gibson
Bailey	Bridges	Davis	Holt

Johnson, Calif.	McCarran	Overton	Vandenberg
Johnson, Colo.	McNary	Pepper	White
Lodge	Maloney	Steiwer	
Lundeen	Nye	Townsend	

NAYS—52

Ashurst	Duffy	La Follette	Pope
Bachman	George	Lee	Radcliffe
Barkley	Gerry	Lewis	Reynolds
Black	Gillette	Logan	Robinson
Brown, Mich.	Green	Lonergan	Russell
Brown, N. H.	Guffey	McGill	Schwartz
Bulow	Harrison	McKellar	Schwellenbach
Burke	Hatch	Minton	Thomas, Okla.
Byrd	Hayden	Moore	Thomas, Utah
Byrnes	Herring	Murray	Truman
Caraway	Hitchcock	Neely	Van Nuys
Clark	Hughes	Norris	Walsh
Dieterich	King	O'Mahoney	Wheeler

NOT VOTING—13

Bankhead	Glass	Pittman	Smith
Bulkley	Hale	Sheppard	Tydings
Connally	McAdoo	Shipstead	Wagner
Donahey			

So Mr. PEPPER's amendment was rejected.

The VICE PRESIDENT. The joint resolution is still before the Senate and open to amendment.

Mr. ADAMS. Mr. President, in this particular matter I feel somewhat like an abandoned orphan and, for that reason, I deem it wise to make a statement as to the faith which leads me to vote as I am going to vote.

During the year 1929, when the flexible tariff provision was before the Congress, I was not a Member of the body. I was at that time a more constant and more faithful reader of the CONGRESSIONAL RECORD than I am now. I sat at the feet, as it were, of the great leaders in this body. I read their discussions of the flexible tariff; I accepted their views. I read the arguments of the Republican brethren on the other side. I felt that the arguments which they advanced were entirely inadequate to meet the case made on this side of the aisle.

Three years ago I voted when this matter came up in accordance with the conviction which had come to me, sitting at the feet of the great Democratic leaders in this body. I do not wish to be convicted, though I may be guilty, of what the great and eloquent Senator from Arizona [Mr. ASHURST] recently characterized as the withering and embalming vice of consistency, but I have not been able to see my way clear to change my view from that which I accepted in 1929.

I will say to my Democratic brethren who are supporting this proposal that they have not answered the arguments which they made in 1929. I will also say—and it surprised me—that the arguments made in 1929 by the great Democratic Senators seem to have converted the Republican brethren so that they have changed their position.

Mr. BORAH. Mr. President——

The VICE PRESIDENT. Does the Senator from Colorado yield to the Senator from Idaho?

Mr. ADAMS. I am glad to yield.

Mr. BORAH. The Senator is speaking in generalizations as to the attitude of Senators on the Republican side at that time?

Mr. ADAMS. The Senator will agree with me that my statement is correct in a general way, will he not?

Mr. BORAH. Generally, but not exactly.

Mr. ADAMS. Mr. President, I have recently reread the debates of 1929, and I am now going to read, really as my statement upon this bill, extracts from a speech delivered at that time by one of the great leaders of my party who now sits in the Senate but who shall be nameless so far as my quotation is concerned. I quote:

> When the framers of the Constitution met in Philadelphia to determine the character of the new government they were about to set up they sought to divide its powers into three branches. The first was the legislative, to make the laws; the second was the executive, to enforce them; and the third was the judicial, to interpret them.
>
> These men remembered that the Revolution had been fought over the power of the King to tax the people without giving them a voice in the determination of the question. They remembered that the Colonies had suffered from the effects of legislation in which they were not consulted.
>
> Therefore they wrote into the Constitution this language:
>
> "All legislative power herein granted"—

I have to correct the orator's language, because he did not correctly quote the Constitution. I am quoting it correctly:

> All legislative power herein granted—

The words "herein granted" were omitted by this Senator, as they have been omitted in a recent document.

> All legislative power herein granted shall be vested in a Congress, which shall consist of a Senate and a House of Representatives.
>
> What did they mean by "legislative power"? They meant the power to adopt any rule or law by which the people were to be governed. They meant by this to confer upon the branch of the Government chosen by and responsible to the people the exclusive right to legislate into existence rules of action by which they were to be governed.
>
> The levying of taxes in any form is legislation, and is so recognized in every parliamentary government in the world and in every State in the American Union.
>
> * * * * * * *
>
> Hence, we ask ourselves and the country the question, How can Congress with propriety attempt to surrender a responsibility which has always rested upon it and delegate that responsibility to the head of the Government, or any subordinate of it? How can the chosen representatives of the people seek to shirk this duty by attempting to shift it to other shoulders? And if they had the power to do it, why ought they be permitted to do it?
>
> In objecting to this delegation of power from Congress to the President, we stand upon the broad foundations of the Constitution under which this Nation has witnessed the most remarkable development and expansion which has occurred in the history of mankind. The Constitution has been changed in many particulars since written; but it has never been changed by so much as a syllable in respect to the power and responsibility of Congress over legislation and taxation.
>
> * * * * * * *
>
> Not only do we insist that Congress has no right to confer upon the President the power to tax the people, but we insist that it is unwise to do it, no matter who the President may be or what party he may belong to. This fight is not a fight over personalities. It has no more reference to Mr. Hoover than to Mr. Coolidge or Mr. Wilson, or any President who may be elected in the future. It is no answer to our objection to say that the power will not be abused by any particular President. We think it has been abused in several instances in the past, and we have no assurance that it may not be abused at some time in the future.
>
> And if it is legal and wise to authorize the President to change the tax rates 50 percent, why not go the whole length and empower him to change them at will? And if we can delegate to him the power to levy or to change tax rates in a tariff bill, why not go on to the logical conclusion of the proposition and authorize him to levy all forms of taxes, including income taxes, excise taxes, and every other form of tax?
>
> * * * * * * *
>
> It is claimed that Congress is slow of action, and that it cannot function rapidly enough for those who are in a hurry.
>
> It is also claimed that in the nature of the case, Congress cannot obtain the detailed information on thousands of items in a tariff bill with sufficient promptness and accuracy to enable it to legislate swiftly; and that, therefore, the President, who can be swift on occasion, ought to be clothed with the power to act in a hurry.
>
> The President has no more time for personal investigation than has Congress. With his multitude of duties he cannot make the investigations upon which he acts. The Tariff Commission makes the investigations in either case. We propose that the Tariff Commission shall report its facts and its recommendations to Congress through the President, and that Congress shall determine what increases or reductions shall be made.
>
> I contend that Congress can and does act with promptness when there is emergent occasion for it.
>
> In 1893 Congress passed a tariff bill in less than 6 months.
>
> In 1911 it passed a tariff bill in 4 months.
>
> In 1911 it passed another tariff bill dealing with wool in 2 months.
>
> In 1911 it passed another tariff bill dealing with cotton in less than 1 month.
>
> In 1921 it passed a tariff bill in less than 2 months.
>
> In 1921 Congress passed another tariff bill in less than 6 weeks.
>
> It has become fashionable in some quarters to denounce Congress and to charge it with incompetence, interminable delays, and with logrolling processes in the making of tariff bills.
>
> In the very nature of popular government, legislative bodies are frequently cumbersome and slow as compared to the quick decisions of men dealing with their private business. But should legislative bodies be abolished or belittled because they insist that important matters affecting the people shall be openly discussed?
>
> There is not a single governor of any State among the 48 who has the power to tax the people of his State. That power belongs to the State legislature. The governor cannot change the rates of taxation. He cannot raise or lower rates. And there is no legislature in any State which would be willing to give to the governor the power of taxation. That power the people have

always retained in their own hands through their elected representatives.

We object, therefore, to this transfer of power from Congress to the President—

Because it is in violation of the Constitution.

Because it is unwise as a matter of policy.

Because taxes levied by Congress are levied in the open.

Because taxes levied by the Executive are levied in secret.

Because the extension of this power, even if in part legal or wise, would lead to its illegal and unwise expansion in the future.

Because the people are entitled to the opportunity to hold their chosen representatives responsible for the manner in which they levy taxes upon them and expend the money after it is levied.

* * * * * * *

It is for this sound, fundamental, well-stated principle that we are fighting. We are seeking to maintain the foundations of parliamentary government. We are seeking to preserve the only kind of taxation that is not tyranny, which is taxation with representation, taxation which is imposed upon the people by their chosen agents in the Congress which they have established, and which is their only free and open forum.

That represents the faith which sunk into my soul in 1929. It is the faith which I hold today, and I say that speech, that message, has not been answered.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER (Mr. CLARK in the chair). Does the Senator from Colorado yield to the Senator from Arizona?

Mr. ADAMS. I yield.

Mr. ASHURST. In view of circumstances of the past week and the further fact that the able Senator mentioned my name, would he be so kind as to assure the Senate that whomsoever delivered that speech, it was not I? [Laughter.]

Mr. ADAMS. Mr. President, I will say that the Senator speaks the truth, but I think no Senator should hesitate to claim that speech. I think it is a remarkable speech, a very pertinent speech.

Mr. ASHURST. I did not deliver it.

Mr. ADAMS. I so understand; but if anyone in this body could have delivered a better speech, I know it would have been the Senator from Arizona. I am confident at the same time that had he made a speech in 1929 it would have paralleled the thoughts and reached the conclusions set forth in the speech from which I have quoted.

Mr. ASHURST. I thank the Senator for his graciousness, but will he give definite assurance that I did not make that speech? [Laughter.] I think I am entitled to that consideration in view of happenings of the past week. [Laughter.]

Mr. ADAMS. I recall that a day or two ago the distinguished and eloquent Senator from Arizona was asked if he had not made a certain speech or comment which was then read. The Senator said, as I recall, "I did not read it, but of course the rhetoric identifies me as the author."

I think the Senator's speech would have been different in phraseology than the one I have quoted. I hesitate to say, and yet I take the chance of saying, that the Senator's speech probably would have been more beautiful in its ornamentation, in its eloquence, and in its illustrations; so I think that of itself demonstrates that this was not the Senator's speech.

Mr. ASHURST. Mr. President, after that bouquet I am content. [Laughter.]

Mr. ADAMS. Mr. President, just one or two feeble words of my own.

Every trade agreement operates to repeal or amend an existing statute. It is said that the formulation and the signing of a trade agreement is not legislation; but I point out that I think without exception every trade agreement, and every part of it, is in and of itself either the repeal or the amendment of law. I have difficulty in agreeing with the conclusion that we may repeal laws and yet not be legislating.

Mr. President, the arguments for and against this proposal have been very ably presented. The eloquent Senator from Wyoming [Mr. O'MAHONEY] has presented the views of the section of country from which I come, and I merely supplement what he had to say by a brief statement. Trade agreements, in order to obtain something from a foreign country, necessarily give something to the foreign country. In trades something must be given as well as something received. It so happens that in the trade agreements as they have been made, my section of the country has been the place from which the negotiators took a quid pro quo to give to the foreign country. Naturally that must be done. It also happens that the section of country from which I come is interested in American markets. We have asked, from time to time, that we be protected in our American markets. In Congress we have struggled to set up tariff walls against external commerce in order that our products might enjoy the American market. The trade agreements, in their operation upon our section of the country, are taking down the protection which has been built up to give to us the American market.

It may be, as has been said, that up to this hour we have not been hurt by the trade agreements in reference to our cattle and sugar industries; but the principle has been established. The practice exists. We may not have been traded down the river up to this time, but we have no protection when the next agreement is made.

Therefore, some of us oppose these trade agreements because in their essence some section of the country will be seriously damaged, and those who represent that section will not have the opportunity of presenting their objections upon the floor of the body to which is given, under the Constitution, the power to levy taxes.

Mr. President, briefly, that is what I have to say.

The Members of the Senate will realize that one who is somewhat of a novice in legislative affairs may be forgiven for following the leaders of his party, and perhaps for feeling somewhat lonesome when he finds that they have gone off and left him, and not only have left him but have left him in a group of Members on the other side of the aisle—strange company which rather makes it necessary not to apologize but to explain.

One further word:

Cordell Hull will not always be the Secretary of State. Franklin Roosevelt will not always be the President of the United States. I am unwilling that the power of taxation shall be put in the hands of the unknowns who in the future may occupy those places.

Mr. BRIDGES. Mr. President, I offer the amendment which I send to the desk, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 1, after line 8, it is proposed to insert the following new section:

SEC. 3 (a) Hereafter, before any such foreign-trade agreement is concluded or renewed or extended with any foreign government or instrumentality thereof under the provisions of such act, as amended, reasonable public notice of the intention to negotiate or renew or extend such an agreement with such government or instrumentality shall be given, together with a list of the commodities under consideration; but in no event shall such public notice be less than 30 days. Any interested person shall be given an opportunity at a public hearing to present his views to the President, or to such agency as the President may designate, under such rules and regulations as the President may prescribe; and before concluding or renewing or extending any such agreement the President shall seek information and advice with respect thereto from the United States Tariff Commission, the Departments of State, Agriculture, and Commerce, and from such other sources as he may deem appropriate.

(b) Section 4 of the act entitled "An act to amend the Tariff Act of 1930", approved June 12, 1934, is hereby repealed.

Mr. BRIDGES. Mr. President, the amendment is a very simple one. It provides for exactly two principles:

No. 1: That public notice of 30 days shall be given as to the commodities under consideration and the particular agreement under consideration at a particular time.

No. 2: That if a protest is received, a public hearing is mandatory.

Both of those are sound American principles. They are merely the opportunity to be heard and the opportunity to state your case.

I hope the amendment will be adopted.

Mr. HARRISON. Mr. President, what the Senator from New Hampshire seeks to do is practically what is now being done under the rules and regulations prescribed for these negotiations. Public notice is given, public hearings are

held; and the whole consideration of the subject, so far as the public is concerned, has been broadened.

I hope the amendment will be rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Hampshire [Mr. BRIDGES].

The amendment was rejected.

Mr. HARRISON. Mr. President, referring to the amendment which was offered by the Senator from Florida [Mr. PEPPER] with reference to the cost of production, and which was adopted, I voted on the prevailing side, by duress. I now move to reconsider the vote by which that amendment was adopted.

The VICE PRESIDENT. The question is on the motion of the Senator from Mississippi [Mr. HARRISON] to reconsider the vote whereby the amendment of the Senator from Florida [Mr. PEPPER], on page 1, line 8, was agreed to.

Mr. PEPPER. I call for the yeas and nays.

Mr. MCNARY. I also call for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. BYRNES (when his name was called). I have a general pair with the senior Senator from Maine [Mr. HALE], which I transfer to the junior Senator from California [Mr. MCADOO] and vote "yea."

The roll call was concluded.

Mr. MCNARY. The Senator from Maine [Mr. HALE] would vote "nay" if present and voting.

Mr. LEWIS. I announce that the Senator from Ohio [Mr. DONAHEY] is detained from the Senate on account of illness.

The senior Senator from Texas [Mr. SHEPPARD] and the junior Senator from Texas [Mr. CONNALLY] are absent attending the funeral of the late Representative Buchanan.

The Senator from Ohio [Mr. BULKLEY], the Senator from Iowa [Mr. GILLETTE], the Senator from California [Mr. MCADOO], the Senator from Montana [Mr. MURRAY], the Senator from Idaho [Mr. POPE], the Senator from South Carolina [Mr. SMITH], the Senator from Maryland [Mr. TYDINGS], and the Senator from New York [Mr. WAGNER] are unavoidably detained.

Mr. BYRD. My colleague the senior Senator from Virginia [Mr. GLASS] is detained from the Senate because of illness. He has a general pair with the Senator from Minnesota [Mr. SHIPSTEAD].

The result was—yeas 43, nays 37, as follows:

YEAS—43

Ashurst	Caraway	Herring	Radcliffe
Bachman	Clark	Hughes	Reynolds
Barkley	Dieterich	King	Robinson
Black	Duffy	Lewis	Russell
Bone	George	Logan	Schwartz
Brown, Mich.	Gerry	Lonergan	Schwellenbach
Brown, N. H.	Green	McKellar	Thomas, Utah
Bulow	Guffey	Minton	Truman
Burke	Harrison	Moore	Van Nuys
Byrd	Hatch	Neely	Walsh
Byrnes	Hayden	Pittman	

NAYS—37

Adams	Davis	Lodge	Pepper
Andrews	Ellender	Lundeen	Stelwer
Austin	Frazier	McCarran	Thomas, Okla.
Bailey	Gibson	McGill	Townsend
Bilbo	Hitchcock	McNary	Vandenberg
Borah	Holt	Maloney	Wheeler
Bridges	Johnson, Calif.	Norris	White
Capper	Johnson, Colo.	Nye	
Chavez	La Follette	O'Mahoney	
Copeland	Lee	Overton	

NOT VOTING—15

Bankhead	Gillette	Murray	Smith
Bulkley	Glass	Pope	Tydings
Connally	Hale	Sheppard	Wagner
Donahey	McAdoo	Shipstead	

So Mr. HARRISON's motion to reconsider the vote whereby Mr. PEPPER's amendment was adopted was agreed to.

The VICE PRESIDENT. The question now recurs on agreeing to the amendment offered by the Senator from Florida [Mr. PEPPER].

Mr. MCNARY. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. BYRNES (when his name was called). I have a general pair with the senior Senator from Maine [Mr. HALE], which I transfer to the junior Senator from California [Mr. MCADOO], and vote "nay."

Mr. HATCH (when his name was called). I have a pair with the junior Senator from Alabama [Mr. BANKHEAD], who is unavoidably detained. If the Senator from Alabama were present and voting, he would vote "nay." If I were permitted to vote, I should vote "yea."

The roll call was concluded.

Mr. LEWIS. I announce that the Senator from Ohio [Mr. DONAHEY] is detained from the Senate on account of illness.

The senior Senator from Texas [Mr. SHEPPARD] and the junior Senator from Texas [Mr. CONNALLY] are absent attending the funeral of the late Representative Buchanan.

The Senator from Ohio [Mr. BULKLEY], the Senator from Iowa [Mr. GILLETTE], the Senator from California [Mr. MCADOO], the Senator from South Carolina [Mr. SMITH], the Senator from Maryland [Mr. TYDINGS], and the Senator from New York [Mr. WAGNER] are unavoidably detained.

Mr. BYRD. My colleague the senior Senator from Virginia [Mr. GLASS] is detained from the Senate because of illness. He has a general pair with the Senator from Minnesota [Mr. SHIPSTEAD].

Mr. MCNARY. The Senator from Maine [Mr. HALE] would vote "yea" if present and voting.

The result was announced—yeas 39, nays 42, as follows:

YEAS—39

Adams	Davis	Lodge	Overton
Andrews	Ellender	Lundeen	Pepper
Austin	Frazier	McCarran	Pope
Bailey	Gibson	McGill	Stelwer
Bilbo	Hitchcock	McNary	Thomas, Okla.
Borah	Holt	Maloney	Townsend
Bridges	Johnson, Calif.	Murray	Vandenberg
Capper	Johnson, Colo.	Norris	Wheeler
Chavez	La Follette	Nye	White
Copeland	Lee	O'Mahoney	

NAYS—42

Ashurst	Caraway	Hughes	Reynolds
Bachman	Clark	King	Robinson
Barkley	Dieterich	Lewis	Russell
Black	Duffy	Logan	Schwartz
Bone	George	Lonergan	Schwellenbach
Brown, Mich.	Gerry	McKellar	Thomas, Utah
Brown, N. H.	Green	Minton	Truman
Bulow	Guffey	Moore	Van Nuys
Burke	Harrison	Neely	Walsh
Byrd	Hayden	Pittman	
Byrnes	Herring	Radcliffe	

NOT VOTING—14

Bankhead	Gillette	McAdoo	Tydings
Bulkley	Glass	Sheppard	Wagner
Connally	Hale	Shipstead	
Donahey	Hatch	Smith	

So Mr. PEPPER's amendment was rejected.

The VICE PRESIDENT. If there are no further amendments to be offered, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, and was read the third time.

The VICE PRESIDENT. The question is, Shall the joint resolution pass?

Mr. MCNARY. I call for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. TOWNSEND (when his name was called). On this question I have a pair with the senior Senator from Maryland [Mr. TYDINGS]. Not knowing how he would vote if present, I withhold my vote. If at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. MCNARY. I again announce the absence of the senior Senator from Maine [Mr. HALE]. If present, he would vote "nay."

Mr. LEWIS. I announce that the Senator from Ohio [Mr. BULKLEY], the Senator from California [Mr. MCADOO], and the Senator from New York [Mr. WAGNER] are necessarily detained from the Senate. I am advised that if present and voting the Senators named would vote "yea."

The Senator from Ohio [Mr. DONAHEY] is detained from the Senate by illness.

The senior Senator from Texas [Mr. SHEPPARD] and the junior Senator from Texas [Mr. CONNALLY] are absent, attending the funeral of the late Representative Buchanan.

The Senator from South Carolina [Mr. SMITH] and the Senator from Maryland [Mr. TYDINGS] are unavoidably detained.

Mr. BYRD. My colleague the senior Senator from Virginia [Mr. GLASS] is detained from the Senate by reason of illness. He has a general pair with the Senator from Minnesota [Mr. SHIPSTEAD].

Mr. BYRNES. I have a general pair with the Senator from Maine [Mr. HALE]. I transfer that pair to the junior Senator from California [Mr. MCADOO] and vote "yea."

The result was announced—yeas 58, nays 24, as follows:

YEAS—58

Andrews	Chavez	King	Pope
Ashurst	Clark	La Follette	Radcliffe
Bachman	Dieterich	Lee	Reynolds
Bailey	Duffy	Lewis	Robinson
Barkley	Ellender	Logan	Russell
Bilbo	George	Lonergan	Schwartz
Black	Gillette	McGill	Schwellenbach
Bone	Green	McKellar	Thomas, Okla.
Brown, Mich.	Guffey	Minton	Thomas, Utah
Brown, N. H.	Harrison	Moore	Truman
Bulow	Hatch	Murray	Van Nuys
Burke	Hayden	Neely	Walsh
Byrd	Herring	Norris	Wheeler
Byrnes	Hitchcock	Overton	
Caraway	Hughes	Pepper	

NAYS—24

Adams	Davis	Johnson, Colo.	Nye
Austin	Frazier	Lodge	O'Mahoney
Borah	Gerry	Lundeen	Pittman
Bridges	Gibson	McCarran	Steiwer
Capper	Holt	McNary	Vandenberg
Copeland	Johnson, Calif.	Maloney	White

NOT VOTING—13

Bankhead	Glass	Shipstead	Wagner
Bulkley	Hale	Smith	
Connally	McAdoo	Townsend	
Donahey	Sheppard	Tydings	

So the joint resolution (H. J. Res. 96) was passed.

RETIREMENT PRIVILEGE FOR SUPREME COURT JUSTICES

Mr. McCARRAN. Mr. President, I move that the Senate proceed to the consideration of the bill (H. R. 2518) to provide for retirement of Justices of the Supreme Court.

Mr. McNARY. Mr. President, may I ask the Senator if it is his desire to take up the bill for consideration tomorrow?

Mr. McCARRAN. Yes; that will be my desire.

Mr. ROBINSON. Mr. President, if the bill is taken up now, it is my intention to ask for an executive session and then recess until tomorrow.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nevada.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 2518) to provide for retirement of Justices of the Supreme Court.

INVESTIGATION OF WATER RESOURCES OF ARID LAND STATES

Mr. BYRNES. Mr. President, I ask unanimous consent for the immediate consideration of a resolution (S. Res. 65) which was reported from the Committee to Audit and Control the Contingent Expenses of the Senate on the 24th instant. It provides for an investigation of the water resources of arid and irrigable States.

The PRESIDING OFFICER (Mr. DUFFY in the chair). Is there objection to the request of the Senator from South Carolina?

Mr. McNARY. Mr. President, may I inquire if it was a unanimous report of the committee?

Mr. BYRNES. It was.

The PRESIDING OFFICER. Is there objection to the request of the Senator from South Carolina?

There being no objection, the Senate proceeded to consider the resolution (S. Res. 65) submitted by Mr. BANKHEAD on January 19, 1937, which had been reported from the Committee on Irrigation and Reclamation on the first instant with an amendment, referred to the Committee to Audit and Control the Contingent Expenses of the Senate, and reported from that committee on the 24th instant without additional amendment.

The amendment of the Committee on Irrigation and Reclamation was, on page 1, lines 1 to 8, to strike out:

That the Committee on Irrigation and Reclamation, or a duly authorized subcommittee thereof, is authorized and directed to make a complete investigation with respect to proposed legislation providing for the ultimate utilization of the water resources of the arid and irrigable States, including irrigation and reclamation, improvement of navigation, flood control, and power development.

And to insert in lieu thereof:

That the Committee on Irrigation and Reclamation, or any duly authorized subcommittee thereof, is authorized during the sessions or recesses of the Seventy-fifth Congress to make investigations into the development of irrigation and reclamation and the utilization of the water resources of the arid-land States.

So as to make the resolution read:

Resolved, etc., That the Committee on Irrigation and Reclamation, or any duly authorized subcommittee thereof, is authorized during the sessions or recesses of the Seventy-fifth Congress to make investigations into the development of irrigation and reclamation and the utilization of the water resources of the arid land States. For the purposes of this resolution such committee or subcommittee is authorized to hold hearings, to sit and act at such times and places within the United States, and to employ such clerical and stenographic assistance as it deems advisable. The cost of stenographic service to report such hearings shall not be in excess of 25 cents per hundred words. The committee or subcommittee is further authorized to send for persons and papers, to administer oaths, and to take testimony, and the expense attendant upon the work of the committee or subcommittee shall be paid from the contingent fund of the Senate, but shall not exceed $5,000. Such committee or subcommittee shall make a report of the results of such investigation with recommendations to the Seventy-fifth Congress.

The amendment was agreed to.

The resolution as amended was agreed to.

SENATORS FROM FLORIDA

Mr. RUSSELL. Mr. President, on the opening day of this session two duly elected Senators from Florida took the oath of office, both of them having been elected on the same day. There was no rule or precedent to guide the Senate in determining which of those Senators should be designated as the senior Senator from Florida and which as the junior Senator from Florida.

A few days ago one of those Senators [Mr. PEPPER] issued a statement very graciously waiving whatever rights he might have to the honor of being known and designated as the senior Senator from Florida. The other Senator from Florida [Mr. ANDREWS] also issued a statement. For the information of the Senate and readers of the RECORD, as well as to have in the RECORD an example of gracious courtesy and good fellowship between Senators, I think that the statements of the two Senators from Florida should be printed in the RECORD. I ask unanimous consent that that may be done.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

There has been considerable speculation in the press and among the friends of Senator ANDREWS and myself as to which of us is the senior Senator. It has probably worried Senator ANDREWS and myself less than anybody else, because there is, of course, no difference in the two places; our relations are extremely cordial, and we are so busy trying to do the best we can for the people of our State that we do not have much time to think about empty formalities.

I am informed that our situation is without precedent in our history. Although I was first nominated, both of us were elected and sworn in at exactly the same time, so that neither of us really has seniority of service. But to put the matter at rest, without saying anything at all to Senator ANDREWS about it, I think that Senator ANDREWS, being the older man than I, and certainly a very fine and gracious gentleman, should have the honor of being called the senior Senator.

It is, therefore, my wish that this honor, which he will bear with becoming dignity, shall be his.

CLAUDE PEPPER.

FEBRUARY 20, 1937.

I have just learned of Senator PEPPER's statement relinquishing any claim that he had to being senior Senator from the State of Florida. This is a nice gesture on the part of Senator PEPPER.

We have not discussed it, and our relations have been, and will continue to be, pleasant, both working together for the common good.

C. O. ANDREWS.

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORT OF APPROPRIATIONS COMMITTEE

Mr. McKELLAR, from the Committee on Appropriations, reported favorably the nomination of A. P. Morgan, Jr., of Alabama, to be State administrator for Alabama in the Works Progress Administration, vice Thad Holt, resigned, which was ordered to be placed on the Executive Calendar.

The PRESIDING OFFICER. The report will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state in order the nominations on the calendar.

THE JUDICIARY

The Chief Clerk read the nomination of Alfred P. Murrah to be United States district judge, eastern, northern, and western districts of Oklahoma.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

WORKS PROGRESS ADMINISTRATION

The Chief Clerk read the nomination of George Keller to be State administrator for Iowa.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The Chief Clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask unanimous consent that the nominations of postmasters on the calendar be confirmed en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. That completes the calendar.

RECESS

The Senate resumed legislative session.

Mr. ROBINSON. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 57 minutes p. m.) the Senate took a recess until tomorrow, Friday, February 26, 1937, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 25 (legislative day of Feb. 24), 1937

UNITED STATES DISTRICT JUDGE

Alfred P. Murrah to be United States district judge, eastern, northern, and western districts of Oklahoma.

WORKS PROGRESS ADMINISTRATION

George Keller to be State administrator in the Works Progress Administration for Iowa.

POSTMASTERS

IOWA

William Molloy, Galva.
Gertrude E. Sherrer, Hazleton.
Elizabeth L. Steigleder, Spencer.
Jeanette L. Lee, Ventura.

PENNSYLVANIA

John Peck, Marietta.

HOUSE OF REPRESENTATIVES

THURSDAY, FEBRUARY 25, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thou, O Lord, art high above all the earth; Thou art exalted above all gods. We thank Thee for light that is sown for the righteous and gladness for the upright in heart. We pray for mastery over circumstances and for wisdom to execute the duties of our commission. Heavenly Father, may we be steadfast in hope, errorless in purpose, breathing forth the love and power that make men great. Lead us, we beseech Thee, beyond the peradventure of a doubt, and bless us with the real presence of the Divine; quicken our souls; inspire right motives; stir our imaginations with the lure of the unseen; and challenge our minds with adventure for exalted moral ideals. O Lord of Life, may there be no steps between Thee and us. In our Savior's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Crockett, its Chief Clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 824. An act for the relief of James Luker, Sr.; and

H. R. 4609. An act to authorize the purchase and distribution of products of the fishing industry.

The message also announced that the Senate had passed bills and joint resolutions of the following titles, in which the concurrence of the House is requested:

S. 3. An act to regulate commerce in firearms;

S. 44. An act for the relief of Edward N. Jerry;

S. 46. An act for the relief of Ernest S. Frazier;

S. 300. An act authorizing the President of the United States to appoint Sgt. Samuel Woodfill a captain in the United States Army and then place him on the retired list;

S. 655. An act to amend an act entitled "An act to recognize the high public service rendered by Maj. Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever", approved February 28, 1929, as amended, by including Roger P. Ames among those honored by said act;

S. 975. An act to amend the act approved February 7, 1913, so as to remove restrictions as to the use of the Little Rock Confederate Cemetery, and for other purposes;

S. 1116. An act to amend section 1860 of the Revised Statutes, as amended, to permit retired officers and enlisted men of the Army, Navy, Marine Corps, and Coast Guard to hold civil office in any Territory of the United States;

S. 1119. An act to amend section 5 of the act entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 3, 1925, to authorize the payment of a per diem in connection with naval aerial surveys and flight checking of aviation charts;

S. 1120. An act authorizing an appropriation for the erection of a memorial to the officers and men of the United States Navy who lost their lives as the result of a boiler explosion that totally destroyed the U. S. S. *Tulip* near St. Inigoes Bay, Md., on November 11, 1864, and for other purposes;

S. 1125. An act to amend the act entitled "An act to authorize the Secretary of Commerce to dispose of certain portions of Anastasia Island Lighthouse Reservation, Fla., and for other purposes", approved August 27, 1935, and for other purposes;

S. 1133. An act to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes", approved March 3, 1909, to extend commissary privileges to widows of officers and enlisted men of the Navy, Marine Corps, and Coast Guard, and also to officers of the Foreign Service of the United States at foreign stations;

S. 1173. An act to amend an act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936;

S. 1231. An act authorizing payment to the San Carlos Apache Indians for the lands ceded by them in the agreement of February 25, 1896, ratified by the act of June 10, 1896, and reopening such lands to mineral entry;

S. 1280. An act to repeal an act of March 3, 1933, entitled "An act to provide for the transfer of powder and other explosive materials from deteriorated and unserviceable ammunition under the control of the War Department to the Department of Agriculture for use in land clearing, drainage, road building, and other agricultural purposes";

S. 1310. An act for the relief of Cesaria Del Pilar;

S. 1313. An act for the relief of Lt. Comdr. Chester B. Peake, Supply Corps, United States Navy;

S. 1314. An act to provide for the reimbursement of certain enlisted men and former enlisted men of the Marine Corps for the value of personal effects lost by fire at the Marine Barracks, Quantico, Va., on October 5, 1930;

S. 1317. An act to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects destroyed in a fire at the Naval Radio Station, Libugon, Guam, on April 15, 1932;

S. 1423. An act for the relief of G. A. Trotter;

S. 1441. An act to authorize the establishment of a permanent instruction staff at the United States Coast Guard Academy;

S. 1442. An act to enable the Coast Guard officers to purchase articles of ordnance property for use in the public service in the same manner as such property may be purchased by officers of the Army, Navy, and Marine Corps;

S. 1455. An act to authorize certain officers of the United States Navy and officers and enlisted men of the Marine Corps to accept such medals, orders, and decorations as have been tendered them by foreign governments in appreciation of services rendered;

S. 1485. An act to prohibit the making of photographs, sketches, or maps of vital military and naval defensive installations and equipment, and for other purposes;

S. J. Res. 66. Joint resolution providing for the participation by the United States in the Greater Texas and Pan American Exposition to be held in the State of Texas during the year 1937; and

S. J. Res. 75. Joint resolution making funds available for the control of incipient or emergency outbreaks of insect pests or plant diseases, including grasshoppers, Mormon crickets, and chinch bugs.

THE JUDICIARY

Mr. SAUTHOFF. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD at this point by the insertion of a supplemental statement of my own to that given by the Progressive-Farmer-Labor joint convention relative to the Federal Judiciary.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

Mr. O'CONNOR of New York. Mr. Speaker, I reserve the right to object. What organization is this to which the gentleman referred?

Mr. SAUTHOFF. I said that it is a supplemental statement of my own in regard to a statement filed last week by the Progressive-Farmer-Labor organization.

Mr. O'CONNOR of New York. And this statement is the gentleman's own statement?

Mr. SAUTHOFF. Yes.

The SPEAKER. Is there objection?

There was no objection.

The statement referred to is as follows:

The President has offered a plan for the improvement of the Federal judiciary. This plan, unfortunately, is a temporary expedient for the purposes of his administration and does not represent statesmanship adequate for our future needs. I shall support this program of the President, but I shall do so with regret that a better program has not been formulated as a permanent solution.

I believe that the Progressive Party of Wisconsin should formulate its own program for the reform of the Federal judiciary and not simply support the program of some other party. The Democratic Party has been in power for 4 years, having had full control of both the executive and legislative branches of our Government, and has done nothing whatever on this all-important subject. I therefore advance these views with the hope that they may appeal to the liberal-minded of all parties and aid in the solution of this great problem:

1. JUDGES OF DISTRICT COURTS AND CIRCUIT COURT OF APPEALS

The circuit and supreme court judges of Wisconsin are elected by popular vote for a term of 6 years. Wisconsin has excellent judges. I believe the same rule should apply to the Federal judges of district courts and also of the circuit court of appeals. Let the people elect them for a term of 6 years. These Federal judges do not carry any heavier burdens, nor are their responsibilities greater than those of our circuit and supreme court judges.

2. SUPREME COURT

I believe that the Judges of the Supreme Court of the United States should be appointed by the President for a term of 6 to 10 years, whatever period appears to the committee best after a review of all the evidence. Whatever time limit is fixed, it should be such a term of years as would carry it into the next Presidential 4 years.

3. CONSTITUTIONALITY

I believe that a much better method of passing on the constitutionality of acts of the Congress would be that no law should be declared void unless by a unanimous opinion of the entire membership of the Court. I am satisfied that when liberal Justices like Brandeis and Cardoza find there is something radically wrong with a law that it ought to be rejected.

Another method which would take longer and is not so simple is the method I might refer to as the referendum. Briefly it is this: Whenever the Supreme Court decides that a law is unconstitutional, the same shall at once be referred for a vote on it by the legislatures of the various States. If a majority of such legislatures vote for the bill, it shall then be the law. Such a method would take approximately 2 years at the most, which is the time now consumed in getting a decision on constitutionality in the ordinary course of procedure.

4. RETIREMENT

The President's plan of appointing six assistants, to draw salaries aggregating $120,000 a year, does not appeal to me. Assistants are not at all necessary. I firmly believe in the doctrine of retirement in all walks of life. In industry I should like to see adequate provision for retirement at the age of 65. In mental fields of endeavor, exacting less hardship on the human body, I believe the age could well be made 70 years instead of 65. Such a limit I would place on the judges of all Federal courts. I would have them contribute to a fund from their monthly salaries, the same as is now done by our teachers in Wisconsin and by men and women wage earners, both in public and private activities; and I would retire the judges not on full pay, but on a percentage basis, as we now do in the case of other wage earners. The judges draw good salaries. They are, therefore, more able to pay into a pension fund than wage earners in other fields of activity.

I regret exceedingly that the President has not given us a more comprehensive revision of the Federal judiciary. I had hoped for sound statesmanship, not temporary expediency. As a liberal, I shall support the most liberal plan that is advocated.

CONSTITUTIONAL AMENDMENTS

In addition to the foregoing I favor the constitutional amendments advocated by Dean Garrison and Dean Clark, both liberals, and believe that these amendments ought to pass now while we have a liberal administration.

ORDER OF BUSINESS

Mr. HILL of Washington. Mr. Speaker, because of an important engagement at 1:30 o'clock this afternoon, at which time I was granted permission to address the House, I cannot be here. I ask unanimous consent that I be permitted to postpone that address until after the other addresses scheduled for today have concluded.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

EXTENSION OF REMARKS

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including a speech I made at Swarthmore College.

The SPEAKER. Is there objection?

There was no objection.

Mr. MAHON of Texas. Mr. Speaker, I ask unanimous consent that my colleague [Mr. JOHNSON of Texas] may be permitted to extend his own remarks in paying a brief tribute to our deceased colleague, Hon. James P. Buchanan.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEAVE TO ADDRESS THE HOUSE

Mr. GRAY of Indiana. Mr. Speaker, I ask unanimous consent, including unanimous consents of the honorable gentlemen included in the special orders for today, that I be permitted to address the House for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

ADJOURNMENT OVER

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

CALL OF THE HOUSE

Mr. COX. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present.

Mr. RAYBURN. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 22]

Aleshire	Doxey	Lanham	Rutherford
Andrews	Englebright	Ludlow	Ryan
Bernard	Fish	McGranery	Sabath
Bigelow	Ford, Miss.	McKeough	Schulte
Binderup	Gasque	Maas	Shannon
Buckley, N. Y.	Gilchrist	Martin, Colo.	Smith, Wash.
Bulwinkle	Gingery	May	Stubbs
Burdick	Goodwin	Meeks	Sutphin
Byrne	Gray, Pa.	Millard	Sweeney
Cannon, Wis.	Griswold	Mosier, Ohio	Taber
Chapman	Hennings	Mouton	Taylor, S. C.
Clark, Idaho	Jarrett	Nichols	Thomason, Tex.
Cluett	Jenkins, Ohio	Norton	Thurston
Cole, N. Y.	Jenks, N. H.	Palmisano	Treadway
Connery	Johnson, Tex.	Parsons	Wearin
Crosby	Kelly, N. Y.	Pettengill	Weaver
Crowther	Kinzer	Phillips	West
Culkin	Kirwan	Pierce	Withrow
Dies	Kleberg	Poage	Wood
Disney	Kniffin	Rabaut	
Dorsey	Lambertson	Romjue	

The SPEAKER pro tempore. Three hundred and forty-nine Members have answered to their names, a quorum.

On motion of Mr. Cox, further proceedings under the call were dispensed with.

The SPEAKER pro tempore. Under the special order of the House the gentleman from Florida [Mr. WILCOX] is recognized for 25 minutes.

THE SUPREME COURT

Mr. WILCOX. Mr. Speaker, in my opinion, the most unfortunate political event of this generation is the present proposal for the immediate increase of the number of Justices of the Supreme Court of the United States. The raising of this issue, regardless of its adoption of rejection, can result in no good, but will undoubtedly accomplish infinite harm. The acrimonious debate, the exertion of political pressure by organized groups, the political ballyhoo accompanying the proposal, the criticisms, and, sometimes unfortunately, the misrepresentation of true issues can result only in ill will and in distrust of the institutions of free government and disrespect for constituted authority.

The proposal came to us disguised at first as a means of facilitating the business of the courts by the elimination of old men, who, because of their senility, are no longer able to discharge their duties. But as discussion has progressed the mask has been removed and the disguise gradually discarded until now it stands forth revealed in its true colors as a plan for enlarging the Court so as to secure the appointment of Justices with a more "modern viewpoint."

Many of its proponents now quite frankly and openly admit that the purpose of the plan is to secure the appointment of Justices whose viewpoints and opinions will enable them to give the Constitution a different construction from that recently placed upon it by the present Court.

Now, Mr. Speaker, there is a group of liberal and progressive Representatives, of which I am one, who do not agree with many of the decisions of the Supreme Court. We believe that the Court could have been more liberal in its construction of our fundamental law. We have been particularly out of patience with many of the 5-to-4 and 6-to-3 decisions by which acts of Congress have been held to be unconstitutional. We have felt that our system of checks and balances is not quite complete because, while the Executive checks the legislative and the legislative checks the Executive and the judicial checks both, there has been no check provided for the judicial department of our Government. We have believed that, in case of doubt, acts of Congress should be upheld. And we have given serious consideration to the preparation of appropriate legislation to cure these ills.

Some of us have also given much time and thought to the propriety of amendments to the Constitution to be submitted to the people for adoption so that they may decide whether Congress shall be given additional authority to enact legislation to cope with the problems of the present era.

But, Mr. Speaker, these proposals are a far cry from the attempt to control the decisions of the Court by increasing its numbers or the attempt to vary the meaning of the Constitution with every fluctuation of public opinion. [Applause.]

There is a vast difference between amending the Constitution by submitting the question to the people, on the one hand, or permitting the Court to change it from day to day or year to year as the political parties in power may decide, on the other hand.

It is the difference between trying a case before an impartial judge or trying it before a judge who has decided the case before he hears the evidence.

This proposal is the same as sending two baseball teams onto the field with no rule book but with an umpire who is given the right to make up the rules as the game progresses and who is committed in advance to construe the rules so as to make a particular team win. [Applause.]

Now, let us examine this proposal and determine whether or not it will accomplish the purposes for which it is designed, and, if so, what its effect will be, not only upon this generation but upon the generation yet to come.

If by the enlargement of the Supreme Court from 9 to 15 members we are able to secure the presence of men who will construe the Constitution as we may wish it to be construed, and who will uphold such legislation as we have heretofore passed or may hereafter pass in this administration, then we will have accomplished an effective "stacking" of the Court. If we accomplish this purpose, then we will have done two things: first, we will have destroyed the independence of the Supreme Court; and, second, we will have established a precedent which may be followed in the administrations which are to succeed us.

If this administration, finding itself with a Supreme Court which does not construe the Constitution so as to give effect to our particular ideas, can enlarge the Court by the appointment of men who will give the Constitution that construction which we desire, then a future administration which may be headed by a Communist, a Fascist, or a dictator of any other type will be authorized to follow the precedent established by us and again enlarge the Court so as to secure an exactly opposite construction of that document.

This power, I submit, would in the hands of political puppets of an economic autocracy be used to shackle the liberties of the people. [Applause.]

In this matter we are not dealing simply with the temporary problems of the moment. We are dealing with the very fundamentals of free government. We are establishing precedents which will rise up to bless or to condemn the generations which are to succeed us. If we can resort to this method of enlarging the Court so as to have our views written into the Constitution, then the next administration or some other one yet to come will be authorized to do the same thing and secure a construction of the fundamental law which you and I and the present generation, as well as the framers of the Constitution, never remotely dreamed of.

Not only will we have established a precedent which may well rise up to destroy our institutions but we will have done another thing which is almost equally as serious. We will have destroyed confidence in the one institution which the people of this country have always regarded as entirely removed from political pressure and political interference. We will have taught the people to believe that when the Court entertains honest differences of opinion from those which we entertain that we can control the Court's action by political appointments.

Whether the Court is actually stacked or not, the public knows that this is an attempt to stack it and the public will have no confidence in the sincerity of the decisions of the Court after the new Justices take their seats. [Applause.] In such a case the appearance of evil is as bad as the actual existence of evil.

The power of the Court rests upon public confidence. Once the confidence of the public in the integrity of the Court is shaken, its power will be destroyed and constitutional government in America will have ended.

But it is said that there is no way of controlling a judge after he is appointed; that only outstanding, nonpartisan, impartial men will be chosen, and that once they are

appointed they will be free to exercise their own judgment and that it is impossible to stack the Court. If this be true, then nothing can be accomplished by the present proposal. If the Court cannot be stacked and if we cannot insure constitutional construction acceptable to this administration, then the appointment of six additional judges will have accomplished nothing whatsoever, except the destruction of of public confidence in the judiciary of this Nation. [Applause.]

Increasing the number of Justices is no solution of our present problems. We would still have the iniquitous divided opinions. It would be just as bad to have an 8-to-7 decision as it would be to have a 5-to-4 decision. Increasing the number does not guarantee unanimity of opinion, nor does it increase the power of Congress to deal with the problems of this age.

If by increasing the number of Justices we cannot stack the Court, and if we cannot guarantee the character of decisions to be rendered, then it is certain that all of the ills of the present system will continue plus the added evil of having destroyed confidence in the Court.

If it is desired to restrict the Supreme Court in the exercise of its power to declare acts of Congress unconstitutional, or if it is desired to take this power away entirely, there is ample constitutional authority to permit Congress to do this. The Court is given appellate jurisdiction upon all questions of law and fact, but "with such exceptions and under such regulations as the Congress shall prescribe." The Court itself has recognized the power of Congress to limit its jurisdiction and even to take it away altogether.

Back in reconstruction days the Congress of the United States enacted certain laws dealing with the citizens of the States which had formerly belonged to the Confederacy. These acts deprived the citizens of those States of certain fundamental rights. Realizing that their enactments were entirely unconstitutional, the Congress passed a law taking away from the Supreme Court the right and power to pass upon the constitutionality of those acts. If it is the real desire of the Congress of the United States and of the people of the country that the Supreme Court shall be regulated in the exercise of its jurisdiction or that its jurisdiction shall be taken completely away from it in this class of cases, then there is ample constitutional authority to permit the Congress to do so.

But before we go too far in this attempt to upset our scheme and plan of government, it might be well for us to profit just a little by the lessons of history. The statement has often been made that Congress as the representatives of the people can always be depended upon to preserve and protect their liberties and their freedom. The slightest examination of the facts, however, will convince any impartial mind that had it not been for a free, fearless, and politically independent Supreme Court the Bill of Rights as set forth in the Constitution would long ago have disappeared. [Applause.]

When we think of the Constitution we automatically think of those guaranties of personal liberty and personal freedom which are set forth in the first 10 amendments. These are the very fundamentals of free government: The guaranties of the freedom of speech, the freedom of the press, the right to trial by jury, the guaranty against unlawful search and seizure, the prohibition against being twice put in jeopardy for the same offense, and the guaranty that no man shall be forced to give evidence against himself. Without these fundamental rights, freedom and liberty would be meaningless words and all government would be oppressive and tyrannous. And yet in the 150 years of its existence Congress has at one time or another enacted laws which violated every one of these fundamental guaranties of human liberty and only a free, independent, and untrammeled judiciary stood between the people and the forfeiture of these essential rights. [Applause.]

What has happened once can and, under the stress of circumstances, very probably will happen again. The question for you and me to decide is whether we want to be responsible for establishing the precedent of enlarging the Court and thereby changing the meaning of the Constitution every time an administration finds that instrument at variance with its desires.

The Supreme Court, like every other human institution, is subject to error. It has undoubtedly made mistakes. It probably has established its own economic views as the yardstick by which the constitutionality of acts of Congress have been measured in many instances. But in spite of its faults, it has been the one institution which in spite of political upheavals, in the midst of civil war, in good times and bad, in season and out of season, has insisted that the Constitution of the United States means exactly what it says. And while I favor reasonable restrictions upon the exercise of its jurisdiction, I, for one, shall insist that so long as it retains jurisdiction it shall be free to exercise its judgment without political interference and without the domination of any political party, including my own. [Applause.]

If the Constitution is not broad enough to enable us to enact the sort of legislation which we find necessary to deal with our present problems, then the fault is with the document itself and not with the Court which interpreted it. We should not blame the umpire for insisting that we play the game according to the rules. The orderly procedure would be to remove the cause of the trouble by removing improper restrictions, if such exist, and by defining the power and authority of Congress to enact legislation of the character desired by the people. But until that is accomplished the Court should be free to construe the rules as they are written.

Much has been said as to the delay incident to the adoption of constitutional amendments. Experience has shown that when the people of the United States want a constitutional amendment adopted they can do so in very short order. The repeal of the eighteenth amendment was accomplished within 9 months. The "lame duck" amendment was adopted in 14 months. These amendments were promptly adopted because there was a demand by the people of the United States for the amendments. If there is any real desire upon the part of the people to give the Federal Government authority to deal with matters purely within the States, if the people wish to turn over to the Federal Government the right to enact legislation on subjects which the States are unable to handle, then amendments of this character can be proposed. They can be adopted at conventions selected for that purpose, and all doubt as to the meaning of the Constitution can be removed in less time than it will take to debate the present proposal and secure its final adoption. If we remove the doubt by adopting amendments to the Constitution, then there will be no opportunity for future administrations to "stack" or "unstack" the Supreme Court so as to give effect to the passing fancy of some particular administration.

In 1936 the Democratic Party went to the people of this country upon a definite and solemn pledge contained in our platform that if we could not enact legislation to cure the evils of this age within the provisions of the Constitution that we would submit constitutional amendments to the people for adoption. We did not say that if the courts determined that our Constitution is not broad enough that we would fire the Justices or appoint others who would construe it to suit us. We definitely pledged ourselves to submit the matter to the people in the form of constitutional amendments and let them determine the question. [Applause.]

I regard this pledge as a solemn contract of the Democratic Party. It was accepted by the people less than 4 months ago, and I, for one, do not feel justified in violating that solemn pledge. Is a political platform a meaningless scrap of paper? Is it merely a cleverly worded document, promulgated for the purpose of deceiving the voters, only to be repudiated in less than 4 months after election? There are still some of us who regard campaign pledges as solemn contracts to be kept and performed. [Applause.]

We have but recently celebrated the anniversary of the birth of the Father of Our Country. As a part of our celebration we listened to the reading of his Farewell Address. There is one passage from that historic paper that greatly impresses me and which I think we could all profit by reading again as we consider this proposal for constitutional

amendment by judicial appointment. I quote the following from that great document:

> If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designated. But let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

It is unfortunate that encroachments upon the rights and liberties of the people are seldom labeled as such. They usually come disguised as an immediate blessing. If they were heralded as attempts to destroy our freedom, we would, of course, reject them. But they begin as a temporary relinquishment of a minor right as a prelude to some immediate benefit. But "once the camel's head enters the tent it isn't long until the whole camel is inside."

The surest way to destroy our liberty is to destroy the agency which has been set up to protect it. And the surest way to destroy that agency is to destroy public confidence in it.

We are here offered a plan which we are assured is a short cut to many blessings. We have dangled before our eyes the alluring prospect of many benefits if we will just refrain from the tedious effort of consulting the wishes of the people and change the make-up of the Supreme Court so as to secure these benefits and blessings.

But when we ignore the Constitution, when Congress takes matters into its own hands and refuses to consult the people, when we abolish the judicial check upon the legislative and the executive we will have taken the first steps toward a dissolution of constitutional government.

"Eternal vigilance is the price of liberty", and we must be constantly upon the alert to prevent the destruction of our system of free government. And to accomplish this we must never let the camel get his head inside the tent under the guise of giving us some temporary benefit. Of what value will it be to our children that we took a short cut to secure the ends we desire, if in doing so we establish a precedent that may work their undoing?

There are many of us who are liberal in our views and progressive in our ideas but who still believe in constitutional government and who still cling tenaciously to the belief that human rights, human liberty, and human freedom can best be preserved, protected, and perpetuated by the independent institutions of a constitutional democracy. [Applause.]

We hold to the belief that a government of the people, by the people, is as necessary and as possible today as it was in 1789 when the Republic was founded. We are firm in the conviction that the safest repository of the rights and liberty of the people is in the hands of the people themselves.

We have had no evidence that the American people are no longer capable of deciding for themselves what character of government they will have or what powers they will vest in their public servants.

We are not convinced that the time has come when the fundamental law of the land should properly be changed, amended, enlarged, or extended by a combination of legislative enactment, Executive decree, and judicial interpretation.

The people adopted and ordained the Constitution. If it is out of date, if it no longer serves the needs of a growing nation, if its system of checks and balances be wrong, if its division of powers and authority be improper, or if its limitations be such as to prevent the enactment of legislation to cope with the problems of this age, then let it be changed. But in doing so let us proceed in an orderly manner. Let us submit the proposals for change to the people and permit them to pass upon the question. In so doing we shall assure to ourselves and our posterity a continuation of the blessings of liberty. [Applause.]

COMMITTEE ON AGRICULTURE

Mr. COOLEY. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have permission to sit during the sessions of the House for the next 10 days.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

EXTENSION OF REMARKS

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Under the special order of the House, the gentleman from Oklahoma [Mr. FERGUSON] is recognized for 30 minutes.

THE GREAT PLAINS PROBLEM

Mr. FERGUSON. Mr. Speaker, I have addressed this House on several occasions upon the difficulties confronting the Great Plains area. This year I come more or less armed with the reports that have been drawn up by the special committees that have reported to the President on this problem.

First, to bring to your minds the area that is involved in the Great Plains, I may state that there are 1,900,000,000 acres of land making up the total farm area of the United States. Two hundred and fifty million acres lie in the Great Plains area. This area may be defined as lying between the Rocky Mountains and, roughly, the one hundredth meridian. It takes in almost the entire State of North Dakota, two-thirds of the State of South Dakota, almost one-half of the State of Nebraska, over one-third of the State of Kansas, one-third of the State of Oklahoma, and almost one-quarter of the State of Texas. It is an area that, as I say, lies between the base of the Rocky Mountains on the west and goes eastward to the one hundredth meridian, taking in that portion of the States I have just mentioned. The area is definitely defined by nature in that the rainfall is limited to an average of 20 inches annually.

In this area live 4,500,000 people. Of this number 2,225,000 live on 500,000 farms. In other words, this 4,500,000 people represent 20 percent of all the farmers of this Nation, and they live on the Great Plains.

We cannot just say that we are going to forget about this area. We cannot say we will blot out of the Nation's agriculture picture the 250,000,000 acres on which live 4,500,000 people, living mostly on farms. If you think the United States does not have an interest in these people in expenditures, let me read you what that problem has cost the United States Government during the last 3 years and up until July 1 of last year.

We spent $132,000,000 in Federal relief projects; lent $120,000,000 in feed and seed loans, 62 percent of which remain unpaid due to the continuance of the drought; and the great drought of the last year cost the Government at least $50,000,000. When the commissioner's office was allowed to make loans to refinance debts in that area during the last 3 years, $600,000,000 was put into that country to take care of past deficits on the farming of that country, and that did not nearly take care of it. In the last 3 years this Government has put over $1,000,000,000 into that area, not including what has been paid in A. A. A. contracts and under the new Soil Conservation Act. It is an area that shows a constant deficit, and Congress today should recognize the fact that we are responsible for the economic conditions in that country. The politicians in the olden days wanted to make as many votes as possible, having no consideration of what was an economic unit, and ordered that no man should have over 160 acres on which to live. So they had their 160-acre farms, and they plowed up a territory that should never have been plowed. I think the Great Plains Committee of the President put their finger on that very point, for on page 75 of their report they make this statement:

> It is estimated that purchase of 7,000,000 acres of land now operated in farms or ranches that are too small would relieve 20,000 stranded families by enabling them to relinquish uneconomic holdings on which they cannot be rehabilitated, and at the same time benefit 20,000 average families on unduly small farms by making the acreage thus released available to them. The families that would be relieved probably have absorbed $10,000,000 of public aid annually during the drought period.

Let us look at the per-capita situation in this particular area. Here is a map of the territory, on which you will see these black areas, which means that every man, woman, and child in that area received $175 in Federal aid during the past

3 years. You will notice it is blackest here, where Texas, Oklahoma, Kansas, New Mexico, and Colorado are shown.

Mr. Speaker, I come here realizing that I have been somewhat inconsistent, that I am today urging the W. P. A. to increase the rolls, and that I am asking Resettlement to take care of those people, when I know full well we are paying those people and making it possible for them to stay in an area and live on farm units that cannot possibly support them. I come here and ask for money to cover an emergency, realizing that this just temporarily solves the problem. We have not started to tackle the real fundamental problem, yet the Government has over a billion dollars invested there. As I stated, I am asking the W. P. A. to help these people, because we cannot just desert them and let them die out there in that dust area.

This report estimates that from seven to twenty-five million acres of that land will have to be put to some other use than farming—either used for the growing of grass or for some other use. It is not economically possible to farm it; and I agree with that estimate, though I doubt whether it is high enough when we consider 25,000,000 acres out of 250,000,000 acres is only 10 percent.

I have presented a picture of the Great Plains section.

Now, we talk about dust storms as if they originated all over that area. I am here to say that the very center of that is located in my district and in the surrounding States of Kansas, Texas, Colorado, and New Mexico. The very heart of this cancerous growth is limited to a particular area covering about 25,000 square miles. Of that 25,000 square miles 40 percent is now subject to severe blowing. That area is cancer enough to spread, spread, and spread until additional millions of acres will be destroyed.

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield?

Mr. FERGUSON. I cannot yield.

Mr. CRAWFORD. It is on that very point and it is in support of what the gentleman is saying.

Mr. FERGUSON. All right. I yield to the gentleman.

Mr. CRAWFORD. I operate a ranch that is within 400 miles of the area the gentleman is talking about. May I say that during the last week visibility has been limited to about a half mile 400 miles away, and grass, shrubbery, and everything else is covered with dust coming out of that district.

Mr. FURGUSON. I am glad that the gentleman made the point. That is 400 miles away. You Members here who do not have the facts must realize that it will be on your doorstep next. It marches on just like a host of insects.

Mr. GREEVER. Mr. Speaker, will the gentleman yield?

Mr. FERGUSON. I yield to the gentleman from Wyoming.

Mr. GREEVER. Has the gentleman given any thought to the solution of this matter by resettlement of these families upon irrigated and reclamation projects and putting them on land where water conservation may be practiced by the application of the principles of irrigation?

Mr. FERGUSON. I cannot cover that today, but I think some of the people will have to be moved some place, and if there is a place to put them such as the gentleman mentions I would be in favor of it.

Mr. Speaker, here are 25,000 square miles that really can be cut down to a few counties—in fact, only 11 counties—that are really the heart of this situation. In those 11 counties the people suffer worse agonies than may be imagined. They have actually died of this dust that makes it impossible to see over 20 feet away. This dust is carried great distances, ruining merchandise in stores, ruining the grass on grazing lands, causing dust pneumonia and death. It has been estimated that the dust, when it covers the range, cuts the life of a cow from 15 to 7 years because it wears out their teeth.

Mr. JOHNSON of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. FERGUSON. I yield.

Mr. JOHNSON of Oklahoma. I was interested in the statement of the gentleman that some of the people must be moved out, as well as his statement that some 11 counties are affected. The gentleman does not mean to say that all of the people in all of these 11 counties will have to be moved?

Mr. FERGUSON. No. I am coming to that later.

Mr. JOHNSON of Oklahoma. I am sure the gentleman would not want to leave that impression.

Mr. FERGUSON. No. I will cover that shortly.

Mr. Speaker, in this particular area there is plenty of good farm land. The farmers have received compensation through the A. A. A. and domestic allotment plan, and may I call attention to the functions of the domestic allotment plan? It has made it possible for the farmers to contour their land, being paid for it, and plant wind-resisting crops and the plan is making a great deal of headway in restoring all of that country. If these farmers could have the assistance of some small irrigation plants in connection with the good farm land, they could live; but, on the other hand, the emergency agencies are making it possible for the poor farmer to stay on the land that should not be cultivated, keeping it constantly stirred up. Here is a good farmer, using good practices on good farm land, being destroyed by dust blowing from the farm of the man who is operating on land that should not be cultivated at all.

I want to make it very clear how I think this problem can be solved. We have some very fine organizations in the Department of Agriculture. We have the Bureau of Plant Industry, and under that Bureau we have the dry-land field stations. I have here a book showing pictures taken at the dry-land station situated at Woodward over a period of years, showing the development that is possible in that area in connection with the growing of trees, the growing of shrubs, and the growing of fruit. This organization has some real background and real knowledge with reference to solving this problem. At the very time we recognize that 25,000,000 acres have to be purchased by the Government and put back to the growing of grass, we find in the Budget that six of these western dry-land field stations, that know more about the subject than anyone else, are being cut off entirely and their budget reduced.

We also have vocational agriculture, which teaches the farm boys and girls the proper method of farming. The Congress authorized that they be given $12,000,000 for their program, yet the Budget only allows $3,000,000 to teach these people the fundamentals of farming.

In contrast with these old established organizations of dry-land agriculture, vocational agriculture, and the extension services that have gone into this question and are making real inroads on the problem, and also in contrast with the domestic-allotment plan, teaching the farmers how to accomplish this purpose—and they are doing a real job—I want to call attention to the activities of the Resettlement Administration. At the time it was set up I went to Mr. Tugwell and I asked that they go into this dust territory and buy this land that is actually blowing away and take it out of production and get it covered with grass—in this way save the farmers who are there and are on good land. They had plenty of money available. They spent some quarter of a billion dollars the first year of their existence. They had bought and optioned 10,000,000 acres all over the United States, and not 1 acre of it was in this worst dust territory which they could have purchased and in this way solved the problem.

This map I have here shows they bought 1,000,000 acres far west of the dust bowl. They bought over 1,000,000 acres to take care of the wild fowl in the North, but not 1 acre to actually try to keep this menace, this cancerous sore, from ruining the rest of the Nation.

I talked this over with Mr. Tugwell. He optioned 10,000,000 acres in other places, but he could not see the justification for taking this area out that was a menace to the whole country. His organization, according to this report, spent $252,000,000 all over the Nation, and as a result we have this very beautiful annual report. I do not know whether the Members of the Congress have seen this map or not, but it is simple enough. It is written in symbols, so that the Members of Congress, regardless of their information, will be able to understand it. They can look at the pictures and be able to tell what Resettlement has been doing over the

country. Here in my country is shown an old cow standing on a green rag. I do not know what it is supposed to represent—perhaps a bullfight.

I want to get back to this point I have raised here. We have plenty of intelligence in Congress to solve this problem. We have good committees in Congress. We have established bureaus in the Department of Agriculture that understand these problems and are equipped to undertake the necessary experimentation that must precede the purchase and regrassing of this area.

What is the Congress going to do? Is it going to make a lump-sum appropriation? Is it going to continue Resettlement and let them carry out their theories regardless of their previous knowledge or experiments on the subject? If you think there is no intention of carrying on Resettlement, I call your attention to a bill that is now before the Committee on Agriculture. In section 9 of this bill you find that all the powers of the Resettlement Administration are to be continued. The proposed legislation is written in the form of making law the Executive orders that created the Resettlement Administration, a method of legislation I am not familiar with. In this particular section it states that the Executive orders creating Resettlement Administration shall be carried on.

Mr. GREEVER. Mr. Speaker, will the gentleman yield for a question?

Mr. FERGUSON. Yes; I yield.

Mr. GREEVER. Has the gentleman ever examined into the administrative cost of Resettlement as compared with the amount of money actually spent for the land?

Mr. FERGUSON. No; I cannot say that I have. I do know that in reading their report you will find that the cost of the land, with the houses on it, seems to be tremendously high, and the opportunity of any tenant paying back the bill looks very slim.

Mr. COLDEN. Mr. Speaker, will the gentleman yield?

Mr. FERGUSON. I yield.

Mr. COLDEN. What success have your experiment stations had in finding semiarid grasses that would hold this soil?

Mr. FERGUSON. In answer to the gentleman I may say that the Bureau of Plant Industry admits that they know practically nothing about regrassing this area; that they have never had any funds made available to experiment in regrassing or to make any experiments along that line. I have asked that the 50,000 acres recently optioned by Resettlement in this area be turned over to the Department of Agriculture for a period of years to find out what are the best methods of regrassing. There is no real knowledge now.

Mr. COLDEN. Mr. Speaker, I would be pleased to assist the gentleman in getting a suitable appropriation for that purpose.

Mr. FERGUSON. I thank the gentleman.

I also asked that a certain area be purchased at the Woodward field station, where they can study the development and propagation of grasses. They have no idea how to tackle this immense problem, and yet they go into it and purchase 10,000,000 acres of land without any fundamental or scientific knowledge of how to proceed.

Mr. PIERCE. Mr. Speaker, will the gentleman yield?

Mr. FERGUSON. I yield.

Mr. PIERCE. Was not the region once grassed entirely with short buffalo grass?

Mr. FERGUSON. Absolutely; yes.

Mr. PIERCE. Nature knew how. Is that grass still in the country?

Mr. FERGUSON. Sure; there is some of it left.

Mr. PIERCE. And all it needs is care; is not that true?

Mr. FERGUSON. I make this statement. I live on and operate a ranch, and I have some knowledge of this subject. The ranch was made up of land part of which had been farmed.

The method we always used was to put it in cane, keep it fenced for a year or two, take the fence down, and turn it out to pasture. Naturally over a period of years it would go back to forms of grass, but whether it is economically sound, whether you get enough out of it or not to justify its use, is questionable, because our experience has just been with 40 acres in a section or 160 acres in a section. But, to sum this matter up, I am asking, first, an appropriation for the dry-land stations that they may carry on grass-breeding experiments, $115,000, to guarantee that a quarter of a billion dollars will be spent wisely. Second, that the Resettlement Administration, working with the Agriculture Department—and they have agreed to do that—use 50,000 acres that they now own as a long-time experiment. These 50,000 acres are typical. The land is made up of small farms, and it can be fenced and used not 1 or 2 or 3 years but over a period of years to determine whether this area will come back, whether it can carry enough cattle to economically justify the amount of money they spent on it. Third, I am going to ask and insist that the appropriation for vocational agriculture, the sound part of educating those farmers, be carried up to the amount authorized in the last bill of the House. I would like to get this philosophy over, that we have good farmers, and they have children who are capable of farming; that we have bureaus that can take care of this situation. Let us try to help the man that is still going, that is still operating, and that knows the problem.

Mr. PIERCE. Mr. Speaker, will the gentleman yield?

Mr. FERGUSON. Yes.

Mr. PIERCE. Is not our first business to try to restore what the Budget took away from us in the experimental station?

Mr. FERGUSON. Absolutely.

Mr. PIERCE. They took $48,000 away from the experimental stations in the dry-land regions.

Mr. FERGUSON. The very region where this problem exists.

Mr. PIERCE. Most of the stations in this territory.

Mr. FERGUSON. Yes.

Mr. PIERCE. One is in eastern Oregon, and ordered the Agricultural Department to cut their cost $48,000 less in these experimental stations in dry land areas, which just shows how much they are trying to cooperate with us.

Mr. FERGUSON. Instead of giving a quarter of a billion dollars to an emergency organization, and taking away $48,000 from the one organization that knows anything about it.

Mr. PIERCE. I have succeeded in securing an appointment with the subcommittee on the agricultural bill when they consider that bill, and I shall be glad to announce it in the House so that we can see if we cannot restore that $48,000 when the subcommittee on the agricultural appropriation bill reaches the matter of the experimental station, which I understand will be considered in about 3 weeks.

Mr. COLDEN. Mr. Speaker, will the gentleman yield?

Mr. FERGUSON. Yes.

Mr. COLDEN. What program has the Government in that territory for the conservation of flood waters and things of that sort?

Mr. FERGUSON. As I say, the domestic allotment and soil-conservation plan has done a lot of good. They have paid so much an acre for contour listing, and they have paid them for the construction of terraces, and they have paid them for strip cropping. If you put 15 percent of a section, leaving an area between for wheat, in cane, or sorghum that will grow, I do not care how dry the year is, and leave this cover crop stand for protection, they get that benefit payment, and the domestic allotment plan, as we now have it, is working fine, doing a good job. The Soil Conservation Service is doing a good job. Here will be a farmer on a section who follows all of the rules, raises his crop in good shape, and has his wheat. Here is a quarter section that blows, and it goes over on him and ruins him, and he has no control over it. The fence around his lands will not stop dirt coming over and ruining a good operator, and that is a problem that we must face.

I would like to call attention to the difference in the purchasing program. This is scattered all over the United States. Here is a particular area for a particular purpose

that money should be appropriated for. Two years ago I introduced a land-purchase bill asking that the Secretary of Agriculture be allowed to take this land and restore it into pasture land. The Secretary of Agriculture is empowered to buy this land under the Domestic Allotment and Soil Conservation Act. There is nothing to prevent him from doing that, and that is the only solution of the problem.

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield?

Mr. FERGUSON. I yield.

Mr. CRAWFORD. Knowing the territory the gentleman has been describing, I wish he would give us his opinion of what would be a reasonable price for the Government to pay per acre with the thought in mind that the Government would convert it into public domain?

Mr. FERGUSON. It depends on the condition of the land. It would vary in price from $2 to $15 an acre.

Mr. CRAWFORD. In other words, the gentleman thinks it could be bought for something under $20 an acre.

Mr. FERGUSON. Oh, yes; of course it could.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. FERGUSON. I yield.

Mr. MICHENER. The gentleman probably discussed this feature during my absence, but how long is it going to be after the Government takes over this blow land before the Government can control it?

Mr. FERGUSON. With proper agricultural practice, it can be under control in a year, provided we have normal rainfall.

Mr. MICHENER. Then, I take it—and I am not familiar with that area of the country so scourged by dust storms—that these dust storms could be prevented if the people farmed it properly for the period of a year?

Mr. FERGUSON. No. The gentleman will notice that I said under rigid Government control without any idea of production. The trouble is that the people living on the farms owe mortgages on their land, owe the machinery men for their machines, and have to gamble every year on making a crop so they can pay their debts.

Mr. MICHENER. Then it is the gentleman's opinion that the Government should buy up this land and take it out of cultivation to fight these dust storms?

Mr. FERGUSON. That is correct; and until that is done, even the man following the best practice cannot live there.

[Here the gavel fell.]

The SPEAKER pro tempore. Under the special order of the House the gentleman from Michigan [Mr. HOFFMAN] is recognized for 25 minutes.

WE ARE ON OUR WAY

Mr. HOFFMAN. Mr. Speaker, in the RECORD of February 19, I find this statement made by the gentleman from Minnesota [Mr. JOHNSON] during the consideration of the Treasury-Post Office appropriation bill:

> A couple of weeks ago we had the gentleman from Michigan [Mr. HOFFMAN] rise on this floor and denounce the Secretary of Labor, Madam Perkins, in no uncertain terms because she had refused to furnish certain facts to this House concerning the strike at Flint, Mich. Now, I have watched that same gentleman from Michigan, and he has supported amendments of this nature which are trying to cripple the detailing or the finding of events so far as facts are concerned by this Congress.

I read that to call attention to the fact that it is an error on the part of the gentleman from Minnesota. No one was attempting to cripple any investigation; and on this occasion when I voted I followed the gentleman from Virginia [Mr. WOODRUM] and his remarks appearing in the RECORD should be justification enough, if any one needs justification, for voting the way we did on that day. As I recall, the question was whether or not funds appropriated for one purpose should be diverted to another. That was the thing this Committee voted against.

Then the gentleman continued—and this is the important part:

> It is interesting to note that in this strike there was a standstill in Michigan between labor and the C. I. O. on one side and General Motors on the other until Senator LA FOLLETTE and his Senate Civil Liberties Committee, by a few shrewd questions, exposed certain matters on General Motors in his special investigation, and it is noticeable that when the La Follette investigation hit at the heart of the matter the strike ended, and it ended in favor of labor.

That is the first time I learned that the La Follette committee was engaged in settling a strike or that it was the province of any committee to use its authority, its power, to force a compliance by one party. I did notice last night in the press this picture showing two Senators examining a rubber hose with metal in the end—a great discovery made by some of the workers in the factory. General Motors is charged with having manufactured these clubs prior to the strike. For some reason best known to the members of the committee that particular committee has overlooked the other side of the question. Here is a whole page of pictures. Down at the bottom you will notice acid guns, billies, pieces of wood; coathangers were cut off and bent around into the form of a fishhook. These were all used by the sit-down strikers. Up at the top you will see a metal shield in the window, welded in, in which there is a hole where they could stick through a machine-gun muzzle. The sit-down strikers had those things. Over on the other side you will see a picture which shows destruction of the material in the plant.

DESTRUCTION OF PROPERTY IN FLINT PLANTS

In the sewing room and upholstery stores a litter of expensive materials was cut up and strewn about. The goods had been used for bedding. Many of the sewing machines were out of commission, parts having been removed for an unknown reason.

Nearly 200 hides, the most expensive kind of upholstering leather, had been cut into pieces. Evidence of its use were seen in braided leather blackjacks found strewn about.

Upholstery cut for more than 1,000 body jobs, normal bank of supply for operating, is entirely gone. Some of the materials cannot be replaced for weeks.

Hose lines, filled with water to the nozzles, made a network over the floors in the body-in-white department. Once a neat, well-lighted, well-ventilated and pleasant place in which to work, the department had been transformed into a maze of disorder.

Walls have been soiled and damaged to the extent they will require repainting.

Hundreds of dollars worth of expensive chromium-plated hardware was strewn about, scratched and damaged in being dumped around on the floor. It will all have to be listed as scrap, it was said.

Along the windows and on the roof as well, were thousands of these hardware parts and door hinges, taken from packing boxes and piled up for use as missiles in case of an attempt at eviction. Slingshots fashioned from metal and rubber, in which striker plates for door latches could be shot, were in evidence.

On top of the building you will see a pile of hardware that is used on these cars, placed there ready to throw at anyone attempting to enter. I will leave this here and maybe some of you gentlemen who are members of the Committee on Labor will be interested in knowing just what the sit-down strikers were doing.

Mr. SCOTT. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from California for just one question.

Mr. SCOTT. The picture the gentleman has called attention to we have seen before many times. Is not this the first time any committee or any organization has brought out the facts on the other side? Is that not what the committee was established for, to bring these facts out?

Mr. HOFFMAN. On the one side?

Mr. SCOTT. Yes.

A PARTISAN COMMITTEE

Mr. HOFFMAN. I have been over there to committee hearings four different days and I have read each day an account of their proceedings. From the way they are proceeding I assume the gentleman is right. Apparently their only object and their only purpose is to bring out facts which reflect upon the management, upon the loyal workers, and upon the men who want to continue their jobs in those factories. At no time, so far as I have been able to learn,

has that committee brought out anything which would in any way reflect on the C. I. O. or any of its members, or on any of the sit-down strikers.

I should like to proceed without interruption and, Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, critics of this administration have said that it had no definite plan; that it led us nowhere; that, while it promised economy, it gave us extravagance; that, while it promised a lessening of Government expenses, it gave us increased cost in Government operation; that, while it paid millions to restrict the production of crops and destroyed foodstuffs, it spent like sums in reclaiming waste land so that more crops might be produced; it limited the production of foodstuffs, and now it comes along with the farm-tenancy bill that would increase production; and so on down through a multitude of contradictory experiments, each nullifying the effect of the other.

A DEFINITE PLAN

While various legislative enactments have been inconsistent with other legislation, and while the purpose of one defeated the avowed object of the other, there can be no question, when the picture is viewed as a whole, but that the administration, if not by the words it uttered, at least by its acts, has never ceased in its purpose to remake our form of government. Whatever may have been our confusion of thought in days gone by, that purpose stands fully revealed today. It is to establish itself and create a dictatorship. The gentleman seems amazed.

Mr. SCOTT. Will the gentleman yield?

Mr. HOFFMAN. Yes.

Mr. SCOTT. I am not amazed as to the statement, but I am amazed at the fact the gentleman would make such a statement on the floor of this House.

Mr. HOFFMAN. If the gentleman will listen a minute, we will see whether or not it is true. I assume that the gentleman is of the opinion that the people are usually right. At least, at the last election he is of the opinion they were right. Of course, there was no vote, but there was a popular expression that the people did almost unanimously find that this is what is known as a rubber-stamp Congress, a sort of a jellified body which, when the President shook it, it took the particular form that he wished it to take. For 3 long years, at least, we have been designated in that way. Apparently some of us have been almost eager to lick the boots of the fellow that kicked us around the Capitol, and apparently we knew so little about drafting legislation we were not even trusted to draw a bill. We were not trusted to dot an "i" or cross a "t." The complete bill was sent down and handed to us. We took it and passed the legislation.

Mr. SCOTT. Will the gentleman yield further?

Mr. HOFFMAN. In just a moment. So the President did take over, lock, stock, and barrel, the Congress, did he not?

Mr. SCOTT. Was it not the opinion of certain newspapers who opposed the President that this was a "rubber stamp" Congress, and did not the people express their approval of the fact that Members of Congress elected here to legislate agreed with the President's program, rather than that the Congress was a rubber stamp?

Mr. HOFFMAN. The opinion was rather general, and the people did reelect him in 1936, as they had in 1932. In 1932, if I recall correctly, he made a series of promises, none of which he kept. In 1936 he came along and made some more promises. Labor was told that they must reelect him.

Mr. WOOD. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Missouri.

Mr. WOOD. Who told labor they must support the President?

Mr. HOFFMAN. Why, practically every campaign speech that was made on the Democratic side.

Mr. WOOD. Can the gentleman tell us who told labor they must support the President?

Mr. HOFFMAN. Who printed this statement that has been circulated down in Baltimore, the one stating "the President wants you to join the union"?

Mr. WOOD. But who gave the farmers the mandate and labor the mandate? I want the gentleman to tell us.

Mr. HOFFMAN. The A. A. A. gave them money which the Court held should not have been given to them.

Mr. WOOD. The gentleman is not contending that the Liberty League, the Literary Digest, or the du Ponts gave them the mandate?

Mr. HOFFMAN. Gave who the mandate?

Mr. WOOD. Who was it that gave labor and the farmers the mandate that they must vote for President Roosevelt?

Mr. HOFFMAN. The President himself, in his campaign speeches all the way through.

Mr. WOOD. Just like the gentleman told the people to vote for him?

Mr. HOFFMAN. How is that?

Mr. WOOD. The President gave them the mandate like the gentleman gave his constituents the mandate to vote for him when he ran for office?

Mr. HOFFMAN. Oh, I said I would not lie to them. I said if I made a promise, I would keep it, and if I did not keep it, all right, they could kick me out. But labor did contribute $500,000.

Mr. WOOD. Who told labor to do that?

THE C. I. O.'S CONTRIBUTION TO THE CAMPAIGN

Mr. HOFFMAN. Mr. Speaker, I do not yield to the gentleman further. The trouble is he wants to talk on my time. Labor did contribute $500,000 and some millions of votes, and they did after the election was over, through Lewis, demand that the President deliver the goods. What did he do? He called Murphy back from the Philippine Islands——

Mr. WOOD. Mr. Speaker, will the gentleman yield again?

Mr. HOFFMAN. He called Murphy back to run for Governor of Michigan, because it was said he would strengthen the ticket, and he ran 250,000——

Mr. WOOD. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I told the gentleman before that I would not yield any further.

The SPEAKER. The gentleman from Michigan declines to yield.

Mr. HOFFMAN. He called Murphy back and, as I was saying, Murphy ran 250,000 behind the ticket, but yet he slid in, and then came this strike; and when I introduced my resolution before the gentleman's committee asking for information about what the strikers were doing they said it was partisan and one sided, and when I put in one asking them to give us the information about what the factory owners were doing they said that was one sided, and Madam Perkins said she did not have any information, although she had at the time, at Anderson, Ind., men who were making copies of the police reports and had men at Flint and had men at Detroit. So Murphy came back and Murphy was elected.

Mr. WOOD. Now will the gentleman yield?

The SPEAKER. The gentleman from Michigan has declined to yield.

Mr. HOFFMAN. The strike came on and these men from outside of the State, by the hundreds, invaded Michigan, armed, and sat down in our factories. The gentleman from Massachusetts, the chairman of the Labor Committee, said the other day he did not approve of a sit-down strike. Of course not! None of them do. They disapprove of the sit-down strike, but they are in favor of the fellows staying in the factory until the strike is over.

The official publication of the C. I. O. has this to say about that very proposition—about the influence they have.

Mr. HOOK. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. I decline to yield until I have finished my statement.

The SPEAKER. Does the gentleman decline to yield to all Members?

Mr. HOFFMAN. Yes, Mr. Speaker.

Mr. WOOD. Mr. Speaker, if the gentleman declines to yield, I make the point of no quorum.

Mr. HOFFMAN. That is fine. I would like an audience.

The SPEAKER. The gentleman from Missouri makes the point that there is no quorum present. The Chair will count.

Mr. WOOD. Mr. Speaker, I withdraw the point of no quorum.

Mr. KNUTSON. Mr. Speaker, I make the point of no quorum. The gentleman is going to make some very interesting remarks and I think we ought to have a quorum here.

Mr. HOFFMAN. Oh, I am not in favor of the sit-down strike. [Laughter.]

Mr. KNUTSON. Mr. Speaker, I withdraw the point of no quorum.

The SPEAKER. The gentleman from Minnesota withdraws the point of no quorum. The gentleman from Michigan will proceed.

A SIT-DOWN STRIKE IN CONGRESS

Mr. HOFFMAN. This procedure on the part of the gentleman on this side of the House is very characteristic of these sit-down strikers. If they cannot have things the way they want them, they will not play at all [laughter and applause], and my friend over here just thought it was a good thing, and so he followed suit. [Laughter.]

C. I. O.'S POLITICAL INFLUENCE

Now, here is what the official organ of the C. I. O. has to say about their political influence, and this will tell you whether or not on Lewis's demands the President did pay the political debt. Listen to what the Union News Service, official publication of C. I. O., said February 15:

> And its political power, demonstrated in the November elections, proved a vital supplement to its economic strength.
>
> The C. I. O. had been influential in the creation of the La Follette Civil Liberties Committee. At a crucial point in the negotiations testimony before this committee revealed the expenditure of hundreds of thousands of dollars for Pinkerton labor spies by General Motors.
>
> Another backfire was built against the company by a resolution introduced in Congress by Senator NEELY, of West Virginia, calling for a sweeping investigation into General Motors' financial set-up and labor policies.

Now, this is the way they settle a strike—not on the merits, but by political influence, according to their own statement. C. I. O. contributed its half a million dollars and its several million votes, and when they got into a pinch and when Lewis wanted to wreck—what?—the American Federation of Labor, then the committee from the Senate, if the C. I. O. is correct, comes across and delivers the goods.

ANOTHER MOVE TOWARD A DICTATORSHIP

The proposal to enlarge the membership of the Supreme Court, if made in good faith and because of a necessity or even of a legitimate advantage to be gained, could not be criticized by anyone. But when, unblushingly and without shame, it is announced in the manner of a dictator that, the will of the executive department having been thwarted by constitutional limitations, no attempt will be made to change the Constitution, but the will of the Executive will be forced upon the people, not by the selection of an additional number of Judges but the selection of those who will do the will of the Executive, the limit of effrontery has been reached.

Where, in this land of ours, will there be found men of ability, of integrity which would justify their appointment to this Bench, who are so lacking in self-respect that they would accept an appointment on condition that they interpret the enactments of Congress in accordance with the views of the executive department? Would there be any respect whatever for a court, the members of which were known before their appointment to be ready to pass upon certain legislation in a certain way?

The request, reduced to language which everyone can understand, is that the President be permitted to maintain a Punch and Judy show in the place and stead of the Supreme Court; to put upon the Supreme Court Bench puppets of his own selection, speaking, nodding, and swaying from side to side when and as manipulated by the President.

The dirty-faced, bare-legged boy in the springtime, playing marbles on the street, never even thinks of changing the rules of the game to win. Every American boy, whatever be the game—baseball, basketball, football, tennis, anything and everything—having entered upon the contests abides by the rules until that game at least is over.

Earlier in his administration the President likened himself and his coworkers to a football team, he acting as quarterback. Contrary to all precedents—and he dearly loves to violate precedents—he now asks to have sent upon the field six husky substitutes, but he wishes to retain upon the team those who share his views; he ignores the rules of the game.

What little remaining legislative power exists in Congress will, if the reorganization scheme goes through as planned, be vested in the Executive.

The assault upon our liberties is made both in front and in the rear. Having reduced the Congress to a jellied condition, where the touch of the master's hand sends it quivering into any form desired, and so having taken over the legislative branch of the Government, the executive department now turns it attention to the only remaining check, to a dictatorship—the judiciary.

THE SUPREME COURT GETS ITS ORDERS

As Congress was told it must do the master's will or witness a revolution, so now we are told, after the election is over, that the Court will either be good and render its decisions understandingly, which, of course, means in accordance with the understanding of the executive department, or else it, too, will cease to function independently.

Lacking the courage to tell the people before election that this was the issue, now that it is too late to let the people determine whether they would vest all power in the Executive, it is sought by indirection to accomplish that which, under our Constitution, can only be done lawfully through a constitutional amendment.

But, after all, are we not unduly exercised at the present time over this proposed change? Are we not "locking the barn after the horse has been stolen"? Of what value is any court to the average citizen, if the Executive, the Secretary of Labor, and the Governor of a State are to say when and where it shall function?

If the Secretary of Labor can willfully, as she has, defy a Federal statute and refuse to sign deportation orders; if a Governor of a State can deny to another executive officer, a sheriff, as the Governor of Michigan has denied to the sheriff of Genesee County, assistance in the enforcement of the lawful processes of the court, of what need or of what value is a court?

If, when the Triple A is declared unconstitutional and further payments to farmers declared invalid, Congress can, as it did, appropriate and the department spend millions of dollars to make payments on those very contracts which were declared invalid, does a decision of the Supreme Court really prevent the execution of any plan which the President has in mind?

WILLFUL DISREGARD OF LAW RENDERS COURT DECISIONS OF LITTLE IMPORTANCE

My thought is that it does not make very much difference what the court says or who sits on the bench, as long as the Governor of a State or the Chief Executive of a Nation refuses to enforce the law.

Now, in Michigan we had an order of the court, and there is no question about the justness of it or the validity of it, that these men should move out.

That Michigan's Governor suspended the enforcement of the law, insofar as it applied to sit-down strikers, is shown by this quotation from the Union News Service issued by the C. I. O. on February 15, 1937. After referring to the injunction which was issued on February 2, that publication says:

> When the zero hour came (and that means the hour fixed in the injunction), Governor Murphy had again got the two sides into conference and would not permit the use of troops to force out the strikers.

Was Governor Murphy delivering the political support purchased by the half million campaign contribution?

Is there anyone here who will justify the act of the Governor in refusing to assist in the orderly execution of the process of the court? If there is, the people of the Nation will be glad to hear that justification.

The Governor went one step further. The Governor informed the sheriff, if newspaper reports be correct, that if he attempted to enforce the lawful order of the court,

martial law would be declared; in other words, the military authorities would supersede the civil authorities.

Has the President in mind a dictatorship? According to the newspapers, he was in communication with our Governor, and our Governor suspended the operation of the courts. What does it mean? Control of this congressional branch he has, certainly. Has he control of the judicial branch? He did control it in the Michigan strike.

GREAT MORAL QUESTION MUST BE SETTLED IN ACCORDANCE WITH LAW AND JUSTICE

You will never settle any great moral question unless you settle it right. The Missouri compromise and the Dred Scott decision did not settle anything. They never will settle this strike question until it is settled right. Murphy is acclaimed because he accomplished what? Because he got the General Motors and the C. I. O. together in that one place and what did they do? They agreed to talk it over.

Mr. SCOTT. Does the gentleman think, in view of the way the strike was settled, that the men, insofar as they are in the union, got more than they are entitled to?

Mr. HOFFMAN. I do not know anything about it.

Mr. SCOTT. Or was it well settled?

Mr. HOFFMAN. I do not know anything about the merits of the settlement. I do not know anything about the merits of their demands. I do know this, that the Governor assisted them in their unlawful enterprise, and that the announced purpose was to avoid bloodshed, and I do know that that strike within 48 hours was followed by violence at Anderson, Ind., and over at Waukegan, Ill., we have the same situation, retention of a factory by strikers, a break-down in law enforcement, and that all through this country of ours from the Pacific coast clear across to the Atlantic seaboard you have strike after strike, not one or two, but hundreds of them, and why? Because all of these groups now believe they can go as far as they like. They think they can take possession of a place of business, and they can keep it and hold it until their demands are met.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. Yes.

Mr. KNUTSON. Has anything happened within the last 30 days to cause them to think that they cannot go as far as they like?

Mr. HOFFMAN. Yes.

Mr. KNUTSON. What?

JUST ONE ACT OF AN INDIVIDUAL

Mr. HOFFMAN. Down at Anderson, Ind., when a group went down there from Flint, Mich., armed, and were going into a restaurant to pull out some antiunion man, the owner of the restaurant gave them a couple of loads of buckshot and 19 of them went to jail, and of the 19, 5 lived in Anderson, 1 in New York, and the other 13 lived in Flint, Mich.

Mr. KNUTSON. I asked the gentleman in regard to the Michigan situation.

Mr. HOFFMAN. Was anything done to stop it?

Mr. KNUTSON. Has anything happened in Michigan within the last 30 days that would cause these "sit-downers" to think that is not the best method?

Mr. HOFFMAN. Not that I am aware. The multiplication of strikes, of course, demonstrates the fact that they think that is the thing to do.

Mr. KNUTSON. They have the machinery of the Government behind them.

Mr. HOFFMAN. Surely. Is that why Murphy was brought back from the Philippine Islands—to do his master's bidding when the time came? Oh, laugh about it if you will, but you cannot laugh it off. It is what he did do; that is what he is doing. He has disregarded his oath of office. He told the sheriff, "You cannot serve that writ." If there is any justification for it, I should like to know it, and everyone knows there is not and that that is not right; but what is the use of talking about the court and who is on the bench, when the administrative, the executive officers, those charged with the enforcement of the court's decree, with the enforcement of the law, are told by the Chief Executive of the Nation or of the State that the law need not be obeyed? What is the use of talking about the court?

WHO WILL PROVIDE THE JOBS?

After the strikers have taken over the plants, after they have gotten in control and they have destroyed these economic royalists, these privileged few, these international bankers, or whatever you want to call them—all that lingo that you get off——

Mr. KELLER. Coupon clippers.

Mr. HOFFMAN. Yes. After you have got rid of all those fellows, who is going to run the factory and provide jobs? Is Mr. Lewis? How many jobs did he ever give anyone? Sometime when you are not busy, if that time ever comes, just take time to peruse this document entitled "Attempts by Communists to Seize the American Labor Movement", Senate Document 14, Sixty-eighth Congress, first Session. Read it. Let me read you two or three little things out of it, because it is in line with what Mr. Lewis is doing at the present time. Of the Communists in 1924 his organization said. I am reading now from this pamphlet:

> They desired the overthrow and destruction of this Government with the establishment of an absolute and arbitrary dictatorship and the elimination of all forms of popular voice in governmental affairs.

After charging that the Communists of red Russia were attempting to take over the labor movement and destroy our Government, in this pamphlet, on page 2, the United Mine Workers of America, of which John L. Lewis was the head, stated—let me quote again:

> The major points in this revolutionary program of the Communists as aimed against the United Mine Workers of America—

And you need but substitute the American Federation of Labor for United Mine Workers of America to bring the story to date—

> and other legitimate trade unions and the people of the United States and Canada are:
>
> 1. Overthrow and destruction of the Federal, State, and Provincial Governments, with the elimination of existing constitutional forms and foundations.
>
> 4. Seizure of all labor unions through a process of "boring from within" them, and utilizing them as a strategic instrument in fulfillment of their revolutionary designs upon organized and constitutional government.
>
> 5. Invasion of the United Mine Workers of America with the ouster of its present officials and leaders and the substitution of a leadership of communists, that it may be used as an instrumentality for seizing the other labor unions of America and for eventually taking possession of the country.

Here again let me substitute in place of the United Mine Workers of America the American Federation of Labor, with the ouster of its present officials and leaders and substitution of a leadership of Communists—and in place of the leadership of Communists substitute the leadership of John L. Lewis, and you have the 1924 situation as interpreted by Lewis today.

Again I read:

> 6. A well-organized movement is being promoted within the 4 railroad brotherhoods and 16 railroad trade-unions to amalgamate all railroad workers into "one departmentalized industrial union" controlled by a single leader of Communist principle and affiliation and owing allegiance to the Communist organization.

Substituting again, in place of Communists, the Committee for Industrial Organization, again you have disclosed the purpose of Lewis today, which in 1924 was characterized by his organization as an attempt to rob this country of its liberties.

Let me quote again:

> 7. Seizure of the American Federation of Labor, with the ouster of its officials, and through such seizure gaining control of all its affiliated units and trade-unions.

Again, Lewis' program of today.

Quoting once more:

> 8. Conversion of all craft trade-unions into single units of workers within an industry known as "industrial unions", with coordination under a super-soviet union, owing allegiance to, and accepting the mandates of, the Communist International and its subsidiary, the Red Trade Union International, at Moscow.

The outline of the plan just given, and condemned in 1924 by the United Mine Workers of America as a communistic scheme to injure labor and to ruin this country, discloses the same method which is today being followed by the C. I. O.

[Here the gavel fell.]

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for 1 additional minute that I may ask a question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RANDOLPH. Does the gentleman indicate that he believes the United Mine Workers of America to be a communistic organization?

Mr. HOFFMAN. No. I do not. What I said was that this pamphlet indicated that the Communists were trying to take it over at that time.

Mr. RANDOLPH. The gentleman kept substituting "United Mine Workers."

Mr. HOFFMAN. Only because the United Mine Workers are following the course condemned in that book published by them; that is all.

By a contribution of a little more than half a million dollars and the delivery of a few million votes, Lewis, in substance and effect, announces that he owns a share in the Presidency, has a voting power therein, and he calls upon the President to stand by his organization in the present controversy. Does Lewis expect that the President of the United States, because of a campaign contribution and the delivery of a few million votes, will sell the American laboring man into bondage?

PAYMENT OF A POLITICAL DEBT

If his words mean anything, that is just exactly what he expects and what he demands and, so far, through the Secretary of Labor, who intimates the sit-down strikes were justified, and through the Governor of Michigan, who disregarded the law of that State, he has been collecting for that political contribution.

By this action on the part of the Governor and of the Secretary of Labor, those workers of Flint and workers throughout the country who did not belong to the C. I. O. were given notice that John L. Lewis was the boss, that they must pay tribute to him and to his organization and, if he succeeds in his announced purpose, it will not be long before, in America, man, if he would work, must first pay dues to the C. I. O.

When that day comes, the President may find that the man he has assisted in this armed rebellion has more power, more votes, than has the New Deal organization.

These economic royalists whom the C. I. O. and the administration would destroy, at least had enough interest in the workers to give them better working conditions, shorter hours, and higher wages than those enjoyed by workers in other lines of industry, and infinitely better has been, and is, the condition of these workers as to hours, working conditions, and wages, than that of the average farm owner or farm tenant throughout our land.

A few days ago, when I spoke in the House, some Members were inclined to treat the problem as a local one. Some even intimated that it was Michigan's problem, but since the strike was declared off, you have heard the announcement of Lewis. The battle will be carried to Chrysler and to Ford, to the steel and the coal industries—in short, throughout the country, Lewis proposes to force all workers into his organization. About this there can be no argument. It is his announced purpose and he intends to do it in the same manner, by the same methods used in Michigan.

To the credit of the Governor of that State be it said that he stood for protection under the law, and these armed invaders were turned back.

Immediately the cry went up that they had been deprived of their rights, of their lawful right to assemble. But, so far, the Governor has stood firm. God grant that he may continue to protect his people.

You who sit here today and whose home folks are not now being troubled with this question, remember that, sooner or later, this problem is coming to you and to your people. When the elevators of the Northwest are tied up by sit-down strikers; when the factories in the East are stilled by those who, with force and violence, take possession; when the crops of those who live in the South are rotting in the fields because of some sit-down strike; when, again, your shipping interests on the Pacific and the Atlantic coasts are paralyzed, just remember that those things are the natural result of what happened at Flint, and no voice was here raised to call Lewis to account.

Into that peaceful, happy town, where industry was flourishing, where profits were being made, where labor was satisfied, came the C. I. O. Lawless, unmindful of the rights of fellow workers, it sowed the seeds of rebellion, of mob rule, of anarchy. Sown on barren ground as they were, that would have been the end, had it not been for the tender care and encouragement given by the Secretary of Labor and the Governor of the State.

The great office of President of the United States was used by the Secretary of Labor to protect this growth from the wrath of the people of Flint and of those who wanted to work. The hand of the Governor of the State pushed back the legal process of the court, which would have prevented the success of this unlawful procedure.

Lewis and the C. I. O., through dues to that organization, will collect many, many times its political contribution made in the last campaign. As stated by Lewis, the C. I. O. is marching on from one community to another, from one State to another. When his goal has been reached, when he has forced all workers into his organization, then will come the opportunity for the President to declare himself as the dictator of the Nation.

As Tugwell said, it is to be hoped that the revolution can be accomplished without bloodshed, and so it can, if Congress continues to do its master's bidding in this latest move.

There is one thing, however, that Lewis and the Chief Executive have forgotten, and that is the spirit of independence, the determination that right and justice shall prevail, that burns in so many American hearts.

Those who ride roughshod over the liberties of the people may, and they will, discover before they are through that others can talk revolution, that others can preach violence, and that there are millions of home owners, in the city as well as on farms, who will not see the liberties for which their forefathers fought and died taken from the children of today and tomorrow without a struggle.

My only thought, my only hope, is that this revolution comes before those who would destroy us are more firmly entrenched in the seats of government.

The SPEAKER pro tempore. Under the special order of the House, the Chair recognizes the gentleman from Minnesota [Mr. KNUTSON] for 15 minutes.

THE ALLIED DEBTS

Mr. KNUTSON. Mr. Speaker, when the Foreign Affairs Committee recently brought into the House a bill to authorize $150,000 to be used in providing for an American exhibit at the forthcoming International Exposition at Paris, which was to be in addition to the $50,000 we have already spent on that project, I spoke against its passage, basing my opposition upon France's repudiation of her war debt to the American people. It will be recalled that I then stated that I would have no objection to the expenditure, providing the money were taken out of "the next payment that France makes to us."

I consider my proposal eminently fair, and I am sure the American people feel the same way about it. Why all this maudlin sentimentality over the debtor countries in Europe? They would combine against us tomorrow if they dared, and could raise the money to finance the undertaking—and how they would like to get hold of that money. Then they could build yet more battleships and airplanes, train and equip more soldiers, make more cannon, and raise yet more hell. They know that they cannot put on a first-class military show unless Uncle Sam comes across with the necessary money. Fortunately, he holds the purse strings. The international bankers and the munitions makers are strong for our "coming across", but we have not forgotten our experience during and since the war, so the hell raisers over in Europe will probably have to wait until those of us who can remember the war have passed off the stage and our places taken by a new generation who do not know so much about it.

EUROPE, UNGRATEFUL FOR PAST LOANS, IS ANXIOUS TO BORROW MORE MONEY

European cables inform us that the new Ambassador from France will shortly take up with our Government the matter of securing new credits for Europe. If the cable dispatches from Paris are authentic, Europeans are either suffering from a loss of memory or an exaggerated belief in our gullibility.

If they have forgotten, we have not, how in 1917–18 we raised an army of four and one-half million men, two and one-half million of whom were sent to France; that during the war that was "to end all wars" we advanced to the Allies in money and credits over $11,000,000,000; that during the "war to make the world safe for democracy" the American people denied themselves such necessities of life as sugar and fats and wheat bread in order that the people in the allied countries might not suffer from the lack of these necessities.

Historians are agreed that America stepped into the war at a very crucial hour, when the outcome hung in the balance. Without the help of America it is extremely doubtful if the allied cause could have prevailed. Notwithstanding the tremendous assistance given the Allies by Uncle Sam, we have frequently been taunted with the charge that we did not get into the war until it was almost over. The thousands of graves of young Americans who made the supreme sacrifice on the western front utterly proves the falseness of such a charge, and the fact that the Allies, except Finland, now owe us in principal and interest $22,143,000,000, which none of them are attempting to pay, convicts them of base ingratitude and an utter lack of honor in international dealings.

Then we say we cannot finance the American farmer at 3½ percent, which is more than any of the allied countries are paying.

FOREIGNERS MAKING BILLIONS IN STOCK MARKET FROM GOLD PROFITS

That is not all they have gotten out of us. When the administration confiscated all the American gold, they paid the holders $20.65 an ounce.

Mr. WHITE of Idaho. Mr. Speaker, will the gentleman yield?

Mr. KNUTSON. I yield.

Mr. WHITE of Idaho. The daily balance sheet of the Treasury shows that there is $6,000,000,000 in gold certificates outstanding. Did not the Treasury issue gold certificates for the gold they took over?

Mr. KNUTSON. No. The chances are the Government does not know where the gold certificates are; the Government merely knows they are out.

Mr. WHITE of Idaho. Is the gentleman judging the Government by himself?

Mr. KNUTSON. That would be judging the Government too leniently.

Mr. TAYLOR of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. KNUTSON. I yield.

Mr. TAYLOR of Tennessee. If one of these gold certificates were presented to the Treasury, could gold be obtained on it?

Mr. KNUTSON. No; certainly not.

Then we turned around and bought all the gold we could from foreign countries and paid them $35 an ounce. The foreigners took that money and bought American securities. They bought Chrysler for $5 a share, and today it is over $100 a share; and so on down the line. As a result of that manipulation, the foreigners have made $12,000,000,000, or more than enough to pay for all the farm indebtedness of the United States. No wonder they refer to us over there as St. Nicholas.

Mr. HOOK. Mr. Speaker, will the gentleman yield?

Mr. KNUTSON. I yield.

Mr. HOOK. Does the gentleman complain because Chrysler went up to $100?

Mr. KNUTSON. No; but I think the foreigners have made a little too much out of the whole transaction.

EUROPE SHOULD PAY UP BEFORE TRYING TO BORROW MORE

Before Europeans begin talking about securing new credits in this country they should pay what they already owe us. The debts are so old that I fear they have been forgotten by the debtor countries; but in order to refresh their memories, I will at this point read a detailed statement of their accounts with the American people.

Country	Principal and interest	Average interest rate (approximate) over the whole period of payments
		Percent
Great Britain	$11,105,965,000.00	3.3
Finland	21,695,055.00	3.3
Hungary	4,693,240.00	3.3
Poland	435,687,550.00	3.3
Estonia	33,331,140.00	3.3
Latvia	13,958,635.00	3.3
Lithuania	14,531,940.00	3.3
Czechoslovakia	312,811,433.88	3.3
Rumania	122,506,260.05	3.3
Belgium	727,830,500.00	1.8
France	6,847,674,104.17	1.6
Yugoslavia	95,177,535.00	1.0
Italy	2,407,677,500.00	.4
Total	22,143,539,993.10	

WHAT WE COULD DO WITH THE MONEY FOREIGN COUNTRIES OWE US

Let us break down the grand total and see what we could do with that huge sum. In the first place we could pay off all the farm and home mortgages in the United States and have left over a sum sufficient to build 240,000 miles of hard-surfaced roads at $25,000 per mile, which would be equivalent to 69 hard-surfaced highways clear across the United States.

If the debt owed us by the late Allies were paid and the money put out at 5-percent interest, it would bring in $1,100,000,000 a year, which would be sufficient to give the 1,163,300 now receiving old-age pension an additional $945 per year.

There are thousands of communities in this country that are without hospital facilities. If the Allies were to pay what they owe us, after deducting the $16,000,000,000 for liquidation of farm and home mortgages, we would yet have left over enough money to build 48,000 community hospitals at a cost of $250,000 each. And yet they speak of us as a grasping race of dollar chasers. I make the statement here and now, and without fear of contradiction, that if this Nation ever falls, the historian of the future will date the decline of the Republic from the day that we entered the World War on April 6, 1917.

Think of the fearful price that we have already paid for our participation in that great conflict and we are far from being through making payments. America should now serve notice on the dead-beat nations of Europe that we will not advance them a single penny until they show a desire to pay what they owe us. If we are so gullible as to make them new advances in the face of past experiences and even if we should fall for their artful blandishments in attempting to get around the Johnson Act, which expressly forbids the sale in the United States of any securities of a foreign nation that is in default in its payments to us, then we deserve to lose every penny that we have advanced, or will advance in the future.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Under the special order of the House the gentleman from Massachusetts [Mr. CASEY] is recognized for 20 minutes.

THE COAL INDUSTRY

Mr. CASEY of Massachusetts. Mr. Speaker, I have taken the floor at this time to discuss pending legislation affecting the coal industry. Anything that affects the coal industry comes under the heading of major legislation. There are two bills pending with reference to the coal situation. One is the Vinson bill and the other is the Casey bill.

The Vinson bill is similar to the Guffey bill pending over in the Senate. That bill has been reported out of the Ways and Means Committee and the Members may be called upon to vote on the Vinson bill within a short time. The Casey bill has been referred to the Committee on Interstate and Foreign Commerce, and at a meeting to be held next

Tuesday a date will be set for hearings. It is my hope to have both bills reported at the same time in order that the membership of the House may have an opportunity to compare the respective merits of these bills. Very little is known about either of these bills by the membership of the House.

The Vinson bill, although it has been reported out of the Ways and Means Committee, was reported without hearing, and while a reason is advanced that it is practically the same bill as the Guffey-Vinson bill which passed the House without a roll call vote a year ago in the closing days of the session, may I point out that the Guffey-Vinson bill was reported with no hearings. So that we have to go back to the Bituminous Coal Act of 1935, which is virtually the same as the present Vinson bill, in order to find out anything about the present Vinson bill. There are some changes.

How do the new Members of the House, for example, acquaint themselves with the contents of the Vinson bill? How are they going to vote intelligently when there has been no opportunity to study reports? The entire report of the Ways and Means Committee on this major legislation consists of this scant document. There is no opportunity to acquaint one's self with the contents of this major legislation, and I think the older Members of the House have quite forgotten the committee hearings which were held on the coal bill of 1935.

However, this was brought before the House, I suppose, with the idea that it is the old Bituminous Coal Conservation Act of 1935, that was declared unconstitutional by the Supreme Court because of its labor provisions, with the plea that it is now constitutional because the labor provisions are stricken out. May I say to the Members of the House that the Vinson bill in its present state is just as unconstitutional as the bill which was declared unconstitutional by the United States Supreme Court heretofore. I should like to address myself now to the unconstitutionality of the pending Vinson bill.

To begin with, there is the question of coal which is sold entirely in intrastate commerce. An examination of the record in the Carter Coal Co. case discloses that, on the basis of the Government's own evidence, 42.6 percent of all the bituminous coal produced in this country is sold in intrastate commerce. Obviously, therefore, no system of Government minimum price fixing could possibly be successful in the bituminous industry if it attempted to regulate interstate prices alone. Furthermore, assuming that the Federal Government has the right to establish prices, it is perfectly clear that it could extend such power into the intrastate field only with respect to those transactions which, after due investigation, could be said to directly affect interstate commerce (*Houston, East and West Texas Railway Co.* v. *United States*, 234 U. S. 342; *Schechter Corporation* v. *United States*, 295 U. S. 495). Yet the authors of the Vinson bill, realizing that they must go beyond the limits specifically laid down by the Supreme Court in order to make their price-fixing scheme work, have provided that:

> Whenever prices in intrastate commerce in any locality cause any undue or unreasonable advantage, preference or prejudice as between persons and localities in such commerce, on the one hand, and in interstate commerce on the other hand, or any undue, unreasonable, or unjust discrimination against interstate commerce, such prices, in such locality, shall be subject to the provisions of section 4 hereof (i. e., the price-fixing provisions of the bill).

Obviously, such a test is directly contrary to that announced by the unanimous Court in the Schechter case and applied even by the dissenting Justices in the Carter case. Since such regulation of interstate prices—which is clearly invalid—is an integral and necessary part of the price-fixing plan provided for in the Vinson bill, the entire bill will necessarily fall with it.

In the second place, the Vinson bill, if enacted into law, would, I am convinced, be invalidated on the entirely separate ground that the standard for minimum price fixing which is set up in the bill is arbitrary, unreasonable, and capricious. It is provided in part II of section 4 that there shall be nine minimum-price areas, the first of which would include most of the major coal-producing districts in the country. It is further provided that the Commission shall determine the weighted average costs of all of the producers within each such minimum-price area, both those who sell their coal in interstate commerce and those who sell their coal in intrastate commerce, and that minimum prices shall be established for each producer on the basis of such weighted average cost for his entire minimum-price area. Statistics of the National Recovery Administration show that in minimum-price area no. 1 during the N. R. A. period the weighted average cost was $1.85 per ton, whereas the individual district costs varied from $1.52 to $3.18. It is obvious, under such conditions, that the prescription of a $1.85 price for either a $1.52 or a $3.18 producer (which is what the Vinson bill provides) would be entirely unreasonable and confiscatory (*Railroad Retirement Board* v. *Alton R. R. Co. et al.*, 295 U. S. 330). Furthermore, statistics released by the National Coal Association in its report for the year 1936 indicate that—

> The progressive loss of coal markets to oil and gas and electricity * * * is continuing at an alarming rate. It is primarily a question of price. Coal, despite its unprofitably low price, is being undersold in many markets.

To require a producer to sell his coal at a minimum price based upon a standard weighted average cost for the industry, when such price will necessarily be higher than that asked for other highly competitive fuels, is arbitrary and confiscatory, if anything is.

There remains the fundamental question whether it is lawful for the Federal Congress to require any private industry—because the coal industry is no different from any other—to observe minimum prices in the sale of its products. A power of such magnitude has never before been attempted to be asserted by this Government, nor has it ever been sustained by any of our courts. On the contrary, our courts have clearly indicated in the past that no such power would be upheld. In the Carter Coal Co. case the question was not passed upon by the majority of the Court, it being specifically pointed out that—

> The price-fixing provisions of the code are thus disposed of without coming to the question of their constitutionality; but neither this disposition of the matter nor anything we have said is to be taken as indicating that the Court is of opinion that these provisions, if separately enacted, could be sustained.

I direct your particular attention to this, because the majority opinion of the Ways and Means Committee includes this decision rendered in the Carter case, as though the Vinson bill is now constitutional because of what has been intimated by the Justices in the Carter case.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. CASEY of Massachusetts. I yield to the gentleman from Minnesota.

Mr. KNUTSON. I may say to the gentleman that the minority report of that committee calls attention to that very decision and that very statement of the Court.

Mr. CASEY of Massachusetts. I am glad it does.

In *United States* v. *Freight Association* (166 U. S. 290), the Court, in distinguishing regulation of private business from that of a common carrier, said:

> The trader or manufacturer * * * carries on an entirely private business and can sell to whom he pleases; he may charge different prices for the same article to different individuals; he may charge as much as he can get for the article in which he deals, whether the price be reasonable or unreasonable; he may make such discrimination in his business as he chooses, and he may cease to do any business whenever his choice lies in that direction.

In *Tyson Bros.* v. *Banton* (273 U. S. 418), the Court held unconstitutional a State statute regulating the price at which theater tickets could be sold. In *Fairmont Creamery Co.* v. *Minnesota* (274 U. S. 1), a State statute attempting to regulate the prices at which creameries could buy cream was invalidated; and in *Williams* v. *Standard Oil Co.* (278 U. S. 235), the Court struck down a State statute regulating the price of gasoline. The only case indicating anything to the contrary is the Nebbia case, *Nebbia* v. *New York* (291 U. S. 502), in which a New York statute fixing minimum

prices for the sale of milk was sustained. This, however, was in a special category, involving grave questions of public health because of the endangering of the supply of fresh milk to the inhabitants of the State and is of no value as a precedent in determining the power of the Federal Government to fix prices in a private industry where no question of public health is involved. That case was not considered by the Court as overruling its historical position that prices of a private industry cannot be fixed.

In concluding, I can do no better than to quote from *Wolff Packing Co.* v. *Court of Industrial Relations* (262 U. S. 522), in which the Court very pertinently said:

> It has never been supposed, since the adoption of the Constitution, that the business of the butcher, or the baker, the tailor, the wood chopper, the mining operator, or the miner was clothed with such a public interest that the price of his product or his wages could be fixed by State regulation. It is true that in the days of the early common law an omnipotent Parliament did regulate prices and wages as it chose, and occasionally a colonial legislature sought to exercise the same power; but nowadays one does not devote one's property or business to the public use or clothe it with a public interest merely because one makes commodities for, and sells to, the public, in the common callings of which those above-mentioned are instances.

Now, it may be asked, why talk about the constitutionality of the Vinson coal bill? Some Members may say we are going to have a new set-up in the Supreme Court, but I say to you that that lies in the future. There is no certainty about it, and I do not believe there is any considerable group of men in the Congress who believe, no matter what changes are contemplated, that we ought to have a Supreme Court that would say that any law passed by this Congress is O. K., regardless of the Constitution. [Applause.]

I do not believe that any considerable number of us want to go that far; and I say here that, no matter what the make-up of the Court that may sit upon this Vinson bill, it cannot approve it. Why, even Mr. Armour and Mr. Swift, in their palmiest days, could not pack a court that would declare it constitutional.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. CASEY of Massachusetts. I yield.

Mr. MICHENER. When the Guffey coal bill was up last year, the President of the United States sent a letter up here telling the Members of the Congress that we should pass it regardless of all reasonable constitutional doubts. The gentleman was not here at that time?

Mr. CASEY of Massachusetts. I was; yes.

Mr. MICHENER. Then the gentleman recalls that.

Mr. CASEY of Massachusetts. I may say I did not vote for the Guffey bill in the last Congress. I thought it was unconstitutional then, and I am of the same opinion now.

However, quite aside from any constitutional questions, this bill ought not to be passed, because it does not solve the problem which it attacks. In the first place, the Vinson bill, while it might have the same purpose as the Casey bill—to wit, regulation of the coal industry, setting up machinery for maintaining prices so that the coal producers may find it possible to operate on a more profitable basis, assuring the payment of fair wages to their employees and the supply of steady quantities of coal to their consumers—the respective means for the attainment of this end are entirely different.

The Vinson bill, which is derived from the Bituminous Coal Conservation Act of 1935—which was declared unconstitutional by the United States Supreme Court last year in Carter against Carter Coal Co.—and the similar bill introduced in the 1936 Congress by Senator GUFFEY—but not enacted—is based upon the essential principle of compulsory Government price fixing; whereas the fundamental basis of the Casey bill is self-regulation by the producers themselves under Government supervision—but not compulsion.

Mr. VINSON of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. CASEY of Massachusetts. I am sorry, but I have only a few minutes, and I should like to develop my thought further.

Under the Vinson bill there would be established a National Bituminous Coal Commission and 23 local district boards, the former to be composed of Government officials and the latter to be composed of coal operators and mine workers. Upon the recommendation of the local district boards, the commission would fix the absolute minimum prices for each kind, size, and grade of coal produced by each mine owned by each coal operator in the United States, on an f. o. b. mine basis, for shipment into each of the various consuming markets in the United States. These prices would be established pursuant to an elaborate formula set forth in the act and would be based, in the first instance, upon the weighted average cost of production of all the coal producers—not individual producers—in each of nine so-called minimum-price areas, the most important of which—namely, minimum-price area 1—would comprise about 85 percent of the production of the country. In the second instance, the prices preliminarily established by the commission upon the basis of production costs, as above described, would be correlated in each particular consuming market so that, at least theoretically, no individual producer or district would have any competitive advantage over any other producer or district. Once these minimum prices were established they could be changed only in the event of material changes in costs of production throughout the entire industry or in the event of the proof, after protracted hearings, of unfair treatment of districts or individuals.

While a mechanism is set up for review by the commission and the courts of any minimum prices which any individual producer might believe to be unfair as to him, it is obvious that under the Vinson bill there would be many instances of inequitable price fixing, even though inadvertent, that the system would be subject to abuse, since any producer could be put out of business by raising his minimum prices above those of his competitors, and that there would be established a cumbersome Federal bureaucracy by which a legalized monopoly would be set up and individual initiative and free competition within the industry would be completely stifled. From the point of view of the producer this would be true, because, regardless of his ability to produce coal at a lower cost than his competitor, he would be compelled to charge minimum prices, imposed upon him by the commission willy-nilly, which would be based not upon his own individual costs but upon those of all of his competitors many of whom would be so-called high-cost operators. From the point of view of the consumer this would be so because, in the first place, the purchaser of coal could not obtain the advantages of any individual seller's lower costs of production, and, in the second place, the compulsory correlation by the commission of all the prices in the purchaser's particular consuming market to the end that no individual producer would have a competitive advantage over any other individual producer would entirely eliminate competition and thus convert a buyer's market into a seller's market.

This condition would necessarily result in higher prices for coal and, ipso facto, in higher prices for all other commodities in the manufacture of which the burning of coal would be required. In the steel industry, for instance, coal is used almost exclusively as a fuel. Higher coal prices would necessarily result, therefore, in higher steel prices and these would in turn be reflected in higher prices for steel products such as machinery, farm equipment, automobiles, and so forth.

On the other hand, the Casey bill is based upon the principle of maintaining prices by maintaining fair competition within the industry, rather than by stifling competition. With this in mind the Casey bill has been modeled upon the Federal Trade Commission Act, which was enacted in 1914 for a similar purpose. The bill would set up a Federal Coal Trade Commission which would have a personnel and powers similar to those of the present Federal Trade Commission.

The country would be divided into 24 producing districts and 13 marketing areas, upon a geographical basis. Within each producing district there would be allowed the formation of a purely voluntary cooperative association, very much like those permitted to the farmers by the Capper-Volstead Act, which was enacted by Congress in 1922, but also along the lines of the regional marketing agencies which were

given approval by the United States Supreme Court in the Appalachian Coals case, decided in 1933. These cooperative associations would be permitted to agree among themselves or with other associations or producers with respect to prices, discounts, trade practices, and so forth. However, both their organization papers and any agreements made by those associations would have to be prepared pursuant to regulations prescribed by the Commission, would have to be in writing, and would have to be filed and published by the Commission. Furthermore, if the Commission should feel at any time that any association or any combination of associations or producers were so operating as to unduly enhance prices or to stifle competition or restrain trade, the Commission would have the power to order such practices stopped. Thus the consumer would be given adequate protection against any attempted price gouging by the producers.

[Here the gavel fell.]

Mr. CASEY of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CASEY of Massachusetts. In order that any producers who should not join cooperative associations—membership in which, as pointed out above, would be purely voluntary—should not be allowed to enter into cutthroat competition among themselves or with such associations and thus make it impossible for the industry to maintain a reasonable price structure, the Casey bill requires that every producer and association file each week with the Commission its current prices, that these be published by the Commission, and that no sales be made below such prices until revisions be filed. Since provision would be made for the revision of such prices once a week, there would be no danger of this system being either unwieldly or unworkable from the producer's standpoint or maintaining prices at unreasonably high levels from the consumer's standpoint, in the even of changing market conditions. In addition, each cooperative association would be required to file with the Commission each week a statement of what it believes to be the fair market values of all the coals produced within its district, whether by members of the association or nonmembers, and these values would constitute a prima facie, but not conclusive, floor level below which no producer would be permitted to sell his coal unless either (a) he could rebut the presumption by showing that actual fair market values were lower, or (b) he could show that he was selling all his coal at prices sufficient to realize his costs of production. The purpose of this is simply to lay down a very elastic guidepost for the producers as to the prices which should be charged by them in the various consuming markets in order to keep up standards of fair competition—in other words, to eliminate cutthroat competition. Since the guidepost would be based upon fair market values, rather than costs of production, as in the Guffey bill, the consumer would be given the benefit of such competitive conditions as might exist in his market not only between the various kinds of coals but also between coal and other competitive fuels, such as oil, gas, and hydroelectric power. In addition, since any producer could sell his coals at any prices he might desire, so long as his aggregate realization would be equal to or more than his own individual costs of production, it is obvious that the benefit of the individual producer's efficient production at costs lower than his competitors will be allowed to inure both to his own advantage and to that of his customers.

It is believed that with the establishment of the plan proposed in the Casey bill the coal industry would be given an opportunity to work out its own problems under Government supervision, but without any rigid and unworkable governmental compulsion, thus allowing individual initiative to reap the benefits to which it is entitled under a system of fair competition without, however, taking away from the consumer necessary safeguards against prices being unduly or unreasonably enhanced. It is also believed that the Guffey bill has inherent in it principles which are entirely repugnant to the maintenance of free competition, that it would in reality set up a Government-controlled monopoly with artificial standards for raising coal prices, which must necessarily work to the disadvantage of both the producer, by making it impossible for him to adjust his prices to market conditions, and the consumer, by depriving him of the opportunity to purchase coal or products in the manufacture of which coal must be used at fair market values.

From the point of view of the farmer the Casey bill should be infinitely preferable to the Guffey bill. The Guffey bill must inevitably raise the price of industrial coal considerably above the present levels, and its inherent lack of elasticity will keep such prices up regardless of market conditions. This in and of itself will raise the prices of farm machinery and equipment, automotive equipment, textiles, and so forth. But that is not all. The Guffey bill would be but a prelude to Government price fixing in all commodity fields. That this is so is best evident in the introduction in Congress of the so-called Ellenbogen bill, based upon the Guffey bill and intended to apply the same principles of minimum price fixing to the textile industry. If the Guffey bill is enacted for the coal industry, it will be a direct precedent for all other industries. It would seem, therefore, that the farmer can best protect his own interests by insisting that if legislation for the coal industry must be passed, it be in the form of the Casey bill rather than that of the Vinson bill.

I cannot see how any man who represents a consuming district or one who represents a farming district could be for the Vinson bill. I do not believe it is workable. I do not believe that the intelligent thought in the industry believes it is workable. What will happen will be that the price of coal will be enhanced to such a degree that the consuming public will go to rival fuels, such as oil, gas, and hydroelectric power.

That the industry itself fears this Vinson bill and favors the Casey bill is shown by this telegram, which states:

> As a result of the meeting of bituminous operators in New York last week, canvass is now being made to ascertain sentiment of all operators in favor of the principles of the Casey coal bill as against the Guffey bill. To date, operators representing about 100,000,000 tons have expressed preference for the principles of the Casey bill, with a great many yet to be heard from. Further meeting of all operators preferring the principles of the Casey bill to the Guffey bill will be held in New York next Monday, at which time canvass will be completed. As chairman of the meeting, have been instructed to ask that before final action is taken on the Guffey bill that prompt hearing be granted on the Casey bill.
>
> (Signed) P. C. SPRAGUE,
> *Vice President, Hanna Coal Co.*

[Applause.]

[Here the gavel fell.]

The SPEAKER pro tempore. Under a special order heretofore made, the Chair recognizes the gentleman from Texas [Mr. PATMAN] for 25 minutes.

ROBINSON-PATMAN LAW

Mr. PATMAN. Mr. Speaker, on June 19, 1936, the President of the United States signed the bill known as the Robinson-Patman bill. It became effective immediately. It was an amendment to section 2 of the Clayton Act. The Clayton Act, as you know, was adopted in 1914, and the Clayton Act has stood the test of the courts for more than 22 years. Being just an amendment to the Clayton Act, we believe this law will successfully stand the test of the court. This law passed the House of Representatives by a vote that was overwhelming. In fact, only 16 Members of this House, composed of 435 Members, voted against the bill. Only one Member of the other body voted against the final passage of the bill. It has been in effect now less than 1 year. Many of the business concerns and trade organizations that were opposed to the passage of this law have since that time been convinced that it is in the interest of the people and that it is in the interest of the consumer, it is in the interest of honest, legitimate business. Many of them are approving it who opposed it in the beginning. As evidence of that fact, only recently the Associated Grocery Manufacturers employed a firm of accountants in New York City for the purpose of determining the will and wishes of those engaged in the grocery

trade, regarding the continuance of this particular law. Questionnaires were sent out to people who were engaged in the manufacturing of groceries, and those who were engaged in wholesale jobbing and retail business. It included corporate chains, department stores, voluntaries, and independents. It included all classes and all groups. The questionnaire contained about 100 questions, and when the answers to the questionnaire were compiled it was disclosed that more than 75 percent of the people engaged in that business were in favor of the continuance of this law and were opposed to any substantial amendment. Evidently there seems to be some reason why the law has become so popular.

Mr. RANDOLPH. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. Yes.

Mr. RANDOLPH. I supported the gentleman's measure and I feel it has worked out splendidly. I approve of his article in the magazine Today, and I am wondering if the gentleman would take the time for a moment or two to tell the House why that journal came out so much against the measure.

Mr. PATMAN. If the one who wrote the articles had possessed the correct information, I am sure that he would not have written the articles that he did. Those articles were based upon misrepresentation and misstatements of fact. In fact, I could point out to the gentleman many statements made in those articles that were unfounded in every way, but I shall not discuss that any further than to say that the statements were based upon misstatements of fact or lack of knowledge of the subject. The law refers only to interstate commerce. Section 8 of Article I of the Constitution grants to Congress the power to enact laws that will regulate commerce among the States. It is true that we can only do, as a Congress, what the Constitution grants us the power to do. A State constitution is different. Under a State constitution the legislature can pass any law that is not prohibited by the State constitution. Fortunately for those of us who are in favor of this type of legislation, we have a provision in the United States Constitution to which we may point as something which grants to us the power to pass such a law as this, and this bill affects, I believe, 90 to 95 percent of all the manufacturers, jobbers, and wholesalers, because 90 to 95 percent of them are in interstate commerce, according to the terms of this particular law. It does not affect the average retail business. The average retail business engaged in interstate commerce is entitled to the benefits of the law, and is subject to the penalties of it as a buyer, but as a seller the average retailer sells usually in intrastate, and therefore that law does not apply to him.

MODEL STATE ROBINSON-PATMAN BILL

I was asked by different trade organizations to prepare a bill that would, if passed by the State legislatures, be as effective in the particular State passing it as this law is effective in the Nation. I assisted in the preparation of such a bill, and I am glad to report to the House that this bill, although it was prepared and submitted less than 60 days ago has already passed both houses of the legislatures and has been signed by the Governors and has become a law in Wyoming, Tennessee, and Montana.

The bill has been passed in one house of the legislatures in North Dakota, Oregon, Kansas, and Utah. The bill is pending in the following States: California, Georgia, Indiana, Minnesota, Maine, Massachusetts, Missouri, New Hampshire, New Jersey, New York, South Dakota, Wisconsin, New Mexico, Ohio, Michigan, Oklahoma, Idaho, Texas, Iowa, and South Carolina. It is significant that the bill has not been defeated in any legislature in this Nation; it has not been defeated by either house in a legislature or by a committee of either house in a legislature in this Nation. Evidently there is some reason why this law has become so popular among those who are affected by it. The reason is evident, if you will study the reasons why the law was enacted.

CONGRESSIONAL INVESTIGATION

A congressional investigation was conducted, and I am proud of that investigation, and I want to give to you the names of the members of that committee: Mr. SOL BLOOM, Mr. LUCAS, Mr. DOCKWEILER, Mr. MCLEAN, Mr. COLE of New York, and Mr. BOILEAU, and myself were appointed on a special committee to investigate the American retail trade and large-scale buying and selling.

That committee was appointed in June 1935, and worked less than 1 year's time. It spent approximately $10,000. It made a report to Congress asking that certain laws be passed, or that a law be passed containing certain provisions; and every recommendation that was made by that committee was enacted into law when the Robinson-Patman bill was signed by the President of the United States.

This congressional investigating committee disclosed that the average independent merchant did not have a fair chance in business in this country. We discovered that the average independent merchant could not obtain his goods at the same price paid by the large chain store across the street for its goods, although possibly this independent had joined with other independents and they were purchasing the same quantity under the same circumstances and should have received the same consideration so far as prices and terms were concerned; but they were not receiving them, they were not receiving the same fair, square deal under the same circumstances.

This investigation disclosed that one large concern received $8,000,000 in special discounts, special commissions, and special rebates in 1 year's time, that the independent merchants did not receive, although the independent merchants owned units aggregating as many units as the large mass buyers owned; yet they did not receive any of these discounts. The answer to that is this: A manufacturer would be selling to his large mass buyer customers at a price which was so low that it represented below cost. That enabled this large mass buyer to go out and in competition with the independent merchants of this country absolutely destroy their business. After their business had been destroyed they could then put the price up in the community where they had destroyed all competition and use the high price to destroy merchants in some other place. It was a system which would have eventually destroyed all the independent merchants of this country.

Another result was that the independent merchants who were customers of this same manufacturer had to pay more for their goods to make up for the losses which resulted in the large mass buyer receiving a price which they were using to destroy the independent merchants. The independent merchants had to pay for their own destruction in that way.

INDEPENDENTS ONLY ENTITLED TO EQUAL RIGHTS

It is perfectly proper that the independent merchants should pay the same price under the same circumstances and conditions as the largest chain store buyer in America. No one is objecting to that. We are not trying to build a shelter over the independent merchant, we are not trying to grant to them a subsidy or a bonus of any kind, we are not trying to give them any special advantage; but we are through this law trying to give them the same rights, privileges, benefits, and opportunities—and no more—that the largest concerns in America are entitled to under the same circumstances and conditions. It is perfectly fair and it is perfectly reasonable.

Under this law the independent merchant must depend upon their cleverness and efficiency in business in order to succeed, in the same way and manner they have had to rely upon these qualities in the past. It is not going to keep him in business but it will give him a chance to compete and will give the people of this country an opportunity to trade with stores which may give them just as low a price as the competitor across the street has been giving.

NO PRICE INCREASE BY REASON OF THIS LAW

This law is not going to increase prices. This has been demonstrated. Prices have not been increased by reason of the law. On the other hand, there has been a lowering of prices. The 76 percent who have not been receiving the benefit of these discriminatory prices are now buying at the same price the 24 percent formerly bought at, and these benefits are passed on to the consuming public. In this way the people of the entire Nation are benefited along with the 24 percent that formerly represented all who were benefited.

SMALLER MERCHANTS HELPED

This law was passed in order to give the independent merchant just a fair chance, a fair privilege, and a fair opportunity. The can companies made a report a few days ago—American Can and Continental Can. In their report to their stockholders they admitted that they were out $2,500,000 during the last half of 1936, each one of them, because they had to make that much adjustment with their smaller merchant dealers in order to give them the same price advantage that they were giving to large dealers under the same circumstances and conditions. Had it not been for this law there is $5,000,000 that the smaller can dealers of this country would not have received. That would have represented a benefit to the large dealers of the country purchasing under the same competitive conditions as the smaller ones. There is an example of what this law has been doing.

WAYS OF ENFORCEMENT

There are more ways of enforcing this law than any law upon the statute books. Being an amendment to the Clayton Act it may be enforced by the Federal Trade Commission. The Department of Justice or any United States attorney in this Nation may help to enforce the law; or the injured party may employ his own lawyer, go into court and seek, and if the facts are sufficient to justify it, may obtain an injunction against anyone discriminating against him or destroying his business unfairly.

In addition to that, there is section 3 of the law, which is a criminal provision. It is known as the Borah-Van Nuys provision and is now a part of this particular law. This section is a criminal section and provides for a fine of not more than $5,000 or a jail sentence of not more than 1 year if one violates this law relating to discrimination against his customers, or sells at an unreasonably low price for the purpose of destroying a competitor, or sells in one section of the United States at a lower price than elsewhere in the United States for the purpose of destroying or eliminating a competitor.

OPPONENTS WANT LAW AMENDED

In addition to these penalties, there is a threefold damage provision, which says if one injures or destroys the business of another unfairly the injured party may seek redress in a court of law. He may sue for damages, and, if damages are proved, the judge, in granting judgment, would allow judgment for three times as much damages as have been proved; also court costs and reasonable attorneys' fees. The large concerns that have been affected by this act are the ones who really do not like the law. They would like to be able to tell the manufacturer, "You will have to let us have this at such and such price", which they know is below cost, and which they know the independent merchants will have to make up. They want that kind of an advantage so that they will not have to depend upon good will in the community for business; they will not have to depend upon cleverness or efficiency. On the contrary, they depend upon this low price which their competitors have to pay for them. Many of these large concerns do not like that. They have been used to it. They have been used to chiseling and cheating and they want to continue to do it. It is not right that they do and this law stops them.

Now they are taking a back-door trail leading to an amendment of this law which will, if adopted, help them substantially. They come out and claim they are for shorter hours and higher wages. They try to connect that up with a provision which will repeal this threefold damage section of the law, which is the part they do not like. They have never said anything about higher wages or shorter hours before, but now they are perfectly willing to give shorter hours and higher pay if they can get this threefold damage provision suspended.

They have reason to believe that they can cope with the district attorneys, the Department of Justice, the Federal Trade Commission, and the courts by delay on appeals, and so forth. They can appeal their cases and keep them in the courts a long time, and finally when the case is decided against them they will not be hurt because the threefold-damage section will have been repealed.

The United States Chamber of Commerce came out with a statement that it wanted this threefold-damage section changed. It wanted that provision suspended because it is the most effective part of the law. They are willing to run the risk of violating all the other sections of the law and know that probably they will escape punishment in the end, but they are not willing to run that risk as long as the threefold-damage provision is part of the law.

OPPOSED TO ANY CHANGE

I may say, as far as wages are concerned, I am for the payment of good wages. I am for good prices, but I am not going to agree to any change in this law. It is working too well in the interest of the people, and any change that is proposed I expect to fight just as hard as I can. I know that those Members of the House who are entitled to equal credit for the passage of this law will do likewise. I do not believe such an amendment would have a chance in this body. I do not believe such an amendment would have a chance in the other body, and I do not believe the President would be in sympathy with such a proposal, because, if that threefold provision is stricken out of this law, then the big concerns can go back and do like they have always done before in destroying the independent merchant.

May I give you a few examples of what happened? For instance, under the old arrangement the Aluminum Co. of America had been selling aluminum powder for $1 a pound up to 3,000 pounds to the smaller dealers. This powder is used to make aluminum paint to paint water tanks, and for other purposes. The large dealers could obtain the same powder for 50 cents a pound. You know that small concerns cannot compete in a case of that kind. Why should that concern charge $1 a pound for 2,500 pounds, but if a dealer is big enough to take 3,000 pounds he is charged 50 cents? That schedule of prices could not be justified. It was so fixed that a certain few would get the benefit of the low price.

Under this law the schedule of prices had to be changed so that the little man would get a somewhat lower price and nearer the 50-cent price.

Another situation was in connection with copper piping. To the ordinary dealer it sold for 49 cents a pound. To large buyers that same piping sold for 20 cents a pound. That did not mean they could afford to sell it at that price. It means possibly they wanted to accommodate particular concerns. But it was not justified. It was a price away below cost, and when they sold it for that price they had to make all the independent dealers, who were unorganized and knew nothing about it, come in and pay the 49-cent price in order to make a profit. But they were destroying competition all the time and the public would eventually pay, and pay dearly, the price monopoly usually exacts.

Let us take the chocolate-candy companies. They had been granting undue concessions. This condition has been adjusted.

EFFORTS TO COMPLY WITH LAW

Judge Kelly, general counsel of the Federal Trade Commission, told me the other day that at first those affected came in and claimed the law was unconstitutional. They wanted to oppose the law. They were bitterly fighting it, but after a while it was decided it was much better to try to abide by the law, because there were too many ways to enforce the law. Now, according to Judge Kelly, there is an effort on the part of nine-tenths of the business people of this country who are affected by the law to carry out its purposes and its intent. They cannot afford to do otherwise. Many inequalities and injustices have been corrected under this law.

Mr. Speaker, I could give you a number of such instances where corrections have been made. In a number of cases they will go to the Federal Trade Commission and show the Federal Trade Commission their price schedules, how they are treating their customers, and so forth. The Federal Trade Commission will point out a certain class of customers that is being discriminated against. The schedule will be immediately changed and you never hear anything more about the matter. They go ahead and treat all their customers fairly, equally, and alike. This law is working so well and has become so popular among those who are

affected by it, and it is so much in the public interest, that we do not want to change it. It is in the direction of stopping and preventing monopoly, and it is in the direction of preserving and protecting independent business of the country, and I hope it is not changed in any way. [Applause.]

Mr. HAINES. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield.

Mr. HAINES. May I ask the gentleman what effect does this lower price given to special groups have upon the consumers of the country?

Mr. PATMAN. Well, the consumers of the country have received the benefit of part of it for a limited time. The lower prices were formerly granted to consumers who bought 24 percent of all goods sold at retail. This is what the investigations have disclosed; but those who were buying 76 percent of the goods were not getting the benefit. Under this law, possibly, those who were serving the 24 percent may have to pay a little more eventually, but those who buy 76 percent will get a lower price, so 100 percent of the people will get the better price instead of 24 percent.

Mr. SHEPPARD. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield.

Mr. SHEPPARD. May I ask the gentleman whether his hearing has covered the particular angle where, after the business has been strangled in the lower brackets, the condition has reversed itself and the prices to the consumer have been stepped up?

Mr. PATMAN. No; not on account of this law.

Mr. SHEPPARD. No; not on account of this law.

Mr. PATMAN. The prices have advanced by reason of activity in business and trade generally and by reason of the velocity of money and credit.

Mr. SHEPPARD. I do not think the gentleman got my question. When you were having your hearings was it brought out there that whenever the lower brackets of business were done away with because of the competitive price, then the consumer was made to pay as a result of that condition?

Mr. PATMAN. Certainly. I am convinced that in certain places they will obtain a monopoly. There are certain lines of business where there are monopolies now in certain sections. I could tell the gentleman the names of them. They would get control in one city and then they would move on to another city, and they would charge real low prices in the second city, below cost, in order to run their competitors out. They would make up for this by charging higher prices where they had almost a complete monopoly.

Now, many people claim there is not much danger of monopoly because the small business institutions have been increasing in number, but if you will look at a comparable situation, you will find this is not true. They are not increasing in the areas where these large mass buyers have been doing business. In many sections of the country, in favored positions, where the trade is best, they already have a monopoly and therefore when you consider this problem, you must consider it for each competitive area, and you will then discover it is very easy for a large concern to get control. [Applause.]

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by incorporating therein an article written by me on the liberalization of the Republican Party.

The SPEAKER pro tempore (Mr. FITZPATRICK). Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. Under the special order of the House, the gentleman from Indiana [Mr. GRAY] is recognized for 5 minutes.

Mr. GRAY of Indiana. Mr. Speaker, I withdraw my request for time at this time.

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein a brief letter from a leading manufacturer of my State endorsing the President's judiciary proposal.

Mr. MARTIN of Massachusetts. Mr. Speaker, I object to that.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a speech I recently made in Montgomery, Ala.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

THE FEDERAL GOVERNMENT AND THE JUDICIARY

Mrs. ROGERS of Massachusetts. Mr. Speaker, I am anxious at this time, when we are so vitally interested in our form of government and the Supreme Court, to read into the RECORD a part of a very fine judicial speech made by the Honorable Swagar Sherley, a Democrat, a very distinguished former Member of this body from Kentucky, on the floor of Congress January 10, 1908. It seems to me it is particularly appropriate and expresses my own views so completely. Mr. Sherley was one of the ablest and most eloquent Members we have ever had in the Congress of the United States. He was chairman of the Appropriations Committee during the war.

We live under a peculiar Government, due to its dual character and limited power. We have to determine in this country not only what we ought to do but what we can do, because we have a Government, limited both as to which sovereignty shall exercise the power and limited also as to what matters can be dealt with at all. The one important original idea contained in the Constitution of the United States is the supremacy given to the judiciary. The thing that makes our Constitution unique from everyone in the world is the fact that the Supreme Court of the United States is given power to say whether the other branches of the Government have exceeded their power; has the right to declare null and void an act of the legislature of the National Government; has the right to have disregarded the action of the Executive when it is beyond his power; and has the further right to say when the States have exceeded their sovereign power. That is the greatest power ever given to a tribunal, and it is, as I have said, the one great characteristic of the American Constitution, and to it we owe more of the stability and grandeur of this country than to any other provision in that instrument. * * *

There have been times when the decisions of this Court in the performance of its great functions have aroused great excitement and at times great indignation; but with the exception of the Dred Scott case nearly every decision of that Court undertaking to lay down the limits of National and State power has met with the final approval of the American people; and today it may not be inappropriate, when it has become the fashion of some of those in high places to criticize the judiciary, to call attention to these facts. Certainly no man from my section of the country should ever care to utter a condemnation of the judiciary, for when passion ran riot, when men had lost their judgment, when the results of 4 years of bitter war produced legislation aimed not at justice, but frequently at punishment, it was the Supreme Court that stood between the citizen and his liberties and the passion of the hour [applause], and I trust the day will never come when the American people will not be willing to submit respectfully and gladly to the decrees of that august tribunal. Temporarily they may seem to thwart the will of the people, but in their final analysis they will make as they have made for orderly government, for government of laws and not of men, and we may be sure that the Supreme Court in the pure atmosphere of judicial inquiry that has always surrounded it will arrive at a better interpretation of the powers of both State and National Governments than can be possibly hoped for in a forum like this where popular prejudice and the passions of the hour affect all of us whether we will or no.

[Applause.]

[Here the gavel fell.]

Mr. KELLER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. KELLER. Mr. Speaker, I simply want to give notice that in due course I shall undertake to answer the gentleman from Michigan [Mr. HOFFMAN], who spoke this afternoon and a few days ago in relation to the strikes and strikes in general, unless somebody else beats me to it, in which case I shall be glad to have them do it; but in the absence of that, I shall take pleasure in attempting to present the

historic side and the reason why strikes have come and why lockouts and matters of that kind have occurred.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. KELLER. Yes.

Mr. MICHENER. The gentleman comes from a coal district, and I shall be very glad indeed if he will tell us whether or not, as a real believer in labor, he sanctions the sit-down strike.

Mr. KELLER. I shall tell the gentleman every bit of it, and then some.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. DIES, for today, on account of illness.

To Mr. LANHAM, for 1 day, on account of illness.

LEAVE TO ADDRESS THE HOUSE

Mr. HOOK. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOOK. Mr. Speaker, this afternoon one of my colleagues from Michigan [Mr. HOFFMAN] saw fit to make remarks bearing on the actions of the Governor of the State of Michigan with regard to the strike situation. I do not think any of us believe in a sit-down strike, but the Governor of the State of Michigan is to be congratulated for his actions with regard to that strike. [Applause.]

When the strike situation at Flint, Mich., developed to such an extent that it looked as though it would bring about loss of life and bloodshed and involve innocent people, including women and children, Governor Murphy intervened. When it came to the point of making a choice between a course that would lead to bloodshed and loss of life and holding up the service of a few legal papers in order to protect innocent people and to prevent bloodshed and loss of life, then, I say, thanks to the great people of the State of Michigan, who by a vote of over 45,000 majority gave us Frank Murphy as Governor of that great Commonwealth.

By his action and good judgment he saved us the loss of life and bloodshed that would otherwise have occurred in our State had the opposite party been successful in the election last fall.

In the few remaining moments may I say this:

I have listened to several talks on the President's proposal in respect to the judiciary. I would like someone who is opposed to the President's proposal to lay before this House the reasons why the Supreme Court has laid down the rule that they are the judges of right and reason. Why, since about 1918, have certain members of the Supreme Court laid down the rule and usurped the powers of this body to determine what is right and reasonable in legislation? Why have they, by determining facts, instead of interpreting the law, declared acts of Congress unconstitutional? Are they in a better position in the eyes of the people to determine what is right and reasonable? Are we, as Members of this House, as one Member admitted this afternoon, going to say that we, as the chosen representatives of the people, are not capable of determining what is right and reasonable in legislation? I claim that the Members of this body are as equal in intelligence as the members of any other branch of this Government. I claim that the intelligence of this body is equal to or greater than the intelligence of the Supreme Court. The Members of this body are charged with the duty of determining what legislation is right and reasonable, and I believe it is up to us, as Members of this body, to keep that power in this body to determine what is right and reasonable in legislation. If the rule of right and reason is to be followed, let this House follow that rule, and not turn that power over to one or two members of the Supreme Bench.

It is not a question of dictatorship and a lot of other smoke screens. It is up to the Members of this body to stop being demagogues and face the problem with courage and meet the issues as they should be met, even though outside pressure be great. I, for one, intend to face the problem by opposing that economic order which has controlled the Supreme Court in the past.

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. COFFEE of Washington. Mr. Speaker, we have been regaled this afternoon, as we have on many other afternoons, with discussion of the President's judicial proposal. The gentlewoman from Massachusetts, in opposition to that proposal, rightfully or wrongfully, read into the RECORD a speech of a distinguished gentleman, living or dead——

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. COFFEE of Washington. Yes.

Mrs. ROGERS of Massachusetts. Mr. Swagar Sherley is very much alive and lives in the city of Washington. He is a former and very loyal Democratic Member of this House, one of the most eloquent and distinguished Members the House ever had.

Mr. COFFEE of Washington. I am glad to have that contribution, and I am glad to have had the benefit of the reading by the gentlewoman from Massachusetts.

In order that we may hear something on the other side of the President's judiciary proposal, I ask the indulgence of the House while I read a letter from another man who is very much alive, a man who is the head of one of the largest and most important manufacturing plants in my State of Washington, a man who, in my judgment, reflects the true progressive attitude of the independent businessmen of America today. His company is the Crescent Manufacturing Co., which manufactures extracts, flavorings, and baking powder, and which has great numbers of men in its employ. He uses these words:

CRESCENT MANUFACTURING CO.,
Seattle, Wash., February 23, 1937.

Hon. JOHN M. COFFEE, M. C.,
House Office Building, Washington, D. C.

DEAR SIR: It is difficult to understand why it is possible for the Members of the present Congress, in either House, to so soon forget the unparalleled vote of confidence in the high patriotism, the loyal adherence to the true principles of American citizenship, its laws and the Constitution, including its guaranties of equal opportunity to all citizens of the administration headed by President Roosevelt.

Surely, during the 1936 campaign, the administration and its every act was charged with every political and moral crime in the calendar, and every charge was pressed with relentless vigor at at alarming expense. Yet the verdict of the people of these United States denied and refuted every charge as unworthy and unfounded.

The President asked for a vote of confidence, sufficiently large to constitute a mandate for the continuance of his program for the forward progress of the American people only begun during his first term, and most emphatically that vote of confidence and mandate was given him.

Yet, within a few weeks after the assembling of the new Congress, a most vicious and unreasoning attack is made by many Democratic Senators and Congressmen upon one of the most needed, most carefully considered, constitutional and reasonable reforms proposed by the administration.

Scarcely a national bar association meeting within the past two decades has failed to demand reforms and improvements in the Federal judiciary and its rules of procedure. Commissions have gravely and expensively explored means and methods, with little or no actual results.

The President's proposal for improvement of the Federal judiciary—not solely the Supreme Court situation—is evidently not the result of snap judgment. It bears every evidence of most careful and prolonged consideration and seems to be an amazingly practical solution of a problem long pending, with absolutely no revolutionary, precedent-setting procedure to unduly disturb the bar, the bench, or the public.

Yet, within 12 hours of its presentation to Congress, many voices were raised in violent protest of provisions and of the entire proposal, palpably undigested by the vocalists in and out of Congress. A vast majority of the protestants tacitly or plainly admitted the necessity for the reforms, and many hastily conceived substitutes, and amendments have been thrown together. Every such effort is in effect additional evidence of the need for the reform.

As a citizen, a Democrat, and as a believer in the sincerity, political honesty, and the great ability of the President, I hope

that every Washington delegate in Congress may see his way clear to constructive support in the passage of this measure, in improved form if that is practicable, but promptly and loyally.

Yours very truly,

W. J. KAHLE, *President.*

[Applause.]

[Here the gavel fell.]

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent that the gentleman from Washington may have an additional one-half minute. I would like to make a statement.

The SPEAKER. The gentleman from Washington has expressed no desire for additional time.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for one-half minute.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. I do not know that I made it clear, but I want it to be understood that Mr. Sherley in 1908 made that speech before the Congress when he was a Member of this body.

EXTENSION OF REMARKS

Mr. KVALE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing in the Appendix an article upon the monetary situation by a former Director of the United States Mint. I made this request on yesterday, but it was objected to upon the Republican side. I was, however, told to renew the request today, and this I now do.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

COMMITTEE ON THE DISTRICT OF COLUMBIA

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RAYBURN. Mr. Speaker, last Monday was the regular District day. It went over because we did not want to do anything on Washington's Birthday. Tuesday had been set aside by unanimous consent for the consideration of matters from the Committee on the District of Columbia, but the committee did not have the day, because we adjourned immediately.

On Monday next we shall consider the Consent Calendar. This calendar is not a long one and may be disposed of within an hour or an hour and a half.

Mr. Speaker, I ask unanimous consent that on the completion of the call of the Consent Calendar and the suspensions, if there be any, that the remainder of the day may be occupied by the Committee on the District of Columbia.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED

Bills and joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 3. An act to regulate commerce in firearms; to the Committee on Interstate and Foreign Commerce.

S. 44. An act for the relief of Edward N. Jerry; to the Committee on World War Veterans' Legislation.

S. 46. An act for the relief of Ernest S. Frazier; to the Committee on Military Affairs.

S. 300. An act authorizing the President of the United States to appoint Sgt. Samuel Woodfill a captain in the United States Army and then place him on the retired list; to the Committee on Military Affairs.

S. 655. An act to amend an act entitled "An act to recognize the high public service rendered by Maj. Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever", approved February 28, 1929, as amended, by including Roger P. Ames among those honored by said act; to the Committee on Military Affairs.

S. 975. An act to amend the act approved February 7, 1913, so as to remove restrictions as to the use of the Little Rock Confederate Cemetery, and for other purposes; to the Committee on Military Affairs.

S. 1116. An act to amend section 1860 of the Revised Statutes, as amended, to permit retired officers and enlisted men of the Army, Navy, Marine Corps, and Coast Guard to hold civil office in any Territory of the United States; to the Committee on Military Affairs.

S. 1119. An act to amend section 5 of the act entitled "An act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes", approved March 3, 1925, to authorize the payment of a per diem in connection with naval aerial surveys and flight checking of aviation charts; to the Committee on Naval Affairs.

S. 1120. An act authorizing an appropriation for the erection of a memorial to the officers and men of the United States Navy who lost their lives as the result of a boiler explosion that totally destroyed the U. S. S. *Tulip* near St. Inigoes Bay, Md., on November 11, 1864, and for other purposes; to the Committee on Naval Affairs.

S. 1125. An act to amend the act entitled "An act to authorize the Secretary of Commerce to dispose of certain portions of Anastasia Island Lighthouse Reservation, Fla., and for other purposes", approved August 27, 1935, and for other purposes; to the Committee on Merchant Marine and Fisheries.

S. 1133. An act to amend an act entitled "An act making appropriations for the naval service for the fiscal year ending June 30, 1910, and for other purposes", approved March 3, 1909, to extend commissary privileges to widows of officers and enlisted men of the Navy, Marine Corps, and Coast Guard, and also to officers of the Foreign Service of the United States at foreign stations; to the Committee on Naval Affairs.

S. 1173. An act to amend an act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936; to the Committee on Flood Control.

S. 1231. An act authorizing payment to the San Carlos Apache Indians for the lands ceded by them in the agreement of February 25, 1896, ratified by the act of June 10, 1896, and reopening such lands to mineral entry; to the Committee on Indian Affairs.

S. 1280. An act to repeal an act of March 3, 1933, entitled "An act to provide for the transfer of powder and other explosive materials from deteriorated and unserviceable ammunition under the control of the War Department to the Department of Agriculture for use in land clearing, drainage, road building, and other agricultural purposes"; to the Committee on Military Affairs.

S. 1310. An act for the relief of Cesaria Del Pilar; to the Committee on Claims.

S. 1313. An act for the relief of Lt. Comdr. Chester B. Peake, Supply Corps, United States Navy; to the Committee on Claims.

S. 1423. An act for the relief of G. A. Trotter; to the Committee on Claims.

S. 1441. An act to authorize the establishment of a permanent instruction staff at the United States Coast Guard Academy; to the Committee on Merchant Marine and Fisheries.

S. 1442. An act to enable Coast Guard officers to purchase articles of ordnance property for use in the public service in the same manner as such property may be purchased by officers of the Army, Navy, and Marine Corps; to the Committee on Military Affairs.

S. 1455. An act to authorize certain officers of the United States Navy and officers and enlisted men of the Marine Corps to accept such medals, orders, and decorations as have been tendered them by foreign governments in

appreciation of services rendered; to the Committee on Naval Affairs.

S. 1485. An act to prohibit the making of photographs, sketches, or maps of vital military and naval defensive installations and equipment, and for other purposes; to the Committee on Military Affairs.

S. J. Res. 66. Joint resolution providing for the participation by the United States in the Greater Texas and Pan American Exposition to be held in the State of Texas during the year 1937; to the Committee on Foreign Affairs.

S. J. Res. 75. Joint resolution making funds available for the control of incipient or emergency outbreaks of insect pests or plant diseases, including grasshoppers, Mormon crickets, and chinch bugs; to the Committee on Agriculture.

S. J. Res. 84. Joint resolution to authorize the Postmaster General to withhold the awarding of star-route contracts for a period of 60 days; to the Committee on the Post Office and Post Roads.

ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 824. An act for the relief of James Luker, Sr.; and

H. R. 4609. An act to authorize the purchase and distribution of products of the fishing industry.

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 417. An act to extend the period during which direct obligations of the United States may be used as collateral security for Federal Reserve notes.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a joint resolution of the House of the following title:

H. J. Res. 212. Joint resolution to amend the act entitled "An act to levy an excise tax upon carriers and an income tax upon their employees, and for other purposes", approved August 29, 1935.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 37 minutes p. m.) the House, in accordance with its previous order, adjourned until Monday, March 1, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Friday, February 26, 1937, at 10:30 a. m., to hold hearings on the following projects: Waterway from White Lake to Pecan Island, La.; Little Annemessex River to Tangier Sound, Md., waterway; waterway from Great Choptank River to Choptank River, Md.; Milford Harbor, Conn.; and Ontonagon Harbor, Mich.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

391. A communication from the President of the United States, transmitting the draft of a proposed bill to set up the machinery for the administration of the dam, locks, fishways, and power plant of the Bonneville project; to the Committee on Rivers and Harbors.

392. A letter from the Secretary of the Navy, transmitting a draft of a proposed bill to provide for the removal of civil or criminal prosecutions from a State court to the United States district court in certain cases; to the Committee on the Judiciary.

393. A letter from the Chairman, United States Employees' Compensation Commission, transmitting the Commission's recommendations for changes in the Longshoreman's and Harbor Workers' Compensation Act which became effective on July 1, 1927; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XXXI,

Mrs. NORTON: Committee on the District of Columbia. S. 936. An act to regulate the sales of goods in the District of Columbia; without amendment (Rept. No. 316). Referred to the Committee of the Whole House on the state of the Union.

Mrs. NORTON: Committee on the District of Columbia. House Joint Resolution 171. Joint resolution for the designation of certain streets or avenues in the Mall as Ohio, Missouri, Oklahoma, and Maine Avenues; without amendment (Rept. No. 317). Referred to the House Calendar.

Mr. GASQUE: Committee on Pensions. H. R. 5030. A bill granting pensions and increases of pensions to certain soldiers, sailors, and nurses of the War with Spain, the Philippine Insurrection, or the China Relief Expedition, and for other purposes; without amendment (Rept. No. 319). Referred to the Committee of the Whole House on the state of the Union.

Mr. McREYNOLDS: Committee on Foreign Affairs. House Joint Resolution 242. Joint resolution to maintain the neutrality of the United States in the event of war between or among foreign nations, and for other purposes; with amendment (Rept. No. 320) Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mrs. NORTON: Committee on the District of Columbia. H. R. 4536. A bill to provide for the holding of an examination by the Board of Optometry of the District of Columbia for a license to practice optometry in the District of Columbia for Welton B. Hutton; without amendment (Rept. No. 318). Referred to the Committee of the Whole House.

Mr. McGEHEE: Committee on Claims. H. R. 4427. A bill for the relief of Merritt Rea; without amendment (Rept. No. 321). Referred to the Committee of the Whole House.

Mr. SMITH of Washington: Committee on Claims. H. R. 4508. A bill for the relief of Margaret Grace and Alice Shriner; with amendment (Rept. No. 322). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 4687. A bill to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects lost, damaged, or destroyed by fire at the naval training station, Hampton Roads, Va., on February 21, 1927; without amendment (Rept. No. 323). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 4688. A bill to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects lost, damaged, or destroyed during a hurricane in Samoa on January 15, 1931; without amendment (Rept. No. 324). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 4689. A bill to provide an additional sum for the payment of claims under the act entitled "An act to provide for the reimbursement of certain officers and enlisted men or former officers and enlisted men of the Navy and Marine Corps for personal property lost, damaged, or destroyed as a result of the earthquake which occurred at Managua, Nicaragua, on March 31, 1931", approved January 21, 1936 (49 Stat. 2212); without amendment (Rept. No. 325). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 4690. A bill to provide for the reimbursement of certain enlisted men of the Navy for the value of personal effects destroyed in a fire in Building No. 125, United States Navy Yard, Washington, D. C., on July 16, 1935; without amend-

ment (Rept. No. 326). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 4717. A bill for the relief of Bernard Knopp; with amendment (Rept. No. 327). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. S. 766. An act to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects destroyed in a fire at the radio direction finder station, North Truro, Mass., on December 27, 1934; without amendment (Rept. No. 328). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 1208) for the relief of Leonard Gramstad; Committee on Military Affairs discharged and referred to the Committee on World War Veterans' Legislation.

A bill (H. R. 3447) granting a pension to Ruth Iola Goulette Pridham; Committee on Pensions discharged and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MAAS: A bill (H. R. 5116) to provide for the appointment of midshipmen in the Naval Academy through civil-service examination; to the Committee on Naval Affairs.

Also, a bill (H. R. 5117) to amend section 3 of the act entitled "An act to authorize the construction and procurement of aircraft and aircraft equipment in the Navy and Marine Corps, and to adjust and define the status of the operating personnel in connection therewith", approved June 24, 1926 (44 Stat. 764); to the Committee on Naval Affairs.

Also, a bill (H. R. 5118) to provide that pilots employed by companies carrying mail by aircraft shall be organized as an Aviation Reserve, and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 5119) making it unlawful for any Senator, Senator-elect, Representative, Representative-elect, Delegate, Delegate-elect, Resident Commissioner, Resident Commissioner-elect, to recommend any person for appointment to or promotion in the classified civil service of the United States, and prescribing a penalty for its violation; to the Committee on the Civil Service.

By Mr. BOLAND of Pennsylvania: A bill (H. R. 5120) to increase the efficiency of the United States Navy, and for other purposes; to the Committee on Naval Affairs.

By Mr. BARRY: A bill (H. R. 5121) authorizing the construction of a new hospital and diagnostic center in the county of Queens, city and State of New York; to the Committee on World War Veterans' Legislation.

By Mr. COCHRAN: A bill (H. R. 5122) to authorize certain officers and employees to administer oaths to expense accounts; to the Committee on Expenditures in the Executive Departments.

By Mr. TERRY: A bill (H. R. 5123) to provide for a preliminary examination and survey of Palarm Creek, a tributary of the Arkansas River, in Faulkner and Pulaski Counties, Ark., to determine the feasibility of cleaning out the channel and repairing the banks, of constructing dams and reservoirs where needed, and the cost of such improvement, with a view to the control of floods; to the Committee on Flood Control.

By Mr. BUCK: A bill (H. R. 5124) to amend section 601 (a) of the Revenue Act of 1936; to the Committee on Ways and Means.

By Mr. RANKIN: A bill (H. R. 5125) to provide pensions for certain blind veterans of the World War; to the Committee on World War Veterans' Legislation.

By Mr. DIMOND: A bill (H. R. 5126) to provide subsistence for the Eskimos and other natives of Alaska by establishing for them a permanent and self-sustaining economy; to encourage and develop native activity in all branches of the reindeer industry; and for other purposes; to the Committee on the Territories.

By Mrs. NORTON: A bill (H. R. 5127) to provide for the coinage of medals to be presented to Senator A. Harry Moore, Capt. John Bogan, Sr., and to the members of the crew of the fishing sloop *Paramount*; to the Committee on Coinage, Weights, and Measures.

By Mr. McCLELLAN: A bill (H. R. 5128) to authorize a preliminary examination and survey of the Bayou Meto Basin, a tributary of the Arkansas River in the State of Arkansas, with a view to control of floodwaters; to the Committee on Flood Control.

By Mr. CRAVENS: A bill (H. R. 5129) to provide for a preliminary examination of Sulphur River in Arkansas with a view to flood control and to determine the cost of such improvement; to the Committee on Flood Control.

Also, a bill (H. R. 5130) to provide for a preliminary examination of the Poteau River in Arkansas with a view to flood control, and to determine the cost of such improvement; to the Committee on Flood Control.

By Mr. SMITH of Washington: A bill (H. R. 5131) to authorize a preliminary examination and survey of the channel at Knappton, Wash., with a view to its improvement for navigation; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 5132) to establish, operate, and maintain an oyster-research laboratory on Willapa Harbor, Wash.; to the Committee on Merchant Marine and Fisheries.

By Mr. PHILLIPS: A bill (H. R. 5133) making Armistice Day a national legal holiday; to the Committee on the Judiciary.

By Mr. SABATH: A bill (H. R. 5134) to amend section 74 of the act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, as amended; to the Committee on the Judiciary.

By Mr. BARDEN: A bill (H. R. 5135) to authorize the erection of a United States Veterans' Administration hospital and home of domiciliary care in the county of Wayne, State of North Carolina; to the Committee on World War Veterans' Legislation.

By Mr. HILL of Alabama (by request): A bill (H. R. 5136) to authorize the acquisition of land for cemeterial purposes in the vicinity of San Francisco, Calif.; to the Committee on Military Affairs.

By Mr. MAAS: A bill (H. R. 5137) to provide further for the national defense; to the Committee on Naval Affairs.

By Mr. SAUTHOFF: A bill (H. R. 5138) to provide for the creation of a corporation to be known as United States Coal Administration; to provide for the possession, control, and ownership of certain property of coal companies by United States Coal Administration; and for other purposes; to the Committee on Ways and Means.

By Mr. MILLS: A bill (H. R. 5139) authorizing the issuance of Federal licenses for certain vehicles transporting property in interstate commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HENDRICKS: A bill (H. R. 5140) to provide for the establishment of a Coast Guard station at St. Augustine, Fla.; to the Committee on Merchant Marine and Fisheries.

By Mr. McGROARTY: Resolution (H. Res. 138) to make H. R. 215, a bill to provide revenue, to regulate commerce with foreign countries, and to protect American agriculture, labor, and industry, a special order of business; to the Committee on Rules.

By Mr. SMITH of West Virginia. Resolution (H. Res. 139) authorizing the appointment of a select committee of the House of Representatives to inspect the naval ordnance plant at South Charleston, W. Va.; to the Committee on Rules.

By Mr. BEITER: Resolution (H. Res. 140) to provide for the printing of a list of non-Federal projects pending in the Federal Emergency Administration as a public document; to the Committee on Printing.

By Mr. LEMKE: Resolution (H. Res. 141) to make House Joint Resolution 28, a joint resolution proposing an amendment to the Constitution of the United States providing for

the initiative of legislative measures by electors, a special order of business; to the Committee on Rules.

By Mrs. ROGERS of Massachusetts: Joint resolution (H. J. Res. 247) authorizing the President of the United States to proclaim April 19 of each year "Patriot's Day", for the commemoration of the events that took place on April 19, 1775; to the Committee on the Judiciary.

By Mr. EICHER: Joint resolution (H. J. Res. 248) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Wisconsin, memorializing the Congress of the United States to include the production of agricultural lime in the Works Progress Administration program; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of New Mexico, memorializing the Congress of the United States to consider their Senate Joint Memorial No. 2; to the Committee on the Public Lands.

Also, memorial of the Legislature of the State of Washington memorializing the Congress of the United States for a permanent Federal policy of the national reclamation program; to the Committee on Irrigation and Reclamation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN of Pennsylvania: A bill (H. R. 5141) granting an increase of pension to Hattie C. Knox; to the Committee on Invalid Pensions.

By Mr. BARDEN: A bill (H. R. 5142) to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. William Hollister; to the Committee on the District of Columbia.

By Mr. BLOOM: A bill (H. R. 5143) for the relief of Max Rauch; to the Committee on Claims.

Also, a bill (H. R. 5144) for the relief of Ludwig Bahnweg; to the Committee on Claims.

By Mr. BULWINKLE: A bill (H. R. 5145) granting an increase of pension to Guss Hughes; to the Committee on Pensions.

By Mr. COLE of Maryland: A bill (H. R. 5146) for the relief of Sarah E. Palmer; to the Committee on Claims.

By Mr. CROWE: A bill (H. R. 5147) for the relief of Maggie N. Sutton; to the Committee on Claims.

By Mr. DOWELL: A bill (H. R. 5148) granting an increase of pension to Sarah J. Jacob; to the Committee on Invalid Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 5149) for the relief of John M. Fraley; to the Committee on Claims.

By Mr. GREENWOOD: A bill (H. R. 5150) renewing and extending patent no. 980,639; to the Committee on Patents.

By Mr. HAMILTON: A bill (H. R. 5151) for the relief of the heirs at law of Barnabas W. Baker and Joseph Baker; to the Committee on Claims.

Also, a bill (H. R. 5152) granting a pension to Constance Eager; to the Committee on Pensions.

By Mr. KRAMER: A bill (H. R. 5153) for the relief of George F. Anderson and Vera D. Anderson; to the Committee on Claims.

By Mr. HAMILTON: A bill (H. R. 5154) for the relief of W. B. Fountain; to the Committee on Naval Affairs.

Also, a bill (H. R. 5155) for the relief of John Philip Knecht, Sr.; to the Committee on Naval Affairs.

By Mr. HARLAN: A bill (H. R. 5156) for the relief of Robert Stewart; to the Committee on Military Affairs.

By Mr. HENDRICKS: A bill (H. R. 5157) for the relief of Harry P. Leu; to the Committee on Claims.

By Mr. HOLMES: A bill (H. R. 5158) for the relief of John P. Ryan; to the Committee on Claims.

By Mr. McGROARTY: A bill (H. R. 5159) for the relief of Oscar M. Larson; to the Committee on Military Affairs.

By Mr. McLAUGHLIN: A bill (H. R. 5160) authorizing John H. Owens to bring suit in the District Court of the United States for the District of Nebraska, Omaha Division, against the United States of America for damages sustained by reason of being injured by an automobile operated by an employee of the United States engaged in Government business; to the Committee on Claims.

By Mr. MAGNUSON: A bill (H. R. 5161) for the relief of the Puget Sound Bridge & Dredging Co.; to the Committee on Claims.

By Mr. PETERSON of Georgia: A bill (H. R. 5162) for the relief of Homer C. Stroud; to the Committee on Claims.

Also, a bill (H. R. 5163) granting an increase of pension to Seth J. Cleveland; to the Committee on Pensions.

By Mr. SAUTHOFF: A bill (H. R. 5164) granting a pension to Elizabeth A. Markham; to the Committee on Invalid Pensions.

By Mr. SPENCE: A bill (H. R. 5165) granting a pension to Belle Rhodes Taylor; to the Committee on Invalid Pensions.

By Mr. STEAGALL: A bill (H. R. 5166) for the relief of Jesse G. Whitfield and others; to the Committee on Claims.

By Mr. THOM: A bill (H. R. 5167) granting a pension to Lee J. Bethel; to the Committee on Pensions.

By Mr. VINSON of Georgia: A bill (H. R. 5168) for the relief of Ethel B. Lord; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

543. By Mr. ASHBROOK: Petition of Frank Welsh and 74 other citizens, of Granville, Ohio, protesting against the President's Supreme Court proposal; to the Committee on the Judiciary.

544. By Mr. CRAWFORD: Petition of certain farmers living near St. Johns, Mich., protesting against the proposal to increase the number of Justices of the Supreme Court; to the Committee on the Judiciary.

545. Also, petition of Ada Crane and 43 other residents of Saginaw, Mich., protesting against increasing the size of the Supreme Court; to the Committee on the Judiciary.

546. By Mr. HART: Petition of the Council of State Governments at the Third General Assembly in Washington, January 21–24, recommending repeal of the Federal gasoline tax; to the Committee on Ways and Means.

547. Also, petition of Hudson Lodge, No. 731, Brotherhood of Railroad Trainmen, favoring proposed change in the make-up of the Supreme Court of the United States; to the Committee on the Judiciary.

548. Also, petition of the Tenth Ward Regular Democratic Club, Inc., of Union City, N. J., unanimously endorsing the views of the President concerning the Supreme Court of the United States; to the Committee on the Judiciary.

549. By Mr. JARRETT: Petition of General Hugh Mercer Chapter of the Daughters of the American Revolution, Grove City, Pa., protesting against proposed enlargement of the United States Supreme Court; to the Committee on the Judiciary.

550. Also, resolution of 1,400 members of the First Presbyterian Church, Grove City, Pa., protesting against the proposal to weaken the Supreme Court of the United States; to the Committee on the Judiciary.

551. By Mr. KRAMER: Resolution of the Board of Supervisors of the County of Los Angeles, pertaining to loans or grants to the citrus industry of California for heating equipment which will dispel smoke and soot, etc.; to the Committee on Banking and Currency.

552. By Mr. McLAUGHLIN: Resolution adopted by the Fifty-second Nebraska Legislature, memorializing the Congress of the United States to oppose the plan for the reorganization of the Federal courts as now introduced in Congress; to the Committee on the Judiciary.

553. Also, resolution adopted by the Fifty-second Nebraska Legislature, memorializing the Congress and the President of the United States to enact a Federal antilynch law; to the Committee on the Judiciary.

554. By Mr. MERRITT: Resolution of the Brooklyn Metal Trades Council, at a regular meeting, asking the Representatives and Senators from New York to support the investigation of the La Follette Committee on Civil Liberties in every way possible; to the Committee on Accounts.

555. Also, resolution of the Town Board of the Town of North Castle, N. Y., requesting that no legislation affecting the Supreme Court be passed until the citizens of the United States have an opportunity to express their wishes in this matter at the polls in 1938; to the Committee on the Judiciary.

556. Also, resolution of the Kew-Forrest Regular Republican Club, Inc., of Queens County, State of New York, objecting to and pledging to resist any attempt to disturb the present judicial system of the United States as proposed by the President of the United States in his message to Congress on February 5, 1937, or the enactment of any bill or measure the effect of which would be to increase the number of Justices of the Supreme Court of the United States in the manner indicated by the President's message or otherwise to interfere with the balance of power between the legislative, executive, and judicial departments of the Federal Government; to the Committee on the Judiciary.

557. Also, resolution of the Sunnyside Branch of American League Against War and Fascism, mobilizing public opinion against the enactment of the Hill-Sheppard bill; to the Committee on Ways and Means.

558. Also, resolution of the Empire State Society of the Sons of the American Revolution, opposing the enactment of the bill for the reorganization of the Federal judiciary submitted to Congress with the message of the President of the United States on February 5, 1937, or to any other bill the effect of which would be to increase the number of Justices of the Supreme Court of the United States, or otherwise to interfere with the independent action of the Federal courts and the justices and judges thereof, as one of the three great departments of the Federal Government; to the Committee on the Judiciary.

559. By Mr. MILLARD: Resolution adopted by the Elmsford (N. Y.) Civic League, opposing the President's proposal to increase the membership on the Supreme Court and asking for antilynching legislation during the present session of Congress; to the Committee on the Judiciary.

560. Also, resolution adopted by the Lions Club of Mamaroneck, N. Y., opposing the President's proposal to increase the membership of the Supreme Court; to the Committee on the Judiciary.

561. Also, resolution adopted by the Town Board of the Town of North Castle, Westchester County, N. Y., opposing the President's proposal to increase the membership of the Supreme Court; to the Committee on the Judiciary.

562. By Mrs. HONEYMAN: House Joint Memorial No. 10 of the Oregon House of Representatives, regarding the appropriation for defense of Oregon coast and Columbia River; to the Committee on Military Affairs.

563. Also, House Joint Memorial No. 8 of the Oregon House of Representatives (the senate concurring), regarding a national cemetery located in the State of Oregon; to the Committee on the Public Lands.

564. Also, House Joint Memorial No. 9 of the Oregon House of Representatives, requesting use of the Civilian Conservation Corps in construction of roads in irrigation districts; to the Committee on Irrigation and Reclamation.

565. By Mrs. ROGERS of Massachusetts: Petition memorializing Congress to propose an amendment to the Constitution relative to the determination and establishment of minimum wages for women and children; to the Committee on Labor.

566. Also, petition of the General Court of the Commonwealth of Massachusetts, opposing enactment by Congress of any legislation giving the President authority to appoint additional Judges to the Supreme Court; to the Committee on the Judiciary.

567. By Mr. SADOWSKI: Petition of the Detroit Federation of Post Office Clerks, favoring enactment of legislation for the relief of substitute post-office employees; to the Committee on the Post Office and Post Roads.

568. Also, petition of the Detroit Federation of Post Office Clerks, Detroit, Mich., endorsing House bill 190; to the Committee on the Post Office and Post Roads.

569. By Mr. STEFAN: Resolution adopted at the annual conference of the Sixth Region of the United States Junior Chamber of Commerce, urging Senators and Representatives to oppose the pending proposal for regulation of the Supreme Court of the United States; to the Committee on the Judiciary.

570. Also, resolution adopted by Burt County National Farm Loan Association of Tekamah, Nebr., that Congress be urged to extend the emergency rate of 3½-percent interest on Federal land-bank loans to July 1, 1939; to the Committee on Agriculture.

571. By Mr. TERRY: Resolutions passed by Arkansas Valley Association at a convention held at Little Rock, Ark., on February 12 and 13, 1937, in the interest of flood control in the Arkansas River Valley; to the Committee on Flood Control.

572. By Mr. THOMAS of New Jersey: Resolution adopted by the Woodridge Republican Club, Woodridge, N. J., opposing the President's plan to increase the Supreme Court; to the Committee on the Judiciary.

SENATE

FRIDAY, FEBRUARY 26, 1937

(Legislative day of Wednesday, Feb. 24, 1937)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, February 25, 1937, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTIONS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts and joint resolutions:

On February 12, 1937:

S. J. Res. 20. Joint resolution authorizing the President to invite the Pan American Republics and the Dominion of Canada to participate in the proposed Greater Texas and Pan American Exposition.

On February 19, 1937:

S. J. Res. 38. Joint resolution to extend for a period of 2 years the guarantee by the United States of debentures issued by the Federal Housing Administrator.

On February 20, 1937:

S. 974. An act to create the Capital Auditorium Commission.

On February 24, 1937:

S. 466. An act granting the consent of Congress to the county of Barry, State of Missouri, to construct, maintain, and operate a free highway bridge across the White River at or near Eagle Rock, Mo.; and

S. 715. An act to extend the time for completing the construction of a bridge across the Delaware River near Trenton, N. J.

On February 25, 1937:

S. J. Res. 70. Joint resolution relating to the participation by the United States in the International Exposition of Paris, 1937.

CALL OF THE ROLL

Mr. LEWIS. Mr. President, let me suggest the absence of a quorum and request a roll call.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Barkley	Brown, Mich.	Byrnes
Andrews	Bilbo	Brown, N. H.	Capper
Ashurst	Black	Bulkley	Caraway
Austin	Bone	Bulow	Chavez
Bachman	Borah	Burke	Clark
Bailey	Bridges	Byrd	Copeland

Davis	Hitchcock	McNary	Russell
Dieterich	Hughes	Maloney	Schwartz
Duffy	Johnson, Calif.	Minton	Schwellenbach
Ellender	Johnson, Colo.	Moore	Steiwer
Frazier	King	Neely	Thomas, Okla.
George	La Follette	Norris	Thomas, Utah
Gerry	Lee	Nye	Townsend
Gibson	Lewis	O'Mahoney	Truman
Gillette	Lodge	Overton	Tydings
Green	Logan	Pepper	Vandenberg
Guffey	Lonergan	Pittman	Van Nuys
Harrison	Lundeen	Pope	Walsh
Hatch	McCarran	Radcliffe	Wheeler
Hayden	McGill	Reynolds	White
Herring	McKellar	Robinson	

Mr. LEWIS. Mr. President, I wish that the RECORD shall show for the day the announcement of the absence of the Senator from Ohio [Mr. DONAHEY] caused by illness, and also of the absence of the Senator from West Virginia [Mr. HOLT] and the Senator from Montana [Mr. MURRAY] for the same reason.

The senior Senator from Texas [Mr. SHEPPARD] and the junior Senator from Texas [Mr. CONNALLY] are absent on an unfortunate errand in attendance upon the funeral of an eminent Member of the House of Representatives, who lately passed away.

The Senator from South Carolina [Mr. SMITH], the Senator from California [Mr. MCADOO], and the Senator from New York [Mr. WAGNER] are unavoidably detained.

Mr. BYRD. My colleague the senior Senator from Virginia [Mr. GLASS] is detained from the Senate because of illness.

Mr. AUSTIN. I again announce the absence, because of illness, of the senior Senator from Minnesota [Mr. SHIPSTEAD].

The VICE PRESIDENT. Eighty-three Senators have answered to their names. A quorum is present.

PANAMA CANAL TOLLS AND VESSEL MEASUREMENT RULES (S. DOC. NO. 23)

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying documents, referred to the Committee on Interoceanic Canals, as follows:

To the Congress of the United States:

I transmit herewith for the information of the Congress report of the Committee on Panama Canal Tolls and Vessel Measurement Rules, appointed under the provisions of the act approved April 13, 1936, "for the purpose of making an independent study and investigation of the rules for the measurement of vessels using the Panama Canal and the tolls that should be charged therefor." As provided by law, the report contains the Committee's "advisory recommendations of changes and modifications of the rules for the measurement of vessels for the Panama Canal and the determination of tolls as it finds necessary or desirable to provide a practical, just, and equitable system of measuring such vessels and levying such tolls."

For over 20 years numerous attempts have been made to secure the enactment of legislation which would abolish the dual system of measurement whereby tolls are computed under one set of rules, with a limiting factor on the amount to be collected, determined by different and continually changing rules of measurement over which the President has no jurisdiction.

The Committee points out in its report that the Panama Canal Act of 1912 clearly intended to provide that the President should be given full authority to prescribe rules for the measurement of vessels at the Panama Canal, and to fix within certain well-defined limits prescribed by the Congress toll rates that were to be charged on vessels passing through the Canal. Due to the effect of the Attorney General's interpretation, made in 1914, of the requirements of the Panama Canal Act, not only has the average transit charge per vessel, foreign and American, been much lowered, and the total revenues of the Canal correspondingly reduced, but the transit payments made for vessels of like earning capacity have become widely different; and this has taken place without any change in the rate of tolls fixed by the President to be paid by all types of commercial vessels, and without any modification of the rules prescribed by the President for determining the tonnage upon which the established rate of tolls should be paid.

It was not intended that the Panama Canal rules, prescribed by the President in 1913, should forever remain unchanged, nor was it intended that the toll rates should remain fixed at the rates prescribed by the President in 1912. With development in ship construction and increases in traffic the time has come when the rules should be modified and the rates reduced. This cannot be accomplished in a satisfactory and impartial manner without the enactment of remedial legislation abolishing the dual system and establishing the Panama Canal rules of measurement as the sole rules for the measurement of vessels at the Panama Canal, and the tonnage on which Congress should prescribe the limits within which the President may act in fixing the toll rates.

An effort was made at the last session of the Congress to secure the enactment of such legislation, but there were those who felt that an independent study of the entire subject should be made first by a neutral committee before final action was taken. That study has now been made and an exhaustive report has been submitted.

The Committee has made certain recommendations as to the enactment of necessary legislation which I approve. Its enactment will permit the President to proceed administratively to carry out the further recommendations of the Committee as to the modifications of the rules and the rates to be charged in order to provide a practical, just, and equitable system of measuring vessels and levying tolls.

I cannot urge too strongly the enactment of legislation that will so amend existing law as to provide—

(1) That tolls for the use of the Panama Canal shall be based upon vessel tonnage determined by the Panama Canal rules of measurement as prescribed by the President.

(2) That the tolls upon commercial vessels, Army and Navy transports, colliers, supply and hospital ships shall not exceed $1 per Panama Canal net ton, and shall not be less than 75 cents per Panama Canal net ton, when such vessels are laden.

(3) That a rate of tolls lower than is levied on laden vessels may be prescribed for vessels in ballast, without passengers or cargo.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *February 26, 1937.*

Mr. CLARK subsequently said: Mr. President, this morning the President of the United States sent to the Congress a message having to do with the report of the committee appointed in pursuance of law enacted by the last session of Congress in reference to tolls and the measurements of vessels passing through the Panama Canal.

I ask unanimous consent that the President's message, with the accompanying documents, as well as the diagrams in connection therewith, be printed as a Senate document.

I may say that it is necessary that the diagrams be printed in order to have an understanding of the text.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint memorial of the Legislature of the State of Colorado, which was referred to the Committee on Appropriations:

Whereas exhaustive investigations conducted by entomologists representing the United States and the State of Colorado have disclosed the fact that a serious outbreak of grasshoppers and Mormon crickets threatens Colorado and neighboring States during the year 1937; and

Whereas serious crop losses will be suffered by this and neighboring States unless adequate control measures are conducted immediately on a regional basis; and

Whereas the farmers of Colorado and neighboring States are not financially able to provide the materials and labor required to control such threatened infestation, or to extend control measures through the regions threatened with such crop losses: Now, therefore, be it

Resolved by the house of representatives of the thirty-first general assembly (the senate concurring therein), That the Congress be urged to adopt and the President to approve measures now pending before the Congress to appropriate and maintain for

such time as may be necessary a fund, to be made available for the control of grasshoppers, Mormon crickets, and other insect pests similarly subject to interstate migratory movements or to intermittent outbreaks in agricultural regions of the Western States; and be it further

Resolved, That copies of this memorial be forwarded to the President of the United States, to both Houses of Congress, to the Honorable Henry A. Wallace, Secretary of Agriculture, and to each Member of the Senate and House of Representatives from the State of Colorado.

The VICE PRESIDENT also laid before the Senate the following joint memorials of the Legislature of the State of Montana, which were referred to the Committee on Appropriations:

Senate Joint Memorial 4

Resolution memorializing the Congress of the United States endorsing the passage and approval of the bill introduced by the Honorable U. L. BURDICK, United States Congressman, providing for the cancelation of certain feed and seed loans heretofore made by the United States Government, and providing for an appropriation therefor under the provisions of the War Department appropriation bill

To the Honorable Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the members of the Twenty-fifth Legislative Assembly of the State of Montana (the senate and house concurring), respectfully represent as follows: That

Whereas there is before the Seventy-fifth Congress, first session, a bill, House Resolution No. 207, providing for the cancelation of certain feed and seed loans heretofore made by the United States Government, providing for an appropriation therefor under the provisions of the War Department appropriation bill; that

Whereas there exists throughout the State of Montana and other States of the Union a grave situation due to several years of drought, grasshopper and cricket infestations, and past low prices in agricultural products; and

Whereas these conditions make it impossible for many farmers and ranchers to ever repay the feed and seed loans: Now, therefore, be it

Resolved, That hereafter, no claim shall be made by the United States against any persons for the debt created by the furnishing of feed and seed, as is hereinafter provided:

(a) Claims now held against farmers who are now receiving Federal relief, either through the Works Progress Administration or through direct grants by the Government through the Resettlement Administration.

(b) Claims held against farmers whose liabilities exceed the amount of their assets by a fair valuation thereof according to existing prices and conditions.

(c) Claims held against farmers, secured or unsecured, where the forced collection of the same would prevent such farmer from continuing his usual and regular farming operations or the collection of which would render such farmer unable to properly protect his family under a decent and humane standard of living.

Whenever any farmer shall make written application to the Farm Credit Administration showing himself entitled to relief from the debt created by Federal feed or seed loans under the provisions of this act, said debt shall be canceled if and when the Farm Credit Administration shall be satisfied as to the truth of the material statements contained in said application.

Every farmer desiring to avail himself of the provisions of this act shall insert in said application his name, address, location of farm by legal description, his post office, the amount of the debt, when contracted, a list of his assets and liabilities; if receiving any form of relief, the nature thereof; if not on relief and having more assets than liabilities, his present financial situation; and a statement presenting in what way the collection of the debt will prevent him from continuing his usual and regular farming operation; and in what way the collection of the debt will render him unable to properly protect his family under a decent and humane standard of living. Said application shall be sworn to before an officer duly authorized to administer oaths.

Any person making false application under the provisions of this act shall be deemed guilty of felony and upon conviction thereof shall be sentenced to the Federal penitentiary for a period not exceeding 1 year.

Whenever any farmer shall have complied with the provisions of this act in good faith, and the Farm Credit Administration shall fail for a period of 60 days to cancel and discharge the debt, then in that case said applicant shall have the right to appeal from the action of the Farm Credit Administration to the United States district court of the district of his residence. At such hearing before said court, after the evidence has been submitted, the court shall make its order either allowing or rejecting said application: *Provided,* That this one appeal shall be final in the premises.

For the purpose of carrying out the provisions of this act there is hereby appropriated, out of any funds not otherwise appropriated, the sum of $65,000,000, or as much thereof as may be necessary, to be available to the Farm Credit Administration for the purpose of canceling and discharging said obligation: *Provided, however,* That in the annual War Department appropriation bill for the year 1937 there shall be contained a provision for the appropriation of said sum of $65,000,000, and said appropriation shall be deemed and declared to be directly affecting our national defense.

Senate Memorial 6

Memorial to the Congress of the United States requesting support of the Federal Emergency Administration of Public Works by providing funds for a public-works program, and requesting immediate allocation of funds for the construction of certain water-conservation projects to meet a dire emergency

To the Honorable Senate and the House of Representatives of the United States in Congress assembled:

Your memorialists, the members of the Senate of the Twenty-fifth Legislative Assembly of the State of Montana, respectfully represent that—

Whereas a well balanced and orderly program of public works has been advanced by the people of Montana to the Federal Emergency Administration of Public Works; and

Whereas the Federal Emergency Administration of Public Works has inaugurated and is carrying forward in this State the construction of public works of incalculable value in supplying present employment and in providing needed public improvements; and

Whereas among such public works the water-conservation program in cooperation with the State water conservation board is of outstanding value and vital importance, because such works are most highly regenerative, resulting in permanent employment through providing the basis for sound reconstruction and permanent growth and prosperity of our communities with security and opportunity for our citizens; and

Whereas in carrying forward this program the following water-conservation projects have been approved by the Federal Emergency Administration of Public Works and are ready for construction providing funds are made available:

P.W.A. no.	Name of project	County	Amount
1007	Nevada Creek	Powell	$247,272
1048	Upper Musselshell	Wheatland and Meagher	776,364
1051	Columbus irrigation	Stillwater	56,364
1053	West Fork of Bitterroot	Ravalli	449,091
1054	Tongue River	Custer	1,200,000
1057	Little Missouri	Carter	827,272
1114	Sidney pumping	Richland	85,454

Now, therefore, be it

Resolved, That we do hereby express our appreciation of the very important work which has been done and is being done in the construction of water-conservation projects by the Federal Emergency Administration of Public Works of the United States in cooperation with the State water conservation board of the State of Montana; that the construction of the works which have been constructed and are being constructed is of the greatest permanent value in the rehabilitation of the State of Montana and that the further continuance of such program and the construction of additional projects of the like kind will restore a permanent prosperity to the agricultural districts of the State of Montana; and be it further

Resolved, That we do hereby petition the Congress of the United States to provide funds to the Federal Emergency Administration of Public Works so that these water-conservation projects may be constructed.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of Montana, which was referred to the Committee on Agriculture and Forestry:

Senate joint resolution expressing assent of the Legislature of the State of Montana to the provisions and purpose of the Bankhead-Jones Act of June 29, 1935 (Public, No. 182, 74th Cong.)

Whereas there has been enacted by the Senate and House of Representatives of the United States of America in Congress assembled an act to provide for research into basic laws and principles relating to agriculture and to provide for the further development of cooperative agricultural extension work and the more complete endowment and support of land-grant colleges, approved June 29, 1935 (Public, No. 182, 74th Cong.); and

Whereas the provisions of the act and the purpose of the grants of money authorized by the act are made subject to the legislative assent of the several States and Territories: Therefore be it

Resolved by the Senate of the Legislature of the State of Montana (the house of representatives concurring), That the assent of the Legislature of the State of Montana required by the said act be, and the same is hereby, given.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of Montana, which was referred to the Committee on Irrigation and Reclamation:

Memorial developing the Buffalo Rapids project for the purpose of irrigating lands with water diverted from the Yellowstone River in the counties of Dawson, Prairie, and Custer, and further providing the stabilization of farming and stock-growing industry

A memorial to the President of the United States, to the honorable Secretary of the Interior, to the President of the Senate and Speaker of the House of Representatives, and to each Member in Congress from Montana.

We, the members of the Twenty-fifth Legislative Assembly of the State of Montana, the senate and house concurring, respectfully represent:

Whereas along the Yellowstone River in Custer, Prairie, and Dawson Counties in Montana there are vast areas of fertile, cultivatable and agricultural land which can be made irrigable and which lies in the midst of a large livestock range and grazing dominion long recognized as one of the most valuable and best adapted to the livestock industry on the continent; and

Whereas recent years of drought has proven beyond a doubt that to stabilize the livestock industry in eastern Montana, and to insure its livestock growers with a reasonable and economical supply of feed for their herds, more land must be placed under irrigation and the waters of rivers and streams serving this territory be made available therefor; and

Whereas the Buffalo Rapids project, already defined and recognized, embracing lands in the Yellowstone Valley in the three counties herein mentioned, was conceived for the purpose of irrigating the above lands with water diverted from the Yellowstone River; that the lands reclaimed thereby would not increase but rather materially decrease the acreage now planted in wheat and other small grain and would place the same in livestock feed, sugar beet, and small truck-farm production. This result would greatly stabilize the local livestock industry and would permit many farmers recently removed from submarginal and arid lands to rehabilitate themselves and likewise provide work for farmers and workers now dependent upon relief; and

Whereas a part of the preliminary survey of the Buffalo Rapids project has been completed but for lack of funds and other causes beyond the knowledge of your memorialists the said project has not been approved for final construction. Your memorialists recognize that this project is one of the most important in Montana, would have a far-reaching effect, and would greatly add to the material worth and value of Montana as a whole, and to eastern Montana in particular, and would insure its stockmen and farmers within its territory with permanent feed and means of existence against drought. We further recognize that delay in its final approval and construction will greatly retard the repopulation of its adjoining ranges and will cause irreparable loss and injury to this section of the State of Montana: Now, therefore, be it

Resolved, That the Legislative Assembly of the State of Montana, the Senate and House concurring, does hereby respectfully petition and request that the Congress of the United States and the Department of the Interior do, without further delay, approve and provide the necessary appropriation for the construction of the Buffalo Rapids project in Montana; and be it further

Resolved, That copies of this memorial be mailed to the President of the United States, to the Secretary of the Interior, to the President of the Senate and Speaker of the House of Representatives, and to each Member in Congress from Montana.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of New Mexico, which was referred to the Committee on Foreign Relations:

Joint memorial to the Senate of the United States asking that the Argentine Sanitary Convention now pending before the Senate Committee on Foreign Relations be not ratified

Whereas the Argentine Sanitary Convention now pending before the Senate Committee on Foreign Relations would permit the importation of livestock products from zones purported to be infested with rinderpest, or foot-and-mouth disease; and

Whereas said agreement would modify the present embargo against that country, which harbors foot-and-mouth disease within its borders, and would permit importations of dressed-meat products; and

Whereas the importation of such products would seriously jeopardize the welfare of our livestock industry: Now, therefore, be it

Resolved, That the Legislature of the State of New Mexico urge the Senate of the United States not to ratify the Argentine Sanitary Convention; and be it further

Resolved, That a copy of this memorial be sent to the Honorable CARL A. HATCH, the Honorable DENNIS CHAVEZ, Senators from New Mexico, and to the President of the Senate of the United States.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of New Mexico, which was referred to the Committee on Public Lands and Surveys:

Joint memorial of the Senate and House of Representatives of the State of New Mexico to the Congress of the United States of America urging an amendment to the act of Congress approved February 25, 1920, and amendments thereto, entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain"

Be it resolved by the Legislature of the State of New Mexico:

Whereas under an act of Congress of the United States approved August 21, 1935, known as the O'Mahoney-Greever bill, the act of Congress approved February 25, 1920, entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain" (41 Stat. 437), was amended so as to provide for the extension of oil and gas prospecting permits issued pursuant to said act until December 31, 1937, and for the further extension of the same within the discretion of the Secretary of the Interior until December 31, 1938; and

Whereas it is desirable and in the interest of the inhabitants of the State of New Mexico that said oil and gas prospecting permits be extended by a further act of Congress until at least December 31, 1939, with the authority of the Secretary of the Interior to further extend the same within his discretion to December 31, 1940, in order to give the present owners and holders of said oil and gas prospecting permits and operators further opportunity to test and develop the lands embraced in said permits; and

Whereas said act of Congress, as amended, provides for royalty under the "B" or nonpreferred area leases issued pursuant to the terms of said oil and gas prospecting permits on a sliding-scale basis of not less than 12½ percent, and for the conversion of oil and gas prospecting permits into leases and for the issuance of oil and gas leases upon the public domain, open to lease under said act, at a royalty in excess of 12½ percent; and

Whereas the usual and customary royalty upon privately owned lands and lands owned by the State of New Mexico is 12½ percent, and it is desirable and in the interest of the inhabitants of the State of New Mexico, in order that the development of the large area of public land in this State may not be retarded but that such development may proceed as in States without public domain, that the royalty under said leases issued pursuant to said oil and gas prospecting permits and said act of Congress be definitely fixed so as to conform to the usual and customary 12½-percent royalty; and

Whereas in furtherance of such purpose, it is desirable that the rentals to be paid under the terms of said oil and gas leases issued pursuant to said act of Congress shall also conform to rentals on State lands in the area where situated with a maximum rental of 50 cents per acre per annum; and

Whereas said act of Congress, as amended, also provides for the development of the lands embraced in any oil and gas prospecting permit or lease issued thereunder, pursuant to such cooperative or unit plan as may be approved by the Secretary of the Interior or the Secretary of the department or departments having jurisdiction over the Government lands involved in such plan; and

Whereas in many instances such plans are not practical or advisable in the public interest and it is necessary and desirable that said act of Congress be further amended so as to be relieved of such requirements where the permit or lease owner agrees to comply with and adhere to State proration and well-spacing rules, as promulgated by the State conservation commission or other body in authority, and in such case to also be relieved from the acreage-limitation provisions contained in said act of Congress, as amended, the same as if entering into a unit plan or other cooperative plan approved as aforesaid; and

Whereas it is necessary and advisable in the public interest and to induce further prospecting upon the public domain to liberalize the bond requirements of said act of Congress, as amended: Now, therefore, be it

Resolved, That the Senate and House of Representatives of the State of New Mexico respectfully and earnestly memorialize and request the Congress of the United States of America to further amend the act of Congress approved February 25, 1920, entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain", as amended, so as to provide for the matters and things set forth in the preamble hereof, and thereby liberalize said act of Congress, to the end that development of oil and gas on public lands be not retarded, so that the development in the State of New Mexico may proceed upon a parity with development in States without public lands; be it further

Resolved, That copies of this memorial be sent to the President of the United States Senate, the Speaker of the House of Representatives of the United States, the Secretary of the Interior of the United States, and to the respective Senators and Representatives of New Mexico in the Congress.

The VICE PRESIDENT also laid before the Senate a resolution of the General Court of Massachusetts, protesting against the enactment of legislation to enlarge the membership of the Supreme Court, which was referred to the Committee on the Judiciary.

(See resolution printed in full when presented by Mr. WALSH on the 25th instant, p. 1584, CONGRESSIONAL RECORD).

The VICE PRESIDENT also laid before the Senate a resolution of the General Court of Massachusetts, favoring an amendment to the Constitution providing for the determination and establishment of minimum wages for women and children, which was referred to the Committee on the Judiciary.

(See resolution printed in full when presented by Mr. LODGE on the 25th instant, p. 1584, CONGRESSIONAL RECORD).

The VICE PRESIDENT also laid before the Senate a resolution adopted by the Schenectady (N. Y.) Junior Chamber of Commerce, endorsing a proposed plan for the settlement of the war debts, which was referred to the Committee on Finance.

He also laid before the Senate a letter from Robert J. Siffrin, secretary, Massillon (Ohio) Trades and Labor As-

sembly, advising of a resolution adopted by that organization favoring the enactment of legislation to reorganize the judicial branch of the Government, which was referred to the Committee on the Judiciary.

He also laid before the Senate a telegram from the general chairman for the general grievance committee of the Brotherhood of Locomotive Firemen and Enginemen on the Pennsylvania lines west of Pittsburgh, Pa., in triennial session at Fort Wayne, Ind., endorsing the recommendations of the President pertaining to a reorganization of the judicial branch of the Government, which was referred to the Committee on the Judiciary.

He also laid before the Senate a letter from the president of the Democratic League of the District of Columbia, endorsing, on behalf of the membership of that league, certain remarks by Senator REYNOLDS before a session of that organization, namely, the program for judicial reform recommended by the President of the United States and a bill providing for restricted immigration (introduced by Mr. REYNOLDS), which was referred to the Committee on the Judiciary.

He also laid before the Senate a resolution adopted by the American Society of Zoologists, favoring adequate annual appropriations for the maintenance and growth of the Army Medical Library's book collection and index catalog, which was referred to the Committee on Military Affairs.

He also laid before the Senate a letter from the general secretary of the International Society of Master Painters and Decorators, transmitting copies of several resolutions recently adopted by that society in convention assembled at San Antonio, Tex., which were referred to committees as indicated below:

A resolution favoring measures calculated to make the program of the Federal Housing Administration under title II of the National Housing Act more widespread and effective; and urging extension of the guaranty of principal and interest of debentures of the mutual mortgage fund issued by the Federal Housing Administration in exchange for properties foreclosed under insured mortgages; to the Committee on Banking and Currency.

A resolution favoring extension of the Public Works Administration Act; to the Committee on Education and Labor.

A resolution favoring amendment of the Social Security Act providing that reports be filed quarterly instead of monthly; and

A resolution protesting against the enactment of any unemployment-insurance law exempting businesses having less than a specified number of employees, thereby discriminating against other employers who are compelled to bear a burden which will be a handicap in competitive lines; to the Committee on Finance.

A resolution expressing appreciation of the results accomplished under title I of the National Housing Act and favoring the extension of said title I; ordered to lie on the table.

Mr. GIBSON presented a memorial of sundry citizens of Woodstock, Vt., remonstrating against the enactment of legislation to reorganize the judicial branch of the Government, especially the proposal to enlarge the membership of the Supreme Court, which was referred to the Committee on the Judiciary.

Mr. POPE presented the following joint memorial of the Legislature of the State of Idaho, which was referred to the Committee on Agriculture and Forestry:

We, your memorialists, the Legislature of the State of Idaho, respectfully represent:

Whereas it is very fast becoming generally realized that the availability of phosphates to plant life is a vital necessity to the maintenance of the health and vigor of the people of this Nation, through maintaining the health and vigor of our entire plant, forest, and animal life; and

Whereas it is a fact that the profit increment for our agriculture is dependent on soil fertility; and

Whereas the natural fertility of the soil throughout the Nation has been depleted to an alarming degree; and

Whereas the Federal Government is strenuously exerting its power and influence to stop this practice and to build back soil fertility through conservation, crop rotation, and application of fertilizers; and

Whereas it is evident that the element phosphorus must be returned to the soil through manual means; and

Whereas this State has 75 percent of the known high quality phosphate deposits of our Nation; and

Whereas very recent mechanical improvements and findings, as well as chemical and physical discoveries, and the inevitable increase in phosphate use, has changed the economic status of the Idaho phosphate deposits; and

Whereas western agriculture is far distant from the eastern phosphate fields, and such condition militates against cheap phosphatic fertilizer for these areas; and

Whereas Idaho's deposits are virgin and there is no present industry to revamp or eliminate; and

Whereas the industrialization of Idaho's immense phosphate beds is of national concern and importance; and

Whereas cheap electric power is a very important element in the production and processing of phosphate rock; and

Whereas the State has an immense water power potential and the other necessary affiliates at the location of said phosphate deposits as well as healthful surroundings for labor; and

Whereas Idaho is a State of extensive natural resources, and the mining of these resources and their exportation from the State, as raw materials, will gradually impoverish the State unless we can process such materials as we are eminently fitted to industrialize; and

Whereas one of the very recent chemical discoveries is of a revolutionary nature both as to processing and use of phosphates; and

Whereas this revolutionary discovery should be immediately and thoroughly exploited and commercialized; and

Whereas Idaho is preeminently fitted geographically and economically, through natural and improved facilities, to be the seat of this exploitation and commercialization by the establishment of laboratory, field, and pilot plants; and

Whereas this chemical discovery is named organo-phosphate; and

Whereas it promises to revolutionize the use of phosphates, to reduce materially their cost, to use great quantities of farm products in their compounding, and to create State economic-social stability through production and processing of her great phosphate resource: Now, therefore, be it

Resolved by the Senate of the State of Idaho (the house of representatives concurring), That we most respectfully urge upon our congressional delegation, Senators BORAH and POPE, and Congressmen CLARK and WHITE, early and favorable consideration of requesting an allotment to the State of Idaho of $150,000, or such allotment as is necessary, from whatever Federal source they see fit, to establish the ways and means for commercializing organo-phosphates as quickly as possible, that our Nation may have the benefit of a cheaper and more efficient fertilizer to the end of a greater social-economic security for agriculture; and be it further

Resolved, That the secretary of the State of Idaho be authorized and he is hereby directed to immediately forward certified copies of the memorial to the Senators and the Representatives in Congress from this State.

Mr. VAN NUYS. Mr. President, I present a concurrent resolution of the General Assembly of the State of Indiana memorializing Congress to continue the Federal Emergency Administration of Public Works.

The concurrent resolution was referred to the Committee on Education and Labor, and is as follows:

Concurrent resolution memorializing the Congress of the United States to continue the Federal Emergency Administration of Public Works

Whereas the Seventy-third Congress of the United States of America enacted, and the President of the United States approved, the National Industrial Recovery Act, under title II of which the United States of America, through the Federal Emergency Administration of Public Works, has granted financial aid to the various States, Territories, and political subdivisions thereof in a much needed program of public improvements; and

Whereas the Congress of the United States of America has from time to time extended the said Federal Emergency Administration of Public Works and augmented the original appropriation of the Congress to further its policy of granting such financial aid for the construction of worthy public projects; and

Whereas the Federal Emergency Administration of Public Works has effectively and efficiently discharged the mandate of the Congress and by such program many of the unemployed have been returned to gainful occupation, and industry generally has been greatly rehabilitated; and

Whereas the State of Indiana, its cities, towns, counties, public bodies, and political subdivisions have received financial aid from the said Federal Emergency Administration of Public Works for the construction of worthy and sorely needed public improvements, including the construction of highways, State institutional buildings, schools, city and county buildings, sewers, water and sewage treatment works, and other public improvements; and

Whereas there remains in this State a great need for the continuation of the program for public improvements of the type and character for which the Federal Emergency Administration of Public Works has heretofore granted financial aid; and

Whereas the continuation of such program of public works is necessary in order that further unemployment may be reduced and absorbed by private industry; and

Whereas without financial aid of the United States of America as provided and administered through the Federal Emergency

Administration of Public Works, the continuation of such program of public improvements cannot be adequately undertaken: Therefore be it

SECTION 1. *Resolved by the Senate of the General Assembly of the State of Indiana (the house of representatives concurring)*, That the General Assembly of the State of Indiana hereby respectfully requests the Congress of the United States to enact the necessary and appropriate laws to continue the functions of the Federal Emergency Administration of Public Works and to make the necessary appropriations which will adequately provide for a continued program of public improvements.

SEC. 2. That certified copies of this resolution, properly authenticated, be transmitted forthwith to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives of the United States, and to each of the United States Senators and Representatives from Indiana.

Mr. GEORGE. I present a concurrent resolution of the Legislature of the State of Georgia asking for the repeal or modification of the tax on undistributed corporate earnings.

The resolution was referred to the Committee on Finance, and it is as follows:

Whereas it has come to the attention of this body that certain provisions of the United States Revenue Act of 1936 are detrimental to the progress and industrial growth of the South and particularly to the State of Georgia and injurious to her citizens; and

Whereas the said United States Revenue Act of 1936 imposes upon all undistributed profits of corporations a tax which virtually forces the distribution of said profits; and

Whereas such distribution often weakens the financial structure of these corporations and makes it impossible for them to expand plants and replace obsolete machinery; and

Whereas small growing businesses, faced with the necessity of plant expansion and debt retirement, must pay a prohibitive cost under this tax act to maintain and improve their position; and

Whereas there should be some provisions made which will permit corporations in this class to retire indebtedness existing prior to the passage of the Revenue Act of 1936 out of their current earnings without having to pay a tax for the exercising of sound business judgment; and

Whereas the officials of several of the corporations affected by this provision of the said Revenue Act of 1936 have given assurances that their corporations will expand their enterprises in the State by extensive building programs if permitted to do so by relief from this prohibitive tax; and

Whereas numerous groups representing employers and employees have urged that these provisions of the said tax act be repealed for this benefit of people in the State; and

Whereas the Southeast is logically the place for the most rapid industrial expansion in the near future, and these provisions of the Revenue Act of 1936 are more harmful to this section of the country than to any other: Therefore be it hereby

Resolved by the House of Representatives of the General Assembly of the State of Georgia (the senate of said general assembly concurring), as follows:

1. The Senators and Representatives of the Georgia delegation in Congress be requested to support an amendment removing from the United States Revenue Act of 1936 the provision imposing the tax complained of herein.

2. The Georgia delegation in Congress be urged to exempt from this tax provision all funds of corporations used, or to be used, in expansion of industry and all funds used to pay the debts of said corporations incurred prior to January 1, 1936.

3. Copies of this resolution be furnished to each Member of the Georgia delegation in Congress.

4. A copy of this resolution be spread on the minutes of each house of the general assembly.

REORGANIZATION OF THE JUDICIARY—PETITION

Mr. LOGAN. Mr. President, by request, I present for appropriate reference a petition or memorial against the proposed reorganization of the Federal judiciary. I ask unanimous consent that the body of the petition may be printed in the RECORD.

There being no objection, the petition was referred to the Committee on the Judiciary, and the body thereof was ordered to be printed in the RECORD, as follows:

DEFEND THE HERITAGE OF JUDICIAL INDEPENDENCE

A distinguished British jurist, Herbert Arthur Smith, professor of international law at London University, warns in a special dispatch cabled under copyright by the United Press under date of February 14, that the President's proposals relating to the Supreme Court threaten "a common heritage of English-speaking people since the end of the seventeenth century."

These proposals, says Prof. Herbert Arthur Smith, "raise issues which are the common interest of all civilized countries, particularly Britain, which shares a common legal tradition with the United States and certain common conceptions in the nature of judicial independence which has been a common heritage of the English-speaking people since the end of the seventeenth century.

"This tradition has two aspects: From the judges it demands complete abstention from all political activities, whatever may have been their private opinions before being raised to the bench. For the rest of their lives they are indifferent to all and only servants and spokesmen impersonal of the law. * * * So long as the judges refrain from all political activity, it is an obligation of honor that neither their persons nor their office shall ever form a target for political bombardment.

"It is not overmuch to say that the whole structure of law and justice according to our ideas depends on the honorable observance by both sides of this unwritten convention.

"Should it be broken down, our courts would quickly become as the courts of Russia and Germany already have become the mere agents of a political party controlling the Government. * * * If a law is declared by a judge to be unacceptable to the people, as represented by a government, it is our business to change the law and leave the judge alone.

"By this we mean that we consider the principle of judicial independence one of the fundamentals of free institution and believe the maintenance of this principle is of greater importance than the decision in any particular case, however great its immediate political interest. * * *

"In Canada and Australia we have federal constitutions which are much in common with the Constitution of the United States, and it so happens that within recent weeks Canada furnished an example which may be interesting to American observers.

"During Prime Minister Bennett's recent administration the Canadian Parliament enacted a number of statutes which may be roughly described as the Canadian counterpart of the New Deal. They dealt with industrial and social problems, and they were challenged in the courts on the ground that they purported to deal with matters which under Canadian constitution are reserved to the Provinces. Three weeks ago the judicial committee of the privy council, which is the final court of appeals in such questions, decided the statutes were invalid.

"But that does not mean that those Canadians who were disappointed by the decisions will start agitation to get rid of the judges or swamp the Supreme Court with new appointments. They fully realized that in the long run they would lose much more than they could gain by any such tactics, well knowing the principle of judicial independence is of far greater importance than the enactment of any particular statute.

"A judge's business is to declare the law as he finds it laid down for him by the constitution and the legislature. Whether that law is capitalistic or socialistic, whether the principle is conservative or radical, it is equally the judge's duty to apply it as he finds it.

"If a change in the law is desirable, those changes must come from the people, acting through the appropriate legislative agencies."

ONLY THEY DESERVE LIBERTY WHO ARE WILLING TO FIGHT FOR IT

To Members of the Senate and House of Representatives of the United States:

We, the undersigned, citizens of the United States, exercising our right of petition, protest against the President's bill, or any substitutes, permitting the executive branch of the Government to control or subordinate the judicial or the legislative powers established under the Constitution.

This bill would give to the President the power to remake the Supreme Court and to pack it with men to interpret the Constitution as he wishes. Such concentration of power is dangerous even in the hands of the best-intentioned man.

The framers of the Constitution divided the Government into independent legislative, executive, and judicial departments, because history shows that concentration of those powers in one department, or in one man, inevitably leads to dictatorship.

This bill would establish such concentration of power as no one at any time in any place has been able to use for the public good. The independent branches of the Government would become the instruments of the White House. Public respect for the courts and the Congress, so essential in a democracy, would be seriously impaired.

If one President is allowed in this fashion to create a Supreme Court to interpret the Constitution so as to validate the laws he desires, neither he nor his successors will have to consult the will of the people concerning future amendments.

We therefore protest and demand that the constitutional safeguards of an independent judiciary be retained.

The power to amend our Constitution is not the Executive's, to exercise by indirection. It is not yours to surrender. It is ours, and we look to you, trustees of the people's liberties, to protect it. How you vote on this issue is all-important, now and in the future.

REPORTS OF COMMITTEE ON CLAIMS

Mr. BROWN of Michigan, from the Committee on Claims, to which was referred the bill (H. R. 911) for the relief of Lewis Clark and Freda Mason, reported it without amendment and submitted a report (No. 135) thereon.

Mr. BURKE, from the Committee on Claims, to which was referred the bill (S. 609) for the relief of Edith Lewis White, reported it with an amendment and submitted a report (No. 136) thereon.

He also, from the same committee, to which was referred the bill (S. 548) for the relief of Dorothy White, Mrs. Carol M. White, and Charles A. White, reported it with amendments and submitted a report (No. 137) thereon.

ENROLLED BILL PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on the 25th instant that committee presented to the President of the United States the enrolled bill (S. 417) to extend the period during which direct obligations of the United States may be used as collateral security for Federal Reserve notes.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

A bill (S. 1720) to provide for the manufacture and fortification of prune wines and pear wines, and for other purposes; to the Committee on Finance.

By Mr. THOMAS of Oklahoma:

A bill (S. 1721) authorizing an appropriation for payment to the Sac and Fox Tribe of Indians in the State of Oklahoma;

A bill (S. 1722) to provide subsistence for the Eskimos and other natives of Alaska by establishing for them a permanent and self-sustaining economy; to encourage and develop native activity in all branches of the reindeer industry; and for other purposes; and

(By request.) A bill (S. 1723) to authorize the Secretary of the Interior to exchange certain lands and water rights in Inyo and Mono Counties, Calif., with the city of Los Angeles, and for other purposes; to the Committee on Indian Affairs.

By Mr. ASHURST (by request):

A bill (S. 1724) to authorize the transfer to the Attorney General of a portion of the Fort Reno Quartermaster Depot Military Reservation, Okla., as a permanent site of the United States Southwestern Reformatory; to the Committee on Military Affairs.

By Mr. McKELLAR:

A bill (S. 1725) granting an increase of pension to Evelina Gleaves (with accompanying papers); to the Committee on Pensions.

By Mr. LEWIS:

A bill (S. 1726) granting a pension to Frances McLaggan; and

A bill (S. 1727) granting a pension to Annie L. Sanders; to the Committee on Pensions.

By Mr. NEELY:

A bill (S. 1728) to carry out the findings of the Court of Claims in the case of Asa S. Hugill; to the Committee on Claims.

METHOD FOR CONSTITUTIONAL CHANGES—ADDRESS BY SENATOR DAVIS

[Mr. VANDENBERG asked and obtained leave to have printed in the RECORD an address delivered by Senator DAVIS at the annual dinner of the Pennsylvania Threshermen and Farmers' Protective Association at Harrisburg, Pa., on Jan. 19, 1937, as published in the magazine Right of Way, which appears in the Appendix.]

REORGANIZATION OF FEDERAL JUDICIARY—REPORTS OF NEW YORK BAR ASSOCIATION

Mr. LA FOLLETTE. Mr. President, on February 24 I asked unanimous consent to have printed in the Appendix of the RECORD the minority report from the committee on Federal legislation of the Association of the Bar of the City of New York in regard to the proposal of the President for reorganization of the Federal courts. I am now in possession of the estimate required by law, and I renew my request that the minority report may be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, and it appears in the Appendix of the RECORD.

Mr. KING. Mr. President, the Senator from Wisconsin [Mr. LA FOLLETTE] has just offered for the RECORD the minority report of the committee on Federal legislation of the Association of the Bar of the City of New York. I ask unanimous consent to have printed in the Appendix of the RECORD the majority report of that committee.

There being no objection, the report was ordered to be printed in the RECORD, and it will appear hereafter in the Appendix.

KENTUCKY LETTERS REGARDING REORGANIZATION OF FEDERAL JUDICIARY

[Mr. LOGAN asked and obtained leave to have printed in the RECORD three letters relating to the proposed reorganization of the Federal judiciary, which appear in the Appendix.]

THE NATURE OF JUDICIAL POWER—ARTICLE BY CHALLEN B. ELLIS

[Mr. KING asked and obtained leave to have printed in the RECORD an article by Challen B. Ellis entitled "The Nature of Judicial Power", which appears in the Appendix.]

REORGANIZATION OF FEDERAL JUDICIARY—ARTICLE BY HERBERT AGAR

[Mr. MINTON asked and obtained leave to have printed in the RECORD an article by Herbert Agar published in the Louisville (Ky.) Courier-Journal of Feb. 24, 1937, in the column Time and Tide, headed "Why Such Hysteria?" which appears in the Appendix.]

WASHINGTON, THE STATESMAN, IN HIS HOME COUNTY—ADDRESS BY HON. R. WALTON MOORE

[Mr. BYRD asked and obtained leave to have printed in the RECORD an address on the subject, Washington, the Statesman, in His Home County, delivered by Hon. R. Walton Moore, Assistant Secretary of State, on Feb. 22, 1937, which appears in the Appendix.]

RETIREMENT PRIVILEGE FOR SUPREME COURT JUSTICES

The Senate resumed consideration of the bill (H. R. 2518) to provide for retirement of Justices of the Supreme Court, which had been reported from the Committee on the Judiciary without amendment.

Mr. McCARRAN. Mr. President, in the consideration of House bill 2518, which is now before the Senate, I trust that this body will bear with me for a moment or two while I go back into the history of the legislation.

In 1919 Congress enacted the law which now prevails with reference to the retirement of members of the judiciary sitting in the courts of the United States, but in that law Congress provided specifically that the privilege of retirement accorded to judges of circuit courts and district courts should not be accorded to members of the Supren e Court nor to the Chief Justice of the United States. Not only did Congress not provide for such a privilege but it provided directly against such a privilege.

Following that, in 1934 or thereabouts, a measure identical with the very measure which we are now considering was offered in the other House and was rejected by that branch of the Congress. So again it was said, inferentially, to the members of the Court of last resort that they should not retire; that, regardless of their age, regardless of their infirmities, regardless of what might befall them, they could not retire under the law that gave the privilege of retirement to other members of the judiciary. That condition has continued to prevail.

Mr. ROBINSON. Mr. President, will the Senator yield for a question?

Mr. McCARRAN. I yield for a question; certainly.

Mr. ROBINSON. Is the Senator prepared to state the reasons that were assigned for the discrimination as between judges of the so-called inferior courts and the Justices of the Supreme Court in that particular? Why was it that the privilege of retirement was extended to judges of the district and circuit courts and denied to Justices of the Supreme Court?

Mr. McCARRAN. Without going into it at great length, the answer to that question may be gathered from the debates on the bill which is now the law, that the discrimination grew out of a constitutional condition which was questioned at the time and which gave rise to a negative expression in the law which, while providing positive permission for the retirement of judges of the lower courts, would save the constitutional question which might arise as to

Judges of the Court of last resort. That is the best answer I can give, and from the best sources which I know.

Mr. JOHNSON of California. Mr. President——

Mr. McCARRAN. I yield to the Senator from California.

Mr. JOHNSON of California. Will the Senator please state the constitutional provision to which he has reference?

Mr. McCARRAN. Stated in terms, the Constitution provides for the Supreme Court Justices and fixes the provision that they shall occupy their offices during life and good behavior. That is a constitutional provision. It is also provided that judges of inferior courts which may be created by Congress shall have their place and enjoy their office during life and good behavior; but it was deemed proper that those judges, if they saw fit, might retire and serve only in a limited capacity. That is the law as it now stands. For some reason, for which I cannot give a full explanation, it was not deemed best to give this privilege to the members of the Court of last resort.

Mr. JOHNSON of California. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from California?

Mr. McCARRAN. I yield.

Mr. JOHNSON of California. It was a matter of policy, was it not? It was not deemed best to give the privilege to the Supreme Court Justices?

Mr. McCARRAN. That is the way we have to read it—as a matter of policy.

Mr. JOHNSON of California. But as a matter of law the privilege could have been given without any difficulty whatsoever.

Mr. McCARRAN. That is my view, and it is the view of many other members of the committee. I expect to touch on that point in a moment.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield to the Senator from Arkansas.

Mr. ROBINSON. I still do not understand the reason for a distinction or discrimination in the law between judges of the district and circuit courts and Justices of the Supreme Court. Manifestly the duties of the latter are more arduous and more responsible than are the duties of the judges of the inferior courts. What I should like to know is the reason assigned for denying to a Justice of the Supreme Court the right to retire and compelling him, if he wished to leave the Bench, to resign, and at the same time extending to judges of courts created by the Congress the right of retirement and not requiring them to resign.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Idaho?

Mr. McCARRAN. I do.

Mr. BORAH. My reading of the discussion and debate leads me to believe that it simply was not desired as a matter of legislation of that kind to deal with the Supreme Court.

Mr. ROBINSON. It was merely a matter of policy. No constitutional reason was involved.

Mr. BORAH. I find no constitutional reason, and I find no reason assigned. It was apparently desired, for certain reasons, to take care of the judges of the lower courts, and it was not desired at that time as a matter of policy to deal with the Supreme Court, not because Congress did not have the constitutional power to do so but because they did not see fit so to do.

Mr. ROBINSON. That is the impression and inference I had drawn from my limited studies of the subject matter.

Mr. JOHNSON of California. That is exactly what the Senator from Nevada stated. It was a matter of policy and not a matter of necessity or of law.

Mr. McCARRAN. That is correct.

Mr. JOHNSON of California. This position of the Congress as to retirement by the Supreme Court Justices has now been altered at this particular time. Is that what the Senator is saying?

Mr. McCARRAN. I am trying to say that we are trying to alter it at this particular time by this bill. The passage of this bill would alter the policy so that Justices of the Supreme Court may take advantage of the same privilege that was written into the law years ago for other judges.

Mr. JOHNSON of California. Is it the purpose of this bill to afford the opportunity to members of the Supreme Court to retire?

Mr. McCARRAN. It is. That is its purpose.

Mr. JOHNSON of California. At this particular time?

Mr. McCARRAN. At any time.

Mr. JOHNSON of California. Mr. President, I will say to the Senator from Nevada that a Supreme Court Justice who would retire at this particular time would not be the sort of individual for whom I would have the greatest respect.

Mr. BONE and Mr. ROBINSON addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Nevada yield; and if so, to whom?

Mr. McCARRAN. I yield first to the Senator from Washington.

Mr. BONE. I was under the impression—and I will ask the Senator if he can give us information on the point—that at least one Justice of the Supreme Court, I believe, Mr. Justice Holmes, received a pension from the Government. Will the Senator enlighten us about that?

Mr. McCARRAN. I shall at a later moment. I yield now to the Senator from Arkansas.

Mr. ROBINSON. The statement of the Senator from California [Mr. JOHNSON] is an interesting one and a very peculiar one. Justices of the Supreme Court have never had the right of retirement. The Senator from California makes the amazing declaration that if the right be extended he would have no respect for a Justice who should avail himself of it.

Mr. JOHNSON of California. Oh, no! That is not exactly what I said. What I said was "at this particular time."

Mr. ROBINSON. Yes.

Mr. JOHNSON of California. When the Justices are sought to be removed in another way, if any of them should seek retirement by virtue of the bait that was held out to him, I would have very little respect for him.

Mr. ROBINSON. That is the way I understood the Senator. That is the way I intended to quote him. Then under no circumstances at this particular time could a Justice of the Supreme Court avail himself of the privilege of retirement, if it be extended, and meet the approval of the Senator from California.

Mr. JOHNSON of California. That is entirely correct, sir—at this particular time.

Mr. ROBINSON. Will the Senator from California be kind enough to inform me at what time he would be willing to permit a Justice of the Supreme Court to avail himself of the privilege of retirement? Does he mean at some time when another President would have the opportunity of appointing a Justice to succeed him or to serve in his place? Does he mean that he wishes to have the opportunity to appoint Justices of the Supreme Court limited to Presidents who he thinks will appoint someone that he would be ready to approve? Does he mean that he would not have the opportunity to express his disapproval of a Justice appointed by the present President under the Constitution?

The power of confirmation is vested in the Senate. The Senate can approve or disapprove of any Justice who may be appointed. Justices of the Supreme Court, however, have never had the opportunity of retirement. It is not within my limited capacity to understand, from anything that has been said here or heretofore, why the same privilege should not be accorded to the Justices of the Supreme Court that is accorded to judges of the inferior courts.

Mr. JOHNSON. Mr. President, will the Senator from Nevada yield further?

The PRESIDENT pro tempore. Does the Senator from Nevada yield further to the Senator from California?

Mr. McCARRAN. I yield.

Mr. JOHNSON. I have said that at this particular time I would have the feeling I have suggested. I favor this bill; not at this time, though. The Senator from Arkansas asked me when would I expect a Justice of the Supreme Court to have the right. I would expect him to have the right when

there was no bait held out to him, no lure in any law that was enacted, and when he could retire without any suggestion of being driven off the bench by other legislation.

Mr. ROBINSON. Mr. President, will the Senator yield further?

Mr. McCARRAN. I will yield, but——

Mr. ROBINSON. Very well; I will wait.

Mr. McCARRAN. Mr. President, I fear that the Senator from California in his expression is putting into this measure something that does not belong there at all. The fact of the matter is that we have denied to the Justices of the Court of last resort of this country a simple privilege or right which has been accorded to other judges. If the bill with which we are now dealing had been a law during the past 10 or 15 or 20 years, in all probability the atmosphere which the able Senator from California speaks of would not exist at all.

More than that, we are not dealing with the question of whether or not any Justice on the Court of last resort will retire. That is not a question to be considered here. The question to be considered here is whether they may have the same privilege that is accorded to other members of the judiciary on other courts. That is the simple question. It is only one of justice and fair play.

So far as the committee is concerned, so far as I am concerned, I do not know, nor do I particularly care at this time, whether any Justice may see fit to take advantage of the provision, but that it should be a part of the law of this country seems to be unanswerable in view of the fact that we have adopted that policy with reference to other members of the judiciary and carried it on from year to year.

Mr. ADAMS. Mr. President, will the Senator yield for a question?

Mr. McCARRAN. I yield to the Senator from Colorado.

Mr. ADAMS. Perhaps I did not hear the opening part of the Senator's argument, but I desire to ask him a question. Am I correct in my understanding that at this time the Supreme Court Justices do have the right to resign upon full pay, but they do not have the retirement privilege which is accorded to the district and circuit judges?

Mr. McCARRAN. Mr. President, the Senator is partly right and partly wrong. The fact of the matter is that no law at all is necessary to permit a man to resign. He may resign whether or not there is a law. No one can wed a man so thoroughly to an office that he may not resign.

Mr. ADAMS. My question is, If the Supreme Court Justices should exercise their right to resign at this time, whether or not they would do so with full pay.

Mr. McCARRAN. That is the question that I answer in the negative. They would not resign at full pay. The example that gives a complete answer to the Senator from Colorado is that of the resignation of Mr. Justice Holmes some years ago, as a result of which his pay was decreased, as I recall, 50 percent, and then it was subjected to a 15-percent cut during the life of the Economy Act, and to the income tax besides.

Mr. BURKE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Nebraska?

Mr. McCARRAN. I do.

Mr. BURKE. Is it not true that there is a general statute giving to Supreme Court Justices the right to resign with full pay but, because they resign instead of retiring, the pay which they would receive after resignation is subject to any cut Congress may see fit to make, as in the case of Mr. Justice Holmes, which has been mentioned? Congress passed an act fixing the maximum pension to be paid to any Federal employee at $10,000, which immediately reduced Mr. Justice Holmes' retirement pay one-half. Later, further cuts were made; but apart from action by Congress imposing some economy measure, a Justice now could resign and receive full pay for life.

Mr. McCARRAN. But the question then arises whether or not he could do so, in view of the fact that by resignation he divests himself of an office which is a constitutional office and which he holds for life.

Mr. BURKE. Subject to any action Congress might take in reducing his pay.

Mr. ROBINSON. Mr. President——

Mr. McCARRAN. I yield to the Senator from Arkansas.

Mr. ROBINSON. If a Justice should resign, the Congress would have the power to repeal any provision of law as to his salary. A Justice who has served to an extreme old age ought not to be expected to resign from his office and take the chance of being denied any provision during the years of his life when his earning power is entirely gone.

As stated by the Senator from Nevada, the Congress has availed itself of its power very greatly to reduce the compensation of Justices who have resigned. If it saw fit, it could decline to make any provision whatever for a Justice who had resigned; and he, not being in the status of an officer, having vacated his office, would have no remedy whatever. So long as he is retired he is still in a sense a member of the Court, and his compensation cannot be reduced by law. There is a very practical difference.

Mr. BURKE. In the matter of retirement, if Congress passed a statute, a succeeding Congress could at any time repeal the statute so as to apply to the future.

Mr. ROBINSON. I do not think that action could be made retroactive.

Mr. BURKE. Possibly not.

Mr. ROBINSON. I am sure it could not be made retroactive.

Mr. BURKE. Mr. President, will the Senator from Nevada yield to me for just one moment more?

Mr. McCARRAN. I yield to the Senator from Nebraska.

Mr. BURKE. The question was asked by the senior Senator from Arkansas [Mr. ROBINSON] at what time a member of the Supreme Court could retire under the provisions of this measure and retain the respect of the senior Senator from California [Mr. JOHNSON]. I should like to answer that question specifically so far as I am concerned. At any time after the bill now pending, providing for additions to the Supreme Court, was withdrawn by its introducer, or defeated by either House of Congress, I think a Justice of the Supreme Court could retire under the provisions of this retirement measure and receive my respect, but not earlier than that.

Mr. McCARRAN. Mr. President, so far as I am concerned, I do not propose to permit the controversy over the bill pending in the Judiciary Committee to arise with reference to this measure. They have no connection whatever so far as I can see; and, whatever may be the views of respective Senators here as to the merit or demerit of that bill, it seems to me it should not reflect itself into the consideration of the pending bill, because the provisions of this bill have been the law for years with reference to nearly every other judge in the Federal judicial system excepting the nine Justices on the Supreme Bench.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. McCARRAN. I yield.

Mr. ROBINSON. And, according to my recollection, the bill has been pending in the Congress for something like 2 years.

Mr. McCARRAN. The bill has been pending in Congress since 1934. It was introduced in the other House of Congress in 1934, and there was voted down. It was again introduced here; so that it is not anything new. It is not something that comes in as a bait, if you please, within the atmosphere that now surrounds this controversy.

Mr. President, if I may continue for a moment with the explanation of the bill and then yield the floor, there is not anything to be considered in connection with this bill except fair play and justice. The question may arise, as it naturally should arise, What would be the status of a Justice of the Supreme Court who might take advantage of this law if it should be enacted? The status would be that he would have retired from the Supreme Bench but would still retain his status as an inactive judge, subject to call which he himself might accept or not accept into the circuits or the other courts lower than the Supreme Court. That is the intendment of the bill. That is the purpose of the bill. The whole aim and object of the bill is to lighten the burden on those who occupy places on the Supreme Bench who have attained the age of 70, having served 10 years.

It may be within the scope of possibility that this bill, if enacted, would relieve the tension that now prevails; but, whether it would or not, the bill does not come into congressional consideration by reason of that tension, because it is not novel to Congress. It is something that has been before Congress for years, and does not come in here under the atmosphere of what we may term the President's bill.

It is no part of it. The status that would be maintained by a Justice who had retired from the Supreme Bench would be one of dignity, one of respect, one of honor, and one of service as well, because he, with his mature training and his mature experience, might serve in great capacity any one of the courts in which he might choose to serve were he called. We cast no disrespect upon him when he retires accepting the provisions of this measure. We hold him still as a judge not in active service but out of active service. By his own volition in accepting the terms of this bill he places himself in the status of a judge not in active service, and thereby maintains his right to hold his emoluments as his emoluments are now paid to him, and to hold his position subject to the call of the Chief Justice.

Mr. President, that is all I have to say in explanation of the bill at this time. I hope the bill may go through this body without amendment, in order that it may become a part of the law, as it should have been a part of the law for the past quarter of a century.

Mr. AUSTIN. Mr. President, I desire to say just a word to respond to some correspondence which came into my office this morning indicating confusion about the import of this bill. The writers have seen newspaper accounts which showed that I was opposed to the bill for reorganization of the Supreme Court presented by the President and accompanied by a message. Then they saw an account that I had voted to report favorable from the Judiciary Committee this retirement bill, and wondered that I should "whiffle" about so in my judgment.

Mr. President, I wish to say to these correspondents in this manner that I do not regard it as a change at all in my attitude toward the principles involved in the two measures. I think the principles are not similar at all. I regard the pending retirement bill as a good bill. I think it ought to have been passed when it previously came before the Congress, and I am for it because I believe that it is just and fair to give Justices of the Supreme Court privileges and rights equal to those which are accorded to the other justices and judges in our Federal judicial system.

That is the reason why I am for this bill.

Mr. BORAH. Mr. President, I have no desire to delay action on the pending measure, and shall take only a moment to state my views in regard to it.

I agree thoroughly that we ought to have a retirement law applicable to Justices of the Supreme Court, and I agree further that the pending bill has nothing to do with other measures which are pending.

I have felt that the retirement age ought to be fixed at 75. I urged that view in the committee, but the committee was very strongly against my opinion.

I also had the feeling that the Justices of the Supreme Court, when they retire, should not be subject to call for service in the lower courts. That matter was discussed also at some length in the subcommittee, and also in the committee as a whole, but both the subcommittee and the Judiciary Committee were in favor of the pending measure.

I feel, therefore, it would be perfectly useless and a waste of time, after knowing the view of the subcommittee and the committee as a whole, to undertake to change the pending measure. However, I desire that it go into the RECORD that I feel that the retiring age should be 75 years and that the provision with reference to calling the judges to service in the lower courts should be stricken out. I feel that we should provide a dignified retirement for those who have given the best of their lives to public service and not subject them to further call to service on inferior courts. I realize that the majority of my colleagues have a different opinion. I must be content with recording my views.

Mr. BURKE. Mr. President, I desire to make only a brief statement as to what seems to be a necessary correction of the statement made by the Senator from Nevada [Mr. McCARRAN] in reporting the bill and in line with the suggestion just called to the attention of the Senate by the Senator from Idaho [Mr. BORAH].

As I understood the Senator from Nevada, he made the statement that the bill now before the Senate extends to members of the Supreme Court identically the same provisions which for a number of years have applied to judges of the inferior Federal courts. I think that statement is not quite accurate. The law as applied to judges of the inferior courts contains the provision that they may be recalled for duty upon the same courts on which they served when on active duty. The bill before us provides, distinct from that, that any member of the Supreme Court who should retire under this provision of the law could under no circumstances be recalled for duty on the Supreme Court, but would be subject to call—true, at his own will—only in a different orbit altogether, in the lower courts. So I think there is a vital distinction between the pending bill and the existing statute. So vital did this distinction seem to me in the committee that I voted against reporting the bill with this provision in it, and if I vote for the bill at all with this provision in it, it will be with the greatest reluctance.

Mr. BRIDGES. Mr. President, I offer an amendment, which I ask to have stated.

The PRESIDING OFFICER (Mr. CLARK in the chair). The clerk will state the amendment.

The LEGISLATIVE CLERK. It is proposed, on page 1, line 3, after the word "That", to insert the words "after the expiration of 4 years from the date of the enactment of this act."

Mr. BRIDGES. Mr. President, I am in favor of the underlying principles involved in the pending bill. My understanding is that the so-called Sumners bill was introduced 2 years ago, and that for 2 years it has been before the Congress. If I had been a Member of Congress and a vote had been taken on the bill, I would have voted for it.

I am in favor of granting pensions on the basis of need and as a reward for faithful service. I think there are probably many in this country who are more needy at the present time than the gentlemen who sit upon the Supreme Court. Therefore I do not believe there is any immediate hurry for the enactment of this proposed law, or at least having it become effective at once. Nobody will suffer in the meantime, and I wonder why the sudden change of front and why the sudden hurry at this particular time.

If we are sincere in acting on this measure, I can see no harm in the proposed amendment enacting the principle of the proposed legislation that of full pay for retired Justices of the Supreme Court, but not having it take effect for 4 years, thereby taking it out of politics and out of the situation in which the Supreme Court issue is involved today.

I can picture that this measure might be used as a two-edged sword by the opponents of the Court: First, one edge in case the proposed judicial reorganization plan should not be enacted, and the second edge I can see possibly used to secure its enactment.

I believe that if we are sincere and we desire to enact the underlying principles of the measure, the proposed amendment will serve to take it out of the mire of politics and abuse to which the Court has been subjected for the last few months. I shall support the bill if my amendment is adopted, and oppose it if it is not. I hope the amendment may be agreed to.

Mr. McCARRAN. Mr. President, the amendment offered by the able Senator is one that is answered by this question: Is the Senator in favor of rendering justice now, or is he in favor of rendering justice which is now deserved at a time long in the future? Is he in favor of injecting into the matter something that will entirely deprive the Justices who may avail themselves of the privilege of retirement of the emoluments of the offices which go with their retirement, or is he in favor of injecting a political situation into the consideration of this matter?

I hope the amendment will not prevail, because, if it does, it will simply bring politics into a realm where justice and fair play alone, regardless of political lines, should prevail.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New Hampshire.

Mr. BRIDGES. I ask for the yeas and nays.

The yeas and nays were not ordered.

The amendment was rejected.

Mr. KING. It is regrettable that Congress years ago failed to make satisfactory and just provisions for the retirement of Justices of the Supreme Court. As has been stated by the Senator from Nevada [Mr. McCARRAN], provisions were made for judges of the circuit and district courts, but suitable provisions for the members of the highest court in the land were not made. There is, therefore, much to be said in favor of a measure, belated though it may be, which would provide a fair and just retirement system for Justices of the Supreme Court. The measure before us, in my opinion, does not meet this requirement.

I am not persuaded that this measure, or any measure providing for retirement of the Justices of the Supreme Court, should be enacted at this time. It is unnecessary to consider the reasons supporting such conclusion. They are obvious to all persons familiar with recent developments in the executive and legislative branches of the Government. In my opinion, there are valid grounds for objection to the measure under consideration, and I agree in part with the statement just made by the Senator from Idaho [Mr. BORAH].

I am aware, however, of the fact that opposition to the measure will be futile, although I believe it is not satisfactory to many Senators.

I had hoped that the Judiciary Committee would approve a number of amendments to the House bill which were considered by the subcommittee as well as by the full committee. I think the age limit should have been fixed at 75 years instead of 70 and that the provision authorizing the Chief Justice to call upon the retired Justices of the Supreme Court to perform judicial duties in judicial circuits should have been eliminated. It is believed by some that there are no sound reasons for contending that a Justice of the Supreme Court is still in office as a Supreme Court Justice when he can no longer be called upon to sit in the Supreme Court.

Senators are doubtless aware of the fact that the Chief Justice and the Justices of the Supreme Court of the United States, in reply to a letter addressed to them by President George Washington, dated April 3, 1790, protested against the provision of the judiciary act requiring them to serve in the various circuits. They declared that there was a natural as well as a legal incompatibility of ultimate appellate jurisdiction, with original jurisdiction, and in effect stated that Justices of the Supreme Court may not also be judges of inferior and subordinate courts and be at the same time both the controllers and controlled. They stated that the subordinate courts were vested with original jurisdiction from which the Supreme Court was excluded, and further added that it would appear singular if the Constitution were capable of being so construed as to exclude the Court yet admit the Justices of the Court. And they further added:

> We, for our parts, consider the Constitution as plainly opposed to the appointment of the same persons to both offices, nor have we any doubts of their legal incompatibility.

President Washington, in his letter to the Chief Justice and Associate Justices, said:

> In my opinion, therefore, it is important that the judiciary system should not only be independent in its operations but as perfect as possible in its formation.

He further stated that—

> As the Justices were about to commence their first circuit that it would be agreeable to me to receive such information and remarks on this subject as you shall from time to time judge it expedient to make.

The letters referred to are important as bearing upon the question before us, and I ask that they be inserted in the RECORD.

There being no objection, it was so ordered, and the communications are as follows:

UNITED STATES, *April 3d, 1790.*

GENTLEMEN: I have always been persuaded that the stability and success of the National Government, and consequently the happiness of the people of the United States would depend, in a considerable degree, on the interpretation of its laws. In my opinion, therefore, it is important that the judiciary system should not only be independent in its operations but as perfect as possible in its formation.

As you are about to commence your first circuit, and many things may occur in such an unexplored field which it would be useful should be known, I think it proper to acquaint you that it will be agreeable to me to receive such information and remarks on this subject as you shall from time to time judge it expedient to make.

GEO. WASHINGTON.

THE CHIEF JUSTICES AND ASSOCIATE JUSTICES OF THE SUPREME COURT OF THE UNITED STATES.

SIR: We, the Chief Justices and Associate Justices of the Supreme Court of the United States, in pursuance of the letter which you did us the honor to write on the third of April last, take the liberty of submitting to your consideration the following remarks on the "act to establish the judicial courts of the United States."

It would doubtless have been singular if a system so new and untried, and which was necessarily formed more on principles of theory and probable expediency than former experience, had, in practice, been found entirely free from defects.

The particular and continued attention which our official duties called upon us to pay to this act has produced reflections which, at the time it was made and passed, did not probably occur in their full extent to us or others.

On comparing this act with the Constitution, we perceive deviations which, in our opinions, are important.

The first section of the third article of the Constitution declares that "the judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish."

The second section enumerates the cases to which the judicial power shall extend. It gives to the Supreme Court original jurisdiction in only two cases, but in all the others vests it with appellate jurisdiction; and that with such exceptions, and under such regulations, as the Congress shall make.

It has long and very universally been deemed essential to the due administration of justice that some national court or council should be instituted or authorized to examine the acts of the ordinary tribunals, and ultimately to affirm or reverse their judgments and decrees, it being important that these tribunals should be confined to the limits of their respective jurisdiction, and that they should uniformly interpret and apply the law in the same sense and manner.

The appellate jurisdiction of the Supreme Court enables it to confine inferior courts to their proper limits, to correct their involuntary errors, and, in general, to provide that justice be administered accurately, impartially, and uniformly. These controlling powers were unavoidably great and extensive, and of such a nature as to render their being combined with other judicial powers in the same persons unadvisable.

To the natural as well as legal incompatibility of ultimate appellate jurisdiction with original jurisdiction we ascribe the exclusion, the unalterable, ever-binding decisions of this important Court would not have been secured against the influences of those predilections for individual opinions, and of those reluctances to relinquish sentiments publicly though perhaps too hastily given, which insensibly and not unfrequently infuse into the minds of the most upright men some degree of partiality for their official and public acts.

Without such exclusion no court, possessing the last resort of justice, would have acquired and preserved that public confidence which is really necessary to render the wisest institutions useful. A celebrated writer justly observes that "next to doing right, the great object in the administration of public justice should be to give public satisfaction."

Had the Constitution permitted the Supreme Court to sit in judgment and finally to decide on the acts and errors done and committed by its own members as judges of inferior and subordinate courts, much room would have been left for men on certain occasions to suspect that an unwillingness to be thought and found in the wrong had produced an improper adherence to it; or that mutual interest had generated mutual civilities and tendernesses injurious to right.

If room had been left for such suspicions, there would have been reason to apprehend that the public confidence would diminish almost in proportion to the number of cases in which the Supreme Court might affirm the acts of any of its members.

Appeals are seldom made but in doubtful cases, and in which there is at least much appearance of reason on both sides; in such cases, therefore, not only the losing party but others not immediately interested would sometimes be led to doubt whether the affirmance was entirely owing to the mere preponderance of right.

These, we presume, were among the reasons which induced the Convention to confine the Supreme Court, and consequently its judges, to appellate jurisdiction. We say "consequently its judges" because the reasons for the one apply also to the other.

We are aware of the distinction between a court and its judges; and are far from thinking it illegal or unconstitutional, however it may be inexpedient, to employ them for other purposes, provided the latter purposes be consistent and compatible with the former. But from this distinction it cannot, in our opinions, be inferred that the judges of the Supreme Court may also be judges of inferior and subordinate courts, and be at the same time both the controllers and the controlled.

The application of these remarks is obvious. The circuit courts established by the act are courts inferior and subordinate to the Supreme Court. They are vested with original jurisdiction in the cases from which the Supreme Court is excluded; and to us it would appear very singular if the Constitution was capable of being so construed as to exclude the Court but yet admit the judges of the Court. We, for our parts, consider the Constitution as plainly opposed to the appointment of the same persons to both offices; nor have we any doubts of their legal incompatibility.

Bacon, in his Abridgment, says that "offices are said to be incompatible and inconsistent, so as to be executed by one person, when, from the multiplicity of business in them, they cannot be executed with care and ability; or when their being subordinate and interfering with each other, it induces a presumption they cannot be executed with impartiality and honesty; and this, my Lord Coke says, is of that importance that if all offices, civil and ecclesiastical, &c., were only executed each by different persons, it would be for the good of the Commonwealth, and advancement of justice, and preferment of deserving men. If a forester, by patent for his life, is made justice in eyre of the same forest, hac vice, the forestership is become void, for these offices are incompatible, because the forester is under the correction of the justice in eyre and he cannot judge himself. Upon a mandamus to restore one to the place of town-clerk it was returned that he was elected mayor and sworn, and therefore they chose another town-clerk; and the court were strong of opinion that the offices were incompatible because of the subordination. A coroner made a sheriff ceases to be a coroner, so a parson made a bishop, and a judge of the common pleas made a judge of the king's bench", &c.

Other authorities on this point might be added; but the reasons on which they rest seem to us to require little elucidation or support.

There is in the act another deviation from the Constitution which we think it incumbent on us to mention.

The second section of the second article of the Constitution declares that the President shall nominate and, by and with the advice and consent of the Senate, "shall appoint judges of the Supreme Court and all other officers of the United States whose appointments are not therein otherwise provided for."

The Constitution not having otherwise provided for the appointment of the judges of the inferior courts, we conceive that the appointment of some of them, namely, of the circuit courts, by an act of the legislature is a departure from the Constitution and an exercise of powers which constitutionally and exclusively belong to the President and Senate.

We should proceed, sir, to take notice of certain defects in the act relative to expediency which we think merit the consideration of the Congress. But, as these are doubtless among the objects of the late reference made by the House of Representatives to the Attorney-General, we think it most proper to forbear making any remarks on this subject at present.

We have the honor to be, most respectfully, sir, your obedient and humble servants.

The PRESIDENT OF THE UNITED STATES.

Mr. KING. Mr. President, I prepared a statement which I intended as the basis of any remarks which I might submit upon the pending measure. The statement also contains an amendment which I had intended to offer, which, if adopted, would have obviated some of the objections of the bill before us.

In view of the manifest intention of the Senate to pass the bill before us, I shall not occupy any more time of the Senate in discussing the bill or the amendment which I had intended to offer. I ask, however, that the statement, together with the amendment referred to, be inserted in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

The House bill (H. R. 2518) seeks to place Supreme Court Judges upon the same basis as district and circuit courts of appeal judges by permitting them to retire instead of resigning.

Under the existing law (sec. 260 of the Judicial Code, as amended by the act of Feb. 25, 1919, ch. 29, no. 6, 40 Stat. 1157, and the act of Mar. 1, 1929, ch. 419, 45 Stat. 1422) a Supreme Court Judge can resign but cannot retire, while district and circuit courts of appeal judges can both resign and retire:

"If a district or circuit judge retires, he may be called upon by the senior circuit judge of that circuit and be by him authorized to perform such judicial duties in such circuit as such retired judge may be willing to undertake, or he may be called upon by the Chief Justice and be by him authorized to perform such judicial duties in any other circuit as such retired judge may be willing to undertake, or he may be called upon either by the presiding judge or senior judge of any other such court and be by him authorized to perform such judicial duties in such court as such retired judge may be willing to undertake."

In construing this provision of law the Supreme Court held that a retired district judge or circuit court of appeals judge was still in office in the constitutional sense (*Booth* v. *U. S.*, 291 U. S. 339). In this connection the Court said:

"By retiring pursuant to the statute a judge does not relinquish his office. The language is that he may retire from regular active service. The purpose is, however, that he shall continue, so far as his age and his health permit, to perform judicial service, and it is common knowledge that retired judges have, in fact, discharged a large measure of the duties which would be incumbent on them, if still in regular active service. * * *

"The act does not, and, indeed, could not, endow him with a new office, different from, but embracing, the duties of the office of judge. He does not surrender his commission but continues to act under it. He loses his seniority in office, but that fact, in itself, attests that he remains in office. A retired district judge need not be assigned to sit in his own district; and if a retired judge is called upon by the Chief Justice or a senior circuit judge to sit in another district or circuit, and he responds and serves there, his status is the same as that of any active judge, so called. It is impossible that this should be true and that at the same time the judge should hold no office under the United States." (Citations omitted.)

So the Court concluded that retired judges of the district and circuit courts of appeal were in office in the constitutional sense, and that, therefore, their salaries could not be diminished during their term of office. The effect of this decision was to make their retirement pay not subject to reduction by the Congress and also to make such retirement pay exempt from the income tax.

The House bill proposes to extend to Justices of the Supreme Court the same privilege with reference to retirement which obtains under existing law with regard to circuit and district judges. However, I do not believe it accomplishes the results intended.

Under the House bill, according to the report of the House Judiciary Committee, a Supreme Court Judge, if retired, could no longer sit in the Supreme Court by assignment or otherwise. His only duties would be that "he may be called upon by the Chief Justice and be by him authorized to perform such judicial duties, in any judicial circuit, including those of a circuit justice in such circuit, as such retired Justice may be willing to undertake."

How can it be said that a Judge of the Supreme Court is still in office as a Supreme Court Judge when he cannot longer be called upon to sit in the Supreme Court? It is true that Supreme Court Justices may now perform duties in the circuits, but they perform such acts in their individual capacity as judges by virtue of acts of Congress and not by virtue of their status as members of the Supreme Court.

In a letter from the Chief Justice and Associate Justices of the Supreme Court of the United States to President George Washington, dated April 3, 1790, the Justices protested against that provision of the Judiciary Act requiring them to serve in the various circuits and said:

"We are aware of the distinction between a court and its judges; and are far from thinking it illegal or unconstitutional, however it may be inexpedient, to employ them for other purposes, provided the latter purposes be consistent and compatible with the former. But from this distinction it cannot, in our opinions, be inferred that the judges of the Supreme Court may also be judges of inferior and subordinate courts and be at the same time both the controllers and the controlled.

"The application of these remarks is obvious. The circuit courts established by the act are courts inferior and subordinate to the Supreme Court. They are vested with original jurisdiction in the cases from which the Supreme Court is excluded; and to us it would appear very singular if the Constitution was capable of being so construed as to exclude the Court but yet admit the judges of the Court. We, for our parts, consider the Constitution as plainly opposed to the appointment of the same persons to both offices; nor have we any doubts of their legal incompatibility. * * *"

Accordingly, Supreme Court Judges performing duties in the circuits are not performing duties as Supreme Court Judges in the constitutional sense but are acting as individual judges. This is further borne out by the opinion of Mr. Justice Miller in *Appleton* v. *Smith* (1 Dillon, 202), when he was sitting as a circuit judge. In declining to hear an appeal from a district court while sitting as a circuit judge he said:

"I have repeatedly decided in this circuit since I have been assigned to it that I would not sit in review of the judgments and orders of the court made by the district judges in my absence.

"Where, as in the present case, the motion is made on the same grounds, and with no new state of pleadings or facts, it is nothing more than an appeal from one judge of the same court to another; and though it is my province in the Supreme Court to hear and determine such appeals, I have in this court no such prerogative. The district judge would have the same right to review my judgments and orders here as I would have in regard to his. It would be in the highest degree indelicate for one judge of the same court thus to review and set aside the action of his associate in his absence, and might lead to unseemly struggles to obtain a hearing before one judge in preference to the other" (*Appleton* v. *Smith*, 1 Dillon, 202).

It is therefore extremely doubtful whether Supreme Court Judges, who are only permitted to perform duties in the circuits, are "in office" as Supreme Court Justices in the constitutional sense and whether the bill will accomplish the purpose intended. In other words, it might be contended that a Supreme Court Judge performs two functions, (1) his duties as a Supreme Court Judge under the Constitution and (2) his duties to act as a judge in

the circuits required of him by the Congress. Therefore his salary may be divided accordingly. The portion of his salary attributable to his functions as a circuit judge could not be reduced after he was retired under the House bill because he was still "in office" as to those duties. But the balance of his salary could be reduced after retirement because he was no longer in office as a Supreme Court Judge in the constitutional sense.

AMENDMENT TO BE OFFERED TO H. R. 2518

Strike out all after the enacting clause and insert in lieu thereof the following:

"The first sentence of section 260, as amended, of the Judicial Code (U. S. C., title 28, sec. 375) is further amended to read as follows:

" 'When any judge of any court of the United States, appointed to hold his office during good behavior, resigns his office after having held a commission or commissions as judge of any such court or courts at least 10 years, continuously or otherwise, and having attained the age of 70 years, he shall, during the residue of his natural life, in consideration of his resigning his office, receieve the salary which is payable at the time of his resignation for the office that he held at the time of his resignation, which salary shall not be diminished during the period of his life.' "

Amend the title to read as follows: "An act to amend the provisions of existing law relating to resignations of judges of courts of the United States."

This proposed amendment makes it clear that Supreme Court Justices who resign are giving up a right guaranteed to them under the Constitution, the right to continue in office during good behavior and to receive a compensation which shall not be diminished during their continuance in office.

Those Justices who resign under this amendment acquire a vested right to receive the salary which is payable to them at the time of their resignation, and therefore their salary is fixed at the time of their resignation and cannot be diminished by any subsequent act of Congress. To diminish such salary would constitute a violation of the due-process clause of the fifth amendment. This situation seems analogous to that of *Choate* v. *Trapp* (224 U. S. 665), in which the Court held that Indian allottees of the Five Civilized Tribes acquired individually a vested right to tax exemption upon acceptance of an allotment in accordance with the terms of the Curtis Act and that such tax exemption could not be taken away without violating the due-process clause of the fifth amendment. In this connection the Court said:

"* * * Congress, in consideration of the Indians' relinquishment of all claim to the common property and for other satisfactory reasons, made a grant of land which should be nontaxable for a limited period. The patent issued in pursuance of those statutes gave the Indian as good a title to the exemption as it did to the land itself. Under the provisions of the fifth amendment there was no more power to deprive him of the exemption than of any other right in the property. No statute would have been valid which reduced his fee to a life estate or attempted to take from him 10 acres, or 50 acres, or the timber growing on the land. After he accepted the patent the Indian could not be heard, either at law or in equity, to assert any claim to the common property. If he is bound, so is the tribe and the Government when the patent was issued."

The act of May 27, 1908 (35 Stat. 313, no. 4), in taking away this exemption was held unconstitutional in this respect.

Recurring to the question before us, it might be argued that the present statute creates a vested right which the Congress could not change. But the present statute is not clear on this point, and under its language it might be contended that the amount paid to the Justice after he resigns has nothing to do with his resignation, but is a pension or gratuity granted to the Justice after he has resigned, and is not intended as an inducement to cause his resignation. This was probably the reason why the Government applied the Economy Act to the compensation received by Justice Holmes after his retirement. But the amendment changes this situation. It makes it clear that the salary paid to a Justice upon retiring is an inducement for him to resign. Therefore, a Justice resigning under the amendment and accepting its terms will have a vested right to the same compensation he was receiving at the time of his resignation, which cannot be diminished by any subsequent act of Congress.

Mr. McCARRAN. Mr. President, in reply to the last expression by the able Senator from Utah, let me say that the Justices are not to be called upon to act outside their sphere, because now they are assigned to respective circuits and serve in that capacity by law; and what they would accept after retirement would be in keeping with what they do at the present time.

Mr. KING. Mr. President, I am criticizing the existing law in that respect when it attempts to have Justices of the Supreme Court sit in the inferior courts. That was the point made by the Chief Justice and Associate Justices of the United States Supreme Court in answer to the letter of President George Washington, to which I have referred.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, and was read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. McCARRAN. I call for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. BYRNES (when his name was called). I have a pair with the senior Senator from Maine [Mr. HALE]. I transfer that pair to the junior Senator from California [Mr. McADOO], and will vote. I vote "yea."

Mr. BYRD (when the name of Mr. GLASS was called). I announce that my colleague [Mr. GLASS] is detained from the Senate on account of illness. He has a general pair with the senior Senator from Minnesota [Mr. SHIPSTEAD].

Mr. McNARY (when Mr. HALE's name was called). The senior Senator from Maine is necessarily absent. His pair has been announced. If he were present and at liberty to vote, he would vote "yea."

Mr. KING (when his name was called). I have a pair with the Senator from New York [Mr. WAGNER], and therefore withhold my vote.

The roll call was concluded.

Mr. LEWIS. I announce that the Senator from Ohio [Mr. DONAHEY] and the Senator from Montana [Mr. MURRAY] are detained on account of illness.

I further announce that the Senator from Alabama [Mr. BANKHEAD], the Senator from Ohio [Mr. BULKLEY], the Senator from California [Mr. McADOO], the Senator from South Carolina [Mr. SMITH], and the Senator from New York [Mr. WAGNER] are unavoidably detained.

I further announce that the senior Senator from Texas [Mr. SHEPPARD] and the junior Senator from Texas [Mr. CONNALLY] are absent attending the funeral of the late Representative Buchanan.

I am informed that if present and voting, the Senators mentioned would vote "yea."

The Senator from West Virginia [Mr. HOLT] is detained because of illness.

The result was announced—yeas 76, nays 4, as follows:

YEAS—76

Adams	Copeland	La Follette	Pittman
Andrews	Davis	Lee	Pope
Ashurst	Dieterich	Lewis	Radcliffe
Austin	Duffy	Lodge	Reynolds
Bachman	Ellender	Logan	Robinson
Bailey	Frazier	Lonergan	Russell
Barkley	George	Lundeen	Schwartz
Bilbo	Gerry	McCarran	Schwellenbach
Black	Gibson	McGill	Steiwer
Bone	Gillette	McKellar	Thomas, Okla.
Borah	Green	McNary	Thomas, Utah
Brown, Mich.	Guffey	Maloney	Townsend
Brown, N. H.	Harrison	Minton	Truman
Burke	Hatch	Neely	Tydings
Byrd	Hayden	Norris	Vandenberg
Byrnes	Herring	Nye	Van Nuys
Caraway	Hitchcock	O'Mahoney	Walsh
Chavez	Hughes	Overton	Wheeler
Clark	Johnson, Colo.	Pepper	White

NAYS—4

Bridges	Bulow	Johnson, Calif.	Moore

NOT VOTING—15

Bankhead	Donahey	King	Shipstead
Bulkley	Glass	McAdoo	Smith
Capper	Hale	Murray	Wagner
Connally	Holt	Sheppard	

So the bill H. R. 2518 was passed.

Mr. CAPPER subsequently said: Mr. President, I wish to announce that I was necessarily detained from the Senate when the roll was called on the retirement bill, House bill 2518. If present, I should have voted "yea."

AMERICAN NEUTRALITY

Mr. PITTMAN. Mr. President, I understand it is the intention of the leaders of the Senate to request that a recess until Monday be taken; so I now desire to ask unanimous consent, prior to the taking of the recess, that the Senate proceed to the consideration of Senate Joint Resolution 51, to amend the joint resolution entitled "Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries, and

for other purposes." If consent is granted, the joint resolution will become the unfinished business; and I make the request in order that the joint resolution may be proceeded with when the Senate shall again convene.

Therefore I ask unanimous consent that Senate Joint Resolution 51 be laid before the Senate, and that the Senate proceed to its consideration.

The PRESIDING OFFICER. The Senator from Nevada asks unanimous consent that the Senate proceed to the consideration of Senate Joint Resolution 51. Is there objection?

Mr. McNARY. Mr. President, I have no objection to the request; but I want it understood that no action shall be taken on the measure, and no consideration shall be given to it until Monday next at 12 o'clock.

Mr. PITTMAN. It is not the intention of the chairman of the committee to ask that any proceeding be taken with reference to the joint resolution which would be contrary to the desires of Senators for a recess.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada?

There being no objection, the Senate proceeded to consider the joint resolution (S. J. Res. 51) to amend the joint resolution entitled "Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war", approved August 31, 1935, being Public Resolution No. 67, Seventy-fourth Congress (S. J. Res. 173), as amended by joint resolution approved February 29, 1936, entitled "Joint resolution extending and amending the joint resolution (Public Res. 67, 74th Cong.), approved August 31, 1935", which had been reported from the Committee on Foreign Relations with an amendment to strike out all after the resolving clause and to insert:

That the joint resolution entitled "Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war", approved August 31, 1935, as amended, is amended to read as follows:

"That (a) whenever the President shall find that there exists a state of war between, or among, two or more foreign states, the President shall proclaim such fact, and it shall thereafter be unlawful to export arms, ammunition, or implements of war from any place in the United States, or possessions of the United States, to any such belligerent state, or to any neutral state for transshipment to, or for the use of, a belligerent state.

"(b) The President shall, from time to time, by proclamation, extend such embargo upon the export of arms, ammunition, or implements of war to other states as and when they may become involved in such war.

"(c) Whenever the President shall find that a state of civil strife exists in a foreign state and that such armed conflict is of a magnitude or is being conducted under such conditions that the export of arms, ammunition, or implements of war from the United States to said foreign state would threaten or endanger the peace of the United States, the President shall proclaim such fact, and it shall thereafter be unlawful to export arms, ammunition, or implements of war from any place in the United States, or possessions of the United States, to any such state or to any other state for transshipment to, or for use in, the state named in the proclamation.

"(d) The President, by proclamation, shall definitely enumerate the arms, ammunition, and implements of war, the export of which is prohibited by this act.

"(e) Whoever, in violation of any of the provisions of this act, shall export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from the United States, or any of its possessions, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both, and the property, vessel, or vehicle containing the same shall be subject to the provisions of sections 1 to 8, inclusive, title 6, chapter 30, of the act approved June 15, 1917 (40 Stat. 223–225; U. S. C., title 22, secs. 238–245).

"(f) In the case of the forfeiture of any arms, ammunition, or implements of war by reason of a violation of this act, no public or private sale shall be required; but such arms, ammunition, or implements of war shall be delivered to the Secretary of War for such use or disposal thereof as shall be approved by the President of the United States.

"(g) When in the judgment of the President the conditions which have caused him to issue his proclamation have ceased to exist he shall revoke the same and the provisions hereof shall thereupon cease to apply.

"(h) Except with respect to offenses committed, or forfeitures incurred prior to the revocation of the proclamation or proclamations issued thereunder, said proclamations shall become ineffective after revocation.

"SEC. 2. (a) Whenever the President shall have issued a proclamation or proclamations as provided in section 1 of this act and he shall thereafter find that the placing of restrictions on the shipment of certain articles or materials in addition to arms, ammunition, and implements of war from the United States to said belligerents named in the proclamation issued under said section 1, or to a country wherein civil strife has been proclaimed to exist, is deemed necessary to promote the security or preserve the peace or neutrality of the United States or to protect the lives and commerce of nationals of the United States, he shall so proclaim and it shall thereafter be unlawful for any American vessel or aircraft to carry such articles or materials to any belligerent country, or any country wherein civil strife exists, named in said proclamation or proclamations issued under section 1 of this act, or to any other country for transshipment to, or for the use of, such belligerent countries or within such country where civil strife exists. The President shall by proclamation from time to time definitely enumerate said articles and materials which it shall be unlawful for American vessels or aircraft to transport.

"(b) It shall be unlawful to export or transport to any belligerent country, or to any country wherein civil strife exists, named in said proclamation or proclamations issued under section 1 of this act, or to any other country for transshipment to, or for the use of, such belligerent country or such country wherein civil strife exists, any articles or materials whatever until all right, title, and interest therein shall have been transferred to some foreign government, agency, institution, association, partnership, corporation, or national. The shipper of such article shall be required to file with the collector of the port from which the articles or materials are to be exported a declaration under oath that there exists in American citizens no right, title, or interest in such articles or materials, and to comply with such rules and regulations as shall be promulgated by the President. Any such declaration so filed shall be a conclusive estoppel against any claim of any American citizen of right, title, or interest in such articles or materials. Insurance written by American underwriters on any articles or materials, the exportation of which is prohibited by this act, or on articles carried by an American vessel or aircraft contrary to subsection (a) of this section shall not be deemed an American interest therein, and no insurance policy issued on such articles or materials and no loss incurred thereunder shall be made a basis of any claim put forward by the Government of the United States.

"(c) The President shall from time to time by proclamation extend such restrictions as are imposed under subsection (a) of this section to other countries as and when they may be declared to become belligerents under proclamations issued under section 1 of this act.

"(d) The President may from time to time change, modify, or revoke in whole or in part any proclamations issued by him under subsection (a) of this section.

"SEC. 3. (a) Whenever the President shall have issued his proclamation or proclamations as provided for in section 1 of this act, it shall thereafter during the period of the war or civil strife be unlawful for any person within the United States to purchase, sell, or exchange bonds, securities, or other obligations of the government of any belligerent country or country wherein civil strife exists, or of any political subdivision thereof, or of any person acting for or on behalf of such government, issued after the date of such proclamation, or to make any loan or extend any credit to any such government or person: *Provided*, That if the President shall find that such action will serve to protect the commercial or other interests of the United States or its nationals, he may, in his discretion, and to such extent and under such regulation as he may prescribe, except from the operation of this section ordinary commercial credits and short-time obligations in aid of legal transactions and of a character customarily used in normal peacetime commercial transactions.

"(b) The provisions of this section shall not apply to a renewal or adjustment of such indebtedness as may exist on the date of the President's proclamation.

"(c) Whoever shall violate the provisions of this section or of any regulations issued hereunder shall, upon conviction thereof, be fined not more than $50,000 or imprisoned for not more than 5 years, or both. Should the violation be by a corporation, organization, or association, each officer or agent thereof participating in the violation may be liable to the penalty herein prescribed.

"(d) When the President shall have revoked his proclamation as provided for in section 1 of this act, the provisions of this section and of any regulations issued by the President hereunder shall thereupon cease to apply.

"SEC. 4. This act shall not apply to an American republic or republics engaged in war against a non-American state or states, provided the American republic is not cooperating with a non-American state or states in such war.

"SEC. 5. (a) For the purposes of this act—

"(1) The term 'Board' means the National Munitions Control Board which is hereby established to carry out the provisions of

this act. The Board shall consist of the Secretary of State, who shall be chairman and executive officer of the Board; the Secretary of the Treasury; the Secretary of War; the Secretary of the Navy; and the Secretary of Commerce. Except as otherwise provided in this act, or by other law, the administration of this act is vested in the Department of State;

"(2) The term 'United States', when used in a geographical sense, includes the several States and Territories, the insular possessions of the United States (including the Philippine Islands), the Canal Zone, and the District of Columbia;

"(3) The term 'person' includes a partnership, company, association, or corporation, as well as a natural person.

"(b) Every person who engages in the business of manufacturing, exporting, or importing any of the arms, ammunition, or implements of war referred to in this act, whether as an exporter, importer, manufacturer, or dealer, shall register with the Secretary of State his name, or business name, principal place of business, and places of business in the United States, and a list of the arms, ammunition, and implements of war which he manufactures, imports, or exports.

"(c) Every person required to register under this section shall notify the Secretary of State of any change in the arms, ammunition, or implements of war which he exports, imports, or manufactures; and upon such notification the Secretary of State shall issue to such person an amended certificate of registration, free of charge, which shall remain valid until the date of expiration of the original certificate. Every person required to register under the provisions of this section shall pay a registration fee of $500, unless he manufactured, exported, or imported arms, ammunition, and implements of war to a total sales value of less than $50,000 during the 12 months immediately preceding his registration, in which case he shall pay a registration fee of $100. Upon receipt of the required registration fee, the Secretary of State shall issue a registration certificate valid for 5 years which shall be renewable for further periods of 5 years upon the payment for each renewal of a fee of $500 in the case of persons who manufactured, exported, or imported arms, ammunition, and implements of war to a total sales value of more than $50,000 during the 12 months immediately preceding the renewal, or a fee of $100 in the case of persons who manufactured, exported, or imported arms, ammunition, and implements of war to a total sales value of less than $50,000 during the 12 months immediately preceding the renewal. The Secretary of the Treasury is hereby directed to refund, out of any moneys in the Treasury not otherwise appropriated, the sum of $400 to every person who shall have paid a registration fee of $500 pursuant to this act, who manufactured, exported, or imported arms, ammunition, and implements of war to a total sales value of less than $50,000 during the 12 months immediately preceding his registration.

"(d) It shall be unlawful for any person to export, or attempt to export, from the United States any of the arms, ammunition, or implements of war referred to in this act to any other country or to import, or attempt to import, to the United States from any other country any of the arms, ammunition, or implements of war referred to in this act without first having obtained a license therefor.

"(e) All persons required to register under this section shall maintain, subject to the inspection of the Board, such permanent records of manufacture for export, importation, and exportation of arms, ammunition, and implements of war as the Board shall prescribe.

"(f) Licenses shall be issued to persons who have registered as provided for, except in cases of export or import licenses where exportation of arms, ammunition, or implements of war would be in violation of this act or any other law of the United States, or of a treaty to which the United States is a party, in which cases such licenses shall not be issued.

"(g) Whenever a proclamation or proclamations are issued, as provided in section 1 of this act, all licenses theretofore issued under the act shall ipso facto, and immediately upon the issuance of such proclamation or proclamations, cease to grant authority to export arms, ammunition, or implements of war from any place in the United States, or possessions of the United States, to any port in said belligerent states or to such state wherein civil strife has been declared by Presidential proclamation to exist or to any other country for transshipment to, or for use in, any belligerent country or for use in any country where civil strife is proclaimed to exist; and said licenses, insofar as the grant of authority to export to such countries named in such proclamation or proclamations of the President is concerned, shall be null and void.

"(h) The Board shall be called by the chairman and shall hold at least one meeting a year.

"(i) No purchase of arms, ammunition, or implements of war shall be made on behalf of the United States by any officer, executive department, or independent establishment of the Government from any person who shall have failed to register under the provisions of this act.

"(j) The provisions of the act of August 29, 1916, relating to the sale of ordnance and stores to the Government of Cuba (39 Stat. 619, 643; U. S. C., title 50, section 72), are hereby repealed as of December 31, 1937.

"(k) The Board shall make an annual report to Congress, copies of which shall be distributed as are other reports transmitted to Congress. Such reports shall contain such information and data collected by the Board as may be considered of value in the determination of questions connected with the control of trade in arms, ammunition, and implements of war. It shall include a list of all persons required to register under the provisions of this act, and full information concerning the licenses issued hereunder.

"(l) The Secretary of State shall promulgate such rules and regulations with regard to the enforcement of this section as he may deem necessary to carry out its provisions.

"(m) The President is hereby authorized to proclaim upon recommendation of the Board from time to time a list of articles which shall be considered arms, ammunition, and implements of war for the purposes of this section.

"SEC. 6. (a) Whenever the President shall issue a proclamation provided for in section 1 of this act, thereafter it shall be unlawful for any American vessel or aircraft to carry any arms, ammunition, or implements of war to any port of the belligerent countries named in such proclamation as being at war, or to the state where civil strife is proclaimed to exist, or to any neutral port for transshipment to, or for the use of, a belligerent country, or within the state where civil strife is proclaimed to exist.

"(b) Whoever, in violation of the provisions of this section, shall take, attempt to take, or shall authorize, hire, or solicit another to take any such vessel or aircraft carrying such cargo out of port or from the jurisdiction of the United States shall be fined not more than $10,000 or imprisoned not more than 5 years, or both; and, in addition, such vessel or aircraft, her tackle, apparel, furniture, equipment, and the arms, ammunition, and implements of war on board shall be forfeited to the United States.

"(c) When the President finds the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation, and the provisions of this section shall thereupon cease to apply.

"SEC. 7. Whenever, during any war in which the United States is neutral, the President, or any person thereunto authorized by him, shall have cause to believe that any vessel or aircraft, domestic or foreign, whether requiring clearance or not, is about to carry out of a port of the United States, or its possessions, men or fuel, arms, ammunition, implements of war, or other supplies to any warship, tender, or supply ship of a foreign belligerent nation, but the evidence is not deemed sufficient to justify forbidding the departure of the vessel or aircraft as provided for by section 1, title V, chapter 30, of the act approved June 15, 1917 (40 Stat. 221; U. S. C., title 18, sec. 31), and if, in the President's judgment, such action will serve to maintain peace between the United States and foreign nations, or to protect the commercial interests of the United States and its citizens, or to promote the security of the United States, he shall have the power and it shall be his duty to require the owner, master, or person in command thereof, before departing from a port of the United States, or any of its possessions, for a foreign port, to give a bond to the United States, with sufficient sureties, in such amount as he shall deem proper, conditioned that the vessel or aircraft will not deliver the men, or the cargo, or any part thereof, to any warship, tender, or supply ship of a belligerent nation; and, if the President, or any person thereunto authorized by him, shall find that a vessel or aircraft, domestic or foreign, in a port of the United States, or one of its possessions, has previously cleared from such port during such war and delivered its cargo or any part thereof to a warship, tender, or supply ship of a belligerent nation, he may prohibit the departure of such vessel or aircraft during the duration of the war.

"SEC. 8. Whenever, during any war in which the United States is neutral, the President shall find that special restrictions placed on the use of the ports and territorial waters of the United States, or of its possessions, by the submarines or armed merchant vessels of a foreign nation will serve to maintain peace between the United States and foreign nations, or to protect the commercial interests of the United States and its citizens, or to promote the security of the United States, and shall make proclamation thereof, it shall thereafter be unlawful for any such submarine or armed merchant vessels to enter a port or the territorial waters of the United States or any of its possessions, or to depart therefrom, except under such conditions and subject to such limitations as the President may prescribe. When, in his judgment, the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation and the provisions of this section shall thereupon cease to apply.

"SEC. 9. Whenever the President shall have issued a proclamation or proclamations as provided in section 1 of this act it shall be unlawful thereafter for any citizen of the United States to travel on any vessel or aircraft of the nation or nations named in the proclamation or proclamations issued pursuant to section 1 of this act, unless in accordance with such rules and regulations as the President shall prescribe: *Provided, however*, That the provisions of this section shall not apply to a citizen traveling on a vessel or aircraft whose voyage was begun in advance of the date of the President's proclamation, and who had no opportunity to discontinue his voyage after that date: *And provided further*, That they shall not apply under 90 days after the date of the President's proclamation to a citizen returning from a foreign country to the United States or to any of its possessions. When, in the President's judgment, the conditions which have caused him to issue his proclamation have ceased to exist, he shall revoke his proclamation and the provisions of this section shall thereupon cease to apply.

"SEC. 10. Whenever the President shall have issued a proclamation or proclamations as provided in section 1, it shall thereafter be unlawful for any American vessel engaged in commerce with a belligerent country or a country wherein civil strife is proclaimed to exist to be armed or to carry any armament, arms, ammunition, or implements of war except small arms and ammunitions therefor and other weapons as the President may publicly designate to be in possession of the officers of such vessels deemed by the President necessary for the preservation of discipline aboard such vessels and until said proclamation or proclamations are revoked.

"SEC. 11. In every case of the violation of any of the provisions of this act where a specific penalty is not herein provided, such violator or violators, upon conviction, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both.

"SEC. 12. If any of the provisions of this act, or the application thereof to any person or circumstance, is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

"SEC. 13. There is hereby authorized to be appropriated from time to time, out of any money in the Treasury not otherwise appropriated, such amounts as may be necessary to carry out the provisions and accomplish the purposes of this act.

"SEC. 14. The President shall promulgate such rules and regulations not inconsistent with the provisions of this act as he shall deem necessary for the administration and enforcement of the provisions of this act."

OPERATIONS OF PUBLIC CONTRACTS LAW—BIDS FOR STEEL

Mr. WALSH. Mr. President, I desire to address the Senate briefly in reference to a matter which recently has occupied a great deal of public attention. I refer to the agitation in the press concerning the steel companies refusing to submit bids for steel to the Government by reason of the terms of a law passed in the last session of the Congress, known as the public contracts law, sometimes referred to as the Walsh-Healey Act.

I will state the facts as I understand them. The public-contracts law was enacted for the purpose of preventing abuses growing out of the treatment of labor as the result of the general law requiring the lowest bidder for Government supplies to be given the contract. This resulted in manufacturers and producers who worked their employees the longest hours and paid the lowest wages, without regard to any minima, were receiving in many instances the Government contracts. In other words, the Government was purchasing its supplies frequently from sweatshops and other manufacturers who were taking advantage of the wide unemployment to increase hours of labor and lower the standards of working conditions.

When the N. R. A. was found to be unconstitutional by the Supreme Court we were back where we began, in the midst of the depression, with a race among some industrialists to increase hours of labor and to reduce wages. The administration therefore proposed a bill, which was enacted into law at the last session of Congress, and is known as the public contracts law. It provided that in the purchasing of supplies for the Government certain labor standards and conditions should be specified and respected by all supply contractors. Those conditions, to be set forth in all purchase contracts, were four in number: First, the provision that in the manufacture of such supplies no child labor should be employed; second, no convict labor should be employed; third, that a reasonable minimum wage should be fixed by the Department of Labor and paid; and, fourth, that the hours of labor should be 40 hours per week.

Unlike the N. R. A., the law was not passed for the purpose of regulating industries in general as to hours of employment or other labor conditions. It was enacted simply for the purpose of giving preference to the lowest bidder who maintained reasonably satisfactory working conditions when awarding contracts for Government supplies.

It was expected that this law would be usefully applied to prevent obvious exploitation of workers engaged in Government contracts. It was expected that the law would set standards giving organized labor justification for demanding the application of these standards as socially desirable and economically sound. It was not expected that the administration of the law would insist upon a rigid application of an indirect pressure when refusal to make exceptions fails of its purpose and might actually hamper the ordinary functioning of Government departments.

Let me say, in passing, that the law becomes operative only when the Government purchases supplies in excess of $10,000. The result is that only 15 percent of all the supplies purchased by the Government are subjected to the public contracts law. There will be an amendment proposed later lowering the minimum to $2,500. When the bill passed the Senate it contained such a provision, but the House changed the limitation to $10,000.

After the law was enacted and the Government asked for bids the labor conditions referred to were embodied in the request for bids. Shortly after the act first went into effect many of the major steel companies, including such corporations as Bethlehem, Jones & Laughlin, Midvale, and others, bid in full compliance with the new law and were awarded contracts on that basis.

Mr. MINTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Indiana?

Mr. WALSH. I yield.

Mr. MINTON. Is the Senator advised as to why the steel companies at first offered bids but afterward did not?

Mr. WALSH. I am coming to that.

Mr. MINTON. I thank the Senator.

Mr. WALSH. When invited to bid, as I said a moment ago, some of the largest steel companies submitted bids, but more recently they have not done so. Of 25,000,000 pounds of steel which the Government sought to have manufactured bids were received for appriximately 7,000,000 pounds.

This law did not set up entirely new labor standards. The steel companies at the time the law was enacted, and practically every other industry in the country, were on the 40-hour week, because the N. R. A. made that the standard weekly number of hours in practically all industries. The purpose of the N. R. A., you will remember, was to stretch out employment and reduce the number of unemployed. This 40-hour week was fixed by the industries themselves under the codes of the N. R. A. When this law was enacted the steel companies were on a 40-hour basis; today some of their departments are on a 40-hour weekly basis; but the large number of private contracts which they have received has led them to increase the weekly hours of their workmen to 44 hours. No one especially objects to that, and I assume in many instances it is acceptable to the employees, because thereby they have 4 extra hours of work and pay per week.

The contention of the steel companies is that to bid upon Government work under a law which restricts the hours of labor to 40 per week would be disturbing to their regular method of conducting their business. I cannot help but feel that among some members of the steel industry there is a disposition to resent the law which fixes a definite number of hours per week. Mark you, the law applies only to Government supply contracts. No one needs to bid.

I observe in the morning press a statement on behalf of the steel companies, which, in fairness to them, I will read:

NEW YORK, February 25.—United States Steel Corporation subsidiaries have entered bids for more than $2,000,000 in Government contracts under the Walsh-Healey Act, requiring specified hour and working conditions, a statement issued by the corporation today said.

The statement, intended to dispute reports the subsidiaries had refused to bid, said that on the offers entered, contracts had been awarded for $672,000 worth of material.

"In short," it continued "the Steel Corporation subsidiaries have bid on all Government contracts calling for material of their manufacture in every case where, in the opinion of the particular subsidiary involved, compliance with the stipulations of the Walsh-Healey Act would be feasible, even although such compliance would add to the cost of manufacture."

Asserting that processes involving molten steel must be operated on varying bases of hours and days, the statement said:

"Navy orders for the construction of ships comprise such a variety of products in the form of plates, shapes, bars, sheet, and strip that even a sizable order would only require the partial operation each week of the major part of the facilities of almost any plant. To introduce a different operating scale for such portion of the operations that may be involved for Navy work would completely disorganize the whole production of several plants."

That appears to state their position.

In the public contracts law there is a provision giving to the Secretary of Labor discretionary authority. I wish to read that discretionary power:

Upon a written finding by the head of the contracting agency or department—

That is, any department of the Government—

that the inclusion in the proposal or contract of the representations or stipulations set forth in section 1—

That is, the section relating to child labor, minimum wages, and hours of labor per week—

will seriously impair the conduct of Government business, the Secretary of Labor shall make exceptions in specific cases or otherwise when justice or public interest will be served thereby. Upon the joint recommendation of the contracting agency and the contractor, the Secretary of Labor may modify the terms of an existing contract respecting minimum rates of pay and maximum hours of

labor as he may find necessary and proper in the public interest or to prevent injustice and undue hardship. The Secretary of Labor may provide reasonable limitations and may make rules and regulations allowing reasonable variations, tolerances, and exemptions to and from any or all provisions of this act respecting minimum rates of pay and maximum hours of labor or the extent of the application of this act to contractors, as hereinbefore described. * * *

I am informed that the Navy did make several written applications to the Secretary of Labor, who has the power to make exceptions, but the Secretary of Labor has taken the position that to grant an exception would establish a bad precedent. The Secretary has been unwilling up to date to make the exception in this case, and I think it is only fair to add that she appears to have good reasons for her position in view of her belief that there has been a disposition upon the part of the steel companies to resist the terms of the law. The Secretary's regulations permit overtime, but at a pay rate that the companies consider punitive, and do not want to accept. Her overtime rate is one and one-half the ordinary hourly pay rate.

I do not wish to accuse them of doing anything that is injurious to the Navy, for there is no special emergency at the present time in connection with the building of naval ships. The impasse evidently is due to the demand for 40 hours on Government contracts, and the companies' desire to finish their private contracts on specified time under a 44-hour week. Government interference with the hourly labor schedule, more than the schedule itself, I think, is resented.

Mr. President, I have purposely mentioned and discussed this feature because the press has given the impression, in stories which have emanated through that agency, that the law was generally objectionable, that it was not serving any useful purpose, that it unduly interfered with industry and it was a mistake to enact it. This is the only instance I have heard of where there has been any difficulty in the Government obtaining the necessary supplies, and in this instance, if the emergency existed, the Government could very easily waive the provisions of the present law.

Mr. President, I have risen not only for the purpose of discussing the steel aspect of the case but for the purpose of showing some of the conditions which the public contracts law and its operation has exposed and which have not, as yet, been made public.

During all this discussion about steel little or no publicity has been given to the benefits that have resulted from the enactment of this law. I submit several cases where investigations made under the Walsh-Healey Act disclosed unconscionable treatment of labor by those who have received contracts from the Government and, after being awarded the contracts, have flagrantly violated the provisions of this law.

One of the first concerns to be the subject of investigation was the King Card Overall Co., of Philadelphia, about which complaints were received on December 8. This firm has been awarded a War Department contract amounting to $21,285 for trousers, coats, and caps. The investigation disclosed that during the first week seven employees were working overtime for as much as 9 hours, and that the piece-rate system in effect at the plant was such that even experienced operators, in some cases, could make no more than 16 cents an hour.

It was discovered, furthermore, that the State workshop permit under which the company was operating had expired some time previously and had not been renewed.

Under the terms of an order of the Department of Labor, the contractor made restitution to the employees who had worked on the contract for more than the stipulated hours, and the wages required under the act were turned over to the employees as agreed. The company was also required to obtain a certificate from the State. The plant was located on an upper floor of an old building, and its employees, mostly women, seemed to be willing to work for almost nothing.

Let it be remembered that this was under a Government contract in which the terms of the law were expressed, and the contract was accepted under a willingness to comply with the labor terms.

Mr. President, in another case, in a hearing in Chicago on February 19 and 20, an examiner discovered that in the case of a company manufacturing leather gloves under a War Department contract, the amount involved being $16,500, the testimony showed that women employees of that concern were paid from $2.50 to $6 per week, and that they had been consistently requested to work 46 hours and more a week without receiving the statutory overtime pay. Two of the workers were found to be girls under the legal child age limit required by the law. The examiner found that sanitary and safety conditions in the shop were deplorable. He found the girls working at unguarded machinery; the aisles were blockaded with material, complete and incompleted work; the plumbing was in most unhealthy condition and sometimes unusable. It was all so bad the State factory inspection division has had occasion to issue several orders requiring these conditions to be corrected. After this evidence was laid before the examiner, the contractor arose and said, "Let's get this over with", and admitted his liability under the act. At the examiner's direction, the hearing was recessed and a stipulation entered causing restitution of wages to be made to the workers. The report of this case was printed extensively in one of the Chicago newspapers.

At the present time orders to appear and show cause as to why the penal provisions of the act should not be imposed are being served in five instances as a result of an inspection tour of plants which have received Government contracts subject to the act. The Department of Labor investigator discovered that out of nine plants visited, only two were complying with the law. Adjustments have already been made by two of the delinquent contractors.

Typical of the violations discovered were the following:

In the factory of the Tippett & Wood Co., at Phillipsburg, N. J., employees work 50 and 60 hours a week under the most unsanitary and unsafe conditions. The concern is making steel buoys for the Lighthouse Service. The plant, which was so cold that the inspectors had to keep their overcoats on, was heated by open fires in garbage cans and oil drums. First-aid equipment was lying open on desks exposed to dirt. Lavatories were turned off in order to prevent freezing of pipes.

In another New Jersey factory, the Woodbine Borough Clothing Co., of Woodbine, 15 girls under the child-labor limit fixed in the act, were working on a War Department contract for wool trousers. These girls and other employees, who are hired on a piece-work basis, have received no wages since January 11. The company has made advances against wages pending negotiation of a collective agreement with the Amalgamated Clothing Workers of America. No time records are kept, so that it was difficult to determine the hours of employment of these children.

Weekly hours as high as 88, 97, and 99 at wages from 18 cents up are required of its employees by the Reliable Cotton Felt Co., of Hoboken. This concern is producing 500,000 pounds of cotton batting for the Procurement Division. Investigation disclosed that the plant operates on two shifts, the day shift being based on a 9-hour day and the night shift on an 11-hour period. Overtime wages totaling almost $250 were found to be due to 20 employees.

That these conditions are not confined to the garment industry has been demonstrated, not only by the investigation of the Tippett & Wood concern but also by inspection of the Union Steel Casting Co., of Pittsburgh. This contractor regularly works its employees for more than the stipulated hours. An investigator found that 11 of these men alone were owed $113.74 in overtime. In this case restitution has been made by the contractor as a result of a stipulation entered into with the Public Contracts Division.

Mr. President, if conditions like the above exist where Government contracts specify definite labor conditions, what must be conditions in so-called sweatshops that we all so vigorously condemn?

Mr. L. Metcalfe Walling, Administrator, Division of Public Contracts, Department of Labor, who furnished me with the above information, adds:

These are merely the most flagrant cases of the violations of the act which the Department has encountered. I have not summarized the cases where findings have been made excluding certain bidders from the field of Government contracts because of the bid

brokerage or other technical provisions of the act. There is every reason to believe that these are not isolated instances but are typical of practices indulged in by many firms receiving Government business. Instances of this character confirm my conviction that the Government cannot afford to allow the enforcement of this new law in any way to be weakened.

Mr. President, I shall not take the time of the Senate to discuss at length the numerous other similar cases which have been called to the attention of the Department of Labor. I hope that this brief presentation may lead some of the critics of the act to reach the conclusion that the public contracts law, specifying living wages and reasonable working conditions when working upon Government supplies, is tending to improve working conditions throughout the country and is of marked benefit in the general advancement and improvement of conditions among the workers of the country. It is a fine example for the Government to set when purchasing its supplies to insist upon the lowest bidder maintaining decent working conditions for his employees.

Our Government, in fairness to employers, and there are many of them, who insist upon maintaining reasonably high standards of working conditions in their industries, cannot permit its supplies to be furnished from sweatshops and plants of other employers who have no standards, no conscience, and no respect for their employees' rights in dealings with them.

HOUSING PROJECTS—OPINION OF KENTUCKY COURT OF APPEALS

Mr. BARKLEY. Mr. President, I ask unanimous consent to have printed in the RECORD the text of the decision just rendered by the Court of Appeals of the Commonwealth of Kentucky upholding the constitutionality of the Municipal Housing Commission Act of Kentucky, providing for a program of slum clearance and housing for persons of low income. The case involved the right of the Municipal Housing Commission of the city of Louisville to undertake a slum-clearance and housing project, to condemn land therefor, and to issue its special-obligation bonds to aid in financing the construction of the project. A number of other questions relating to the slum-clearance and housing program were involved in the case and the court unanimously upheld the validity of all of the action proposed to be taken by the Housing Commission. In its decision the court recognized that slum-clearance and housing projects are for a public and governmental purpose; conseqently, it held that property may be condemned for such projects and that such projects are tax exempt as public property within the meaning of the Kentucky Constitution.

The decision is important. It is particularly significant because it involves a project to be constructed upon the same site as the one which the Federal Government attempted to acquire for a proposed Federal housing project. As we know, the attempt by the Federal Government to condemn property for its housing projects was stopped in the Federal courts when Judge Dawson held that the Federal Government lacked the power to condemn land for such purpose. The Circuit Court of Appeals of the Sixth Circuit, by a vote of 2 to 1, sustained the decision of the district court. The Supreme Court of the United States allowed certiorari, but the case was withdrawn by the Attorney General before argument or decision.

The obstacles imposed upon the housing program in Kentucky by a conservative majority in the Circuit Court of Appeals in the Sixth Circuit have now been removed by the able and enlightened decision of the Court of Appeals of Kentucky. Under this decision of the Kentucky court, housing projects may be constructed and operated by local authorities which may condemn land therefor and issue their bonds to finance their share of the construction cost.

While many of us do not agree with the decision of the Federal circuit court of appeals on this question, we must consider it in formulating a slum-clearance and housing program for the country. The decision by the Kentucky court, as well as a similar decision by the New York Court of Appeals in the case of *New York City Housing Authority* v. *Mueller* (270 N. Y. 33), indicates the manner in which housing projects may be undertaken so as to avoid the constitutional questions raised in cases where the Federal Government has attempted directly to construct and operate housing projects.

This decision of the Kentucky court is a timely one, since we are now considering a housing bill under the sponsorship of the distinguished junior Senator from New York [Mr. WAGNER]. Because of its importance and timeliness, I ask unanimous consent that the decision unanimously rendered by the Kentucky Court of Appeals may be printed in the RECORD as a part of my remarks.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

Court of Appeals of Kentucky. February 19, 1937.

Charles R. Spahn et al., appellants, v. *A. J. Stewart et al., appellees.* Appeal from Jefferson Circuit Court, Chancery Branch, First Division

OPINION OF THE COURT BY COMMISSIONER MORRIS, AFFIRMING

The 1934 general assembly enacted chapter 133, authorizing cities of the first class to create a municipal housing commission for the purpose of improving internal conditions by carrying out a plan for the clearance of slums, and to erect and maintain low-cost houses in keeping with modern, sanitary, and safe methods.

The act and ordinance were so enacted and adopted that such cities might be entitled to the advantages of the provisions of acts of Congress extending to States and municipalities certain grants of money in furtherance of a purpose to better the standards of living.

Substantially the act provides that cities of the first class may establish an agency to investigate housing and living conditions; to plan and effectuate projects for the clearing of slum districts, furnishing, instead, reconstructed homes at reasonable rentals to persons of low incomes. The commission is authorized to sell tax-exempted bonds, not to be obligations of the city, county, or State. Power of exercising the right of eminent domain is given the commission. It was also empowered after reconstruction to rent the new habitations, applying the proceeds of such rentals to payment of interest on and for retirement of the bonds and obligations of the commission; to provide a sinking fund to be applied to upkeep, necessary improvements, and for deterioration; any surplus to go to the sinking fund of the city for the meeting of its bonded or other governmental indebtedness. Under the act the commission may be paid limited compensation for their services, either in form of a salary or per diem.

Conceiving both the act and ordinance to be invalid, appellants filed petition in the lower court seeking to perpetually enjoin the Commission from proceeding further under the ordinance mentioned. Appellant Spahn owns property within the subjected boundary; Silk, another appellant, is the owner of rentable property outside the proposed boundary. Both are taxpayers and sue not only for themselves and others owning property within and without the boundary, but for all taxpayers of the city. The relief sought was denied by the lower court, demurrer to the petition being sustained, followed by dismissal upon a declination to plead further.

The pleadings fully state jurisdictional and other facts to the extent that a case is presented. The right of appellants to institute and prosecute such a suit is not challenged. The first contention of appellant is that chapter 113 is void because in contravention of section 51 of the Constitution, which provides that no act shall relate to more than one subject, such subject to be expressed in the title, it being argued that there is nothing in the title of the act from which it might be inferred that there was to be extended the power of eminent domain, or that bonds were to be exempted from taxation. It is further asserted that the act undertakes to revise, amend, or extend existing laws without reenacting such attempted revision or extension. We shall not quote the title; it may be observed by reference to Acts of 1934, chapter 113, page 507. The substance of the act in terms has been set out above.

The title to the act in question is not vulnerable to the aimed criticism. We have time and again, in meeting such objections, held that all required by section 51 of the Constitution is that the contents of the act be so related to the title as to be clearly embraced within its terms or, as it is sometimes expressed, germane (*Kelly* v. *Hardwick,* 228 Ky. 349; 14 S. W. (2) 1098). The section of the Constitution, supra, does not demand, nor is it intended thereby, that the title embrace a complete synopsis of the provisions of the act, nor that it set out details minutely. The title "need only indicate the general contents (purpose) and scope of the act, and, if it gives reasonable notice thereof, it is sufficient" (*Russell* v. *Logan County Board of Education,* 247 Ky. 703; 57 S. W. (2) 681). The title of the act in question may be laid down by the side of the title of the act which was attacked on like grounds in *Estes* v. *Highway Commission* (235 Ky. 86; 20 S. W. (2) 538), and the similarity (both of title and act) will be noted. In that case we held the title commensurate. The same may be said of *Klein* v. *City of Louisville* (224 Ky. 624; 6 S. W. (2) 1104). Reference is especially made to this court's opinion in the case of *Talbott* v. *Lafoon* (257 Ky. 773; 79 S. W. (2) 244) for a comprehensive exposition of the subject under discussion.

It is true that chapter 113, supra, comprises a diversity of details necessary to carry out its purpose and intent. These details do not differ materially from such as were contained in the acts involved in the cases mentioned above, the Estes and Klein cases, as being exemplary. The title here is amply broad in its scope

to meet the requirements imposed by section 51 of the Constitution.

Neither does the act extend, revise, nor amend any existing law. At the time of its passage there was no law in our statutes in reference to slum clearance or cheaper housing. It is true we had laws, both constitutional and statutory, with relation to the power to condemn property for public use, and the exemption of property from taxation, but the act in question did not undertake to, nor did it amend, revise, or repeal any of these laws (*Kirby* v. *Bowling Green*, 220 Ky. 829, 295 S. W. 1004; *Williams* v. *Raceland*, 245 Ky. 212, 53 S. W. (2) 370; *Wheeler* v. *Hopkinsville*, 245 Ky. 388, 53 S. W. (2) 740).

Appellants contend that chapter 113, Acts of 1934, is void, since it delegates legislative powers. In that the commission is vested with power to determine the type, nature, character, and extent of the projects to be undertaken under the ordinance, as well as to determine what properties may be acquired, the manner of acquirement and use, and to later control that use.

The two objections may be considered together, and likewise answered. The act as we view it, does not delegate to the mayor of a city of the first class any legislative power. He is only given the power of appointment. This is not in any sense the exercise of more than an usual and ordinary executive power, such as filling by appointment any office created in a lawful method. Neither do we find that the commission is vested with legislative power. We need not again enumerate its functions.

The conclusion that there is no delegation of legislative power may well be based on the opinion in *Estes* v. *State Highway Commission, supra*, wherein the court held valid the toll bridge act, vesting powers in the highway commission to fix rates of toll, issue bonds, fix their maturities, and terms on which bids should be made and contracts accepted. The Court held that no sections of the Constitution were violated by the act, the power vested being purely administrative. This case cited with approval *Hunter* v. *Louisville* (204 Ky. 562, 265 S. W. 277), which held valid an act creating a commission to construct a memorial building in Louisville; to make and enforce rules and regulations in the management of its affairs, and to conduct its business. *Klein* v. *Louisville et al.* (224 Ky. 624, 68 S. W. (2) 1104) upheld an act authorizing the building of the municipal bridge, giving a commission power to fix tolls, regulate rates, issue and retire bonds. *Craig* v. *O'Rear* (199 Ky. 533, 251 S. W. 828) delegated powers to certain agencies to select locations for teachers' colleges; other powers were delegated and in this and all the cases cited the Court held that the acts were valid, since not delegating powers other than administrative, hence not contravening the sections of the Constitution there and here invoked. Counsel for appellant has pointed to no authority from this or any other court which would militate against our conclusion that the point made is unmeritorious. Other cases in this jurisdiction may be noted, as follows: *Bell's Com.* v. *Board of Education of Harrodsburg* (192 Ky. 700, 234 S. W. 311), *Douglas Park Jockey Club* v. *Talbott* (173 Ky. 685, 191 S. W. 474), *Lawrence Co.* v. *Fiscal Court* (191 Ky. 45, 229 S. W. 139).

There are other objections urged as being sufficient to justify us in holding the act invalid. As we observe (and shall treat) them jointly and severally it occurs that each and all inevitably turn upon the question as to whether or not the ultimate result sought constitutes a public use or purpose. A determination of this question will to all intents and purposes dispose of most, if not all, of the objections forwarded, some of which are as follows:

(a) The act and ordinance are both invalid, because if carried into effect the appellants and those for whom they speak will be deprived of their properties without due process of law, in contravention of the fourteenth amendment of the Constitution of the United States and the Bill of Rights as set up in our Constitution.

(b) The condemnation of property as proposed under the empowering acts cannot be legally effectuated because the purpose and intended use is not "governmental."

(c) It is special or class legislation, for the benefit of one class of citizens to the exclusion of all others.

(d) Neither the general assembly by its act nor the city by its ordinance possess the power to exempt from taxation the bonds issued by the Housing Commission to raise funds to carry out the project, because the purpose is not "governmental" (Kentucky Constitution, secs. 171 and 174).

A public purpose has for its objective the promotion of public health, safety, morals, general welfare, security, prosperity, and contentment of the State or a political subdivision, * * * the powers of which are exercised to promote such purposes (*Green* v. *Frazier*, 176 N. W. 11, 44 N. D. 375, affirmed in the United States Supreme Court, see infra; see also *Carmon* v. *Hickman Co.*, 185 Ky. 630, 215 S. W. 840; *Barker* v. *Crum*, 190 Ky. 480, 227 S. W. 1016; *Nourse* v. *City of Russellville*, 257 Ky. 525, 78 S. W. (2) 525).

The word "slum", harsh and objectionable to the aesthetic ear, has come to have a well-defined meaning, applicable to sections of almost every city or town of proportions. It is usually taken to mean "a squalid, dirty street or quarter of a city, town, or village, ordinarily inhabited by the very poor, destitute, or criminal classes; overcrowding is usually a prevailing characteristic. The word is comparatively recent and is of uncertain origin. It has been doubtfully connected with a dialectal use of the word 'slump' in the sense of a swampy, marshy place." (Encyclopedia Britannica 25, 246.) Brewer, Phrase and Fable, says, "Slums are purieus of Westminster Abbey where the derelict may obtain a night's lodging for a few pence." Although the word may be of comparatively recent origin, the matter of properly housing persons living in unclean, unsanitary houses in congested portions of cities has been a subject of public concern for many years. The importance of proper housing had received public recognition in England for more than 100 years; in 1909 it had reached considerable proportions. The motive was first purely philanthropic, and the objective was to improve the condition of the working classes. As early as 1841 there existed at least two societies, one the Metropolitan Association for Improving the Dwellings of the Industrial Classes. The two societies, after successfully operating for a time found that from better housing the moral improvement was almost "equal to the physical benefit." Legislation looking to the same end soon followed, and has at intervals continued to the present time. (Encyclopedia Britannica, vol. 13, p. 815.) The requirements of public health are indeterminate and interminable; as knowledge increases standards of living, of health, and of safety constantly rise. It is the changing standard which gives most concern; housing at one period thought eminently satisfactory is presently condemned. In the present age, as in the past, material conditions of environment take a leading position. These truths are recognized just as strongly in this as in other countries which have outstripped ours in looking to the welfare of those whose conditions of life might be bettered by a more healthful surrounding. (Encyclopedia Britannica, under title "Housing.")

In 1933, under a survey of the city of Louisville, including the territory selected for the purposes here, conditions existed worthy of consideration and action. The number of tubercular patients in the selected area bore the average proportions of 1 to 187 inhabitants, whereas the ratio in the whole city was 1 to 463. The ratio of major crimes committed in the spotted area was 1 to 63, while in the total area it was 1 to every 171, and in minor derelictions 1 to 82; and 1 to 129 juvenile delinquencies, 1 to 50 as against 1 to 182.

It takes little argument, if such conditions as are described exist, and no doubt they do, to convince one that there is existent a condition which cannot (and has not) been ameliorated in the past by those who own and control the properties, though aided by such safety and welfare measures as have been thus far adopted, and to some extent carried into effect by State and municipal governments. The situation calls for action in some way that may prove more efficacious.

The general assembly, in empowering the city to undertake the clearance plan, declared the purpose to be "Objects essential to public interest." Its conclusions are not at all binding, but they may be given considerable effect. They may be looked upon as being persuasive (*New York City Housing Authority* v. *Muller*, 105 A. L. R. 905, 1 N. E. (2) 153, 270 N. Y. 333). The opinions of legislative bodies are entitled to respect (*Black* v. *Hirsch*, 256 U. S. 135, 65 L. Ed. 865; *People* v. *Charles Schweinter*, 214 N. Y. 395, L. R. A. 1918 A, 1124).

The necessity, expediency and propriety of enacting measures looking to the end here hoped for, are of general interest, the policy vested solely in legislative bodies. "The motives that influence the action will not be inquired into, except in rare cases where it is manifest that a flagrant wrong has been perpetrated upon the public" (*Henderson* v. *City of Lexington*, 132 Ky. 390, 111 S. W. 318; *First National Bank of Paducah*, 202 Ky. 48, 258 S. W. 938; *L. & N. R. R. Co.* v. *Louisville* (2 cases), 131 Ky. 108, 114 S. W. 743; 190 Ky. 214, 227 S. W. 160).

The question of the necessity for the exercise of eminent domain is one primarily and almost exclusively, addressed to the legislative branch, while the question of whether or not the use to which the proposed condemned property be put is a public use or purpose, is one to be determined by the judiciary (*Tracy* v. *Elizabethtown & C. R. R.*, 80 Ky. 259; *Henderson* v. *City of Lexington, supra; Bank* v. *Paducah, supra*). In carrying out that part of the administration of government, this court has not infrequently been called upon to determine the question of use, and has held that the power to condemn was rightfully conferred in many cases where the purpose was not as far reaching or as beneficial as it may prove to be here. A tramway, *Chesapeake Stone Co.* v. *Moreland* (126 Ky. 656, 104 S. W. 76); a pipe line, *Paine's Guardian* v. *Calor & Gas Co.* (31 Ky. L. R. 754, 10 S. W. 309); railroad rights-of-way, *Riley* v. *Louisville H. & St. L. Ry. Co.* (142 Ky. 67, 133 S. W. 871); drainage ditches, *Carter* v. *Griffith* (179 Ky. 194, 200 S. W. 369).

In some of the earlier cases; e. g., *Stone Co.* v. *Moreland, supra*, a narrow view of the words "public use" was expressed. This view was somewhat extended in *Carter* v. *Griffiths, supra*, which was an undertaking by condemnation to take private property for the use of constructing a drainage canal. The Court therein indicated a benefit to public health was not the sole purpose for which property might be acquired by condemnation for ditch purposes, but that the reclamation of low and swampy lands for agricultural and other economic purposes brought the exercised power within the scope of governmental functions.

In this case, quoting from *Wilson* v. *Compton Bond Co.* (103 Ark. 452; 146 S. W. 110), we said:

"Nor is it necessary that the entire State should directly enjoy or participate in an improvement of this nature in order to constitute it a public use within the meaning of the words as used in our constitution or the Federal Constitution, providing that property shall not be taken without consent of the owner except for a public use. In the broad and incomprehensive view that has been taken of the rights growing out of these constitutional provisions, everything which tends to enlarge the resources and promote the productive power of any considerable number of the inhabitants of a section of the State contributes, either directly or indirectly, to the general welfare and the prosperity of the whole community, and, therefore, to the public."

In *L. & N. R. R. Co.* v. *Louisville* (131 Ky. 108; 114 S. W. 743), we said:

"It is probable that in every case where the right of eminent domain is exercised, private interests will be more or less benefited, but the existence of this fact will not be allowed to defeat the benefits that will accrue to the public."

In *Rindge Co.* v. *Los Angeles* (262 U. S. 700, 43 S. Ct. 689; 67 L. Ed. 1186), condemnation of land for a road which appeared to serve no public purpose insofar as reaching one point from another was concerned, was upheld because "a road need not be for the purpose of business to create a public exigency; aid, exercise, and recreation are important to the general health and welfare; pleasure travel may be accommodated as well as business travel, and highways may be condemned to places of pleasing natural scenery." See Cooley Const. Lim., 8th ed., vol. 2, p. 1131; *Strickley* v. *Highland Boy Gold Mining Co.* (200 U. S. 527); *Green* v. *Frazier* (253 U. S. 233, 40 S. Ct. 449; 64 L. Ed. 878); *Black* v. *Hirsch, supra; Marcus Brown Co.* v. *Feldman* (256 U. S.); *Green* v. *Frazier, supra*, is of fitting application here; it had to do with a home building act. The contention was that the act was contrary to both the State and Federal Constitutions. The Supreme Court upheld the favorable decision of the North Dakota Supreme Court. See also *Willom* v. *Powell* (91 Cal. App. 1, 266 Pac. 1029); *Village of Euclid* v. *Ambler Realty Co.* (272 U. S. 365); *Tenement House Department* v. *Maescher* (179 N. Y. 325); *N. Y.* v. *Rector* (125 N. Y. 32); *Adler* v. *Dergan* (251 N. Y. 467), in which Justice Cardozo, concurring, said:

"The multiple dwelling act is aimed at many evils, but most of all it is a measure to eradicate the slums. It seeks to bring about conditions whereby healthy children shall be born and healthy men and women be reared. * * * The end to be achieved is more the avoidance of pestilence or contagion. If the moral and physical fiber of its manhood and its womanhood is not a State concern, the question is, What is? Till now the voice of the courts has not faltered for an answer."

The use here proposed, as argued by appellee and admitted by appellants, may be more beneficial in the way of direct aid to a particular class, but it also operates to the benefit of the general public and its welfare. The act limits the ultimate use of the improved property to such persons as may be selected to occupy. This does not brand the purpose class or special legislation. Whether or not the persons chosen to occupy are to be ultimately benefited more than those who are not, is a socialogical question because of differing circumstances. Who can say that in the long run those who live in sumptuous residences environed by the elite may not account themselves still more blessed if by improved conditions of housing in another section they are relieved from the probabilities or possibilities of an epidemic of smallpox, typhoid fever, or other diseases, or that they may sleep more serenely because of a lessened fear of the commission of crime against their persons or property? "The essential purpose of the legislation is not to benefit that class or any class; it is to protect and safeguard the entire public from the menace of the slums" (*Housing Authority* v. *Muller, supra*). The fact that all individuals may not be elected to occupy the reconditioned premises is not material. A power plant, because of limited equipment, may not be able at all times to serve all the public, but it is none the less rendering public service. It is not essential to the validity of the proposal that all the public reap like direct benefits (*Ridge* v. *Los Angeles, supra; Fallbrook Irrigation Dist.* v. *Bardley*, 164 U. S. 112). The fact that those who may ultimately occupy the premises may have a preference is immaterial (*Long Island Water Sup. Co.* v. *Brooklyn*, 166 U. S. 687). Nor is it material that some reap more benefit than others (*Strickley* v. *Highland Boy Mining Co., supra; Mt. Vernon Cotton Duck Co.* v. *Alabama I. P. Co.*, 240 U. S. 30). Nor is the Government competing with private enterprise (*Green* v. *Frazier, supra; Modern Water Works Co.* v. *Modera*, 228 U. S. 464; *Knoxville Water Co.* v. *Knoxville*, 200 U. S. 22; *Springfield Gas Co.* v. *Springfield*, 257 U. S. 66).

The bonds proposed are to be issued to retire 55 percent of the total cost of the project. These bonds do not obligate the State, the county of Jefferson, nor the city of Louisville. They are payable, maturities and interest, from the revenues to be acquired from the rentals of the rehabilitated properties, secured by a first and prior lien on the properties. The plan of meeting the obligations in no material sense differs from plans which have heretofore been approved with regard to the building of interstate and intrastate toll bridges, financing certain educational institutions, in the expanding and improvement of their properties, or Waverley Sanitarium in providing more adequate facilities for caring for tubercular patients, all under acts not dissimilar to the one in question. (See *Hughes* v. *State Board of Health*, 260 Ky. 228, 84 S. W. (2) 52; *Williams* v. *Raceland*, 245 Ky. 388, 53 S. W. (2) 740; *Estes* v. *Highway Commission, supra; Bloxton* v. *Highway Commission; Klein* v. *Louisville; J. D. Van Hooser* v. *University of Kentucky, supra.*

On both the dominant contentions here urged we are much persuaded by the able opinion of Justice Crouch, of the New York Court of Appeals, in *New York City Housing Authority* v. *Andrew Muller et al., supra.* The act there questioned was similar to the act here attacked. Only two contentions were urged, or, at least, considered by the Court, and these two are common to the case here, i. e., power to condemn and exemption of the bonds from taxation, both there as here, bringing up the question as to whether the intended use of the property was of such public nature as to permit the condemnation and exemption in face of a similar State constitutional prohibition and the fourteenth amendment to the Constitution of the United States. We quote:

"Slum areas are the breeding places of disease which may take toll not only from the denizens but from the inhabitants of the entire city and State. Juvenile delinquency and crime and immorality are born there, find protection, and flourish. Enormous economic losses result directly from the unnecessary expenditure of public funds to maintain health and hospital services for afflicted slum dwellers and to war against crime and immorality. * * * Concededly these are matters of public concern (*Adler* v. *Deegan*, 251 N. Y. 477; 167 N. E. 175). Time and again in familiar cases needing no citation the use by the legislature of the power of taxation and of the police power in dealing with the evils of the slums have been upheld. Now, in continuation of a battle which, if not entirely lost, is far from won, the legislature has resorted to the last of the trinity of the sovereign power by giving to a city agency the power of eminent domain."

Quoting from *Matter of Ryers* (72 N. Y. 1; 28 Am. Rep. 88), the New York court said:

"To take for the promotion of the public health is a public purpose. Over many years and in a multitude of cases the courts have vainly attempted to define comprehensively the concept of a public use and to formulate a universal test. They have found here, as elsewhere, that to formulate anything ultimate, even though it were possible, would in an inevitably changing world be unwise, if not futile. Lacking a controlling precedent, we deal with the question as it presents itself on the facts at the present point of time. * * * It is also said that since the taking to provide apartments to be rented to a class designated as persons of 'low income' or to be leased or sold to limited dividend corporations the use is private and not public. This objection disregards the primary purpose of the legislation. Use of a proposed structure facility or service by everybody and anybody is one of the abandoned universal tests of public use (*Mt. Vernon Woodbery Cotton Duck Co.* v. *Alabama, I. P. Co.; Highland Boy Mining Co.; Rindge* v. *Los Angeles County; Fallbrook Irrigation Dist.* v. *Bradley*", all supra).

In commenting on the New York case (105 A. L. R.), we do not overlook *U. S.* v. *Certain Lands* (78 Fed. (2) 684) or *U. S.* v. *Certain Lands* (12 Fed. Sup. 345, and 9 Fed. Sup. 684), in which the circuit courts of appeals held that the Federal Government could not enter a State and condemn lands for housing purposes, because "the State and Federal Governments are distinct sovereignties, and what is a public use under one may not be a public use in another." In short, the court, apparently of the opinion that the use was for public purposes, held that the Federal Government could not condemn private property except for purely Federal governmental purposes. The Attorney General of the United States recognized the propriety of these opinions, since certiorari in each was dismissed on his motion in the United States Supreme Court. The objectionable feature was abandoned by a more recent act of Congress (U. S. C. A, title 40–421).

From what we have above said it is discernible that the property intended to be acquired here by condemnation, if such become necessary, is to be used for a public purpose. It follows that such condemnation, if undertaken, will not violate either the fourteenth amendment to the Federal Constitution nor any section of our own. This conclusion, we think, should dispose of the contention that the bonds issued in furtherance of the property cannot be exempted from taxation. If the purpose is public, they are in express terms exempted by provisions of our Constitution. We have had this question in perhaps other forms before us not infrequently. We have consistently held that where the bonds are to be issued in furtherance of a public purpose, the evidence of debt stands in the same light as other public property. Some of the cases where the contention of appellant has been adversely determined may be noted (*Com.* v. *Covington*, 128 Ky. 36, 107 S. W. 231; *Com.* v. *Newport*, 32 R. 820, 107 S. W. 232; *Covington* v. *Dist. Highlands*, 33 R. 323, 110 S. W. 338; *Dist. of Highlands* v. *Covington*, 164 Ky. 815, 176 S. W. 192; *Harlan* v. *Blair*, 251 Ky. 51, 64 S. W. (2) 434; *Estes* v. *Highway Com., Bloxton* v. *Same*; *Klein* v. *Louisville*, all supra). These cases and those added below dispose of the contention that since the housing commission is merely an agency of the city, the bonds are obligations of the city, this notwithstanding the act and resolution distinctly provide otherwise (*Board of Education* v. *City*, 108 Ky. 209, 56 S. W. 109; *Board of Education of Bowling Green* v. *Townsend*, 140 Ky. 248, 130 S. W. 1105; *Klein* v. *City of Louisville* and *Hunter* v. *City*, both supra.)

It is contended that the act and ordinance are invalid because in such contracts as the housing commission may make certain prescribed wages for labor are to be paid and laborers to be limited to so many working hours. This provision in the act is there placed because it is a condition upon which the grant of the 45 percent of the entire cost of the project is proffered by the United States Government. It is said that the act, ordinance, rules, and regulations violate such parts of the charter of cities of the first class requiring all contracts to be let under competitive bidding to the lowest and best bidder. There is no merit in this contention. No matter what the charter of the city provided with regard to general contracts for public works or for any governmental expenditures under contract, the council had the right to ordain that in case they were to receive a donation for the purpose on condition that the award of contracts should be limited to those who would agree to comply with its prerequisites as to hours of labor and scale of wages.

We have heretofore approved contracts let where there were similar grants by the Government. Much work has been done under them. As examples we might cite *Clay* v. *Board of Regents, Morehead College* (255 Ky. 846; 75 S. W. (2) 550); *Davis* v. *Board of Education, Newport* (260 Ky. 249; 83 S. W. (2) 34);

J. D. VanHooser v. *University, supra; Hughes* v. *State Board of Health* (260 Ky. 288; 84 S. W. (2) 54), and perhaps others. Cases in other jurisdictions in point are *Atkins* v. *Kansas* (191 U. S. 207); *Jahn* v. *Seattle* (207 Pac. 667); *People* v. *Orange Co. Road Construction Co.* (68 N. E. 129). These deal with hours of labor. Dealing with wage scales may be noted *Jahn* v. *Seattle; Malette* v. *Spokane* (137 Pac. 496); *Interstate Power Co.* v. *Cushing* (12 Fed. Supp. (806) Okla.); *Iowa Southern Utilities Co.* v. *Laomi* (11 Fed. Supp., 581 (Iowa)). In *Heim.* v. *McCall* (239 U. S. 175); *Cornelius* v. *Settle* (213 Pac. 17) it was held not in violation of constitution or statute for a city or State to give preferential employment to citizens of the State engaging in public construction.

Lastly, appellant contends that because of the limitation of '4 of the act of 1934, and generally the Commission is limited to expenditures of money, proceeds of the operation of the project hence cannot at the expense of the city proceed with plans, including the making of surveys. From a reading of the act we find that it is provided that the Commission shall be paid small stipends and by ordinance expenses in carrying out preliminaries. The act could not nor does it appropriate the city's money. The ordinance does appropriate limited compensation and expenses. As we read the act the Commission may not incur any obligations beyond the extent of moneys on hand arising from operation. We express the opinion that since the legislative body of the city is given the power to create the agency herein created and appoint the agents to carry out a public purpose it would follow that it had the power to provide compensaion as well as to provide for functioning expenses. To hold otherwise would be to render the act impotent, and even should we hold otherwise the act in other respects would not be vitiated.

From a careful survey of the record, we are of the opinion that neither the act, ordinance of the city, nor the rules and regulations of the Commission transcend any fundamental laws, any statute, or ordinance of first-class cities, hence we conclude that the court below properly sustained the demurrer to and dismissed appellants' petition.

Affirmed: The whole court sitting.

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER (Mr. MINTON in the chair) laid before the Senate a message from the President of the United States, submitting several nominations in the Army, which was referred to the Committee on Military Affairs.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. LOGAN, from the Committee on Military Affairs, reported favorably the nominations of sundry officers for appointment in the Regular Army.

Mr. BLACK, from the Committee on Education and Labor, reported favorably the following nominations:

Paul H. Nystrom, of New York, to be a member of the Federal Board for Vocational Education (appointed during the recess of the Senate);

Edwin S. Smith, of Massachusetts, to be a member of the National Labor Relations Board for a term of 5 years from August 27, 1936 (reappointment); and

Donald Wakefield Smith, of Pennsylvania, to be a member of the National Labor Relations Board for the unexpired portion of the term of 3 years from August 27, 1935, vice John Michael Carmody, resigned.

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state the nomination on the calendar.

WORKS PROGRESS ADMINISTRATION

The legislative clerk read the nomination of A. P. Morgan, Jr., to be State administrator, Works Progress Administration, for Alabama.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

That completes the calendar.

RECESS TO MONDAY

Mr. ROBINSON. I move that the Senate stand in recess until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 1 o'clock and 18 minutes p. m.) the Senate took a recess until Monday, March 1, 1937, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate February 26 (legislative day of Feb. 24), 1937

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO QUARTERMASTER CORPS

Capt. Frederick Harrison Koerbel, Coast Artillery Corps, with rank from January 5, 1929.

First Lt. Paul Edwin Meredith, Infantry, with rank from April 1, 1933.

TO FINANCE DEPARTMENT

Maj. Chester Price Haycock, Infantry, with rank from August 1, 1935.

PROMOTION IN THE REGULAR ARMY

TO BE CAPTAIN

First Lt. Dean Schamber, Medical Corps, from December 30, 1936.

CONFIRMATION

Executive nomination confirmed by the Senate February 26 (legislative day of Feb. 24), 1937

WORKS PROGRESS ADMINISTRATION

A. P. Morgan, Jr., to be State administrator in the Works Progress Administration for Alabama.

SENATE

MONDAY, MARCH 1, 1937

(Legislative day of Wednesday, Feb. 24, 1937)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Friday, February 26, 1937, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	Lee	Pope
Andrews	Davis	Lewis	Radcliffe
Ashurst	Dieterich	Lodge	Reynolds
Austin	Duffy	Logan	Robinson
Bachman	Ellender	Lonergan	Russell
Bailey	Frazier	Lundeen	Schwartz
Barkley	George	McCarran	Schwellenbach
Bilbo	Gerry	McGill	Sheppard
Black	Gibson	McKellar	Smith
Bone	Gillette	McNary	Steiwer
Borah	Green	Maloney	Thomas, Utah
Brown, Mich.	Harrison	Minton	Townsend
Brown, N. H.	Hatch	Moore	Tydings
Bulow	Hayden	Murray	Vandenberg
Burke	Herring	Neely	Van Nuys
Byrd	Hitchcock	Norris	Wagner
Byrnes	Hughes	Nye	Walsh
Capper	Johnson, Calif.	O'Mahoney	Wheeler
Caraway	Johnson, Colo.	Overton	White
Chavez	King	Pepper	
Clark	La Follette	Pittman	

Mr. MINTON. I announce that the junior Senator from Ohio [Mr. DONAHEY] and the junior Senator from West Virginia [Mr. HOLT] are absent from the Senate because of illness.

The Senator from Texas [Mr. CONNALLY], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from California [Mr. MCADOO], the Senator from Oklahoma [Mr. THOMAS], and the Senator from Missouri [Mr. TRUMAN] are unavoidably detained from the Senate.

The senior Senator from Ohio [Mr. BULKLEY] is detained because of a severe cold.

Mr. McNARY. I announce that the Senator from New Hampshire [Mr. BRIDGES] is absent from the Senate because of important official business.

Mr. BYRD. I announce that my colleague the senior Senator from Virginia [Mr. GLASS] is absent because of illness.

Mr. AUSTIN. I again announce that the senior Senator from Minnesota [Mr. SHIPSTEAD] is absent because of illness.

The VICE PRESIDENT. Eighty-two Senators have answered to their names. A quorum is present.

PROPAGANDA AGAINST PROPOSED REORGANIZATION OF FEDERAL JUDICIARY

Mr. ROBINSON. Mr. President, out of order, I ask leave to address the Senate for a few minutes.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the Senator from Arkansas will proceed.

Mr. ROBINSON. Mr. President, some days ago the attention of the Senate was called to propagandist efforts that are being made to misinform the country touching the President's proposal for the reorganization of the Federal courts. When I made that suggestion there was no definite proof available for my use to support the conclusion then stated. The evidence was at that time circumstantial rather than direct and express. One could observe what was taking place in many newspapers and other publications and could realize that there was some concert of effort touching the subject matter of court reorganization. In this country we have absolute freedom of speech and freedom of the press, and I trust that, through all the years while our Republic exists, this condition will continue to prevail. Those who avail themselves of the privileges guaranteed by our Constitution, of the rights, if you please, secured by that great instrument owe some duty to themselves and to the country.

I am prompted by a species of propagandism relating to the subject of the reorganization of the Court as recommended by the President to call the attention of the Senate to what I believe to be an untruthful, unfair, and deliberately dishonorable effort to influence public opinion on this question.

Let me say at once that there is ground for controversy. Those who do not believe in the program and reforms which have been brought forward during the administration of President Roosevelt have the right to oppose them, to express their views in every practicable way, to present their arguments—just as much right as has anyone who does believe in them and who advocates them.

As an illustration of what is going on I point to a message which I received this morning and which has probably been received by every other Member of this body and by every Member of the House of Representatives. In an envelope bearing the return address of Theo. Mahn, Alma, Nebr., under date of February 25, are contained representations and suggestions which show a deliberate and organized effort to mislead those who are charged with the responsibility of determining the issues involved in the proposed legislation relating to reorganization of the Federal judiciary.

The letter comes in an envelope marked, as has been stated already, but is addressed from Wichita, Kans. It is entitled "The Crisis Hour Is Here" and reads as follows:

WICHITA, KANS., *February 12, 1937.*

DEAR CHRISTIAN FRIEND: You have been reading in the newspapers about Mr. Roosevelt's shocking demand that he be allowed to "pack" the United States Supreme Court with radicals who would serve as his personal puppets.

This is the most ominous development toward the dictatorship—

"Dictatorship" being in capitals—

ever to occur in the history of our country. According to the consensus of best opinion it means one thing: Franklin Roosevelt wants—

"Wants" is in capitals—

to be an absolute dictator—

"Dictator" again in capitals—

of the United States. Therefore, press dispatches from both Moscow and Rome (the seats of communism and fascism) are praising his attempt to render the Supreme Court impotent. Both Communists and Fascists know that, if he succeeds, constitutional government will be destroyed in the United States and personal liberties will be abolished.

The Defender Magazine has the largest and most select group of Protestant readers in the United States. It is, therefore, natural that we should express ourselves in unison during the present crisis. In fact, there are indications that God has brought us together for just such a specific work at this particular time.

Mr. Roosevelt virtually controls both the Congress and Senate. If he succeeds in usurping the powers of the Court, the Constitution will become a dead letter.

Then in capitals:

In other words, the end of Christian Americanism is today in sight!

That is the end of the capitals. Continuing in quotation:

May the God of our fathers come to our rescue. I plead with you to make this a subject of daily prayer. Pray for a Nation-wide awakening. Many people are stupefied. They can't seem to realize what is going on about them. Pray that they awaken before it is too late!

Robert A. Taft, son of the former President, speaks correctly when he says, "Mr. Roosevelt's plan is an attempt to secure personal control of the entire Government." A noted southern leader says, "If this bill is passed, it will give Roosevelt more power than Mussolini * * *."

Enclosed find six blanks entitled "Hands Off the Supreme Court!" Sign three of them. Mail two of them quick—

"Quick" is in capitals—

to the two Senators from your State and rush the third to the Congressman from your district.

Give the remaining three blanks to some friend or relative in your neighborhood and have them do the same thing. If everyone to whom I am sending this letter will act on this suggestion immediately—

"Immediately" is in capitals—

one-half million—500,000—of these signed statements will pour in upon Washington within the next few days. Such a tremendous impact will not be ignored!

"Not" is in capitals.

Truly "in union there is strength."

And when you mail your blanks be sure to back them up with prayer.

Yours in Christ,

GERALD B. WINROD.

It sounds like one of the old appeals from the Ku Klux Klan of years gone by. It is a deliberate effort to influence unfairly the minds of Senators and Representatives and to distort public opinion concerning the question at issue.

That is not all of this propagandist's effort. There are several slips, some of them yellow—appropriately colored—some of them pink, some of them green; and the language on these slips, in capital letters, at the top of the slip, is "Hands Off the Supreme Court."

The slip reads:

DEAR SIR: Believing that the proposals to revise and weaken the United States Supreme Court would prepare the way for dictatorship in our country, I earnestly urge you to use your influence against the measure.

The word "against" is in capitals. Then follows a blank for signature.

Accompanying the slips and the circular letter which I have read is a memorandum, as follows:

The names of the two Senators from Nebraska are Hon. G. W. NORRIS and Hon. E. R. BURKE. Address them in care of the Senate Office Building, Washington, D. C.

Now, I may say to the senior Senator from Nebraska [Mr. NORRIS] we have found out who he is and where he is from. [Laughter.]

The names of the Congressmen from Nebraska are HENRY C. LUCKEY, C. F. MCLAUGHLIN, K. STEFAN, C. G. BINDERUP, and H. B. COFFEE. The Congressmen should be addressed in care of the House Building, Washington, D. C.

This is the conclusion of the propaganda to which I am now referring. It shows a deliberate effort to prejudice the minds of the American people and to put pressure on the Members of the Congress to induce them to respond to a stimulated and false public opinion.

I do not intend at this time to enter into an argument on the questions involved in the proposed legislation. My sole purpose is to show that the fight against the proposed legis-

lation is not being honestly or fairly conducted. The "brother in Christ" who wrote that article is, in my opinion, neither honest nor fair, and he is not a brother in anything worth recognizing in this country.

Of course, he has the right to oppose the reorganization of the courts. Of course, he has the right to make any argument that addresses itself to his mind as forceful or fair in connection with the subject, but if there is anyone here who believes that that argument is a fair argument, I should like to have him interrupt me now to say so.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. ROBINSON. Yes; I yield to the Senator from Nebraska.

Mr. BURKE. Does the Senator from Arkansas mean to intimate by reading this letter that he thinks either the senior Senator from Nebraska or the junior Senator from Nebraska would be influenced in any respect by the letter?

Mr. ROBINSON. Mr. President, I do not intimate anything. I say what I have to say, and what I assert is that an unfair and dishonest effort is being made to influence Senators and Representatives. I do not, of course, know what effect it will have on the mind of the junior Senator from Nebraska [Mr. BURKE]. I think I know something of what effect it will have on the mind of the senior Senator from Nebraska [Mr. NORRIS].

Mr. BURKE. If the Senator from Arkansas will yield for just one moment, I will tell him what effect it would have on my mind.

Mr. ROBINSON. All right; I shall be glad to yield.

Mr. BURKE. Before the reading of the message of the President to this body was concluded, I knew what my position in the matter was—one of undying opposition to the proposal—and it does not require any letter from a "brother in Christ" or anyone else to show me the error in the proposal.

I should like, however, to ask the Senator from Arkansas just one question. Does he consider the propaganda to which he has just referred any more dangerous to the free expression of opinion in this country, or to the ability of Senators and Representatives to make up their own minds, than the announced radio address of the Works Progress Administrator tonight on the other side of the question, appealing to the thousands upon thousands of W. P. A. workers over the country? What about that kind of propaganda?

Mr. ROBINSON. Mr. President, the Senator from Nebraska has asked me what I think about the speech of the Works Progress Administrator to be delivered tonight. I do not know what he is going to say and therefore must ask to be excused from expressing an opinion on the merits of the speech.

Mr. BURKE. If the Senator——

Mr. ROBINSON. Hold on just a minute. This is my time.

Mr. BURKE. It is.

Mr. ROBINSON. I think the Works Progress Administrator has the right to speak on the subject. Does the Senator from Nebraska think he has no right to speak on the subject?

Mr. BURKE. I think he has a perfect right to speak on it, and I think the gentleman, whoever he was, who wrote that letter had a perfect right to send the letter to the senior Senator from Nebraska or anyone else to whom he wished to send it; and to intimate that there is anything unfair about it seems to me altogether without foundation.

Mr. ROBINSON. At last the Senator from Nebraska has answered the question I asked him. He had previously gone afield and talked about various subjects, but finally he comes to the issue. I asked him, and I asked other Senators, whether they think that is fair and honest propaganda; and I construe the Senator's answer to mean that he does regard it as fair and honest propaganda.

Mr. BURKE. I do not approve of some of the expressions used in the letter; but if that is what the gentleman had in his mind, I think he has a perfect right to express it.

Mr. ROBINSON. Oh, he has expressed it. I am not questioning his power to say anything he pleases. I am pointing out the fact that it is dishonest and unfair propaganda.

The Senator from Nebraska [Mr. BURKE] has answered both ways, according to my interpretation of his answer. He first implied that the statement was a fair one, but now he says he does not approve of the statements embraced in the letter. Of course, we shall go forward debating this question, and, of course, from time to time differing views will be expressed in regard to it.

Mr. NORRIS. Mr. President——

Mr. ROBINSON. I yield to the senior Senator from Nebraska.

Mr. NORRIS. I should like to clear in my own mind the connection that Mr. Mahn has with this letter. I happen to be very well acquainted with the gentleman. The Senator says the letter comes in his envelope. I assume that the letter was sent by Mr. Mahn to the Senator from Arkansas, and perhaps to other Senators, simply for their information.

Mr. ROBINSON. No; that is the point in my calling the attention of the Senate to the fact that while the letter comes from Wichita, Kans., under date of February 12, and is signed by Gerald B. Winrod, it is mailed to me—not to the senior Senator from Nebraska, but mailed to "Hon. JOSEPH T. ROBINSON, United States Senator, Washington, D. C.", in an envelope bearing the following marking:

"After 5 days return to Theo. Mahn, Alma, Nebr."

What it shows is that Mahn is permitting to be sent out, in his envelopes, this scurrilous and unfair propaganda.

Mr. NORRIS. Mr. President, that is what I wanted to bring out.

Mr. ROBINSON. What is it that the Senator wants to bring out?

Mr. NORRIS. I know nothing whatever about it; but my idea is that Mr. Mahn has sent that letter to the Senator from Arkansas in order that the Senator may know the propaganda that is going on.

Mr. ROBINSON. Mr. President, perhaps the Senator is right; and if he is, I owe an apology to Mr. Mahn.

Mr. NORRIS. I think the Senator does.

Mr. ROBINSON. Very well.

Mr. NORRIS. Will the Senator yield further?

Mr. ROBINSON. Certainly.

Mr. NORRIS. I happen to know Mr. Mahn. He is a perfectly honorable, respectable citizen of Harlan County, Nebr. Mr. Roosevelt had no more loyal supporter in the State than Mr. Mahn. He was absolutely a wholehearted supporter of Mr. Roosevelt; and my own idea is, without knowing anything about the matter except what the Senator has read, that Mr. Mahn wanted to be sure that the Senator from Arkansas knew of the propaganda that was going on, and sent the letter to him for that purpose.

Mr. ROBINSON. As I said a moment ago, the senior Senator from Nebraska may be entirely correct. When I received this matter in an envelope marked "Return to Mahn", it was my inference that Mr. Mahn was sponsoring the propaganda.

Mr. NORRIS. Oh, no!

Mr. CLARK. Mr. President, will the Senator yield?

Mr. ROBINSON. Certainly.

Mr. CLARK. I merely desire to suggest to the Senator that the whole matter might be cleared up if the Senator could tell us, from the correspondence which he has on his desk, whether or not this gentleman signed one of those slips.

Mr. ROBINSON. He did not sign anything on those slips.

Mr. CLARK. That would seem to bear out the conclusion of the senior Senator from Nebraska.

Mr. NORRIS. Mr. President, will the Senator yield again?

Mr. ROBINSON. Certainly.

Mr. NORRIS. Without having any evidence on the subject except my knowledge of the man, I am just as well convinced as I am that we are here that the ideas and sentiments expressed in that letter are just as foreign as they possibly could be to any idea that Mr. Mahn would hold. I have known him for a great many years. He may be wrong in the method he has pursued, although he is a very intelligent man. I should have said, without any evidence coming to

me, that in the whole United States there is not a firmer or a better friend of President Roosevelt than Theodore Mahn.

I do not pretend to explain anything except that, as the matter appears to me from my knowledge of the man, I reached the conclusion that the purpose of sending the letter to the Senator from Arkansas was to give him information of what was going on, with which Mr. Mahn had no part whatever.

I will say to the Senator that I shall be very glad—and I think I shall be able, too—to find out just exactly how Mr. Mahn feels; and if I have not correctly stated his sentiments, I shall be very glad to state them correctly, either to the Senator or to the Senate.

Mr. BYRNES. Mr. President——

Mr. ROBINSON. Just one moment. In view of the statement of the senior Senator from Nebraska that he knows Mr. Mahn, in whose envelope these messages were sent, and that he thinks Mr. Mahn did not intend to contribute to the propaganda, but desired to inform me of what was being carried on, I will state that it is my purpose to write immediately to Mr. Mahn and find out what his thought was in sending this matter to me. It may be that he did not desire to identify himself with the controversy. There was nothing in the enclosure which would enable one to place a construction on his attitude; and, for that reason, not knowing Mr. Mahn, I assumed that he was lending himself to the propaganda. The important point is, however, that the purpose of Mr. Gerald B. Winrod is to scatter the doctrines of that letter and send those slips throughout the various States.

There is a significance in the fact that the letter emanates from Wichita, but the information supplied me comes from Nebraska. Evidently the proponents of this propaganda believe that they can accomplish something by sending it into other States, which they have a perfect right to do, than the State in which they live and operate. It shows an effort at Nation-wide unfair and, as I conceive it, dishonest propaganda.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. ROBINSON. I yield.

Mr. NORRIS. I do not want the Senator or the Senate to get the idea that, because I have come to the defense of Mr. Mahn, I agree in any sense with the letter which the Senator has read. I condemn it just as much as does the Senator, and would do so on either side of any controversy. I have no sympathy with it whatever.

Mr. ROBINSON. I understand that.

Mr. NORRIS. I simply wished to correct any erroneous idea which might go out as to Mr. Mahn.

Mr. ROBINSON. The Senator has done a service in pointing out the fact that the purpose of Mr. Mahn in sending the letter to me, or in permitting it to be sent in his envelope, is to disclose the fact that such propaganda is in progress.

Mr. LA FOLLETTE. Mr. President, will the Senator from Arkansas yield?

Mr. ROBINSON. I yield.

Mr. LA FOLLETTE. I have been receiving in my mail a very large number of these same slips, but in two or three envelopes I have received from citizens of Wisconsin the enclosure of the letter which the Senator from Arkansas has received and the slips, unsigned, which I assumed they have sent to me for the purpose of indicating what they had received from this gentleman in Kansas.

Mr. ROBINSON. I yield now to the Senator from South Carolina.

Mr. BYRNES. I simply desired to ask the Senator how the envelope was postmarked.

Mr. ROBINSON. The envelope is postmarked "Alma, Nebr., February 25, 6:30 p. m., 1937", and on the corner of the envelope is the statement, "After 5 days return to Theo. Mahn, Alma, Nebr."

Mr. BYRNES. This good gentleman from Nebraska has not signed the letter or the slips?

Mr. ROBINSON. Oh, no; and he did not send any letter or explanation with the message which came to me.

Mr. BYRNES. It was the gentleman from Wichita who addressed the Senator as "Brother in Christ"?

Mr. ROBINSON. He did not address it specifically to me. It is a circular letter being sent out quite generally and is addressed to "Dear Brother in Christ."

Mr. BARKLEY. Mr. President, may I interrupt the Senator?

Mr. ROBINSON. I yield.

Mr. BARKLEY. What title does the signer of the letter use to indicate that he is the chairman of that organization?

Mr. ROBINSON. He merely signs it "Yours in Christ, Gerald B. Winrod."

Mr. President, I shall conclude what I have to say on this occasion by stating that I do not think any Senator from Nebraska, nor do I believe any Member of the House of Representatives from Nebraska or from any other State will be influenced or controlled by such propaganda as that to which I have referred, and my object in making the propaganda public is to give everyone the opportunity to know its source and to know its character.

REORGANIZATION OF THE JUDICIARY—NOTICE OF ADDRESS BY SENATOR LOGAN

Mr. LOGAN. Mr. President, I merely rise to give notice that as soon, after the Senate shall meet tomorrow, as I can secure recognition, I shall at some length discuss the proposal to reorganize the Federal judiciary.

PROPAGANDA—REORGANIZATION OF THE JUDICIARY

Mr. BURKE. Mr. President, in further reference to the subject of the propaganda in reference to court reform and as throwing some light on the matter of effective propaganda, I ask unanimous consent to have printed in the RECORD an editorial from the Sioux City (Iowa) Tribune, a strong independent paper, which has on most matters supported the present administration.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Sioux City (Iowa) Tribune]

BETTER BE CAREFUL

An inkling comes to us from Washington that certain Members of Congress are keeping an eagle eye upon the activities of the 50,000 or more members of the various county and township soil-conservation committees in connection with the Supreme Court fight.

This interest is said to be predicated upon the fact that these committee members rendered heroic service in behalf of the Democratic ticket last November, and that Secretary Wallace and the Farm Bureau Federation have come out in support of the President's Supreme Court proposals.

The close relationship between Secretary Wallace, the Farm Bureau, and the personnel of the soil-conservation committees has been the subject of comment over a period of 4 years, ever since the old A. A. A. was first set up.

First "grass roots" reaction to the Supreme Court proposals that reached Congress were quite evidently spontaneous expressions of free-thinking farmers. Lately, it is said, there is such an unanimity of thought and expression in the letters reaching Congress that some of the Members think they can "smell a mouse."

The administration made such a hullabaloo a year ago about the mass-propaganda methods employed by the utilities companies that it might do well to restrain some of its own enthusiastic bureaus if they attempt to step out of the role they were created to perform.

We have no personal knowledge that anything of the sort has been done or attempted, but the lineup and the affiliation are so evident, and the fight is growing so desperate, that it would not be surprising if some enthusiastic persons sought to use the farmers' committees in this way.

We credit farmers generally with having enough good sense and independence of thought not to permit themselves to be used as the unwitting agents of either an administration or an anti-administration scheme. We also know that 50,000 paid agents of the Government could, if they wished, make enough noise to sound like 500,000—and the "boys" have their jobs at stake, or they think they have.

And so it might be well for the committee members to think twice before engaging in propaganda work, lest some Senator get a bee in his bonnet and call for a Senate investigation of their activities. In the heat of such an intense battle as now is raging in Washington that could happen.

Mr. POPE. Mr. President, in connection with the different types of propaganda relating to the reform of the Supreme Court, I ask unanimous consent to have printed in the RECORD a letter written by Frank E. Gannett. I ask that this

letter be printed in the RECORD in view of the matter which the Senator from Arkansas [Mr. ROBINSON] has placed in the RECORD, as well as the matter which was placed in the RECORD by the Senator from Nebraska [Mr. BURKE].

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE GANNETT NEWSPAPERS,
Rochester, N. Y., February 13, 1937.

Dr. JOHN R. HAYNES,
Los Angeles, Calif.

DEAR DR. HAYNES: "There is no liberty if the power of judging be not separated from the legislative and executive powers."

This was said while adoption of our Constitution was under discussion.

Today this principle is attacked and in danger, although its vital truth is as self-evident now as then. Life tenure was assured to judges because the founders of this Government knew that to preserve government under law independence of the judiciary is indispensable.

The fight to protect our Supreme Court from subordination to the Executive can be won. It requires organization, national and local; immediate aggressive action and enough money to carry the cost of awakening public opinion. I have joined with others in organizing a national nonpartisan, nonpolitical committee to carry on this fight.

1. Will you sign and circulate the attached petition?

2. Will you volunteer to help organize a nonpartisan local committee to cooperate with us in your own congressional district? The outcome in Congress will depend upon how well and quickly public opinion is mobilized in every congressional district and State. Will you protest to your Senators and Congressmen at once, sending me a copy?

3. Will you make a contribution to help carry the expenses of a national organization?

Prompt mass action is essential. Please show this letter to friends and business associates. Enlist their cooperation with yours.

Please write me your suggestions and viewpoint and also return the enclosed blank by earliest mail.

Yours sincerely,

FRANK E. GANNETT.

SUGAR-QUOTA SYSTEM (H. DOC. NO. 156)

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, referred to the Committee on Finance, and ordered to be printed, as follows:

To the Congress of the United States:

The expiration on December 31, 1937, of the quota provisions of the Jones-Costigan Act and Public Resolution No. 109, of June 19, 1936, and the existence of the public problems which have arisen as a result of discontinuance of the processing tax on sugar and benefit payments to sugar-beet and sugarcane producers, make it desirable that the Congress consider the enactment of new legislation with respect to sugar. The Jones-Costigan Act has been useful and effective and it is my belief that its principles should again be made effective.

I therefore recommend to the Congress the enactment of the sugar-quota system and its necessary complements, which will restore the operation of the principles on which the Jones-Costigan Act was based. In order to accomplish this purpose adequate safeguards would be required to protect the interests of each group concerned. As a safeguard for the protection of consumers, I recommend that provision be made to prevent any possible restriction of the supply of sugar that would result in prices to consumers in excess of those reasonably necessary, together with conditional payments to producers, to maintain the domestic industry as a whole and to make the production of sugar beets and sugarcane as profitable as the production of the principal other agricultural crops. In order to protect the expansion of markets for American exports, I recommend that no decrease be made in the share of other countries in the total quotas.

It is also highly desirable to continue the policy, which was inherent in the Jones-Costigan Act, of effectuating the principle that an industry which desires the protection afforded by a quota system or a tariff should be expected to guarantee that it will be a good employer. I recommend, therefore, that the prevention of child labor and the payment of wages of not less than minimum standards be included among the conditions for receiving a Federal payment.

I recommend that adequate provision be made to protect the right of both new and old producers of small acreages of sugar beets and sugarcane to an equitable share of the benefits offered by the program. In this connection I suggest also that you consider the advisability of providing for payments at rates for family size farms higher than those applicable to large operating units.

Quotas influence the price of sugar through the control of supply, consequently under a quota regulation of the supply of sugar a tax may be levied without causing any adverse effect, over a period of time, on the price paid by consumers.

I recommend to the Congress the enactment of an excise tax at the rate of not less than 0.75 cent per pound of sugar, raw value. I am definitely advised that such a tax would not increase the average cost of sugar to consumers. An excise tax of this amount would yield approximately $100,000,000 per annum to the Treasury of the United States, which would make the total revenue from sugar more nearly commensurate with that obtained during the period 1922–29. It is also estimated that the total income of foreign countries from the sale of sugar in the United States under the quota system would not be less than that obtained during 1935, and, like the total income of domestic-sugar producers, it can be expected to increase in future years as our consumption requirements expand.

In considering the enactment of any tax the Congress has regard for its social and economic effects as well as its ability to raise revenue. The social and economic effects of an adequate excise tax on sugar are so important to the welfare of the various groups affected as to constitute a necessary complement to the quota system. For this reason I recommend that neither the quotas nor the tax should be operative alone.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *March 1, 1937.*

PROPOSED CHILD-LABOR AMENDMENT TO CONSTITUTION

The VICE PRESIDENT laid before the Senate a letter from the Governor of New Mexico, transmitting a joint resolution of the Legislature of that State, ratifying the proposed amendment to the Constitution of the United States, empowering the Congress to limit, regulate, and to prohibit the labor of persons under 18 years of age, which, with the accompanying resolution, was ordered to lie on the table and to be printed in the RECORD, as follows:

STATE OF NEW MEXICO,
EXECUTIVE DEPARTMENT,
Santa Fe, February 23, 1937.

Hon. JOHN GARNER,
President of the Senate, Washington, D. C.

DEAR MR. GARNER: Pursuant to the resolution of the Thirteenth Legislature of the State of New Mexico, I am enclosing herewith signed copy of House Joint Resolution No. 4, introduced by Mrs. Luella McGaffey-Brown, Mrs. George Ringler, and Mrs. Charles R. Love, entitled "Ratifying the proposed amendment to the Constitution of the United States, empowering the Congress to limit, regulate, and prohibit the labor of persons under 18 years of age."

Yours very truly,

CLYDE TINGLEY,
Governor of New Mexico.

[Enclosure]

House joint resolution ratifying the proposed amendment to the Constitution of the United States empowering the Congress to limit, regulate, and prohibit the labor of persons under 18 years of age

Be it resolved by the Legislature of the State of New Mexico:

Whereas at the first session of the Sixty-eighth Congress of the United States it was resolved by the Senate and the House of Representatives in Congress assembled that the following article be proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all interests and purposes as a part of said Constitution, namely:

"SECTION 1. The Congress shall have power to limit, regulate, and prohibit the labor of all persons under 18 years of age.

"SEC. 2. The power of the several States is unimpaired by this article except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress."

Therefore be it

Resolved, That the Legislature of the State of New Mexico does hereby ratify the above-recited proposed amendment to the Constitution of the United States; and be it further

Resolved, That the Governor be requested to transmit a copy of these resolutions and preamble to the Secretary of State of the United States; to the Presiding Officer of the United States Senate; to the Speaker of the House of Representatives of the United States.

ALVAN N. WHITE,
Speaker of the House of Representatives.

Attest:

GEORGE W. ARMIJO,
Chief Clerk of the House of Representatives.

———,
President of the Senate.

Attest:

EVA ELLEN SABIN,
Chief Clerk of the Senate.

Approved by me this 23d day of February 1937.

CLYDE TINGLEY,
Governor of New Mexico.

DRAFTS OF PROPOSED LEGISLATION BY THE INTERIOR DEPARTMENT

The VICE PRESIDENT laid before the Senate several letters from the Acting Secretary of the Interior, which, with the accompanying papers, were referred to the Committee on Public Lands and Surveys, as follows:

A letter transmitting a draft of proposed legislation to provide for the addition or additions of certain lands to the Fort Donelson National Military Park in the State of Tennessee, and for other purposes;

A letter transmitting a draft of proposed legislation to amend an act entitled "An act to provide for the exercise of sole and exclusive jurisdiction by the United States over the Hawaii National Park in the Territory of Hawaii, and for other purposes", approved April 19, 1930; and

A letter transmitting a draft of proposed legislation to amend an act entitled "An act extending the homestead laws and providing for right-of-way for railroads in the District of Alaska, and for other purposes", approved May 14, 1898 (30 Stat. 409, 414).

COURT ORDERS RESTRAINING ENFORCEMENT OF LAWS

The VICE PRESIDENT laid before the Senate letters from the Secretary of Labor and the Assistant Administrator of the Federal Emergency Administration of Public Works, respectively, submitting the information requested by Senate Resolution 82 (agreed on the 17th ultimo), calling for certain information concerning injunctions or judgments issued or rendered by Federal courts since March 4, 1933, in cases involving acts of Congress, which, with the accompanying statement transmitted by the Assistant Administrator of Public Works, were referred to the Committee on the Judiciary.

PERSHING HALL

The VICE PRESIDENT laid before the Senate a letter from Julian M. Thomas, Esq., counsel for the American Legion Building, Paris, Inc., transmitting a resolution adopted by the board of directors of the American Legion Building, Inc. (a Delaware corporation), former owner of Pershing Hall, Paris, France, favoring recognition by the Government of certain existing commitments in connection with the transfer of title of Pershing Hall to the Government of the United States, which, with the accompanying paper, was referred to the Committee on Military Affairs.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on Agriculture and Forestry:

Senate Joint Memorial 6

To the Honorable Senate and House of Representatives of the United States in Congress assembled:

We, your memorialists, the Thirty-ninth Legislative Assembly of the State of Oregon convened in regular session, respectfully request and petition as follows:

Whereas the white-pine blister rust was imported from Europe to the New England States, from which point it has spread to Idaho, Washington, California, and to Oregon; and

Whereas the white-pine blister rust, if uncontrolled, will kill all five-needle pines, including sugar pine, which is the most important timber species in many Oregon counties; and

Whereas the loss of sugar pine will mean the loss of employment for thousands of men now engaged in lumbering operations in Oregon, and heavy loss in assessed values of the counties: Now, therefore, be it

Resolved by the Senate of the State of Oregon (the house of representatives jointly concurring therein), That we, your memorialists, the Thirty-ninth Legislative Assembly of the State of Oregon, respectfully petition the Congress of the United States and the Secretary of Agriculture and the Chief of the Bureau of Entomology and Plant Quarantine that Federal funds that are now or which hereafter are made available for the control of white-pine blister rust be expended on private and State-owned timberlands as well as upon timberlands owned by the Federal Government; and be it further

Resolved, That a copy of this memorial be transmitted to the President of the United States, to the President of the United States Senate, to the Speaker of the House of Representatives, to the Secretary of Agriculture, to the Chief of the Bureau of Entomology and Plant Quarantine, and to each member of the delegation in Congress from the State of Oregon, and that the secretary of state of the State of Oregon hereby is instructed to transmit the same.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on Commerce:

Senate Joint Memorial No. 5

To the Honorable Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Thirty-ninth Legislative Assembly of the State of Oregon in regular session assembled, respectfully request and petition as follows:

Whereas the Columbia River heretofore has been the source of the largest supply of salmon in the United States; and

Whereas the average annual pack of salmon on the Columbia River now is approximately $10,000,000; and

Whereas thousands of workers and inhabitants of the Northwest are dependent on the salmon industry for a living; and

Whereas the United States Government has erected and is erecting large dams at Grand Coulee, Bonneville, and Rock Island, and has constructed a number of irrigation projects and such dams and irrigation systems act as a barrier and a menace to the salmon in proceeding to or attempting to gain the spawning grounds; and

Whereas it is absolutely necessary that salmon be permitted to proceed to their natural spawning grounds or that artificial progation be immediately greatly increased in order to preserve the annual production of salmon; and

Whereas the action of the United States in building such dams and other projects on the Columbia River is about to destroy the salmon industry on and along the Columbia River and its tributaries: Now, therefore, be it

Resolved by the Senate of the State of Oregon (the house of representatives jointly concurring therein), That your memorialists, the Thirty-ninth Legislative Assembly of the State of Oregon, do hereby respectfully request and petition the Congress of the United States to make an immediate appropriation of not less than $500,000, payable one-half to the fish commission of the State of Oregon and one-half to the bureau of fisheries of the State of Washington, the same to be expended by the States of Oregon and Washington for the purpose of building fish hatcheries above and below the Bonneville Dam, and for the purpose of promoting in other necessary ways the artificial propagation of salmon in order to replace in some measure the damage occasioned to the industry by the barriers placed in the Columbia River by the United States Government; and be it further

Resolved, That an additional annual appropriation of $150,000 to each State also be provided in order to properly maintain such hatcheries; and be it further

Resolved, That your memorialists most respectfully urge that such appropriation be made immediately, as every delay results in a further destruction of salmon, and if delayed too long will result in a total extinction of this fish on the Columbia River, as it has become extinct in other streams and rivers simply for lack of funds to provide artificial propagation; and be it further

Resolved, That a copy of this joint memorial be forwarded by the chief clerk of the senate to the President of the United States, to both Houses of Congress of the United States, and to each Member of the Oregon delegation in Congress.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the Territory of Alaska, which was referred to the Committee on Commerce:

To the Honorable Congress of the United States; to Hon. Harold L. Ickes, Secretary of the Interior; and Hon. Anthony J. Dimond, Delegate to Congress from Alaska:

Your memorialist, the Legislature of Alaska, respectfully represents:

That there was passed by the Congress of the United States and approved June 30, 1932, an act governing the operation of roads, trails, and bridges in Alaska, found in section 321b, title 48, United States Code, and also section 3, 47 Statutes at Large, page 446, and which act gives the Secretary of the Interior the power, by order or regulation, to make rules and regulations governing the use of roads, trails, and other works in Alaska, including the fixing and collection of tolls where deemed necessary and advisable in the public interests; and

Whereas, pursuant to the power and authority vested in him by virtue of the act aforesaid, the Honorable Secretary of the Interior, by order no. 905, dated March 25, 1935, has promulgated a set of regulations for the use of highways in Alaska and the operation of motor vehicles, section 2 of which regulations reads as follows:

"2. Tolls: For the transportation of merchandise or freight over the Richardson Highway there shall be charged and collected at or adjacent to the McCarty Ferry on the Tanana River, tolls equal to 2½ cents per ton of such merchandise or freight passing that point, multiplied by the number of miles such merchandise or freight has been or is being carried over the said highway. No vehicle hauling such merchandise or freight shall be allowed to pass the designated toll station except upon payment of the tolls as herein provided. It shall be the duty of the Governor of Alaska, as ex-officio Commissioner for the Interior Department, to cause the collection of the tolls to be made in such manner as may be found most convenient and practicable, and all moneys so collected shall be deposited in the Treasury of the United States as miscellaneous receipts"; and

Whereas the imposition of said tolls upon the Richardson Highway between Valdez and Fairbanks, and between other points on said highway, has worked a great hardship upon the residents of Fairbanks and interior Alaska by adding to the freight rates normally required a toll of approximately $8 per ton on all freight shipped over the Richardson Highway from Valdez to Fairbanks, Alaska; and

Whereas said rate is discriminatory and unjust and adds to the cost and expense of doing business and to the cost of living of all the people in Fairbanks and other points in the interior of Alaska:

Now, therefore, your memorialist respectfully prays that section 321b, title 48, United States Code; section 3, 47 Statutes at Large, page 446, providing that tolls may be fixed and collected on highways in Alaska, be repealed; and, pending such repeal, that the Honorable Secretary of the Interior be requested to suspend the operation of the regulation contained in order no. 905 requiring tolls to be paid for transportation of merchandise or freight over the Richardson Highway.

And your memorialist will ever pray.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the Territory of Alaska, which was referred to the Committee on Territories and Insular Affairs:

To the Congress of the United States and the Honorable Secretary of the Department of the Interior:

Your memorialist, the Legislature of the Territory of Alaska, in regular session assembled, respectfully represents:

That the Government of the United States has expended more than $50,000,000 in the construction of a railway from Seward to Fairbanks, Alaska; and

That the railway was expected to serve as an arterial transportation unit to derive its revenue from so-called feeder highways originating at the railway tracks; and

That it was known and believed at the time the railway was constructed that large areas of undeveloped mineral lands existed within the convenient reach of said railway; and

That it was contemplated at that time to build highways tributary to said railway to encourage the development of the resources and justify the construction of said railway; and

That the Government of the United States subsequently established a farm colony at Palmer on said railway for the purpose of developing the arable lands in that vicinity and establishing a permanent population along said railway; and

That said colony is a success and will prove to be a credit to Alaska and evidence of the wisdom of Congress; and

That the future prosperity of said colony is directly dependent upon more people to consume its products; and

That those people must of necessity be those who are engaged in other industries, rather than those who may till the soil and become at least independent of the Palmer colonists if not actually competitors; and

That such other industries are restricted to the development of the mineral lands together with the incidental and related activities; and

That the area east of the Matanuska Valley, for a distance of 150 miles, is known to be favorable for gold and other metalliferous deposits; and

That the area is now inaccessible from the railway for any kind of vehicular traffic; and

That a road from the Matanuska Government colony at Palmer to Copper Center on the Richardson Highway would pass directly through the area referred to and open it up to miners and prospectors; and

That the miners and prospectors would contribute toward the prosperity of the colony at Palmer and to the railway and its other communities; and

That there are no unusual or insuperable conditions existing that would render highway construction either difficult or expensive:

Now, therefore, your memorialist, the Legislature of the Territory of Alaska, respectfully urges that immediate steps be taken toward the construction of said highway.

And your memorialist will ever pray.

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of the State of Minnesota, which was referred to the Committee on Agriculture and Forestry:

Whereas the Congress of the United States has enacted an act known as the Bankhead-Jones Act, and enacted on the 29th day of June 1935, being Public No. 182, Seventy-fourth Congress; and

Whereas the purpose of the act is to furnish funds to facilitate research into the basic laws and principles relating to agriculture, and to provide for the further development of cooperative agricultural extension work and the more complete endowment and support of land-grant colleges; and

Whereas the provisions of the act make available to the several States and Territories certain funds subject to the assent of the States and Territories; and

Whereas the State of Minnesota, in order to avail itself of its proportions of the funds, desires to assent to the provisions of the act: Now, therefore, be it

Resolved by the Senate of the State of Minnesota (the house of representatives concurring), That the State of Minnesota does assent to the provisions of the said Bankhead-Jones Act, and the assent is hereby given, and that the secretary of state is hereby directed to send certified copies of this resolution to the Honorable John N. Garner, President of the Senate of the United States, and Hon. William B. Bankhead, Speaker of the House of Representatives of the United States, and two copies to the Secretary of Agriculture, Henry A. Wallace.

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of the State of Minnesota, which was referred to the Committee on Foreign Relations:

Resolution memorializing the Congress of the United States and the President of the United States of the dangers possible and probable in the livestock industry from revision of the sanitary covenants with certain foreign countries

Whereas livestock and livestock products produced by the American farmer represents more than half of the annual income of the American farmer; and

Whereas the present Secretary of Agriculture when he assumed office stated that our cattle population exceeded our domestic demand by over 1,000,000 head; and

Whereas the duty of 6 cents per pound now existing on importations of beef does not adequately prevent its importation, due to the extremely low cost of production in South American countries; and

Whereas sanitary covenants existing with certain foreign nations, due to the existence of foot-and-mouth disease, have prevented the importations of animals from those countries and have so far benefited the American farmers in keeping out that most dreaded disease to cattle; and

Whereas any relaxation of any of our national sanitary laws that would admit in the slightest degree any importation of livestock or livestock meat products from Argentina or any other country infested with foot-and-mouth disease, the most dreaded and feared disease known to veterinary science, from which the economic loss is terrific; and

Whereas there is now before the Foreign Relations Committee of the United States Senate for ratification a convention agreement between the United States of America and the Republic of Argentina, with reference to sanitary regulations concerning plant and animal products and if recommended and passed will result in the greatest disaster to the livestock industry ever experienced in this country by jeopardizing the health of our breeding herds and flocks: Therefore be it

Resolved, That the Senate of the State of Minnesota, and the House of Representatives concurred here, that we hereby respectfully petition the Senate of the United States and urge the President of the United States to refrain from the relaxation of the sanitary requirements by means of covenant and otherwise with countries where it is known that foot-and-mouth disease exists; it is therefore

Resolved, That the secretary of the State of Minnesota is hereby instructed to forward a copy of this resolution to the President of the Senate of the United States, to the members of the Foreign Relations Committee of the Senate of the United States, and to the President of the United States.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of Nevada, which was referred to the Committee on Agriculture and Forestry:

Assembly joint resolution memorializing the Congress of the United States and the Resettlement Administration to provide adequate credit for restocking ranches in Nevada and other Western States, so as to restore their earning powers and land values, with the rate of interest on such loans reduced to the minimum

Whereas the stock ranches in Nevada and other Western States, comprising the livestock area of the Western States, have suffered a decided depreciation in the livestock therein; and

Whereas farming in these States is largely incidental to the livestock business, requiring an adequate livestock population in order to maintain the farms, without which farming in this area is doomed to bankruptcy: Now, therefore, be it

Resolved by the Assembly and the Senate of the State of Nevada, That the Congress of the United States be memorialized to provide, through the Resettlement Administration, adequate credit for restocking farms and ranches in Nevada and other Western States at a minimum rate of interest; and be it further

Resolved, That certified copies of these resolutions be transmitted to the President of the Senate of the United States and the Speaker of the House of Representatives, and that copies thereof be transmitted to each of our Senators in the United States Senate,

to our Representative in Congress, and to the Resettlement Administration at Washington, D. C.

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of the State of North Dakota, which was referred to the Committee on Interstate Commerce:

Be it resolved by the Senate of the State of North Dakota (the house of representatives concurring therein)—

Whereas there has been introduced in the House of Representatives of the Congress of the United States, H. R. 1668, known as the Pettengill fourth-section bill, providing for repeal of the long-and-short-haul clause of the fourth section of the Interstate Commerce Act; and

Whereas the repeal of the long-and-short-haul clause would permit railroad companies to assess lower rates and charges for long hauls than for shorter hauls over the same route; and

Whereas the charging of a higher rate for a short haul than for a longer haul, the shorter being included within the longer, is now forbidden on North Dakota intrastate traffic in section 4720, Compiled Laws of North Dakota for the year 1913; and

Whereas the passage of this bill would result in increased freight rates and charges on articles moving in interstate commerce to and from North Dakota, particularly on grain, lignite, and other commodities, to the detriment of producers, shippers, and consumers of the State of North Dakota; that it would encourage discriminations in rates against small shippers in favor of large shippers that would be against the public interest, and would, we believe, be in the end detrimental to the best interests of the railroads themselves: Now, therefore, be it

Resolved by the senate of this twenty-fifth legislative assembly (the house of representatives concurring therein), That the Congress of the United States is hereby respectfully memorialized and urged to deny the passage of H. R. 1668 when, as, and if presented for its consideration; be it further

Resolved, That the Senators and Representatives of the State of North Dakota in the Congress of the United States be requested to put forth every honorable effort to defeat this bill upon presentation to the Congress of the United States, and that copies of this memorial be forwarded forthwith to the President of the United States, to the President of the Senate, to the Speaker of the House of Representatives of the Congress of the United States, and to the Senators and Representatives of the State of North Dakota.

The VICE PRESIDENT also laid before the Senate a concurrent resolution of the Legislature of the State of Indiana, favoring the enactment of legislation to continue the Federal Emergency Administration of Public Works and to make the necessary appropriations therefor, which was referred to the Committee on Education and Labor.

(See concurrent resolution printed in full when presented by Mr. VAN NUYS on Feb. 26, 1937, p. 1641, CONGRESSIONAL RECORD.)

The VICE PRESIDENT also laid before the Senate a resolution adopted by the Middlesborough (Ky.) Rotary Club, favoring the adoption of a comprehensive flood-control program in the Ohio Basin, which was referred to the Committee on Commerce.

He also laid before the Senate petitions of sundry citizens of the State of Tennessee, praying for the enactment of legislation for the relief of citizens in the flood-stricken areas of western Tennessee, especially in Dyer, Lake, and Lauderdale Counties, which were referred to the Committee on Commerce.

He also laid before the Senate a resolution adopted by the Council of the City of Cleveland, Ohio, favoring the enactment of adequate antilynching legislation, which was referred to the Committee on the Judiciary.

He also laid before the Senate a resolution adopted by the mayor and Board of Aldermen of the City of Natchez, Miss., favoring the enactment of legislation to reorganize the judiciary and to enlarge the membership of the Supreme Court, which was referred to the Committee on the Judiciary.

He also laid before the Senate resolutions adopted by District Lodge, No. 34, International Association of Machinists, of Cincinnati, Ohio, and the Detroit Democratic Club, of Detroit, Mich., favoring the prompt enactment of legislation to reorganize the judicial branch of the Government, which were referred to the Committee on the Judiciary.

He also laid before the Senate resolutions adopted by Lodge No. 416, Brotherhood of Railroad Trainmen, of Ennis, Tex., and Firestone Lodge, No. 7, United Rubber Workers of America, of Akron, Ohio, favoring the enactment of legislation to reorganize the judicial branch of the Government, which were referred to the Committee on the Judiciary.

He also laid before the Senate a resolution adopted by the Oswego County (N. Y.) Bar Association, protesting against the enactment of legislation to enlarge the membership of the Supreme Court, which was referred to the Committee on the Judiciary.

He also laid before the Senate the memorial of members of the Preachers' Meeting of the Washington District of the Methodist Episcopal Church, Washington, D. C. (signed by its president and secretary), remonstrating against the enactment of legislation to enlarge the membership of the Supreme Court, which was referred to the Committee on the Judiciary.

Mr. MURRAY presented a joint memorial of the Legislature of the State of Montana, favoring the enactment of legislation for the creation and establishment of the so-called Townsend recovery plan, and for benefits to be paid to all persons over the age of 60 years, which was referred to the Committee on Finance.

(See memorial printed in full when laid before the Senate by the Vice President on Feb. 15, 1937, p. 1192, CONGRESSIONAL RECORD.)

Mr. LODGE presented 20 memorials, numerously signed by sundry citizens of the State of Massachusetts, remonstrating against the enactment of legislation to reorganize the judicial branch of the Government, which were referred to the Committee on the Judiciary.

He also presented two memorials of sundry citizens of Lowell and Worcester, Mass., remonstrating against the enactment of legislation to enlarge the membership of the Supreme Court, which were referred to the Committee on the Judiciary.

Mr. VANDENBERG presented a resolution adopted by the Forest Grange of Mecosta County, Mich., protesting against the enactment of legislation to reorganize the judicial branch of the Government, especially the proposal to enlarge the membership of the Supreme Court, which was referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Bar Associations of Bay, Ingham, and Jackson Counties, Mich., protesting against the enactment of proposed legislation to enlarge the membership of the Supreme Court, which were referred to the Committee on the Judiciary.

He also presented a resolution adopted by the Calhoun County (Mich.) Bar Association, favoring the enactment of certain proposed legislation to reorganize the judicial branch of the Government, and opposing the enactment of other legislation pertaining to the subject, especially the proposal to enlarge the membership of the Supreme Court, which was referred to the Committee on the Judiciary.

Mr. LONERGAN presented a resolution adopted by a town meeting of citizens of Easton, Conn., which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

Be it resolved, That we, the voters of the town of Easton, peaceably assembled at a town meeting do hereby express our disapproval of the action of the President of the United States in requesting Congress to give him authority to increase the Supreme Court of the United States by appointing six additional Supreme Court Judges, thereby depriving us of our liberties obtained for us by our founding forefathers; be it further

Resolved, That pursuant to the foregoing motion, we, the voters of the town of Easton peaceably assembled at a town meeting direct our town clerk to file the foregoing petition for the redress of our grievances as outlined with Congress, our President, our Senators, and Congressmen in accordance with article 1 of the Bill of Rights as contained in the Constitution of the United States.

Mr. WAGNER presented a resolution adopted by members of Local Union No. 301 (New York), United Electrical and Radio Workers of America, which was referred to the Committee on Education and Labor, as follows:

Whereas millions of workingmen are today engaged in carrying out their constitutional rights of free assembly, speech, press, and organization, for the purposes of collective bargaining; and

Whereas the tremendous corporations which employ these millions of workingmen have conducted and are conducting a policy of stifling these constitutional rights through espionage, coercion, and the employment of strikebreakers, stool pigeons, operatives, and the like; and

Whereas the United States Senate, through its subcommittee of the Committee on Education and Labor, is conducting an investigation into the unlawful activities of these corporations; and

Whereas the splendid work of this subcommittee, known as the La Follette committee, is in danger of being discontinued because of lack of funds: Be it

Resolved, That the 6,000 members of Local No. 301 of the United Electrical and Radio Workers of America demand that you, as a duly elected Member of the United States Senate or House for the State of New York, work toward and vote for a substantial appropriation to facilitate the further work of the La Follette committee.

Mr. WAGNER also presented a resolution adopted by the advisory committee of the Long Island Cooperative Egg Auction, Inc., Central Islip, N. Y., which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Whereas the spread between prices of feed and prices of eggs and poultry is of vital importance to poultry farmers; and

Whereas we believe that the present plight of our poultry farmers is due in a large measure to the relationship between feed costs and returns on poultry products: Be it

Resolved, That we, the advisory committee of the Long Island Cooperative Egg Auction, Inc., representing 750 poultrymen on Long Island, wholeheartedly recommend that the existing tariff on corn be reduced until the present emergency is past.

Mr. WAGNER also presented a resolution adopted by American Legion Philippines Post, No. 1164, Brooklyn, N. Y., which was referred to the Committee on Naval Affairs and ordered to be printed in the RECORD, as follows:

Whereas the Navy Department have been authorized by the President and the Congress of the United States for the construction of two new battleships is now before the Secretary of the Navy for consideration; and

Whereas the allotment of one of these ships to the Brooklyn Navy Yard will be of great benefit to the unemployment situation in the city of Brooklyn, by giving the navy-yard workers an active part in the naval construction program of the Navy Department in order that a steady employment may be maintained: Now, therefore, be it

Resolved, That the Philippines Post, No. 1164, American Legion, in regular meeting duly held on Sunday afternoon, February 21, 1937, at 308 Fulton Street, Brooklyn, N. Y., go on record as strongly in favor of the construction of one of these ships at the Brooklyn Navy Yard; and be it further

Resolved, That a copy of this resolution be forwarded to the President of the United States, to Senator COPELAND, to Senator WAGNER, and to the Secretary of the Navy, with the hope that a policy of more in keeping with their duty to the welfare of our citizens and consequently with the maintenance of steady employment of those who are now employed by the navy yard may be kept securely as a necessary measure to remedy the present condition of unemployment.

ARGENTINE SANITARY CONVENTION

Mr. CAPPER. Mr. President, I received today from Hon. Frank J. Ryan, secretary of state of Kansas, a copy of House Concurrent Resolution No. 13, adopted by the Kansas Legislature, memorializing the Senate to refuse ratification of the Argentine Sanitary Convention. I have expressed my opposition to ratification of this convention several times on the floor of the Senate and shall continue to oppose it. The effect of it would be to let down the bars to imports of livestock and fresh meat from the Argentine, now under quarantine because of the prevalence of foot-and-mouth disease in that nation. I ask that the resolution be printed in the RECORD and appropriately referred.

The concurrent resolution was referred to the Committee on Foreign Relations, as follows:

House Concurrent Resolution 13

Concurrent resolution memorializing the Senate of the United States to oppose ratification of the Argentine sanitary agreement which is intended to modify existing regulations on imports of livestock and meats from South American countries where foot-and-mouth disease exist or where the disease has not been uncommon

Whereas since livestock producers in the United States are mindful of the havoc created by and the widespread destruction resulting from the recent California outbreak and the Texas outbreak in 1924–25 and the 1914 outbreak of foot-and-mouth disease infesting 21 States and the District of Columbia; and

Whereas since the only dependable safeguards from outbreaks of the disease in this country are the maintenance of rigid sanitary restrictions and a continuance of present embargoes prohibiting imports of live animals or dressed meats from countries where that disease is known to exist or from countries adjacent to territory where the disease is known to exist: Now, therefore, be it

Resolved by the House of Representatives of the State of Kansas (the senate concurring therein), That these bodies hereby vigorously oppose any modification of the existing Federal laws governing the movement of livestock or livestock products from any foreign country harboring foot-and-mouth disease or any other transmissible disease of livestock which does not now exist in the United States, or from any foreign country which accepts foot-and-mouth disease merely as an inevitable inconvenience and which makes no serious or determined effort to combat it; be it further

Resolved, In order that the livestock industry of the United States may be protected from hazards resulting from the introduction of foot-and-mouth disease into this country, the Senate of the United States be, and is hereby, urged to oppose ratification of the Argentine sanitary agreement; be it

Resolved further, That the Secretary of State be, and he is hereby, directed to transmit copies of this resolution to the Senate and House of Representatives of the United States, and to the several members of said bodies representing this State therein, and to the President of the United States, and to the legislatures of the various States now in session.

REPORTS OF COMMITTEES

Mr. TYDINGS, from the Committee on Territories and Insular Affairs, to which was referred the bill (S. 1095) to provide a government for American Samoa, reported it without amendment and submitted a report (No. 138) thereon.

Mr. COPELAND, from the Committee on Commerce, to which was referred the bill (H. R. 2503) to extend the time for completing the construction of a bridge across the Columbia River near The Dalles, Oreg., reported it without amendment and submitted a report (No. 139) thereon.

Mr. SHEPPARD, from the Committee on Commerce, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 194. A bill to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Brownville, Nebr. (Rept. No. 140);

H. R. 3675. A bill to extend the times for commencing and completing the construction of a bridge across the Savannah River at or near Lincolnton, Ga. (Rept. No. 141); and

H. R. 3148. A bill granting the consent of Congress to the State of Alabama, or Etowah County, or both, to construct, maintain, and operate a free highway bridge across the Coosa River at or near Gilberts Ferry, in Etowah County, Ala. (Rept. No. 142).

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BORAH:

A bill (S. 1729) granting a pension to Asa Overby; to the Committee on Pensions.

By Mr. DAVIS (by request):

A bill (S. 1730) to exempt the sale of commodities for governmental or charitable use from certain provisions of the antitrust laws; to the Committee on the Judiciary.

By Mr. REYNOLDS:

A bill (S. 1731) for the relief of Elizabeth Hanford; to the Committee on Pensions.

A bill (S. 1732) to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. M. L. Perry, of Lumberton, N. C., and to Dr. N. E. Jackson, of Laurinburg, N. C.; to the Committee on the District of Columbia.

By Mr. WAGNER:

A bill (S. 1733) for the relief of Louise Fox; to the Committee on Foreign Relations.

By Mr. HUGHES:

A bill (S. 1734) to authorize the presentation of a Distinguished Service Cross to Gilder D. Jackson, Jr.; to the Committee on Naval Affairs.

By Mr. LOGAN:

A bill (S. 1735) to create a Federal Coal Trade Commission and define its powers and duties, to provide for the cooperative marketing of coal, and for other purposes; to the Committee on Mines and Mining.

By Mr. WHEELER (for himself and Mr. FRAZIER):

A bill (S. 1736) to repeal the act entitled "An act to conserve and develop Indian lands and resources, to extend to Indians the right to form business and other organizations, to establish a credit system for Indians, to grant certain rights of home rule to Indians, to provide for vocational education for Indians, and for other purposes", approved June 18, 1934, and the act of June 15, 1935, supplementary thereto; to the Committee on Indian Affairs.

By Mr. BARKLEY:

A bill (S. 1737) granting an increase of pension to Katherine C. Feland; to the Committee on Pensions.

ACCOUNT OF STATE OF VERMONT—REFERENCE TO COMMITTEE ON CLAIMS

Mr. AUSTIN. Mr. President, I ask unanimous consent that Senate Joint Resolution 21, directing the Comptroller General to readjust the account between the United States and the State of Vermont, being Order of Business No. 28 on the calendar, be referred to the Committee on Claims.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the joint resolution will be referred to the Committee on Claims.

FINANCING AND MANAGEMENT OF RAILROADS—LIMIT OF EXPENDITURE

Mr. WHEELER submitted a resolution (S. Res. 86), which was referred to the Committee on Interstate Commerce; and subsequently from that committee he reported the resolution without amendment, and it was referred to the Committee to Audit and control the Contingent Expenses of the Senate, as follows:

Resolved, That there is hereby authorized to be expended from the contingent fund of the Senate for the continuance during the fiscal year 1937 of the investigation authorized by Senate Resolution No. 71, Seventy-fourth Congress, first session, as supplemented by Senate Resolution No. 227, Seventy-fourth Congress, second session, $150,000 in addition to the amounts heretofore authorized for said investigation: *Provided*, That any balance remaining unexpended on June 30, 1937, under this authorization shall continue to be available for the expenses of the said investigation during the fiscal year 1938.

EXTENSION OF AUTHORITY TO NEGOTIATE TRADE AGREEMENTS—PRINTING OF HEARINGS

Mr. HARRISON submitted the following resolution (S. Res. 87), which was referred to the Committee on Printing:

Resolved, That, in accordance with paragraph 3 of section 2 of the Printing Act, approved March 1, 1907, the Committee on Finance of the Senate be, and is hereby, empowered to have printed 1,000 additional copies of the hearings held before said committee during the first session of the Seventy-fifth Congress on the joint resolution (H. J. Res. 96) entitled "Joint resolution to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended."

REORGANIZATION OF THE FEDERAL JUDICIARY—ADDRESS BY SENATOR GEORGE

[Mr. KING asked and obtained leave to have printed in the RECORD an address delivered on Feb. 28, 1937, by Senator GEORGE regarding the proposed reorganization of the Federal judiciary, which appears in the Appendix.]

POLITICAL PHILOSOPHY OF THE PRESIDENT—ARTICLE BY ARTHUR KROCK

[Mr. BYRNES asked and obtained leave to have printed in the RECORD an article by Arthur Krock relative to the President's political philosophy and program, published in the New York Times of Feb. 28, 1937, which appears in the Appendix.]

REORGANIZATION OF THE SUPREME COURT—ADDRESS BY GOVERNOR LA FOLLETTE

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an address delivered on Feb. 27, 1937, by Gov. Philip La Follette, of Wisconsin, on the proposed reorganization of the Supreme Court, which appears in the Appendix.]

INDUSTRIAL LEGISLATION AND THE CONSTITUTION—ADDRESS BY RT. REV. JOHN A. RYAN

[Mr. MINTON asked and obtained leave to have printed in the RECORD an address on the subject "Industrial Legislation in the Constitution", delivered by Rt. Rev. John A. Ryan, D. D., before the Manchester City Club, Manchester, N. H., Feb. 22, 1937, which appears in the Appendix.]

REORGANIZATION OF THE FEDERAL JUDICIARY—ADDRESS BY FRED BRENCKMAN

[Mr. BAILEY asked and obtained leave to have printed in the RECORD a radio address on the subject "Looking to Our Foundations", relating to the proposed reorganization of the Federal judiciary, delivered by Fred Brenckman on Saturday, Feb. 20, 1937, which appears in the Appendix.]

REORGANIZATION OF THE FEDERAL JUDICIARY—LETTER OF THOMAS F. KONOP

[Mr. LA FOLLETTE asked and obtained leave to have printed in the RECORD a letter on the subject of the reorganization of the Federal judiciary written by Thomas F. Konop, dean of the College of Law at the University of Notre Dame, published in the Madison (Wis.) Times, Feb. 26, 1937, which will appear hereafter in the Appendix.]

THE CONTINUOUS DISCHARGE BOOK—ARTICLE BY WILLIAM M'FEE

[Mr. COPELAND asked and obtained leave to have printed in the RECORD an article appearing in the New York Sun on Jan. 16, 1937, entitled "McFee on Ships", which appears in the Appendix.]

PERMANENT PANAMA EXHIBIT

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD a resolution from the manufacturers and jobbers of the United States, and an editorial from the Boone Trail Herald, of Winston-Salem, N. C., on the matter of the permanent Panama exhibit, which appears in the Appendix.]

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, communicated to the Senate the intelligence of the death of Hon. HENRY E. STUBBS, late a Representative from the State of California, and transmitted the resolutions of the House thereon.

The message announced that the House had passed the joint resolution (S. J. Res. 84) to authorize the Postmaster General to withhold the awarding of star-route contracts for a period of 60 days, with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the Vice President:

H. R. 2518. An act to provide for retirement of Justices of the Supreme Court; and

H. J. Res. 96. Joint resolution to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended.

AMERICAN NEUTRALITY

The Senate resumed consideration of the joint resolution (S. J. Res. 51) to amend the joint resolution entitled "Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war", approved August 31, 1935, being Public Resolution No. 67, Seventy-fourth Congress (S. J. Res. 173), as amended by joint resolution approved February 29, 1936, entitled "Joint resolution extending and amending the joint resolution (Public Res. 67, 74th Cong.) approved August 31, 1935."

PEACE AND NEUTRALITY ACT

Mr. PITTMAN. Mr. President, I dislike very much to interfere in any domestic war in considering a bill that is intended to keep us out of foreign wars. I realize, however, that war, whether foreign or domestic, is far more interesting than peace. Therefore, I apologize for interfering in any way whatever with the domestic political war that is going on in this country and in the Senate.

I am satisfied, however, that there will be no need for particular hurry in conducting that fight. I think possibly it will last a long time. I hope no one will be killed in connection with it. I do not believe we shall lose the lives of as many persons as we lost by submarine warfare in the World War. There may be some who will be killed politically, but I do not think anyone will be physically injured.

I hope, therefore, that we may be peace-minded possibly for a day or 2 days while the Senate is considering what is, in my opinion, the most important peace legislation that has ever been submitted to this body.

Having presented on behalf of the Foreign Relations Committee of the United States a report recommending the enactment of Senate Joint Resolution No. 51, and the matter now being before the Senate for consideration, I feel it my

duty briefly to discuss the provisions of this joint resolution and its effect.

The committee deemed it advisable to include in one amendment the existing so-called neutrality law and the amendments approved by the committee. This process of amendment, if and when the amendment is adopted, will then in one act contain the entire law relative to the subject. It will then be unnecessary to follow the original act through its various amendments in determining the existing law at the time of the examination of our statutes at some future date. This procedure in considering the proposed act certainly expedites its consideration and the determination of its effect.

Without hesitation, and at the very start, I admit that the amendment proposes an entire new peace policy for our Government. It goes beyond any legislation ever adopted in this or any other country; and yet I contend that nothing in this proposed legislation prevents free commerce with the world, except as we have heretofore restricted it in existing law, or is discriminatory, unneutral, or constitutes a surrender of the freedom of the seas. The resolution reenacts the existing law providing for an embargo against the export of arms, ammunition, or implements of war to any belligerents. This act has already been construed by the State Department, and the construction has been adopted and proclaimed by the President of the United States.

When such construction was under consideration by the President, at the time he was considering putting into effect such embargo act as against Italy and Ethiopia during the recent war between those foreign states, he called upon the State Department for a construction of the act as to what was included in the definition of "arms, ammunition, and implements of war." The State Department advised the President that from the procedure before the Foreign Relations Committee of the Senate, and from the discussion on the floor of the Senate prior to the adoption of the act, it was clear that it was the intent of both the committee and the Senate—and therefore of Congress, as the House of Representatives passed such act subsequently to its passage through the Senate—that such definition was intended to include only those articles and materials set out and described in the convention entitled "A convention for the supervision of the international trade in arms and ammunition and in implements of war, signed at Geneva, Switzerland, on June 17, 1925", which convention had been advised and consented to by the United States Senate June 6, 1935, prior to the approval of said embargo act. So the President adopted such construction, and, in his proclamation putting in force such embargo act as to Italy and Ethiopia on the 5th day of October 1935, defined and set out in detail the articles and materials which under the act constitute arms, ammunition, and implements of war as defined and set out in said convention.

I am satisfied that the President will continue to give such definition to the phrase "arms, ammunition, and implements of war." If, however, any Senator is in doubt with regard to this matter, I should personally have no objection to an amendment which would state positively that the definition of arms, ammunition, and implements of war is and shall be the definition given by the President in his said proclamation of October 5, 1935.

The resolution extends the embargo act to foreign states wherein civil strife exists of such a magnitude or conducted in such manner that the export of arms, ammunition, and implements of war to such states would endanger our peace. It is not intended that such embargo should be applied to foreign states wherein there is insurrection or strife of an insignificant character. The strife must be of such magnitude or conducted in such a manner that the export of arms, ammunition, or implements of war from our country to such foreign state will endanger the peace of the United States; and the President must find such facts to exist, and so proclaim, before such provisions with regard to such state in which civil strife exists go into effect.

I need not argue to the Senate the necessity of vesting such authority in the President. We have already considered and enacted a similar measure with regard to the unfortunate civil strike existing in the state of Spain. Finally, all the major powers have followed our example with regard to such strife in Spain.

The existing law is also amended by declaring that any licenses for the export of arms, ammunition, or implements of war become immediately and ipso facto void as to authority to export such materials to any belligerent countries after the President shall have issued his proclamation as provided in section 1 of the act, designating such belligerent countries. This special provision is for the purpose of putting licensees upon notice.

Section 5 of the existing law, being section 6 of the resolution under consideration, is amended by including armed merchant vessels with submarines in the provision which prescribes that submarines may enter our ports only under such conditions and limitations as the President may prescribe. This control by the President over armed merchant vessels constitutes a new policy for the United States. Under the customs of most nations, including our own, prior to the World War, it was admitted that merchant vessels might be armed for defensive purposes. The advent of the submarine as a new naval craft and a peculiar instrument of naval warfare necessitated further consideration of this subject. A submarine is a frail craft, with a light steel shell. It is capable of being destroyed while on the surface by a single shot from a small cannon mounted upon a merchant ship. The Germans, therefore, during the World War, contended that such guns so mounted on merchant ships were weapons of offense as against submarines, and therefore justified them in treating such vessels as vessels of war.

Mr. Lansing, Secretary of State under President Wilson, in discussing this subject in his note to the Allies on January 18, 1916, said:

> Even a merchant ship carrying a small-caliber gun would be able to use it effectively for defense against a submarine * * *. Consequently the placing of guns on merchantmen at the present day of submarine warfare can be explained only on the ground of a purpose to render merchantmen superior in force to submarines and to prevent warning and visit and search by them. Any armament, therefore, on a merchant vessel would seem to have the character of an offensive armament.

This opinion is concurred in by Prof. John Bassett Moore and other distinguished writers upon international law. Our existing law prohibits the use of our ports and territorial waters by belligerent vessels for the purpose of naval operations. It therefore appears proper that the President be authorized to place upon such armed merchantmen entering our territorial waters such conditions and restrictions as he deems necessary to enforce obedience to our laws.

The existing law with regard to travel by our citizens on the vessels of belligerents has been entirely changed in principle by the pending joint resolution. The existing law provides that our citizens may travel upon belligerent vessels, but only at their own risk. Section 9 of the pending joint resolution makes it unlawful for citizens of the United States to travel at all on belligerent vessels except under such rules and regulations as the President may prescribe. It is the policy of Congress, as proposed in this resolution, that our citizens shall not travel upon belligerent vessels except in great emergencies. The President, therefore, will be strict in making exceptions in favor of any citizen, and therefore the act is practically prohibitory.

The chief cause of the loss of lives of our citizens on the high seas prior to our entry into the World War was the travel of American citizens on passenger vessels of warring countries and the destruction of our freight vessels in German war zones by submarines. Take the horrible sinking of the *Lusitania* as an example. It was a British merchant vessel. It was carrying munitions of war to Great Britain. It was prepared to act as an offensive vessel of war. It was sunk by a German submarine on May 7, 1915, in the established German war zone off the coast of Ireland.

In that frightful catastrophe 128 innocent, peaceful, happy citizens of the United States met terrible death. There was no excuse for our citizens being upon that British vessel. This was nearly a year after the World War had commenced. There was no legitimate excuse for our citizens traveling as passengers on any belligerent ships. They not

alone endangered their own lives but endangered the peace of this country, as the loss of the lives of our citizens inflamed the minds of the people of our country to the point of war. Their excitement and their resentment ended in war. President Wilson, in his war message said:

> I am not now thinking of the loss of property involved, immense and serious as that is, but only of the wanton and wholesale destruction of the lives of noncombatants, men, women, and children, engaged in pursuits which have always, even in the darkest periods of modern history, been deemed innocent and legitimate. Property can be paid for; the lives of peaceful and innocent people cannot be.

We had no law at that time to prohibit American citizens from traveling on belligerent vessels.

And after we were shocked again and again by the destruction of the lives of more of our citizens traveling on belligerent vessels. It was these murders of our citizens that our Government and our people most condemned and which inflamed the minds of our people for war. It was this destruction of the lives of our citizens that was one of the chief causes that dragged us into that terrible and futile war. The President so announced in his war message. I do not admit that this was the only cause for our entering the World War, because, unhappily, the German Government, through its Embassy in our country and through its officers enjoying privileges and immunities and while the guests of our Government, and while peace existed between the United States and Germany, sought a conspiracy with Mexico, our neighbor, and Japan, both friendly countries, to join Germany in war against us, when Germany became engaged in war with the United States, which it expected and for which it was preparing.

It is admitted that such travel by our citizens upon belligerent vessels was not a violation of neutrality nor of any law. Surely, however, this reasonable restriction upon our citizens by their own Government and for their own safety, and for the protection of the peace of our country, cannot be seriously urged as a surrender of any freedom of the seas.

I have now discussed all of the material amendments to the existing law. There are three entirely new provisions in the pending resolution which places restrictions upon our citizens and our commerce with relation to belligerents. These three provisions establish a new peace policy for the United States. I will not deal with these provisions in the order in which they appear in the resolution, but in a manner that I consider a better sequence in this debate.

Mr. NYE. Mr. President, does the Senator from Nevada wish to complete his general statement before yielding to interruptions? There is one amendment to the existing law the meaning of which I should like to ascertain. If the Senator, before he proceeds with his statement as to the amendment of existing law, would answer a question as to that amendment I should like to know what is its meaning. I refer to the first section of the bill in its present form. There has been eliminated this language:

> * * * to any port of such belligerent states, or to any neutral port for transshipment to, or for the use of, a belligerent country.

The language substituted for that is—

> * * * to any such belligerent state, or to any neutral state for transshipment to, or for the use of, a belligerent state.

It may not be material, but I was anxious to know why that language had been changed.

Mr. PITTMAN. I should prefer to go into that later on, because I am only making this statement so that there may be a consecutive discussion of what is in the measure, and I am sure that if I get off the line by entering into a discussion of the matter referred to by the Senator from North Dakota I would be, perhaps, too long on that phase of the subject.

Mr. NYE. Very well.

Mr. PITTMAN. Section 10 of the pending resolution prohibits the arming of American merchant vessels engaged in commerce with belligerents. This is a new provision and adopts a new policy in the aid of the preservation of peace and the protection of the lives of our citizens. I deem this, next to the provision prohibiting travel by American citizens on belligerent vessels, the most important provision to be contained in the act.

Under modern naval warfare, as exemplified during the World War, and which we have no reason to believe will not be so conducted in the next world war, no merchant vessel was safe from sinking without notice by a submarine, whether such vessel carried contraband or noncontraband. This applies to neutral vessels as well as to belligerent vessels. Prior to the World War there was one international custom—sometimes called international law—which was universally respected. That was the rule with regard to visit and search. Ships of war of belligerents under such rule were permitted peacefully to visit and search a merchant vessel to ascertain its destination and to determine whether it was transporting contraband of war to the enemy.

This procedure of visit and search was always conducted in a peaceful manner without injury to the ship or those on board, unless the ship attempted to escape or to resist. If contraband cargo was found on board it could be confiscated. No neutral vessel could be sunk except in the event of attempted escape or resistance. In other cases where it was permitted to sink a vessel the rules strictly provided that such merchant vessel could not be sunk until the safety of those on board was provided for.

With the use of submarines during the World War as new and unusual instruments of naval warfare the situation changed. The seas were controlled by the surface war vessels of Great Britain and her allies. Germany possessed only one type of war vessel that was capable of preventing contraband cargoes from reaching her enemies. This was the submarine.

Germany contended that her submarines could not follow the humane rule of visit and search because she asserted that such customary visit and search would require a submarine to come to the surface, stop the merchant vessel, and place officers aboard for the purpose of determining whether the vessel was carrying contraband; and the submarine upon the surface could be sunk with one shot of a small cannon. She asserted that the merchant vessels of her enemies were so armed, and that by reason of the misuse of neutral flags by such enemies she was unable to distinguish between neutral ships and belligerent ships. Unfortunately these assertions were true.

In reply to these arguments on behalf of the German Government the United States Government called upon that Government to cease submarine attacks against merchant ships, since they could not be made according to the accepted rules of humane naval warfare. To this Germany retorted that her enemy, Great Britain, was resorting to every method to cut off from Germany the necessities of life through the violation of the accepted customs of naval warfare, particularly with regard to the establishment of paper blockades under the designation of "military areas" and the illegal seizure of cargoes upon neutral ships. She contended therefore that it was essential and justifiable for her to retaliate against her enemies.

Again, unfortunately, the charges made by Germany against Great Britain were true. Great Britain, on the other hand, attempted to justify her violation of such accepted customs of naval warfare by charging that Germany also was violating the accepted customs of naval warfare, particularly with regard to visit and search, through the destruction of merchant vessels without notice and without providing for the safety of those on board; and that therefore she—Great Britain—found it necessary to retaliate against Germany.

Our Government protested against the wrongful acts of both governments toward our neutral ships and our neutral commerce. The protests were ignored; the illegal acts continued. Property of American citizens was confiscated and the lives of American citizens taken. This assumed right of retaliation served to set aside what was termed "international law", being those accepted customs of naval warfare by nations generally which time and time again had been confirmed by treaties between various powers.

What remedy did we have? Was there any law that we could impose upon any of the belligerent governments against their will? If so, what law? Was there any court having jurisdiction over such controversies to which the belligerents or the neutrals had agreed to submit such controversies for adjudication and final determination? I know of no such courts nor of any such agreements.

Great Britain, on November 3, 1914, announced:

> They therefore give notice that the whole of the North Sea must be considered a military area. Within this area merchant ships of all kinds, traders of all countries, fishing craft, and other vessels will be exposed to the gravest dangers from mines which it has been necessary to lay and from warships searching vigilantly by night and day for suspicious craft.

Our Government protested to Great Britain against the establishment of this military area, and particularly with regard to strewing the North Sea with powerful and destructive mines without regard to endangering the safety of neutral ships engaged in neutral trade with neutrals. It called to the attention of the British Government the fact that the declaration of The Hague of 1907, which Great Britain and many other governments had ratified, prohibited the use of such mines. Great Britain responded that such convention and declaration was of no force and effect, as it had not been ratified by Russia. Great Britain recognized no international law with regard to the subject and excused herself from the effect of a convention that she, through her representatives, had ratified.

Germany, therefore, contended that she had a right to violate any such rule in retaliation against Great Britain.

So again we have an example of all accepted customs of nations which we may call international law and age-long concepts confirmed in many treaties between various governments which were held subservient to the right of retaliation.

Where was our international law?

Therefore Germany, on January 31, 1917, in retaliation against Great Britain, as she alleged, established a war zone around Great Britain, France, Italy, and the eastern Mediterranean. In giving public notice of the establishment of such zone, she declared:

> Under these circumstances Germany will meet the illegal measures of her enemies by forcefully preventing, after February 1, 1917, in a zone around Great Britain, France, Italy, and the eastern Mediterranean, all navigation, that of neutrals included, from and to England, from and to France, etc. All ships met with in that zone will be sunk.

There was no question of contraband involved here. Any neutral vessel entering the zone with or without its knowledge accidentally or deliberately carrying neutral cargo to a neutral country would be sunk without notice. Of course, our Government protested violently against such brutal proclamation and the inhuman acts that were declared would be committed under it. The same answers were made by Germany. Germany stood on the supreme law of the right of retaliation and so our Government, having no remedy save war, sought to bring about an adjustment between Germany and her enemies so that such destruction might be avoided. On January 7, 1916, Mr. Robert Lansing, Secretary of State, wrote to President Wilson as follows:

> MY DEAR MR. PRESIDENT: I have been thinking over, as I know you have, some means of placing submarine warfare on a basis which will prevent the horrors which have characterized it in the past.
>
> I think that I appreciate the German point of view in regard to the danger to a submarine in attacking an armed merchant vessel, and have prepared a memorandum on the subject, which I enclose.
>
> If the argument has merit the method of reaching a settlement on a basis which would safeguard human life would seem to be an agreement by Germany and Austria not to torpedo enemy vessels without putting the people on board in safety, provided they did not continue to flee, in consideration of an agreement by the Entente Powers not to permit their merchant ships to carry an armament.
>
> I am sure the Teutonic Powers would agree to this, and I cannot see how the Entente Powers could reasonably object to such an arrangement, particularly in view of the fact that there is no case recorded, to my knowledge, of a submarine being destroyed by gunfire from a merchant vessel.
>
> This plan would be practically a modus vivendi and could be made reciprocal on account of the activities of British submarines in the Baltic.
>
> Would you advise my attempting to obtain such agreements?
>
> Faithfully yours,
>
> ROBERT LANSING.

The President approved of this plan. On January 18 Mr. Lansing addressed identical letters to the British Ambassador and the French, Russian, and Italian Ambassadors and the Belgian Minister. In that letter Mr. Lansing said:

> While I am fully alive to the appalling loss of life among noncombatants, regardless of age or sex, which has resulted from the present method of destroying merchant vessels without removing the persons on board to places of safety, and while I view that practice as contrary to those humane principles which would control belligerents in the conduct of their naval operations, I do not feel that a belligerent should be deprived of the proper use of submarines in the interruption of enemy commerce, since those instruments of war have proved their effectiveness in this particular branch of warfare on the high seas.

Then in his letter he laid down five rules governing the conduct of submarines and merchantmen. I will only quote one other paragraph from these letters which I think discloses the whole proposition. Mr. Lansing says:

> It would, therefore, appear to be a reasonable and reciprocally just arrangement if it could be agreed by the opposing belligerents that submarines should be caused to adhere strictly to the rules of international law in the matter of stopping and searching merchant vessels, determining their belligerent nationality, and removing the crews and passengers to places of safety before sinking the vessels as prizes of war, and that merchant vessels of belligerent nationality should be prohibited and prevented from carrying any armament whatsoever.
>
> In presenting this formula as a basis for conditional declarations by the belligerent governments, I do so in the full conviction that your government will consider primarily the humane purpose of saving the lives of innocent people rather than the insistence upon a doubtful legal right which may be denied on account of new conditions.

All of the governments so addressed declined to accept or consider such proposals. The President then announced to the world that he intended to stand on our rights under international law. This announcement had no effect upon the situation. The sinking by submarines continued and the violation of all our rights under the accepted customs of nations with regard to naval warfare proceeded with renewed vigor.

On the 13th day of March, 1917, the President proclaimed armed neutrality and ordered the arming of our merchant vessels. This was the gravest mistake that our Government made. It was even a foolish act. A cannon on a merchant ship is no defense against a submerged submarine and only invited attack as was subsequently proven. From the beginning of the war down to the date of the proclamation for the arming of our ships, only seven lives were taken of American citizens by reason of the sinking by submarines of American merchantmen. Between that date and our entry into the war on April 6, 1917, from such cause we lost the lives of 63 citizens. President Wilson, in his war message, recognized the failure of armed neutrality. In that address he said:

> When I addressed the Congress on the 26th of February last I thought that it would suffice to assert our neutral rights with arms, our right to use the seas against unlawful interference, our right to keep our people safe against unlawful violence. But armed neutrality, it now appears, is impracticable. Because submarines are in effect outlaws when used as the German submarines have been used against merchant shipping, it is impossible to defend ships against their attacks, as the law of nations has assumed that merchantmen would defend themselves against privateers or cruisers, visible craft giving chase upon the open sea.

I can conceive of no argument against the adoption of the section of the resolution prohibiting the arming of our merchant ships. While there is grave danger of another world war, and while I expect to see submarines used as commerce destroyers in the next war in the manner they were used in the last, I do not believe that any belligerent country, when they know that our merchant ships are not armed, and that they are so identified otherwise than by the flag that their nationality will be certain, and that they will stop upon demand and submit peaceably to visit and search, will sink our merchant vessels without notice, and without complying with the humane customs of visit, search, and seizure universally accepted by nations. If this is true, then this provision, together with the provision prohibiting American

citizens traveling upon belligerent ships, should eliminate the danger of the loss of life of our citizens, and remove the greatest cause that could incite us to war.

I now come to the discussion of subsection (a) of section 2. This subsection grants to the President authority to prohibit American merchant ships from transporting to belligerents articles and materials other than and in addition to arms, ammunition, and implements of war, when he shall find and proclaim that the placing of such restrictions is necessary to promote the security or preserve the peace or neutrality of the United States, or to protect the lives and commerce of nationals of the United States. Such restrictions do not apply until the President has issued his proclamation as to the existence of war, and has named the belligerents. When this has been done, and the restrictions are so placed on our ships, they apply to transportation to all belligerents equally and alike.

Let us keep in mind the fact that the restrictions provided for in subsection (a) of section 2 apply solely to American vessels. The chief object of such restrictions upon American vessels in the event of a widespread war in which we are neutral is to protect the lives of our seamen on American merchantmen transporting freight to belligerents or for transshipment to belligerents. We must look to our experience in the World War in attempting to protect the lives of our citizens in the next world war.

Under the accepted rules of naval warfare prior to the World War, neutral ships on the high seas could be stopped, visited, and searched to ascertain if there was contraband on board; and the belligerent ship, if it found contraband on board, had the right to confiscate that contraband. The belligerent ship, however, had no right to attack the neutral ship unless it attempted to escape or resisted peaceful visit. Even in those cases, under the customary rules of naval warfare, where the belligerent was permitted to sink the ship, it was absolutely necessary that it first provide for the safety of those on board. If that had been the rule pursued during the World War by submarines, there might have been danger of the loss of cargoes, but no danger to the lives of the seamen on board. Unfortunately the German submarines did not abide by the time-immemorial rules of visit, search, and seizure. They not only violated these universally accepted rules but they violated the rules of blockade. Of course, a neutral vessel under the accepted rules was subject to the danger of being sunk if it tried to run a blockade; but a blockade was defined to exist only when a port was invested by an enemy, or the entrance of the port was so commanded by enemy war vessels that a neutral ship could not enter without danger of destruction.

Germany, however, established what she called a war zone, in which any ship entering was considered a trespasser, and subject to being sunk just as though it were running a blockade. This war zone consisted of a line somewhere out upon the high seas surrounding Great Britain, France, Russia, and Italy. No merchant ship could tell when it entered such zone. Its establishment made it practically impossible for a neutral vessel to reach any neutral ports without encountering the danger of passing through the so-called war zone.

Germany justified herself in establishing this war zone because Great Britain had theretofore established a similar war zone taking in the whole North Sea, which she denominated a "military area." Then Germany proceeded to sink merchant vessels within this zone with submerged submarines and without notice, without making any provision for the protection of the lives of seamen on board such vessels. Of course our Government protested violently against this brutal and inhumane treatment, but protest accomplished nothing. Germany contended that the merchantmen of her enemies were armed, and that these arms could sink a submarine with one shot if the submarine came to the surface and attempted to visit a merchantman for the purpose of search. She further contended that as her enemies used the American flag and other neutral flags for the purpose of decoying the submarines to destruction, she could not recognize an American flag; and so the destruction of American freighters went on, with the destruction of the lives of our seamen. We protested to Great Britain against the use of our flag by her and by her allies, but it was, and is, a customary deception practiced by all naval vessels, and Great Britain would not agree to discontinue it.

I have heretofore discussed the provision in this resolution prohibiting the arming of our merchant ships, and requiring proper identification of our ships other than by the use of the flag. If this provision should be adopted, I am convinced that no submarine would sink our ships without notice, and that they would follow the humane and customary rule of visit and search. If such should be the case, then there would be no necessity for the enforcement of this restriction on American ships. It is true that some of the goods on board might be confiscated, and American ships might desire to take that risk; but, in any event, the lives of our seamen would be preserved.

Subsection (b) of section 2 deals with an entirely different subject from that treated in subsection (a), which I have just discussed. It applies to the export and transport of goods to belligerents by any American citizen and upon any vessel, whether it be American, neutral, or belligerent. Subsection (b) can best be described by quoting the exact language. It reads as follows:

(b) It shall be unlawful to export or transport to any belligerent country, or to any country wherein civil strife exists, named in said proclamation or proclamations issued under section 1 of this act, or to any other country for transshipment to, or for the use of, such belligerent country or such country wherein civil strife exists, any articles or materials whatever until all right, title, and interest therein shall have been transferred to some foreign government, agency, institution, association, partnership, corporation, or national. The shipper of such article shall be required to file with the collector of the port from which the articles or materials are to be exported a declaration under oath that there exists in American citizens no right, title, or interest in such articles or materials, and to comply with such rules and regulations as shall be promulgated by the President. Any such declaration so filed shall be a conclusive estoppel against any claim of any American citizen of right, title, or interest in such articles or materials. Insurance written by American underwriters on any articles or materials, the exportation of which is prohibited by this act, or on articles carried by an American vessel or aircraft contrary to subsection (a) of this section shall not be deemed an American interest therein, and no insurance policy issued on such articles or materials and no loss incurred thereunder shall be made a basis of any claim put forward by the Government of the United States.

Mr. JOHNSON of California. Mr. President, will the Senator yield there?

Mr. PITTMAN. I yield.

Mr. JOHNSON of California. The Senator, I think, answered this query once in the committee; but, in order that there may be no mistake, I desire to have it of record here. In either American bottoms or foreign bottoms, if that provision be complied with, the goods may be transported?

Mr. PITTMAN. They may undoubtedly be transported in anything except American vessels. Under the other section there might be restrictions on the transportation of some of the goods that would not apply to foreign vessels.

Mr. JOHNSON of California. But the subsequent section which the Senator has just read contemplates, does it not, that either in American bottoms or in foreign bottoms there may be transportation of the goods?

Mr. PITTMAN. It does.

I particularly call attention to the first sentence.

It shall be unlawful to export or transport to any belligerent country, and so forth and so forth.

That makes it unlawful for any citizen to export without complying with the conditions, or any ship to transport until the conditions have been complied with. The provision also applies equally to any and all belligerents.

This is a mandatory statute. There is no discretion granted to any agency to relieve any citizen or any ship of the restrictions of the law. This subsection does not place an embargo upon the shipment of any article or material. It is not the intention of the pending joint resolution to place an embargo upon any exports or upon the transportation of any exports except arms, ammunition, and implements of war. It permits our citizens to sell their products for export and transportation abroad, even to belligerents. It requires, however, that the sale must be made in the United States and that title to and possession of such products must be executed to someone else other than a citizen

of the United States before such goods may be placed upon any vessel for transportation to a belligerent country. Our Government, of course, is interested in seeing that this law is obeyed. It is therefore provided that proof of such transfer of title and possession shall be made by an affidavit of the seller and filed with the collector of the port from which such articles or materials are to be exported. And it permits our Government to require such additional proof under such rules and regulations as the President may prescribe. The object of this reasonable provision is to avoid controversies between our Government and belligerent governments with regard to the charges of our citizens that their goods on the high seas were illegally destroyed or confiscated. These controversies are unfortunate and frequently lead to war. Goods transported to belligerents or for their use are destroyed or confiscated on the grounds that they constitute contraband of war. The definition of contraband of war is quite uncertain and has always been and still is a controversial question as between governments. Grotius in his work in 1625 in discussing contraband divided materials into three classes, namely:

(1) Those that were of use only in war;
(2) Those that were of no use in war but served only for pleasure; and
(3) Those that were useful both in war and in peace.

He held that the first was contraband of war subject to seizure and confiscation; that the second was free; and that the third became contraband of war if the belligerent could not protect himself without seizing it.

This rule has generally been followed, both by the Continental Congress and by the United States Government, in the treaties that they entered into. In modern times the distinctions between the classes of material were sometimes designated as contraband, noncontraband, and conditional contraband. Notwithstanding this generally accepted rule, governments have constantly differed in time of war as to what articles should be placed upon the free list. Our Government, in its treaty of amity, commerce, and navigation with Great Britain in 1794 rather departed from an attempt to describe noncontraband of war. In that treaty it was stated:

> And whereas the difficulty of agreeing on the precise cases in which alone provisions and other articles not generally contraband may be regarded as such, renders it expedient to provide against the inconveniences and misunderstandings which might thence arise: It is further agreed that whenever any such articles so becoming contraband according to the existing laws of nations, shall for that reason be seized, the same shall not be confiscated, but the owners thereof shall be speedily and completely indemnified; and the captors, or in their default the government under whose authority they act, shall pay to the masters or owners of such vessels the full value of all such articles, with a reasonable mercantile profit thereon, together with the freight, and also the demurrage incident to such detention. (Maritime Commerce I: 194–195.)

This treaty divided materials into contraband of war and conditional contraband of war. It provided, however, that when goods were seized on the grounds that they had ceased to be conditional contraband of war, and were claimed to be contraband, that the seizing government should speedily and completely indemnify the owners of such goods for such confiscation.

By the declaration of London, which was the latest attempt of governments to agree upon the subject of contraband, contraband was divided into three classes, namely, absolute contraband, conditional contraband, and noncontraband, with the proviso that any belligerent government upon notice to neutrals might take the materials on the conditional contraband list and add them to the absolute contraband list.

It is interesting to note that in the list of conditional contraband was included foodstuffs, forage and grain, clothing, fabric for clothing, boots and shoes suitable for use in war, vehicles of all kinds available for use in war and their component parts; vessels, crafts, and boats of all kinds; railway material, both fixed and rolling stock; and material for telegraphs, wireless telegraphs and telephones; fuels, lubricants, barbwire, and so forth.

Now let it be remembered also that Prussia, America, Austria, France, Great Britain, Italy, Japan, the Netherlands, and Russia all took part through their duly appointed representatives in preparing and agreeing upon that declaration. It was advised and consented to by the United States Senate. It was not ratified and approved by some of the other governments, including Great Britain. Therefore, when the World War commenced all of the belligerent powers declared it of no force and effect and proceeded to violate the very principles with regard to contraband therein established. Great Britain, France, and the other allies immediately issued and proclaimed a list of contraband which included very nearly every material in existence.

Appartently at first they overlooked a few articles and then proceeded to add these articles to the list.

Great Britain, in April 1916, publicly declared that as Germany had incorporated all of its civil population in its military forces and had taken over absolute control of food supplies, she would abolish the distinction between goods absolutely contraband and goods conditionally contraband so long as such conditions existed.

This declaration with regard to contraband, was approved and complied with by Great Britain's allies. It must be remembered that in addition to constituting practically all materials contraband, Great Britain and her Allies asserted the doctrine of continuous voyage and declared, therefore, that anything was contraband—meaning all materials—that was shipped "to order", or that was shipped to an agent of one of its enemies in a neutral country—and they construed anyone in a neutral country who they had reason to believe had transshipped goods into their enemy's country in the class of an agent of their enemy. And so did all of the belligerents finally define contraband, and all adopted the same procedure in applying the doctrine of continuous voyage.

Was this a violation of the generally accepted customs of nations, sometimes called international law? It was certainly subject to serious controversy. Under the generally accepted rule contraband becomes absolute contraband through the doctrine of continuous voyage if it is shipped to a belligerent government or if it is shipped into a belligerent country for the use of the belligerent government in carrying on war, or if it is shipped into a neutral country with its ultimate destination a belligerent country for the use and benefit of the armed forces.

Who is to determine these facts while war is in progress? How can a remedy be exacted during such war? It is possible that after the war the government alleged to be a violator of the laws of neutrality may agree to submit such controversies to arbitration. Such remedies are indefinite and certainly do not relieve the situation during the continuance of the war.

We are dealing in this legislation with what we consider restrictions that will keep us from being involved in such controversies, for fear that the controversies may lead to war, rather than attempted adjustment of matters after war.

The United States is not in a position sincerely further to protest against the action of the belligerent governments with regard to contraband, because just as soon as we entered the World War we issued and proclaimed an absolute contraband list which included substantially every material essential to the industry and life of the people of a country; and we also adopted substantially the same definition with regard to contraband that was originally adopted by Great Britain and her allies.

The Navy Department pointed out in 1918 that in the instructions from the President to the Navy Department relative to what should be contained in the contraband list there was no express distinction between absolute and conditional contraband; that destination was the deciding factor.

I have submitted this fleeting description of the history of the evolution of contraband so that we may understand the effect upon shipments of any material from our country to a belligerent country, or for transshipment to or for the use of a belligerent country. We cannot safely export any of the products of the United States to any belligerent country or to nearby neutral countries in the event of another widespread war conducted in the manner in which the World

War was conducted without subjecting such goods to seizure and confiscation. If these products are so seized, there is not the slightest doubt in my mind that if our citizens own them at the time they are seized and confiscated, they will contend that such seizure was contrary to international law, when there is no such thing. They will become excited and violent. They will contend that their neutral rights have been violated. They will protest that they have been denied their rights to the freedom of the seas, and that it is the duty of our Government in the protection of its honor and dignity and the property of its citizens to go to war, if necessary, to protect those alleged rights.

In the very nature of things, the ships of any country may do anything desired and transport any goods on the open sea, because no country owns or has any jurisdiction over the sea beyond its territorial limits. This very situation made it advisable for governments to attempt to have an understanding with regard to the reasonable use of the open seas by all countries, and so certain customs of nations arose, and, so long as they did not threaten their defeat in war, governments abided by them. The rights on the open sea were divided as between the rights of the belligerents and the rights of the neutrals. Naturally, countries fighting for their very existence, for their liberty, and for the lives of their nationals seek to prevent any aid reaching their enemies that threatens their own defeat; and so when belligerents make the rules of naval warfare they make them very restrictive upon neutrals. On the other hand, when countries are at peace and have no fear that they will be dragged into a war and become belligerents, they fight against every restriction upon their citizens and upon their ships and commerce. This is what happened during the World War, when we were at peace; and such was what happened when we became belligerents. There is no law on this subject in the sense that a law is something prescribed by a government that has the jurisdiction to prescribe it and the right to enforce it. There is no law in the sense in which we generally define the word, unless the power is granted to some tribunal to adjudicate the facts as applicable to the law and to render a decision.

International law, of course, can be made by governments through treaties. It has been done many times. Even then it is only international law as between the governments bound by the treaty. It is not binding upon governments not parties to the treaty. It is contended, of course, by distinguished writers upon international law that it does exist, and that disobedience to it does not deprive it of its status as law. I contend that it does cease to be a law if it is disobeyed by governments at pleasure, and there is no treaty to bind them and no method of enforcing judgment and decision. For many years international lawyers have been attempting to codify international law, and they have not yet succeeded in determining what constitutes international law with regard to any vital subjects. I suppose that will be denied, and I shall take up that subject later when I come to it.

We cannot, therefore, effectively determine what are our neutral rights as against belligerents, what constitutes contraband of war, save and except for ourselves; and until we can determine these questions we cannot determine what are our rights as to the freedom of the seas. We can determine for ourselves what our rights are, but we cannot determine that question for the belligerents nor anyone else. If the belligerents do not agree as to what we contend to be our rights in commerce and upon the open seas, we have no remedy that I know of when diplomatic efforts fail except to go to war. I say "determine." We may lose lives all during a foreign war and finally get into it, and after the war is over we may try to collect something. Sometimes other countries will let us pay.

The chief object of this joint resolution is not to attempt to determine neutral rights nor belligerent rights, because they can be determined only by the agreement of governments. By this joint resolution we neither assert a neutral right nor do we admit a belligerent right. Those are matters that we shall probably discuss during the next war and after that war. In the meantime, we simply seek to place upon our citizens, our exports, and our commerce such reasonable restrictions as will tend to eliminate some of the major causes that drag peaceful nations into war. By every provision contained in the pending resolution, it mandatorially applies equally and alike to each and all belligerents. It grants no discretion whatsoever in this matter.

Subsection (b) of section 2 does not deprive any belligerent of the opportunity to receive the products of our country except arms, ammunition, and implements of war. It does not prevent any citizen of our country or anyone within our country from selling his products to anyone for transportation anywhere. It simply provides that the sale must be made in this country to some foreigner or foreign government, and that the product must be the property of a foreign government or national when it leaves our ports and when it is destroyed or confiscated on the high seas. This, therefore, is not unneutral. It certainly is not surrendering any right on the high seas that is of any benefit to any citizen of the United States. We shall continue to insist upon our rights and, if necessary, we shall retaliate against the government or governments whom we believe to be violating those rights.

Mr. President and Senators, we are liable to forget the terrible sacrifices of the lives of our boys during the World War; the blinding, the maiming, and the destruction of the health of those who so pitifully came back to us. Their sorrow, their suffering, and their bodily and mental anguish cannot be even appreciated by us. The grief, the inconsolable grief of the mothers and fathers, brothers, and sisters of those young men who were destroyed in youth and vigor, and those who came back bodily wrecks, should never happen again if by any human sacrifice we can prevent it.

Such a war may come again; in fact, the world today is preparing for such a war. If it comes, let us not be in the position we were in before we entered the last World War. Let us not drift along through diplomatic correspondence and protestation with regard to neutral and belligerent rights while the destruction of the lives of our citizens goes on, until eventually there is repeated the death and destruction and misery and grief that we experienced and the conditions that we have suffered ever since the last great war.

I sincerely believe that the enactment of this joint resolution will keep us out of the next great foreign war. I appeal for the passage of this resolution.

Mr. VANDENBERG. Mr. President, I have listened with the greatest interest to the sustained and persuasive statement made by the able chairman of the Committee on Foreign Relations. With at least 90 percent of it I am in complete and cordial agreement; and I now state that I think the Senator from Nevada has put the country under a debt to him for the open-minded way in which he has undertaken the composition of the difficulties which his committee confronted. I rise to agree with almost everything he has said, but to dissent with equal vigor and prayerfulness at one very important point in the joint resolution; and at that point I shall offer what I believe to be a corrective amendment.

Mr. President, the Senator from Nevada quoted frequently from the observations of the late Secretary Lansing. I may say in passing that I think one of the most illuminating exhibits that have come to light as an aftermath of our experience in the World War is a memorandum from the late Secretary Lansing which was written on May 3, 1915, and which has just come to the surface through gift of Princeton University. Speaking of the quick disillusionment of neutrals in 1914 and 1915 in respect to their faith in neutral rights, Mr. Lansing said—and this is out of the life story of America in the World War, and it comes at first hand from the man who was in key position to know—

> It did not take many days to show that this belief—
>
> Namely, the belief in the rights of neutrals—
>
> was unwarranted. New means of communication, new methods of locomotion, new engines of destruction untested in actual war, and the consequent changes in military and naval operations created new conditions to which the long-established rules of war did not and could not apply.
>
> The result was a general uncertainty as to what belligerents could properly claim as justified by these changes and to what extent neutral rights were affected. As the war progressed and

increased in magnitude and intensity, it became more and more apparent that the existing rules were inadequate, until the standard of conduct which had developed during previous wars seemed to melt away.

Mr. President, we stand in that particular gap this afternoon. It is still true that the existing rules as the world has undertaken to make them and apply them in respect to war for the hundreds of years past no longer stand in the same relationship to physical facts that they did heretofore. The standards of conduct heretofore apparent and heretofore available as precedents have melted away. There is need for a new rule, and, in my humble judgment, the report which has been submitted by the able Senator from Nevada from the Committee on Foreign Relations, with one notable exception, does lay the basis for a new rule of conduct which will extend to the American people, so far as is practicable by statute, as complete a degree of quarantine against other people's wars as it is possible to write in black and white.

I will continue for a moment with this revealing document of the late Secretary Lansing, which has just come to publication. Mr. Lansing became a realist in the midst of his travail and work. Remember this was written during the heat of the controversy.

What does a government whose people are dying by thousands for the sake of their country care about a legal right of property? What is the observance of law compared to a nation's life? How much do commercial interests weigh against the sacrifice of human life? That is the attitude of the governments of warring Europe. Can we blame them for their indifference to our legal rights? Can we blame them for their bitter complaints that we are mercenary, selfish, and unsympathetic when we insist that our rights shall be respected, if to do so seems to conflict with their efforts against their enemies?

Then Secretary Lansing says in this memorandum:

Unless this Government is prepared to back up its threats with force it is useless to make them. No one believes that we could go as far as that, if it can be honorably avoided. There is only one way to avoid the issue, and that is to adopt a conciliatory and amicable tone. Even that may fail to give partial relief, but it is the only way to obtain any relief under present conditions.

So, Mr. President, it seems to me that the thing we are undertaking to do in respect to this new permanent neutrality code is to change the conditions under which we shall confront our next challenge and our next crisis if, God forbid, it comes.

In that connection I wish to read one sentence from the late Admiral Sims, who certainly was about as belligerent and dependable a patriotic defender of America as ever wore its uniform and about as far from being a pacifist as a man could be. Admiral Sims said:

If war arises, we must choose between two courses—it is a choice of profits or peace. Our trade as a neutral must be at the risk of the traders. Our Army and Navy must not be used to protect that trade and our country must remain at peace.

That is a very extreme statement of the objective, but, so far as its philosophy is concerned, I subscribe to it completely, namely, that our traditional neutrality policy for 150 years has subordinated peace to commerce, and now we are proposing to subordinate commerce to peace.

Mr. BONE. Mr. President——

Mr. VANDENBERG. I yield to the Senator from Washington.

Mr. BONE. May I presume to contribute a little further to the statement the Senator has made concerning Admiral Sims, who added, what I think is a self-evident truth, that if we are going to preserve the doctrine known as "freedom of the seas" we must prepare to underwrite it by force of arms, by the use of the Army and Navy. He makes that very plain, and certainly he speaks with authority, having commanded the American fleet during the World War; and, I take it, if any man knows what this is all about Admiral Sims should know. In other words, we must prepare to underwrite trade under the "freedom of the seas" doctrine with the lives of our boys. I do not think there can be any escape from that conclusion, which Admiral Sims has made very plain. The election is before us right now. I know the Senator agrees with my views in that respect; at least I think he does.

Mr. VANDENBERG. I do agree with the Senator. I think our problem is: Are we willing to pay the price for neutrality? Are we willing to pay the price for a quarantine which has reasonable promise of success?

Mr. BONE. President Roosevelt made that very apparent in a speech delivered by him not long ago when he said we must deliberately make the election between peace and profit.

I hope I am not intruding on the Senator's time.

Mr. VANDENBERG. Not at all.

Mr. BONE. But it seems to me that the worst perversion of logic is to refer to so-called war profits as real profits.

We loaned nations in Europe $12,000,000,000 with which to buy goods from our people, and we are now paying the $12,000,000,000. The debt was translated into bonds on which every Member of the Senate will pay in his income-tax payments within the next few days. It seems to me that of all the stupid perversion of logic is to talk about war profits. To be sure, the Du Ponts made great profits during the war, sufficient to buy control of General Motors and Remington Arms, and to obtain all the worth-while chemical patents in the country, and it must give us a thrill of exultation to know that when we pay our income taxes we are helping the Du Ponts buy all that property. In other words, they cashed in, and the whole country has sweated in the income tax to pay the profits that grew out of the war. That is why I am so much in sympathy with the Senator's viewpoint.

Mr. VANDENBERG. I thank the Senator from Washington for his observation.

The Senator from Nevada has so completely covered the affirmative case in behalf of the joint resolution as submitted that I am quite content to rest my agreement with him upon what he has said, but I would not be satisfied if I should fail briefly to assert the faith that is in me in connection with the particular thing we are now undertaking to do.

I want to register my complete approval of the following affirmative steps which find themselves embodied in this proposed act:

First. I unequivocally endorse the complete mandatory embargo upon loans, credits, arms, ammunition, and implements of war to all peoples in a given crisis. This substantially demonetizes the commercial motive and the profits impulse in whatever degree they may have operated or may hereafter operate, to affect our own domestic status in respect to other people's wars. Furthermore, it automatically removes an inevitable source of international resentments and frictions which, like creeping paralysis, can climax in a deadly menace to our own tranquillity.

Second. I endorse without reservation the complete, mandatory prohibition against American travel in belligerent ships except for a brief period of evacuation after war starts. Whenever a citizen insists needlessly upon going into danger it is the inevitable psychology of the circumstance that he carries his country into precisely the same element of danger. His rights should summarily stop where they intrude upon the rights and safety of 125,000,000 of his fellow citizens back home. "Freedom of the seas" for the individual, in other words, is infinitely less important than "freedom from the war" which might finally have to be fought to vindicate a fruitless principle.

Third. I unequivocally endorse the mandatory so-called "cash and carry" formula respecting the shipment of commodities, other than arms, ammunition, and implements of war, to all belligerents. Under this practice, the commodities are not our goods if they get into subsequent trouble, and consequently their destruction is not an invasion of our rights if anything happens to them. Therefore we avoid the resultant issue which could otherwise lead us into war in defense of a commercial interest that is not worth the hazard involved. True, this reverses and circumscribes traditional practice; but it is far more honorable, as it is also far more practicable, to change the rule ahead of any necessity for its use than to cling to an old practice which asks for trouble, and usually gets it, and which, far too often,

involves us in equivocal interpretations of our own rules when we try ultimately to avoid some of the precise responsibilities which the old rules would perpetuate.

Fourth. I unequivocally endorse the addition of armed merchantmen to that group of belligerent vessels, along with submarines, which the President may prohibit from entering our ports; and the mandatory prohibition against arming our own merchantmen when engaged in trade with belligerent countries. The latter provision will eliminate a large measure of incentive to friction and trouble, yet it will not rob our own ships of any realistic defenses.

I believe so deeply in all of these provisions of the joint resolution that I probably ought to dwell at greater length upon them and extend my argument, lest what I shall now emphasize in respect to the sections of the measure which I criticize should seem to be my dominating theme. But if necessary, this can come later. It is simply because the distinguished chairman of the Foreign Relations Committee has so conclusively covered these strong points that I leave them with this brief endorsement. The brevity of the endorsement in no sense bespeaks any limitation upon the enthusiasm with which I approve the sections to which I have referred. Indeed, it is my profound belief in the wisdom of all these other portions of the bill that leads me the more earnestly to seek to save it from what I believe to be an utterly serious fallacy and weakness of the one portion which I shall now briefly discuss and in connection with which I wish to offer an amendment.

I move to amend the joint resolution by striking out section 2 (a) commencing on page 8, and sections 2 (c) and 2 (d) on page 10. If this amendment carries, there will be need for a slight correction in section 2 (b) at the top of page 10. But the motion in its present form suffices to raise the general issue which I present to the Senate.

Mr. BORAH. Mr. President——

Mr. VANDENBERG. I yield to the Senator from Idaho.

Mr. BORAH. May I submit an inquiry to the Senator at that point?

Mr. VANDENBERG. Certainly.

Mr. BORAH. I understand the Senator has moved to strike out subdivision (a) of section 2, and subdivisions (c) and (d).

Mr. VANDENBERG. That is correct.

Mr. BORAH. But he would leave intact subdivision (b)?

Mr. VANDENBERG. That is correct.

Mr. KING. Mr. President, I did not understand with respect to subdivision (b).

Mr. VANDENBERG. I hope that will remain in the resolution.

Under section 2 (a) the President decides for himself whether commodities (other than arms, ammunition, and implements of war) shall be allowed to travel to belligerents in American ships; and also to decide what commodities shall or shall not be prohibited to American transport.

Under section 2 (c) this Presidential authority expands as the theater of war enlarges.

Under section 2 (d) the President can change his mind about these matters as often as he pleases, and manipulate the embargo accordingly—all within the rule, of course, that his decisions are "necessary to promote the security or preserve the peace or neutrality of the United States or to protect the lives and commerce of nationals of the United States."

Since nothing is certain but uncertainty under this fluid power, it is my conviction that it is impossible to use such a power, under such circumstances, to promote our security or preserve our peace or to protect the lives and commerce of our nationals. On the contrary, I believe the very existence of such a fluid power is inherently an almost unescapable threat to all of these cherished objectives no matter how faithfully any President may seek to act.

Mr. BONE. Mr. President, will the Senator yield?

Mr. VANDENBERG. Certainly.

Mr. BONE. I do not know that I understood the full extent of the Senator's motion, but I take it he would also want to strike out subdivision (d) of section 2 since it relates wholly to subdivision (a)?

Mr. VANDENBERG. I have moved to strike subdivisions (a), (c), and (d).

Mr. BONE. I thank the Senator.

Mr. VANDENBERG. In what I have said thus far regarding the hazard of this discretionary floating Presidential authority, there is no reflection upon the wisdom or the patriotism with which a President might try to use this discretionary power. Let those virtues always be presumed to exist in the White House. The trouble is implicit in the formula itself because we cannot escape the trouble so long as the formula stands. I desire to prove what I mean by that statement.

The subdivisions which I have moved to strike out create a double discretion and this double discretion, in my view, is a double invitation to exercise an unneutral authority; or, let us more scrupulously say, an authority which, when used, will be interpreted as unneutral by whichever belligerent is the more adversely affected. This interpretation will result, in the natural course of human events, no matter how impartially the President may think he has acted and no matter how nobly meditated his action may be. The vice of the matter is inherent in any neutrality decision which is postponed until after the necessity for its application has arisen.

In any given war status, after hostilities are under way, if the President exercises the first of these discretions and takes American ships out of belligerent trade in goods other than munitions, he is bound to hurt one belligerent more than another; and no matter how devotedly he may have thought solely to consult American interests, the effect of his decision will be to precipitate resentment, if not reprisal, from the belligerent which gets the worst of it.

Nor is that all. If the President exercises the second of these discretions and picks and chooses the American commodities—other than munitions—which shall not be carried on our ships, leaving other American commodities that can be carried on our ships, he brings us face to face with a double jeopardy. One, he enrages the belligerent which is principally penalized by his selection of commodities to be proscribed. Two, he morally underwrites the traffic in commodities that are not proscribed, and thus substantially vitiates the effect of the other provisions in the joint resolution which intend that all belligerents shall buy at their own risk. On this latter score this section of the pending measure is incompatible with the balance of the joint resolution. On the former score it can easily be so unneutral, in net effect, as actually to be an invitation to war instead of a warrant for peace. Indeed, under extreme provocation the exercise of such a power could be tantamount to a potential declaration of war itself. Use of such a power can be equivalent to sanctions. Most Americans are opposed to sanctions. Sanctions, in any degree, are not the American road to peace. They are the route into other peoples' wars.

If we learned one thing more than another in our perplexing experiences when we were trying to keep out of the World War, it surely was that basic neutrality decisions cannot be safely made after the necessity for them arises. The inevitable forces of human nature, the inevitable human reactions, make it impossible. Such decisions are at the mercy of belligerent resentment and reprisal abroad. They are at the mercy of commercial pressures at home. I pity the President who would try to use the particular discretion which I discuss. I pity the country's neutrality and the success of its quarantine against other peoples' wars if he should attempt to use it. I think it is inconsistent with the philosophy of the balance of the joint resolution and incompatible with its objectives. My only consolation, if it shall stay in the resolution which I otherwise so heartily applaud, is that the difficulty of its use probably would preclude its use. But if it be not used even the refusal to use it could stir up a hornets' nest of rival clamor. From any viewpoint it is better out than in.

Under the final paragraph which my amendment would delete, the invitation to uncertainty reaches its logical conclusion. The President "may from time to time change, modify, or revoke" his permits to American ships and to commodities carried on them. That, in my view, would be

an utterly dangerous manipulation. It would be playing with fire. It would spell serious jeopardy to every objective we are attempting to promote in this measure.

I do not believe there is any tenable middle-ground in dealing with the transportation factor in this equation. We must either write the law so that it orders all American ships out of this trade with belligerents—which would be a needless extreme and one requiring profound study before being embraced—or we must eliminate the present effort to reach shipping in the present joint resolution. The theory of the balance of the resolution, as respects general commodities intended for belligerents, is the theory of transferred risk—namely, that title passes to the foreigner ahead of export. They are foreign commodities—not American commodities—if anything happens to them. The foreigner not only owns them but he, the foreigner, arranges for their transport. The only appropriate specific limitation upon that transport, so far as we are concerned, it seems to me might be to further emphasize the doctrine of "transferred risk" as was proposed in Senate Joint Resolution 60, Clark et al, by voiding any American insurance contracts on an American ship in such trade precisely as it is proposed to void American insurance on the cargo—although, in my judgment, the latter voidance is substantially adequate for all practical purposes.

Mr. BONE. Mr. President——

Mr. VANDENBERG. I yield to the Senator from Washington.

Mr. BONE. At this point in the Senator's argument I wish to suggest that while I am wholly in sympathy with the viewpoint expressed by the Senator and the provisions of the joint resolution which he is discussing at this point, of which he approves, there is always a possibility of very serious trouble arising out of the fact that while the vessel itself might be destroyed by a submarine, by an airplane, or by a war vessel, and while we divorce ourselves from any liability on the part of the Government to make a claim as to the cargo itself, or to lay the foundation upon which a claim could be predicated and which might cause trouble, nevertheless, if the vessel itself were sunk, it is property of the same general type and character as the cargo.

If we are going to divorce ourselves from responsibility, it has seemed to me highly desirable, if we are going to be logical, to divorce ourselves from responsibility for the vessel itself, because we might be dragged, as we were before, into endless controversies over cargoes and vessels that were injured in this trade, and the destruction of a vessel might readily lend itelf to another misunderstanding, as well as the destruction of the cargo.

I feel that it is only the course of logic and horse sense to deprive the vessel itself—the engine, the hull, the whole vessel itself—of the protection which we strike from the cargo; that is, if we are going to be realistic about this matter, and not go to war because some fellow's dollars are injured in war trade.

Mr. VANDENBERG. I think the Senator carries his argument to a logical conclusion. My difficulty is that there are many other national considerations involved in ships upon the sea which I cannot too lightly dismiss with a simple willingness further to detach ourselves from war trade. It seems to me that if we emphasize the philosophy of transferred risk we have gone a substantial distance in the direction of the goal which we are seeking to reach. So long as subsection (b) of section 2 remains in the joint resolution we have the emphasis upon transferred risk; and the American vessel which goes to sea with foreign goods under those circumstances, particularly if it has to buy foreign insurance in the same connection—and that was the basis of the Clark-Bone-Nye-Vandenberg proposal—it seems to me, is on notice that it is proceeding at its own risk to a degree which would sharply delimit the repercussion if something should happen.

What I wish to say to the Senator from Washington, however, is that if he would achieve the purpose to which he addresses himself in his inquiry to me he certainly cannot do it under the language as it is written in the joint resolution, because this proposal is neither flesh nor fowl; it is half of one thing and half of the other.

Mr. BONE. Mr. President——

Mr. VANDENBERG. I yield further to the Senator from Washington.

Mr. BONE. The thing that disturbs me in this connection, and the thing that is going to rise like Banquo's ghost to disturb all of us if another war occurs in Europe and we are dragged in again because the huckster finds himself in trouble, is surely going to arise under this joint resolution, because the moment the cargo is shipped and title to the cargo has passed from the American vessel and is vested in the belligerent or his agent, if that cargo then be carried in a ship flying the American flag, more surely will that ship be attacked on the high seas; more certainly will we invite an attack on that ship by that very process.

Suppose every belligerent nation knew that every cargo that went from an American port belonged to a belligerent nation but was being shipped in a vessel flying the American flag. Just what is the nation with its back to the wall going to do in a case of that kind? Let us conjure up an imaginary picture.

Mr. VANDENBERG. Let me interrupt the Senator just at that point to ask him how he has helped himself in respect to the problem he now describes by the language now in the joint resolution, which is simply a fluid power in the hands of the President to say, "This ship may go; that ship may not go. This ship may carry cotton; that ship may not carry copper." Does the Senator think he has arrived at any safety zone by that sort of a discretion?

Mr. BONE. Oh, no! I repudiate the thought that there could be any safety in that sort of business.

Mr. VANDENBERG. That is the provision of the joint resolution.

Mr. BONE. That is putting in the hands of one man virtually the right to determine the terms and conditions upon which we might very readily declare war.

Mr. VANDENBERG. Of course I wish to be quite fair about the matter. We are insisting that the President find, as a fact, that there is a jeopardy to American peace when he does it.

Mr. PITTMAN. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield to the Senator from Nevada, of course.

Mr. PITTMAN. I think the Senator's speech is as fluid as he says the section is. He says the section says that the President may say, "This ship may take cotton and that ship may not take cotton. This ship may take that and that ship may not take that." That may be quite definite to the Senator's mind; but, as a matter of fact, any order the President makes will apply to all American ships.

Mr. VANDENBERG. Yes.

Mr. PITTMAN. The President cannot say that one ship may take cotton and the other copper. I do not want that misunderstood.

Mr. VANDENBERG. I did not intend to draw the distinction the Senator draws. I was simply illustrating the fact that cotton might be permitted to go and copper might be prohibited, or one commodity might be licensed and another commodity might be proscribed. There is no question about that.

Mr. President, that is the point at which I quarrel with the joint resolution. I have said all I wish to say about it, except that in conclusion I desire to quote the observations of one who I think is probably as wise a patriarch upon these problems as we still have under the American flag, Mr. John Bassett Moore. With direct application to the sections of the joint resolution which I am moving to strike out, I read the following:

> It is the discretion given to the President which has drawn sharp and weighty criticism from Mr. John Bassett Moore, the greatest living American authority on international law.
>
> I am reading from Mr. Lippmann:
>
> If I understand his objection, it is that to let the President have the power to decide whether a nation may have oil or copper or wheat when it is fighting for its life is to give him power to intervene in the war and perhaps to decide who is to win. Judge

Moore argues that the injured nation would regard whatever the President did as an unfriendly act, as tantamount to waging war on the side of its enemies. "Nothing," he says, "could more surely tend to involve us in war." Moreover, he suggests that to leave the President with such undefined power would mean that he would become the center of furious pressure from Americans who sympathized with one side or the other.

Mr. President, for these reasons, which I have very briefly submitted, I shall ask in due season for a roll call on the amendment striking these sections from the joint resolution. I think the joint resolution is stronger without the sections to which I have been drawing attention. I think without these sections the joint resolution makes a thoroughly splendid advance in the direction of quarantining America against other people's wars. We have probably reached a point in a foreshortened world where we cannot be isolationists, but we certainly have not reached a point where we cannot be insulationists.

Mr. PITTMAN. Mr. President, I do not wish to take up much of the time of the Senate; but I desire to answer very briefly the arguments presented by the Senator from Michigan in his motion to strike out subsection (a) of section 2.

The Senator has read a published statement by Mr. John Bassett Moore that the action of the President in placing an embargo upon American ships carrying certain goods might be considered unneutral by some of the warring countries, and might lead us into war.

In the first place, I desire to say that I have always denied that that was a reasonable policy that we should consider at all. I think we have a right to protect our safety first; and then, if some government wishes to attack us by reason of our relations with our own citizens, let it attack. We shall not be responsible for such war; it will be on our side of the ocean; we shall have the advantage, and we shall win. I think there is a whole lot more fear in the minds of the people that two warring forces are going to seek to drag us into the war. We do not fear attack.

Germany did not try to drag us into the last war, on the other side of it, although practically all of our exports were going to Great Britain and her allies. Germany had the alternative of deciding whether she should stop sinking merchantmen and destroying commerce which was going to Great Britain and thereby keep us out of the war, or whether she should keep on destroying the commerce and thereby bring us into the war. Her statesmen advised Germany to stop the submarine destruction and thus keep us out of the war, but her naval and army officers gave the contrary advice; and so we went into the war. If, however, we have this constant threat of doing this or doing that in the form of a restriction on our own nationals and our own ships, and therefore by reason of this fear we refrain from protecting the lives of our citizens, we are liable to have war. We have no fear some belligerent is going to sneak around and attack us because we try to keep out of the war.

In the first place, it is totally unreasonable. There have not been many widespread wars where the opposing forces were not quite evenly matched. This is brought about through alliance for balance of power. The next world war I have in mind would be the same kind of a world war we had 20 years ago. Every one of the countries engaged in the last World War would be in it and perhaps others. Just exactly how they would be divided, I do not know, but there would be plenty of divisions. Neither side will desire to force us on the other side.

I say again that there is nothing we can do toward restraint of our citizens or our own commerce that will induce either side in a coming war to commit an act of war against us, and they would not have done it in the World War if they had known what the result was to be. The statesmanship of Germany regrets today that they ever continued with the submarine warfare and forced the United States into the war against it; there is no question about that.

Even if it could be held that it is unneutral for us during war to withhold the shipment of products to the countries which had generally been receiving them, that could not happen under the proposed law, even with subsection (a) of section 2 in it, because subsection (b) of section 2 allows foreign belligerents to get anything they want in this country. They can come and get it in their own ships; they can come and get it in the ships of any other neutral. If we should absolutely prohibit our ships from going out of our harbors, no belligerent would be injured at all. The only one who could be injured would be the shipping company, and in certain cases I would rather we should pay hundreds of millions of dollars in the form of bonuses to shipping companies than to have the lives of seamen taken as they were taken during the last war. This subsection is inserted in order to save the lives of seamen.

The property of our citizens would be saved under subdivision (b). The subdivision I am discussing, subsection (a), is to save the lives of seamen, and it will not be used unless it is necessary to save the lives of seamen, but if it were necessary, and I were in control, rather than send the sailors on our merchant vessels into the danger zone in the ocean, unmarked and mysterious, and have submarines sink them without notice, in the nighttime, and with no precautions to protect their lives, I would rather tie up every one of our ships in the harbors of this country and pay the ships a bonus for having injured them. But I do not believe that any ship would be injured if we should not allow them to carry a solitary thing to a belligerent country during a war such as the one we had before.

As far as belligerents are concerned, they will be seeking big ports like ours. The ports on the Pacific and South Atlantic will be abandoned by many ships, as they were during the last World War. Shipping to every place except to the big ports will be gone. There is no doubt but that our merchant marine can easily and rapidly transfer its commerce from belligerent ports to neutral ports of the world.

In such a world war as the one we had before there are going to be great inducements to American ships to sail into belligerent ports, and I would not let them sail into belligerent ports under the conditions which existed in the last war. But if the conditions are different, if there is some respect on both sides shown for us during the next world war, no such act as that proposed will be necessary.

Again, no such act will be necessary if we do not allow our ships to arm. Never again will a belligerent submarine sink our neutral ship that is known to be unarmed. This provision is not intended to prevent cargo destruction; it is intended to prevent the destruction of seamen.

I am unwilling that there should not be some provision in the measure to protect the lives of seamen on our freight ships.

Mr. BONE. Mr. President, I should like to inquire concerning the matter of vessels flying the American flag handling cargoes of the character contemplated in subsection (b) of section 2.

Mr. JOHNSON of California. Mr. President, will not the Senator speak a little louder? All I am fit for in this debate today is to listen, and I should like to hear what is said.

Mr. BONE. I apologize to the Senator. Subsection (b) of section 2 requires any shipper to divest himself of title, but I assume without question that an American vessel might transport such cargo.

Mr. PITTMAN. I think so; it is not prohibited.

Mr. BONE. I wish to suggest again that it seems to me there would be every impulse on the part of a belligerent to want to destroy a vessel carrying cargo the title to which had vested in a belligerent nation that was engaged in war with the nation having the submarine or the airplane out in the open. Therefore the sailors on a ship flying the American flag carrying that type of cargo might certainly more likely subject themselves to the danger of being destroyed than if the cargo belonged to American citizens. It would seem that way to me. I suggest that to the Senator, because I am sure he must have thought of that particular phase of this controversy. I am wondering whether it would not be the part of wisdom, since we are withdrawing protection by this means from one form of property, to withdraw it from the other form of property, which is the vessel itself.

Mr. PITTMAN. I see the Senator's point, but the very minute the title is transferred to a foreign government, or to the agency of a foreign government, or to a national of a foreign government, we get that much closer to the question of contraband, and if the goods are contraband, they are subject to destruction.

POSTPONEMENT OF STAR-ROUTE CONTRACT AWARDS

The PRESIDING OFFICER (Mr. LEE in the chair) laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 84) to authorize the Postmaster General to withhold the awarding of star-route contracts for a period of 60 days, which were, in line 4, to strike out "any star-route contract" and insert "star-route contracts for which bids have been received in the first contract section", and in line 5, to strike out "31" and insert "1."

Mr. HAYDEN. Mr. President, at the request of the chairman of the Committee on Post Offices and Post Roads, the senior Senator from Tennessee [Mr. MCKELLAR], who is occupied in a hearing, I move that the Senate concur in the House amendments. The effect of the main amendment is to accomplish all that is desired. The only star-route contracts which are involved and which can be postponed relate to the northeast section of the United States.

Mr. KING. Mr. President, for my information, what is the principle involved, and what was the source of the controversy between the House and the Senate?

Mr. HAYDEN. There is no source of controversy. The House merely defines in a better way what is sought to be done.

Mr. KING. As I recall, when the bill was before the Senate the Senator from Tennessee objected to it.

Mr. HAYDEN. No; the Senator from Tennessee favors the enactment of the proposed legislation. It is by his request that I am moving that the Senate concur in the House amendments.

Mr. KING. If it meets the views of the Senator from Tennessee, I have no objection.

The PRESIDING OFFICER. The question is on the motion of the Senator from Arizona that the Senate concur in the amendments of the House to Senate Joint Resolution 84.

The motion was agreed to.

AMERICAN NEUTRALITY

The Senate resumed consideration of the joint resolution (S. J. Res. 51) to amend the joint resolution entitled "Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war", approved August 31, 1935, being Public Resolution No. 67, Seventy-fourth Congress (S. J. Res. 173), as amended by joint resolution approved February 29, 1936, entitled "Joint resolution extending and amending the joint resolution (Public Res. 67, 74th Cong.), approved August 31, 1935."

Mr. BORAH. Mr. President, section 1 of the pending measure provides, in general, that when the President finds a state of war to exist between foreign governments he shall issue a proclamation to that effect, and it shall be unlawful thereafter to ship arms, munitions, and implements of war to the belligerent countries or to neutral countries for the purpose of reshipment. I think all the members of the Committee on Foreign Relations are entirely favorable to that provision. It seems to me a wise provision.

The next important section provides that practically the same rule shall prevail where the President finds that civil strife has reached such magnitude as to endanger the peace of the United States. That also, I think, has the entire approval of the committee.

There is a provision also which prohibits the making of loans or the establishing of credits for belligerents. There is also a provision which prevents American citizens from traveling on belligerent ships, and a provision relative to arming merchant ships. As I understand, there was no controversy in the committee on those questions, and I very heartily approve them myself.

I regret, however, that I am unable to follow the Senator from Nevada, the chairman of the Committee on Foreign Relations, with reference to subdivisions (a) and (b) of section 2. The subject of neutrality is a difficult subject on which to legislate, and in my judgment the chairman of the committee has, with a great deal of patience, industry, and ability, worked out a very desirable measure except as to two provisions. But these two subdivisions seem to me to establish an entirely new national policy, and if they are to have that effect, certainly we ought not to pass them without very thorough discussion as to their probable bearing upon the interests of our people.

Something has been said already in regard to subdivision (a) of section 2. I desire now to call attention to subdivision (b) of section 2. This is to be a statute, not to be put into operation in the discretion of the President, but is to be an established law of the country. It becomes a rigid statute when the President issues his proclamation under section 1. The President is given no discretion as to its terms or as to its operation.

I read subdivision (b) of section 2:

(b) It shall be unlawful to export or transport to any belligerent country, or to any country wherein civil strife exists, named in said proclamation or proclamations issued under section 1 of this act, or to any other country for transshipment to, or for the use of, such belligerent country or such country wherein civil strife exists, any articles or materials whatever until all right, title, and interest therein shall have been transferred to some foreign government, agency, institution, association, partnership, corporation, or national. The shipper of such article shall be required to file with the collector of the port from which the articles or materials are to be exported a declaration under oath that there exists in American citizens no right, title, or interest in such articles or materials, and to comply with such rules and regulations as shall be promulgated by the President. Any such declaration so filed shall be a conclusive estoppel against any claim of any American citizen of right, title, or interest in such articles or materials. Insurance written by American underwriters on any articles or materials, the exportation of which is prohibited by this act, or on articles carried by an American vessel or aircraft contrary to subsection (a) of this section shall not be deemed an American interest therein, and no insurance policy issued on such articles or materials and no loss incurred thereunder shall be made a basis of any claim put forward by the Government of the United States.

The section is well drawn to accomplish the purpose which the able Senator has in mind. I make no technical objection to the section. But I inquire what will be the effect of this provision if it is made the established law? A great deal has been said, Mr. President, and it occurred today in the debate, about making profits out of war. I think the able Senator from Michigan [Mr. VANDENBERG] said that we had in the past sacrificed peace to profits, and now we are going to sacrifice profits to peace. Now, Mr. President, this provision does not sacrifice any profits. If foreigners come and buy, our people may sell at any figure at which the purchasers are willing to buy, and make any amounts of profits that war conditions enable them to make. Great Britain could come here and buy all our cotton or all our copper, if she were prepared to buy and pay for it, or as the able Senator from Nevada [Mr. PITTMAN] has said, buy anything that she desires, except arms, munitions, and implements of war, and the question of profits would obtain just the same as if the goods were carried in our ships or sold abroad by our agents. The question of profits, in other words, is not eliminated in any sense. We are making profits out of war. If we will just simply keep ourselves off the ocean the question of how much we make out of the war has no limitation upon it whatever. We seek to avoid all risks, all danger, but we make certain to get all the profits.

I ask, Who will make these profits? Why, the big corporations of the country. There is no one else who in all probability can meet these situations and supply the materials which will be necessary. The great oil companies can make their profits. The steel interests can make their profits. The munitions makers in an indirect way can make their profits. It will result, in my humble opinion, in the

great corporate interests of this country furnishing supplies to those nations to whom they wish to furnish the supplies, to any nation that wants them and to which they are willing to sell. A perfect combination can be made between a nation and the great corporations of this country to supply anything that the nation in question needed. They would run the war.

What would have been the result at the beginning of the World War, with the American interests and other people's interests in that situation being what they were, had this provision been the permanent law of the land at that time? Americans could have supplied the Allies with whatever the Allies desired, and their profits might have been anything that they could make, and there would have been no limit upon the transactions whatever. Or they could have supplied the Central Powers.

Now, what becomes of the question of making profits out of war?

Mr. VANDENBERG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Michigan?

Mr. BORAH. I yield.

Mr. VANDENBERG. The references that I was making to the subject of demonetizing war go chiefly to the other sections of the bill, which, I am sure the Senator will readily agree, do circumscribe the possibility of making profits.

Mr. BORAH. I thoroughly agree with all the provisions of the bill with the exception of subdivisions (a) and (b) of section 2. I cannot speak too highly of the measure as it stands so far as these other provisions are concerned. It is well drawn and covers the subject, and covers it effectively, and I am thoroughly in accord with it. But I ask the Senators to consider seriously how this new proposition is going to work. It makes us an ally with Great Britain in such a war as came up the last time. It makes us an ally with Japan upon the Pacific coast. What other nations, which do not have the navy to protect the purchases, can come here and get them? It is a program for nations with large navies. It spells the doom of small nations.

Mr. PITTMAN. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. PITTMAN. What provision would the Senator suggest that would prevent us from becoming an ally to Japan and Great Britain in that particular way that he suggests?

Mr. BORAH. If we were carrying the material ourselves, or selling the material ourselves, we could sell it to any nation or carry it to any nation we might choose, however small or incapable the nation might be as a naval power. Only those nations which are capable of coming and getting the material, those who have the big navies of the world, can come and operate under this provision.

Mr. PITTMAN. I cannot quite agree with the Senator. It does not say that no ships except belligerent ships can come and get the goods. There might be 50 neutrals in the next war. There were 50 neutrals during the last war. The ships of neutrals can come and get the goods.

Mr. BORAH. Mr. President, if Great Britain or Japan were interested in the question, there would be very few neutrals who would enter into transactions contrary to their interests.

Mr. PITTMAN. There were very few neutrals that helped Germany during the World War.

Mr. BORAH. Certainly. They were whipped into line. But I am sure the Senator will agree that if the nations which have great navies now desire to command this situation, they can do it.

Mr. GERRY rose.

Mr. PITTMAN. They can command it whether the goods are paid for here or are not paid for here.

Mr. BORAH. Mr. President, I do not agree with that proposition. The United States is one of the great powers of the world. It cannot be dictated to unless it consents to be dictated to on every question which arises upon the part of other nations. We might be perfectly willing to carry these goods under different terms than those which Great Britain would permit.

Mr. PITTMAN. I do not disagree with anything that the Senator has said with regard to those governments that have control of the sea, by which their navies, generally speaking, can control where the goods can go; but as concerns the effect had upon them I do not see what difference it would make whether the goods are paid for in this country or paid for somewhere else.

Mr. BORAH. I now yield to the Senator from Rhode Island.

Mr. GERRY. I agree heartily with what the Senator from Idaho is saying, that the real crux of the question is the control of the sea. If our Navy is strong enough, we can dictate to any belligerent country. We cannot be second to any if we really want a carrying out of neutrality. That is fundamental.

But what I had in mind when I rose to my feet was to ask the Senator from Idaho a question. One of the final acts that brought us into the World War was the German declaration enlarging and extending the blockade. One of the things that has been troubling me with reference to this joint resolution is this: If we have the cash-and-carry plan, it seems to me we have eliminated all the rules of blockade so far as we are concerned, or our interests are concerned, and that ships of neutral nations or the belligerent nations that are carrying goods right from our ports are liable to search and seizure immediately outside our ports. Of course, during the World War Great Britain had warships outside our ports before we came into the war. But it seems to me that the danger is much greater, especially with our coastwise shipping. Possibly we may be carrying goods to South American ports which are not blockaded, there being no line of blockades which will cause the search and seizure to be made much closer to our own waters, and our own shipping will be interfered with because, as the chairman of the committee stated, during the World War even in the blockade area it was very difficult for the German submarines to determine what was neutral shipping and what was not.

Mr. BORAH. I thank the Senator from Rhode Island.

What tendency has this to keep us out of war?

Mr. PITTMAN. It prevents an excitement in this country on the part of our citizens if they lose their goods. There was considerable excitement of that nature during the World War.

Mr. BORAH. Yes. Now, Mr. President, let us assume that the condition is such as it was in the beginning of the World War, because we are not concerned about the little wars that happen in the different parts of the world which do not concern us. As the Senator from Nevada stated, he is thinking about a world war, a conflict involving great nations. Let us suppose that two or three nations, such as Russia and Germany and Japan, are fighting with their backs to the wall, that all have strong navies, and one of the belligerents comes here to buy our goods at our ports; it would transfer the war to our shores. Does the Senator suppose that one belligerent will stand idly by and see the goods loaded upon ships which are carrying them to its opponents?

Mr. PITTMAN. Why did they not transfer the war to our ports during the last war?

Mr. BORAH. They did come very near doing so. They were right in our ports on two or three different occasions. Had this law been in operation, I fear the scene would have been closer home.

Mr. PITTMAN. Did they not move supplies themselves, and did they not have the right to come outside our ports, as they have now, and is it not a matter of fact that they selected the areas in which they destroyed commerce?

Mr. BORAH. I am speaking now in case we did not undertake to go on the ocean, but the ships of some belligerent nation came here for the purpose of carrying away our goods. I say that another belligerent nation will not stand idly by and see those goods loaded upon the ships of its enemy.

Mr. PITTMAN. The belligerent ships of Great Britain herself were here all the time before we went into the war.

Mr. BORAH. We were not then operating under any law such as the one now proposed.

Mr. PITTMAN. But they were here, and they were not attacked outside of our ports. There were 10 times as many neutral belligerent ships moving our goods as there were American ships moving our goods.

Mr. BORAH. The next war, Mr. President, will, in all probability, be fought as much by airplanes as it will by ships, and perhaps more so, and the transaction by which we transfer our help to some belligerent will take place where the airplanes can reach us just the same as they could reach us upon the ocean.

I cannot conceive of a nation fighting for its life not making any effort to prevent our supplying its enemy, and if the effort should be made it seems to me the inevitable result would be to draw the war closer to our shores than if we should undertake to carry the goods ourselves. I do not see how it prevents profits in war; I do not really see how it really contributes to peace. I see how the great corporations of this country would be practically in control of supplying materials to belligerent nations.

Mr. PITTMAN. If the Senator will pardon me, I do not think that it has any control over profits, and I do not think that it has any effect on the goods at all, except that when they are destroyed, as goods were destroyed during the last war, it will not be our goods that will be destroyed; and, of course, every time the goods of an American citizen are destroyed during a war he thinks it is wrong and he certainly makes a complaint. It will eliminate that controversy as to the destruction of property which in the past we have claimed was illegally destroyed.

Mr. BORAH. If the able Senator will permit me to say so, it seems to me that it puts us at once in alliance with those big-navy nations which can come and get the goods.

Mr. PITTMAN. Our merchant marine is so small even now by comparison with the merchant marine of Great Britain that they would not have to depend on our carrying the goods any more than they depended on our carrying the goods during the last war.

Mr. BORAH. And our merchant marine will always be small if we indicate our willingness to get off the sea every time there is a howl that danger is upon us.

Mr. PITTMAN. We did not get off the seas the last time, and we came out of the war victorious; but I hope we shall never again have to win such a costly and futile victory.

Mr. GERRY. Mr. President, does not the Senator think, though, that when we adopt such a policy as he has indicated, under which neutrals and belligerents carry goods from our shores, and they are not carried by our shipping, the nations engaged in war will not fear American reprisals so much and will come closer and closer to our ports, and especially after we have enacted legislation such as this, which fundamentally states that we want to avoid war at all cost and that we are not preparing to protect ourselves?

Mr. BORAH. I quite agree with the Senator.

Mr. PITTMAN. Mr. President, I should like to submit a further suggestion. I think that the economic proposition will appeal to many people more strongly than anything else; and if we should compel the people of this country to take cash instead of taking some of the notes of the people of foreign nations that would be a very good thing, would it not?

Mr. BORAH. Yes; that would be a very good thing. When we can get cash from the people over there, let us take it rather than agreements to pay.

Mr. PITTMAN. Let us, then, put it on purely economic grounds.

Mr. BORAH. Furthermore, Mr. President, we do not undertake to deal with neutral trade. Our ships may carry all kind of materials to neutral ports, that is, if they are not for transshipment. Let us bear in mind that our first great controversy of the last war arose over the interference of certain belligerents with our shipments to neutral ports. There was not a scintilla of evidence produced then or later that such shipments were designed for transshipment. The belligerents went upon the ocean, found our flag and our ships, they took them into their ports and unloaded them, even if they were bound for a neutral port. The first great difficulty which President Wilson had was not with interference with shipping to belligerents but with shipping to neutrals. If in this instance we are going to keep out of war upon the theory of the bill, keep away from the danger of war, we must stop our shipping on the sea, because other nations at war will not discriminate as between neutral or belligerent ports, as they failed to do in the World War. Furthermore let us suppose our ships upon the ocean carry goods to neutrals what will be the attitude of these belligerents whose antagonists are being supplied by the United States. They will not be neutral ships in their eyes, they will be the ships of a nation which they regard as in alliance with their antagonist.

Mr. PITTMAN. I agree with the Senator that it is quite true that, through the doctrine of continuous voyage, which we have confirmed, we had a great deal of controversy over whether goods destined for a neutral country were for transshipment. I agree with him also that we can never entirely remove the controversy between neutrals and belligerents over shipments of goods to a neutral country, at least to a country which is nearby, as we know from experience.

I do not want to go any further than we have gone in section (b); that is, with regard to shipments to a belligerent country; and if the Senator from Idaho does not think that is safe enough, I do not know of any amendment he can offer except to prohibit the sale of goods to any country.

Mr. BORAH. The Senator misunderstands my position if he thinks I want to put any more handicaps on our shipping; I do not; but what I am saying is that this measure, as well said by the Senator from Nevada, is not one for protecting neutral rights; it is a joint resolution designed to keep us out of war. I am undertaking to show that if we, as a great nation, are furnishing materials to a belligerent nation, and other belligerent nations are concerned, it will inevitably draw us into the war. It may not be a war upon the ocean, but it will be a war to stop our supplying the materials. They will drop their bombs upon our manufacturing plants; they will destroy our manufacturing plants. If their backs are to the wall, they will not sit idly by and see the great United States throw all its war materials into the laps of belligerent nations.

Mr. PITTMAN. Is not that what we did during the World War? I do not see where the change comes in. If there should be a world war again and the commodities we produce should be shipped abroad, the same situation would arise as during the World War, for the great navies would control the shipments. Therefore the only question I am considering is whether or not, in the tremendous destruction of property which will be involved, the property will belong to our citizens, who are going to have it paid for before it leaves our ports.

Mr. BORAH. It seems to me we are going to have the war closer to us rather than to have it farther away.

Mr. PITTMAN. If the war was brought closer to our shores, it would not result in the destruction of the property of our citizens.

Mr. BORAH. It would do so if they destroyed the manufacturing plants.

Mr. PITTMAN. But they did not destroy the manufacturing plants during the last war.

Mr. BORAH. They certainly tried to do so.

Mr. PITTMAN. The Senator is proceeding on the theory that they want to invite us into war.

Mr. BORAH. No; I am not proceeding on that theory; I am proceeding on the theory that no belligerent nation will permit us to supply material necessary for its belligerent opponent to carry on its war if it can prevent it.

Mr. PITTMAN. How are we going to prevent supplying it unless we place an embargo on all of it?

Mr. BORAH. Mr. President, I am not one of those who believe that it is possible to provide a complete remedy against war, but what I am saying is that, in my opinion,

while the Senator has drawn an excellent measure, which does in many instances diminish the possibilities of war, it does not, in my opinion, fit in with the philosophy of the rest of the joint resolution.

Mr. PITTMAN. And I do not think there will be any change whatever with regard to bombing our country or where the goods go, whether or not they are paid for in this country; but I think it is the best thing that it is possible to do. It does not change the character of the goods; it does not change the effect of the goods; it does not change where the goods shall finally go; it does not have any effect upon what belligerents will do about them. I cannot see that it makes any difference in those respects; but if we strike it out, they can pay for the goods with draft attached and if we leave it in they pay for the goods on this side, and I do not think anybody will draw any distinction as to the goods.

Mr. BORAH. Of course, it is a matter of more or less conjecture as to what will happen; I agree to that; but suppose, for instance, Japan was engaged in a war with Russia; Japan could come to our shores, if she had the money, and could get whatever she wanted, for she has a big navy. Russia, in all probability, could not because she has not the navy. In that sense we would be practically, so far as carrying on the war is concerned, in alliance with Japan.

Mr. PITTMAN. It would make no difference whether the goods were paid for in this country or paid for outside this country.

Mr. BORAH. It might be so, but if Russia had an opportunity, she would certainly seek in every possible way to make it impossible for us to supply those goods to Japan.

Mr. PITTMAN. Would she not do that whether the goods were paid for in this country or not paid for?

Mr. BORAH. Then, I am wondering what we are accomplishing by this measure.

Mr. PITTMAN. We are trying to keep some of our American citizens from losing any more property. That should have an economic appeal, for they make a tremendous row when they lose it.

Mr. BORAH. If it transfers the controversy with reference to the property from the high seas to the ports and shores of the United States, we are not saving the property of our citizens.

Mr. PITTMAN. But we have not transferred it to our ports.

Mr. BORAH. That is what is going to be done under the provisions of the pending joint resolution.

Mr. PITTMAN. The main object of a belligerent who cannot get the goods is to destroy the goods, whether they are paid for or not. If it had been their naval strategy to come in front of our doors and search our vessels, they would have done so. It would be very difficult for Japan to come 7,000 miles and maintain a blockade of our shores. It would be very difficult for Great Britain to maintain a blockade 3,000 miles from her shores. They found it much easier as a matter of naval strategy to utilize the North Sea as the point of concentration to watch freight going to Germany than to come along our shore, which is 2,000 miles in length, and undertake a blockade.

Mr. BORAH. It is apparent to me that no nation except a great naval nation could obtain these supplies from the United States, and it is perfectly clear to me that only the great corporations could furnish those supplies. It may not be so clear that it would transfer the contest to these shores, but I think the probabilities are that it would. We are into the business of making profits out of war; we will be in practical alliance with the nations with big navies. If that does not get us into trouble, I do not know what would.

Mr. PITTMAN. I do not see where the difference comes, whether the goods are paid for or not paid for, as to their control by a corporation. I do not quite see that point.

Mr. GERRY. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Rhode Island?

Mr. BORAH. I yield.

Mr. GERRY. Is there not the question that with our ships not carrying the goods, it is much more apt that the nations which are suffering the most will use their submarines along our coast? That is what I am really afraid of, and that they may interfere with our coastwise traffic. We are thus more apt to get the country into war than we would be if there was a blockade far away from our shores, carrying out under the rules of blockade.

Mr. PITTMAN. Nobody carried out the rules of blockade during the last war, and I do not think they will again.

Mr. GERRY. I do not think they will carry out the rules of search and seizure.

Mr. PITTMAN. I do not think they will if our ships are armed. I have been interested to know why the Senator from Idaho thought, if the goods were paid for before they left our shores, it would tend to increase control of them by our large corporations.

Mr. BORAH. Because they are the only ones who can take advantage of the situation.

Mr. PITTMAN. Does the Senator mean in the matter of paying for them?

Mr. BORAH. I mean supplying them. In other words, they are prepared to supply the raw materials and may choose the nation to whom they will sell. They might refuse to sell to Germany and choose to sell to Great Britain. They are the only ones who can supply oil and steel and, in large measure, cotton, and they may choose to whom they would sell.

Mr. PITTMAN. Does not that occur whether the goods are paid for in advance or not? Control of oil, control of copper, and control of the matter of transportation is in the hands of a very few people. I do not see what difference control over it has whether the goods are paid for before they leave our shore or afterward. I do not know how we could change that.

Mr. BORAH. If we combine the great navies of the world, the great naval nations of the world, with the great corporations of the world who are in control of the raw materials, they have control of the war.

Mr. PITTMAN. And so they had during the last world war.

Mr. BORAH. I do not care to discuss some things that happened in the last world war, but we are much wiser now since that experience.

Mr. PITTMAN. I agree with everything the Senator has said except I do not see where the paying of our farmers for their wheat will really change the whole transaction.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. SCHWELLENBACH. I should like to submit an idea to the Senator from Idaho on the specific point of the effect of making foreign nations pay for the goods before the goods leave our shores. The Senator said it would result in the large corporations having control. I should like to suggest this idea. We have a large amount of wheat produced in this country, we will say. If it must be paid for before it goes upon a boat, then the title to it passes. It seems to me that with their facilities for credit, with the possibilities the large corporations have of extending credit to the nations of the world, the belligerent nations would be less likely to profit than they would if we did not insist upon the goods being paid for before they leave here. In other words, if they have to get the cash, then anybody in the United States can sell, the small corporation as well as the large corporation. The small corporation can produce its little amount and know that when its product gets to a seaport it will receive its pay. That small corporation cannot set up a credit arrangement whereby somebody in England can take it over there and pay for it over a long period of years. The large corporation can do that, and the large corporation did do it through the banking facilities of the house of Morgan during the last war. I think the result would be absolutely contrary to the Senator's desire.

Mr. BORAH. It might be possible that the small businessman could get some meager advantage out of it, dealing in a particular kind of commodity; but the great war materials, the things necessary for carrying on the war, are now in the control of great corporations and they could sell or not sell to any belligerent as they chose.

Mr. SCHWELLENBACH. The Senator is not discussing now that portion of the bill which refers to arms, munitions, or implements of war. He is referring to the other sections which do not refer to war materials.

Mr. BORAH. Oil would come under subdivision (b) of section 2. Copper and cotton would come under it. All the great war materials necessary for war would come under it. That is what I am discussing. These commodities are in the control of great corporations, of great combines, and they could choose their clients. They could choose to whom they would sell. It would make a perfect combination between the great naval nations of the world and the great material combines of the world.

Of course, I know that is not the intention. I am not intimating anything of that kind. I am speaking of what I believe will be the practical working of it. The Senator from Nevada [Mr. PITTMAN] thinks it will lessen the possibilities of conflict. I am giving my view, which is that, in my opinion, it will not lessen the possibilities of conflicts, while it does make a combination which I am sure the Senator does not desire nor do the people of the United States desire, and that is a combination between the raw-material producers of the world and the big navies of the world.

Mr. BONE. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. BONE. If there is a war in Europe between a great powerful nation with a powerful navy and a nation without a navy, it would not make much difference what we did. The nation with the navy would control the avenues of trade regardless of what we might do. We cannot change that fact.

Mr. BORAH. Mr. President, I do not quite agree with that. I do not think the Senators and my President agree to it.

Mr. BONE. What is there within our power to change that picture? If, for instance, Russia, with no navy of any consequence—so far as I know, it has no navy of any size—should get into war with England, it would not make any difference what we might attempt to do because England would control the seas. What would be our position between the two? It seems to me then we would have to become affirmatively a party to the affair. We are salesmen, and that is all they are contemplating, that America will remain salesmen; but the party who buys will take the products at our shores, pay cash, and take delivery in whatever way he can get it, perhaps in American ships, perhaps in foreign bottoms.

During the last war—and I think we must certainly permit our footsteps to be guided by experience—the American bankers arranged most of the transfers in trade. They made the financial arrangements by which vast aggregations of commodities were put together, transported to the Atlantic gateways, and shipped across the seas.

Mr. BORAH. I know, because I have heard the Senator say so many times, that he is anxious to stop these huge war profits from being made by the persons whom he speaks of as the Morgans, the Du Ponts, and so forth. The Senator must admit, I think, that he is not stopping one red cent of war profits.

Mr. BONE. Oh, I would go beyond anything that has been suggested by the Senator and my colleagues; and, if it were possible, I would embargo this sort of traffic on the theory that, as drastic a remedy as that seems to be—to many it is a sort of a Draconian code—I would do it if I could, because the most illusory thing in the world is this one called "war profits."

On the fifteenth of this month, when the Senator pays his income tax, he will be paying these "war profits."

Mr. BORAH. Why bring that up? [Laughter.]

Mr. BONE. The Senator will be continuing to do it for years. There is not any such thing as "war profits." Why do we permit ourselves to be fooled by the talk of world trade, when the net result of world trade in war, when nations have their backs to the wall, when their boys are dying, is nothing but ashes of despair in the mouth of everyone who has anything to do with it?

We did not make any money out of the World War. Why try to protect a war trade when there is no profit in it for anybody? The taxpayers of this country are going to be sweated for generations to pay for it.

Mr. BORAH. The Senator is not diminishing war trade. The Senator is not prohibiting war trade. The Senator is permitting war trade. The Senator is permitting war profits. He says, in effect, "We saw a storm coming. We got in the cellar. If you will just come to our cellar door and bring the cash, we will take your cash, but we will not risk ourselves out on the sea." According to the Senator's proposal, we will get all our profits, we will get all our sordid gains, we will get all our war trade just the same. We take all the trade we can get, we feed the war by furnishing raw material, we swell the profits of those who have the materials; but we have done more, we have sacrificed the American reputation for courage.

Mr. BONE. I do not believe there will be nearly the war trade that there has been heretofore when war-risk insurance cannot be written. The able Senator from Idaho was in this body when war was declared; and he will remember, as all of us remember who followed the tragic course which was taken at that time, that one of the first things Congress did when these hucksters could not get insurance on their cargoes was to enact a law under which this Government of ours underwrote that business with the War Risk Insurance Act. In other words, we did here consciously, purposefully, the thing that stimulated a tremendous war trade. If Congress had not enacted that bill, I think the tempo of that trade would have been stepped down tremendously.

Mr. BORAH. The Senator will recall what President Wilson said, and the great problem he had to meet. He was facing a financial crisis in this country. He was facing an economic collapse; and if our war trade had been stopped, or if it had been prevented in any way, in his judgment the collapse would have taken place.

Mr. BONE. Let us stop at this point. I hope I am not intruding on the Senator.

Mr. BORAH. No; not at all.

Mr. BONE. I desire to make some contribution to the thought in these matters as we go along.

Mr. BORAH. It does not annoy me at all.

Mr. BONE. Suppose we had not entered the war. Suppose we had clamped down an iron embargo on war trade. We should not have had this frightful war debt that was hung around our necks, and we probably should have emerged from that crisis much better than we did.

Mr. BORAH. No; but we should have had a riot in the United States.

Mr. BONE. We may have one yet as the result of the huge debts that were clamped on us by the war.

Mr. BORAH. If we will go back and look over the transactions of that period as recorded by Mr. Ray Stannard Baker in his fifth volume of the Life of Woodrow Wilson, we will find that the one problem that agonized Mr. Wilson as much as anything else was how to keep up the financial and economic conditions in this country; and if those conditions had collapsed, Germany would have won the war, we should not have had anything to fight with.

Mr. BONE. The net result of that is an army of insane boys, a tremendous burden of pensions, the provision of a greater Army and Navy than we ever knew before, and a debt that is going to stretch to infinity. That is all we got out of the war.

Mr. BORAH. I am one of those who believe there are some things that we have to fight for and will fight for.

Mr. BONE. Does the Senator believe we should fight for war traffic?

Mr. BORAH. I believe in fighting for the substantial rights which are essential to the preservation of the economic welfare of this Nation. Those things which are fit only for war, fit only for destruction I would not sell or ship, but those things indispensable to human comforts and human life I would sell and ship and I would fight for the right to do so.

Mr. BONE. I cannot bring myself to believe that we ought to call into existence an army of boys who must die in the horrible fashion that they are going to die in the next

war in order to preserve the thing called war trade. In other words, we have to lay the rights, the welfare, the dollars and cents of hucksters in one pan of the scales and in the other pan lay the lives of perhaps hundreds of thousands of boys. I, for one, do not believe our national honor is outraged because, forsooth, Mr. Du Pont will lose the sale of a cargo of powder.

Mr. BORAH. No.

Mr. BONE. Why should the boys of this country die in order to keep Mr. Du Pont's profits flowing into his coffers?

Mr. BORAH. Mr. President, we found out during the early days of the World War that somebody aside from Mr. Du Pont was interested in economic conditions.

Mr. BONE. I agree with the Senator about that.

Mr. BORAH. The farmers of the country, the producers of the country, the miners of the country, were here in Washington, and they were well represented; and they were not hucksters. They were the producers. They were the people whose boys would go to war if war was to be carried on. They were American citizens, and they thought they had certain rights; and I think they had.

Look at the situation today. The nations of the world are armed as never before in the history of the world. They are, some of them, spending twice as much for armaments this year as they spent last year. We cannot hope to avoid meeting some great crisis in this situation, and we must be prepared to meet it. Every sane man or woman must be against war and in favor of peace; but this is a realistic world in which we live. For that reason, while we want peace and talk of peace and hope for peace, we build huge navies, because we know that in this world of ours we cannot disregard the conditions which surround us; and the same thing is true of economic affairs.

We know perfectly well that whatever else happens in the world, this struggle for economic supremacy will go on between the nations. We know that in order to be secure we must be economically strong. We know that the first line of defense is the economic power of the nation. We know that no nation ever found security or economic justice through surrendering its just and essential rights. Therefore, there are some things which the Senator would fight for, and some things which we would all fight for. We are not going to surrender our essential national rights; the people will not let us do so.

Mr. BONE. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. BONE. I hope I am quite as realistic as the Senator from Idaho, whose judgment I value and admire; but most of the little fellows to whom reference has been made here—the farmers who got $2 or $2.25 a bushel for their wheat—have been liquidated over the dreary years that followed the war, and they have not achieved anything definite or substantial out of the war. I think everybody admits, and certainly President Hoover before he went out of office admitted, that the tragic conditions that confronted him were the heritage of war.

The Senator from Idaho has said that this is not a measure to preserve neutrality; that it is a measure to insure peace. I am happy to accept that phase of it.

Mr. BORAH. I said it was a measure designed to keep us out of war.

Mr. BONE. I think almost any price we can pay to keep out of war is worth while; for the next war, if it takes in as many nations as the last, will probably destroy our civilization.

May I intrude just a little longer? Then I will not bother the Senator further.

Mr. BORAH. I yield.

Mr. BONE. When the Munitions Committee of the Senate was inquiring of a number of very able gentlemen their opinion as to what would happen to our western civilization if another great international conflict should come on, without a single exception these outstanding men—I might name some of them: Patrick Hurley; Eugene Grace; Mr. Carse, of Electric Boat; Mr. Morgan and some of his associates—without a single exception those men said, in substance, "It is my judgment that if the world becomes embroiled in another great international conflict, that conflict will probably destroy our civilization."

I do not believe any human being in this body wants to pay that price in order to preserve this illusory thing called trade. If, as the Senator says, the preservation of our national honor and our economic interests can be achieved only at the price of the destruction of our civilization, in God's name it is not worth it. Anything we could do to prevent that would certainly be a desirable alternative.

Mr. BORAH. I agree with the Senator. If we can preserve peace upon any reasonable basis, we ought to preserve peace, but what I have been trying to show, and what I evidently have not succeeded in showing in the opinion of the able Senator from Washington, is that in my opinion these two sections do not contribute to peace, and in my opinion they do not diminish the profits of war, and in my opinion they do not take care of the gentlemen whom the Senator has been so long investigating. The Senator begs the proposition when he says the measure does that thing. I may be entirely in error, but what I am arguing is that the measure does not accomplish that fact.

Mr. BONE. We now have pending a tax bill that would answer the question of war profits, that would take somewhere around 99 percent of the profits, and put a ceiling on profits. There would be no war profits if the thing the Munitions Committee has suggested should become the law of the land. There just would not be any such thing as war profits.

Mr. BORAH. Then it will not become the law of the land.

Mr. BONE. I am becoming painfully aware of that fact.

Mr. BORAH. In discussing these matters I think we have given too much credence to the theory that we were drawn into the World War by reason of our trade and our trade embroilment. Undoubtedly it was a contributing factor; but I have never had any doubt but that we would have been in the World War regardless of submarine warfare and regardless of our troubles in regard to trade. We were not neutral in mind or thought for longer than about 60 days after the World War started. We thought Germany represented a civilization which was in conflict with our civilization. We thought Germany represented a system which was at war with our system; and as the war went on we became convinced that it was a fight for the preservation of civilization. Whether rightly or wrongly we rapidly reached the conclusion that two philosophies of life were fighting for supremacy. If matters had gotten to the point where the Allies were being defeated, in my opinion the United States would have gone into the World War in what it would have called self-defense, regardless of any question of dollars and cents and trade.

Woodrow Wilson said after the war was over, when appearing before the Foreign Relations Committee, we would have gone into the war regardless of submarines and regardless of trade and commerce. It was one of the things that seemed bound to come. The trade factors I have mentioned contributed to bringing us into the war but were not the only contributing causes. Therefore, when we meet that situation in the future I want the Nation to be as economically powerful as possible; and I do not believe we ought to give up our substantial and essential rights in trade and commerce in order to meet another world war. I think we should weaken ourselves in that respect if we did so.

Another thing, someone is going to carry this trade, someone is going to do this business, someone is going to carry this commerce. One of the great moving plans of the belligerents always is to break down neutral trade and take it to itself. Thomas Jefferson called attention, early in the beginning of his administration, to the fact that one of the objects of belligerents was not only to win the war but to destroy the trade of neutrals and to draw that trade of the neutrals to themselves.

We know that in the World War one of the great belligerents, after protesting against our selling goods to neutrals, itself furnished to neutrals those goods which it had purchased from the United States. It was transferring the

trade from the channels between the United States and the neutrals to trade between its country and the neutrals; and that is always one of the objects of belligerents in war.

Mr. President, I am not in favor of giving up our legitimate trade; I am not in favor of surrendering the trade in those things which are necessary for human comfort, human existence, human life. I am not in favor of getting off the seas in the carrying of those things which are essential for the preservation of civilization. I do not think it contributes to peace, and I am sure it does not contribute to our national welfare.

We are now engaged in building up our foreign trade. It is the theme of the hour. It is proposed that we do this not only in the interest of our national welfare, but in the interest of peace among the nations. It seems to me that along with the program of building up a permanent foreign trade must go the open, pronounced, and determined program to protect that trade and to protect those who put their money and their energy and their efforts into that trade.

Our domestic welfare and our domestic trade are dependent in large measure upon business on the sea, and when we surrender the latter we inevitably imperil the former.

Why is it that Great Britain has maintained her powerful foreign trade? It is because when her trade is interfered with the British Navy moves to the point upon the globe where the interference occurs. If we indicate our willingness to get off the sea, there is standing ready at hand a great nation prepared to establish her dominancy of the sea, and that would be of incalculable injury to us, both in time of peace and in time of war.

Mr. BONE. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. BONE. I cannot bring myself to believe that Britain's control of sea lanes has contributed greatly to the welfare of the average Briton. I doubt if there is any country in Europe where poverty is more dismal than in Great Britain. It may be that Great Britain is powerful, that she is mistress of the seas; but she has had millions of her people on the dole, and her control of the sea lanes certainly has not added anything to the happiness of her people. The most she has done has been to keep them on a level of poverty that is a disgrace.

Mr. BORAH. Where would Great Britain be if she had not done what I have stated? There would not be any Great Britain.

Mr. President, I have spoken longer than I had intended. I say again that I have regretted that I have had to differ with the able chairman of the Committee on Foreign Relations about these two propositions. He has worked zealously, he has worked earnestly, he has worked patiently and ably to bring out a bill. But the two provisions to which I have referred would work a change in our national policy. It is a matter of profound significance. I did not feel that I ought to vote against them without explaining my reasons for so doing, and I did not feel that I could vote for them. I have, therefore, submitted my views for the consideration and I trust the favorable consideration of my colleagues.

Mr. SCHWELLENBACH. Mr. President, I desire to discuss briefly the amendment of the Senator from Michigan [Mr. VANDENBERG], but before doing so I wish to make two general observations in reference to the proposed law itself.

I very heartily approve the proposed legislation, and I think the chairman of the Committee on Foreign Relations has performed a remarkable piece of work in the way he has whipped the joint resolution into shape for presentation. However, I have a feeling, which is derived from what I read in my mail and what I read of discussions in magazines and newspapers, that there are many people who think that by the mere act of passing the proposed legislation we are going to prevent our country becoming involved in another war.

I agree with the Senator from Idaho [Mr. BORAH] that we cannot avoid involvement in a world war by the simple process of keeping our fingers crossed. We cannot by just saying that we are going to prevent war traffic and war trade assure ourselves or assure our people that we are going to stay out of war. I sincerely hope it will not be the effort of Members of this body to attempt to convince the people that by the enactment of the proposed legislation we will guarantee our country against war. I entertain that hope because if the people did have that sort of an impression, that in itself would be a distinct danger to the future of the country.

Since we cannot, by such legislation as that proposed, or any act of Congress, keep ourselves out of war, it is my belief that this Government and this Nation should do everything possible to lessen the possibilities of war throughout the world. By that I do not mean through any political alinement; I do not mean by any international arrangements whereby we would enter into any international organization. I do mean that we should do so by attempting in every way possible, by lessening the restrictions upon the channels of trade throughout the world, to break down the economic barriers to trade, thereby lessening the needs of the nations of Europe which might engage in war, and thereby lessening the possibilities of war in Europe itself.

I wish to make a second observation. It seems to me the mere fact that the distinguished Senator from Michigan, who during the years has been so much in favor of neutrality legislation, and who entertains a sincere desire to work out neutrality legislation, may be in disagreement with some of us as to the effect of portions of the pending measure, is in itself proof of the difficulties involved in the enactment of neutrality legislation.

I have the feeling that 2 or 3 years ago there were many people in this country who thought that the adoption of neutrality legislation was a simple task, that we could take half a day off and nobody would disagree, that all we had to do was merely declare ourselves neutral and pass some measure to that effect and that everything would be easy. I hope those who had that point of view have found that there are other problems involved in the enactment of neutrality legislation than those which at first appeared so easy of solution.

What the Senator from Michigan proposes to do is to strike out that portion of the pending joint resolution which would give to the President, in the event he believed that the shipment upon American vessels of certain articles would endanger the security, the peace, or the neutrality of the United States, the power to prevent those goods from being shipped upon American vessels.

As the chairman of the Committee on Foreign Relations pointed out, there is nothing in the paragraph which the Senator from Michigan seeks to strike out which would say to any nation, "You may have this particular kind of goods if you are in a position to come here and take it away, and pay for it before you take it." The Senator from Idaho [Mr. BORAH] pointed out, as his objection to this provision, the fact that it would mean that the nations with the largest navies would be the only ones that could come and get their goods, because they are the only ones that could protect the ships upon which the goods were being transported. I think it is fair and I think it is logical to conclude from that statement that if it be true so far as other nations are concerned, then we may reasonably expect that it might be necessary for us to use our navy for the purpose of protecting the vessels upon which the goods are being transported.

I desire to conclude by reading part of the provision of subsection (a) of section 2, which the Senator from Michigan seeks to strike out. It says:

> Whenever the President shall have issued a proclamation or proclamations as provided in section 1 of this act and he shall thereafter find that the placing of restrictions on the shipment of certain articles or materials in addition to arms, ammunition, and implements of war from the United States to said belligerents named in the proclamation issued under said section 1, or to a country wherein civil strife has been proclaimed to exist, is deemed necessary to promote the security or preserve the peace or neutrality of the United States or to protect the lives and commerce of nationals of the United States, he shall so proclaim and it shall thereafter be unlawful for any American vessel or aircraft to carry such articles or materials to any belligerent—

Personally I cannot help but believe that that provision strengthens the resolution; it adds to our position of neutrality; and while I do not like to disagree upon this particular subject with the Senator from Michigan, I believe that to

adopt his amendment would result in lessening the powers of the resolution, and in the event of war would take away from the President and from the Government a strong instrumentality to prevent our being drawn into war.

Mr. GERRY. Mr. President, I should like to ask the chairman of the Committee on Foreign Relations a question. I do not know whether I understand section 4 correctly. It reads:

SEC. 4. This act shall not apply to an American republic or republics engaged in war against a non-American state or states, provided the American republic is not cooperating with a non-American state or states in such war.

Perhaps I may explain more clearly what I have in mind if I give an example and ask the Senator if I am correct in my interpretation.

For example, suppose a South American state were at war with another state in South America, and a foreign country, not a South American state, should take sides with one of the belligerents, and then another foreign country, not a South American state, should take sides with the other belligerent, and the result finally should be that the two European states were at war and the two South American states were at war: Under those circumstances, as I read article 4, the proviso about embargo in this resolution would then be effective. Is that correct?

Mr. PITTMAN. Does the Senator mean that this section would go into effect if that kind of a war should take place?

Mr. GERRY. With that sort of a war, under section 4, this resolution would be effective even in connection with a South American state.

Mr. PITTMAN. This is the old statute, the existing law; and it is very hard to follow the complicated suggestion made by the Senator that one foreign nation is helping one of the states in South America, and another foreign nation is helping another of the states in South America. Is that the way the Senator stated the proposition?

Mr. GERRY. Perhaps I can make it simpler.

For example, there might be a situation, possibly like in Spain, where it is alleged that one foreign nation is aiding one belligerent and another foreign nation is aiding another belligerent. Of course, that is a case of civil war; but I can well see that there might be a situation where two South American states were at war, and then one foreign country, a nation outside of South America, would aid one of the South American countries and another foreign country would aid the other South American country.

Mr. PITTMAN. Then the embargo would go into effect under my construction of the joint resolution.

Mr. GERRY. Then the embargo would go into effect, according to the Senator's construction?

Mr. PITTMAN. Yes.

Mr. GERRY. That is the way I read it, and that was my construction of it.

Mr. PITTMAN. If either country conspired with an outside country, the embargo would go into effect.

Mr. GERRY. Then questions would arise under the old Monroe Doctrine policy, because if a foreign country should join with one South American state and defeat the other, that foreign country would undoubtedly have a tremendous influence in that South American country.

Mr. PITTMAN. That matter is not treated in the joint resolution.

Mr. GERRY. But it is proposed to put on an embargo, so that in that case we could not interfere.

Mr. PITTMAN. We could send our Navy down there.

Mr. GERRY. We could not send that country any war munitions. Cotton might be on the list, and we could not then send cotton.

Mr. PITTMAN. I know; but we should not have to send anything to anybody in a case like that. We could declare that a condition of war existed.

Mr. GERRY. It could be declared that a condition of war existed, but before it was declared that a condition of war existed the country in question might have been allowed to be occupied.

Mr. PITTMAN. Not necessarily.

Mr. GERRY. Not necessarily; but we certainly should not be doing them any good by refusing to ship them cotton or anything else.

Mr. PITTMAN. I do not know whether we should be accomplishing any good if we sent arms, ammunition, and munitions of war to one side, and some European country sent the same materials to the other side.

Mr. GERRY. I know; but I am saying we again have a condition that comes down to the need of a big navy; and what I am worrying about is that all these resolutions will not necessarily keep us out of war. Personally, I do not believe there is a United States Senator who does not agree that the most important thing that can be done, if compatible with national honor, is to keep the country out of war; and all these propositions that have been made should be given every consideration. There is no question of the absolutely tireless work that Senators have devoted to this subject, with the most patriotic motives. The only question to my mind is that when we have before us a question as large as this, with all its ramifications, we do not know, when we change established custom, as we do when we give up the freedom of the seas, whether we incur a greater risk of getting into war than we did by sticking to the freedom of the seas. That is what I have been afraid of.

For example, as soon as we change the law in regard to blockades we are likely to bring the war closer to home. I am afraid of that. We are likely to create blockades which will be close to our American shores, as the Senator from Idaho has well pointed out, so that it will be even more difficult to keep us out of war than if the danger of war resulted from blockading a foreign state a good many thousand miles away. The nearer we get to home, the greater our danger. Then, of course, we have another question—that so far as concerns international law, the decision with respect to the question as to what is neutral and what is not neutral is not solely up to us. Different constructions may be placed upon it by the belligerent nations, and they try to enforce their construction.

Personally, my feeling is that eventually we get down to one proposition, that no matter what one of these various theories and programs we may favor—and we are all in favor, as I said before, of trying to prevent America from getting into war—I think we are all agreed, as was said here on the floor, that another great world war might very well mean the end of civilization; but when we really come down to the fundamental proposition, we must rely on the force and strength of the Nation's Navy. If the last 20 years have taught us anything they have taught us that the world is not thinking in terms of agreements but is thinking in terms of power, and the power today to enforce neutrality for our country is a great navy. I am entirely in sympathy with the President's attitude toward the Navy and approve the manner in which he has been trying to build it up. He realizes and knows well what the Navy can do not only in war but to maintain peace.

We are not the only nation that has in mind the thought of a navy. All the countries of the world today are thinking in terms of sea power. Japan refused to enter into an agreement last year because she wanted to increase her naval strength. Great Britain has built her Navy pretty well up to treaty strength, but she is now proposing to spend something like $7,000,000,000 more in defense of the country.

Eactly how much of that great sum will be allocated to the Navy of Great Britain it is difficult to say, but I assume it will be probably between three and four billion dollars. Undoubtedly, because of the peculiar situation of her island, Great Britain is going to spend a large amount for airplane construction. Her naval construction, however, will have a profound effect on the situation which exists today in regard to the comparative naval strength of Great Britain and the United States.

The parallel showing where the respective navies stand today is interesting, and I ask unanimous consent, instead of reading it, to have it inserted in the RECORD.

The PRESIDING OFFICER. Without objection, the matter will be printed in the RECORD.

The matter referred to is as follows:

The following data show the comparative status in combatant ships of the United States and British Navies brought up to March 1, 1937. You will note that the first table shows only underage vessels on hand, those of first-class military value. To show those overage and consequently of reduced value, a supplementary table is added.

Also, columns show, respectively, (1) vessels building or appropriated for; and (2) those projected—for the United States in the 1938 Budget, for Great Britain in the recently announced program, commencing April 1, 1937; (3) totals of these new vessels thus in prospect.

	I. On hand, under age		II. Building or appropriated for		III. Projected		IV. Total, new vessels		V. Total, all vessels (I and IV)	
	Number	Tons	Number	Tons	Number	Tons	Number	Tons	Number	Tons
United States:										
Capital ships	15	464,300	2	70,000			2	70,000	17	534,300
Aircraft carriers	3	80,500	3	54,500			3	54,500	6	135,000
Cruisers (a)	16	151,800	2	20,000			2	20,000	18	171,800
Cruisers (b)	10	70,500	9	90,000			9	90,000	19	160,500
Destroyers	32	43,300	54	84,850	8	12,000	62	96,850	94	140,150
Submarines	25	33,620	17	24,295	4	6,000	21	30,295	46	63,915
Total	101	844,020	87	343,645	12	18,000	99	361,645	200	1,205,665
British Empire:										
Capital ships	15	474,750	2	70,000	3	105,000	5	175,000	20	649,750
Aircraft carriers	6	115,350	3	66,000	2	36,000	5	102,000	11	217,350
Cruisers (a)	15	144,220							15	144,220
Cruisers (b)	20	130,280	16	123,800	7	43,000	23	166,800	43	297,080
Destroyers	82	110,529	34	58,505			34	58,505	116	169,034
Submarines	38	45,214	14	14,900			14	14,900	52	60,114
Total	176	1,020,343	69	333,205	12	184,000	81	517,205	257	1,537,548

Mr. GERRY. Mr. President, the outstanding fact, to my mind, is that even with the naval building program which we expect to carry out, and Great Britain's formerly announced Navy program, Great Britain now expects to spend a great many billion dollars more on her Navy. So I say that, no matter what neutrality measure the Congress may enact with the idea of keeping us out of war, if we do not wish to incur great risk, the sane, sound, and sensible thing to do is to assure the completion of a building program that will give us a navy second to none.

Fundamentally the only way, in these days, to prevent aggression against a country's shores is to be so strong that no nation dares to make an attack. My own feeling is, and always has been, that if our Navy had been sufficiently powerful during the World War very likely we might not have become embroiled in that conflict. I still feel that a time may come, as the Senator from Idaho has so well said, when a nation may have to fight. A man who is not willing to fight for anything on this earth or in the next world is not worth very much, and a nation that has no soul is not going to have respect or safety from the world. America is not going to be such a nation, because, when the time comes, I think there are no people who rise more to their ideals than do the American people; and when they believe their cause is right, they are willing to fight.

Mr. WHITE. Mr. President, it is not my purpose to discuss the so-called Vandenberg amendment at this time, but I wish to take the opportunity of calling attention to some amendments which I propose to offer tomorrow. Most of them relate only to matters of form; most of them are not important; but I feel that they are of sufficient importance to merit the attention of the chairman of the committee and of the Senate.

The first one will be offered on page 6 of the joint resolution in lines 22 and 23. At that point I shall offer an amendment proposing to strike out the words "or possessions of the United States."

Mr. President, there is in the joint resolution a general definition, an all-inclusive definition, as I take it to be, of the words "United States." I think throughout the joint resolution we ought to adhere to that language. If, however, we are going to resort to particular words, as in this instance, where the joint resolution refers to the "United States, or possessions of the United States", we should be sure that enough words of particular description are used to reach what we have in mind. I am afraid this language, if adopted, will omit, for instance, Hawaii and Alaska from the scope of the measure.

If the chairman of the committee or if the Senate will agree to that suggestion, there would follow a number of other amendments of the same purport throughout the joint resolution.

Mr. PITTMAN. Mr. President, this question was raised in the committee.

Mr. WHITE. I thought it had been attended to.

Mr. PITTMAN. It has been attended to, and if the Senator from Maine believes that the general language is sufficiently broad, all that need be done is to strike out the other words.

Mr. WHITE. It seemed to me that the general language was broad enough to cover every contingency, and that reliance ought to be had on that general language. There are a number of places in the resolution where we could strike out words of the same purport.

Mr. PITTMAN. That is true.

Mr. WHITE. The next amendment is of even less consequence, and if this were a measure of interest only to the United States I should not think of calling it to the attention of the Senate, but here is a piece of proposed legislation which I take it as of great concern to the rest of the world.

On page 9, in line 4, I would suggest that we strike out the word "American", and after the word "aircraft" insert the words "of the United States", so it would read:

It shall thereafter be unlawful for any vessel or aircraft of the United States—

And so forth. As a matter of fact, every one of the republics of South America is as much entitled to use the word "American" as are we of the United States. I think it is a more accurate description if we speak of "the vessels and the aircraft of the United States" than if we refer only to "American vessels or aircraft." That may not be of very much importance, but I think, as a matter of description, it improves the joint resolution. The same suggestion will be found to be applicable in a number of places throughout the text. I invite the attention of the chairman of the committee to it, so he may consider it during the recess or adjournment of the Senate.

On page 9, in line 3, I think there should be an amendment after the word "proclaim." The language is, "he shall so proclaim." I think after the word "proclaim" there should be inserted language substantially as follows:

And shall definitely enumerate in said proclamation the articles or materials the shipment of which the President finds it necessary, for the purposes of this section, to restrict.

In the preceding section of the joint resolution it is specifically provided, with respect to arms, munitions, and implements of war, that the President shall specifically enumerate what comes within the general definition. I think it would be well to insert at the point suggested the statement that there should be some sort of enumeration of the additional articles and materials. I suggest that to the chairman for his consideration.

On page 11, in line 6, after the word "government", I think there should be inserted, if not these identical words, something of this sort: "Or of any section or group engaged in such civil strife or of any representative thereof or of any persons participating therein."

It seems to me, as the language now stands, we reach only one party to a civil controversy and that we ought to expand it if we are going to do the thing at all, so that it will reach all parties to the civil strife and prevent the encouragement of the strife by financial help rendered to any party to it. I think that amendment really is important. The others, as I have said, are merely matters of form.

Mr. PITTMAN. Mr. President, it is very difficult to frame just exactly what we want in this way. When we have recognized a belligerent government as the de facto government, it comes within the inhibition of the joint resolution about lending money to belligerents.

Mr. WHITE. This has reference not to a belligerent nation but to civil strife and the parties to civil strife.

Mr. PITTMAN. In the case of civil strife, as a general thing we have recognized the government of the country preceding the strife, and we have been very careful not to proceed to recognize another faction immediately afterward.

Mr. WHITE. I think having a prohibition against making loans to any participant in a civil strife would not involve the recognition of any of the contending parties other than the de facto or the de jure government.

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. LEE in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations (and withdrawing a nomination), which were referred to the appropriate committees.

(For nominations this day received and nomination withdrawn, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEES

Mr. NEELY, from the Committee on the Judiciary, reported favorably the nomination of Harry E. Watkins, of Fairmont, W. Va, to be United States district judge for the State of West Virginia, to fill an existing vacancy.

Mr. O'MAHONEY, from the Committee on the Judiciary, reported favorably the nomination of Carl McFarland, of Montana, to be an Assistant Attorney General of the United States, vice Harry W. Blair, resigned.

Mr. HUGHES, from the Committee on the Judiciary, reported favorably the nomination of Joseph C. Reing, of Pennsylvania, to be United States marshal for the eastern district of Pennsylvania, vice Joseph B. Reing, deceased.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state in order the nominations on the calendar.

FEDERAL BOARD FOR VOCATIONAL EDUCATION

The legislative clerk read the nomination of Paul H. Nystrom, of New York, to be a member of the Federal Board for Vocational Education.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

NATIONAL LABOR RELATIONS BOARD

The legislative clerk read the nomination of Edwin S. Smith, of Massachusetts, to be a member of the National Labor Relations Board for a term of 5 years from August 27, 1936.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

The legislative clerk read the nomination of Donald Wakefield Smith, of Pennsylvania, to be a member of the National Labor Relations Board for the unexpired portion of the term of 3 years from August 27, 1935.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

IN THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. SHEPPARD. Mr. President, I ask unanimous consent that nominations in the Army be confirmed en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The Army nominations are confirmed en bloc. That completes the executive calendar.

DEATH OF REPRESENTATIVE STUBBS, OF CALIFORNIA

Mr. ROBINSON. I move that the Senate resume legislative session.

The motion was agreed to; and the Senate resumed legislative session.

The PRESIDING OFFICER (Mr. LEE in the chair). The Chair lays before the Senate resolutions from the House of Representatives, which will be read.

The legislative clerk read as follows:

House Resolution 142

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
March 1, 1937.

Resolved, That the House has heard with profound sorrow of the death of Hon. HENRY E. STUBBS, a Representative from the State of California.

Resolved, That a committee of four Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

Mr. JOHNSON of California. Mr. President, I send to the desk resolutions which I ask to have read and immediately considered.

The resolutions (S. Res. 88) were read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. HENRY E. STUBBS, late a Representative from the State of California.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

The PRESIDING OFFICER. As members of the committee on the part of the Senate, the Chair appoints the senior Senator from California [Mr. JOHNSON] and the junior Senator from California [Mr. MCADOO].

Mr. JOHNSON of California. Mr. President, as a further mark of respect to the memory of the deceased Representa-

tive, I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was unanimously agreed to; and (at 4 o'clock and 18 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, March 2, 1937, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 1 (legislative day of Feb. 24), 1937

APPOINTMENT IN THE NAVY

Medical Director Perceval S. Rossiter to be Surgeon General and Chief of the Bureau of Medicine and Surgery in the Department of the Navy, with the rank of rear admiral.

APPOINTMENT IN THE NATIONAL GUARD OF THE UNITED STATES

GENERAL OFFICER

Brig. Gen. Don Everett Scott, North Carolina National Guard, to be brigadier general, National Guard of the United States.

POSTMASTERS

ALABAMA

Karah J. White to be postmaster at Ashland, Ala., in place of M. L. Allen, appointee deceased.

CALIFORNIA

John H. Vaughan to be postmaster at Chico, Calif., in place of G. P. Morse. Incumbent's commission expired May 10, 1936.

Donald C. Etter to be postmaster at Coalinga, Calif., in place of L. E. Whitener, removed.

Mary L. Jordan to be postmaster at Fairfax, Calif., in place of J. M. Arbini. Incumbent's commission expired March 17, 1936.

Thomas A. Gianella to be postmaster at Marysville, Calif., in place of J. M. Cremin. Incumbent's commission expired January 9, 1936.

Fred R. Carpenter to be postmaster at Middletown, Calif., in place of R. H. Read. Incumbent's commission expired May 29, 1934.

Theodore R. Wilson to be postmaster at San Fernando, Calif., in place of H. C. Caldwell. Incumbent's commission expired January 26, 1936.

CONNECTICUT

John L. Bradley to be postmaster at Cheshire, Conn., in place of F. W. Griffin. Incumbent's commission expired January 25, 1936.

John J. Kaicher, Sr., to be postmaster at Forestville, Conn., in place of J. F. Holden. Incumbent's commission expired April 27, 1936.

Benjamin Mandell to be postmaster at Newington, Conn., in place of Minnie Rosenblatt. Incumbent's commission expired February 10, 1936.

FLORIDA

Reuben M. Coile to be postmaster at Bowling Green, Fla., in place of G. I. Daurelle, removed.

William Edward Dewar to be postmaster at Largo, Fla., in place of W. H. Turner, resigned.

Frank H. Clyatt to be postmaster at Micanopy, Fla., in place of E. D. Rosenberger. Incumbent's commission expired February 9, 1936.

Harry W. Craig to be postmaster at Tarpon Springs, Fla., in place of W. D. Fletcher. Incumbent's commission expired March 28, 1936.

Dorothy Egger Franklin to be postmaster at Venice, Fla., in place of G. H. Hauser. Incumbent's commission expired January 22, 1936.

Paul A. Tompkins to be postmaster at Webster, Fla. Office became Presidential July 1, 1935.

GEORGIA

Raymond G. Hudson to be postmaster at Blue Ridge, Ga., in place of F. D. Walker. Incumbent's commission expired January 7, 1936.

ILLINOIS

James L. Brown to be postmaster at Chebanse, Ill., in place of L. C. Schultz. Incumbent's commission expired April 27, 1936.

Thomas J. O'Brien to be postmaster at Lockport, Ill., in place of W. P. Volz. Incumbent's commission expired February 9, 1936.

Arthur T. Ellis to be postmaster at Neoga, Ill., in place of R. W. Birch. Incumbent's commission expired February 4, 1935.

Earl D. Veach to be postmaster at Vienna, Ill., in place of J. P. Mathis. Incumbent's commission expired February 9, 1936.

Simon J. Ronchetto to be postmaster at Westville, Ill., in place of J. F. Shimkus. Incumbent's commission expired June 1, 1936.

INDIANA

Arthur W. Govert to be postmaster at Griffith, Ind., in place of C. I. Boesen, deceased.

Carl R. Kluger to be postmaster at Morristown, Ind., in place of J. F. Trimble. Incumbent's commission expired February 5, 1936.

Lewis H. Acker to be postmaster at Muncie, Ind., in place of I. J. Wilson. Incumbent's commission expired April 27, 1936.

IOWA

Laurence C. Smith to be postmaster at Dyersville, Iowa, in place of A. C. Link. Incumbent's commission expired January 27, 1936.

John T. Barnett to be postmaster at Independence, Iowa, in place of A. G. Rigby, removed.

Jake A. Mein to be postmaster at McCallsburg, Iowa. Office became Presidential July 1, 1936.

Gladys Hadley to be postmaster at New Providence, Iowa. Office became Presidential July 1, 1936.

Wayne O. Thomas to be postmaster at Rake, Iowa, in place of Bert Underbakke. Incumbent's commission expired June 23, 1936.

Harold F. Diekmann to be postmaster at Readlyn, Iowa. Office became Presidential July 1, 1936.

John N. Lichty to be postmaster at Toledo, Iowa, in place of Charles Benesh. Appointee declined.

George W. Montag to be postmaster at West Bend, Iowa, in place of H. A. Falb, removed.

KANSAS

Capitola P. Lanier to be postmaster at Haviland, Kans., in place of E. M. Woodward. Incumbent's commission expired April 16, 1934.

KENTUCKY

Urett McCall Richey to be postmaster at Augusta, Ky., in place of W. A. Work. Incumbent's commission expired April 4, 1936.

Henry W. Stewart to be postmaster at Campbellsburg, Ky., in place of G. D. Montfort. Incumbent's commission expired April 4, 1936.

John Leo Fentress, Sr., to be postmaster at Central City, Ky., in place of G. L. Wallace. Incumbent's commission expired June 1, 1936.

Nola Ball Nicholson to be postmaster at Harlan, Ky., in place of M. L. Nolan. Incumbent's commission expired April 27, 1936.

William F. Klair to be postmaster at Lexington, Ky., in place of I. N. Combs, resigned.

Emma E. Hopkins to be postmaster at Loyall, Ky., in place of Hallie Casey, removed.

Everett Rice Walton to be postmaster at Lynch, Ky., in place of F. A. Mohney. Incumbent's commission expired January 27, 1936.

Emma L. Lucas to be postmaster at Manchester, Ky., in place of M. J. Combs, removed.

Ben H. Moore to be postmaster at Morgantown, Ky., in place of R. E. Keown. Incumbent's commission expired May 19, 1936.

Myrtle B. Milam to be postmaster at Wallins Creek, Ky., in place of J. L. Howard. Incumbent's commission expired January 27, 1936.

LOUISIANA

Chrissie D. Redditt to be postmaster at Columbia, La., in place of David Dunn, resigned.

Joseph W. Stegall to be postmaster at Delhi, La., in place of E. I. Montgomery. Incumbent's commission expired December 20, 1934.

William O. Woodward to be postmaster at Dubach, La., in place of H. G. Allen, resigned.

Hall S. Rogers to be postmaster at Grand Cane, La., in place of M. E. Thomas, deceased.

Elizabeth Mae Langlois to be postmaster at Istrouma, La., in place of Leona Palmer. Incumbent's commission expired December 16, 1933.

Tesca R. Roy, Jr., to be postmaster at Mansura, La., in place of E. A. Drouin. Incumbent's commission expired April 5, 1936.

Eugenia Z. Boyle to be postmaster at Metairie, La., in place of F. I. Fagot, removed.

Dennis Gomez, Jr., to be postmaster at Norco, La., in place of Lillie Vaughan. Incumbent's commission expired December 19, 1932.

Harry J. Coenen to be postmaster at Rayville, La., in place of C. C. Heinemann. Incumbent's commission expired April 27, 1936.

Robert H. Nelson to be postmaster at Shreveport, La., in place of C. P. Duncan. Incumbent's commission expired January 9, 1936.

Ernest A. Pennebaker to be postmaster at Wisner, La., in place of I. L. Batey, removed.

MAINE

Ruth H. Dixon to be postmaster at South Eliot, Maine. Office became Presidential July 1, 1936.

MASSACHUSETTS

Thomas D. Cudihy to be postmaster at Marblehead, Mass., in place of F. W. Trasher. Incumbent's commission expired April 27, 1936.

Edward H. Leary to be postmaster at Middleton, Mass., in place of E. L. Young. Incumbent's commission expired February 9, 1936.

Owen W. Gallagher to be postmaster at North Abington, Mass., in place of G. W. Orcutt. Incumbent's commission expired January 27, 1936.

Patrick J. McCarthy to be postmaster at Turners Falls, Mass., in place of F. C. Haigis, resigned.

Stephen C. Luce to be postmaster at Vineyard Haven, Mass., in place of S. C. Luce. Incumbent's commission expired April 27, 1936.

MICHIGAN

Enos C. Cole to be postmaster at Fowlerville, Mich., in place of C. J. Fuller. Incumbent's commission expired July 15, 1936.

Emory M. Grilley to be postmaster at Grant, Mich., in place of H. C. Hemingsen. Removed without prejudice January 25, 1936.

Harry W. Denham to be postmaster at Litchfield, Mich., in place of Fay Elser. Incumbent's commission expired February 5, 1936.

Peter F. Nieuwkoop to be postmaster at Manton, Mich., in place of Sadie Wheeler, removed.

Wavial H. Howard to be postmaster at Marion, Mich., in place of Archie Lowry. Incumbent's commission expired January 25, 1936.

Everett S. Capron to be postmaster at Oxford, Mich., in place of H. G. Jones. Incumbent's commission expired January 15, 1933.

Henry E. Murphy to be postmaster at Pinckney, Mich., in place of W. C. Miller. Incumbent's commission expired February 5, 1936.

Florence Wright Kennedy to be postmaster at St. Louis, Mich., in place of F. B. Housel. Incumbent's commission expired January 23, 1935.

Benjamin McClure to be postmaster at Sandusky, Mich., in place of Gertrude Moffatt. Incumbent's commission expired February 5, 1936.

Roy M. Gillies to be postmaster at West Branch, Mich., in place of A. M. MacKay, resigned.

MINNESOTA

Melvin G. Klasse to be postmaster at Westbrook, Minn., in place of J. N. Ross. Incumbent's commission expired March 10, 1936.

Earl M. Wilson to be postmaster at Willow River, Minn., in place of E. B. Linsley. Incumbent's commission expired April 29, 1936.

MISSISSIPPI

Leo G. Ford to be postmaster at Bay St. Louis, Miss., in place of H. C. Glover. Incumbent's commission expired February 4, 1935.

Wilson F. Skaggs to be postmaster at Laurel, Miss., in place of A. C. Morehead. Incumbent's commission expired January 13, 1936.

MISSOURI

William H. Burnett to be postmaster at Clarence, Mo., in place of C. C. Bishop. Incumbent's commission expired March 29, 1936.

Felix J. Schaul to be postmaster at Hannibal, Mo., in place of J. P. O'Hern. Incumbent's commission expired March 10, 1936.

Sadie C. Morehead to be postmaster at Milan, Mo., in place of C. S. Dickson, removed.

MONTANA

Kenneth LeCompt to be postmaster at Arlee, Mont. Office became Presidential July 1, 1936.

Abbie J. McClammy to be postmaster at New Deal, Mont. Office became Presidential January 1, 1936.

NEBRASKA

Arthur M. Hart to be postmaster at Burchard, Nebr. Office became Presidential July 1, 1936.

Cyril John Dendinger to be postmaster at Hartington, Nebr., in place of L. R. Eby. Incumbent's commission expired March 29, 1936.

NEW HAMPSHIRE

Peter J. Hickey to be postmaster at Portsmouth, N. H., in place of J. P. Conner. Incumbent's commission expired February 5, 1936.

Harold D. Foss to be postmaster at Rochester, N. H., in place of G. P. Furbush. Incumbent's commission expired June 28, 1936.

NEW JERSEY

Carlton S. Giberson to be postmaster at Absecon, N. J., in place of E. E. Showell. Incumbent's commission expired April 12, 1936.

Delbert Bush to be postmaster at Browns Mills, N. J., in place of R. H. Hulick. Incumbent's commission expired May 23, 1936.

Oscar P. Jacobus to be postmaster at Cedar Grove, N. J., in place of A. O. Kossow, removed.

William R. Carr to be postmaster at Chatham, N. J., in place of C. G. Wittreich. Incumbent's commission expired February 25, 1935.

Arthur C. McCullough to be postmaster at Delanco, N. J., in place of George Coleman. Incumbent's commission expired April 29, 1936.

Emma H. Wheatley to be postmaster at Elmer, N. J., in place of R. K. Greenwood. Incumbent's commission expired March 17, 1936.

Henry N. McKay to be postmaster at Haddon Heights, N. J., in place of C. C. McKinley. Incumbent's commission expired January 9, 1936.

Thomas F. Dix, Jr., to be postmaster at Linwood, N. J., in place of H. R. Fife. Incumbent's commission expired February 9, 1936.

NEW MEXICO

Alice L. Huff to be postmaster at Silver City, N. Mex., in place of J. A. Shipley, deceased.

NEW YORK

Eugene A. Westcott, Jr., to be postmaster at Cleveland, N. Y., in place of W. V. Fitzpatrick. Incumbent's commission expired June 20, 1934.

Emily C. Squires to be postmaster at Hampton Bays, N. Y., in place of R. H. Warner. Incumbent's commission expired April 12, 1936.

Joseph E. Downs to be postmaster at Islip, N. Y., in place of C. H. Ketcham. Incumbent's commission expired May 31, 1933.

William A. Eggison to be postmaster at Marcy, N. Y. Office became Presidential July 1, 1933.

James H. Mackin to be postmaster at Oswego, N. Y., in place of R. W. J. Mott. Incumbent's commission expired March 22, 1936.

Sarah E. Austin to be postmaster at Patterson, N. Y., in place of J. F. Smith, removed.

Walter Stanhope to be postmaster at Thiells, N. Y., in place of Isaac Bedford. Incumbent's commission expired April 15, 1934.

NORTH CAROLINA

James E. Faison to be postmaster at Faison, N. C., in place of J. H. Darden. Incumbent's commission expired February 26, 1936.

Perry C. Millikin to be postmaster at Halifax, N. C., in place of W. A. Willcox, resigned.

Theodore T. Thomas to be postmaster at Tarboro, N. C., in place of J. M. Carstarphen. Incumbent's commission expired June 15, 1936.

George C. Herritage to be postmaster at Trenton, N. C. Office became Presidential July 1, 1936.

NORTH DAKOTA

Elizabeth Moriarty to be postmaster at Enderlin, N. Dak., in place of E. M. Sanness. Incumbent's commission expired January 7, 1936.

Christ Tennefos to be postmaster at Milnor, N. Dak., in place of N. D. Nelson. Incumbent's commission expired January 13, 1935.

Fred G. Carman to be postmaster at Northwood, N. Dak., in place of Otto Sougstad, resigned.

Emeline Robertson to be postmaster at Park River, N. Dak., in place of J. A. Halberg. Incumbent's commission expired March 8, 1934.

Glenn W. Veach to be postmaster at Wimbledon, N. Dak., in place of M. E. Swartwout, removed.

OHIO

Ludlow V. Lake to be postmaster at Johnstown, Ohio, in place of G. W. Burner. Incumbent's commission expired April 28, 1934.

Charles G. Johnson to be postmaster at Worthington, Ohio, in place of G. W. Johnson, deceased.

OKLAHOMA

Lewis E. Sloan to be postmaster at Alex, Okla., in place of Nealy Godwin. Incumbent's commission expired February 3, 1936.

Otis E. Cox to be postmaster at Barnsdall, Okla., in place of S. H. Wilson, removed.

John S. Dawson to be postmaster at Bennington, Okla., in place of H. M. Lutes. Incumbent's commission expired June 1, 1936.

Newport W. Sanford to be postmaster at Bethany, Okla., in place of S. H. Bundy, removed.

Taylor C. Anthony to be postmaster at Blanchard, Okla., in place of O. C. Reed. Incumbent's commission expired February 25, 1935.

Brown King to be postmaster at Britton, Okla., in place of O. T. Robinson. Incumbent's commission expired May 29, 1934.

Roy C. Grider to be postmaster at Byars, Okla., in place of F. A. Smith. Incumbent's commission expired March 18, 1936.

Nettie I. McHenry to be postmaster at Chelsea, Okla., in place of J. R. McIntosh, deceased.

LeRoy Parrish to be postmaster at Comanche, Okla., in place of W. C. Yates. Incumbent's commission expired May 9, 1934.

Ralph Ownby to be postmaster at Durant, Okla., in place of M. C. Mhoon. Incumbent's commission expired June 15, 1936.

J. Wendell Simmons to be postmaster at Edmond, Okla., in place of A. B. Deselms. Incumbent's commission expired May 3, 1936.

Forrest Thomas, Jr., to be postmaster at Healdton, Okla., in place of J. H. Sparks. Incumbent's commission expired February 5, 1936.

Lawson Race to be postmaster at Hunter, Olka. Office became Presidential July 1, 1935.

Willie F. Cowan to be postmaster at Jennings, Okla., in place of O. M. Ham. Incumbent's commission expired June 10, 1936.

John Stewart Keller to be postmaster at Lexington, Okla., in place of Roy Sherman. Incumbent's commission expired March 18, 1936.

Walter G. McGlamery to be postmaster at Mooreland, Okla., in place of A. W. Crawford. Incumbent's commission expired April 15, 1934.

Walter G. Baustert to be postmaster at Okeene, Okla., in place of J. A. Norris. Incumbent's commission expired March 18, 1936.

Joseph S. Morris to be postmaster at Oklahoma City, Okla., in place of W. G. Johnston. Incumbent's commission expired March 10, 1936.

William Thomas Whittenburg to be postmaster at Skiatook, Okla., in place of Clay Cross. Incumbent's commission expired March 22, 1934.

Alfred Claude Davis to be postmaster at Woodward, Okla., in place of J. H. Hopkins. Incumbent's commission expired June 1, 1936.

OREGON

Arthur Henry Tifft to be postmaster at Redmond, Oreg., in place of W. I. Smith. Incumbent's commission expired March 10, 1936.

PENNSYLVANIA

William M. Grumbine to be postmaster at Annville, Pa., in place of A. S. Miller. Incumbent's commission expired July 1, 1934.

Edward Aloysius O'Donnell to be postmaster at Beaverdale, Pa., in place of A. E. Shannon. Incumbent's commission expired June 1, 1936.

Alvin E. Moon to be postmaster at Blawnox, Pa., in place of N. O. Smith. Incumbent's commission expired May 10, 1936.

Eugene C. Wonder to be postmaster at Chalfont, Pa., in place of A. F. Hockman. Incumbent's commission expired January 7, 1935.

Patrick J. Friel to be postmaster at Crum Lynne, Pa., in place of J. C. Sample. Incumbent's commission expired February 14, 1935.

Joseph R. Thurston to be postmaster at Factoryville, Pa., in place of W. H. Dickinson. Incumbent's commission expired April 22, 1934.

Frederic W. Moser to be postmaster at Greenville, Pa., in place of J. A. Keck. Incumbent's commission expired June 10, 1936.

Abraham H. Scholl to be postmaster at Harleysville, Pa., in place of E. B. Heckler. Incumbent's commission expired February 24, 1936.

Ralph B. McQuistion to be postmaster at Harmony, Pa., in place of W. R. Smith. Incumbent's commission expired February 10, 1936.

Harry W. Fee to be postmaster at Indiana, Pa., in place of H. A. Borland, retired.

Frank E. Neumeyer to be postmaster at Macungie, Pa., in place of R. L. Moyer. Incumbent's commission expired February 10, 1936.

Francis J. Kelly to be postmaster at Mansfield, Pa., in place of E. G. Cornwell. Incumbent's commission expired January 13, 1936.

Edwin F. Fox to be postmaster at Mertztown, Pa., in place of I. L. Romig. Incumbent's commission expired January 13, 1936.

Catherine G. Hauer to be postmaster at Mount Gretna, Pa., in place of A. L. Daigneau. Incumbent's commission expired February 24, 1936.

Lester C. Trauger to be postmaster at Perkasie, Pa., in place of I. Y. Baringer. Incumbent's commission expired January 22, 1935.

Joseph A. Kelly to be postmaster at Roslyn, Pa., in place of N. E. Arnold. Incumbent's commission expired March 17, 1936.

Mary S. Anderson to be postmaster at Royersford, Pa., in place of L. E. Johnson. Incumbent's commission expired January 8, 1934.

George S. McCurdy to be postmaster at Scottdale, Pa., in place of William Percy. Incumbent's commission expired May 19, 1936.

Russell R. Lindsley to be postmaster at Smethport, Pa., in place of E. W. Workley. Incumbent's commission expired February 10, 1936.

Charles S. Doyle to be postmaster at South Langhorne, Pa., in place of G. W. Brelsford. Incumbent's commission expired April 30, 1934.

Homer F. Eshelman to be postmaster at Summerville, Pa., in place of W. A. Smith. Incumbent's commission expired June 20, 1934. (Removed without prejudice.)

Burnett W. Weber to be postmaster at Sykesville, Pa., in place of S. B. Long. Incumbent's commission expired January 8, 1934.

Ernest B. Wolf to be postmaster at Telford, Pa., in place of J. C. Moyer. Incumbent's commission expired July 13, 1936.

Charles H. Mease to be postmaster at West Leesport, Pa., in place of C. B. Rothenberger. Incumbent's commission expired January 13, 1936.

George C. Rohland to be postmaster at West Newton, Pa., in place of J. G. McCune. Incumbent's commission expired February 10, 1936.

RHODE ISLAND

Mary E. Feeley to be postmaster at Oakland Beach, R. I., in place of F. E. Booth. Incumbent's commission expired April 2, 1934.

SOUTH CAROLINA

Grady R. Hogue to be postmaster at Blacksburg, S. C., in place of W. E. Westbrook. Incumbent's commission expired June 10, 1936.

SOUTH DAKOTA

Glen G. Lounsbery to be postmaster at Centerville, S. Dak., in place of C. H. Hornbeck. Incumbent's commission expired February 19, 1936.

Ruth B. Vernon to be postmaster at Fort Meade, S. Dak. Office became Presidential July 1, 1934.

William W. Brady to be postmaster at Marion, S. Dak., in place of C. J. Moriarty. Incumbent's commission expired June 15, 1936.

Walter H. Fergen to be postmaster at Parkston, S. Dak., in place of William Kayser. Incumbent's commission expired February 9, 1936.

Ole Peterson Ronning to be postmaster at Valley Springs, S. Dak., in place of O. C. Larson, removed.

Bernard F. Moran to be postmaster at Woonsocket, S. Dak., in place of V. T. Warner. Incumbent's commission expired April 12, 1936.

TENNESSEE

Jesse S. McMurry to be postmaster at Hartsville, Tenn., in place of H. E. Alexander. Incumbent's commission expired March 28, 1936.

Edward B. Weisiger to be postmaster at Hendersonville, Tenn. Office became Presidential July 1, 1936.

Joseph A. Muecke to be postmaster at Kingston, Tenn., in place of J. H. Wilson. Incumbent's commission expired January 28, 1935.

Floyd Mitchell to be postmaster at Tullahoma, Tenn., in place of T. E. Richardson. Incumbent's commission expired February 5, 1936.

TEXAS

Jay H. Riley to be postmaster at Canton, Tex., in place of C. F. Riley. Incumbent's commission expired February 5, 1936.

Thomas H. McCarty to be postmaster at Lawn, Tex., in place of J. H. Anderson. Incumbent's commission expired January 8, 1936.

Leo C. Neutzler to be postmaster at Nordheim, Tex., in place of Theodor Reichert. Incumbent's commission expired March 10, 1936.

Ethel B. Friend to be postmaster at Rockport, Tex., in place of M. E. Bryant. Incumbent's commission expired April 27, 1936.

Wade H. Taylor to be postmaster at Seminary Hill, Tex., in place of J. L. Holcomb. Incumbent's commission expired April 4, 1936.

Carlos S. Baker, Sr., to be postmaster at Stockdale, Tex., in place of M. A. Haskell. Incumbent's commission expired January 13, 1935.

UTAH

Roger W. Creer to be postmaster at Spanish Fork, Utah, in place of C. E. Smith, removed.

VIRGINIA

William F. Cox to be postmaster at Jonesville, Va., in place of I. P. Weston, removed.

Robert M. Owen to be postmaster at North Emporia, Va., in place of R. G. Dyson. Incumbent's commission expired March 10, 1936.

WASHINGTON

William F. Gorman to be postmaster at Burlington, Wash., in place of M. G. Lamm. Incumbent's commission expired March 10, 1936.

James R. Stephenson to be postmaster at Issaquah, Wash., in place of J. H. Gibson. Incumbent's commission expired January 8, 1936.

Margaret E. Seward to be postmaster at Port Blakely, Wash., in place of R. A. M. Hilstad, resigned.

WEST VIRGINIA

J. Fred Wilson to be postmaster at Clay, W. Va., in place of B. P. Reed. Incumbent's commission expired January 30, 1933.

WISCONSIN

Howard E. Bitney to be postmaster at Clayton, Wis., in place of George Ketz. Incumbent's commission expired May 3, 1936.

Harry A. Martens to be postmaster at Coleman, Wis., in place of E. H. Herbert. Incumbent's commission expired April 27, 1936.

Paul Mlodzik to be postmaster at Cudahy, Wis., in place of E. C. Szyperski. Incumbent's commission expired January 18, 1936.

Lila Robie to be postmaster at Danbury, Wis., in place of L. T. Larson, resigned.

John J. G. Laing to be postmaster at Waukesha, Wis., in place of L. A. Meininger. Incumbent's commission expired February 25, 1933.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 1 (legislative day of Feb. 24), 1937

FEDERAL BOARD FOR VOCATIONAL EDUCATION

Paul H. Nystrom to be a member of the Federal Board for Vocational Education.

NATIONAL LABOR RELATIONS BOARD

Edwin S. Smith to be a member of the National Labor Relations Board.

Donald Wakefield Smith to be a member of the National Labor Relations Board.

APPOINTMENTS IN THE REGULAR ARMY

Nicholas Fred Atria to be first lieutenant, Medical Corps.

Joseph Rich to be first lieutenant, Medical Corps.

Glenn Keith Smith to be second lieutenant, Medical Administrative Corps.

Howard Brim Nelson to be second lieutenant, Medical Administrative Corps.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

Major Hugh Bryan Hester to Quartermaster Corps.

Capt. Albert Newton Stubblebine, Jr., to Quartermaster Corps.

PROMOTIONS IN THE REGULAR ARMY

Thomas Jefferson Johnson to be colonel, Quartermaster Corps.

Daniel Allman Connor to be lieutenant colonel, Field Artillery.

Oliver Stevenson Ferson to be major, Air Corps.

Harley James Hallett to be colonel, Medical Corps.

Sanford Williams French to be colonel, Medical Corps.

Thomas Joseph Flynn to be colonel, Medical Corps.

William Denton to be colonel, Medical Corps.

John Joseph Reddy to be colonel, Medical Corps.

Lloyd Ambrose Kefauver to be colonel, Medical Corps.

John Roy McKnight to be colonel, Medical Corps.

Edward Augustus Coates, Jr., to be lieutenant colonel, Medical Corps.

Leroy Taylor Howard to be lieutenant colonel, Medical Corps.

James Albertus Bethea to be lieutenant colonel, Medical Corps.

Thomas Lee Gore to be lieutenant colonel, Medical Corps.

Asa Margrave Lehman to be lieutenant colonel, Medical Corps.

Oramel Henry Stanley to be lieutenant colonel, Medical Corps.

Sewell Munson Corbett to be lieutenant colonel, Medical Corps.

Samuel Reily Norris to be lieutenant colonel, Medical Corps.

Benjamin Norris to be lieutenant colonel, Medical Corps.

Emery Ernest Alling to be major, Medical Corps.

John Allison Worrell to be major, Medical Corps.

Claude Cordray Dodson to be captain, Medical Corps.

William Darrell Willis to be captain, Medical Corps.

James Emile Graham to be captain, Medical Corps.

Jay Franchel Gamel to be captain, Medical Corps.

Aubrey L. Jennings to be captain, Medical Corps.

Allen Chamberlain Wight to be lieutenant colonel, Veterinary Corps.

Elwood Luke Nye to be lieutenant colonel, Veterinary Corps.

Nathaniel Alexander Jones to be chaplain with the rank of lieutenant colonel.

WITHDRAWAL

Executive nomination withdrawn from the Senate March 1 (legislative day of Feb. 24), 1937

POSTMASTER

OKLAHOMA

Alva M. Odom to be postmaster at Byars, in the State of Oklahoma.

HOUSE OF REPRESENTATIVES

MONDAY, MARCH 1, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Praise the Lord, O Jerusalem, praise thy God, O Zion. His word runneth very swiftly. Heavenly Father, we pray that we may start down the path of this new week with the majesty of a clear conscience sweeping through our beings. Pondering God and that inner voice, which is the eye of the soul, we shall not wander in the forbidden ways checkered by light and shadow. Thus armed, gracious Lord, we shall be restrained from that which is wrong, and the way of truth, wisdom, and right shall be pointed out. Do Thou enhance in us the real value of self and help us to measure up to the highest ideals of manhood. May we be made worthy of Thy approbation and the approval of our fellow men. We breathe an earnest prayer for our Speaker and for all who are associated with these historic walls. With increasing faith in the right, may we be fully prepared to enter upon our labors.

Again, blessed Lord, we are in the valley. The shadows hover low. Another distinguished Member has left us, faithful in his public service and upright in his private life.

Yea, though I walk through the valley of the shadow of death, I will fear no evil for Thou art with me. Thy rod and Thy staff they comfort me.

We thank Thee for these undying words. Through Christ, Amen.

The Journal of the proceedings of Thursday, February 25, was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed a bill and joint resolutions of the House of the following titles:

On February 23, 1937:

H. R. 3112. An act for the relief of Ralph C. Irwin.

On February 24, 1937:

H. J. Res. 229. Joint resolution to make funds available for health and sanitation activities in the areas recently stricken by floods.

On February 27, 1937:

H. J. Res. 212. Joint resolution to amend the act entitled "An act to levy an excise tax upon carriers and an income tax upon their employees, and for other purposes", approved August 29, 1935.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Crockett, its Chief Clerk, announced that the Senate had passed without amendment a bill and a joint resolution of the House of the following titles:

H. R. 2518 An act to provide for retirement of Justices of the Supreme Court; and

H. J. Res. 96. Joint resolution to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended.

THE LATE ANDREW R. BRODBECK

Mr. HAINES. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes to make an announcement.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HAINES. Mr. Speaker, I regret to announce the death of a former Member of this body, Hon. Andrew R. Brodbeck, who served here in the Sixty-third and Sixty-fifth Congresses from the district that I now have the honor to represent. Mr. Brodbeck was my friend, and in his passing I have lost someone for whom I had the greatest respect and regard. The community in which he lived and served will miss him, for he was most diligent in promoting the welfare of the people with whom he labored and toiled for so many years. A leader in both the religious and civic life of the community, a sympathetic gentleman for all who needed sympathy, a liberal thinker, and a philanthropist. He was always trying to do a good turn for others, and in the recent years, after having retired from active business, he delighted most in serving others in an humble manner that won for him the confidence and respect he so richly deserved. As a Member of this body he was intensely interested in his people. He served here during those trying days of the World War, and it was during that period that I learned to know him best.

Tolerant toward his fellow man and yet a gentleman of firm convictions. If he thought he was right, he was determined to pursue that course; but if shown to be wrong, he was equally willing to admit it. The country can little

afford to lose men like this gentleman and I am confident that in saying this I merely express the sentiment that a great host of his neighbors and friends would express. Born of a fine parentage in an humble York County home in 1860, by sacrifice and a determination that would not be denied, he acquired an education that led him to the schoolroom as a teacher in the public schools of his own community.

His contribution to the boys and girls of his day is so valuable that no one can appraise it, but it has been my privilege to speak to men and women who knew him as a school teacher and who today will testify as to his influence in their own lives for better living. He chose Hanover, Pa., as his home, just a few miles over the hill from his birthplace at Jefferson.

It is here that everyone knew "Andy", as he was lovingly called. He is going to be missed in church, for he was loyal to the church of his choice and contributed most liberally not only to his own church but to many others. He gave a fortune away to further the cause of education, and has had erected monuments that will stand as a lasting memorial to the fine spirit that characterized his living; but better still, he has erected monuments more glorious in the memory of those who knew him best. He was a devoted husband. A few years ago his helpmate of many years was laid to rest and now he goes to join her in that land "from whose bourne no traveler has ever returned." I am sure that the type of materials he sent on ahead will have prepared for him mansions in that everlasting city of God. He was a kind, loving father to his daughters, who survive him, and who have the many fine qualities of the parents. I deeply regret his passing, for to me he was more than a friend—he was a good man. God give us more like him.

THE LATE REUEL SMALL

Mr. BREWSTER. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes and to yield to my colleague, the gentleman from Maine, Mr. OLIVER, in that time.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. BREWSTER. Mr. Speaker, it seems appropriate that we should pause for a moment this morning to permit a tribute to be paid to one who had been in the service of this House for 39 years.

Reuel Small, formerly of Maine, served as a reporter of debates in this House throughout that extraordinary length of time, coming here first while Speaker Reed was in the chair, and known to many of you by reason of the intimacies born of associations within this Hall. Not only as a Member of the Maine delegation but as one who also observed his services here upon the floor, I want to pay tribute to the record of his life. I ask that the Representative in Congress from the congressional district of Speaker Reed and of Mr. Small, Mr. OLIVER, here be permitted to pay fitting tribute to the record of his life. I yield the balance of my time to my colleague, the gentleman from Maine [Mr. OLIVER], and ask unanimous consent that we may be permitted to revise and extend our remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. OLIVER. Mr. Speaker, it becomes my sad duty to make a few remarks concerning the death of one who has been a faithful servant of this Government for many years.

On February 27 Reuel Small, a personal friend of many of this House, died. As dean of the House reporters he served conscientiously and well; as a friend his passing will be deeply regretted by all those with whom he has been associated for more than 39 years in this body.

Mr. Small was born in Newry, Maine, a small town in the First Congressional District, graduating from Norwich College in 1866. He was further honored with an M. S. degree in 1911.

His very noteworthy service rendered in this House for so many years was initiated in the Maine State Senate in 1863 and 1869 where he was the official reporter for that legislative group and later he served as court reporter for the superior court of Cumberland County. The State Department in 1889 recognized his ability by sending him as official reporter in the case of American fishing vessels seized by Canada for violation of Dominion fishing laws. In 1896 he was sent again by the State Department to report the minutes of the Bering Sea Claims Commission. In 1898 another of Maine's illustrious sons, Thomas B. Reed, the then Speaker of this House, appointed him as Official Reporter for the membership of this body. In this position from 1898 until about a week ago he had served the Members of the House of Representatives faithfully and well and it is with deep and profound regret that we note his passing.

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to proceed for 3 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. PLUMLEY. Mr. Speaker, the mantle which, as he left this Hall a few days ago, distinguished Reuel H. Small as the oldest living graduate of Norwich University, the military college of the State of Vermont, has fallen from his shoulders. He wore it unsullied, with honor and distinction, and as became a man.

One day last week he went out of here never to return; his task accomplished, the long day done as the shadows lengthened, evening came, and he reached his journey's end, dying, as he had lived, like a soldier.

Those of us who have observed him engaged in his work find it difficult to realize and to appreciate the fact that he was in his ninetieth year. As Dryden says in Oedipus:

> Fate seemed to wind him up for fourscore years;
> Yet freshly ran he on 10 winters more
> Till like a clock worn out with eating time
> The wheels of weary life at last stood still.

For 39 years he walked among those who found their duty in this Hall and most effectively and efficiently discharged the duties of official reporter of debates.

It was given to some of us to know him intimately, and we could but remark how clear his mind and how wonderful his memory of men and events. He was a veritable storehouse of information and reminiscence; inclined to be reticent, nevertheless a most interesting conversationalist and a versatile and very able man.

He liked to talk about his boyhood days and to live again in retrospection the hours he spent as college classmate of William Rutherford Mead, the artist and architect; Edward Dean Adams, the philanthropist and distinguished engineer; Admiral George H. Converse, United States Navy; and Rear Admiral Colvocoresses, who was with Admiral Dewey on the *Olympia* at the Battle of Manila.

Mr. Small was particularly pleased to have occupied at Norwich University the room on the door of the closet of which there was burned into the woodwork these words:

> This is George Dewey's room, N. U. '55.

He believed himself to be the sole survivor of that group of cadets who under General Jackman rendered important service to the State of Vermont during the excitement incident to the St. Albans raid of October 19, 1864. In the roster of that force the name of Reuel Small appears as "corporal." "There was no question", he said, laughingly, as he talked to me from his desk here, "but that the 35 or 40 of us who went to Newport as volunteers"—and, by the way, he said "every single cadet offered his services"—"there is no question", he said, "but that we saved the country."

The fact is, historically speaking, this volunteer organization was not a part of the militia or of any organized force and was "never mustered into anything by anybody."

On August 2, 1866, Reuel Small graduated from Norwich University and delivered one of the commencement orations. His remarkable career and the valuable service which he has rendered his country since is a matter of public record.

He was born September 22, 1847.

> We spend our years as a tale that is told.

THE NEUTRALITY BILL

Mr. FISH. Mr. Speaker, I ask unanimous consent to submit minority views on the joint resolution (H. J. Res. 242) to maintain the neutrality of the United States in the event of war between or among foreign nations, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. WOODRUFF. Mr. Speaker, I ask unanimous consent that on Wednesday next, March 3, after the disposition of matters on the Speaker's table I may be permitted to address the House for 30 minutes.

Mr. RAYBURN. Mr. Speaker, reserving the right to object, I must object because that is Calendar Wednesday, and we want to protect it. One gentleman who wanted to speak next week was willing to come in after the call of the Private Calendar tomorrow. I would have no objection to that, but I would be compelled to object to Wednesday, because it is such an important day, and we should not begin taking time off of Calendar Wednesday. The gentleman from Michigan, I am sure, knows that I regret very much to object to any request he makes.

Mr. WOODRUFF. Mr. Speaker, I desire to amend my request and ask that I may be permitted to address the House for 30 minutes on Thursday next, after the disposition of matters on the Speaker's table.

Mr. RAYBURN. Mr. Speaker, reserving the right to object, in all probability the naval appropriation bill will be up that day. Would the gentleman be willing to get his time in general debate?

Mr. WOODRUFF. If the gentleman from Texas, Mr. Speaker, can assure the gentleman from Michigan that he can secure for him 30 minutes in general debate on the naval bill, that will be perfectly agreeable to me.

Mr. RAYBURN. I will say to the gentleman that if he will withdraw his request entirely, I shall try to work that out and let him know in time to renew his request before Thursday.

Mr. WOODRUFF. That is agreeable, and I withdraw the request, Mr. Speaker.

Mr. BIERMANN. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

THE NAVAL APPROPRIATION BILL

Mr. BIERMANN. Mr. Speaker, the naval appropriation bill was scheduled to come onto the floor last Thursday. Before that time a number of Members endeavored to get copies of the bill, copies of the report, or copies of the hearings, and failed. Due to a lamentable circumstance, consideration of that bill was postponed until Thursday of this week and, again, Members have made efforts to secure copies of the bill, of the report, or of the hearings, and have failed.

I take it for granted this bill will come onto the floor, as every other Navy or Army appropriation bill has come here during my time, and no Members aside from members of the Appropriations Committee will know one single thing about the bill until it comes onto the floor.

I have asked for this time to protest against this kind of procedure.

The Budget for 1938, I believe, asks for more than $560,000,000 for the Navy, and I presume the Army will ask for enough more to make the total well over $1,000,000,000, and the practical result of the procedure we have followed for a long time is to have these enormous appropriation bills passed without any consideration whatsoever by the House as a body.

Out in Iowa we think we are pretty rich on account of the hogs we raise. I was interested in looking up the figures the other day and I discovered from the Department of Agriculture that all the hogs in the United States, as of January 1, 1937, are worth $508,000,000; in other words, next Thursday we will be asked to appropriate for the Navy $50,000,000 more than the worth of the entire hog crop of the United States, and to do this without any reasonable consideration at all by this House.

Mr. O'MALLEY. Mr. Speaker, will the gentleman yield?

Mr. BIERMANN. If I have time, I will yield to the gentleman.

We talk in this body about economy. I believe in economy. I would like to vote to cut these appropriations and to cut the personnel of many Government departments and agencies, but there is no use talking about economy unless we strike the places where the biggest expenditures are made. For the fiscal year 1936, past and future wars cost this Government more than $4,000,000,000, and how many Members on this floor and how many of the newspapers that talk about economy say anything about these items? There is no use talking about economy if we do not talk about the largest expenditures. I do not believe we are going to get any rational consideration of these enormous "outgoes" unless we change the procedure so that the membership of this House will have at least an opportunity to read an appropriation bill, at least an opportunity to read the report, or at least an opportunity to glance over the hearings a little while before the bill comes to the floor of this House. [Applause.]

I now yield to the gentleman from Wisconsin.

Mr. O'MALLEY. I simply wanted to inquire of the gentleman from Iowa whether his metaphor with respect to hogs bore any relationship to the Army and the Navy and what they get out of the Government.

Mr. BIERMANN. I would dislike to put into the RECORD what I think about some of these men, but I will say that I never heard of an Army or Navy officer advocating any substantial cut in any kind of appropriation for them. I never heard of an Army or naval high-command official allowing one of lower rank to submit any testimony that might indicate where some savings may be made, without disciplining that Army or Navy officer.

Mr. KOPPLEMANN. Mr. Speaker, will the gentleman yield?

Mr. BIERMANN. Yes.

Mr. KOPPLEMANN. I recall that a week ago I inquired as to whether this report would be out for the benefit of the Members who, like myself, are interested, and I was informed that the subcommittee chairman of the Committee on Appropriations had informed our leader that it would be out last Wednesday or Thursday. Last Wednesday and Thursday have passed, and we find the gentleman from Iowa now on the floor demanding something that was promised last week. I cannot understand the situation.

The SPEAKER. The time of the gentleman from Iowa has expired.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. RAYBURN. Mr. Speaker, the gentleman from Connecticut [Mr. KOPPLEMANN] says he does not understand the situation. I violated no promise that I made. When the untimely death of the chairman of the Committee on Appropriations occurred the Subcommittee on Naval Appropriations said they did not want to bring up their bill until later, and that is the reason why the bill did not come up and why it was not taken up last Thursday.

Mr. KOPPLEMANN. Mr. Speaker, the gentleman has misunderstood me. I repeated the gentleman's statement as coming from the chairman of the subcommittee, that he had promised the gentleman from Texas that it would be out last Wednesday or Thursday.

Mr. RAYBURN. And it would have been, if it had not been for the death of Mr. Buchanan.

Mr. KOPPLEMANN. But Mr. Buchanan's lamentable death did not stop the subcommittee from reporting its provisions, or reporting out this measure, did it?

Mr. RAYBURN. That was the answer given to me.

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. VINSON of Georgia. Mr. Speaker, I do not share the criticism of the gentleman from Iowa [Mr. BIERMANN] has voiced against the Committee on Appropriations in respect to the naval appropriation bill, or any of the Appropriations Committee bills, but I do endorse in toto what he has had to say with reference to the procedure. I for one am of opinion that the membership of the House should at least have a reasonable opportunity to examine the appropriation bills and the hearings, and for that reason I am today introducing a resolution to change the rule requiring an appropriation bill to be on the calendar for 5 days before it can be considered by the House. In other words, the Committee on Appropriations is charged with the expenditure of $10,000,000,000. As a rule an appropriation bill is introduced and debate upon it takes place the same day. The average Member of the House is not conversant with practically anything that is in the bill.

The SPEAKER. The time of the gentleman from Georgia has expired.

PANAMA CANAL TOLLS

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Merchant Marine and Fisheries.

To the Congress of the United States:

I transmit herewith for the information of the Congress, report of the Committee on Panama Canal Tolls and Vessel Measurement Rules, appointed under the provisions of the act approved April 13, 1936, "for the purpose of making an independent study and investigation of the rules for the measurement of vessels using the Panama Canal and the tolls that should be charged therefor." As provided by law, the report contains the Committee's "advisory recommendations of changes and modifications of the rules for the measurement of vessels for the Panama Canal and the determination of tolls as it finds necessary or desirable to provide a practical, just and equitable system of measuring such vessels and levying such tolls."

For over 20 years, numerous attempts have been made to secure the enactment of legislation which would abolish the dual system of measurement whereby tolls are computed under one set of rules, with a limiting factor on the amount to be collected, determined by different and continually changing rules of measurement over which the President has no jurisdiction.

The Committee points out in its report that the Panama Canal Act of 1912 clearly intended to provide that the President should be given full authority to prescribe rules for the measurement of vessels at the Panama Canal, and to fix within certain well-defined limits prescribed by the Congress toll rates that were to be charged on vessels passing through the Canal. Due to the effect of the Attorney General's interpretation made in 1914 of the requirements of the Panama Canal Act, not only has the average transit charge per vessel, foreign and American, been much lowered, and the total revenues of the Canal correspondingly reduced, but the transit payments made for vessels of like earning capacity have become widely different; and this has taken place without any change in the rate of tolls fixed by the President to be paid by all types of commercial vessels, and without any modification of the rules prescribed by the President for determining the tonnage upon which the established rate of tolls should be paid.

It was not intended that the Panama Canal Rules, prescribed by the President in 1913, should forever remain unchanged, nor was it intended that the toll rates should remain fixed at the rates prescribed by the President in 1912. With development in ship construction and increases in traffic the time has come when the rules should be modified and the rates reduced. This cannot be accomplished in a satisfactory and impartial manner without the enactment of remedial legislation abolishing the dual system and establishing the Panama Canal Rules of Measurement as the sole rules for the measurement of vessels at the Panama Canal, and the tonnage on which Congress should prescribe the limits within which the President may act in fixing the toll rates.

An effort was made at the last session of the Congress to secure the enactment of such legislation, but there were those who felt that an independent study of the entire subject should be made first by a neutral committee before final action was taken. That study has now been made and an exhaustive report has been submitted.

The Committee has made certain recommendations as to the enactment of necessary legislation which I approve. Its enactment will permit the President to proceed administratively to carry out the further recommendations of the Committee as to the modifications of the rules and the rates to be charged, in order to provide a practical, just, and equitable system of measuring vessels and levying tolls.

I cannot urge too strongly the enactment of legislation that will so amend existing law as to provide:

(1) That tolls for the use of the Panama Canal shall be based upon vessel tonnage determined by the Panama Canal rules of measurement as prescribed by the President.

(2) That the tolls upon commercial vehicles, Army and Navy transports, colliers, supply and hospital ships shall not exceed $1 per Panama Canal net ton, and shall not be less than 75 cents per Panama Canal net ton, when such vessels are laden.

(3) That a rate of tolls lower than is levied on laden vessels may be prescribed for vessels in ballast, without passengers or cargo.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *February 26, 1937.*

SUGAR-QUOTA SYSTEM (H. DOC. NO. 156)

The SPEAKER also laid before the House the following message of the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Agriculture and ordered printed:

To the Congress of the United States:

The expiration on December 31, 1937, of the quota provisions of the Jones-Costigan Act and Public Resolution No. 109 of June 19, 1936, and the existence of the public problems which have arisen as a result of discontinuance of the processing tax on sugar and benefit payments to sugar-beet and sugar-cane producers, make it desirable that the Congress consider the enactment of new legislation with respect to sugar. The Jones-Costigan Act has been useful and effective and it is my belief that its principles should again be made effective.

I therefore recommend to the Congress the enactment of the sugar quota system, and its necessary complements, which will restore the operation of the principles on which the Jones-Costigan Act was based. In order to accomplish this purpose adequate safeguards would be required to protect the interests of each group concerned. As a safeguard for the protection of consumers I recommend that provision be made to prevent any possible restriction of the supply of sugar that would result in prices to consumers in excess of those reasonably necessary, together with conditional payments to producers, to maintain the domestic industry as a whole and to make the production of sugar beets and sugar-cane as profitable as the production of the principal other agricultural crops. In order to protect the expansion of markets for American exports, I recommend that no decrease be made in the share of other countries in the total quotas.

It is also highly desirable to continue the policy, which was inherent in the Jones-Costigan Act, of effectuating the principle that an industry which desires the protection afforded by a quota system, or a tariff, should be expected to guarantee that it will be a good employer. I recommend, therefore, that the prevention of child labor, and the payment of wages of not less than minimum standards, be in-

cluded among the conditions for receiving a Federal payment.

I recommend that adequate provision be made to protect the right of both new and old producers of small acreages of sugar beets and sugarcane to an equitable share of the benefits offered by the program. In this connection I suggest also that you consider the advisability of providing for payments at rates for family-size farms higher than those applicable to large operating units.

Quotas influence the price of sugar through the control of supply; consequently, under a quota regulation of the supply of sugar, a tax may be levied without causing any adverse effect, over a period of time, on the price paid by consumers.

I recommend to the Congress the enactment of an excise tax at the rate of not less than 0.75 cent per pound of sugar, raw value. I am definitely advised that such a tax would not increase the average cost of sugar to consumers. An excise tax of this amount would yield approximately $100,000,000 per annum to the Treasury of the United States, which would make the total revenue from sugar more nearly commensurate with that obtained during the period 1922–29. It is also estimated that the total income of foreign countries from the sale of sugar in the United States under the quota system would not be less than that obtained during 1935, and, like the total income of domestic sugar producers, it can be expected to increase in future years as our consumption requirements expand.

In considering the enactment of any tax the Congress has regard for its social and economic effects as well as its ability to raise revenue. The social and economic effects of an adequate excise tax on sugar are so important to the welfare of the various groups affected as to constitute a necessary complement to the quota system. For this reason I recommend that neither the quotas nor the tax should be operative alone.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *March 1, 1937.*

EXTENSION OF REMARKS

Mr. DEMUTH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. FADDIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

LEAVE TO ADDRESS THE HOUSE

Mrs. HONEYMAN. Mr. Speaker, I ask unanimous consent that tomorrow, after the disposal of the regular business on the Speaker's desk, I be permitted to address the House for 5 minutes.

The SPEAKER. Is there objection?

Mr. COSTELLO. Mr. Speaker, I reserve the right to object. A previous request was made of this character, to address the House tomorrow, and it was granted after the conclusion of the consideration of the Private Calendar. I suggest that the gentlewoman from Oregon follow the same procedure.

Mrs. HONEYMAN. That is perfectly satisfactory, Mr. Speaker.

The SPEAKER. The gentlewoman from Oregon modifies her request that she be permitted to address the House for 5 minutes tomorrow, after the disposition of matters on the Speaker's desk and the conclusion of the consideration of the Private Calendar and previous orders. Is there objection?

There was no objection.

STAR-ROUTE CONTRACTS

Mr. MEAD. Mr. Speaker, I ask unanimous consent for the present consideration of Senate Joint Resolution 84, which gives to the Postmaster General 60 days additional time in the awarding of star-route contracts.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. MARTIN of Massachusetts. Mr. Speaker, I reserve the right to object. The gentleman's committee has the right-of-way on Calendar Wednesday. Why could it not be brought up at that time?

Mr. MEAD. Because tomorrow is the dead line on which the Postmaster General will have to award these contracts. The resolution will have to reach the White House today or it will be without value.

Mr. MARTIN of Massachusetts. This matter has been considered by your committee?

Mr. MEAD. It has been considered by our committee and amended in accordance with the suggestions of the Department.

Mr. MARTIN of Massachusetts. This will not change the present law?

Mr. MEAD. None whatever.

Mr. TABER. Mr. Speaker, further reserving the right to object, I would like to ask the gentleman why it is necessary or desirable that the time be extended. Is there any emergency that exists that would require such an operation?

Mr. MEAD. In answer to the gentleman, I may say that the Department, at the request of our committee, has made a report on the revision of existing star-route legislation, and it is anticipated that legislation will be considered by the House and Senate in the interim. Therefore, it is the unanimous desire of our committee that the Department be given this 60-day extension in which to award the new contracts.

Mr. MARTIN of Massachusetts. In other words, you want to continue the present status until your committee has time to consider the legislation?

Mr. MEAD. That is it, exactly.

Mr. MARTIN of Massachusetts. I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. MEAD]?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

Resolved, etc., That the Postmaster General is authorized and directed to withhold the awarding of any star-route contract for a period of 60 days after March 31, 1937.

Mr. MEAD. Mr. Speaker, I offer a committee amendment.

The Clerk read as follows:

Committee amendment offered by Mr. MEAD: In line 4, after the word "of", strike out "any star-route contract" and insert "star-route contracts for which bids have been received in the first contract section"; and in line 5, strike out the figures "31" and insert in lieu thereof the figure "1."

The committee amendments were agreed to.

Mr. MEAD. I move the previous question on the adoption of the Senate joint resolution.

The previous question was ordered.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. LUCE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an address by Hon. Charles Moore, Chairman of the Commission on Fine Arts, chiefly devoted to the beautification of Washington.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. KOPPLEMANN. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

Mr. COSTELLO. Mr. Speaker, reserving the right to object, in view of the fact that we have been delayed about 45 minutes on the Consent Calendar and there are many Members who are interested in the bills, I feel I am forced to object to any further requests for time.

The SPEAKER. Objection is heard.

EXTENSION OF REMARKS

Mr. BOILEAU. Mr. Speaker, I ask unanimous consent to extend my own remarks, to include remarks made by me

yesterday at a conference on social control of power called by the League of Industrial Democracy.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

CONSENT CALENDAR

The SPEAKER. The Clerk will call the first bill on the Consent Calendar.

AMENDING IMMIGRATION ACT OF FEBRUARY 5, 1917

The Clerk called the first bill on the Consent Calendar, H. R. 26, to amend section 23 of the Immigration Act of February 5, 1917 (39 Stat. 874), as amended (U. S. C., title 8, sec. 102).

The SPEAKER. Is there objection to the present consideration of the bill? Three objections are required.

Mr. JENKINS of Ohio. Reserving the right to object, I would like to ask the gentlewoman from New York [Mrs. O'DAY] if this bill is exactly as it was passed last year? Are there any changes?

Mrs. O'DAY. None that I know of.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That so much of section 23 of the act of February 5, 1917, as reads as follows: "and shall have authority to enter into contract for the support and relief of such aliens as may fall into distress or need public aid, and to remove to their native land, at any time within 3 years after entry, at the expense of the appropriations for the enforcement of this act", is amended to read as follows: "and shall have authority to enter into contract for the support and relief of such aliens as may fall into distress or need public aid, and to remove to their native country, or the country from whence they came, or to the country of which they are citizens or subjects, at any time after entry, at the expense of the appropriations for the enforcement of this act, such as fall into distress or need public aid from causes arising subsequent to their entry and are desirous of being so removed, but any person thus removed shall forever be ineligible for readmission except upon the approval of the Secretary of State and the Secretary of Labor."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DEPORTATION OF CERTAIN ALIENS

The Clerk called the next bill, H. R. 28, to authorize the deportation of aliens who secured preference-quota or non-quota visas through fraud by contracting marriage solely to fraudulently expedite admission to the United States, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JENKINS of Ohio. Reserving the right to object, Mr. Speaker, I notice in the report on this bill, on the first page, that this is identical in text to the bill H. R. 11040, of the Seventy-fourth Congress, which passed the House April 20, 1936. Then the report says:

Subsequent pressure for the enactment of more urgent legislation prevented its final enactment.

Can the lady from New York [Mrs. O'DAY] tell me what that subsequent pressure was? Why was this bill carried on from April 20, 1936, after it passed the House, and never considered in the Senate?

Mrs. O'DAY. Because the Senate adjourned before this and other bills could be considered.

Mr. JENKINS of Ohio. As I remember, the Senate did not adjourn until the end of June 1936. This bill was passed by us on the 20th of April. In view of the fact that I do not understand what that subsequent pressure was and the lady cannot inform me, I am going to ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

TEMPORARY STAY OF CERTAIN ALIENS, DEPORTATION OF CERTAIN ALIENS

The Clerk called the next bill, H. R. 27, to authorize the shortening or termination of temporary stay in the United States of certain aliens not admitted for permanent residence, to authorize the deportation of certain aliens admitted for permanent residence, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. EBERHARTER. Mr. Speaker, I object.

Mr. DICKSTEIN. Mr. Speaker, will the gentleman reserve his objection?

Mr. EBERHARTER. Mr. Speaker, I reserve my objection to permit the gentleman to make a statement.

Mr. DICKSTEIN. Mr. Speaker, this bill was unanimously reported by the committee after full hearing and determination.

Mr. Speaker, this bill is directed against groups of aliens who ostensibly come here for the purpose of visiting the country but who, as a matter of fact, are nothing but a lot of spies and propagandists who spread all forms of propaganda of foreign origin which is not for the best interests of this country. After an alien comes into this country and secures permission to stay here for 3 or 6 months, there is no way we can get him out of this country until the stay is terminated. This bill merely provides that if an individual who comes here in the guise of a visitor distributes propaganda of his government which is contrary to our Constitution and form of government, that we shall have the right to tell this visitor to take the next boat home.

The bill has the endorsement of many patriotic organizations. It has the endorsement of the committee. We have given it careful study. The Committee on Un-American Activities, of which the gentleman from Massachusetts [Mr. MCCORMACK] was chairman, recommended such legislation in its last report.

It is the feeling of your committee that those foreigners who want to come to our country to visit for a while should be allowed to so long as they mind their own business; but when, for instance, they begin to stir up racial intolerance by foreign propaganda, they should be deported, and at the present time we have no way of getting them out of the country.

I hope the gentleman from Pennsylvania can see his way clear to withdraw his objection. The committee worked very hard on this bill. The Committee on Un-American Activities made this recommendation in its report. The purpose of the bill is simply to rid this country of men and women who come here for no other purpose than the spreading of this form of propaganda.

Mr. JENKINS of Ohio. Mr. Speaker, reserving the right to object, I should like to ask the gentleman a question.

As I remember, this bill came before the House last year, did it not?

Mr. DICKSTEIN. It did.

Mr JENKINS of Ohio. Was it passed by the House?

Mr. DICKSTEIN. It was passed unanimously under a rule, although it had been objected to for a year and a half before that time.

Mr. JENKINS of Ohio. The gentleman says it was passed unanimously under a rule?

Mr. DICKSTEIN. Yes; there was not a vote against it.

Mr. JENKINS of Ohio. Were any amendments adopted at that time? Does this bill represent the bill as it came from the committee or as it passed the House?

Mr. DICKSTEIN. It represents the bill as amended.

Mr. JENKINS of Ohio. As I remember, we got into a discussion over the language on page 2, lines 3 and 4:

Propaganda instigated from foreign sources or who, while in the United States, engages in unlawful political activities.

Mr. DICKSTEIN. That is right.

Mr. JENKINS of Ohio. Did we not define "political activity"?

Mr. DICKSTEIN. My good colleague the gentleman from Ohio [Mr. JENKINS], for whom I have the highest regard, was a member of this Committee on Un-American Activities; and he and I and the gentleman from Massachusetts [Mr. MCCORMACK], the chairman of that committee, and the other members of the committee, unanimously endorsed that provision in our report to this House in 1935. In that report we made this recommendation. Upon this recommendation I, as chairman of the Committee on Immigration, followed out the report of the Committee on Un-American Activities

by having a hearing; and we used in our bill the identical language used in the report of the Committee on Un-American Activities. The gentleman from Ohio signed that report.

Mr. JENKINS of Ohio. I am not so sure about all that. What I want to know is whether the bill at any place defines "political activities." I notice there is a definition of unlawful propaganda appearing on page 2, line 12.

Mr. DICKSTEIN. There is not a definition of "political activity." I think the gentleman from Ohio will recall that the gentleman from Tennessee [Mr. TAYLOR], the gentleman from Ohio himself, the gentleman from Massachusetts [Mr. MCCORMACK], and I discussed this very question and finally struck the language of the law. Personally I do not feel it ought to be amended. We discussed it on the floor of the House last year when we passed it. There was full and fair discussion. I feel that it is for the best interests of this country that we rid it of those people who come here for no good or lawful purpose, or for no purpose other than to spread propaganda inimical to our form of government and to our institutions.

Mr. JENKINS of Ohio. This bill does define political activity on page 3.

Mr. DICKSTEIN. I have not the bill before me.

Mr. JENKINS of Ohio. Here is what is stated, and this justifies my raising the question, because we did have a lot of discussion about this matter:

> Any activities, identified with official policies of any foreign governmental agency or political party, which are directed or supported from a headquarters located in territory outside the jurisdiction of the United States and which seek to influence political action and thought, within the United States.

That defines it. I was very much perturbed about the general wording, which included "unlawful political activities", because if we are going to send people out of the country for unlawful political activities, after awhile we will have more to send out than we can provide sailing facilities for.

Mr. TAYLOR of Tennessee. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Tennessee.

Mr. TAYLOR of Tennessee. This measure has the support not only of the Committee on Un-American Activities but it has the unanimous support of the Committee on Immigration?

Mr. DICKSTEIN. Yes. This bill has the support of every organization that appeared before our committee.

Mr. EBERHARTER. Does not the gentleman from New York consider this is a very important measure and somewhat of a departure from the historic policy of our country with regard to its immigration laws?

Mr. DICKSTEIN. I may say to the gentleman the Committee on Immigration, the Committee on Un-American Activities, the majority of the membership of this House, as well as the Department of Labor and all departments that have been called in, feel it is a most vital piece of legislation for the protection of Americans. This does not interfere with our people. Let us take a specific case. A man applies to an American consul for permission to visit this country. He has no more business visiting this country than I have visiting Germany. He comes here for the sole purpose of trying to promote another loan from this Government. He comes here for the sole purpose of promoting a little war between one form of government and another form of government. He comes here for the sole purpose of stirring up hate between various people in this country. We have no method under the present law to tell that gentleman to go back home and promote his propaganda work over there.

Mr. EBERHARTER. May I ask the gentleman from New York whether or not he does not consider this enough of a departure from our historic policy with regard to immigration that the matter should be debated and come up on Calendar Wednesday?

Mr. DICKSTEIN. We had it up for consideration on Calendar Wednesday.

Mr. EBERHARTER. Is it on that calendar this year?

Mr. DICKSTEIN. This was unanimously passed by the last Congress after a full and fair discussion. The gentleman will understand I am trying to do my duty, and I know he is. If he wants to do something for his country as a Member of this House, please do not object to this bill.

Mr. MCCORMACK. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Massachusetts.

Mr. MCCORMACK. The gentleman is perfectly justified in making his inquiries, but I think he is disturbed on a point which I might be able to clarify in his mind.

Mr. EBERHARTER. Will the gentleman answer this question? Does he not think in many respects this bill is a restriction of free speech?

Mr. MCCORMACK. No.

Mr. EBERHARTER. A restriction of free speech on the part of persons who may be in this country with very good intentions?

Mr. MCCORMACK. No.

Mr. EBERHARTER. I think the gentleman will find that is true if he will read the bill closely. It says any person who advocates on behalf of any political party——

Mr. MCCORMACK. The word "unlawful" is used in there, and that is defined.

The regular order was demanded.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LUCKEY of Nebraska. Mr. Speaker, I object.

ADMISSION OF CERTAIN ALIEN WIVES OF UNITED STATES CITIZENS

The Clerk called the next bill, H. R. 3471, to permit alien wives of American citizens who married prior to the Immigration Act of 1924 to enter the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JENKINS of Ohio. Mr. Speaker, reserving the right to object, I think the Members of the House ought to be posted on what they are doing today in connection with this bill. If the gentleman, the author of this bill, will explain his bill, I will permit him to do it in my time.

Mr. KING. Will the gentleman yield?

Mr. JENKINS of Ohio. I yield to the gentleman from Hawaii.

Mr. KING. The text of this bill is identical with a bill that passed the House last session, which bill was referred to a Senate committee, but not reported by that committee. The purpose is to grant the same exemptions, under existing law, to alien wives of American citizens that are now granted in the case of Chinese wives of American citizens. The total number affected by this bill is about 25, some of whom are residents of my district. The exemption only applies to marriages that occurred prior to the passage of the immigration law of 1924. It would not apply to any marriages subsequent to that time. The present law bans alien wives of American citizens who were married even prior to the passage of the law of 1924, but at a later time an amendment was adopted by the Congress granting exemption to alien wives of the Chinese race, but not to others.

Mr. JENKINS of Ohio. May I say this bill represents a growth in legislation. In other words, before 1924, the law provided that no alien ineligible for citizenship shall be permitted to come to the United States. That meant people that were not ineligible. There are certain groups of people that cannot come to this country at all. They are racially ineligible. In 1930, as I understand, the law was changed to permit the Chinese wives of American citizens to come in.

Now you come along and again add to that provision and you strike out the provision about the Chinese wife and insert "or is the alien wife of an American citizen who was married prior to the approval of the Immigration Act of 1924." This means that any American citizen, regardless of how ineligible his wife may be, can bring her into this country if they were married before 1924.

Mr. KING. Yes; for two reasons. One is that it was a punishment of American citizens who had married wives who were ineligible for naturalization under the law as it was passed, and the other reason is that the law has already granted exemption to the Chinese but not to other races that are ineligible.

I may say that I would not favor such legislation if it affected a large number, but I have had an estimate made by the Bureau of Immigration and I am informed there are about 25 persons affected by this proposed legislation, and it is pinned down to those married before the passage of the Immigration Act of 1924.

Mr. JENKINS of Ohio. The Members will appreciate that we went a long way when we let down the bars in that act, and as I understand, the gentleman now states there are only about 25 affected.

Mr. KING. Yes.

Mr. JENKINS of Ohio. Who are they?

Mr. KING. Some are Japanese, some are Koreans, some are Annamites, and some are Filipinos.

Mr. JENKINS of Ohio. I take it this must affect some one in the Hawaiian Territory, otherwise the gentleman would not be so interested. What classes of people are affected there?

Mr. KING. There are about five of them. I think there are two Japanese, two Filipinos, and I have forgotten the race of the other.

Mr. JENKINS of Ohio. Of course, this is narrowed by the fact it applies only to those who were married before 1924. I do not want to be captious about it and object on that score, but would the gentleman object to waiting until the next time the calendar is reached and then bring us information from the Department of Labor telling us how many would be affected?

Mr. KING. May I say to the gentleman that last year when he objected, I obtained the information, and the gentleman did not object when it passed the House.

Mr. JENKINS of Ohio. Perhaps I have learned something as I have gone along.

Mr. KING. What I did last year I shall have to do over again. There is one point I would like to call the gentleman's attention to again. There is a certain amount of injustice involved in making the law ex post facto to those American citizens who may have married such wives prior to 1924.

Mr. JENKINS of Ohio. The year 1924 was a great year for the passage of immigration laws, and we have been amending legislation based on those 1924 acts ever since. The gentleman is now opening the door, but if there are only 25 involved, perhaps we ought not to say anything about it.

Mr. KING. It applies only to those married before that year.

Mr. JENKINS of Ohio. Of course, the gentleman will appreciate that it applies to any such American citizen who was married before 1924. Of course, the gentleman says there are only 25 cases, but the language is very broad. However, if no one objects but myself, I shall withdraw my objection, but I wanted the House to know about the situation.

Mr. RANKIN. Mr. Speaker, reserving the right to object, there has been so much fraudulent violation of the immigration laws of 1924 that I am always skeptical of changing those laws at all. If there is any injustice done to these particular individuals, I think it ought to be taken up under special bills, or private bills, for these individuals, because, in my honest opinion, if you pass this law, while you are trying to take care of a very few people, you are going to throw the bars down for more fraudulent immigration into this country, such as we have had since 1924.

Mr. JENKINS of Ohio. Of course, they could open the door by saying that they were married before this time and a lot of things of that sort, although I do not know that would happen.

Mr. RANKIN. I do not know; but every kind of fraud on earth has been perpetrated, it seems to me, to bring people into this country in violation of our immigration laws. I am not saying this with reference to the distinguished gentleman from Hawaii [Mr. KING]. He has not been a party to it, but I do know, and Members of this House know generally that the immigration laws of 1924 have been overridden, they have been violated, they have been disregarded, and hordes of people have come in that were excluded by the law and who could not have come in if the law had been enforced. I am afraid if you make this a blanket proposition you are going to leave another loophole for a number of undesirables to come to this country that we do not want and that we have been trying to keep out since 1924. I think the gentleman ought to introduce private bills for each one of these cases and let them come before the House and have each one considered on its merits.

Mr. DICKSTEIN. Mr. Speaker, will the gentleman yield to me for a question?

Mr. RANKIN. Yes.

Mr. DICKSTEIN. When we bring out a private bill, as we did bring out a few, the gentleman objects to them.

Mr. RANKIN. Yes; some of them, no doubt.

Mr. DICKSTEIN. So you are damned if you do, and damned if you do not.

Mr. RANKIN. Yes; and I may say to the gentleman from New York that I have never regarded him as being in favor of enforcing the immigration laws of this country, and if the bills come from him the chances are that I will be compelled to object to them.

I am going to have to object to this bill at this time.

The SPEAKER. Objection is heard.

SALARIES OF RURAL LETTER CARRIERS

The Clerk called the bill (H. R. 3609) to protect the salaries of rural letter carriers who transfer from one rural route to another.

The SPEAKER. Is there objection to consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I reserve the right to object. There are five bills on the Consent Calendar from the Committee on the Post Office and Post Roads, nos. 10, 13, 55, 56, and 57. Some of them are very important, and I notice by reference to the calendar that the Committee on the Post Office and Post Roads is the first committee to be called on Calendar Wednesday. If there is no disposition upon the part of the leadership to dispense with Calendar Wednesday this week, I wonder if it would not be more in keeping with our policy of having full discussion of these bills to take them up on Calendar Wednesday than now by unanimous consent?

Mr. MEAD. Mr. Speaker, that will be agreeable to me, with the exception of one or two of these bills, which are not rated as major bills, and which have been passed by the House at a previous session. For example, take Calendar No. 57, which pertains to mail matter for the blind. That ought not to require any discussion, and I doubt whether there would be any objection to it. If we can get through with some of these minor bills today, it means that another committee will have more time on Calendar Wednesday after we conclude our work.

Mr. WOLCOTT. There is a desire to discuss some of these bills, and to be consistent I really think they all should go over to Calendar Wednesday, and let them be considered at that time. I do not think there is any particular objection to the bills on this side, although some of them might need some discussion. In fact, the bill to which reference has been made, no. 57, I am rather anxious to have passed.

Mr. MEAD. I wish the gentleman would allow the bills to come up in order, and if they are not objected to it will mean less work for our committee on Calendar Wednesday and a better opportunity for the committee that follows us. Further, I do not know whether we will have Calendar Wednesday this week.

Mr. WOLCOTT. Are there other bills from the gentleman's committee that he expects to consider on Calendar Wednesday?

Mr. MEAD. One more, possibly.

Mr. WOLCOTT. And is it, in the gentleman's opinion, of more importance than these bills?

Mr. MEAD. I would not say so. Most of these bills have already been passed by the House in the previous Congress. They come to you with the unanimous report of our committee. I would not say that they are major bills. The bill we are now discussing is merely to correct a decision by the Comptroller General. It has been recommended by the Post

Office Department, approved unanimously by our committee, and a similar bill was adopted without a dissenting vote in the last session of Congress. It is absolutely fair.

Mr. WOLCOTT. Mr. Speaker, there is some question as to whether no. 13 on the calendar is not an attempt to blanket the special-delivery messengers into the civil service after all of them have been replaced by patronage appointees. I think that should be discussed. The gentleman last year explained the bill to my satisfaction, and I have no particular objection to the bill at this time, but I know that other Members have some objection to the bill.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. Yes.

Mr. DINGELL. Mr. Speaker, my colleague from Michigan has no objection to special-delivery messengers becoming civil-service employees, has he?

Mr. WOLCOTT. No. The gentleman from New York [Mr. MEAD] satisfactorily explained that to me last year. In fact, I have no objection to any of these post-office bills. I know there are objections to them by other Members and I wondered if it would not expedite matters to bring them up on calendar Wednesday and discuss them at that time.

Mr. MEAD. We have the bill now before the House, and because of the uncertainty of having calendar Wednesday this week I would like to have the gentleman allow us to proceed with the consideration of these bills. If they are objected to for the first time they will be called up on another consent day, at which time they will require additional objections, and we shall have made some headway.

The SPEAKER. Is there objection?

Mr. TABER. Mr. Speaker, I ask unanimous consent that no. 10 on the calendar be passed over without prejudice.

The SPEAKER. Is there objection?

Mr. MEAD. Mr. Speaker, I object.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. TABER. Mr. Speaker, I object.

PROMOTION OF SPECIAL-DELIVERY MESSENGERS

The Clerk called the bill (H. R. 2006) to permit certain special-delivery messengers to acquire a classified status through noncompetitive examination.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. DINGELL. Mr. Speaker, I reserve the right to object, to ask the gentleman whether this bill will be open to amendment and whether he would accept an amendment?

Mr. TABER. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. DINGELL. Mr. Speaker, I have the floor and I have not yielded to the gentleman from New York. I object to his remarks being squirted into my discourse. I am asking a question of the gentleman from New York [Mr. MEAD] whether he would accept an amendment or whether it is in order to make the special-delivery messengers subject to the civil-service laws while remaining right where they are now. I have in mind the provisions of my bill [H. R. 2280], which would place all special-delivery messengers under civil service, under certain circumstances.

Mr. MEAD. I will say to the gentleman that legislation of that character is being considered by the House Committee on the Civil Service. This bill is brought before you by the Committee on the Post Office and Post Roads in order to reward a small number of special-delivery messengers whose services have been highly meritorious.

The members of the Democratic and Republican Parties who are associated with me on that committee eliminated all possibility of favoritism and politics from this bill when they decided that only special-delivery messengers who had been in the Service for 5 years or more would come within the provisions of this bill. Therefore the original appointments would have been made under Republican administration.

Mr. TABER. Mr. Speaker, regular order.

Mr. MEAD. I trust the gentleman will withhold that for a moment.

The SPEAKER. The regular order is demanded. Is there objection?

Mr. TABER, Mr. McLEAN, and Mr. HOLMES objected.

TO EXCLUDE HABITUAL ALIEN COMMUTERS

The Clerk called the next bill, H. R. 3679, to restrict habitual commuting of aliens from foreign contiguous territory to engage in skilled or unskilled labor or employment in continental United States.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. PLUMLEY, Mr. HOLMES, and Mr. COSTELLO objected.

APPEARANCE BY ATTORNEY GENERAL IN CERTAIN CASES

The Clerk called the next bill, H. R. 2260, to provide for appearance on behalf of and appeal by the United States in certain cases in which the constitutionality of acts of Congress is involved.

The SPEAKER. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

TO AMEND SENATE JOINT RESOLUTION

The Clerk called the next business, House Joint Resolution 137, to amend a Senate joint resolution dated March 28, 1918 (40 Stat. 499).

The SPEAKER. Is there objection to the present consideration of the joint resolution?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this resolution be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

INCREASED SALARIES FOR VILLAGE LETTER CARRIERS

The Clerk called the next bill, H. R. 4285, to increase the salaries of letter carriers in the Village Delivery Service.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TABER. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice. It should go to Calendar Wednesday.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. MEAD. Will the gentleman withhold his objection for a moment?

Mr. TABER. Yes; I will reserve the objection.

Mr. MEAD. I do not believe the gentleman from New York or any other Member objects to a very small increase in salary for these village letter carriers who are now getting as low as $1,150 a year. The gentleman's committee brought in a bill only a week ago with an item in it increasing the salaries of similar positions in the Postal Service.

Mr. TABER. No; not similar.

Mr. MEAD. These men are delivery letter carriers. They work from morning to night in that Service. Those who deliver in the city service receive $2,100. These men in the villages receive as low as $1,150, and cannot go above $1,350. We are trying to give them an increase of $150 in their respective grades. I do not believe there is a Member of this House who would object to this meager increase for these employees of the Postal Service. They are the lowest paid carriers we have. The gentleman has a number of them in his own district and knows how hard they work.

Mr. VOORHIS. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. VOORHIS. I would like to ask the gentleman from New York [Mr. MEAD] whether it is not true that in many cases these village carriers work longer hours and a great deal harder than anyone else in the Postal Service?

Mr. MEAD. They do work long hours. They work for the very smallest pay given anyone in the carrier service.

Mr. TABER. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. MEAD. Mr. Speaker, I object.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TABER. Mr. Speaker, I object.

EQUIPMENT ALLOWANCE TO THIRD-CLASS POSTMASTERS

The Clerk called the next bill, H. R. 2723, granting equipment allowance to third-class postmasters.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TABER. Mr. Speaker, I object.

SPECIAL RATES OF POSTAGE ON MATTER FOR THE BLIND

The Clerk called the next bill, H. R. 4286, to provide special rates of postage on matter for the blind.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That magazines, periodicals, and other regularly issued publications in raised characters, whether prepared by hand or printed, or on sound-reproduction records (for the use of the blind), which contain no advertisements, when furnished by an organization, institution, or association not conducted for private profit, to a blind person, at a price not greater than the cost price thereof, shall be transmitted in the United States mails at the postage rate of 1 cent for each pound or fraction thereof, under such regulations as the Postmaster General may prescribe.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ACQUISITION OF LANDS AT ALAMEDA, CALIF., FOR NAVAL AIR STATION

The Clerk called the joint resolution (H. J. Res. 43) to amend Public Law No. 780, Seventy-fourth Congress, authorizing the acquisition of lands in the city of Alameda, county of Alameda, State of California, as a site for a naval air station, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Clerk read the joint resolution, as follows:

Resolved, etc., That section 1 of Public Law No. 780, entitled "An act to authorize the acquisition of lands in the city of Alameda, county of Alameda, State of California, as a site for a naval air station, and to authorize the construction and installation of a naval air station thereon", approved June 24, 1936, is amended by inserting after the words "free from all", before the colon and preceding the proviso, the word "encumbrances."

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title of the joint resolution was amended to read: "Joint resolution to amend Public Law No. 780, Seventy-fourth Congress, to authorize the acquisition of lands in the city of Alameda, county of Alameda, State of California, as a site for a naval air station, and to authorize the construction and installation of a naval air station thereon, for the purpose of making a correction therein."

OFFICE OF NAVAL RECORDS AND LIBRARY, NAVY DEPARTMENT

The Clerk called the next bill, H. R. 3598, authorizing the Secretary of the Navy to accept gifts and bequests for the benefit of the Office of Naval Records and Library, Navy Department.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. VINSON of Georgia. Mr. Speaker, I ask unanimous consent to substitute Senate bill 1128 for the House bill.

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, is the Senate bill identical with the House bill?

Mr. VINSON of Georgia. It is identical.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to accept, receive, hold, and administer gifts and bequests of personal property, and loans of personal property other than money, from individuals or others for the benefit of the Office of Naval Records and Library, Navy Department, its collection or its services. Gifts or bequests of money shall be deposited in the Treasury of the United States as trust funds under the title "Office of Naval Records and Library Fund."

SEC. 2. Gifts or bequests for the benefit of the Office of Naval Records and Library, Navy Department, its collection or its services shall be exempt from all Federal taxes.

SEC. 3. The Secretary of the Treasury is authorized, upon the request of the Secretary of the Navy, to invest or reinvest the trust funds, or any part thereof, deposited in the Treasury pursuant to section 1 of this act in securities of the United States Government or in securities guaranteed by the United States Government. The interest accruing from such securities shall be deposited to the credit of the Office of Naval Records and Library Fund.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider and a similar House bill (H. R. 3598) were laid on the table.

ACCEPTANCE OF CERTAIN LANDS AT SAN DIEGO, CALIF.

The Clerk called the next bill, H. R. 3607, to authorize the acceptance of certain lands in the city of San Diego, Calif., by the United States and the transfer by the Secretary of the Navy of certain other lands to said city of San Diego.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

By unanimous consent, a similar Senate bill, S. 1130, was substituted in lieu of the House bill.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized on behalf of the United States to accept from the city of San Diego, California, free from all encumbrances and without cost to the United States, all right, title, and interest in and to the lands contained within the following-described area: Beginning at the intersection of the southeasterly line of Harasthy Street with mean high-tide line of the Bay of San Diego, as said mean high-tide line was established by that certain superior court action no. 35473; thence southwesterly along the southwesterly prolongation of the southeasterly line of Harasthy Street a distance of 159.66 feet to an intersection with the northeasterly Marine Base boundary line; thence north 60°34'59" west along the said Marine Base boundary line a distance of 1,929.11 feet to its intersection with the said mean high-tide line of the Bay of San Diego; thence in a general southeasterly direction, following along the said mean high-tide line to the point or place of beginning, containing 5.2474 acres of land; also approximately 544 acres of pueblo lands, owned by the city of San Diego, more particularly described as follows: The easterly half of pueblo lot 1300; all of pueblo lot 1309; all of pueblo lot 1310; all of that portion of pueblo lot 1311 lying easterly of Pacific Highway and southerly of Miramar Road; all of that portion of pueblo lot 1314 lying southerly of Miramar Road; all of that portion of pueblo lot 1315 lying southerly of Miramar Road; all of that portion of the westerly half of pueblo lot 1316 lying southerly of Miramar Road; said pueblo lands being according to the map thereof made by James Pascoe in 1870, a certified copy of which map is filed as miscellaneous map no. 36 in the office of the county recorder of San Diego County, Calif.; said lands being desired by the Navy Department for national defense, and particularly for the purpose of establishing and maintaining thereon a rifle range, together with barracks and other structures incident thereto.

The said Secretary of the Navy is also authorized hereby to transfer to the city of San Diego, California, free from all encumbrances and without cost to said city of San Diego, all rights, title, and interest of the United States in and to the lands contained within that part of the Marine Corps Base, San Diego, Calif., containing 60.1605 acres, more particularly described as follows: Beginning at the point of intersection of the southwesterly prolongation of the northwesterly line of Bean Street with the combined United States pierhead and bulkhead line, as said combined United States pierhead and bulkhead line was established in 1928; thence north 83° west a distance of 729.62 feet along the said combined pierhead and bulkhead line to an intersection with the southwesterly prolongation of the southeasterly line of Harasthy Street; thence north 28°49'40" east along the southwesterly prolongation of the southeasterly line of Harasthy Street, a distance of 4,008.27 feet to an intersection with the existing Marine Base boundary line; thence south 60°34'59" east along the said Marine Base boundary line a distance of 677.88 feet to an intersection with the southwesterly prolongation of the northwesterly line of Bean Street; thence south 28°50'10" west along the southwesterly prolongation of the northwesterly line of Bean Street a distance of 3,730.02 feet to the point or place of beginning, containing 60.1605 acres of bay area.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider and a similar House bill (H. R. 3607) were laid on the table.

FOURCHE LA FAVE RIVER, ARK.

The Clerk called the next bill, H. R. 61, authorizing a preliminary examination of the Fourche La Fave River, in Perry, Yell, and Scott Counties, Ark., with a view to the control of its floods.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. JENKINS of Ohio. Mr. Speaker, reserving the right to object, I notice a number of similar bills on the calendar, nos. 63, 64, 65—about seven or eight of them—all to the same purport. Those of us who live along rivers, especially along the Ohio and Mississippi Rivers, where there has been a disastrous flood, are keenly alive to flood-control measures, and we know that a movement is on foot for a national flood-control policy. I see some of these bills have been reported by the gentleman from Mississippi [Mr. WHITTINGTON], chairman of the Committee on Flood Control. I do not want to say that these are unnecessary, but if we are going to start out with surveys of every little river in the country, spending $3,000, $4,000, or $5,000 on each, we will soon spend our money without touching the real problem to be solved.

Mr. CLARK of Idaho. Mr. Speaker, will the gentleman yield?

Mr. JENKINS of Ohio. I yield.

Mr. CLARK of Idaho. These survey bills have been passed each year by the dozen, as the gentleman knows. They do not, as the gentleman knows, involve the expenditure of additional money, for the Army engineers make the surveys with their regular equipment. It merely keeps the Army busy. We have passed similar bills here from time immemorial. We must have passed 50 or 60 last year.

Mr. JENKINS of Ohio. Yes; but the gentleman was not here in years gone by when two or three of us stood up here and stopped bills of this kind. We held them up until a policy was developed. I am not sure that we did the wise thing in withdrawing our opposition, for this flood of bills that the gentleman speaks of is the result.

Mr. CLARK of Idaho. They are merely reports.

Mr. JENKINS of Ohio. The gentleman says they will not cost anything. He is sadly mistaken in that respect. Each and every one of these surveys will cost from one thousand to maybe fifty thousand dollars.

In view of all the facts and circumstances, especially in view of the endeavor to lay out a national flood-control program, I hope objection will not be raised if, as these bills are reached, I ask that they be passed over without prejudice.

Mr. TERRY. Mr. Speaker, will the gentleman yield?

Mr. JENKINS of Ohio. I yield.

Mr. TERRY. This is my bill. This is a small river, but it floods four or five times a season and people in its valley have lost crops year after year on this account. The Army engineers have a large fund that is set aside especially for small preliminary examinations.

Mr. JENKINS of Ohio. But the gentleman does not say that the Army engineers have said that they want to make this survey. I know how difficult it has been in times gone by to get them to make surveys, because they are so busy. They object to making them because they have so much to do and so little money with which to do it.

Mr. TERRY. But the Army engineers have not objected to making this survey.

Mr. JENKINS of Ohio. No; for they have never been asked to make it.

Mr. TERRY. This bill would call it to their attention. No objection has been made to it by them so far. This is the usual and common thing.

Mr. JENKINS of Ohio. It would not mean a lot to the gentleman to let this go over for 2 weeks? I do not want to object to this one. I want them all passed over.

Mr. TERRY. The gentleman should not object. The fact there are three or four more will not keep the Army engineers from making surveys in the part of the country in which the gentleman is interested. We are not going to offer any objection to what the Government will do for his part of the country and we hope he will not make an objection to the small thing we are asking here.

Mr. JENKINS of Ohio. Is the gentleman a member of the Flood Control Committee?

Mr. TERRY. No; but I am very much interested in the matter.

Mr. McCLELLAN. I am a member of the Flood Control Committee.

Mr. JENKINS of Ohio. What is the policy of that committee in reference to these matters?

Mr. McCLELLAN. It is the policy of that committee to recommend that these surveys be made. We are undertaking and the Congress is undertaking and the Nation is interested in bringing about the enactment of a flood-control program that will solve our problems. I do not know any better way to do it than to report these bills, pass them, and give the Army engineers and the War Department authority to make these surveys in order to secure the information.

Mr. JENKINS of Ohio. During the past week I attended a meeting out in the Ohio Valley, which was also attended by many Army engineers. There were about 500 or 600 people there from all along the Ohio and Mississippi Rivers. Every Army engineer who made a speech said they could not take care of these major projects because they did not have the money. If we are going to deplete their money by having it spent for a lot of little things like this, they will not be able to go ahead. Whenever a bill of this kind is passed they take that to mean it is an order to go ahead and spend some more money.

Mr. McCLELLAN. Does not the gentleman believe, and is it not a known fact, the only way to treat the major streams is through making these surveys?

Mr. JENKINS of Ohio. The Army has made many surveys and has all those rivers blue printed. They have enough blue prints drawn now to take more money than we have appropriated for them to go ahead. They could start within a week and go ahead with nearly $200,000,000 worth of work if they had the money. Now you are loading them down with more charges.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JENKINS of Ohio. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. WHITE of Idaho. Mr. Speaker, reserving the right to object, I have a bill here in which I am interested, and I do not believe he understands what it means. I know definitely that the Army engineers have asked that the particular bill I have introduced be passed.

Mr. Speaker, may I say that the bill I have introduced, and which has been reported out of the committee, provides for a survey of the Snake River. The Army maintains a large organization out in the West which is making surveys on the Columbia River. This is to cure a defect in a bill authorizing the survey of the Columbia River and will give the Army engineers the authority to do any work on the Snake River, which is one of the great rivers of the country, without this authority the work is being held up.

Mr. CARLSON. Mr. Speaker, further reserving the right to object, I hope the gentleman will not object to these bills and ask that they go over for the reason they have been before the committee and have been favorably reported. The Army engineers have given their approval. They have been presented to the department, and under those circumstances it is customary to favorably report them to the House.

Mr. JENKINS of Ohio. Mr. Speaker, in view of the fact so many fine Members have implored me not to object, I will not object, and I withdraw my unanimous consent request that this bill go over without prejudice.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination to be made of the Fourche La Fave River, in Perry, Yell, and Scott Counties, Ark., with a view to the control of its floods, in accordance with the provisions of section 3 of an act entitled "An act to provide for the control of the floods of the Mississippi River, and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917, the cost thereof to be paid from

appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

With the following committee amendments:

Page 1, line 7, strike out "section 3 of an act entitled 'An act to provide for the control of the floods of the Mississippi River, and of the Sacramento River, Calif., and for other purposes', approved March 1, 1917" and insert in lieu thereof "the Flood Control Act approved June 22, 1936."

Page 2, line 3, after the word "for", strike out "examinations, surveys, and contingencies of rivers and harbors" and insert in lieu thereof "such purposes."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The title was amended to read as follows: "A bill authorizing a preliminary examination and survey of the Fourche La Fave River, in Perry, Yell, and Scott Counties, Ark., with a view to the control of its floods."

PRELIMINARY EXAMINATION AND SURVEY OF THE SNAKE RIVER AND TRIBUTARIES

The Clerk called the next bill, H. R. 201, to provide a preliminary examination and survey of the Snake River and tributaries in the States of Idaho, Washington, and Oregon, with a view to control of floodwaters.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. CLARK of Idaho. Mr. Speaker, I ask unanimous consent that a similar Senate bill, S. 206, be submitted for the House bill.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There being no objection, the Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination and survey to be made of the Snake River and tributaries in the States of Idaho, Washington, and Oregon with a view to control of its floods, in accordance with the provisions of the Flood Control Act approved June 22, 1936, the cost thereof to be paid from appropriations heretofore or hereafter made for such purposes.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill, H. R. 201, was laid on the table.

PRELIMINARY EXAMINATION OF THE BATTENKILL IN NEW YORK

The Clerk called the next bill, H. R. 2682, to authorize a preliminary examination of the Battenkill, in New York, with a view to the control of its floods.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination to be made of the Battenkill, in the State of New York, with a view to the control of its floods, in accordance with the provisions of section 3 of the act entitled "An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

With the following committee amendments:

Page 1, line 4, after the word "examination", insert "and survey."

Page 1, line 7, after the word "of", strike out "section 3 of the act entitled 'An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes', approved March 1, 1917" and insert the words "the Flood Control Act approved June 22, 1936."

Page 2, line 2, after the word "for", strike out the words "examinations, surveys, and contingencies of rivers and harbors" and insert the words "such purposes."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The title was amended to read: "A bill to authorize a preliminary examination and survey of the Battenkill, in New York, with a view to the control of its floods."

PRELIMINARY EXAMINATION OF THE METTAWEE RIVER IN NEW YORK

The Clerk called the next bill, H. R. 2683, to authorize a preliminary examination of the Mettawee River, in New York, with a view to the control of its floods.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination to be made of the Mettawee River, in the State of New York, with a view to the control of its floods, in accordance with the provisions of the act entitled "An act to provide for the control of the floods of the Mississippi River and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917, the cost thereof to be paid from appropriations heretofore or hereafter made for examinations, surveys, and contingencies of rivers and harbors.

With the following committee amendments:

Page 1, line 4, after the word "examination", insert the words "and survey."

Page 1, line 7, after the word "the", strike out the remainder of the line, all of lines 8, 9, and 10, and insert "Flood Control Act approved June 22, 1936."

Page 2, line 2, after the word "for", strike out the remainder of line 2 and all of line 3 and insert "such purposes."

Amend the title.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The title was amended to read: "A bill to authorize a preliminary examination and survey of the Mettawee River in New York with a view to the control of its floods."

VENTURA RIVER, CALIF.

The Clerk called the next bill, H. R. 3305, to authorize a preliminary examination and survey of the Ventura River, in Ventura County, State of California, with a view to the control of its floods.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 6 of the act entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved June 22, 1936, is hereby amended by striking out "Ventura Harbor, Calif.", and inserting in lieu thereof "Ventura River, Calif."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SANTA MARIA RIVER, CALIF.

The Clerk called the next bill, H. R. 3306, to authorize a preliminary examination and survey of Santa Maria River, with a view to the control of its floods.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination and survey to be made of the Santa Maria River and its tributaries, in the State of California, with a view to the control of its floods.

With the following committee amendment:

Page 1, line 7, after the word "floods", insert "in accordance with the provisions of the Flood Control Act approved June 22, 1936, the cost thereof to be paid from appropriations heretofore or hereafter made for such purposes."

Mr. COLMER. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, the House has just passed the bill H. R. 3304 and is now considering the bill H. R. 3306, two companion bills sponsored and introduced by our lamented and departed friend, HENRY E. STUBBS, of California.

I just wanted to take this opportunity to pay briefly my respects to this honored colleague of ours who, on yesterday, passed into the great beyond. It is only fitting and appropriate that these bills should be considered and passed without hearing from this distinguished colleague because it is typical and emblematic of his tenure here in the House. Quiet, unobtrusive, kindly, never colorful, and never seeking the public light, he went about representing the best interests of his district and of his country.

I am only too glad, as just one humble Member of this body, who numbered him among my friends, to have this opportunity to pay this flower of tribute to his memory.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SURVEY OF LAVACA RIVER, TEX.

The Clerk called the bill (H. R. 3619) authorizing a preliminary examination and survey of Lavaca River, Tex., with a view to control of its floods.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination and survey to be made of Lavaca River, Tex., with a view to the control of its floods, in accordance with the provisions of section 3 of an act entitled "An act to provide for control of the floods of the Mississippi River, and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917.

With the following committee amendment:

Line 6, strike out the word "section" and lines 7, 8, and 9, and insert in lieu thereof the following: "the Flood Control Act approved June 22, 1936, the cost thereof to be paid from appropriations heretofore or hereafter made for such purposes."

The committee amendment was agreed to; and the bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SURVEY OF MILL CREEK, AUSTIN COUNTY, TEX.

The Clerk called the bill (H. R. 3620) authorizing a preliminary examination and survey of Mill Creek, a tributary of the Brazos River, in Austin County, Tex., with a view to the control of its floods.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination and survey to be made of Mill Creek, a tributary of the Brazos River, in Austin County, Tex., with a view to the control of its floods, in accordance with the provisions of section 3 of an act entitled "An act to provide for control of the floods of the Mississippi River, and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917.

With the following committee amendment:

Page 1, line 7, strike out "section 3 of an" and all of lines 8, 9, and 10 and insert in lieu thereof the following: "the Flood Control Act approved June 22, 1936, the cost thereof to be paid from appropriations heretofore or hereafter made for such purposes."

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SURVEY OF NAVIDAD RIVER, TEX.

The Clerk called the bill (H. R. 3621) authorizing a preliminary examination and survey of the Navidad River, Tex., with a view to the control of its floods.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause a preliminary examination and survey to be made of Navidad River, Tex., with a view to the control of its floods, in accordance with the provisions of section 3 of an act entitled "An act to provide for control of the floods of the Mississippi River, and of the Sacramento River, Calif., and for other purposes", approved March 1, 1917.

With the following committee amendment:

Strike out all of lines 7, 8, 9, and 10 and insert in lieu thereof the following: "the Flood Control Act approved June 22, 1936, the cost thereof to be paid from appropriations heretofore or hereafter made for such purposes."

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FREE HIGHWAY BRIDGE ACROSS MISSOURI RIVER, ATCHISON, KANS.

The Clerk called the bill (S. 62) to extend the times for commencing and completing construction of a free highway bridge across the Missouri River at or near Atchison, Kans.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. HOUSTON. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. DUNCAN. Mr. Speaker, will the gentleman withhold that for a moment?

Mr. HOUSTON. Yes.

Mr. DUNCAN. This is simply for the renewal of franchises already granted. The contract has been awarded by the highway commissions of Kansas and Missouri for the construction of the bridge and a great deal of money has been expended on the Missouri side. What objection can there be to a renewal?

Mr. HOUSTON. Has all the money been appropriated for this structure?

Mr. DUNCAN. That is my understanding.

Mr. HOPE. Mr. Speaker, will the gentleman yield?

Mr. HOUSTON. Yes.

Mr. HOPE. I trust the gentleman will not pursue his request. This is merely an extension of time for the construction of this bridge. Contracts have been let. It is a free highway bridge. The bridge would have been constructed before this had it not been for the obstructive tactics of the owners of the toll bridge in the same location. The toll bridge is inadequate to carry the traffic. This bridge is a much-needed improvement. It is possible, of course, to go ahead at the present time with the construction, but it cannot be completed by the time the present authorization would expire. I trust the gentleman will not persist in his request.

Mr. HOUSTON. I am not objecting. I am asking that it be put over without prejudice. I have heard rumors that it deprives all of the districts in Kansas of any money for highways if this bill goes through.

Mr. HOPE. I think the gentleman is in error. If there is any objection that could be made, it could be made only from the highway district in which the bridge is located. It will not make any difference in the highway district from which the gentleman comes, or in the highway district which I represent because, as I understand it, highway funds are apportioned approximately equally among the six highway districts in the State, and this can only affect other highway projects in the district in which the bridge is located.

Mr. HOUSTON. If the gentleman is correct in his assertions that it will affect only the district in which the bridge is located, I shall withdraw my request.

Mr. HOPE. I am quite positive it will not affect highway allocations in any other district than the first.

Mr. HOUSTON. Mr. Speaker, I withdraw my objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the free highway bridge, and approaches thereto, across the Missouri River, at a point suitable to the interests of navigation, at or near the city of Atchison, Kans., authorized to be built by the city of Atchison, Kans., and the county of Buchanan, Mo., or either of them, or the States of Kansas and Missouri, or either of them, or the highway departments of such States, acting jointly or severally, by an act of Congress approved June 18, 1934, are hereby extended 1 and 3 years, respectively, from June 18, 1937.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. COSTELLO. Mr. Speaker, the next two bills on the calendar have not been on for the necessary 3 legislative days. This, therefore, concludes the consideration of the calendar today.

LEAVE TO ADDRESS THE HOUSE

Mr. SUMNERS of Texas. Mr. Speaker, I ask unanimous consent that on tomorrow, at the conclusion of the special orders already granted, I be allowed to proceed for 15 minutes.

The SPEAKER. The gentleman from Texas asks unanimous consent that at the conclusion of the special orders tomorrow he be permitted to address the House for 15 minutes. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the subject of the Art Gallery, and include certain explanatory excerpts.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

DISTRICT OF COLUMBIA LEGISLATION

The SPEAKER. Under previous order, the Committee on the District of Columbia is entitled to the call. The Chair recognizes the gentlewoman from New Jersey.

JUVENILE COURT, DISTRICT OF COLUMBIA

Mrs. NORTON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 4276) to amend an act entitled "An act to create a juvenile court in and for the District of Columbia", and for other purposes; and pending that, I move that general debate on the bill do now close and that the bill be read under the 5-minute rule.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion of the gentlewoman from New Jersey that general debate on the bill do now close.

The motion was agreed to.

The SPEAKER. The question is on the motion of the gentlewoman from New Jersey that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4276.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 4276) to amend an act entitled "An act to create a juvenile court in and for the District of Columbia", and for other purposes, with Mr. O'CONNOR of New York in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. The Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That an act entitled "An act to create a juvenile court in and for the District of Columbia", approved March 19, 1906, as amended, is, with the exception of section 1 of said act, hereby further amended so as to read as follows:

"Purpose and basic principle: The purpose of this act is to secure for each child under its jurisdiction such care and guidance, preferably in his own home, as will serve the child's welfare and the best interests of the State; to conserve and strengthen the child's family ties whenever possible, removing him from the custody of his parents only when his welfare or the safety and protection of the public cannot be adequately safeguarded without such removal; and, when such child is removed from his own family, to secure for him custody, care, and discipline as nearly as possible equivalent to that which should have been given by his parents.

"The principle is hereby recognized that children under the jurisdiction of the court are subject to the discipline and entitled to the protection of the State, which may intervene to safeguard them from neglect or injury and to enforce the legal obligations due to them and from them.

"SEC. 2. Construction of the act: This act shall be liberally construed to accomplish the purpose herein sought.

"SEC. 3. A court of records; seal; oaths: Said court shall be a court of record. The court shall have a seal, and the judge or acting judge thereof shall have power to administer oaths and affirmations.

"SEC. 4. Terms: The said court shall hold a term on the first Monday of every month and continue the same from day to day as long as it may be necessary for the transaction of its business.

"SEC. 5. Application of act and definitions:

"(a) This act shall apply to any person under the age of 18 years—

"(1) Who has violated any law; or who has violated any ordinance or regulation of the District of Columbia; or

"(2) Who is habitually beyond the control of his parent, custodian, or guardian; or

"(3) Who is habitually truant from school or home; or

"(4) Who habitually so deports himself as to injure or endanger himself or the morals or safety of himself or others; or

"(5) Who is abandoned by his parent, guardian, or custodian; or

"(6) Who is homeless or without adequate parental support or care, or whose parent, guardian, or custodian neglects or refuses to provide support and care necessary for his health or welfare; or

"(7) Whose parent, guardian, or custodian neglects or refuses to provide or avail himself of the special care made necessary by his mental condition; or

"(8) Who associates with vagrants, vicious, or immoral persons; or

"(9) Who engages in an occupation or is in a situation dangerous to life or limb or injurious to the health or morals of himself or others; or

"(b) When used in this act—

"(1) The words 'the court' means the juvenile court of the District of Columbia;

"(2) The word 'judge' means the judge of the juvenile court;

"(3) The word 'child' means a person under the age of 18 years;

"(4) The word 'adult' means a person 18 years of age or older.

"SEC. 6. Jurisdiction.—1. Children: Except as herein otherwise provided, the court shall have original and exclusive jurisdiction of all cases and in proceedings:

"(a) Concerning any child coming within the terms and provisions of this act.

"(b) Concerning any person under 21 years of age charged with having violated any law, or violated any ordinance or regulation of the District of Columbia, prior to having become 18 years of age.

"(c) To determine the paternity of any child alleged to have been born out of wedlock and to provide for his support in accordance with the provisions of an act providing for the support and maintenance of children born out of wedlock, approved June 18, 1912 (D. C. Code, title 18, secs. 281–287); in which cases the respondent shall be entitled to jury trial if he shall so demand.

"(d) To determine the custody or guardianship of the person of any child coming within the provisions of this act.

"Nothing contained herein shall deprive other courts of the right to determine the custody of children upon writs of habeas corpus, or when such custody is incidental to the determination of causes pending in such courts.

"When jurisdiction shall have been obtained by the court in the case of any child, such child shall continue under the jurisdiction of the court until he becomes 21 years of age unless discharged prior thereto: *Provided, however*, That nothing herein contained shall affect the jurisdiction of other courts over offenses committed by such child after he reaches the age of 18.

"2. Adults: The court shall have original and exclusive jurisdiction to determine cases of adults charged with willfully contributing to, encouraging, or tending to cause by any act or omission any condition which would bring a child within the provisions of this act.

"The court shall have concurrent jurisdiction with the District Court of the United States for the District of Columbia in all cases involving children arising under the act entitled 'An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute or necessitous circumstances', approved March 23, 1906 (D. C. Code, title 6, secs. 270–273).

"SEC. 7. Information; investigation; petition: Any person may give to a duly designated officer of the court information in his possession that a child is within the provisions of this act. Thereupon such officer may make preliminary inquiry to determine whether the interests of the public or of the child require that further action be taken. Whenever practicable such inquiry shall include a preliminary investigation of the home and environmental situation of the child, his previous history, and the circumstances which were the subject of the information. If such officer shall determine that formal jurisdiction should be acquired, he shall authorize a petition to be filed. The proceeding shall be entitled 'In the matter of ———, a child under 18 years of age.'

"The petition shall be verified, alleging briefly the facts which bring said child within the provisions of this act, and stating the name, age, and residence (1) of the child; (2) of his parents; (3) of his legal guardian, if there be one; (4) of the person or persons having custody or control of the child; and (5) of the nearest known relative, if no parent or guardian can be found. If any of the facts herein required are not known by the petitioner, the petition shall so state.

"SEC. 8. Summons; notice; custody of the child: After a petition shall have been filed, unless the parties hereinafter named shall voluntarily appear, the court shall issue a summons reciting briefly the substance of the petition, and requiring the person or persons who have the custody or control of the child to appear personally and bring the child before the court at a time and place stated. If the person so summoned shall be other than the parent or guardian of the child, then the parent or guardian or both shall also be notified of the pendency of the case and of the time and place appointed, by personal service before the hearing, except as hereinafter provided: *Provided*, That if the child is married then the other spouse shall also be so notified. Summons may be issued

requiring the appearance of any other person whose presence, in the opinion of the judge, is necessary.

"If it appears that the child is in such condition or surroundings that his welfare requires that his custody be immediately assumed by the court, the judge may cause to be endorsed upon the summons an order that the officer serving the same shall at once take the child into custody.

"SEC. 9. Service of summons: Service of summons shall be made personally by the delivery of a true and attested copy to the person summoned: *Provided*, That where reasonable but unsuccessful efforts have been made to make personal service of summons or notice and if it shall appear that it is impracticable to do so, the court may make an order providing for service of summons or notice by registered mail to the last known address or by publication, or both, as may be deemed necessary. It shall be sufficient to confer jurisdiction if service is effected at any time before the date fixed in the summons for the return thereof: *Provided*, That on request of the parent or guardian or person having custody of the child, the hearing on the petition shall not take place until 3 days subsequent to service of said summons.

"The United States marshal for the District of Columbia or his deputy shall execute the orders and processes of the court in the same manner as he executes those of the District Court of the United States for the District of Columbia, and shall designate at least one of his deputies to serve at the court, where he shall perform such services as are required by the judge.

"SEC. 10. Failure to obey summons; warrant: If any person summoned as herein provided shall, without reasonable cause, fail to appear, he may be proceeded against for contempt of court. In case the summons cannot be served, or the parties served fail to obey the same, or in any case when it shall be made to appear to the judge that the service will be ineffectual or the welfare of the child requires that he shall be brought forthwith into the custody of the court, a warrant may be issued against the parent or guardian or against the child himself.

"SEC. 11. Release of children taken into custody: Whenever any officer takes a child into custody, he shall, unless it is impracticable or has been otherwise ordered by the court, accept the written promise of the parent, guardian, or custodian to bring the child to the court at the time fixed. Thereupon such child may be released in the custody of a parent, guardian, or custodian. If not so released, such child shall be placed in the custody of a probation officer or other person designated by the court, or taken immediately to the court or to a place of detention provided by the Board of Public Welfare, and the officer taking him shall immediately notify the court and shall file a petition when directed to do so by the court.

"In the case of any child whose custody has been assumed by the court and pending the final disposition of the case, the child may be released in the custody of a parent, guardian, or custodian, or of a probation officer or other person appointed by the court, to be brought before the court at the time designated. When not released as herein provided, such child, pending the hearing of the case, shall be detained in such place of detention as shall be provided by the Board of Public Welfare, subject to further order of the court.

"Nothing in this act shall be construed as forbidding any peace officer, police officer, or probation officer from immediately taking into custody any child who is found violating any law or ordinance, or who is reasonably believed to be a fugitive from his parents or from justice, or whose surroundings are such as to endanger his health, morals, or safety, unless immediate action is taken. In every such case the officer taking the child into custody shall immediately report the fact to the court and the case shall then be proceeded with as provided in this act.

"SEC. 12. Transfer from other courts: If during the pendency of a criminal or quasi-criminal charge against any person under 21 years of age, in any other court, it shall be ascertained that such person was under the age of 18 years at the time of committing the alleged offense, it shall be the duty of such court to transfer such other case immediately, together with all the papers, documents, and testimony connected therewith, to the juvenile court. Such other court making such transfer shall order the child to be taken forthwith to the place of detention designated by the court or to that court itself, or release such child in the custody of some suitable person to appear before the juvenile court at a time designated. The court shall thereupon proceed to hear and dispose of such case in the same manner as if it had been instituted in that court in the first instance.

"SEC. 13. Waiver of jurisdiction: If a child 16 years of age or older is charged with an offense which would amount to a felony in the case of an adult, the judge, after full investigation, may waive jurisdiction and order such child held for trial under the regular procedure of the court which would have jurisdiction of such offense if committed by an adult; or such other court may exercise the powers conferred upon the juvenile court in this act in conducting and disposing of such case.

"SEC. 14. Hearing; judgment: The court may conduct the hearing in an informal manner and may adjourn the hearing from time to time. In the hearing of any case the general public shall be excluded and only such persons as have a direct interest in the case and their representatives admitted. All cases involving children may be heard separately and apart from the trial of cases against adults. The court shall hear and determine all cases of children without a jury unless a jury be demanded by the child, his parent, or guardian or the court.

"If the court shall find that the child comes within the provisions of this act, it may by order duly entered proceed as follows:

"(1) Place the child on probation or under supervision in his own home or in the custody of a relative or other fit person, upon such terms as the court shall determine.

"(2) Commit the child to the Board of Public Welfare; or to the National Training School for Girls or the National Training School for Boys if in need of such care as is given in such schools; or to a qualified suitable private institution or agency willing and able to assume the education, care, and maintenance of such child without expense to the public.

"(3) Make such further disposition as the court may deem to be best for the best interests of the child, except as herein otherwise provided.

"Whenever a child is committed by the court to custody other than that of its parent, the court may, after giving the parent a reasonable opportunity to be heard, adjudge that such parent shall pay in such manner as the court may direct such sum as will cover in whole or in part the support of such child, and, if such parent shall willfully fail or refuse to pay such sum, he may be proceeded against as provided by law for cases of desertion or failure to provide subsistence.

"Whenever the court shall commit a child to any institution or agency it shall transmit with the order of commitment a summary of its information concerning such child.

"No adjudication upon the status of any child in the jurisdiction of the court shall operate to impose any of the civil disabilities ordinarily imposed by conviction, nor shall any child be deemed a criminal by reason of such adjudication, nor shall such adjudication be deemed a conviction of a crime, nor shall any child be charged with or convicted of a crime in any court, except as provided in section 13 of this act. The disposition of a child or any evidence given in the court shall not be admissible as evidence against the child in any case or proceeding in any other court, nor shall such disposition, or evidence or adjudication operate to disqualify a child in any future civil-service examination, appointment, or application for public service under either the Government of the United States or of the District of Columbia.

"SEC. 15. Modification of judgment; return of child to parents: An order of commitment or probation made by the court in the case of a child shall be subject to modification or revocation from time to time.

"A parent, guardian, or next friend of a child who has been committed by the court to the custody of an institution, agency, or person, may at any time file with the court a verified petition, making application for modification or revocation of an order of commitment or probation, stating that such institution, agency, or person has denied application for the release of the child or has failed to act upon such application within a reasonable time. If the court is of the opinion that an investigation should be had, it may, upon due notice to all concerned, proceed to hear and determine the question at issue. It may thereupon order that such child be restored to the custody of its parent or guardian or be retained in the custody of the institution, agency, or person; and may direct such institution, agency, or person to make such other arrangements for the child's care and welfare as the circumstances of the case may require; or the court may make a further order or commitment.

"SEC. 16. Appointment of guardian: Whenever in the course of a proceeding instituted under this act it shall appear to the court that the welfare of a child will be promoted by the appointment of a relative or other suitable individual as guardian of its person, when such child is not committed to an institution or to the custody of an incorporated society, the court shall have jurisdiction to make such appointment either upon the application of the child or some relative or next friend or upon the court's own motion, and in that event an order to show cause may be made by the court to be served upon the parent or parents or custodian of said child in such manner and for such time prior to the hearing as the court may deem reasonable. In a case arising under this act the court may also determine as between parents whether the father or the mother shall have the custody and control of said child.

"SEC. 17. Selection of custodial agency: In placing a child under any guardianship or custody other than that of its parent, the court shall, when practicable, select a person, or an institution or agency governed by persons of like religious faith as that of the parents of such child, or in case of a difference in the religious faith of the parents, then of the religious faith of the child, or if the religious faith of the child is not ascertained, then of either of the parents.

"SEC. 18. Procedure in adult cases: All provisions of this act relative to procedure in cases of children so far as practicable shall be construed as applying also to cases against adults arising under section 6 of this act with the consent of the defendant or when not inconsistent with other provisions of law relating to the conduct of adult cases. Proceedings may be instituted upon complaint of an interested party or upon the court's own motion, and a reasonable opportunity to appear shall be afforded the respondent. The court may issue a summons, a warrant of arrest, or other process in order to secure or to compel the attendance of any necessary person. Any person who by act or omission willfully causes, encourages, or contributes to any condition which would bring a child within the provisions of this act, or who by such act or omission tends to cause such a condition, shall be guilty of a misdemeanor and punished by a fine not exceeding $200 or imprisoned not exceeding 12 months, or by both fine and imprisonment. Upon the trial of such cases the court shall have power to impose such sentence as the law provides, or may

suspend sentence and place on probation, and by order impose upon such adult such duty as shall be deemed to be for the best interests of the child or other persons concerned. If an adult is charged with an offense for which he is entitled to a trial by jury, and if he shall so demand, a jury shall be selected in accordance with the provisions of law regulating the selection of juries in the District Court of the United States for the District of Columbia.

"SEC. 19. Appointment and qualifications of judge: The judge of the court shall be appointed by the President of the United States, by and with the consent of the Senate, for a term of 6 years, or until his successor is appointed and confirmed. To be eligible for appointment as judge a person must be a member of the bar, preferably of the District of Columbia, and have a knowledge of social problems and procedure and an understanding of child psychology. The judge shall, before entering upon the duties of his office, take the oath prescribed for judges of courts of the United States. The salary of the judge shall be fixed in accordance with the Classification Act of 1923, as amended.

"SEC. 20. Filling vacancy in judgeship in cases of sickness, etc.: In cases of sickness, absence, disability, or death of the judge of the juvenile court, the chief justice or acting chief justice of the District Court of the United States for the District of Columbia shall designate one of the judges of the municipal court of said District to discharge the duties of said judge of the juvenile court until such disability be removed or vacancy filled.

"SEC. 21. Appointment of director of social work, supervisor of probation, probation officers, and other employees: The judge shall appoint from eligible lists of the Civil Service Commission a director of social work, a supervisor of probation, probation officers, a clerk, a deputy clerk, and such other employees as may be necessary, at such salaries as may be fixed in accordance with the Classification Act of 1923, as amended, and with such qualifications as may be prescribed by the Civil Service Commission pursuant to said act or acts.

"SEC. 22. Duties and powers of the director of social work: Under the administrative direction of the judge, the director of social work shall have charge of all the social work of the court; and shall, in association with other social agencies of the District of Columbia, study sources and causes of delinquency and assist in developing and correlating community-wide plans for the prevention and treatment of delinquency.

"SEC. 23. Duties and powers of the department of probation: The supervisor of probation, under the direction of the director of social work, shall organize, direct, and develop the work of the probation department of the court.

"The probation department of the court shall make such investigations as the court may direct, keep a written record of such investigations, and submit the same to the judge or deal with them as he may direct. The probation department shall use all suitable methods to aid persons on probation and bring about improvement in their conduct and condition; keep informed concerning the conduct and condition of each person under its supervision and report thereon to the judge as he may direct and keep full records of its work. The probation officers shall have such duties as may be assigned to them in the course of performing the functions of the probation department. Probation officers for the purpose of this act shall have the power of police officers.

"SEC. 24. Duties of the clerk: The clerk shall give bond, with surety, and take the oath of office prescribed by law for clerks of district courts of the United States. He shall have power to administer oaths and affirmations; shall keep accurate and complete accounts of money collected from persons under the supervision of the probation department, give receipts therefor, and make reports thereon as the judge may direct; and shall perform such duties and keep such records as may be prescribed by the judge of said court.

"SEC. 25. Appointment of commissioner: The judge of the juvenile court may designate a social worker of the court as commissioner in the first instance to hear any case coming within the provisions of this act and either to dispose thereof or to direct the filing of a petition therein. Whenever a commissioner is appointed in cases of girls, a woman commissioner shall be appointed to hear such cases.

"SEC. 26. Physical and mental examinations and treatment: The court may cause any child coming under its jurisdiction to be examined by a physician, psychiatrist, or psychologist appointed by the court.

"SEC. 27. Place of detention: No child under 18 years of age shall be placed in or committed to any prison, jail, or lock-up, nor shall such child be taken into custody, detained, or transferred from place to place, where he may be brought in contact or communication with any adult convicted of crime or under arrest and charged with crime: *Provided*, That a child 16 years of age or older, whose habits or conduct are deemed such as to constitute a menace to other children, may, with the consent of the judge or director of social work, be placed in a jail or other place of detention for adults, but in a room or ward separate from adults.

"The Board of Public Welfare of the District of Columbia shall make adequate provision for the temporary detention of children within its jurisdiction in a detention home or in boarding homes selected for purposes of such detention.

"SEC. 28. Court quarters: Suitable quarters shall be provided by the Commissioners for the District of Columbia for the hearing of cases and for the use of the judge and the probation department and employees of the court.

"SEC. 29. Records; forms: The court shall maintain records of all cases brought before it. Such records shall be open to inspection only by order of the District Court of the United States for the District of Columbia. The court shall devise and cause to be printed such forms for records and such other papers as may be required.

"SEC. 30. Rules: The court shall have power to issue all necessary orders and writs in aid of the jurisdiction hereby vested in it; and to frame and publish rules and regulate the procedure for cases arising within the provisions of this act and for the conduct of its officers and employees and such rules shall be enforced and construed beneficially for the remedial purposes embraced herein.

"SEC. 31. Cooperation: It is hereby made the duty of every official of the District of Columbia or department thereof to render all assistance and cooperation within his or its jurisdictional power which may further the objects of this act. All institutions or agencies to which the court sends any child are hereby required to give to the court or to any officer appointed by it such information or reports concerning such child as said court or officer may require. The court is authorized to seek the cooperation of all societies or organizations having for their object the protection or aid of children.

"SEC. 32. Cooperation by corporation counsel: The corporation counsel of the District of Columbia or his assistant shall assist the court upon request in hearings to determine delinquency, dependency, or neglect, and shall prosecute all cases within the jurisdiction of the court in which an adult is charged with crime.

"SEC. 33. Contempt: Any person who willfully violates, neglects, or refuses to obey or perform any order of the court may be declared in contempt and be punished by a fine not exceeding $200 or imprisonment for not more than 6 months, or both.

"SEC. 34. Appeal: Any party aggrieved by any final order or judgment of the juvenile court may apply to the Court of Appeals of the District of Columbia for the allowance of a special appeal, and the said court of appeals may allow such special appeal whenever it is made to appear to said court, upon petition, that it will be in the interest of justice to allow an appeal. The time for, and manner of, taking such special appeal shall be the same as provided by law or rule of court for special appeals in equity cases from the District Court of the United States for the District of Columbia to said court of appeals: *Provided*, That the special appeal or application for the allowance of such special appeal shall not suspend the order of the juvenile court, nor shall it discharge the child from the custody of that court or of the person, institution, or agency to whose care such child shall have been committed, unless the court of appeals shall so order. If the court of appeals does not dismiss the proceedings and discharge the child, it shall affirm or modify the order of the juvenile court and remand the child to the jurisdiction of the juvenile court for supervision and care, and thereafter the child shall be and remain under the jurisdiction of the juvenile court in the same manner as if such court had made said order without an appeal having been taken.

"SEC. 35. Fees prohibited: No fee shall be charged for any service rendered by the clerk or by any officers of the court.

"SEC. 36. Jury; term of service: The jury for service in said court shall consist of 12 persons, who shall have the legal qualifications necessary for jurors in the District Court of the United States for the District of Columbia, and shall receive a like compensation for their services, and such jurors shall be drawn and selected under and in pursuance of the laws concerning the drawing and selection of jurors for service in said court. The term of service of jurors drawn for service in said juvenile court shall be for three successive monthly terms of said court, and in any case on trial at the expiration of such time until a verdict shall have been rendered or the jury shall be discharged. The said jury terms shall begin on the first Monday in January, the first Monday in April, the first Monday in July, and the first Monday in October of each year, and shall terminate, subject to the foregoing provisions, on the Saturday prior to the beginning of the following term. When at any term of said court it shall happen that in a pending trial no verdict shall be found, nor the jury otherwise discharged before the next succeeding term of the court, the court shall proceed with the trial by the same jury as if said term had not commenced.

"SEC. 37. Impaneling the jury: At least 10 days before the term of service of said jurors shall begin, as herein provided for, such jurors shall be drawn as hereinbefore directed, and at least 26 names so drawn shall be certified by the clerk of the District Court of the United States for the District of Columbia to the said juvenile court for service as jurors for the then ensuing term. Deficiencies in any panel of any such jury may be filled according to the law applicable to jurors in said supreme court, and for this purpose the judge of said juvenile court shall possess all the powers of a judge of said supreme court and of said court sitting as a special term. No person shall be eligible for service on a jury in said juvenile court for more than one jury term in any period of 12 consecutive months, but no verdict shall be set aside on such ground unless objection shall be made before the trial begins. The marshal of said District, by himself or deputy, shall have charge of said jury, and may appoint a deputy for that purpose.

"SEC. 38. Judgments to be final: In all cases tried before said court the judgment of the court shall be final, except as provided in section 34 of this act.

"SEC. 39. Fines to be paid to clerk; deposit of receipts; statements: All fines, penalties, costs, and forfeitures imposed or taxed by the said juvenile court shall be paid to the clerk of said court,

either with or without process, or on process ordered by said court. The clerk of said court shall, on the first secular day of each week, deposit with the collector of taxes the total amount of all fines, penalties, costs, and forfeitures collected by him during the week next preceding the date of such deposit, to be covered into the Treasury to the credit of the District of Columbia. The said clerk shall render an itemized statement of each deposit aforesaid to the auditor of the District of Columbia.

"SEC. 40. Audit of accounts: It shall be the duty of the auditor of the District of Columbia, and he is hereby required, to audit the accounts of the clerk of the juvenile court at the end of every quarter and to make prompt report thereof in writing to the Commissioners of the District of Columbia. The auditor of the District shall have free access to all books, papers, and records of the said court.

"SEC. 41. Separability of provisions: If any provision of this act, or the application thereof to any person or circumstances, is held invalid, the remainder of the act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

"SEC. 42. Continuance in office: The judge and other officers holding office at the date of the passage of this act shall continue in office until the terms for which they were appointed shall expire and until their successors are duly appointed and qualified.

"SEC. 43. Title of statute: This act may be cited as the Juvenile Court Act of the District of Columbia.

"SEC. 44. Repeal: All acts or parts of acts inconsistent with this act are hereby repealed."

Mrs. NORTON. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the same do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. O'CONNOR of New York, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H. R. 4276, directed him to report the same back to the House with the recommendation that the bill do pass.

Mrs. NORTON. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

On motion by Mrs. NORTON, a motion to reconsider was laid on the table.

Mrs. NORTON. Mr. Speaker, that will conclude the business of the Committee on the District of Columbia for today.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. HAINES, for 1 day (Tuesday), to attend the funeral of a former Member of the House, Hon. A. R. Brodbeck.

To Mr. DUNN, for several days, on account of urgent business in Pittsburgh concerning the blind.

To Mr. HARLAN, for 1 week, on account of official business in his district.

RESIGNATION FROM COMMITTEE

The SPEAKER. The Chair lays before the House the following resignation:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 25, 1937.

Hon. WILLIAM B. BANKHEAD,
Speaker of the House of Representatives,
Washington, D. C.

MY DEAR MR. SPEAKER: Because of my assignment to an additional major committee in this Congress and because of the pressure of other congressional business, I desire to tender my resignation as a member of the Committee on Claims.

With kindest regards and with assurance of my highest esteem, I remain,

Very sincerely yours,

GEORGE N. SEGER.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 2518. An act to provide for retirement of Justices of the Supreme Court; and

H. J. Res. 96. Joint resolution to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended.

BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on February 26, 1937, present to the President, for his approval, bills of the House of the following titles:

H. R. 824. An act for the relief of James Luker, Sr.; and

H. R. 4609. An act to authorize the purchase and distribution of products of the fishing industry.

THE LATE HENRY E. STUBBS

Mr. LEA. Mr. Speaker, it becomes my sad duty to announce to the House the death of the Honorable HENRY E. STUBBS, a Representative from the Tenth District of the State of California. Mr. STUBBS stood very high in the friendship and affection of the Members from our State and the entire membership of the House.

I offer a resolution which I send to the desk.

The Clerk read as follows:

House Resolution 142

Resolved, That the House has heard with profound sorrow of the death of Hon. HENRY E. STUBBS, a Representative from the State of California.

Resolved, That a committee of four Members of the House with such Members of the Senate as may be joined be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provision of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolution was agreed to.

The Speaker appointed the following committee: Mr. LEA, Mr. TOLAN, Mr. SCOTT, and Mr. GEARHART.

ADJOURNMENT

The SPEAKER. The Clerk will conclude the reading of the resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect the House do now adjourn.

The resolution was agreed to; accordingly (at 2 o'clock and 5 minutes p. m.) the House adjourned until tomorrow, Tuesday, March 2, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Tuesday, March 2, 1937, at 10:30 a. m., to hold hearings on the following projects: Bay River, N. C.; Morehead City Harbor, N. C.; Channel from Pamlico Sound to Beaufort, N. C.; Inland waterway from Beaufort to Cape Fear River, N. C.; Newport Bay, Calif.

COMMITTEE ON MILITARY AFFAIRS

EXECUTIVE SESSION

The House Committee on Military Affairs will hold an executive session on Tuesday morning, March 2, 1937, at 10:30 o'clock.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

The Committee on Immigration and Naturalization will hold a hearing of H. R. 30, "To protect the artistic earning opportunities in the United States for American actors, vocal, etc.", at 10:30 a. m., Wednesday, March 3, 1937, in room 445, House Office Building.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

394. A communication from the President of the United States, transmitting a proposed provision affecting the Navy

Department appropriation "Pay, subsistence, and transportation, Navy, 1937", to provide for the increase in the limitation for the transportation of midshipmen (H. Doc. No. 155); to the Committee on Appropriations and ordered to be printed.

395. A letter from the Acting Secretary of the Interior, transmitting a draft of a proposed bill to provide for the addition or additions of certain lands to the Fort Donelson National Military Park in the State of Tennessee, and for other purposes; to the Committee on the Public Lands.

396. A letter from the Acting Secretary of the Interior, transmitting a draft of a proposed bill to amend an act entitled "An act to provide for the exercise of sole and exclusive jurisdiction by the United States over the Hawaii National Park in the Territory of Hawaii, and for other purposes", approved April 19, 1930 (46 Stat. 227–229); to the Committee on the Public Lands.

397. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 16, 1937, submitting a report, together with accompanying papers and illustrations, on a survey of Lowell Creek, Alaska, with a view to the control of floods, authorized by the act of Congress approved May 6, 1936, and the Flood Control Act approved June 22, 1936 (H. Doc. No. 154); to the Committee on Flood Control and ordered to be printed, with illustrations.

398. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 25, 1937, submitting a report, together with accompanying papers, on a preliminary examination and survey of Daytona Beach, Fla., authorized by the River and Harbor Act approved August 30, 1935; to the Committee on Rivers and Harbors.

399. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 25, 1937, submitting a report, together with accompanying papers, on a preliminary examination of Homer Harbor, Kachemak Bay, Alaska, authorized by the River and Harbor Act approved August 30, 1935; to the Committee on Rivers and Harbors.

400. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 25, 1937, submitting a report, together with accompanying papers, on a preliminary examination and survey of Franklin Canal, St. Mary Parish, La., authorized by the River and Harbor Act approved August 30, 1935; to the Committee on Rivers and Harbors.

401. A letter from the Governor, Farm Credit Administration, transmitting the Fourth Annual Report of the Farm Credit Administration, covering operations for the year 1936 (H. Doc. No. 15); to the Committee on Agriculture and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. O'CONNELL of Montana: Committee on Interstate and Foreign Commerce. S. 361. An act to further extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Garrison, N. Dak.; without amendment (Rept. No. 329). Referred to the House Calendar.

Mr. EICHER: Committee on Interstate and Foreign Commerce. S. 996. An act to further extend the times for commencing and completing the construction of a bridge across the Missouri River between the towns of Decatur, Nebr., and Onawa, Iowa; without amendment (Rept. No. 330). Referred to the House Calendar.

Mr. EICHER: Committee on Interstate and Foreign Commerce. S. 997. An act to further extend the times for commencing and completing the construction of a bridge across the Missouri River at or near the cities of South Sioux City, Nebr., and Sioux City, Iowa; without amendment (Rept. No. 331). Referred to the House Calendar.

Mr. KELLY of New York: Committee on Interstate and Foreign Commerce. H. R. 175. A bill declaring Scajaquada Creek, Erie County, N. Y., to be a nonnavigable stream; with amendment (Rept. No. 332). Referred to the House Calendar.

Mr. EICHER: Committee on Interstate and Foreign Commerce. H. R. 192. A bill to authorize the construction of a bridge across the Missouri River at or near Rulo, Nebr.; with amendment (Rept. No. 333). Referred to the House Calendar.

Mr. MALONEY: Committee on Interstate and Foreign Commerce. H. R. 3874. A bill to extend the times for commencing and completing the construction of a bridge and causeway across the water between the mainland, at or near Cedar Point, and Dauphin Island, Ala.; with amendment (Rept. No. 334). Referred to the House Calendar.

Mr. STEAGALL: Committee on Banking and Currency. S. 1228. An act to amend the National Housing Act; without amendment (Rept. No. 335). Referred to the Committee of the Whole House on the state of the Union.

Mr. McREYNOLDS: Committee on Foreign Affairs. H. R. 3473. A bill to authorize the Secretary of State to sell, for a price, transfer, and convey the title, rights, and interest of this Government in a lot situated at Sin Lu T'ou Jetty, Kulangsu, Amoy, China; without amendment (Rept. No. 336). Referred to the Committee of the Whole House on the state of the Union.

Mr. COLDEN: Committee on the Disposition of Executive Papers. Disposition of executive papers of the Department of the Interior (Rept. No. 337). Ordered to be printed.

Mr. COLDEN: Committee on the Disposition of Executive Papers. Disposition of executive papers of the United States Department of War (Rept. No. 338). Ordered to be printed.

Mr. COLDEN: Committee on the Disposition of Executive Papers. Disposition of executive papers of the United States Department of Labor (Rept. No. 339). Ordered to be printed.

Mr. COLDEN: Committee on the Disposition of Executive Papers. Disposition of executive papers of the Department of Agriculture (Rept. No. 340). Ordered to be printed.

Mr. COLDEN: Committee on the Disposition of Executive Papers. Disposition of executive papers in the United States Tariff Commission (Rept. No. 341). Ordered to be printed.

Mr. COLDEN: Committee on the Disposition of Executive Papers. Disposition of executive papers in the Department of Commerce (Rept. No. 342). Ordered to be printed.

Mr. COLDEN: Committee on the Disposition of Executive Papers. Disposition of executive papers in the Department of the Treasury (Rept. No. 343). Ordered to be printed.

Mr. COLDEN: Committee on the Disposition of Executive Papers. Disposition of executive papers in the Export-Import Bank of Washington (Rept. No. 344). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 2757. A bill to carry out the findings of the Court of Claims in the claim of the Morse Dry Dock & Repair Co.; without amendment (Rept. No. 345). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 4169. A bill to carry out the findings of the Court of Claims in the case of the Atlantic Works, of Boston, Mass.; with amendment (Rept. No. 346). Referred to the Committee of the Whole House.

Mr. KENNEDY of Maryland: Committee on Claims. H. R. 4170. A bill to carry out the findings of the Court of Claims in the case of the Union Iron Works; with amendment (Rept. No. 347). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 5101) granting a pension to Mary P. Morris; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 4931) for the relief of Evelyn D. Phelps; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 3810) to place C. P. Gammon, formerly a major in the Medical Corps, United States Army, on the emergency officers' retired list; Committee on World War Veterans' Legislation discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BARRY: A bill (H. R. 5169) to provide for cooperation with the States in the promotion of conservation education in the public elementary schools, high schools, colleges, and universities; to provide for cooperation with the States in the preparation of teachers, supervisors, and directors of conservation subjects on the natural resources; and to appropriate money and regulate its expenditure; to the Committee on Education.

By Mr. BOREN: A bill (H. R. 5170) authorizing an appropriation for payment to the Sac and Fox Tribe of Indians in the State of Oklahoma; to the Committee on Indian Affairs.

By Mr. HILL of Washington: A bill (H. R. 5171) to reimpose a trust on certain lands allotted on the Yakima Indian Reservation; to the Committee on Indian Affairs.

By Mr. O'CONNOR of Montana: A bill (H. R. 5172) requiring the concurrence of two-thirds of the members of the Supreme Court of the United States before an act of Congress can be declared unconstitutional; to the Committee on the Judiciary.

By Mr. POWERS: A bill (H. R. 5173) to prohibit discrimination on account of maximum age in employment directly and indirectly under the United States; to the Committee on the Civil Service.

By Mr. WALTER: A bill (H. R. 5174) to incorporate the National Association of State Libraries; to the Committee on the District of Columbia.

By Mr. O'CONNELL of Montana: A bill (H. R. 5175) to provide for the control of the floodwaters of the Flathead River and its tributaries; to provide for irrigation of arid and semiarid lands in the Flathead River Valley; to provide for the agricultural and industrial development of the Flathead River Valley; to provide for the creation of the Hungry Horse Power Authority; to provide for the generation, distribution, and sale of electricity at the Hungry Horse Dam, and for other purposes; to the Committee on Flood Control.

By Mr. BUCKLER of Minnesota: A bill (H. R. 5176) granting the consent of Congress to the Board of Commissioners of Beltrami County, State of Minnesota, to construct, maintain, and operate a free highway bridge across the narrows between Star Island in Cass Lake and the mainland in Ten Lake Township, Beltrami County, Minn.; to the Committee on Interstate and Foreign Commerce.

By Mr. HOFFMAN: A bill (H. R. 5177) to declare the Benton Harbor Canal at and above the west line of Ninth Street, Benton Harbor, Mich., a nonnavigable stream; to the Committee on Interstate and Foreign Commerce.

By Mr. BEITER: A bill (H. R. 5178) relative to Federal penal institutions, and care and maintenance of prisoners therein, and to provide for the reimbursement of the Federal Government on account thereof in certain cases; to the Committee on the Judiciary.

By Mr. BATES: A bill (H. R. 5179) granting the consent of Congress to the county commissioners of Essex County, in the State of Massachusetts, to construct, reconstruct, maintain, and operate a free highway bridge across the Merrimack River between the city of Haverhill and the town of Groveland, Mass.; to the Committee on Interstate and Foreign Commerce.

By Mr. MOTT: A bill (H. R. 5180) to authorize a preliminary examination of Nestucca River and its tributaries in the State of Oregon, with a view to the control of its floods; to the Committee on Flood Control.

By Mr. O'CONNELL of Montana: A bill (H. R. 5181) to provide a preliminary examination and survey of the Flathead River and tributaries in Flathead County, Mont., with a view to the control of its flood waters; to the Committee on Flood Control.

By Mr. PEYSER: A bill (H. R. 5182) to require informative labeling of textile fabrics and textile products in interstate commerce for the purpose of preventing deception of the public; to the Committee on Interstate and Foreign Commerce.

By Mr. KELLY of New York: A bill (H. R. 5183) to authorize the coinage of silver 50-cent pieces in commemoration of the two hundred and fiftieth anniversary of the expedition of the Marquis de Denonville into the territory now embraced by the State of New York and the two hundred and sixty-sixth anniversary of the voyages and explorations of Robert Cavelier, Sieur de La Salle, in the same region; to the Committee on Coinage, Weights, and Measures.

By Mr. KING: A bill (H. R. 5184) to protect the Territories and insular possessions of the United States in time of maritime strikes which prevent adequate shipping service to or from any such Territory or possession; to the Committee on Ways and Means.

By Mr. KEE: A bill (H. R. 5185) to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the formation of the county of Mercer in the State of West Virginia; to the Committee on Coinage, Weights, and Measures.

Also, a bill (H. R. 5186) to provide suitable accommodations for the district court of the United States at Lewisburg, W. Va.; to the Committee on the Judiciary.

By Mr. WOOD: A bill (H. R. 5187) to provide for the commemoration of the battle of Wilson Creek; to the Committee on Military Affairs.

By Mr. SHANLEY: A bill (H. R. 5188) for the better assurance of the protection of persons withing the several States from mob violence and lynching, and for other purposes; to the Committee on the Judiciary.

By Mr. BIERMANN: A bill (H. R. 5189) to provide for the liquidation of the Postal Savings System; to the Committee on the Post Office and Post Roads.

By Mr. FLEGER: A bill (H. R. 5190) for the better assurance of the protection of persons within the several States from mob violence and lynching, and for other purposes; to the Committee on the Judiciary.

By Mr. CITRON: A bill (H. R. 5191) to promote the national defense, the neutrality laws, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SWEENEY: A bill (H. R. 5192) for the better assurance of the protection of persons within the several States from mob violence and lynching, and for other purposes; to the Committee on the Judiciary.

By Mr. BLAND: A bill (H. R. 5193) to amend the Merchant Marine Act, 1936; to provide for the prompt disposition of labor disputes between carriers by water and their employees; and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. KRAMER: A bill (H. R. 5194) granting a renewal of patent no. 60731, relating to the badge of the Girl Scouts, Inc.; to the Committee on Patents.

By Mr. VINSON of Georgia: Resolution (H. Res. 143) to amend rules XI and XVI of the House of Representatives; to the Committee on Rules.

By Mr. PEYSER: Resolution (H. Res. 144) for the relief of Mary Mueller; to the Committee on Accounts.

By Mr. CRAWFORD: Resolution (H. Res. 145) directing the President of the United States to furnish the House of Representatives certain facts within the knowledge of the Tariff Commission relative to the United States-Philippine trade report; to the Committee on Ways and Means.

By Mr. MAGNUSON: Joint resolution (H. J. Res. 249) authorizing the Commissioner of Internal Revenue to grant further extensions of time for filing returns under title III of the Revenue Act of 1936; to the Committee on Ways and Means.

By Mr. O'MALLEY: Joint resolution (H. J. Res. 250) proposing an amendment to the Constitution of the United States providing that any law held unconstitutional by the Supreme Court shall be valid if reenacted by Congress; to the Committee on the Judiciary.

By Mr. CITRON: Joint resolution (H. J. Res. 251) to extend the lending authority of the Disaster Loan Corporation to apply to flood disasters in the year 1936; to the Committee on Banking and Currency.

By Mr. TAYLOR of Colorado: Joint resolution (H. J. Res. 252) to aid in defraying the expenses of the International Labor Office incident to holding its Technical Tripartite Textile Conference; to the Committee on Appropriations.

By Mr. KNUTSON: Joint resolution (H. J. Res. 253) suspending the import duties on certain grains and grass seeds for use as seed in drought-stricken areas; to the Committee on Ways and Means.

By Mr. LUCKEY of Nebraska: Joint resolution (H. J. Res. 254) to establish a policy of national defense; to the Committee on Military Affairs.

By Mr. SHANLEY: Joint resolution (H. J. Res. 255) making the 11th day of November in each year a legal holiday; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Massachusetts, memorializing the Congress of the United States opposing any change in the Supreme Court; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of Oregon, memorializing the Congress of the United States to enact into law legislation authorizing the use of the Civilian Conservation Corps in construction of highways within irrigation, draining, and development; to the Committee on Labor.

Also, memorial of the Legislature of the State of Massachusetts, memorializing the Congress of the United States relative to minimum wages for women and children; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of Colorado, memorializing the Congress of the United States to consider their House Joint Memorial No. 7; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of North Dakota, memorializing the Congress of the United States to repeal the long-and-short haul clause of section 4 of the Interstate Commerce Act; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Legislature of the State of Minnesota, memorializing the Congress of the United States, by assenting to the provisions of the Bankhead-Jones Act; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of Montana, memorializing the Congress of the United States to consider their Senate Memorial No. 6 and Senate Joint Memorials Nos. 3 and 4, also Senate Joint Resolution No. 5; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of New Mexico, memorializing the Congress of the United States to regulate and prohibit the labor of persons under 18 years of age; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of Indiana, memorializing the Congress of the United States to continue the functions of the Federal Emergency Administration of Public Works; to the Committee on Appropriations.

Also, memorial of the Legislature of the State of North Dakota, memorializing the Congress of the United States to deny the passage of the bill H. R. 1668; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROWN: A bill (H. R. 5195) for the relief of G. F. Flanders; to the Committee on Claims.

By Mr. CANNON of Missouri: A bill (H. R. 5196) granting a pension to Eliza Ford; to the Committee on Invalid Pensions.

By Mr. COLE of New York: A bill (H. R. 5197) granting an increase of pension to Phoeba C. Huffman; to the Committee on Invalid Pensions.

By Mr. CULKIN: A bill (H. R. 5198) granting an increase of pension to Lizzie Bennett; to the Committee on Invalid Pensions.

By Mr. DOWELL: A bill (H. R. 5199) granting a pension to Glennie Edwinson; to the Committee on Invalid Pensions.

By Mr. FORD of California: A bill (H. R. 5200) for the relief of the Premier Carpet & Linoleum Co., Ltd.; to the Committee on Claims.

By Mr. JENKINS of Ohio: A bill (H. R. 5201) to correct the military record of Oberlin M. Carter, formerly captain, Corps of Engineers, United States Army, to show that the judgment of court martial in his case is unlawful and invalid; to the Committee on Military Affairs.

By Mr. JOHNSON of West Virginia: A bill (H. R. 5202) granting an increase of pension to Emily L. Watkins; to the Committee on Pensions.

By Mr. KELLY of New York: A bill (H. R. 5203) granting an increase of pension to Ada F. O'Loughlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5204) granting an increase of pension to Mrs. Helen J. Lanning; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5205) granting an increase of pension to Anna E. Van Alstyne; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5206) for the relief of Jacob G. Ackerman; to the Committee on Claims.

By Mr. LEWIS of Colorado: A bill (H. R. 5207) for the relief of H. L. Caffee; to the Committee on Military Affairs.

Also, a bill (H. R. 5208) for the relief of Walter J. Gamel Decorating Co.; to the Committee on Claims.

Also, a bill (H. R. 5209) granting a pension to Ozetta M. Taylor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5210) granting a pension to Vera Mae Scott; to the Committee on Pensions.

By Mr. McREYNOLDS: A bill (H. R. 5211) for the relief of Duke L. Rankin; to the Committee on Naval Affairs.

By Mr. MAAS: A bill (H. R. 5212) granting a pension to Eva Farnsworth; to the Committee on Invalid Pensions.

By Mr. MASSINGALE: A bill (H. R. 5213) for the relief of Mrs. W. B. Nix and Mrs. J. A. Nix; to the Committee on Claims.

By Mr. MILLER: A bill (H. R. 5214) for the relief of C. W. Benton; to the Committee on Claims.

By Mr. MAPES: A bill (H. R. 5215) granting a pension to Lawrence O. Meyer; to the Committee on Pensions.

By Mr. O'BRIEN of Illinois: A bill (H. R. 5216) for the relief of Rachel or Rochel Bursk; to the Committee on Immigration and Naturalization.

By Mr. O'CONNELL of Montana: A bill (H. R. 5217) granting a pension to Daisy Saunders; to the Committee on Pensions.

By Mr. POWERS: A bill (H. R. 5218) granting an increase of pension to Elizabeth H. Nichols; to the Committee on Pensions.

By Mrs. ROGERS of Massachusetts: A bill (H. R. 5219) for the relief of the Franco-American Construction Co.; to the Committee on Claims.

By Mr. SACKS: A bill (H. R. 5220) for the relief of Anthony Natalizio; to the Committee on Immigration and Naturalization.

By Mr. STACK: A bill (H. R. 5221) for the relief of Oliver Ellison; to the Committee on Military Affairs.

By Mr. SWEENEY: A bill (H. R. 5222) for the relief of Joseph Carsola (alias Giuseppe); to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 5223) for the relief of Gimple Goldberg; to the Committee on Immigration and Naturalization.

By Mr. SWOPE: A bill (H. R. 5224) for the relief of Ellen Pomery McFadden; to the Committee on Military Affairs.

By Mr. TAYLOR of Tennessee: A bill (H. R. 5225) for the relief of Charles Willoughby; to the Committee on Claims.

Also, a bill (H. R. 5226) for the relief of Luke DeArmond; to the Committee on Claims.

By Mr. VINSON of Georgia: A bill (H. R. 5227) to authorize certain officers of the United States Navy and officers and enlisted men of the Marine Corps to accept such medals, orders, and decorations as have been tendered them by foreign governments in appreciation of services rendered; to the Committee on Naval Affairs.

By Mr. WHELCHEL: A bill (H. R. 5228) for the relief of First Lt. Roy E. Rountree; to the Committee on Military Affairs.

By Mr. WILCOX: A bill (H. R. 5229) for the relief of Carson Bradford; to the Committee on Claims.

By Mr. WOOD: A bill (H. R. 5230) for the relief of John Robert Richards; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

573. By Mr. ANDREWS: Resolution unanimously adopted by the Pekin Grange, 1202, of Niagara County, N. Y., opposing proposed changes in the Supreme Court of the United States; to the Committee on the Judiciary.

574. Also, resolution unanimously adopted by the Sons of the Revolution of the State of New York, opposing President Roosevelt's plan for reorganization of the Supreme Court; to the Committee on the Judiciary.

575. Also, resolution adopted by the Jefferson County Bar Association of New York State, opposing President Roosevelt's proposed reorganization of the Supreme Court; to the Committee on the Judiciary.

576. Also, petition signed by residents of Buffalo, N. Y., protesting against the President's proposal for the Supreme Court; to the Committee on the Judiciary.

577. By Mr. BOYLAN of New York: Resolution adopted by the New York section of the Society of American Foresters, at its annual meeting held in Albany, N. Y., urging the early extension of the forest survey now being carried on by the United States Forest Service, etc.; to the Committee on Agriculture.

578. Also, resolution adopted by the board of estimate and apportionment of New York, N. Y., requesting that the construction of the two new battleships be awarded to the Brooklyn Navy Yard, Brooklyn, N. Y.; to the Committee on Naval Affairs.

579. By Mr. COFFEE of Washington: Petition of the Washington State Chapter of American Institute of Architects urging continuance of the Public Works Administration; to the Committee on Ways and Means.

580. By Mr. CLUETT: Petition of citizens of Hudson Falls, N. Y., protesting against reorganization of the judicial branch of the Federal Government; to the Committee on the Judiciary.

581. By Mr. CULKIN: Petition of G. G. Inglehart, Watertown, N. Y., and 89 citizens, opposing the President's proposal to increase the Supreme Court; to the Committee on the Judiciary.

582. Also, resolution of the Jefferson County Bar Association, Watertown, N. Y., opposing the proposal to increase the Justices of the Supreme Court; to the Committee on the Judiciary.

583. Also, petition of Rev. E. H. Conrad, Watertown, N. Y., and others, opposing any legislation restricting freedom of worship or of speech; to the Committee on the Judiciary.

584. Also, petition of Olive A. Kilpatrick, Lowville, N. Y., and others opposing increase of Supreme Court Justices; to the Committee on the Judiciary.

585. Also, petition of George Brobon and others of St. Regis Falls, N. Y., opposing any legislation restricting freedom of worship or of speech; to the Committee on the Judiciary.

586. Also, petition of Oswego County Bar Association, Oswego, N. Y., opposing legislation for additional judges to the Supreme Court; to the Committee on the Judiciary.

587. Also, petition of Clarenda Card, Watertown, N. Y., and others, opposing legislation against right of religion and freedom of speech; to the Committee on the Judiciary.

588. Also, petition of Rev. E. Stark Beebe, Oswego, N. Y., and members of his congregation opposing judicial legislation; to the Committee on the Judiciary.

589. By Mr. CULLEN: Petition of the board of estimate and apportionment of the city of New York, urging the Federal Government to construct the new battleships in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

590. By Mr. FITZPATRICK: Petition of the board of estimate and apportionment of the city of New York, requesting the President of the United States and the Secretary of the Navy to award the construction and equipment of the two new battleships authorized for construction during the year 1937 to the Brooklyn Navy Yard in order to furnish needed employment to the employees of the Brooklyn Navy Yard; to the Committee on Naval Affairs.

591. By Mr. HALLECK: Petition of 28 citizens of Indianapolis and other points in the State of Indiana, protesting against the proposal of the President for the reorganization of the judicial branch of the Government; to the Committee on the Judiciary.

592. By Mr. HART: Petition of the New Jersey Society Sons of the Revolution, expressing its disapproval of and opposition to any proposed change in the Supreme Court of the United States; to the Committee on the Judiciary.

593. Also, petition of the Master Plumbers' Association of Jersey City, N. J., stating that said organization objects to the Government being a competitor to private industry on construction work and asking that Works Progress Administration activities be terminated; to the Committee on Appropriations.

594. Also, petition of the Twelfth Ward Republican Club, Inc., of Jersey City, N. J., opposing the enlargement of the United States Supreme Court; to the Committee on the Judiciary.

595. By Mr. HILDEBRANDT: Petition relative to the Supreme Court; to the Committee on the Judiciary.

596. By Mrs. HONEYMAN: Senate Joint Memorial No. 6 of the Oregon State Legislature, in regard to expenditure of Federal funds in State departments of agriculture; to the Committee on Agriculture.

597. Also, Senate Joint Memorial No. 5 of the Oregon State Legislature, in regard to appropriation of funds for artificial propagation of salmon; to the Committee on Appropriations.

598. By Mr. LESINSKI: Resolution of the Detroit Federation of Post Office Clerks, petitioning the United States Congress, Seventy-fifth session, for the enactment of House bill 190, providing for the relief of substitute post-office employees; to the Committee on the Post Office and Post Roads.

599. Also, resolution of the Michigan State Legislature, memorializing the Congress of the United States to ratify the agreement between the United States and Canada with respect to deep-water connections between the Great Lakes and the Atlantic Ocean when said agreement is presented to the Congress by the President of the United States; to the Committee on Rivers and Harbors.

600. Also, resolution of International Union of Operating Engineers, Local No. 522, Detroit, opposing the Presidential proposed judicial reform; to the Committee on the Judiciary.

601. By Mr. MAHON of Texas: Memorial of the Haskell County (Tex.) Bar Association, transmitted by W. P. Ratliff, secretary, favoring the President's proposals concerning Federal judiciary; to the Committee on the Judiciary.

602. By Mr. MAPES: Petition of 146 residents of the Fifth District of Michigan, protesting the possibility of the passage of any legislation suppressing freedom of religious worship, free speech, and a free press; to the Committee on the Judiciary.

603. Also, petition of 80 residents of Grand Rapids, Mich., and vicinity, expressing their opposition to the President's plan to increase or change the personnel of the Supreme Court; to the Committee on the Judiciary.

604. By Mr. MARTIN of Massachusetts: Memorial of the General Court of Massachusetts, proposing an amendment to the Constitution relative to the determination and establishment of minimum wages for women and children; to the Committee on the Judiciary.

605. Also, memorial of the General Court of Massachusetts, opposing enactment of legislation giving the President authority to appoint additional judges to the Supreme Court; to the Committee on the Judiciary.

606. By Mr. MASON: Petition of the De Kalb County Bar Association, De Kalb County, Ill., asking Congress to vote against the proposal to increase the membership of the Supreme Court, and asking rather that Congress prepare an amendment to the Constitution to be presented to the people for their consideration and approval; to the Committee on the Judiciary.

607. By Mr. MILLARD: Resolution adopted by the citizens of Scarsdale, N. Y., opposing the President's proposal to increase the membership on the Supreme Court; to the Committee on the Judiciary.

608. Also, petition of the United Colored Republican Clubs of White Plains, N. Y., opposing the proposal to increase the membership on the Supreme Court; to the Committee on the Judiciary.

609. Also, resolution adopted by the Citizens' Independent Convention of Rye, N. Y., opposing the enactment of the proposal to increase the membership of the Supreme Court; to the Committee on the Judiciary.

610. Also, petition of the Washington Camp, No. 53, Patriotic Order Sons of America, at Mamaroneck, N. Y., opposing the enactment of the proposal to increase the membership of the Supreme Court; to the Committee on the Judiciary.

611. Also, resolution adopted by the citizens' committee of Bronxville, N. Y., opposing the proposal to increase the membership of the Supreme Court; to the Committee on the Judiciary.

612. By Mr. MOTT: Sixty-one petitions signed by citizens of the State of Oregon, urging that the Congress pass no law that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

613. Also, seven petitions signed by citizens of the State of Oregon, urging that the Congress pass no law that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

614. Also, eight petitions signed by citizens of the State of Oregon, urging that the Congress pass no law that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

615. Also, House Joint Memorial No. 8 of the Oregon House of Representatives, urging the establishment and maintenance of a national cemetery within the State of Oregon; to the Committee on the Public Lands.

616. Also, 28 petitions signed by citizens of the State of Oregon, urging that the Congress pass no law that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

617. Also, House Joint Memorial No. 10 of the Oregon House of Representatives, urging that sufficient funds be appropriated by the Congress and expended by the Navy and War Departments to provide more adequate national defenses for Oregon and the Columbia River area; to the Committee on Naval Affairs.

618. Also, 11 petitions signed by citizens of the State of Oregon, urging that Congress pass no law that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

619. Also, two petitions signed by citizens of Albany, Oreg., urging that Congress pass no law that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

620. By Mr. PFEIFER: Petition of the New York State Farm Bureau Federation, approving the Bankhead-Jones Act (S. 1052 and H. R. 3690); to the Committee on Agriculture.

621. Also, petition of the Senate of the State of New York, Albany, memoralizing the Congress to amend the War Risk Insurance Act; to the Committee on Ways and Means.

622. By Mr. RICH: Petition of members of the Daughters of the American Revolution, Women's Relief Corps of the Grand Army of the Republic, and the Legion Auxiliary, all of Westfield, Pa., protesting against the President's plan to reorganize the Judiciary; to the Committee on the Judiciary.

623. By Mr. SMITH of West Virginia: Resolution of the Bar Association of Logan County, W. Va., protesting against proposed legislation for reorganizing the United States Supreme Court; to the Committee on the Judiciary.

624. By Mr. THOMAS of New Jersey: Letter signed by Elizabeth R. Fisher and nine other members of the Everittstown Woman's Republican Club, Everittstown, N. J., strictly opposing President Roosevelt's plan to enlarge the Supreme Court; to the Committee on the Judiciary.

625. Also, resolution adopted by the Ramapo Valley Chapter, Daughters of the Revolution, of New Jersey, protesting against the proposed plan of President Roosevelt to reorganize the Supreme Court of the United States; to the Committee on the Judiciary.

626. Also, resolution adopted by Wyckoff Colony of the National Society of New England, Wyckoff, N. J., in opposition to any change in the set-up of the Supreme Court; to the Committee on the Judiciary.

627. Also, letter signed by Mrs. Dorothy L. Bray and 17 other citizens of Montvale, N. J., vigorously opposing the President's plan to "pack" the Supreme Court; to the Committee on the Judiciary.

628. By Mr. TREADWAY: Order of the General Court of Massachusetts, recording its opposition to legislation giving the President authorit,' to appoint additional judges to the Supreme Court; to the Committee on the Judiciary.

629. Also, resolutions adopted by the General Court of Massachusetts, memorializing Congress to propose an amendment to the United States Constitution relative to the determination and establishment of minimum wages for women and children; to the Committee on the Judiciary.

630. By Mr. WIGGLESWORTH: Petition of the General Court of Massachusetts, relative to opposing enactment by Congress of any legislation giving the President authority to appoint additional Judges to the Supreme Court; to the Committee on the Judiciary.

631. Also, petition of the General Court of Massachusetts, memorializing Congress to propose an amendment to the United States Constitution relative to the determination and establishment of minimum wages for women and children; to the Committee on Labor.

632. By the SPEAKER: Petition of Homer Spillman and others, favoring the freedom of right of religion and of freedom of speech and of the press; to the Committee on the Judiciary.

633. Also, petition of master painters and decorators, soliciting consideration of their resolutions; to the Committee on Ways and Means.

634. Also, petition of the Democratic League of the District of Columbia, favoring the judicial reform which our President, Franklin D. Roosevelt, recently presented to the Congress, and the bill for restricted immigration; to the Committee on the Judiciary.

635. Also, petition of Julian M. Thomas, concerning the American Legion Building, Paris, Inc.; to the Committee on Military Affairs.

636. Also, petition of Michael O'Dea, concerning civil action no. 197353, in the Superior Court; to the Committee on the Judiciary.

SENATE

TUESDAY, MARCH 2, 1937

(Legislative day of Wednesday, Feb. 24, 1937)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, March 1, 1937, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 62. An act to extend the times for commencing and completing the construction of a free highway bridge across the Missouri River at or near Atchison, Kans.;

S. 206. An act to provide a preliminary examination and survey of the Snake River and tributaries in the States of Idaho, Washington, and Oregon, with a view to control of flood waters;

S. 1128. An act authorizing the Secretary of the Navy to accept gifts and bequests for the benefit of the Office of Naval Records and Library, Navy Department; and

S. 1130. An act to authorize the acceptance of certain lands in the city of San Diego, Calif., by the United States, and the transfer by the Secretary of the Navy of certain other lands to said city of San Diego.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 26. An act to amend section 23 of the Immigration Act of February 5, 1917 (39 Stat. 874), as amended (U. S. C., title 8, sec. 102);

H. R. 61. An act authorizing a preliminary examination and survey of the Fourche La Fave River, in Perry, Yell, and Scott Counties, Ark., with a view to the control of its floods;

H. R. 2682. An act to authorize a preliminary examination and survey of the Battenkill, in New York, with a view of the control of its floods;

H. R. 2683. An act to authorize a preliminary examination and survey of the Mettawee River, in New York, with a view to the control of its floods;

H. R. 3305. An act to authorize a preliminary examination and survey of the Ventura River, in Ventura County, State of California, with a view to the control of its floods;

H. R. 3306. An act to authorize a preliminary examination and survey of Santa Maria River with a view to the control of its floods;

H. R. 3619. An act authorizing a preliminary examination and survey of Lavaca River, Tex., with a view to the control of its floods;

H. R. 3620. An act authorizing a preliminary examination and survey of Mill Creek, a tributary of the Brazos River, in Austin County, Tex., with a view to the control of its floods;

H. R. 3621. An act authorizing a preliminary examination and survey of Navidad River, Tex., with a view to the control of its floods;

H. R. 4276. An act to amend an act entitled "An act to create a juvenile court in and for the District of Columbia", and for other purposes;

H. R. 4286. An act to provide special rates of postage on matter for the blind; and

H. J. Res. 43. Joint resolution to amend Public Law No. 780, Seventy-fourth Congress, to authorize the acquisition of lands in the city of Alameda, county of Alameda, State of California, as a site for a naval air station and to authorize the construction and installation of a naval air station thereon, for the purpose of making a correction therein.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	Lee	Pittman
Andrews	Davis	Lodge	Pope
Ashurst	Dieterich	Logan	Radcliffe
Austin	Duffy	Lonergan	Robinson
Bachman	Ellender	Lundeen	Russell
Bailey	Frazier	McAdoo	Schwartz
Barkley	George	McCarran	Schwellenbach
Black	Gerry	McGill	Sheppard
Bone	Gillette	McKellar	Smith
Borah	Green	McNary	Steiwer
Brown, Mich.	Hale	Maloney	Thomas, Okla.
Brown, N. H.	Harrison	Minton	Thomas, Utah
Bulow	Hatch	Moore	Townsend
Burke	Hayden	Murray	Tydings
Byrd	Herring	Neely	Vandenberg
Byrnes	Hitchcock	Norris	Van Nuys
Capper	Johnson, Calif.	Nye	Wagner
Caraway	Johnson, Colo.	O'Mahoney	Walsh
Chavez	King	Overton	Wheeler
Clark	La Follette	Pepper	White

Mr. MINTON. I announce that the junior Senator from Ohio [Mr. DONAHEY] and the junior Senator from West Virginia [Mr. HOLT] are absent because of illness, and that the senior Senator from Ohio [Mr. BULKLEY] is detained because of a severe cold.

I further announce that the Senator from Texas [Mr. CONNALLY], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Delaware [Mr. HUGHES], the Senator from Illinois [Mr. LEWIS], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from Missouri [Mr. TRUMAN] are necessarily detained from the Senate.

The Senator from Mississippi [Mr. BILBO] is absent attending the funeral of the late Representative Stubbs, of California.

I ask that this announcement may stand for the day.

Mr. AUSTIN. I again announce that the senior Senator from Minnesota [Mr. SHIPSTEAD] is absent because of illness.

Mr. McNARY. I announce that the Senator from New Hampshire [Mr. BRIDGES] is unavoidably absent from the Senate because of important official business.

Mr. BYRD. I announce that my colleague the senior Senator from Virginia [Mr. GLASS] is detained from the Senate because of illness.

The VICE PRESIDENT. Eighty Senators have answered to their names. A quorum is present.

NATIONAL INDUSTRIAL RECOVERY ADMINISTRATION (H. DOC. NO. 158)

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Finance, as follows:

To the Congress of the United States:

I transmit herewith a report on the operation of the National Industrial Recovery Administration, which has been prepared by those members of the Committee on Industrial Analysis who have no official relationship to the Government. They are Prof. J. M. Clark, of Columbia University, an economist; Mr. William H. Davis, of New York City, a lawyer; Mr. George M. Harrison, of Cincinnati, Ohio, president of the Brotherhood of Railway Clerks and also chairman of the Railway Labor Executives Association; and Mr. George H. Mead, of Dayton, Ohio, a manufacturer and former chairman, Business Advisory Council.

This report is based on an exhaustive study of the work of the National Recovery Administration, which has been in progress ever since June 1935, and which has been carried on since March 1936 under the direction of the Committee on Industrial Analysis, which I created by Executive order, which consisted of the four nongovernmental members who make this report and the Secretaries of Agriculture, Commerce, and Labor. The staff work for this Committee has been performed by the Division of Industrial Economics in the Department of Commerce.

This report presents the first adequate survey by an impartial group of the entire work of the National Recovery Administration, reviewing the objectives, the successes and failures of attainment, the administration, and the legal problems of the National Recovery Administration. The exhaustive collection of code histories, statistical information, and staff studies, which provided the basis for this report, are now available for further research by students interested in the many phases of the relationships between government and industry.

The report of the Committee should furnish invaluable aid to the Congress in the consideration and determination of vital legislative problems. This report, with its admirable, well-balanced weighing of controversial issues and its impartial review of complicated factual situations, provides a dispassionate consideration of a host of problems as to which emotion, self-interest, and prejudice have too frequently obscured the truth. It is worthy of the most serious consideration by the Congress and should be made available for widespread study and discussion. In my opinion, it will point the way to the solution of many vexing problems of legislation and administration in one of the most vital subjects of national concern.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *March 2, 1937.*

ALLOTMENT OF PAY BY CIVILIAN PERSONNEL ABROAD

The VICE PRESIDENT laid before the Senate a message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, as follows:

To the Congress of the United States:

There is transmitted herewith a report of the Secretary of State and a proposed draft of legislation designed to authorize the assignment and allotment of pay of civilian officers and employees while performing duty outside the continental limits of the United States.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *March 2, 1937.*

[Enclosures: Report of the Secretary of State; proposed draft of legislation.]

AGRICULTURAL INCOME—PRINCIPAL FARM PRODUCTS

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, a report (in three volumes) with respect to agricultural income—principal farm products, and stating that supplementary reports would be submitted later, which, with the accompanying documents, was referred to the Committee on Agriculture and Forestry.

COURT ORDERS RESTRAINING ENFORCEMENT OF LAWS

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the Railroad Retirement Board (S. Doc. No. 26), and a letter from the Administrator of the Works Progress Administration (with an accompanying statement) (S. Doc. No. 25), submitting the information requested by Senate Resolution 82 (agreed to on the 17th ultimo), calling for certain information concerning injunctions or judgments issued or rendered by Federal courts since March 4, 1933, in cases involving acts of Congress, which, with the accompanying statement transmitted by the Administrator of the Works Progress Administration, were referred to the Committee on the Judiciary and ordered to be printed.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a concurrent resolution of the Legislature of the State of Kansas, protesting against the ratification of the so-called Argentine Sanitary Convention relative to importations of meats and livestock, which was referred to the Committee on Foreign Relations.

(See concurrent resolution printed in full when presented by Mr. CAPPER on the 1st instant, p. 1665, CONGRESSIONAL RECORD.)

Mr. CAPPER presented a resolution adopted by Division No. 192, Order of Benefit Association of Railway Employees, of Horton, Kans., favoring the enactment of legislation to repeal the so-called long-and-short-haul clause in section 4 of the Interstate Commerce Act, which was referred to the Committee on Interstate Commerce.

Mr. JOHNSON of California. Mr. President, a petition has been forwarded to me by citizens of northern California aggregating 15,000 in number, dealing with the pending Court measure. I forgot to bring it with me, but I ask leave to present it and have it referred to the Committee on the Judiciary.

The VICE PRESIDENT. Without objection, the petition will be received when presented and referred as requested by the Senator from California.

Mr. FRAZIER. Mr. President, I present for printing in the RECORD and appropriate reference a resolution adopted by the House of Representatives of the North Dakota Legislature favoring guaranty to the farmer of cost of production.

The resolution was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Whereas the farmers of North Dakota, individually and collectively, have taken an active part in demanding that the Congress of the United States guarantee to agriculture "cost of production plus a reasonable profit"; and

Whereas it is our honest conviction that no industry, business, or enterprise can long exist unless assured "cost of production plus a reasonable profit"; and

Whereas we have, by the passage of house bill no. 209, assured the business interests of our State "cost of production plus a reasonable profit" and have thereby furnished concrete evidence of our sincerity and abiding faith in the proposal: Therefore be it

Resolved by the House of Representatives of the State of North Dakota, That we hereby renew our oft-repeated appeal to the Congress of the United States to enact legislation which will guarantee to the farmers of America a price for their products which will assure "cost of production plus a reasonable profit" to the end that agriculture may be placed on parity basis with other industries; be it further

Resolved, That a copy of this resolution be mailed to all Members in Congress from North Dakota, and we ask that they submit the same to both Houses of Congress for attention and action.

Mr. WAGNER presented a resolution adopted by the Fifty-sixth Annual Convention of the American Federation of Labor, which was referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

Whereas previous conventions of the American Federation of Labor have recorded themselves as favoring the payment of prevailing rate of wages to all employees; and

Whereas the Congress of the United States in enacting the National Industrial Recovery Act on June 16, 1933, established the Federal Emergency Administration of Public Works, and provided for the payment of the prevailing rate of wages to be paid to all employees; and

Whereas pursuant to this act of Congress the Administrator of Public Works, the Honorable Harold L. Ickes, issued regulations providing that the payment of the prevailing rate of wages for services rendered be made to professional and semiprofessional employees, and defined such terms to include technical engineers, architects, and draftsmen; and

Whereas after the date of promulgation and taking effect of such regulations, including engineering employees, the Government of the United States and the city of New York, acting through their respective agents, the Federal Emergency Administration of Public Works and the board of estimate and apportionment of New York City, entered into a loan and grant agreement whereby the Federal Government loans the city of New York 70 percent, and makes an outright grant of 30 percent of a total of approximately $25,000,000 for the completion of portions of the city-owned independent subway system, known as P. W. A. project N. Y. 2741, a self-supporting project; and

Whereas the city of New York employs their technical engineers, architects, and draftsmen on this project and pays their salaries out of funds provided by the P. W. A. Administration pursuant to the loan and grant agreement N. Y. 2741, dated May 17, 1934, and amended in 1935 to provide moneys with which to legalize payments of salaries of the technical staff; and

Whereas the city of New York fails to pay the prevailing rate of wages, and fails to pay the minimum equivalent rate of $1.20 an hour; and actually on this project reduced the salaries of their engineering employees in amounts equivalent to reductions of 20 to 40 percent, so that at present these salaries are now below the equivalent hourly and accumulating yearly salaries paid to technical men on Works Progress Administration relief projects: Therefore be it

Resolved, That this convention of the American Federation of Labor record itself as unalterably opposed to the use of Federal funds for payment of wages of employees as improper where such payments do not conform to the laws of Congress and the regula-

tions issued pursuant thereto governing the use of Federal funds; and be it further

Resolved, That this convention of the American Federation of Labor urge the President of the United States and the Administrator of the Public Works Administration to direct full enforcement of the regulations regarding wages of engineering employees; and be it further

Resolved, That copies of this resolution be sent to President Roosevelt; Administrator Ickes; Senators WAGNER and COPELAND, of New York; and Mayor LaGuardia and Comptroller Taylor, of New York City, with the request that they cooperate in seeing that the engineering employees on P. W. A. project N. Y. 2741 receive the prevailing rate of wages for services rendered and to be rendered in accordance with the mandates of Congress, and as more fully detailed in claim previously filed with the Public Works Administration.

REPORTS OF COMMITTEES

Mr. SMITH, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 1500) authorizing the Secretary of Agriculture to provide for the classification of cotton, to furnish information on market supply, demand, location, condition, and market prices for cotton, and for other purposes, reported it with an amendment and submitted a report (No. 143) thereon.

Mr. THOMAS of Utah, from the Committee on Military Affairs, to which was referred the bill (S. 869) for the relief of John A. Flagg, reported it with an amendment and submitted a report (No. 144) thereon.

Mr. WALSH, from the Committee on Naval Affairs, to which was referred the bill (S. 1115) to amend section 22 of the act approved March 4, 1925, entitled "An act providing for sundry matters affecting the naval service, and for other purposes", reported it without amendment and submitted a report (No. 145) thereon.

REGULATION OF TRAFFIC IN FOOD, DRUGS, AND COSMETICS—RECOMMITTAL OF REPORT

Mr. COPELAND. Mr. President, I ask unanimous consent that Senate Report Numbered 91, accompanying the bill (S. 5) to prevent the adulteration, misbranding, and false advertisement of food, drugs, devices, and cosmetics in interstate, foreign, and other commerce subject to the jurisdiction of the United States, for the purposes of safeguarding the public health, preventing deceit upon the purchasing public, and for other purposes (Calendar No. 89), be returned or recommitted to the Committee on Commerce. My request deals with the report, not with the bill itself.

The VICE PRESIDENT. Without objection, it is so ordered.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. VANDENBERG:

A bill (S. 1738) for the relief of Maurice Clifford; to the Committee on Naval Affairs.

By Mr. TYDINGS:

A bill (S. 1739) for the relief of T. Worthington Hollyday; to the Committee on Military Affairs.

Mr. DUFFY. Mr. President, I ask consent to introduce two bills, one of which will be of particular interest to some 3,000,000 philatelists of the country. I make the request at this time because I expect to leave the city very shortly.

The VICE PRESIDENT. Without objection, the bills of the Senator from Wisconsin will be received and appropriately referred.

By Mr. DUFFY:

A bill (S. 1740) to amend the Social Security Act by exempting from its provisions those pin boys in bowling alleys who are casually employed; to the Committee on Finance.

A bill (S. 1741) to amend existing law to permit the printing and publishing of illustrations of United States postage and revenue stamps for philatelic purposes; to the Committee on Post Offices and Post Roads.

By Mr. SHEPPARD:

A bill (S. 1742) for the conservation of rainfall in the United States; to the Committee on Agriculture and Forestry.

A bill (S. 1743) to provide for hurricane patrol in the Gulf of Mexico and environs during the hurricane season; to the Committee on Commerce.

A bill (S. 1744) to provide more adequate protection to workmen and laborers on projects, buildings, constructions, and improvements, wherever situated, belonging to the United States of America; to the Committee on Education and Labor.

A bill (S. 1745) to create a Federal Board of Foreign Trade and Commercial Policy; to the Committee on Foreign Relations.

A bill (S. 1746) to amend the World War Adjusted Compensation Act (with an accompanying paper); to the Committee on Finance.

By Mr. WHEELER:

A bill (S. 1747) for the relief of Arthur Graham; to the Committee on Claims.

A bill (S. 1748) granting a pension to certain Indians, and for other purposes; and

A bill (S. 1749) granting a pension to certain Indians on the Fort Belknap Indian Reservation; to the Committee on Pensions.

By Mr. WALSH:

A bill (S. 1750) for the relief of the Franco-American Construction Co.; to the Committee on Claims.

A bill (S. 1751) to provide for the removal of civil or criminal prosecutions from a State court to the United States district court in certain cases; to the Committee on Naval Affairs.

By Mr. CLARK:

A bill (S. 1752) for the relief of Hugo S. Elsenrath; and

A bill (S. 1753) for the relief of James A. Fox; to the Committee on Claims.

A bill (S. 1754) granting a pension to Mabel Forrer; to the Committee on Pensions.

By Mr. McNARY, Mr. STEIWER, and Mr. POPE:

A bill (S. 1755) to provide for the further improvement of the Columbia and Snake Rivers in Oregon and Idaho; to the Committee on Commerce.

By Mr. STEIWER:

A bill (S. 1756) granting a pension to Procine M. Johnson (with accompanying papers); to the Committee on Pensions.

By Mr. O'MAHONEY and Mr. ADAMS:

A bill (S. 1757) to regulate commerce among the several States, with the Territories and possessions of the United States, and with foreign countries; to protect the welfare of consumers of sugars and of those engaged in the domestic sugar-producing industry; to promote the export trade of the United States; to raise revenue; and for other purposes; to the Committee on Finance.

By Mr. BYRD:

A joint resolution (S. J. Res. 93) to establish the James Madison Memorial Commission to formulate plans for the construction of a permanent memorial to the memory of James Madison; to the Committee on the Library.

By Mr. SHEPPARD:

A joint resolution (S. J. Res. 94) to create a commission to study and report on the feasibility of establishing a national monument, or monuments, in the territory occupied by the Spanish colonial missions and other buildings, in the States of Texas, New Mexico, Arizona, California, Florida, and Louisiana; to the Committee on Public Lands and Surveys.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following House bills and joint resolution were severally read twice by their titles and referred as indicated below:

H. R. 26. An act to amend section 23 of the Immigration Act of February 5, 1917 (39 Stat. 874), as amended (U. S. C., title 8, sec. 102); to the Committee on Immigration.

H. R. 61. An act authorizing a preliminary examination and survey of the Fourche La Fave River, in Perry, Yell, and Scott Counties, Ark., with a view to the control of its floods;

H. R. 2682. An act to authorize a preliminary examination and survey of the Battenkill, in New York, with a view to the control of its floods;

H. R. 2683. An act to authorize a preliminary examination and survey of the Mettawee River, in New York, with a view to the control of its floods;

H. R. 3305. An act to authorize a preliminary examination and survey of the Ventura River, in Ventura County, State of California, with a view to the control of its floods;

H. R. 3306. An act to authorize a preliminary examination and survey of Santa Maria River with a view to the control of its floods;

H. R. 3619. An act authorizing a preliminary examination and survey of Lavaca River, Tex., with a view to the control of its floods;

H. R. 3620. An act authorizing a preliminary examination and survey of Mill Creek, a tributary of the Brazos River, in Austin County, Tex., with a view to the control of its floods; and

H. R. 3621. An act authorizing a preliminary examination and survey of Navidad River, Tex., with a view to the control of its floods; to the Committee on Commerce.

H. R. 4276. An act to amend an act entitled "An act to create a juvenile court in and for the District of Columbia", and for other purposes; to the Committee on the District of Columbia.

H. R. 4286. An act to provide special rates of postage on matter for the blind; to the Committee on Post Offices and Post Roads.

H. J. Res. 43. Joint resolution to amend Public Law No. 780, Seventy-fourth Congress, to authorize the acquisition of lands in the city of Alameda, county of Alameda, State of California, as a site for a naval air station and to authorize the construction and installation of a naval air station thereon, for the purpose of making a correction therein; to the Committee on Naval Affairs.

CHANGES OF REFERENCE

On motion by Mr. ASHURST, the Committee on the Judiciary was discharged from the further consideration of the following bills, and they were severally referred to the Committee on Claims:

S. 684. A bill for the relief of the city of New York;

S. 973. A bill for the relief of the city of Baltimore; and

S. 1291. A bill for the relief of the State of Connecticut.

REGULATION OF COMMERCE BY AIRCRAFT—AMENDMENTS

Mr. McCARRAN submitted sundry amendments intended to be proposed by him to the bill (S. 2) to amend the Interstate Commerce Act, as amended, by providing for the regulation of the transportation of passengers and property by aircraft in interstate commerce, and for other purposes, which were referred to the Committee on Interstate Commerce and ordered to be printed.

AMERICAN NEUTRALITY—AMENDMENT

Mr. BONE submitted an amendment intended to be proposed by him to the joint resolution (S. J. Res. 51) to amend the joint resolution entitled "Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war", approved August 31, 1935, being Public Resolution No. 67, Seventy-fourth Congress (S. J. Res. 173), as amended by joint resolution approved February 29, 1936, entitled "Joint resolution extending and amending the joint resolution (Public Res. No. 67, 74th Cong.), approved August 31, 1935", which was ordered to lie on the table and to be printed.

SMALL MANUFACTURING INDUSTRIES

Mr. SHEPPARD submitted the following resolution (S. Res. 89), which was referred to the Committee on Manufactures:

Resolved, That the Committee on Manufactures be, and it is hereby, requested to report to the Senate as to the advisability of requiring the Secretary of Commerce to investigate and determine, for the information of individuals or organizations asking such information, as to the smallest capital, labor, and machine units with which, and the smallest distribution and population areas in which, articles of common use, to be specified by the parties seeking to be informed, may be profitably manufactured for sale, and to embody the result in replies to said parties and in bulletins for general circulation.

SEC. 2. That the Committee on Manufactures be, and it is hereby, requested to report to the Senate as to the advisability of requiring the Secretary of Agriculture to investigate and determine as to the extent to which small factories may be operated in connection with farms of average size on the farm itself, in farm communities, in villages, or elsewhere, and to embody the result in bulletins for general circulation.

TREATY PROVISIONS CONCERNING RIGHTS AND DUTIES OF NEUTRALS (S. DOC. NO. 24)

Mr. NYE. Mr. President, directly in keeping with the issue as to proposed neutrality legislation pending before the Senate at this time, I am about to make a request for unanimous consent. Under the editorship of Prof. Francis Deak and Prof. Philip C. Jessup there has been undertaken, and now completed, an extended study of treaty provisions which define rights and duties of neutrals. The study deals with all treaties from 1778 to 1914. The study is one which I consider most valuable, and I ask unanimous consent that it be printed as a public document.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

REORGANIZATION OF THE FEDERAL JUDICIARY—ADDRESS BY SENATOR COPELAND

[Mr. ADAMS asked and obtained leave to have printed in the RECORD a radio address on the proposed reorganization of the Federal judiciary delivered by Senator COPELAND on Feb. 28, 1937, which appears in the Appendix.]

CROP INSURANCE—ADDRESS BY SENATOR POPE

[Mr. McGILL asked and obtained leave to have printed in the RECORD a radio address on the subject of Crop Insurance, delivered by Senator POPE Mar. 1, 1937, which appears in the Appendix.]

AMERICANISM IN ACTION—ADDRESS BY SENATOR LEE

[Mr. THOMAS of Oklahoma asked and obtained leave to have printed in the RECORD a radio address on the subject of Americanism in Action, delivered by Senator LEE on Feb. 15, 1937, which appears in the Appendix.]

RETIREMENT PRIVILEGE FOR SUPREME COURT JUSTICES

[Mr. BORAH asked and obtained leave to have printed in the RECORD a letter published in the New York Herald Tribune of Mar. 2, entitled "Can Supreme Court Justices Be Demoted", which appears in the Appendix.]

LINCOLN'S BIRTHDAY ADDRESS BY HUGH GORDON MILLER

[Mr. WAGNER asked and obtained leave to have printed in the RECORD an address on Abraham Lincoln and Robert E. Lee, delivered by Hugh Gordon Miller before the Grover Cleveland Democratic Club, New York City, Feb. 11, 1937, which appears in the Appendix.]

REORGANIZATION OF FEDERAL JUDICIARY—EDITORIAL FROM NEW YORK TIMES

[Mr. TYDINGS asked and obtained leave to have printed in the RECORD an editorial published in the New York Times of Mar. 1, 1937, dealing with the reorganization of the Federal judiciary, which appears in the Appendix.]

BUREAU OF AIR COMMERCE—J. CARROLL CONE

Mr. LOGAN. Mr. President——

The VICE PRESIDENT. The Senator from Kentucky [Mr. LOGAN] gave notice yesterday that, if agreeable to the Senate, he would like to address the Senate upon the subject of reorganization of the judicial branch. The Chair recognizes the Senator from Kentucky.

Mr. ROBINSON. Mr. President, will the Senator from Kentucky yield for a brief statement?

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Arkansas?

Mr. LOGAN. I yield.

Mr. ROBINSON. Mr. President, in some newspapers, notably including the Washington Herald, there appears an erroneous press statement which, in justice to the officer referred to, should be corrected. The statement is to the effect that Col. J. Carroll Cone, Assistant Director of the Bureau of Aeronautics in the Department of Commerce, is being transferred to Europe because of criticisms of his official action made by the Senator from New York [Mr. COPELAND], or the committee which he represents, namely, the Commerce Committee. There is no foundation in fact whatever for that statement. The Senator from New York never said and never wrote anything of the kind, and the Commerce Committee never reported or made any such finding.

I would not mention this matter at this time if it were not for the fact that a manifest injustice has been done both the Department and Colonel Cone. Colonel Cone, may I say, is one of the best informed authorities on the subject of aviation to be found in our country. He won distinction during the World War when, in common with many other aviators, he took the chances of injury and death along far-stretched battle fronts. In all his record as a soldier in the air there is not one letter or one word which reflects on either his courage, his integrity, or his loyalty. He is, moreover, well known to everyone connected with the aviation service in the United States. He enjoys the confidence, the respect, and the admiration of his associates in the Government service. His record is one of courage, efficiency, and loyalty.

This statement is made in order that justice may be done a deserving and upright officer.

Let me add further that for some time it has been in contemplation by the Secretary of Commerce and others connected with the aviation service in that Department to dispatch to Europe a capable and well-trained officer for the purpose of making a study of conditions as they affect commercial aviation in the various countries of the Old World. Colonel Cone asked for that assignment; it has been granted him; he regards it as in the nature of a promotion; and he is going to his new duty with the confidence not only of his associates in the Government but of every one connected with aviation in the United States.

Mr. COPELAND. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from New York?

Mr. LOGAN. I yield to the Senator from New York.

Mr. COPELAND. Mr. President, I am glad the Senator from Arkansas [Mr. ROBINSON] has made this happy allusion to Colonel Cone. I wish to say that our Committee on Aviation has made an extensive and painstaking search into the causes of air disasters. We have studied the possibility of a better organization of the Government to deal with aviation. During our hearings and research we had occasion to canvass the record and capabilities of every man in the Department of Commerce having any connection whatever with the subject.

I wish to quote from the report of our committee, a report made here on the 20th of June 1936, and found at page 10359 of the CONGRESSIONAL RECORD. We were speaking of various officials of the Department of Commerce. Coming to Colonel Cone, one of the assistant directors of the Air Bureau, the committee said this:

> Concerning Colonel Cone, we have no recommendation to make. He came through the ordeal without criticism.

I wish to endorse and underwrite everything said by the Senator from Arkansas about Colonel Cone. I regard Colonel Cone as a great aviator and as a great administrator. In his direction of regulations of the Department of Commerce, relating to safety in the air, in a very important position, Colonel Cone has rendered distinguished service. I should consider it a real calamity if anything happened that might be regarded as anything else than a promotion of this able official. He deserves promotion. He deserves the confidence of Congress. He deserves the confidence of the country.

I am happy to endorse everything said by the Senator from Arkansas with reference to Colonel Cone. I wish I might be able to say as much about some others in the Department of Commerce. I cannot do so. However, in Colonel Cone's case I can say in all truth that he is an able, capable, loyal, and devoted servant of the United States Government.

ORDER OF BUSINESS

Mr. PITTMAN. Mr. President——

The VICE PRESIDENT. Does the Senator from Kentucky yield to the Senator from Nevada?

Mr. LOGAN. I yield.

Mr. PITTMAN. I shall not delay the Senator from Kentucky, because he gave notice that he would speak this morning. I wish to remind Senators, however, that there is still pending before the Senate, as the unfinished business, Senate Joint Resolution 51, dealing with the renewal or extension of the existing Embargo Act, which, under its own terms, expires May 6. The joint resolution proposes certain additions to existing law. I have no intention of attempting to interfere with the Senator from Kentucky, because he is pursuing an ordinary custom of this body, but I hope that after he has concluded his speech Senators will allow us to continue consideration of the pending joint resolution.

The Senator from Kentucky is acting entirely in accord with a custom of this body, a custom which I wish did not exist. I have taken advantage of the custom very often, but thoughtlessly. There is no rule of this body which requires a Senator to address himself to the measure pending before the Senate at the time, and therefore the Senator from Kentucky is entirely within his rights. It would seem, however, that it is left to each Senator to determine the propriety of addressing himself to some question that is not before the Senate.

I hope that after the Senator has concluded his speech those who have the desire to answer him, as there probably will be some, will defer their answers until after the Senate has an opportunity to act on the unfinished business. There is an emergency for action on the joint resolution. There are some other matters which possibly will not come before the Senate for some time. The result is that there will be plenty of opportunity in the Senate to discuss anything desired when there is no urgent or pressing business pending before it.

I simply say this because I hope the Senator's speech, which I know will be able, as his speeches always are able and informative, will not cause a general debate on the subject, which, of course, if persisted in could last until the 1st of May, the time of the expiration of the existing Neutrality Act.

REORGANIZATION OF FEDERAL JUDICIARY

Mr. LOGAN. Mr. President, I feel that I should apologize to the Senate for interrupting the debate on the neutrality joint resolution now pending before the Senate to speak on a different subject. However, let me assure the Senator from Nevada [Mr. PITTMAN] that if he had even suggested to me yesterday that he preferred that I should not take the time this morning to discuss another subject, I would have yielded very gladly. A postponement of my remarks would make no particular difference to me.

I favor the neutrality measure, although the Senator from Idaho [Mr. BORAH] yesterday expressed exactly my views about neutrality. I shall vote for the joint resolution and shall gladly do so. I may assure the Senator from Nevada, therefore, that there is no intention on my part to delay unduly the consideration of the joint resolution.

Mr. LOGAN. Mr. President, when any measure is submitted to the Congress affecting the welfare of the people there should be a fair and just approach to the question with the sole object in view of reaching a conclusion whether the measure is within the constitutional power of Congress to enact it, and whether if enacted it will accomplish that which will result in the greatest good to the greatest number.

That the proposed reform of the judiciary is fraught with far-reaching consequences if it should be written into the laws of the Nation must be conceded. I have refrained from making any statement as to my position, or as to how I would vote, until I could give the questions involved that careful consideration which they deserve. It has been necessary to review not only the history of this Nation as it relates to the judiciary but the history of other nations. This I have done to the best of my ability, and such thoughts

as I may utter now have been matured in no hasty manner.

In common with nearly all of the legal profession I have the highest respect for all courts. I believe they are most honorable and conscientious in their efforts to construe the laws of the country and to decide cases where individual rights are involved. I do not call in question the good faith, or the integrity, of any member of the Court. The message of the President recommending the reformation of the judiciary came as a surprise to me, and my natural inclination, at the time, was to disagree with his recommendations, and most assuredly I should have done so if I had been compelled to act without making the necessary investigation.

I approach the matter now conscious of only one desire, and that is to cast a vote, if the time comes when such opportunity is afforded me, on the side that I believe to be right. I shall not try to satisfy the party to which I belong, the administration now in power in Washington, my constituents, or my friends. I shall try, before God and my own conscience, to satisfy myself. Believing that I can do this, I have given more than usual attention to the question. Like a lapidary, I have attempted to hold it up and get the reflected light from every angle. I have weighed one conclusion against another to find out on which side the best interest of the people lies. All of us who make up the membership of the Congress have thrust upon us a great responsibility, and we are not helped much one way or the other by public clamor.

There come to my desk many times during the day letters and telegrams. Some of them shock and surprise me. They show, on their face, that the senders are controlled by malice and hatred. It is strange when questions of great solemnity are to be decided that the malicious take advantage of their opportunity to pour out their wrath upon someone. A large group of the citizens who have communicated with me have taken occasion to bitterly attack the President of the United States. Their malice is not concealed. They hate him, and they characterize his message as "unheard of", "outrageous", "dictatorial", "liberty destroying", and by other more severe epithets. He is referred to as a traitor to his country, as one who is false to his oath of office, as one who is desirous of destroying the Republic. I have been made to wonder if it has always been true that the man who sought to serve the poor and look after the welfare of the helpless and extend the pleasures of life to the many as against the few has always been traduced and maligned. The unreasoning hate and the outspoken malice convince me that those who hate the President—and there are many—are using this measure as an opportunity to destroy him and the cause for which he stands. Yet as honestly as I know how I have sought, in my own mind, not to be influenced by such communications, although they are not calculated to enable one to approach such an important matter calmly and judiciously.

There is another group who communicate with me, and they do not approve the measure; but, in courteous and dignified terms they give their reasons why they do not look with favor upon it. They are helpful. They are entitled to have their suggestions considered in the light of reason. They are the men and women who keep their heads; and it is largely to them, and others like them, that my remarks are addressed. To the Pharisees of the first class that I have mentioned I have nothing to say other than that I hold them in contempt. To the second group I express my appreciation for their help.

There is a larger group, some requesting me to support the President's program, and others protesting against my doing so. Most of their messages have been inspired by others. There are those who have earnestly urged upon me, with much reason, that I should support the program. They have been helpful, and their suggestions have been helpful.

As for the larger group who appear to know nothing about the questions involved, whether they be for or against the program, their communications have little effect other than to clog the mails, and to make more difficult intelligent investigation of the affairs which need my constant attention. I know, of course, as I have the direct information from many sources, that those who oppose the plan have perfected an organization which seemingly reaches from one end of the country to another. They are active in inducing those whom they can influence to send telegrams, write letters, or sign petitions. We who have been Members of the Congress for some time too well understand these methods to be influenced by them.

I may say that that sentence was written before the statement of the Senator from Arkansas [Mr. ROBINSON] was made yesterday about propaganda.

It appears to me that the members of the legal profession are very greatly disturbed. That is easily understood. Their training leads them in that direction. They have been taught to respect courts. But I desire here to make the statement that many of my friends in the profession who write me show such a total lack of knowledge of the history of the Supreme Court that I would advise them immediately to procure some good history of that court and read it with care and discrimination. If they will do so, they will find they are mistaken when they say that the President is violating his oath to support the Constitution. No constitutional question is involved. If they will read what other Presidents have said—for instance, Jefferson, Madison, Jackson, John Quincy Adams, Martin Van Buren, James Buchanan, Abraham Lincoln, to come no further toward the present—they will find that Mr. Roosevelt has dealt more gently with the Supreme Court than any President mentioned. Not one word has he said that could be construed as a reflection upon the integrity of the Court. That is quite different from what Jefferson said about Marshall as to the "twistification of the law", or when he felt that it was a time for congratulation when "old Cushing died", or when Jackson said:

> Marshall has written his opinion; now let him enforce it.

There is no need to multiply the language which had been used about the Supreme Court by Presidents when they disagreed with the opinions of the Court. If one desires to look for criticism of individual members of the Court, let him read the dissenting opinions of other members down through the ages. See what the beloved Holmes said about his brethren, or what Taney said, or Story, or Harlan, or I might include others who are still members of that august body. I disagree with every statement that has been made calling in question the integrity or good faith of the Supreme Court. I also disagree with the soundness of many of the opinions which have been written by it.

There are certain questions which must be answered by myself to myself before I can support the proposed legislation. The first question that I ask myself is whether the recommendation as to the Supreme Court is necessary. Is it true that we need additional members of the Supreme Court, or that some of those who are members of that Court ought to resign or retire? The necessity for the proposed legislation must be determined by the best evidence that can be secured. Such evidence must be educed from known facts, and should not be manufactured out of the mind alone.

It is suggested that six of the Justices of the Supreme Court have passed the age of 70. Does age alone disqualify them from rendering faithful service as members of the Court? Is there any reasonable basis for believing that any or all of these Justices should retire for the common good? When I was a member of the Kentucky Court of Appeals I wrote an opinion for that court, from which I quote as follows:

> Other witnesses say that they do not believe that any man who has passed the age of 75 years is competent to attend to his own business. They must be in error on this point. If literature should be deprived of the rich contributions of those past the age of 75 years, much that has ennobled, inspired, and enlightened the world since civilization had beginning would be blotted out; if from the events of history their part should be subtracted, much that has set the world forward would be lost; if their discoveries in science should be omitted from the sum total of human knowledge, there would be darkness where there is now light; if from systems of jurisprudence principles of law established by them should be eliminated, there would be imperfection where there is now perfection; and if from the governments of the world their work as

statesmen should be obliterated, there would be weakness where there is now strength. Old men have wisdom that the young know not of. Let it not be written by this court, therefore, that age always dries up the fountain of the mind and destroys the Godlike attributes of man.

Recently that opinion has been called to my attention by many of the lawyers in my State. I adhere fully to what I said then; but perhaps, to use a slang expression, I "overspoke." In the main, however, I believe that what I said in that opinion is true. Age alone does not always disqualify a man from doing great things. It must be conceded that age often renders a man inefficient and destroys or lessens his ability to grasp the ever-moving problems of national life. If there is any body of men in the Nation who should look with clear vision into all questions coming before them, it is those who make up the judiciary, State and National.

A distinguished jurist of Kentucky who afterward became a Cabinet officer, Judge George M. Bibb, as an introductory of one of his volumes of Kentucky Reports, expressed better than I have ever seen it expressed elsewhere what he deemed the necessary qualifications for a judge. I am glad to do him the honor of including his statement, made a century ago, at this point:

Disagreements constantly arise as to what the laws require, permit, or forbid, and, as no man is fit to decide in his own case, judges are appointed to decide all controversies.

The office of judge is a high trust and confidence, most intimately connected with personal liberty and the rights of property. The wealthy desire a well-appointed judiciary, because they wish the rules of property to be known and steady. And yet they are not likely to suffer so often by a weak judiciary as men in middling and lower circumstances. Favor and influence are the never-failing attendants on riches—and they can procure the most learned and eminent counsel. These advantages of the wealthy can be held in check only by like influences or by a court superior to such influence. Before a weak court, in a controversy with men in moderate circumstances, the wealthy have the advantage. To men in moderate and indigent circumstances a well-appointed judiciary is all important. The possession of wealth is the possession of the means of protecting that wealth from unjust invasion; the rights of acquiring property, of labor, of industry, and of personal liberty want the protection of courts of justice. When the facts are fairly stated, the deficiency of counsel is supplied by the intelligence of the court.

If judges are ignorant and dull, they are more liable to the impressions of able and ingenious counsel. As in the material world, the softer substances yield in collision with the harder; or as the gross pig of metal is fused by the application of heat, and fashioned by the hand of the skillful artist, so in the intellectual world the softer and inactive yield to the more vigorous and the gross, leaden, uninformed mind is melted by the fire of genius and molded by eloquence to its purpose. If judges are learned, they are more likely to be impartial; prejudice and partiality are the creatures of ignorance; they are dispelled by learning, like the fogs of night by the rays of the sun. Judges should be learned in theory and in practice, in abstract principles, and in matters of fact, in books or letters, and in the book of human nature, in morality, and in the ways of men and their modes of transacting business. They should be of an independent cast of mind and of solid integrity, for they are called to decide between men in power and the people, between men of wealth and influence and of friendless poverty. They should have such salaries as are adequate to their comfortable and independent subsistence, that so they shall be under no necessity to divert their minds from their duties nor engage in that commerce, traffic, or speculation which would involve them in many contracts and make them feel an individual interest with one or other of the parties before them. They should be studious, because legislation is not stationary, but progressive. They should be patient and diligent, that causes may be fairly investigated and yet decided with as little delay as consists with a fair trial.

I agree fully with what he said, and I believe that any legislative body is justified in doing all it may legally do to see that members of the judiciary measure well up to the standard prescribed by Judge Bibb. If one is incapacitated by age, ill health, or by infirmities of mind, he cannot measure up to that high standard, and if he can be legally replaced it follows, as a matter of course, that he should be. More than 100 years ago Senator Truman Lacock, of Pennsylvania, made this reference to the Supreme Court:

The judges are to be old men when appointed, and the infirmities of old age will every day increase, and as the useful and vigorous faculties of their minds diminish, in the same proportion will their obstinacy and vanity increase. Old men are often impatient of contradiction, frequently vain and susceptible of flattery. These weaknesses incident to old age will be discovered and practiced upon by the lawyer willing to make the most of his profession, and located in the same city, holding daily and familiar intercourse with the judges. And thus, your Court may become subservient to the Washington bar. The judges, bowed down by the weight of years, will be willing to find a staff to lean upon; * * *."

Judge Story was one of the great Justices of the Supreme Court. He wrote a letter to Daniel Webster in 1824 advocating increase of the number of Judges of that Court so that the Judges might be numerous enough "to bring to the Court an extensive knowledge of local jurisprudence." His further reason for advocating an increase in the number of Judges was because, "it is scarcely possible that they can do the duties long, as business increases upon them."

In 1823, when the then Chief Justice of the Court was 71, another Justice 74 and another 64, another ill and another new in his position, Daniel Webster wrote:

I have as yet reported no bill on the judiciary but incline to think we shall recommend a partial system of circuit judges. If we had more confidence as to the course the appointing power would take, we might act differently.

Charles Warren, in The Supreme Court, says that—

Finally in 1826 the situation of the Court became such that some form of relief by legislation became imperative.

In order to relieve the situation by legislation, because of the infirmities of the Court on account of age and ill health, Daniel Webster, that great champion of the Supreme Court, introduced in the House a bill providing for an increase in the number of circuits to 10, with 3 additional Supreme Court Judges, and Mr. Webster, with his great ability and influence was able to secure the passage of the bill through the House. Martin Van Buren, later to become President, introduced the bill in the Senate.

Mr. Warren states that the proposed increase in the number of Supreme Court Justices was to conciliate the Western States, and that it would have lessened, if not destroyed, their antipathy to the Supreme Court. Mr. Warren, however, is quoting from a letter written by Jeremiah Mason to Daniel Webster. Daniel Webster, in replying to that letter, with all the facts and circumstances before him, expressed the opinion that the number of Justices should be increased, and that two of them should be appointed from the West. So we see that the great Webster, the outstanding Whig of his time, the defender of the Supreme Court from every attack, reached the conclusion that when some of the members of the Court were old and others incapacitated by ill health and inexperience, there should be an increase in the number of the Justices to allay popular feeling against the Court. The bill was not only passed in the House, but it was passed in the Senate, with an amendment attempting to limit the jurisdiction of the Federal courts, and as a result it died in conference. Soon thereafter the number of Justices was increased. So the President is not without precedent for the recommendation which he has made.

An important public man, in writing of Judge Cushing, who was incapacitated by age when he was a member of the Supreme Court, made the statement that those who were of the opposite political party from the President at the time had deliberately induced Judge Cushing to remain on the bench so that the then President could not fill the vacancy. Can any right-thinking man in the exercise of his reason believe that it was proper for a Judge to be induced to remain on the bench so that his vote might be counted on a particular side of public questions? Not only did Congress have the power to do something about it, but its failure to take some step to place someone on the Supreme Court who could see to it that questions were decided by Judges who were adequate for the decision was most reprehensible.

Justice Johnson, an appointee of Jefferson, in writing to Jefferson in response to some criticism in the method of preparing the opinions of the Supreme Court, offered as a reason why seriatim opinions were not delivered was because two of the Judges, by reason of age and ill health, were unable to write, and that another one of the Judges would not, or could not, write anything. It is beyond dispute that Judges have remained on the bench when they were incapacitated on account of age. If such a condition should arise in the future, or if it exists now, the easiest and the simplest plan would be to provide for the appointment of an additional

Judge. Justice McReynolds took occasion to say in one of his dissenting opinions:

> While an "overspeaking Judge is no well-tuned cymbal", neither is an amorphous dummy, unspotted by human emotions, a becoming receptacle for judicial power.

It makes no difference what may be the cause of a Judge becoming an "amorphous dummy", if he does become such, and does not remove himself from the bench, there should be some law whereby the public may be protected against his failure to properly discharge his duties.

The difficulties of securing the resignation of Justice Grier are perhaps fresh in the memories of all of those who take an interest in such matters. Considering the question, then, alone on the matter of age, it would appear that there would be nothing unusual in authorizing the President to appoint an additional Justice when one has passed the retirement age. I believe that many of the legal profession, judging by the communications which I have received, are unaware of the fact that almost 20 years ago, carrying into effect a recommendation of the then Attorney General, who is now Justice McReynolds, the Congress enacted a law which now applies to the district courts and the circuit courts of appeals. There are about 300 Federal judges, and the law mentioned applies to 291 of them, if there are 300, and does not apply to the other 9.

It is true that the law vests in the President the power to appoint an additional judge when the sitting judge has passed the retirement age, if the President finds that he is not capable of fully discharging his duties. It could hardly be said that the suggestion of the President is revolutionary when he requests that the same law be extended to apply to the Justices of the Supreme Court. It is true that no President has exercised authority to appoint any judge because the sitting judge had passed the retirement age; and the entire proposal of the President, as it relates to the appointment of additional judges, simply extends the provisions of the law to the Justices of the Supreme Court, and makes it mandatory that an additional Judge be appointed when the prescribed conditions attain. To my brethren of the law who seem to be so concerned about this matter, as far as this particular point is concerned, let me suggest that they withdraw statements they have made that the proposed legislation is "unheard of", "unconstitutional", and all other similar suggestions.

There are stronger reasons, however, in my judgment, than the age of the Justices, which would justify such legislation if there is nothing else in the way. After a Judge has served the public until he is eligible for retirement he ought to be given an opportunity to have some of the good things of life in his old age. Naturally, if there is no provision for the appointment of someone to serve with him, he will perhaps serve on, feeling that the knowledge of the law which he has obtained should be used as long as he is capable of using it. If, however, he were aware that his presence was not necessary on every occasion, but that he did have the right to appear and vote on important matters, he would retire more willingly, feeling that he might be of service to his country if the need for his wisdom and experience should become necessary.

The President is not without precedent from high authority in advocating the retirement of Judges. The present Chief Justice is on record, I understand, as advocating compulsory retirement at the age of 75. Former Chief Justice Taft thought that Judges should be compelled to retire when they had reached the retirement age, and many of the outstanding jurists and lawyers in the United States have taken that position. It is the rule that prevails in the business world. I hardly think that any great corporation, striving to keep up with the changing scenes in commerce, would be satisfied to have a board of directors a majority of whom had passed the age of 70 years. There are still other reasons why additional Judges should be appointed at this time without doing violence to a well-ordered judicial system.

Mr. TYDINGS. Mr. President——

The PRESIDING OFFICER (Mr. SCHWARTZ in the chair). Does the Senator from Kentucky yield to the Senator from Maryland?

Mr. LOGAN. I yield.

Mr. TYDINGS. I point out to the Senator that, as I understand, there is nothing in the bill sent to the Congress by the President which would take any of the Justices who are over 75 years of age off the bench. They would still be on the bench, and would not retire if the bill were enacted. Therefore, so far as getting rid of them because of the imperfections or infirmities of age is concerned, they will still be on the bench, even though six other men were appointed. So there would not be any elimination of the present Justices because they were unable to act; they could still act and pass on cases.

Mr. LOGAN. That is all very true, I may say to the Senator from Maryland, but the force and effect of every vote would, of course, be lessened depending on the increased number of Judges on the Bench. In this connection I am only trying to say that if we had need for their wisdom they could be called in, and they would feel that they were still having a part in the Government. Otherwise they could leave the bench and enjoy some of the good things in life before they died.

Mr. TYDINGS. I appreciate that suggestion. Will the Senator yield for another question?

Mr. LOGAN. I am glad to yield to the Senator from Maryland.

Mr. TYDINGS. I do not think the Senator contends even by inference that the Judges on the Supreme Bench who are now over 70 years of age are infirm, incapable of performing their duties, unlearned in the law, or have any of the defects to which he has previously alluded. For example, Chief Justice Hughes, I think, is 74, and he has decided that some of the recent measures are constitutional and that some are not. He has not had any static side in the controversy. That is also true with respect to some of the other Judges on the Supreme Court bench. For example, three of the elderly Justices who normally vote with the administration on economic measures were united with the opposition in declaring the N. R. A. unconstitutional. So that there is no static division of political philosophy on the bench, because in the N. R. A. case they were a unit, while there have been differences in connection with some of the other measures which have been submitted to them.

Mr. LOGAN. Of course, Mr. President, I cannot agree with the statement of the Senator from Maryland that there is no division of political philosophy. It is true that the N. R. A. case was decided unanimously. But I believe that if a measure involving constitutional question were submitted by the Senator from Maryland, and he knew that it was going to the Supreme Court, he could take out his pencil and write down the names of three Judges who would be on one side of the question and four Judges who would be on the other.

Mr. GEORGE. Mr. President, if I may be permitted to interrupt to ask a question at that point. Is that due to age?

Mr. LOGAN. I will say in answer to the Senator from Georgia, as I said in answer to the Senator from Maryland, that I do not believe anyone on the outside can tell just what effect age has on a mind in the consultation room. The Senator from Georgia has been on the bench. I do not know whether or not he has served with old men, but I have. I have seen some men who when they were on the bench were men of very brilliant minds, but when they got into the consultation room their minds were not so brilliant. They wanted to repeat. I have seen such a judge who wanted to go back to precedents that he had announced perhaps 20 or 30 years ago, and it seemed to me his mind was static. I do not know whether or not that condition prevails with respect to the Supreme Court.

Mr. GEORGE. What I wanted to ask the Senator was whether, in his opinion, a man's view on economic forms or theories is necessarily at all related to age?

Mr. LOGAN. I do not know whether it is or not. I do know that my view on economic conditions has changed rather radically in the last few years. I came to the Senate having always been extremely conservative; I think I am now; but I have had things just thrust upon me since I

came here. I have seen things in a light in which I never previously saw them. I had moved in a small sphere, among lawyers, among judges. I came in contact with things that closely affected me. When I got out and took a survey of the whole United States and the whole world it did not take me long to find out that I had had a very limited view of events that were occurring in the world.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. LOGAN. I yield.

Mr. MINTON. Does not the Senator from Kentucky understand that the Supreme Court disclaims any attempt on its part to put its economic views into its opinions?

Mr. LOGAN. The Judges of the Supreme Court do so disclaim; but, of course, as was said by Justice Holmes in one of his opinions, or I believe it was in a speech, we all know, if we are reasonable men, that there is no court anywhere which is not affected to some extent, either consciously or unconsciously, by its political, social, and economic views.

Mr. MINTON. Let me ask just one more question which is prompted by what the Senator from Maryland asked the Senator from Kentucky, as to whether or not the things he had to say applied to any of the Judges now upon the bench, and then proceeded to show how they were performing their duties, although they were old. Is it not a fact that one of the Judges on the bench beyond 75 years of age has not written one opinion a year for 5 years?

Mr. LOGAN. So it has been stated.

Mr. TYDINGS. Mr. President, will the Senator further yield?

Mr. LOGAN. I yield.

Mr. TYDINGS. I should like to point out to the Senator that the late Justice Holmes was an elderly man and continued to serve on the bench. The same thing is true of Justice Brandeis at the present time. Justice Holmes in his time held and Justice Brandeis now holds the liberal view to which the Senator has referred. Justice Holmes was a very old man. Justice Brandeis is an old man. I think Justice Brandeis is nearly 80 years old, and Justice Holmes served until he was nearly 90. Chief Justice Hughes, I think, is about 74, and in the majority of cases which are in dispute he has taken the so-called liberal view. If that be true, we find that three of the six men over 70 years of age have recently divided equally on economic questions, three elderly men being against the liberal view, three elderly men being for the liberal view. So that age, by the record itself, is proven to have no effect on the economic outlook of the Judges themselves.

Mr. LOGAN. I very readily concede that that is true as a general principle. I have seen some judges who were not more than 50 who had no sense and never did have. I have seen some men past 75 years who were great jurists and whose opinions could always safely be followed.

Mr. TYDINGS. Mr. President, will the Senator yield for one more observation?

Mr. LOGAN. I yield.

Mr. TYDINGS. I should like to put it into the form of a question and ask the Senator if the observation I have just made as to men over 70 years of age on the bench likewise applies to men on the bench who are under 70 years of age, namely, Justice Cardozo and Justice Roberts, who at different times have been on opposite sides of the same economic question? So whether their age is over 70 or under 70 men are quite apt, as the Senator has fairly conceded, to look at things differently even though they are of the same age.

Mr. LOGAN. I agree fully with the Senator about that. I do know that the division now existing not only in the Supreme Court but in other courts is over the question whether the laissez-faire doctrine should be continued or whether we should get away from it. That is the main point of division existing in the minds of courts everywhere, as I see it.

Mr. TYDINGS. I shall not interrupt the Senator again. I should like to conclude what I said with the further observation that the argument in favor of adding six Judges to the six who are now on the bench and who are over 70 cannot be predicated upon the point of economic outlook. Neither can it be proven that the position taken by certain Judges is due to age. If it be true that the Judges over 70 years of age divide 50-50 as to economic outlook, the point that the age of Justices is a material consideration goes up in smoke.

Mr. LOGAN. I do not think the point goes up in smoke at all, but since I am discussing that further on in my speech I will not be drawn into discussing it now, although the Senator from Maryland has spoken of a matter which I should like to discuss at some length. The Senator is simply wrong about it. I should like to convince him if I can. But I will go a little further with respect to that at a later point in my discussion.

Mr. President, I spoke of the effect of social, political, and economic views of a court upon its opinions. I do not believe that any student will deny that the views of judges do affect the opinions of the court.

Mr. Warren, in his book, The Supreme Court—and he is a conservative if ever there was one—made the statement:

> The Court is not an organism dissociated from the conditions and history of the times in which it exists. It does not formulate and deliver its opinions in a legal vacuum. Its judges are not abstract and impersonal oracles but men whose views are necessarily, though by no conscious intent, affected by inheritance, education, and environment, and by the impact of history, past and present; and, as Judge Holmes has said: "The felt necessities of the time, the prevalent moral and political theories, intuitions of public policy, avowed or unconscious, even the prejudices which judges share with their fellow men, have had a good deal more to do than the syllogism in determining the rules by which men should be governed."

I think all of us will concede that to be true.

Mr. Warren is a conservative of the conservatives. He recognizes that a court cannot dissociate itself from the conditions and history of the times in which it exists. If the lines of division in a court have become hardened by combat and the minds of the judges have become impervious to argument, either by reason of inheritance, education, or environment, then does it not seem perfectly reasonable that those who are more free from bias and who come fresh from the "impact of history" should be placed on the Court in order that a better cross section of the Nation may consider the important questions that come before this great Court?

Mr. TYDINGS. Mr. President, the Senator takes a position which is so fair in his discussion of the subject that he will concede that all the new men coming on the bench will bring with them the effect of their environment, their education, and their prejudice, and what not, because neither he nor I shall ever live to see the day when a perfect man walks upon the face of the earth. Any six judges who are put upon the Supreme Court Bench will be the same kind of human beings as were the judges who have been put on the bench ever since the Court was organized.

Mr. LOGAN. Of course, that is true, and that is as it should be. We can find no perfect judges; we can find no perfect men. But the point I am attempting to make is that the members of the Court may reach such a stage of fixed opinion that they must be stirred up in some way so the public need may have a fresh review. What I am trying to say, although I may repeat myself in saying it at this time, is that we ought to know whether the Court is going to follow the interpretation of the Constitution of the great Marshall or whether it is going to follow the interpretation which the followers of Jefferson said it should follow.

The only thing the President is asking in his message is that the interpretation placed upon the Constitution by Chief Justice Marshall shall be followed. For 36 years—aye, for 60 years from the beginning of the Government—we had one interpretation. Since about 1885 we have had another interpretation. Other Members of the Senate do not know, and I do not know, what legislation can or will be upheld by the Supreme Court. Somebody is wrong. The minority members of the Court may be wrong or they may be right; the majority members may be wrong or they may be right. I do not know who is wrong or who is right, because the responsibility is not upon me to decide it; but I say there should be an increase in the number of Justices from different walks of life, with different social, political, and economic views, so that all questions may be fairly and

intelligently reviewed and we may reach some conclusion so that the Congress may legislate. But, Mr. President, I will proceed.

As I was saying, we ought to place new men on the Court in order to obtain on the Supreme Bench a better cross section of the Nation, so that the Justices may consider important questions as I have just outlined. If it be true, which I deny, that some of the Justices of the Supreme Court have the same antipathy toward the President of the United States and his policies as is exhibited by distinguished men in the higher walks of life, then is it unreasonable to say, if they have passed the retirement age and allow their antipathy to operate on their minds, that another judge should be appointed who would at least neutralize the vote of him, if there should ever be such, who has set his face like flint against any social or economic improvement in the conditions of the country? At present the Justices are not drawn in fair proportion from different sections of the country, as Webster in his day thought they should be. A majority of the Court comes from three States in the East—Massachusetts, New York, and Pennsylvania. Is the destiny of the Nation to depend on what these five men think the Constitution means? It may be that in 1907, when the present Chief Justice of the Supreme Court declared—

> We are under a Constitution, but the Constitution is what the judges say it is.

The country was shocked. Nevertheless, the statement was and is true, and will be true in the future. It is always true of a written constitution. There is no trouble, perhaps, with the Constitution, but the interpretation of the Constitution, sometimes one way and sometimes another, is what has brought about the great confusion that now prevails in the minds of those who have considered the matter. I want to be a good Senator and to vote for laws that I believe are constitutional, but I must confess that I do not know what law will be upheld by the Supreme Court or what law will be declared unconstitutional. No man can tell. It follows, then, if we could have a Court more fairly representative of the different sections of the United States that we would be better satisfied with the opinions. There have always been divisions among the members of the Supreme Court as to the proper interpretation of provisions of the Constitution; there always will be; but who can say whether the five are right and four are wrong or whether the four are right and five are wrong?

The objection that the Court would be too large if it should ever be increased to 15 members, in my opinion, is without any merit at all. If we had 6 judges when we had 4,000,000 people, it would not be unreasonable to have 15 judges when we have 130,000,000 people, and especially is that true when the wealth of the country and the causes of litigation have increased in a greater proportion than the population. In my opinion, there would never be 15 members of the Court. There might not be more than 9. So, on the question of whether an increase in the number of Justices is necessary I have reached the conclusion, based upon the evidence afforded by history, that such an increase, under the plans outlined in the bill, is justified. I have not pointed out that the number of Justices has been increased from time to time and has been reduced. Perhaps the motives for making the increase, or the deduction, were bad, as usually there were some political reasons behind such changes. We should forget about them and confine our consideration exclusively to whether, under present conditions in the Nation, the Congress would be justified in authorizing the President to appoint an additional judge for each of the sitting Justices who are past the retirement age.

Another question which addresses itself to the mind of any man who thinks seriously about the proposal of the President is whether it is an effort to pack the Supreme Court for the purpose of securing favorable opinions on the constitutionality of legislation which he proposes. If that is the purpose of the proposed legislation, I should oppose it now and always, as I do not believe that the independence of any court should be interfered with in any way by public officials or by private individuals. I do not say that the opinions of the courts are never interfered with by outside influences, but, in my judgment, if it ever happens, it is indeed a very rare occurrence. Among the many communications I receive in my office a vast majority of them express opposition to the "packing" of the Supreme Court. I am persuaded that many of those who write, having been induced to do so by others, have very little knowledge of what is meant by the expression "packing the Court." However, there are many serious-minded men and women, public spirited and deeply interested in the public welfare, who appear to have the opinion that the President is attempting to secure control of the Supreme Court so that opinions favorable to his views may be written into the law. I believe, on sober second thought, that those who desire the question considered seriously and intelligently will perhaps, on more mature consideration, reach the conclusion that there is little, if anything, to justify their fears.

I had a letter from an old and valued friend a few days ago, one of the most distinguished lawyers in my State, and one with whom I have been associated in practice in many cases, and while he expressed opposition to the proposed legislation, he took occasion to say that if the proposal of the President had been submitted in normal times it would possibly have passed without much notice and without much opposition, but he said the psychology was bad. I think we must admit the truth of that suggestion. The Supreme Court has determined several questions adversely to the views expressed by the President and by Congress, and the presumption would naturally follow when there is a proposal to increase the membership of the Court that the object was to secure more favorable opinions to the views of the President and Congress than had been rendered in the past. I think we may assume that perhaps that is true, but that does not necessarily mean that the President desires to pack the Supreme Court.

Again we must examine the question in the light of the past. To call the roll of those who have made the charge that a President was attempting to pack the Supreme Court would be like calling the roll of immortals in American history. The number of Justices on the Supreme Court has been changed, I believe, six times, and I think without an exception the charge was made vehemently in the public press by statesmen, by jurists, and by men in every walk of life that the purpose of the change was to pack the Supreme Court and secure favorable opinions from it. Calm thought will lead to the conclusion that there was never any reason for such charges, and that they were wholly without foundation. Those who made them at the time were more or less sincere, although the charge was, perhaps, made by many, as it is now, purely for political reasons.

When the makers of the Constitution provided in that instrument for a judicial branch of the Government it was provided that it should consist of one Supreme Court and such inferior courts as Congress might, from time to time, establish. The number of the members of the Supreme Court was left exclusively to the judgment of the Congress. Those who say that the proposal of the President to increase the number of Justices, if the legislation should have that result, was not first submitted to the country and the country had not determined that it was an apt time to increase the number of Justices, advance an argument that must fall to the ground before any legally trained mind. The Constitution, which we all revere, made a provision which left it to Congress to determine how many Justices should constitute the Supreme Court. So there has been no election since that time when the people did not know, or at least should have known, that the Congress could determine the number of Justices which should constitute the Supreme Court.

As I have said, I believe the number of Justices that should constitute the Supreme Court was changed 6 times in 80 years, or an average of about 1 change every 13 years. It has now been 68 years since there has been a change in the number of Justices on the Supreme Court. The Nation, as well as the world, has been made over in that long period of time, and certainly it cannot be said that the Congress has been hasty in changing the number of Justices if it should adopt the recommendation of the President. But as Patrick Henry said on one occasion, "Our feet

must be guided by the lamp of experience." If the tremendous clamor which has broken out from time to time in the history of our Nation about changing the number of Justices, and that such a change would pack the Supreme Court, has proven to be without any foundation, then may not a reasonable man suppose that the same thing would happen if there should be a change at this time? It is only necessary to refer to any history of the Supreme Court, and the legislation in relation thereto, to be readily convinced that in the past 147 years the clamor about the Supreme Court and the charge that it was to be packed proved to be without foundation.

That the Supreme Court has been a storm center through much of the history of our country must be admitted. George Washington was diligent in his efforts to select the members of the first Supreme Court, and it was his hope that his selections would prove equal to the demands made upon them. He did not do so well. In fact, he did rather poorly if we consider his appointments in the light of history. The Supreme Court did not amount to much in Washington's time, and neither did it count much in the national life until about the close of the administration of John Adams.

The Democrats, led by Jefferson, had swept the Federalists out of office. Those who in that day did not believe to any great extent in the rule of the people were greatly alarmed. They had lost the Presidency and the legislative branch of the Government. Perhaps it was John Marshall, the most outstanding Federalist of all, who conceived the idea of erecting a citadel out of the Federal judiciary. After the election of 1800, and at what later came to be known as a "lame duck" session, a new judiciary act was passed by Congress, creating Federal judges right and left, and Mr. Adams, with his Secretary of State, Mr. Marshall was engaged in what they thought was packing the Federal judiciary. Marshall worked as late as he could trying to get the commissions in the hands of the appointees, but he had to quit in time to be appointed Chief Justice of the Supreme Court.

It was thought, perhaps, by Mr. Marshall, as well as Mr. Adams and those who agreed with them politically, that the Federal judiciary had been thoroughly packed, and that under the dominance and influence of Mr. Marshall, who became the Chief Justice, the country could be saved from the consequences of doctrines held by Jefferson, Madison, Monroe, and their followers. The Supreme Court came into prominence as the result of politics, and those who railed against what had been done doubtless thought that the judiciary should be abolished, or at least made impotent. This started a fight over the Federal judiciary that was not ended until Andrew Jackson, another opponent of the Federal judiciary, ended it in his administration.

It would be illuminating perhaps, but not important, to follow step by step the efforts of the Federalists to pack the Federal judiciary. The Supreme Court at that time had not become the "sacred cow" of the United States. Jefferson's Congress repealed the act creating the new judges, and, in order to carry out its purposes, it saw to it that the Supreme Court should hold no meeting for 14 months. When the Supreme Court met, instead of its having been packed to carry out the views of the Federalists, it calmly and deliberately upheld Jefferson's law repealing the Judiciary Act passed in the closing days of the Adams administration. There had been great clamor about the packing of the Court, and it was doubtless believed by Mr. Jefferson and his followers that the Court set up by Adams and Washington would declare the act passed by the Congress repealing the Judiciary Act unconstitutional. The Supreme Court had not been packed. It was thus early demonstrated that it could not be packed.

Let us pursue the matter a little farther. Jefferson was against the Supreme Court, or rather against the interpretation of the Constitution as Marshall had construed it. Jefferson said violent things about the Supreme Court. I hesitate to mention the fact that if Jefferson were living today he would be standing squarely behind the present Supreme Court, as he fell out with Marshall because Marshall construed the Constitution like some of the followers of the President now think it should be construed, and Jefferson was against Marshall for the reason that he thought the opinions should be written as they have been during the past few years.

A strange thing we find here. A Democratic administration is now fighting for the interpretation of the Constitution of a Marshall, and a Republican Supreme Court is vigorously combatting that position and holding out for an interpretation of the Constitution such as Jefferson contended for. This but serves to illustrate that it does not take a packed Supreme Court one way or the other to bring about disagreement of the proper interpretation of the Constitution.

Somewhere along the line the Jeffersonians and the Hamiltonians passed each other, and the Hamiltonians are now on the side the Jeffersonians once occupied, and vice versa. This fact alone is sufficient to show that environment, education, and many other outside matters have their influence upon all courts. The tide of time brings changes, and new occasions bring new duties, and the Supreme Court has, throughout the years, except on occasions, kept step with progress. When it has got out of step there has been an upheaval on the part of the public, but the Court has never been packed.

Jefferson waited some time for an opportunity to appoint a Justice. When the time came he appointed a young man named Johnson, of Virginia. He had acted, no doubt, in making the appointment, in accordance with the statement of Charles Warren in the Supreme Court, when he said:

> Appointments to the Court, moreover, have not been made from a cloister of juridical pedants, but from the mass of lawyers and judges taking active parts in the life of the country. Presidents, in selecting judges, have been necessarily affected by geographical and political considerations, since it has been desirable that the Court should be representative (so far as practicable) of the different sections of the country and of the leading political parties.

In fact, I believe that important statesmen in that era rarely took a position that the President should not take these things into consideration, and Jefferson doubtless desired to place a Justice on the Court who saw eye to eye with him. But it was not long until it was found that Justice Johnson was lining up with Chief Justice Marshall in his interpretation of the Constitution. There was a failure to pack the Court.

Justice Story was appointed by a Democrat, and again it was thought that perhaps the Court had been packed, but those who know the life history of Justice Story know what a great judge he really was. Instead of his espousing the cause of Jeffersonian democracy, he lined up with Marshall, to the dissatisfaction of the Jeffersonians.

Daniel Webster reached the conclusion that there should be an increase in the number of Justices of the Supreme Court, and he advocated an increase of three members, but he expressed the fear that the Court might be packed. There was so much opposition to the Court, however, that he attempted to get a bill through Congress increasing the membership by three and very nearly succeeded. He thought the appointment of the new Justices would allay the opposition to the Court throughout the country. The appointment of new Justices was not brought about until during the administration of Andrew Jackson. The old warrior was an opponent of the Court and in violent opposition to its opinions. The members of the Court whom he appointed promptly lined up with Marshall in the interpretation of the Constitution, and before Jackson went out of office the number of Justices had been increased, and he appointed the new ones. The Court, so it was thought by the Democrats, had been thoroughly packed, but nothing happened. It is true that Taney, as Chief Justice, succeeded in modifying some of the opinions of Marshall, but, in the main, things went on as before until the Dred Scott decision. For a period of 53 years the Supreme Court had held no act of Congress unconstitutional until the Dred Scott decision, but when the tumult and the clamor

were over it was found that the Supreme Court had not been packed.

During Mr. Lincoln's administrations he appointed a Court in the days of the bitterest controversy this Nation has ever seen, and now, if ever, one would think that the Court had, indeed, been packed. It was so charged. But when that Court appointed by Mr. Lincoln came to consider the Legal Tender cases it calmly refused to be packed and declared the Legal Tender Act unconstitutional. This brought the country face to face with bankruptcy, and Congress, perhaps for the only time in its history, apparently attempted to pack the Court by making it possible for President Grant to appoint two members. While no doubt he sought to select men who were in accord with his thought about the matter, I am convinced that much unjustified criticism has been made of President Grant about these appointments, although the Legal Tender cases were later upheld. Perhaps no one may approve what was done by the Congress and President Grant, but certainly no one has any just cause to complain because Grant saved the country from greater evils.

President Wilson appointed his Attorney General a member of the Supreme Court, and perhaps it may be said that he thought his Attorney General shared the same liberal views that he himself shared, but such proved not to be the case. Most conservative Presidents have appointed men who turned out to disagree with them, and most liberal Presidents have appointed men who also turned out to have different views from the one who made the appointment. It is needless to multiply examples, but, if we believe the truth of history, we must reach the conclusion that in the past it has been impossible to pack the Supreme Court. It must be borne in mind also that if the Justices past the retirement age should actually retire, the President will have no greater opportunity to appoint members of the Supreme Court than other Presidents have had. If they should not retire and additional Justices should be appointed, is that such a shocking state of affairs as some seem to think it is? I believe it has been recognized that new men on the Supreme Court bench were lacking in experience, and if, before the older Justices retire or pass on to their rewards, they should have new men to serve with them, those who have been recently appointed might greatly profit by the wisdom of the old and thereby better fitted to discharge the duties of their high office.

It is said by some that it would be a dangerous precedent to increase the number of Justices, as it might put the idea into the head of some other President. The possibility or probability of increasing the number of Justices has existed since the adoption of the Constitution. No precedent is needed to put the idea into the head of a President that the number of members of the Supreme Court may be legally changed. That argument, of course, is without merit.

Why is it that it has been impossible in the past to pack the Supreme Court? It is because of the method of their selection.

Those who charge that this legislation would result in packing the Supreme Court make a very grave charge against the President of the United States, against every Senator, and against anyone who might be appointed. It would require a corrupt Executive to name to the Supreme Court a man who had in advance agreed that he would adopt any particular line and interpretation of the Constitution. I do not believe there has ever been a President who would bargain about such a matter, and if there is now one, or has ever been such a President, he is corrupt and should be impeached.

I do not believe that those who charge that the proposed legislation has for its main object packing the Supreme Court mean what they say about it. Not only do they charge that the President is corrupt and unworthy to hold the high office which has been bestowed on him so overwhelmingly by the people, but they charge that the majority of the Senate is corrupt, because any Senator who would vote for any man as a member of the Supreme Court believing that he was committed to any particular line of action in the determination of questions to come before him would not only be corrupt, but he would be an unmitigated scoundrel.

I resent the charge, if I should vote for the proposed legislation, that I am corrupt and unworthy to hold the office to which I was elected. I believe that every Senator here, regardless of politics, would vote only to confirm such a man as he believed would faithfully determine questions coming before him after having been satisfied that he was otherwise qualified for the position. Moreover, no man who could, or would, be considered for membership on the Supreme Court would think of committing himself in advance. If he should do so, he would be unworthy of the position. If he were that type of man, the Nation generally would know it.

My conclusion, therefore, is that the President has no intention of packing the Supreme Court, and that if he did have such an intention he could not do it. It is not an easy thing for a man to be confirmed as a Justice of the Supreme Court, as is shown by the records of the past. Even a militant minority could prevent it. So, in my judgment, after giving the matter mature consideration, I must say that the point made against the proposed legislation that the President desires to pack the Supreme Court is without merit.

I now come to a question on which I desire to give free expression to my thoughts. It is one of the main questions that have very greatly modified my views about the recommendation of the President.

It has been said that during the recent Presidential campaign little discussion took place about the matter now before us. It is true that there was little public discussion regarding it, but it was whispered about that the President would ask for an increase in the membership of the Supreme Court. I did not think he would. In fact, I did not think he should, and at the time his message was read to the Senate I was impelled to the feeling that he had made a mistake. I know that it is never safe to reach a conclusion hastily.

In nearly all of the letters that come to my desk, I find the statement that the President desires to be a dictator. If that were true, neither I nor any other Senator would vote for the proposed legislation. Again it is necessary to go back of the words and find what forms the basis of the recommendation which has been made. I cannot explore the mind of the President, and I can only reason about the matter as I imagine he did, and if, through a process of reasoning, I can satisfy myself on the question, I ask no more. Let me say that I am not trying to satisfy any person on earth except myself. I have to live with my conscience the rest of my life, and I do not want it waking me up in the nighttime, whispering that I did something that I knew at the time I should not have done. So I shall consider seriously the charge that the President wants to become a dictator, although I can hardly think it has been seriously made.

The way I look at the matter is this: The President loves humanity. He loves democracy. He would save democracy if he can, and he would prevent a dictatorship if it is within his power. That is my deliberate judgment. Why should he want to be a dictator? He has 4 years to serve in office, and then none but a fool would believe that he will be the head of our Nation any longer. If my views are right about it, we shall have other elections in the same orderly way that we have had them in the past, but if my conclusions are sound as to the importance of this proposed legislation, and we should reject it, it may be that we shall never have another election in this Nation.

These are solemn words, but they express my judgment. The men and women of America should think seriously on this question, and try to think it through and find the light. We ought to know the truth, and I do not know any way to find out what the truth is other than to apply the faculties of our minds, based upon our knowledge and the experiences of the past, to the problems which confront us.

Can any of us forget the dark and dreary winter of 1933? I confess now that I thought we were rapidly approaching the end of our national existence. I had little hope for the salvation of the Nation. I have been a student of history, and I believe I know the causes that have led to the downfall of nations as great as our own. An article of mine

was published in a magazine 3 or 4 years ago. I meant to write another, but I did not. I was afraid, and so expressed myself, that the time had come when we could not carry on the affairs of our Government, and that we should be broken up by forces over which the general Government had no control.

When I looked to the great West I saw the farmers in despair. They were hopeless. They were in revolt against the economic order. They had reached the point where they were willing to congregate together to resist the laws of organized society. Twenty-cent corn, 30-cent wheat, 3-cent hogs brought upon them such a state of mind. I looked to the cotton farmers of the South and saw that they were sullen and despondent. Five-cent cotton had made them so. The tobacco farmers in the Carolinas, Kentucky, Virginia, and Maryland had seen their hopes dispelled. The interest on mortgages could not be paid. The families of the farmers could not be cared for; and, judging by the history of the past, it seemed to me that revolution among the farmers was on the way.

That was not all. The millions of men and women who labored were out of employment. They were dumb and hopeless before the calamity which had over taken them. Their children were crying for bread; and their wives, pale and desperate, were doing the best they could to protect the household. Men tramped the streets looking for work, and there was no work. The seeds of discord had been sown. There were marching armies of unemployed. The factories were still. Great industrial centers were so quiet that one could hear the chirp of the cricket or the song of the katydid at night. There was a gloom that could not be penetrated by many; and these conditions are the conditions which bring dictatorships. The Bourbons had brought about these conditions through their short-sighted policies. They have not yet learned anything. They were brought to their knees then because they had pulled the temple down upon themselves. They were whispering then that only a dictator could save for them a part of what they had.

I do not wonder now that I looked upon the scene with despair and gloom. I honestly believe that the President of the United States saved our Nation from absolute destruction. Swiftly he moved after he came into office. There had been no movement of any kind for the relief of conditions, but the people listened to his promises in his inaugural address and in his message to Congress. Recommendations were hastily made, and legislation was hastily enacted, much of it imperfect because there was no time to wait for perfection. Laws were passed for the relief of farmers, home owners, laborers, industries, railroads, and on every subject where it was thought that it was necessary to save the Nation from complete destruction. The Congress, regardless of politics, stood squarely behind the President. The Members knew the difficulties. They have been called "rubber stamps", and the Bourbons have applied other epithets to them; but no nation affords a greater example of patriotism than that exhibited by the Members of the Seventy-third Congress.

Under the operation of these laws we saw the farmers restored to a reasonable condition financially. The products of their farms were increased in value to such an extent that they looked up again. The laborer was cared for. Industry had attention. Attention was given to social security. Home owners were afforded an opportunity to save their homes. The hungry were fed. The naked were clothed. The homeless were cared for, and even those who had no helper were the objects of tenderest care. By reason of this legislation and the program which was put into effect, there has been the most remarkable recovery that any nation has ever made. No one disputes it. The newspapers carry the message every day. The banks have been made safe. Stocks and bonds that were thought worthless have been restored to their normal worth. Prosperity came like a great sunburst breaking through the clouds. Everyone has said that the depression is over, but we have just now reached the crisis. The depression is over; but a few mistakes, and we go back to the conditions which prevailed in the beginning of 1933. We cannot again pull the Nation out of a depression. We have about reached the limit of our credit; and if that condition shall return, there will be a complete disorganization of our national life, and there will be a dictator or worse.

These are my views, and these are the things I am most seriously considering.

I believe that the President, looking ahead just a little bit, can see the danger and what has brought about the danger. The laws for the benefit of the farmers have been destroyed by adverse decisions of the Supreme Court. The laws for the benefit of labor have been or will be destroyed by the same Court. The methods used by the President and his Congress to save the people have been held illegal. It is true that they have been so held by a divided Court. Whether the majority or the minority was right, I do not know; but I believe that the President must know that unless the Congress can legislate for the protection of labor, for the protection of the farmer, for the protection of all those who must be protected, the benefits that have been secured so far will be lost and when they are lost we shall slide down into a depression with a rapidity that few can foresee.

How, then, can it be prevented? It must be done within the Constitution. The President has proposed that the membership of the Supreme Court be treated as the membership of every other Federal court, and that he be allowed to appoint additional Justices so that they may calmly consider the problems, thinking perchance that the Supreme Court may find within the Constitution powers which so many of the Justices of the past have said dwell there, to enable the Congress to save the Nation.

Is anyone so foolish as to believe that the farmers of the South will ever be willing to accept 5 cents per pound for their cotton, or that the tobacco farmers will accept 5 cents per pound for their tobacco, or that the wheat farmers will accept 30 cents per bushel for wheat, or that the corn farmers will accept 15 cents per bushel for corn? Does anyone believe that labor can be put back where it once was, that the family of the laborer can be compelled to live in squalor and want because fair wages cannot be secured for him? If anyone believes that such conditions can be made to prevail again, he does not know the temper of the American people. Any effort to save the Nation is worth while. It should be saved. While I would not point to the example of President Grant as one to be followed—he tried by his acts to save the Nation. Presidents do not count for much. The few statesmen who make up Congress and other important positions in the Government, when placed by the teeming millions of the people that we ought to serve, do not count for much.

God knows that I want to be right in what I do. I have been troubled and made unhappy by the charges loosely hurled that the President wants to be a dictator. Why should he? Is he not greater than Stalin, Mussolini, and Hitler? Does he not enjoy the confidence of his people to a far greater extent than any ruler on earth? He is the popular idol of the American people. This was shown by the most overwhelming majority ever given any President, both by popular vote and in the electoral college. In his heart he appreciates this confidence, and he wants to justify it. He knew the attacks that would be made upon him when he made this recommendation, and a man less bold and with less courage would prefer, I think, to accept the plaudits of the multitude while the ship of state drifted on toward the precipice, rather than to incur a fight which he knew would be fierce, and on the result of which he knew would depend the success or failure of his administration. He wants no power except what may be bestowed upon him freely through the love of his fellow citizens. It is unthinkable to me that anyone could believe that he seeks to destroy democracy. He knows that democracy cannot live except where the people are free and happy and have equal opportunities before the law to serve their God, protect their homes, care for their families, and have a fair share of the good things of life.

So the charge that the President is seeking to establish a dictatorship in the United States, so far as I am concerned,

falls to the ground. Not only is there no merit in the charge, but there is no one who believes it. It comes from those who seek advantages to which they are not entitled, and they use it to create fear in the hearts of men and women of the Nation. Sometimes I think it would be well to let the Bourbons have their way, so that they might destroy themselves. It is hard to save a man from himself and then have ingratitude and only ingratitude for what you have done for him.

I have never posed as a prophet, but the United States of America cannot live unless we can find some way to enact such laws as will bring protection, peace, and happiness to all of the people of the Nation. I have considered the matter as carefully as my limited knowledge will allow me to, and I cannot find a better way than that which has been suggested by the President. I have sought diligently to think through the points made by the opposition against the program and I have analyzed the points to the best of my ability, so that I might determine whether they were well taken. So far I have expressed my opinion on three of them. There are yet others, and I shall now express my views about them.

Strange as it may seem, apparently the opinion which prevails among the majority of the Members of the Congress, as well as the public, is that something should be done to confer greater power upon the Congress, or rather the general Government, in connection with matters relating to commerce and the general welfare of the Nation. Those who disagree with the President's suggestion in many instances take the position that the issue should be submitted directly to the people in the form of a proposed constitutional amendment, and that the States should be requested to ratify such a proposal. Obviously there are difficulties in the way. These suggestions have been made from the beginning of our judicial system, but rarely has anything been accomplished.

In the first place, the Congress would hardly agree on what should be submitted in the nature of an amendment. In my opinion, it would be impossible to satisfy two-thirds of each branch of the Congress with the language in which the proposed amendment should be expressed. There are now nearly threescore proposals pending in the Congress, and there is no possibility of enumerating the opinions about any of them. There are those who desire that Congress be given absolute authority to legislate for the promotion of the general welfare, and that the Congress itself should be clothed with authority to determine what is for the general welfare.

Other proposals relate to an amendment to the commerce clause of the Constitution; while others relate to the due-process clause. Many relate to limitations on the jurisdiction of the Supreme Court; while others relate to limitations on the jurisdictions of inferior Federal courts. Some propose to allow Congress to veto an opinion of the Supreme Court; while others propose to force the retirement of Justices of the Supreme Court at a certain age. Many measures of major importance confronts the Supreme Court at this time, and to know definitely what may be the result in any one of these cases it would be necessary to have an amendment to the Constitution covering each particular question.

The question of establishing a balanced, safeguarded, controlled national economy, a planned system of industry and finance, a system of production and distribution, questions relating to capital and labor, agriculture and industry, creditors and debtors—these great questions confront the Congress, and eventually will reach the Supreme Court. What Congress may do towards the promotion of the general welfare, the establishment of minimum wage laws, and dozens of other questions that are social in their nature rather than purely legal, must be passed upon by the Supreme Court. Many questions have arisen, until it is necessary to find dormant powers within the Constitution which may be called into being, or additional powers must be conferred upon Congress to legislate touching the important questions which must be decided now. Not only must two-thirds of each branch of the Congress agree upon the form of such amendments as it deems necessary, but the 48 States, through their representatives, or at least three-fourths of them, must agree that the proposed amendments are sound.

The life of the Nation is more important than mere forms and procedure. I must agree with the opinion expressed by Justice Holmes, that if the States do not have the power to do those things which are imperative to insure a continuance of the life of the Nation, the Federal Government must have such power, because the power must be lodged somewhere.

Those who advocate amendments to the Constitution are well within their rights, if the program can be carried out in time to protect the Nation from what must inevitably result if there be not found some means to enable Congress to meet the pressing questions constantly before it. If the public will not wait and if the Government cannot afford to wait, some means other than by amendments must be found, if possible, within the Constitution.

The eleventh amendment was adopted after 5 years' consideration to overturn a principle which had been announced by the Supreme Court. We are moving too rapidly now to wait even 5 years. When the Supreme Court reversed its earlier opinions and held unconstitutional the law imposing a Federal income tax, it took 20 years to reverse that opinion by a constitutional amendment. When the Child Labor Act was declared unconstitutional by the Court, an amendment was soon thereafter submitted to the States, and for 20 long years organizations interested in the public welfare, statesmen, and citizens interested in decent and good government have been making an effort to have that amendment ratified by the necessary 36 States. They have not reached their goal up to this time. If the prohibition of child labor in factories cannot be enacted without a constitutional amendment and such an amendment cannot be secured in 20 years, what reason does anyone have to believe that, with the opposition to progress which we find in the minds of some, necessary amendments can be secured to give Congress the authority to do that which it is obviously necessary for it to do. Perhaps no way can be found, but the suggestion made by the President opens an opportunity for such a way. Many insist that his proposal is unconstitutional, but they have evidently given the matter little thought. The Constitution allows Congress, as above stated, to fix the number of Supreme Court Justices. If there should be an additional number constituting that Court, perchance some of them might join with the minority of the Court and, as Marshall did, discover implied powers within the constitutional provisions that would enable the Nation to go forward to the great destiny which we believe is in the future.

Those who insist that there should be an amendment rather than an increase in the number of Justices seem to believe that those appointed by the President and confirmed by the Senate would be mere puppets rather than men such as Justice Brandeis, Justice Stone, Justice Cardozo, and I might include Justice Hughes as another. The mere fact that judges might be appointed who held views in harmony with those great judges and in harmony with the views expressed by the great Marshall affords no basis, it seems to me, for a charge of corruption and bad faith against the President and against the Senate and those who might be appointed. His appointees might not agree that the President's views are in harmony with their own.

At a time rather similar to the present time, in the days of Jackson, the Supreme Court was in serious trouble with the people, and Jackson perhaps had an opportunity to appoint all the members of the Supreme Court, with one or two exceptions. At that time political bitterness ran high. But the Justices appointed by Jackson were never accused of any effort to write into the laws of the Nation the theories of Jackson about government. For more than 20 years the only important departure made from the opinion of Chief Justice Marshall was a modification of the Dartmouth College case decision by the opinion in the Charles River Bridge case. If we should attempt to bring about reform through constitutional amendments, we might confer upon the general Government more power than we would like for it to have. On the other hand, we might believe that we were conferring certain powers upon the general Government, and the Supreme Court might fail to find that we had done so.

There is one other thought which I will express in this connection, that those who are really opposed to the Supreme

Court and would like to see its powers greatly curtailed, if not destroyed, seem to favor a constitutional amendment. I prefer to place myself in the class with those who believe that the Constitution, if interpreted as Marshall interpreted it, will show that it has within its provisions life-giving power sufficient to save the Nation. I do not believe we can wait for a constitutional amendment. This Nation is now at the crossroads. We must go forward under wise leaders who will lead in the interest of all the people, or else we must go the other way. Whatever is done must be done quickly.

The difficulty with many of those who believe that the status quo should be maintained is that they have not stood on the watchtower and surveyed the people of the Nation as a whole. At the present time matters are very well in hand, and the country itself may be saved through an exemplification of wise leadership, but if the matter gets out of hand and the people run riot, as they have done before, in their efforts to take from the Federal courts the power which the courts have generally wisely used, trouble may come which we do not foresee.

I do not know of any reason why such constitutional amendments as Congress may agree upon should not be submitted to the States, but I see every reason why we cannot afford to await the action of the States if we can take action without it. I believe in the Supreme Court, and I do not believe that it is necessary to curtail its powers, or limit its jurisdiction. It may get out of step with modern progress, but a change in personnel in the past has saved it, and it may do so again. At least it is worth trying in a wholly constitutional manner.

I must discuss briefly the one point which weighs most heavily on my mind. I need not quote statements from distinguished men of the past such as Jefferson, Jackson, Lincoln, John Breckinridge, James Buchanan, Martin Van Buren, and James Madison, to prove that there has always been a strong opposition to the Supreme Court throughout all of its history. From 1803 until the death of Jefferson he continuously protested against the powers claimed by the Supreme Court. His language was strong in his expression of fear that the Court would destroy the Republic. He said so in so many words when he wrote his friend William C. Jarvis, as follows:

> It is a very dangerous doctrine to consider the judges as the ultimate arbiters of all constitutional questions. It is one which would place us under the despotism of an oligarchy. * * * The Constitution has erected no such single tribunal, knowing that to whatever hands confided, with the corruptions of time and party, its members would become despots.

The reason Jefferson was so strongly against the Supreme Court was because of the decisions of Marshall in which he expressed his theory of constitutional interpretation. Jefferson thought that the Supreme Court should adhere strictly to the plain language of the Constitution, while Marshall and his Court found in the treasure house of a practical constitution such power as would enable the general Government to function as it was necessary for it to function if it should solve the great problems confronting it even in the beginning of the Government.

In the opinion of McCulloch against Maryland, Marshall said:

> This provision is made in a constitution intended to endure for ages to come, and consequently would be adapted to the various crises of human affairs.

Mr. Jefferson and his followers did not believe that, and the position of Jefferson and Madison and others was combated by Marshall in this quotation from Gibbons against Ogden:

> Powerful and ingenious finds, taking as postulates that the powers expressly granted to the Government of the Union are to be contracted by construction into the narrowest possible compass, and that the original powers of the States are retained, if any possible construction will retain them, may, by a course of well-digested but refined and metaphysical reasoning founded on these premises, explain away the Constitution of our country, and leave it a magnificent structure, indeed, to look at, but totally unfit for use.

From 1803 until his death in 1835 Marshall was almost continuously in conflict with the Jeffersonians, and the feeling against the Court became so intense at times that it appeared that the Congress and the States might destroy the powers of the Supreme Court. Can it be forgotten that Pennsylvania refused to recognize the validity of an opinion of the Supreme Court and called out its troops to prevent its enforcement? Can it be forgotten that Virginia was in open revolution against the opinion of the Court; that Kentucky defied the Court and refused to obey its mandates; that Georgia, Ohio, Maine, New Hampshire, and other States openly defied the Supreme Court and its opinions, and through resolutions and by other means it was made known that an effort would be made to dissolve the Union because of the opinions of the Supreme Court?

It was because of this feeling against the Court, and to allay it, that Daniel Webster proposed a bill in Congress to increase the membership of the Court by three. Jackson saved the Supreme Court because of his action when South Carolina defied the Court and threatened to withdraw from the Union. Perhaps a majority of the States at that time were equally incensed against the Supreme Court. Jackson was given the power to appoint additional Justices, and by reason of vacancies he practically made over the Court, and when Taney became Chief Justice it was thought that the Court, made up of Jackson's appointees, would repudiate the opinions of Marshall. Of course, it was prophesied then, as now, that if Jackson were given authority to appoint additional Justices liberties would be destroyed, that the Constitution would be violated, that the Court would be packed, and I believe there is no adjective used now by any of those who protest that was not more vigorously used at the time Jackson sought to appoint members of the Supreme Court. He did appoint them, and the Court passed into an era of strength and respect under the leadership of Taney.

It is true, in a few instances, that the people of some of the States, as well as statesmen, continued to rail against the Court, but no serious thought found expression until the Dred Scott decision in 1857. The furies broke loose again, and the Supreme Court was again endangered.

Then came on the War between the States, followed by the reconstruction era, and the Court had no definite or fixed plan. It may be that it was packed by President Grant, as some contend, but, be that as it may, the Supreme Court lost prestige in that third period of our history. It neither followed the Jeffersonian doctrine nor the Marshall doctrine in the interpretation of the Constitution.

In the eighties the Court began to regain its prestige and veered back toward the Jeffersonian doctrine. Things went on very well with it until the income-tax decision, and again there were those who thought the Supreme Court was a useless appendage in governmental functions. From that time until recent years it gained in prestige, but when the real test came, within the last few years, it was discovered that the Supreme Court is looking more to the Taney period than to the Marshall period and that it is imbued with the Jeffersonian interpretation of the Constitution rather than with Marshall's interpretation. Those who were against Marshall should be for the present Court, but those who look upon Marshall's opinions as correctly interpreting constitutional provisions must disagree with the present Supreme Court.

I have briefly alluded to these things as the basis of the point which will have more to do with my final conclusions than any other one thing. The number of those who are against the Supreme Court and who would have it so limited in its powers and jurisdiction that about all that would be left would be for it to settle controversies or suits between or among individuals are legion. The numbers have been growing, and they have been awaiting an opportunity to strip the Supreme Court of its important powers, those powers which are necessary for the perpetuity of our institutions.

I do not belong to that group. I am for the Supreme Court. I cannot find much sound reasoning in the protests of those who say that the Supreme Court is one of the checks and balances set up by the Constitution. There is not much merit in that statement. The executive branch of the Government does have some control over the legislative branch, and the legislative branch does have some control over the executive, and the judicial branch has

control over both, but neither of the branches has any control over the judicial branch other than to kill it off, and that would not be wise. It is true the President appoints the members, but that gives him no control over them. So I dismiss the unthoughted suggestions of those who say that the President's plan would destroy our system of checks and balances as being without merit.

But I cannot dismiss from my mind the conviction which I have that perhaps a majority of the American people want something done to the Supreme Court or to the Constitution which in the long run would not be best for the Nation. These may be termed the leftists. They are what might be denominated extreme liberals. On the other hand, there are the rightists, or the extreme conservatives, who disagree with the President's proposal. Many of them are honest and sincere and believe what they say, and they should be made to see the danger before it is too late. In their fight on the President's proposal they are but helping those who are opposed to the powers vested in the Supreme Court. In fact, they are helping those who would make radical changes in the Constitution. They do not know it, but they have no power to accomplish anything other than to assist the leftists in their efforts to change the Constitution and to change the power of the Supreme Court.

I do not want the powers of the Supreme Court changed, and only as a last resort should the Constitution be changed. But those whom we may denominate extreme conservatives are valiant to bring about that which they most oppose. That can be readily seen by one who has kept closely in touch with the tendencies of the times. Unless some reasonable, sane, and constitutional means is found to prevent a change in the Constitution and the powers of the Supreme Court it will come, and come with exceeding rapidity. This I see very clearly. The great masses of the farmers, regardless of what anyone may say, feel, whether justly or not, that the Supreme Court has denied them benefits which the Government could confer upon them if it were not for the Supreme Court. There are teeming millions of laborers in factories, shops, stores, and mines who sincerely believe that they have been discriminated against by the Supreme Court, and if it should be necessary radically to change the Constitution they would favor it, and they would favor circumscribing the power of the Supreme Court to a very great extent.

As I have said, those who are so conservative that they believe nothing should be done at this time are apt to bring upon the Nation the destruction of the very things for which they contend. At such a time what is a Chief Executive to do who has burning love for democracy and who loves the Nation as greatly as any man who has ever lived in it? He seeks to save the Supreme Court and the Constitution by proposing a method of dealing with these vital questions that is within the Constitution, and that can do no violence to the opinions of any man. The only possible objection that has been offered to his plan is that he will pack the Supreme Court, and as I have said before that cannot be done, and he has no such intention. Those who make that assertion, of course, are wholly without proof. The extremists are taking advantage of what the conservatives are doing in an effort to work their own will. Those who have been most violent against the opinions of the Supreme Court are most violent against the plan of the President. The President as usual is moving in the middle of the road, neither listening to the voices to the left of him nor the voices to the right of him, but he is listening to the voices of the past which are saying to him, "This is the way, walk ye in it."

I know how hard it is for the good lawyer, knowing the traditions of his profession and believing in the perfection of constitutional law, to do anything but oppose what he believes is an effort to pack the Supreme Court. We can only say to them that they are mistaken. I have been one of them, at least in their adherence to traditions. Many of the old ideas that I entertained have been upset by the swift-moving current of progress. It is hard to break away from views of the past, but the dead hand of the past should not control actions in the future unless the past has principles that will meet ever-changing conditions. The past must hold no mortgage on my thoughts of today. I can only appeal to those whom I know are honest and sincere to go deeply into every phase of this question and not to be bound by hastily formed opinions, or by opinions which they have inherited or which have become a part of them, without serious thought and consideration.

It is my deliberate judgment that we will lose all of those things that we hold most dear if we further turn a deaf ear to the millions who are looking to the present administration to bring into being a new era, a new day, where all shall share in the glories of the greatness of our liberty. Democracy ought not to be killed by old friends, but democracy will die if we fail to find some way to guide it over the storm and stress of the present period. We have seen what has happened to democracies in Europe because the governments could not be made responsive to the will of the people. If we adopt the plan of the President we may not win, but at least those of us who believe in the Constitution and the Supreme Court will know that we have done our best to hold back the tide that may engulf the Constitution and the Supreme Court as well.

Many of those who protest against the enactment of the bill proposing a reformation of the judiciary offer reasons that I am afraid are not supported by facts. Some of my very close friends, for whom I feel the most sincere friendship and the truest affection, have most earnestly importuned me to oppose this proposed legislation. I know how honest and sincere they are. Generally they say that it will destroy the liberties of the people.

I do not see how this legislation could interfere with the liberty of the people in any manner. It should be remembered that the Constitution was not adopted to make secure the liberty of the people, but rather to secure the blessings of liberty, which is quite a different thing. Liberty, unrestrained and unregulated, may be a curse rather than a blessing, and our Constitution sought not to protect liberty but to secure its blessings for all of the citizens, insofar as it was possible for the Government to secure such blessings for its people. If the liberties of the people were not destroyed when President Taft named two-thirds of the members of the Supreme Court or when President Jackson named more than that many, why would the liberties of the people be destroyed if another President should be allowed to name less than one-half of the members of the Court? I am persuaded that no one really believes that an additional number of Justices would have a tendency to destroy liberty, but the recommendation of the President came at a time when there was a sharp conflict between the Supreme Court and the Congress over certain legislation intended to secure the blessings of liberty and the general welfare of the people, as the Congress believed.

The recommendation was seized upon by those who are opposed to the President, as well as by many of his friends, to create the impression that he had but one thing in view, and that was to appoint members of the Supreme Court who would do his bidding. He is not that kind of a President, and there is nothing in his life or conduct to afford the slightest basis for such a belief. I believe there is no writer of importance on public questions who has ever thought that it was a crime for a President to select members of his own political party to fill positions on the bench. It has not always been done, but, generally, when it has not been done it was because the appointing power realized that politics might have something to do with opinions and someone from the opposite political party was appointed to maintain the balance of the Court. The President has always appointed the Justices to the Supreme Court. The Senate has not always confirmed his appointments. A long list of outstanding jurists failed of confirmation in the Senate.

As I have previously said, the contention that liberty will be destroyed is founded upon the belief that the President and the Senate are unpatriotic, that they have no love for their Government, and that they will enter into corrupt bargains to bring about decisions of the Court not justified under the laws and the Constitution. If I believed that to be so, most assuredly I would vote against any such proposal as that now pending; but I do not believe it, and I am in a

better position to know the truth than some of my friends who disagree with me. I only ask that they possess themselves in patience until they see what happens in the event the legislation should be enacted. Let us hope that it will turn out as it did in Jackson's day, that the Court will be saved, the Nation be helped, and the Constitution be maintained without the loss of any of its force. My judgment is that will be the result.

I urge upon the lawyers most earnestly to withhold their hasty comments until they may be in possession of all the background and surrounding circumstances and facts of every nature. That is what I have tried to accomplish. I withdrew entirely from the recommendation when it was first made; I was afraid of it; but I have gone into the whole matter through many sleepless nights in an effort to satisfy myself as to the best thing for me to do to bring about the stability of our Nation, the maintenance of our institutions, and the continuance of democracy.

Another point that has been suggested is to the effect that such a recommendation, if adopted, would destroy the American system of government. Certainly it proposes to make no change in our system of government. After all, what is going to be done if the recommendation should be adopted? The Supreme Court and other Federal courts are to be treated as if they should have assistance when their judges reach the retirement age; that they may be allowed to lay down their burden if they so desire; but if they do not, and if they wish to continue, that they be not disturbed other than by an increase in the number of judges and Justices to such an extent as will enable them to discharge with expedition the important duties imposed upon them. Such a practice is not unusual. The Jewish Sanhedrin was a large body of judges, 70 or more, and, through the rules developed by experience, to the membership from time to time was added a number of young men who might sit at the feet of Gamaliel and who might acquire wisdom that would serve them well in the discharge of their duties as judges.

It has been said that the Supreme Court needs no additional Justices, and that if there should be an addition to the number of Justices it would not help the Court. Such an argument may be advanced but it must be unsound. It appears from a record, which I have before me, that in the years 1935 and 1936 the Supreme Court disposed of 1,966 cases. It is true that many of those cases were brought before the Court on a motion for writ of certiorari. The fact that the Court did not write an opinion in the cases does not mean, or, at least, it should not mean, that the record was not carefully considered. I believe that each record was considered, insofar as time and opportunity would permit. From 1880 to 1889 the average number of cases disposed of by the Court each year was 429; from 1890 to 1899 the average number of cases each year was 468; from 1900 to 1909 the average number of cases was 420; from 1910 to 1919 the average number was 570; from 1920 to 1929 the average number of cases was 761; from 1930 to 1932 the average number of cases was 898; from 1933 to 1936 the average number of cases considered each year was 983. The same number of Justices that disposed of 983 cases last year was only called upon to dispose of 429 in 1889. The number of cases disposed of has more than doubled. The number of Justices has remained the same. Undoubtedly the cases coming before the Court now are of greater importance in many respects than the cases which came before the Court 40 or 50 years ago. It appears that a fair case may be made out for an increase in the number of Justices independent of the recommendation of the President.

It must not be forgotten that Congress alone determines how many Justices there would be on the Supreme Court. While it is true that the plan of the President may not result in an increase of the membership of the Court, it would not require very much argument to convince a reasonable man that a Justice 40 years old would be capable of doing more work than one 80 years old. I believe it is the practice in many of the States—I know it has been in my own—to find some way to help the judges of the highest Court.

While I was a member of the highest court in Kentucky, it was deemed necessary by the general assembly of the State to help the court. It could not increase the number of judges, as the number is prescribed by the constitution, and the situation was such that no effort was made to secure a constitutional amendment authorizing the appointment of additional judges, but the general assembly created four commissioners, whose duty it was to consider records and State cases and make arguments within the court and prepare opinions in exactly the same manner as was done by the judges of the court. They could do everything that a judge could do except to vote. No one thought of that as being revolutionary, and, in fact, the act providing for the commissioners, as I recall, had the unanimous support of the general assembly as well as of the people of the State. In some States, such as my own, the court names the commissioners. In others, the appointive power is with the Governor. I do not believe that anyone has ever suggested that there has been an effort to pack a court by such means.

I have attempted to consider every objection that I have heard offered to the proposed legislation, in order to ascertain if there is any real basis for it. My opinion would be worth nothing, if I simply stated my opposition. My conclusion on the whole matter is that the objection made to the President's proposal is that he desires to pack the Court with those who are favorable to his political views. I do not dispute the honesty or the integrity of those making that contention but I do not believe it, and, if I took the position that I did believe it, I would be false to my own conscience and could not maintain my own self-respect. If the Government of the United States has fallen into the hands of those who have such a low concept of duty and decency, it does not make much difference what happens to it; and, if the people have lost all confidence in their public servants, as seems to be the case, then, it does not make much difference what happens.

I am answerable to myself and to my Creator for what I do here. If, following the lights I have, I cast a vote for this measure, which I believe is intended to perpetuate democracy and save the Constitution and the Court, I shall be satisfied. At this time I am satisfied.

MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTION SIGNED

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution, and they were signed by the Vice President:

S. 62. An act to extend the times for commencing and completing the construction of a free highway bridge across the Missouri River at or near Atchison, Kans.;

S. 206. An act to provide a preliminary examination and survey of the Snake River and tributaries in the States of Idaho, Washington, and Oregon, with a view to control of flood waters;

S. 1128. An act authorizing the Secretary of the Navy to accept gifts and bequests for the benefit of the Office of Naval Records and Library, Navy Department;

S. 1130. An act to authorize the acceptance of certain lands in the city of San Diego, Calif., by the United States, and the transfer by the Secretary of the Navy of certain other lands to said city of San Diego; and

S. J. Res. 84. Joint resolution to authorize the Postmaster General to withhold the awarding of star-route contracts for a period of 60 days.

AMERICAN NEUTRALITY

The Senate resumed consideration of the joint resolution (S. J. Res. 51) to amend the joint resolution entitled "Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war", approved August 31, 1935, being Public Resolution No. 67, Seventy-fourth Congress (S. J. Res. 173), as amended by joint resolution approved February 29, 1936, entitled "Joint resolution

extending and amending the joint resolution (Public Res. 67, 74th Cong.), approved August 31, 1935."

Mr. ROBINSON. I suggest the absence of a quorum.

Mr. McNARY. Mr. President, will the Senator withhold the suggestion for a moment?

Mr. ROBINSON. Yes.

Mr. McNARY. May I be informed as to the plan and program which is to be followed? There are two or three Members who desire to be heard for whom I must send, they now being engaged on public work, and if the Senator could advise me at this time as to the program I should be obliged to him.

Mr. ROBINSON. My understanding is that consideration of the so-called neutrality joint resolution is to be resumed. The Senator from Nevada [Mr. PITTMAN], who was in charge of the joint resolution, is temporarily absent from the floor. I, therefore, suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ELLENDER in the chair). The absence of a quorum being suggested, the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	Lee	Pittman
Andrews	Davis	Lodge	Pope
Ashurst	Dieterich	Logan	Radcliffe
Austin	Duffy	Lonergan	Robinson
Bachman	Ellender	Lundeen	Russell
Bailey	Frazier	McAdoo	Schwartz
Barkley	George	McCarran	Schwellenbach
Black	Gerry	McGill	Sheppard
Bone	Gillette	McKellar	Smith
Borah	Green	McNary	Steiwer
Brown, Mich.	Hale	Maloney	Thomas, Okla.
Brown, N. H.	Harrison	Minton	Thomas, Utah
Bulow	Hatch	Moore	Townsend
Burke	Hayden	Murray	Tydings
Byrd	Herring	Neely	Vandenberg
Byrnes	Hitchcock	Norris	Van Nuys
Capper	Johnson, Calif.	Nye	Wagner
Caraway	Johnson, Colo.	O'Mahoney	Walsh
Chavez	King	Overton	Wheeler
Clark	La Follette	Pepper	White

The PRESIDING OFFICER. Eighty Senators having answered to their names, a quorum is present.

Mr. THOMAS of Utah obtained the floor.

Mr. PITTMAN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nevada?

Mr. THOMAS of Utah. I yield.

Mr. PITTMAN. Does the Senator desire to proceed now or would he be willing to permit us to dispose of certain formal amendments which are to be presented?

Mr. THOMAS of Utah. Mr. President, the question I believe is on the adoption of the amendment of the Senator from Michigan [Mr. VANDENBERG]. I have talked to the chairman of the Committee on Foreign Relations with reference to certain minor amendments. I am not going to offer any further amendments at all, but, as I have pointed out to him, it seems to me certain correcting amendments should be inserted and I am going to take the liberty of calling attention to them as I have already spoken to him about them. It matters not to me whether my remarks follow what the chairman of the Foreign Relations Committee wants to do or otherwise, so I shall abide by his decision.

Mr. PITTMAN. I do not think it is necessary to have the Senator delay his remarks. The Senator from Maine [Mr. WHITE] yesterday made certain suggestions with regard to the form of language. There is only one of his suggestions which affects the amendment of the Senator from Michigan and I shall wait until after the Senator from Utah concludes his remarks. One suggestion of the Senator from Maine was that, on page 9, in line 3, there should be an amendment following the word "proclaim." The language now is that the President "shall so proclaim." The Senator from Maine suggests that following the word "proclaim" the following language should be inserted:

> And shall definitely enumerate in said proclamation the articles or materials the shipment of which the President finds it necessary, for the purposes of this section, to restrict.

However, as I said, I shall wait until the Senator from Utah has concluded.

Mr. WHITE. Mr. President, will the Senator from Utah yield?

Mr. THOMAS of Utah. Certainly.

Mr. WHITE. After making that suggestion yesterday and after having further opportunity to study the language of the joint resolution, I believe that what I had in mind is taken care of in another place in the resolution. So far as I am concerned, therefore, I am ready to withdraw the suggestion which I made as to that amendment.

Mr. PITTMAN. We can take that up after the Senator from Utah has concluded his remarks.

Mr. THOMAS of Utah. Mr. President, in keeping with the remarks which I made in regard to amendments, I will first invite attention to those places in the joint resolution where I think the suggested amendments are quite necessary.

At the bottom of page 7, in line 25, it will be noted that older legislation and the wording of older legislation has been followed. That section, at the time the legislation was written, followed of course the ideas which were in the minds of the authors of the legislation, just as today we are following the ideas which are in our minds. The words used are "vessel or vehicle." I suggest the insertion of the word "aircraft" to make this part of the joint resolution consistent with the rest of it.

Then when one realizes that the word "vehicle" is used, one is reminded of the fact that the new measure has been written entirely in regard to those boundaries which are the seas. Therefore, in several other places, if we are to be consistent, we must make a necessary change. We must remember that in the transshipment of goods across the borders we have land boundaries as well as sea boundaries. Therefore, on page 9, in line 4, the word "vehicle" should be inserted. Also on the same page, in line 13, the word "vehicle" should be inserted.

At the top of page 10, in line 1, due to the fact that in the joint resolution the Philippines are included as being covered by the proposed legislation as a part of the United States, it would be well to add, after the words "American citizens" the words "and American nationals", to make this provision consistent with the rest of the joint resolution.

On page 10, line 9, I believe the "vehicle" idea should also be added to the idea in regard to American vessels, but probably in those places my suggestion is hardly in order.

Mr. PITTMAN. As to the Senator's suggestion that the word "vehicle" should be included in subdivision (a) of section 2, page 9, I wish to call to his attention the fact that that section does not deal with an embargo. It does not deal with anything except merchantmen of the United States.

Mr. THOMAS of Utah. The Senator is entirely correct. Probably in that place the amendment is not necessary. I have offered all these suggestions in a spirit of helpfulness and not in a spirit of criticism.

Mr. PITTMAN. Undoubtedly, and I very well appreciate the effect of the word "vehicle" in the other places where the provisions do not really deal exclusively with American ships.

Mr. THOMAS of Utah. There may be other places which I have overlooked. I have offered these suggestions in the spirit in which I had the conversation with the chairman of the Foreign Relations Committee.

There may be one or more other places where the same thought would apply. I think one place, for instance, will be found on page 17. These suggestions are not offered as amendments. In fact, they would probably be out of order if offered at this time.

If I may have the attention of the chairman of the committee for a moment, on page 15, in line 7, appear the words "or of a treaty to which the United States is a party." I desire to ask whether or not that sentence applies to the whole joint resolution. It specifically refers to licensing, but I assume that in practical aspect it applies to the entire measure.

Mr. PITTMAN. It is expressly provided in one sentence in the joint resolution that all the licensing provisions shall apply to the entire measure.

Mr. THOMAS of Utah. That, Mr. President, completely removes any objection which might be offered to section 4, on page 12. It will be remembered that in the discussion of this section, due to the fact that the present suggested law is to cover civil strife and civil war, as well as war between states or nations, it was said that section 7 probably needed a proviso, because it might conflict with treaty agreements already made with certain Latin-American countries. With the answer which the chairman of the Foreign Relations Committee has made, there is no conflict here; and, as I see the matter, there is no need for a proviso.

Mr. President, I am entirely out of harmony with the amendment offered by the Senator from Michigan [Mr. VANDENBERG]. I believe that taking out of the joint resolution the provisions which he seeks to strike out would destroy the effectiveness of the measure. It may be well for us, for a moment or two, to pause and consider the way in which our neutrality legislation came into existence. It may be proper for us to stop and realize that so far as the Neutrality Act of 1935 and the Neutrality Act of 1936 are concerned, both were temporary acts. We are now dealing with permanent legislation. Our attitude toward the measure, therefore, should be different. We are definitely laying down a policy which will direct the United States in other laws and in other attitudes as they are related to this proposed law, which will become more or less fundamental.

If I understand correctly, I think I realize why the Senator from Michigan offers his amendment. I think, if I have not drawn the wrong deduction, he offers it primarily because of the wide discretionary power which is left in the hands of the President. I think the deduction which the Senator has made, if I am properly interpreting him, is an improper one; that the reasoning which was used is erroneous; and that the conclusion which he drew, especially when he quoted from John Bassett Moore, is a conclusion which will not and cannot hold.

Under the joint resolution as it stands, if the whole spirit of the resolution is governed by the first section, there never can be a partial treatment of belligerents or factions. It would be outside of ordinary reason and ordinary logic to assume that the President could use his discretion for one side or another side of a given controversy. It is entirely beside the point, if we accept what has been written by the great John Bassett Moore and some of his followers as conclusive, that under these provisions the President actually has the right and the power to bring about war without an act of Congress.

The logic of such an assertion falls when we carry through the logic in regard to mandatory and discretionary powers. If, under a discretion, the President has the right to choose one belligerent in contradistinction to another, or to frame his proclamation so that it will act in favor of one faction in contradistinction to another, if he can do that by his discretion, then if we make his action mandatory, and if his discretionary action will make it possible for the President to lead us into a war or put us into a war, our mandatory words will actually put us there, regardless of anything the President may do because he has to act in regard to a proclamation.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I am glad to yield to the Senator from Michigan.

Mr. VANDENBERG. Before the Senator leaves the reference to John Bassett Moore, I am not quite clear as to what the Senator intended to say. Is he saying that I misapplied John Bassett Moore's warning, or that John Bassett Moore himself is mistaken?

Mr. THOMAS of Utah. I should not say that the Senator misapplied it; that is certain. I did not mean that if I said it. I think the deduction which John Bassett Moore has made is a deduction which does not hold.

Mr. VANDENBERG. In other words, the Senator is quarreling with John Bassett Moore fundamentally?

Mr. THOMAS of Utah. I am; and I think my logic will follow in that direction.

There is nothing in this joint resolution, as far as the resolution itself is concerned, which transfers to the President power that he does not already have to make war or to get us into war. Everyone knows that discretion is inherent in the Executive, and that no neutrality act, no matter how mandatory it might be, could affect conditions brought about by the President as Commander in Chief of the Army and the Navy, as a negotiator with foreign countries, as the representative of our Government in all international affairs, and as the executor of our laws.

It is not a matter of discretion in the President, but there is an actual condition which makes it perfectly possible for the President at any time to get us into a situation which might make for war. There is always inherent in his position a possibility of his getting us into a situation which may make for peace. A neutrality measure of this kind would in no way change a situation of that kind. It could not change it. We could not take away those powers which under the Constitution are inherent in the office itself by a measure of this kind, or by making a certain thing mandatory. We could not remove from the President those powers which are his from the mere fact that he holds the office that he does hold.

As for assuming that if we have a mandatory provision making the President do certain things instead of a discretionary provision, I repeat that a discretion is there for him to do something. If he has a mandate, he practically has to do it. So, on the score of making war, mandatory ideas are very much weaker in the practical aspect of the case than are discretionary ideas so far as controlling the President is concerned.

If I had my way with regard to this proposed law—and I have not—it is in the first section that I would stress the actual need for discretionary power on the part of the President; and it is in making this section mandatory that we are weakening the law, if the law is brought into existence with one purpose or with one of its many purposes that of keeping us out of war or preventing war.

In the first place, a mandate is actually weaker than discretion, because with a mandate the President must await eventualities and events before he can act. With discretion, broadly accepted, the President may act in accordance with circumstances as they arise. It may be said that this is too great a power for the Executive, but he has it inherently in his position, and it is better to let him have it here, first of all, because we do not know anything about the next war. For example, a war between France and Siam would be a war affecting us quite differently from a war between Great Britain and France. Yet the rule is made so binding that the President has to act in exactly the same way in each case. A civil strife which takes on the proportions of a civil war in a very insignificant country is a thing quite different from a world war. Yet under the proposed law we would make the President issue the same proclamation and bring about the same sort of a declaration in either case. Thus it will be seen that the mandatory notion is actually, in practice, a weaker idea than the discretionary one, and in effectiveness very much weaker.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. I am glad to yield.

Mr. VANDENBERG. I am very much interested in the Senator's statement, because from my viewpoint I find so astounding the statement, to wit, that the mandatory section is weaker in its protection than a discretionary section.

Let me ask the Senator this question: Suppose we eliminated the mandate entirely and relied exclusively upon discretion, which I understand to be the Senator's preference, would not the President then be free to join America to a program, for example, of League of Nations sanctions, if he saw fit?

Mr. THOMAS of Utah. Of course not. The sanctions idea is in no sense an idea based upon the theory of impartial neutrality. It is just as far away from that theory as the poles are from each other. The whole theory of the

League of Nations sanctions idea—and we ought to explain what the League of Nations sanctions idea is, since the Senator brought the subject up—is based upon the notion of the destruction of the neutral theory, especially the impartial notion of neutrality.

If the League of Nations should put into force a sanction, neutrality would go out of the window, and as long as we had this neutrality theory and this neutrality act, the President could not cooperate directly with the sanctions idea, because he would be prevented by our laws from doing it. He could do what is being done now, and, as the chairman of the Foreign Relations Committee pointed out when he said that certain European states are now following our embargo practice, our neutrality act could become a stronger embargo as it actually was than could the sanction, as far as embargoes are concerned. Then, if the sanction follows the theory and the practice of our neutrality embargo, of course, there is harmony between the objectives which the United States has and the objectives which the League has.

That is proved by the way which the Senator from Nevada suggested yesterday, through agreement of European nations in regard to nonintervention, or their idea of neutrality, which was an agreement in keeping with our embargo act in regard to Spain. There would be harmony, but there would be no formal way, under our conditions, of ever having the President, under the proposed law, act in conformity with the sanction idea, because we are not a party to the bringing of the sanctions into being.

Mr. VANDENBERG. Mr. President, will the Senator yield further?

Mr. THOMAS of Utah. I yield.

Mr. VANDENBERG. Of course I fully realize that so long as we have a neutrality statute requiring the impartial administration of any restriction under it there could be no collaboration with respect to sanctions. The thing about which I was asking the Senator is unrelated to the existing law but related to the abstract proposition which I understood him to submit, that Executive discretion without limitation was the desirable process. I was asking him whether, if he could have his way, it would produce unlimited Executive discretion that could not produce our cooperation with sanctions of the League of Nations.

Mr. THOMAS of Utah. Not as long as we adhere to the neutral theory back of our embargo.

Mr. VANDENBERG. I quite understand that, but I am trying to discover the Senator's view of a preferable formula, which, as I understand him, would be complete Executive discretion.

Mr. THOMAS of Utah. Not as long as we have our present law, not as long as we adhere to the neutral theory. If the Senator from Michigan will think back he will remember that one of the amendments which I suggested was an amendment which would make it absolutely certain that the idea of impartiality is the one which the President must follow as long as we adhere to the neutral policy.

As far as the League of Nations sanctions are concerned, they are not related in any way to any embargo which has to do with the neutral theory. I have to repeat that, because our minds are running in different directions. It is from the part of the joint resolution of which the Senator from Michigan is suggesting a modification that John Bassett Moore draws his conclusions. His conclusions, I think, are not well grounded, because he starts with the premise that someone may wish to use his discretionary power to cooperate with the League or some other organization in the punishment of an aggressor. Until we make a declaration that that should be our aim, indirectly we have accepted the theory, in the pact with the Argentine, but as long as we adhere to the policy of neutrality, it seems to me that, as far as our American law is concerned, the way in which it is worded here, we have to adhere to the idea of impartiality.

This does not mean that under the international law theory of impartiality, a nation can be partial or can be impartial, as it sees fit. But we are talking about domestic law and the policy which the United States has enacted to govern her when there may be war in the world. Have I helped to clarify the matter?

Mr. VANDENBERG. Mr. President, I greatly appreciate the Senator's exposition. I think I failed to make my inquiry clear. In my inquiry of the Senator I was abandoning all consideration of the pending proposal. I was seeking to discover the extent to which he would be willing to go in his assertion that Executive discretion was desirable and safe, and I was trying to find whether he would go to the extent of giving the Executive an unlimited discretion even to be partial, and even then to the extent of associating ourselves, at least in cooperation, with a sanction program of the League of Nations. I was merely trying to bring the Senator's objective to its conclusion, so that I could more fully understand him.

Mr. THOMAS of Utah. I can answer the question in this way: I should like to see the American Government a member of the League of Nations, but I should not like to see the American Government a member of the League of Nations under the present conditions of thought in the United States, because it would be a membership which would utterly fail. The League of Nations' fundamental concept rests, first of all, upon the peaceful process; and, second, the democratic one. If the people of the United States are not actually anxious to agree with the fundamental principles of the covenant, it would be a political mistake and a political blunder for the United States to join the League. So long as the sentiment of the people of the country is as it is, I should not favor membership. Have I made myself plain?

Mr. VANDENBERG. I thank the Senator.

Mr. THOMAS of Utah. I should like such a feeling that we could cooperate to the fullest extent with the League, but the sentiment is not here, we are far from it, and the very fact that this neutrality act has become attractive throughout the country shows that that is far from the sentiment of our people. If in the course of time we can educate the people so that they will see aright, then, of course, the situation will be quite different. But if we ever associate with the League it should be after open discussion and formal action in complete accord with our Constitution.

In answer to the Senator from Michigan, I do not believe that any branch of government or any kind of government should ever attempt to do anything contrary to the wishes of its people. Therefore the suggestion that the President might use the power proposed to be given him here to do something which he should not do is a suggestion which, I think, is more or less a reflection upon the kind of President we might have; and I do not mean that in a personal way.

I shall now repeat: If the joint resolution were written as I think a permanent bill should be written, there should be wide discretionary power left with the President, because he is going to have it anyway, and because no one can tell what kind of war we are going to have, or where civil strife is going to break forth. But in this connection, in order that the President should be curbed, and should be properly advised, and so that there should be unity between the Congress, which has the war-declaring power, and the Executive, my original plan—and it was adopted by the Senate of the United States, but was thrown out in conference—was to add to the council which directs the trade in munitions the chairman of the Foreign Relations Committee of the Senate and the chairman of the Foreign Affairs Committee of the House, and this munitions council would thereby become informally and actually an advisory council to govern or to suggest to the President or at least be available for the purpose of advising the President of the situation as it actually existed in relation to his proclamations in regard to neutrality or in regard to embargo.

Thus it is seen the theory will become not an absolute strait jacket—and I hate to use that word, because it is so improperly used in regard to everything—but it would result, like most good things in government, in the establishment of an institution which could contribute usefully at a given time or in a given situation.

Take, for example, the strength of the mandatory act: We saw what happened last summer. The President had not the power, according to the strict interpretation of the wording of our act, to put an embargo on the shipment of goods to Spain, because the act did not cover civil war. The weakness of the mandatory provision was shown right there. It was necessary for us to enact a mandatory embargo covering a particular country. If what the newspapers said is true, the President, or that branch of the Government which administered the measure, had used persuasive powers and found them of no avail; so the theory of the people and the feeling of the people and the feeling of the Government itself was that this law should be extended to cover civil war. We know by the passage of the Arms Embargo Act of 1935 (the Arms Embargo Act was first recommended, I believe, as early as 1925. I think we acted on it in 1935. I care not which date you use) that the theory of the people supported this course, yet because of the mandatory provision it was impossible for the President to act.

That condition may occur at any time. Therefore, if this permanent law provided for a strong discretionary power and an advisory council, it would, of course, be a very much more effective and a very much better permanent law.

Before we leave this section I wish to say, in spite of the fact that I have already mentioned this matter to some of the Members of the Senate, that if we were rewriting the joint resolution, I should surely take out the phrase "the state of war" and the phrase "civil strife"; I should substitute for the first the simple word "war", and for the phrase "civil strife" I should substitute the words "civil war or insurrection." The reason for such suggestion I am sure is apparent to all. No matter what anyone says, there is a difference between the phrase "a state of war" and the word "war." That difference, legally and actually, is shown from the fact that legally, as far as the United State and Germany and Austria were concerned, we had a state of war with those countries until the middle of 1921, although actually war with those countries ended with the armistice. A condition may arise at almost any time in Europe, through a declaration or through uncertainty in internal government and the relationship between governments, which would make it almost necessary for all governments to describe that condition as "a state of war", and yet there may be no war. There have been periods in the history of the world, and Senators all know them, though a condition of a state of war existed over a great number of years, though there were no battles, when there was no actual warfare, though there was even actual communication between the countries as in peace time.

In regard to civil strife, if we assume and expand and take those words to mean what they ordinarily do, when governments make changes not by orderly elections but by a coup d'état, for example, or by that which is termed civil strife without warfare, the necessity comes upon the President to issue such a proclamation as provided for in the measure, if he is consistent. It is true that other sections of the joint resolution make this argument not quite so valid as it might be; but I leave those ideas for what they are worth, and I make the suggestion merely in the spirit and in keeping with the fact that we are adopting permanent legislation.

There is no doubt in my mind that the primary purpose of the proposed legislation is not to curb trade, but to keep us out of war, and to keep American citizens from gaining profit from war. If the civil controversy is a peaceful process, why should we resort to a proclamation of this kind, and interfere with the ordinary trade of our country? If the state of war is not actual warfare, but merely a technical state of war such as we had from the time of the armistice to the middle of 1921, why should we make it necessary for the President to issue such a proclamation under those circumstances? It seems to me that the resolution can be greatly strengthened by those two simple suggestions, and it will thereby become very much clearer.

While I am on my feet I should like to say that I agree to the utmost with the remarks which the senior Senator from Idaho [Mr. BORAH] made yesterday in regard to paragraph (b), the cash-and-carry section of the resolution. The cash-and-carry idea is new. It is entirely experimental. We can only make conjectures about its effect. The first time I knew of the idea was when I read a magazine article in Current History for June 1936. The author of that article has a similar article in the Atlantic Monthly for this month. There he emphasizes the fact that the cash-and-carry basis may be an effective means of enabling us to dodge our responsibility. That is logic which we cannot deny. There is no doubt that certain responsibilities are dodged, or at least are not assumed. All that the Senator from Nevada [Mr. PITTMAN] suggests today in regard to this matter is true if we merely add the words that this is an experiment, and we cannot project the consequence. I believe that the consequence will be exactly as the senior Senator from Idaho pointed out yesterday. Excepting upon a purely experimental basis, I believe it would be very unwise to put anything like this into permanent legislation. It may not bring war to our back yards or our front doors under every circumstance, but everyone knows that it cannot help but bring actual hostilities, actual warfare, nearer to us than if we did not enact such a provision.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nevada?

Mr. THOMAS of Utah. I yield.

Mr. PITTMAN. I am very much interested in the reasoning of the Senator with regard to the provision of the resolution which he is now discussing. I still cannot see what difference it makes as to the character of the goods or the effect of the goods or the actual transportation of the goods whether the title is in citizens of the United States or the title is in someone else at the time they are attempted to be exported.

Mr. THOMAS of Utah. While, of course, there is no change, and all the Senator says is true, let us assume that an agency of a government at war is set up in one of our ports in anticipation of or as a result of this proposed act, and that agency builds up its credit and transfers goods produced on American soil, the fact that even before the goods are put on a ship the transfer is known merely means that an enemy vessel which is interested in those goods is, of course, going to be on the alert very much earlier than it might otherwise have been.

Mr. PITTMAN. The Senator suggests that the enemy vessel would be more alert. It was known to Germany during the last war that goods were moving from our ports as rapidly as ships could take them; I think that is true, and I think that Germany knew that there were five or six or seven times more British ships carrying those goods than there were American ships carrying them. Furthermore, French ships and ships of various other nations were carrying them. Germany knew that they were going to Great Britain or France or to her other enemies, and, therefore, she had just as much incentive to stop those goods as she would have under this proposed act. I cannot see why the hazard to our peace would be as great.

Mr. THOMAS of Utah. That, too, is very true, Mr. President, I agree with what the Senator has said; but the cruising range of submarines is very different in 1937 from what it was in 1914 or 1915, although one submarine did get over here. However, due to the increased cruising range, the military tactics of defense and offense are going to be different. In the particular case mentioned it was to the advantage of Germany, of course, acting on the defensive, so far as sea warfare was concerned, to concentrate her energies—where? Around the homeland, around her own waters, where she could be both a defensive factor in the war and also an offensive one so far as the destruction of commerce was concerned.

Mr. GERRY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Rhode Island?

Mr. THOMAS of Utah. Yes.

Mr. GERRY. Does not the Senator think that when the Allies started the convoy system, after the United States

entered the war, the submarine picture changed? As soon as Great Britain began to convoy merchant vessels the submarines began to be less effective as far as the number of vessels they were able to sink was concerned. That was the result of the convoy system, as it was the result of the convoy system in the time of Napoleon.

When that happened and when after our entry into the war we were able to put so many more destroyers at the disposal of our allies the German submarines operating in the blockaded area suffered. More submarines were lost, and they found it increasingly difficult to operate against the convoy.

As the Senator knows, we carried 2,000,000 men to Europe, and not one man was lost on a vessel that was convoyed by the American Navy. The result, naturally, was that the nation that was suffering most from the blockade tried, as France did in the Napoleonic wars, to make the most use of commerce destroyers, and went further afield to attack the enemy's commerce or to hold up neutral commerce which was aiding her enemy nations, That is the situation that really existed before the end of the World War. As soon as we came into the war the British started in earnest the convoy system. Then, of course, the submarines, with their large cruising radius—and even at that time the German submarines had a cruising radius of between 4,000 and 5,000 miles, mounted 6-inch guns, and were able to do 22 knots—were very formidable and able to go into the far lanes of commerce. They came to our own coast even before we got into the war. A submarine came into the waters of my State, ran into Newport, and then went to sea again. My view is that the more acutely a country is suffering from a blockade the more apt it is to embark upon submarine warfare and employ commerce destroyers, and that is what finally involves neutrals and brings neutrals into the war.

Mr. THOMAS of Utah. That merely illustrates, I think, the point which I am trying to make, that we are dealing with the unknown in regard to this great change. I repeat what I said, that we do not know whether this is going to bring the theater of war closer to us or not, but we can——

Mr. GERRY. Mr. President, I do not wish to interrupt the Senator unduly, but does he not think that the history of the World War proves to a large extent that the circumstances I have indicated make for more commerce destroyers?

Mr. THOMAS of Utah. Of course, and I think also——

Mr. GERRY. I do not think that condition is unknown; I think it is history. I disagree with the Senator that it is unknown. That is the point I am trying to make.

Mr. THOMAS of Utah. I will accept it as a naval idea; but I am sure, so far as the effect of this particular suggestion in the joint resolution is concerned, that those conditions are unknown because we have not tried this sort of policy. Whether it will draw the war to us or not remains to be seen, but it adds another stimulus to bring it nearer.

Mr. PITTMAN. Mr. President, let me ask the Senator from Utah another question?

Mr. THOMAS of Utah. I yield.

Mr. PITTMAN. The Senator, who is quite familiar with the history of the last war, will remember that, beginning in 1917, the German Government established a war zone in the open sea 20 or 30 miles away from the shore entirely surrounding the belligerents, Great Britain, France, and Italy, and the eastern Mediterranean, and that Germany announced to the world that she would sink every ship that came within that zone, neutral ships as well as belligerent ships. Would it not be better in that kind of case, both for our citizens and the peace of the country, that our American seamen should not be killed in that zone and that American property should not be destroyed in that zone?

Mr. THOMAS of Utah. Of course it would be. I am in agreement with the conclusion which the Senator has made when he places that picture before me. But in that particular case the zone which the German Government set up was a defensive zone, and, being a defensive zone, it was necessary for Germany to keep her vessels there for action. The picture would be quite different if there were no zone placed there, and the tactics were different in the light of the progress, if it may be called progress, which has been made in naval warfare.

Mr. PITTMAN. If there were such a zone, and the submarines were pursuing the same practice, would it not relieve our Government of the insistence of its citizens for redress by reason of the destruction of our commerce in that zone which we declared to be illegal?

Mr. THOMAS of Utah. Certainly; it would. That part of the idea is a perfectly valid one, accepted on its primary premise.

Mr. PITTMAN. Then the purpose of compelling the conveyance of the title of American products to some foreigner before they get in that zone, to that extent, is a good idea, is it not?

Mr. THOMAS of Utah. It is a good idea to the extent that we relieve ourselves, as I have admitted, of responsibility. However, the point I am mentioning is entirely different from that, as I am sure the Senator knows. I am not even saying that the notion which the senior Senator from Idaho [Mr. BORAH] advanced yesterday has been proved, or that it can be proved until we have a given war with a given set of circumstances to demonstrate whether this joint resolution would bring war nearer to our own waters. But I am assuming that it would, and it is that contention and only that contention which I am arguing.

Mr. PITTMAN. Very well. I had taken up the discussion with the Senator as to whether or not it is a good idea to have our goods destroyed in those zones, and to that extent we agree.

Mr. THOMAS of Utah. I do not think it is a good idea to have our goods destroyed anywhere.

Mr. PITTMAN. Therefore if we can get paid for them before somebody else destroys them, so much the better.

As to the question of bringing war nearer our shores, the Senator from Rhode Island [Mr. GERRY] largely bases that argument upon the greater cruising radius of submarines. Let us assume that they have a greater cruising radius and therefore can work nearer to our coast, which is 3,000 miles away from their base, than they have ever been able to do. We know what the merchant ships of the world are. We know that Great Britain had more merchant ships than any other country in the world, and probably has more now. We know she had the largest navy in the world except ours. She had control of the seas so far as the last war was concerned. She kept commerce and trade from getting to Germany. The same incentive would be found to destroy cargoes if we should have the same kind of war. Whether we have this provision in the joint resolution or not, British ships would be carrying most of the trade and her enemy would be after the same kind of ships, if we assume the same kind of a war. If it be better to destroy those ships at our door rather than as was done before, if it be better military strategy to stop those ships two or three thousand miles away from Europe than where they were stopped during the previous war, then Great Britain's enemy will stop them and search them near our shores to determine whether or not they are carrying contraband. It is contraband that they want to stop. Contraband is contraband no matter who owns it.

Mr. THOMAS of Utah. Not necessarily, but that which they have declared to be contraband.

Mr. PITTMAN. I shall not go into an argument as to what constitutes contraband, because contraband, so far as the belligerent submarine is concerned, or the belligerent war vessel is concerned, is what it says is contraband. The real object is to stop whatever it can from getting to the enemy. They will stop it at the point where they can best stop it.

Mr. THOMAS of Utah. Not necessarily.

Mr. PITTMAN. I think they would, but perhaps the Senator may differ with me about it.

Mr. THOMAS of Utah. Of course, there are many factors involved. Just as there are differing wars, so there may be many kinds of factors involved. A gunboat may be doing

two duties at the same time, and under those circumstances it would act consistently with the particular military tactics involved.

Mr. PITTMAN. They would undoubtedly stop the goods where they thought was the most strategic point.

Mr. THOMAS of Utah. I think not. The destruction of the goods is their aim. I would not admit the Senator's point.

Mr. PITTMAN. Then I do not understand the Senator's contention at all. I thought I did, but apparently I do not understand the point he is endeavoring to make.

Mr. GERRY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Rhode Island?

Mr. THOMAS of Utah. I yield.

Mr. GERRY. I am afraid I misunderstood the Senator from Utah. I understand him to say now that he feels that the pending joint resolution would be liable to bring the war closer to our shores. Am I correct in that understanding?

Mr. THOMAS of Utah. That is correct.

Mr. GERRY. I agree heartily with the Senator's statement in that respect. I misunderstood him. The situation is this: Suppose Great Britain is in a war, with her preponderance of control of the seas, or suppose Japan should be at war, with naval preponderance over her enemy in the Pacific. Then what they would do, if their ships were sunk in numbers by submarines off our shores, would probably be to convoy, if possible, from our ports, so as to protect their shipments from attack, unless they were carrying their goods on very fast ships like a liner. Of course, the Senator knows that even the fastest submarine has little chance of destroying a fast vessel. The *Lusitania* was destroyed when she slowed down.

When a ship is going over 25 knots an hour, of course, a submarine is not effective. A submarine cannot make more than 8 knots submerged. But what an enemy submarine would do, which would be effective in the way of a blockade, would probably be to start the attack upon the weak neutrals carrying goods from our shores, and then we would have the situation to which I referred yesterday. We would have the submarines operating right off our own coast. I agree with the Senator entirely on that point. The submarine is able to operate off our own coast not only because of its cruising radius, but because it can submerge and hide.

Mr. PITTMAN. Mr. President——

Mr. THOMAS of Utah. I yield to the Senator from Nevada.

Mr. PITTMAN. I know the Senator from Rhode Island [Mr. GERRY] is a wonderful expert on naval matters and is very much in favor of a large Navy. I, too, favor a large Navy. I believe in "playing both ends against the middle"—to do everything we can to keep out of war, and then be in a position to win the war if it is forced upon us.

I agree that the submarines have a larger cruising radius than they ever had. Whether it would be strategy on their part to try to destroy contraband, which means all products nowadays, intended for their enemies, by acting along our coast or at strategic points on the other side of the ocean, I do not know and probably no one else knows. On the other hand, we do know as a common-sense proposition that they are going to stop everything they can that is intended for their enemy, and they are going to call it contraband, which means goods intended for their enemy, no matter what we call them. They are not interested in the title to the goods. They do not care whether the goods are owned by John Smith or by John Brown or by anyone else. They do not intend to have those goods reach their enemy. Therefore they will destroy them on this side of the Atlantic or the other side, or this side of the Pacific or the other side, and the only difference will be that our citizens will not be the suckers in the next war that they were in the last war, but will get their money in advance. Then every time a shipload of cargo is sunk somewhere, they will not be running to our Government and claiming it was an illegal sinking, that it was not contraband of war, and that there was no right to sink it.

Free ships mean free cargo with the exception of contraband, but what is contraband will be a cause of incitement in the minds of our people if any cargoes are sunk. I cannot possibly see where the question of title has anything to do with the destroying of goods, or whether they may be destroyed here or there or elsewhere.

Mr. GERRY. Mr. President, will the Senator from Utah yield further?

Mr. THOMAS of Utah. I yield.

Mr. GERRY. Does not the Senator think that where we find enemy submarines exercising the right—and this is something, as I said before, that has been bothering me in connection with the proposed legislation—of operating off our shores, we are liable to get into the difficulty about which the Senator from Nevada [Mr. PITTMAN] spoke yesterday, and in regard to which I think he is entirely correct? He said it would be very difficult for a submarine to determine what was neutral shipping and what was enemy shipping, and this, of course, makes more difficult and more obnoxious the matter of visit and search.

For example, it is not merely a question of the 3-mile limit. A ship engaged in our coastwise traffic, of course, does not hug the shore for within 3 miles. If it is going to Puerto Rico, it is going out to sea. If it is going from San Francisco to Honolulu, it is going far out to sea. What I fear is that we shall now be practically saying that in time of war we have no interest in blockades; we have no interest in protecting our shipping. This joint resolution practically says that we do not care what happens to our shipping, provided we do not get into a war. The resultant difficulty may be that we shall be troubled with drastic visit and search on our coastwise shipping and have a situation near enough so that it will make for more ill feeling and more danger of war than if we stuck to the old rules.

Mr. THOMAS of Utah. The Senator, I think, has made my point better than I myself could have made it had I been allowed to go on.

We are dealing with an unknown. This sort of think has not been attempted before. We are dealing with an unknown so far as the attempt to embargo or to transfer goods is concerned. We are dealing with an unknown so far as the changed ideas in regard to contraband are concerned. We are dealing with an unknown in regard to the rights of neutrals at sea, or even the rights of belligerents at sea. We are dealing with an unknown in regard to the progress which is being made in warfare itself. We are dealing with an unknown in regard to the various factors which will enter into the type of war we are going to have. We are dealing with an absolutely unknown in regard to one great arm of naval warfare now known as the airplane carrier, and the type of naval tactics it will carry on. Only once in the history of the world has an airplane carrier been used in actual warfare, and in that case it was used in a way that was completely out of harmony with any sort of standard that has ever been laid down for the proper conduct of belligerents in time of war.

Mr. PITTMAN. Mr. President, may I interrupt the Senator again?

Mr. THOMAS of Utah. Certainly.

Mr. PITTMAN. There are a great many things that are, as the Senator says, uncertain and unknown. It is not now known what will constitute what is called contraband of war in the next war. It never has been definitely known in time of war, and it probably never will be. In fact, it is almost impossible to agree on the definition of contraband in time of peace, and we may be sure that in time of war we shall not know what it is. That unknown quantity is one of our dangers, because we contend that one thing is contraband, while the belligerents contend that another is contraband. They think they are legally confiscating our goods. We think they are illegally confiscating our goods. That is an unknown factor. It is also unknown where the belligerents will fight.

There are, however, certain things that are known. One of them is that the belligerents will attempt to prevent goods of all characters and kinds from going to the enemy, and that under international law they have the right of visit,

search, and seizure if they preserve life while they are doing it. That is a known fact. Another known fact is that according to our concepts of law our goods were illegally confiscated and illegally destroyed by all the belligerent governments in the late war, and that that illegality aroused the passions of the people of this country to such a point that they demanded war. That is one thing we know.

The other things we do not know; but those which we do know are sufficient to make us avoid them.

Mr. THOMAS of Utah. Regarding the unknown, the Senator has said in very beautiful language that which I tried to say in my crude way. What he has said about the known, it seems to me, proves beyond any doubt whatever that with the transfer of goods known, and with their ownership known, and with our responsibility completely dodged, at least one factor is removed; and that factor is that there may be a doubt in the mind of any belligerent as to what it should do in regard to those goods, because the ownership probably would be unknown, or at least the ownership would still remain in the hands of a neutral.

If we pass ownership, as is suggested, we give that ownership to a belligerent, and we give it to him in our own front yard. If that is not inviting the theater of war right over to our front yard, I cannot conceive of anything else that would do it.

Mr. PITTMAN. If it was easy for Germany to stop the shipment of commodities off the coast of Ireland because her submarines could be concentrated closer to the enemy, closer to her own bases, closer to her ammunition, closer to her points of repair, would it not still be so, no matter who owned the goods?

Mr. THOMAS of Utah. Not necessarily. As has been said before, the problem is quite different. We do not know what will happen; and that is my point about this whole neutrality measure. Everyone assumes that the next war is going to be exactly like the last one; that Germany is going to fight the great naval powers; and that the Allies are going to be divided in much the same way as before, and that zones will be established in much the same way, and that of necessity defenses will be thrown up in the same way. I do not accept that conclusion. There may be any kind of war. As I suggested at the beginning of my remarks, a war between Siam and France is one thing, and a world war is another; and yet the provisions of this measure would act upon both conflicts in exactly the same way.

Mr. PITTMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nevada?

Mr. THOMAS of Utah. Certainly.

Mr. PITTMAN. In the first place, any preparation in the nature of restraint against a particular government after war commences is, of course, looked upon as unneutral according to international law. I do not wish to discuss neutrality because I am not capable of adequately doing so. It is conceived by belligerents as one thing and by neutrals as another; but I think it is our duty to prepare for another world war. If there is a war between two little countries, we shall not be bothered. As a matter of fact, when Japan had her war with Russia, we were not bothered about contraband. Why? Because the great navies of Great Britain and the United States were so powerful that Japan could not lay down a declaration of contraband that we did not like.

Mr. THOMAS of Utah. If we were not bothered then, why should we make it necessary to put in force a proclamation of this kind?

Mr. PITTMAN. Because I say we are not bothered by any little war; but if we are not going to blind ourselves we shall be prepared this time for a world war, when the last time we were not prepared for the World War.

When the World War came on, we had no provision of law by which we could prevent our citizens from traveling on belligerent vessels; and 128 of them were killed on the *Lusitania* off the coast of Ireland. Do we wish to prepare against that now, or do we wish to wait?

Of course the Senator from Utah will say that we wish to prepare against it. Our ships were sunk without notice, and without distinction between them and the ships of belligerent nations, because the Germans contended that the belligerent merchant ships were armed and that they used our flag to decoy the German submarines alongside, where they could be sunk with one shot. When we appealed to the belligerents to disarm their ships they would not do it; and then Germany sank all ships alike.

We shall have to prepare against that now. Instead of making the mistake we made in the last war of arming our merchant ships, when the arms on board of them were like a cap pistol as a defense against submarines. So far as we know, not a submarine was ever destroyed by a merchant ship, certainly up to the time we went into the war. We put on our merchant ships arms that constituted a threat but were not a defense, and we thereby invited destruction.

I know that the Senator wishes to prepare against that happening again; and I say to him now that he knows our only safety is to act so far as possible in a peaceable manner and prepare for peace instead of for war. If we wish to send our ships into a war zone let us send our naval vessels along with them and not send our poor seamen to destruction.

The Senator says we are not thinking of another world war. The Senator, great historian that he is, knows that today all the major countries of Europe and part of Asia are arming more seriously, more intensely for war than ever before in the history of the world. Why do you suppose these great governments are straining every resource they have, threatening the bankruptcy of their people, building up their armaments higher and higher and higher, unless they expect war? If they expect war, they know the reasons that cause them to expect it; and we know that if there is a war in which legislation of this kind is necessary to protect us, that war will involve all of Europe, and the major part of Asia. So we need not blind ourselves by stating that we do not know what is going to happen.

If nothing happens, we shall not need legislation of this kind. If that happens which we have a right to believe will happen, we should not sit silently by and refuse to do anything merely because we do not know all that is going to happen.

Mr. THOMAS of Utah. After having painted that picture, of course, the Senator will agree with me that if my contention is correct that this measure would draw the war into our own territorial waters, probably it would be very, very unwise legislation.

Mr. WHITE. Mr. President, will the Senator yield for a question?

Mr. THOMAS of Utah. Certainly.

Mr. WHITE. The Senator has been discussing subparagraph (b) of section 2. That subparagraph makes it unlawful to export or to ship any of the commodities that are banned by section 1 of the joint resolution, as well as those banned by section 2. In other words, it makes unlawful the exportation of arms, ammunition, and implements of war; but it also provides that title to these prohibited articles must pass here in the United States.

Mr. THOMAS of Utah. All articles.

Mr. WHITE. All articles, the prohibited articles, as well as the articles which are provisionally prohibited.

Mr. THOMAS of Utah. Any article.

Mr. WHITE. What troubles me is this: If shipment of an article is prohibited by section 1, why should we legalize the sale and delivery of that article here within the United States, that being the very first step in the transportation of the article? I just cannot see why we should permit that. If we are going to forbid the exportation and transportation of it, why should we permit the sale of it, and the payment for it here in the United States, and the delivery of it to the agent of the belligerent country? To me that is the initial step in the transportation which we are proposing to prohibit. Will the Senator comment on that?

Mr. THOMAS of Utah. The only way in which one can comment on that is in keeping with the type of picture I

have been trying to paint about uncertainties. It seems to me that if we make the exportation of an article absolutely illegal but provide for a peaceful and legal transfer of that article when we know exactly what it is to be used for, we are more than ever inviting an interested belligerent to be more on its guard than ever, and probably go to the extremes that were gone to here during the World War, of actually destroying some of our industrial plants in order to make that sort of thing ineffective.

If, for example, an industrial plant in a neutral country is actually owned by a belligerent, that presents a complication in the international law of war that is so difficult that I could not discuss it this afternoon. But by this act we have at least made it possible to discuss that question in more than an academic way, as the Senator from Maine has pointed out. We are dealing with so many unknown factors that it seems to me beyond question of any kind of doubt at all that paragraph (b) does invite the theater of war into our own neighborhood.

The first duty of all neutral States—and by "neutral States" I do not refer to an international law concept, but I mean all those States which are not in war—is to isolate every war just as much as they can. That is a moral obligation, that is an aim of common sense. It is in the interest of ordinary trade to keep this disease which we call war in just as small a section of the world as possible.

If, in our attempt to avoid war, if in our attempt to keep us out of war, we resort to a strictly legal process which in law is proper—I will not question its morals, its ethics, or anything of that kind—we do bring on a situation which makes it harder to isolate war, and we do invite every sort of enemy interest, whether it is a naval interest, or whether it is submarines, whether it is airplane carriers, whether it is a spy interest, into our own backyard, and, what is more, we lay down a proposition which makes it necessary for them to plan for this very thing.

The Senator from Nevada painted a picture about the arming of the world. I have read many times that one of the reasons for the arming is this neutrality act itself. I do not accept that statement, but I do know that if we enact the proposed legislation and if it does attract to our waters belligerent vessels of various kinds, or belligerents of any kind, we have extended the theater of war so close to us that there is a necessity for more armaments, and the need for using the armaments is more apparent. With those two propositions we bring the chances of war right into our neighborhood very much more certainly than without an idea of this kind.

Mr. President, that is my point, and this is why I have pointed out this one fact, to come back to what I was about to say. This cash-and-carry idea was thrust upon the world, I am pretty sure, by a man who had had wide war experiences, a man who in his articles was trying to point out the inconsistencies of our neutral policy as proposed in 1935, and continued in 1936; a man who tells us in each of his articles that instead of this neutrality measure being an act to keep us out of war it is an act which, perhaps, will get us into war. Then he offers one simple suggestion, and that suggestion has been taken up—a suggestion which is no older than a year or a year and a half at most—and that suggestion is going to be written into the permanent law of our land and be a permanent neutral policy.

I repeat it may be wise, it may result as the Senator from Nevada says it will, but, on the other hand, it may result as the Senator from Idaho says it will, and we may have a war in our own front yard or in our own back yard. It is for that reason I make this point here.

There is an element of tremendous responsibility resting on us today which we did not have to meet a year ago, and which we did not have present 2 years ago. We knew that the act of 1935 was a temporary act. We were willing to experiment with the idea. We knew from the history of wars and from the history of the concept of neutrality that probably we had pounced upon an idea which was the poorest of all ideas to pounce upon to keep us out of war. But due to the spirit of the people of our country, due to the feeling that something must be done, due to what was an impending catastrophe in Europe, and due to a number of other factors, we knew we should say something, and we did say something. That was right and that was proper, and no one wants to delay in any sense the tremendous development of the antiwar feeling which got started in our country.

In the whole history of the United States there has never been expressed a nobler or a finer sentiment in regard to war or a more splendid attitude toward war than was expressed by the senior Senator from Arkansas [Mr. ROBINSON] on the floor of the Senate when he declared that we want no war and that we want no wealth gained from war. I say that that declaration is the very peak of all of the peace pronouncements ever made in the history of our country, and in keeping with that declaration, and in keeping with the spirit which brought it forth, the two emergency acts, as we may call them, or at least the temporary acts, became laws of limited duration.

We are now about to pass a permanent act, and in that permanent act we are providing for an experiment which has never been tried. We are putting into it an idea that is not 2 years old. We are including a notion about which no one knows anything, and there does not now exist the desire we had in 1935, a feeling that we must do this for the sake of keeping us out of war. In fact, that is being questioned by more than one person today. So that, if we consider the seriousness of permanent legislation, I do not believe my remarks have been out of place, and I do hope they have been helpful. The suggestions which I have made have not been brought forward as formal amendments at all, not only because amendments would have been out of order at this time, but because I think there should be the widest scope of thoughtfulness about these ideas, and especially the ideas which are so new not only to us, but new to the whole world. If, for example, our neutral policy is going to make it necessary for nations who are dependent upon us to build up investments here, to cause their financial resources to be deposited here in anticipation of something that is going to happen, and if the transfer of goods goes to the extreme, as has been suggested by the Senator from Maine, how can we dodge, no matter how we try, the responsibility that rests upon our shoulders when you realize that the thing which we are trying to avoid, which we are trying to put away from us, we are inviting into our own territorial waters.

Mr. PITTMAN. Mr. President, I have been discussing a tentative program with the majority leader and with the minority leader, who have discussed it with other Senators; and, if we can have an understanding with regard to the debate tomorrow, I think it would be agreeable to the Senate to take a recess at this time until tomorrow. I am about to make a request for unanimous consent, and if any Senator has a suggestion or change to make I ask that he make it now.

I ask unanimous consent that commencing tomorrow at the hour of 1 o'clock, debate on the pending joint resolution (S. J. Res. 51) be limited to 30 minutes, and that debate on any amendment pending or proposed to the joint resolution be limited to 15 minutes until final action is taken on the joint resolution.

Is such a proposal satisfactory?

Mr. McNARY. Yes; with the further provision that no Senator shall speak more than once.

Mr. PITTMAN. And that no Senator shall speak more than once on the joint resolution, or on any amendment thereto. I understand that the Senator from California [Mr. JOHNSON] will be ready to address the Senate tomorrow; will he not?

Mr. JOHNSON of California. Yes, Mr. President.

Mr. PITTMAN. The Senator will not be limited as to time until 1 o'clock.

The PRESIDING OFFICER. Is there objection to the request for unanimous consent proffered by the Senator from Nevada? The Chair hears none, and the agreement is entered into.

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. ELLENDER in the chair) laid before the Senate messages from the President of the United States submitting several nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

The PRESIDING OFFICER. If there be no reports of committees, the clerk will state the first nomination in order on the calendar.

DEPARTMENT OF JUSTICE

The legislative clerk read the nomination of Carl McFarland, of Montana, to be an Assistant Attorney General of the United States.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

Mr. O'MAHONEY. I ask unanimous consent that the President be immediately notified of the confirmation of the nomination of Mr. McFarland.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the President will be notified.

THE JUDICIARY

The legislative clerk read the nomination of Harry E. Watkins to be United States district judge for the State of West Virginia.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to this nomination?

The nomination was confirmed.

Mr. HATCH. Mr. President, I move that the vote by which the Senate confirmed the nomination of Harry E. Watkins to be United States district judge for the State of West Virginia be reconsidered.

Mr. NEELY. I move to lay that motion on the table.

Mr. McNARY. Mr. President, one moment, please.

Mr. PITTMAN. A motion to lay on the table is not debatable.

Mr. McNARY. A parliamentary inquiry. What is the nature of the motion? At least, good order should be maintained so that we may understand what is going on.

The PRESIDING OFFICER. The Senator from New Mexico [Mr. HATCH] has moved that the vote by which the Senate confirmed the nomination of Mr. Watkins as United States district judge for the State of West Virginia be reconsidered. Thereupon the Senator from West Virginia [Mr. NEELY] moved to lay that motion on the table.

Mr. ROBINSON. That motion is in order.

The PRESIDING OFFICER. The question is on the motion of the Senator from West Virginia that the motion of the Senator from New Mexico be laid on the table.

The motion to lay on the table was agreed to.

Mr. NEELY. I now ask unanimous consent that the President be notified of the confirmation of the nomination of Harry E. Watkins to be United States district judge for the State of West Virginia.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the President will be notified.

The legislative clerk read the nomination of Joseph C. Reing to be United States marshal for the eastern district of Pennsylvania.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. ROBINSON. I move that the nominations of postmasters on the calendar be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

That completes the Executive Calendar.

RECESS

The Senate resumed legislative session.

Mr. ROBINSON. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock p. m.) the Senate took a recess until tomorrow, Wednesday, March 3, 1937, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 2 (legislative day of Feb. 24), 1937

DIPLOMATIC AND FOREIGN SERVICE

Walter F. Boyle, of Georgia, now a Foreign Service officer of class 4 and a consul, to be a consul general of the United States of America.

PUBLIC HEALTH SERVICE

Dr. Edgar E. Findlay to be assistant surgeon in the United States Public Health Service, to take effect from date of oath.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 2 (legislative day of Feb. 24), 1937

ASSISTANT ATTORNEY GENERAL

Carl McFarland to be an Assistant Attorney General of the United States.

UNITED STATES DISTRICT JUDGE

Harry E. Watkins to be United States district judge for the State of West Virginia.

UNITED STATES MARSHAL

Joseph C. Reing to be United States marshal for the eastern district of Pennsylvania.

POSTMASTERS

MINNESOTA

Benedict H. Mushel, Foley.
Edward N. Dumas, Long Lake.
Rosaline D. Neary, Northome.
John M. Lannon, Prior Lake.
Charles C. Baxter, Walnut Grove.

NORTH DAKOTA

Otto Engel, Kenmare.

HOUSE OF REPRESENTATIVES

TUESDAY, MARCH 2, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Eternal God, our Father, unrestrained by time or space, Thou art righteous in all Thy ways and holy in all Thy works. Thou art our hope and our portion in the land of the living. Teach us, we pray Thee, to do the thing that pleaseth Thee and let Thy loving spirit lead us forth. We thank Thee for Thy gracious promise: "Thou wilt give him the morning star." We wait upon Thee for light to guide us in all-wise endeavor. Inspire us with unmovable conviction that means character building, truth discovering, and peace promoting. Do Thou let these stand out as the rewarding tasks of this Congress. Help us, therefore, Heavenly Father, to sow good seed, that the harvest may be the fruits of joy, happiness, and contentment. The Lord God look upon our native land with mercy; and let peace, prosperity, and good will reign supreme. In the Savior's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Latta, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate agrees to the amendments of the House to a joint resolution of the Senate of the following title:

S. J. Res. 84. Joint resolution to authorize the Postmaster General to withhold the awarding of star-route contracts for a period of 60 days.

The message also announced that the Senate had adopted the following resolution:

Senate Resolution 88
(Mar. 1, 1937)

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. HENRY E. STUBBS, late a Representative from the State of California.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect to the memory of the deceased Representative the Senate do now take a recess until 12 o'clock meridian tomorrow.

THE LATE JOHN J. M'SWAIN

Mr. MAHON of South Carolina. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. MAHON of South Carolina. Mr. Speaker, when the Committee on Military Affairs of the House of Representatives met for the first time during this session the gentleman from Alabama, Mr. LISTER HILL, made some remarks regarding his predecessor as chairman of that committee, the late Representative John J. McSwain, of South Carolina. The members of the committee were so impressed with the speech that they unanimously voted that it be made available to the other Members of Congress, and they asked that I have it properly inserted in the CONGRESSIONAL RECORD. As the successor in this body of that distinguished statesman who was your beloved colleague and my dear friend, I feel honored that I can have this part in bringing to you so fine and deserved a tribute to his memory. I therefore ask unanimous consent, Mr. Speaker, to extend and revise my remarks in the RECORD so that the speech referred to may be printed.

The matter referred to is as follows:

REMARKS OF HON. LISTER HILL, OF ALABAMA, CHAIRMAN OF THE COMMITTEE ON MILITARY AFFAIRS OF THE HOUSE OF REPRESENTATIVES, AT THE FIRST MEETING OF THE COMMITTEE OF THE SEVENTY-FIFTH CONGRESS, FIRST SESSION, ON THE LATE HON. JOHN J. M'SWAIN, FORMER CHAIRMAN OF THE COMMITTEE AND REPRESENTATIVE FROM SOUTH CAROLINA

Since the last meeting of the committee the former chairman of the committee, our friend, John McSwain, has slipped out of the company of living men. The old members of the committee recall the last meeting of the committee held during the closing days of the last session of Congress, when we met for luncheon as the guest of the gentleman from New Jersey, Mr. MCLEAN. On this occasion the members of the committee presented to John McSwain a beautiful silver vase as a token of friendship and of esteem, and it was my privilege to speak of him, of his life, his character, and his public services. I shall not now reiterate what I then said, but I do feel that we should pause for a moment to pay tribute to him whom we knew and loved so well and who for so long was our cherished leader.

At our last meeting we knew that John McSwain would never again sit as chairman or as a member of the committee, for he had announced that he would not again be a candidate for nomination or election to the House of Representatives; but we hoped that his days might be long and that he might be a frequent visitor to the committee. In fact, I had corresponded with him during the summer about the bill to take the profits out of war in which he was so much interested and on which he had labored ever since he had been in Congress, and he had agreed to come and be the first witness before the committee at this session in behalf of the bill. And now he has gone, and gone forever.

A prince once said of a king, "Taller he seems in death", and oftentimes only after death do we properly realize the full measure of a man. As we contemplate John McSwain today, we know that he was not of the common run of men. He was an unusual man—indeed, a remarkable man. He had the genius of common sense. He never tried to fit square pegs in round holes. He knew and understood human nature and saw deep into the motives of men. He had faith in people. He believed in them, in their final judgment, and in the moral standards that moved and at last controlled them. No man ever lived more completely the ideal of Kipling's wonderful little poem "If" than did John McSwain. He could walk with kings and never lose the common touch. He had the oversoul of which Emerson wrote, "the personality that neither flatters nor fails and which never appeals from itself but believes in itself." He was an indefatigable worker. He knew that the world has no use for half-hearted men and that her prizes are for those with energy, devotion, and determination who consume the obstacles which lie in their path. He spent and he was spent.

Inflexible of purpose, of unaffected simplicity and sweetness of nature, John McSwain knew how to soften the asperities of political conflict by the touch of a delicate, whimsical humor and to win the heart and affection of all those with whom he had to do.

John McSwain loved every living thing. He loved the flowers, the birds, the trees, the fields, and the woodlands. He knew them and never was he happier than when he was with them. He read the sermons in the stones, heard the songs in the babbling brooks, and knew that Nature never betrayed the heart that loved her. He was a friend of all mankind, ever extending a helping hand to those struggling up Life's roadway, always lifting burdens and opening the windows to let the light of God's heaven into the dark places. Most of all did he seek to help young men and young women. He was constantly lending aid to boys and girls striving to secure their college education. He was our friend, generous and true. He made no demands; needed no assurances; exacted no promises. He was chief among us because he was the servant of all of us.

John McSwain was brave and gallant. He never placed his trembling hands upon the altar of compromise. He stood foursquare by his conscience, held fast to his guns, and never lowered his flag. He preferred to be right with his conscience rather than right with his constituents or his colleagues. He did not flinch in the face of danger. He rushed to the front and bared his manly breast and took the blows, although they were not always his due. Like all brave men he suffered, but he suffered without complaint or without bitterness. He was a man; he could bear the slings and arrows of outrageous fortune; his soul was "touched to fine issues."

It was in his heart that we found his political philosophy—to strive on and ever on to give disadvantaged men and women a fairer chance and a better day and to so serve his country that common men might own the land.

I was with him at Charleston, S. C., as he lay stricken just 2 days before his death. There was upon his face the same sweet smile which we knew so well and which mirrored the inward greatness of his soul. Even then his was the same gay, gallant spirit which had so characterized him. He laughed and joked with the merry twinkle in his eye, and if he had any thought of the impending summons he gave not the slightest hint. We may be sure that when the summons came and he entered that undiscovered country he did so unafraid, with his head up and with that same sweet smile upon his face ready for the great adventure. Surely the trumpets sounded for him on the other side and he found welcome among the choice and master spirits of the ages.

At the conclusion of the above remarks by Mr. HILL of Alabama, on motion of Mr. MAHON of South Carolina, the members of the Committee on Military Affairs stood with bowed heads for 1 minute as a further tribute to the memory of Mr. McSwain.

EXTENSION OF REMARKS

Mr. BOILEAU asked and was given permission to revise and extend his remarks.

Mr. BEITER. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD on the subject of the Home Owners' Loan Corporation.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

COMMITTEE ON IMMIGRATION

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent that the Committee on Immigration may sit tomorrow and Thursday during the sessions of the House.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—REPORT ON OPERATION OF N. R. A. (H. DOC. NO. 158)

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on Ways and Means and ordered printed.

To the Congress of the United States:

I transmit herewith a report on the operation of the National Industrial Recovery Administration, which has been prepared by those members of the Committee on Industrial Analysis who have no official relationship to the Government. They are Prof. J. M. Clark, of Columbia University, an economist; Mr. William H. Davis, of New York City, a lawyer; Mr. George M. Harrison, of Cincinnati, Ohio, president of the Brotherhood of Railway Clerks, and also chairman of the Railway Labor Executives Association; and Mr. George H. Mead, of Dayton, Ohio, a manufacturer and former chairman, Business Advisory Council.

This report is based on an exhaustive study of the work of the National Recovery Administration, which has been in progress ever since June 1935, and which has been carried on since March 1936 under the direction of the Committee on Industrial Analysis, which I created by Executive order, which consisted of the four nongovernmental members who make this report, and the Secretaries of Agriculture, Commerce, and Labor. The staff work for this committee has been performed by the Division of Industrial Economics in the Department of Commerce.

This report presents the first adequate survey by an impartial group of the entire work of the National Recovery Administration, reviewing the objectives, the successes and failures of attainment, the administration and the legal problems of the National Recovery Administration. The exhaustive collection of code histories, statistical information, and staff studies, which provided the basis for this report, are now available for further research by students interested in the many phases of the relationships between Government and industry.

The report of the Committee should furnish invaluable aid to the Congress in the consideration and determination of vital legislative problems. This report, with its admirable, well-balanced weighing of controversial issues and its impartial review of complicated factual situations, provides a dispassionate consideration of a host of problems as to which emotion, self-interest, and prejudice have too frequently obscured the truth. It is worthy of the most serious consideration by the Congress and should be made available for widespread study and discussion. In my opinion, it will point the way to the solution of many vexing problems of legislation and administration in one of the most vital subjects of national concern.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *March 2, 1937.*

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—PAY OF CERTAIN CIVILIAN OFFICERS AND EMPLOYEES

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, together with the accompanying papers, referred to the Committee on Expenditures in the Executive Departments.

To the Congress of the United States:

There is transmitted herewith a report of the Secretary of State and a proposed draft of legislation designed to authorize the assignment and allotment of pay of civilian officers and employees while performing duty outside the continental limits of the United States.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *March 2, 1937.*

[Enclosures: Report of the Secretary of State; proposed draft of legislation.]

THE PRIVATE CALENDAR

The SPEAKER. The Clerk will call the first bill on the Private Calendar.

CHARLES E. NAMES

The Clerk called the bill (H. R. 1858) for the relief of Charles E. Names.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. THURSTON and Mr. GWYNNE objected and, under the rule, the bill was recommitted to the Committee on Claims.

ETTA NATELSKY

The Clerk called the next bill, H. R. 1859, for the relief of Etta Natelsky.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Etta Natelsky, of Chicago, Cook County, Ill., the sum of $1,500 in full satisfaction of all claims of said Etta Natelsky against the United States for damages resulting from personal injuries sustained by her on July 22, 1934, when shot by an agent of the Department of Justice, Division of Investigation, in the endeavor of said Department of Justice, Division of Investigation, to apprehend John Dillinger: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

KATE CARTER LYONS

The Clerk called the next bill, H. R. 1870, for the relief of Kate Carter Lyons.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Kate Carter Lyons, of Travelers Rest, S. C., out of any money in the Treasury not otherwise appropriated, the sum of $1,000 in full payment of all claims of the said Kate Carter Lyons for personal injuries received by her when she fell into an excavation on her property at the above address, alleged to have been made by employees of the United States Coast and Geodetic Survey in January 1934.

With the following committee amendments:

In lines 6 and 7, strike out the words "in full payment of all claims of the said Kate Carter Lyons" and insert in lieu thereof the words "in full satisfaction of her claim against the United States."

In lines 9, 10, and 11, strike out the words "alleged to have been made by employees of the United States Coast and Geodetic Survey in January 1934" and insert in lieu thereof the following: "on June 4, 1934, said excavation having been made in January 1934 and left open by employees of the Civil Works Administration in preparation for the placement of a United States Coast and Geodetic Survey monument therein: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN S. HEMRICK

The Clerk called the next bill, H. R. 1871, for the relief of John S. Hemrick.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That notwithstanding the provisions and limitations of sections 15 to 20, both inclusive, of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, the United States Employees' Compensation Commission be, and the same is hereby, authorized and directed to receive and consider, when filed, the claim of John S. Hemrick for disability alleged to have been incurred by him during the winter of 1933–34, while in the employ of the Civil Works Administration, and to determine said claim upon its merits under provisions of said act: *Provided*, That claim hereunder shall be filed within 6 months after the approval of this act: *Provided further*, That no benefits shall accrue prior to the enactment of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANNA MUETZEL

The Clerk called the next bill, H. R. 1875, for the relief of Anna Muetzel.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Anna Muetzel, of Chicago, Ill., the sum of $2,500. The payment of such sum shall be in full settlement of all claims against the United States on account of the tragic death of her daughter, Irene Muetzel, who was killed on June 8, 1935, when struck by an automobile driven by George Graziano, a United States post-office employee, assigned to the Chicago (Ill.) post office, who, at the time, was on duty and engaged in his regular duties as a special-delivery messenger, United States Postal Service.

With the following committee amendments:

Page 1, line 8, strike out the word "tragic"; page 2, line 3, after the word "service", insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FLORENZ GUTIERREZ

The Clerk called the next bill, H. R. 1904, for the relief of Florenz Gutierrez.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of $500 to Florenz Gutierrez, as compensation for injuries sustained when struck by a United States prohibition vehicle on December 11, 1929.

With the following committee amendment:

Page 1, after line 8, insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

MATT BURGESS

The Clerk called the next bill, H. R. 1913, for the relief of Matt Burgess.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $6,500 to Matt Burgess in full settlement of all claims against the United States because of a judgment rendered against and paid by him, by reason of the forfeiture of his bail bond on June 7, 1926: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EVANGELOS KARACOSTAS

The Clerk called the next bill, H. R. 1923, for the relief of Evangelos Karacostas.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Evangelos Karacostas, of Boston, Massachusetts, the sum of $500. Such sum represents the amount of a cash bond declared breached by the Department of Labor on April 13, 1929, upon the failure of said Evangelos Karacostas to depart from the United States as a temporary visitor, and subsequently covered into the Treasury of the United States, while there was pending a suit instituted by Mr. Karacostas and before a decision was rendered by the District Court of the United States for the District of Massachusetts that said Evangelos Karacostas was entitled to remain in this country permanently.

With the following committee amendment:

Page 1, line 7, strike out "represents" and and insert "shall be in full settlement of all his claims against the United States for."

Page 2, line 2, strike out "Mr. Karacostas" and insert "him."

Page 2, line 6, after the word "permanently", insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILLIAM H. AMES

The Clerk called the next bill, H. R. 1930, for the relief of William H. Ames.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William H. Ames, of Boston, Mass., in full settlement against the Government, the sum of $5,000 for medical expenses and permanent injuries sustained by the said William H. Ames when the automobile in which he was riding on November 5, 1919, was struck by an American Railway Express Co. wagon when the said company was under the control of the Director General of Railroads of the United States: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 7, strike out "$5,000" and insert in lieu thereof "$2,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOSHUA L. BACH

The Clerk called the next bill, H. R. 2042, for the relief of Joshua L. Bach.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Joshua L. Bach, of Alameda, Calif., civilian employee (telephone plant engineer), United States Army, the sum of $154.25, out of any money in the Treasury not otherwise appropriated, in full satisfaction of his claim against the United States for damage done to household goods during transportation from station at Baltimore, Md., to new station at San Francisco, Calif., in August and September 1929: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHARLES WEISZ

The Clerk called the next bill, H. R. 2089, for the relief of Charles Weisz.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Clarence D. Weisz, father of Charles Weisz, minor, the sum of $471.83, out of any money in the Treasury not otherwise appropriated and in full settlement of all claims against the Government of the United States, this sum representing reimbursement for medical service to said Charles Weisz, who was injured January 22, 1934, when he was run into by a United States mail truck in the city of Chicago.

With the following committee amendment:

Page 1, line 11, after the word "Chicago", insert the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered

in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The title was amended to read as follows: "A bill for the relief of Clarence D. Weisz."

HENRIETTA JACOBS

The Clerk called the next bill, H. R. 2144, for the relief of Henrietta Jacobs.

There being no objection, the Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement of all claims against the Government, the sum of $10,000 to Henrietta Jacobs on account of an injury sustained while visiting the United States Naval Air Station at Lakehurst, N. J., in the year 1930, which has resulted in permanent injury.

With the following committee amendment:

Page 1, line 6, strike out "$10,000" and insert in lieu thereof "$2,500."

Page 1, line 9, after the words "New Jersey", strike out the remainder of the line and "permanent injury" in line 10 and insert in lieu thereof "On June 1, 1930: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NAVAL APPROPRIATION BILL, 1938

Mr. UMSTEAD, from the Committee on Appropriations, reported the bill (H. R. 5232) making appropriations for the Navy Department and the Naval Service for the fiscal year ending June 30, 1938, and for other purposes, which was read a first and second time and, with the accompanying papers, referred to the Committee of the Whole House on the state of the Union and ordered printed.

Mr. DITTER reserved all points of order on the bill.

PRIVATE CALENDAR

The SPEAKER pro tempore (Mr. WOODRUM in the chair). The Clerk will call the next bill on the Private Calendar.

PAUL BURRESS

The Clerk called the next bill, H. R. 2225, for the relief of Paul Burress.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Paul Burress, of Coal Creek, Tenn., the sum of $2,500 on account of injuries suffered by him as a result of being struck by a Government tank which was being used by Government officials to advertise a Victory bond sale in the year 1919.

With the following committee amendment:

Page 1, line 6, strike out "$2,500" and insert "$500 in full settlement of all claims against the United States"; and after the figures in line 10, insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEAH LEVINE

The Clerk called the next bill, H. R. 2226, for the relief of Leah Levine.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $500 to Leah Levine, widow of the late Rabbi Isaac Levine, in full settlement of all claims against the United States for personal injuries sustained by the said Rabbi Levine, deceased, together with medical and hospital expenses incident thereto, as a result of being struck by a truck being recklessly driven by an employee of the United States Government, said injury occurring in Knoxville, Tenn., on December 18, 1933. This appropriation is made in lieu of Private Act No. 192, Seventy-fourth Congress, approved August 7, 1935, for the relief of Rabbi Isaac Levine, who died while said legislation was pending in the Congress: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FLORIDA O. M'LAIN

The Clerk called the next bill, H. R. 2229, for the relief of Florida O. McLain, widow of Calvin E. McLain, who died from injuries received by being struck by a Government Civilian Conservation Corps truck in the city of Knoxville, Tenn., on August 23, 1934.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 to Florida O. McLain, widow of Calvin E. McLain, who died as a result of injuries by reason of being struck by a truck which was being recklessly driven by an employee of the Government Civilian Conservation Corps in the city of Knoxville, Tenn., on August 23, 1934.

With the following committee amendment:

Page 1, line 5, after the word "appropriated", insert "and in full settlement of all claims against the United States"; and on page 2, after the figures, in line 2, insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended.

PETER KARAMPELIS

The Clerk called the next bill, H. R. 2320, for the relief of Peter Karampelis.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $100 to Peter Karampelis, of Milwaukee, Wis., in full satisfaction of his claim against the United States for the difference between $300 bail, declared forfeited by the United States District Court for the Eastern District of Wisconsin and covered into the Treasury but subsequently ordered restored by the said court as no notice to appear had been given him, and a $200 fine imposed upon him by said court for the violation of certain provisions of the National Prohibition Act during 1931: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JAMES C. WILKINSON

The Clerk called the next bill, H. R. 2321, for the relief of James C. Wilkinson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That notwithstanding the limitations of time in sections 15 to 20, both inclusive, of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, the Employees' Compensation Commission is hereby authorized and directed to receive and consider the claim of James C. Wilkinson, of McAlester, Okla., for disability alleged to have been incurred in the performance of his duties as deputy United States marshal on March 20, 1931, under the remaining provisions of said act: *Provided*, That claim hereunder shall be filed within 6 months from the approval of this act: *Provided further*, That no benefits shall accrue prior to the approval of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILLIAM SULEM

The Clerk called the next bill, H. R. 2332, for the relief of William Sulem.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William Sulem, of the township of Franklin, county of Somerset, and State of New Jersey, the sum of $1,482, in full settlement of all claims against the Government of the United States for injuries received by and damages to property of the said William Sulem while operating his automobile on the public highway in New Brunswick, N. J., by the negligent operation of a United States Government mail truck, no. 9920, on said highway in said city while said truck was in the care and custody of and being driven by an operative of the United States Post Office Department under the orders of the postmaster in the United States Postal Service at New Brunswick, N. J.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANDREW DOWD

The Clerk called the bill (H. R. 2334) for the relief of Andrew Dowd.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Andrew Dowd, of Muskegon, Mich., the sum of $1,800, in full settlement of all claims against the United States for damages to him caused by injuries sustained in an automobile accident while engaged in the duties of his office as a deputy United States marshal for the western district of Michigan: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was said on the table.

ESTATE OF CATHERINE HARKINS, DECEASED

The Clerk called the bill (H. R. 2368) for the relief of the estate of Catherine Harkins, deceased.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Catherine Harkins, deceased, the sum of $10,000, in full settlement of all claims against the Government for the fatal injury to Catherine Harkins as the result of her being struck and knocked down by the United States mail truck (Ford) no. 1844, operated by James H. Leonard, a substitute carrier, the accident occurring at 7:20 p. m., October 16, 1930, at the corner of Dorchester Avenue and St. Marks Road, Dorchester, Mass., the said Catherine Harkins, as a result of the injuries received, having died at 9:30 p. m., at the Boston City Hospital, Boston, Mass., on October 16, 1930.

With the following committee amendments:

Page 1, line 6, strike out "$10,000" and insert "$5,000."

Page 2, at the end of the bill, strike out the period, insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A. H. SPHAR

The Clerk called the bill (H. R. 2488) for the relief of A. H. Sphar.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, the sum of $100 to A. H. Sphar, of Cortez, Colo., as reimbursement for the loss of a bull which died from poison on September 27, 1925, while loaned to and in the possession of the Government at the Ute Mountain Indian School at Towaoc, Colo.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NEW YORK STATE INSURANCE DEPARTMENT

The Clerk called the bill (H. R. 2560) for the relief of the State of New York Insurance Department as liquidator.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the State of New York Insurance Department as liquidator of the Concord Casualty & Surety Co. the sum of $5,500. Such sum shall be in full settlement of its claim against the United States for the loss sustained by such company on account of the forfeiture to the United States of a bail bond executed by such company and conditioned upon the delivery in court of one James Burke, alias Jack Corbett, alias Noble John Moore. By reason of the nonappearance of the said James Burke, alias Jack Corbett, alias Noble John Moore, such bail bond was declared forfeited in the United States District Court for the Southern District of New York on or about October 5, 1933, and on or about October 11, 1933, such company paid to the clerk of such court the sum of $10,000 in full satisfaction of such bond. Subsequently the said James Burke, alias Jack Corbett, alias Noble John Moore, was arrested, sentenced, and imprisoned in the Federal penitentiary at Lewisburg, Pa.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILLIAM BLAKELY, ADMINISTRATOR

The Clerk called the bill (H. R. 2780) for the relief of William Blakely, as administrator of the estate of Joseph Blakeley, deceased.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to pay to William Blakely, as administrator of the estate of Joseph Blakeley, late chief electrician's mate, United States Navy, the sum of money credited to the account of said decedent in the ship's bank of the U. S. S. *West Virginia*, or elsewhere if it shall have been transferred therefrom, constituting pay and allowances due and unpaid on the date of his, the said Joseph Blakeley's death on May 13, 1926, at the naval hospital, San Diego, Calif., and all cash found in his personal effects on or subsequent to said date: *Provided*, That the said William Blakely shall first file an affidavit with the Comptroller General of the United States showing the correct spelling of his, the claimant's surname: *Provided further*, That the sum so paid under this act shall be in full settlement of all claims against the United States for pay and allowances and cash from the personal effects of said decedent, Joseph Blakeley: *And provided further*, That no part of the payment authorized and directed to be made in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with the settlement of this account, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended to read: "A bill for the relief of William Blakeley, or Blakley, as administrator of the estate of Joseph Blakeley, deceased."

RAYMOND E. PAYNE AND ANNA R. PAYNE

The Clerk called the bill (H. R. 2934) for the relief of Raymond E. Payne and Anna R. Payne.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, jointly, to Raymond E. Payne and Anna R. Payne, his wife, both of Baltimore, Md., the sum of $500 in full settlement of all claims against L. L. Childs, a former prohibition agent for the Treasury Department of the Government of the United States, and all claims against the Government of the United States on account of a judgment secured against the said L. L. Childs in the District Court of the District of Maryland, because of damages resulting to the said Raymond E. Payne and Anna R. Payne, his wife, on account of the unwarranted entry of the said L. L. Childs and others as agents of the Government of the United States into their home on September 2, 1924, and the destruction of property occasioned by them in their search for alleged intoxicants in the home of the said Raymond E. Payne and Anna R. Payne, his wife: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOSEPH HERSCHMANN

The Clerk called the bill (H. R. 2556) for the relief of Joseph Herschmann.

Mr. BARDEN, Mr. HANCOCK of New York, and Mr. HALLECK objected, and the bill was recommitted to the Committee on Immigration and Naturalization.

RUTH RADIN

The Clerk called the bill (H. R. 2557) for the relief of Ruth Radin.

Mr. HALLECK, Mr. HANCOCK of New York, and Mr. BARDEN objected, and the bill was recommitted to the Committee on Immigration and Naturalization.

ITALIAN STAR LINE, INC.

The Clerk called the bill (H. R. 1025) to confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claims of the Italian Star Line, Inc., against the United States.

Mr. COSTELLO and Mr. BARDEN objected, and the bill was recommitted to the Committee on Claims.

JOHN L. ALCOCK

The Clerk called the bill (H. R. 1085) for the relief of John L. Alcock.

Mr. COSTELLO, Mr. BARDEN, and Mr. HANCOCK of New York objected, and the bill was recommitted to the Committee on Claims.

WAYNE M. COTNER

The Clerk called the bill (H. R. 1375) for the relief of Wayne M. Cotner.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission be, and is hereby, authorized to consider and determine, in the same manner and to the same extent as if application for the benefits of the Employees' Compensation Act had been made within the 1-year period required by sections 17 and 20 thereof, the claim of Wayne M. Cotner, on account of disability due to loss of an eye, caused by employment in the service of the United States between March 29, 1919, and August 7, 1919: *Provided*, That no benefits shall accrue prior to the approval of this act.

With the following committee amendments:

Page 1, line 9, after the word "eye", insert "alleged to have been", and on page 2, at the end of the bill, strike out the period, insert a colon and the following: "*Provided further*, That claim hereunder shall be filed within 6 months from the approval of this act."

The committee amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MATT E. SAYLOR

The Clerk called the bill (H. R. 1379) for the relief of Matt E. Saylor.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That notwithstanding the provisions and limitations of sections 15 to 20, both inclusive, of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, the United States Employees' Compensation Commission be, and the same is hereby, authorized and directed to receive and consider, when filed, the claim of Matt E. Saylor for disability alleged to have been incurred by him during the months of December 1917 and January 1918 while in the employment of the Post Office Department as a rural carrier on rural route no. 1, from London, Ky., and to determine said claim upon its merits under the provisions of said act: *Provided*, That no benefits shall accrue prior to the enactment of this act.

With the following committee amendments:

Page 1, line 9, after "eye", insert "alleged to have been."

Page 2, at the end of the bill, strike out the period, insert a colon and the following: "*Provided further*, That claim hereunder shall be filed within 6 months from the approval of this act."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time and passed, and a motion to reconsider laid on the table.

MRS. W. E. BOUCHEY

The Clerk called the next bill, H. R. 1476, for the relief of Mrs. W. E. Bouchey.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HANCOCK of New York and Mr. HALLECK objected, and the bill, under the rule, was recommitted to the Committee on Claims.

VAN BUREN LIGHT AND POWER DISTRICT

The Clerk called the next bill, H. R. 1676, for the relief of the Van Buren Light and Power District.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Van Buren Light and Power District, Van Buren, Maine, the sum of $365.70. The

payment of such sum shall be in full settlement of all claims against the United States of the Van Buren Light and Power District for electric current furnished the office of the Immigration and Naturalization Service during the period from July 1, 1931, to March 5, 1935, both dates inclusive.

With the following committee amendment:

On page 2, line 2, after the word "inclusive", add a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JULIUS A. GESKE

The Clerk called the next bill, H. R. 2574, for the relief of Julius A. Geske.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Julius A. Geske, of Harshaw, Wis., the sum of $50.98 for damages sustained to the automobile of said Julius A. Geske when struck by a United States mail truck at the intersection of Michigan Boulevard and Eighth Street, in the city of Chicago, Ill., on the 19th day of July 1920.

With the following committee amendments:

Page 1, line 6, after the figures, insert "in full settlement of all claims against the United States"; line 11, after the figures, add a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN KELLEY

The Clerk called the next bill, H. R. 1792, for the relief of John Kelley.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That sections 17 and 20 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, are hereby waived in favor of John Kelley, father of Ruth Rita Kelley, who died on June 17, 1929, as a result of pulmonary tuberculosis allegedly contracted while a civil employee of the United States in the Public Health Service: *Provided*, That no benefits shall accrue prior to the approval of this act.

With the following committee amendment:

Page 2, line 2, after the word "act", add a colon and the following: "*Provided further*, That claim hereunder shall be filed within 6 months from the approval of this act."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A. SEREISKIS (MAXWELL A. RITTENBERG)

The Clerk called the next bill, H. R. 411, for the relief of A. Sereiskis (Maxwell A. Rittenberg).

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That, in the administration of the immigration and naturalization laws, the Secretary of Labor is hereby authorized and directed to cancel the warrant of arrest and the order of deportation against A. Sereiskis (Maxwell A. Rittenberg) heretofore issued on the grounds that on April 18, 1927, admission to the United States had been fraudulently gained pursuant to the commission of a passport or visa offense which, subsequent to such admission, has heretofore been held by the Attorney General of the United States to be within the purview of "crimes involving moral turpitude" and thereupon A. Sereiskis (Maxwell A. Rittenberg) shall hereafter be deemed to have been lawfully admitted to the United States for permanent residence at New York, N. Y., on April 18, 1927. Any declaration of intention to become a citizen or any petition for citizenship heretofore filed by or any admission to citizenship ordered and certificate of naturalization heretofore issued to A. Sereiskis (Maxwell A. Rittenberg), which were predicated upon the claim of lawful admission to the United States for permanent residence on April 18, 1927, shall hereafter be deemed valid, unless the original 7-year period of validity of such declaration of intention has heretofore expired or A. Sereiskis (Maxwell A. Rittenberg) has heretofore been found otherwise not eligible to such benefit under the naturalization laws.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DAVID LIMONSKY, ALIAS DAVID BINDER

The Clerk called the next bill, H. R. 3094, for the relief of David Limonsky, alias David Binder.

The SPEAKER pro tempore. Is there objection?

Mr. MOTT and Mr. HALLECK objected, and the bill, under the rule, was recommitted to the Committee on Immigration and Naturalization.

ISAAC LIMONSKY

The Clerk called the next bill, H. R. 3095, for the relief of Isaac Limonsky.

The SPEAKER pro tempore. Is there objection?

Mr. BARDEN and Mr. HANCOCK of New York objected, and the bill, under the rule, was recommitted to the Committee on Immigration and Naturalization.

LAZER LIMONSKY, ALIAS LOUIS MEEROWITZ

The Clerk called the next bill, H. R. 3096, for the relief of Lazer Limonsky, alias Louis Meerowitz.

The SPEAKER pro tempore. Is there objection?

Mr. HALLECK and Mr. HANCOCK of New York objected, and the bill, under the rule, was recommitted to the Committee on Immigration and Naturalization.

BENNO SHMUKLER

The Clerk called the next bill, H. R. 2559, for the relief of Benno Shmukler.

The SPEAKER pro tempore. Is there objection?

Mr. MOTT, Mr. BARDEN, and Mr. HANCOCK of New York objected, and the bill, under the rule, was recommitted to the Committee on Immigration and Naturalization.

KAM N. KATHJU

The Clerk called the next business, House Joint Resolution 153, for the relief of Kam N. Kathju.

The SPEAKER pro tempore. Is there objection?

Mr. HANCOCK of New York and Mr. MOTT objected, and the resolution, under the rule, was recommitted to the Committee on Immigration and Naturalization.

MRS. M. N. SHWAMBERG AND OTHERS

The Clerk called the next bill, H. R. 2978, for the relief of Mrs. M. N. Shwamberg and others.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $500, together with such additional amount due to increases in rates of exchange as may be necessary to pay (1) Mrs. M. N. Shwamberg, as an act of grace, and without reference to the legal liability of the United States, as full indemnity for personal injuries sustained by her as the result of a collision between a public jinrikisha in which she was riding and a United States Marine Corps ambulance on Seymour Road, Shanghai, China, on January 31, 1935, Mexican $1,000; (2) the Country Hospital, Shanghai, China, for treatment furnished to Mrs. Shwamberg on account of this accident, Mexican $374.50; (3) Dr. Ed Birt, Shanghai, China, for medical treatment furnished Mrs. Shwamberg on account of this accident, Mexican $170.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FRANCESCO KOVACH, ALIAS FRANK KOVACH, ALIAS JOE KALISTER

The Clerk called the next bill, H. R. 3645, for the relief of Francesco Kovach, alias Frank Kovach, alias Joe Kalister.

The SPEAKER pro tempore. Is there objection?

Mr. MOTT and Mr. HANCOCK of New York objected, and the bill, under the rule, was recommitted to the Committee on Immigration and Naturalization.

SOL SILVER

The Clerk called the next bill, H. R. 3753, for the relief of Sol Silver.

The SPEAKER pro tempore. Is there objection?

Mr. HANCOCK of New York and Mr. MOTT objected, and the bill, under the rule, was recommitted to the Committee on Immigration and Naturalization.

DR. RALPH CHARLES STUART

The Clerk called the next bill, H. R. 4113, to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. Ralph Charles Stuart.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

By unanimous consent, a similar Senate bill (S. 84) was substituted for the House bill.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That notwithstanding any limitation relating to the time within which an application for a license must be filed, the Commission on Licensure to Practice the Healing Art in the District of Columbia is hereby authorized and directed to issue a license to practice the healing art in the District of Columbia to Dr. Ralph Charles Stuart, of Sangerville, Maine, in accordance with the provisions of the first paragraph of section 24 of the Healing Arts Practice Act, District of Columbia, 1928.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider and a similar House bill (H. R. 4113) were laid on the table.

HERMAN URIST

The Clerk called the next bill, H. R. 3393, for the relief of Herman Urist.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HANCOCK of New York and Mr. MOTT objected, and, under the rule, the bill was recommitted to the Committee on Immigration and Naturalization.

MINNIE URIST

The Clerk called the next bill, H. R. 3394, for the relief of Minnie Urist.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BARDEN, Mr. HANCOCK of New York, and Mr. MOTT objected.

DR. M. KELLOGG MOOKERJEE

The Clerk called the joint resolution (H. J. Res. 101) for the relief of Dr. M. Kellogg Mookerjee.

There being no objection, the Clerk read the joint resolution, as follows:

Resolved, etc., That notwithstanding the racial limitations contained within section 2169 of the Revised Statutes of the United States, as amended (U. S. C., title 8, sec. 359), and within section 14 of the act of May 6, 1882, as amended (U. S. C., title 8, sec. 363), Dr. M. Kellogg Mookerjee, if found otherwise admissible to citizenship, may be naturalized under this act upon compliance with all the requirements of the naturalization laws, except—

(e) No certificate of arrival and no declaration of intention shall be required;

(f) No additional residence shall be required before the filing of the petition for citizenship; and

(g) The petition for citizenship shall be filed with a court having naturalization jurisdiction prior to the expiration of 4 months immediately following the effective date of this act.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PHILIPINA BACA KLEMENCIC

The Clerk called the next bill, H. R. 3382, for the relief of Philipina Baca Klemencic.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HANCOCK of New York and Mr. MOTT objected, and, under the rule, the bill was recommitted to the Committee on Immigration and Naturalization.

JOSEPH HARRIS

The Clerk called the next bill, H. R. 3969, for the relief of Joseph Harris (Joseph Hersh).

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BARDEN, Mr. HANCOCK of New York, and Mr. MOTT objected, and, under the rule, the bill was recommitted to the Committee on Immigration and Naturalization.

ANGELO AND AURO CATTANEO

The Clerk called the next bill, H. R. 1731, for the relief of Angelo and Auro Cattaneo.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That notwithstanding the provisions of the act approved October 16, 1918 (40 Stat. 1012), as amended by the act approved June 5, 1920 (41 Stat. 1008; U. S. C., title 8, sec. 137), the Secretary of Labor is hereby authorized and directed to cancel the order and warrant of deportation heretofore issued under the provisions of that act against Angelo and Auro Cattaneo.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WALTER T. KARSHNER, ET AL.

The Clerk called the next bill, H. R. 1377, conferring jurisdiction upon the United States District Court for the Southern District of Ohio to hear, determine, and render judgment upon the claims of Walter T. Karshner, Katherine Karshner, Anne M. Karshner, and Mrs. James E. McShane.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the United States District Court for the Southern District of Ohio to hear, determine, and render judgment, as if the United States were suable in tort, upon the claims of Walter T. Karshner, Katherine Karshner, Anne M. Karshner, and Mrs. James E. McShane, all of Columbus, Ohio, for damages resulting from personal injuries and property damage received by them on January 29, 1935, at Columbus, Ohio, by reason of an automobile collision involving a Civilian Conservation Corps truck: *Provided*, That the judgment, if any, shall not exceed, in the case of Walter T. Karshner, $1,500; in the case of Katherine Karshner, $200; in the case of Anne M. Karshner, $750; and in the case of Mrs. James E. McShane, $1,500.

SEC. 2. Suit upon such claims may be instituted at any time within 1 year after the enactment of this act, notwithstanding the lapse of time or any statute of limitations. Proceedings for the determination of such claims, appeals therefrom, and payment of any judgments thereon shall be in the same manner as in the cases over which such court has jurisdiction under the provisions of paragraph 20 of section 24 of the Judicial Code, as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARION SHOBER PHILLIPS

The Clerk called the next bill, H. R. 2093, for the relief of Marion Shober Phillips.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. HANCOCK of New York and Mr. MOTT objected, and, under the rule, the bill was recommitted to the Committee on Claims.

REV. HARRY J. HILL

The Clerk called the next bill, H. R. 2781, for the relief of Rev. Harry J. Hill.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Rev. Harry J. Hill, of Burbank, Calif., the sum of $500 in full settlement against the Government for damages sustained in a collision between his automobile and a Government-owned truck driven by a Civilian Conservation Corps employee on June 8, 1934, in Yosemite National Park, Calif.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

On page 1, line 6, strike out the figures "$500" and insert in lieu thereof the figures "$250."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CLAUDE CURTEMAN

The Clerk called the next bill, H. R. 2801, for the relief of Claude Curteman.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Claude Curteman, of the city of Ontario, Calif., the sum of $2,376 in full settlement of all claims against the Government of the United States for all injuries sustained by him on April 1, 1934, when an automobile in which he was riding was in collision with a United States Government truck being carelessly and negligently operated by a member of the Civilian Conservation Corps.

With the following committee amendment:

Page 2, line 1, after the word "Corps", insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

F. E. HALL

The Clerk called the next bill, H. R. 2828, for the relief of F. E. Hall.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That notwithstanding the provisions and limitations of sections 15 to 20, both inclusive, of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, the United States Employees' Compensation Commission be, and the same is hereby, authorized and directed to receive and consider, when filed, the claim of F. E. Hall for disability alleged to have been incurred by him on July 9, 1923, while in the employ of the Bureau of Narcotics, Treasury Department, as a narcotic agent, and to determine said claim upon its merits under the provisions of said act: *Provided*, That claim hereunder shall be filed within 6 months after the approval of this act: *Provided further*, That no benefits shall accrue prior to the enactment of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

E. B. GRAY

The Clerk called the next bill, H. R. 2936, for the relief of E. B. Gray.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $1,000 to E. B. Gray, of Cincinnati, Ohio, in full settlement of his claim against the United States for an equal amount paid by him on September 8, 1931, to the United States by reason of the forfeiture of the bail bond of Chester Koher, the latter having failed to appear for trial, but thereafter having been apprehended by said E. B. Gray, without cost to the Government, and imprisoned: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MARIE B. NEALE

The Clerk called the next bill, H. R. 2940, for the relief of Marie B. Neale.

Mr. HALLECK and Mr. COSTELLO objected, and, under the rule, the bill was recommitted to the Committee on Claims.

JOHN E. CALLAWAY

The Clerk called the next bill, H. R. 3055, for the relief of the estate of John E. Callaway.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the administrator of the estate of John E. Callaway, of Lebanon, Kans., the sum of $190, in full settlement of its claim against the United States for the destruction of certain property as a result of fire caused by a Government truck operated in connection with the Civilian Conservation Corps on July 7, 1934: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN EDGAR WHITE, A MINOR

The Clerk called the next bill, H. R. 3067, for the relief of John Edgar White, a minor.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,500 to Thomas B. White, father, as natural guardian for John Edgar White, minor, for personal injuries to said minor's left leg by burning and for medical charges incurred as a result of said injuries occasioned by the said minor stepping into soft dirt which covered a steam line in process of repair in the vicinity of ward 21 in the Walter Reed Hospital grounds, Washington, D. C.

With the following committee amendment:

Page 1, line 5, strike out "$2,500" and insert in lieu thereof "$1,000."

Page 1, line 7, after the word "minor", insert the following: "in full settlement of all claims against the United States."

Page 2, line 2, after the word "Columbia", insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GRIER-LOWRANCE CONSTRUCTION CO., INC.

The Clerk called the next bill, H. R. 3190, for the relief of Grier-Lowrance Construction Co., Inc.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the claim of Grier-Lowrance Construction Co., Inc., for losses and damages under contract no. AMB 28, dated May 18, 1929, for the construction of the foundation for the several structures of the Arlington Memorial Bridge project be, and the same is hereby, referred to the United States Court of Claims with jurisdiction to hear the same to judgment, said claim to be adjudicated upon the basis of all losses or damages suffered by the said company duly found to be due to acts of the Government or delays caused by the Government or subsurface conditions unknown to the contractor and not disclosed by the Government before contract was entered into, notwithstanding any lapse of time or any provisions of the statute of limitations: *Provided*, That suit hereunder is instituted within 4 months from the approval of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BERTHA M. HARRIS

The Clerk called the next bill, H. R. 3201, for the relief of Bertha M. Harris.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Bertha M. Harris in full settlement of all claims against the Government of the United States, the sum of $685.96, being reimbursement for clerk hire, rental of fixtures, and salary of Bertha M. Harris who acted as postmistress at Windfall, Ind., from September 14 to December 30, 1932, both dates inclusive: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 7, after the word "of", strike out the remainder of the line and all of line 8 and insert in lieu thereof "$431.98 representing salary earned by."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ROSALIE ROSE

The Clerk called the next bill, H. R. 3203, for the relief of Rosalie Rose.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Rosalie Rose, of San Francisco, Calif., the sum of $11,454.50 for damages sustained on May 29, 1931, when she was injured in a collision with United States Coast Guard truck no. 1001.

With the following committee amendment:

Page 1, line 6, after the word "of", strike out "$11,454.50" and insert in lieu thereof "$1,454.50 in full settlement of her claim against the United States."

Page 1, line 10, after the figures "1001", insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOSEPH A. RUDY

The Clerk called the next bill, H. R. 3251, for the relief of Joseph A. Rudy.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission be, and it is hereby, authorized and directed to receive and determine the claim of Joseph A. Rudy for disability alleged to have resulted from an injury sustained by him on November 15, 1927, while in the employ of the Bureau of Narcotics, Treasury Department, under the provision of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, except that the time limitations in sections 15 to 20, both inclusive, of said act are hereby waived: *Provided*, That such claim be filed within 60 days after the passage of this act: *Provided further*, That no benefits shall accrue prior to the approval of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILLIAM RANDOLPH CASON

The Clerk called the next bill, H. R. 3268, for the relief of William Randolph Cason.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William Randolph Cason, of West Asheville, N. C., the sum of $5,000 in full settlement of his claim against the United States for personal injuries received when a shell, which was left on the premises of the said William Randolph Cason by the armed forces of the United States at Camp Sevier, S. C., exploded while the land was being cleared for cultivation on March 24, 1919: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 6, after the word "of", strike out "$5,000" and insert in lieu thereof "$2,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GREAT NORTHERN RAILWAY CO.

The Clerk called the next bill, H. R. 3354, for the relief of the Great Northern Railway Co.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Great Northern Railway Co., St. Paul, Minn., out of any money in the Treasury not otherwise appropriated, the sum of $1,298.50 in full for a refund of construction charges on a grant of 37$\frac{1}{10}$ acres of land in the Sun River irrigation project in the State of Montana upon which the said Great Northern Railway Co. proposed to locate and construct a line of railway under the act of March 3, 1875, which line of railway was never constructed, and which grant was canceled in April 1921.

With the following committee amendments:

Page 1, line 7, after the word "full", insert "satisfaction of its claim against the United States."

Page 2, line 3, after the word "canceled", insert "by court decree."

Page 2, line 3, after "1921", insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

J. H. KNOTT

The Clerk called the next bill, H. R. 3395, for the relief of J. H. Knott.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the United States Treasury not otherwise appropriated, to J. H. Knott the sum of $1,050 in full and complete settlement of all claims for damages for personal injuries suffered when he was struck by a Navy truck at the corner of Main and Market Streets in the city of Dallas, Tex., on February 2, 1931.

With the following committee amendments:

Page 1, line 6, strike out "$1,050" and insert in lieu thereof "$1,000"; page 1, line 7, strike out the word "for" and insert in lieu thereof the words "against the United States as"; page 1, line 10, after "1931", insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

F. M. LOEFFLER

The Clerk called the next bill, H. R. 3451, for the relief of F. M. Loeffler.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to F. M. Loeffler, West Mineral, Kans., the sum of $3,838.75, which sum shall be in full satisfaction of all claims against the United States for personal injuries sustained by the said F. M. Loeffler as a result of an accident involving a Civilian Conservation Corps truck, at Camp Messenger, Company No. 1711, West Mineral, Kansas, on March 15, 1935.

With the following committee amendment:

Page 1, line 11, after the figures "1935", insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

D. B. CARTER

The Clerk called the next bill, H. R. 3573, for the relief of D. B. Carter.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to D. B. Carter, of Richmond, Va., out of any money in the Treasury not otherwise appropriated, the sum of $3,000 in full settlement of all claims against the Government of the United States for personal injuries caused by an automobile truck leased to the United States Coast and Geodetic Survey, and driven by an enlisted man named Frank Swoveland, on January 14, 1934, about 5 miles west of Portsmouth, Va.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ACHILLE RETELLATTO AND ALBERT RETELLATTO

The Clerk called the next bill, H. R. 3575, conferring jurisdiction upon the United States District Court for the Eastern District of New York to hear, determine, and render judgment upon the claims of Achille Ratallato and Albert Ratallato.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That jurisdiction is hereby conferred upon the United States District Court for the Eastern District of New York to hear, determine, and render judgment, as if the United States were suable in tort, upon the claims of Achille Ratallato and his son, Albert Ratallato, both of Brooklyn, N. Y., for damages resulting from injuries received by the said son, Albert Ratallato, when he was struck by a United States mail truck numbered 3392 on Bay Twentieth Street, near Benson Avenue, in Brooklyn, N. Y., on November 4, 1929.

SEC. 2. Suit upon such claims may be instituted at any time within 1 year after the enactment of this act, notwithstanding the lapse of time or any statute of limitations. Proceedings for the determination of such claims, and appeals from and payment of any judgment thereon, shall be in the same manner as in the cases of claims over which such court has jurisdiction under the provisions of paragraph 20 of section 24 of the Judicial Code, as amended.

With the following committee amendments:

Page 1, line 6, after "Achille", strike out "Ratallato" and insert "Retellatto."

Page 1, line 7, after "Albert", strike out "Ratallato" and insert "Retellatto."

Page 1, line 9, after "Albert", strike out "Ratallato" and insert "Retellatto."

Page 2, after line 12, insert the following:

"SEC. 3. That judgment recovered in such suit, if any, shall not exceed the sum of $5,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended.

E. C. WILLIS

The Clerk called the next bill, H. R. 3630, for the relief of E. C. Willis, father of the late Charles R. Willis, a minor.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to E. C. Willis, father of the late Charles R. Willis, a minor, the sum of $3,000 in full settlement of all claims against the Government of the United States for fatal injuries suffered by the said Charles R. Willis as a result of a Government-owned truck operated by an employee of the Government striking an automobile operated by the said Charles R. Willis near Sikes, La., November 18, 1933: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 10, strike out the word "Government" and insert "Civilian Conservation Corps."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SALVATORE BRANCHICELLA

The Clerk called the next bill, H. R. 4451, to authorize the cancelation of deportation proceedings in the case of Salvatore Branchicella.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Labor is hereby authorized and directed to cancel the outstanding order and warrant of deportation issued pursuant to sections 19 and 20 of the Immigration Act of February 5, 1917 (39 Stat. 889, 890; U. S. C., title 8, secs. 155 and 156), in the case of Salvatore Branchicella, any provision of existing law to the contrary notwithstanding. From and after the date of the approval of this act, Salvatore Branchicella shall not again be subject to deportation by reason of the same fact upon which the outstanding proceedings rest.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

DR. CLARENCE QUINTON PAIR

The Clerk called the next bill, S. 989, to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. Clarence Quinton Pair.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That notwithstanding any limitation relating to the time within which an application for a license must be filed, the Commission of Licensure to Practice the Healing Art in the District of Columbia is authorized and directed to issue a license to practice the healing art in the District of Columbia to Dr. Clarence Q. Pair, Washington, District of Columbia, in accordance with the provisions of the first paragraph of section 24 of the Healing Arts Practice Act, District of Columbia, 1928.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BROWN M'CUBBIN

The Clerk called the next bill, H. R. 328, for the relief of Brown McCubbin.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Brown McCubbin the sum of $92.53 in full settlement of all claims against the Government of the United States for acting as postmaster at Eve, Ky., from April 9, 1933, to June 7, 1933.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the Comptroller General of the United States is hereby authorized and directed to credit the account of Letha F. McCubbin, deceased, former postmaster at Eve, Ky., with $90.58, being

part of the amount retained from postal receipts by Brown McCubbin as compensation for his voluntary services in acting as postmaster at that post office from April 10 to June 6, 1933, inclusive.

"SEC. 2. That the Comptroller General is hereby authorized and directed to credit the account of Mary B. Hodge, deceased, former postmaster at Place, Ky., with $48.69, being the amount retained from postal receipts by Maude Hodge as compensation for her voluntary services in acting as postmaster at that post office from January 10 to April 4, 1934, inclusive.

"SEC. 3. That the Comptroller General is hereby authorized and directed to credit the account of Walter H. Mansfield, deceased, former postmaster at Logan, Okla., with $164.33, being the amount retained from postal receipts by Ben F. Morris as compensation for his voluntary services in acting as postmaster at that post office from November 7, 1933, to January 9, 1934, inclusive."

Amend the title.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended.

EVA MARKOWITZ

The Clerk called the bill (H. R. 458) for the relief of Eva Markowitz.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Eva Markowitz, of New York City, N. Y., for herself and on behalf of her three minor children, not to exceed $5,000, in monthly installments of $100 each, in full settlement of all claims against the Government on account of the death of her husband, the late Max Markowitz, who was run over by a Government-owned truck and received head injuries on April 30, 1935, when he was being transported from assigned work at the United States Northeastern Penitentiary, Lewisburg, Pa., and as a result of which injuries died on the same day without regaining consciousness: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendments:

Page 1, line 10, after the word "who", insert "fell from and."

Page 1, line 11, strike out "and received head injuries."

Page 2, line 3, strike out "and as a result of which injuries died on the same day without regaining consciousness."

Page 2, at the end of the bill, strike out the period, insert a colon and the following: "*Provided further*, That payments hereunder shall commence on the 1st day of the calendar month following the enactment of this act."

The committee amendments were agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

C. E. LANDTISER

The Clerk called the bill (H. R. 595) for the relief of C. E. Landtiser.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to C. E. Landtiser the sum of $2,500. Such sum shall be in full settlement of all claims against the United States for damages sustained by Mada Landtiser when an automobile in which she was a passenger collided on September 15, 1934, with a Government truck employed in emergency conservation work at McGregor, Iowa, resulting in personal injuries to the said Mada Landtiser, wife of the said C. E. Landtiser, the claim for damages due to the said Mada Landtiser having been duly assigned to the said C. E. Landtiser, her husband, and which claim has been rejected by the United States Forest Service, at Washington, D. C., because this branch of the Government does not have authority to pay claims for personal injuries.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mada Landtiser, of Malcolm, Poweshiek County, Iowa, the sum of $1,500, in full settlement of all claims against the United States for personal injuries sustained by her when the vehicle in which she was a passenger was struck by an Emergency Conservation Work truck of the Department of Agriculture, on September 15, 1934, near Traer, Iowa: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended so as to read: "A bill for the relief of Mada Landtiser."

HAROLD W. SNELL

The Clerk called the bill (H. R. 2771) for the relief of Harold W. Snell.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc, That Harold W. Snell, special representative agent, the Alaska Railroad, with headquarters at Chicago, Ill., is hereby relieved of reimbursing the United States for credit to the appropriation, "Alaska Railroad Special Fund", the sum of $133.91, the amount lost in the burglary of the offices of the Alaska Railroad, 333 North Michigan Avenue, Chicago, Ill., on the night of July 8, 1935.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

RELIEF OF CERTAIN DISBURSING OFFICERS OF THE ARMY

The Clerk called the bill (H. R. 2772) for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of the following disbursing officers of the Army of the United States the amounts set opposite their names: Capt. Bigelow B. Barbee, Finance Department, $30; Maj. Stephen R. Beard, Finance Department, $30; Capt. George W. Brent, Coast Artillery, $25; Maj. Richard L. Cave, Finance Department, $64; Maj. Walter D. Dabney, Finance Department, $92.30; Maj. Edmund W. McLarren, Finance Department, $30; Capt. Leighton N. Smith, Finance Department, $45; Maj. Arthur O. Walsh, Finance Department, $25; and Capt. Hugh Whitt, Finance Department, $25, said amounts being public funds for which they are accountable and which comprise minor errors in computation of pay and allowances due former members of the Civilian Conservation Corps, who are no longer enrolled in that corps, and which amounts have been disallowed by the Comptroller General of the United States: *Provided*, That no part of the amounts so credited shall be later charged against any individual other than the various payees.

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Capt. William H. Buechner, Tenth Infantry, the sum of $49, representing refundments of overpayments made allottees of Civilian Conservation Corps enrollees, the collection of which amount cannot be effected from the persons to whom such erroneous payments have been made: *Provided*, That no part of this amount shall be charged to any person other than the payees.

SEC. 3. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Maj. John B. Harper, Finance Department, the sum of $1,509.59, public funds for which he is accountable and which represent items disallowed by the Comptroller General of the United States.

SEC. 4. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Capt. Albert J. Leavitt, Engineer Reserve, the sum of $67.48, or so much of said sum as shall have been collected from him prior to the approval of this act, representing refundment of Government funds which were stolen from his Civilian Conservation Corps company safe on April 18–19, 1936: *Provided*, That no part of this amount shall be charged to any person other than the person committing said theft.

SEC. 5. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Capt. Richard Lee, Corps of Engineers, the sum of $583.69, public funds for which he is accountable and which were paid by him to the Memphis Packet Co. for freight shipments by water, and which amount has been disallowed by the Comptroller General of the United States.

SEC. 6. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Maj. Charles Lewis, Finance Department, the sum of $295.38, public funds for which he is accountable and which were paid

by him on fraudulent vouchers prepared by an employee of the finance office at Fort Benjamin Harrison, Ind.

SEC. 7. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Capt. Elbert W. Martin, Field Artillery Reserve, the sum of $45.68, public funds for which he is accountable and which were destroyed by fire on the night of November 15–16, 1935, and which sum he has refunded to the United States.

SEC. 8. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Maj. Frank E. Parker, Finance Department, the sum of $4,449.80, public money for which he is accountable and which has been disallowed in his accounts by the Comptroller General of the United States on account of payments made to emergency nurses on duty with the Civilian Conservation Corps during the period November 1933 to August 31, 1935, in compliance with the Executive order of the President dated May 8, 1933.

SEC. 9. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of First Lt. (now Capt.) Alexander H. Perwein, Finance Department, the sum of $2,038, public money for which he is accountable and which was paid in error to Civilian Conservation Corps enrollees on properly certified vouchers for the month of September 1933, and which amount has been disallowed in his accounts by the Comptroller General: *Provided*, That no part of the amount so credited shall be charged to any person other than the various payees: *Provided further*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Capt. C. McL. Lott, United States Marine Corps, so much of said sum as shall have been collected from him prior to the approval of this act.

SEC. 10. No part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

PROPERTY LOST OR DAMAGED, CIVILIAN CONSERVATION CORPS

The Clerk called the bill (H. R. 2773) to authorize the settlement of individual claims for personal property lost or damaged, arising out of the activities of the Civilian Conservation Corps, which have been approved by the Secretary of War.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Associated Indemnity Corporation, Portland, Oreg., $131.83; to Walter A. Dunlop, Roslindale, Mass., $11.25; to Eggert Coal Co., Morristown, N. J., $12.50; to L. L. Farrell, Escanaba, Mich., $10.66; to Francis H. Finn, Waterbury, Vt., $16.25; to Norman W. Foster, Florida, Mass., $30; to Wade Hawk, Greeneville, Tenn., $10.70; to Norman C. Horne, Mount Union, Pa., $26 to William Long, Channahon, Ill., $33.50; to Oregon State Highway Commission, Salem, Oreg., $102.25; to Redding Creamery, Redding, Calif., $35.10; to San Joaquin Light & Power Corporation, Fresno, Calif., $37.11; to Henry Simonsen, Farmington, Minn., $40.25; to S. W. Siemons, Bullsgap, Tenn., $18.40; to Paul Traglio, Salem, Oreg., $100; to Bert Tucker, Stamping Ground, Ky., $148; and to the Virginia-Carolina Chemical Co., Richmond, Va., $18.86, in full settlement for damages sustained by reason of the operation of the Civilian Conservation Corps, which claims have been approved by the Secretary of War: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

MARGARET SCOTT BAYLEY

The Clerk called the bill (H. R. 3636) for the relief of Margaret Scott Bayley.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That notwithstanding the provisions and limitations of sections 15 and 20, both inclusive, of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended, the United States Employees' Compensation Commission be, and the same is hereby, authorized and directed to receive and consider, when filed, the claim of Margaret Scott Bayley for disability alleged to have been incurred by her while in the employment of the Veterans' Administration from June 28, 1920, to August 6, 1923, respectively, and to determine said claim upon its merits under the provisions of said act: *Provided*, That no benefits shall accrue prior to the enactment of this act.

With the following committee amendment:

Page 2, at the end of the bill, strike out the period, insert a colon and the following: "*Provided further*, That claim hereunder shall be filed within 6 months after the approval of this act."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

STERLING BRONZE CO.

The Clerk called the bill (H. R. 3701) for the relief of the Sterling Bronze Co.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle the claim of the Sterling Bronze Co. for $8,168 for material supplied and work performed in furnishing and installing electrical supplies and equipment in the New House Office Building under contract ACho–23. Appropriations heretofore made for the construction of the New House Office Building are hereby made available for the payment of this claim in the said sum of $8,168.

With the following committee amendment:

At the end of the bill, strike out the period, insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

ELLA GOODWIN

The Clerk called the bill (H. R. 3706) for the relief of Ella Goodwin.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Chief of Engineers of the War Department is hereby authorized and directed to obtain on behalf of the United States from Ella Goodwin, of Utica, Ind., an easement over her property situated in Clark County, Ind., bordering on the Ohio River, 12 miles upstream from dam no. 41, in the sum of $2,365, and in accordance with the offer to Ella Goodwin in July 1931 by the United States district engineer for the purchase of such easement.

SEC. 2. Upon receipt of notice from the Chief of Engineers that he has obtained on behalf of the United States said easement over the property of Ella Goodwin, the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ella Goodwin, of Utica, Ind., the sum of $2,365, in full settlement of her claim against the United States for the amount due her because of said easement.

SEC. 3. No part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

ALFRED T. JOHNSTON

The Clerk called the bill (H. R. 3722) for the relief of Alfred T. Johnston.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement of all claims against the Government of the United States, to Alfred T. Johnston, of Lincoln, Calif., the sum of $500, the same being in the form of a reward for services rendered as telegraph operator

for the Southern Pacific Railroad Co. depot at Lincoln, Calif., in connection with the arrest and conviction of Ernest F. Smith for theft of mail matter from the Southern Pacific Railroad Co. depot at Lincoln, Calif., on February 8, 1930: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 8, strike out "$500" and insert "$200."

The committee amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

ZOE A. TILGHMAN

The Clerk called the next bill, H. R. 3734, for the relief of Zoe A. Tilghman.

The SPEAKER pro tempore. Is there objection?

Mr. HANCOCK of New York and Mr. HALLECK objected, and the bill, under the rule, was recommitted to the Committee on Claims.

MR. AND MRS. EDWARD J. PRUETT

The Clerk called the next bill, H. R. 3736, for the relief of Mr. and Mrs. Edward J. Pruett.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mr. and Mrs. Edward J. Pruett the sum of $10,000 in full settlement of all claims against the Government of the United States for the death of their son, Robert Edward Pruett, who was drowned in a swimming pool at Fort McClellan, Ala., on September 22, 1931: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 6, strike out "$10,000" and insert "$5,000."

The committee amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JACK C. ALLEN

The Clerk called the next bill, H. R. 3750, for the relief of Jack C. Allen.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated and in full settlement against the Government, to Jack C. Allen, the sum of $286, on account of loss of personal possessions in a fire at Fort McPherson, Ga., in December 1929, said Allen being at the time this loss was sustained a member of the enlisted personnel of the United States Army assigned to quarters in the barracks consumed by fire: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 7, strike out "on account of" and insert "in full satisfaction of this claim against the United States for."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ESTATE OF REES MORGAN

The Clerk called the next bill, H. R. 3812, for the relief of the estate of Rees Morgan.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, the sum of $5,000 to the administrator of the estate of Rees Morgan, late of Tacoma, Wash., in full satisfaction of its claim against the United States on account of the death of the said Rees Morgan who was struck and killed near Tacoma, Wash., by a Civilian Conservation Corps truck operated by one Fred Krause, enrollee of Company 2941, Civilian Conservation Corps Camp A3, Fort Lewis, Wash.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1, line 5, after the word "Treasury", strike out "allocated by the President for the maintenance and operation of the Civilian Conservation Corps", and insert "not otherwise appropriated."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NELL MULLEN

The Clerk called the next bill, H. R. 3921, for the relief of Nell Mullen.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the United States Treasury not otherwise appropriated, the sum of $1,950 to Nell Mullen, in full settlement of all claims she may have against the Government for injuries received by her in the United States Post Office Building, at Scranton, Pa.

With the following committee amendments:

Page 1, line 6, strike out "$1,950" and insert "$950."

Page 1, line 6, after the word "Mullen", insert "of Scranton, Pa."

Page 1, line 9, after the word "Pennsylvania", insert the following: ", on December 22, 1924, when she slipped and fell because of the wet condition of the floor of said building: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. COSTELLO. Mr. Speaker, that is as far as the committee is prepared to go at this time with the Private Calendar.

PERMISSION TO ADDRESS THE HOUSE

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent that on today, following the special orders already agreed upon, my colleague from Massachusetts, Mr. GIFFORD, may be allowed to address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McSWEENEY. Mr. Speaker, I ask unanimous consent that after the special orders for today I may be permitted to address the House for 20 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DROUGHT RELIEF

The SPEAKER. Under the special order, the gentleman from Wisconsin [Mr. GEHRMANN] is recognized for 15 minutes.

Mr. GEHRMANN. Mr. Speaker, I am very thankful that I have been given 15 minutes this afternoon. I wish I had more time. This is a subject which evidently Congress has forgotten all about. I am referring now to the drought-stricken area, not only of Wisconsin, but of the whole United States. Only last fall our great leader, President Roosevelt, made a trip through part of the drought-stricken area, and when he got into our section it was right after we had had our first rain. Of course, things commenced to look green. It did not look quite as bad as he had anticipated it would. The fact is, however, that the farmers in Wisconsin, especially the 14 counties which I represent, do not have any feed and do not have any credit with which to get feed. There is very little grain threshed in any of the counties I represent.

We have passed a seed loan bill, allotting $50,000,000 to the Farm Credit Administration; but I want to quote some figures to show that a very small percentage of the farmers of the State of Wisconsin and other States can avail themselves of that $50,000,000, because they do not have any credit left. They do not have anything which they own that is not already encumbered to the extent where the Farm Credit Administration will accept it as collateral. Then, of course, we have some funds made available through the Resettlement Administration. Of course, the cry went up that the farmers are well taken care of.

The Resettlement Administration, however, has a very inadequate amount, and this amount is restricted by certain limitations to a certain few farmers that are down and out. They have been and are now on relief. They receive a rehabilitation grant, but this is no more—in fact it is much less than—the people in the city receive who are on direct relief. The balance of the farmers, 75 or 80 percent, are in the same position when they ask for relief or for a loan from the Resettlement Administration that they are when they face the Farm Credit Administration. The Resettlement Administration is as liberal, and perhaps a little more liberal, than the ruling allows the Administration to be. They told several of us who went before the Administration officials that they are stretching a point, that they are satisfied to accept almost anything as security, even second, third, and fourth mortgages on livestock.

The point I want to impress upon you is the futility of saying to these farmers that we are going to help you, we are going to lend you money if you give us a third or fourth mortgage on something. The fact is they are mortgaged to death now and it is impossible for them ever to get out from under. The sooner we realize this fact and get down to really rehabilitating these farmers, the sooner we shall be able to put a great percentage of them who are now down and out back on their feet where they can make a living for themselves, for their distress came about through no fault of their own.

I have figures showing the percentage of mortgaged farms, and the total indebtedness, which I shall put in the RECORD in connection with my speech. This table will prove that not only in my own State, but in 39 out of the 48 States, more than 50 percent of the farms are mortgaged way beyond the present value of the farms.

I am sure that from these figures most of you will find that in your own States the farmers are no better off than they are in Wisconsin. These figures, of course, are taken from the 1930 census. I am sure, however, the conditions have not improved except in a few isolated sections, perhaps in the cotton and tobacco sections, where Government checks the last year or two helped the farmers. The majority of the farmers, however, are worse off today than they were in 1930, and this table of Government figures shows exactly where each State ranks. As I said before, in 39 States 50 percent of the farms are mortgaged. Mississippi heads the list with 83.7 percent of the farms mortgaged. Then follow Oklahoma, Alabama, Georgia, North Dakota, and on down the line. Iowa, which is supposed to be one of the richest agricultural States, is in eighth place, with 77.3 percent of her farms mortgaged. I am speaking of real-estate mortgages.

Mr. BIERMANN. Mr. Speaker, will the gentleman yield?

Mr. GEHRMANN. Yes.

Mr. BIERMANN. Where did the gentleman get his figures?

Mr. GEHRMANN. From the Agricultural Yearbook.

Mr. BIERMANN. And the gentleman states that the figures show 77 percent of the farms of Iowa are mortgaged?

Mr. GEHRMANN. Seventy-seven and three-tenths percent. The total number of farms in Iowa are 214,928. Out of this number, 166,040 are mortgaged.

Mr. BIERMANN. The gentleman means 77 percent of the number of farms?

Mr. GEHRMANN. Seventy-seven percent of the total number of farms in Iowa are mortgaged.

Mr. BIERMANN. The figures we get on the Committee on Agriculture are 50 and a fraction percent.

Mr. GEHRMANN. These are Government statistics taken from the 1930 census and should be correct. It is possible that the Iowa farmers, perhaps through hog checks, have been able to pay off a portion of their mortgages the last couple of years.

Table showing number of farms, number of mortgaged farms, and percentage of mortgaged farms of the total, as compiled from census of 1930

State	Total number of farms in State	Number of mortgaged farms	Percent of mortgaged farms
1. Mississippi	312,663	261,408	83.7
2. Oklahoma	203,866	163,887	80.4
3. Alabama	257,395	202,837	78.9
4. Georgia	255,598	199,807	78.2
5. North Dakota	77,975	60,990	78.2
6. Louisiana	161,445	125,231	77.6
7. South Dakota	83,157	64,381	77.4
8. Iowa	214,928	166,040	77.3
9. Nebraska	129,458	99,981	77.2
10. Arkansas	242,334	186,393	77.0
11. South Carolina	157,931	122,088	76.7
12. Texas	495,489	377,118	76.1
13. Kansas	166,042	119,405	71.9
14. Colorado	59,956	40,708	67.9
15. Minnesota	185,155	125,708	67.8
16. Idaho	41,674	27,977	67.1
17. Illinois	214,497	141,941	66.2
18. Missouri	255,940	169,260	66.1
19. Wisconsin	181,767	119,802	65.9
20. Montana	47,495	30,620	64.5
21. North Carolina	279,708	176,847	63.2
22. Wyoming	16,011	10,013	62.5
23. Indiana	181,570	111,483	61.4
24. Tennessee	245,657	147,935	60.2
25. Oregon	55,153	32,860	59.6
26. Delaware	9,707	5,689	58.6
27. California	135,676	79,056	58.3
28. Washington	70,904	40,909	57.7
29. New Jersey	25,378	14,611	57.6
30. Vermont	24,898	14,043	56.4
31. Michigan	169,373	95,168	56.2
32. Utah	79,159	15,198	55.9
33. Maryland	43,203	23,089	53.4
34. Massachusetts	25,598	13,601	53.1
35. Connecticut	17,195	9,066	52.7
36. Ohio	219,296	113,692	51.9
37. New York	159,806	82,659	51.7
38. Kentucky	246,499	126,601	51.4
39. Nevada	3,442	1,595	46.3
40. Florida	58,966	26,457	44.9
41. Virginia	170,610	75,584	44.3
42. Pennsylvania	172,419	85,616	49.7
43. Rhode Island	3,320	1,441	43.4
44. District of Columbia	104	44	42.3
45. Arizona	14,173	5,937	41.8
46. New Hampshire	14,900	5,712	38.4
47. New Mexico	31,404	12,057	38.4
48. Maine	39,006	13,688	35.1
49. West Virginia	82,641	29,904	32.6

The farms that are not mortgaged are the farms that have been taken over by the Federal Land banks and other banks, farms that are held for speculation or run by so-called gentlemen farmers, by men who do not actually farm them. The majority of the farms in the States, however, that are operated by the owners are mortgaged.

In this connection may I read just a little clipping that came in a local newspaper from my district today showing the condition. It must be remembered that the farmers' troubles started in 1921, not in 1929. They started back in 1921 when pressure was brought upon the banks, and the banks in turn told the mortgagors that they had to liquidate and pay off their indebtedness. In this connection let me remind you that the farmers in my district of Wisconsin

are not a shiftless type. The 14 counties I represent are populated with people of the Scandinavian and Germanic races. They are not spendthrift kind of people, but are the most frugal, industrious, saving, and progressive farmers that ever farmed anywhere. They got their farms in the raw state, so to speak, hewed them out of the wilderness, sacrificed even a decent standard of living for many years in the hope and expectation of having a home for themselves and their children.

After 50 years of working like slaves they and their families are now being evicted, in the majority of cases by a Government agency. Here is the case of one man I know of, and I had tears in my eyes when I read this. I have been associated with him for years and years. There never was a harder-working man than this man to whom I shall refer. His name is Pat Stevens. He happens to be from Mr. HULL's county. He had a foreclosure on February 26, and here is what he says:

All my life I have tried to be a respectable citizen. I have paid my obligations as best I could. I have lived on this farm 58 years, been a citizen of St. Croix County 60 years. I took up this farm out of the wilderness and built up a modern home. I always paid my taxes and interest till the very men I voted for raised interest and taxes so high we could not pay them. The drought came on, and for 6 years we raised no crops. I had to borrow from the Government to feed our livestock. Debts piled up mountain high while we struggled like slaves to prevent it, without help from our Government to save our homes, and we are driven like rats from our homes.

This drought is not a 1-year proposition. In some western Wisconsin counties it has run along for 6 years, with the exception of 1935 when we had rain enough, but we are in a dairy section, and we depend on clover and alfalfa for our dairy feed.

In the dry years of 1933 and 1934 naturally there was not sufficient grass. The grass seed planted those years could not grow, and so emergency crops had to be relied on the following year. In the year 1935, although we had rain, the farmers had to revert to emergency crops for their cattle for reasons stated previously. In 1936 the farmers did plant some more of the high-priced alfalfa and clover seed, but again the drought that year was even worse than it had ever been before. And this year again they will have had to fall back on emergency crops with seed almost unavailable, very high, and no money to buy it with.

Mr. Speaker, those are the prevailing conditions, and I will include here a few tables showing the need for help in a few counties of Wisconsin. Similar conditions prevail all through the drought section.

Conditions in some of drought-stricken counties in Wisconsin

ASHLAND COUNTY

Number of farmers in county	1,450
Number of Federal farm loans	542
Amount involved	$415,700
Number of farmers delinquent	62
Amount involved	$8,321.29
Number of P. C. A. loans	36
Amount involved	$16,393.65

We will need approximately 6,000 bushels of grain for seed and about 5 or 6 thousand pounds of grass seed.

BARRON COUNTY

Number of farms in county	4,639
Number of Federal farm loans	1,500
Amount involved	$5,000,000
Amount delinquent—percent	35
Number of P. C. A. loans	393
Amount involved	$120,661

Survey shows 2,500 applications for drought relief with a debt of $89 per crop acre.

Number of farmers out of feed will be approximately 40 percent by March 1. We will need about 25,000 tons of hay and approximately 25,000 tons of grain. Our 1936 silage crop was one-third of normal.

BURNETT COUNTY

Number of farms in county	1,850
Number of Federal farm loans	750
Amount involved	$1,250,000
Amount delinquent	600
Amount involved	$180,000
Number of P. C. A. loans	50
Amount involved	$100,000
Number of other chattels	500
Amount involved	$150,000

The number of farmers who are practically out of feed now or will be by March 1 and who cannot purchase on account of lack of funds is 500.

Our seed and feed needs will amount to about $160,000.

CLARK COUNTY

Number of farms in county	5,348
Number of Federal farm loans	1,250
Amount involved	$550,000
Number of farmers delinquent	320
Amount involved	$60,000
Number of P. C. A. loans	700
Amount involved	$200,000

60 to 70 percent are borrowing money for feed or seed in some form.

Practically 60 percent of the farmers will be out of feed by March 1.

The county agricultural committee estimated that the county will need $500,000 for feed and seed needs.

180 farmers are delinquent in last year's taxes.

POLK COUNTY

Number of farms in the county	4,386
Number of Federal farm loans	1,067
Amount involved	$2,796,000
Number of P. C. A. loans	453
Amount involved	$30,821.37
Number of delinquent Federal farm loans (34 out of 82)	478
Amount involved	$76,359.18

There are about 80 percent of the farmers who will be out of feed by March 1 and who will not be able to purchase it.

There are 800 Commissioners loans with a total amount of $1,000,000.

LINCOLN COUNTY

Number of farmers in county	2,106
Number of Federal farm loans	456
Amount involved	$1,596,000
Number of delinquent loans—percent	28.3
Number of delinquency in tax—do	16.5
Number of farmers out of feed	700

Number of farmers needing feed this spring, about one-third of all.

95 percent of all seed grain will have to be purchased.

TAYLOR COUNTY

Number of farms in county	3,250
Debts per cleared acre	100

It will take about 16,000 to 20,000 tons of feed to replace grain lost by drought. Seed bill for this coming spring is estimated at $150,000 to $200,000.

RUSK COUNTY

Number of farms in county	2,600
Number of Federal farm loans	900
Amount involved	$1,200,000
Number of loans with other agencies	907
Amount involved	$1,307,000
Number of P. C. A. loans	150
Amount involved	$150,000
Number of farmers delinquent to Federal Farm Loan Association	221
Amount involved	$300,000

Approximately 2,400 farmers will be out of feed by March 1 and will not be financially able to purchase more.

All seed for county must be bought, and old system of 1936 will not help. Amount needed is $80,000. Amount needed for feed is $100,000.

WASHBURN COUNTY

Number of farmers	1,754
Number of Federal farm loans	530
Amount involved	$1,060,000
Number of P. C. A. loans	45
Amount involved	$15,500
Number of farmers delinquent, approximately	135
Amount involved	$250,000
Number of other chattels	1,305
Amount involved	$326,250
Number of farmers needing feed	850
Feed needs (2,500 tons of hay)	$27,500
Grain (2,000 tons)	$80,000

BAYFIELD COUNTY

Number of farms in county	1,700
Number of Federal farm loans	529
Amount involved	$962,400
Number of P. C. A. loans, estimated	150
Amount involved	$12,000
Number of farmers delinquent in payments of Federal farm-loan associations (Federal land bank and Commissioners' loans)	157
Amount involved	$14,923

Feed and seed needs: Practically every farmer will have to buy grain seed, which must be shipped in, and at least 90 percent of the farmers will have to buy grass seed, 90 percent of which has to be shipped in.

It seems that it takes a flood disaster, such as we had recently, to call the attention of Congress to the need of the

American people. While this is perhaps not as bad as the flood, because it came about slowly, but certainly it deserves and must have our attention. A flood disaster comes within a few hours or a few days, and naturally the sympathies of the American people and the Congress are aroused to the need. But we have not fully realized the need of those people out there who have been slowly starving for the last 5 or 6 years. That is the condition I want to call attention to. Something must be done. We cannot help those farmers by simply providing money and saying to them, "Now, you have to give collateral so you can borrow more money."

These farmers are anxious and willing to work for the amount of money they may receive. But why should the farmers be discriminated against any more than their city cousins who, when they cannot be provided with jobs, are given at least the necessities of life? The minute a farmer asks for money, he is compelled to give security or he cannot be helped. May I ask, Is not the prosperity of this Nation based on agricultural prosperity? If so, let us give the farmers a chance at least to earn that money and to work for it. They are willing to do that.

Mr. Speaker, with this situation in mind I have introduced a bill—H. R. 2537. This bill provides for $100,000,000 to aid in the purchase of feed and seed, and to be repaid with labor on local projects. There are other similar bills pending. I do not care which bill is acted upon, but something should be done so that these farmers will not be compelled to give security for the things they have to have to save their herds and to furnish them with the money they need to take care of their dairy herds. They should be allowed to work on some local projects.

Many of us have spent quite a lot of time with the Resettlement Administration. We have taken the matter up with Mr. Wallace and Mr. Hopkins, and they tell us a change is necessary in the present law in order to allow them to do these things. It seems the departments feel it cannot be done unless an act of Congress is passed to allow the farmers to borrow this money without having them sign a note, but instead sign a work order, so that when the time comes the farmer can go out and repay that money with labor, the same as the people who live in the cities.

Mr. Speaker, I am willing to go as far as anyone to help those in the flood area. I am willing to do anything for the people in the city, because I realize that we cannot and must not stop relief now. However, after all, we do not want to entirely forget the farmers, who for the last 5 or 6 years have been living in that drought area. It is not going to help any by making it possible for them to borrow more money.

Mr. Speaker, I have here just a few short letters from some of the Wisconsin county agents, and I want to quote from them.

Enclosed please find résumé of the financial situation of farmers in 29 of the drought-stricken counties in Wisconsin. I want to particularly call your attention to the number of farms that have Federal farm loans and commissioners' loans and the amount of money that is involved in these loans, with the number of delinquencies that exist at the present time.

Secretaries of farm loan associations inform me that these delinquencies will mount within the next few months. Unless these farmers can keep their cattle there will be no possible chance for these loans to be repaid.

I do not want to quote all of these letters.

We have been trying to stop the collection, at least temporarily, of past-due loans which have been made to farmers for seed and feed. We have been assured they are not troubling the farmers; in fact, they have agreed to hold up collection until these farmers can harvest another decent crop, but correspondence has proven the contrary. I have received many letters from individuals, from secretaries of various associations, and from county agents. This is a letter from one of the agents in my district:

Would like to see if you can do anything to ease up the Government seed loan collectors. Some of our farmers seem to get unduly scared when asked for payments and turn over their soil-conservation checks, milk assignments, or other scanty funds which are much needed for seed and feed purchases this winter and in some cases even food for humans.

Mr. Speaker, I have evidence to prove that soil-conservation checks issued the farmers are being held up and turned over to the Farm Credit Administration. Now, what are those farmers going to do? They are very, very small at best in our section of the country, because we could not qualify under the soil-conservation program.

[Here the gavel fell.]

Mr. GEHRMANN. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER pro tempore (Mr. LEWIS of Colorado in the chair). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. GEHRMANN. This subject, of course, is very dear to my heart, and naturally it takes quite a while for me to discuss it.

This shows that even the few dollars now due under the soil-conservation program, as I was about to say, only applies to a very small percentage of our farms, because half or more of our farms are in either clover or alfalfa, so they could not qualify with more than 15 percent of the total acreage of the farms and therefore would receive only a very small grant under the soil conservation program. I am quite sure the average in my district is much less than $100, and even with this little amount, which the farmer needs so badly, he could only buy, perhaps, a little feed or a few groceries or a few tons of hay, and this is being held up or demanded by another Government agency; in other words, one department or bureau is helping the other to hold out the money that the farmer so badly needs.

Mr. MILLS. Mr. Speaker, will the gentleman yield?

Mr. GEHRMANN. Yes.

Mr. MILLS. Yesterday I called the Resettlement Administration relative to the oat loans made in 1934, and the Resettlement Administration advised me that that department would subordinate any lien they now hold against said farmers, which would enable farmers to make new loans in order to farm this year.

Mr. GEHRMANN. Perhaps they would do that, but nevertheless it would not do us much good for the farmer to place one lien on top of another. He is not going to be able to get out of the mire in that way.

To prove further that they are still insisting on collections, I have here another clipping from one of the very best counties in my district, with the very best farmers in our State, the Polk County Agricultural Committee, which recently held a meeting, and this is what they say in a resolution which they adopted:

Because of the present critical situation with reference to the purchase of feed for dairy cattle and seed for spring planting, this committee wishes to go on record as protesting the collection of accounts for feed and seed loans until July 1, 1937.

We feel especially concerned about the demands made on some farmers for further cream-check assignments at the present time on account of the very critical situation in this county. Most of the farmers need every cent of income for the purchase of feed for livestock, food for families, and seed for spring planting.

Mr. MILLS. Mr. Speaker, will the gentleman yield right there?

Mr. GEHRMANN. Yes.

Mr. MILLS. I do not wish to unduly interrupt the gentleman's speech here, but the popular cry all over this country from our farmers who secured oat loans in 1934 has been that they could not make new loans because of the liens now held against their stock by the Resettlement Administration, but since the Resettlement Administration has agreed within the last 3 or 4 days to subordinate their liens to the Farm Credit Administration, it would seem as if that would satisfy the gentleman.

Mr. HULL. Mr. Speaker, will the gentleman yield?

Mr. GEHRMANN. I yield.

Mr. HULL. May I call the attention of the gentleman to the fact that a great many of these loans are made by the National Farm Credit Administration, and I would like to have the gentleman or anybody else in Washington point out where the National Farm Credit Administration has waived a lien for anybody or for any purpose.

Mr. GEHRMANN. I agree with the gentleman [Mr. HULL], and I have had letters and I have personally talked with some men in the Farm Credit Administration, and I am advised that it is absolutely impossible or against the law for them to waive any priority with respect to their loans. So, naturally, they do not do it. The Resettlement Administration might do that, but the Farm Credit Administration refuses to do it.

Mr. BOILEAU. Mr. Speaker, will the gentleman yield?

Mr. GEHRMANN. I yield.

Mr. BOILEAU. The gentleman seems to be of the opinion they are going to waive their liens. I wonder if it is going to help the farmer any for a department down here to waive its liens on last year's crops.

Mr. GEHRMANN. That is exactly what they mean; that they would waive their liens on last year's crops.

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield?

Mr. GEHRMANN. Yes.

Mr. CRAWFORD. Can the gentleman inform us what attitude the Government agencies take with reference to balances unpaid after foreclosures are made? Do they take judgment against the farmer?

Mr. GEHRMANN. To be frank with the gentleman I do not know of any case in my district where foreclosures have been made on chattel mortgages made for feed or seed loans. They usually get cream-check assignments and they are satisfied to drag it along for several years in that way.

[Here the gavel fell.]

The SPEAKER pro tempore. Under the previous order of the House, the gentlewoman from Oregon [Mrs. HONEYMAN] is recognized for 5 minutes.

Mrs. HONEYMAN. Mr. Speaker, Congress, at its seventy-fourth session, adopted the Neutrality Act, which, it may be expected, will be amended and strengthened during the present session.

That act, declaring this Nation's purpose that we shall become involved in no foreign wars, opens the way at this time for adoption of a national defense policy.

What could be a more natural complement to our neutrality policy than a defense policy adapted to that declaration and giving, as we may term it, "force and effect."

Our Nation, with the possible exception of a sovereign power in the Far East, is more fortunately situated for defense of its shores than most other nations.

Three thousand miles of water separate our country from Europe; 4,000 miles by the great circle route of the Pacific, from Asia. To the north and south of us are nations both friendly and with similar interests.

No effective fighting force could be landed on our shores today by a hostile power. With every facility for the debarkation of troops, with many ports open to our transports, it required a year for us to place an effective combatant army in France during the World War.

I have no fear whatever of any invasion of land forces capable of attaining a foothold on our soil. Nor am I alarmed, if our defenses are adequate, about an invasion by air. For many months a fleet of bombing planes assembled from several nations and manned by trained and proficient pilots has battered at one south European city, and that city still stands with its flag unchanged. That city at the outset did not even have elementary defenses against invasion by air.

There may be some military-minded persons who will argue that the best defense is a good offense. I doubt if that holds true in time of war. Defendant nations have the tremendous advantage of placement and replacement, of availability of supplies, of mobility of troops and labor battalions, and, most of all, of morale.

I believe in a strong defensive policy, in adequate protection against all forms of armed attack, in full preparation to meet any possible attempts at encroachment on our territory. I believe this may be accomplished more effectively and quickly by concentrating our naval and military programs to this end and by eliminating all phases of that program which might constitute needless preparation for aggressive warfare. Our Nation, by adoption of its neutrality policy, has committed itself against aggression. Let us support that pledge by a policy of armed preparation for defense of our territory only. [Applause.]

The SPEAKER pro tempore. Under special order heretofore entered, the gentleman from Texas [Mr. SUMNERS] is recognized for 15 minutes. [Applause.]

Mr. SUMNERS of Texas. Mr. Speaker, I believe it would be helpful if I should make at this juncture an explanatory statement with regard to the judgeship retirement bill which has very recently been enacted into law.

During the discussions of the Supreme Court judgeship retirement bill which has just become law many inaccurate statements calculated to embarrass a retiring Justice have been repeatedly made. The most frequent, perhaps, is that the bill retires these judges with full pay for life; that the bill grants them full pay for life if and when they retire. That is not correct.

These judges are given full pay for life by section 1 of article III of the Constitution, which reads:

> The judges, both of the Supreme and inferior courts, shall hold their office during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

The bill does not attempt to touch the matter of salary. It could not do it. It is fixed in the Constitution that, subject to good behavior, these judges are placed in office for life, and Congress cannot ever reduce the pay of these judges as long as they live.

What this bill does, and all that it does, is to give to the Supreme Court Judges, at the same age and same amount of service, the same right to retire from regular service on the Bench and have a similar opportunity to do lighter service, which in 1919 Congress gave to the judges of the district courts and circuit courts of appeals.

Whatever may be in dispute, there can be no difference of opinion about the fact that while Congress was giving to other judges in 1919 the right to retire to lighter duties when they reach 70 years of age and with 10 years' service Congress definitely and specifically declined in that act to give to Justices of the Supreme Court the same right to retire, or any right to retire. This is the pertinent language of that act:

> But, instead of resigning, any judge, other than a Justice of the Supreme Court, who is qualified to resign under the foregoing provisions may retire * * *. (Sec. 260, Judicial Code.)

Put it another way, by that act of 1919 we said to these district and circuit judges: "When you become 70 years old and have served 10 years and feel you are not quite equal to the full burden of the court, we should be glad for you to retire from your regular duties and accept certain lighter work, if you are willing to do it." In that same act, in the clearest sort of language, we said to these Supreme Court Justices: "Notwithstanding you may have reached 70 years of age and have had 10 years of service, and regardless of how you may feel, we do not want you to retire; we decline to give you the right to retire to lighter duties which we are giving to these other judges. You stay on the Bench, or you will be penalized by the loss of judicial status and your constitutional protection as to compensation, which is preserved for the other Federal judges." That is exactly what we said to these men on the Supreme Court Bench. What does this bill do, then? It merely removes that discrimination, gives to these Justices of the Supreme Court for the first time exactly what in 1919 was given to all other judges, and preserves for them exactly the same character of judicial status and constitutional protection provided for these other judges by the act of 1919.

That is not all, and we want to be fair about the matter. When Mr. Justice Holmes was moving toward his ninetieth year of age and his thirtieth year of service on the Supreme Court, in the press, in conversation, everywhere, he was referred to as the "grand old man" of the Supreme Court, still on the job. Thus, by direct legislative action and by the universal acclaim of Mr. Justice Holmes' remaining on the Bench when he was not only 70 but 90, we not only would not permit these Justices of the Supreme Court to

retire but approved and encouraged their continuance on the bench.

That is not all. Two years ago the House of Representatives had the issue squarely presented, "Shall these Supreme Court Justices 70 years old and of 10 years' service be permitted to leave the Bench for lighter duties exactly as is true as to other Federal judges?" That was presented in a bill identical in legal effect with the one just passed, and it was defeated. I am not criticizing anybody, but these are the facts.

This bill just passed affords the first and only opportunity which Justices of the Supreme Court of 70 years of age, or any age or length of service, have had to retire from the regular duties of that Court with the possibility of lighter work. There is no coercion about it. It is a privilege which the Congress, the policy-fixing branch of the Government, respectfully extends to these persons who hold the places of highest responsibility in the judiciary branch of the Government. By a vote of 316 to 72 in the House and 72 to 4 in the Senate this privilege was extended. Congress has made this arrangement. It will never be regarded, and it is unfair to intimate it, that when these Justices reach the point where they feel they should ease up in their work, and that the public interest requires that their regular duties be assigned to a younger person, that there would be any lack of self-respect to retire under the provisions of this bill. They would only be cooperating with their Government which has extended to them that privilege. The public ought to know that if any of these gentlemen of the Supreme Court retire they do it voluntarily. They do it because they feel it is fair to themselves and fair to their Government which gives to them this privilege.

If ever there was a time which required that we keep our feet on the ground and our heads on our shoulders, it is now. As we look upon the problems of the moment and anticipate those which we know are in process of development, we know they will challenge our best efforts as a united people. We know that only such a people, a united people, can win free of the things which now stifle and bleed and make horrible the lives of many other peoples of the earth. We are not beyond the reach of this contagion. We are not immune. Quarrels of individuals and the clashing of ambitions have no place here.

We can do a lot of hurt now by loose talk.

This Court matter can be worked out without hurt to the public interest, without leaving any scars, if unselfish, patriotic motives guide our efforts. There is no inherent reason why this cannot be done if that cooperation and mutually respectful attitude of the legislative branch, the executive branch, and the judicial branch of the Government for each other and that regard for the Nation's interest is shown which the country has a right to expect in this emergency. That will make the desired result not only probable but certain.

Unless we all take that attitude this matter can easily get beyond control and drive deep lines of cleavage not only between the departments of the Government but into the structure of the citizenship at a time above all others in our history when we need the strength of unity and the effectiveness of cooperation.

The SPEAKER pro tempore (Mr. LEWIS of Colorado). Under the special order previously entered, the gentleman from Massachusetts [Mr. GIFFORD] is recognized for 20 minutes.

Mr. GIFFORD. Mr. Speaker, I do greatly admire the gentleman from Texas [Mr. SUMNERS], who just spoke to you. I am at all times extremely desirous of avoiding his criticisms. In consequence I hope that what I may have to say today he will not regard as loose talk.

I appreciate, with you, how fortunate we are that we have a man of his intellectual attainments to share with us the thought that we should be exceeding careful of loose statements at this time. I have, however, found it very necessary, in order to focus any attention on a really serious subject in these recent Congresses, to stigmatize it in some way. Otherwise the subject is likely to receive scant attention. So, as you may perhaps say, "according to his usual custom", I am trying to place before you what I consider a very serious condition. Although some of you may already have been amused by the following verses, written by someone signing himself merely "E. C. M" and hence practically anonymous, which appeared a few days ago, I will regale you with them now:

GOOD-BYE AMERICA

Farewell, O land of yesteryear;
A patriot stands before thy bier,
Lamenting, bids a sad adieu.
Democracy no more—a few,
With gall that leaves me all aghast
Consign thy glories to the past.
We live, they shout, in a new age;
Our fathers' foresight, we thought sage,
Is cast aside—discredited.
Blind fools they were it now is said.
Change is a fetish with this crew—
Nothing is sacred if not new.
Old virtues such as thrift and truth,
Our word upon a bond—forsooth;
Explained away with scornful phrase,
As good for horse and buggy days.
A law's a law now only when
It meets the views of New Deal men.
Our bulwark gone—the Court Supreme
Must now endorse each crack-pot scheme.
And so a glorious era ends,
Tinkered to death by well-meant friends.
Our edifice is but a shell—
America—a long farewell!

Please do not credit me with having entirely the same viewpoint because those are not my own words, but I have presented them for whatever value they may have in setting forth, in a practical manner, some of the fears shared by many of us.

Again I rejoice with you today that so many of the New Dealers are beginning to see the light. So many of you Democrats come to me and say, "I rather think we see eye to eye in most of these matters." It is a new era, under a benevolent dictatorship, and unto it, so many say, we should surrender all our own opinions. We hear so much about "the mandate of the people" lately. I read the article by Arthur Krock in the New York Times on Sunday. If you have not read it, you should do so. It contains much food for thought. If that was the result of intimate interviews, will he eventually receive the same treatment that Dr. Stanley High has received? Or was he talking by the book? As I read it I felt that he was surely authorized to write the way he did. He was apparently authorized to say that the President thinks that no matter what he may have said or promised in his speeches and fireside chats before the election, in view of the tremendous victory, he can now assume to himself the authority of the people to do exactly the opposite of what he had promised. As an example, while he said that he would seek a clarifying amendment to the Constitution, now he claims, in effect, that he has received a mandate from the people to take a short cut to his objective by the shocking method of packing the Supreme Court.

He seems to say: "I must do this in the next 3 years. We have no time to seek amendments." He is not satisfied to prepare the groundwork for others to carry on. It is often said: "No good man should want such power; no bad man should have it." Packing the Court will not be deemed the work of a "benevolent" dictator.

The talk I wish to make today, however, is on the subject of taxes, and I shall take only a few minutes, having several years ago spent a great deal of time on that subject—one in which I am still greatly interested. I speak this afternoon because the topic was brought to my attention by an article in this morning's paper commenting on the views of Mr. Morgenthau. He appeared to exclaim, "What, $1,000,000,000 for a housing program? Why, I had not previously studied that proposal!" According to the President's Budget message, there is no way to provide $1,000,000,000 for a housing program, save by taxation! The Secretary refers you to the President's Budget message, which reads, in part, as follows:

Expenditures must be planned with a view to the national needs. No expansion of Government expenditure should be authorized unless the necessity of the expansion has been definitely determined and the funds provided to defray the cost. In other words,

if new legislation imposes any substantial increased expenditures either in existing or the creation of new activities, it becomes a matter of sound policy simultaneously to find the money for this new activity.

Yet we have had crop insurance, farm tenancy, and a grist of things requested by the President himself; things that are going to cost many millions, and perhaps even billions, of dollars. But now Mr. Morgenthau seems frightened, and recently stated that he is trying to work in harmony with the Federal Reserve Board. He is not borrowing any money this month because the danger of more "credit money", so-called, must now be recognized. It has remained for him, in the face of the many suggestions for further spending made by the President himself, to say to us: "We must not borrow any more money; taxes must be imposed and revenue provided for any further New Deal expenditures. The President so stated in his Budget message.

It now begins to appear that the President himself has forgotten that he put that statement therein.

Now, my people are altogether too burdened by taxes. I see one of my good friends on this side of the House who once stated on the floor, when discussing our income tax, that we had not begun to approach the taxes which Englishmen had to pay. This is not so. The income-tax brackets are higher in England, of course. But where he lives and where I live, the poor man with the little home and the little family pays some $30 per $1,000, or more, on his real estate, the home that he lives in, to meet the expenses of the municipality. In England the central government pays fully one-half of all such local expenditures, which our citizens are called upon to meet. Everybody ought to know, and I think everybody who has studied the subject does know, that we in the United States have already reached what the ordinary man in Great Britain has to pay in taxes. Now, if we are to have new taxes imposed, from what sources are they to be expected? For some time I have told my audiences that there is one thing particularly in which I must request their assisting suggestions. I have asked them to write me telling me where we could get more revenue, in order, if possible, to find out something more that the Federal Government can tax; but of the many thousands of people to whom I have thrown that gauntlet not a single one has written me a letter making any suggestion. Have any of you received any?

I must talk about these matters rather hurriedly; such as some of the abominable methods now employed to wring money from our people. Political economy! The other day a child, answering the teacher's question, "What is political economy?" replied, "How you can get the most votes with the least money."

No wonder he had that viewpoint. Yet we must now find some other ways to extract more tax money from our people. We must pay for excesses of expenditures that brought the votes. I wish to explain to you, if I may, how unfair it is on the poor home owner, already taxed to the limit of his ability to pay, with the tax collector constantly pursuing him, tax sales and deficiency judgments hounding him for the rest of his life, as is amply demonstrated by the startling number of H. O. L. C. foreclosures, day by day. In some towns they cannot even pretend to collect these real-estate taxes. Not long ago I was in a gentleman's office in a nearby State and was astonished to see the whole side of the office covered with framed permits and licenses, or occupancy taxes imposed to make up deficiencies in the collection of real-estate taxes. And yet you talk about the Englishman being taxed more than we are. It just is not so.

But I am going to try to make a sort of constructive suggestion, if I may. I find it in the history of the intangible property tax. I should like sometime to talk about our present income tax—and, before I forget it, I will say that your income-tax method costs our people probably $600,000,000 at present merely to make their returns. Think that over. It is an income tax which, in many ways, is extremely unfair. It taxes the efficient to take care of the inefficient, next door, who is in competition with him. There are so many phases of it that are wrong, that one almost forgets the principle that he who can afford to pay ought to pay.

However, it is my desire to speak about intangible property, so-called.

Should intangibles be taxed when no income is derived from them? Why should your real estate and mine be taxed when it has no income? If bonds and stocks are not paying an income why should they be hidden from sight and not pay any tax at all?

Let me go back for a moment to 1906 when Mr. Carnegie received $6,000,000, as I recall it, for bonds that he received at that time. New York State had a rate of perhaps $25 on intangible property and real estate. He practically said, "If you tax me $25 a thousand on that $6,000,000 I will move over in Pennsylvania where the rate is $4 a thousand on this kind of wealth and where one does not even have to make a sworn return. They only guess, and their guesses are very attractive to those holding this kind of wealth."

Immediately, as I recall it, the Assembly of New York was convened. They passed a registration tax of $5, I believe, and that is all those intangibles could be taxed during their existence. Later the State adopted an income tax.

I remember in 1916 I passed through a period of excitement over methods to tax these intangibles in my own State. Rhode Island and Connecticut had a $3 tax on intangibles and required no sworn return. Their citizens could move right into New York, which had finally passed a bill involving a tax of only 1 percent on $10,000 of income, 2 percent on $20,000, and only 3 percent on $50,000. How attractive. Massachusetts, of course, found herself in the same position as Rhode Island and Connecticut, and dared not attempt to enforce the tax laws. This will now show how radical I am for the moment.

The State of Massachusetts had to do something, because the wealthy men were ready to transfer their intangibles to these tax havens. I was a member of the legislature at that time and we attempted to pass a law providing for a $3 tax on intangible property whether or not income was earned. We were not successful in that effort. Wealthy citizens banded together and really put on a most efficient lobby. It was finally determined not to tax intangibles except on income. A straight 6-percent income tax was enacted, $5,000 of intangibles with an income of $300 a year would be taxed 6 percent of $300, or $18. Real estate would and does pay $30 a thousand or $150, as against $18—What do you think of it? And no tax unless income is received. We cannot take our real estate to the stock market any day and sell when we please, and for the market value as it may be determined from day to day. Intangibles have this tremendous advantage as investments.

In some ways we cannot reach the wealthy. Ohio and Illinois did not seem to desire an income tax. Why do such States condone the escape of this form of wealth? I spoke to a gentleman from Oregon about the same situation. Oregon once had a little so-called super-income tax, I think for educational purposes. It was very small, and was superimposed on other taxes. But the real result was to force those who had wealth to disclose the source of their income. Then they could be reached for tax purposes. I am radical in this matter for the moment. If you tax this kind of wealth in one State, it will move to another. If you tax its possessors too high in one community of a State, they will hang mistletoe on their coattails and relocate in a more friendly one.

I trust this conversation of mine with reference to intangible property has convinced you I do have a little radicalism in me. However, there is so much radicalism abroad in the land today, as I have often said, that I grasp the conservative end of the rope and I pull as hard as I can. I trust the suggestion that there is still a field for just revenue from non-income-paying intangible property will be considered by some as a constructive one; and, as compared with the great burden of real-estate and income taxes, a mild rate of tax, of uniformity may well be considered.

As the previous speaker stated this afternoon, it is time to keep our heads on our shoulders. It is time to be reasonable. This is not the time to pass oppressive tax bills. We should bar what might be termed "legal thievery." It is also time to reconsider and amend the last tax bill, so ill-advised in its frantic attempts to dip into necessary reserves held for payment of debts and replacements.

[Here the gavel fell.]

The SPEAKER pro tempore. Under a previous order heretofore entered, the gentleman from Ohio [Mr. McSWEENEY] is recognized for 20 minutes.

Mr. FISH. Will the gentleman yield for a unanimous-consent request?

Mr. McSWEENEY. I yield to the gentleman from New York.

Mr. FISH. Mr. Speaker, I ask unanimous consent to proceed for 7 minutes at the conclusion of the previous orders already entered for today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McSWEENEY. Mr. Speaker and my colleagues, I was one of the first Members from Ohio to espouse the cause of the President with regard to the Supreme Court. I wish, first of all, to make myself clear with regard to two or three points in this issue. When I think of men who have reached an advanced age I think of a portion of a poem by the great Henry Wadsworth Longfellow, called "Morituri Salutamus", in which he tells to the old men who, like himself, had gone back to Bowdoin College to celebrate the fiftieth anniversary of their graduation, a hopeful story.

> But why, you ask me, should this tale be told
> To men grown old, or who are growing old?
> It is too late! Ah, nothing is too late
> Till the tired heart shall cease to palpitate.
> Cato learned Greek at 80;
> Sophocles wrote his grand Oedipus, and Simonides
> Bore off the prize of verse from his compeers,
> When each had numbered more than fourscore years,
> And Theophrastus, at fourscore and ten,
> Had but begun his "Characters of Men."
> Chaucer, at Woodstock with the nightingales,
> At 60 wrote the Canterbury Tales;
> Goethe at Weimar, toiling to the last,
> Completed Faust when 80 years were past,
> These indeed are exceptions; but they show
> How far the gulf-stream of our youth may flow
> Into the arctic regions of our lives,
> Where little else than life itself survives.

I mention this because there are exceptions that show how men often have unusual mental attainments and physical vigor after they have passed the threescore-year-and-ten mark.

You and I, as Members of a great representative body, cannot legislate for specialties such as these; you and I must legislate for generalities. In other words, we cannot specifically pick out that distinguished Justice, Oliver Wendell Holmes, and say, "You may serve beyond the 70-year mark", and that another Justice may not. We must legislate for averages, and I want to impress upon the membership of this House that I am not against a man on this Court merely because he attains a certain age. The President's proposal in no way takes that man from his service. It merely does what we used to do in the Army—it infiltrates.

I remember as an humble machine-gun officer having the replacements come up gradually, and I remember how consoling it was to the new man to come in and have a moment beside the man who had already seen service. It steadied him down. It gave him confidence. And I am for that type of procedure in the Supreme Court.

I do not wish to be classed as a rubber stamp merely because I follow our great leader, the President. I had the honor to serve under Mr. Coolidge, and I may say to our Republican friends that many, many times I was proud of his suggestions, and I was glad as a Democrat to support him.

I have been a school teacher and I have taken issue with my superintendent when he said we should try to inculcate in the hearts and minds of our boys and girls that they must be leaders. I took issue by saying that leadership is only relative. "There must be someone to follow, and as an humble teacher in the public-school system of my home town I am going to try to inspire youngsters to be reasonable, sensible, and logical followers."

When I find a great leader I am one who is willing to go along with him and not be merely a wrench in the gears of his smooth-running machine.

I mention this because, although I dislike to do it, I must take issue with a colleague from Ohio and a personal friend Mr. LAMNECK. I resent his ingratiating himself with his constituents at home at the expense of his colleagues in the House. I do not wish to ingratiate myself with my colleagues in the House, but at the same time I feel there is a certain esprit de corps in this legislative body that must be maintained, and I feel that when we are classed by one of our Members as rubber stamps, it is unfair.

I was taught by my father in my youth never to have any mass prejudices, and, in my opinion, to say that Congress is a rubber stamp is expressing a mass prejudice, because there are many, many outstanding, fearless, courageous, and patriotic men and women in this Congress who are trying to do their best to solve the great problems that are confronting our country.

First of all, let me say I am not against men because they are old, but I like the President's proposal because it allows younger men to serve on the Supreme Court and has what I consider two distinct advantages: One for the man who accepts the position on the bench as a younger member and the other advantage is for the man who is already sitting upon the bench.

You and I naturally reflect our personal experiences. I came to the Sixty-eighth Congress as the next to the youngest Member of that Congress. The only younger Member was my present distinguished colleague the gentleman from Alabama [Mr. HILL].

One of my vivid memories of this service in Congress was my sitting beside a great and distinguished fellow Ohioan, the late Senator Burton. From him I gleaned all that I could about the rules and precedents of the House. I am frank to say that as a young ex-service man I came here thinking I would do this for the ex-service man, this for the farmers and this for the laborers, and this and that for other groups.

And, sitting beside that venerable gentleman of long experience, I learned that those things could not be done hastily. I learned from him many other things. Often he would leave his brief case on an adjoining seat so that I could sit beside him. On many occasions I expressed my gratitude to Mr. Burton for his help, but one time he said to me, "Young man, did you ever stop to think that I am gleaning something from the enthusiasm and patriotism and forward-looking attitude that you have; I am getting something from you." Of course, that was really pleasing to me. What I want to bring to your attention is that I served a legislative apprenticeship under a man with whom I differed on fundamental philosophies of government, but I feel I gained much from him, and I say this with all the sincerity of my heart.

I think that young men going on the bench can learn much from their association with men already on the bench, and that they, if they happen to be what you might call radical, may be somewhat tempered in attitude by association with these splendid men who have given long service in this highest judicial tribunal of the world. There is also an advantage to the man who already sits on the bench. Let us suppose he retires after having a year's, or 6 months', or even 5 years' association with this newer man who has been appointed. He leaves that position feeling that his ideas are to be carried on to some degree by this one who has been associated with him and who succeeds him. Would it not be a source of gratification to you were you an older man, with all the splendid and venerable services that Oliver Wendell Holmes has rendered to his country, to see younger men sitting on the Supreme Bench who in some measure had imbibed your philosophy? Instead of having

that office left vacant, and not knowing to whom it was to be given, you would know whom your successor was. To me that would be a source of gratification, and I think those are the two advantages, both to the new judge and to the old judge.

I want to take issue, if I may, with my distinguished friend, Mr. FISH. I claim this is not a matter for constitutional amendment as he does. We all agree that it is our right as Members of Congress to do this. Many of my constituents write to me and say this is too big a question not to refer it to the people in the form of a constitutional amendment. I have answered, "If you want me to crawl into a hole when I am confronted with a big question, then keep me at home. I am here to try in my humble way to solve the big problems along with the little ones, and I am not going to crawl into a hole when I meet a big one, and I am not going to pass it back to the people as if I were afraid to meet it." This issue is one of the responsibilities placed upon Congress by the Constitution and it is one that you and I as legislators should accept. I say again with all the sincerity of my heart, it is much less serious to the country to keep JOHN MCSWEENEY from being the Congressman at large from Ohio than it is for JOHN MCSWEENEY to vote to put into the Constitution things that are statutory and do not belong in the Constitution.

Today we are always using the universal language of baseball and football. I happened after leaving college to act as referee for football games, and I remember distinctly that I could never see who had the ball unless I got right into the rough and tumble of the game. I often came out of the game just as much disheveled as one of the players. I do not deny in any way the right to these distinguished Justices to have this beautiful marble edifice, in which their Court sits as referees, but I think it would be well for them to leave it occasionally and go out to the circuits and meet the other men who are struggling with great legal problems, as well as to come in contact with the people. If there are additional judges, men younger, they can go out and get on the circuits, and, like the referee, they can get under the pile and see who really has the ball. They cannot see it from where they are here in this Capital City.

Again I say that we reflect our early training. I remember as a boy going out with my father and mother and the rest of the family on Sunday afternoons for a drive. When we came to a steep hill my father used to make one of us boys get out on one side and one on the other side to loosen the checkreins on the horses, in order to make the pull up the hill a little easier. This procedure can be applied to our present situation. We might call the old horse today constitutional government. Constitutional government has been drawing along a whole mass of material and corporate rights.

We in America never have had to think much about our people. We have always had free lands, and when a man was not satisfied with his environment, and with the progress he could make in a certain vicinity, he was allowed to pack up his family and go on to free land and have new hope and opportunity. Many of you Members of Congress reflect that splendid spirit of the West where these men went. Now we have no frontier. We have people among us, people who have to be taken care of from a humanitarian and social point of view. As I say the old horse constitutional government has only pulled along corporate interests, has only pulled along the material interests of our country, and now, under the President's plan, the men and women who have been trudging up the hill all these years are going to have a chance to ride in the old cart of government.

I say to you that unless you and I jump out as I did as a boy, and loosen the check rein, which is the Supreme Court, you and I will be confronted with a tragedy, because the Government will become exhausted, and the old horse, democracy, may stumble and the thing that will happen is a snapping of the check rein.

I want the Supreme Court to continue as a referee. I am against definite elections to that Court. I am against 10-year tenures. I am for a life tenure. I am for those men having as long service as their physical and mental well-being permits them to have, but I like the President's idea of letting the younger men mingle with them. As I said, I yield to no man or no woman in this House in my love and veneration for that referee, the Supreme Court. Our former President, Theodore Roosevelt, would have brought their decisions into this House to have them reviewed. I am against that. I think every man and every woman here is against it, yet a great popular acclaim went up for that program of Mr. Theodore Roosevelt.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. MCSWEENEY. Certainly.

Mr. KNUTSON. Is it the gentleman's thought that when the referee's decision is not in accordance with what we would like we should have the privilege of placing some more referees in the game?

Mr. MCSWEENEY. Not at that time.

Mr. KNUTSON. I would like to ask the gentleman one more question. If what the gentleman says is true about getting out and finding out who has got the ball, and all this and that, that could be solved by making the Justices of the Supreme Court elective.

Mr. MCSWEENEY. I do not approve of that. I think that they then could not sit as impartial referees if they were subject to the personal whims of the public with regard to court decisions.

Mr. KNUTSON. That is what they are trying to do now—bend the Supreme Court to the personal whim of the administration.

Mr. MCSWEENEY. I consider the Supreme Court a referee. Again speaking the universal language of sports, do we not know that at the close of each baseball or football season certain representatives of those sports get together, and what do they do? They try to take out of football some of the things that have been detrimental to health and happiness in that game in the previous season.

In baseball, if they find some fault, they try to take that fault out of the game for the next season. The American people have sent you and me here as Representatives of our various districts. You and I have a right to change the rules. We are not changing the umpire in the middle of the game. We are changing the rules so that the umpire can adjust the new set of rules to the new and changing conditions in America. [Applause.]

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. MCSWEENEY. Certainly.

Mr. HOFFMAN. The last statement of the gentleman would be true, would it not, and only true, if we changed the Constitution in accordance with the method that is therein provided?

Mr. MCSWEENEY. There is nothing in the Constitution that requires that in any way. There are only two original jurisdictions given to the Court by the Constitution. The rest are given by us, the Congress. Congress has given all the other jurisdictions except those affecting ambassadors and matters affecting our States. These jurisdictions have been granted by us, and we should have a right to change them.

Mr. MOTT. Mr. Speaker, will the gentleman yield?

Mr. MCSWEENEY. I yield.

Mr. MOTT. May I ask the gentleman a very frank question?

Mr. MCSWEENEY. Certainly.

Mr. MOTT. Is not the gentleman's reason for desiring this change proposed by the President so that we may get immediately a court which will hold to be constitutional that legislation enacted within the last 4 years which has been held to be unconstitutional? Is not that the gentleman's frank desire?

Mr. MCSWEENEY. I will state frankly what I am thinking about. I have seen from the present tenor of the Court that it is against all things, such as minimum wages and maximum hours. I am deeply interested in old-age pensions. I feel that with the present trend of mind of the Supreme Court, there would be no chance of getting that kind of humanitarian legislation passed. I am not in favor of in any way trying to ram down their throats what

they should do; but at the same time I think you and I have a right to change the rules and have a right to say "These are the rules. If you want to umpire the game, be guided by these rules." That is our authority, and that is our right as a Congress.

Mr. MOTT. Just a moment. The gentleman, I take it from what he has just said, would now answer the question I first asked by saying "yes", would he not?

Mr. McSWEENEY. No; I cannot unqualifiedly say "yes."

Mr. MOTT. Then, I did not understand the gentleman's argument.

Mr. CHURCH. Mr. Speaker, will the gentleman yield?

Mr. McSWEENEY. I yield.

Mr. CHURCH. Does not the gentleman understand that the rule is the Constitution itself?

Mr. McSWEENEY. Not at all. I differ with the gentleman on that, and I ask any constitutional lawyer here if I am not right. I used to be a friend of Henry St. George Tucker, a great constitutional lawyer, and learned from him the rights of the Congress under the Constitution.

Mr. CHURCH. The gentleman just said that he reserved the right to change the rules.

Mr. McSWEENEY. Yes; and I ask any Member here if the right to change the rules is not given us by the Constitution?

Mr. MAVERICK. Mr. Speaker, will the gentleman yield?

Mr. McSWEENEY. I yield gladly.

Mr. MAVERICK. I want to note that the gentlemen who are asking all these questions are Republicans—and it is their right. They talk of rubber stamps, but if there are such things, they are rubber stamps of another kind. They are against anything the President proposes. Permit me, however, to make the observation that if what we are doing is unconstitutional and they object to it, they can get a constitutional amendment. No constitutional amendment is necessary, for what we are doing is absolutely constitutional, is it not?

Mr. McSWEENEY. Yes. I would ask the gentleman from Texas [Mr. MAVERICK], and the other Members, if they do not agree that it is much better to carry out the constitutional mandate which says that you and I shall go back to our people every 2 years for reelection. If you and I have done something contrary to their wishes we at least have not in any way dragged the Constitution down to the level of a statute book. We voted our convictions. If we have not changed this program they, the people, have the legal right to send back men and women who will change it. It is less important that we be defeated than that we vote to ruin the Constitution.

Mr. MAVERICK. Mr. Speaker, will the gentleman yield further?

Mr. McSWEENEY. I yield.

Mr. MAVERICK. Is it not a fact that according to Associate Justice Stone of the United States Supreme Court—and he said it himself—the other members of the Court were guilty of basing their opinions on their economic prejudices? Does the gentleman think that any direct inhibition of the Constitution would be violated by men appointed by Mr. Roosevelt? For instance, is there any likelihood of our establishing a church supported by taxation? Is there any likelihood of our violating the freedom of speech and the press and individual liberty? Has the gentleman anything like that in mind?

Mr. McSWEENEY. Not at all; and I have every confidence that any man or woman appointed to this Court will be a fine, sensible, patriotic American, capable of exercising unprejudiced judgment on constitutional matters.

Mr. JOHNSON of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. McSWEENEY. I yield gladly. I am glad to see so much interest in this great question.

Mr. JOHNSON of Minnesota. The gentleman from Michigan [Mr. HOFFMAN] asked a question about reactionaries. It was my understanding of the gentleman's reply that the seven Republicans on the bench as now constituted are conducting a sit-down strike against humanitarian legislation. We just want to break that strike.

Mr. McSWEENEY. I would not have the gentleman infer from any remark of mine that I reflected in any way on the present members of that Court.

Mr. JOHNSON of Minnesota. If it is unconstitutional to put anyone but a Republican on that bench, then, of course, this is bad legislation.

Mr. McSWEENEY. I would not have my colleague infer from anything I have said that I am casting any reflection whatever upon the splendid service of these men. It is but natural that legal talent can be employed only by people who have money, and I notice that most of this legal talent represents big corporate interests. [Applause.]

[Here the gavel fell.]

Mr. MOTT. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio may proceed for 5 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. MOTT. Mr. Speaker, will the gentleman yield?

Mr. McSWEENEY. I yield.

Mr. MOTT. A moment ago the gentleman from Texas [Mr. MAVERICK] interrogating the gentleman from Ohio rather inferred that this was a party issue. He said something to the effect that all the Republicans were against it and all the Democrats were for it.

Mr. MAVERICK. No; I did not say that the Democrats were all for it; I did not say that. I said all the Republicans are against; so are some of the Democrats.

Mr. MOTT. That was the inference I received from the remarks of the gentleman.

Mr. McSWEENEY. I am not inferring that.

Mr. MOTT. The gentleman does not concur in that view, does he?

Mr. McSWEENEY. No. I said I did not want my speech to be interpreted as an accusation of these gentlemen. I am merely saying that from their age, their background, all those things taken into consideration, that this proposal to have younger men sit with them is good. We have a very good example in the Senate. The Senate is never entirely new, and I think we are all agreed it is a good thing that it is not. But I think we are agreed, too, that it is a splendid thing to have new blood, young blood, infiltrated into that body. There should be a mixture of youth and age rather than a body composed entirely of young men, or rather a body of men who are said to be incapable when they reach the age of 70.

Mr. MOTT. My question was directed to the party feature. I consider this to be about the most nonpartisan issue that has ever been presented to the American people, and I trust the gentleman concurs in that statement.

Mr. McSWEENEY. Yes.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. McSWEENEY. I yield to my comrade the gentleman from Mississippi.

Mr. RANKIN. The opponents of this proposal keep talking about a constitutional amendment. Of course, anyone who is familiar with the law and the Constitution knows that this may be done without a constitutional amendment. They are telling the country of the direful consequences that would ensue from increasing the membership of the Supreme Court at this time. Would the gentleman call attention to the fact that during Grant's administration the membership of the Court was increased in the same way? This was during a Republican administration, and it did not wreck the country, but, on the contrary, possibly saved our financial system at that time.

Mr. McSWEENEY. Does the gentleman realize that during the Johnson administration the membership was reduced?

Mr. RANKIN. Yes; they had an honest man in the White House at that time. May I say the Republicans had a man in the White House they could not browbeat, intimidate, or corrupt—Andrew Johnson. They were so afraid the Supreme Court would side with him in undoing a lot of pernicious, criminal acts that were being passed by Congress, they even reduced the membership of the Supreme

Court from nine to seven to keep him from appointing men on the Court who would uphold the Constitution of the United States. This is no innovation by any means.

Mr. MOTT. I wonder if the gentleman thinks that is right?

Mr. RANKIN. The Republican Party thought so at that time.

Mr. McSWEENEY. May I answer the gentleman by saying a former Governor of Maine said Sunday night at the Town Hall meeting that this is the first time there has been an open declaration on the part of a President to do something about the judiciary. I would rather have it openly and courageously done than to have it done by subterfuge. I am one of those who believes that the President should take his stand openly and courageously and not by innuendo or subterfuge, do it as has been done in the past, and I am not making a political accusation.

Mr. MOTT. I admire the gentleman's attitude in stating why he wants the change made. I only wish the other advocates of this proposal were as frank as he has been.

Mr. McSWEENEY. May I ask the gentleman this question: Is he definitely in favor of cutting a man from his service with the Government because he is 70 years of age?

Mr. MOTT. No. I am not in favor of any part of the President's proposal so far as it has to do with the Supreme Court.

Mr. McSWEENEY. I want to thank the Speaker and the Members of the House for their courteous consideration of my views on President Roosevelt's proposal.

Mr. GRAY of Indiana. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

THE NATURE AND PROPERTIES OF ELECTRICITY

Mr. GRAY of Indiana. Mr. Speaker, electricity as a vital necessity is fast coming into general use and universal application in the everyday affairs of life, and its forces in operation are alike coming to be directed and applied by women, children, and the inexperienced as well as the professional and electrical experts and those skilled in the science.

Not only for security in operating electrical facilities and to safeguard against accidents attending its use and operations, but for the more efficient application of its powers, energies, and forces, a general and better knowledge is becoming imperative with its wider use.

To this end I am speaking for publication in the CONGRESSIONAL RECORD as well as for the proper information of Members of the House of Representatives active here in promoting an electrical system to carry electricity to all the people, to the rural population as well as to city consumers.

I do not assume any expert or technical knowledge of the nature, laws, or principles of electricity. I have never taken a course of study in electricity, nor have I ever especially devoted myself to the subject to master this very intricate and mysterious science. I have and possess only a general knowledge gained from promiscuous and incidental reading.

I am talking on electricity as a science only to explain its general movements, the lines, courses, or pathways it follows, in the hope that I may contribute something to a better understanding of its powers by the people of the country generally in its use in their homes and their everyday business affairs.

For long centuries of time, man has groped his way through the wilderness of the world, unawares, unmindful of the existence of the great forces of nature or the means of their direction and control.

One of these great natural powers, now more known and understood by man, is the mysterious force of electricity, working wonders in the economic world, lifting burdens, relieving from irksome drudgeries, dispelling the shadows of darkness, and bringing comfort, convenience, and cheer to man.

But we are still today unconscious of many of the greatest powers of electricity lying dormant, concealed about us, which will some day be revealed to man, developed, and harnessed for control and made to do even greater service than electricity is performing for man today.

Electricity is not only contained in all matters and every substance as air, water, stone, and metal, but it is a part of all matter and every material substance.

It is a theory of electricity that all matter is made up of small particles called molecules, which are combinations of atoms, and the atoms are in turn made up of smaller or more minute particles called electrons and protons.

Electricity may be called the force in matter, known as attraction of gravitation, holding these minute particles of matter in form, as bodies adhering together, and, in theory, revolving one around the other like the forces of Sir Isaac Newton's law, holding or suspending the planets in space.

It is the theory of matter that each atom has its own electric system, like each animal or plant life cell has its own nervous or mental system. The system comprised of electrons and protons with its positive and negative forces operates by currents and magnetism.

It is a law of physical science that no particles of matter can be destroyed; that its form only can be changed. We cannot destroy a piece of glass. We can only change its form by breaking it into smaller portions or by melting and molding it again.

Nothing in existence can be destroyed and nothing not in existence can be created. This is expressed in the old saying: "There is nothing new under the sun." We must accept the earth as we find it; we can neither add to nor take from.

The amount of matter in the world is fixed and certain in amount which cannot vary a single atom. Electricity, as a part of matter, is alike, in amount, fixed and certain which can neither be increased nor decreased.

We speak of generating electricity or developing or creating electricity. But an electric power generator can no more generate or create electricity than a pump creates water. The generator only accumulates electricity, brings it into a current exerting force, like the pump forces a stream of water.

But it is possible to change the proportions of the different forms of matter, or the different elements entering into matter, as to accumulate more water or other matter, as iron, stone, or other material in one location. But this accumulation can only be maintained temporarily for the time being.

And it is likewise possible by chemical action, friction or otherwise, to change the natural normal proportions of the minute structure of material and create a new form of matter.

Too many so-called electrons in the atom in proportion to the so-called proton elements creates a disequilibrium or unbalanced state and will start an electrical current outward and too small a number of electrons will start an opposite force and a negative current inward.

And it is also a law of physical science that matter thrown out or off of its equilibrium will adjust itself to a balanced state, like when water is thrown off or out of its general balanced level. No matter whether by natural or artificial causes, a motion sets in to restore its balance or water level.

This motion of water seeking its level, following in the course of natural law, exerts the force which man has harnessed to turn the water wheel of the mill which is carried to pulleys, shafts, and machinery, to perform man's task and lift his burdens.

This is the force exerted from a stream of water seeking an equilibrium or its balanced level under the natural law of gravitation of attraction, whether carried, lifted in the form of clouds and precipitated as rainfall upon the earth, or carried and held by man through canals and pipes to fall from a higher to a lower level.

This is true of all forms or elements of matter thrown out of a natural balanced state, such as the unequal heating of the air at one location in the atmosphere, whether caused by the sun's rays or by artificial means by man, a current of air will set in to restore an even temperature or balanced state.

Air, the ocean of atmosphere, surrounding and enveloping the earth, exerts no energy in its even balance, but when unevenly heated and thrown out of its natural balance, currents to restore its equilibrium set in in the form of storms, gales, and cyclones and sweep into devastating and destructive power.

This movement to restore a natural equilibrium from an unequal balance of the atmosphere is the force that causes the winds to blow, which power man has harnessed by the invention of the windmill and the sails spread on the ships for his navigation of the seas.

Now, we come to another element and another form of matter, or element of matter, as common as water, air, or earth, which has come to be called electricity, the derivation or history of which term will not be necessary or possible to give here.

Electricity, like other forms or elements of matter, can neither be created, destroyed, nor consumed. It can only be increased or decreased in matter at a certain given place or location. Its amount in the material world is fixed as certain as other parts of creation.

Electricity can only be generated, accumulated, in greater or more unequal portion in a body of matter than when resting in its balanced state or reposing in natural equilibrium or balance. And, like water or other elements, when thrown into such unequal balance a current sets in to restore an equilibrium and, like water and air, exerts a force which man has harnessed for power as man has harnessed other currents and movements resulting from the disequilibrium of other forms or elements of matter.

Scientists tell us that electricity includes both positive and negative forces which they call the protons, or positive charge, and which remain permanent in the atom, and the electrons, or the negative charge, which is free to move around and about within and out and from and a part of the atom.

When the electron and proton elements of electricity, the negative and positive forces of the atom, remain in even or a balanced proportion, which is called static, or electricity at rest, electricity is in a natural or normal state, but when the electrons are in excess of protons, a current sets in and electricity is in motion.

If, by any natural or artificial means, more electricity is generated in a body of matter than exists in its normal state, or in excess, unequal proportions, there is a positive, or overcharge, and electricity in a current flows out to balance its relative forces.

Regardless of how electricity be thrown out of balance, whether by natural or artificial causes, whether by friction of clouds on the air, causing currents called lightning, or whether by motions of dynamos accumulating electricity in unequal balance, the same equalizing current sets in.

Lightning results from an unequal charge of electricity moving in the atmosphere, either moving from clouds to clouds or, when the air becomes moist, from vapor or falling rain, and forming a conductor or pathway, striking down and reaching the earth to equalize its balance between earth and clouds.

Lightning and electricity are one and the same force, moving and exerting itself in a current. The reason why man has not harnessed lightning the same as electricity is because of its changing frequency and uncertainty for dependability, for reliance in economic, industrial affairs and not because of its different nature.

And regardless of the cause or whether matter in motion is thrown off its even-balanced state or equilibrium by natural or artificial forces, the movements are the same to recover back an even balance and the same force and power is exerted.

A disturbance of the even balance of water by the application of heat to change its form and natural state and its movement to expand, throwing off the heat and assuming its natural form, it exerts a terrific force which man has harnessed by the invention of the many forms of the steam engine.

Unlike the force of air and water, moving to restore an even balance or level, electricity moves only in a circuit. The circuit must be continuous and uninterrupted back to the source of the electric current, either through and by means of a return wire or grounded and returned through the earth.

If the current, by faulty insulation or otherwise, is brought in touch with the return wire or earth before it reaches the place or location where its power is to be applied and used, in the language of the electric street it is "shorted" or called a "short circuit", and returns before reaching its destination where its force was intended to be exerted.

If the wire carrying electricity outward is left without a circuit or ground wire, and the end of the wire is left to terminate in the dry air, which is a nonconductor of electricity, the flow of electricity will be stopped, like the water in a plugged pipe.

Electricity is without force or power in its even or balanced state, existing in the air, water, and all material. But under the friction of the clouds passing and sweeping through the air currents, electricity is brought to existence and realization through its uneven or unbalanced proportion of elements.

And a current of electricity, like a current of water flowing, sets in to equalize its force and exerts a current of power, which current men have learned to conduct, direct, and harness for many uses and purposes.

For analysis, study, and application, scientists have divided electricity into different movements and forms, among which the most common are static electricity, current electricity, and positive electricity and negative electricity.

Static electricity is electricity at rest. Its body or force is in a state of balance, in which state it exerts no power or force. Current electricity is electricity in motion, electricity moving to restore its equilibrium and in which state it exerts an active force.

At first impression electricity appears to be a more complex and mysterious agency than other forces, powers, and energies. But, in fact, it is not more mysterious than other parts of the world around us. It is not more mysterious than light, than the movements of water in different forms, than the elements of water and air, or the minute atoms of the molecules, the component parts of all matter.

It is not more mysterious or incomprehensible than animal and plant life about us, the cause for which we cannot explain, nor more mysterious than any other matter, not more mysterious than the immensity of space extending far away in the heavens above and before us, a distance beyond the power and strength of the human mind to follow.

Scientists have analyzed water and tell us of its component parts of oxygen and hydrogen in unequal proportions, and then going into these gases to explain and describe their nature they get into still deeper water and come back to shore to live with others in awe and mystery of matter.

Men talk very wise, learned, and knowing about the elements, the component parts about the molecules made up of atoms, about the atoms with their electrons and protons, but when they try to carry their explanation further they find themselves lost in mystery, and are left wondering and groping in the midst of bewilderment.

Very little more is known today about the real nature and properties of electricity than was known in Ben Franklin's time, when he brought down electricity from a kite through a silken cord to the ground. Men have only learned more of how electricity operates and exerts its force.

We only know more about what electricity does. We only know how it can be harnessed. We only know more how it can be generated or accumulated. We only know more how it can be carried and directed, how its force can be exerted in power to work and perform useful services for man.

We stand in bewildering mystery with all around and about us. We do not know where we are. We do not know what we are. We do not know for what we are. We do not know from whence we came. We do not know to whither we go. We do not know. We only hope and strive to know.

In our helpless failure of comprehension we appeal to a higher power, in the forms of faith and religion, for

guidance, direction, and understanding, and then we withdraw from the problem as beyond the mind of man and leave all without solution.

ELECTRICITY AND HOW WE HEAR BY RADIO

The earth is encompassed by great oceans of water, and if the surface was perfectly level, our world would be completely enveloped by a watery waste submerging all land. Then the earth is further surrounded by another and deeper ocean, an ocean of air, the atmosphere, extending out, around, and up for many miles.

And we are still further surrounded by another ocean yet deeper and broader, and extending in theory out even to the stars, and permeating and filling all space, which, for want of a better name, is known in science as ether.

We can both see and feel the currents of air and see objects yielding to its force, and when it moves we say the wind blows, but we are not conscious of the ether ocean because we can neither see nor feel it; only scientists know of its existence.

The two great oceans of air and ether exist together or occupy the same space, like almost a full bucket of water can be poured into a full bucket of sand, the water filling up and occupying the empty spaces left existing between the grains of sand.

There is no void or empty space either here in the world where we live or between here and the stars and other worlds. All is filled with some medium, which only scientists know exists, and upon which and through this medium come the wave vibrations of light from the far distant stars.

The wind and great ships passing set the water in wave motion and certain natural and artificial forces operating set the air and atmosphere in like motion, but the medium of water and air are too dense and heavy to carry the high frequency rapid waves long and far away distances.

If the sound waves in the ether were visible, could be observed by the eye, the same as water waves can be seen and observed, we would see the sound waves going out in every direction from the broadcasting station.

Electricity is a force, power, or energy moving or projecting movement in the form of waves the same as light, heat, and sound, the same as movements of water, in undulating and alternating wave movements, while the body of water itself is not moving forward or advancing.

Watch a piece of wood floating upon the water, and while the wood will be seen to rise and fall with the repeating waves, its position in the water will not be changed or the wood carried forward by the apparent motion of the water.

What is true of water waves is true of the waves of air and the waves of the medium called ether. As the waves are in a separate movement passing through and upon the water, so are air and ether waves a movement, passing upon and through the air and ether.

Water waves may be set in motion either by natural or artificial forces, either by the force of attraction or by the force of gravitation or the force of mechanical pumps, but whether the force be natural or artificial the result will be the same, only the artificial are the more costly.

And likewise electric waves may be set in motion either by natural or artificial means, either by the friction of the clouds on the air, generating natural electricity or lightning, or by motion created by dynamos generating and accumulating artificial electricity, and the results will not be different.

A stream of projecting light and a stream of electrical vibrations move and operate very similarly and are the same. Both travel at 186,000 miles a second, both in the form of motion in waves.

Electric waves are carried and pass through certain objects and materials called conductors, but will be stopped by other materials which are called nonconductors, such as slate, glass, and porcelain, used to hold wires suspended from the ground, and to prevent the electricity from passing to the poles.

The sound waves carrying the voice by radio or motion current through the ether are not different from the sound waves carrying the voice by telephone through wires. By telephone the sound motion waves are carried through wires to a certain direction, by radio they are broadcast in every direction.

To illustrate, stand on the bank of a pond and throw a stone in the center of the pond and the water waves will go out from the center in every direction until they extend over the whole pond. This is how radio sound waves go out in all directions from the broadcasting stations.

Electric currents may be carried in waves, either through wires as conductors or through a fluid, gas, or the medium permeating all space that is called ether. The difference is that telephone wires carry sound waves with less power and frequency than is required through ether carrying radio waves.

Light waves travel through ether. Common or natural sound waves are carried by the air, the atmosphere, and move more slowly and fade away before continuing a long distance. The light waves moving in the ether travel more rapidly than air waves and continue farther or go on forever.

There is a very noticeable difference between the speed of the ether-wave motions and the common or air-wave vibrations which carry sound by wave motion.

We see the stroke or motion of the ax of the woodchopper at a distance, coming to us on the ether light waves, almost instantly as the stroke is made. But we must pause and wait to hear the sound of the belated ax stroke which comes to us on the slower air waves, held back by the more dense and heavy atmosphere.

We see the flash of the lightning before we hear the peal of thunder because the light comes to us on the ether waves and the sound of the thunder on the waves of air. Lightning, natural electricity, sets in motion the waves or vibrations of the ether.

But it is the crash of the displaced air to fill the vacuum caused or created by the striking current of electricity which sets the air in wave or vibration motion and which travels more slowly than the ether waves, and we wait to hear the thunder.

The waves of ether set in motion by radio-broadcasting devices are too high and rapid to be detected by the natural ear, loud speaker, or telephone. But the more delicate radio-receiver adjustments may be set to detect the different wave frequencies and reproduce them in sound from different stations.

Your radio receiving set is a sensitive artificial ear, constructed to detect or respond to sound waves which the natural ear is unable to detect and, of course, fails to take notice and to transform and amplify such radio sound waves into sound waves receptive by the natural ear.

The natural ear is constructed and provided to enable men and the animal creation to converse or communicate with their species, and to take warning of approaching enemies for their defense and self-preservation. But none of which objects or purposes are required served from far away, long distances.

The radio broadcasting programs of instrumental music and the human voice are carried to the radio audience by the combined electrical devices of the sound wave projecting facilities of the broadcasting station and the radio receiving sets.

The broadcasting electrical devices first throw the ether wave in motion and project the vibrations out through space. But without the radio receiving set, with electricity to wait and listen, to detect or take cognizance of the ether vibrations, and to transform the ether waves projected into sound waves for the natural ear, which are the same as telephone waves, all would remain as still and silent and as painfully oppressive as the solitude of the desert.

Common or natural sounds are carried by air waves or vibrations, and in such waves or vibrations sounds are heard by the natural ear but the artificial radio broadcasting devices, by using the greater force of electricity, send out sounds on a different roadway.

Instead of sending out waves or vibrations which travel slowly and short distances, the sounds are sent out and

started on their way on the rapid ether wave or vibration route on the same waves that carry light and which travel 186,000 miles a second or almost eight times around the world.

But the ether-wave travel route way has no natural station or terminal facilities or no natural ear to listen and take notice and to provide an ether-wave station, and the radio-receiving set was invented to serve as an artificial ear to record or take notice of what the natural ear fails to detect or observe.

This broadcasting station sends out through the ether, the sound wave set in motion by the voice of the speaker or singer which is carried by high-frequency electric currents out in every direction from the power station, and your radio-receiving set in your home detects the electric waves in the ether and transmits and reproduces them into sound waves for the natural ear.

And the ether waves are caught up and carried by high-frequency electric currents, traveling at the rate of 186,000 miles a second, as rapid as if borne by the wings of light, and the voice of the radio speaker is heard as at the very instant he speaks, across continents or around the world.

The voice of the speaker or singer is carried from the radio studio to far-away homes of the listeners like a distant friend or visitor coming to them by different modes of travel, as by railway, airship, plane, or automobile.

First the vocal cords of the speaker or singer set the air in sound wave motion and carry the voice to the microphone. The microphone in the radio studio receives and records the air vibrations. This is the first sound wave station on the journey of the voice of the speaker or singer from the radio station to the listener's home.

The microphone transforms the air waves into what might be called telephone sound vibrations, traveling through the wire from the microphone to the broadcasting devices at the high towers. The broadcasting electrical devices are the second sound wave station on the route by which the voice travels to reach the listeners.

There the electrical broadcasting devices transform the telephone sound waves into high-frequency ether waves, the same waves which carry light and traveling at 186,000 miles a second, or a distance of over eight times around the earth in that brief period of time.

These high-frequency ether sound waves, set in motion by the broadcasting devices, are received and recorded by the radio receiving set. The radio receiving set in our homes then transforms these ether high-frequency waves back into the common sound air waves, of which the natural ear takes notice.

There at this third station on the journey of the voice from radio studio to our homes, the high-frequency ether waves are transformed back into common sound air waves by setting the air in vibration motion, to be received and recorded by the natural ear, and this is the end of the journey where we listen and hear the radio program.

THE DEVELOPMENT AND PRACTICAL USE OF ELECTRICITY

It was many long years after the force and power of electricity was revealed and understood by man that electricity was brought to use and to practical application in the every-day affairs of life.

The progress and developments made to bring electricity within the control of man for use and to lift and carry his burdens has been at the price and sacrifice of long years of tedious study, of repeated experiments, trial and retrial, failures and discouragements over and over again, a recital of which is impossible here.

Many of the pioneers in the development of electricity have exhausted their means and fortunes, sacrificed a life-time in strenuous toil and labor only to lay the foundation and basis for great electrical inventions and discoveries and the glory of which to be taken by those coming more leisurely after them.

Benjamin Franklin, by his experiments, bringing electricity down from the clouds, added to the store of scientific knowledge of the nature and properties of electricity, and proved conclusively that lightning, developed by the forces of nature, and electricity, developed by artificial means, were one and the same force or energy.

But Franklin did not complete any inventions for the practical application of electricity and its use in the every-day affairs of life. What Franklin did was more to arouse and stimulate a greater interest in electricity as a science and a more intense study of its latent powers.

It was Samuel F. B. Morse, in 1843, by his invention of the telegraph, who first brought electricity into the limelight before the world, and demonstrated its commercial use and laid the foundation for a system of rapid communication and transmission of messages.

Morse's invention was so unusual and mysterious and contrary to all human experience that it was at first regarded as a trick, a jugglery performed by a magician, and was accepted by the people with doubt, apprehension, and distrust or as too incredible for belief.

But telegraphy was a reality overcoming both time and space, revolutionizing communication service, bringing the people of continents nearer to each other in commercial relations and finally making the whole civilized world, by the ocean cable, a borderland community.

Then came Alexander Graham Bell and Elisha Gray, only 2 hours apart, on February 14, 1876, to apply for a patent on the telephone for the transmission of the actual voice sound under a claim for long-distance speaking.

This was even more bewildering than the telegraph, and the people curiously looked on very much like the dog in the picture looking into the phonograph amplifier and listening to "His Master's Voice."

This invention laid the foundation for a system of voice communication which has been developed and carried out through a system of poles and wires, reaching across wide continents, ramifying to every town, village, and city, and finally going out to the rural homes for communication with nearby neighbors, or to converse with friends or on business, with citizens in far-away States.

Then came Michael Faraday, first in 1831 and continuously through his life, with his experiments and discoveries, developing the power to generate electricity and to accumulate and hold its force in storage in active form, for relief and use at will.

But the inventions and discoveries of Faraday not only brought the power to generate electricity, but indirectly he invented the means of power from electricity, which, by reversing the operations of the dynamo, he developed the electric motor whereby to use the power generated in one place, in many other and far distant places.

The discoveries of Michael Faraday demonstrated the relation of electric force with other forms of natural force and power; and proved that one natural force can be transformed into another, and then brought back again into the form in which it originally came.

The latent heat in coal, under the chemical action of fire, may be transformed into steam power and the power exerted by the force of steam, may be transformed into electricity by the dynamo, and then the electric force thereby created may be transformed back again into heat.

In other words, the great forces of nature are interchangeable, one into another, or transformed from one form into another and finally back into the first force exerted.

While we may never be able to solve the mysteries of electricity more than we have been able to solve the mysteries of other parts of creation, the mysteries of time and space, yet the study of the science of electricity will always remain as interesting and fascinating as the study of astronomy and the heavens, and the mystery of the far-away stars in space.

Then came Prof. W. C. Roentgen with his discovery of the X-rays to penetrate and picture concealed objects, even to pierce the bones and flesh tissues and reveal the condition of the organs of the body, and making the practice of surgery and medicine an open, a more certain, and effective art.

This with other inventions and discoveries has brought the application of electricity before the world as a vital factor in the treatment of the body, not only in the practice of surgery but in the application of electric vibrations for the eradication of certain ailments and the modification of other bodily impairments.

The discovery of the X-rays marked a new and forward step in surgery and the treatment of the body, in arresting, staying, and overcoming disease, and with which to throw the searchlight into the bones and flesh tissues, for the discovery of diseased organs and disorders concealed and veiled in the darkness for operation and treatment in the open light.

But it was reserved for Thomas A. Edison to invent, develop, and perfect the incandescent electric lamp, to make the days longer for pleasure and useful occupation and to carry the day into the nighttime for greater happiness and enjoyment of life.

While the invention of the electric light was not of greater economic use and advantage than the invention of the dynamo and electric motor, coming to propel the great wheels and pulleys of the ponderous automatic machines, revolutionizing industrial production, yet the incandescent lamp, by its spectacular dazzle of the eye, brought electricity to the notice and attention of every man, woman, and child and has done more to popularize electricity than all other electrical devices invented.

Edison's invention of the incandescent lamp has illuminated every town and city with a brilliant and dazzling display of light, with changing and alternating hues and tints, gorgeous, bewildering, and beautiful to behold, a veritable paradise of decoration, with varying colors rivaled only by the sunset skies.

Seeing is the most vital of all faculties of all the senses guiding and directing man groping his way through the wilderness of the world. We may listen to sounds or a voice coming to us but we are not certain of which or from whom. We may touch or smell a substance or some form of matter but we are not positive of its source or nature or the form or properties of the object before us.

We must wait for the sense of vision until we can see and be positively assured, before we are ready to determine and take action to meet the object or condition confronting us. Seeing is believing, and then we know.

The glory and majesty of creation is but partially and faintly revealed to man through the other senses with which men are endowed. It is through the natural sense of vision that revelation is made full and complete by viewing the mountains, valleys, and streams, beholding the firmament of the heavens, the star-decked canopy of the nighttime.

It was this appeal to vision, the natural sense of sight, that brought Edison into the limelight and will keep his invention in the limelight when other equally famous inventors and other equally meritorious inventions will be overlooked and lost sight of.

But it is the electric light and motor, invented by Edison and Faraday, which have given electricity an overshadowing place in industry and made it the greatest factor, and of the most substantial and economic value in the conduct of commerce, industry, and trade.

THE RESOURCES AND SUPPLY OF ELECTRICITY

Inventions, discoveries, and developments have brought to us a realization that we are in an ocean of electricity as broad as the earth around us, as deep as the atmosphere above us, and as plentiful as air, water, and sunlight; that this unseen force and energy permeates and fills all space above the earth as well as below its surface, and in time can be made available for use and enjoyment of the people as free and at a cost as reasonable as pumping and distributing water.

Of all the inventions and discoveries developing power and harnessing the forces of nature to serve the use and purpose of men, none or any or all combines have exerted such far-reaching influence upon civilization and human progress as has the use and application of electricity.

And it is a remarkable coincidence in the progress and development of electricity that as its many growing uses were realized new inventions and discoveries were coming to multiply the production of electricity, and even at lower and more trivial costs, and to keep pace with the increased demand.

The great forces of nature are found to be interchangeable. One form of power may be transformed from one form and exerted in another, like the latent power of heat in coal and oils which may be transferred into steam, and the power of steam transformed into electric power.

And as it is with the power of coal and oil and the power exerted from confined steam, so it is with the powers of air currents, and the power exerted from falling water which may be transformed and be exerted in the form of electric power energy.

By science, discovery, and invention these great latent powers of the elements, the falling waters of the streams, the ebb and flow of the resistless tide, the electric forces from the air, the pent-up oils and gases, struggling for release, held in the bowels of the earth, and transformed into electrical force, can all be harnessed and controlled for the use and service of man and can be transported for distribution and apportioned to and among all the people by a network of lines and conduits carrying these powers and energies many hundreds of miles, far distant, from the place or location of their development.

And all these services can be provided to lessen and lighten the burdens of the daily tasks of the people and to make the days longer for pleasure and useful occupation, and to carry the day into the nighttime for greater happiness and enjoyment of life.

The great destruction of the 1936–37 floodwaters has brought an impressive object lesson before the Nation and the people of the country, and as the raging torrents of water recede in the wake of death and chaos the people are brought to meditation and reflection upon means to insure against a repetition.

The power of floodwaters, if held back and harnessed, would exert a force of incalculable magnitude, and when in the form of electricity could be transmitted and distributed to every part and section of the country, to every village, town, and city in the land, and to every home, factory, mill, and workshop.

If the great powers and forces of these raging torrents of disaster, carrying a tide of chaos and death, were restrained, conserved, and held, they could be made ready and available to man as the resources of nature and converted and transformed for use of all the people into electrical energy and power under utility grants and concessions, free from monopoly and private control.

These great rivers and streams of water can now be improved for flood control under one unified system not only to safeguard against floods but for inland-water navigation, for the irrigation of arid lands, or reserve waters to meet drought disasters, for the prevention of stream pollution, and to conserve water supplies for the use of great cities, and to safeguard against soil erosion.

And while serving all these uses and purposes, the waters of these destructive rivers and streams can be held in control for use to provide electric power and force sufficient for all the people of the land, and current sold at low and reasonable rates, and from which source of income the cost of all improvements can be made.

While all these great powers and forces of the floodwaters passing in torrents are running to waste, loss, and dissipation, and these unrestrained currents are reeking havoc and destruction to millions in property values and appalling loss of human life, millions of acres are left fruitless for want of irrigating waters and other land from devastating drought emergencies, inland navigation is left to languish, rivers and streams are left foul and polluted, unfit and unavailable for water supplies for dependent and populous cities.

But these many valuable uses served are not all the benefits and advantages which can be gained by flood control. Billions of value in water power are lost and go to absolute waste from the passing of these destructive floods.

In control of these rivers and streams to safeguard against flood disasters, advantage can be taken of the conserved waters to use the power not only continuing throughout the dry or drought seasons but to use their powers over and over again in certain mile intervals from source to mouth.

Advantage can be taken in flood prevention by the construction of dams and great reservoirs constructed at the valleys of intersecting tributaries to hold the water back in

great basins from the mad onrushing torrents for deliberate and gradual relief for the development of power as needed to perform the arduous tasks of men.

And while these destructive waters are controlled to safeguard against flood disaster, by the same control of the waters their forces may be made to work for man and their services made of equal value to the cost of their subjugation and control.

The great Father of Waters, the Mississippi River, and its tributaries flowing inward from the lofty Rocky Mountains and the great western plains and divide, and from the Appalachian Mountain system, looking, facing, sloping westward, together with the streams flowing direct to the Pacific and the waters draining direct to the Atlantic Ocean, can all be harnessed and used for power and dams and power sites constructed at certain mile intervals as the water falls from the source to the mouth of these streams, and while passing the power reproduced and multiplied many hundredfold over and over again.

From these great powers and forces, from these falling waters of the rivers and streams electric current can be produced or generated to light every highway and country road, every street, alley, and park space and every public hall in every town and city in the land.

When these great sources are developed, electricity can be produced or generated to furnish light, heat, and power to every farm and urban home for light and power and to carry on farm agricultural operations for 6,000,000 farmers of the country, and at a cost so low and trivial to make electricity within the reach of every family the same as the rural mails and the parcel post.

The conservation of these great natural resources, the weight of falling waters held and everywhere made available for the generation of electric power will make every rippling river and murmuring stream, every onward flowing current and rushing mountain torrent, every swelling tide, flowing and ebbing from the sea, a force, a factor in the exertion of electrical power, to work and serve the wants and needs, the convenience, happiness, and welfare contributing to the enjoyment of men, and to make the earth a Canaan of plenty and great abundance, a veritable paradise of dazzling glory, of light, colors, and illumination as well as for power and for useful service.

But under more modern invention and discoveries these great powers to generate electricity are no longer confined to falling waters but have been doubled and multiplied by the invention of the Diesel engine and other forms of power generated.

And under these new inventions and discoveries, with cooperative or public ownership operation, electricity can be generated at the same low cost, regardless of whether by water-power facilities or other natural sources of power exertion. And such power can be duplicated at any point or locality in the country and at a cost even as low as by the falling waters of the stream and current carried long distances for use.

The following is from the second report of the Science Advisory Board, page 19, as well as further shown in the hearings on Senate bill 3524, this last Congress, part 1, at page 236 thereof:

> As a result of the recent great improvements in furnaces and engines (for the generation of electricity) under the present low prices for fuels and the possibility of building fuel electric plants near the market (where mined or produced), and where fuel can be delivered cheaply, it is commonly less costly to provide electricity by combustion methods than by harnessing water power and building (long) transmission lines.

And now the marvel of the force of the Diesel engine to exert power is to be in turn outrivaled by high-pressure steam engines which are now being designed and built to multiply power manyfold and times over electricity from burning fuels, coal, and oil.

With the natural power of falling water exerted from the running streams and converted or transformed into electricity, and all carried and distributed to every farm home and hamlet in the land, and with the discovery that power, whether exerted from burning coal or whether through means of steam or from the weight and movement of running water, may be converted into electric force, making the sources and supply of electricity unlimited or inexhaustible for use, the rural population can be furnished and enjoy the same service for the convenience and comfort as the people living in the towns and cities and at a cost low and reasonable and within the reach of every farmer.

And every farm home, barn, and garage, and every country home, walk, and driveway can be lighted every hour of the night at a rate so low and comparatively trivial that no farm or country home owner could afford to be without its use. Every city house, building, and street, and every alley intersection could be likewise lighted at such low and moderate costs.

Under modern inventions and discoveries, modern improvements and developments, and present-day means and facilities by harnessing the streams, rivers, and falling waters, and the resistless tides of the sea and supplementing here and there with the fuel stored in the earth, electricity for heat, light, and power can be produced and carried through insulated tubes and conduits to every part of the land.

Modern discoveries and developments are progressing to make the power and force of electricity all but a rival of the sun, banish the shadows of the nighttime, and the cold from the frosts of winter. [Applause.]

The SPEAKER. Under a previous order, the gentleman from New York [Mr. FISH] is recognized for 7 minutes.

Mr. FISH. Mr. Speaker, I have listened with much interest to the very able remarks of the distinguished gentleman from Ohio [Mr. MCSWEENEY], and from his viewpoint in upholding the President's plan to increase the number of Supreme Court Justices by six I think he presented as able a case as has been presented to the Members of the House so far.

I must admit I do not concur with his reasoning or with his logic. It is true, as he pointed out, it is not a constitutional question of changing the rules of the game. It is a question of changing the umpires and putting in favorable umpires to do what you want to have done. In other words, it is accomplishing unconstitutional results by constitutional methods although verging on political trickery.

When it comes to the matter of age, does anyone seriously think that any Justice of the Supreme Court would continue to serve if the Congress enacted the legislation proposed by the President and served notice upon the judges who are over 70 years of age that they are superannuated, incompetent, and disqualified on account of age? Of course, none of them would stay on the Supreme Court if such an act were passed by the Congress. Why talk about giving them younger men to assist them any more than the chairman of the Ways and Means Committee or the chairman of the Appropriations Committee of this House would want to serve if somebody from their district were sent here because their constituents thought that by being over 70 years of age they were disqualified to serve their districts without help from a younger man. Why, by the same token, some of the most distinguished Senators would be disqualified from serving any longer in the United States Senate.

Mr. Speaker, I have asked for time to make some comments on the child-labor amendment, particularly in reference to charges that are being made that it is of communistic origin, and in reference to the status of the amendment now being considered by the New York State Legislature.

Prior to doing this I wish to serve notice that I have placed on the Clerk's desk a motion to discharge the Committee on the Judiciary from further consideration of H. R. 228, which I introduced over 30 legislative days ago, similar to the Wagner bill, to assure persons within the jurisdiction of every State the equal protection of the laws by discouraging, preventing, and punishing the crime of lynching.

This is a nonpartisan measure. I signed a petition with respect to a similar measure introduced by a Democrat in the last Congress, and I hope the Members of the House who

want to expedite consideration of an antilynching bill will sign this petition. In the last Congress the motion to discharge the committee was delayed so long that there was not sufficient time to bring up the legislation for consideration before adjournment. In order to obviate repetition of such an unfortunate procedure, an opportunity is afforded every Member of the House to sign the motion to discharge the committee without further delay. If sufficient Members sign the petition, the bill will then automatically come before the House and can be amended or perfected in any way desired by a majority vote. The purpose of the bill is to expedite favorable action on antilynching legislation and help put an end to the dastardly and cowardly crime of lynching.

I cannot understand the inspired attacks on the child-labor amendment depicting it as being of Communist origin. The amendment originated in a Republican Congress in 1924, was adopted by a two-thirds vote in a Republican House and Senate, and was endorsed by President Calvin Coolidge, who said its purpose was—

> To protect the child life of the Nation from unwarranted imposition of toil and that it might have greater opportunity for enlightenment. All these movements are in the direction of increased national freedom and an advance toward the realization of the vision of Washington and Lincoln.

If the child-labor amendment is communistic, then by the same token Calvin Coolidge, Herbert Hoover, and Alfred Landon, all of whom approved it, must be Communists.

There is not an iota of truth or a scintilla of evidence that there is the slightest connection, direct or indirect, between the effort to abolish the economic slavery of children in mines and factories with communism. Congress has no intention to legislate except to regulate or prohibit the labor of children in industry, the factories, mills, and mines. The amendment does not give the faintest power to Congress to control children in schools, churches, or homes. There ought not to be a single American child under 15 years of age employed in the factories, mines, or sweatshops.

The infamy of child labor is conceded, and it must be stopped by a uniform Nation-wide law, equally fair to all States, including New York, which already has a model child-labor law and because of which is being discriminated against and losing industry to States with lower standards.

Child labor is a crime against humanity, undermining tens of thousands of American children in body, mind, and soul for sake of profit, greed, and bigger dividends by chiselers and human vultures.

Of course, these are not our children who are being exploited. They are not the children of the rich and well-to-do, who swell the chorus in denouncing the Child Labor Act as communistic without having even read the amendment and without knowing that it originated in a Republican Congress.

It is a humanitarian measure and should have the support of all elements in our population. Whether or not it is adopted, I propose to scotch the unfair, untrue, and hysterical propaganda that it is of Communist origin. If the Communists are for it, it speaks well for the Communists, and anyone who gives them credit for originating it is promoting communism.

The best way to stop the spread of communism in our country is to do away with economic sores and cancers like child labor and stand for social and industrial justice and a square deal for labor. Communism breeds on economic evils and abuses such as child labor.

American labor, organized or unorganized, who know the evil effects of child labor, are unanimously for the amendment. Let the Republicans in the New York Assembly stand with the wage earners for this humanitarian measure and for social progress and thereby restore the confidence of the people in our party. Any other course is suicidal and plays into the hands of President Roosevelt in his efforts to pack and control the Supreme Court, due to the delay in adopting the child-labor amendment.

It is time the Republicans followed the humane principles and policies of Abraham Lincoln and Theodore Roosevelt, if they want to continue as a party in the industrial centers, and not the organized manufacturers and the New York State Economic Council, backed by wealth and reaction.

Former Senator Albert J. Beveridge, the author of the Life of John Marshall, and certainly no Communist, was the original sponsor of the child-labor amendment. He urged it with great conviction and eloquence for 4 successive days in the United States Senate, in February 1907, just 30 years ago. I emphatically deny that any Communist ever had anything to do with initiating or writing the national child-labor amendment, and it is time that this hysterical and false propaganda is stopped and the amendment ratified. [Applause.]

EXTENSION OF REMARKS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a letter which I wrote the Secretary of the Interior, Hon. Harold L. Ickes, together with his reply on the subject of the amendment of the Raker Act with reference to the use of Hetch Hetchy power in the city of San Francisco.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including therein a copy of a letter written by our colleague the gentleman from Connecticut [Mr. PHILLIPS] in connection with pending legislation.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MILLS. Mr. Speaker, I ask unanimous consent that my remarks made on the floor this afternoon may be extended and revised in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. McGRANERY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a speech delivered by the Honorable Michael Francis Doyle, chairman of the electoral college committee, at the dinner of the Presidential electors.

Mr. RICH. Mr. Speaker, that is contrary to the rules of the Joint Committee on Printing, and I shall have to object to the request.

(Mr. SHANLEY asked and was given permission to revise and extend his remarks in the RECORD.)

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted, as follows:

To Mr. GILCHRIST, indefinitely, on account of illness.

To Mr. BOYKIN, indefinitely, on account of illness.

To Mr. SCRUGHAM, indefinitely, on account of illness.

SENATE ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 62. An act to extend the times for commencing and completing the construction of a free highway bridge across the Missouri River at or near Atchison, Kans.;

S. 206. An act to provide a preliminary examination and survey of the Snake River and tributaries in the States of Idaho, Washington, and Oregon, with a view to control of flood waters;

S. 1128. An act authorizing the Secretary of the Navy to accept gifts and bequests for the benefit of the Office of Naval Records and Library, Navy Department;

S. 1130. An act to authorize the acceptance of certain lands in the city of San Diego, Calif., by the United States, and the transfer by the Secretary of the Navy of certain other lands to said city of San Diego; and

S. J. Res. 84. Joint resolution to authorize the Postmaster General to withhold the awarding of star-route contracts for a period of 60 days.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on March 1, 1937, present to the President, for his approval, a bill and a joint resolution of the House of the following titles:

H. R. 2518. An act to provide for retirement of Justices of the Supreme Court; and

H. J. Res. 96. Joint resolution to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 50 minutes p. m.) the House adjourned until tomorrow, Wednesday, March 3, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Wednesday, March 3, 1937, at 10:30 a. m. to hold hearings on the following projects: Waterway from White Lake to Pecan Island, La.; New London Harbor, Conn.; Old River, Calif.; Put in Bay, Ohio; St. Jones River, Del.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

The Committee on Immigration and Naturalization will hold a hearing on H. R. 30, to protect the artistic earning opportunities in the United States for American actors, vocal, etc., at 10: 30 a. m., Wednesday, March 3, 1937, in room 445, House Office Building.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

402. A communication from the President of the United States, transmitting a supplemental estimate of appropriations for the legislative establishment, Architect of the Capitol, for the fiscal year 1938, in the sum of $346,368 (H. Doc. No. 157); to the Committee on Appropriations and ordered to be printed.

403. A letter from the Chairman, Federal Trade Commission, transmitting a report on principal farm products—agricultural income inquiry; to the Committee on Interstate and Foreign Commerce.

404. A letter from the Secretary of Agriculture, transmitting a draft of a bill to amend the act of March 16, 1934, relating to the migratory bird hunting stamp; to the Committee on Agriculture.

405. A letter from the Acting Secretary of the Interior, transmitting a draft of a bill proposing to amend section 11 of an act approved May 14, 1898 (30 Stat. 409, 414), so as to permit free use of timber on public lands in Alaska by churches; to the Committee on the Public Lands.

406. A letter from the Acting Chairman, United States Tariff Commission, transmitting a report on United States-Philippine trade, with special reference to the Philippine Independence Act and other recent legislation; to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. COCHRAN: Committee on Expenditures in the Executive Departments. H. R. 5122. A bill to authorize certain officers and employees to administer oaths to expense accounts; without amendment (Rept. No. 348). Referred to the Committee of the Whole House on the state of the Union.

Mr. UMSTEAD: Committee on Appropriations. H. R. 5232. A bill making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1938, and for other purposes; without amendment (Rept. No. 349). Referred to the Committee of the Whole House on the state of the Union.

Mr. BURCH: Committee on the Post Office and Post Roads. H. R. 4408. A bill to provide for the renewal of star-route contracts at 4-year intervals, and for other purposes; with amendment (Rept. No. 350). Referred to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR of Colorado: Committee on Appropriations. House Joint Resolution 252. Joint resolution to aid in defraying the expenses of the International Labor Office incident to holding its Technical Tripartite Textile Conference; without amendment (Rept. No. 351). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 5151) for the relief of the heirs-at-law of Barnabas W. Baker and Joseph Baker; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 4667) for the relief of Maj. Wilbur Rogers; Committee on Claims discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 4458) for the relief of Frank D. Cottrell; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 735) for the relief of William Zeiss; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 5087) for the relief of Benjamin Wayler; Committee on Naval Affairs discharged, and referred to the Committee on Military Affairs.

A bill (H. R. 5085) for the relief of Daniel J. O'Neill; Committee on Naval Affairs discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. MOUTON: A bill (H. R. 5231) to protect domestic producers of sugar beets and sugar cane and to encourage the domestic production thereof by the regulation of foreign and interstate commerce in sugar; to provide for the fixing and revision of yearly quotas of sugar that may be imported into, transported to, or received in continental United States; to maintain a continuous and stable supply of sugar in continental United States for the benefit of both producers and consumers; and for other purposes; to the Committee on Agriculture.

By Mr. UMSTEAD: A bill (H. R. 5232) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1938, and for other purposes; to the Committee on Appropriations.

By Mr. BARDEN: A bill (H. R. 5233) to provide for the transfer of enlisted men of the Coast Guard to the Fleet Naval Reserve; to the Committee on Merchant Marine and Fisheries.

By Mr. LEA: A bill (H. R. 5234) to amend the Interstate Commerce Act, as amended, by providing for the regulation of the transportation of passengers and property by air carriers in interstate, overseas, and foreign commerce, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WITHROW: A bill (H. R. 5235) for the relief of dairy farmers, and for other purposes; to the Committee on Agriculture.

By Mr. JACOBSEN: A bill (H. R. 5236) granting pensions and increase of pensions to widows of certain sailors, soldiers, and marines of the Civil War, and for other purposes; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 5237) to amend the Social Security Act with respect to its application to

employees of fraternal beneficiary societies, orders, and associations; to the Committee on Ways and Means.

By Mr. FARLEY: A bill (H. R. 5238) for payment of compensation to persons serving as postmaster at third- and fourth-class post offices; to the Committee on the Post Office and Post Roads.

By Mr. WEARIN: A bill (H. R. 5239) to amend the Farm Credit Act of 1933; to the Committee on Agriculture.

By Mr. PETTENGILL: A bill (H. R. 5240) authorizing the erection of a memorial to Brig. Gen. Casimir Pulaski at Savannah, Ga.; to the Committee on the Library.

By Mr. GREEN: A bill (H. R. 5241) to establish the Fort Caroline National Monument in Duval County, Fla.; to the Committee on the Public Lands.

By Mr. O'CONNELL of Montana: A bill (H. R. 5242) to provide for the acquisition of a site for and establishment of a fish hatchery for Glacier National Park, in the State of Montana, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. SHEPPARD: A bill (H. R. 5243) to amend an act entitled "An act authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California", approved May 18, 1928 (45 Stat. L. 602), by amending certain portions thereof and by adding certain provisions thereto; to the Committee on Indian Affairs.

By Mr. MERRITT: A bill (H. R. 5244) providing for continuing retirement pay, under certain conditions, of officers and former officers of the Army, Navy, and Marine Corps of the United States, other than officers of the Regular Army, Navy, or Marine Corps, who incurred physical disability while in the service of the United States during the World War, and for other purposes; to the Committee on Military Affairs.

By Mr. O'NEILL of New Jersey: A bill (H. R. 5245) for the relief of clerks employed in third-class post offices, and for other purposes; to the Committee on the Civil Service.

By Mr. O'LEARY: A bill (H. R. 5246) to reduce the rate of interest on obligations of home owners to the Home Owners' Loan Corporation; to the Committee on Banking and Currency.

By Mr. MAGNUSON: A bill (H. R. 5247) regulating the performance of work by the enlisted or commissioned personnel of the United States Navy, Army, and Coast Guard; to the Committee on Naval Affairs.

By Mr. PIERCE: A bill (H. R. 5248) to provide for the further improvement of the Columbia and Snake Rivers in Oregon and Idaho; to the Committee on Rivers and Harbors.

By Mr. AMLIE: Joint resolution (H. J. Res. 256) proposing an amendment to the Constitution of the United States to be known as the human-rights amendment; to the Committee on the Judiciary.

By Mr. PETTENGILL: Joint resolution (H. J. Res. 257) to provide for the preparation, printing, and distribution of pamphlets containing the history of Brig. Gen. Casimir Pulaski, Revolutionary War hero, on occasion of the one hundred and fiftieth anniversary of the death of Brig. Gen. Casimir Pulaski, on October 11, 1929, with certain biographical sketches and explanatory matter; to the Committee on Printing.

Also, joint resolution (H. J. Res. 258) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

Also, joint resolution (H. J. Res. 259) authorizing the President of the United States of America to proclaim October 11 of each year General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CLUETT: A bill (H. R. 5249) for the relief of Lydia M. White; to the Committee on Claims.

By Mr. DELANEY: A bill (H. R. 5250) for the relief of the J. M. Dooley Fireproof Warehouse Corporation, of Brooklyn, N. Y.; to the Committee on Claims.

By Mr. DEMPSEY: A bill (H. R. 5251) for the relief of the estate of Careno De Vargas; to the Committee on Claims.

By Mr. EBERHARTER: A bill (H. R. 5252) for the relief of the General Electric Supply Corporation; to the Committee on Claims.

By Mr. FARLEY: A bill (H. R. 5253) granting a pension to Eliza Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5254) granting a pension to Catherine Keyser; to the Committee on Invalid Pensions.

By Mr. GASQUE: A bill (H. R. 5255) authorizing the Secretary of War to bestow the award of the Purple Heart upon Samuel Gershon; to the Committee on Military Affairs.

By Mr. HOBBS: A bill (H. R. 5256) for the relief of Mae Savage Black; to the Committee on Claims.

By Mr. McGEHEE: A bill (H. R. 5257) for the relief of Gulledge Lumber Co.; to the Committee on Claims.

Also a bill (H. R. 5258) for the relief of the Jackson Casket & Manufacturing Co.; to the Committee on Ways and Means.

By Mr. MAGNUSON: A bill (H. R. 5259) for the relief of John S. Monahan; to the Committee on Naval Affairs.

By Mr. MERRITT: A bill (H. R. 5260) for the relief of Col. William H. Noble; to the Committee on Claims.

By Mr. PETERSON of Georgia: A bill (H. R. 5261) for the relief of Alfred Lelon Anderson; to the Committee on Claims.

Also, a bill (H. R. 5262) for the relief of Mrs. Thomas Martin Pinckney; to the Committee on the Civil Service.

Also, a bill (H. R. 5263) for the relief of George Wornock Young; to the Committee on Military Affairs.

Also, a bill (H. R. 5264) for the relief of the heirs of Richard B. Sconyers; to the Committee on Claims.

Also, a bill (H. R. 5265) for the relief of Gus Smith; to the Committee on Claims.

By Mr. PETTENGILL: A bill (H. R. 5266) for the relief of Peter S. Kaminski; to the Committee on Military Affairs.

By Mr. REECE of Tennessee: A bill (H. R. 5267) for the relief of J. N. Patterson; to the Committee on Claims.

Also, a bill (H. R. 5268) to extend the benefits of the Employees' Compensation Act of September 7, 1916, to James M. Harwood; to the Committee on Claims.

By Mr. SCOTT: A bill (H. R. 5269) granting a pension to Ruby Willis Crowell; to the Committee on Pensions.

By Mr. SHORT: A bill (H. R. 5270) granting a pension to Alta Burkhart; to the Committee on Invalid Pensions.

By Mr. STACK: A bill (H. R. 5271) for the relief of Jacob Graev; to the Committee on Immigration and Naturalization.

By Mr. WARREN: A bill (H. R. 5272) granting an increase of pension to Clara Prentis Billard; to the Committee on Pensions.

By Mr. WITHROW: A bill (H. R. 5273) for the relief of Aplonia Wroblewski; to the Committee on Military Affairs.

Also, a bill (H. R. 5274) for the relief of the widow, children, and dependent relatives of Maciej Wroblewski; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

637. By Mr. BARRY: Petition of the Board of Estimate and Apportionment of the City of New York, requesting the President of the United States and the Secretary of the Navy to award the construction and equipment of the two new battleships authorized for construction during the year 1937 to the Brooklyn Navy Yard in order to furnish needed employment to employees of the Brooklyn Navy Yard; to the Committee on Naval Affairs.

638. By Mr. BREWSTER: Petition of A. M. Foss, of Hampden, Maine, and 1,452 others, asking Congress to enact

laws requiring all illegal residents to return to the land of their nativity, and forbidding the giving of employment loans or governmental relief to any foreigners who remain in the country illegally; to the Committee on Banking and Currency.

639. By Mr. COFFEE of Washington: Petition of the Washington State Dairymen's Association; to the Committee on Agriculture.

640. Also, petition of the Senate and House of Representatives of the State of Washington; to the Committee on Ways and Means.

641. Also, petition of the Senate and House of Representatives of the State of Washington; to the Committee on Irrigation and Reclamation.

642. Also, petition of the Central Labor Council of Seattle, Wash.; to the Committee on Merchant Marine and Fisheries.

643. By Mr. CASE of South Dakota: Petition of the South Dakota Legislature, requesting Congress to repeal the Federal tax on the retail sale of gasoline and leave this source of revenue to the States; to the Committee on Interstate and Foreign Commerce.

644. Also, petition of the South Dakota Legislature, requesting the continuance of an embargo against animal products from Argentina with their threat of bringing in hoof-and-mouth diseases; to the Committee on Agriculture.

645. Also, memorial of the South Dakota Legislature (H. Con. Res. 7), requesting enlargement of the activities of the Civilian Conservation Corps camps; to the Committee on Ways and Means.

646. Also, memorial of the South Dakota Legislature, urging a Federal excise retail sales tax upon goods sold at retail and shipped in interstate commerce to a State having a retail sales tax in force; to the Committee on Interstate and Foreign Commerce.

647. Also, memorial of the South Dakota Legislature, requesting extension of deferment in payment on Land Bank Commissioner loans and reduction in land-bank interest rates to 3 percent; to the Committee on Banking and Currency.

648. Also, memorial of the South Dakota Legislature, endorsing the ever-normal granary plan and urging loans thereby in grains stored and sealed on the farms; to the Committee on Agr.culture.

649. By Mr. COLDEN: Petition of the Oil Workers' Union, No. 128, International Association of Oil Field, Gas Well, and Refinery Workers of America, urging, on the part of the members of that organization, the enactment of legislation affecting the Federal judiciary, including the Supreme Court, in line with the recommendations of the President in his recent message to the Congress; to the Committee on the Judiciary.

650. Also, resolution adopted by the California Council of the International Society of Master Painters and Decorators, recommending a return to the conditions which prevailed under the National Recovery Act and advocating the enactment of legislation for this purpose; to the Committee on Ways and Means.

651. Also, resolution adopted by the Central Labor Council of Los Angeles, Calif., and representing the more than 75,000 members of the organized labor movement of the city of Los Angeles, emphatically approving of the changes in the Federal judiciary, including the United States Supreme Court, proposed by President Roosevelt, and urging the Congress to enact legislation in accordance with the President's recommendations; to the Committee on the Judiciary.

652. Also, petition of the Los Angeles Lodge, No. 311, International Association of Machinists, Los Angeles, Calif., urging, on the part of the members of that organization, the enactment of legislation affecting the Federal judiciary, in line with the recommendations of the President in his recent message to the Congress; to the Committee on the Judiciary.

653. Also, petition of the Drivers' Local Union, No. 227, of California, of the International Union of United Brewery, Flour, Cereal, and Soft Drink Workers of America, Los Angeles, Calif., urging, on the part of the members of that organization, the enactment of legislation affecting the Federal judiciary, including the Supreme Court, in line with the recommendations of the President in his recent message to the Congress; to the Committee on the Judiciary.

654. Also, petition of the California State legislative board, Brotherhood of Locomotive Firemen and Enginemen, San Francisco, Calif., urging, on the part of the members of that organization, the enactment of legislation affecting the Federal judiciary, including the Supreme Court, in line with the recommendations of the President in his recent message to the Congress; to the Committee on the Judiciary.

655. Also, petition of Local Union No. 25, United Brotherhood of Carpenters and Joiners of America, Los Angeles, Calif., urging, on the part of the members of that organization, the enactment of legislation affecting the Federal judiciary, including the Supreme Court, in line with the recommendations of the President in his recent message to the Congress; to the Committee on the Judiciary.

656. Also, communication signed by Arthur P. Moran, acting secretary, Democrats of the Sixty-seventh assembly district of California, containing a resolution adopted by that organization urging the enactment of legislation affecting the Federal judiciary, including the Supreme Court, in line with the recommendations of the President in his recent message to the Congress; to the Committee on the Judiciary.

657. Also, petition of the Los Angeles County District Council of Carpenters, Los Angeles, Calif., urging, on the part of the members of that organization, the enactment of legislation affecting the Federal judiciary, including the Supreme Court, in line with the recommendations of the President in his recent message to the Congress; to the Committee on the Judiciary.

658. By Mr. SCOTT: Petition of the James Reese Europe Post, No. 5, American Legion, District of Columbia, in cooperation with those civic organizations which have denounced and abhorred such brutal killings of citizens without justification or cause by various policemen, endorsing in its entirety House Resolution No. 77, Seventy-fifth Congress, said resolution being introduced on January 19, 1937, by Representative BYRON N. SCOTT; to the Committee on the Judiciary.

659. By Mr. CRAWFORD: Petition of certain residents of Greenville, Mich., protesting against the President's proposal to alter the Supreme Court; to the Committee on the Judiciary.

660. By Mr. CROWE: Concurrent resolution of the Eightieth General Assembly of the State of Indiana, urging the continuation of the Federal Emergency Administration of Public Works; to the Committee on Ways and Means.

661. By Mr. CROWTHER: Petition of the Schenectady (N. Y.) County Bar Association, disapproving of House bill 4417; to the Committee on the Judiciary.

662. Also, petition of citizens of Schenectady, N. Y., opposing enactment of House bill 4417; to the Committee on the Judiciary.

663. By Mr. DEMPSEY: Joint memorial of the Senate and House of Representatives of the State of New Mexico to the Congress of the United States of America, urging an amendment to the act of Congress approved February 25, 1920, and amendments thereto, entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain"; to the Committee on Ways and Means.

664. By Mr. FISH: Petition of 37 residents and citizens of the city of Beacon, Dutchess County, N. Y., opposing the President's plan to pack and control the Supreme Court; to the Committee on the Judiciary.

665. Also, petition of 59 residents and citizens of the city of New York, opposing the President's proposal to pack and control the Supreme Court; to the Committee on the Judiciary.

666. Also, petition of 17 residents and citizens of the city of Middletown, Orange County, N. Y., opposing any change in the present status of the Supreme Court; to the Committee on the Judiciary.

667. Also, petition of 80 citizens and residents of Goshen, Orange County, N. Y., opposing the President's proposal to increase the size of the Supreme Court; to the Committee on the Judiciary.

668. Also, petition of 16 citizens and residents of Thompson Ridge, N. Y., opposing the enlargement of the Supreme Court; to the Committee on the Judiciary.

669. Also, petition of five citizens and residents of the city of Poughkeepsie, Dutchess County, N. Y., opposing the President's proposal to increase the size of the Supreme Court; to the Committee on the Judiciary.

670. Also, petition of 42 residents and citizens of Mahopac Falls, Putnam County, N. Y., opposing the President's proposal to increase the size of the Supreme Court; to the Committee on the Judiciary.

671. Also, petition of eight residents and citizens of Circleville, Orange County, N. Y., opposing any change in the present status of the Supreme Court; to the Committee on the Judiciary.

672. Also, petition of 20 residents and citizens of New Rochelle, N. Y., opposing the President's proposal to increase the membership of the Supreme Court; to the Committee on the Judiciary.

673. Also, petition of 300 residents and citizens of the town of Warwick, Orange County, N. Y., opposing the President's plan to pack and control the Supreme Court; to the Committee on the Judiciary.

674. By Mr. GOODWIN: Petition of 41 residents of Bloomingburg, N. Y., opposing an increase in the membership of the Supreme Court as proposed by Senator ASHURST in his bill introduced in Congress; to the Committee on the Judiciary.

675. By Mr. LAMBERTSON: House Concurrent Resolution No. 13 of the Kansas Legislature, opposing ratification of the Argentine sanitary agreement; to the Committee on Agriculture.

676. By Mr. LEAVY: Memorial of the Legislature of the State of Washington, to the Honorable Franklin D. Roosevelt, President of the United States, and to the honorable Senate and House of Representatives of the United States in Congress assembled, urging completion of the Coulee Dam and Roza projects in the State of Washington and likewise the approval and extension of the Federal Works Progress Administration as an agency to complete these undertakings, or that a suitable substitution for them be provided; to the Committee on Irrigation and Reclamation.

677. Also, memorial of the Legislature of the State of Washington, to the Honorable Franklin D. Roosevelt, President of the United States, and to the honorable Senate and House of Representatives of the United States in Congress assembled, urging continuance of the Federal policy of national reclamation and pointing out tremendous financial loss would be sustained by allowing present projects under construction to go uncompleted and likewise pointing out the local necessity for added production of specialized agricultural crops in the Pacific Northwest; to the Committee on Irrigation and Reclamation.

678. By Mr. MILLARD: Resolution adopted by the Port Chester (N. Y.) Women's Republican Club, opposing the proposal to increase the membership of the Supreme Court; to the Committee on the Judiciary.

679. By Mr. O'CONNOR of New York: Resolution of the New York City board of estimate and apportionment; to the Committee on Naval Affairs.

680. By Mr. RICH: Petition of citizens of Williamsport, Pa., protesting against the President's plan to increase the membership of the United States Supreme Court; to the Committee on the Judiciary.

681. Also, petition of citizens of Potter County, Pa., protesting against the President's plan to reorganize the judiciary; to the Committee on the Judiciary.

682. By Mr. THOMAS of New Jersey: Resolution of the Master Plumbers' Association, Inc., of North Bergen County, N. J., stating that said organization objects to the Government's being a competitor to private industry on construction work and asking that Works Progress Administration activities be terminated; to the Committee on Appropriations.

SENATE

WEDNESDAY, MARCH 3, 1937

(Legislative day of Wednesday, Feb. 24, 1937)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. PITTMAN, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, March 2, 1937, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Lee	Pepper
Andrews	Copeland	Lodge	Pittman
Ashurst	Davis	Logan	Pope
Austin	Dieterich	Lonergan	Radcliffe
Bachman	Ellender	Lundeen	Robinson
Bailey	Frazier	McAdoo	Russell
Barkley	George	McCarran	Schwartz
Black	Gerry	McGill	Schwellenbach
Bone	Gillette	McKellar	Sheppard
Borah	Green	McNary	Smith
Bridges	Hale	Maloney	Steiwer
Brown, Mich.	Hatch	Minton	Thomas, Okla.
Brown, N. H.	Hayden	Moore	Thomas, Utah
Bulow	Herring	Murray	Townsend
Burke	Hitchcock	Neely	Vandenberg
Byrnes	Johnson, Calif.	Norris	Van Nuys
Capper	Johnson, Colo.	Nye	Walsh
Caraway	King	O'Mahoney	Wheeler
Chavez	La Follette	Overton	White

Mr. MINTON. I announce that the junior Senator from Ohio [Mr. DONAHEY], the senior Senator from Virginia [Mr. GLASS], and the junior Senator from West Virginia [Mr. HOLT] are absent because of illness, and the senior Senator from Ohio [Mr. BULKLEY] is detained because of a severe cold.

The junior Senator from Mississippi [Mr. BILBO] is absent attending the funeral of the late Representative Stubbs, of California.

The junior Senator from Virginia [Mr. BYRD], the Senator from Texas [Mr. CONNALLY], the Senator from Wisconsin [Mr. DUFFY], the Senator from Pennsylvania [Mr. GUFFEY], the senior Senator from Mississippi [Mr. HARRISON], the Senator from Delaware [Mr. HUGHES], the Senator from Illinois [Mr. LEWIS], the Senator from Missouri [Mr. TRUMAN], the Senator from Maryland [Mr. TYDINGS], and the Senator from New York [Mr. WAGNER] are necessarily detained.

The Senator from North Carolina [Mr. REYNOLDS] is detained on official business.

Mr. AUSTIN. I announce that the senior Senator from Minnesota [Mr. SHIPSTEAD] is absent because of illness, and that my colleague the junior Senator from Vermont [Mr. GIBSON] is necessarily absent.

The VICE PRESIDENT. Seventy-six Senators have answered to their names. A quorum is present.

COURT ORDERS RESTRAINING ENFORCEMENT OF LAWS

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the National Labor Relations Board (with an accompanying paper) (S. Doc. No. 29), submitting the information requested by Senate Resolution 82 (agreed to on the 17th ultimo), calling for certain information concerning injunctions or judgments issued or rendered by Federal courts since March 4, 1933, in cases involving acts of Congress, which, with the accompanying paper (and annual report of the Board), was referred to the Committee on the Judiciary and ordered to be printed.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint memorial of the Legislature of the State of Idaho,

which was referred to the Committee on Agriculture and Forestry:

To the Honorable Senate and House of Representatives of the United States of America in Congress assembled:

Whereas the white pine blister rust was imported from Europe to the New England States, from which point it has spread to Idaho; and

Whereas the white pine blister rust, if uncontrolled, will kill all five-needle pines, including White Pine, which is the most important timber species in Idaho; and

Whereas the loss of white pine will mean the loss of employment for thousands of men now engaged in lumbering operations in Idaho, and also a heavy loss in assessed values of the counties: Now, therefore, be it

Resolved by the senate (the house of representatives concurring), That it recommends to the President and to the Congress of the United States, and to the Secretary of Agriculture, and to he Chief of the Bureau of Entomology and Plant Quarantine, that Federal funds that are now available or are hereafter made available for the control of white pine blister rust, be expended on private and State timberlands, as well as upon Federally owned timberlands; and be it further

Resolved, That the secretary of state of the State of Idaho be, and he is hereby directed, to forward copies of this memorial to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, the Senators and Representatives of the Pacific Northwest States, the Secretary of Agriculture, and to the Chief of the Bureau of Entomology and Plant Industry.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of New Mexico, which was referred to the Committee on Public Lands and Surveys:

A memorial to the Secretary of the Interior of the United States of America requesting that the old Lincoln County courthouse, in Lincoln, Lincoln County, N. Mex., be declared a national monument

Be it resolved by the Legislature of the State of New Mexico:

Whereas the old Lincoln County courthouse, in Lincoln, at Lincoln County, N. Mex., is a site of great historic interest and concern to the inhabitants of the entire Southwest because of its early connection with William Bonney, alias Billy the Kid, and the old Lincoln County war; and

Whereas we desire to preserve and perpetuate these old associations as things of great interest to our citizens and to our posterity; and

Whereas the State of New Mexico is not financially able to continue this old historic site in a state of proper repair and preservation: Now, therefore, be it

Resolved, That the Legislature of the State of New Mexico does hereby memorialize and request the Secretary of the Interior to recommend to the President of the United States that he declare said courthouse a national monument and provide sufficient funds for its restoration and repair; be it further

Resolved, That copies of this memorial be mailed to each of our Senators and Representative and to the Speaker of the House of Representatives and the President of the Senate of the United States Congress.

The VICE PRESIDENT also laid before the Senate the following joint memorials of the Legislature of the Territory of Alaska, which were referred to the Committee on Territories and Insular Affairs:

To the Congress of the United States:

Your memorialist, the Legislature of the Territory of Alaska, in its thirteenth regular session assembled, respectfully represents:

Whereas by the action of the Government in Washington the price of gold has been advanced from $20.67 to $35 per fine ounce; and

Whereas such increase in the price of gold has reflected increased production and a more intensive search for gold in Alaska; and

Whereas large areas of gold-bearing gravel are known to exist in the Forty Mile District, about 200 miles east of the city of Fairbanks; and

Whereas new discoveries of gold-bearing lodes have been discovered in the valley of the Goodpaster River, about 120 miles east of the city of Fairbanks; and

Whereas successful mining operations today depend upon the use of modern equipment that must be transported overland and no roads exist into the districts referred to over which such equipment can be transported; and

Whereas a road constructed to serve the areas referred to would be tributary to and contribute to the support of the Government-built-and-operated railroad terminating at Fairbanks; and

Whereas such road, if constructed, would constitute a link in the proposed highway connecting Alaska with the United States; and

Whereas a hasty reconnaissance has already been made along the proposed location of said road that the distance is approximately 200 miles and that it is known to be practicable and feasible: Now, therefore,

Your memorialist respectfully petitions and prays for the immediate construction of a road from a point on the Richardson Highway, near Big Delta, through the Goodpaster and Forty Mile mining districts to the Canadian boundary;

And your memorialist will ever pray.

House Joint Memorial 15

To the honorable, the President of the United States, the Congress of the United States, the Secretary of the Interior, the Secretary of Commerce, the Delegate to Congress from Alaska, and the Alaska Road Commission:

Your memorialist, the Legislature of the Territory of Alaska, in regular session assembled, respectfully represents that:

Whereas the vast Territory of Alaska, comprising some 590,000 square miles of land, has less than 2,500 miles of road; and

Whereas the waterways are frozen over and inoperative for several months each year; and

Whereas the airplane is our only mode of transportation to many points in the summer, and to practically all points in the winter, excepting along the southeastern coast and the railroad belt; and

Whereas the commercial and economic development of Alaska under modern transportation conditions involves an extended airport program, costing at least $2,900,000 in primary construction and equipment; and

Whereas the Bureau of Air Commerce has made a complete survey of the situation in Alaska, outlining a program of work which is deemed essential and an interdepartmental committee composed of representatives of the various branches of the Government interested in Alaska has agreed not only to the details of the program but also to its essential character in the national program; and

Whereas the Territory of Alaska is represented in Congress by the Honorable ANTHONY J. DIMOND, who has a voice but no vote in that body, and must rely upon Congress for support of any Alaskan cause in voting action:

Now, therefore, we, your memorialist, the Legislature of the Territory of Alaska, respectfully represent that this body go on record strongly supporting the development program involving the selection and improvement of at least 169 airports at an estimated cost of $2,900,000, pursuant to the survey made under order of the Bureau of Air Commerce and approved by the interdepartmental committee; and

We respectfully request that at least one Congressman from each of the States call upon the President urging presentation of the Alaska airport program, and strongly recommend that the finances required to carry the same through be provided from emergency funds or regular appropriations, and if it is found that the task is too great to be accomplished in 1 year, that a start be made the coming fiscal year and be completed as soon as practicable thereafter.

And your memorialist will ever pray.

Approved by the Governor February 20, 1937.

JOHN W. TROY,
Governor of Alaska.

The VICE PRESIDENT also laid before the Senate resolutions adopted by the Dallas (Tex.) Nonpartisan Political League, and Local No. 761, International Hod Carriers' Building and Common Laborers' Union of America, of New Bethlehem, Pa., favoring the enactment of legislation to reorganize the judicial branch of the Government, which were referred to the Committee on the Judiciary.

He also laid before the Senate resolutions adopted by the Association of the Bar of the City of New York, N. Y., and by a public meeting of citizens of Riverton, Palmyra, and vicinity in the State of New Jersey, protesting against the enactment of legislation to enlarge the membership of the Supreme Court, which were referred to the Committee on the Judiciary.

Mr. HALE presented memorials, numerously signed, of sundry citizens of the State of Maine, remonstrating against the enactment of legislation to reorganize the judicial branch of the Government, especially the proposal to enlarge the membership of the Supreme Court, which were referred to the Committee on the Judiciary.

Mr. WALSH presented resolutions unanimously adopted by members of the First Congregational Church of Clinton; the board of directors of the Boston Chamber of Commerce, and the council of the Bar Association of the City of Boston, all in the State of Massachusetts, protesting against the enactment of legislation to enlarge the membership of the Supreme Court, which were referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Women's International League for Peace and Freedom, of Massachusetts, opposing the enactment of legislation providing industrial mobilization in case of war; and favoring Government manufacture of war munitions, the placing of

embargoes on munitions of war and essential raw materials, and the prohibition of loans and credits to belligerent nations, and also favoring the enactment of the so-called Nye-Kvale bill, withdrawing Federal subsidies from colleges requiring military training, which were referred to the Committee on Foreign Relations.

Mr. COPELAND presented a resolution adopted by the New York City branch of the National League of Wholesale Fresh Fruit & Vegetable Distributors, favoring the postponement of legislative action by Congress relative to the interim report of the Federal Trade Commission on its investigation, made pursuant to law, in connection with the distribution of fresh fruits and vegetables, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution adopted by the board of estimate and apportionment of the city of New York, favoring the construction of two new battleships, authorized for the year 1937, at the Brooklyn (N. Y.) Navy Yard, which was referred to the Committee on Naval Affairs.

He also presented a petition of several citizens of New York City, N. Y., praying for an appropriation to purchase for the Nation the stand of pines at the entrance to Yosemite National Park known as the Yosemite Sugar Pines, and also the enactment of legislation for establishment of the Mount Olympus National Park according to the boundaries as outlined in the so-called Wallgren bill (including the present Mount Olympus National Forest), which was referred to the Committee on Public Lands and Surveys.

Mr. ASHURST. Mr. President, I present a telegram signed by Gene Gaillac, business manager, Local Union No. 595, International Brotherhood Electrical Workers, of Oakland, Calif., which I ask may be printed in the RECORD and appropriately referred.

There being no objection, the telegram was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

OAKLAND, CALIF., *March 3, 1937.*

SENATE JUDICIARY COMMITTEE,
Washington, D. C.:

Local Union 595, International Brotherhood Electrical Workers, is officially on record as unanimously supporting President Roosevelt's judiciary reform program. This expresses prevailing union-labor sentiment in this community. We are counting on your undivided support of the President in this vitally necessary movement.

GENE GAILLAC, *Business Manager.*

Mr. VANDENBERG. Mr. President, I present a letter from the Detroit Federation of Women's Clubs, which I ask to have printed in the RECORD and appropriately referred.

There being no objection, the letter was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

DETROIT FEDERATION OF WOMEN'S CLUBS,
Detroit, Mich., February 27, 1937.

Hon. ARTHUR VANDENBERG,
United States Senate, Washington, D. C.

DEAR SIR: Believing that a change such as proposed in the Supreme Court would endanger the security of the country and that the judiciary would no longer exercise final restraint on other governmental departments, and might even become the political pawn of any Executive during his administration, the board of directors of the Detroit Federation of Women's Clubs, representing 17,000 Detroit clubwomen, strongly protest such a change, and are watching with great anxiety and interest action taken by your honorable body on the proposed amendment.

Sincerely yours,

(Mrs. DEWITT L.) MABEL C. SHERWOOD,
Corresponding Secretary.

Mr. McCARRAN. I present a memorial in the form of a joint resolution adopted by the Legislature of the State of Nevada, bearing on the subject of the acquisition of mining claims on the open public domain.

The joint resolution was referred to the Committee on Mines and Mining, and is as follows:

Assembly joint resolution memorializing Congress to leave undisturbed the present legal method of acquiring mining claims, mines, and rights connected therewith

Whereas Hon. Harold L. Ickes, Secretary of the Interior, has publicly recommended that all mining claims, mines, and their appurtenances should be leased from the Government of the United States of America; and

Whereas such a method necessarily involves the discontinuance of the present method of acquiring mining rights by location and the present methods which have been in vogue for many years, and with which the prospectors of the United States are thoroughly familiar; and

Whereas the law of the mining States and of the United States has become settled, definite, and intelligible after years of litigation which has cleared up practically all questions involved under present methods of acquiring mining rights, while a new method would undoubtedly open the doors to protracted and expensive litigation, to the great disadvantage of the ordinary prospector; and

Whereas the present method makes it possible for the discoverer to forthwith establish his claim to the discovery area, while the slower method of application for lease from the Government would delay mining operations, involve the acquisition of mining property with red tape, and throw open the door to fraud and other similar difficulties; and

Whereas the discovery of new mines is wholly dependent upon the work of the prospector, whose profession is a highly specialized one, entailing a life of drudgery, hardship, and privation; and

Whereas the prospector in turn is dependent upon his right to acquire ownership to and sell his discoveries and locations to the operator who, alone, is financially able to develop the new finds into mines; and

Whereas it is patent that without the element of ownership and the hope of sale the prospector is deprived of his only incentive for prospecting, and that without prospecting no new mines will be found, and the result will be an irreparable loss to the mining industry, the throwing out of employment hundreds of thousands of specialized miners and greatly curtailing revenues of the individual States and the Federal Government; and

Whereas the sentiment in the mining States, expressed since the public announcement of the honorable Secretary of the Interior, has been unanimously adverse to that suggestion: Now, therefore, be it

Resolved by the Assembly and the Senate of the State of Nevada, That Congress be memorialized to leave the present legal method of acquiring mining claims, mines, and rights connected therewith undisturbed; and be it further

Resolved, That it is the sense of the Assembly and Senate of the State of Nevada that such is for the best interests of the mining industry of the United States and for those engaged in prospecting and mining; and be it further

Resolved, That duly certified copies of these resolutions be transmitted by the secretary of state to the President of the United States Senate, to the Speaker of the House of Representatives, to each of the United States Senators from Nevada, and to the Nevada Representative in Congress.

Mr. SCHWARTZ. Mr. President, on behalf of the senior Senator from Wyoming [Mr. O'MAHONEY] and myself, I present, for printing in the RECORD and appropriate reference, four joint memorials of the Legislature of the State of Wyoming, one memorializing Congress to enact legislation for the purchase of a site in Wyoming to be used as one of the proposed Army air bases of the War Department (House Joint Memorial 1); another to enact legislation reducing the hours of labor per day and per week in all gainful occupations except agriculture (House Joint Memorial 2); a third to enact legislation permitting the State of Wyoming to enact legislation prohibiting the importation into and sale within that State of products of the labor of persons under 18 years of age, except agricultural production (Senate Joint Memorial 3); and a fourth to enact legislation creating a National Planning Board (Senate Joint Memorial 2).

The joint memorials were ordered to be printed in the RECORD, and were referred to committees as indicated below.

To the Committee on Military Affairs:

House Joint Memorial 1

House joint memorial memorializing the Congress of the United States to enact legislation for the purpose of securing from the War Department an approval of a site within the borders of the State of Wyoming, to be used as one of the proposed Army air bases of the War Department of the United States Government

Whereas the State of Wyoming is so located in such a strategical position, in the area of the United States, between all points of the Pacific coast and the Mississippi Valley territory as to afford ample means for defense in times of emergency; and

Whereas in practically any section of Wyoming unlimited area of even terrain can be acquired for the use of an Army air base in times of peace as well as war; and

Whereas the elevation in practically any section of Wyoming, ranging from 4,000 to 7,000 feet above sea level, is of immense value in the training of Army air pilots; and

Whereas the State of Wyoming has within its borders one or more approved airports or landing areas in each of its 23 counties, any of which can be used to advantage in conducting Army air maneuvers; and

Whereas the State of Wyoming has within its borders a permanent United States Army post, known as Fort Francis E. Warren,

and such post would be of great assistance from an economic standpoint in maintaining an Army air base; and

Whereas the State of Wyoming is located on the direct route of the Atlantic to Pacific transcontinental air lanes, with Government radio and lighted beacons already established; and

Whereas in the city of Cheyenne huge aviation repair shops are maintained, with facilities that can be converted to Government use in times of emergency; and

Whereas approved airports are located in the cities of Cheyenne, Laramie, Rawlins, and Rock Springs, on the transcontinental air route, and at Wheatland, Douglas, Casper, and Sheridan on the north and south air routes, all in the State of Wyoming: Now, therefore, be it

Resolved, That the House of Representatives of the Twenty-fourth Legislature of the State of Wyoming, the Senate concurring, memorialize the Congress of the United States to secure from the War Department an approval of a site in the State of Wyoming, which would be used as one of the proposed Army air bases of the War Department of the United States Government, when Congress approves selection of such sites for this purpose; and be it further

Resolved, That copies of this memorial be sent to the President of the United States, the Honorable JOSEPH C. O'MAHONEY, the Honorable HARRY H. SCHWARTZ, and the Honorable PAUL R. GREEVER.

To the Committee on Education and Labor:

House Joint Memorial 2

House joint memorial memorializing the Congress of the United States to enact legislation for the purpose of reducing the hours per day and per week of all employees engaged in gainful occupations in industries and public utilities, except agriculture, declaring same to be a matter of public policy

Whereas the introduction of machinery and labor-displacing devices in industry has created a vast amount of unemployment among workers formerly engaged in gainful occupations by industries and public utilities, except agriculture, in the United States; and

Whereas by reason of such machinery and labor-displacing devices the industries and public utilities, except agriculture, will not be able to absorb the surplus of labor available by continuing long hours per day or per week: Now, therefore, be it

Resolved by the House of Representatives of the Twenty-fourth Legislature of the State of Wyoming (the senate concurring), That we hereby memorialize the Congress of the United States to enact suitable legislation to prohibit employment in gainful occupations in industry or public utilities which will be benefited thereby, except agriculture, beyond 30 hours per week; and be it further

Resolved, That sufficient safeguards be provided to maintain adequate wage structures; and be it further

Resolved, That copies hereof be forwarded to the President of the United States, to the Honorable JOSEPH C. O'MAHONEY, to the Honorable HARRY H. SCHWARTZ, and the Honorable PAUL R. GREEVER.

Senate Joint Memorial 3

Joint memorial memorializing the Congress of the United States to enact legislation permitting the State of Wyoming to enact legislation prohibiting the importation into and the sale within the State of Wyoming of the products of child labor

Whereas the manufacturers, merchants, and labor of this State are subject to unfair competition by reason of the importation into and the sale within this State of goods, wares, and merchandise which are manufactured, produced, or mined wholly or in part by persons under 18 years of age; and

Whereas such condition of affairs tends to weaken and render ineffective safeguards which the State of Wyoming has enacted for the protection of children, and further tends to lower the educational and health standards of children in this State; and

Whereas there has been introduced in the Senate of the United States a bill to permit the several States to prohibit the importation into or the sale within the State of such goods, wares, and merchandise: Now, therefore, be it

Resolved, That the Congress of the United States be, and it hereby is, respectfully memorialized to enact, with all convenient speed, said bill or such other legislation as may be necessary to permit the State of Wyoming to enact legislation prohibiting the importation into and the sale within the State of Wyoming of goods, wares, and merchandise manufactured, produced, or mined wholly or in part by persons under 18 years of age: *Provided*, That such bill or other legislation shall not apply to agricultural production; be it further

Resolved, That certified copies of this memorial be sent to the President of the United States Senate and the Speaker of the National House of Representatives, and to United States Senators JOSEPH C. O'MAHONEY and HARRY H. SCHWARTZ, and to Congressman PAUL R. GREEVER.

Senate Joint Memorial 2

A joint memorial memorializing the Congress of the United States to enact legislation to create a National Planning Board

Whereas the National Resources Committee has developed an intensive program of research and investigation in the several States looking toward a complete survey of the national and potential resources of such States; and

Whereas the State Planning Board of the State of Wyoming has cooperated with all existing Federal agencies without abandoning any of the rights and privileges of our sovereign States; and

Whereas the National Resources Committee, an agency set up by direction of the President of the United States, has sponsored the creation of a National Planning Board by act of Congress to continue this worthy program: Therefore be it

Resolved by the Senate of the State of Wyoming (the house of representatives concurring), That the Congress of the United States be, and it is hereby, memorialized to enact suitable legislation creating a National Planning Board for the purpose of carrying out the program initiated by the National Resources Committee, and that adequate funds be provided to carry out its purposes; be it further

Resolved, That certified copies of this memorial be sent to the President of the Senate of the United States and the Speaker of the National House of Representatives, and to United States Senators JOSEPH C. O'MAHONEY and HARRY H. SCHWARTZ, and to Representative PAUL R. GREEVER.

REPORTS OF COMMITTEES

Mr. SHEPPARD, from the Committee on Military Affairs, to which was referred the concurrent resolution (S. Con. Res. 5) to recognize April 6 of each year as Army Day (submitted by Mr. SHEPPARD on the 3d ultimo), reported it without amendment and submitted a report (No. 149) thereon.

Mr. LOGAN, from the Committee on Military Affairs, to which was referred the bill (S. 1272) for the relief of James Meagher, reported it with amendments and submitted a report (No. 146) thereon.

Mr. BURKE, from the Committee on the Judiciary, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 1435. A bill to create a Board of Shorthand Reporting, and for other purposes (Rept. No. 147); and

S. 1436. A bill providing for the employment of skilled shorthand reporters in the executive branch of the Government (Rept. No. 148).

Mr. OVERTON, from the Committee on Commerce, to which was referred the bill (H. R. 3689) declaring Turtle Bay and Turtle Bayou, Chambers County, Tex., to be nonnavigable waterways, reported it without amendment and submitted a report (No. 150) thereon.

EXECUTIVE REPORTS OF COMMITTEE ON POST OFFICES AND POST ROADS

As in executive session,

Mr. MCKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters, which were ordered to be placed on the Executive Calendar.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on the 2d instant that committee presented to the President of the United States the following enrolled bills and joint resolution:

S. 62. An act to extend the times for commencing and completing the construction of a free highway bridge across the Missouri River at or near Atchison, Kans.;

S. 206. An act to provide a preliminary examination and survey of the Snake River and tributaries in the States of Idaho, Washington, and Oregon, with a view to control of floodwaters;

S. 1128. An act authorizing the Secretary of the Navy to accept gifts and bequests for the benefit of the Office of Naval Records and Library, Navy Department;

S. 1130. An act to authorize the acceptance of certain lands in the city of San Diego, Calif., by the United States, and the transfer by the Secretary of the Navy of certain other lands to said city of San Diego; and

S. J. Res. 84. Joint resolution to authorize the Postmaster General to withhold the awarding of star-route contracts for a period of 60 days.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HATCH:

A bill (S. 1758) granting an increase of pension to Bramble B. Ownby; to the Committee on Pensions.

A bill (S. 1759) to amend an act entitled "An act to eliminate the requirements of cultivation in connection with certain homestead entries", approved August 19, 1935; to the Committee on Public Lands and Surveys.

By Mr. McCARRAN:

A bill (S. 1760) to promote the safety of scheduled air transportation; to the Committee on Interstate Commerce.

By Mr. McNARY:

A bill (S. 1761) to add certain lands to the Malheur National Forest in the State of Oregon; and

A bill (S. 1762) to add certain lands to the Rogue River National Forest in the State of Oregon; to the Committee on Agriculture and Forestry.

A bill (S. 1763) to authorize the periodic construction of channels for fishing purposes in the Siltcoos and Takenitch Rivers, in the State of Oregon; to the Committee on Commerce.

By Mr. NEELY:

A bill (S. 1764) for the relief of Ruth Gaskins; to the Committee on Claims.

A bill (S. 1765) granting a pension to Juna Vista Murphy; to the Committee on Pensions.

By Mr. SCHWELLENBACH:

A bill (S. 1766) granting a pension to Ray Harris; to the Committee on Pensions.

A bill (S. 1767) to regulate the issuance of injunctions in certain causes, and for other purposes; to the Committee on the Judiciary.

By Mr. LOGAN:

A bill (S. 1768) for the relief of Mack Skaggs; to the Committee on Military Affairs.

By Mr. HALE:

A bill (S. 1769) for the relief of the State of Maine; to the Committee on Claims.

A bill (S. 1770) granting a pension to Ila May Grindell; to the Committee on Pensions.

By Mr. BLACK:

A bill (S. 1771) to furnish employment by providing for emergency construction of public highways and related projects, and for other purposes; to the Committee on Post Offices and Post Roads.

By Mr. STEIWER:

A bill (S. 1772) authorizing the Snake or Piute Indians of the former Malheur Reservation of Oregon to sue in the Court of Claims, and for other purposes; to the Committee on Indian Affairs.

By Mr. SHEPPARD:

A bill (S. 1773) to appoint Albert Fensch to the rank of captain and adjutant general, United States Army; to the Committee on Military Affairs.

By Mr. FRAZIER:

A bill (S. 1774) to authorize the purchase of certain lands adjacent to the Turtle Mountain Indian Agency in the State of North Dakota; to the Committee on Indian Affairs.

By Mr. WHEELER:

A bill (S. 1775) to authorize a survey to determine the feasibility of irrigation projects, flood control, and power plants in the Marias River watershed in the State of Montana; to the Committee on Irrigation and Reclamation.

ASSESSMENT WORK ON MINING CLAIMS—CHANGE OF REFERENCE

Mr. ADAMS. Mr. President, I ask unanimous consent that the Committee on Public Lands and Surveys be discharged from the further consideration of the bill (S. 187) providing for the suspension of annual assessment work on mining claims held by location in the United States, and that it be referred to the Committee on Mines and Mining, where similar bills have usually gone. I should like also to have printed in the RECORD a letter or report from the Secretary of the Interior in reference to this bill and to have the report referred to the Committee on Mines and Mining.

The VICE PRESIDENT. Without objection, the Committee on Public Lands and Surveys is discharged from the further consideration of the bill referred to by the Senator from Colorado, and the bill is referred to the Committee on Mines and Mining; and, without objection, the report indicated by the Senator from Colorado will be printed in the RECORD and referred to the Committee on Mines and Mining.

The letter or report is as follows:

THE SECRETARY OF THE INTERIOR,
Washington, March 1, 1937.

Hon. ALVA B. ADAMS,
Chairman, Committee on Public Lands and Surveys,
United States Senate.

MY DEAR SENATOR ADAMS: I have received your letter of January 16 requesting a report on S. 187, entitled "A bill providing for the suspension of annual assessment work on mining claims held by location in the United States."

During the depression it was recognized that the operation of the law requiring annual assessment work on unpatented mining claims might result in undue hardship to claim owners, who, through no fault of their own, were unable to comply with this requirement. Beginning with 1932, the Congress has each year enacted legislation suspending the annual assessment work requirement for a period of 1 year. There seems little question of the desirability of such action in the first depression years but, for the reasons stated below, I am of the opinion that the time has arrived, when in the public interest, particularly in the stimulation of mining development and employment in the mining industry, that the exemption from the requirement of annual labor should no longer be continued.

The purpose of annual assessment work, as the courts have stated, is to require the holder of a mining claim to give substantial guaranty of his good faith and to discourage the holding of mining claims without development or intention to develop to the exclusion of others who might improve such ground if opportunity was afforded. Incidentally, the requirement stimulates the owners to apply for patent and abandon ground they have no means to explore and thus throw it open to relocation and development by others, and militates against the indefinite withdrawal from prospecting of potentially valuable areas of the public domain. For over half a century the requirement has contributed to active exploration and development of the mineral resources of the public domain. It is believed that there would now be a great increase in the search for and discovery of ore if so much land was not closed to prospecting by owners who are permitted to be inactive by relief from the requirement.

Information furnished by the Bureau of Mines is to the effect that the reestablishment of the obligation to perform annual labor in certain districts in Idaho would result in large increases in wages paid and in the employment of labor. It is a fair assumption that this would occur to a greater or less extent in any active mining district in the Western States. The thousands of acres, now exempt, upon which assessment work would have to be performed would bring into local communities considerable money and restore a means of livelihood to many who have relied upon this means of employment in the past, which would, it is believed, more than counterbalance any hardship to the limited number of claim owners too poor or otherwise unable to do or have the work done.

Evidence of improvement in the metal markets since the low point of 1932 is shown in the accompanying tabulations and charts. Mining activity and the search for new deposits have been stimulated by higher prices, fixed by the Government, for domestically mined gold and silver and the more recent improvement in base metal prices. As a result, less difficulty is experienced in financing development of meritorious prospects, and the means to perform the small amount of assessment work required to hold a claim is more readily obtained.

While the bill provides that only those claimants not required to pay income taxes are to be granted suspension, a large percentage of unpatented claims are undoubtedly held by individuals or corporations who do not pay income taxes. In some cases a corporation is organized for the purpose of holding the undeveloped claims and, of course, such a corporation will have no income until the claims are developed into paying mines. Also, devices can be resorted to in order to bring a claim actually or ostensibly within the provisions of the bill, so that while such a law is in force no prospector can determine on ground on which no recent work has been done whether or not the claim is subject to relocation. If he goes to the county recorder's office and finds a notice of claim of exemption, he cannot easily determine whether or not the notice is evidence of a legal right to the exemption.

For the reasons stated I do not favor the enactment of the proposed bill.

In response to a request by this Department, the Bureau of the Budget advised on February 24 that it had no objection to the presentation of this report.

Sincerely yours,

CHARLES WEST,
Acting Secretary of the Interior.

REGULATION OF COMMERCE BY AIRCRAFT—AMENDMENT

Mr. McCARRAN submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (S. 2) to amend the Interstate Commerce Act, as amended, by providing for the regulation of the transportation of passengers and property by aircraft in interstate commerce,

and for other purposes, which was referred to the Committee on Interstate Commerce and ordered to be printed.

REGULATION OF COMMERCE BY WATER CARRIERS—AMENDMENT

Mr. LONERGAN submitted an amendment intended to be proposed by him to the bill (S. 1400) to amend the Interstate Commerce Act, as amended, by providing for the regulation of the transportation of passengers and property by water carriers operating in interstate and foreign commerce, and for other purposes, which was referred to the Committee on Interstate Commerce and ordered to be printed.

REGULATION OF TRAFFIC IN FOOD, DRUGS, AND COSMETICS—AMENDMENT

Mr. MOORE submitted an amendment in the nature of a substitute intended to be proposed by him to the bill (S. 5) to prevent the adulteration, misbranding, and false advertisement of food, drugs, devices, and cosmetics in interstate, foreign, and other commerce subject to the jurisdiction of the United States, for the purposes of safeguarding the public health, preventing deceit upon the purchasing public, and for other purposes, which was ordered to lie on the table and to be printed.

INVESTIGATION OF WOOL PRODUCTION, TRANSPORTATION, AND MARKETING—LIMIT OF EXPENDITURES

Mr. ADAMS submitted the following resolution (S. Res. 90), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the limit of expenditures under S. Res. 160, Seventy-fourth Congress, first session, agreed to July 10, 1935, authorizing a special committee to investigate the production, transportation, and marketing of wool, as extended by S. Res. 315, Seventy-fourth Congress, second session, agreed to June 6, 1936, is hereby increased by $10,000.

COURT ORDERS RESTRAINING ENFORCEMENT OF LAWS—PRINTING OF RESPONSES

On motion by Mr. McCARRAN, and by unanimous consent, it was

Ordered, That the responses to Senate Resolution 82 (agreed to Feb. 17, 1937), calling for certain information concerning injunctions issued or judgments rendered by Federal courts since March 4, 1933, in cases involving acts of Congress, received from the Federal Power Commission (S. Doc. No. 30), February 24; the Social Security Board (S. Doc. No. 28), February 24; and the Federal Emergency Administration of Public Works (S. Doc. No. 27), March 1, be printed as Senate documents.

REORGANIZATION OF FEDERAL JUDICIARY—ADDRESS BY SENATOR LOGAN

[Mr. ASHURST asked and obtained leave to have printed in the RECORD a radio address on the subject of the proposed reorganization of the Federal judiciary delivered by Senator LOGAN on Tuesday evening, Mar. 2, 1937, which appears in the Appendix.]

REORGANIZATION OF FEDERAL JUDICIARY—ADDRESS BY SENATOR CLARK

[Mr. BURKE asked and obtained leave to have printed in the RECORD a radio address on the subject of the proposed reorganization of the Federal judiciary delivered by Senator CLARK on the evening of Mar. 1, 1937, which appears in the Appendix.]

REORGANIZATION OF FEDERAL JUDICIARY—ADDRESS BY SENATOR VANDENBERG

[Mr. BORAH asked and obtained leave to have printed in the RECORD a radio address delivered by Senator VANDENBERG on Tuesday, Mar. 2, 1937, on the proposal of the President to reorganize the Federal judiciary, which appears in the Appendix.]

THE SUPREME COURT—ADDRESS BY SENATOR BULKLEY

[Mr. BARKLEY asked and obtained leave to have inserted in the RECORD a radio address on the subject of the Supreme Court delivered by Senator BULKLEY Friday, Feb. 26, 1937, which appears in the Appendix.]

THE SUPREME COURT—ADDRESS BY SENATOR BROWN OF MICHIGAN

[Mr. HERRING asked and obtained leave to have printed in the RECORD a radio address delivered by Senator BROWN of Michigan Mar. 2, 1937, on the subject of the Supreme Court, which appears in the Appendix.]

REORGANIZATION OF FEDERAL JUDICIARY—ARTICLE BY HERBERT AGAR

[Mr. LOGAN asked and obtained leave to have printed in the RECORD an article entitled "The Supreme Court Crisis—A Summary", written by Herbert Agar, and published in the Louisville Courier-Journal of Mar. 1, 1937, which appears in the Appendix.]

NATIONAL STREAM CONTROL

[Mr. MCKELLAR asked and obtained leave to have printed in the RECORD a communication from the Mississippi River Flood Control Association on the subject of National Stream Control, which appears in the Appendix.]

PLANNED PEACE—ADDRESS BY DONALD W. STEWART

[Mr. CAPPER asked and obtained leave to have printed in the RECORD an address on the subject of planned peace delivered by Donald W. Stewart, of Independence, Kans., before the junior chamber of commerce at Coffeyville, Kans., Feb. 18, 1937, which appears in the Appendix.]

LABOR AND LEGISLATION—ADDRESS BY GEORGE M. HARRISON

[Mr. MCCARRAN asked and obtained leave to have printed in the RECORD a radio address on Labor and Legislation delivered by George M. Harrison, vice president of the American Federation of Labor, in Washington on Feb. 13, 1937, which appears in the Appendix.]

THE FARLEY DINNER—EDITORIAL IN NYACK JOURNAL NEWS

[Mr. COPELAND asked and obtained leave to have printed in the RECORD an editorial entitled "The Farley Dinner", published in the Journal-News, of Nyack, N. Y., Feb. 18, 1937, which appears in the Appendix.]

AMERICAN NEUTRALITY

The Senate resumed consideration of the joint resolution (S. J. Res. 51) to amend the joint resolution entitled "Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war", approved August 31, 1935, being Public Resolution No. 67, Seventy-fourth Congress (S. J. Res. 173), as amended by joint resolution approved February 29, 1936, entitled "Joint resolution extending and amending the joint resolution (Public Res. 67, 74th Cong.) approved August 31, 1935."

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Michigan [Mr. VANDENBERG] to the amendment in the nature of a substitute reported by the Committee on Foreign Relations.

The amendment of Mr. VANDENBERG to the amendment is, in section 2, to strike out paragraphs (a), (c), and (d), as follows:

(a) Whenever the President shall have issued a proclamation or proclamations as provided in section 1 of this act and he shall thereafter find that the placing of restrictions on the shipment of certain articles or materials in addition to arms, ammunition, and implements of war from the United States to said belligerents named in the proclamation issued under said section 1, or to a country wherein civil strife has been proclaimed to exist, is deemed necessary to promote the security or preserve the peace or neutrality of the United States or to protect the lives and commerce of nationals of the United States, he shall so proclaim, and it shall thereafter be unlawful for any American vessel or aircraft to carry such articles or materials to any belligerent country, or any country wherein civil strife exists, named in said proclamation or proclamations issued under section 1 of this act, or to any other country for transshipment to, or for the use of, such belligerent countries or within such country where civil strife exists. The President shall by proclamation from time to time definitely enumerate said articles and materials which it shall be unlawful for American vessels or aircraft to transport.

(c) The President shall from time to time by proclamation extend such restrictions as are imposed under subsection (a) of this section to other countries as and when they may be declared to become belligerents under proclamations issued under section 1 of this act.

(d) The President may from time to time change, modify, or revoke in whole or in part any proclamations issued by him under subsection (a) of this section.

Mr. JOHNSON of California. Mr. President, the joint resolution which is now pending before the Senate is one of the most important measures which could come to a free people. It is a pity that the resolution is overshadowed by other legislation and concerning it Members of the Senate have been able to give not the attention which it deserves but a mere casual approach.

I congratulate the Munitions Committee, Mr. President, upon finally a goal attained. They have not attained the full goal they have sought, but they have come very close to it, and they are entitled to the meed of praise which should come from those of us who have observed their pertinacity and preseverance in this regard, and, while not admiring the result, I congratulate them upon accomplishing their purpose.

Mr. President, there are certain reasons why I oppose the joint resolution. There are many reasons, but a few of them I shall state and, if I can, I shall endeavor to express my views respecting those particular matters.

There is a simple and straightforward course that this Nation may take. We can reenact the existing law relating alone to arms, munitions, and implements of warfare and permit our people to trade as usual. They would be subject, of course, to the rules of international law, to search and seizure by belligerents, and to the perils of blockade. Those would be the risks they must take if they desire to trade, and the risks would be no greater, under those conditions, than under a measure like that which is before us.

Secondly, the joint resolution is an attempt, by a policy of scuttle and run, to take the profits out of war and shirk the responsibility. It would not accomplish its avowed purpose.

We take the profits and then hug ourselves because somebody else has to take the risk. It will not keep us out of war, because it will arouse the bitterest kind of resentment on the part of all belligerents except the one strong enough to obtain our raw materials, and that resentment will be biding its time and will not be forgotten in a generation.

Third, the discretion given to the President is, in the last analysis, a discretion to declare war, and thus Congress is proposing to abdicate its last and most important function, the power to make war.

Fourth, it makes us the ally of Great Britain in the Atlantic and of Japan in the Pacific. No other nation than Great Britain could buy with safety and convoy ships across the Atlantic, and no other nation than Japan could do the like in the Pacific.

Thus the United States under the terms of this joint resolution always will be for the strongest belligerent. The joint resolution is immoral. The country with the strongest navy might prosecute the cruelest war, and yet we, the once proud Republic, whatever the causes of war and whoever the belligerents, would always be for the strongest.

These are a few of my objections to the joint resolution. There are many others, indeed, but these still are sufficient, I take it, if they be substantiated, to prevent the passage of this measure.

International law is a living thing. It makes no difference that a nation in the recent World War put at naught all of the principles of international law. It makes no difference if a single crime should be committed and the party committing it put at naught the law respecting that crime. The fact that international law has been broken sometimes does not detract at all from the fact that it is today a living, breathing thing, and always has been ever since we have been a nation.

Mr. President, long ago we fought out this question. I do not know what change came over the spirit of our dreams, but I recall the successive steps in this kind of legislation. First was an embargo law. The administration asked that the embargo law be discretionary. The Foreign Relations Committee, standing like a rock, held that it should be mandatory, and so the only law that was enacted originally was a mandatory embargo law.

Then came the subsequent proceedings. I recall the day when the Senator from North Dakota [Mr. NYE] appeared before the Foreign Relations Committee in behalf of a bill which was then pending there, not this one entirely but one of like character. He did not have a friend upon the committee who did him the honor to agree with him in what he submitted. I recall that bill then was of the nature that the pending measure is now. Finally the State Department has yielded to the Munitions Committee and has adopted their theory. It is a theory which I believe wrong, notwithstanding the pertinacity of the Munitions Committee. It is a theory upon which no proud nation, with traditions which it regarded in the glorious way that we regard ours, could tolerate for a second. But the measure is here now and it is going to be passed. Nobody can prevent it, I take it, because there sits the majority to pass it with the assent of the Munitions Committee.

But, Senators, when you pass this joint resolution, the day will come when you will rue it. You will rue it because you will take a part in every war that is held and in every war that comes in the days to come, and you will take the part of the greatest power that is engaged in that way. In taking that part you play not the part of Americans but, as Mr. Baruch stated it, you will "scuttle and run."

It is claimed that the joint resolution permits the payment for goods at the source and then the ships go on, either American bottoms or foreign bottoms. They go ahead from the moment the goods are bought. The theory upon which the peace-at-any-price men and women worked was that it was wrong originally to sell any goods at all during war; but now it is right to sell any goods at all during war provided somebody else takes the risk.

What sort of government is this and what sort of men are we to accept a formula which will enable us to sell goods and then to hide? We can sell everything we want under this joint resolution and we can load it into the various ships which are sent here or which we ourselves send, and when we have sold those goods then we have no further liability, say our friends. True, no further liability, but we do not allow our people to trade and we permit other peoples to carry on the commerce of the world. I am not one of those who believe that in commerce there is something terrible that inures to and that oppresses our people. I was taught originally that commerce on the high seas was the lifeblood of a nation and that this was the very thing most desired by nations.

International law would not permit, under certain conditions which these gentlemen seek to avoid, that commerce to become a part of the warlike territory. International law provides for blockades if they may be maintained; provides, indeed, for search and seizure of vessels containing contraband of war; provides all that may be necessary in order to stop, if it can be done, the flow of commerce during wartime periods. But, even though that be done, there is no reason why we should not carry on our trade in our usual mode and for our usual benefit.

Answering the theory that international law was blown to smithereens, or was lost, John Bassett Moore, the greatest living authority upon that subject, says—and he said this as well to the Foreign Relations Committee a year ago—

> It has never heretofore been supposed that, when belligerents violate international law, they believe that they are destroying it or depriving it of its obligatory force. It is a maxim of the common law that in the midst of arms the laws are silent, but this does not mean that the laws cease to exist. On the contrary, the maxim merely recognizes the fact that in an armed struggle the exertion of force is likely to be carried beyond ordinary legal bounds. * * *
>
> It truly would be a curious notion—

Says he—

> that general peacetime agreements signed by nearly all the world's powers, for the improvement of international law, cannot bind nonsignatories, but that wartime violations of international law by the parties to a war, and particularly if committed by the victors in a war, destroy international law both for the victors and for the vanquished, and for the whole world besides.
>
> I have spoken of the victors and the vanquished. Vanquished powers do not ordinarily cease to exist. For the most part, the vanquished powers in the late war did not cease to exist, although some of them were severely dismembered, but the fact of their dismemberment did not destroy them as members of the international family, which is concerned in preserving and making rules of international law. No authority on international law, so far as I am advised, has ever suggested either that violations of

international law destroy it, or that violations of that law by the victors in a war constitute international law up to date.

When this country was young, when it was a mere fledgling among the nations of the earth, it insisted upon its right under international law to ocean commerce. Both Washington and Jefferson, one as Secretary of State and the other as President, insisted upon that right. They held their ground during a very troublous time in the world's history; and after that time they so successfully asserted that right that the British Government paid a certain sum of money, then a considerable sum, to those who had been wronged by their acts during the war.

A later case we have, the Alabama claims—which some of us may remember and recall—where the British Government violated international law and was compelled by the award to pay some $15,000,000.

And so it has ever been that during the centuries there have come down and been crystallized rules and regulations concerning international law; and this international law is the law that governs the sea, and that should govern it today. We are writing it off the books. We are writing it off the whole history of this country. We are negativing the very deeds of the men who have gone before and who have given this country its glory and its prestige. We have taken from the glory of America everything that is American.

The peace-at-any-price people may want that; but this measure is not a neutrality law, as the Senator from Nevada [Mr. PITTMAN] says, and it rests alone upon the views of these peace-at-any-price people. So if we desire to run a straight course, a course consonant with reason and authority, we will deal with this subject in accordance with international law. We will pass a bill simply continuing in force the present enactment and thereafter have recourse to what may be done upon the seas under international law.

Secondly, the joint resolution is an attempt, by a policy of scuttle and run, to take the profits out of war and shirk the responsibilities. That is not my definition of it. I should not be so harsh in my designation of the measure as to say that it is a scuttle-and-run measure. That is the designation of Mr. Arthur Krock, of the New York Times, who says that Mr. Baruch's scheme was cynically presented as a scuttle-and-run doctrine.

Here we are—these nations that are at war; we at peace. They insist upon certain rules and certain conduct. We resist according to international law; but no longer do we resist. We say now, "We will stay here in this country. We will be good boys. We will permit you to take what you want, and you may load it as you see fit in our ports. You may crowd New York until there is room for nothing else; and, crowding New York then with goods that are to go to you, just you wait until we hide, and then begin your journey"; and these ships begin their journey with exactly the same risks as if they were going with our goods under international law.

It may be said that it is not the same risk, because the powerful nation is the one that holds the key to the seas, and the powerful nation will pursue where the weaker nation could not pursue; and so if we enact the joint resolution and permit the goods to be sold by our country, and our people to proceed under international law, it is said that we shall be in a terrible fix, because we shall be chased by the strongest, and our goods will be taken away from us.

Not so—not so at all. The belligerents can do just exactly what international law says they can do. They have the right of seizure and search, and the right to a blockade. If they have not a blockade maintained so as to be effective, they cannot by any means interfere with us, and they must have a blockade that is effective; so we may leave that out.

How are we going to take the profits out of war with this measure? Take profits out of war? Why, you gentlemen of the Munitions Committee examined a lot of people—very great people in the commercial world, as to their profits during the war. Do you stop them now? Not so!

Mr. CLARK. Mr. President, will the Senator yield?

Mr. JOHNSON of California. Yes.

Mr. CLARK. I do not wish to interrupt the thread of the Senator's argument, but merely desire at this time to call his attention to the fact that the measure now pending before the Senate is not designed for the purpose of taking the profits out of war; and until I heard the eloquent remarks of the Senator a few moments ago I had never heard this particular measure designated as being for that purpose. The bills which are pending for the purpose of taking the profits out of war—and I may say that one of them is sufficiently drastic that I feel every confidence that it will take the profits out of war—are now pending before the Finance Committee, and have nothing whatever to do with the measure now before the Senate.

Mr. JOHNSON of California. I am glad to hear the remarks of the Senator. Then the Senator holds that this measure will permit the profits that have usually been accorded during war?

Mr. CLARK. I do not know that this measure has anything to do with the question of profits, except very indirectly.

Mr. JOHNSON of California. Oh, it does! Do not dodge.

Mr. CLARK. I will say to the Senator that I am not dodging.

Mr. JOHNSON of California. Just answer me: Will this joint resolution permit profits to be taken in the goods that are shipped?

Mr. CLARK. Within the terms of this resolution, of course, it has nothing to do with profits. It is not designed to have anything to do with profits.

Mr. JOHNSON of California. Then let us assume that it has nothing to do with profits.

Mr. CLARK. I fear that my friend the Senator from California has confused two different measures.

Mr. JOHNSON of California. No; I have not. I may have confused two different people, but not two different measures.

Now let us see. The profits which are inherent in war, therefore, are not touched. I will take the Senator's statement as accurate. What in the world is being touched, then? What is sought, if the profits of war are not touched by this joint resolution at all, if just the same profits can be made in just the same way under the pending joint resolution as could have been made under any other law or without law?

No profits being touched! If that is the contention, then the joint resolution before us is one for the purpose of making profits out of war, and a neutrality measure, and a peace-at-any-price measure combined. If it is possible to have a combination of that sort, gentlemen can have any kind of a measure they prefer.

I see two of the members of the Munitions Committee consulting on the other side as to taking the profits out of war. I am very willing to let them go on and say what they desire in that regard, because it does not make any difference so far as the argument is concerned. There may be profits or there may not be; you can keep our citizens from dealing with the foreign nations which are at war or you need not; you can do anything you desire, but when we are told this is an altruistic and an idealistic measure that is designed to keep us out of war, it is going a long way to say that people can make the same profits they made during the World War. It is a strange measure, indeed, that will permit that sort of thing to be done.

What is the joint resolution? What is its purpose? What is its design? Its design is to keep us out of war. That is it, is it not, to keep us out of war? The Senator from Missouri [Mr. CLARK] nods his head affirmatively, that it is to keep us out of war.

Keep us out of war by loading up to the very limit a ship in New York Harbor, loading it up with everything a belligerent may need, and then sending it off and running away and hiding where we can in some cellar in New York? That is a fine view for Americans to take, is it not? That is a strange measure upon which we must act, a strange measure, indeed.

What will happen to us after we load the ship in that way? Every nation on the face of the earth that is kept away by Britain—because this is a British measure, after all—every such nation will say that we are an enemy of theirs, and they will await their opportunity and bide their time to get even with us for doing as we do.

The joint resolution is of such a character that it cannot function in both ways; it cannot be made to keep us out of war or to keep the peace and at the same time let us do those acts which are calculated to arouse the resentment and the bitterness and the hatred of nations engaged in war.

Then the President is given a discretion, and that discretion is a power which ought not to be accorded him. I am aware that I touch upon a very delicate subject. I admit that. When I come to touch the President's power I touch upon a subject which nobody wishes to discuss. It is a singular thing that most of the measures granting power to the President I voted for, and I voted for them during emergencies, but I never voted to give him the war-making power, and I never will vote to give the President the war-making power, and the joint resolution before us would give to the President the war-making power.

I read from John Bassett Moore upon that subject. He says:

I would not give this unlimited power to any man. I would myself decline it if it were offered to me, even though I happen to understand the law of neutrality, and to know what is and what is not neutral according to that law. The bestowal of such power would constitute the worst form of dictatorship ever set up. The British Crown has, in theory, the war-declaring power; but, wholly apart from the fact that the succession to the Crown is heritable, and not elective, the exercise of the power is not uncontrolled. The Crown possesses, in theory, the veto power, but it has not been exercised for more than two centuries. I have never known anything more amazing than the notion that it is essential to the preservation of peace in our foreign relations that the complete control of our commerce should, whenever international war anywhere exists, be lodged in the Executive. I believe that the Central Committee in Soviet Russia possesses this power, but it has this power, as I understand, when the world is at peace as well as when war may somewhere exist. If the committee in question, of which Josef Stalin is the head, did not possess this power in peace, I do not believe it would be allowed to exercise it on the strength of the fact that war had somewhere broken out in the world. It would be a strange statute which should exempt pious men from the obligation to keep the peace, because forsooth it could not be supposed that they would ever want to break it.

In this connection I would invoke the example of Andrew Jackson, of Tennessee, whom I was as a child taught to revere. A braver man never lived, nor one less disposed to shirk responsibility. The power to recognize foreign states and foreign governments has always been conceded to the President, as an incident of his power to conduct foreign relations. But, when the question of recognizing Texas arose, Jackson, in view of the delicacy of the situation and the possibility that war might result from the recognition, and of the fact that the war-declaring power rested with the Congress, felt that he should not stand on his constitutional right, but laid the matter before Congress. (Moore, Digest of International Law, vol. 1, pp. 98–101.) As Andrew Jackson, the hero of many battles, has long slept in his honored grave, perhaps bad faith will not be imputed to him for having set an example so completely at variance with the present astounding proposal to make the first shot in any and every war the signal for the immediate exercise by the President of dictatorial powers as regards our commerce and peace and war.

This fundamental objection would not be cured by striking out the clause specifically referring to the use of the embargo power for the purpose of shortening wars. This clause was in fact superfluous, as the bill commits the entire subject to the President's uncontrolled discretion. Such is the revolutionary character of the pending measure, which is actually proposed as a part of our permanent legislation.

I have occasionally heard the suggestion that there can be no objection to conferring on the President dictatorial powers as regards peace and war because, forsooth, he can, in the exercise of his constitutional power as Commander in Chief of the Army and the Navy, or in the conduct of diplomatic intercourse, at any moment plunge the country into war. I utterly deny this. There is only one case in which the President is empowered to use the military forces for purposes of war without the express authority of Congress, and that is to repel invasion. The use of any of his powers so as to plunge the country into war would be a palpable violation of the Constitution and of his oath of office. The fact that such loose notions can be entertained in the United States of Executive prerogative should of itself be a solemn warning against the adoption of such legislation as that proposed, since it would remove the last doubt that the Congress had abdicated its functions as the law-making power and set up an absolute dictatorship to be exercised when the country is at peace as well as when it is at war. It would be as sensible, by an act of five lines, to repeal all laws because all living men have the physical power to violate them.

On that subject as well I do not desire to take the time to read, but I desire to present an article by Mr. Edwin M. Borchard entitled "Unneutral Neutrality." I ask unanimous consent that at this point Mr. Borchard's article may be printed in the RECORD as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times of Feb. 7, 1937]

UNNEUTRAL NEUTRALITY—VARIOUS DANGERS SEEN IN DEMAND FOR DISCRETIONARY EMBARGOES

TO THE EDITOR OF THE NEW YORK TIMES:

The demand for discretionary executive embargoes on "articles or materials" in addition to the mandatory embargo on arms, ammunition, and implements of war is growing apace. It would be a pity, however, to have the American public believe that this power involves neutrality. The issue should be stated in its real terms—the proposal that Congress, which alone has the power to declare war, should transfer to the Chief Executive the power in his discretion actually to make war.

There is reason to believe that those who demand this discretionary executive power do not desire neutrality at all. The attempt to obtain this discretionary power to help one side defeat the other was confined in 1932 and 1933 to arms, ammunition, and implements of war. When Congress in 1935 made that embargo mandatory and applied it to all belligerents, the advocates of executive discretion shifted their demand for discretion to commodities other than munitions and implements of war.

NEUTRALITY JEOPARDIZED

Those who believe that history justifies the conclusion that nations can stay out of war if they want to and that the rules of neutrality intelligently administered furnish sufficient instruments to that end, have opposed partisanship in any form as the only way to save the peace of the country. They have therefore opposed executive discretion to use the embargo power as a means of handicapping one country and helping another. Although these genuine neutrals have finally won their demand that embargoes must be applied to all belligerents, the opportunity to make selections in the kind of commodities to be embargoed leaves in the Executive the complete power to be as unneutral as he cares to be. When imposed after the outbreak of war, the handicapped belligerent will be sure to construe the discrimination as intentional.

Thus neutrality is jeopardized and will probably be lost. No President should place himself in the position to which he will be exposed by those who will thus want to help their friends and down their enemies. Many of those who urge the grant of discretionary power are the groups that have from the beginning sought to put the United States behind article 16 of the covenant of the League of Nations "to enforce peace." The last stand is now the discretionary executive embargo.

POWER TO MAKE WAR

If they get it, their victory will be complete. It will not even be necessary to go through Geneva. With this power in executive hands, a full opportunity is available to put the United States into any foreign war at any time; and we may be sure, if this power were given, not only that those who now urge executive discretion as a means of ending neutrality would exert every influence to bring the United States to the support of the cause with which they sympathized but also that they would be powerfully aided in this effort by all the agencies of alien interest.

Arthur Krock, in the New York Times of December 31, correctly interpreted the case for discretionary power to apply selective commodity embargoes as a conscious demand for the executive power to be unneutral whenever unneutrality seems desirable.

Mr. Krock says that "it should always be remembered that those who want neutrality believe in the thing called neutrality." He adds that he, for one, does not believe it possible for the United States to attain neutrality in a modern world. He argues that the view of neutrality of those who oppose the discretionary embargo "is built on the hopes that strict neutrality is possible even though it is merely technical." He says, "There is no such thing as neutrality", and he therefore advocates an executive discretion in applying embargoes "so that unneutrality (in effect) may be wisely directed." He wants this executive power in order that the Executive may "use measures to shorten and concentrate that (foreign) war as the surest path to noninvolvement. Any effective discretion which might cancel an advantage held by belligerents hostile to democratic freedom would be incidental, not objective."

RETALIATORY MEASURES

Embargoes are not friendly but hostile in their nature. Many of the instances indiscriminately cited by Justice Sutherland in his sweeping opinion in the Curtiss-Wright case related not to the maintenance of our own neutrality but to retaliatory or punitive measures, such as embargoes and nonintercourse, to insure respect for our neutral rights from foreign belligerents. They contemplated hostile action in a specific foreign conflict, as in the case of the limited war with France, 1798–1800, and under such circumstances the President's hands, as in a declared war, should not be tied. But we are now purporting to remain neutral, not to wage war. It is therefore incongruous to vest war-making power in the

Executive or to modify our commercial treaties so as to leave the way open to the exercise of acts of coercion.

It seems clear that the power to act unneutrally is the war-making power and that Congress not only should not but cannot constitutionally transfer that power to the President. The current "discretionary neutrality" bill is a war-making bill, and the issue should be discussed on that basis.

Our one attempt to make the world safe for democracy proved a rather ghastly failure. Now we are invited to make another. The attempt to extinguish aggressors by coercion—perhaps another name for the same policy—has had an equal lack of success. Yet in the name of the discretionary embargo power we are invited again to take the plunge and help the "peace-loving nations" defeat the "aggressors." We seem to be trying to prove that Spengler was right when he said that the Western World was hastening its own destruction.

EDWIN BORCHARD.

YALE UNIVERSITY, *February 2, 1937.*

Mr. ROBINSON. Mr. President, will the Senator yield to me for a question?

Mr. JOHNSON of California. I yield.

Mr. ROBINSON. I should like to ask the Senator, to what provision in the joint resolution does he refer when he says that it gives the President the power to make war without declaration by Congress?

Mr. JOHNSON of California. The unlimited discretion that is given him to determine as to all articles of contraband, noncontraband, and the like.

Mr. ROBINSON. But that discretion is accorded for the express purpose of maintaining the peace. The President can only take that action, he can only issue an embargo, he can only prescribe what articles shall not be carried, if he finds that such action will promote the peace of the United States. Manifestly, it is not intended to give him war-making power. It is intended to broaden the authority, or rather to make definite his authority, for the purpose of preserving the peace.

Mr. JOHNSON of California. It is not intended to authorize anything of the sort. It may do it, and the use of the power can readily be seen to be such as Mr. MOORE contends for.

Mr. ROBINSON. Mr. President, will the Senator further yield?

Mr. JOHNSON of California. I yield.

Mr. ROBINSON. Is it any more likely to involve the country in war for the President, if he finds that it will tend to keep us at peace, to specify articles of contraband which shall not be carried than it is to declare an embargo on arms, ammunition, and implements of war?

Mr. JOHNSON of California. Yes; because the embargo was impartial. The very essence of an embargo is its impartiality. It will be recalled that the provision with respect to embargo which we will pass here was not passed at one time because the President would not accept it.

Mr. ROBINSON. Yes; but, if the Senator will pardon me, if I understand the theory advanced by Mr. John Bassett Moore, whose article the Senator has quoted to support his argument, it is that any imposition of a restriction on the commerce which international law recognizes as lawful constitutes an unneutral and unfriendly act. So that the principle would apply to an embargo on munitions as well as a restriction on other materials.

Mr. JOHNSON of California. No; I do not so understand it.

Let me now read from a letter written by John Bassett Moore to Representative HAMILTON FISH on the bill that was pending in the House, but the reasoning is the same, so far as the pending joint resolution is concerned:

You are correct in saying that, so far as concerns the proposed surrender by Congress of its exclusive constitutional power to declare war, they for the most part in no respect differ from the measures introduced a year ago to empower the President, in his uncontrolled discretion, to engage in war and carry it on without the prior declaration which our fundamental law requires. To seek to save appearances by using in the title phrases such as "to maintain the neutrality of the United States", or to "promote peace", is at best a form of self-deception of the most delusive and unsubstantial kind.

No one who wished unlimited power to make war could ask for more than the authority, in his own discretion, to impose and revoke and to modify and adjust embargoes upon our foreign commerce. Not only are such embargoes never contemplated as friendly measures but they are radically inconsistent with the avowed theory of the present administration that existing commercial restrictions constitute the chief menace to peace.

There is more of like character, but I shall not take the time to read it. I ask that the entire letter be printed in the RECORD at this point as part of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the New York Times of Feb. 18, 1937]

JOHN BASSETT MOORE'S LETTER ON NEUTRALITY PLANS

WASHINGTON, February 17.—The text of the letter written by John Bassett Moore to Representative HAMILTON FISH, of New York, ranking Republican member of the House Foreign Affairs Committee, on the subject of discretionary power to be vested in the President by neutrality legislation follows:

NEW YORK, N. Y., *February 12, 1937.*

DEAR MR. FISH: My delay in answering your letter of February 5 has been unavoidable.

It would not be possible for me to appear before any of the committees in relation to the so-called neutrality measures lately introduced in Congress, even if I had not fully expressed myself upon them in letters and statements submitted in writing heretofore.

You are correct in saying that, so far as concerns the proposed surrender by Congress of its exclusive constitutional power to declare war, they for the most part in no respect differ from the measures introduced a year ago to empower the President, in his uncontrolled discretion, to engage in war and carry it on without the prior declaration which our fundamental law requires. To seek to save appearances by using in the title phrases such as "to maintain the neutrality of the United States" or to "promote peace" is at best a form of self-deception of the most delusive and unsubstantial kind.

SEES WAR POWER IN EMBARGOES

No one who wished unlimited power to make war could ask for more than the authority, in his own discretion, to impose and revoke and to modify and adjust embargoes upon our foreign commerce. Not only are such embargoes never contemplated as friendly measures, but they are radically inconsistent with the avowed theory of the present administration that existing commercial restrictions constitute the chief menace to peace.

In the recent decision of the Supreme Court, sustaining the embargo imposed by the President, under an act of Congress, on the shipment of airplanes to the belligerents in the Chaco war, various statutory authorizations to impose embargoes or commercial nonintercourse were promiscuously cited, without any analysis of the circumstances under which it was done or any attempt to ascertain whether the object was friendly or unfriendly, conciliatory, or coercive; and it has in consequence been hastily and inconsiderately assumed that such things might be, "and overcome us like a summer's cloud", without creating "special wonder" or any feeling of displeasure or resentment. Unfortunately, however, this view is as erroneous as it is superficial.

Writers on international law, in treating of international processes, classify them as amicable and nonamicable. Among the former are negotiations, good offices, mediation, and arbitration. Nonamicable processes are divided into two classes—those short of war and war itself.

Those short of war embrace withdrawal of diplomatic relations, retortion of retaliation, and the display of force, these three being progressively coercive in their nature and intention. After those come reprisals, "pacific" blockade, embargo, and nonintercourse.

HELD "ESSENTIALLY COERCIVE"

In describing these measures as being "short of war", it is not meant that they may not involve acts of war. What is actually meant is that, if not opposed, they may not result in the legal condition of things called a state of war. But, as they are essentially coercive in their nature, experience has shown that they are likely to result in an avowed state of war.

As all history shows, wars have, for the most part, grown out of forcible or coercive acts committed before the legal condition of things called a state of war, formally declared, came into existence.

Therefore, to commit to the Executive the power in his discretion to adopt and prosecute measures that naturally lead to war is virtually to transfer to him the power to make war, so that the formal declaration by Congress of the existence of a state of war would become an essentially perfunctory act.

In recent discussions of the subject of neutrality I have observed two fundamental misconceptions.

The first of these is that neutrality is an adjustable thing, which is to be changed from day to day according to changing conditions. No explanation has been made of what this means. No practical illustrations or examples have been confided to us. Apparently everything is to be left to an occult executive omniscience, which it would be unbecoming and unnatural for parliamentary bodies either to claim or to question.

CALLS CONCEPTION VISIONARY

But the entire conception is visionary and unsound. It is of the very essence of law that its rules should be fixed and certain, and especially is this the case with the law of neutrality. The administration of neutrality must be viewed both objectively and subjectively.

With no fixed and certain rules to guide it, not only would a professedly neutral government be susceptible to the fluctuations of sentiment at home, but its acts would inevitably be open to suspicion by all the governments at war, each interpreting them according to their effect upon its own fortunes. Nothing could more surely tend to involve us in war.

Belligerents, moreover, have the right definitely to know the conditions which they are to meet. They cannot be expected to submit to measures of an occasional shifting or haphazard kind.

The rules of neutrality, as they now stand, have been of gradual growth, and embody the results of experience. Heretofore the United States has made important contributions to their development. It would be against the interests of the world, as well as against our own interests, to substitute for the definiteness and certainty of the law as it now stands a blank charter to juggle with unforeseen conditions as they may arise.

RECALLS WILSONIAN NEUTRALITY

The second fundamental misconception by which recent discussions have been pervaded is the supposition that the United States became involved in the late war through the effort to assert and defend its rights as a neutral, and that if we would keep out of foreign wars we must abandon those rights. These assumptions are contrary to the fact.

The more the evidence is disclosed and examined the clearer it becomes that the United States, while from time to time protesting against belligerent interference with its trade, had no intention to resist such interference by measures of coercion; while, on the other hand, it asserted, as against certain powers, rights never before claimed by a neutral government.

In saying this I particularly have in mind the treatment of belligerent armed merchantmen as peaceful ships. This was contrary to all precedent, and also to the well-settled law as long before declared by our highest judicial authorities. Never before had a government professing to be neutral undertaken to guarantee the safety of the armed ships of a belligerent against enemy attack.

Mr. JOHNSON of California. I have said that the joint resolution makes us the ally of Great Britain in the Atlantic and of Japan in the Pacific. That is so obvious that it ought not to require any elucidation whatsoever. In the Atlantic the one power which has the fleet and the power to control the seas is Great Britain; and Great Britain could come here and ask for all the supplies she desired, all the shipping of every sort and character she might want, and she could go away with it assured of the fact that her Navy was sufficient to protect it as it convoyed it across the ocean. Great Britain, and Great Britain alone, is in this joint resolution; and that is not alone my opinion, but is the opinion of many of the persons whose particular articles I have before me.

I have before me an article written by Edwin L. James. He is the foreign correspondent of the New York Times. I happen to know the gentleman; and, while he and I disagree on the fundamental ideas relating to foreign nations, yet I know him to be a man of very great parts indeed, who has been a correspondent of the New York Times in Europe for many years, and who writes with a knowledge of his subjects. He says:

When Mr. Runciman recently conferred with President Roosevelt it was reported that he left Washington feeling he had assurances that our neutrality plans would not work to the disadvantage of the British. That has been diplomatically denied. But certainly he should not have had cause to worry. The new neutrality plans indicate, in practice, a cooperation between the United States and Great Britain which the most ardent Anglophiles in this country would not have dreamed possible a few short years ago.

If there is a European war in which Britain is involved, Britain and those nations on her side which have the money to pay can come and get supplies in this country. Those nations against which Britain would be fighting would not be able to do so. Thus the cash-and-carry plan of our neutrality legislation will have done away with neutrality except in theory.

It may be argued, of course, that in the event of a war between Britain and Germany, Germany would not have the money to buy on the cash-and-carry plan anywhere. That may well be true, but certainly Downing Street will have no regrets over the prospect of a nonrecurrence of the most disagreeable diplomatic exchanges between London and Washington which caused such strained relations in the first years of the last Great War. In other words, Britain will not have to worry about facing the only navy which could give her navy any serious trouble.

There are those who may see a good development in the prospect of the American democracy giving aid to Britain, or Britain and France, in what many see as a coming conflict between the forces of democracy and fascism in Europe. But it is doubtful if the authors of the pending neutrality bills have calculated on this basis.

However, since Britain and France are among our biggest peacetime customers, it may well be that there will evolve a distinct gain for our commerce in shaping our neutrality plans in a way which would permit them to trade with us in wartime. Were London and Paris to feel that when at war they could get, for example, no cotton from the United States, that might well lead them, before war started, to cultivate sources of cotton in other countries, to the disadvantage of the United States. The same would apply to a long list of other commodities exported normally by this country.

But since our cash-and-carry plan would make us the best source of needed raw materials for the country with the money to pay for them, with the ships to carry them, and the navy to guard their passage—as well as for that country's allies—the whole business may work out to the satisfaction of London and Washington.

Such is neutrality!

Mr. President, I brought with me a great many excerpts from different newspapers dealing with the pending joint resolution. I thought first I would call the various writers as witnesses in the presentation of this matter, but it would take too much time; so I have selected one or two and left the rest behind.

Dorothy Thompson has written an article in which she says:

Now what does this bill actually mean in practice? First of all, it means that we are flagrantly reversing the attitude expressed in the Kellogg Pact which denounces aggression. We, the greatest, strongest, single nation on earth, announce by inference that there is no such thing as "right" or "wrong" and no such thing as international morality. In advance of all possible hostility we perform the greatest Pontius Pilot act in history.

But then we qualify that stand of dubious morality. We say that we will sell goods to anybody who can come and get them. That will mean in practice that we will sell goods to anybody who can control the high seas. That means, in the field of realistic politics, that as matters stand today, we will sell goods to Great Britain. Tomorrow, perhaps Germany and Russia will make a great combination, build tremendous navies, and set out to conquer the world; anything at all is possible.

* * * * * * *

Under this bill the President can prevent John Smith, who has a single oil well in Texas, from selling oil to Spain, or Russia, or Great Britain, or any other country which happens to be engaged at any moment in war, but he cannot prevent the great American oil companies, with fields and refineries all over the world—in Persia, Mexico, Venezuela, the Dutch East Indies, or in Rumania—from selling oil to any one they please, and making tremendous profits, with which to come home from the wars and force the little fellows, whom the war has impoverished, into bankruptcy. Under this bill International Nickel, which is incorporated in Canada, but has a huge majority of American capital, can do all the business it likes. So, for instance, can Anaconda Copper.

* * * * * * *

We can tie up our hands all we please, in an attempt to predicate the next war on the history of the last, a history, incidentally, which recent interpretations have both clarified and befuddled. But whatever we do will generate counter-politics in other countries. They are not althogether stupid; they are also motivated by self-interest.

The bill is badly named. It should be called: An act to encourage autarchy, declare our alliance with whomever at the moment has the biggest navy, and foster international finance capitalism at the cost of the small fellows at home.

I do not desire to trespass upon the time of any other Senator by occupying too much time in discussing this subject, but I submit to the Senate that this measure is little understood. Ask yourselves, Senators, how well it is understood? It is little understood and, for that reason, it ought not to be hastily passed. We are in no mood to pass the joint resolution or act upon it today; we are in no mood to deal with a subject of such great importance as this in the brief time that we have to deal with it. There is another question before us. I need not advert to it because all Members of the Senate understand what it is. Each man here is thinking of that; his mind is filled with it and, of course, it should be, because it is a great and important subject; but, with that great subject before us, it is not wise for us to deal with this measure on this day or on succeeding days when we are not prepared. All who are not familiar with the joint resolution ought to read it; they ought to be familiar with the possibilities contained within it; they ought to know that it is a measure which, while we will say it is designed for peace, will not give us peace but will make us contemptible before the world.

Mr. President, just a further word in passing. I know that it is of little use to talk of the traditions of America or of what they have meant. I have passed the proscribed

age, so I feel I am at liberty to do so, but I know that to do so leaves one in a situation in which it will be said he thinks in terms of some years ago. However, you can all recall historically that when we were little, when we had naught to think of but our own advancement—and that was very slow—we took our stand before the world on this question; we maintained that stand from that day until recent years, and never, in any degree, indicated that we had altered our position upon that stand. But now, when we have become flabby and great we are to do—what? We are to send other people upon the seas with their vessels filled with our goods, and then, like hypocrites, we will stand aside and say, "We take none of the blame or responsibility." We will let them go, but the loss of life, if loss of life shall occur, will be just as great in one instance as in another. There can be sent in American bottoms the goods bought by people from beyond the seas, and they can be sent, probably, with American crews and such American crews will suffer the perils and the dangers which under international law inhere to the carrying of goods in time of war.

Mr. PITTMAN. Mr. President, may I interrupt the Senator?

Mr. JOHNSON of California. I yield.

Mr. PITTMAN. I call the Senator's attention to the fact that American crews, citizens of the United States, cannot be on a British vessel.

Mr. JOHNSON of California. Wait a moment. They may be on American bottoms, may they not?

Mr. PITTMAN. They may be on American bottoms.

Mr. JOHNSON of California. Then what difference will it make? The cynical response of the Senator is that Americans cannot be killed, but the citizens of other countries may be killed, and they are human beings after all. Whichever they be, and whether we send American crews in American bottoms or citizens of some other nation on our ships—I do not know how that would be accomplished, but we will say that it could be—then the dangers to which they would be put would be the like dangers in any event.

Mr. PITTMAN. That would depend on whether or not the President should use the power under subsection (a), section 2 to prevent American ships carrying goods thereby threatening the lives of Americans on board.

Mr. JOHNSON of California. Why is it proposed to give him that power?

Mr. PITTMAN. Because of the lives of the seamen on board, which is the subject to which the Senator is referring.

Mr. JOHNSON of California. Why is it not attended to in the joint resolution itself?

Mr. PITTMAN. It is attended to in the joint resolution.

Mr. JOHNSON of California. Why is the President given the discretion?

Mr. PITTMAN. If, for instance, there should not be submarine warfare such as prevailed in the last war by reason of not arming our ships, the submarines, by reason of our not arming our ships, would carry out the customary law of nations in regard to visit and search. In such circumstances, while the cargo of the vessels could be confiscated or destroyed, the lives of the seamen would be preserved.

In that event we would not need subsection (a), giving the President the power of restricting or preventing shipments to belligerents on American ships; but if the belligerent nations pursued the course followed during the World War of sinking all vessels, neutral and otherwise, then to save the lives of our citizens and to prevent the destruction of their property in the war zone, such as occurred in 1917, it might be necessary for him to prohibit American shippers carrying to a belligerent what was declared to be contraband of war.

Mr. BONE. Mr. President, will the Senator yield?

Mr. JOHNSON of California. I yield.

Mr. BONE. The Senator has adverted to a matter which I have attempted to reach by an amendment which I think is on the Senator's desk. I wonder if he would care at this point to comment on the force of the amendment which I have tendered?

Mr. JOHNSON of California. I do not know what the amendment is.

Mr. BONE. It is on page 10, line 13, after the word "thereunder", where certain language is suggested to be inserted.

Mr. JOHNSON of California. I note that the words to be inserted are "or by the owner of the vessel carrying the same." Will the Senator tell me what that means?

Mr. BONE. It reaches the very matter the Senator has suggested. It will be possible under the joint resolution to ship a half a million dollar cargo in an American vessel resulting in a very peculiar situation arising. By the terms of the pending measure we compel an American to separate himself from title to the cargo and to become divorced from it. That cargo goes out on the high seas into the ocean lanes, and is, we will say, the property of Great Britain. Great Britain is at war with Germany; the property on the high seas is the property of British nationals, but it is being carried in an American bottom, perhaps, worth 20 times what the cargo is worth. Every submarine, every wolf of the sea, would be after that cargo because it is contraband and belongs to its enemy, and they might very readily sink the American cargo and the American crew, and the American officers on an American vessel flying the American flag at the masthead. The purpose is to say to the American shipper that he has no more protection in going into that kind of trade and carrying that cargo. The amendment addresses itself directly to the matter the Senator was suggesting.

Mr. JOHNSON of California. The Senator says an American skipper and American seamen would be in charge of such a ship?

Mr. BONE. Under the section of the joint resolution which I seek to reach by the amendment, it would be possible for a cargo the title of which the American has divorced himself to be carried to a particular country on a ship flying the American flag and owned by Americans. Therefore, while the cargo would be no longer an American cargo, the ship would be owned by Americans.

Mr. JOHNSON of California. Manned by American sailors?

Mr. BONE. The ship would be operated by American sailors and would be owned by Americans.

Mr. JOHNSON of California. That is what I said a few moments ago, and that is the point upon which the Senator from Nevada [Mr. PITTMAN] took me up.

Mr. BONE. I cannot imagine any greater temptation to a belligerent to attack and endeavor to sink a vessel than to know that the property of the enemy constituted its whole cargo. That is why I made this suggestion in the form of an amendment, because I think it much more essential to remove from the zone of warlike operations $10,000,000 worth of American property in the form of a vessel than it is to remove $500,000 worth of property in the form of cargo.

Mr. JOHNSON of California. I would be for the amendment, because I am for any amendment and all amendments, no matter what they are. [Laughter.]

Mr. BONE. I could not share the Senator's ambition in that direction, but I hope the Senator from Nevada [Mr. PITTMAN] will have no great objection to my amendment.

Mr. JOHNSON of California. Mr. President, Japan would be in the same position in the Pacific that Great Britain would be on the Atlantic. Suppose Japan and Russia should come to grips. We read all the time about the possibility of such a happening. The great source of war material would be our Pacific coast. Who can come there? Russia has no merchant marine, except in a very limited degree. Japan could come here, and we could sell to Japan. We would sell to her everything she needed and everything she wanted, and then we would go and hide.

This joint resolution is a terrible measure, in my opinion. I think it is awful, and it ought not to be passed.

Mr. President, I have taken enough of the Senate's time. With the years I grow to love my country more. With the years I grow to think less of my country's enemies. I want peace. I am particularly anxious that we should have peace in this country, and anything that I can do I would do to that end; but I do not want peace at the price of every bit

of honor our country may have, nor do I want a wholly illusory peace. I do not want peace under the guise of something that will deprive our people of their legitimate rights and will not bring peace.

I might stretch my faith so far as to permit myself to vote for a measure of this sort if I really thought it would bring peace, but it will not bring peace and it cannot bring peace. The idea that our friends on the other side of the aisle have—an ideal with which I am in full sympathy—will not see its fulfillment. We are in the situation today where we cannot pass this measure and feel the same as we felt before. No other nation ties itself in a strait jacket thus. No other nation says in advance exactly what it is going to do. No other nation on the face of the earth insists that it shall tie its hands in relation to its ocean-borne commerce. All nations seek and covet such commerce. All nations spend what time they can and what effort they may in obtaining ocean-borne commerce. It is the lifeblood of the nation which abuts the sea. If we tie our hands in advance by a law the ultimate of which no living soul can determine, but which we know will give two nations the advantage of an alliance with us, we have simply placed our country in a situation from which it cannot extricate itself.

I am sorry, Mr. President. I shall not talk longer upon the subject, but I feel deeply upon it, and feeling deeply, I leave with the Senate its determination.

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). The Chair calls the attention of Senators to the fact that the Senate is now operating under the unanimous-consent agreement entered into yesterday, which provides that no Senator may speak longer than 30 minutes nor more than once on the joint resolution, nor longer than 15 minutes or more than once on any amendment.

Mr. CAPPER. Mr. President, I intend to support the pending joint resolution, the so-called neutrality or peace resolution, substantially as it was reported by the Senate Committee on Foreign Relations.

I am supporting the measure because I want to do everything in my power, and I want Congress to do everything in its power, to keep the United States out of other peoples' wars. I believe the pending proposal is a desirable and practical step in that direction. I believe it will aid in bringing peace to the world.

I do not want to see our boys sent overseas again to risk, many of them to lose, their lives in a war over European controversies in which we have no real interest. I shall never vote to send American boys and young men overseas to fight other nations' battles.

But I realize that it is not sufficient merely to declare that in the future we will not allow ourselves to become involved in wars of another nation. It is necessary that we take positive steps now, before such a world war as is anticipated actually breaks, to eliminate as many as possible of the causes that might lead us into such a conflict.

I think we may as well realize that in future wars of any magnitude belligerent nations will not recognize the rights of any neutrals if those neutral rights might endanger the success of their own arms.

Mr. President, we may as well face the fact that in a war of any magnitude there is no recognition by belligerent nations of any such thing as international law. We learned this to our cost during the World War. In that war we desired to remain neutral. We believed that international law entitled us as neutrals to the freedom of the seas. We found out differently early in the war. The Allies brutally disregarded our rights as neutrals. Germany flagrantly disregarded our rights as neutrals.

Any rights we might have as neutrals to trade with other neutrals or with belligerent nations, if such trade required us to pass through whatever any belligerent nation might designate as a war zone—any such neutral rights as we might claim could be made effective only by we ourselves going to war to protect those rights.

I believe in facing this situation realistically, bearing always in mind that we desire not to be drawn into other peoples' wars, nor do we intend to be engulfed any more than is unavoidable in the economic disaster that another great war will bring upon the civilized world.

It is my belief if we face facts and realities on this question we will find that if we insist upon our rights to trade with belligerent nations, whether directly or indirectly through trading with neutral nations and having goods transshipped, we will be forced into that war.

Mr. President, I believe it to be a fact that if we sell munitions of war and war supplies to a belligerent nation, if the purchases are of any magnitude, we will have to finance those purchases. Then if the nation whose war we are financing faces defeat, we probably will feel obliged to intervene as an ally to insure that nation's victory.

In theory, of course, we would sell to both sides. But we know in fact that in a world war we could trade largely with only one side. In any kind of a prolonged struggle trading with the nation or nations on one side would almost inevitably compel us finally to become that nation's or those nations' allies and send our men and ships and treasures overseas to insure their victory.

Furthermore, if our ships and our citizens carry merchandise into the war zone, no matter for whom intended, it is just a question of a short time in any major war until some ships will be seized, others will be sunk, American lives will be lost; and that will drag us into the war.

For these reasons, in addition to my hatred of war as futile, brutal, degrading, and costly beyond all reason, I have felt for some time that this country should formulate in peacetime a definite foreign policy that would tend to isolate us from the next world war insofar as that is humanly possible.

The pending resolution, the Peace Act of 1937, seems to me to go a long way in that direction. It does not guarantee that we shall be able to keep ourselves out of the next mad world maelstrom of war, but, on the other hand, it does give promise that we shall not be inevitably drawn into that maelstrom through the lure of illusory war profits.

This resolution, I will admit, starts the United States on a new neutrality policy. That is what we want. The policies we have been following have led us, and would lead us again, into wars in which we should never be compelled to engage. So I say it is a point in its favor that the Peace Act of 1937 lays down a new neutrality policy, a peace policy, if you please, for the United States and the people of the United States.

Others have discussed and will discuss the provisions and implications of the Peace Act of 1937 as provided in the pending resolution. Before closing my own statement I desire to state briefly what I consider the more important provisions in the interest of our own peace as I understand them.

Essentially, this resolution carries the following provisions:

First. Mandatory embargo against the sale or shipment of arms, ammunition, and munitions of war to any belligerent nation or any faction in a civil strife of such size as to imperil the peace of the United States if we trade in munitions of war.

Second. Mandatory embargo against all loans and credits to belligerents, except that the President may, in his discretion, permit such short-term commercial credits as are used normally in peacetimes.

Third. Mandatory prohibition of any American vessel carrying arms and ammunition or munitions of war into any belligerent port or destined for any belligerent.

Fourth. Mandatory prohibition of American citizens traveling on vessels or planes of belligerents. This means that those who do will lose all right to the protection of the United States Government.

Fifth. Mandatory prohibition of arming American merchant ships that enter the war zone or enter belligerent ports. The reason for this is that the advent of the submarine means that all nations will regard armed merchant vessels as armed with offensive weapons, and subject to being sunk without warning.

Sixth. The so-called cash-and-carry plan, which I favor, for selling supplies other than war supplies to belligerents.

Briefly, this means that if a warring nation wants to buy ordinary goods and commodities in the United States, it may do so by paying cash in the United States and then transporting the goods on other than American vessels. It is mandatory that complete title be passed to the foreign purchaser before the goods can clear an American port.

Of course, there are other provisions of the measure that are important. The President is given discretionary power to add to the list of war supplies which it is prohibited to export at all to a belligerent. Armed merchantmen of belligerents, as well as submarines, are barred from American ports during wartime, except under such regulations as the President deems necessary.

Mr. President, I hope this joint resolution will be enacted. I want to see the important provisions of the joint resolution made the permanent law of the land. It may not be a perfect law, but is so much better than anything we have ever had before to protect us against foreign embroilments that I say it should be enacted speedily and without material amendment.

Mr. President, I believe I speak the sentiment of the great majority of our people when I say this. I know that is the sentiment of the people of my State of Kansas and of our section of the country.

In this connection, I ask to have printed, at the conclusion of, and as a part of, these remarks, a communication from the Peace Study Club, of Tecumseh, Kans. The membership of this organization is made up of rural people. This communication, I believe, represents in a general way the sentiments of our Great Plains people on war. It will be noted that they also want to draft property and wealth, as well as men, if we do go into another war. Also, they want the right to vote whether or not this Nation ever again shall engage in a foreign war. I am in agreement with both of those proposals. I ask unanimous consent to have this letter printed in the RECORD as part of my remarks.

The PRESIDING OFFICER (Mr. LEE in the chair). Without objection, it is so ordered.

The letter is as follows:

TECUMSEH, KANS., *February 23, 1937.*

Senator ARTHUR CAPPER,
Washington, D. C.

DEAR SIR: The Peace Study Club of Tecumseh submits for your consideration the following program for peace legislation. We have considered every point carefully and feel that such laws are altogether reasonable and should be passed by this session of the Congress. Warned by you in one of your radio speeches last fall that peace legislation that would be really effective would be opposed by those whose interests are in war, we have been trying to spread the word as far as possible among other clubs and organizations, that it is important that the people themselves get behind and support their Representatives in Congress. We shall watch with interest the activity of Congress with regard to peace legislation.

For peace legislation: Laws to—

I. Prohibit loans of money or credit by the United States or by citizens of the United States to foreign governments or groups at war, or for war purposes.

II. Prohibit sale or shipment, directly or indirectly, of arms or munitions to any warring nation or group.

III. Prohibit Government protection of:

1. Sale or shipments of arms or munitions to any foreign nation at any time.

2. Any trade with warring countries, directly or indirectly, or in war zones.

3. Private investments in foreign countries.

4. Citizens of the United States traveling on ships or planes of foreign countries engaged in war, or in war zones, or traveling or residing in countries at war or where war is imminent.

IV. Provide for the draft of needed material, money, and industry, as well as men, in case of war.

V. Provide that should the entrance of the United States into foreign war be in question, a vote of the people of the United States be taken on the question, and that Congress shall receive the return of this vote before it acts on a declaration of war.

VI. Provide that no law shall be interpreted to restrain the United States from acting to support the Monroe Doctrine in the interest of the American hemisphere.

You will recognize some of your own proposals in our program for peace legislation. In our study of peace and war we have tried to consider all the conditions that work together to bring about war, and have constructed our program accordingly.

I'm sure you will remember Tecumseh, east of Topeka. We meet in the hall that you helped us dedicate about 8 years ago.

Yours very respectfully,

(Mrs.) KATE WERNER,
President, Tecumseh Peace Study Club.

Mr. CAPPER. Mr. President, I think the farm folk of this country are overwhelmingly in favor of legislation of the character embodied in the pending joint resolution. I offer for the RECORD, and ask to have printed, resolutions adopted at the seventieth annual session of the National Grange at Columbus, Ohio, on November 11, 1936.

The PRESIDING OFFICER. Without objection, the resolutions will be printed in the RECORD.

The resolutions are as follows:

WORLD PEACE

We earnestly advocate that the Government of the United States continue to exert every effort to promote peace and good will among nations. Since disarmament on a purely national basis is not practicable, we cherish the hope that our Government may use its best endeavors to bring about reduction in armaments on an international scale.

We favor a sound neutrality policy that will save America from becoming entangled in foreign wars of greed, hatred, and aggression, and which are of no direct concern to us.

We reaffirm our position in favor of taking the profits out of war. In the event of future armed conflict, wealth as well as manpower should be conscripted. The manufacture of armaments and munitions for national defense should be taken over by the Government in time of war.

Mr. CAPPER. I ask also to have printed in the RECORD a resolution for world peace legislation adopted at the sixty-sixth annual meeting of the Kansas State Board of Agriculture at Topeka, Kans., January 15 of this year.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution is as follows:

WORLD PEACE

World peace is a dream that we most devoutly wish might come true and we encourage all efforts leading to that happy realization. Meantime we urge the strictest neutrality on the part of the United States during periods of war and controversies arising among foreign countries.

Mr. CAPPER. I ask also to have printed in the RECORD resolutions adopted at the thirty-second annual convention of the National Farmers' Union at Des Moines, Iowa, November 17, 1936, in favor of legislation of the character embodied in the pending joint resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution is as follows:

WAR

War is an utter negation of civilization. It is a relic of barbarism, regimenting mankind in organized murder, starvation, disease, and destruction. It is incompatible with every moral and Christian teaching.

Throughout the entire blood-drenched history of mankind, each succeeding war has proven nothing but its own futility.

Wars in the past have left a terrific toll of suffering and destruction. Wars in the future, with the rapid development through science and invention of more devastating and far-reaching death-dealing devices, threaten to completely destroy civilization.

At the base of practically every war is the profit motive, the desire of a few to profit, even though such profits are coined out of the blood of those who die in the madness of international slaughter. The profit system, with its callous disregard for human life and happiness and its promotion of suspicion, fear, and jealousy, encourages and promotes war. Peace and security are attainable only through a replacement of the profit system by a system based on the principles of cooperation. With these facts in mind, we the members of the Farmers' Educational and Cooperative Union of America, make the following declaration:

1. Europe again stands on the threshold of war. The hates and jealousies engendered by past wars threaten to engulf the entire world.

We therefore recommend that present neutrality legislation be continued and further strengthened and that every possible precaution be taken to prevent our entrance in any future war.

2. All history proves that huge armaments have never been a safeguard for peace. Rather they have fostered fear and suspicion that leads to war.

We therefore condemn the excessive appropriations now being spent to build a huge military and naval machine, a machine which is out of all proportions to our needs for defense against invasion, and by its undemocratic traditions threatens our civil liberties and our democratic institutions.

The funds used for excessive war preparations could better be used to rebuild a country still suffering from the effects of the last war.

3. Compulsory military training is foreign to every tradition of the American people. It is undemocratic and un-American by every principle and tradition in the history of the United States.

We condemn in present efforts to extend compulsory military training into the public high schools, and we recommend the

complete abolition of compulsory military training in any publicly supported educational institution.

4. The desire for profit on the part of private munitions manufacturers promotes competitive armaments and fosters fears and suspicions that lead to war.

We therefore recommend that the private manufacturer of the instruments of war be abolished and that the Government take over and operate the munitions industry.

5. The best safeguard against war is free discussion. We therefore condemn the war dictatorship bills and every other measure designed to nullify the traditional American liberties of free speech, free press, and free assembly.

6. The hates and jealousies born of past wars must be removed if peace is to be preserved.

We therefore approve all efforts toward international arbitration of disputes, but we condemn any alliances that may involve us in wars which are not of our making and are foreign to our interests.

7. We point to the International Cooperative Alliance as the best example of peaceful relations between nations.

We reaffirm our faith in the cooperative movement and cooperative education as the best solution of the economic problems that lead to war.

8. We further recommend that in the event of war, wealth and property should be conscripted and paid on the same basis as human beings are conscripted and paid.

Mr. CAPPER. I ask also to have printed in the RECORD a resolution on the same subject adopted at the Eighteenth Annual Convention of the American Farm Bureau, December 11, 1936, at Pasadena, Calif.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution is as follows:

WORLD PEACE

The American Farm Bureau Federation commends the national administration for its aggressive efforts in behalf of good-neighbor relationships among the nations of the Americas, thus affording a good example to the other nations of the world. The farm men and women of America urge the continued diligent effort of our Government in behalf of world peace.

Mr. BONE obtained the floor.

Mr. POPE. Mr. President, will the Senator yield?

Mr. BONE. I yield.

Mr. POPE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Lee	Pepper
Andrews	Copeland	Lodge	Pittman
Ashurst	Davis	Logan	Pope
Austin	Dieterich	Lonergan	Radcliffe
Bachman	Ellender	Lundeen	Robinson
Bailey	Frazier	McAdoo	Russell
Barkley	George	McCarran	Schwartz
Black	Gerry	McGill	Schwellenbach
Bone	Gillette	McKellar	Sheppard
Borah	Green	McNary	Smith
Bridges	Hale	Maloney	Stelwer
Brown, Mich.	Hatch	Minton	Thomas, Okla.
Brown, N. H.	Hayden	Moore	Thomas, Utah
Bulow	Herring	Murray	Townsend
Burke	Hitchcock	Neely	Vandenberg
Byrnes	Johnson, Calif.	Norris	Van Nuys
Capper	Johnson, Colo.	Nye	Walsh
Caraway	King	O'Mahoney	Wheeler
Chavez	La Follette	Overton	White

The PRESIDING OFFICER (Mr. GILLETTE in the chair). Seventy-six Senators having answered to their names, a quorum is present.

Mr. BONE. Mr. President, I direct the attention of the Senate to an amendment I have offered, which was printed, and now lies on the desks of Senators. The amendment affects that section of the joint resolution which appears on page 10 and the amendment is as follows: After the word "thereunder", in line 13, on page 10, I would by the amendment insert the words "or by the owner of the vessel carrying the same."

To begin with, I wish to explain the purpose of my proposal, because it has seemed to me that without the amendment we would not only achieve far less than the objective we seek, but we would actually thrust ourselves into a position where we would deliberately invite trouble. I hope I can make that aspect of the problem very plain.

By the terms of subsection (b) of section 2 of the joint resolution it is made unlawful to export any sort of commodities to any belligerent country unless and until the title to the commodities, goods, and merchandise has passed from American owners to some foreign owner.

Let us get the record perfectly plain, because when we vote on the pending measure the country is going to look coldly and objectively at our votes, and ask us what in the world we meant by removing a grave element of danger from one part of the property that is shipped, and wholly failing to remove it from another part, thereby injecting provocative factors into that sort of a shipment which may, and which will, in my judgment, surely lead us into serious complications with belligerent governments.

Let me present a hypothetical case for the consideration of Senators. I have examined the pending measure carefully. I am no mere captious critic of other men's work, because this joint resolution is a composite thing, and I think the Senator from Nevada [Mr. PITTMAN] and his associates have done a good piece of work in putting the measure together, and I cannot bring myself to believe, nor should anyone infer from what I am saying that I believe, that there has been any intentional omission on their part; but I do think that perhaps they have failed to understand the grim significance which underlies this particular omission in the joint resolution.

Now to the hypothetical case which I desire to present to Senators. Let us assume a war is on between Great Britain and some other power, and I take Great Britain as an example because the British Empire has been mentioned here so many times—"Britain, the mistress of the seas." We will assume that Britain is in a war with Germany, Germany still without a navy, but with submarines, the so-called wolves of the sea, concerning which we have heard so much in years gone by.

A million-dollar cargo is assembled at an ocean gateway on the Atlantic seaboard. The owners of that property are told by this statute, if it shall become law, that they must divest themselves of title and separate themselves from any interest in the material, be it wheat, cotton, oil, corn, copper, or what not. The statute tells them that in the interest of neutrality and to preserve peace we will not allow Americans to send out onto the high seas any commodities which will surely attract these grey wolves of the sea, as a deer attracts a cougar out in my country. They are told that a shipment of wheat, cotton, oil, corn, copper, food of all kinds, means sustaining a belligerent power and the destruction of the sons of the country opposed to the belligerent to whom we are shipping that sort of material.

So this million-dollar cargo is loaded into a ship in New York and starts across the ocean to England. What happens? What will inevitably happen? Under this measure in its present form it would be possible, and I think wholly probable, that the cargo belonging to a belligerent would be shipped in an American bottom, in a Dollar liner, for instance, flying the American flag and under American registry. A $10,000,000 American ship is loaded with a $1,000,000 cargo belonging to Great Britain, a belligerent. That cargo by every rule of international law is contraband of war, and immediately becomes, and logically so, attractive spoils for German submarines.

The Germans know that if that cargo gets into a British port it will feed the British people and preserve their morale, and that is important, because the destruction of the morale of the civilian population is today quite as important an element of war as the destruction of the lives of the soldiers on the battle front, because the morale of the soldier will be wrecked if the morale of the people at home is destroyed.

Mr. KING. Mr. President, will the Senator yield?

Mr. BONE. I yield.

Mr. KING. In the hypothetical case which the Senator is suggesting for our consideration, is he assuming everything as contraband, food, and clothing, and like articles?

Mr. BONE. Yes; and in a moment I will get around to why I indulge the assumption. Whenever, under this bill, the British Government or British nationals, during a war between Germany and Great Britain, buys gasoline, oil, copper, wheat, or corn from an American, it is their property, and in that sense it is contraband; it is fair prey for German cruisers and German submarines, and the Germans would be idiotic not to attempt to seize it or destroy it. It is

the property of their enemy; it is the food which will feed the soldier who is blasting out the lives of sons of German mothers, and the Germans would be less than human if they did not try to prevent such a cargo reaching a British port.

The cargo goes out in an American bottom, a million dollars' worth of British property, which we look upon with undisguised horror in the pending measure as a provocative factor tending to drag us into war, and we therefore remove it from the category of protected items of commerce. But if this bill shall be enacted, we will say to the German, "We thrust this cargo owned by Britain out onto the high seas but serve notice on you that the cargo is being carried in an American bottom, on a ship flying the American flag, with an American crew, and you will touch it at your peril. If you sink it, our national honor will be outraged."

Mr. President, I do not believe this is too harsh an indictment or too strong a statement of the possibilities of trouble growing out of the operation of this joint resolution, if this possibility of trouble is not now eliminated by the adoption of my amendment.

Of course, the Germans would regard such a cargo as legitimate prey; and why not? The cargo may be worth a million dollars, but the vessel itself is worth $10,000,000. In order to protect ourselves from the possibility of being plunged into war over a cargo we divorce ourselves from the million dollars, but by this joint resolution we would keep a firm grip on a $10,000,000 vessel and probably be plunged into war to protect it.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BONE. I yield.

Mr. HATCH. I am not a member of the Committee on Foreign Relations, which prepared the joint resolution, but I have been deeply concerned with its provisions, and I am asking the Senator now regarding the case he has just assumed. Is not the discretionary power provided in section 2 (a) perhaps intended by the committee to cover such a situation as that which the Senator assumes?

Mr. BONE. It may be that the President, in the exercise of his discretion, could bar from American vessels every form of commodity; but read the language to which the able Senator from New Mexico has referred. In section 1 it is provided that the President, after issuing his proclamation as to the existence of a state of belligerency between nations, may place restrictions upon the shipment of "certain articles."

The thing I fear is that where we leave so important a matter to the discretion of the President, for whom, I may say, I entertain the highest respect and regard, and the purity of whose motives I would in nowise challenge, we would put too much power in the hands of one man. Congress itself, under the Constitution, alone has the power to declare war.

Imagine, Mr. President, what would happen if we relied only on that frail safeguard of so-called discretion. There is oil, for instance. We heard the rumpus raised when the Ethiopian embroglio was under way. Oil is the very lifeblood of the Nation in time of war. In case of a great European war, oil-producing groups in this country would be down here in Washington "putting the heat" on the President, if I may use that sort of a vulgarism—to exempt oil from the proscribed list. They would come down here and "put the heat" on every Member of Congress, and they would say, "Do not interfere with our shipping oil." Oil is just as dangerous as dynamite or T. N. T., for it is the life of certain operations.

For one, I believe it would be a fatal gesture to rely on such a power in the hands of the President. Again I repeat, I have the utmost confidence in him, but I would not subject any human being to the inexorable and unbearable political pressure that would be brought to bear by interests to save the vast profit in the shipment of oil or wheat or cotton or corn or anything else.

Every writer on this subject—and a great many of them have been referred to by the Senator from California [Mr. JOHNSON], and other Senators in discussion on the floor—has suggested that we must not lay profane hands on that sacred cow called trade. How tender, how touching is their solicitude for trade. Imagine, with this flood of stuff being written about this subject today, what would happen when war comes on, and greedy men see a chance to become rich overnight! Some of our war traders would not care whether it meant the lives of American boys. Men in times past have been vulgar enough to translate the blood of boys into dollars. Somehow, by the alchemy of big business, war profiteers have been able to transmute every drop of blood that fell from a soldier boy's body into a dollar that clinked merrily into their cash registers.

Let me say one thing further about the legal effect of this amendment. After all, as a lawyer, that is what I am concerned with. As a Senator, I am wholly concerned with keeping boys from being used in our armed forces to protect traders whose traffic may bring about the utter destruction of our civilization. If my amendment goes into this joint resolution it means that the vessel which carries this cargo will occupy the same status as its cargo——

The PRESIDING OFFICER. The Senator's time on the amendment has expired.

Mr. BONE. I will speak on the bill. Assuming my $10,000,000 vessel to be the issue in this case, whenever that vessel sails, my amendment would withdraw from that vessel the protection that we have by this bill withdrawn from its cargo. It seems to me—and I desire to be perfectly charitable in presenting my viewpoint, because I realize there are honest differences of opinion in this body as well as all other bodies—it seems to me that we are doing a thing which is almost indefensible from the standpoint of logic when we think we have washed our hands of moral responsibility for doing things that may lead to war by withdrawing protection from the cargo and still asserting to the country and to the world that we will protect the vessel carrying it. The flag that flies behind the Vice President's desk there will still protect the vessel, which is worth 10 times as much as the cargo. And so the German submarine "wolves"—still using this hypothetical case—the submarines see a great $10,000,000 American vessel coming out of New York Harbor carrying a million-dollar British cargo, and every one of these gray undersea "wolves" will immediately be on its trail. A million dollars' worth of stuff in the hull of that boat belongs to Great Britain. Of course they are going to sink it if they can. You would not blame them.

Mr. POPE. Mr. President, will the Senator yield?

Mr. BONE. I yield.

Mr. POPE. Has the Senator any doubt that under section 2 (a) any President would issue a proclamation and prohibit any American vessel from carrying such cargo in times of war? Is there any doubt at all about that?

Mr. BONE. Oh, yes, Mr. President. That is why I am expressing my feeling in the fashion that I am. I have such a doubt. I once saw a President refuse to lift his hands at times when I think he should have lifted them. I think that so long as we freely allow the economic motives, the love of dollars, to have full sway, men will be vulgar enough to sell high and noble traditions for the sake of those dollars.

The language to which my good friend the Senator from Idaho [Mr. POPE] calls my attention provides that the President may prevent any "such articles", that is, such articles as he might enumerate, from being carried on any American vessel.

I do not like those exceptions. I have no desire to indulge in any dalliance with that sort of loose language when we are trying to protect boys who will be dying in the next war. If our boys did not have to die, and if the American people did not have to have the lifeblood sweated out of them in taxation to pay for these crazy wars, I should not be on my feet speaking my protest here. If Americans want to carry this stuff, and indulge in a trade which is as dangerous as gun running and dope peddling so far as its moral effects on society are concerned, they should not ask protection which calls for the death of our boys who must underwrite the traffic with their lives. I think the shippers who get those flossy rates for carrying the cargo ought not to demand of their country the protection that its Army and its Navy will ultimately have to give them if we allow this traffic to go on under the protection of a statute which

means the protection of our Navy. This, in turn, means war.

It has been suggested on this floor that profits are not touched by this resolution; but I wonder if the critics who approach us on that theory would be willing to vote for the bill which the Munitions Committee of the Senate introduced, which would take 99 percent of all profits after $10,000 profit is reached. If we could put that sort of legislation on the statute books, we probably should not have many shouters for war and our "sacred" trade rights, because the gentlemen who normally make money out of war could not cash in on the next one. War profits would become as extinct as the dodo.

It has been suggested also that if there should be another war in Europe, Great Britain would control the seas, and that any other nation at war with Great Britain, be it a small nation or a large nation, which did not dominate the seas by virtue of possession of a big navy, would be angry with us because we were not selling material freely to all nations and protecting that traffic by force if need be.

The answer to that assertion comes trippingly to the lips of a sophomore in high school. All we need do is to read the cold, ruthless pages of the history of the late war. Great Britain was not only mistress of the seas but Great Britain repeatedly seized our vessels on the high seas in violation of every canon and every standard of international law. Yet the British prate glibly of the sanctity of international law! I have yet to find a student of this subject who will not readily admit that international law and all its canons and its standards went into the ashcan when war was on.

Why spend precious hours splitting hairs like a lot of sophists of the Middle Ages over things that have no existence except in the imagination of some law shark? Everyone knows that international law did not amount to a damn in the last war.

Why talk of it? Why invoke it? It is as dead as Tophet. Yet, to hear some men talk about it, one would think they were talking about a sacred revelation from the Delphic oracle. But international law has proved to be a veritable Delphic oracle of Doodledum.

We asked, we begged, Great Britain to respect international law during the last war. Great Britain told us, in the chaste langauge of diplomacy, to "forget it." If we got into another war, and the sons of British mothers were dying on the battlefield, does any Senator think Britain would let any country with which she was at war get ammunition, food, clothing, or anything else from this country? Whether we pass a law or do not pass it, war is hell, and it is governed, in the last analysis, by the rules of the nether region.

Do Senators think that German mothers whose boys were dying under shells made by Bethlehem Steel or by any other American profiteer would in wartime stop to reason out what it meant in the field of international law, or respect our "traditional" freedom-of-seas notions, which became ashes in our mouth?

Suppose we were at war with Japan, and we had 2,000,000 boys on the Asiatic mainland, and the firm of Vickers, or Skoda, or Schneider-Creusot in France, were sending cargoes of arms to Japan, and the names of American boys day after day were appearing in the casualty lists, how long do you think it would be, sir, until American mothers would come down to Washington in one unending procession, saying, "We do not care anything about your sacred cow called international law; we want you to send the American Navy out to stop those boats, because our boys are dying under British or French shells"? And if we had the courage of yellow dogs we would send the American Navy out and stop that traffic, international law or no international law, or we should be unfit to live. The will to live is supreme.

I want someone here to name a belligerent nation in the World War that respected international law. I wish we would just quit being learned Thebans for once and be realistic and admit what we all know, and that is that people do not care anything about international law when their boys are dying on battlefields.

Sometimes I am reminded of Gulliver's Travels, when he arrived at some place where some fellows were transforming glistening ice into gunpowder. He was making fun of people for doing a lot of foolish things; yet nothing could be more foolish than that form of foolishness which is blind to the horrors that can be wrought by greed unleashed in time of national peril.

Great Britain even stopped our ships going to neutral ports, and we could have asserted another set of Alabama claims against her. Great Britain, our friend, our pal, our "buddy", to preserve whom we contributed an army of dead, was not above seizing our ships in defiance of international law. The British Empire, that prates all the time about international law, this nation that reverences and falls on its face before the shrine of international law, was not above being a highjacker of American cargoes that were going even into neutral ports, Scandinavian ports, Dutch ports. Great Britain sent her cruisers out and impounded them.

"Freedom of the seas." When I was a youngster at school I read about this noble doctrine. We had a great war over it, which was settled by the Treaty of Ghent, but there is not a line in that treaty about international law. Freedom of the seas! There was another great war followed by the Treaty of Versailles, which is barren of reference to this sacred cow—freedom of the seas.

If there shall be another war in Europe, does anybody honestly think that any nation over there will care what international law is or what its rules are? Belligerent nations are interested in international law just like a hog is interested in trigonometry. [Laughter.]

Mr. FRAZIER. Mr. President, will the Senator yield?

Mr. BONE. Yes.

Mr. FRAZIER. I should like to ask the Senator from Washington what he thinks the joint resolution, this so-called neutrality measure, would amount to in the event of a great world war? Would it be respected even in our own country?

Mr. BONE. When the machinery not only to operate the principle but effectively to control the principle is in our hands, of course, it will operate to the degree the joint resolution permits; but if I had my way, I would be willing to embargo every ounce of merchandise going to a belligerent country.

Mr. FRAZIER. I agree with the Senator from Washington. He has expressed my sentiments exactly.

Mr. BONE. I hear men everywhere, including the very people who write openly about this matter and always portray the hell of war and how unutterably horrible it is, say in the same breath, "For God's sake, do not lay rough hands on our trade; it is sacrosanct; it is sacred." It has become more sacred than the blood of the boys that will be shed in another war to protect this sacred cow. Our "rights"! We must prepare to fight for our "rights."

Mr. POPE. Mr. President, will the Senator yield?

Mr. BONE. Yes.

Mr. POPE. Does the Senator think it would be possible to place an effective embargo upon our trade during war or at any other time? May I call his attention to the experience under the Jefferson administration in connection with the Embargo Act? An effort was then made to place an embargo upon our exports. That was in effect for about a year or a year and three months, and during that time there was turmoil in this country from one end to the other, there were petitions from cotton growers and wheat growers, there was idleness in our ports, and there was a continuous political battle here in the Senate and in the other House of Congress. Finally, at the end of a year and three months, the Embargo Act was repealed. In the meantime, there was a conference held, attended by Representatives of a number of the New England States that threatened to secede. Does the Senator think that it would be possible to have an effective embargo placed upon our exports at any time? Would not the administration in power

be overthrown by the idleness, the unemployment, and the economic distress throughout the country? Does he think that an effective and complete embargo would be possible in this country without overturning our form of government?

Mr. BONE. I am a bit too cold-blooded and realistic to believe that everything could be embargoed; but, since that is not made an issue by the joint resolution, it presents a moot question. It may be that we love the dollars we get out of war more than we love peace. I am not concerned whether or not this is a neutrality measure. I am frank to say, Mr. President, that I am much more interested in preserving peace. I am tired of this juggling of words, this splitting of hairs over the meaning of something. I will say to the Senator from Idaho that it is quite probable that we could put an embargo on shipments of goods from this country; but we would have down here labor groups, farmers, and almost everybody else inveighing against such embargo laws and saying that they "hurt business."

But let us look at the other side of the picture for a moment. I tell it rather haltingly, but I hope every Senator will mull this over in his mind and see if he can find in his conscience any rational, horse-sense answer to this problem, other than the one I suggest. I think the greatest piece of opera bouffe, the greatest and most arrant fake and fraud on this earth, is the fake and fraud that we ourselves conjure up when we talk about our "profits" in trade and our sacred "rights" therein. Let us employ the lamp of experience to guide our footsteps and go back over the "primrose path of dalliance" with the evil which we indulged in 1914, 1915, and 1916, and see what happened.

Let us see whether or not these "rights" are worth anything; let us analyze them and see whether an American citizen whose boy may die for them thinks these "rights" are worth fighting for.

The war trade was a lovely thing; the cash was coming in; everybody was happy. Twelve billion dollars were borrowed by belligerent nations from us, and I suspect that some of our "big shots" are heartbroken that they could not at that time also lend money to Germany. As soon as the war was over, however, they started lending American money to Germany; the boys got action as quickly as they could. They made up for this lost opportunity a little later by lending Germany everything they could except their shirts.

Where did the Allies get that money from the United States and where did the United States get it? It was the proceeds of Liberty bonds. Who is paying those bonds? The American people. Every nickel of the $12,000,000,000 of foreign trade that everybody wants to fight for, that constitute our sacred "rights"—and I should like to have "rights" quoted—every nickel of that trade is being paid for every day by Americans, and not later than the 15th of March every Member of the Senate will write a little check and send it up to the Treasury of the United States to contribute his part of the $12,000,000,000 of "profits" from war. Every time I hear a word on the Senate floor about our "rights" I know that is the most monstrous bit of buffoonery, so far as logic is concerned, ever suggested to the American people. How can one talk about rights when he pays through the nose for them? In order to get this down to a more simple basis for the average citizen, who is not a legal expert, let me suggest a practical application in our everyday lives.

My neighbor, Bill Smith, wants to borrow some money from me, and I say, "If I lend you the money, you would never pay it back." "Well, I am going to use this money and buy something from you, Mr. BONE." My ears fairly wiggle and wave; the impulse of a trader is in me; I am a businessman; and I am so eager to make something and sell it that, even though I lose money by the transaction, I cannot resist the desire to "trade." I have a right to make something and to sell it, and therefore I have a right to assert that right. So I say to Bill Smith, "Sir, will you pay this back?" "Oh, perish the thought! Why should I pay back anything I borrow from you," says Smith. "Not only do I want to borrow this money but I will buy things of you; and just recall, Mr. BONE, that will keep your factory open; also, Mr. BONE, you have a beautiful, big, new automobile, a $5,000 Packard, and I want you to deliver this stuff in your Packard." I say, "You live in a tough neighborhood; you are engaged in a fight with a lot of thugs and bad people in your community, and they are liable to smash up my automobile." "O, Mr. BONE, in exercising your sacred rights you have a constitutional right to the use of the streets, and you have the police department to protect you." I am a little bit squeamish about this business; maybe I had better not do it; but still the impulse urges me; I think of my sacred rights; I am a trader, a business "big shot", an American businessman.

Perhaps my own son will have to go along in the automobile and get his head beaten off, but that is perfectly all right; and so I send my automobile down with a cargo in it which I know, in the very course of things, will never be paid for. My automobile is smashed up; my boy is badly injured. That is the picture presented by sacred world trade. Is the picture overdrawn? Ask yourselves when you look at the pension payments to take care of the boys who went across the seas, pensions which will be paid for, perhaps, the next two generations, and the debt which crushed us when the depression came on. That was the price of the exercise of our noble rights; and, impossible as it may seem, this Government in 1914 did an astounding thing that I have never been able to understand, though I have asked many people about it. Along in September 1914, when shippers could no longer get war-risk insurance on cargoes, the Congress of the United States passed the War Risk Insurance Act, thereby putting our Government not only in the insurance business to insure these desperate war risks, but it virtually invited Americans to get into that traffic, and in they went. Such legislation was a patent bid to war.

Mr. President, I think I would be recreant in my duty to the people of my State and to Americans generally if by any suggestion on this floor I decried peace.

I think when we set up against the passionate desire for peace residing in the hearts of the American people, the trade argument based on so-called American rights, especially when we know these rights will be translated into a terrible financial loss, into an army of insane, into an army of death, we present a picture to Americans in these tragic times that is not a healthy one. It is a picture too gloomy to contemplate.

The American people want action. They are fed up on theory. They are tired of experts who love dollars more than humanity. We had a Government of business experts over the years. Presidents Hoover, Coolidge, and President Harding had a lot of these experts guiding us through and along various paths of glory, and what a job they made of it. We confront the fact that while the joint resolution is not what all of us would like, and certainly I would like to see it go much further, yet it is in my judgment a further step toward peace. We will never, in my judgment—and I have all the respect in the world for those who differ with me—absolve ourselves from moral responsibility in this situation by talking about our rights when those rights are nothing but despair, disillusionment, and death.

Terrible as it may be, those of us in this Chamber may live long enough to see our civilization liquidated by forces of disorder and destruction if another great war comes and we are part of it. In such a horrible time we would not argue theories from this floor. We would hear a different kind of argument. It would be the argument that men employ when all the processes of civilization break down, and if anybody in this body thinks that cannot happen, let him look realistically at Europe. In such a crash we would not hear Senators argue any longer. We would face something so weird and bizarre that I hesitate even to think of it.

In such a crash we of America would be legitimate prey for all the forces of disorder and destruction. When there is an economical collapse we all know what happens to a civilization. All in the world we have to do to invite that collapse and make it inevitable is to spend billions of dollars

more in another war to assert our right to trade. In the wake of that trade will come a new army of dead, a new army of insane, a new army of sick and crippled, a new debt that will crush us so we can never rise again. Enthrone this crazy doctrine and the four horsemen of the Apocalypse will ride through America and leave behind nothing but a train of destruction and utter desolation.

That is why I want to write into the pending measure this provision which I hope my brethren of the Senate, including the members of the Foreign Relations Committee, are willing to accept. I think this is a sound proposal. I feel that my fellow Senators can hardly walk away from the implications of this thing. I believe no man can very well vote to take the protection from a cargo worth half a million dollars and provide protection on a $10,000,000 vessel carrying it. That means the use of force to protect the boat.

I sincerely hope the joint resolution will be passed with my amendment included.

Mr. HATCH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New Mexico?

Mr. BONE. Certainly.

Mr. HATCH. I did not hear the Senator's amendment stated because I was not in the Chamber when he began his remarks. Would he mind restating it?

Mr. BONE. If the Senator will look at page 10 of the joint resolution he will find the place where the amendment is to be inserted. In line 13, after the word "thereunder", I propose to insert the words "or by the owner of the vessel carrying the same."

Mr. HATCH. I thank the Senator.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had passed without amendment the following bills of the Senate:

S. 84. An act to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. Ralph Charles Stuart; and

S. 989. An act to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. Clarence Quinton Pair.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 328. An act for the relief of the estate of Letha F. McCubbin, the estate of Mary B. Hodge, and the estate of Walter H. Mansfield;

H. R. 411. An act for the relief of A. Sereiskis (Maxwell A. Rittenberg);

H. R. 458. An act for the relief of Eva Markowitz;

H. R. 595. An act for the relief of Mada Landtiser;

H. R. 1375. An act for the relief of Wayne M. Cotner;

H. R. 1377. An act conferring jurisdiction upon the United States District Court for the Southern District of Ohio to hear, determine, and render judgment upon the claims of Walter T. Karshner, Katherine Karshner, Anne M. Karshner, and Mrs. James E. McShane;

H. R. 1379. An act for the relief of Matt E. Saylor;

H. R. 1676. An act for the relief of the Van Buren Light and Power District;

H. R. 1731. An act for the relief of Angelo and Auro Cattaneo;

H. R. 1792. An act for the relief of John Kelley;

H. R. 1859. An act for the relief of Etta Natelsky;

H. R. 1870. An act for the relief of Kate Carter Lyons;

H. R. 1871. An act for the relief of John S. Hemrick;

H. R. 1875. An act for the relief of Anna Muetzel;

H. R. 1904. An act for the relief of Florenz Gutierrez;

H. R. 1913. An act for the relief of Matt Burgess;

H. R. 1923. An act for the relief of Evangelos Karacostas;

H. R. 1930. An act for the relief of William H. Ames;

H. R. 2042. An act for the relief of Joshua L. Bach;

H. R. 2089. An act for the relief of Charles D. Weisz;

H. R. 2144. An act for the relief of Henrietta Jacobs;

H. R. 2225. An act for the relief of Paul Burress;

H. R. 2226. An act for the relief of Leah Levine;

H. R. 2229. An act for the relief of Florida O. McLain, widow of Calvin E. McLain;

H. R. 2320. An act for the relief of Peter Karampelis;

H. R. 2321. An act for the relief of James C. Wilkinson;

H. R. 2332. An act for the relief of William Sulem;

H. R. 2334. An act for the relief of Andrew Dowd;

H. R. 2368. An act for the relief of the estate of Catherine Harkins, deceased;

H. R. 2488. An act for the relief of A. H. Sphar;

H. R. 2560. An act for the relief of the State of New York Insurance Department as liquidator;

H. R. 2574. An act for the relief of Julius A. Geske;

H. R. 2771. An act for the relief of Harold W. Snell;

H. R. 2772. An act for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department;

H. R. 2773. An act to authorize the settlement of individual claims for personal property lost or damaged, arising out of the activities of the Civilian Conservation Corps, which have been approved by the Secretary of War;

H. R. 2780. An act for the relief of William Blakeley, or Blakley, as administrator of the estate of Joseph Blakeley, deceased;

H. R. 2781. An act for the relief of Rev. Harry J. Hill;

H. R. 2801. An act for the relief of Claude Curteman;

H. R. 2828. An act for the relief of F. E. Hall;

H. R. 2934. An act for the relief of Raymond E. Payne and Anna R. Payne;

H. R. 2936. An act for the relief of E. B. Gray;

H. R. 2978. An act for the relief of Mrs. M. N. Shwamberg and others;

H. R. 3055. An act for the relief of the estate of John E. Callaway;

H. R. 3067. An act for the relief of John Edgar White, a minor;

H. R. 3190. An act for the relief of Grier-Lowrance Construction Co., Inc.;

H. R. 3201. An act for the relief of Bertha M. Harris;

H. R. 3203. An act for the relief of Rosalie Rose;

H. R. 3251. An act for the relief of Joseph A. Rudy;

H. R. 3268. An act for the relief of William Randolph Cason;

H. R. 3354. An act for the relief of the Great Northern Railway Co.;

H. R. 3395. An act for the relief of J. H. Knott;

H. R. 3451. An act for the relief of F. M. Loeffler;

H. R. 3573. An act for the relief of D. B. Carter;

H. R. 3575. An act conferring jurisdiction upon the United States District Court for the Eastern District of New York to hear, determine, and render judgment upon the claims of Achille and Albert Retellatto;

H. R. 3630. An act for the relief of E. C. Willis, father of the late Charles R. Willis, a minor;

H. R. 3636. An act for the relief of Margaret Scott Bayley;

H. R. 3701. An act for the relief of the Sterling Bronze Co.;

H. R. 3706. An act for the relief of Ella Goodwin;

H. R. 3722. An act for the relief of Alfred T. Johnston;

H. R. 3736. An act for the relief of Mr. and Mrs. Edward J. Pruett;

H. R. 3750. An act for the relief of Jack C. Allen;

H. R. 3812. An act for the relief of the estate of Rees Morgan;

H. R. 3921. An act for the relief of Nell Mullen;

H. R. 4451. An act to authorize the cancelation of deportation proceedings in the case of Salvatore Branchicella; and

H. J. Res. 101. Joint resolution for the relief of Dr. M. Kellogg Mookerjee.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred, or ordered to be placed on the calendar, as indicated below:

H. R. 328. An act for the relief of the estate of Letha F. McCubbin, the estate of Mary B. Hodge, and the estate of Walter H. Mansfield;

H. R. 458. An act for the relief of Eva Markowitz;

H. R. 595. An act for the relief of Mada Landtiser;
H. R. 1375. An act for the relief of Wayne M. Cotner;
H. R. 1377. An act conferring jurisdiction upon the United States District Court for the Southern District of Ohio to hear, determine, and render judgment upon the claims of Walter T. Karshner, Katharine Karshner, Anne M. Karshner, and Mrs. James E. McShane;
H. R. 1379. An act for the relief of Matt E. Saylor;
H. R. 1676. An act for the relief of the Van Buren Light and Power District;
H. R. 1792. An act for the relief of John Kelley;
H. R. 1859. An act for the relief of Etta Natelsky;
H. R. 1870. An act for the relief of Kate Carter Lyons;
H. R. 1871. An act for the relief of John S. Hemrick;
H. R. 1875. An act for the relief of Anna Muetzel;
H. R. 1904. An act for the relief of Florenz Gutierrez;
H. R. 1913. An act for the relief of Matt Burgess;
H. R. 1923. An act for the relief of Evangelos Karacostas;
H. R. 1930. An act for the relief of William H. Ames;
H. R. 2042. An act for the relief of Joshua L. Bach;
H. R. 2089. An act for the relief of Charles D. Weisz;
H. R. 2144. An act for the relief of Henrietta Jacobs;
H. R. 2225. An act for the relief of Paul Burress;
H. R. 2226. An act for the relief of Leah Levine;
H. R. 2229. An act for the relief of Florida O. McLain, widow of Calvin E. McLain;
H. R. 2320. An act for the relief of Peter Karampelis;
H. R. 2321. An act for the relief of James C. Wilkinson;
H. R. 2332. An act for the relief of William Sulem;
H. R. 2334. An act for the relief of Andrew Dowd;
H. R. 2368. An act for the relief of the estate of Catherine Harkins, deceased;
H. R. 2438. An act for the relief of A. H. Sphar;
H. R. 2560. An act for the relief of the State of New York Insurance Department as liquidator;
H. R. 2574. An act for the relief of Julius A. Geske;
H. R. 2771. An act for the relief of Harold W. Snell;
H. R. 2773. An act to authorize the settlement of individual claims for personal property lost or damaged arising out of the activities of the Civilian Conservation Corps which have been approved by the Secretary of War;
H. R. 2780. An act for the relief of William Blakeley, or Blakley, as administrator of the estate of Joseph Blakeley, deceased;
H. R. 2781. An act for the relief of Rev. Harry J. Hill;
H. R. 2801. An act for the relief of Claude Curteman;
H. R. 2828. An act for the relief of F. E. Hall;
H. R. 2934. An act for the relief of Raymond E. Payne and Anna R. Payne;
H. R. 2936. An act for the relief of E. B. Gray;
H. R. 3055. An act for the relief of the estate of John E. Callaway;
H. R. 3067. An act for the relief of John Edgar White, a minor;
H. R. 3190. An act for the relief of Grier-Lowrance Construction Co., Inc.;
H. R. 3201. An act for the relief of Bertha M. Harris;
H. R. 3203. An act for the relief of Rosalie Rose;
H. R. 3251. An act for the relief of Joseph A. Rudy;
H. R. 3268. An act for the relief of William Randolph Cason;
H. R. 3354. An act for the relief of the Great Northern Railway Co.;
H. R. 3395. An act for the relief of J. H. Knott;
H. R. 3451. An act for the relief of F. M. Loeffler;
H. R. 3573. An act for the relief of D. B. Carter;
H. R. 3575. An act conferring jurisdiction upon the United States District Court for the Eastern District of New York to hear, determine, and render judgment upon the claims of Achille and Albert Retellatto;
H. R. 3630. An act for the relief of E. C. Willis, father of the late Charles R. Willis, a minor;
H. R. 3636. An act for the relief of Margaret Scott Bayley;
H. R. 3701. An act for the relief of the Sterling Bronze Co.;
H. R. 3706. An act for the relief of Ella Goodwin;
H. R. 3722. An act for the relief of Alfred T. Johnston;
H. R. 3736. An act for the relief of Mr. and Mrs. Edward J. Pruett;
H. R. 3750. An act for the relief of Jack C. Allen;
H. R. 3812. An act for the relief of the estate of Rees Morgan; and
H. R. 3921. An act for the relief of Nell Mullen; to the Committee on Claims.
H. R. 2772. An act for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department; to the Calendar.
H. R. 2978. An act for the relief of Mrs. M. N. Shwamberg and others; to the Committee on Foreign Relations.
H. R. 411. An act for the relief of A. Sereiskis (Maxwell A. Rittenberg);
H. R. 1731. An act for the relief of Angelo and Auro Cattaneo;
H. R. 4451. An act to authorize the cancelation of deportation proceedings in the case of Salvatore Branchicella; and
H. J. Res. 101. Joint resolution for the relief of Dr. M. Kellogg Mookerjee; to the Committee on Immigration.

AMERICAN NEUTRALITY

The Senate resumed consideration of the joint resolution (S. J. Res. 51) to amend the joint resolution entitled "Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war", approved August 31, 1935, being Public Resolution No. 67, Seventy-fourth Congress (S. J. Res. 173), as amended by joint resolution approved February 29, 1936, entitled "Joint resolution extending and amending the joint resolution (Public Res. 67, 74th Cong.), approved August 31, 1935."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Michigan [Mr. VANDENBERG] to the committee amendment in the nature of a substitute.

Mr. KING. Mr. President, I am not a member of the Foreign Relations Committee of the Senate, and therefore I have been denied the privilege of hearing witnesses and considering data brought to the attention of the committee before the measure before us was reported. I have examined the resolution before us and have attempted to understand its purpose and to weigh its implications. After giving it such consideration as opportunity afforded, I have reached the conclusion, though reluctantly, that I cannot give it my support.

I do not believe that it possesses the virtues ascribed to it, or that it will secure the benefits which the supporters of the resolution, with more or less confidence, believe will be realized. If I thought that the adoption of the resolution would tend to promote peace, or that it would be efficacious in the field of genuine neutrality, I would gladly support it. It is unnecessary for me to state that since I have been in the Senate I have supported all measures which I believed were calculated to prevent international discords or controversies and would advance the cause of world peace.

Soon after the World War efforts were made to secure legislation that would provide more than a billion dollars to be expended in the construction of battleships and battle cruisers and subsidiary naval craft. This measure I opposed and offered a resolution in the Senate calling for an international conference for the purpose of bringing about, if not disarmament, at least a reduction in military preparations. In 1922 the President of the United States called a conference on the limitation of armaments, at which various powers were represented. Belgium, the British Empire, China, France, Japan, the Netherlands, and Portugal sent distinguished representatives who actively participated in the conference.

While the conference did not accomplish all that was desired, I think it can truthfully be stated that the results were of importance not only to the United States and participating nations, but to all other countries. It resulted in the saving of billions of dollars which otherwise would have been expended in the construction of war vessels.

Many believed that the conference should have been broadened in its scope and should have dealt with measures directly falling within the field or category of neutrality. However, it was an achievement to secure the consideration of matters which were brought before the conference. It was hoped by many persons in this and other lands that further conferences would follow the Washington Conference, at which the questions of international law and neutrality and other subjects of international importance might be considered and definite plans and policies agreed upon. Unfortunately the pressure of local and national problems which demanded consideration interfered with the consideration of international questions and problems, to the solution of which the combined wisdom of the leading nations of the world should have been directed. The spirit of nationalism was too strong in many countries, and efforts to bring nations into more harmonious relations were regarded either with suspicion or with violent disfavor. It was thought by many that the tragic lessons of the World War would compel a reexamination of all questions embraced within the field of international law.

It was believed by many that the time was propitious for strengthening the foundations of international law, including the promulgation of a rational and just system of neutrality. As I have indicated, there was lacking that broad and catholic spirit essential to a realization of the objectives referred to.

The world is still wandering in confusion and is surrounded by an atmosphere of suspicion and resentment and, unfortunately, fear and hatred. Military weapons are being forged and plans for military operations are being devised. The world resounds with the cries and threats of peoples who look with fear and dread upon the future and yet who are unwilling to sheath the sword and put on the habiliments of peace and good will.

I repeat it is a tragedy that selfishness and extreme nationalism should have been so pervasive and controlling, thus preventing a triumphant movement which would have been promotive of world peace. Unfortunately the golden opportunity to advance the reign of peace was not seized and the result has been a more aggressive spirit of nationalism, followed by open or hidden assaults upon weaker peoples' attacks upon democratic institutions, and the rise of totalitarian states, which seek increased power.

Mr. President, I have upon a number of occasions referred to the important position which this Republic occupies among the nations of the world; to its material and moral strength, and have expressed the hope that it would, by reason of the advantageous position which it occupies, take the lead in bringing the world out of its strife and confusion. The great majority of the people of the world do not desire dictators or military or imperialistic governments. They desire peace and opportunities for material, cultural, and spiritual advancement. They are animated by high ideals and look forward to a time when war will cease and the efforts of the people devoted to the promotion of the happiness and peace of all men.

I am not convinced that the resolution before us is timely or that it will accomplish the purpose for which it is designed. In my opinion our Nation should take the lead in formulating a code of international law which would be so broad and comprehensive as to not only promote neutrality but international cooperation. The measure before us, I fear, does neither.

There has been some progress since the days of Grotius, but not as much progress as should have been made by this and other democratic nations if they had exhibited a more earnest, and I might add, dynamic, spirit of leadership.

In my opinion there has been too much talk concerning the rights of belligerents and not enough of the rights of neutrals. There has been too much talk of war and not enough sincere effort to promote peace. While the claim has been made that regulations and rules sought to protect neutral rights and neutral trade and commerce, the fact remains that in the frequent conflicts between nations too much consideration has been given to the rights of belligerents.

I might add by way of parentheses that Grotius, as well as other great writers upon international law, believed that there could be imported into our international relations the benign spirit of municipal law, which, wherever it has prevailed—and it has prevailed in civilized nations—has made for peace among the communities, states, peoples, and nations. I see no reason why there should not be imported into international law that same benign spirit by nations being drawn together spiritually, morally, and otherwise; and why we should not adopt measures that will make for international peace, that will recognize the rights of all nations in time of war as well as in time of peace.

The United States has not often been a belligerent and therefore has been primarily interested in determining the rights of neutrals, particularly with reference to matters affecting trade and commerce. This has resulted in announcing, as an international policy, the freedom of the seas. I believe that our Nation has been foremost in championing the freedom of the seas. I am not willing to pursue a course which has been referred to today as a "scuttling" course, and seek isolation by the abdication of our rights at sea as well as our rights upon land.

We are, however, departing from the attitude formerly assumed and are proceeding upon the theory that the primary object of all regulations and laws as to neutrality is—regardless of consequences to our economic and industrial life—to avoid controversies with other nations or becoming involved in an international conflict.

Parallel with this view, our efforts seem to be to narrow the zone in which belligerent activities have been or will be begun. The aim of recent legislation by the Congress has not been the definition of what the United States as a neutral may still do. Rather has it aimed to prohibit the doing of so many things recognized as proper under international law.

As I understand the resolution before us, it seems to proceed upon the theory that we can be insulated against all possible dangers from international conflict. The proposed measure, as I have indicated, is not designed to specify what rights neutrals might have which are internationally recognized, but rather to emphasize belligerent rights. At any rate, the effort seems to have been to narrow neutral rights in reference to what would be conceded as belligerent rights. The rights of neutrals and belligerents should rest upon recognized principles of international law; every effort should be made to bring within the spirit and the letter of international law the rights of neutrals and belligerents; and the effort should be to magnify and protect, by proper rules and regulations based upon international law, neutral rights, even though there might be a modification and limitation upon heretofore recognized belligerent rights.

It seems to me efforts should be made to treat the question involved in the joint resolution under consideration as an international question, rather than as a matter concerning our Nation alone. A unitary approach to this question will involve implications perhaps not now appreciated, and consequences which might be avoided by the inauguration of a plan to have all nonbelligerent states join to protect neutral rights. An approach to this question by the important nations of the world would bring more satisfactory results than to attempt to deal with it as an isolated matter in which the United States alone is concerned.

I digress at this point to remark that while many persons today condemn as unworkable and as too idealistic the policies of Woodrow Wilson, he envisioned a day when the nations of the world would be brought together for the purpose of working out, under international law, policies which would make for the security and happiness of individuals as well as nations; and it is not too much to say that the same view, in part at least, was expressed by Theodore Roosevelt in his Nobel Prize speech. As I recall he advocated

a league or concord of nations for the purpose of eliminating war and establishing world peace. He suggested an international police that would take cognizance of breaches of international law, and restrain any recalcitrant nation "that ran amuck" and disturbed the peace of the world.

I believe, Mr. President, that the future of the world is peace and not war; is a higher degree of civilization than that which has been attained; and any nation that neglects its duty—and it is a duty—to seek international harmony, and to strive to bring the nations together for their mutual advantage, fails in the discharge of the obligations resting upon it.

I believe, as I have stated, that an approach to this question by the important nations of the world will bring satisfactory results. It seems to me we may not deal with it by adopting a policy that may be regarded as an attempt to "scuttle" out of sight and to take refuge in isolation when there are clouds of war in the sky.

It is difficult to determine in advance what course should be or will be followed in the case of a world conflict, as we are attempting to do under this joint resolution, as I interpret its provisions. We may discuss the matter academically, and perhaps lay down some general rules of conduct; but, after all, when the flames of war envelop nations and approach our land or sweep over it, these isolation policies framed by a nation for the purpose of determining national conduct with respect to international questions will be forgotten or ignored.

It cannot be determined what course will be pursued by billigerents in future conflicts. When the World War broke upon the world, neutral nations did not know, and neither did the belligerents, what the lines of battle would be, or what instrumentalities of death and destruction ultimately would be employed. The announcement by a nation of the course it will pursue in the event of an international conflict probably would prove impotent in averting conflict or preventing the nation in question from being drawn within the field of international conflict. Indeed, our announcing to the world in advance what our policy shall be, and what inhibitions are imposed upon our Nation and upon our nationals, may and probably will prove advantageous to nations entering into the field of war. If the leading nations should agree upon fundamental questions and the rules and regulations to be adhered to in the event of war, then no advantage would be obtained by one nation over another.

A unitary declaration of policy may give belligerents opportunity to formulate their plans with reference to the announced policy of the nation making such a declaration. Moreover, the unilateral announcement of a policy imposes some restrictions when the conflagration comes that would prohibit adopting different plans and different regulations when the exigencies of the situation demanded them. I think that view was very clearly expressed by the able Senator from Michigan [Mr. VANDENBERG] in the illuminating address he delivered a day or two ago. To change the announced plan might prove advantageous to one or more of the belligerents to the disadvantage of other belligerents, and thus subject the United States to the charge of favoring one belligerent over another. It would seem obvious that the rules of neutrality have no international validity when enunciated by a single nation, whether those rules be announced by an executive or by a legislative body.

While it is true that the rules of international law are vague and insufficient, nevertheless they are based upon the consensus of agreements among nations; and while it is true, as was stated by the Senator from Washington [Mr. BONE] a moment ago, that in war laws are silent, and there are violations of agreements which have been entered into, nevertheless I think it may be said that, taking it by and large, there has been and there will be a growing disposition to adhere to international agreements, to respect their prohibitions, and to carry out in good faith their terms. If not, why do we have conferences with other nations? Why did the distinguished President of the United States and the Secretary of State recently visit South America? They sought to bring into more harmonious relations this Republic and Latin America.

To say that the world will pay no regard to international agreements is an indictment that I think is not warranted any more than to say that because there are many who violate our domestic laws, and because our prisons unfortunately are filled with many who have been law violators, the American people have no respect for the laws of their States and the laws of the United States. There will be law violators among people living in the United States, and there will be nations that will violate covenants they have made, but little by little, in my opinion, the world will rise to a higher standard of honor and integrity, and there will be attached to international agreements a sanctity which in the past has not been attained, but which ultimately I believe will guide and direct them largely, if not absolutely, in their international relations.

As I have indicated, in the event of an international conflict, regulations which one nation may promulgate, hoping to prevent its being drawn into the conflict, would not be accepted by belligerents if advantages might be derived by ignoring them. If we surrender a large part of our neutral rights, we need not expect that belligerents will be more constrained to regard conceded neutral rights or national territory. When we attempt to enumerate rights to be surrendered, we shall find that we must enumerate rights which we still hold fast. Belligerents are not concerned in the details of local legislation. They are at war, and admit no restraints except grudgingly—restraints imposed by international agreement—and even then, as I have indicated, infringements are made upon such international agreements.

It is doubtful whether by yielding rights we could secure isolation, or, if we did, whether the situation would be satisfactory. It has been said that no ostrich escaped danger by burying its head in the sand.

As I have indicated, neutrality is not the business of one nation—it is the concern of all nations; and the United States, with its prestige and power, should take the lead in urging other nations to agree upon certain general principles of international law, and they should be positive rather than negative. They should be concerned in the protection of neutral rights and less concerned in supporting belligerent rights or in giving tacit recognition to policies and practices claimed by belligerents. This course would assign to belligerents a more limited sphere of activity and undoubtedly have a wholesome effect in restraining illegal conduct upon their part. There are various subjects which could be, with practical unanimity, agreed upon among the nations. It is not necessary for me to enumerate them.

Undoubtedly, as indicated, many acts might be interdicted and many barbarous and ruthless practices which in the past have been evident, outlawed.

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). The Senator's time on the amendment has expired.

Mr. KING. I will take some time on the bill.

Undoubtedly definitions could be agreed upon with respect to munitions to be used in actual war operations. And it is quite likely that any plan agreed upon would not include food and cotton because the moral sense of the world revolts against the idea of starving the civilian population, and I think it may be said that no regulation contrary to moral sense can be enforced. A list that attempted to include everything which might conceivably be turned into war uses would be futile, because it would mean stoppage of world trade, or a recrudescence of the old fight as to eventual belligerent destination.

We may in our wild dreams think that the seas are to be closed, that we are not to build ships for trade and commerce, and that the lanes of trade and commerce are to be closed. But the world will not come to that condition. We are an expanding world. We are growing closer together, and trade and commerce are as vital to civilization as books and preachers and the moral precepts which we hear from day to day reiterated by men of standing in their respective communities. We know that the attempted definition of "contraband" during the last war led to utter confusion, suspicion, and misunderstanding. One of the reasons for this confusion grew out of the fact that the belligerent

governments themselves announced from time to time their own lists of contraband. These lists have never been agreed upon by a congress of nations, as they should be, and, of course, such action by a congress of nations would provide that the list could not be changed during the course of the war.

The view has prevailed that there ought to be prohibitions against Americans traveling through war zones, and, indeed, prohibiting all trade with belligerents. The reason for this view, doubtless, is that ships of belligerents may not be trusted to respect neutral rights or international agreements, and that American goods on the high seas and American travelers may be destroyed by belligerent ships, which would cause resentments in the United States which might eventuate in demands for American interference.

Of course, neither the Executive nor the Congress can prevent emotions or resentments. And this comes back to the suggestion which has been made that restraints imposed by one nation upon its nationals may be ineffective when an international conflict arises. The renunciation by a neutral nation, such as the United States, of rights acquired under international law can be almost certain to have an unfortunate effect and might extend the theater of conflict, because the belligerents would be sure to demand concessions from all nations equal to those given by one; and many nations would rather fight for their rights than surrender them without a struggle. They would realize that those who are trying to keep our country out of war by the surrender of these rights do not comprehend that by an admission of neutral impotence we might be surrendering the world to the mercies of war-loving and war-seeking nations.

Our country has stood for neutral rights, freedom of the seas, and the right to carry on trade in wartimes as well as in peacetimes. Some of these rights were surrendered or acquiesced in their loss during the World War. That was in part due to the sympathies of the American people for the allied cause; and, but with the sympathy for the Allies, we should not have been willing to surrender our right to trade and travel at the behest of anyone whether friendly or otherwise. Perhaps no hard and fast rule can be laid down to govern national action when the circumstances within which that action was taken are predictable. If the United States announces in advance that it will claim no neutral rights, will bar its citizens from travel, its ships from sailing the seas, its merchants from trading abroad, there would still be danger of involvement both through the probable action of the contestants and by reason of probable serious disorders at home which would force a change of American neutrality rules during the conflict.

It is not necessary for me to allude to the fact, with which we are all familiar, that when Germany invaded Belgium, and later when by her course she attacked our ships and the ships of other nations upon the high seas and interfered materially with our trade, demands were made by the American people that the United States should intervene. A distinguished American, whose name is known and revered by the people today, Theodore Roosevelt, criticized the conduct of the administration then in power, and indicated that failure to intervene was not consistent with the duty of our Nation.

Be that as it may, there was a strong sentiment upon the part of the American people against the policy that was being pursued, which threatened our trade and commerce and our relations with other nations, and, indeed, threatened to produce irreparable injury to our industry and agriculture.

Senators will remember the fall in the prices of cotton and other commodities and the almost universal demand that some action should be taken by the Government for the protection of our trade and commerce.

It is well known that under the present rules governing trade, war stimulates production to a point where there appears to be prosperity. Other nations would be taking advantage of a war stimulus while we would be curtailing production and thus causing severe industrial depression, and perhaps an industrial paralysis. If farmers and manufacturers see world prices advancing and world markets expanding and to have their own factories idle and the farms unproductive, there would be insistent demands for a modification of the policy being pursued by the Government, which gave to them no protection for their surplus products and for their share of the trade of the world.

Laws governing neutrality, as they are declared by a single nation, are almost certain to be dangerous, especially if they are the result of superficial thinking against a background of sentimentality. They are almost certain to be war breeders, not war preventives. All regulations of the kind have as one of their purposes to make war itself more difficult, and should have that as their principal purpose, rather than the narrow one of keeping the United States or some other single nation from becoming involved.

That is why I am trying to emphasize the importance of a multilateral agreement rather than a unilateral proclamation. We must bring together the nations of the world and strengthen international law rather than try to evolve an isolated policy dealing exclusively with our own rights, our own duties, or our own responsibilities in a warring world.

Laws governing neutrality to serve any broader purpose really effectively, however, should be international and as nearly as possible universal. Only in comparatively small matters would it be safe for the United States to issue its own regulations dealing with the question of neutrality and the rights or the wrongs and limitations upon belligerents.

If this country should, by legislation, surrender its neutral rights, as some persons assert it ought to do, America would deal a severe blow to international law. It would mean the surrender of the immemorial right reserved to every nation to extend protection to its citizens at all times, a right and duty which is the very cornerstone of international law. A tame acquiescence in measures that belligerents might take against American trade would lead to similar acquiescences in other aggressions. For example, if only belligerent rights are to be considered, how long would it be before bases were established in neutral territory? If a belligerent decided to use one of the islands contiguous to our territory or one of the capes of the continent, how long would it be before bases were established in neutral territory? If a belligerent decided to use Long Island as a base, would the United States acquiesce? One surrender leads inevitably to another.

It has always been the American aim to contribute to the growth of international law, not to whittle away that law. We must, of course, recognize that many of the laws of neutrality, as formally recorded in international law, have been rendered obsolete by mechanical and scientific developments. They are, in consequence, little observed; and yet they are based on both moral and material realities. For the United States to scrap them, alone among the nations, would be dangerous and arrogant. For the United States, on the other hand, in conjunction with other nations, to rewrite and modernize these regulations, with rights of neutrals rather than of belligerents in mind, might result in localizing a future war so completely that it would be almost innocuous to the world at large. It is impossible to state what rules might be arrived at or devised, because in every conference new theories are advanced and developed and adopted or discussed and discarded.

Such a revision might obligate all neutrals to withhold all supplies from belligerents. It might strengthen instead of scrap the doctrine of the freedom of the seas. It might devise some method whereby all neutrals would act together temporarily completely to boycott belligerents. Such a coalition, except in the case of a really great war, would be more effective than anything imaginable in bringing strife to an end.

This whole matter ought to be studied intensively in the Department of State and by those upon whom authority rests to deal with these matters—studied historically and in the light of present scientific and mechanical developments, even in the light of what we want to believe is a keener

moral sense. The Department of State should be alert, and I know that it is, to find an opportunity to bring the nations of the world together in a high endeavor to devise rules of neutrality which would both protect the neutrals and hinder the possibility of war. When this time comes, as come it must, the United States should have a plan as sensible and clear-cut, as far reaching and as humanitarian as was the plan for naval limitations which Mr. Hughes so dramatically presented at the Washington Conference.

Mr. President, my time has nearly expired, and I am compelled, therefore, to pretermit a discussion of a number of matters that I would urge in support of my position in opposition to the resolution. Obviously the resolution has but little to do with neutrality, nor, in my opinion, will it make for peace. It will also injuriously affect trade agreements which the administration has negotiated and others which it is hoped will be negotiated with other nations. And, in my opinion, it will also run counter to the Kellogg-Briand Pact and be prejudicial to efforts which may be made to secure a reduction in armaments. The cash-and-carry provision of the measure, in my opinion, militates against the weaker powers, and certainly will be advantageous to those nations whose ships command the seas. Some of the Latin-American nations will discover, in the event of serious international conflicts, the disadvantage to which they will be subjected.

Mr. President, I ask permission to have inserted in the RECORD as a part of my remarks an editorial from the Washington Post under date of February 23, 1937, and also an article by Dorothy Thompson entitled "The Unneutrality Bill."

There being no objection, the articles referred to were ordered to be printed in the RECORD, as follows:

[From the Washington Post of Feb. 23, 1937]

"PEACE ACT", 1937 MODEL

Senator PITTMAN is eminently correct in pointing out that the so-called neutrality bill, favorably reported out on Saturday by the Foreign Relations Committee, has nothing to do with neutrality. Whether he will prove equally accurate in calling the measure the "Peace Act of 1937" is much more doubtful.

The bill has nothing to do with neutrality because on the one hand it seeks to deprive Americans of freedom of action, in the event of foreign war, which by no accepted definition could be called unneutral. And on the other hand it serves notice in advance that the United States will draw no distinctions between a violator of international law and the victim of that violation. This is not neutrality. It is a compound of ignorance, timidity, and ineffective isolationism.

The measure not merely effectively undermines the Kellogg Pact but also cuts squarely across the trade-agreements policy whereby Secretary Hull has sought to substitute economic internationalism for autarchy of the made-in-Germany model. This utter contradiction in our foreign policy, of course, explains why Secretary Hull weakly failed to testify before the Senate committee on the probable effects of the Pittman measure. He must know that it threatens to blow the bottom out of the trade policy for which he has worked so assiduously.

The Pittman bill, if enacted, will do wonders to stimulate the world race in armaments already under way. By partially withdrawing America from the international picture, in the event of war, it will force preparedness in advance among all countries which have a large normal trade with us. American agriculture will suffer by the forced development of alternative sources of supply elsewhere. We shall not have to wait for war abroad to see the consequences of this legislation.

Those who will be most surprised at the outcome will be those emotional pacifists who have lined up for what they call "mandatory neutrality." As this policy encourages feverish armament programs elsewhere we shall similarly fall in line. The first indications of this are already at hand; but only the first indications. The "Peace Act of 1937" is certain to be followed by even higher American naval, air, and military appropriations.

It can be said that the bill might be worse; that it might place a rigid mandatory embargo on the export of any supplies to belligerents in the event of war abroad. But to say this is merely to say that Congress has not the courage of its convictions. It is not willing to pay the price of that real isolation which might, at terrific cost, make this so-called neutrality policy effective in insulating the United States from world events.

The compromise "cash and carry" provision is a perfect illustration of this failure to look the issue in the face. It places a premium on command of the seas which makes further talk of naval disarmament absurd. It means that in a European war we side automatically with Great Britain and that in an Asiatic war we side automatically with Japan, provided only that their fleets rule respectively the Atlantic and the Pacific.

As Great Britain and Japan augment naval construction to accept this situation it may be hoped we shall at least have the grace not to criticize them for a direct result of our "Peace Act of 1937."

ON THE RECORD

(By Dorothy Thompson)

THE UNNEUTRALITY BILL

It is, of course, utterly impossible to lay down a hard and fast program for preventing world war, but it is the thesis of this column that should a war of world proportions occur, any neutrality legislation which we may pass today cannot be counted on to keep us out of it, and will tie our hands, limit our influence, and restrict our power which now, in time of peace, may be used to help prevent such a war from occurring. If war comes it will be statesmanship on the spot and not compulsion on the Government to act in any rigid way which will keep us out of it. We could, to be sure, frame an almost sure and foolproof neutrality policy. If we decided that we did not care what happened in the rest of the world, and were determined to restrict our political, military, and economic interests to this hemisphere, we could do so. But no one has even suggested that we prepare to pay the prodigious price involved.

The neutrality bill thinks of us wholly as sellers and not as buyers in world trade. But large sections of American industry depend upon imported materials. The President, under the neutrality bill, is compelled, under certain conditions, to keep our ships out of war zones. Suppose there is a war involving Japan and England, and Japan manages to blockade British and Dutch possessions in the Far East, which are the chief source of our rubber supply. Without rubber our automobile industry collapses. Will we stand by in such a case?

American naval policy is certainly not confined to the defense of the American coast. Mr. Cordell Hull's policy is certainly not predicated by our withdrawal from world trade, but by precisely the opposite. And Mr. Hull is consistent. To the members of the Council on Foreign Relations he said Thursday night that "it is not beyond the power of statesmen today to check and reverse the drift toward world anarchy", and he suggested the principles laid down at the Buenos Aires conference as a basis for ending this anarchy. That means "the loyal acceptance by nations of the rule of law guarantees for the integrity of each, and implementing renunciation of war by methods of instantaneous cooperative action." These are positive and not negative proposals.

As far as the Americas are concerned, this country has already entered upon a scheme for collective consultation and collective action in case a war threatens or breaks out on this hemisphere. But the proposed neutrality bills may possibly wreck even the results of the Buenos Aires conference and even any scheme for collaborative action between the Americas. For although both the House and Senate bills exempt the American Republics from the arms and other embargoes in case of war between them and a non-American power, they make an arms embargo mandatory in case of war between two American Republics. Should, for instance, war break out between Argentina and Brazil, we would be forced to stop war supplies immediately to either belligerent. England, Germany, France, or Italy, however, would be free to provision either or both of them, so that one or more European powers might determine the result of a war on this hemisphere. Conceivably, the result might be to turn an American Republic into a new Spain, and all that we could do would be to enforce a blockade. And that would almost certainly mean war, possibly of international proportions.

Also, under the terms of the Buenos Aires Treaty, we would immediately enter into conference with the belligerents and other American powers. But we would enter that conference with our hands tied. Before it started, we would remove from our representatives anything with which they could bargain. If all the South American Republics should agree with us upon one course of action, and one should refuse to arbitrate, we would be compelled to treat the recalcitrant exactly like the rest. An emasculated State Department could do little more to compel arbitration than to speak noble words.

This country is not prepared to offer collaboration in the enforcing of peace upon the whole world. But, then, let us at least keep our heads clear, our tongues uncommitted, and our hands free for whatever emergency may arise in this anarchic world. Legislation which compels the Government to act in any rigid way to meet circumstances as yet completely unpredictable will, I am convinced, one day rise up to plague us.

Mr. LEE. Mr. President, it was 2 o'clock in the morning. The rain was running off my steel helmet in sheets. I was cold, lonesome, homesick, and hungry. The armistice had been signed about 2 weeks. I was on guard duty at a stockade surrounding German prisoners. We had 437 German prisoners. We were still required to keep guard over them. I saw a light burning over in the barracks, within the stockade, where I knew that Frank, the German cook, was preparing the meal for the next day. I threw a piece of gravel over against the barracks. A light flashed out and a German squarehead poked out, and I spoke to Frank in the best language I could. I said, "Frank, give me das

brot und der kaffee." He said, "Ya." Pretty soon he brought a canteen cup of steaming hot coffee, and it had sugar and cream in it, two delicacies we did not often have. He also had a piece of German coffee cake with raisins in it, another delicacy he had taken from the allotment for cooking purposes. The lightning flashed as he poked the coffee and the coffee cake through the woven-wire fence, and I saw his face. There was no cynical grin of hatred there. There was a smile of friendliness; and if he saw my face, he saw friendliness upon it.

I did not hate Frank. I loved him. He did not hate me. He loved me. And yet if I had met Frank 2 weeks before that at that hour of the night on the battlefield, I would have killed him or he would have killed me. That is war—bringing men together to kill each other who otherwise would love each other.

The ex-service man hates war with every atom and fiber of his being, because he knows the futility of it. War never proved which side was wrong. It only proved which side was strong, and the ex-service man knows that.

I have listened to the debate on this neutrality measure. I had no intention of taking part in the debate until I heard arguments to the effect, or leaving the impression on me, at least, that property and property rights were to be considered in the same balance as blood and human rights. I cannot restrain myself from speaking on this subject.

This resolution has never been thought of by its advocates as a measure intended to take the profits out of war. A bill will soon be favorably reported I hope—at least there are several such bills before the Committees on Military Affairs and Finance—intended to take the profits out of war. The resolution now under consideration is intended to extend periods of peace and remove the possibilities of war as far as it is humanly possible to remove them by the process of legislation which is being considered now while we are cool and deliberate, rather than to rush through something under spur and whip, during the hysteria of a war period—or even in the period preceding a war.

Therefore to argue that one should vote against this resolution because it does not take the profits out of war is not, as I see it, in point. I am going to support this resolution because it places an embargo on munitions to belligerents.

I walk down the street and see two boys quarrelling. I give one a pair of knuckles and the other one a club, and then I stand back and watch them destroy each other. A crowd gathers and I say, "I am not taking any part in the struggle." I am obviously lying. The crowd knows I am a liar and a hypocrite.

America could furnish the munitions for a war and then we could shout from the housetops that we are a peace-loving Nation. Our words would whisper "peace", but our actions would thunder "war." Therefore I am going to support the resolution.

When war broke out in South America between two South American countries President Franklin D. Roosevelt announced by proclamation an embargo on munitions to those two warring nations, and that war did not last long. Led by that example, 18 other nations followed with embargoes.

Argument was made on the floor of the Senate this morning to the effect that if America passes this neutrality legislation it will be the first and only nation to do it. I should be proud of that place in the sun.

Shall we argue that because a thing has never been done before it should not be done now? That because someone else has not done it, therefore we should not do it? Is that argument? Precedent is all right, but when confronted with irresistible logic it should fall.

We heard the argument yesterday that this resolution might do thus-and-so. That the proposed legislation, by not allowing goods to be sold as they were before, might lead us into war. We are confronted with this dilemma. On one side we have a situation that is not certain. We know the other situation leads to war. Therefore, why not resolve the doubt in favor of a possibility that might prolong the period of peace?

Out West—that day is over now—in the early day when two gunmen came into town representing opposites in a feud, the streets were cleared. No man thought that in leaving the street he was scuttling and running. No man thought when he left the street clear to the two opponents in that fight that he was a coward.

He simply was getting out of the line of fire and that is all we are doing in this instance—getting America out of the line of fire. It is not running away. What is it to maintain a right? I can always remember that headstone upon which was inscribed the words:

> Here lies old man Jay,
> Who died maintaining his right of way.

[Laughter.]

It does not do much good to maintain a right such as that.

When nations are at war the situation is different than during peacetimes. International law has never been defined. A law is no stronger than the power to enforce it to make it mandatory. When nations are already using all the power they have in war, who is going to make the law mandatory? International law is a law of peacetime only. War knows no law. When you are killing men that is as far as you can go, anyway.

Argument has been made that the passage of the pending joint resolution will bring war to our shores. I fail to be impressed by that argument. In the first place, a belligerent will destroy any shipment that might aid his enemy at the most strategic place, so far as he is concerned, or wherever he meets it. When a blockage is laid down the smaller its scope the more effective it can be made; the larger it is, the less effective it becomes; so that trying to blockade the United States or North America would be a most difficult task; whereas a smaller blockade, laid down at some strategic place, would be much more effective and make it possible to destroy shipments. No nation is going to resist the irresistible logic of destroying goods at the most strategic place and the easiest place they could reach, which certainly would not be our shores if the war were between foreign countries.

Then, again, I am not impressed by the argument with reference to bringing war to our shores, because of the distance which separates us from other powers which distance would make it difficult for the belligerents to carry sufficient munitions to fight a war at our doors. Where would they get their cannon? Where would they get their ammunition, shells, and torpedoes? After a submarine has shot its quota of torpedoes it is done; it is like a wasp without a stinger until it gets back to its home base and obtains more torpedoes. That is true of all forms of ammunition. How, then, would the passage of the pending measure bring a war to our doors? There might be some shooting in one of our ports; but, pray tell me, what difference the passage of this measure would make in that regard. If two battleships of opposing fleets should meet in our ports or anywhere else they would either fight there or one of them would run. Therefore having a law, or not having a law, would not make any difference.

Mr. PITTMAN. Mr. President, may I interrupt the Senator there?

Mr. LEE. I yield.

Mr. PITTMAN. Of course, there is a law of our country which prohibits the use of our territorial waters as a base of naval operations by one belligerent against another.

Mr. LEE. The limit is 3 miles, is it not?

Mr. PITTMAN. It is 3 miles. We also have a law which provides that a ship coming into our ports for the purpose of refueling can only come in once in 3 months; and, in addition to that, it is provided in the pending joint resolution that even armed merchantmen may only come into our waters under such regulations as the President may prescribe. These considerations simply add to what the Senator has said as to the practical absurdity of the suggestion that vessels of belligerents could fight on this side of the ocean.

Mr. LEE. That is quite true, and I thank the Senator for his contribution.

The next argument made was that we are by this proposed law placing ourselves in alliance with Great Britain on the Atlantic and Japan on the Pacific. Mr. President,

what difference would the passage of this measure make in the size of the navies of those two countries? It would not make any difference. Then, wherein do we ally ourselves with either nation or with both by the passage of this proposed legislation? Do those who make the argument infer that we should not pass the joint resolution but should escort with our own Navy the merchant ships to their destination? That is the only other alternative. If we pass the joint resolution, the assertion is made that we thereby become allies of Japan and Great Britain; but if we do not pass it, then will not the larger navies protect their own shipping and their own goods, anyway? Or do the Senators mean that with each shipment of goods we shall send vessels of our Navy as an escort; and, if we should do that, then would it not extend the possibility of our being drawn into the next war?

The next thought is, where would our responsibility for the goods end under the policy of economic protection by military force for the purpose of private profit? May I say here, in answer to the argument that was made that it would only serve the big corporations to increase their profits, that I fail to appreciate the force of that suggestion. Everyone knows that a big corporation can sell more goods where it can extend credit, whereas, under the provisions of the pending measure, cash must be paid by the foreign buyer, and the little fellow in America can sell the same as the large corporations. So it works in the reverse, instead of favoring the great corporation.

The PRESIDING OFFICER. The Senator's time on the amendment has expired.

Mr. LEE. I thank the Chair. I shall continue for a few moments on the bill.

There was once an unwritten economic policy according to which a nation—and some nations still follow the policy—would send a military force into foreign countries in order to protect private investments. Our nation followed that policy to some extent. Can anyone here tell me why the marines were ever sent to Nicaragua? We were given seven different reasons. We were told, in the first place, that they were sent there to protect American property. We found our Government had no property in Nicaragua except the Canal Zone rights, which never were jeopardized. We were then told they were sent there in order to protect American lives. We found no Americans who were in danger there except in line of duty. We were then told they were sent there to assure the holding of a just election, and some wag suggested, in a facetious manner, of course, sending them to certain places in our own country, and we laughed that off.

Finally the truth was discovered that there were investments of private capital in Nicaragua to the amount of eighteen and a half million dollars. That was legitimate; that was all right; it was commendable, and might even be encouraged; but when those capitalists invested that sum of money in a foreign country they did so with but one purpose in mind, and that was to make profit; they were motivated by but one purpose, and that was profit. It was a commercial venture, pure and simple. If they made a profit, they had a right to it; if they had a loss, so far as I am concerned, I should not care to be cut in on it. But it cost America the lives of 150 American boys and the lives of 450 Nicaraguans, and six and a half million dollars to protect private investments in Nicaragua to the amount of eighteen and a half million dollars. It also cost us the good will of the Latin American countries. While our President, Mr. Coolidge, was speaking, in all good faith, on the floor of the peace conference, I believe, at Habana, at that same hour newsboys on the streets were shouting, "Forty Nicaraguans killed in an American air raid in an undeclared war for the protection of a private investment in a foreign country." The coconut growers of South America would make more money if the monkeys did not carry off so many coconuts. [Laughter.] And if we should send our marines down there to save their coconuts the same proposition would be involved, but it would not lead us into war.

If our ships are to follow the goods in order to protect them, where will they stop; where will American responsibility end? How far are we going to pursue the policy of protecting private investments by military force? When Mr. Roosevelt was elected, for the first time after 12 years he got the last marine out of Nicaragua.

Not only that, but when war broke out in Cuba there was some agitation in favor of sending a battleship to Cuba to put down the revolution there. The Sugar Trust for years has taken millions of dollars of profit out of Cuba. That is legitimate; that is all right. I am willing for them to take the profit and also the loss, but I do not want either. Mr. Roosevelt and the Government of the United States said, "There will be no intervention in Cuba", and there was none. Cuba settled her own affairs without our staining our hands with the blood of our fellow men, and a long step was taken toward the policy of nonintervention for the protection of private investment in foreign countries.

If an American citizen is in a foreign country within his rights, and is discriminated against because he is an American citizen, then it becomes an affair for the Government of the United States, but if he knows when he enters the foreign country that he is subject to the laws of that country—and by virtue of the fact that he goes in he does know that he is subject to the laws of that country—then he is put on notice and, so far as I am concerned, if he receives the same treatment as is accorded all other foreigners, I cannot see that it is a governmental affair. That is simply the policy of nonintervention which, in my opinion, this proposed law will help to extend by saying we will not jeopardize world peace in a time of international war by protecting private investments with military force.

Mr. President, I cannot understand how anyone could weigh in the balance gold against blood. I hope, and I say this by way of parenthesis, that we can bring out and enact legislation which will take, as far as humanly possible, the profits out of war. I hope we can go further than that and enact a law which will in case of war conscript money and materials as well as men. We are met by the argument, "That is unconstitutional. You cannot do that. You can take a man's life, but you cannot take his money."

Abraham Lincoln came to New York to get more money to keep the stars in the flag. He saw the bankers holding out for better terms, and stood up, the fire flashing from his eyes, and said, "I can conscript the widow's only son. I can take him from between the plow handles, where he is earning a living for her and himself, and put him in the front of battle, where his life will not last 6 minutes, but I cannot get enough money to pay for the food he will eat before he is shot." That was true during the last war, and, unless we do something about it during peacetimes, it will be true in the next war.

We hear it said that it is unconstitutional. Why is it unconstitutional? It is said we cannot take property without due process of law. If that is unconstitutional, what about the involuntary servitude mentioned in the same Constitution? War knows no limit, because it is like the heathen—it is a law unto itself, like the war powers of any nation.

I hope we will have the opportunity to enact such a provision, but that is only by way of parenthesis, because I am not depending upon this measure on which we are about to vote. I am not depending upon it as the sole means of keeping us out of war. It is only a contributing means toward helping bring about that result.

The distinguished Senators who argued against the bill said they were going to vote against it. The Senator from California [Mr. JOHNSON] and the Senator from Idaho [Mr. BORAH] were in this body when war was declared. Has either of those Senators brought forth a program which would tend to help to keep us out of the next war? Perhaps they have ideas, but they merely say, "No; we will not try something else."

Lest someone misunderstand, I did not see active service during 10 months in France, but I saw the results of it. I was at Camp Dix, N. J. I saw the boys dying with the flu in that camp like flies. Many of them were exposed because of the flimsy raincoats which had been issued to them. Should nothing be done to protect those boys in the next war against such conditions as that? My own buddy, a

swarthy lad from Colorado, drilled me, and I was trained by him. We were on the firing squad which every morning marched down to the station and fired a salute over the flag-wrapped body of one of our buddies and laid it on a train to ship back home to some little station where a mother met it.

Then one day my own buddy came in from the drill field soaked through to the skin, although he was covered by that flimsy raincoat sold to the Government by the manufacturer who had chiseled the Government in its sale. Next day my buddy went to the hospital, and then to the morgue. As I stood there at the station and fired a salute over the flag-wrapped body of my own buddy, I took the vow in my own heart which I am keeping now. I said, "I will make my next war on war profits and do everything one man can do to bring about every condition that will remove, so far as it is humanly possible to do it, any possibility of war."

I am speaking today for those who cannot speak. I am talking for lips that have been sealed with the seal of death. I ask those men who weigh property rights in this debate, who are so interested and concerned about property rights, if they have ever gone into the hospitals and seen the living dead, the gassed lungs, the boys suffering with the white plague, merely waiting for the end? Could they weigh property against that? Have they ever been to one of our insane asylums and seen those shell-shocked boys? Their bodies came back, but their minds did not. Can they do that and then talk property as against human rights as they are doing in this debate?

Have they seen those dangling heads supported by iron frames? Have they seen those legless bodies in wheel chairs? This morning I read the paper, but who read it for those boys for whom the light of day has gone forever? Can they weigh property against blood? Has it come to pass that men are willing to say we must guard a questionable honor, so to speak, on the high seas and go into the line of fire and have our country drawn into war rather than to try something which might remove the possibility of war?

Our Government was charitable and gave our Gold Star Mothers a trip to Europe to see the last resting place of their sons. It was rather a poor consolation to a mother to stand by 6 feet of earth and a little white cross and be told, "Your son sleeps there." Does that repay her for those years of dreams and hopes and ambition? What for? To protect somebody's commerce on the high seas. I shall never vote for it. I wonder if that mother would be for it.

Out at the tenth kilometer post at Chateau-Thierry sleeps my buddy, a boy who hit the line on the football field. When Mrs. Anderson stands by George's grave there, what must she think?

I am speaking for that man who cannot speak. I am speaking for what is represented by the wooden crosses of the United States in our greatest war cemetery. Cannot Senators hear the mute eloquent appeal they made, "Don't put property in the scale with blood"?

Mr. NYE. Mr. President, I hesitate to take any of the time of the Senate at this stage of the debate. I wish we were about to vote on the joint resolution itself. If the joint resolution had reached that parliamentary stage, I certainly should not now interrupt, after the eloquent appeal to which the Senate has just listened from the lips of the junior Senator from Oklahoma [Mr. LEE].

The fact is that there are amendments to be moved out of the way before we can get to the real issue; and I wish to address myself for not more than 2 or 3 minutes to the amendment pending before the Senate at the present time simply to state why I shall support the amendment offered by the Senator from Michigan [Mr. VANDENBERG], which proposes to strike from the joint resolution section 2 (a).

Section 2 (a) of the pending measure is a proposal to give to the President power to place restrictions on the shipment of certain articles or materials in addition to arms, ammunition, and implements of war, the power to be with the President to select the articles and commodities in question.

Mr. President, to me it seems that such power in any President is a power to join at once, if he chooses, with other nations in a program of sanctions against another nation at war—a move which, to my way of thinking, would be so wholly contrary to the true spirit of neutrality that it ought not to be countenanced. Such power as is proposed to be given to the President in this particular subsection is a power to destroy our neutrality, and a power, too, actually to make for war, or to build, consciously or unconsciously, a condition which might have a tendency to draw our country into a war.

No policy whatever dealing with our trade with nations at war is better than a policy giving discretion to a President to select articles for embargo after a war has come—that is, if we really desire to strive for a neutral position and positively desire to maintain it.

It seems to me that experience definitely dictates that whenever we leave a discretion in providing a neutrality policy, we at once issue an invitation to selfish corporations and selfish individuals to hammer away and to exert pressure on the one holding such discretionary power. Experience has revealed how terrific that pressure may be; and it seems to me, in the light of experience, that if it lies within our power we ought to wish to prevent ever placing a President "on the spot", as it were—such a spot as would be entailed if section 2 (a) of the pending joint resolution were to be enacted.

Mr. BORAH. Mr. President, subdivision (a) of section 2 seems to me to be a part of the program outlined in subdivisions (a) and (b) of section 2; and if (b) is to remain in the law—the pending amendment does not propose to strike out (b)—then, as I understand, American ships could carry all the material covered by subdivision (b).

Mr. PITTMAN. That is correct.

Mr. BORAH. In other words, our ships would go upon the ocean carrying American goods, although the title would be supposed to have passed before they left our shores; but American ships, under the American flag, would be carrying American goods, and the only question in controversy would be whether the title had actually passed. It seems to me that would complicate the situation in such a way that we could hardly protect our interests against a mere transfer of title which might be actual or might not be actual, but which never would be regarded or respected by those who were being adversely affected.

It seems to me that if subdivision (a) should go out, there would have to be some modification as to subdivision (b). Therefore I am not clear as to just what it is proposed to accomplish by striking out subdivision (a), because the ships would go to the next port and load with the goods which they are permitted to carry, and the ships would be upon the ocean. In a war condition, in a great controversy, they would be upon the ocean, carrying American goods under the American flag, and they would have nothing to protect them against those who were dissatisfied with the situation except a paper title.

Mr. VANDENBERG. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. BARKLEY in the chair). Does the Senator from Idaho yield to the Senator from Michigan?

Mr. BORAH. Yes.

Mr. VANDENBERG. From my point of view, the chief advantage gained by eliminating section (a) is to eliminate an Executive discretion which permits a choice of commodities to be embargoed, because it seems to me the existence of that option is both an external and an internal menace.

Mr. BORAH. Mr. President, I appreciate the Senator's view with reference to the discretionary power; but undoubtedly, under the decision of the Supreme Court in the embargo case, we have the power to vest this discretionary power in the President.

Mr. VANDENBERG. Beyond doubt, we have the right, but I question the wisdom of it.

Mr. BORAH. We have the authority to do it. If the President is dealing with a war situation, and a crisis is at hand, I think the Commander in Chief, the man who has the direction of affairs, must have a vast amount of discretion under a measure of this kind. If I should vote in favor of striking out this subdivision, it would not be because of the discretionary power; it would be because I am not in

favor of taking our ships off the sea under those circumstances. Indeed, I am not in favor of taking them off the sea at all, so long as they carry goods and commodities other than arms, munitions, and implements of war.

Mr. PITTMAN. Mr. President, subsection (b), in the same section with subsection (a), does two things. In the first place, it prevents any property of a citizen of the United States being destroyed or confiscated in transportation during war to a belligerent country. In the second place, by that very act it eliminates controversy on behalf of a citizen of the United States through our Government as to whether the goods were legally or illegally destroyed or confiscated. The question involved as to whether they were legally or illegally confiscated depends upon the definition of contraband of war. If the goods on board are contraband of war, then, under all the existing customs of nations, they are subject to confiscation. If they are not contraband of war they are not subject to confiscation.

We have not, however, any satisfactory definition of contraband of war. Grotius, in his definition, admits that conditional contraband of war may be contraband of war if it is essential for a belligerent to take it for his safety. When it is necessary for a belligerent to take property for his safety, what property he may thus take depends very greatly on the conditions of the particular war, on a varying state of facts that cannot be determined in advance. The belligerent contends one thing; the neutral contends another thing; and there is not any court or any supreme power to decide the controversy except war.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Idaho?

Mr. PITTMAN. I do.

Mr. BORAH. Am I correct in assuming that in case subsection (a) should be stricken out, American ships could be used for the purpose of carrying whatever goods might be carried under subdivision (b)?

Mr. PITTMAN. That is true; and so far as the property is concerned which might be carried by American ships under subsection (b), the property would be protected so far as the citizen was concerned, because the title would be transferred, even though it were an American ship. The property would be safe under subsection (b), but the lives of the seamen on the ship would not be safe.

Mr. BORAH. Then the reverse of that would be true—that anything which might be carried under subdivision (a) of section 2 would naturally be prohibited under subdivision (b) of section 2.

Mr. PITTMAN. No; that is not true at all.

Mr. BORAH. Why not?

Mr. PITTMAN. Because under subsection (b), which is an entirely separate provision of law, anything except arms, ammunition, and implements of war may be transferred, and there is only one restriction on its transportation or exportation, namely, that the title must have passed.

Mr. BORAH. Subdivision (a) says:

> Whenever the President shall have issued a proclamation or proclamations as provided in section 1 of this act and he shall thereafter find that the placing of restrictions on the shipment of certain articles or materials in addition to arms, ammunition, and implements of war from the United States to said belligerents named in the proclamation issued under section 1 * * * is deemed necessary to promote the security or preserve the peace or neutrality of the United States or to protect the lives and commerce of nationals of the United States, he shall so proclaim—

And so forth.

He could put an inhibition on any articles he desired.

Mr. PITTMAN. Only as to American ships.

Mr. BORAH. Exactly; but so far as the goods were concerned, they might be the same class of goods that are covered by subdivision (b).

Mr. PITTMAN. Yes; and any ship except an American ship may carry any goods except arms, ammunition, and implements of war.

Mr. BORAH. And if this subdivision is stricken out, American ships may carry them.

Mr. PITTMAN. If this subdivision is stricken out, American ships may carry them; and American ships may carry them if the President does not designate any article under that authority.

Mr. BORAH. Exactly.

Mr. WHITE. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Maine?

Mr. PITTMAN. I yield.

Mr. WHITE. I find it impossible to reconcile the provisions of section 1 (a) and the provisions of section 2 (b).

Section 1 (a), as I understand, provides an absolute prohibition against the exportation of arms, ammunition, and implements of war; and it makes no difference whether such arms, ammunition, and implements of war are to be carried in an American ship or in a foreign ship. The prohibition is all inclusive, reaching all classes of ships.

If we turn to section 2 (b), we find it provides that—

> It shall be unlawful to export or transport to any belligerent country, or to any country wherein civil strife exists, named in said proclamation or proclamations issued under section 1 of this act, or to any other country for transshipment to, or for the use of, such belligerent country or such country wherein civil strife exists, any article or materials whatever—

And so forth. That expression "any articles or materials" must include the articles and materials—namely, the arms, ammunition, and implements of war—prohibited by section 1.

Mr. PITTMAN. No; it does not. The Senator is wrong.

Mr. WHITE. But subsection 2 (b) then goes on and says:

> Until all right, title, and interest therein shall have been transferred to some foreign government, agency, institution, association, partnership, corporation, or national.

I cannot reconcile those two things. Section 1 is an absolute prohibition. Section 2 (b), as I read it, is a prohibition until title shall have passed; and those two things just do not square in my mind. I should like to have the confusion cleared up.

Mr. PITTMAN. I will give the Senator my construction of it.

Mr. ROBINSON. Section 1, subsection (a), is an embargo.

Mr. PITTMAN. Here is the language to which I wish to call attention, found on page 6, line 18:

> That (a) whenever the President shall find that there exists a state of war between, or among, two or more foreign states, the President shall proclaim such fact, and it shall thereafter be unlawful to export arms, ammunition, or implements of war—

There is something that is absolutely unlawful. The restriction is not placed upon a citizen or upon a foreigner. It is placed upon the goods.

When we turn to subsection (b), to which the Senator has referred, we find that it applies to the transportation of goods which it is lawful to transport.

Mr. WHITE. Mr. President, if the Senator will yield, it provides that it is unlawful to export or to transport to any belligerent country or to any country named in said proclamations under section 1. In section 1 are named the countries and the articles which it is unlawful under any circumstances or by any ship to transport. Here it is stated that it is unlawful to export or to transport these articles until right, title, or interest has passed.

Mr. PITTMAN. Certainly subsection (b) refers to articles which it is lawful to transport, but other articles and materials cannot be transported unless the title is first transferred.

Let me read a little further in that section to show how the idea is carried out. In subsection (b) it is stated:

> Insurance written by American underwriters on any articles and materials, the export of which is prohibited by this act, or on articles carried by an American vessel or aircraft contrary to subsection (a)—

And so forth.

In other words, there are two conditions. First, if they are attempting to carry articles upon which there is an embargo, arms, ammunition, and implements of war, or if they are attempting to carry other materials the transportation of which on American vessels has been prohibited, then the insurance company cannot claim that the

Government should present a demand on a foreign government on account of the loss of the goods. So it is perfectly clear that two items are covered there.

Mr. BROWN of Michigan. Mr. President, while the chairman of the Committee on Foreign Relations has the floor, I should like to ask him a few questions about the relationship between the pending measure and trade on the Great Lakes. If I understand correctly section 1, the first section of the joint resolution, found on page 6, in the event England and Japan were at war it would probably mean that Canada and Japan would be at war. I ask the Senator whether it would be so construed.

Mr. PITTMAN. I should take it that if Canada and Japan were at war they would both come under the terms of the embargo.

Mr. BROWN of Michigan. The Senator has in mind the rather extensive local trade between a State such as Michigan, which borders for something like a thousand miles on Canada, trade between Detroit, for example, and a border city on the other side, such as Windsor. Would the provisions of subsection (b) prevent the shipment of any manufactured goods from Detroit to Windsor, or from one part of Michigan to some part of Ontario, Canada, unless the somewhat onerous credit provisions of subsection (b) of section 2 were imposed?

Mr. PITTMAN. I do not think there is any distinction. If there were war between Canada and Japan, our Government certainly would not discriminate in favor of either one of those countries.

Mr. BROWN of Michigan. Then, it would seem to me that subsection (b) ought to be discretionary, instead of mandatory upon the President, because I do not see what relation there could be between the prevention of war between the United States and Japan and a prohibition against a simple trading transaction between Michigan and Canada. It would seem to me that sufficient consideration has not been given to the question of trade between Canada and the United States on the Great Lakes.

Mr. PITTMAN. There is no doubt that there would be some inconvenience attached to it, but we must do one of two things; we have either to give the power to the President to discriminate in favor of Canada in the matter, or we have to give him the power to discriminate when this measure goes into effect, and if so, against whom. Undoubtedly if anything on earth would arouse unfriendliness on the part of a belligerent against us it would be discrimination by our Government in favor of its enemy. We are speaking of a time when war exists, not of peacetimes, and if Canada were engaged in war with a foreign country, and we were at peace with both of them, we would certainly arouse the intense anger and probably the unfriendly disposition of any country against which we discriminated in favor of any other country.

Mr. BROWN of Michigan. I should think that what the Senator says would be entirely true as to the munitions of war, but I understand trade in munitions of war is prohibited anyway.

The PRESIDING OFFICER. The time of the Senator from Nevada on the amendment has expired.

Mr. BROWN of Michigan. I presume I have some time.

The PRESIDING OFFICER. The Senator from Michigan has time on the amendment.

Mr. BROWN of Michigan. I should like to continue along this line.

Mr. PITTMAN. I yield the floor. My time is up.

Mr. BROWN of Michigan. What I am interested in is a matter of trade in commodities which have no connection with munitions of war, and it seems to me that if subsection (b) were made discretionary and not mandatory the situation would be covered. I certainly shall support any amendment that will bring about that result.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Michigan [Mr. VANDENBERG] to the amendment of the committee in the nature of a substitute.

Mr. VANDENBERG. I ask for the yeas and nays.

Mr. ROBINSON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	Lodge	Pittman
Ashurst	Davis	Logan	Pope
Austin	Dieterich	Lonergan	Radcliffe
Bachman	Ellender	Lundeen	Robinson
Bailey	Frazier	McAdoo	Russell
Barkley	George	McCarran	Schwartz
Black	Gerry	McGill	Schwellenbach
Bone	Gillette	McKellar	Sheppard
Borah	Green	McNary	Smith
Bridges	Hale	Maloney	Steiwer
Brown, Mich.	Hatch	Minton	Thomas, Okla.
Brown, N. H.	Hayden	Moore	Thomas, Utah
Bulow	Herring	Murray	Townsend
Burke	Hitchcock	Neely	Vandenberg
Byrnes	Johnson, Calif.	Norris	Van Nuys
Capper	Johnson, Colo.	Nye	Walsh
Caraway	King	O'Mahoney	White
Chavez	La Follette	Overton	
Clark	Lee	Pepper	

The VICE PRESIDENT. Seventy-four Senators having answered to their names, a quorum is present.

The question is on agreeing to the amendment offered by the Senator from Michigan [Mr. VANDENBERG] to the amendment in the nature of a substitute reported by the Committee on Foreign Relations.

The amendment of Mr. VANDENBERG is in section 2, to strike out paragraphs (a), (c), and (d), as follows:

(a) Whenever the President shall have issued a proclamation or proclamations as provided in section 1 of this act and he shall thereafter find that the placing of restrictions on the shipment of certain articles or materials in addition to arms, ammunition, and implements of war from the United States to said belligerents named in the proclamation issued under said section 1, or to a country wherein civil strife has been proclaimed to exist, is deemed necessary to promote the security or preserve the peace or neutrality of the United States or to protect the lives and commerce of nationals of the United States, he shall so proclaim and it shall thereafter be unlawful for any American vessel or aircraft to carry such articles or materials to any belligerent country, or any country wherein civil strife exists, named in said proclamation or proclamations issued under section 1 of this act, or to any other country for transshipment to, or for the use of, such belligerent countries or within such country where civil strife exists. The President shall by proclamation from time to time definitely enumerate said articles and materials which it shall be unlawful for American vessels or aircraft to transport.

(c) The President shall from time to time by proclamation extend such restrictions as are imposed under subsection (a) of this section to other countries as and when they may be declared to become belligerents under proclamations issued under section 1 of this act.

(d) The President may from time to time change, modify, or revoke in whole or in part any proclamations issued by him under subsection (a) of this section.

Mr. VANDENBERG. I ask for the yeas and nays.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. COPELAND (when his name was called). On this question I have a pair with the senior Senator from Illinois [Mr. LEWIS]. Not knowing how he would vote on this question, I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. McNARY (when his name was called). On this question I have a pair with the senior Senator from Mississippi [Mr. HARRISON]. I transfer that pair to the junior Senator from Vermont [Mr. GIBSON], and will vote. I vote "yea."

I announce that if the Senator from Vermont [Mr. GIBSON] were present he would vote "yea", and if the Senator from Mississippi [Mr. HARRISON] were present he would vote "nay."

Mr. NYE (when his name was called). On this question I have a pair with the junior Senator from Mississippi [Mr. BILBO]. If he were present and at liberty to vote, he would vote "nay." If I were at liberty to vote, I should vote "yea." I withhold my vote.

The roll call was concluded.

Mr. MINTON. I reannounce the absence of Senators as announced on the previous roll call.

I further announce that the Senator from Virginia [Mr. GLASS] has a general pair with the Senator from Minnesota [Mr. SHIPSTEAD].

The Senator from Maryland [Mr. TYDINGS] has a pair with the Senator from Delaware [Mr. HUGHES]. If present,

the Senator from Maryland would vote "yea", and the Senator from Delaware would vote "nay."

I further announce that the Senator from Montana [Mr. WHEELER] has a pair with the Senator from Pennsylvania [Mr. GUFFEY]. If present and at liberty to vote, the Senator from Montana would vote "yea", and the Senator from Pennsylvania would vote "nay."

I also announce that the Senator from Florida [Mr. ANDREWS] is detained in a conference at the White House, and that the Senator from Montana [Mr. WHEELER] is attending a committee meeting.

Mr. AUSTIN. I announce that my colleague [Mr. GIBSON] is necessarily absent.

Mr. COPELAND. I announce the absence of my colleague [Mr. WAGNER] on account of illness.

The result was announced—yeas 24, nays 48, as follows:

YEAS—24

Adams	Clark	King	Russell
Austin	Davis	La Follette	Steiwer
Bone	Frazier	Lodge	Townsend
Borah	Gerry	McNary	Vandenberg
Bridges	Hale	Murray	Walsh
Capper	Johnson, Calif.	Norris	White

NAYS—48

Ashurst	Dieterich	Lonergan	Pepper
Bachman	Ellender	Lundeen	Pittman
Bailey	George	McAdoo	Pope
Barkley	Gillette	McCarran	Radcliffe
Black	Green	McGill	Robinson
Brown, Mich.	Hatch	McKellar	Schwartz
Brown, N. H.	Hayden	Maloney	Schwellenbach
Bulow	Herring	Minton	Sheppard
Burke	Hitchcock	Moore	Smith
Byrnes	Johnson, Colo.	Neely	Thomas, Okla.
Caraway	Lee	O'Mahoney	Thomas, Utah
Chavez	Logan	Overton	Van Nuys

NOT VOTING—23

Andrews	Copeland	Harrison	Shipstead
Bankhead	Donahey	Holt	Truman
Bilbo	Duffy	Hughes	Tydings
Bulkley	Gibson	Lewis	Wagner
Byrd	Glass	Nye	Wheeler
Connally	Guffey	Reynolds	

So Mr. VANDENBERG's amendment to the amendment of the committee, in the nature of a substitute, was rejected.

Mr. BONE. Mr. President, on my amendment I call for the yeas and nays.

The VICE PRESIDENT. Has the Senator offered the amendment?

Mr. BONE. I thought I had; but, if not, I offer it now, and call for the yeas and nays.

Mr. PITTMAN. Mr. President——

The VICE PRESIDENT. The Chair is informed that the amendment has not been stated.

Mr. PITTMAN. I wish to have it stated.

The VICE PRESIDENT. The amendment offered by the Senator from Washington will be stated.

The LEGISLATIVE CLERK. In the committee amendment, on page 10, line 13, after the word "thereunder", it is proposed to insert "or by the owner of the vessel carrying the same."

Mr. PITTMAN. Mr. President, I wish to say to the Senator from Washington that that matter, of course, has been discussed, but it was discussed in connection with the insurance provision. The Senator now simply proposes that in the event of the destruction of an American ship, the owner may not call upon the Government of the United States to make its destruction the basis of claim against the belligerent government, but that he must carry his own insurance. That is what I understand the amendment of the Senator from Washington to mean.

Mr. BONE. Mr. President, I have spoken on this subject and I should be intruding upon the time of the Senate if I spoke upon it again. I do not know that I used all my time in dealing with the subject.

I wish to say now, in view of the fact that there are more Senators present than when I previously addressed the Senate, that the purpose of this amendment is to put the vessel itself in the same category with the cargo. Before a vote is taken on this matter, it were well to understand that when Senators vote in the affirmative on this joint resolution—and I am going to vote for the joint resolution—Senators say by law that where a cargo——

Mr. PITTMAN. May I interrupt the Senator? The amendment, in the form that the Senator has offered it, is entirely different from the form in which it was presented to the committee. The amendment, as he now offers it, is in entire accord with the whole of the provision; that is, that if the ship carries arms, ammunition, or implements of war contrary to law, or if it carries goods prohibited by the President, in that case there can be no claim for damages. So far as I am concerned, I gladly accept the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Washington [Mr. BONE] to the amendment of the committee on page 10, line 13.

The amendment to the amendment of the committee, in the nature of a substitute, was agreed to.

Mr. BORAH. Mr. President, I stated a few moments ago that I regarded subdivisions (a) and (b) of section 2 to constitute one question or problem. I am going to offer an amendment to subdivision (b) to make it discretionary as to the time when it shall go into effect. It seems to me, as the discretion has been lodged in the President with reference to the matter of shipping, that the discretion ought also to be lodged in the President with reference to the time when this portion of the program should go into effect.

The President may deal with a number of questions in determining when subdivision (b) shall go into effect, and, in my opinion, a number of problems naturally and inevitably will arise at the beginning of a war in which European nations are involved and as to which someone should have a discretion as to changing the program with reference to the shipment of goods.

I offer this amendment not because I am in favor of section (b) but because I think that if it goes into the joint resolution it ought to be associated with a discretionary power somewhere. My amendment proposes to insert the words:

> Whenever a state of war has been declared to exist as provided under section 1 of this act and the President deems it necessary to limit or control the exports of this country in order to promote the security or preserve the peace or neutrality of the United States or to protect the lives and commerce of the nationals of the United States, he shall so proclaim, and, thereafter—

Mr. ROBINSON. I inquire where does the Senator propose to insert those words?

Mr. BORAH. I would insert them as a sentence preceding the opening sentence in subdivision (b) on page 9, as a part of section (b).

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Idaho [Mr. BORAH] to the amendment of the committee in the nature of a substitute. The amendment to the amendment will be stated.

The LEGISLATIVE CLERK. On page 9, before the word "It", at the beginning of line 14 and after the letter "(b)", it is proposed to insert the following:

> Whenever a state of war has been declared to exist, as provided under section 1 of this act, and the President deems it necessary to limit or control the exports of this country in order to promote the security or preserve the peace or neutrality of the United States or to protect the lives and commerce of the nationals of the United States, he shall so proclaim, and, thereafter,

And following the words inserted to strike out "It" and insert "it."

Mr. BORAH. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered, and the legislative clerk proceeded to call the roll.

Mr. COPELAND (when his name was called). Making the same announcement as on the previous vote with reference to my pair with the senior Senator from Illinois [Mr. LEWIS], I withhold my vote. If permitted to vote, I should vote "yea."

Mr. McNARY (when his name was called). I again announce my pair with the Senator from Mississippi [Mr. HARRISON] and its transfer to the Senator from Vermont [Mr. GIBSON], which will permit me to vote. I vote "yea." I will add that if the Senator from Mississippi were present he would vote "nay", and if the Senator from Vermont were present he would vote "yea."

The roll call was concluded.

Mr. MINTON. I announce that the junior Senator from Ohio [Mr. DONAHEY], the senior Senator from Virginia [Mr. GLASS], and the Senator from West Virginia [Mr. HOLT] are detained from the Senate because of illness.

The senior Senator from Ohio [Mr. BULKLEY] is detained because of a severe cold.

The junior Senator from Mississippi [Mr. BILBO] is absent attending the funeral of the late Representative Stubbs.

The Senator from Florida [Mr. ANDREWS] is detained in a conference at the White House.

The Senator from Alabama [Mr. BANKHEAD], the junior Senator from Virginia [Mr. BYRD], the Senator from Texas [Mr. CONNALLY], the Senator from Wisconsin [Mr. DUFFY], the Senator from Pennsylvania [Mr. GUFFEY], the senior Senator from Mississippi [Mr. HARRISON], the Senator from Delaware [Mr. HUGHES], the Senator from Illinois [Mr. LEWIS], the Senator from North Carolina [Mr. REYNOLDS], the Senator from Missouri [Mr. TRUMAN], the Senator from New York [Mr. WAGNER], and the Senator from Maryland [Mr. TYDINGS] are unavoidably detained.

The Senator from Virginia [Mr. GLASS] has a general pair with the Senator from Minnesota [Mr. SHIPSTEAD]. The Senator from Maryland [Mr. TYDINGS] has a pair on this question with the Senator from Delaware [Mr. HUGHES]. If present and voting, the Senator from Maryland would vote "yea", and the Senator from Delaware would vote "nay."

The result was announced—yeas 31, nays 43, as follows:

YEAS—31

Adams	Burke	King	Russell
Austin	Davis	Lodge	Smith
Bailey	Frazier	Lonergan	Thomas, Okla.
Borah	George	Maloney	Thomas, Utah
Bridges	Gerry	McNary	Townsend
Brown, Mich.	Hale	Murray	Walsh
Brown, N. H.	Johnson, Calif.	O'Mahoney	White
Bulow	Johnson, Colo.	Pope	

NAYS—43

Ashurst	Ellender	McAdoo	Pittman
Bachman	Gillette	McCarran	Radcliffe
Barkley	Green	McGill	Robinson
Black	Hatch	McKellar	Schwartz
Bone	Hayden	Minton	Schwellenbach
Byrnes	Herring	Moore	Sheppard
Capper	Hitchcock	Neely	Steiwer
Caraway	La Follette	Norris	Vandenberg
Chavez	Lee	Nye	Van Nuys
Clark	Logan	Overton	Wheeler
Dieterich	Lundeen	Pepper	

NOT VOTING—21

Andrews	Copeland	Harrison	Truman
Bankhead	Donahey	Holt	Tydings
Bilbo	Duffy	Hughes	Wagner
Bulkley	Gibson	Lewis	
Byrd	Glass	Reynolds	
Connally	Guffey	Shipstead	

So Mr. BORAH's amendment to the amendment of the committee was rejected.

Mr. GERRY. Mr. President, I offer the amendment which I send to the desk, and ask that it be stated.

The VICE PRESIDENT. The amendment to the amendment will be stated.

The CHIEF CLERK. In the committee amendment on page 12, section 4, line 7, after the word "states", it is proposed to strike out:

> Provided the American republic is not cooperating with a non-American state or states in such war.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Rhode Island to the amendment reported by the committee in the nature of a substitute.

Mr. GERRY. Mr. President, section 4 of the joint resolution is carried over from the previous act, which was passed in 1935. Section 4 relates to the American republics, and reads:

> This act shall not apply to an American republic or republics engaged in war against a non-American state or states—

Then follows the portion which I seek to strike out, namely—

> provided the American republic is not cooperating with a non-American state or states in such war.

In other words, under section 4 the embargo provided by the pending measure does not apply to an American republic or republics engaged in war against a non-American state or states, and so forth. I think I can explain the amendment better by giving an example.

The embargo would apply, for example, if two American states were at war and a foreign state like Japan supported one of the American republics at war and Russia supported the other one, and as the outcome of that situation the two foreign governments, Russia and Japan, declared war against each other, in which case, under section 4, as it now reads, the embargo provided would be effective. That may sound like a situation rather unlikely to arise; but I think if we compare that possible situation to the situation which exists in Spain it will not seem so unlikely. That situation in a small way is very similar, because we read in the press that one country is supporting one set of belligerents and another country is supporting the other set of belligerents. There has been a grave question as a result that a general foreign war might develop.

If we had a similar condition in the way I have stated, the exemptions in section 4 to American republics engaged in war would not apply unless the amendment I have offered is agreed to. We would thus be in a position where we could not even furnish them goods, provided there was an embargo put on goods, and we would not be able to help isolating ourselves by the general embargo provisions of the resolution. I am afraid that when this situation is brought more and more to the attention of the rest of the Americas it might have a bad effect on the good feelings which the President has been able to create by his South American tour.

I also feel that withholding this help by us may cause very serious situations to arise and is bound to create bad feeling with our sister republics when they are in trouble. It also may result, and would result, that the country which had the dominant sea power, such as Japan, would be of tremendous advantage to the state of which it was an ally. I cannot help but feel that the result might be that great concessions would be granted to that foreign power, concessions which might even go into military matters and force this country to take a stand which might readily lead it into war.

Mr. President, in all these cases we get back to control of the sea and the importance of sea power and its dominance. I feel that this is another example of where the pending joint resolution, the purpose of which is to try to prevent war or keep us as much as possible away from war, is liable to lead us into more and more dangerous situations which may be more provocative of war than the policy of the freedom of the seas. I think this is a striking example of just that fact.

So much for my amendment. Before I resume my seat I should like to say a few words on the general subject of the joint resolution.

Mr. President, if we should be in a war ourselves, this embargo policy, this policy of cash-and-carry or whatever it may be called, is bound to be used as a precedent against us when we are seeking materials from neutral countries if we shall be at war ourselves. I cannot overemphasize how serious the situation was during the World War. I recall the worry and anxiety through which we went and through which our allies went when we were having difficulty getting nitrates from Chile to Europe. We were very, very short of nitrates and so were our allies. The result was, if I recollect correctly, and I am speaking entirely from memory, that we even insisted, and that is a mild term to use, that

neutral shipping carry the nitrate to Europe. That nitrate situation resulted in our building Muscle Shoals. The nitrate situation today is not what it was in those days, but we still have the question of tin, we still have the question of tungsten, we still have the question of rubber.

With new inventions, we never can tell what new developments will require in new minerals or chemicals that we may not be able to produce. Therefore, I feel that that is also a very important consideration for our self-protection when we consider this departure from the well-established principles of international law.

I feel increasingly that way when I see how the great nations of the world are arming. I know that the Senate wishes to come to a vote, and I am not going to take up the time of the Senate in making a long speech; so I ask unanimous consent to have inserted in the RECORD an article which appeared in the New York Times today, showing the proposed program of Great Britain as to increasing its naval strength.

The PRESIDING OFFICER (Mr. BACHMAN in the chair). Without objection, the article will be printed in the RECORD.

The article is as follows:

[From the New York Times of Mar. 3, 1937]

TWENTY-FIVE CAPITAL SHIPS FORECAST IN BRITAIN'S BIG NEW NAVY—ADDITIONS AND REDESIGNING WILL NEARLY DOUBLE FLEET'S STRENGTH—AIR FORCE OF 5,300 PLANES BY 1939 SEEN

By Hanson W. Baldwin

LONDON, March 2.—A fleet of 25 capital ships by 1942, with 70 or more cruisers and hundreds of smaller craft, and an air armada totaling, reserves included, at least 5,300 planes by 1939, are predicted here on the eve of the presentation to Parliament tomorrow of the naval estimates for the next fiscal year.

The Admiralty's figures—the first of this year's budget requests by the three fighting services—will be followed with the publication on Friday of the air estimates and the announcement on March 17 of the army's budget. When the mass of details is analyzed it is expected to reveal Britain's determination not only to dominate the North Sea but also to strengthen her Far Eastern position, safeguard her trade routes on all the seas, and become supreme in the skies of western Europe.

"Tommy Atkins", the backbone of the British Army, will not get so much attention as his comrades in arms, but the war-office budget, in addition to continuing the mechanization program, will include inducements for solving one of the most serious problems of the army—the lag in recruiting.

Specifically, the navy's estimates will include funds for laying down the three battleships, seven cruisers, and two aircraft carriers forecast in last month's White Paper relating to defense expenditures. Inferentially, the estimates will mark the emergence and rapid growth of a new British navy, the greatest since the war days.

With the three battleships that the current budget provides for and two others laid down 2 months ago—the *King George V* and the *Prince of Wales*, 35,000 tonners costing £8,000,000 each, with speeds of 28 to 30 knots and 14-inch guns—Britain will have, in 3 or 4 years, 5 capital ships to be added to the 15 she now possesses. But she is expected to construct at least five others before 1942, as well as many cruisers and smaller ships.

In addition Britain is completely reconstructing—and too much emphasis cannot be laid on this point—her old capital ships and even cruisers on a scale and with a thoroughness that few persons in the United States, even those conversant with naval affairs, dream of.

In effect, therefore, Britain is building a whole fleet of new capital ships so that by 1942, if her intended program is not interrupted, she will have probably 25 or more such ships, some of which, with supporting units of other types, may be sent to Singapore.

WILL NEARLY DOUBLE STRENGTH

As far as can be foreseen now, Britain is likely to add, including the more than 80 ships now building or appropriated for, about 600,000 tons of fighting ships to her present tonnage totaling approximately 1,192,000. Probably it is not an exaggeration to say that because of the redesigning of old ships and the great improvement in design of the new ones, the fighting strength of the British fleet will be nearly doubled in the next 5 years.

The ships being built or converted range all the way from tiny 60-foot, 17-ton, wooden coastal motorboats carrying torpedoes to antiaircraft vessels of the *Coventry* and *Curlew* type, peculiar to the British Navy. The 5,200-ton cruiser *Aurora*, now being completed with six 6-inch guns and some 17 assorted antiaircraft weapons, and the *Tribal* class of superdestroyers, with eight 4.7-inch guns, eight smaller weapons, and four torpedo tubes on an 1,850-ton displacement, are among the noteworthy fleet additions.

The fleet air arm is to be expanded from approximately 170 ship-borne aircraft to 217 during 1937 and eventually is to be at least doubled.

NEW BASES PLANNED

For the growing fleet Britain is seeking to establish new bases and strengthen old ones against air attack. At Singapore, upon which several million more pounds probably will be expended before its completion, the present inadequate antiaircraft defenses will be strengthened and the vulnerable oil-storage tanks will be protected.

Malta is unlikely to be abandoned as a base, although Britain in case of war may exercise remote control over the Mediterranean by blocking it at both ends with her ships based at ports safely beyond the range of most European aerial armadas. For this purpose and to prepare an alternate route to the East she is quietly investigating the probability of bases on the east and west coasts of Africa, at Cape Town, where some work has already been started; at the Maldive Islands and at the Chagos Islands in the Indian Ocean.

At home Milfordhaven is being discussed as a possible fleet base to supplement the bases on the south and east coasts, which have served Britain for hundreds of years but which now, because of the seven league boots of the airplane, are uncomfortably close to the Continent. Even Scapa Flow and Rosyth, famed war bases, are classed as dangerous and possibly untenable in any future war and bases along the west coast of Scotland and the east and west coasts of Ireland are being mentioned.

The British Navy's strength is and will be in increasing measure its great number of ships and bases; its weakness, its small number of ship-borne aircraft, and the vulnerability of some of its bases to air attack. In addition the ghosts of Jutland and Invergordon still walk the quarterdeck. But the fleet's morale, weakened by these events as well as by the withdrawal from Malta during the Italian trouble and Prime Minister Stanley Baldwin's admission that the fleet could not control the Mediterranean, lately has been strengthened by the building program.

AIR STRENGTH IMPRESSIVE

The Air Ministry's estimates are expected to range from £70,000,000 to £80,000,000, far less than the navy's, but fully as impressive when analyzed because they will provide funds to continue the process of making Britain supreme in the air.

Her first-line air strength today, including all planes attached to operating units at home, overseas, and in the fleet air arm, totals 1,565 planes, according to the latest authentic information. This is, surprisingly enough, some 365 more first-line planes than Germany is credited with here, and larger, it is contended, than any other European air fleet except the Russian.

The British problem is not one of either personnel or quality of planes and engines but primarily one of quantity production. There have been delays in the past 7 years or more between the first specifications for a plane and the time the plane took its place in an operating squadron, but that is over now.

The exact production rate is a closely guarded secret, but it is recalled that Britain built more than 10,000 planes in the last year of the World War. Today the Bristol plant alone employs more than 8,000 persons, with the various Hawker plants employing probably 12,000 to 14,000 more.

RATE BEING SPEEDED

Production, however, has barely started—in fact, has not started on certain of the best new types—and it is unlikely that all 12 factories that turn out planes and the 3 principal engine makers are producing today at a rate of more than 1,000 to 1,500 planes annually. The rate is being vastly speeded up, however. When it reaches its peak in the late summer or fall, some estimate Britain will be building 17 planes daily, and even conservative estimates place production at from 2,000 to 3,000 annually.

In any case it seems certain that Britain will have at least 5,300 planes by 1939, and one estimate from a well-informed source indicates that, including training planes and reserves, she will have an armada of 8,000. The announced intention is to build up the metropolitan or home air force squadron to 1,750 by that time, with 450 planes overseas and at least 450 more with the fleet.

The percentage of reserves to be accumulated behind the first-line squadrons is another closely guarded secret, but it is believed certain that Britain figures on 100-percent reserves for all bombers and fighters, with some estimates of available bomber replacements ranging as high as 200 or 300 percent. She is building planes at a ratio of two bombers to every fighter; but, even so, experts believe that the plane wastage in the next war will be tremendous, and that the force with which the war is started will be wiped out within a month. Hence the importance of enormous reserves, which there is no doubt Britain is accumulating.

AIR FORCE FACES PROBLEMS

The air force itself as well as the plane industry for the next year must face problems of expansion, with old squadrons constantly being broken up and new ones formed, pilots being trained, and new planes being tested. Some planes in active operation today are obsolescent types, but most compare rather favorably with the planes of other nations, and the newest types, most of which are not yet in production, are believed to be superior in most characteristics to nearly anything in Europe. Some of these are here briefly described:

Supermarine spitfire single-seater fighter: This plane is described in official quarters as capable of breaking the landplane speed record. Elsewhere its speed is more conservatively estimated as a top of 346 miles an hour, probably the world's fastest military machine. Not in production. It is estimated the craft will have an hour and a quarter's endurance and be armed with eight machine guns firing through the propeller and faired into the wings.

Hawker hurricane single-seater fighter: This is to be in production within about a month. Two hours' endurance, 306-mile

speed, at 30,000-foot ceiling, and eight guns, each firing at a rate of 600 rounds a minute.

Bristol Blenheim medium bomber middle wing monoplane: Now coming into production, this machine is equipped with retractable landing gear and tail skid. Two guns, one fired from a revolving turret aft in the fuselage, the other faired into the port wing. Carries two 500-pound bombs in fuselage bomb compartments and smaller bombs in wing compartments under the flaps. Speed, around 300 miles an hour. Range, 1,000 miles. Cost, $60,000 each.

Handley-Page Harrow heavy bomber: Speed, 180 miles an hour. Range, 2,000 miles. Coming into production.

Mr. GERRY. Mr. President, that is Great Britain's program. We do not know, as yet, what Japan's increased program is going to be; but the indications are that she, too, will increase her general building program, and that undoubtedly she will very greatly increase her submarine program.

The PRESIDING OFFICER. The time of the Senator from Rhode Island on the amendment has expired.

Mr. GERRY. Mr. President, I shall now speak on the joint resolution itself.

If this joint resolution becomes the law I cannot help feeling that the American public will be lulled into a false sense of security. I believe that these embargoes—which, as the junior Senator from Idaho [Mr. POPE] very well pointed out today, did not work in the old days—will so lull us into a false feeling of security that we will not go forward with a proper defense, a proper building up of our Navy, so as to have a navy second to none, and so that, no matter what happens, America will be able to defend herself.

Personally, I do not feel that I can vote for this joint resolution, with its implications that America is unwilling to fight for her rights on the high seas if necessary. As I said before in the debate, I think all of us desire peace. Every thinking Senator—and every Senator has given this question great thought—desires peace with honor; but I feel that the way to get peace is to have the rest of the world know that America is going to be able to defend herself, and to see that her rights are protected, if necessary.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Rhode Island [Mr. GERRY] to the amendment of the committee.

Mr. PITTMAN. I ask to have the amendment stated.

The CHIEF CLERK. In the committee amendment, on page 12, line 7, it is proposed to strike out the following words:

provided the American republic is not cooperating with a non-American state or states in such war.

Mr. PITTMAN. I will state that that language is part of the existing law. It has been on the statute books now for 2 years. It was suggested by the State Department. I think the Secretary of State perhaps knows more about the feeling in South America than in any other country, and he advocated the retention of that language in the joint resolution, so I am against the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Rhode Island [Mr. GERRY] to the amendment of the committee in the nature of a substitute.

The amendment to the amendment of the committee in the nature of a substitute was rejected.

Mr. NYE. Mr. President, I submit a proposed amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment to the amendment of the committee will be stated.

The CHIEF CLERK. In the committee amendment, on page 7, beginning with line 17, it is proposed to strike out through line 19, in the following words:

(d) The President, by proclamation, shall definitely enumerate the arms, ammunition, and implements of war, the export of which is prohibited by this act.

And in lieu thereof to insert:

(d) The arms, ammunition, and implements of war, the export of which is prohibited by this act, shall be those enumerated in the President's proclamation no. 2163 of April 10, 1936.

Mr. PITTMAN. Mr. President, as I stated in my opening address on this subject, the President has construed the meaning of the phrase "arms, ammunition, and implements of war", and has given a definition to it in several proclamations. My suggestion at that time was that I thought the Department was continuing to give the same definition, but personally I should be perfectly willing to accept any amendment which would refer to the proclamation made by the President.

Mr. BORAH. Mr. President, do I understand that the amendment requires the President to specify the articles? What is the amendment which the Senator from North Dakota offers?

Mr. NYE. The amendment would fix the definition of arms, ammunition, and implements of war as it was established by the President in his proclamation of April 10, 1936.

Mr. BORAH. Does the Senator wish to have a rigid definition fixed at a certain date?

Mr. NYE. I am inclined to think that a rigid definition is better than no definition at all.

Mr. BORAH. The way we are dealing with the question of arms, ammunition, and implements of war, a definition today would not be worth much at some future date.

Mr. NYE. It is true that Congress might be called upon occasionally to add to the list as it is now defined.

Mr. PITTMAN. The President took that definition because it is contained in the Geneva convention of 1925, which we ratified; that is all.

Mr. POPE. Mr. President, I desire to ask the Senator from North Dakota [Mr. NYE] a question. Under the Senator's amendment, if a new implement of war or new arms were manufactured, they could not then be included by the President in the specification?

Mr. NYE. The Senator is correct.

Mr. POPE. And if new war machines were devised and designed, they could not be added by the President and would not be subject to the embargo?

Mr. NYE. Until Congress granted authority to add them. By the same token, a President now could greatly limit the number of commodities covered by the definition.

The PRESIDING OFFICER (Mr. CLARK in the chair). The question is on agreeing to the amendment offered by the Senator from North Dakota [Mr. NYE] to the amendment of the committee in the nature of a substitute.

The amendment to the amendment was agreed to.

Mr. ADAMS. Mr. President, I desire to make an inquiry of the Senator from Nevada as to a matter of terminology. In line 18, page 7, the joint resolution reads:

The President * * * shall * * * enumerate the arms, ammunition—

And so forth.

I am wondering if it would not be more accurate if we were to say "shall designate or specify." To my mind, the word "enumerate" seems to mean to number.

Mr. PITTMAN. That language has been stricken out and new language put in.

I have some formal amendments to offer.

Mr. WHITE. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Senator from Maine offers an amendment to the amendment of the committee which will be stated.

The LEGISLATIVE CLERK. In the committee amendment, on page 11, line 6, after the word "Government", it is proposed to insert the words "or any faction or group engaged in said civil strife or of any representative thereof or of any person participating therein."

Mr. WHITE. Mr. President, the text of the joint resolution prohibits, in the event of civil strife, any person within the United States purchasing, selling or exchanging bonds, securities or other obligations of the government of the country wherein the civil strife is proceeding. It seems to me we ought to go beyond that and prevent a citizen of the United States making advances of any character to any faction or group of citizens taking part in the civil strife.

Specifically, and for illustration, let us take the case of Spain. The Government of Spain, I take it, is confined to a narrow area. The joint resolution as it now reads

would prohibit this character of aid to that Government, but it would not prevent any citizen or any interest in the United States advancing loans of any character or in any amount to the other faction engaged in the civil strife in Spain. I think that in order to accomplish what we desire to accomplish—that is, avoid trouble to ourselves from internal conflicts—the prohibition should be enlarged.

I think the principle of the amendment is sound. I am not so sure the language is what it should be, but I assume the measure, if it shall be passed, will go to conference, and I think the subject matter of this amendment ought to be before the conferees. I hope the chairman of the Committee on Foreign Relations will accept the amendment.

Mr. PITTMAN. Mr. President, the present provision deals with governments and with governments alone. I cannot conceive how we can provide any definite prohibition against the giving of credit or the lending of money to factions in a country. Let us assume that we have recognized the government of a country wherein there is civil strife. That is a government, and we can prohibit a government from having credit in this country. But I think it would be administratively impossible of enforcement if we should make it unlawful for any notes or bonds or credits of a faction or a group of men to be circulated in this country.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Maine [Mr. WHITE] to the committee amendment in the nature of a substitute.

The amendment to the amendment was rejected.

Mr. PITTMAN. Mr. President, if no further material amendments are to be offered, I should like to offer a few formal amendments to the language of the joint resolution merely to correct errors.

The first amendment I offer is on page 6, in line 22, to strike out the comma and the words "or possessions of the United States."

There is a general clause in the joint resolution which provides that when the words "United States" are used in the measure they shall include its Territories and possessions. Therefore I propose wherever the words "or possessions of the United States" are found in the joint resolution that they be stricken out so that the language will be uniform.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nevada to the committee amendment in the nature of a substitute.

The amendment to the committee amendment was agreed to.

Mr. PITTMAN. I send to the desk several other amendments I desire to propose.

The PRESIDING OFFICER. The clerk will state the amendments.

The LEGISLATIVE CLERK. In the committee amendment, on page 7, line 13, after the words "United States", it is proposed to strike out the comma and the words "or possessions of the United States."

The amendment to the amendment was agreed to.

The next amendment to the committee amendment was, on page 7, line 23, after the words "United States", to strike out the comma and the words "or any of its possessions."

The amendment to the amendment was agreed to.

The next amendment to the committee amendment was, on page 15, line 15, after the word "United States", to strike out the comma and the words "or possessions of the United States."

The amendment to the amendment was agreed to.

The next amendment to the committee amendment was, on page 18, line 19, after the word "United States", to strike out the comma and the words "or any of its possessions."

The amendment to the amendment was agreed to.

The next amendment to the committee amendment was, on page 19, line 2, after the words "United States", to strike out the comma and the words "or one of its possessions."

The amendment to the amendment was agreed to.

The next amendment to the committee amendment was, on page 19, line 10, after the words "United States", to strike out the comma and the words "or of its possessions."

The amendment to the amendment was agreed to.

The next amendment to the committee amendment was, on page 19, line 18, after the words "United States", to strike out the words "or any of its possessions."

The amendment to the amendment was agreed to.

The next amendment to the committee amendment was, on page 20, line 15, after the words "United States", to strike out the words "or to any of its possessions."

The amendment to the amendment was agreed to.

Mr. PITTMAN. On page 9, in line 23, we find the word "article." In other places the words "articles or materials" are used. At this place I move to insert the words "or material."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nevada to the committee amendment.

The amendment to the amendment was agreed to.

Mr. PITTMAN. I send several other amendments to the desk which I ask may be agreed to.

The PRESIDING OFFICER. The clerk will state the amendments to the committee amendment in the nature of a substitute.

The first amendment to the committee amendment was, on page 9, line 4, to strike out the words "American vessel or aircraft" and to insert in lieu thereof the words "vessel or aircraft of the United States."

The amendment to the amendment was agreed to.

The next amendment to the committee amendment was, on page 10, line 9, to strike out the word "an" and to insert in lieu thereof the word "a", to strike out the word "American", and on line 10, after the word "aircraft", to insert the words "of the United States."

The amendment to the amendment was agreed to.

The next amendment to the committee amendment was, on page 17, line 5, to strike out the word "American", and after the word "aircraft", to insert the words "of the United States."

The amendment to the amendment was agreed to.

The next amendment to the committee amendment was, on page 20, line 23, to strike out the words "American vessel" and to insert in lieu thereof the words "vessel of the United States."

The amendment to the amendment was agreed to.

The next amendment to the committee amendment was, on page 10, line 9, after the word "articles", to insert the words "or materials."

The amendment to the amendment was agreed to.

Mr. PITTMAN. Mr. President, I send to the desk several other formal amendments to the committee amendment, which I ask to have acted on.

The PRESIDING OFFICER. The clerk will state the amendments to the amendment.

The first amendment to the committee amendment was, on page 10, line 1, to strike out the words "American citizens" and insert in lieu thereof the words "citizens of the United States."

The amendment to the amendment was agreed to.

The next amendment to the committee amendment was, on page 10, line 5, to strike out the words "American citizen" and to insert in lieu thereof the words "citizen of the United States."

The amendment to the amendment was agreed to.

The next amendment to the committee amendment was, on page 20, line 9, after the word "citizen", to insert the words "of the United States."

The amendment to the amendment was agreed to.

The next amendment to the committee amendment was, on page 20, line 14, after the word "citizen", to insert the words "of the United States."

The amendment to the amendment was agreed to.

Mr. PITTMAN. Mr. President, I send to the desk two more proposed amendments to the committee amendment.

The PRESIDING OFFICER. The Clerk will state the amendments to the amendment.

The first amendment to the committee amendment was, on page 10, line 8, to strike out the word "exportation" and to insert in lieu thereof the word "export."

The amendment to the amendment was agreed to.

The next amendment to the committee amendment was, on page 15, line 5, to strike out the word "exportation" and to insert in lieu thereof the words "the export."

The amendment to the amendment was agreed to.

Mr. PITTMAN. On page 10, line 7 is inserted at the wrong place. I move to amend, on page 10, after line 5, by inserting the words "of right, title, or interest in such articles or materials" and to strike out those words where they appear on line 7.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nevada to the committee amendment.

The amendment to the amendment was agreed to.

Mr. PITTMAN. On page 21, line 3, I move to strike out the word "ammunitions" and insert in lieu thereof the word "ammunition."

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nevada to the committee amendment.

The amendment to the amendment was agreed to.

Mr. PITTMAN. Mr. President, I also offer an amendment for the purpose of having the act referred to by a short title in the future so as not to make it necessary to repeat the long title which we find at the beginning of the joint resolution as proposed.

The PRESIDING OFFICER. The clerk will state the amendment to the amendment.

The LEGISLATIVE CLERK. In the committee amendment at the end of the joint resolution it is proposed to insert the following:

"SEC. 15. This act may be cited as the 'Peace Act of 1937.'"

SEC. 2. The title of such joint resolution of August 31, 1935, as amended, is amended to read as follows: "An act prohibiting the export of arms, ammunition, and implements of war to belligerent countries, prohibiting the transportation of arms, ammunition, and implements of war by vessels and aircraft of the United States for the use of belligerent countries, providing for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war, prohibiting travel by citizens of the United States on belligerent ships during war, prohibiting the arming of merchant vessels of the United States, and for other purposes."

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. If there are no further amendments to be proposed, the question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

Mr. DAVIS. Mr. President, neutrality legislation is designed for times of crisis when without it we would be at the mercy of great surges of public feeling, when our first need is some measure of restraint. It probably is not possible at the present time to set up legislative enactments which would endure for any considerable period of time in event of a prolonged foreign war. Such measures as may now be enacted, therefore, will probably be tentative in nature, but will show the desire of the vast majority of our citizens to remain at peace with all the world.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The question now is on the passage of the joint resolution.

Mr. LA FOLLETTE. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BORAH. Mr. President, I desire to say a word because of the vote which I shall cast on the pending joint resolution.

I stated in the opening of the debate that the provisions of the joint resolution relating to the shipment of arms, ammunition, and implements of war and those relating to loans and credits and traveling on belligerent ships I thought sound and that they had my hearty approval. I stated also that in my opinion subdivisions (a) and (b) of section 2 brought about an entire change of our national policy, and that I was unable to support those provisions. I have to decide at this time, therefore, whether I should support the joint resolution with those provisions in it, notwithstanding the fact that it contains many provisions which I approve.

Overshadowing this entire matter, as I see it, and of more importance to me than all other matters which have been discussed, is the fact that we are apparently preparing to take leave of a policy as old as the Government and inextricably interwoven with the security and the prosperity and the honor of this Nation, and with its standing and its reputation among the nations of the world. I do not know how others have looked upon the debates and the proposals, but they seem to me to indicate that we are headed for nothing less than a complete abandonment of our rights at sea—to take our ships out upon the ocean and to carry foodstuffs and other material absolutely essential to the human family. I know that that is not the specific purpose of those in charge of the measure, but it seems to me to be the ultimate objective, although not the admitted and specific aim.

In contending for our rights to carry those things which the human family has to have in order to live we are not contending for our rights alone. We are contending for the rights and the interests of small nations and weak peoples everywhere. We are contending for the fundamental rights of humanity, the right to use the sea for the carrying of those things without which the human family would perish. We are contending for the right to carry those things without which civilization could not exist. Thomas Jefferson said in the beginning of this Government, because nations go to war it does not diminish the rights of those who wish to remain at peace. I cannot accept the theory that you can purchase peace by surrendering the things which are indispensable to the health and happiness and economic welfare of our entire people and to the strength and power of the Nation.

In that remarkable letter sent out by the late Secretary of State, Mr. Lansing, in October 1915, to the British Government may be found these words:

> This task of championing the integrity of neutral rights which have received the sanction of the civilized world against the lawless conduct of belligerents arising out of the bitterness of the great conflict which is now wasting the countries of Europe the United States unhesitatingly assumes, and to this accomplishment of that task it will devote its energy, exercising always—
>
> Said he—
>
> that impartiality which from the outbreak of the war it has sought to exercise in its relations with the warring nations.

Mr. President, notwithstanding the experience which followed that declaration, and notwithstanding the break-down in the program which was there announced, in dealing with this matter I think we ought to keep that principle at the top of the page.

Of course, there come times when all law is interrupted, domestic law and international law; when all law breaks down; but when we return to peace we do not retain the principles and practices which guided us under such conditions. The interruption of national duty does not put an end to the duty. The violation of neutral law does not of itself destroy the law any more than the countless murders which we see recorded in the daily press destroy the law for the protection of human life. The trampling upon great international rights in the hour of emergency or danger does not destroy those rights, and when we return to a state of peace we ought to return to those conditions and rights, and we ought to maintain them insofar as possible for us to do so. And particularly I would not announce in advance that we stand ready to leave the sea with the first coming of the storm. I would not be impetuous to advertise the surrender of the most vital things connected with national welfare. Our first leaders did not believe that there was either peace or honor, security or righteousness, in giving over the seas solely and voluntarily to the chaos and despoliation of belligerents. They insisted—and who will challenge it now—that the sea is the highway of those who love peace and who want to carry the things which contribute, not to death and destruction, but to the comforts and happiness of mankind—nature's great thoroughfare to be devoted to the commerce and advancement of the peoples and nations of the world.

I realize that any policy may lead to controversy and may lead to war, but what I am contending for is that no nation

in advance should indicate its willingness to surrender its just and essential rights in order to maintain peace. I do not believe it brings peace. I believe in the first place it brings contempt, and in the second place assault.

I know that my friends say that that policy is a war policy; that it means conflict, that it means war. I do not look upon a policy which dedicates us to the carrying of foodstuffs and the things necessary for civilization as a war policy. It is a peace policy. It is a humanitarian policy. It is a policy which some nations must carry out or all will perish.

We are not going to surrender permanently our essential rights. We are not going to impede or embarrass permanently access to the foreign markets for our farmers and for our miners and for our manufacturers. The people will not let us do so.

In my opinion, Mr. President, after we have gotten far enough away from the World War—from the lessons which it was supposed to teach but did not—to formulate a sound and reasonable policy, we will come back to the proposition that things which are useful only for destruction, adapted only for the taking of human lives, we will neither sell nor ship, but those things which are essential to our national well-being, for the prosperity of our people, and indispensable to the happiness and comfort and life of all people, we will carry. That is bound to be the permanent policy of this great Nation of ours. You and I may pursue a different course but there will come a time when these boys we are professing to protect will themselves assert the rights of this Republic and see to it that other nations respect those rights.

Therefore, much as I dislike to disagree with the able chairman who has worked industriously, I do not feel at this time I should endorse a policy which seems to me to surrender these essential principles, and a policy in which our interests as a people are so deeply involved. Whatever else we do in this legislation, let us keep unimpaired our right to carry our commerce to whatever part of the world American initiative and American genius may win their way. The United States can do this thing, and it will in the end mean more for humanity, more for peace than a thoughtless surrender of our indisputable rights.

The PRESIDING OFFICER. The question is, Shall the joint resolution pass? On this question the yeas and nays have been demanded and ordered. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. COPELAND (when his name was called). On this question I have a pair with the senior Senator from Illinois [Mr. LEWIS]. Not knowing how he would vote, I withhold my vote. If permitted to vote, I should vote "nay."

Mr. KING (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. HOLT]. Not knowing how he would vote, I withhold my vote.

Mr. LONERGAN (when Mr. MALONEY's name was called). My colleague, the junior Senator from Connecticut [Mr. MALONEY] has been called from the Chamber on official business. If present, he would vote "yea."

Mr. McNARY (when his name was called). Again referring to my pair with the senior Senator from Mississippi [Mr. HARRISON], who is necessarily absent, I am advised that if he were present he would vote as I am about to vote. I am, therefore, at liberty to vote. I vote "yea."

Mr. BARKLEY (when Mr. ROBINSON's name was called). The senior Senator from Arkansas [Mr. ROBINSON] has been temporarily called from the Chamber on official business. If present, he would vote "yea."

Mr. COPELAND (when Mr. WAGNER's name was called). My colleague the junior Senator from New York [Mr. WAGNER] is detained from the Senate on account of illness. I am advised that if present and voting he would vote "yea."

The roll call was concluded.

Mr. AUSTIN. My colleague the junior Senator from Vermont [Mr. GIBSON] is necessarily absent. He is paired on this question with the Senator from Arkansas [Mr. ROBINSON]. If present, my colleague would vote "nay", and I am advised the Senator from Arkansas would vote "yea."

Mr. BYRNES. The junior Senator from Missouri [Mr. TRUMAN] is unavoidably detained from the Chamber because of important business. If present, he would vote "yea."

Mr. MINTON. The junior Senator from Alabama [Mr. BANKHEAD], the senior Senator from Alabama [Mr. BLACK], the junior Senator from Virginia [Mr. BYRD], the Senator from Wisconsin [Mr. DUFFY], the Senator from Florida [Mr. ANDREWS], the Senator from Pennsylvania [Mr. GUFFEY], the senior Senator from Mississippi [Mr. HARRISON], the Senator from Delaware [Mr. HUGHES], the Senator from Illinois [Mr. LEWIS], the Senator from North Carolina [Mr. REYNOLDS], and the Senator from Maryland [Mr. TYDINGS] are unavoidably detained.

The Senator from Montana [Mr. WHEELER] is detained in an important committee meeting.

The junior Senator from Mississippi [Mr. BILBO] is absent attending the funeral of the late Representative STUBBS.

The senior Senator from Ohio [Mr. BULKLEY] is detained because of a severe cold.

I am advised that if present and voting these Senators would vote "yea."

The Senator from Texas [Mr. CONNALLY] is detained on important public business.

The junior Senator from Ohio [Mr. DONAHEY], the senior Senator from Virginia [Mr. GLASS], and the Senator from West Virginia [Mr. HOLT] are detained because of illness.

The Senator from Virginia [Mr. GLASS] has a general pair with the Senator from Minnesota [Mr. SHIPSTEAD].

The result was announced—yeas 63, nays 6, as follows:

YEAS—63

Adams	Dieterich	Lundeen	Pope
Ashurst	Ellender	McAdoo	Radcliffe
Bachman	Frazier	McCarran	Russell
Bailey	George	McGill	Schwartz
Barkley	Gillette	McKellar	Schwellenbach
Bone	Green	McNary	Sheppard
Brown, Mich.	Hale	Minton	Smith
Brown, N. H.	Hatch	Moore	Steiwer
Bulow	Hayden	Murray	Thomas, Okla.
Burke	Herring	Neely	Thomas, Utah
Byrnes	Hitchcock	Norris	Townsend
Capper	Johnson, Colo.	Nye	Vandenberg
Caraway	La Follette	O'Mahoney	Van Nuys
Chavez	Lee	Overton	Walsh
Clark	Logan	Pepper	White
Davis	Lonergan	Pittman	

NAYS—6

Austin	Bridges	Johnson, Calif.	Lodge
Borah	Gerry		

NOT VOTING—26

Andrews	Copeland	Holt	Shipstead
Bankhead	Donahey	Hughes	Truman
Bilbo	Duffy	King	Tydings
Black	Gibson	Lewis	Wagner
Bulkley	Glass	Maloney	Wheeler
Byrd	Guffey	Reynolds	
Connally	Harrison	Robinson	

So the joint resolution (S. J. Res. 51) was passed.

On motion of Mr. PITTMAN, the title was amended so as to read: "Joint resolution to amend the joint resolution entitled 'Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war', approved August 31, 1935, as amended."

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 84. An act to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. Ralph Charles Stuart; and

S. 989. An act to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. Clarence Quinton Pair.

EXTENSION OF AUTHORITY TO NEGOTIATE TRADE AGREEMENTS—PRINTING OF HEARINGS

Mr. HAYDEN. Mr. President, by direction of the Committee on Printing, I report back favorably the resolution (S. Res. 87) submitted by the Senator from Mississippi [Mr. HARRISON] on March 1, 1937, and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arizona?

There being no objection, the resolution (S. Res. 87) was read, considered, and agreed to, as follows:

Resolved, That, in accordance with paragraph 3 of section 2 of the Printing Act, approved March 1, 1907, the Committee on Finance of the Senate be, and is hereby, empowered to have printed 1,000 additional copies of the hearings held before said committee during the first session of the Seventy-fifth Congress on the joint resolution (H. J. Res. 96) entitled "Joint Resolution to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended."

ORDER FOR CONSIDERATION OF THE CALENDAR

Mr. BARKLEY. Mr. President, I ask unanimous consent that at the conclusion of morning business tomorrow the calendar shall be called for the consideration of unobjected bills.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky? The Chair hears none. and the agreement is entered into.

ADJOURNMENT

Mr. BARKLEY. I move that the Senate adjourn until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 58 minutes p. m.) the Senate adjourned until tomorrow, Thursday, March 4, 1937, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MARCH 3, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, give us understanding that we may learn Thy commandments and let Thy merciful kindness be our comfort. Oh, may we praise the Lord for His goodness and declare the wonders He doeth for the children of men. We thank Thee that Thou art He that doeth abundantly more than we ask or think. The Lord God help us to add to our faith virtue; to virtue knowledge; to knowledge temperance; to temperance patience; to patience godliness; to godliness brotherly kindness; and to brotherly kindness charity. We pray Thee, our Father, to let Thy holy word encourage endeavor, inspire effort, and direct us in thought and in deed. Thine shall be the glory forever. In the name of Jesus. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein an address delivered over the radio by our colleague the gentleman from Nebraska [Mr. LUCKEY].

The SPEAKER. Is there objection?

There was no objection.

INTERSTATE TRAFFIC IN BITUMINOUS COAL

Mr. GREENWOOD, from the Committee on Rules, reported the following resolution for printing under the rule, which was referred to the House Calendar and ordered printed:

House Resolution 146

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 4985, a bill to regulate interstate commerce in bituminous coal, and for other purposes, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and continue not to exceed 4 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. GREENWOOD. Yes.

Mr. MARTIN of Massachusetts. I presume this is for the consideration of the so-called Vinson coal bill.

Mr. GREENWOOD. Yes.

Mr. MARTIN of Massachusetts. Will the gentleman tell us when he expects to call that up in the House?

Mr. GREENWOOD. I understand the program is that it will not be called up before next Tuesday. We hope that it will be called up on that day.

Mr. MARTIN of Massachusetts. Then it will not be called up on Friday? There have been some rumors that it would be.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield?

Mr. GREENWOOD. Yes.

Mr. O'CONNOR of New York. It was the plan of the committee to take it up immediately either tomorrow or Friday, and the Rules Committee was prepared to take it up on Friday; but, due to certain circumstances, and in the absence of Members, and to accommodate them, I understand that it is being postponed until Tuesday.

Mr. MARTIN of Massachusetts. And it will not come before that anyway?

Mr. GREENWOOD. No.

BONDHOLDERS' REORGANIZATION COMMITTEES

Mr. O'CONNOR of New York. Mr. Speaker, I ask unanimous consent to proceed for a moment to make an announcement.

The SPEAKER. Is there objection?

There was no objection.

Mr. O'CONNOR of New York. Mr. Speaker, tomorrow immediately after the reading of the Journal and the disposition of matters on the Speaker's table, it is planned to call up House resolution extending the life of the select committee to investigate real estate bondholders' reorganization committees.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR of New York. Yes.

Mr. MARTIN of Massachusetts. Could the gentleman tell us then what is going to happen to the naval appropriation bill?

Mr. O'CONNOR of New York. I refer that question to the majority leader.

Mr. RAYBURN. General debate will be taken up immediately following the consideration of the rule to which the gentleman from New York refers.

Mr. MARTIN of Massachusetts. How much general debate are we going to have on the naval appropriation bill?

Mr. RAYBURN. It was expected to conclude general debate in a day. Just exactly what effect the taking out of an hour or an hour and a half on this resolution will have upon general debate, I could not say.

Mr. MARTIN of Massachusetts. The debate on the Sabath resolution will probably take 2 hours, because there will be a roll call.

Mr. RAYBURN. I understand there is only 1 hour of debate under the rule.

Mr. MARTIN of Massachusetts. Is it the purpose to try to finish the consideration of the naval appropriation bill this week?

Mr. RAYBURN. Yes; it is.

THE ROOSEVELT ADMINISTRATION

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. RICH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. RICH. Mr. Speaker, tomorrow the majority side of the House is going to celebrate the 4 long years of the Roosevelt administration by giving a $100 banquet at the Mayflower Hotel. I understand that many tickets can be had for this banquet at $100 per. I thought perhaps I might receive an invitation, but I did not get one. I did receive one to the Willard Hotel at $10 per, but as Mrs. Roosevelt will be there, I think they made too much difference in the prices. They are discriminating too much between Mr. Roosevelt at the Mayflower at $100 and Mrs. Roosevelt at the Willard at $10, so I am afraid neither dinner will be worth the money, so I will not attend either one.

I want to refer to some things that have happened in the last long 4 years, and I wish somebody in the House of Representatives would get the answer from the Chief Executive. Let us go back over the 4 long years of the Roosevelt administration. When Mr. Roosevelt came into office the national debt of this Government was $19,487,000,000. On February 26 last the national debt was $34,599,000,000. Mr. Roosevelt has increased the national debt in 4 years $15,112,000,000. In 1932 when Mr. Roosevelt was making his campaign speeches he deplored the fact that the last year, the Hoover administration was going into debt, and he talked about the "3 long years."

I want to tell you gentlemen that you will have a hard time soon, talking of the 4 long years that you have now passed through. Mr. Hoover cannot hold a candle to Mr. Roosevelt when it comes to spending the taxpayers' money. Your national debt has increased $3,750,000,000 each year, and I should like to have Mr. Roosevelt explain that enormous spending to the people of this country at the banquet Thursday night. While he deplored it under another administration, he now has put his administration to shame, so far as enormous expenditures are concerned, and every day that you read your National Treasury statement, you will find that Mr. Roosevelt is running into the red millions of dollars. He is spending practically two dollars for each dollar he receives in revenues. This has been going on ever since he has been President and is getting worse instead of better.

Take the statement of the Federal Government issued by your own Secretary of the Treasury, Mr. Morgenthau, wherein Mr. Roosevelt said at the beginning of this year we are fast approaching a balanced Budget. Let me call your attention to the statement of February 26. You will find that Mr. Roosevelt has expended this year over $2,041,000,000 more than the receipts. Let him explain that, if you want to celebrate tomorrow night his 4 years in office. Have him explain to you why he condemned spending in 1932 and ask him why he is the greatest spender in all history of our Nation. Let him tell you why he does not practice what he preached.

Now, where are we heading? I have here in my hand a book published by the W. P. A., where they took a census of the unemployed. On January 15 over 6,402,000 were unemployed, according to this book. Then, in a statement made by Mr. Green, of the American Federation of Labor, on February 27, in one of the Washington papers, he is quoted as saying there were 10,432,317 unemployed on February 27. Mr. Green says there were as many unemployed on February 27 as there were when Mr. Roosevelt came into office in 1933, March 4. Let Mr. Roosevelt explain that to you and the American people. His promise to put people back to work is not carried out.

Now, you are increasing the national debt $15,000,000,000 in 4 years or to the extent that it will break down the Federal Government, and you have not put men back on the pay roll of industry. Let Mr. Roosevelt explain that. How can he celebrate such practices? When you men come to celebrate tomorrow night at this $100 banquet (an exorbitant price to pay when people are hungry), just remember some of these things you are celebrating. It seems to me to a thoughtful person you would hold your head in shame.

Two or three weeks ago the chairman of the Committee on Appropriations made the statement in the Hall that he was afraid the appropriations this year would approach those of last year, which were over $10,000,000,000. He said he hoped he would be able to keep them down; that he would do everything in his power to do so. The chairman is now in his grave. Let us revere his memory. Last week I called attention to the fact that there were 10 men in this House who were responsible for these enormous expenditures in the House. I am going to reduce that number to two, that is, the Speaker of the House and the majority leader.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

Mr. RICH. I will extend my remarks and give some more of this information.

Mr. Speaker, we have passed three appropriation bills this session as follows: First emergency for $789,000,000; independent offices, $1,140,313,398; Treasury and Post Office, $1,500,955,151; a total of $3,429,268,549. You will consider the Navy tomorrow for over $500,000,000, and we have the other regular appropriation bills and any deficiency bills that the departments will present. You heard of the Wagner housing bill for $1,500,000,000. You heard Mr. Ickes say he wanted $3,000,000,000 for P. W. A. Well, these I have enumerated will require over $8,500,000,000.

Mr. Speaker, I predict this Congress will appropriate more money than any session in the history of the Nation, much over ten billion.

Mr. Speaker, I predict, and if we do, Mr. Speaker, you and the majority leader are responsible. You share the greatest responsibility of any two Members of Congress. Why do I say so, Mr. Speaker? Well, just because your responsibility to the people is greater because you have greater power in this House than any two men in it. You could have them cut down the expenditures if you choose to do so, I am sure. Will you do it, Mr. Speaker, or will you let this Congress run wild as did the Seventy-fourth Congress at both sessions?

The Democratic platform as well as the Republican in 1932 called for a balanced Budget, also the platform of 1936 of the Democratic Party reads as follows:

> We are determined to reduce the expense of government. We are being aided therein by the recession in unemployment. As the requirements of relief decline and national income advances—

And so forth—

> Our retrenchment, tax, and recovery programs thus reflect our firm determination to achieve a balanced Budget and the reduction of the national debt at the earliest possible moment.

Mr. Speaker, this majority cannot and never will balance the Budget if you do not change your plans and chart another course with good, sound-thinking Americans who will do what they say they will, who will make their word good to the American people. I am certainly out with people who promise one thing and do another. Men who take oaths to support our Constitution and then try to tear down our Government. Men who think more of their party than they think of their country. Men who think more of their job as Congressman than they think of their country. Men who would set up a dictator rather than have a President, a Congress, and a Court. This House is just a rubber stamp for the President, so the people of the country say it is, and I guess they are right. Now the President wants to be six voices in the Supreme Court, and God grant that the power will never be given to him or any other one man to name six Supreme Court Justices by any one President. Too much power for any one good man, and I know it is too much for a poor man. So why take the chance? In your celebration at the $100 dinner tomorrow, remember, America for Americans. Both Democrats and Republicans, both rich and poor, both black and white.

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend by own remarks and insert in connection therewith

two items appearing in newspapers in regard to the life and service of the late Honorable James P. Buchanan.

The SPEAKER. Is there objection?

There was no objection.

Mr. McREYNOLDS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the life of the late Honorable JAMES P. BUCHANAN, and include therein a resolution drawn and a statement made by a county judge in my county.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

SHIPMENT OF NITRATE TO SPAIN

Mr. BERNARD. Mr. Speaker, I ask unanimous consent that I may address the House for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

Mr. MEAD. Mr. Speaker, reserving the right to object, this is Calendar Wednesday. There are many committees which would like to have at least one Wednesday during this session of Congress in which to have considered bills reported by those committees. I will not object to this request, but in the name of our committee and the committees that are to follow, which deserve this consideration, given to them by the rules of the House, I will be forced to object hereafter.

I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. BERNARD. Mr. Speaker, I have a telegram which, in my humble opinion, is of major importance. I am going to read it, and I hope the membership will give it due consideration:

> We, 300 American citizens assembled at 6 Byron Street, Boston, Mass., Sunday, February 23, to discuss the action of the crew of the British freighter *Linaria*, anchored in Boston, in refusing to proceed to Virginia for a load of nitrate for the rebel forces in Spain, recall your lone stand against the neutrality law which was jammed through Congress to prevent shipment of airplanes to legitimate Government of Spain. Urge you to raise in Congress question of placing nitrate on the list of banned articles and thus prevent aid to Franco.
>
> REV. DONALD G. LOTHROP,
> *Chairman, Greater Boston Committee to Aid Spanish Democracy.*

You will remember how anxious and determined we were in placing an embargo against the democratically elected government in Spain. We broke a precedent which had been in our country for 150 years. For the first time in our history we placed an embargo against a friendly, democratically elected government. Here we do not seem to take exception to the fact that nitrate is used in manufacturing the most deadly explosive known in modern warfare, and we are allowing nitrate to be sent to the rebel forces in Spain.

Some of you may say that nitrate can be used as a fertilizer. Surely none of my colleagues will think that the American people are so naive as to believe that nitrate is requested by the rebel forces in Spain to be used as fertilizer. We know that Spanish soil today is watered and fertilized with human flesh and blood, the flesh and blood of innocent women and children, the flesh and blood of those who have the courage to battle for democracy.

I maintain, Mr. Speaker, that so far, in my humble opinion, knowingly or unknowingly, we have bowed to the forces of fascism in America; and I sincerely hope that those who are in control of this House, those who are close to the administration, will see to it, in the name of fair play, in the name of justice, that an embargo is placed on nitrate to the rebel forces. [Applause.]

Mr. Speaker, I yield back the balance of my time.

Mr. FISH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute, and I am quite sure the gentleman from New York will let me do that.

Mr. MEAD. Mr. Speaker, in view of the fact that the gentleman has requested 1 minute only and that this perhaps will be the last request for time, I shall be very glad to yield to my colleague.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FISH. Mr. Speaker, I asked for 1 minute in order to ask the majority leader if we could not have some assurance about the length of the debate on the Navy bill. It seems to me, in view of the arming of Great Britain, Japan, and Italy, as announced in the press in the last few days, it is highly important that we should discuss this bill to know exactly what our own policy should be; and I think we should be assured that we shall have at least 8 hours of debate.

Mr. RAYBURN. I may state to the gentleman from New York that no member of the subcommittee handling the bill has asked for any such time as he suggests. The only time that has been asked is that general debate be completed tomorrow.

Mr. FISH. The gentleman from New York [Mr. TABER] is spokesman for our side on that committee. I should like to ask him what his view is in the matter of time.

[Here the gavel fell.]

Mr. FISH. Mr. Speaker, I ask unanimous consent to proceed for one-half minute longer.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FISH. Mr. Speaker, I yield to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, I think, frankly, that there ought to be ample debate. Members have come to me with requests that total a couple of hours in addition to those that were given to the chairman of the subcommittee. I think this is a bill on which we should have ample debate.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. FISH. I yield.

Mr. McCORMACK. May I make the observation, Mr. Speaker, that too long general debate is not for the best interest of the House, when we have only 15 to 50 Members on the floor. We would be much better off with shorter general debate and unlimited debate under the 5-minute rule. It seems to me this would be the better procedure and that under it we would be better off all around.

Mr. RAYBURN. Mr. Speaker, I may state that the intention is to complete general debate in 1 day, in one sitting.

Mr. TABER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER (after counting). One hundred and sixty-one Members are present, not a quorum.

Mr. WOODRUM. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 23]

Alshire	Goldsborough	Luckey, Nebr.	Shannon
Biermann	Goodwin	McGranery	Snell
Bland	Harlan	Magnuson	Starnes
Boykin	Healey	Meeks	Steagall
Buckley, N.Y.	Hennings	Mitchell, Ill.	Sweeney
Bulwinkle	Higgins	Mouton	Thomason, Tex.
Byrne	Holmes	Murdock, Utah	Thurston
Cannon, Wis.	Izac	Nichols	Tinkham
Connery	Kee	O'Connell, Mont.	Tolan
Creal	Keller	Parsons	Towey
Crowther	Kelly, N. Y.	Peterson, Fla.	Treadway
Culkin	Kerr	Quinn	Weaver
Disney	Kirwan	Reilly	Wene
Fitzgerald	Kleberg	Ryan	White, Idaho
Flannagan	Kniffin	Sabath	Wolcott
Ford, Calif.	Lambertson	Sadowski	Wood
Gasque	Lea	Schulte	
Gearhart	Lesinski	Scott	
Gilchrist	Luce	Scrugham	

The SPEAKER. Three hundred and fifty-seven Members have answered to their names. A quorum is present.

On motion of Mr. RAYBURN, further proceedings under the call were dispensed with.

Mr. COSTELLO. Mr. Speaker, I wish to announce the necessary absence of my colleagues the gentlemen from Cali-

fornia, Mr. TOLAN, Mr. SCOTT, and Mr. GEARHART, due to the fact they are attending the funeral of Mr. Stubbs.

EXTENSION OF REMARKS

Mr. WARREN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, and to include therein a speech delivered over the radio last night by my colleague the gentleman from North Carolina [Mr. HANCOCK].

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WEARIN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD, and include therein a statement which Mr. Lorimer Rich made before a Senate committee.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. MILLS. Mr. Speaker, I ask unanimous consent to have inserted in the Appendix of the RECORD a resolution adopted by the State Legislature of Louisiana in May 1936 protesting against the Federal land bank closing out the farmers. It is a very brief resolution.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

(Mr. BUCK, Mr. KOPPLEMANN, and Mr. VOORHIS asked and were given permission to extend their remarks in the RECORD.)

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday. The Clerk will call the first committee.

Mr. MEAD (when the Committee on the Post Office and Post Roads was called). Mr. Speaker, by direction of the Committee on the Post Office and Post Roads, I call up the bill (H. R. 2006) to permit certain special-delivery messengers to acquire a classified status through noncompetitive examination.

The Clerk read the title of the bill.

Mr. MEAD. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. TABER. Mr. Speaker, reserving the right to object, I shall not object if this bill could be amended so that it is perfectly clear the examination these people are to take is the same type of examination that is required for original appointees to these positions.

The SPEAKER. The Chair may say to the gentleman from New York that the amendment can be considered under the 5-minute rule.

Mr. TABER. I would rather the House resolve itself into the Committee of the Whole unless such an amendment is accepted.

Mr. MEAD. Mr. Speaker, I have no objection to the amendment to which the gentleman refers, so far as I am concerned, and I shall be very glad to have the gentleman offer it as soon as that point is reached in the proceedings.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. MEAD]?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 5 of the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1886, and for other purposes", approved March 3, 1885 (U. S. C., title 39, sec. 169), is amended by adding at the end thereof the following: "Any messenger in the Special Delivery Service who has as much as 5 years' continuous service on the date of approval of this act may, upon the written recommendation of the postmaster at the office where such messenger is employed, if approved by the Post Office Department, be given a noncompetitive examination to qualify for the position of substitute clerk, carrier, or laborer, and having passed such examination he shall be retained in the Special Delivery Service until such time as there is or may be a vacancy in the substitute quota, when he will be placed at the foot of the substitute roll."

Mr. MEAD. Mr. Speaker, the purpose of this bill is to permit certain special-delivery messengers who have had 5 years or more of meritorious service to take a noncompetitive examination for appointment as substitute clerk, carrier, or laborer in the Postal Service. If a special-delivery messenger selected as the result of meritorious service should pass the examination required of him, he would go to the bottom of the substitute list and would be appointed when his name was reached on that list. In other words, he would not take precedence over anyone now on the substitute list.

Mr. DOWELL. Will the gentleman yield?

Mr. MEAD. I yield to the gentleman from Iowa.

Mr. DOWELL. On the second page I note he is to be retained until there is a vacancy in the other position. In other words, he would not be immediately transferred to the foot of the substitute list, but would wait until such time as a vacancy appeared on that list?

Mr. MEAD. He would have to wait until there was a vacancy. The gentleman is correct. A vacancy could not be created for him, because there is legislation covering the appointment of substitutes. Only a certain number of them may be appointed in proportion to the number of regular employees in any given office; so that the gentleman is correct. He would remain a special-delivery messenger until a vacancy occurred, and then he would be placed at the bottom of the substitute roll.

Mr. DOWELL. In other words, there would be no place for him until a vacancy had occurred and the other substitute positions were all filled.

Mr. PEARSON. Will the gentleman yield?

Mr. MEAD. I yield to the gentleman from Tennessee.

Mr. PEARSON. Is there any possibility that the passage of this measure would result in a man now in the Special Delivery being deprived of his position on account of failure to pass an examination of this character?

Mr. MEAD. No; it would not prevent a man now in the Special Delivery Service from remaining just where he is, regardless of the decision of the Civil Service Commission on his examination. His present position would be protected.

Mr. WOLCOTT. Mr. Speaker, will the gentleman yield?

Mr. MEAD. I yield.

Mr. WOLCOTT. After such messenger has been assigned to the substitute quota, may he continue to act after that as a special-delivery messenger?

Mr. MEAD. No; once he is appointed a substitute clerk, carrier, or laborer, he would report regularly for duty in that category and no longer serve as a special-delivery messenger.

Mr. WOLCOTT. Are not many of these substitutes now working only a matter of a few hours a week?

Mr. MEAD. That is not the case any longer. By the passage of the Quota Act we have prohibited postmasters from appointing more than a certain number of substitutes—1 substitute to every 8, 10, or 12 regulars. This gives the substitutes more work than was formerly the case; in fact, at times the postmasters have to employ temporaries to augment the force when the volume of mail is heavy and during the vacation periods.

Mr. WOLCOTT. It is the gentleman's opinion that during the time he is not called on for duty as a substitute he would not be eligible to act as a special messenger?

Mr. MEAD. He probably could be called upon under certain strained circumstances, but not as a rule.

[Here the gavel fell.]

Mr. LAMNECK. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I have no objection to this bill, but I do not think it goes far enough.

I believe these special-delivery messengers ought to be placed under civil service. I have been told that the reason this was not considered by this committee was because they had no jurisdiction of such legislation, and that there is now pending in the Committee on the Civil Service the bill H. R. 2230, which will place them under civil service if the bill is passed.

I think this is a step in the right direction. There are many fine young men in this Delivery Service that ought to be promoted in the Service if they desire it; but I think the proper solution of the proposition is that we permit

these men to be placed under civil service on a permanent basis. I am for the bill, although it does not go far enough to suit me, and I am not sure it goes far enough to suit the special-delivery messengers.

Mr. TOBEY. Mr. Speaker, will the gentleman yield?

Mr. LAMNECK. Yes.

Mr. TOBEY. From the gentleman's knowledge of the civil service and how it works, if we place these men on the substitute rolls, would they not have to live more than threescore years and ten before they would ever get a job?

Mr. LAMNECK. In my city they might get a job in about 100 years, but not much before that.

Mr. TOBEY. In other words, this is just a noble gesture.

Mr. LAMNECK. Mr. Speaker, I yield back the balance of my time.

Mr. TABER. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TABER: Page 2, line 2, after the word "examination", insert "of the same character required for original appointment."

Mr. TABER. Mr. Speaker, I have offered this amendment so it will be absolutely certain that the House means that when these people apply for an opportunity to go into the regular service, they will be given the same kind of examination they will have to take if they were applicants for original appointment.

I feel it is fair to let these people take a noncompetitive examination, but I feel we ought to go a little further in protecting the rights of the Civil Service.

I hope the amendment will be adopted.

Mr. LAMNECK. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, I would like to have the amendment read again.

The SEAKER. Without objection, the Clerk will again report the amendment.

The Clerk again read the Taber amendment.

Mr. LAMNECK. Mr. Speaker, it seems to me this is unusual procedure. The bill now provides that an applicant may take a noncompetitive examination and, certainly, it would be the same kind of examination that was held originally. It seems to me to place such a provision as this in the bill would be a mistake because, if the Civil Service Commission holds the examination, it would have to be similar to the examination that would be taken by anyone who wanted this kind of job. It seems to me we should not clutter up the bill with an amendment like this and, for one, I am opposed to the adoption of the amendment.

The SPEAKER. The question is on the adoption of the amendment.

The question was taken; and the Chair being in doubt, the House divided, and there were—ayes 40, noes 93.

So the amendment was rejected.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

SALARIES OF RURAL LETTER CARRIERS

Mr. MEAD. Mr. Speaker, by direction of the Committee on the Post Office and Post Roads, I call up the bill (H. R. 3609) to protect the salaries of rural letter carriers who transfer from one route to another.

The SPEAKER. The gentleman from New York calls up a bill, which the Clerk will report by title.

The Clerk reported the title of the bill.

Mr. MEAD. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

Mr. TABER. Mr. Speaker, I object.

The SPEAKER. Under the rule, the House will automatically resolve itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 3609, with Mr. Cox in the chair.

The Clerk read the bill, as follows:

Be it enacted, etc., That effective as of July 1, 1934, subsection (d) of the first section of the act entitled "An act to adjust the salaries of rural letter carriers, and for other purposes", approved June 25, 1934, is hereby amended by adding at the end thereof a new sentence to read as follows: "Should any such carrier be transferred to another route or other routes, the salary which he was receiving on June 30, 1934, shall be protected to the same extent as such salary would, under the preceding sentence, have been protected had such carrier continued to serve the route or routes from which he was transferred and had the length of such route or routes been changed to correspond to that of such other route or routes."

Mr. MEAD. Mr. Chairman, I am very anxious that Members of the House understand the purpose of this legislation. To begin with, this legislation does not involve any added expenditure of public funds. The Committee on the Post Office and Post Roads enacted a bill reclassifying the salaries of rural carriers about 2 years ago, and as a result of that legislation we have saved five and a half million dollars in this service. These figures came to me from the Department just prior to the beginning of this session. In the administration of the act the Post Office Department contacted the Comptroller General's Office and asked if the "savings clause", which prevented the reduction of a rural letter carrier's salary in excess of $180, was to operate in favor of the carrier if transfers were made after the passage of that act. The Comptroller ruled that the "savings clause" no longer applied when a rural carrier was transferred from one route to another. Therefore when a carrier was transferred to a short, heavy route, with many boxes, adjacent to a large city, his salary would be reduced and his work increased as much as 2 or 3 hours a day.

As a result of that decision on the part of the Comptroller, which not only applies to actual transfers but also reduces the salary of a carrier if his route number is so much as changed—and that is effected very often because of numerous consolidations—the Department is protecting these men by not effecting these particular transfers, and it is also protecting them by not changing the numbers of the other routes.

The committee considered this bill very carefully. The Department was heard, and I have here the Postmaster General's report, in which he says:

The purpose of the bill H. R. 3609 is to amend subsection (d) of the first section of the act of June 25, 1934, fixing the salaries of rural carriers so as to restore to rural carriers who were entitled thereto the benefit of the savings clause of the salary act in case of transfer subsequent to July 1, 1934, from one route to another.

Under a ruling of the Comptroller General the saving clause no longer applied when a rural carrier was transferred from one route to another. A number of such transfers have been made in connection with the consolidations of routes, as well as on requests of carriers. The proposed amendment incorporated in bill H. R. 3609, if enacted into law, will restore the benefit of the saving clause to all carriers transferred to routes of substandard length, provided they were entitled to the benefit of the saving clause on July 1, 1934.

While this measure is believed to be in the interest of good administration insofar as it affords protection to rural carriers who were transferred for service reasons, it is not believed that rural carriers granted transfers to other routes for their own convenience should be given the protection proposed by this bill. Therefore, it is suggested that the bill be amended, line 8, page 1, by inserting after the word "transferred", the words "for the convenience of the Government", so as to deny the benefits of the bill to those carriers who are transferred for their own convenience.

That means that only those transfers ordered by the Government would be given the protection of this so-called savings clause. The committee, however, felt that as all transfers must be approved by the Government, it is not necessary to insert the words "for the convenience of the Government", and refused to adopt the amendment. The Department then closed by saying:

It has been ascertained from the Bureau of the Budget that this report is in accord with the program of the President.

In view of the explanation which I attempted to make, I trust that the bill will pass without amendment.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. MEAD. Yes.

Mr. TABER. If a rural carrier had a route which ran any distance and saw another route, and was receiving for

carrying the first route $2,700 or $2,800, the other route being half the length, in an adjoining office that was vacant, and he requested transfer to it and was transferred, he could be transferred to that route in the other office for the same pay and not have his pay reduced at all?

Mr. MEAD. That is not so. Under the provisions of the original act we held that in the readjustment of the rural carriers' pay they could not be reduced in excess of $180.

That reduction applied to the routes then in existence. If a rural letter carrier is serving on a long route of 40 miles, he is receiving $1,800 per annum for the first 30 miles and $20 per annum for every mile in excess of 30 miles. If he transfers to a route 30 miles in length, 10 miles shorter than the route he formerly had, he will receive as his basic annual salary the basic salary paid for that route as stated in the Reclassification Act. In other words, he will receive $1,800 a year plus his equipment allowance. He will take a reduction, and that reduction is called for in existing law. But if a carrier on a 40-mile route, with 300 boxes, is transferred to a route of 20 miles, adjacent to a big city, with 800 boxes, and it takes him 8, 10, or 12 hours to deliver that mail, his pay will be reduced, but not in excess of $180 below what that route paid before the Reclassification Act went into effect. The bill does not protect the large salaries. It only protects those carriers who are transferred from one route to another from a reduction in excess of $180. That applies only to the pay called for under the law for that particular route to which he is transferred. The committee and the Department would certainly object, as would the Bureau of the Budget, if any such proposition as the gentleman has just presented to the House were contained in the bill. That is obvious.

Mr. HOPE. Mr. Chairman, will the gentleman yield?

Mr. MEAD. I shall be glad to yield.

Mr. HOPE. Does the Department, under existing law, have the right to make such transfer arbitrarily, as the gentleman just described?

Mr. MEAD. The Department, under the law, can effect transfers in the interest of efficiency whenever opportunity arises, and they are doing that to the extent of some six or seven hundred a year through consolidations. That is the result of improved roads and the use of motor vehicles.

Mr. HOPE. In most cases, however, those transfers are to a longer route than to a shorter route, are they not?

Mr. MEAD. Oh, yes. Whenever opportunity presents, the Post Office Department will put two routes together and have them served by one carrier instead of two, effecting a saving in each consolidation of upward of $1,000 a year. That is the policy of the Department.

Mr. HOPE. But will the Department transfer him to a shorter route also, and a lower-paid route?

Mr. MEAD. There are so few of them in existence, and the consolidation program is eliminating them so rapidly, that I doubt very much whether the Department would transfer a carrier to a shorter route even if he requested it. I would say the policy is directly the opposite.

Mr. HOPE. Most cases which would be affected by this act are cases where transfer is requested by the carrier?

Mr. MEAD. No. I would say in most cases it is where the transfer was requested by the Department. For instance, suppose there was a short, heavy route adjacent to the city of Chicago, serving seven or eight hundred boxes, and it was 24 miles in length. Under the passage of the original Reclassification Act that carrier would have had his salary reduced, because he was only serving 24 miles, and it required 30 miles to secure the basic pay of $1,800. So he would be reduced from $1,800 to $1,440. But we felt it was an injustice to that carrier to pass a bill that would pay him for 24 miles at $60 a mile.

The reduction would be too great. So the committee inserted a "savings clause", applying to routes of less than 30 miles in length, whereby the reduction would not be in excess of $180. That provision means just this: That carrier who formerly received $1,800 a year would not be reduced to $1,440, but only to $1,620.

However, should that carrier's route number be changed, or should he transfer to another substandard route, the Comptroller holds that the carrier loses his rights to the "savings clause." Also, if a carrier transfers from a long to a short route, he loses the protection we meant to give on the short routes.

Mr. BEITER. Mr. Chairman, will the gentleman yield?

Mr. MEAD. Yes.

Mr. BEITER. The gentleman has referred to consolidations made by the Department. Is it not a fact that most consolidations are made where the Department has practically no control? For instance, if train service is discontinued in a certain community, the Department then would be compelled either to have a star route take care of that particular locality or would be compelled to consolidate the offices affected in order to service the stations.

Mr. MEAD. In some cases that has been done.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. MEAD. I yield.

Mr. DOWELL. As I understand the gentleman's explanation, this bill will protect the salary of the carrier on the longer route when he is transferred to the shorter route.

Mr. MEAD. That is right.

Mr. DOWELL. To the extent of $1,800. May I ask the gentleman what the situation would be in the case of a carrier receiving more than that who is placed on a shorter route where he has much more work—and I know there are such shorter routes? Should he not receive the same compensation he was receiving on the old route from which he was transferred?

Mr. MEAD. No; probably not. The committee believes that a rural carrier serving a short route with a great many boxes should either be transferred to the mounted or city service, or that he should receive $10 per mile in excess of the regular mileage rate. Now, the regular mileage rate for the first 30 miles is $60 per mile. We believe that the carrier serving a short, heavy route adjacent to a large city ought to be given $70 a mile. Seldom do they have a route in excess of 30 miles, I may say to the members of the committee.

Mr. DOWELL. But he must supply his own equipment.

Mr. MEAD. He must supply his own equipment, and the Department allows him 5 cents a mile for all of the expenses that are listed as necessary equipment expenses, including his taxes, oil, gas, vehicle, and so forth.

Mr. REES of Kansas. Mr. Chairman, will the gentleman yield?

Mr. MEAD. I yield.

Mr. REES of Kansas. Do I understand that this law protects the mail carrier who is getting a higher salary? Does it protect him, or does it protect the route?

Mr. MEAD. It protects the route.

Mr. REES of Kansas. That is, the new man comes on and takes the same salary the other man had when he went over to the shorter route; is that correct?

Mr. MEAD. This bill protects the route from the reduction that would have been effective under the original bill when it passed 2 years ago. It has nothing to do with the longer routes. It protects the routes that we meant to protect when we passed the original act, and they are the short routes adjacent to large cities.

Mr. REES of Kansas. But the increase comes about by reason of another man coming on the job, does it not?

Mr. MEAD. The increase comes about only when the carrier has his route lengthened or serves a greater mileage than was formerly the case.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. MEAD. I yield.

Mr. TABER. I wonder if the gentleman from Kansas and the gentleman from New York understood each other. I understood the gentleman from Kansas to ask the gentleman from New York if it protected the route. Now, this bill would not maintain the salary of a route after the carrier who had been transferred from it ceased to carry it.

Mr. MEAD. No. The explanation that I meant to give to the Committee was that if a man served a short, heavy route adjacent to a large city, the route being less than standard—which is 30 miles—but because of the numerous boxes his work required that he put in a long day, this bill and the original reclassification bill protect that route.

Mr. DOWELL. Mr. Chairman, will the gentleman yield further?

Mr. MEAD. I yield.

Mr. DOWELL. Does this bill protect another carrier who is placed on this route? In other words, a carrier is transferred from a longer route to a shorter route; then, if there is a vacancy on the longer route and another carrier is placed on that route, will he go on at the same rate received by the carrier who was transferred?

Mr. MEAD. He will go on at the same rate paid on that route before he got there.

Mr. DOWELL. I did not quite understand it.

Mr. MEAD. He does not carry with him the pay he received on the longer route.

Mr. DOWELL. But this is a new carrier, another carrier.

Mr. MEAD. Yes.

Mr. DOWELL. Does this protect the carrier who is transferred?

Mr. MEAD. Yes.

Mr. DOWELL. But if there is a vacancy on the shorter route and some other carrier is transferred to that route who has a longer route——

Mr. MEAD. He gets the same protection on that shorter route as the carrier ahead of him received.

Mr. DOWELL. The gentleman means the one who was transferred from the longer route?

Mr. MEAD. Yes.

Mr. DOWELL. That is what I want to get clear, and I believe I understand it. It seems to me when this salary is fixed for the person who is transferred from a longer route it ought to remain the same as any other carrier who carries that route.

Mr. MEAD. That is what this bill will do. We prevent a reduction applying on a route in excess of $180, and this carries it on.

Mr. CRAWFORD. Will the gentleman yield?

Mr. MEAD. I yield to the gentleman from Michigan.

Mr. CRAWFORD. Did I understand the gentleman to say under this revised law he had effected a saving of approximately five and a half million dollars?

Mr. MEAD. Yes.

Mr. CRAWFORD. This change will not interfere in any way with that saving in the future?

Mr. MEAD. No. Here is the way we save the money. We used to pay the carriers $1,800 a year for 24 miles. The terms of the bill require the carrier to give us 6 miles free. In other words, he has to go 30 miles for $1,800. Under the old law we used to pay him $30 a mile for every mile in excess of 24 miles. Now we only pay him $20 a mile for every mile in excess of 30 miles. In that way we have saved five and a half million dollars. However, in the interpretation given by the Comptroller General we were almost cruel in our savings, as they applied to these short, heavy routes, and we want to obviate that by the passage of this bill.

Mr. BIERMANN. Will the gentleman yield?

Mr. MEAD. I yield to the gentleman from Iowa.

Mr. BIERMANN. If the carrier has been serving a 50-mile route and is transferred to a 30-mile route, what pay does he receive?

Mr. MEAD. Eighteen hundred dollars basic pay because he is serving 30 miles and a 30-mile route calls for the basic pay.

Mr. BIERMANN. If he is transferred to a 35-mile route, what will he receive?

Mr. MEAD. He would receive $1,800 plus $20 a mile for 5 additional miles.

Mr. BIERMANN. That is the condition now existing, is it not?

Mr. MEAD. Yes; that is the condition now existing.

Mr. BIERMANN. How does this bill change that situation?

Mr. MEAD. This bill only applies to the short routes which are less than 30 miles long.

Mr. BIERMANN. That is all this bill does?

Mr. MEAD. That is all.

Mr. BIERMANN. And the $1,620 is the minimum?

Mr. MEAD. On the short, heavy routes, 24 miles long.

Mr. BIERMANN. How heavy do they have to be to get this? There is nothing in the bill about that, is there?

Mr. MEAD. No; but that was brought before us when we studied the bill.

Mr. BIERMANN. Is that determined by the number of boxes or the amount of mail?

Mr. MEAD. It is determined by the number of boxes. This bill simply obviates the Comptroller's decision that bore heavily upon those carriers in that particular category.

Mr. BIERMANN. How about these 4-month routes, from December to March?

Mr. MEAD. The bill has nothing to do with those. It simply requires that the carrier deliver mail 6 days a week or every other day at least.

Mr. BIERMANN. The year round?

Mr. MEAD. Yes.

Mr. DOWELL. Will the gentleman yield further?

Mr. MEAD. I yield to the gentleman from Iowa.

Mr. DOWELL. I am sorry to detain the gentleman, but I do not get clear the answer the gentleman gave a while ago with reference to the shorter routes where the carrier was transferred from a longer route. Under this bill, as I read it, should such carrier be transferred from a longer route or another route, this applies to that carrier only. Does it apply to another carrier who may afterward be transferred to this route? Is that correct?

Mr. MEAD. No. It will apply to the carrier who is transferred to that route now and it will apply to a carrier who is transferred to that route tomorrow. Here is an explanation of the bill that might clear it up. The Salary Reclassification Act of 1934 contained a savings clause whereby a rural carrier serving a 6-days-a-week route of less than 30 miles or a 3-days-a-week route of less than 60 miles could not be reduced in salary by more than $180 per annum.

In other words, we realized we were reducing the salary of rural letter carriers when we passed that act, but we wanted to stop the reduction at $180. The act sets up salaries of $1,800 for a route of 30 miles, $60 per mile per annum on routes of less than 30 miles, and $1,800 plus $20 a mile per annum for each mile in excess of 30 miles on longer routes. The equipment-maintenance allowance was increased to 5 cents a mile. The "savings clause" applied only to the carriers in the Service at the time the act went into effect on July 1, 1934. The Comptroller General has ruled that the "savings clause" does not apply to a carrier whose assignment has been changed, even though it is only a change in the route number; and in order to protect the carrier we have to pass this bill. The Department suggests we limit the legislation to carriers who are transferred at the Government's convenience. We say in the bill it should apply to all carriers transferred by order of the Government.

Mr. DOWELL. That, to my mind, is very clear; but the question I am interested in is what becomes of the other carrier who happens to follow the carrier who is transferred from a longer route? Does he get the same pay as the one who was transferred from the longer route and who has vacated that route? In other words, if a carrier is transferred to a shorter route from a longer one, he is protected.

Mr. MEAD. He is protected, and so is the man who follows him.

Mr. DOWELL. Suppose he resigns after he is transferred and someone else takes it, either by examination or by transfer, from a shorter route, does he take it on the same pay?

Mr. MEAD. He takes it on the same pay as the carrier ahead of him received.

Mr. DOWELL. The bill states "should any such carrier be transferred", and so forth, referring to the specific carrier.

Mr. MEAD. We are informed that the bill will protect the carrier the gentleman has in mind.

Mr. DOWELL. I am pleased to have the gentleman's construction.

Mr. MEAD. We are trying to make it continuous on that route. This bill has satisfied the carriers and the Department.

Mr. DOWELL. That is what we want done.

Mr. MEAD. I think the bill covers that matter.

Mr. SAUTHOFF. Mr. Chairman, will the gentleman yield?

Mr. MEAD. I yield.

Mr. SAUTHOFF. The thing that strikes me as the injustice is that the man on the shorter route will put in 10 to 12 more hours of work per week and yet get his pay cut.

Mr. MEAD. That is true, but we have a bill which will permit the Department to increase the rate on these short, heavy routes $10 in excess of the basic rate paid on the longer route.

Mr. SAUTHOFF. You are going to take care of them?

Mr. MEAD. That will be taken care of in another bill.

Mr. SAUTHOFF. All right.

Mr. MEAD. Mr. Chairman, I ask that the bill be read for amendment.

The CHAIRMAN. Does any member of the committee desire recognition in opposition to the bill?

Mr. TABER. Mr. Chairman, I want to be heard.

Mr. Chairman, I can see no possible excuse for passing this bill and permitting the carrier to apply for transfer to a shorter route and protect his salary at a rate which would be fixed at a higher rate than any other carrier would receive on that route.

It does not seem to me that this is the way to do things, and I think unless the Committee limits this bill to cases where a carrier is transferred without his request, and for the convenience of the Government, the bill ought not to receive favorable consideration. Frankly, it is not a big bill, because I do not imagine there are a tremendous lot of these transfers, but I can see where this kind of transfer would be readily and easily abused, and I hope that the House, in passing this legislation, will adopt the safeguards which the Department has requested.

Mr. MEAD. Mr. Chairman, I ask for the reading of the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That effective as of July 1, 1934, subsection (d) of the first section of the act entitled "An act to adjust the salaries of rural letter carriers, and for other purposes", approved June 25, 1934, is hereby amended by adding at the end thereof a new sentence to read as follows: "Should any such carrier be transferred to another route or other routes, the salary which he was receiving on June 30, 1934, shall be protected to the same extent as such salary would, under the preceding sentence, have been protected had such carrier continued to serve the route or routes from which he was transferred and had the length of such route or routes been changed to correspond to that of such other route or routes."

Mr. TABER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TABER: Page 2, line 2, after the word "routes", insert "but such promotion shall apply only when such transfer shall be made for the convenience of the Government."

Mr. TABER. Mr. Chairman, this simply provides the safeguard that the Department itself asked for when the bill was submitted to it, and I hope the amendment will be adopted.

Mr. MEAD. Mr. Chairman, I rise in opposition to the amendment.

The committee considered this matter very carefully, and, as I stated before, in view of the fact that all these changes in route numbers, consolidations, and transfers are made with the approval of the Department, I do not believe the word "convenience" properly belongs in the bill. In view of the fact the Department has complete control of the situation now, the amendment offered by my colleague from New York is superfluous, and I therefore trust the Committee will reject the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. TABER].

The amendment was rejected.

Mr. MEAD. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Cox, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 3609) to protect the salaries of rural letter carriers who transfer from one rural route to another, had directed him to report the same back to the House with the recommendation that the bill do pass.

Mr. MEAD. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SALARIES OF LETTER CARRIERS IN VILLAGE DELIVERY SERVICE

Mr. MEAD. Mr. Speaker, by direction of the Committee on the Post Office and Post Roads, I call up the bill (H. R. 4285) to increase the salaries of letter carriers in the village delivery service.

The SPEAKER. The gentleman from New York calls up a bill which the Clerk will report by title.

The Clerk read the title of the bill.

Mr. MEAD. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. The Clerk will read the bill for amendment.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 10 of the act entitled "An act reclassifying the salaries of postmasters and employees of the Postal Service, readjusting their salaries and compensation on an equitable basis, increasing postal rates to provide for such readjustment, and for other purposes", approved February 28, 1925 (U. S. C., title 39, sec. 106), is amended to read as follows:

"SEC. 10. Carriers in the village delivery service shall be graded with salaries for each grade, as follows: First grade, $1,300; second grade, $1,400; third grade, $1,500. That in the readjustment of salaries of letter carriers in the village delivery service to conform to the grades herein provided, village carriers who have served as such for 2 years or more shall be placed in grade 3; village carriers who have served for 1 but less than 2 years shall be placed in grade 2; and village carriers when they receive their regular appointments shall be placed in grade 1. In determining the aggregate period of service upon which promotions are to be based, all time served as a letter carrier in the village delivery service is to be included: *Provided*, That hereafter substitute carriers in the village delivery service when appointed regular carriers in the village delivery service shall have credit for actual time served on a basis of 1 year for each 254 days of 8 hours served as a substitute, and appointed to the grade to which such carrier would have progressed had his original appointment as substitute been to grade 1. Any fractional part of a year's service shall be included within his service as a regular employee in determining eligibility for promotion to the next higher grade following appointment to a regular position: *Provided further*, That letter carriers in the village delivery service shall be promoted successively after 1 year's satisfactory service in each grade to the next higher grade until they reach the third grade. All promotions shall be made at the beginning of the quarter following 1 year's satisfactory service in the grade. The pay of substitute letter carriers in the village delivery service shall be at the rate of 55 cents per hour."

SEC. 2. This act shall take effect on July 1, 1937.

Mr. MEAD. Mr. Speaker, this bill is a simple one and aims to increase the salaries of our village carriers $150 in each of the three grades. Their present salary range is from $1,150 to $1,350 a year. Under the bill the salaries are $1,300 in the first grade, $1,400 in the second grade, and $1,500 in the third grade. The top grade will pay $150 more than the present top grade pays.

There are 953 village carriers and this bill will cost approximately $186,150 a year.

These carriers deliver in cities and villages where the postal receipts are in excess of $5,000 per annum and where the population is in excess of 1,500. In looking over the record we find that there are a great many village carriers serving in communities where the population is greater than in other communities that enjoy City Delivery Service. In other words, there are communities in the United States where letter carriers are receiving only $1,350 a year which are larger than communities where letter carriers are receiving $2,100 a year.

I have before me a list of communities that sets forth the discrimination existing in this connection. For example, in the city of Alexander, Ala., with a population of 4,515, the letter carriers are paid from $1,150 to $1,350 a year, while in Brewster, Ala., with a population of 2,800, the letter carriers receive $2,100 a year. In Magnolia, Ark., with a population of 3,000, the letter carriers receive from $1,150 to $1,350 a year, while in Bentonville, Ark., with a population of 2,200, the letter carriers receive $2,100 a year.

We aim to give this low-paid group consideration which was not given to them when the last salary bill was enacted, and which graded all other salaries in this particular service. In view of the fact that everybody admits it is almost impossible to live on this niggardly salary in the cities of the United States, and that this request coming from our committee is modest and moderate, I hope there will be no objection to the passage of the bill.

Mr. McCLELLAN. Mr. Speaker, will the gentleman yield?

Mr. MEAD. Yes.

Mr. McCLELLAN. The gentleman has pointed out the discrepancy, which amounts to a discrimination, as I view it, as between men in the Government Postal Service performing similar service. Even with the passage of this bill and with the increase that you are granting these village letter carriers, there is still going to remain a difference of some $700 or $800 per annum in the salaries of many men performing the same service. Is there not some way that the committee can bring in a bill which will correct this discrimination? In other words, in this measure we are granting a small increase to only some village carriers, whereas that discrepancy will continue to exist, and can it not be remedied?

Mr. MEAD. I doubt very much whether it can be remedied. We have taken into consideration the attitude of the Department and the Budget Bureau, and I believe the committee is doing the best it can. A bill on this subject was rejected in the other House a year ago because it contained a larger salary, and, therefore, I think this is the best we can get through.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

RENEWAL OF STAR-ROUTE CONTRACTS

Mr. MEAD. Mr. Speaker, by direction of the Committee on the Post Office and Post Roads I call up the bill (H. R. 4408) to provide for the renewal of star-route contracts at 4-year intervals, and for other purposes.

The SPEAKER. The gentleman from New York calls up the bill H. R. 4408, which the Clerk will report by title.

The Clerk read the title of the bill.

Mr. MEAD. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

Mr. TABER. Mr. Speaker, I object.

The SPEAKER. The gentleman from New York objects. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 4408, with Mr. Cox in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Without objection, the first reading of the bill will be dispensed with.

There was no objection.

Mr. MEAD. Mr. Chairman, this bill affects the Star Route Service. Star routes serve post offices and carry mail at great distance from one post office to another. At times the carriers serve individual boxes, but that service is generally left to the rural carrier and comes properly within the domain of the Rural Service.

Star-route contracts are let by competitive bidding. The United States is divided into four star-route districts, and every year bids are called for in one of those four districts. The contract is usually awarded to the lowest bidder. All that it is necessary for him to do in order to qualify as to responsibility is to secure the approval of some postmaster in his area. Men have been appointed to the Star Route Service who have not been of the proper type. We attempt to restrict it a little by the passage of this bill.

It has been brought to our attention that certain star-route carriers who have served the Department well for many years were taken out of service because in competitive bidding someone else underbid them sometimes to the extent of only $5 or $10.

Mr. EATON. Mr. Chairman, will the gentleman yield?

Mr. MEAD. I gladly yield to the gentleman.

Mr. EATON. I have had a number of complaints from star-route carriers that when these bids are called for, the contract price of the present carrier is announced in the public invitation for bids, which makes it necessary for the carrier to bid against himself. In other words, if he gets the job he has to bid less this year than he received last year. Does this bill take care of that?

Mr. MEAD. No; it does not.

Mr. EATON. Why not?

Mr. MEAD. Because it is the opinion of the committee and of the Department that as much information as possible should be given to prospective bidders. The carrier on a given star route knows all about the cost of equipment and operation. He also knows the amount of money he is receiving. It was held by the committee that every other good citizen of the United States who desires to bid on a given route should have the same information. But we do believe that where the best interests of the Government are protected, where competitive bids are approximately the same, the experienced star-route carrier should be given consideration by the Department.

Mr. EATON. If the gentleman will allow me to make further reference to it——

Mr. MEAD. Certainly.

Mr. EATON. A man who holds office knows all the costs, and how much he has made or lost during his contract. Someone else desires to get the contract. He only knows the price which the holder of the job has received. Of course, he thinks he can get by, and consequently he bids just a little below what the other gentleman has been receiving. That puts that gentleman under the necessity of underbidding himself, which seems to me an unfair thing.

Mr. MASON. Mr. Chairman, will the gentleman yield?

Mr. MEAD. I yield.

Mr. MASON. Does not this bill protect the present star-route man in the renewal of his contract to the extent of allowing the Department to use its discretion in considering these bids if they are anywhere near alike?

Mr. MEAD. That is right. This bill gives the present carrier more protection than he has enjoyed before.

I have in mind a star-route carrier who had a district in the Finger Lakes area of western New York. He had served his people well for some 38 or 39 years. He was not entitled to retirement, because retirement does not cover competitive service. He was underbid by someone who knew nothing about the nature and character of the route. The lowest bid was only about $10 lower than the bid of the veteran, yet the Comptroller General held that the veteran must be deprived of his route and that the contract should be awarded to the one who would effect a saving of $10 to the Government.

Mr. EATON. This bill obviates that situation, does it?

Mr. MEAD. Yes. It gives that veteran some protection.

Mr. REED of New York. Mr. Chairman, will the gentleman yield?

Mr. MEAD. I yield.

Mr. REED of New York. As I understand it, the men now in the Service are for this bill; are they not?

Mr. MEAD. Oh, yes.

Mr. FULLER. Mr. Chairman, will the gentleman yield?

Mr. MEAD. I yield.

Mr. FULLER. Is the bill so worded that it would repeal that section of the law where the Department holds that the contract must be let, irrespective of the responsibility of the party who makes the bid, to the lowest bidder, and that the bond he gives settles the question of responsibility?

Mr. MEAD. The bill will, to an extent, repeal that provision.

Mr. FULLER. If the bill does not repeal it, there will be no discretion?

Mr. MEAD. When the best interest of the Government is protected, then the Department may award the contract to the person who is not the lowest bidder.

Mr. FULLER. It does provide that, does it?

Mr. MEAD. Yes; that is right; the Department may renew the old contract instead of giving the route to a new bidder.

Now, I want to obviate questions by explaining very briefly the provisions of the bill.

The bill provides for the renewal of star-route contracts for succeeding terms of 4 years each, and permits the Department to allow extra pay to carriers where the route mileage is increased by detours or where increased mail volume or a change in schedule necessitates larger equipment. On the other hand, where a change permits the operation of the route with reduced equipment the pay may be reduced or the route readvertised. It works both ways. Such increases or reductions in pay must be in proportion to the contract rate, so that no favoritism can be displayed.

Another paragraph permits the Department to readvertise the route when changes in schedules are made which increase or decrease the time the contractor will be away from the initial terminal, when such changes are not satisfactory to the contractor. The contractor and the Department both will have something to say in such cases.

On page 4 we have a revision of existing law with regard to bonds to conform with the renewal feature contained in the bill; in other words, we must insert "renewal of contracts" in the law, so that a new bond will be required whenever a contract is renewed. As at present, bonds exceeding $5,000 must be approved by a postmaster of the first, second, or third class.

The next section of the bill relates to temporary service and permits retroactive payment. Your question is answered only in that provision which permits a renewal of an existing contract when it is in the interest of good government.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. MEAD. I yield.

Mr. KNUTSON. Suppose road conditions are such that it becomes necessary to loop a route——

Mr. MEAD. The gentleman means to change its mileage substantially?

Mr. KNUTSON. To loop the route; for instance, let us say a route is 60 miles long, as frequently is the case. Knowing the condition of the roads, one carrier may cover only 35 miles, having a substitute take the mail from a certain point and finish the route. Can that be done under this bill?

Mr. MEAD. Yes; that can be done; and if there is a substantial difference in the work done by the carrier, he brings it to the attention of the postmaster and the Department; but only coincident with the issuing of the order of approval will he be given increased compensation. It may take the Department 10, 20, or 30 days to make its decision, but he will be paid for his extra work only from the day the Department issues the order.

Mr. KNUTSON. Then his rights are protected?

Mr. MEAD. His rights are protected.

Mr. BIERMANN. Mr. Chairman, will the gentleman yield?

Mr. MEAD. Yes.

Mr. BIERMANN. Has the committee ever considered a proposal to put these star routes on a definite pay basis like the rural carriers?

Mr. MEAD. I may say that the committee held hearings and discussed that matter for some time, but decided this was the best bill that could be passed at this time. Yes; we have considered that subject.

Mr. BIERMANN. Is that likely to occur in the near future?

Mr. MEAD. I cannot say. The committee is considering that matter, and in the last session we asked the Department to create a committee to make a study for us. This investigation has been completed and the report is available. The Department's committee reported against the suggestion the gentleman has just made, but favored the provisions contained in this bill.

Mr. BIERMANN. But has it not been a fact that men have bid on these star routes who did not know the cost of keeping up their equipment, and the like; and bid actually less than it was worth to do the work?

Mr. MEAD. That occurs in many cases.

Mr. BIERMANN. How much does this bill correct that situation?

Mr. MEAD. This bill does not correct it very much except to the extent that any changes in the operation of the contract may be compensated for by the Department—any changes as a result of a tearing up of a road, a bridge, a ferry—any detour. In such cases the star-route carrier may make application to the Department for additional compensation. In addition to that, if the service of a contractor is satisfactory, the Department may continue the veteran carrier's contract rather than make a change and give the route to a lower bidder.

Mr. BIERMANN. I have not had an opportunity to read this bill, but does it provide how much that variation can be?

Mr. MEAD. The gentleman means a variation in salary? Oh, no; this bill prescribes that it must be in the interest of good government.

Mr. BIERMANN. Is it limited to $100 a year?

Mr. MEAD. I assume the Comptroller General will have something to say about that, but it is in the interest of efficient operation of the service.

Mr. BIERMANN. Would the chairman accept an amendment to correct this situation?

Mr. MEAD. I doubt very much whether the Department would agree to such an amendment, but I may say to the gentleman from Iowa that we are considering further legislation on this subject.

Mr. BIERMANN. We do not have to be governed by what the Department wants; we are legislating; they are enforcing.

Mr. MEAD. They are enforcing and administering, but the committee members are, in effect, the board of directors, and they, in harmony with the Department, have approved this bill. As the spokesman of the committee, I must defend the measure as it is. I may say to the gentleman that any amendment that would arbitrarily set a figure probably in excess of what some of the members of the committee may have in mind could not be accepted by me at this time.

Mr. BIERMANN. Would the gentleman be unfavorable to an amendment to fix these salaries at something like what the job is worth?

Mr. MEAD. I may say to the distinguished gentleman from Iowa that I favor legislation at the earliest possible date fixing in a scientific way, by the Interstate Commerce Commission, the Post Office Department, or by legislation, the salaries for this service. I think the time is coming when that can be accomplished.

Mr. BIERMANN. I hope so.

Mr. LUDLOW. Will the gentleman yield?

Mr. MEAD. I yield to the gentleman from Indiana.

Mr. LUDLOW. I have not heard all of the illuminating statements which the gentleman has made. In times past we have had a great deal of difficulty occasioned by star-route bidders underbidding, and very appreciable injury has resulted to them because they did not take into consideration all the factors of the service. I wonder if the gentleman's bill reaches that situation in any way?

Mr. MEAD. No; except for the fact that under certain circumstances we permit renewal of contracts, but only in the interest of the Government do we approach the suggestion the gentleman makes.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. MEAD. I yield to the gentleman from Texas.

Mr. JOHNSON of Texas. I am glad to see that the committee reports a bill with reference to these star routes, because I think the present law is somewhat antiquated. I know in many instances bids have been made which have

been grossly inadequate and it has been difficult for the bidder to carry out the work. I think there is one provision of the bill that may be helpful in that regard. I note in section 5 there is provision that proposals for carrying the mail on star routes shall not be considered unless the bidder is a legal resident of the county or counties traversed by the route over which the mails are to be carried. I think that is a wise provision. I know in Texas, which is a very large State, sometimes a bidder will live in a remote section of the State and will offer a bid for some route that is so far removed he does not know anything about the local conditions of the route. He has never been over the route. As a result the Government will secure a very low bid, and when the bidder finds out what route he has to traverse, he cannot carry out his contract.

I think the section to which I have referred will have a tendency to eliminate some of these bids that have been too low, resulting in the bidders not being able to perform the contract. I want to congratulate the committee on having that provision inserted in there.

Mr. MEAD. The committee made every effort to eliminate the most serious of the complaints which have been brought to the attention of the Department in the past. We have gone into the matter deeply, and have tried to make the Service a little more permanent and to improve it at the same time.

Mr. JOHNSON of Texas. Of course that will take some time.

Mr. CASEY of Massachusetts. Will the gentleman yield?

Mr. MEAD. I yield to the gentleman from Massachusetts.

Mr. CASEY of Massachusetts. May I ask the gentleman whether or not the bill affects a situation that is rather prevalent up my way. That is, where bus companies take on the Star Route Service as a sort of an incident to their regular business, and are therefore enabled to bid at a lower rate than an independent individual.

Mr. MEAD. No; the bill will not prevent bus and truck companies from carrying the mail. We found that a great many railroad trains have been withdrawn, which slows up the mail, but, where a passenger train has been withdrawn, bus service has been substituted. Therefore, to keep up the mobility of this service and its efficiency, the Department authorizes the carrying of the mail over the new route established by the bus company.

Mr. CASEY of Massachusetts. That is where there is no railroad service?

Mr. MEAD. That is right.

Mr. KOPPLEMANN. Will the gentleman yield?

Mr. MEAD. I yield to the gentleman from Connecticut.

Mr. KOPPLEMANN. With further reference to the query of the gentleman from Texas [Mr. JOHNSON] when bids are made below the cost of carrying the mail, and changes necessarily have to take place and the Government has to step in, is there an expense to the Government when such occurrences happen?

Mr. MEAD. The Government is protected by a surety bond, and it is usually the surety that loses.

Mr. KOPPLEMANN. But does the Government entail any loss?

Mr. MEAD. The Government's loss is minor. There is the red tape necessary to make an investigation, dispatching an inspector to make an investigation, readvertising for bids, and so forth.

Mr. KOPPLEMANN. Will this bill put an end to such occurrences?

Mr. MEAD. This bill will only affect glaring cases where the bid is obviously far too low to permit good service to be rendered.

Mr. KOPPLEMANN. It is helpful in that direction?

Mr. MEAD. Yes.

Mr. CRAWFORD. Will the gentleman yield?

Mr. MEAD. I yield to the gentleman from Michigan.

Mr. CRAWFORD. Will it be the policy to continue accepting bids and have the Postmaster General use his discretion as to whether or not the old contract shall be renewed, or will the acceptance of bids be discontinued?

Mr. MEAD. No. That matter was discussed at the hearings, and it was assumed that the practice now in operation would be the practice in the future, except that where the best interests of the Government would be served thereby the contract will be renewed at the same rate of pay prevailing at the end of the contract term.

Mr. CRAWFORD. In accepting the bid you get a check on the other side?

Mr. MEAD. Yes; and they can decide on what kind of service may be excepted and what difference or savings might be brought about.

Mr. BEITER. Will the gentleman yield?

Mr. MEAD. I yield to the gentleman from New York.

Mr. BEITER. I do not like the system now employed by the Department in awarding contracts to the lowest bidder. I think there should be a system similar to the one which establishes a basic rate for the rural letter carrier or the letter carrier in the cities. A fair rate of pay could be established. Why cannot the same system be worked out whereby a star-route carrier could be given a fair and decent rate of pay rather than being compelled to bid and perhaps bid too low and get into competitive bidding where they have to bid too low, particularly in the time of a depression?

Mr. MEAD. I may say to the gentleman there are several bills pending before our committee which have that object.

Mr. BEITER. I think the gentleman has a good bill here and I am going to support it.

Mr. HOPE. Will the gentleman yield?

Mr. MEAD. I yield to the gentleman from Kansas.

Mr. HOPE. Has the committee considered reclassifying star routes according to the character of the service that is rendered by the carrier? In a great many of these routes the service performed is essentially the same as that performed by a rural carrier. In others they simply carry the mail from one post office to another.

It seems to me there is an essential difference in the character of the service which ought to be reflected in the compensation which is paid, and I wondered if the committee had given any consideration to making such a classification as that.

Mr. MEAD. I may say to the gentleman that the committee has considered the proposition of putting on motor-trucks that would operate out of the large cities and cover a great many small post offices. There would be not only an operator to run the truck but a post-office clerk to sort the mail. They would take on and dispatch mail at every office served en route. This is the system they now have in Germany, and it tends to expedite delivery of the mail. It would take the place of the service we are losing as a result of the withdrawal of trains on our railroads.

Within the last 4 or 5 years we have lost thousands of trains that used to render service between towns. For example, mail would be taken on at a given town; it would be immediately sorted and dispatched, beginning with the next town. Under the Star Route Service the carrier may begin in the morning, say, at 7 o'clock, and drive a hundred miles along a given route, collecting mail from every post office and unloading it all in the office at the far end of his route, where it would not be sorted until the next day. He would leave early the next morning and gather mail all the way back to the other end of his route, and this mail would not be sorted until the following day. The mail in this way would be delayed to a great degree along that route, due to the fact that there was no classifying or distributing en route, because this was done only at the offices at the termini of the star route.

Mr. HOPE. If that were done, these men would have to be in the Government service, would they not?

Mr. MEAD. Yes; they would have to be in the Government service. To be more specific in answering the gentleman's question, we realize that there are seven or eight different classes of star-route service. There is the star-route carrier who delivers only to post offices. There is another star-route carrier who delivers to post offices and to rural boxes. There is another star-route carrier who maintains an express service, and another who maintains a trucking

business, as well as another who maintains both an express and a trucking business and takes on the mail as a side line. There are seven or eight different classes of service, and, because the system is so complicated, this is the best bill we could bring out at this time. However, we expect to continue our study of the subject and hope some day to present to the House an important measure along this line.

Mr. STEFAN. Mr. Chairman, will the gentleman yield?

Mr. MEAD. I yield.

Mr. STEFAN. That does not mean that eventually the star routes will be eliminated?

Mr. MEAD. No; they might not be eliminated. They might be classified or have their pay set for them by the Department or some other agency.

Mr. STEFAN. The bill we have under consideration is merely to improve this Service and it does not carry any appropriation or have anything to do with the bidding?

Mr. MEAD. It will effect some losses and some savings, and the contracts will continue.

Mr. STEFAN. I may say to my colleagues that I have a number of these star-route carriers in my district. They have studied the proposed legislation and they are very much interested in its passage because they believe it will improve the Service. There is nothing at all changed by this bill.

Mr. MEAD. Nothing whatever. It eliminates some of the cruelties incident to the operation under existing law.

Mr. STEFAN. I agree with my colleague, and I am very happy to hear my colleague say the Department is in favor of this kind of legislation.

Mr. MEAD. They will look with favor upon this measure, although I doubt whether they would favor some of the measures that have been suggested this afternoon.

Mr. STEFAN. I am sure my colleague will agree that these star-route carriers have been performing a very valuable service.

Mr. MEAD. A very valuable service, and a very large one, too.

Mr. TERRY. Mr. Chairman, will the gentleman yield?

Mr. MEAD. I yield.

Mr. TERRY. Under the proposed bill the Post Office Department is protected because, as I understand it, this is entirely within the discretion of the Postmaster General as to whether he shall provide for these 4-year periods.

Mr. MEAD. No; the contracts will run for 4 years, just as is the case now, and if a contract is renewed it will be for 4 years, so that the expiration of the contract will take place coincident with the expiration of every other contract in that section.

Mr. TERRY. But if the Post Office Department is not satisfied with the bid at the end of the current 4-year period, they can advertise for new bids?

Mr. MEAD. That is right; and I may say that our committee accepted the amendments offered by the Department.

Mr. TERRY. Let me ask the gentleman this question: If the Post Office Department puts more boxes on a star route than the route had before, then the star-route carrier would be compensated for the additional work?

Mr. MEAD. If the carrier has to provide increased equipment to handle the increased mail.

Mr. FULLER. Mr. Chairman, will the gentleman yield?

Mr. MEAD. I yield to the gentleman from Arkansas.

Mr. FULLER. I think the bill is a step in the right direction and has very much merit; but I think we should not be led astray by thinking that the law is amended to any extent.

Mr. MEAD. That is right. The law provides that the contract must be let to the lowest bidder, and the contract must be let under the bill in the same way; but there is some discretion given to the Department in allowing them to renew contracts. And unless the Department understands that it is the intent of the Congress in passing this law for them to use some real discretion and protect the carriers against irresponsible bidders, they are liable to hold to the letter of the old law, as it is not repealed, and proceed as they are doing now.

Mr. Chairman, I would like to see this bill passed in its present form because, as the gentleman said, we are moving in the right direction, and I am afraid if we adopt any restrictive or more definite amendments we may not be successful in securing its final passage.

Mr. FULLER. I am very much interested. I feel there could be a more liberal bill drawn, but evidently this committee has studied it closely and knows more about it than a Member would ordinarily, and no doubt has taken the matter up with the Department; and in view of that fact, and this being an opening wedge, I am in favor of the bill as it stands.

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. MEAD. Yes.

Mr. PIERCE. Do I understand that they have some leeway in renewing these contracts?

Mr. MEAD. Yes; when it is in the best interest of the Postal Service.

Mr. PIERCE. That is the point that I am anxious about.

Mr. MEAD. When the renewal could be justified under existing law by the Comptroller General.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. MEAD. Yes.

Mr. CASE of South Dakota. I am interested in this because in my particular section of the country we have star-route carriers who are performing some express service as well as mail service. Under the economic conditions that we have, in view of the drought and all those things, these contracts have been bid down to a point where they endanger the welfare of the service. I am interested in the gentleman's statement that some of the cruelties are to be eliminated. Will this have a tendency to freeze these low-priced contracts at the present price?

Mr. MEAD. It will have no tendency to freeze them. When they have been made too low they need not be renewed, because the surety, with a contract on which he is losing money, would not accept renewal. Therefore, bids will be advertised for in that community. This only applies where a star-route carrier's service in the past has been eminently satisfactory and he is willing to renew his contract at the same rate of pay. In that case renewal might be considered if it would be in the Government's interest.

Mr. CASE of South Dakota. Of course, the gentleman realizes that in many cases the surety of a certain check has led many people to bid for those contracts at prices absolutely below a fair wage.

Mr. MEAD. Where a bid is made, and it is from some responsible bidder, and it is lower perhaps than good service would permit, I assume in such cases the Department will not accept the low bidder. There would have to be evidence of no great saving.

I am glad to have the Members of the House showing such interest in this particular Service, and I am glad to hear them express their faith and confidence in the loyalty of this Service. I only regret that the committee has not presented a bill more in keeping with the liberal spirit of the Members who have taken the floor.

Mr. CARLSON. Mr. Chairman, will the gentleman yield?

Mr. MEAD. Yes.

Mr. CARLSON. To bring out the fact that in the general discussion before the whole committee and in the hearings before the subcommittee, the star-route carriers appeared and felt that this was all that we could get and that this legislation is satisfactory to them.

Mr. PACE. Mr. Chairman, will the gentleman yield?

Mr. MEAD. Yes.

Mr. PACE. I notice the gentleman very properly provides in the bill for increased pay where there is an unusual extension of route due to construction of a bridge or the closing of a ferry.

Mr. MEAD. That is right.

Mr. PACE. The gentleman will probably agree that we are building more bridges than we are destroying now, and does he not think the bill should provide for a reduction in pay where there has been a material reduction in the length

of the route by reason of the construction of a bridge or other conditions?

Mr. MEAD. That is the present practice of the Department, and that is permitted by the provisions of this law.

Mr. PACE. Might I interrupt the gentleman? Is it not permitted only where it involves a reduction in equipment and a reduction in route?

Mr. MEAD. No; the information presented to our committee is that wherever there is a reduction in mileage and a substantial reduction in the volume of work, or a reduction resulting from changed road conditions, the Department may reduce the pay of the contractor proportionately or may readvertise for bids.

Mr. PACE. May I read to the gentleman from page 3 of the bill?

Mr. MEAD. I am quoting not only the provisions of this bill but existing law and the practice of the Department on this subject.

Mr. PACE. Would not any existing law be changed by this provision that the pay may be reduced where the schedule is so changed as to permit its maintenance with a reduction in units of equipment and drivers? Would not that change existing law?

Mr. MEAD. We accepted the amendment presented to us by the Department on that subject, and they are evidently satisfied with those amendments.

They work in the interest of the Department as well as in the interest of the carrier. I am afraid that any further amendment might disturb the provisions of this bill, or the provisions in an existing statute or regulation of the Department. The Department favors the language of the bill on that subject. The committee accepted this phraseology. So I would like to see the bill stand or fall as it is written, although I can see much merit in the suggestion offered by the gentleman.

Mr. WEARIN. Mr. Chairman, will the gentleman yield for a question that is not quite germane to the matter under consideration?

Mr. MEAD. I shall be glad to yield.

Mr. WEARIN. By virtue of the fact that we are discussing mail routes, I should like to know if the chairman of the Committee on the Post Office and Post Roads knows whether or not the Department is going to exhibit a little more friendly attitude toward the extension of existing rural routes and improve the service to farmers who are not now served by rural routes?

Mr. MEAD. I suggest that the gentleman from Iowa discuss that matter with the chairman of the Subcommittee on Appropriations. [Laughter.]

Mr. WEARIN. I appreciate the gentleman's suggestion.

Mr. MEAD. I am sure that both the gentleman and the Department will do the very best they can under the appropriation. [Laughter.]

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. MEAD. I yield.

Mr. PIERCE. Can the gentleman give us any estimate of how much has actually been saved by the curtailment of service in the rural routes and star routes, and the cutting off of small post offices? I have lost 25 post offices in my district.

Mr. MEAD. I could not tell the gentleman how much money has been saved.

Mr. PIERCE. I was wondering how much they had actually saved out of this.

Mr. MEAD. We have reduced the personnel of the rural service by approximately 10,000 in the past 10 or 12 years. At the same time we have lopped off that many fourth-class postmasters. Of course, we saved all those salaries, and reduced the salaries of the present rural letter carriers, so that we have effected great savings. Every time a route is consolidated and a rural carrier is eliminated, the Department saves $1,100 and at the same time gives additional service.

Mr. PIERCE. I want to say further that I have found a much better attitude in the Post Office Department lately than I found 3 years ago. They are much more amenable now.

Mr. MEAD. I agree with the gentleman.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. MEAD. I yield.

Mr. GIFFORD. Inasmuch as I intend to vote for this bill, I would like to ask the gentleman if he will not yield me 5 minutes?

Mr. MEAD. I will be glad to yield the gentleman 5 minutes a little later.

Mr. MARTIN of Colorado. Mr. Chairman, will the gentleman yield?

Mr. MEAD. I yield.

Mr. MARTIN of Colorado. When the gentleman from New York told about reducing fourth-class post offices and rural carriers, he was not telling me anything. [Laughter.]

Mr. MEAD. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, I shall vote for this bill as a matter of hoped-for efficiency, but I am a little concerned about the effect of a portion of it. When our third-class postmasters' term expired they were told they did not need to take examinations and were eligible for the positions. That examinations would be held for other candidates who cared to take them, but present encumbents would be eligible if, in the discretion of the Postmaster General and for the good of the service, it were felt that they should be reappointed. I am simply serving notice that, in supporting this bill, I shall expect that, in the discretion of the Postmaster General and for the good of the service, Democratic Senators and Democratic Congressmen will not be the only ones to be consulted as to whether or not the good of the service requires that present carriers be considered regardless of what their political affiliations may be. You may not think that is serious, but I believe we should mention it at this time. We are of the opinion that political pressure could be so used knowing that, whether Republicans or Democrats are in control, the Postmaster General's Department is generally regarded as a political hotbed in these matters. I thoroughly believe, however, in this attempt at efficiency. We have had troubles enough in connection with these contracts. I notice the great interest you all have in this bill.

I think the bids heretofore submitted to the Government by the present contractors are generally very inadequate. Yet today, after a man has fully equipped himself for this service and has rendered good service, there are many ready to underbid him and the postmaster is rarely able to refuse his endorsement. They must recommend the applicant if he is a citizen of good reputation.

If he can find bondsmen, the lowest bidder must receive the contract, even if there is doubt as to the adequacy of his equipment or the service he will render. I doubt very much if an answer relating to the Comptroller General has been sufficiently supplied to the suggestion made by the gentleman from Arkansas. I can foresee a little trouble with the Comptroller General in connection with these matters. He has ruled heretofore that when you secure a bondsman to guarantee fulfillment of contracts, the Government must insist on complete fulfillment. The contractor failing, the bondsman has to go through with it. I doubt very much if this bill will, as it is drawn, overcome the power of the Comptroller General in this respect. We do not wish to have our school children carried in a bus operated by an irresponsible bidder. We do not customarily allow such a one to displace a man who has rendered good service and who has good equipment and who has submitted a reasonable bid for the renewal of the service. We should perhaps adopt the same policy in this matter. We have suffered greatly because of low bidders, who attempt to curtail the service and save money in order to carry on under an inadequate contract.

I have certain compunctions about voting for this bill. There will be frozen into this service those who have bid too low heretofore, who frequently did not really reside in the section to be served, although they may later have taken up such residence for that particular purpose. In many cases these recent contractors should not be frozen in and more worthy citizens should be given a chance to compete.

Again I say, we shall be watchful as to the discretion of the Postmaster General and his selections "for the good of

the Service." Our former third-class postmasters have had good cause to be rather suspicious of such discretion.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, will the gentleman yield for a question?

Mr. MEAD. I yield.

Mr. TABER. Is it not a fact that the Post Office Department has objected to subsection (a) of section 1 of the bill relating to the extensions?

Mr. MEAD. The Postmaster General made some objections. His report reads in part as follows:

It has been ascertained from the Bureau of the Budget that the foregoing suggestions for amendments to H. R. 4408 would be in accord with the program of the President. However, subsection (a) of section 1 of the bill, relating to the renewal of star-route contracts at 4-year intervals is stated to be not in accord with the program of the President.

The Department requested that subsection (a) of section 1 be stricken out, but in the judgment of the committee that is the meat, the heart, and the center of the bill.

We accepted all of the amendments suggested by the Department, but we felt we ought to keep that provision in, because it was the aim of the committee to make the service more permanent and to improve its efficiency.

Mr. TABER. What would be the procedure in the letting of contracts in the future? Would advertisements be called for, or would the renewal of the contract be put through?

Mr. MEAD. The Department could renew the contract at the price then in existence, with or without bids. The contract could be renewed, and I presume this may be the custom after bids are made known and the contract rate to a carrier whose service has been satisfactory is compared with new bids from those whose service is an unknown quantity. For example, if a carrier had been serving a route for 10 years or more and the bid of his nearest competitor was only a little lower, I believe the Postmaster General would recommend that the contract be renewed. I presume this will be the policy of the Department, because they are prompted to renew contracts.

Mr. TABER. But there would be nothing to require the Department to ask for bids; they could ask for bids in one case and not ask for them in the next case.

Mr. MEAD. But in all cases it would have to be in the best interests of the Government. They would have to determine that it would be in the best interests of the Postal Service. A postal inspector would no doubt be sent out in advance of the termination of the contract to decide whether it would be in the best interests of the Government to renew the old contract or to ask for new bids.

Mr. TABER. Another factor about which I would like to ask the gentleman is the changing of routes in the northeastern section of the country. According to my understanding, the northeastern section of the country was advertised for letting this year.

Mr. MEAD. That is correct.

Mr. TABER. Throughout practically all this part of the country there has been a reduction of routes so that none of the star-route carriers now on the job would be entitled to come in under the benefits of this bill.

Mr. MEAD. Oh, yes; they would.

Mr. TABER. Not the way the routes have been changed; only in those cases where the routes remained exactly the same would they come under the benefits of this bill.

Mr. MEAD. Where they remained the same or substantially the same.

Mr. TABER. It would have to be exactly the same to permit a renewal under the provisions of this bill; and they would apply to practically none of the routes that are now under consideration.

Mr. MEAD. I think the gentleman is mistaken. I think the bill would apply to a very substantial number, for the reason that the Post Office Department, anticipating the possible enactment of this bill, extended by 60 days the date when the final awards should be made; and they did this voluntarily before a resolution asking them to do that had been adopted. Had there been no possibility of the application of this bill, they probably would not have taken that action. So I believe this bill will apply in a great many cases. I may say also that the men affected would not be so much interested in either the bill or the resolution if these measures did not apply to them.

Mr. TABER. It would seem to me a funny procedure to ask people to bid and then give the contract to someone else. I doubt, frankly, if satisfactory bidders could be secured under such a plan.

Mr. MEAD. Not so long ago I took up with the Department what I thought was a very pitiful case. The carrier was serving either in the gentleman's own district or in an adjacent district. He had been there for upwards of 30 years. By reason of the fact that another bidder submitted a proposal $10 lower than his own, he was called upon to forfeit that contract. Under the terms of this bill that star-route carrier would, in my judgment, be given a renewal of his contract.

Mr. MOTT. Will the gentleman yield?

Mr. MEAD. I yield to the gentleman from Oregon.

Mr. MOTT. There is nothing in this bill is there that would require the Post Office Department to call for bids? If this bill is passed it would not be necessary for the Post Office Department to call for bids at all on star routes, would it?

Mr. MEAD. Not where it can be proved that the renewal of a contract is in the best interests of the Government.

Mr. MOTT. What I mean is this, the present law requires the Post Office Department to ask for bids.

Mr. MEAD. Yes.

Mr. MOTT. If this bill is enacted into law it will be optional with the Post Office Department to ask for bids?

Mr. MEAD. Yes; but contingent upon its being in the best interests of the Postal Service. We put as many safeguards as possible into this bill.

Mr. MOTT. That is my understanding. The Department will not have to call for bids unless it wants to. If I understand the purpose of the bill correctly, it is simply to enable the Post Office Department to deal fairly with the star-route carriers in cases where it cannot deal fairly with them under existing law.

Mr. MEAD. That is correct.

Mr. MOTT. I think the bill is a very good one and a very just one, and I hope the House will pass it. I know of a number of instances where star-route carriers had been rendering satisfactory and valuable service for years, but were deprived of their contracts and their livelihood simply because some irresponsible person submitted a bid lower than the actual cost of rendering proper service. Under existing law the Post Office Department has been obliged to accept these low bids, provided the bidder could furnish a proper bond. This system is wrong. The pending bill will correct it without doing harm to anyone. The bill, therefore, should receive our support.

Mr. MARTIN of Colorado. Will the gentleman yield?

Mr. MEAD. I yield to the gentleman from Colorado.

Mr. MARTIN of Colorado. It seems to me it would work out something like this: There would be a sufficient time in advance of the expiration of the contract to advertise for bids, and it could be determined in that time whether it was desired to extend the existing contract or not. If that was the determination, there would be no advertising for bids. If the Department decided not to extend the contract, then bids would be called for. Would it not work out something like that?

Mr. MEAD. That will, no doubt, be the policy.

The Clerk read the bill, as follows:

Be it enacted, etc., That (a) the last sentence of section 3951 of the Revised Statutes, as amended by the act of August 11, 1876 (amending secs. 246 and 251 of the act of June 8, 1872) (U. S. C., 1934 ed., title 39, sec. 434), is hereby amended to read as follows: "In all cases of regular contracts, the contract may, in the discretion of the Postmaster General, and in the interests of the Postal Service, be renewed for single periods of 4 years from date of expiration, and like renewals of such contracts may thereafter be made as often as the interests of the Service may require; or any such contract may be continued in force beyond its express terms for a period not exceeding 6 months, until a new contract with the same or another contractor shall be made by the Postmaster General."; and

(b) Such section is further amended by adding at the end thereof the following new paragraphs:

"The Postmaster General may, in discretion, and in the interests of the Postal Service, allow extra pay to a contractor for (a) necessary increased travel caused by obstruction of roads, destruction of bridges, or discontinuance of ferries occurring during the contract term, when such increased travel is for not less than 1 mile and if for a period not less than 10 consecutive days (trips), or (b) where an abnormal and sustained increase in the quantity of mail develops during a contract period or after bid has been submitted, providing such increase necessitates larger capacity equipment to maintain service, or (c) where a change in schedule is ordered that will necessitate an additional unit of equipment and driver to maintain service; or the pay may be reduced where a schedule is so changed as to permit its maintenance with a reduction in units of equipment and drivers; or, instead of allowing extra pay or ordering a reduction in pay, the route may be readvertised and relet for the remainder of the contract term. No extra pay allowed or reduction in pay ordered under the provisions of this section shall be proportionately greater than the rate established by the contract involved. The provisions of section 3960 of the Revised Statutes (U. S. C., 1934 ed., title 39, sec. 440) that no compensation shall be paid for additional service in carrying the mail until such additional service is ordered, the sum to be allowed therefor to be expressed in the order and entered upon the books of the Department, and that no compensation shall be paid for any additional regular service rendered before the issuing of such order, shall not apply to any service authorized under this paragraph.

"Where a change in schedule is ordered that will necessitate the contractor being away from the initial terminal an excessively longer period than was required in the advertised schedule, the route may be readvertised if the changed schedule is not acceptable to the contractor; or where a schedule is so changed that will permit the contractor to be away from the initial terminal a substantially shorter period than was required in the advertised schedule, the Postmaster General may, in his discretion, and in the interests of the Postal Service, readvertise the route. Less than 3 hours shall not constitute an excessively longer or substantially shorter period."

With the following committee amendments:

Page 2, line 1, after the word "expiration", insert "at the rate prevailing at the end of the contract term"; beginning in line 10, strike out all of lines 10, 11, 12, 13, 14, 15, and 16 and insert the following: "The Postmaster General may, in his discretion, and in the interest of the Postal Service and under such regulations as he may prescribe, allow extra pay to a contractor for (a) necessary increased travel caused by obstruction of roads, destruction of bridges, or discontinuance of ferries occurring during the contract term, or (b) where an"; line 24, strike out "providing" and insert in lieu thereof "provided."

Page 3, line 11, after the word "involved", strike out the remainder of line 11, down to and through line 18.

Mr. JENKS of New Hampshire. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the day comes when every new Member must rise for the first time to address this body. My remarks are going to be very short.

As a member of the Committee on the Post Office and Post Roads, I attended the hearings and participated in the deliberations on the star-route bill which is before the House today, and I deem it a duty and a pleasure to speak in behalf of the star-route carriers, all of whom do a full day's work, and, I believe most of us will agree, should receive a full day's pay.

The purposes and aims of the Post Office Department are adequately described in those fine lines that grace the main entrances to the city post office here in the Nation's Capital, which, if you please, I would like to quote here:

Messenger of sympathy and love.
Servant of parted friends.
Consoler of the lonely.
Bond of scattered families.
Enlarger of the common life.
Carrier of news and knowledge.
Instrument of trade and industry.
Promoter of mutual acquaintance,
Of peace and good will among men and nations.

Those are the words of Dr. Charles Eliot, president emeritus of Harvard College, edited by President Woodrow Wilson.

The men affected by this bill have made these words very true. Over 3,000 of them are immediately affected by the provisions of this measure. Eventually over 11,000 will be affected, and it entails a money consideration of more than $10,000,000. These star-route carriers carry the mail in automobiles; the cost of the automobile, the upkeep, gas, depreciation, and so forth, is about 3½ cents per mile, while the average pay under the current schedule is about 7 cents. You will see, therefore, that about one-half of the $11,000,000 eventually is paid for labor.

Mr. Chairman, under the present system of bidding on these contracts, it seems to me that it comes down to a question of the Government causing men to bid against themselves for labor, which is not the spirit of today. Men are bidding on these contracts who live in rural places; many of them have no other means of livelihood. In order to be assured, or reasonably assured, of having their contracts renewed, they are underbidding themselves. In other words, they have offered bids less than what they have been carrying the mail for during the past 4 years. We have gone into all the phases of this bill today; but there are many ramifications and it seems to me that this one phase has been touched on only generally. I raise my voice here, Mr. Chairman, in behalf of these men, who in fair or stormy weather carry the mail to its destination, and who should receive from this Government an honest day's pay for the honest day's work which they give to this Government.

[Here the gavel fell.]

Mr. MARTIN of Massachusetts. Mr. Chairman, I ask unanimous consent that the gentleman may proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. JENKS of New Hampshire. Mr. Chairman, so far as this bill is concerned, if I had my way about it, I would direct the Postmaster General to make this change immediately. I would not leave it to his discretion, because I believe the men who bid on these contracts 4 years ago, when we were in the depths of a depression, bid too low under those conditions.

I want to say to the men here who may not be familiar with the facts that the bids which have been submitted for these contracts for the next 4 years are less than the figures for the past 4 years. If this bill is passed, it will not increase the expense of the Government one cent; and over the period of as many years as I can find any record of the expense of the star-route carriers has been decreased every 4 years when bids have been asked for and contracts made.

In fairness to these men, may I read a part of a letter I received from one of my constituents, and I may say that there are many, many similar cases:

I registered my bid in 1933 to the Post Office Department to carry mail on this route, which requires a heavy truck one-third of the mileage (the rest may be carried in a car), for less than 7 cents per mile, which I believe is as cheap as is possible to cover this route and give good service. * * * This year it has come to me that I have been underbid on this route; and if the star-route bill is not passed I am out of a job, with a truck on my hands that has every cent I have invested in it. To convert this truck for draying purposes—and that field is very definitely limited here—I would have to spend at least $300 more. It is impossible for me to tell you what the loss of this job means to me and my family.

I looked into the status of the bid on this particular route and found that the present contractor has been underbid by $86.

I quote from another letter:

I am driving over 14 miles, 6 of which are on fifth-class roads, rough at best, and in the spring of the year all but impossible; at present I receive only $57 per month for my equipment and services.

I could go on through the numerous letters I have received, most of them portraying a worried state of mind over the possible loss of a contract that at best affords only a meager living. I do not believe that these men who have been giving honest, faithful, and efficient service to the Government should lose their contracts simply because someone else comes in and underbids them by a very small amount. For that reason I feel that this bill should be passed. [Applause.]

The pro-forma amendment was withdrawn.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. BIERMANN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BIERMANN: Page 2, line 7, insert: "The Post Office Department shall determine what are adequate salaries for the various star routes, basing its determination on the compensation drawn by rural-route carriers for similar service, and in no case shall the pay of star-route carriers be less than the determined adequate salaries."

Mr. BIERMANN. Mr. Chairman, the star-route carriers are the lowest paid class of employees in the Postal Service, so far as I know; and, so far as I know, they are the only employees hired in this manner. They are compelled to bid for their jobs, and their bids include not only their own services, but the use of machinery and the upkeep of machinery, as well as the buying of oil and gas and other supplies for their machines. The result of this system is that the man who is in the greatest need and knows least about what he is bidding on gets the route.

I was interested in the statement of the gentleman who preceded me. He stated that each succeeding 4 years the bids have been lower, if I did not misunderstand the gentleman, indicating that the pay of these men has been increasingly inadequate.

My amendment simply puts these men on the same basis as rural-route carriers, and I do not know of any reason in equity why they should not be paid about as rural-route carriers are paid. Suppose the difference between what they bid and adequate compensation is $500 a year. There are about 11,000 of these star-route carriers. Only one-fourth of them bid each year, but assume the entire 11,000 are involved, and we raised the pay of each one $500 a year. This would amount to only five and a half million dollars a year and would put these people on a basis of decency and fair pay, which we should certainly want to give them.

I do not believe the Post Office Department ought to spend a single dollar inefficiently or for a useless purpose, but, on the other hand, I do not believe the Post Office Department ought to be in the business of grinding down any class of its employees. This amendment simply proposes to put them on a basis of decent pay, and I earnestly hope the Committee will agree to the amendment.

If anybody has any good reason why it should not be adopted, I would like to have him use some of my time and tell me.

Mr. MASON. Mr. Chairman, will the gentleman yield?

Mr. BIERMANN. Yes.

Mr. MASON. I agree that the gentleman's amendment is well intentioned, but impractical, because it speaks of salaries, and these gentlemen that we are talking about are not on salaries; they are on contracts, a good many of them corporations that secure the route; and then the gentleman's amendment also speaks of similar service. There is no such thing as similar service between the rural-route carrier and these men. This is a distinctly different service. There are shades in which the one runs into the other, it is true, but, as a whole, it is a distinctively different service; and, while I commend the gentleman on the intention of his amendment, I cannot see that we can be practical and adopt it.

Mr. BIERMANN. I do not believe that the service on a rural route and the service on a star route are so dissimilar, but that the intelligence of the Post Office Department can work out a similar compensation for something like similar service.

Mr. HAINES. Mr. Chairman, will the gentleman yield?

Mr. BIERMANN. Yes.

Mr. HAINES. I may say to the gentleman that the committee has been considering the subject matter that he has brought to the attention of the House, but the gentleman must appreciate the fact that the star-route carriers are not under the classified civil service and do not perform the same sort of work that the rural letter carrier performs in selling money orders and stamps.

Mr. BIERMANN. That could be taken into consideration in determining the salaries.

Mr. HAINES. I am much in sympathy with what the gentleman has in mind, but I really believe that the committee, if given an opportunity, will work this matter out in an equitable manner, and fairly so to the star-route carrier.

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. BIERMANN. Mr. Chairman, I ask unanimous consent to proceed for 2 minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BIERMANN. I appreciate the good intention of the committee, and I think this bill is a step in the right direction, but it is a very short step. There is nothing in the bill that will prevent a situation like this. Say a star route is now being hauled for $1,800 a year, and it is inadequate compensation for the service the man performs and the upkeep of his equipment.

The fact that the star-route carrier is paid $1,800 is posted, with a call for bids. The other bidders of course know that they have to bid under that in order to get the route, and they all bid under that. The bill provides that if there is not much difference between the lowest bid and the bid of the present carrier, the present carrier gets it. But let us say there is a difference of $200 a year, then the new man gets it, and as the gentleman said who preceded me, every 4 years the pay is lower and lower and lower. I don't think that is the sort of situation that this committee ought to encourage or continue, if it can help it.

Mr. HAINES. The committee is very much in sympathy with what the gentleman is saying and we have been trying to improve this condition right along. I might say to the gentleman that the bill which is before the House today has the approval of the star-route carriers.

Mr. BIERMAN. The gentleman will not say that the star-route carriers would not equally approve my amendment as they approve the bill.

Mr. SHAFER of Michigan. Mr. Chairman, will the gentleman yield?

Mr. BIERMANN. Yes.

Mr. SHAFER of Michigan. Merely to say that this bill is approved by the star-route carriers. They want this bill.

Mr. BIERMANN. Without my amendment?

Mr. SHAFER of Michigan. Yes.

Mr. BIERMANN. They earnestly want my amendment also.

Mr. PIERCE. I say to the gentleman that the committee here which represents the star-route men have so informed me. They want this bill passed as it came from the committee. It is all they hope to get at this time.

Mr. BIERMANN. The gentleman will not say that the star-route carriers would not want to see a provision written into the bill that would provide adequate salaries for them?

Mr. PIERCE. But the star-route carriers are satisfied with the bill as it comes from the committee, and so suggested to me in my office this morning. It is not all they want, nor that I would be willing to vote for, but it is all that they expect at this time.

The CHAIRMAN. The time of the gentleman from Iowa has again expired.

Mr. GREEN. Mr. Chairman, I move to strike out the last two words. I notice on page 6, line 24, these words occur:

Or a legal residence within the counties adjoining such county or counties.

That has reference to those who may bid on these contracts. It seems to me that it should be limited to the residents of the county where the route emanates or passes through. I would like to know if the committee has in mind a change in that language.

Mr. HAINES. No. Will the gentleman yield?

Mr. GREEN. Yes.

Mr. HAINES. As the gentleman knows there is a lot of busses that carry the mail, and that are incorporated in several counties and States.

Mr. GREEN. But, I think, in line 25, that is taken care of. The bill reads:

Except, that proposals for carrying the mail tendered by firms, companies—

And so forth. They are excepted. It seems to me that the one who bids on these contracts should be a resident of

the counties concerned where the route begins or where it passes through and I hope the committee will consent to an amendment of that kind. I favor the other portions of the bill. It is needed legislation.

Mr. MEAD. I rise in opposition to the amendment.

Mr. GREEN. It has not yet been offered.

Mr. MEAD. I rise in opposition to the pro-forma amendment.

The star-route service is a long-range service. A route may traverse several counties. It may come within a mile of another county. A fourth-class post office may be instituted in that county just a mile away from the star route. Because it is an adjacent or contiguous county we want to allow the star-route carrier to serve that county. We want this service to be expanded continuously. We want no restrictions geographically that would confine a star-route carrier to a particular county within a route at the time the contract is issued. This is different from the rural carrier service and the village carrier service. It covers great expanses of country, and when we restrict it to the counties within the route or adjacent counties we are making some headway along the line suggested by the gentleman.

Mr. GREEN. Then it is restricted to the adjacent county?

Mr. MEAD. That is right.

Mr. GREEN. I am heartily in favor of the bill. It should have been passed long ago.

Mr. MEAD. It is more restricted than existing law.

The CHAIRMAN. The time of the gentleman from New York has expired.

The question arises on the amendment offered by the gentleman from Iowa [Mr. BIERMANN].

Mr. BIERMANN. Mr. Chairman, may the amendment be again read by the Clerk?

Without objection, the Clerk again reported the amendment offered by Mr. BIERMANN.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The amendment was rejected.

The Clerk read as follows:

SEC. 2. Section 3945 of the Revised Statutes, as amended by the act entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1875, and for other purposes", approved June 23, 1874 (U. S. C., 1934 ed., title 39, sec. 426), is hereby amended by adding at the end thereof the following new paragraph:

"Every application for renewal of contract for carrying the mail shall be accompanied by the bond of the applicant, with sureties approved by a postmaster, and in cases where the amount of the bond exceeds $5,000, by a postmaster of the first, second, or third class, in a sum of the same amount stated in the current contract, or of an amount designated by the Postmaster General, and of which the applicant has been notified before forwarding application for renewal; and in case of failure of any applicant to renew such contract, or, having renewed a contract, in case of failing to perform service according to his contract, he and his sureties shall be liable for the amount of said bond as liquidated damages, to be recovered in an action of debt on the said bond. No application shall be considered unless it shall be accompanied by such bond, and there shall have been affixed to said application the oath of the applicant, taken before an officer qualified to administer oaths, that he has the ability, pecuniarily, to fulfill his obligations, and that the application is made in good faith, and with the intention to renew the contract and perform the service in case his application is accepted."

SEC. 3. Section 3946 of the Revised Statutes, as amended by such act of August 11, 1876 (U. S. C., 1934 ed., title 39, sec. 427), is hereby amended by inserting after the word "bidder" in such section a comma and the following: "or applicant for renewal of contract."

SEC. 4. Section 8 of the act entitled "An act to amend the act approved June 25, 1910, authorizing the Postal Savings System, and for other purposes", approved May 18, 1916, as amended (U. S. C., 1934 ed., title 39, sec. 434), is hereby amended to read as follows:

"SEC. 8. That whenever an accepted bidder or applicant for renewal of the contract shall fail to enter into or renew contract, or a contractor on any mail route shall fail or refuse to perform the service on said route according to his contract, or when a new route shall be established or new service required, or when, from any other cause, there shall not be a contract legally bound or required to perform such service, the Postmaster General may make a temporary contract for carrying the mail on such route, without advertisement for such period as may be necessary, not in any case exceeding 1 year, until the service shall have commenced under a contract made according to law: *Provided*, That the cost of temporary service rendered necessary by reason of the failure of any accepted bidder or applicant for renewal of contract to enter into contract or a contractor to perform service shall be charged to such bidder, applicant, or contractor: *Provided further*, That the provisions of section 3960, Revised Statutes (U. S. C., 1934 ed., title 39, sec. 440), that no compensation shall be paid for additional service in carrying the mail until such additional service is ordered, the sum to be allowed therefor to be expressed in the order and entered upon the books of the department, and that no compensation shall be paid for any additional regular service rendered before the issuing of such order, shall not apply to any service authorized under this act."

With the following committee amendment:

Page 6, line 19, strike out the word "act" and insert the word "section"; page 6, line 21, insert a new section, as follows:

"SEC. 5. Proposals for carrying the mail on star routes shall not be considered unless the bidder is a legal resident of the county or counties traversed by the roads over which the mails are to be carried, or a legal resident within the counties adjoining such county or counties; except, that proposals for carrying the mail tendered by firms, companies, or corporations shall be considered provided such firms, companies, or corporations are actually engaged in business within the counties to residence in which individuals are herein restricted."

The CHAIRMAN. The question is on the committee amendments.

The committee amendments were agreed to.

Mr. MEAD. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with certain amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. COX, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H. R. 4408, directed him to report the same back to the House with certain amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. MEAD. Mr. Speaker, I move the previous question on the bill and all amendments to final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros?

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

On motion by Mr. MEAD, a motion to reconsider the vote by which the bill was passed was laid on the table.

EQUIPMENT ALLOWANCE TO THIRD-CLASS POSTMASTERS

Mr. MEAD. Mr. Speaker, by direction of the Committee on the Post Office and Post Roads, I call up the bill (H. R. 2723) granting equipment allowance to third-class postmasters.

The Clerk read the title of the bill.

Mr. MEAD. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

Mr. TABER. Mr. Speaker, I object.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 2723) granting equipment allowance to third-class postmasters, with Mr. COX in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Without objection, the first reading of the bill will be dispensed with.

There was no objection.

Mr. MEAD. Mr. Chairman, this bill grants an equipment allowance to third-class postmasters. A similar bill was reported by the committee in the last Congress, passed the House, but was not acted upon before adjournment by the Senate.

The pending bill will pay third-class postmasters who furnish the equipment at their offices 50 percent of the box rents which they collect.

Under present conditions, most third-class postmasters furnish their own equipment, which includes the boxes for the use of the patrons, but turn the box rents over to the Post Office Department. First- and second-class postmasters have their equipment furnished to them. Fourth-class postmasters are given an allowance for rent, fuel, and light.

In the last Congress the Department objected to a similar bill because of the expense involved—about $943,000 per annum. If 50 percent of the box rents is deemed too high, our committee would look with favor upon a proposal that would reduce it to 25 percent. The idea behind the bill is this: We have been trying for many years to have the Government own this furniture or equipment which third-class postmasters use. We want it for purposes of uniformity. We want it because if the Government standardizes this equipment it will receive more revenue, as there will be a larger number of boxes to rent. We desire it because all postmasters of first, second, and third classes are paid according to the receipts of the office, but only certain Presidential postmasters are required to equip their offices.

If the pay basis were different, this would not amount to a pay reduction; but in view of the fact that the salary of a Presidential postmaster is based entirely upon the receipts of his office, and one postmaster has to furnish equipment and another does not, the first postmaster is being discriminated against.

This problem, as I said before, has been with us for many years. Some of the third-class post offices are under lease, and at these offices the equipment is supplied by the lessor. Some third-class post offices are owned by the Government, and there the equipment is furnished; but in the third-class post offices where the equipment is furnished by the postmaster he is being discriminated against, because it is the postmaster who pays for the equipment, pays the insurance, and then turns all the income over to the Government. About 8,000 of the total number of 8,941 third-class postmasters furnish the equipment themselves or pay for it by leasing.

As far back as 1930 our committee held hearings on this subject. The Department at that time, under the former administration, agreed that the situation should be corrected and that the Government should own the equipment. The only mistake the Department made was to appear before the Appropriations Committee and ask for an appropriation sufficient to install all the equipment at one time. The chairman of the Appropriations Committee at that time objected because the appropriation involved a large sum of money.

Your committee is of the belief that if the Appropriations Committee would appropriate a small sum of money each year, eventually the Government would own all this equipment, it would be standardized, and more revenue would result from this system than from the present system. We have not, however, been able to get an appropriation from our Appropriations Committee.

The present system is bad. It is, in my judgment, the most brutal and cruel system we have in the Government service. Third-class postmasters are called upon to lease this equipment principally from one or two companies that control it, and they see to it that the lease price is so high that this equipment is paid for in at least two terms, or 8 years of service. The postmaster, however, must lease it again on the same exorbitant terms, or if he goes out of office his successor will probably lease the same furniture at the same high rate. Post-office inspectors have investigated this evident discrimination. It is a racket; it borders on a scandal; and your committee, in an attempt to rid the Service of this racketeering system, has repeatedly reported out a bill that would penalize the Department unless it furnished the equipment. That is all there is to the bill.

Mr. LORD. Mr. Chairman, will the gentleman yield?

Mr. MEAD. Yes.

Mr. LORD. Why should not this bill take in fourth-class postmasters as well?

Mr. MEAD. Fourth-class postmasters are paid upon a different basis. Third-class postmasters are Presidential postmasters and are paid upon the same basis as postmasters at offices of the first and second class. Third-class postmasters, however, are the only ones called upon to furnish the office equipment. As I said before, fourth-class postmasters are on a different pay basis and receive an allowance for rent, fuel, and light.

Mr. LORD. Do they not furnish their own equipment just the same?

Mr. MEAD. They furnish their own equipment, but their salary is established on the cancelations of the office.

Mr. LORD. Their salary is not much.

Mr. MEAD. No; their salary is not much.

Mr. LORD. I know, for at one time I had the post office in my building. I know that fourth-class postmasters do not get very much. I am just wondering why this bill should not be extended to them as well as to the third-class postmasters.

Mr. MEAD. They are not included in this bill because they are paid differently. However, our committee is considering a bill to reclassify the salaries of fourth-class postmasters.

Mr. MITCHELL of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. MEAD. I yield.

Mr. MITCHELL of Tennessee. What would happen under this bill where the landlord has acquired title to the fixtures and has already outstanding a contract with the Government?

Mr. MEAD. He leases his building, together with the equipment therein, to the Government in the competitive market, and in such cases the postmasters do not supply the equipment.

Mr. MITCHELL of Tennessee. What would happen in such cases under this bill were it to become law?

Mr. MEAD. Then all the equipment would be owned either by the Government or by the landlord. In no case would we discriminate against individual postmasters.

Mr. MITCHELL of Tennessee. In other words, the owner of the building under this bill, already having a contract to lease to the Government for a stated number of years, would not draw extra compensation?

Mr. MEAD. It would not affect him at all.

Mr. LORD. The Government would continue to get the proceeds?

Mr. MEAD. That is right. It would affect only the postmasters who buy, rent, or lease the equipment themselves.

Mr. SHAFER of Michigan. Mr. Chairman, will the gentleman yield?

Mr. MEAD. I yield.

Mr. SHAFER of Michigan. I commend my distinguished chairman for the fine statement he has made about this bill. Is it not true that under this bill considerable work would be created through rehabilitating and refinishing this furniture?

Mr. MEAD. There is no doubt about that. In addition, the Treasury Department has turned over to the Post Office Department thousands upon thousands of lockboxes. The Post Office Department has repeatedly asked us and our Appropriations Committee for enough money to put them into shape. If this is passed, all of these lockboxes, in my judgment, would be put into shape and installed in the post offices without delay. This bill is only for the purpose of expediting a system that has been too long delayed.

Mr. SHAFER of Michigan. I think it is a very good bill.

Mr. HOUSTON. Will the gentleman yield?

Mr. MEAD. I yield to the gentleman from Kansas.

Mr. HOUSTON. I am in favor of this bill and I think every Member should be, but I want to know whether this puts the third-class post offices on the same basis as the first- and second-class post offices?

Mr. MEAD. So far as equipment is concerned, it eliminates that apparent discrimination.

Mr. HOUSTON. If you changed the percentage of receipts, they still would be handicapped?

Mr. MEAD. Yes. There would be a penalty sufficient to create the urge for the Post Office Department to expedite the day when they would own all of this equipment in third-class post offices.

Mr. HOUSTON. And in all fairness to the first-class postmasters, this bill should be passed?

Mr. MEAD. Yes.

Mr. GREEN. Will the gentleman yield?

Mr. MEAD. I yield to the gentleman from Florida.

Mr. GREEN. I appreciate the fact the committee has brought out this bill for consideration. We have had a strong urge for it in our State.

Here is one of the peculiar situations: Many third-class postmasters will be appointed acting postmasters. They have to buy, lease, or furnish the equipment. The old postmaster, in many instances, has bought the furniture. He is confronted with either holding up the new postmaster or sacrificing his equipment. He usually sacrifices it by selling for probably 25 percent of what it cost him. If he charges what it is worth, the new postmaster, who may be there for only 2 or 3 months, is unable to pay for it. I have known two or three instances where the old postmaster held that as a club over the new postmaster to appoint somebody as clerk. All of these unseen transactions go on. The Government should own this equipment and not put this responsibility upon third-class postmasters.

Mr. MEAD. The gentleman is correct.

Mr. LUDLOW. Mr. Chairman, I rise in opposition to this measure.

The CHAIRMAN. Is the gentleman a member of the committee?

Mr. LUDLOW. No.

The CHAIRMAN. Is there any member of the committee who desires recognition in opposition to the bill? If not, the gentleman is recognized.

Mr. LUDLOW. Mr. Chairman, I am bothered a great deal about this particular bill. I want to cooperate with the distinguished gentleman from New York in connection with the splendid service which he renders to his country as chairman of the legislative committee having to do with postal affairs. [Applause.] I compliment him on some of the measures that have been presented by him and passed today, which I think were salutary and in the public interest. However, as I said, I am bothered about this bill. I am perhaps bothered all the more by reason of the fact I happen to be a member of the Appropriations Committee and chairman of the subcommittee thereof which has to do with postal expenditures. That probably makes me a little sensitive as to my responsibility in regard to the expenditure of money.

Mr. Chairman, I am concerned about the charge which this bill would impose upon the Treasury of the United States, among other things. I am authorized to say that the Post Office Department and the Bureau of the Budget are hoping this bill will not be passed.

I have before me a memorandum from Hon. W. W. Howes, Acting Postmaster General, in regard to this bill, and, with the permission of the House, I should like to read it for the light it throws on this proposition.

This memorandum reads as follows:

> At the present time the Department is furnishing to post offices of the third class, lockboxes taken from public buildings demolished or no longer used for post-office purposes and from vacated leased quarters where the Department owns the equipment. Miscellaneous equipment other than lockboxes is also transferred when available. Approximately 73,000 lockboxes which have been transferred to this Department by the Procurement Division of the Treasury Department have been installed in post offices of the third class. Twenty-seven thousand of these boxes were transferred and installed in the same condition in which removed, and while they have been used for a number of years will be serviceable for many more years. The remaining 46,000 boxes were reconditioned before installation. The Comptroller of the Post Office Department advises that the average of the box rentals for all post offices of the third class for the last 5 years was $1,984,675.86 a year, or an average of $201.67 per office. Under this average for the approximately 7,300 offices affected by the proposed legislation the estimated total box rents at such offices would be $1,472,191. If 50 percent of these revenues were returned to the postmasters, the annual expenditure involved would be about $736,000.
>
> In view of the fact that the passage of H. R. 2723 would involve additional expenditures of $736,000 or more annually, and the further fact that the Department is already furnishing partial equipment, including lockboxes, to post offices of the third class, this Department is of the opinion that favorable consideration should not be given to the legislation embodied in H. R. 2723. It has been ascertained from the Bureau of the Budget that this report is in accord with the program of the President.

Mr. Chairman, I do not believe I have anything more to add. I regret to see a proposition brought forward here which adds $736,000 annually to the postal expenditures, which are already enormous. There does not seem to be any special demand for this legislation coming from any quarter. The Post Office Department and the Bureau of the Budget hope this bill will not be passed. I submit the matter for the consideration of the Members of the House in connection with the condition of the Treasury and the attitude expressed by the officials who are responsible for the Postal Service.

Mr. Chairman, I yield to the gentleman from New York [Mr. TABER] such time as he may desire.

Mr. TABER. Mr. Chairman, I hope this bill will not be passed. It will add another burden of a million dollars a year to the Treasury of the United States. Most of these third-class postmasters are able to take over the equipment of their predecessor that the predecessor owned, or are able to buy at very small expense the equipment which is for sale somewhere else. That is not a heavy burden. These postmasters are allowed their rent, heat, and the cost of this equipment that they own is not very much of a burden on them. They are all tickled to death to get the job as postmaster. There are always a dozen applicants for every position of that character anywhere in the United States. They are able to get along and are in better shape than their neighbors in the community.

If we go ahead and pass every bill that comes along which adds a million dollars or nearly a million dollars to the expense of the Government, regardless of the recommendations of the Post Office Department and regardless of the recommendations of the Budget, it is not going to be possible to keep things in decent shape as far as the Treasury is concerned. As a result of the bills that we have passed, there is today a very considerable postal deficit, and unless we pass a bill extending the 3-cent postage rate on letters for a longer period the deficit for next year will run upward of a hundred million dollars. These increases that we in the Congress of the United States have imposed upon the cost of the operations of the Post Office Department will prevent a reduction in the letter postage rate unless we want to carry over the tremendous deficit.

Mr. Chairman, I think we ought to consider these things very carefully before we pass a bill of this kind and, therefore, I hope the Members of the House will reject it.

Mr. MEAD. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. MCFARLANE].

Mr. McFARLANE. Mr. Chairman, I hope this bill will receive our favorable consideration. It ought to, and I am sure it will if we all understand the fundamental issues involved.

Now, what does this bill do? It does just this: It allows 50 percent of the box rents collected to go to the postmasters in these third-class post offices until the Government is able to buy and own this third-class post-office equipment. Is there anything wrong about this? Certainly not. To argue against this bill is to argue that it is wrong for the Government to own this equipment for the first- and second-class offices. This measure will simply put these overworked and underpaid third-class postmasters in identically the same status as the higher paid first- and second-class postmasters.

What does a third-class postmaster receive? The average salary, according to the hearings, of the third-class postmasters in the United States is $1,700 a year, and yet in the case of the higher paid postmasters, who receive up to several thousand dollars a year, the Government furnishes all of this equipment and pays him in addition thereto, based on receipts, the same basic pay as the third-class postmasters, who either has to buy or rent his own equipment for his little office and pay for the equipment out of his measly salary.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. McFARLANE. I yield for a question.

Mr. MOTT. Can the gentleman tell us the average cost to a third-class postmaster in the rental of this equipment?

Mr. McFARLANE. I put that information in the RECORD when I offered an amendment to strike out the provision in the Post Office appropriation bill the other day. That pro-

vision you remember prohibited any part of the appropriation from being used by the Post Office Department to purchase post-office lockboxes for these third-class offices. I believe it was shown that the average rental is somewhat more than $300 a year.

It has been stated here that this 50 percent of the lockbox receipts would average a little over $200 a year, and this still would not entirely equalize the situation.

Furthermore, these 8,000 or 9,000 postmasters, under this bill, will not be placed in the same status as the first- and second-class postmasters even when this bill becomes a law.

The Post Office Department came before the Committee on Appropriations and asked for $100,000 and stated that with that money and the post-office equipment they have on hand, that they could furnish these postmasters—within a few years they could supply most of the third-class postmasters—with this furniture. They were turned down by the Appropriations Committee. I have talked with the Fourth Assistant Postmaster General, Mr. Purdum, and he is highly in favor of this $100,000 appropriation. The same measure as now pending was passed unanimously by this House in 1935.

Mr. MOTT. I am also in favor of the legislation.

Mr. McFARLANE. I see no reason why we should not pass this legislation unanimously now and do justice to the third-class postmasters of the country. [Applause.]

[Here the gavel fell.]

Mr. LUDLOW. Mr. Chairman, I yield 5 minutes to the gentleman from Tennessee [Mr. MITCHELL].

Mr. MITCHELL of Tennessee. Mr. Chairman, I do not know that I shall need all of the 5 minutes. I have been interested in this discussion. I think there is merit in the proposed legislation, but I do not believe it should be passed at this particular time.

I was interested in hearing the letter read from the Department, in which the Department practically states to the Congress that this legislation is not needed. As has been heretofore stated, those of us who are in close touch with conditions throughout the country realize there is no difficulty about getting postmasters to serve. They are most anxious to serve in all the third-class offices, without fastening on the Government and the taxpayers at this particular time an additional burden of $1,000,000. If this legislation is wholesome, it can be considered in the course of years to come, when we shall be further removed from necessary emergency expenditures, such as have been occasioned in the last year or two by floods on the one hand and droughts on the other. With relief bills sought by our people and with distress upon every hand, I think it is well that as the legislative branch of the Government we should slow down on increasing the expenses of government, on the already overburdened taxpayers.

There is no trouble about leasing post-office buildings or equipment. The only difficulty you have is in finding enough appointments to satisfy the applicants for these third-class post offices. You will have 40 and sometimes 50 wanting the same job, and they are willing and anxious at this particular time to furnish the equipment. It may be that this legislation would be desirable at another or a different time in the future but not now.

I want to commend what has been said by the chairman of the committee. For him I have a most wholesome and a high regard, just as I have for every member of the Post Office Committee. They practically say to us not to pass this measure with a 50-percent allowance, but why pass it at all at this particular time? Let us save this $1,000,000, and let us undertake to pay it out, if we must, to somebody else who is much more in need and in greater distress in this country than the third-class postmasters or those who furnish the buildings in which the third-class post offices are housed. This, in brief, is my message to the House. Certainly there is not the emergency that would require us to pass this particular bill at this particular time.

The CHAIRMAN. The time of the gentleman from Tennessee has expired.

Mr. LUDLOW. Mr. Chairman, there is another phase of this matter which I desire to present to the Committee. I want every person employed in the Government service to receive liberal compensation, but I want that compensation to be just and not discriminatory. This bill provides that an allowance equal to 50 percent of the receipts of the office shall be paid to the postmasters of these third-class post offices. No one knows what the receipts of the office might be. In some cases there might be an over amount and in some cases there might be an under amount, and we would have the widest disparity of compensation of those postmasters, which is not right. Some would be the fair-haired favorite, and others would be discriminated against. There is no justice in this bill. It would be extremely partial and discriminatory in its application. If this matter of increasing the compensation of third-class postmasters is to be undertaken, it should be undertaken in a more scientific way by the legislative committee, of which the able gentleman from New York [Mr. MEAD] is the chairman. They should go into the matter thoroughly and weigh all the factors of compensation, so as to provide equality of compensation and not unfair, discriminatory, and haphazard compensation such as is provided by this bill.

Mr. MITCHELL of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. LUDLOW. Yes.

Mr. MITCHELL of Tennessee. Would there be any way to safeguard the Government if you should put all this equipment on the market? Suppose they unloaded a whole lot of this second-hand equipment.

Mr. LUDLOW. I am not familiar with what might happen there, but I think the gentleman's point is well taken.

Mr. TABER. Mr. Chairman, will the gentleman yield?

Mr. LUDLOW. Yes.

Mr. TABER. According to my information, this item, if passed, would call for an average payment to each third-class postmaster of $100. My information is that the cost to these third-class postmasters for this equipment, the actual cost, runs anywhere from $20 to $50 a year, added, so you are just handing them something right out of the Treasury.

Mr. LUDLOW. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. MOSER].

Mr. MOSER of Pennsylvania. Mr. Chairman, I happen to have been a post-office inspector, and in my experience I transferred many post offices and I am quite familiar with the management of third-class as well as all classes of post offices. In some cases there have been leases made by the Government for third-class post offices where the Government required of the landlord the installation of the necessary equipment, and in all my years of experience I never found the slightest difficulty on the part of a postmaster, nor the slightest disposition on the part of any postmaster, to avoid supplying the equipment, if he could get the job. We have applicants clamoring for these positions and have conflicts in our respective communities for these appointments, but there is not the slightest bit of doubt on the part of any Member of the House that he can supply the needs of the Department for a postmaster, if this bill is not passed. I have seen equipment practically given by the outgoing postmaster to his successor, and I have seen successors who obstinately refuse to accept it at a very nominal figure and purchased brand-new equipment merely to satisfy a grudge against the outgoing postmaster. There is not the slightest disposition on the part of people not to accept the position of postmaster or not to seek it because of the difficulties that would be entailed in supplying the equipment. I do not feel it is good policy to change this and let down the bars by establishing a precedent. These postmasters are provided with a salary fixed according to the receipts of the offices, as allowed by law.

Mr. MITCHELL of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. MOSER of Pennsylvania. Yes.

Mr. MITCHELL of Tennessee. The salary of the third-class postmasters is $2,000 and something, is it not?

Mr. MOSER of Pennsylvania. It is based upon the receipts. Some are considerably lower. I believe it was testified here that the average is $1,700.

Mr. TERRY. Mr. Chairman, will the gentleman yield?

Mr. MOSER of Pennsylvania. Yes.

Mr. TERRY. Do fourth-class offices get their equipment furnished?

Mr. MOSER of Pennsylvania. No; in no instance. A fourth-class postmaster advanced to third class carries his equipment with him or acquires such additional as he may need.

Mr. MITCHELL of Tennessee. Does the Government furnish the equipment for the second-class post offices?

Mr. MOSER of Pennsylvania. They furnish it through the lease negotiated with the lessor or landlord they rent from or own it as equipment of the Federal building.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. LUDLOW. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. BIERMANN].

Mr. BIERMANN. Mr. Chairman, I want this time merely to ask the gentleman from Tennessee [Mr. MITCHELL] a question. I was interested in his observation that there is no trouble getting plenty of men to serve in these third-class post offices. Is it not a fact that they are so anxious to serve that some of them get very mad if you do not give them the opportunity to serve?

Mr. MITCHELL of Tennessee. The gentleman answered his own question 1,000 percent.

The CHAIRMAN. All time has expired, and the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That on and after July 1, 1937, postmasters at third-class offices in which post-office fixtures and equipment are not provided by the Post Office Department shall be paid, as allowances for personally owned or rented post-office fixtures and equipment, an amount equal to 50 percent of the box rents collected at such offices, the allowances to be paid quarterly, under such rules and regulations as the Postmaster General may prescribe: *Provided*, That when post-office fixtures and equipment are furnished by the Post Office Department at post offices of the third class, the provisions of this act shall become inoperative.

Mr. MEAD. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. Cox, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H. R. 2723, directed him to report the same back to the House with the recommendation that the bill do pass.

Mr. MEAD. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

HOUR OF MEETING TOMORROW

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

EQUIPMENT ALLOWANCE TO THIRD-CLASS POSTMASTERS

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. MITCHELL of Tennessee) there were ayes 93 and noes 21.

Mr. TABER. Mr. Speaker, I object to the vote on the ground that there is no quorum present.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 305, nays 32, not voting 93, as follows:

[Roll No. 24]

YEAS—305

Allen, Ill.	Drew, Pa.	Kniffin	Quinn
Allen, La.	Driver	Knutson	Ramsay
Allen, Pa.	Duncan	Kocialkowski	Ramspeck
Amlie	Dunn	Koppleмann	Randolph
Anderson, Mo.	Eaton	Kramer	Rankin
Andresen, Minn.	Eberharter	Lambeth	Rayburn
Arends	Eckert	Lamneck	Reece, Tenn.
Arnold	Edmiston	Lanham	Rees, Kans.
Ashbrook	Ellenbogen	Lanzetta	Richards
Atkinson	Englebright	Larrabee	Rigney
Barden	Evans	Leavy	Robertson
Barry	Faddis	Long	Robinson, Utah
Beiter	Ferguson	Lucas	Robsion, Ky.
Bell	Fernandez	Luecke, Mich.	Rogers, Mass.
Bernard	Fish	McAndrews	Rogers, Okla.
Bigelow	Fitzgerald	McClellan	Romjue
Bloom	Fitzpatrick	McCormack	Sabath
Boileau	Flannagan	McFarlane	Sacks
Boland, Pa.	Flannery	McGehee	Sanders
Boren	Fleger	McGranery	Sauthoff
Boyer	Focht	McGrath	Schaefer, Ill.
Boylan, N. Y.	Forand	McKeough	Schneider, Wis.
Bradley	Ford, Miss.	McLaughlin	Schuetz
Brewster	Frey, Pa.	McLean	Seger
Brooks	Fries, Ill.	McMillan	Shafer, Mich.
Brown	Fuller	McReynolds	Shanley
Buck	Gambrill	McSweeney	Sheppard
Buckler, Minn.	Garrett	Maas	Short
Burch	Gavagan	Magnuson	Sirovich
Burdick	Gehrmann	Mahon, S. C.	Smith, Conn.
Byrne	Gildea	Maloney	Smith, Maine
Cannon, Mo.	Gingery	Martin, Colo.	Smith, Wash.
Carlson	Goldsborough	Martin, Mass.	Smith, W. Va.
Carter	Gray, Ind.	Mason	Snyder, Pa.
Cartwright	Gray, Pa.	Massingale	Somers, N. Y.
Case, S. Dak.	Green	Maverick	South
Casey, Mass.	Greenwood	May	Sparkman
Celler	Greever	Mead	Spence
Champion	Gregory	Meeks	Stack
Chandler	Griffith	Merritt	Stefan
Chapman	Griswold	Miller	Sullivan
Church	Guyer	Mills	Sutphin
Citron	Harrington	Moser, Pa.	Swope
Clark, Idaho	Hart	Mosier, Ohio	Tarver
Clason	Harter	Mott	Taylor, S. C.
Cluett	Hartley	Murdock, Ariz.	Taylor, Tenn.
Coffee, Nebr.	Havenner	Murdock, Utah	Telgan
Coffee, Wash.	Hendricks	Nelson	Terry
Colden	Higgins	Norton	Thomas, Tex.
Cole, Md.	Hildebrandt	O'Brien, Ill.	Thompson, Ill.
Collins	Hill, Ala.	O'Brien, Mich.	Thurston
Cooley	Hill, Okla.	O'Connell, Mont.	Tobey
Cooper	Hill, Wash.	O'Connell, R. I.	Towey
Costello	Hobbs	O'Connor, N. Y.	Transue
Cox	Honeyman	O'Day	Turner
Crawford	Hook	O'Leary	Umstead
Crosby	Hope	O'Malley	Vinson, Ga.
Crosser	Houston	O'Neill, N. J.	Vinson, Ky.
Crowe	Hull	O'Toole	Voorhis
Cullen	Hunter	Owen	Wallgren
Cummings	Imhoff	Palmisano	Walter
Curley	Jacobsen	Patman	Warren
Daly	Jarrett	Patrick	Welch
Deen	Jenckes, Ind.	Patterson	Whelchel
Delaney	Jenkins, Ohio	Patton	White, Ohio
DeMuth	Jenks, N. H.	Pearson	Whittington
DeRouen	Johnson, Minn.	Peterson, Fla.	Wigglesworth
Dickstein	Johnson, Tex.	Peterson, Ga.	Wilcox
Dies	Johnson, W. Va.	Pettengill	Williams
Dingell	Jones	Peyser	Wolcott
Dirksen	Kee	Pfeifer	Wolfenden
Dixon	Kelly, Ill.	Phillips	Wolverton
Dockweiler	Kennedy, Md.	Pierce	Wood
Dondero	Kennedy, N. Y.	Plumley	Woodruff
Dorsey	Keogh	Poage	
Dowell	Kitchens	Polk	
Doxey	Kloeb	Powers	

NAYS—32

Bacon	Halleck	Ludlow	Rabaut
Bates	Hancock, N. Y.	Mapes	Reed, Ill.
Biermann	Hoffman	Michener	Reed, N. Y.
Cole, N. Y.	Kenney	Millard	Rutherford
Crowther	Kinzer	Mitchell, Tenn.	Taber
Eicher	Lewis, Colo.	O'Connor, Mont.	Thom
Engel	Lord	O'Neal, Ky.	Thomas, N. J.
Fletcher	Luce	Pace	Woodrum

NOT VOTING—93

Aleshire	Clark, N. C.	Douglas	Hamilton
Allen, Del.	Claypool	Drewry, Va.	Hancock, N. C.
Andrews	Cochran	Farley	Harlan
Beam	Colmer	Ford, Calif.	Healey
Binderup	Connery	Fulmer	Hennings
Bland	Cravens	Gasque	Holmes
Boehne	Creal	Gearhart	Izac
Boykin	Culkin	Gifford	Jarman
Buckley, N. Y.	Dempsey	Gilchrist	Johnson, Okla.
Bulwinkle	Disney	Goodwin	Keller
Caldwell	Ditter	Gwynne	Kelly, N. Y.
Cannon, Wis.	Doughton	Haines	Kerr

Kirwan	Mitchell, Ill.	Secrest	Treadway
Kleberg	Mouton	Shannon	Wadsworth
Kvale	Nichols	Smith, Va.	Wearin
Lambertson	Oliver	Snell	Weaver
Lea	Parsons	Starnes	Wene
Lemke	Reilly	Steagall	West
Lesinski	Rich	Sumners, Tex.	White, Idaho
Lewis, Md.	Ryan	Sweeney	Withrow
Luckey, Nebr.	Sadowski	Taylor, Colo.	Zimmerman
McGroarty	Schulte	Thomason, Tex.	
Mahon, Tex.	Scott	Tinkham	
Mansfield	Scrugham	Tolan	

So the bill was passed.

The Clerk announced the following pairs:

General pairs:

Mr. Doughton with Mr. Treadway.
Mr. Mahon of Texas with Mr. Rich.
Mr. Taylor of Colorado with Mr. Snell.
Mr. Steagall with Mr. Gifford.
Mr. Hancock of North Carolina with Mr. Ditter.
Mr. Drewry of Virginia with Mr. Wadsworth.
Mr. Cochran with Mr. Holmes.
Mr. Bland with Mr. Goodwin.
Mr. Kleberg with Mr. Gwynne.
Mr. Mansfield with Mr. Douglas.
Mr. Parsons with Mr. Lambertson.
Mr. Smith of Virginia with Mr. Tinkham.
Mr. Sumners of Texas with Mr. Gearhart.
Mr. Kerr with Mr. Andrews.
Mr. Bulwinkle with Mr. Gilchrist.
Mr. Boehne with Mr. Culkin.
Mr. Zimmerman with Mr. Kvale.
Mr. Weaver with Mr. Oliver.
Mr. Disney with Mr. Lemke.
Mr. Johnson of Oklahoma with Mr. Withrow.
Mr. Connery with Mr. Mouton.
Mr. Reilly with Mr. Aleshire.
Mr. Schulte with Mr. Ryan.
Mr. Shannon with Mr. Wene.
Mr. Gasque with Mr. Secrest.
Mr. Clark of North Carolina with Mr. Keller.
Mr. Lesinski with Mr. Hamilton.
Mr. Sweeney with Mr. Scrugham.
Mr. Cravens with Mr. Lewis of Maryland.
Mr. Bean with Mr. Starnes.
Mr. Harlan with Mr. Wearin.
Mr. Kelly of New York with Mr. Binderup.
Mr. Lea with Mr. Buckley of New York.
Mr. Hennings with Mr. McGroarty.
Mr. Tolan with Mr. Cannon of Wisconsin.
Mr. Fulmer with Mr. Nichols.
Mr. Colmer with Mr. Scott.
Mr. Haines with Mr. West.
Mr. Farley with Mr. Creal.
Mr. Boykin with Mr. Allen of Delaware.

Mr. CITRON. Mr. Speaker, my colleague, Mr. HIGGINS, of Massachusetts, is absent on account of official business. If present he would vote "aye."

Mr. DOCKWEILER. Mr. Speaker, I wish to announce that my colleague, Mr. FORD of California, is absent on account of illness.

The result of the vote was announced as above recorded.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The doors were opened.

EXTENSION OF REMARKS

Mr. LORD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER pro tempore (Mr. O'CONNOR of New York). Is there objection to the request of the gentleman from New York?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. THOMASON of Texas (at the request of Mr. JOHNSON of Texas), for today, on account of public business.

To Mr. RYAN (at the request of Mr. MAAS), for the remainder of this week, on account of important business.

To Mr. EDMISTON, for 3 days, on account of death in family.

EXTENSION OF REMARKS

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 84. An act to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. Ralph Charles Stuart; and

S. 989. An act to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. Clarence Quinton Pair.

ADJOURNMENT

Mr. CULLEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 33 minutes p. m.) the House, pursuant to its order heretofore entered, adjourned until tomorrow, Thursday, March 4, 1937, at 11 o'clock a. m.

COMMITTEE HEARINGS

COMMITTEE ON EDUCATION

The Committee on Education will hold a hearing on H. R. 4582, "To amend the act, approved August 4, 1919, as amended, providing additional aid for the American Printing House for the Blind", at 10:30 a. m. Thursday, March 4, 1937, in the committee room, 416 House Office Building.

COMMITTEE ON MILITARY AFFAIRS

There will be a meeting of the Committee on Military Affairs at 10:30 o'clock a. m. March 4, 1937. Business to be considered: H. R. 1954, "To prevent profiteering in time of war and to equalize the burdens of war and thus provide for the national defense and promote peace."

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

407. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the legislative establishment, House of Representatives, for the fiscal year 1937, amounting to $2,500 (H. Doc. No. 162); to the Committee on Appropriations and ordered to be printed.

408. A letter from the secretary, Railroad Retirement Board, transmitting the report of the Railroad Retirement Board for the period ending June 30, 1936; to the Committee on Interstate and Foreign Commerce.

409. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated March 1, 1937, submitting a report, together with accompanying papers and illustrations, on a preliminary examination and survey of Lake Champlain, Vt., with a view to reopening the old channel through the South Hero sand bar in the vicinity of Milton and South Hero, authorized by the River and Harbor Act approved August 30, 1935; to the Committee on Rivers and Harbors.

410. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 23, 1937, submitting a report, together with accompanying papers and illustration, on a preliminary examination and survey of Neale Sound, Md., authorized by the River and Harbor Act approved August 30, 1935 (H. Doc. No. 159); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

411. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 23, 1937, submitting a report, together with accompanying papers and illustration, on a preliminary examination and survey of Vinton Waterway, La., authorized by the River and Harbor Act approved August 30, 1935 (H. Doc. No. 160); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

412. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 23, 1937, submitting a report, together with accompanying papers and illustration, on a preliminary examination and survey of channel connecting Magothy River and Cypress Creek, Anne Arundel County, Md., authorized by the River and Harbor Act approved August 30, 1935 (H. Doc. No. 161); to the Committee on Rivers and Harbors and ordered to be printed, with illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. GREENWOOD: Committee on Rules. House Resolution 146. Resolution providing for the consideration of H. R. 4985, a bill to regulate interstate commerce in bituminous coal, and for other purposes; with amendment (Rept. No. 352). Referred to the House Calendar.

Mrs. NORTON: Committee on the District of Columbia. H. R. 157. A bill to amend an act entitled "An act to provide for vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes" (Public, No. 801, 70th Cong.); without amendment (Rept. No. 353). Referred to the Committee of the Whole House on the state of the Union.

Mrs. NORTON: Committee on the District of Columbia. H. R. 4804. A bill to amend section 11 of an act entitled "An act to establish standard weights and measures for the District of Columbia; to define the duties of the Superintendent of Weights, Measures, and Markets of the District of Columbia, and for other purposes", approved March 3, 1921; without amendment (Rept. No. 354). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. PALMISANO: Committee on Immigration and Naturalization. H. R. 2990. A bill for the relief of Chaim (Hyman) Kaplan; without amendment (Rept. No. 355). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 5098) for the relief of the heirs at law of the estate of Haller Nut, deceased; Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 4754) for the relief of Charles R. Wicker; Committee on Military Affairs discharged, and referred to the Committee on Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DALY: A bill (H. R. 5275) to amend the act entitled "An act to amend and consolidate the acts respecting copyright", approved March 4, 1909, as amended, and for other purposes; to the Committee on Patents.

By Mr. ELLENBOGEN: A bill (H. R. 5276) to confer upon the National Labor Relations Board the power of mediation and conciliation, to amend the National Labor Relations Act, and for other purposes; to the Committee on Labor.

By Mr. HENDRICKS: A bill (H. R. 5277) to permit recommendations from Members of the House of Representatives in connection with certain appointments in the Civil Service; to the Committee on the Civil Service.

By Mr. HUNTER: A bill (H. R. 5278) providing for the examination and survey of the harbor at Put in Bay, Ohio; to the Committee on Rivers and Harbors.

By Mr. JONES: A bill (H. R. 5279) to provide for the classification of cotton by grade and staple for producers, to furnish farmers timely information on market supply, demand, location, conditions, and market prices for cotton, and for other purposes; to the Committee on Agriculture.

By Mr. RANKIN: A bill (H. R. 5280) to amend section 307, World War Veterans' Act, 1924, as amended; to the Committee on World War Veterans' Legislation.

Also (by request), a bill (H. R. 5281) to amend paragraph 445–b, title 38, United States Code Annotated (act of June 16, 1933, ch. 101, par. 1, 48 Stat. 302), pertaining to the compromise of insurance suits; to the Committee on World War Veterans' Legislation.

Also (by request), a bill (H. R. 5282) to amend section 500, World War Veterans' Act, as amended; to the Committee on World War Veterans' Legislation.

Also (by request), a bill (H. R. 5283) to amend section 19, title I, World War Veterans' Act, as amended; to the Committee on World War Veterans' Legislation.

Also (by request), a bill (H. R. 5284) to amend the World War Veterans' Act, 1924, as amended; to the Committee on World War Veterans' Legislation.

By Mr. BIGELOW: A bill (H. R. 5285) for the better assurance of the protection of persons within the several States from mob violence and lynching, and for other purposes; to the Committee on the Judiciary.

By Mr. COFFEE of Washington (by request): A bill (H. R. 5286) to prevent the adulteration and misrepresentation of foods, drugs, cosmetics, and health devices in interstate, foreign, and other commerce subject to the jurisdiction of the United States, and to regulate traffic therein, for the purpose of safeguarding the public health, preventing deceit of the purchasing public and consumers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HARTER: A bill (H. R. 5287) to release political subdivisions of States from the obligation to repay relief funds received under section 1, subsection E, of title I, of the Emergency Relief and Construction Act of 1932, and to eliminate discrimination in the case of certain loans made under that act, and for other purposes; to the Committee on Banking and Currency.

By Mr. HILL of Alabama: A bill (H. R. 5288) to amend the act of Congress entitled "An act to provide for the protection and preservation of domestic sources of tin", approved February 15, 1936; to the Committee on Military Affairs.

By Mr. SUTPHIN: A bill (H. R. 5289) authorizing the use of condemned Government vessels for breakwater and other public purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. KNUTSON: A bill (H. R. 5290) to prohibit American citizens from accepting presents or titles of any kind from kings, princes, or foreign governments; to the Committee on Foreign Affairs.

By Mr. COLLINS: A bill (H. R. 5291) relating to the control of public utility holding companies; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 5292) amending the Securities Act of 1933; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS of Oklahoma (by departmental request): A bill (H. R. 5293) to authorize the acquisition of 640 acres of land for the use and benefit of the Santa Rosa Band of Mission Indians, State of California; to the Committee on Indian Affairs.

Also (by departmental request), a bill (H. R. 5294) to reserve certain lands on the public domain in California and Nevada for the use and benefit of Indians of the Fort Mohave Reservation; to the Committee on Indian Affairs.

Also (by departmental request), a bill (H. R. 5295) to reserve certain public-domain lands for the use and benefit of the Chippewa, Cree, and other Indians of Montana; to the Committee on Indian Affairs.

Also (by departmental request), a bill (H. R. 5296) to define the exterior boundary of the Uintah and Ouray Indian Reservation in the State of Utah, and for other purposes; to the Committee on Indian Affairs.

Also (by departmental request), a bill (H. R. 5297) to repeal that provision in the act of March 2, 1917 (39 Stat. L., 976), directing the making of allotments to Indians of the Mission Indian Reservations, Calif.; to the Committee on Indian Affairs.

Also (by departmental request), a bill (H. R. 5298) to amend section 4 of the act of May 31, 1933, enacted to safeguard the interests and welfare of Indians of the Taos Pueblo, N. Mex., in certain lands within the Carson National Forest; to the Committee on Indian Affairs.

Also (by departmental request), a bill (H. R. 5299) to authorize the Secretary of the Interior to exchange certain lands and water rights in Inyo and Mono Counties, Calif., with the city of Los Angeles, and for other purposes; to the Committee on Indian Affairs.

By Mr. MALONEY: A bill (H. R. 5300) to require that personal endorsements of articles by radio be accompanied by a statement that the endorsement is paid for; to the Committee on Interstate and Foreign Commerce.

By Mr. PIERCE: A bill (H. R. 5301) authorizing the Snake or Piute Indians of the former Malheur Reservation of Oregon to sue in the Court of Claims, and for other purposes; to the Committee on Indian Affairs.

By Mr. REECE of Tennessee: A bill (H. R. 5302) to authorize the coinage of 50-cent pieces in commemoration of the twentieth anniversary of the organization of the Forty-second (Rainbow) Division, United States Army; to the Committee on Coinage, Weights, and Measures.

By Mrs. ROGERS of Massachusetts: A bill (H. R. 5303) to authorize a continuation of insurance installments to certain Gold Star Mothers of the World War; to the Committee on World War Veterans' Legislation.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Nevada, memorializing the Congress of the United States to provide, through the Resettlement Administration, adequate credit for restocking farms and ranches in Nevada; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of Kansas, vigorously opposing any modification of the existing Federal laws governing the movement of livestock or livestock products from any foreign country harboring foot-and-mouth disease; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of New Mexico, memorializing the Congress of the United States to consider their Senate Joint Memorial No. 3, concerning the old Lincoln County courthouse; to the Committee on the Public Lands.

Also, memorial of the Legislature of the State of Idaho, memorializing the Congress of the United States to consider their Senate Joint Memorial No. 9, concerning white-pine blister rust; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of Wyoming, memorializing the Congress of the United States concerning child labor under 18 years of age, as expressed in their Senate Joint Memorials Nos. 4 and 8; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Legislature of the State of Idaho, memorializing the Congress of the United States to consider their Senate Joint Memorial No. 9, concerning white-pine blister rust; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of Oregon, respectfully petitioning the Congress of the United States to consider their Senate Joint Memorial No. 6, concerning white-pine blister rust; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of Oregon, memorializing the Congress of the United States to make an appropriation to aid the fisheries of the States of Oregon and Washington; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CELLER: A bill (H. R. 5304) for the relief of the Polygraphic Co. of America; to the Committee on Claims.

Also, a bill (H. R. 5305) for the relief of Sperry Gyroscope Co., Inc., of New York.; to the Committee on Claims.

By Mr. BATES: A bill (H. R. 5306) for the relief of Thomas Arthur Hughes; to the Committee on Naval Affairs.

By Mr. BUCKLER of Minnesota: A bill (H. R. 5307) granting a pension to John M. Newburgh; to the Committee on Pensions.

By Mr. BOYLAN of New York: A bill (H. R. 5308) for the relief of Anna Caporaso; to the Committee on Claims.

By Mr. ENGLEBRIGHT: A bill (H. R. 5309) to authorize the cancelation of deportation proceedings in the case of Katherine Galvin; to the Committee on Immigration and Naturalization.

By Mr. ELLENBOGEN: A bill (H. R. 5310) for the relief of Max W. Amster; to the Committee on Military Affairs.

By Mr. GASQUE: A bill (H. R. 5311) for the relief of the estate of Robert Edwin Lee; to the Committee on Claims.

By Mr. HENDRICKS: A bill (H. R. 5312) for the relief of Marie E. McGrath; to the Committee on Claims.

By Mr. HUNTER: A bill (H. R. 5313) for the relief and retirement of Gustave Louis Gens; to the Committee on Naval Affairs.

Also, a bill (H. R. 5314) granting a pension to Marie Brown; to the Committee on Invalid Pensions.

By Mr. JARRETT: A bill (H. R. 5315) granting a pension to Mary M. Diehl; to the Committee on Pensions.

Also, a bill (H. R. 5316) granting an increase of pension to Mary O'Flaherty; to the Committee on Invalid Pensions.

By Mr. McCORMACK: A bill (H. R. 5317) to authorize the cancelation of deportation proceedings in the case of Patrick Kane; to the Committee on Immigration and Naturalization.

By Mrs. NORTON: A bill (H. R. 5318) for the relief of Edward M. Brodie; to the Committee on Military Affairs.

By Mr. PATTERSON: A bill (H. R. 5319) granting a pension to Amy Dedrick; to the Committee on Pensions.

By Mr. PLUMLEY: A bill (H. R. 5320) granting a pension to Alice Proctor; to the Committee on Invalid Pensions.

By Mr. REECE of Tennessee: A bill (H. R. 5321) for the relief of J. H. Atkins; to the Committee on Claims.

By Mr. THURSTON: A bill (H. R. 5322) granting a pension to Mary Ellen White; to the Committee on Pensions.

By Mr. TOWEY: A bill (H. R. 5323) for the relief of Michael Giannetti; to the Committee on Claims.

By Mr. WALLGREN: A bill (H. R. 5324) authorizing the President to present, in the name of Congress, a Distinguished Service Cross to George F. Thompson; to the Committee on Naval Affairs.

By Mr. WHELCHEL: A bill (H. R. 5325) to correct the military record of Capt. Charles G. Clement; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

683. By Mr. CARTER: Petition of the California State Legislative Board, Brotherhood of Firemen and Enginemen, by G. F. Irvine, chairman, San Francisco, Calif., supporting President Roosevelt's court reform bill; to the Committee on the Judiciary.

684. Also, petition of the East Bay Cities Corrugated Fibre Products and Wax Paper Workers Union, No. 382, by Harry C. Gilmore, secretary, Oakland, Calif., supporting President Roosevelt's proposed Supreme Court legislation; to the Committee on the Judiciary.

685. Also, petition of William Davis and 13 other voters, of Oakland, Calif., supporting President Roosevelt's judiciary reform proposal; to the Committee on the Judiciary.

686. Also, petition of the Contra Costa (County) Trades and Labor Council, by Viola Cox, secretary, of Richmond, Calif., supporting President Roosevelt's stand in regard to Supreme Court reorganization; to the Committee on the Judiciary.

687. Also, petition of the Laundry Workers Union, No. 114, by Adolph C. Heil, Crockett, Calif., approving President Roosevelt's plan in the present Supreme Court changes; to the Committee on the Judiciary.

688. Also, petition of the Central Labor Council of Alameda County, by William A. Spooner, secretary, of Oakland, Calif., supporting President Roosevelt's judiciary reform proposal; to the Committee on the Judiciary.

689. Also, petition of the Bartenders and Culinary Workers Union, No. 595, of Contra Costa County, Calif., by James R. Finnell, secretary-treasurer, supporting legislation proposed by President Roosevelt, changing the composition of the Supreme Court; to the Committee on the Judiciary.

690. By Mr. COLDEN: Resolution adopted by the Yacht Masters and Engineers Club of Southern California, addressed to the Bureau of Marine Inspection and Navigation, recommending the amendment of section 4401 of the Revised Statutes by the addition of the following sentence: "This section shall not apply to private yachts under American registry, which are used exclusively for pleasure"; to the Committee on Merchant Marine and Fisheries.

691. By Mr. CRAWFORD: Petition of Harold Vos and other residents of Greenville, Mich., protesting against the President's proposal to increase the number of Justices of the Supreme Court; to the Committee on the Judiciary.

692. Also, resolution of the Ingham County (Mich.) Bar Association, disapproving any plan to enlarge the Supreme Court or change its membership in response to Executive or congressional demand; to the Committee on the Judiciary.

693. By Mr. CURLEY: Resolution of the New York City Housing Authority, endorsing the Wagner-Steagall housing bill; to the Committee on Banking and Currency.

694. By Mr. JENKS of New Hampshire: Petition of 73 residents of New Hampton, N. H., opposing the measure to make certain changes in the Supreme Court of the United States; to the Committee on the Judiciary.

695. By Mrs. JENCKES of Indiana: Petition of the State Legislature of the State of Indiana, memorializing the Congress of the United States to continue the Federal Emergency Administration of Public Works; to the Committee on Ways and Means.

696. By Mr. JARRETT: Petition of Dr. Elizabeth S. Beaty and others, of Warren, Pa., protesting against the President's bill or any substitutes permitting the executive branch of the Government to control or subordinate the judicial or the legislative powers established under the Constitution; to the Committee on the Judiciary.

697. Also, petition of W. G. Bauer and others, of St. Marys, Pa., opposing the President's proposal that may permit any Executive control of the judicial or legislative branches of the Government; to the Committee on the Judiciary.

698. By Mr. HALLECK: Memorial of 24 citizens of Knox, Ind., opposing the pending legislation affecting the Supreme Court; to the Committee on the Judiciary.

699. Also, petition of citizens of West Lafayette, Ind., protesting against the President's bill or any substitute permitting the executive branch of the Government to control or subordinate the judicial or the legislative powers established under the Constitution; to the Committee on the Judiciary.

700. Also, petition of 32 citizens of Pierceton, Ind., and vicinity protesting against the enactment of legislation which would permit the executive branch of the Government to control or subordinate the judicial or the legislative powers established under the Constitution; to the Committee on the Judiciary.

701. By Mr. HANCOCK of New York: Petition of residents of Cortland, N. Y., protesting against the President's proposal to increase the membership of the Supreme Court; to the Committee on the Judiciary.

702. Also, petition of the Cortland County Bar Association, Cortland, N. Y., protesting against the President's proposal to increase the membership of the Supreme Court; to the Committee on the Judiciary.

703. By Mr. HILDEBRANDT: Petition to defend the heritage of judicial independence; to the Committee on the Judiciary.

704. By Mr. KEOGH: Petition of the New York City Housing Authority, concerning the Wagner-Steagall housing bill; to the Committee on Banking and Currency.

705. Also, petition of the New York State Dental Society of the second judicial district, concerning House bill 3491; to the Committee on Military Affairs.

706. By Mr. KING: Resolution of the Dental Society of Hawaii, calling attention to the serious situation in Hawaii during the recent maritime strike; to the Committee on Ways and Means.

707. Also, resolution of Hawaii unlimited, calling attention to the serious situation in Hawaii during the recent maritime strike; to the Committee on Ways and Means.

708. Also, resolution of the Woman's Christian Temperance Union of Hawaii, calling attention to the serious situation in Hawaii during the recent maritime strike; to the Committee on Ways and Means.

709. Also, resolution of the Hawaii Education Association, calling attention to the serious situation in Hawaii during the recent maritime strike; to the Committee on Ways and Means.

710. Also, resolution of the Zonta Club of Honolulu, calling attention to the serious situation in Hawaii during the recent maritime strike; to the Committee on Ways and Means.

711. By Mr. LANZETTA: Resolution adopted by the board of estimate and apportionment of the city of New York, requesting that the construction of the two new battleships authorized for construction during the year 1937 be awarded to the Brooklyn Navy Yard, located in the Borough of Brooklyn, city of New York; to the Committee on Naval Affairs.

712. By Mr. LORD: Petition of the Broome County Bar Association, Binghamton, N. Y., unalterably opposing the bill proposed by the President to increase the number of the Judges of the United States Supreme Court; to the Committee on the Judiciary.

713. Also, petition of Raymond D. Merchant and 134 residents, of Binghamton, Broome County, N. Y., opposing the enactment of the bill for the reorganization of the Federal judiciary or to any other bill the effect of which would be to increase the number of Justices of the Supreme Court of the United States, or otherwise to interfere with the independent action of the Federal courts and the justices and judges thereof, as one of the three great departments of the Federal Government; to the Committee on the Judiciary.

714. Also, petition of B. T. Stanton, mayor, and 32 residents, of Port Dickinson, Broome County, N. Y., opposing the enactment of the bill for the reorganization of the Federal judiciary or to any other bill the effect of which would be to increase the number of Justices of the Supreme Court of the United States, or otherwise to interfere with the independent action of the Federal courts and the justices and judges thereof, as one of the three great departments of the Federal Government; to the Committee on the Judiciary.

715. Also, petition of Earl W. Travis, mayor, and six residents, of Endicott, Broome County, N. Y., protesting against the President's bill, or any substitutes, permitting the executive branch of the Government to control or subordinate the judicial or the legislative powers established under the Constitution; to the Committee on the Judiciary.

716. Also, petition of Harriet J. McIntosh and 17 residents, of Delhi, Delaware County, N. Y., protesting against the President's bill, or any substitutes permitting the executive branch of the Government to control or subordinate the judicial or the legislative powers established under the Constitution; to the Committee on the Judiciary.

717. Also, petition of the Council of the City of Binghamton, N. Y., stating that the council believes that the constitutional check provided by a separate and independent Federal judiciary is the sole protection of the American citizenry for oppressive taxation or ruinous costs of governmental administration which might be imposed upon taxpayers by the Federal executive and legislative departments, and that any effort by these two departments to subordinate or control the judiciary could result in impairment or destruction of that constitutional barrier against confiscation, and that the city council is therefore opposed to the proposal now pending in Congress to authorize the appointment of six additional judges to the Supreme Court of the United States; to the Committee on the Judiciary.

718. Also, petition of Claude E. Dresser and 58 residents, of West Edmeston, N. Y., protesting against the President's bill, or any substitutes permitting the executive branch of

the Government to control or subordinate the judicial or the legislative powers established under the Constitution; to the Committee on the Judiciary.

719. Also, petition of the members of Afton Grange, No. 1515, Afton, Chenango County, N. Y., protesting against the President's bill, or any substitutes, permitting the executive branch of the Government to control or subordinate the judicial or legislative powers established under the Constitution; to the Committee on the Judiciary.

720. Also, petition of Thaddeus M. Weems and 60 residents, of Norwich, Chenango County, N. Y., protesting against the President's bill, or any substitutes permitting the executive branch of the Government to control or subordinate the judicial or the legislative powers established under the Constitution; to the Committee on the Judiciary.

721. Also, petition of E. B. Garner and 11 residents, of Beaver Meadow, N. Y., protesting against the President's proposal to revise the United States Supreme Court and declaring that it would weaken the Court and prepare the way for dictatorship in our country; to the Committee on the Judiciary.

722. By Mr. McCORMACK: Memorial of the General Court of Massachusetts, memorializing Congress to propose an amendment to the United States Constitution relative to the determination and establishment of minimum wages for women and children; to the Committee on Labor.

723. By Mr. MERRITT: Resolution of the Port Jervis Lodge, No. 962, Brotherhood Railway Carmen of America, recording its approval of the Supreme Court reform bill; to the Committee on the Judiciary.

724. Also, resolution of the National Association of State Aviation Officials, urging the legislative Representatives of the various States in the National Congress to develop a permanent Federal policy in regard to the installation and maintenance of such aids and airports; to the Committee on Military Affairs.

725. Also, resolution of the National Association of State Aviation Officials, pledging its full support to the securing of the establishment by the Congress, at the earliest possible moment, of a permanent, independent Federal aeronautical agency to promote and supervise all phases of civil aviation, in keeping with the broad general proposals of the Federal Aviation Commission in its report of January 1935, and its accompanying legislative proposal; to the Committee on Military Affairs.

726. Also, resolution of the National Association of State Aviation Officials, urging the State representatives in the National Congress and the Federal agencies charged with these responsibilities to supplement their present navigational aids and develop publicly owned airports and landing fields, particularly along Federal airways; to the Committee on Military Affairs.

727. Also, resolution of the National Association of State Aviation Officials, expressing, as the studied judgment of the association, the opinion that the Bureau of Air Commerce should definitely interest itself in a study of the entire subject of lighter-than-air facilities and the adaptation of this form of flight to the commercial requirements of the people of the United States; to the Committee on Military Affairs.

728. Also, resolution of the National Association of State Aviation Officials, petitioning the Congress to so amend its rules and procedure as to provide for standing committees on civil aeronautics in both the Senate and House of Representatives; to the Committee on Military Affairs.

729. Also, resolution of the Lafayette Camp, No. 140, Department of New York, Sons of Union Veterans of the Civil War, unqualifiedly condemning any such legislation (affecting the Federal judiciary) as violating the basic principles of the American form of government with vicious implications, and therefore a definite menace to the liberty and best interests of the people of the United States; to the Committee on the Judiciary.

730. Also, resolution of the Allied Patriotic Societies, Inc., an alliance of some 35 patriotic organizations, opposing the bill (administration bill affecting the Federal judiciary) to increase the membership of the Supreme Court, and urging all Senators and Representatives to vote against it; to the Committee on the Judiciary.

731. Also, resolution of the League of Neighborhood Associations of New Rochelle, N. Y., a nonpolitical civic organization, representing thousands of property owners and taxpayers in New Rochelle, registering its emphatic disapproval of proposed legislation affecting the Federal judiciary; to the Committee on the Judiciary.

732. By Mr. MOTT: Eighteen petitions signed by citizens of the State of Oregon, urging that the Congress pass no law that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

733. Also, 16 petitions signed by citizens of the State of Oregon, urging that the Congress pass no law that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

734. By Mr. PFEIFER: Petition of the New York City Housing Authority, New York, concerning the Wagner-Steagall housing bill; to the Committee on Banking and Currency.

735. By Mr. SHAFER of Michigan: Petition of Rev. A. E. Moor and 60 other citizens, of Hillsdale, Mich., demanding that all constitutional safeguards of an independent Supreme Court be maintained; to the Committee on the Judiciary.

736. By Mr. TEIGAN: Petition of the Marshall Farmer-Labor Club, supporting President Roosevelt's proposed reorganization of the Federal judiciary; to the Committee on the Judiciary.

SENATE

THURSDAY, MARCH 4, 1937

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Eternal Father, whose love is unspeakable and full of glory, whose majesty is not to destroy but to save: We bless Thee for the beauty and mystery of the love of friends, knowing that therein is an exceeding great reward, a screen from bitter winds and a spring of pleasant waters.

When work and worry, waste and failure take of our strength their heavy toll, do Thou restore to us the joy of resolution that every unselfish desire may be fulfilled.

Endue us with the spirit of that courtesy which always puts others at their ease and brings out what is best, that we may grow in true greatness, which is self-imparting goodness, until we all come unto the measure of the stature of the fullness of Christ, in whose name we offer our imperfect prayer. Amen.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, March 3, 1937, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 2006. An act to permit certain special-delivery messengers to acquire a classified status through noncompetitive examination;

H. R. 2723. An act granting equipment allowance to third-class postmasters;

H. R. 3609. An act to protect the salaries of rural letter carriers who transfer from one rural route to another;

H. R. 4285. An act to increase the salaries of letter carriers in the village delivery service; and

H. R. 4408. An act to provide for the renewal of star-route contracts at 4-year intervals, and for other purposes.

CALL OF THE ROLL

Mr. ROBINSON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Lodge	Robinson
Andrews	Copeland	Logan	Russell
Ashurst	Dieterich	Lonergan	Schwartz
Austin	Ellender	Lundeen	Schwellenbach
Bachman	Frazier	McAdoo	Sheppard
Bailey	George	McCarran	Smith
Barkley	Gerry	McGill	Stelwer
Bone	Gillette	McKellar	Thomas, Okla.
Borah	Hale	McNary	Thomas, Utah
Bridges	Hatch	Murray	Townsend
Brown, Mich.	Hayden	Neely	Tydings
Brown, N. H.	Herring	Norris	Vandenberg
Bulow	Hitchcock	Nye	Van Nuys
Burke	Holt	O'Mahoney	Walsh
Byrd	Johnson, Calif.	Overton	Wheeler
Byrnes	Johnson, Colo.	Pittman	White
Capper	King	Pope	
Caraway	La Follette	Radcliffe	
Chavez	Lee	Reynolds	

Mr. ROBINSON. I announce that the junior Senator from Ohio [Mr. DONAHEY], the Senator from Virginia [Mr. GLASS], and the Senator from West Virginia [Mr. HOLT] are detained from the Senate by illness.

The senior Senator from Ohio [Mr. BULKLEY] is detained because of a severe cold.

The Senator from Alabama [Mr. BLACK], the Senator from Texas [Mr. CONNALLY], the Senator from Wisconsin [Mr. DUFFY], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from Mississippi [Mr. HARRISON], the Senator from Delaware [Mr. HUGHES], the Senator from Illinois [Mr. LEWIS], the Senator from Connecticut [Mr. MALONEY], the Senator from Indiana [Mr. MINTON], the Senator from New Jersey [Mr. MOORE], the Senator from Florida [Mr. PEPPER], the Senator from Missouri [Mr. TRUMAN], and the Senator from New York [Mr. WAGNER] are unavoidably detained.

The junior Senator from Mississippi [Mr. BILBO] is absent, attending the funeral of the late Representative Stubbs.

Mr. McNARY. I announce that the senior Senator from Pennsylvania [Mr. DAVIS] is necessarily absent on official business.

Mr. AUSTIN. I announce that my colleague the junior Senator from Vermont [Mr. GIBSON] is necessarily detained from the Senate, and that the senior Senator from Minnesota [Mr. SHIPSTEAD] is absent because of illness.

Mr. GERRY. I announce the unavoidable absence of my colleague [Mr. GREEN] on account of important business, and I ask that this announcement stand for the day.

The VICE PRESIDENT. Seventy-three Senators have answered to their names. A quorum is present.

REORGANIZATION OF FEDERAL JUDICIARY

Mr. LOGAN. Mr. President, I ask unanimous consent to read into the RECORD one short paragraph from a letter I have received from one of the most outstanding Republicans in my State, who is also a lawyer. The paragraph is as follows:

> But my particular reason for this letter to you was that the Kentucky utilities attorney tackled me on the street and asked me if he could use my name to telegraph you and other representatives there in remonstrance against the passage of this measure—

I may say the reference is to the judicial reform bill—

> that he had the money to pay for all telegraph messages to you all. I remembered that he, as the representative of the utilities people in this county, had done this same thing when the holding-company measure was up before.

COURT ORDERS RESTRAINING ENFORCEMENT OF LAWS

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the Federal Communications Commission (with an accompanying paper) (S. Doc. No. 31), submitting the information requested by Senate Resolution 82 (agreed to on the 17th ultimo), calling for certain information concerning injunctions or judgments issued or rendered by Federal courts since March 4, 1933, in cases involving acts of Congress, which, with the accompanying paper, was referred to the Committee on the Judiciary and ordered to be printed.

REGULATION OF REAL-ESTATE BUSINESS IN THE DISTRICT

The VICE PRESIDENT laid before the Senate a letter from the president of the Board of Commissioners of the District of Columbia, transmitting a draft of proposed legislation to define, regulate, and license real-estate brokers and real-estate salesmen; to create a Real Estate Commission in the District of Columbia; to protect the public against fraud in real-estate transactions; and for other purposes, which, with the accompanying paper, was referred to the Committee on the District of Columbia.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a joint memorial of the Legislature of the State of Wyoming, favoring the enactment of legislation permitting the State of Wyoming to enact legislation to prohibit the importation into, and the sale within, that State of goods, wares, and merchandise which are produced by persons under 18 years of age, which was referred to the Committee on Education and Labor.

(See joint memorial printed in full when presented by Mr. SCHWARTZ on the 3d instant, p. 1775, CONGRESSIONAL RECORD.)

The VICE PRESIDENT also laid before the Senate a joint memorial of the Legislature of the State of Wyoming, favoring the enactment of legislation creating a National Planning Board for the purpose of carrying out the program initiated by the National Resources Committee, which was referred to the Committee on Education and Labor.

(See joint memorial printed in full when presented by Mr. SCHWARTZ on the 3d instant, p. 1775, CONGRESSIONAL RECORD.)

The VICE PRESIDENT also laid before the Senate resolutions adopted by Division No. 88, Order of Railway Conductors of America, of Ennis, Tex., and the Veterans' Division, Democratic National Campaign Committee, of California, Los Angeles, Calif., favoring the enactment of legislation to reorganize the judicial branch of the Government, which were referred to the Committee on the Judiciary.

He also laid before the Senate letters in the nature of petitions from Local No. 45B, Upholsterers', Carpet and Linoleum Mechanics' International Union of North America, New York City, N. Y., and Locals Nos. 121, 204, Dallas Ladies' Garment Workers' Union, of Dallas, Tex., praying for the enactment of legislation to reorganize the judicial branch of the Government, which were referred to the Committee on the Judiciary.

He also laid before the Senate a resolution adopted by the Marshall County Bar Association, of Moundsville, W. Va., protesting against the enactment of legislation to enlarge the membership of the Supreme Court, or to cause the enforced retirement of any of the present Justices of that Court, which was referred to the Committee on the Judiciary.

Mr. LOGAN. Mr. President, I present a resolution adopted by the fiscal court of Spencer County, Ky., urging the Senators and Representatives to vote for the judicial reform bill, and I ask unanimous consent that it may be printed in the RECORD and appropriately referred.

There being no objection, the resolution was referred to the Committee on the Judiciary and ordered to be printed in the RECORD without the names attached, as follows:

> *Resolved*, That we, the fiscal court of Spencer County, Ky., unanimously endorse President Franklin D. Roosevelt's effort to increase Supreme Court to 15 members. And the whole court endorses his program fully and asks the Honorable M. M. LOGAN, Senator, and Hon. ALBEN W. BARKLEY, Senator, and our Representative, Hon. ED. CREAL, to vote for said measure or measures, and it is further ordered by said court that a copy of this resolution be forwarded to Hon. M. M. LOGAN, Hon. ALBEN W. BARKLEY, and Hon. ED. CREAL, Congressmen from this district.

Mr. LOGAN. Mr. President, I also present a petition signed by 133 members of the Louisville, Ky., bar, many of them being the most outstanding attorneys of the State,

indicating their political affiliations—and Republicans, Democrats, and Independents are represented—and urging upon the Congress the enactment of the President's proposal for the reform of the judiciary. I ask that the petition may be printed in the RECORD, without the signatures, and referred to the Committee on the Judiciary.

There being no objection, the petition was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, without the signatures attached, as follows:

We, the undersigned members of the Louisville, Ky., bar, without regard to political faith, approve and endorse the plan submitted by the President to the Congress relative to changes in the Federal judiciary system, providing in substance that when any judge of a court of the United States, who holds office during good behavior, attains the age of 70 years and who has held such for 10 consecutive years, does not retire or resign within 6 months thereafter, the President, with the advice and consent of the Senate, shall appoint one additional judge to the court to which the former is commissioned; and we call upon our Representatives in Congress and the two Senators from Kentucky, in the interest of sound judicial construction, to favor legislation in accordance with such plan.

Mr. LODGE presented a resolution adopted by the annual session of the State Council of Massachusetts, Order of United American Men (Beverly, Mass.), protesting against the enactment of legislation to enlarge the membership of the Supreme Court, which was referred to the Committee on the Judiciary.

Mr. LONERGAN presented a resolution adopted by a town meeting of citizens of Redding, Fairfield County, Conn., protesting against the enactment of legislation to enlarge the membership of the Supreme Court, which was referred to the Committee on the Judiciary.

Mr. WALSH presented a resolution adopted by the Boston (Mass.) Housing Conference, favoring the prompt enactment of legislation to establish a permanent Federal agency to formulate and assist in the development of long-range slum clearance and low-rent housing, with the appropriation of adequate funds therefor, which was referred to the Committee on Education and Labor.

He also presented a letter in the nature of a memorial from the Daughters of the Revolution, Commonwealth of Massachusetts, remonstrating against the enactment of legislation to enlarge the membership of the Supreme Court, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by a town meeting at Rochester, Mass., expressing full confidence in the Supreme Court of the United States and protesting against the enactment of legislation to enlarge the membership of that Court, which was referred to the Committee on the Judiciary.

EXEMPTION OF NAVAJOS FROM PROVISIONS OF WHEELER-HOWARD INDIAN ACT—PETITIONS

Mr. CHAVEZ. Mr. President, several weeks ago I introduced Senate bill 858, which has for its purpose the exemption of the Navajo Indians from the provisions of the Wheeler-Howard Act. Three days ago the Senator from Montana [Mr. WHEELER] and the Senator from North Dakota [Mr. FRAZIER] introduced Senate bill 1736, which has for its purpose the repeal of the entire Wheeler-Howard Act.

I have in my hand several petitions from the Navajo Indians of New Mexico bearing on the subject, and I ask that they be printed in the RECORD, and referred to the Committee on Indian Affairs.

There being no objection, the petitions were referred to the Committee on Indian Affairs and ordered to be printed in the RECORD without the names attached, as follows:

HON. DENNIS CHAVEZ,
United States Senator, Washington, D. C.:

We Navajos of Twin Lake Chapter and others from other chapters are asking you as our friend and as our Senator to raise your voice against the Indian Bureau's unfair and drastic measures in planning again to make reduction of sheep. We have had deep snow, and we are losing heavy, and some places they will lose all they have. Then what?

The sheep business, as you understand, gives us the only decent living. When we have no more sheep there Mr. Collier will dance a jig and be happy. We do not want to beg. We have been self-supporting, and we want to be that way again.

There is just a few working, and the ones that are working are the Collier pets, and they are holding secret meetings and telling the Indians that you are trying to give them allotment of land; that that is what is in your bill and a lot of other things that are not true. We hope the President of United States, Mr. Roosevelt, will appoint another man, which will be kind and build up the tribe instead of pushing them back with threats and fear, as the man now in office is doing. We could tell lot of other things, but you have heard and know of these things when you were among us.

We beg you to do all you can with your bill. We hope you can work it through.

HON. DENNIS CHAVEZ,
United States Senate, Washington, D. C.

OUR FRIEND: According to the amendments to the Constitution of the United States, article I, where it begins, "or abridge the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances, etc.", we, the chapter officers, headmen, and councilmen from all sections of the reservation and of the proposed extension in New Mexico, are assembled this day for the purpose of setting forth for a redress of our grievances to the members of the Senate Indian Committee through our honorable Senators of New Mexico.

It is with mutual consent that we do now present to you matters that have caused our greatest concern because the Indian Bureau openly has reached beyond the limit in which some unpardonable wrong they have inflicted upon our people, which have necessitated our grievance and of which we ask redress. These matters we refer to are as follows:

1. The treaty of 1868 made between our Navajo people and the United States has deliberately been laid aside and ignored and broken by the Indian Bureau. Let us state what we mean. In recent date our entire reservation has been divided into many districts, very much against the wish of the people. In this, in spite of our protest, the Commissioner of Indian Affairs ordered division made whether we liked it or not. The section 10 of our treaty with the Government plainly states that, "The reservation—which may be held in common shall be of any validity or force against said Indians unless agreed to and executed by at least three-fourths of all the adult male Indians occupying or interested in the same, etc." The division was made without our consent. We want this privilege to vote—whether the people would want this division of land.

2. The representatives of the Government, at the time they were in authority on our reservation, in good faith had made promises to us that at the conclusion of a canal—the Fruitland project—for irrigation, each Navajo farmer would be assigned 20 acres of land which, as was promised, was not in accord with the land law, "allotments of such irrigable lands to be made to the Indians entitled thereto in such areas as may be for their best interest, not to exceed, however, 40 acres to any one Indian, etc." (reenacted June 25, 1910, 36 Stat. L. 859), while in the treaty of 1868 makes provision where any Indian wishes to farm is entitled to 160 acres as long as he wishes to cultivate it. Instead of carrying out promises made in regard to this land matter, again Mr. Collier, who claims to be a friend of the Indians, said Navajos are not entitled to 20 acres of land; give them 10 acres if they want it. We believe the Government, because we made treaty with it, but we have no faith in the dealing of the present Indian heads.

3. The Commissioner of Indian Affairs have caused our tribal council to go in default and has broken it down completely, without regard to the people. We do not approve of his despotic attitude toward our people. At the present time, with his approval, one man who claims to be an Indian has made arrangement that a small number of men—some nonmembers of the council—to form an executive committee, who are touring the reservation and making selection of Indians they want for the new council which Collier is trying to form. This committee is holding meetings daily, including Sundays. We ask, Has Congress at any time allowed the people to hold election of Congressmen on Sunday? All meetings held on Sunday should be null and void.

4. Our people, as never before, are having a pretty tough time, due to shortage of food and clothing, caused by unmerciful reduction of their sheep and goats by the Indian Bureau. It is very fortunate that snow has come to our section, which might give a little moist, and that grass may grow; but we know well enough that, as always the case, when the March wind begins to blow there wouldn't be any sign of moist or grass. There will be dust storms for days, and that is the time when a great many more sheep will perish.

5. We believe, and therefore ask, that for justice to the people in our State of New Mexico be allowed to have an agency and a superintendent with all power to look after the entire interest and of the property of the Indians on the New Mexico side of the line. Our people must abide under the laws of New Mexico. We believe this to be just, rather than try to live under the laws of two States.

6. Finally, in conclusion, we want to express our approval and heartily endorse the bill you recently introduced, which has caused considerable unrest and disgust, especially among those Indians who are drawing some fat pay from the Indian Service. The time has come that we of the State of New Mexico who believe in practical education, good health institutions, and a general progress of our reservation are looking to the time when we can proudly consider ourselves on equal footing with our fellow citizens of our State to exercise our freedom of citizenship. We cannot always remain as wards of the Government, which the Indian Bureau wants us to do by accepting a segregation law. We

do not approve of the discouraging and unhopeful words of the Secretary of the Interior when he said at the beginning of his administration, "We want to encourage him (Indian) to live his own life in his own way."

You have our undivided approval and support in your fight in behalf of the New Mexico Navajos. We certainly do not want to come under the Indian Reorganization Act. We can furnish any evidence on any matter taken place within our reservation to show that the self-rule is not the proper thing for the Navajos.

Respectfully, we are,

——— ———.

REPORT OF SPECIAL COMMITTEE TO INVESTIGATE CAMPAIGN EXPENDITURES, 1936

Mr. LONERGAN, from the Special Committee to Investigate Campaign Expenditures of Presidential, Vice Presidential, and Senatorial Candidates in 1936, under Senate Resolution 225 (74th Cong.), as extended by Senate Resolution 7 (75th Cong.), submitted a report (No. 151) covering the activities of that committee.

NATIONAL ECONOMIC COUNCIL

Mr. BYRNES, from the Committee to Audit and Control the Contingent Expenses of the Senate, reported back favorably, without amendment, the resolution (S. Res. 19) submitted by Mr. BULKLEY on January 6, 1937, which was read, considered by unanimous consent, and agreed to as follows:

Resolved, That Senate Resolution 114, Seventy-fourth Congress, agreed to August 24, 1935, authorizing the Committee on Manufactures to investigate the desirability of establishing a National Economic Council, and for other purposes, hereby is continued in full force and effect during the Seventy-fifth Congress.

INTERSTATE AIR COMMERCE ACCIDENTS—LIMIT OF EXPENDITURES

Mr. BYRNES. From the Committee to Audit and Control the Contingent Expenses of the Senate I report back favorably, with an amendment, Senate Resolution 75. I ask unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate proceeded to consider the resolution (S. Res. 75) which had been previously, February 2, 1937, reported by Mr. COPELAND from the Committee on Commerce.

The amendment of the Committee to Audit and Control the Contingent Expenses of the Senate was, in line 4, after the word "by", to strike out "$3,500" and insert "$2,500", so as to make the resolution read:

Resolved, That the limit of expenditures under Senate Resolution 146, Seventy-fourth Congress, first session, agreed to June 7, 1935, to investigate certain airplane accidents and interstate air commerce, is hereby increased by $2,500.

The amendment was agreed to.

The resolution, as amended, was agreed to.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McNARY:

A bill (S. 1776) for the relief of Louis S. Jones; to the Committee on Military Affairs.

A bill (S. 1777) granting a pension to Lina Buckley; and

A bill (S. 1778) granting a pension to Carrie Gibbon; to the Committee on Pensions.

By Mr. THOMAS of Oklahoma:

A bill (S. 1779) to amend an act entitled "An act authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California", approved May 18, 1928 (45 Stat. L. 602), by amending certain portions thereof and by adding certain provisions thereto; and

A bill (S. 1780) authorizing the payment of a pension of $40 per month to all persons who have served 20 years or more as members of the Indian police at any agency in the United States of America; to the Committee on Indian Affairs.

By Mr. GILLETTE:

A bill (S. 1781) granting a pension to Charles French; to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 1782) to provide for a survey of certain portions of the Connecticut and Chicopee Rivers, with a view to the controlling of floods; to the Committee on Commerce.

By Mr. NORRIS:

A joint resolution (S. J. Res. 95) authorizing and directing the Federal Trade Commission to make an investigation with respect to alleged efforts of privately owned public utilities unfairly to control public opinion concerning municipal or public ownership of electrical generating or distributing facilities; to the Committee on Interstate Commerce.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred to the Committee on Post Offices and Post Roads:

H. R. 2006. An act to permit certain special-delivery messengers to acquire a classified status through noncompetitive examination;

H. R. 2723. An act granting equipment allowance to third-class postmasters;

H. R. 3609. An act to protect the salaries of rural letter carriers who transfer from one rural route to another;

H. R. 4285. An act to increase the salaries of letter carriers in the village delivery service; and

H. R. 4408. An act to provide for the renewal of star-route contracts at 4-year intervals, and for other purposes.

INVESTIGATION OF RECEIVERSHIP AND BANKRUPTCY PROCEEDINGS—REFERENCE OF RESOLUTION

Mr. BYRNES. Mr. President, Senate Resolution 15, continuing certain resolutions relating to the investigation of bankruptcy and receivership proceedings in Federal courts, submitted by the junior Senator from California [Mr. McADOO] on January 6, 1937, and referred that day to the Committee to Audit and Control the Contingent Expenses of the Senate, has been considered by that committee. It has not been acted on by the Judiciary Committee, and therefore I ask that it be referred to that committee.

The VICE PRESIDENT. Without objection, the resolution will be referred to the Committee on the Judiciary.

REORGANIZATION OF FEDERAL JUDICIARY—ADDRESS BY JUSTICE WILLIAM H. BLACK

[Mr. ROBINSON asked and obtained leave to have printed in the RECORD a radio address on the subject of the proposed reorganization of the Federal judiciary delivered by Justice William Harmon Black, of the Supreme Court of New York, Sunday evening, Feb. 28, 1937, which appears in the Appendix.]

REORGANIZATION OF FEDERAL JUDICIARY—ARTICLE BY FRANKLYN WALTMAN

[Mr. TYDINGS asked and obtained leave to have printed in the RECORD an article by Franklyn Waltman dealing with the proposed reorganization of the Federal judiciary, published in the Washington Post of Sunday, Feb. 21, 1937, which appears in the Appendix.]

MATHEMATICS OF DEMOCRACY—THE SUPREME COURT

[Mr. LA FOLLETTE asked and obtained leave to have printed in the RECORD a bulletin entitled "The Mathematics of Democracy", issued by the National Popular Government League, which appears in the Appendix.]

THE STATE UNIVERSITY IN THE SCHEME OF EDUCATION—ADDRESS BY L. D. COFFMAN

[Mr. TYDINGS asked and obtained leave to have printed in the RECORD an address delivered on Feb. 11, 1937, by L. D. Coffman, president of the University of Minnesota, at the one hundred and thirtieth anniversary banquet of the University of Maryland, on the subject "The Place of the State University in the National and State Scheme of Education", which appears in the Appendix.]

PRACTICE AND PROCEDURE BEFORE FEDERAL COMMUNICATIONS COMMISSION

[Mr. WHEELER asked and obtained leave to have printed in the RECORD an address on the subject of the practice and procedure before the Federal Communications Commission, delivered by Hampson Gary, general counsel, before

the Georgetown University Law Alumni Club on Jan. 28, 1937, which appears in the Appendix.]

THE CALENDAR

The VICE PRESIDENT. Morning business is closed. Under the unanimous-consent agreement entered into yesterday the calendar will be called for the consideration of unobjected bills.

RESOLUTION AND BILL PASSED OVER

The resolution (S. Res. 8) limiting debate on general appropriation bills was announced as first in order.

Mr. VANDENBERG. Over.

The VICE PRESIDENT. The resolution will be passed over.

The bill (S. 5) to prevent the adulteration, misbranding, and false advertisement of food, drugs, devices, and cosmetics in interstate, foreign, and other commerce subject to the jurisdiction of the United States, for the purposes of safeguarding the public health, preventing deceit upon the purchasing public, and for other purposes, was announced as next in order.

Mr. ROBINSON. Mr. President, with respect to this bill, known as the pure food and drug bill, a number of Senators who are not present today are interested and desire to be here when the measure is taken up for consideration. So far as my information goes, it may be proceeded with early next week. It cannot be considered today. I ask that it be passed over.

Mr. COPELAND. Mr. President, may I add to what the Senator from Arkansas has just stated that we have received a number of proposed amendments from Senators, and it would help the committee very much, if there are other amendments to be proposed, if they might be placed in our hands at the earliest possible moment.

The VICE PRESIDENT. The bill will be passed over.

STEPHEN SOWINSKI

The bill (S. 510) for the relief of Stephen Sowinski was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Stephen Sowinski, late of Casual Detachment, Second United States Field Artillery, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 4th day of August 1909 for disability of epilepsy (grand mal) incurred in the service in line of duty: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

MICHAEL J. QUINN

The bill (S. 687) authorizing the Secretary of War to bestow the Silver Star upon Michael J. Quinn was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That, notwithstanding the provisions of the act of May 26, 1928, the Secretary of War is authorized to pass upon the recommendations now in the War Department for the award of the Silver Star citation to Michael J. Quinn, late of Battery B, Seventh Regiment United States Field Artillery, and, if such recommendations are found sufficient under the law governing the award of the Silver Star, to award such decoration to Michael J. Quinn.

JOINT RESOLUTION AND BILLS PASSED OVER

The joint resolution (S. J. Res. 73) providing for the construction and maintenance of a National Gallery of Art was announced as next in order.

Mr. ROBINSON. Mr. President, the joint resolution was introduced and reported by the Senator from Texas [Mr. CONNALLY], who is necessarily absent. I suggest that it go over until his return.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (S. 761) for the relief of the State of Massachusetts was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 294) for the relief of Elmer Blair was announced as next in order.

Mr. LOGAN. Mr. President, I ask that the bill go over. It is my own bill. I wish to wait until I secure further information.

The PRESIDENT pro tempore. The bill will be passed over.

ALVIN C. YORK

The bill (S. 1236) authorizing the President of the United States to appoint Sgt. Alvin C. York as a major in the United States Army and then place him on the retired list was announced as next in order.

Mr. KING. Mr. President, may I inquire of the Senator from Texas [Mr. SHEPPARD] if the War Department approves of the bill?

Mr. SHEPPARD. I shall be glad to give the Senator the facts which the committee ascertained in connection with the matter, as we made a very careful inquiry into it, if he so desires.

Mr. BACHMAN. Mr. President, I desire further information and ask that the bill may be passed over.

The PRESIDENT pro tempore. The bill will go over at the request of the Senator from Tennessee.

Mr. ROBINSON subsequently said: Mr. President, with respect to Calendar No. 121, Senate bill 1236, I should like to make a brief statement, if I may do so.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

Mr. ROBINSON. Mr. President, I do not like to have the bill go over. During the World War the beneficiary of the proposed legislation demonstrated notable, inspiring gallantry in the service. I recall that it has been stated by military authorities that in all the instances of heroism during that great conflict none exceeded in courage and daring that which is associated with the name of Alvin C. York. It is appropriate that some action be taken to signalize the appreciation of the country and of the public for his unusual and gallant services.

If there is occasion to delay consideration of the bill, an objection can, of course, be interposed, but I would not be governed by a mere formal objection on the part of authorities in a department of Government who feel that the retirement privilege should not be granted to anyone except an officer or soldier in the Regular Army of the United States.

Mr. SHEPPARD. The bill has passed the Senate on several former occasions.

Mr. ROBINSON. If it meets with the approval of the Senator from Tennessee [Mr. BACHMAN], who introduced the bill and a moment ago asked that it go over, I ask unanimous consent to recur to Calendar 121, Senate bill 1236, in order that the Senate may consider the bill.

The PRESIDENT pro tempore. Is there objection?

There being no objection, the bill (S. 1236) authorizing the President of the United States to appoint Sgt. Alvin C. York as a major in the United States Army and then place him on the retired list was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint Sgt. Alvin C. York, late of Company G, Three Hundred and Twenty-eighth Infantry, United States Army, an officer with the rank of major in the United States Army and then to place him on the retired list in that grade.

JESSE W. SMITH

The bill (S. 722) for the relief of Jesse W. Smith was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers Jesse W. Smith, late of the Medical Department, Fort Screven, Ga., shall be held and considered to have been honorably discharged as a private of that organization on January 23, 1921: *Provided*, That no bounty, back pay, or allowances shall be held to have accrued prior to the passage of this act.

NORMAN HILDEBRAND

The bill (S. 1311) for the relief of Norman Hildebrand was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $185 to

Norman Hildebrand, chief radioman, United States Navy, for the loss of uniforms and other personal effects as a result of a fire in the living quarters of the radioman in charge at the naval radio station, David, Republic of Panama, on December 29, 1935: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

REIMBURSEMENT FOR FIRE LOSSES AT EUREKA, CALIF.

The bill (S. 1315) to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects lost by fire at the naval radio station, Eureka, Calif., on January 17, 1930, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, such sum or sums, amounting in the aggregate not to exceed $266, as may be required by the Secretary of the Navy to reimburse, under such regulations as he may prescribe, enlisted men or former enlisted men, of the Navy, for the value of personal effects lost as a result of a fire which destroyed a building at the naval radio station, Eureka, Calif., on January 17, 1930: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claims. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claims, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

REIMBURSEMENT FOR FIRE LOSSES AT WASHINGTON NAVY YARD

The bill (S. 1454) to provide for the reimbursement of certain enlisted men of the Navy for the value of personal effects destroyed in a fire in building no. 125, United States Navy Yard, Washington, D. C., on July 16, 1935, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $588.70, or such portion as may be necessary, to pay claims of enlisted men of the United States Navy for the value of personal effects destroyed as the result of a fire in building no. 125, United States Navy Yard, Washington, D. C., on July 16, 1935: *Provided*, That the Secretary of the Navy shall determine the amount to be paid thereunder to each claimant: *And provided further*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claims. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000.

J. H. RICHARDS

The Senate proceeded to consider the bill (S. 179) for the relief of J. H. Richards, which had been reported from the Committee on Claims with amendments, on page 1, line 4, after the word "Treasury", to strike out "not otherwise appropriated" and insert "allocated by the President for the maintenance and operation of the Civilian Conservation Corps"; in line 7, to strike out the numerals "$10,000" and insert "$5,000"; and on page 2, at the end of the bill, to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to J. H. Richards, of Collinsville, Ala., the sum of $5,000. The payment of such sum shall be in full settlement of all claims against the United States for damages sustained by the said J. H. Richards on account of the loss of his minor child, Evelyn Richards, who was struck and killed on September 4, 1934, near Collinsville, Ala., by an automobile in the service of the Civilian Conservation Corps: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FIELDS B. ARTHUR AND OTHERS

The bill (H. R. 1120) for the relief of Fields B. Arthur and Arthur L. Allen, copartners, Colorado Culvert & Flume Co.; Glen Haller, Kenneth Austin, A. B. Hoffman, J. W. Jones, and Lloyd Lasswell was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to settle and adjust the following claims of creditors who furnished services or supplies to E. M. Harris & Sons, Sugar City, Colo., under their contract, Als–3951, dated July 18, 1929, for the construction of the Blue Lake Road, extension no. 584, within the San Isabel National Forest, Huerfano County, Colo., and who were prevented from bringing a timely suit under the provisions of the act of August 13, 1894, as amended (33 Stat. 811), against the surety of said E. M. Harris & Sons, after their default in the performance of said contract, by the Government's failure to notify them of the final settlement date of said contract:

(1) Fields B. Arthur and Arthur L. Allen, copartners, doing business as Arthur & Allen, in a sum not exceeding $1,004.67;

(2) Colorado Culvert & Flume Co., in a sum not exceeding $596.51;

(3) Glen Haller, in a sum not exceeding $274.60;

(4) Kenneth Austin, in a sum not exceeding $110;

(5) A. B. Hoffman, in a sum not exceeding $66.35;

(6) J. W. Jones, in a sum not exceeding $43; and

(7) Lloyd Lasswell, in a sum not exceeding $22.

SEC. 2. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $2,090.13, or so much thereof as may be necessary to pay said claims.

SEC. 3. No part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

RELIEF OF CERTAIN ARMY DISBURSING OFFICERS

The bill (S. 464) for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department was announced as next in order.

Mr. SHEPPARD. Mr. President, an identical bill, being House bill 2772, has passed the House and is on the Senate Calendar. I ask that the House bill may be substituted for the Senate bill and considered at this time.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Texas?

There being no objection, the bill (H. R. 2772) for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of the following disbursing officers of the Army of the United States the amounts set opposite their names: Capt. Bigelow B. Barbee, Finance Department, $30; Maj. Stephen R. Beard, Finance Department, $30; Capt. George W. Brent, Coast Artillery, $25; Maj. Richard L. Cave, Finance Department, $64; Maj. Walter D. Dabney, Finance Department, $92.30; Maj. Edmund W. McLarren, Finance Department, $30; Capt. Leighton N. Smith, Finance Department, $45; Maj. Arthur O. Walsh, Finance Department, $25; and Capt. Hugh Whitt, Finance Department, $25, said amounts being public funds for which they are accountable and which comprise minor errors in computation of pay and allowances due former members of the Civilian Conservation Corps, who are no longer enrolled in that corps, and which amounts have been disallowed by the Comptroller General of the United States: *Provided*, That no part of the amounts so credited shall be later charged against any individual other than the various payees.

SEC. 2. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Capt. William H. Buechner, Tenth Infantry, the sum of $49, representing refundments of overpayments made allottees of Civilian Conservation Corps enrollees, the collection of which amount cannot be effected from the persons

to whom such erroneous payments have been made: *Provided*, That no part of this amount shall be charged to any person other than the payees.

SEC. 3. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Maj. John B. Harper, Finance Department, the sum of $1,509.59, public funds for which he is accountable and which represent items disallowed by the Comptroller General of the United States.

SEC. 4. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Capt. Albert J. Leavitt, Engineer Reserve, the sum of $67.48, or so much of said sum as shall have been collected from him prior to the approval of this act, representing refundment of Government funds which were stolen from his Civilian Conservation Corps company safe on April 18–19, 1936: *Provided*, That no part of this amount shall be charged to any person other than the person committing said theft.

SEC. 5. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Capt. Richard Lee, Corps of Engineers, the sum of $583.69, public funds for which he is accountable and which were paid by him to the Memphis Packet Co. for freight shipments by water, and which amount has been disallowed by the Comptroller General of the United States.

SEC. 6. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Maj. Charles Lewis, Finance Department, the sum of $295.38, public funds for which he is accountable and which were paid by him on fraudulent vouchers prepared by an employee of the finance office at Fort Benjamin Harrison, Ind.

SEC. 7. That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Capt. Elbert W. Martin, Field Artillery Reserve, the sum of $45.68, public funds for which he is accountable and which were destroyed by fire on the night of November 15–16, 1935, and which sum he has refunded to the United States.

SEC. 8. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of Maj. Frank E. Parker, Finance Department, the sum of $4,449.80, public money for which he is accountable and which has been disallowed in his accounts by the Comptroller General of the United States on account of payments made to emergency nurses on duty with the Civilian Conservation Corps during the period November 1933 to August 31, 1935, in compliance with the Executive order of the President dated May 8, 1933.

SEC. 9. That the Comptroller General of the United States be, and he is hereby, authorized and directed to credit in the accounts of First Lt. (now Capt.) Alexander H. Perwein, Finance Department, the sum of $2,038, public money for which he is accountable and which was paid in error to Civilian Conservation Corps enrollees on properly certified vouchers for the month of September 1933, and which amount has been disallowed in his accounts by the Comptroller General: *Provided*, That no part of the amount so credited shall be charged to any person other than the various payees: *Provided further*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Capt. C. McL. Lott, United States Marine Corps, so much of said sum as shall have been collected from him prior to the approval of this act.

SEC. 10. No part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The PRESIDENT pro tempore. Without objection, Senate bill 464 will be indefinitely postponed.

CLAIMS OF GEORGE A. HARDY AND OTHERS

The Senate proceeded to consider the bill (S. 463) to settle the claims of four persons arising from first Army maneuvers, August 1935, which had been reported from the Committee on Claims with an amendment, on page 2, line 2, after the numerals "1935", to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George A. Hardy the sum of $986; to Mang B. Kiechle the sum of $1,505; to John C. McLeod the sum of $667.25; and to Earl W. Zimmer the sum of $755.85, in full settlement of all claims against the United States on account of damages to private property arising out of the occupancy and use of their land by the Army in connection with the First Army maneuvers held in the vicinity of Pine Camp, N. Y., during the period August 17 to August 31, 1935: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with these claims, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. KING. Mr. President, I inquire if the bill has been approved by the War Department?

Mr. LOGAN. Mr. President, not only has the bill been approved by the War Department but the War Department prepared the bill and sent it to the chairman of the Committee on Military Affairs, who introduced it. It was then referred to the Committee on Claims and approved by that committee.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS ARISING FROM NAVAL AMMUNITION DEPOT EXPLOSION

The Senate proceeded to consider the bill (S. 713) to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926, which had been reported from the Committee on Claims with an amendment to add at the end of the bill a proviso, so as to make the bill read:

Be it enacted, etc., That the sum of $59.53 is appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Comptroller General of the United States to make payment of the claim of J. Harvey Blanchard for property damage due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926, as recommended by the Acting Comptroller General of the United States and as fully set forth in his letter of January 7, 1937, to the Congress pursuant to the act of March 2, 1927 (44 Stat. (pt. 3) 1800), and the act of February 2, 1929 (45 Stat. (pt. 2) 2047): *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALICE W. MILLER, DECEASED

The Senate proceeded to consider the bill (S. 308) for the relief of the estate of Alice W. Miller, deceased, which had been reported from the Committee on Claims with an amendment, on page 1, line 8, after the word "with", to strike out "$112.50" and insert "$132.86", so as to make the bill read:

Be it enacted, etc., That the Comptroller General of the United States, in the settlement and adjustment of accounts and claims for services rendered at third- and fourth-class post offices, be, and he is hereby, authorized and directed to credit the account of Alice W. Miller, deceased, former acting postmaster at Valley Ranch, N. Mex., with $132.86, being the amount paid from postal receipts to Lydia A. Keyes in payment of her voluntary services in acting as postmaster at that post office from December 18, 1932, to February 3, 1933, inclusive.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HARRY KING

The Senate proceeded to consider the bill (S. 525) for the relief of Harry King, which had been reported from the Committee on Claims with amendments, on page 1, line 4, after the word "Treasury", to strike out "not otherwise appropriated" and insert "allocated by the President for the maintenance and operation of the Civilian Conservation Corps", and at the end of the bill to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to Harry King, of Monarch, Mont., the sum of $85 in full satisfaction of his claim against the United States arising from property damage sustained by him when his automobile was struck by a Government truck operated in connection with the Civilian Conservation Corps on United States Highway No. 89 near Neihart, Mont., on July 19, 1936: *Provided*, That

no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALBAN C. SIPE

The bill (S. 1147) for the relief of Alban C. Sipe was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General be, and he is hereby, authorized and directed to cancel the charge, in the amount of $871.39, entered on the accounts of Alban C. Sipe, former postmaster at Broadview, Mont., by reason of his deposit of funds of the United States in the First National Bank of Broadview, Mont., and the subsequent failure of such bank.

CAPT. EUGENE BLAKE, JR.

The Senate proceeded to consider the bill (S. 1413) for the relief of Capt. Eugene Blake, Jr., United States Coast Guard, which had been reported from the Committee on Claims with amendments, on page 1, line 6, after "$750", to strike out "plus interest at the rate of 7 percent per annum from October 12, 1934, until the date of payment", and at the end of the bill to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Phillip Hudson Phillips, out of any money in the Treasury not otherwise appropriated, the sum of $750, in full satisfaction of a judgment in that sum secured on October 12, 1934, by Phillip Hudson Phillips against Capt. Eugene Blake, Jr., United States Coast Guard, in the case of Phillips against Blake (no. 19366–K), in the Southern Division of the United States District Court for the Northern District of California, arising out of the destruction of the motorboat *Adanesne* on October 25, 1932, as a potential menace to navigation, at the direction of Captain Blake, in the vicinity of San Pedro Point, San Mateo County, Calif., while such motorboat was in the possession of the said Phillips as salvor: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEWIS CLARK AND FREDA MASON

The bill (H. R. 911) for the relief of Lewis Clark and Freda Mason was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lewis Clerk and Freda Mason, of Bayard, W. Va., the sums of $89 and $65, respectively; in all, $154, in full satisfaction of their claims against the United States for the destruction of a safe and for the use of a bloodhound in the apprehension of suspects, resulting from the burglary of the post office at Bayard, W. Va., on January 25, 1929: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

EDITH LEWIS WHITE

The Senate proceeded to consider the bill (S. 609) for the relief of Edith Lewis White, which had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edith Lewis White, of San Francisco, Calif., the sum of $1,012.50, being the amount of 6 months' gratuity pay due her on account of the death of her son, Edwin Dean White, Jr., late a second lieutenant, Air Corps Reserve, United States Army: *Provided*, That Edith Lewis White's dependency upon her son, Edwin Dean White, shall be established to the satisfaction of the Secretary of War: *Provided further*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 548) for the relief of Dorothy White, Mrs. Carol M. White, and Charles A. White was announced as next in order.

Mr. HAYDEN. I ask that the bill be passed over without prejudice, in order that I may obtain certain additional information with relation to it.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1095) to provide a government for American Samoa was announced as next in order.

Mr. VANDENBERG (and other Senators). Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

COLUMBIA RIVER BRIDGE, THE DALLES, OREG.

The bill (H. R. 2503) to extend the time for completing the construction of a bridge across the Columbia River near The Dalles, Oreg., was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the time for completing the construction of a bridge across the Columbia River near The Dalles, Oreg., authorized to be built by The Dalles Bridge Co., a Washington corporation, by an act of Congress approved March 4, 1933, heretofore extended by act of Congress approved April 30, 1934, is hereby further extended 3 years from March 4, 1937.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

MISSOURI RIVER BRIDGE, BROWNVILLE, NEBR.

The bill (H. R. 194) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Brownville, Nebr., was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Missouri River, at or near Brownville, Nebr., authorized to be built by the county of Atchison, State of Missouri, and the county of Nemaha, State of Nebraska, singly or jointly, by section 18 of the act of Congress approved August 30, 1935, heretofore extended by act of Congress approved June 19, 1936, are hereby extended 1 and 3 years, respectively, from June 19, 1937.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

COOSA RIVER BRIDGE, ETOWAH COUNTY, ALA.

The bill (H. R. 3148) granting the consent of Congress to the State of Alabama, or Etowah County, or both, to construct, maintain, and operate a free highway bridge across the Coosa River at or near Gilberts Ferry in Etowah County, Ala., was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the State of Alabama, or Etowah County, or both, to construct, maintain, and operate a free highway bridge and approaches thereto across the Coosa River, at a point suitable to the interests of navigation, at or near Gilberts Ferry, in Etowah County, Ala., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters", approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

SAVANNAH RIVER BRIDGE, LINCOLNTON, GA.

The bill (H. R. 3675) to extend the times for commencing and completing the construction of a bridge across the Savannah River at or near Lincolnton, Ga., was considered,

ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Savannah River at or near Lincolnton, Ga., authorized to be built by the State of Georgia by an act of Congress approved February 24, 1933, heretofore extended by an act of Congress approved August 30, 1935, are hereby further extended 1 and 3 years, respectively, from February 24, 1937.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

CLASSIFICATION, ETC., OF COTTON

The Senate proceeded to consider the bill (S. 1500) authorizing the Secretary of Agriculture to provide for the classification of cotton, to furnish information on market supply, demand, location, condition, and market prices for cotton, and for other purposes, which had been reported from the Committee on Agriculture and Forestry with an amendment, on page 1, line 4, after the word "and", to strike out "public" and insert "publish", so as to make the bill read:

Be it enacted, etc., That the act entitled "An act authorizing the Secretary of Agriculture to collect and publish statistics of the grade and staple length of cotton", approved March 3, 1927, is amended by inserting between sections 3 and 4 thereof the following new sections:

"SEC. 3a. The Secretary of Agriculture, upon request in writing from any group of producers organized to promote the improvement of cotton who comply with such regulations as he may prescribe, is authorized and directed to determine and to make promptly available to such producers, the classification, in accordance with the official cotton standards of the United States, of any cotton produced by them. The Secretary of Agriculture is further authorized to pay the transportation charges and to furnish tags and containers for the samples of cotton submitted for classification under this section, and all samples of cotton so classified shall become the property of the Government, and the proceeds of any sales thereof after classification shall be covered into the Treasury of the United States as miscellaneous receipts.

"SEC. 3b. The Secretary of Agriculture is also authorized and directed to collect, authenticate, publish, and distribute, by telegraph, radio, mail, or otherwise, timely information on the market supply, demand, location, condition, and market prices for cotton, and to cause to be prepared regularly and distributed for posting at gins, in post offices, or in other public or conspicuous places in cotton-growing communities, information on prices for the various grades and staple lengths of cotton.

"SEC. 3c. The Secretary of Agriculture is further authorized to make such rules and regulations as he may deem necessary to effectuate the purposes of this act."

Mr. ROBINSON. Mr. President, this appears to be a bill of importance. I wish the Senator from South Carolina [Mr. SMITH] would explain it.

Mr. SMITH. Mr. President, I have here a letter from the Secretary of Agriculture urging the passage of the bill. The previous act of Congress standardized the grades of cotton and now the staple has been standardized. There are premiums for all grades and staples above the standard, and discounts for those below the standard. The rank-and-file markets, however, have not had an opportunity to benefit from this procedure. This bill provides that whenever a group of farmers throughout the country ask for this information, they may be furnished at a nominal price the grades and staples, and, further, the Secretary of Agriculture is to issue bulletins stating the premiums in the principal markets. I think it is very essential that this be done.

Mr. ROBINSON. I have no objection to the bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SMITH. Mr. President, I ask to have printed in the RECORD, as part of my remarks, the report of the committee on the bill.

The PRESIDENT pro tempore. Without objection, the report will be printed in the RECORD.

The report (No. 143), submitted by Mr. SMITH on the calendar day March 2, 1937, is as follows:

The Committee on Agriculture and Forestry, to whom was referred the bill (S 1500) authorizing the Secretary of Agriculture to provide for the classification of cotton, to furnish information on market supply, demand, location, condition, and market prices for cotton, and for other purposes, having considered the same, recommend that the bill do pass with the following amendment:

On page 1, line 4, strike out the word "public" and insert in lieu thereof the word "publish."

OBJECT OF BILL

The object of this bill is to authorize the Secretary of Agriculture to provide for the classification of cotton and to authorize the Secretary to furnish timely information to cotton producers with respect to market supply, demand, location, condition, and prices for cotton.

ANALYSIS OF BILL

This bill amends the act entitled "An act authorizing the Secretary of Agriculture to collect and publish statistics of the grade and staple length of cotton", which was approved on March 3, 1927, by inserting between sections 3 and 4 of the act three subsections.

The first subsection which this bill proposes to add to the act of March 3, 1927, authorizes and directs the Secretary of Agriculture, upon request in writing from any group of producers organized to promote the improvement of cotton and who comply with such regulations as he may prescribe, to determine and make promptly available to such producers the classification of any cotton produced by them. The Secretary of Agriculture is authorized to pay transportation charges and to furnish tags and containers for the samples of cotton submitted for classification under this subsection. The samples of cotton which are submitted for classification to the Secretary become the property of the Government, and the proceeds of any sales of such samples after classification will be covered into the Treasury of the United States as miscellaneous receipts.

The second subsection which this bill, if enacted, would add to the act of March 3, 1927, authorizes and directs the Secretary of Agriculture to collect, authenticate, publish, and distribute, by telegraph, radio, mail, or otherwise, timely information on the market supply, demand, location, condition, and market prices for cotton. The bill provides that this information relating to prices for the various grades and staple lengths of cotton shall be prepared regularly and distributed for posting at gins, in post offices, or in other public or conspicuous places in cotton-growing communities.

The third subsection which this bill proposes to add to the act of March 3, 1927, merely authorizes the Secretary of Agriculture to make such rules and regulations as he may deem necessary to effectuate the purposes of this act.

The Secretary of Agriculture, in reporting on S. 4572, of the Seventy-fourth Congress, second session, which is identical with this bill, said that he considered this assistance to growers associated in one-variety communities to be a thoroughly desirable one. He said that studies recently made by the Department of Agriculture have shown that, for the most part, growers market their cotton without knowledge of its quality or of the prices at which equal qualities are selling at the time in the larger central markets. The studies also revealed that prices paid to growers in local markets do not, as a rule, reflect the premiums and discounts prevailing on the larger central markets, but, on the contrary, there is a definite tendency for growers on a given day and in a given market to receive about the same prices without regard to differences in the quality of their cotton. As a consequence, the Secretary said, the growers' incentives for the improvement and maintenance of quality are largely destroyed. This is manifestly not in the interest of the growers, nor is it in the interest of the general welfare of the country.

In world competition, superior quality is one of the greatest advantages which American cotton possesses. This fact has been rather clearly brought out in the experience of European spinners who have undertaken to substitute other growths. To preserve this advantage we should be seeking ways to make it worth while to growers, individually, to improve the quality of their cotton and to cooperate with each other in order to make the production of high-quality cotton general throughout the Cotton Belt. Furnishing classing and quotations services to growers who would improve the quality of the cotton they produce by participating in one-variety community organizations, in the opinion of your committee, would definitely help in this direction.

Experience which the Department of Agriculture has had with one-variety communities thus far has shown that cotton-classing and market-news services are essential to the success of these organizations. When the growers are unable to bargain for and obtain better prices for the better qualities of cotton produced, they become discouraged and tend to abandon efforts to improve quality. For these reasons and because of the dependence which is being placed in the one-variety community organization as an instrument of permanent crop improvement, it is believed that these services should be furnished to growers of cotton.

The committee was unanimous in recommending the passage of this legislation, and it earnestly solicits the favorable action of the Senate at the earliest possible date.

JOHN A. FLAGG

The Senate proceeded to consider the bill (S. 869) for the relief of John A. Flagg, which had been reported from the

Committee on Military Affairs with an amendment at the end of the bill to insert a proviso, so as to make the bill read:

Be it enacted, etc., That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons who have served in the military forces of the United States the period spent by John A. Flagg as mess sergeant, Company G, Ninth Regiment Massachusetts Volunteer Infantry, from March 25, 1917, to July 25, 1917, shall be included in computing the time spent by said John A. Flagg in active service in the United States Army: *Provided*, That no back pay, pension, bounty, benefit, or other emolument shall be held to have accrued prior to the passage of this act, except for the period March 25, 1917, to July 25, 1917, inclusive.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NAVAL RESERVE OFFICERS' TRAINING CORPS

The bill (S. 1115) to amend section 22 of the act approved March 4, 1925, entitled "An act providing for sundry matters affecting the naval service, and for other purposes", was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 22 of the act approved March 4, 1925 (43 Stat. 1276; U. S. C., title 34, sec. 821), is hereby amended by inserting, in lieu of the words "twelve hundred", at the end of the section, the words "twenty-four hundred", so that the section as amended will read:

"SEC. 22. A Naval Reserve Officers' Training Corps is hereby authorized to be established and operated under such regulations as the President may prescribe, which regulations shall, so far as may be practicable, conform to the provisions of the National Defense Act approved June 3, 1916, sections 40 to 53, inclusive (39 Stat. L. 191–194), as amended by the act approved June 4, 1920, sections 33 and 34 (41 Stat. L. 776–779): *Provided*, That the powers conferred therein upon the Secretary of War with regard to the Reserve Officers' Training Corps are hereby conferred upon the Secretary of the Navy with regard to the Naval Reserve Officers' Training Corps: *Provided further*, That all expenditures in connection with the establishment and operation of the Naval Reserve Officers' Training Corps shall be specifically appropriated therefor: *Provided further*, That members of the Naval Reserve Officers' Training Corps shall be eligible for appointment as Naval Reserve officers under the same conditions as provided by law for the appointment of Naval Reserve officers from other citizens of the United States, and when so appointed shall have the same status and be entitled to the same benefits in all respects as provided by law for other members of the Naval Reserve: *Provided further*, That the word 'naval' wherever used in this section shall be construed to include Marine Corps: *And provided further*, That the total personnel of the Naval Reserve Officers' Training Corps shall not exceed at any one time more than 2,400."

Mr. WALSH. Mr. President, I ask to have the report on this bill printed in the RECORD in connection with its consideration.

The PRESIDENT pro tempore. Without objection, the report will be printed in the RECORD.

The report (No. 145) submitted by Mr. WALSH on the calendar day March 2, 1937, is as follows:

The Committee on Naval Affairs, to whom was referred the bill (S. 1115) to amend section 22 of the act approved March 4, 1935, entitled "An act providing for sundry matters affecting the naval service, and for other purposes", having considered the same, report favorably thereon without amendment and with the recommendation that the bill do pass.

The purpose of the bill is to authorize an increase in the number of students in Naval Reserve Officers' Training Corps units from 1,200 to 2,400.

The bill was introduced at the request of the Navy Department. The Department states that the bill is in accord with the program of the President. It is estimated that the additional cost to the Government will be $108,518 for the first year and that at the end of the fifth year the additional cost will stabilize at about $89,123 per annum.

The following statements contained in a letter from the Secretary of the Navy to the chairman of the committee explain the views of the Department on this measure and are hereby made a part of this report.

"The graduates of Reserve Officers' Training Corps units are the best source from which to secure Reserve officers. With the present legal limit of 1,200 students, the maximum number of graduates each year will not exceed 230, and is usually much less. The Naval Reserve can easily absorb 500 graduates annually, and in view of existing conditions it is highly desirable to increase the legal limit to 2,400. Such increase would not affect the number graduating until 4 years after the date it is authorized.

"At the present time there are units at six institutions. Should the proposed increase be authorized a survey will be made in contemplation of the establishment of additional units.

"The cost of the proposed legislation is estimated to be $108,518 for the first year, $64,529 for the second year, $95,268 for the third year, and $106,377 for the fourth year. The additional 1,200 students will then be enrolled and for the fifth and successive years the cost will stabilize at an estimated $89,123 per annum. The cost of maintaining the present enrollment of 1,200 students is stabilized at approximately $85,000 per annum."

Universities now having Reserve Officers' Training Corps units feel that these units are a distinct benefit to the students. A copy of a letter from the dean of Northwestern University to the dean of Tulane University of Louisiana on this subject is hereby made a part of this report.

FEBRUARY 11, 1937.

Dean JAMES M. ROBERT,
College of Engineering,
Tulane University of Louisiana,
New Orleans, La.

DEAR DEAN ROBERT: Due to the fact that we were in the throes of registration for the second semester, your letter has remained unanswered. Northwestern University is one of the five institutions in the country having a Naval Reserve unit. We think very highly of our unit and they have done an excellent work here on this campus. Approximately one-fourth of the students enrolled are engineering students. This is an elective subject with us and students may elect it for 2 or 4 years. Under separate cover I am sending you one of our announcements and on pages 38–39 you will find the descriptive matter concerning naval science and tactics.

The Government has always sent us highly polished gentlemen, and they have an unusually good influence over the students enrolled in the course. A student may come to my office for conference and even though he is not wearing a uniform, I can instantly recognize that he is in the naval science unit by his unusual degree of politeness. The courses offered during the 4 years I consider very fine, and the summer cruises are to be highly commended. On page 24 you will see our requirements for summer work. A student who is on a Navy cruise gets credit in this way on his summer work requirement for the time thus spent.

Answering your question as to whether our unit has been a distinct benefit to our men, I say unqualifiedly yes, and I say so without any reservations whatsoever. I think if the Government is contemplating assigning such a unit at Tulane University, the institution could consider itself fortunate.

It is, of course, impossible for me to say whether you should have such a unit at Tulane, for I am not acquainted with your local conditions. I will show Commander Washburn, who is now in his second year here, and ask him to write you more fully as to how the unit operates.

If I can be of any further assistance to you in this matter, please do not hesitate to call on me. I hope I will have the pleasure again, as formerly, to have our annual visit together at the S. P. E. E. meeting in Cambridge.

Yours sincerely,

WM. C. BAUER, *Dean.*

The committee is of the opinion that the enactment of this bill will further the national defense by providing additional Reserve officers for the Navy in case of mobilization and that it will be of benefit to the students to be enrolled.

The following information concerning Naval Reserve Officers' Training Corps units is hereby made a part of this report:

ALLOCATION OF UNITS

The present enrollment of 1,200 Naval Reserve Officers' Training Corps students authorized by law is equally allocated to the following universities: Yale University, Harvard University, Northwestern University, Georgia School of Technology, University of California, and University of Washington.

MISSION OF NAVAL RESERVE OFFICERS' TRAINING CORPS

The mission of the Naval Reserve Officers' Training Corps is to provide systematic training and instruction in essential naval subjects at civil educational institutions in order to further the plan for national defense.

SCOPE AS AN AGENCY TO FURTHER NATIONAL DEFENSE

The Naval Reserve Officers' Training Corps will accomplish its mission as an agency to further the plan for national defense by—

(a) Qualification of selected students for appointment as ensigns in the Naval Reserve or second lieutenants in the Marine Corps Reserve, thus assisting in meeting the demands for increased commissioned personnel in time of national emergency.

(b) Education of students who fail to complete the entire course so that they will be of value to the Navy in time of national emergency in proportion to the time spent in the corps.

(c) Increased dissemination of knowledge concerning the Navy and Marine Corps, their purpose, ideals, achievements, and handicaps, thereby gaining and holding increased public interest in the maintenance of adequate naval defense.

ORGANIZATION OF THE NAVAL RESERVE OFFICERS' TRAINING CORPS

The Naval Reserve Officers' Training Corps is composed of all naval training units established in civil educational institutions of the United States. A unit is the total student enrollment in the Naval Reserve Officers' Training Corps at any one civil educational institution. As outlined in the basic law authorizing the Naval Reserve Officers' Training Corps, units are established at universi-

ties and colleges granting degrees, including State universities and those State institutions that are required by law to provide instruction in military tactics (land-grant colleges).

REQUIREMENTS FOR ESTABLISHMENT OF UNITS

The following requirements must be met prior to the establishment of a Naval Reserve Officers' Training Corps unit at a civil educational institution:

(a) There must be insured to the unit an enrollment in the Naval Reserve Officers' Training Corps freshman class (first year of the basic course) of at least 50 physically fit male students who are citizens of the United States, not less than 14 years of age, and whose qualifications and intentions will reasonably insure their completion of the 4-year naval course.

(b) The authorities of the institution shall agree to establish and maintain the courses in naval science and tactics prescribed by the Bureau of Navigation.

(c) An officer of the Regular Navy shall be detailed as professor of naval science and tactics and may be assisted by additional officers of the Regular Navy and an officer of the regular Marine Corps so detailed.

OUTLINE OF COURSES

The course in naval science and tactics which all members of the Naval Reserve Officers' Training Corps are required to pursue is a regular elective 4-year course at the university in which a unit is established. The subjects to be covered in the course are prescribed by the Navy Department, Bureau of Navigation. The 4-year course consists of the basic course (taken by freshmen and sophomores) and the advanced course (taken by juniors and seniors). Satisfactory completion of the basic course is a prerequisite for enrollment in the advanced course.

To qualify for a commission in the Naval or Marine Corps Reserve, Naval Reserve Officers' Training Corps students are required during their enrollment in the advanced course to make a cruise of from 2 to 3 weeks.

Following is an outline of the Naval Reserve Officers' Training Corps course given at the University of California, which is representative of the courses given at all Naval Reserve Officers' Training Corps units:

SUBJECTS COVERED IN COURSE

Class	Hours per week	
	First semester	Second semester
Freshman	4	4
Sophomore	4	4
Junior	5	5
Senior	5	5

NOTE.—Included in the above is 1 hour of drill, required of all classes.

The subjects assigned each class are as given in the following outline:

Class and subjects assigned

Freshman: United States naval history, ordnance, navigation, seamanship, communications.

Sophomore: Seamanship, navigation, ordnance, gunnery.

Junior: Seamanship and naval leadership, navigation, gunnery, engineering, tactics and naval history, communications.

Senior: Administration, navigation, aviation, electricity, military law.

PERSONNEL ON DUTY AT NAVAL RESERVE OFFICERS' TRAINING CORPS UNITS

There are six line officers of the Regular Navy usually of the following ranks: One captain, one commander, two lieutenant commanders, two lieutenants.

The captain in charge of the unit is the professor of naval science and tactics. He is a member of the faculty of the university while on this duty, and is head of the department of naval science and tactics. The officers on his staff are associate professors or assistant professors of naval science and tactics, and are members of the faculty of the university.

Four retired chief petty officers, members of the Fleet Naval Reserve, are on active duty with each unit, acting as assistants to the instructors and performing necessary duties in connection with the operation of the unit and upkeep of material.

ASSIGNMENT OF NAVAL R. O. T. C. STUDENTS UPON GRADUATION

Upon graduation, all students who have successfully completed the 4-year course in naval science and tactics, if recommended by the professor of naval science and tactics and if physically qualified, are given commissions as ensigns in the Naval Reserve or the Marine Corps Reserve. A certain number are commissioned in the regular Marine Corps and in the Supply Corps of the Regular Navy. Statistics show that practically all these university students who complete the course in naval science and tactics, join either the Regular Navy or the Naval Reserve Force.

EMOLUMENTS RECEIVED BY NAVAL R. O. T. C. STUDENTS

The required uniforms and uniform equipment and the educational equipment (including textbooks) used by the students are furnished by the Government.

Emoluments	Advanced-course students (juniors and seniors)	Basic-course students (freshmen and sophomores)
Uniforms, while at institution	1 every 2 years	1 every 2 years.
Commutation of subsistence at institution	611 days, at 25 cents per day, $152.75 (total for 21 months in advanced course).	None.
Subsistence on cruise	24 days, at 50 cents per day, $12.	24 days, at 50 cents per day, $12.
Pay on cruise	24 days, at 70 cents per day, $16.80.	None.
Transportation to and from ships for cruise	Average, $9.43	Average, $9.43.
Medical treatment on cruise	All necessary	
Ammunition and supplies and equipment, used by students and instructors at institution and on cruise.	At institution and on cruise.	At institution and on cruise.

NOTE.—Totaling the emoluments received by naval R. O. T. C. students (including one cruise in the basic course), the cost of putting a student through the N. R. O. T. C. course is $292.41.

JAMES MEAGHER

The Senate proceeded to consider the bill (S. 1272) for the relief of James Meagher, which had been reported from the Committee on Military Affairs with an amendment, on page 1, line 5, after the name "Meagher", to insert "deceased", so as to make the bill read:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers James Meagher, deceased, who was a member of Company B, Eighty-eighth Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private on August 12, 1863: *Provided,* That no back pay, compensation, bounty, benefit, pension, or allowance shall be held to have accrued prior to the passage of this act.

Mr. KING. Mr. President, I find here strong recommendations against this measure by the Secretary of War and Major General Conley, as well as others. I should be glad to have an explanation of the bill from the Senator reporting it.

Mr. LOGAN. Mr. President, of course the Senator fully understands that the Secretary of War makes his recommendations on the records before him. I will briefly state what the facts are. The record is a long one.

This man Meagher was a soldier of the Union Army in the War between the States. He was in many of the heaviest engagements during the war. At the Battle of Gettysburg he was severely wounded. He was sent to a hospital, and, according to the evidence which has been submitted, he was ill for a long time. When he left the hospital he could not get back to his command. He walked on crutches. He had no way to go other than to walk, so the evidence shows. The members of his company finally were used as replacement troops. The company was decimated, having been almost destroyed in the Battle of Gettysburg.

After the war this man was disabled for the remainder of his life. He died in 1889, leaving a widow. The widow died, and the only surviving relative is a daughter, now 73 years of age. The bill confers no benefits upon her; but for a long time she has been trying to have the charge of desertion removed from the record of her father.

He was an outstanding soldier. Many letters written to his wife while he was in the Army have been placed in the record.

The passage of the bill means nothing to the Government from a financial standpoint, and no purpose is served except that this 73-year-old daughter wishes the record cleared up; and under all the circumstances, I believe most sincerely that it ought to be done.

Mr. KING. I agree with the Senator.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill relative to the military record of James Meagher, deceased."

BILLS PASSED OVER

The bill (S. 1435) to create a board of shorthand reporting, and for other purposes, was announced as next in order.

Mr. VANDENBERG. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1436) providing for the employment of skilled shorthand reporting in the executive branch of the Government was announced as next in order.

Mr. VANDENBERG. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

ARMY DAY

The concurrent resolution (S. Con. Res. 5) to recognize April 6 of each year as Army Day was considered and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That April 6 of each year be recognized by the Senate and House of Representatives of the United States of America as Army Day, and that the President of the United States be requested, as Commander in Chief, to order military units throughout the United States to assist civic bodies in appropriate celebration to such extent as he may deem advisable; to issue a proclamation each year declaring April 6 as Army Day, and in such proclamations to invite the Governors of the various States to issue Army Day proclamations: *Provided*, That in the event April 6 falls on Sunday, the following Monday shall be recognized as Army Day.

TURTLE BAY AND TURTLE BAYOU, TEX.

The bill (H. R. 3689) declaring Turtle Bay and Turtle Bayou, Chambers County, Tex., to be nonnavigable waterways was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That Turtle Bay and Turtle Bayou, in Chambers County, in the State of Texas, be, and the same are hereby, declared to be nonnavigable waterways within the meaning of the Constitution and laws of the United States of America.

SEC. 2. That the existing project for Turtle Bayou, Tex., authorized by the Rivers and Harbors Act approved June 25, 1910, be, and the same is hereby, abandoned.

SEC. 3. That the right of Congress to alter, amend, or repeal this act is hereby expressly reserved.

The PRESIDENT pro tempore. That concludes the consideration of bills on the calendar.

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEE ON POST OFFICES AND POST ROADS

Mr. HAYDEN, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters, which were ordered to be placed on the Executive Calendar.

POSTMASTER, OKLAHOMA CITY, OKLA.

Mr. HAYDEN. I am directed by the Committee on Post Offices and Post Roads to report favorably the nomination of Joseph S. Morris to be postmaster at Oklahoma City, Okla., and I invite the attention of the Senator from Oklahoma [Mr. THOMAS] to it.

Mr. THOMAS of Oklahoma. Mr. President, I wish to make a brief statement in regard to this appointment, and then I shall ask for immediate consideration of the nomination.

Mr. Morris is the Assistant Postmaster of the United States Senate and has been for 4 years. He has been nominated postmaster at Oklahoma City, Okla. This is the so-called Victory Day, and it would be quite a tribute to Mr. Morris if his nomination could be confirmed today. Mr. Morris is eminently qualified to discharge the duties of his new office, having had 4 years' experience in the Senate post office.

I ask unanimous consent for the immediate consideration of the nomination.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the nomination is confirmed.

If there be no further reports of committees, the calendar of nominations is in order.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. HAYDEN. I ask unanimous consent that the nominations of postmasters be confirmed en bloc, except the last nomination on the list, that of J. Fred Wilson to be postmaster at Clay, W. Va. At the request of the junior Senator from West Virginia [Mr. HOLT], who is absent on account of illness, I request that this nomination be passed over.

The PRESIDENT pro tempore. Without objection, the nominations of postmasters are confirmed en bloc with the exception of the nomination of J. Fred Wilson to be postmaster at Clay, W. Va.

That completes the Executive Calendar.

ADJOURNMENT TO MONDAY

The Senate resumed legislative session.

Mr. ROBINSON. I move that the Senate stand adjourned until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 12 o'clock and 30 minutes p. m.) the Senate adjourned until Monday, March 8, 1937, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 4, 1937

POSTMASTERS

ALABAMA

Karah J. White, Ashland.

KANSAS

Capitola P. Lanier, Haviland.

KENTUCKY

Urett McCall Richey, Augusta.
Henry W. Stewart, Campbellsburg.
John Leo Fentress, Sr., Central City.
Nola Ball Nicholson, Harlan.
William F. Klair, Lexington.
Emma E. Hopkins, Loyall.
Everett Rice Walton, Lynch.
Emma L. Lucas, Manchester.
Ben H. Moore, Morgantown.
Myrtle B. Milam, Wallins Creek.

MAINE

Ruth H. Dixon, South Eliot.

NEW JERSEY

Edna M. Davenport, Branchville.
Joseph A. Poole, Deal.
Arthur C. McCullough, Delanco.
Sarah V. Dickerson, Denville.
Edward J. Hannon, Dunellen.
Emery Benoit, Edgewater.
John P. Leonard, Elizabeth.
Charles F. Rooney, Fair Lawn.
Elizabeth Pearl Stout, Hopewell.
Helen D. Glutting, Mullica Hill.
H. Raleigh Wells, Pompton Lakes.

NORTH DAKOTA

Elizabeth Moriarty, Enderlin.
Christ Tennefos, Milnor.
Emeline Robertson, Park River.
Glenn W. Veach, Wimbledon.

OKLAHOMA

Joseph S. Morris, Oklahoma City.

TENNESSEE

Jesse S. McMurry, Hartsville.
Edward B. Weisiger, Hendersonville.
Joseph A. Muecke, Kingston.

UTAH

Roger W. Creer, Spanish Fork.

HOUSE OF REPRESENTATIVES

THURSDAY, MARCH 4, 1937

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

In the sacred moments of this hush, O Lord, hear our prayer and consider our desire; hearken unto us for Thy truth's and righteousness' sake. Here we would pause and find in Thee strength, courage, and usefulness; here may we be transformed by the renewing of our minds, that we may prove what is that good, acceptable, and perfect will of God. Teach us Thy statutes and let love be found to disarm all fears and bring to this chosen assemblage wisdom and encouragement. We pray Thee, our Father, to cleanse us in thought and feeling; sanctify all mistakes and failures and recover us out of every ill. Grant us such a sense of Thy nearness that our hearts shall overflow with boundless good will and service for our country. In the Redeemer's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S. J. Res. 51. Joint resolution to amend the joint resolution entitled "Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war", approved August 31, 1935, as amended.

EDWARD T. TAYLOR

Mr. LEWIS of Colorado. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. LEWIS of Colorado. Mr. Speaker, 28 years ago at noon today, the dean of the Colorado delegation, Hon. EDWARD THOMAS TAYLOR, entered this House as a Member of the Sixty-first Congress. Continuously since March 4, 1909, year after year, regardless of the vicissitudes of politics, the gentleman from Colorado [Mr. TAYLOR] has served as a Representative from the Centennial State. He has been elected 15 times successively. For the first three terms he was Congressman at large from our State; but, beginning with the Sixty-fourth Congress, after Colorado was redistricted, he came here as Representative of the Fourth Congressional District, which comprises the entire western half of Colorado.

Mr. TAYLOR has served under six Presidents: President Taft, President Wilson, President Harding, President Coolidge, President Hoover, and now under President Franklin D. Roosevelt. He has served under eight Speakers of this House: Joseph G. Cannon, of Illinois; Champ Clark, of Missouri; Frederick H. Gillett, of Massachusetts; Nicholas Longworth, of Ohio; John N. Garner, of Texas; Henry T. Rainey, of Illinois; Joseph W. Byrns, of Tennessee; and under our present Speaker, WILLIAM B. BANKHEAD, of Alabama. With assurance I can say that Mr. TAYLOR has enjoyed, during his long service here, the confidence, the respect, and the esteem of every one of the Presidents under whom he has served, regardless of politics, and of every one of the Speakers who have presided over this House and of all his fellow Members of the House. [Applause.]

When the gentleman from Colorado [Mr. TAYLOR] first became a Member of the House, he was appointed to the Committee on Irrigation and Reclamation. Within a few years thereafter he became chairman of that committee, a committee very important to the West. He was also a member of the Committee on Public Lands, being vice chairman of that committee for several years. In 1919 when a select committee of 12 was appointed to formulate the Budget system under which we are now operating, he served as a member of that committee.

The report of the special committee was adopted and the membership of the Appropriations Committee of the House was enlarged from 21 to 35. April 18, 1921, Mr. TAYLOR was appointed to the enlarged committee. In accepting this appointment to the Appropriations Committee, which is an "exclusive" committee, he was obliged, of course, to relinquish his membership on the Committee on Irrigation and Reclamation and on the Committee on the Public Lands, on which he had served with such distinction.

Mr. TAYLOR has now, since the lamented death of the gentleman from Texas, Mr. Buchanan, served longer on the great Appropriations Committee than any other present member thereof. For several years he has been the chairman of the subcommittee of the Appropriations Committee having charge of appropriations for the Interior Department. Mr. TAYLOR in his service as a member of this subcommittee has been invaluable to that portion of the country which we, who come from there, refer to as "the West." With all due respect to those gentlemen who live as far from Washington toward the setting sun as Buffalo and Chicago, we mean by "the West" that part of the country beyond what the pioneers called "the Big River", namely, the Missouri.

But Mr. TAYLOR's vision is not now and never has been circumscribed or his horizon limited to that part of the Nation from which he comes. He has now as full and intimate information concerning the fiscal affairs of the Nation as a whole as any other Member of the House, barring none.

Mr. TAYLOR has also been highly honored by the Democratic Party, of which he is a distinguished member. He organized the bureau of naturalized citizens at the Democratic national headquarters at Chicago during the campaign of 1916, and conducted the party campaign throughout the 24 Western States to secure the votes of foreign-born citizens of 46 different nationalities and languages. He was the chairman of the Democratic caucus of the House of Representatives during the Seventy-fourth Congress. During the 8 months of the first session of the Seventy-fourth Congress in 1935, Mr. TAYLOR was designated by Majority Leader BANKHEAD to act, during Mr. BANKHEAD's illness, as majority leader.

Only 8 other men of the approximately 10,000 who have been elected to the House in the last 150 years have been elected 15 successive times—Kelly, Bingham, and Butler, of Pennsylvania; Gillette, of Massachusetts; Pou, of North Carolina; Haugen, of Iowa; Sabath, of Illinois; and Vice President Garner, of Texas.

The distinguished dean of the House and of the Illinois delegation [Mr. SABATH], who has completed 30 years of continuous service, and who is today beginning his sixteenth consecutive term, is the only present Member who has served in the House of Representatives longer than has Mr. TAYLOR of Colorado.

Among those who were first sworn in as Members of the House on March 4, 1909, were our former Speaker, Joseph W. Byrnes, of Tennessee, whose untimely death we all deplore and whose memory we all cherish with affection. Also among that group was my colleague the gentleman who so ably represents the Third Congressional District of Colorado, the Honorable JOHN A. MARTIN. But Mr. MARTIN, after serving in the Sixty-first and Sixty-second Congresses (1909–13), voluntarily retired, and, after an interval of 20 years, was elected to the Seventy-third and has been reelected to the Seventy-fourth and Seventy-fifth Congresses. So Mr. TAYLOR is the only one of those who 28 years ago today entered the House as new Members who has served continuously in the House ever since.

Mr. TAYLOR's service in the Congress has been the sequel to long and distinguished public service in the State of Colorado. For 52 years he has been in public life. Born in

Illinois, reared on a farm in Illinois and on a stock ranch in Kansas, he moved to Colorado in 1881. He was the first principal of the high school in Leadville, Colo., in 1881 and 1882. Thereafter he attended the University of Michigan and was graduated from the law department there in 1884. Returning to Leadville, he began the practice of law. In the fall of 1884, he was elected county superintendent of schools in Lake County. In 1885–86 he was deputy district attorney in the district, including Lake County. In 1887 he removed to Glenwood Springs, in Garfield County, which has ever since been his home.

From 1887 to 1889, Mr. TAYLOR served as district attorney of the ninth judicial district of Colorado; and, while so serving, adjudicated the water rights of practically all of northwestern Colorado. He was a member of the State senate for three terms—1896 to 1908—was president pro tempore of the State senate for one term, and during those 12 years of service was the author of some 40 statutes and 5 amendments to the constitution of our State. In the meantime he served five terms as city attorney of Glenwood Springs and two terms as county attorney for Garfield County. In short, when Mr. TAYLOR came to the Congress 28 years ago his name was already a household word throughout our State.

During the last 28 years, in the Fourth Congressional District of Colorado and in our State as a whole, large majorities have frequently been given to Republican candidates for local offices, for State offices, for United States Senators, and for President. The people of Colorado are highly intelligent, are much interested in public affairs, and keep themselves well informed as to the conduct and capacity of their elective officers. Long since, they learned how to "scratch their ballots" and to do so with discrimination. It is, therefore, highly significant that, regularly every 2 years, for the past 28 years, even in elections that proved to be Republican landslides in Colorado, "ED" TAYLOR—as he is affectionately known throughout our State—running on the Democratic ticket, has been reelected to Congress by ever-increasing pluralities. He is indeed the representative not only of the Democrats but of all the people of western Colorado.

I believe I may fairly say that Mr. TAYLOR stands preeminent in Colorado, not only in the length and distinction of his public service but also, and even more, in the affectionate regard and esteem of the people of our State and of the West. I am sure there is no man now or at any time who has ever won a higher place.

Mr. Speaker, I know all other Members of the House share the feeling that we of the Colorado delegation have for our distinguished and much beloved dean. [Applause.]

INTERNATIONAL LABOR OFFICE

Mr. WOODRUM. Mr. Speaker, by direction of the Committee on Appropriations, I ask unanimous consent for the immediate consideration of House Joint Resolution 252, to aid in defraying the expenses of the International Labor Office incident to holding its Technical Tripartite Textile Conference.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the joint resolution, as follows:

House Joint Resolution 252

Resolved, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $15,000 to aid in defraying the extraordinary expenses of the International Labor Office incident to holding its Technical Tripartite Textile Conference in Washington, D. C., in April 1937: *Provided*, That $10,000 of this appropriation shall be available for contribution for such purposes to the International Labor Organization, and not to exceed $5,000 shall be available for expenditure by the Secretary of Labor for expenses incident to holding such conference in Washington, including personal services in the District of Columbia, communication services, stenographic and other services by contract if deemed necessary without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), local transportation, stationery, supplies, repairs and alterations, and such other expenses as the Secretary of Labor may deem necessary.

Mr. WOODRUM. Mr. Speaker, in the period between 1923 and 1929, when most of the industries in America were in more than normal, healthy condition, the textile industry of America was having considerable difficulty, through labor and otherwise. At the request of a number of Members of the House and the Senate, as well as Governors of States and representatives of both the industry and workers, a list of which I have with me but shall not call because of the desire to save time, the President of the United States appointed a Cabinet committee to make a survey of the situation with reference to the textile industry. This committee consisted of the Secretary of Commerce, Secretary of State, Secretary of Agriculture, and the Secretary of Labor. Subcommittees were appointed, which held conferences and amassed a great deal of testimony. On the 21st of August they filed with the President, and he transmitted to the House of Representatives a document consisting of 154 pages, which I hold in my hand and which gives a lot of general information about the textile industry and their problems. As a part of this report made by that Cabinet committee I read this brief paragraph:

In connection with the study of long-time problems, attention is called to the fact that an investigation of the textile situation throughout the world is under consideration by the International Labor Office. This should be furthered by American aid and cooperation.

As a result of that recommendation by the Cabinet committee, the President requested the American representatives to the International Labor Conference at Geneva to suggest that a conference be held which would direct its special attention to the textile industry and that this conference be held in America.

America produces between 40 and 50 percent of all the textiles of the world, and it is very proper this sick industry in America should have a conference in order to try and find out if anything can be done to help it. The International Labor Office, with which the American Government cooperates and to which we make annual appropriations, has called a meeting to be held in Washington during April.

The purpose of the appropriation of $15,000 as called for by this resolution is to assist in defraying the added cost of holding this meeting in Washington rather than at the seat of the International Labor Office, which is Geneva, Switzerland. May I say if the conference were held at Geneva, Switzerland, where it would ordinarily be held except for this invitation which has been extended and accepted, we would undoubtedly send American representatives, and the cost of that is estimated to be between seven and eight thousand dollars; so the cost of holding this meeting in Washington rather than in Switzerland calls for a net additional outlay of between seven and eight thousand dollars.

This conference will be attended by the representatives of the leading textile-producing nations of the world. There will be present representatives of the textile manufacturers, the governments, as well as workers, in an effort to have a round-table discussion in order to try to find ways and means, if possible, to help this industry.

Mr. RICH. Will the gentleman yield?

Mr. WOODRUM. I yield to the gentleman from Pennsylvania.

Mr. RICH. May I ask the gentleman if this conference will assist the textile industry of this country in one respect? If the gentleman will go uptown here he will see in one of the large department stores two large windows decorated with foreign merchandise which, in my judgment, should be manufactured by the textile industry of this country. If this conference will do anything to make the foreign manufacturers pay the standard of wages set by the American manufacturers, and if it will do something that will in some way hold the best markets of the world for America, then the conference might be of some consequence. But if it is going to permit these big stores in Washington and elsewhere to advertise products of foreign manufacturers, then I question very seriously if the conference will be of much advantage to the American textile industry and American labor.

Mr. WOODRUM. It is hoped the conference will do a great many things to help the American textile industry. I think the gentleman may be assured the American repre-

sentatives attending that conference, who will be chosen by the textile manufacturers of this country, will see to it that their interests are protected.

Mr. TABER. Mr. Speaker, we are at this time paying out for the expenses of the International Labor Union and our connections with it upward of $200,000. It is true that this particular resolution involves only an additional expense of between seven and eight thousand dollars. The meat of the entire situation is that we are going up against a crowd that has lower standards of living, lower standards of working conditions, and a larger number of hours of labor than our people have been educated to have. The desire of all of these other nations is to bring down the standards of the American workingman and the American people generally.

Let me say to you that ever since this Administration started, when we have gone into an international conference of any character, the United States of America has got the worst of it. It is probably true we cannot get away from this expenditure, because of the manner in which we have authorized the President to go ahead and make these arrangements, but the thing I am fearful of, and the only thing I expect out of it, unless a different attitude is pursued, is that when we come out of this conference our textile industry, our working people, and the country as a whole will be worse off than they were before.

I hope that on this occasion we will have representation that will protect the American industry and the American worker and not lead us into the kind of situations that we have been so far led into in these international conferences by this administration. Nowhere has there been any advantage going to this country or to labor or to industry as a result of this International Labor Union. They have a large statistical organization, and that is about all there is to it.

Mr. PLUMLEY. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mr. PLUMLEY. May I inquire whether the gentleman is informed as to whether Japan is going to take part in this conference?

Mr. TABER. I was advised day before yesterday, I think, in the afternoon, that Japan had finally decided to participate in the conference, but, of course, nothing can be expected in the way of Japan improving her working hours or her wages in such a way that her textile workers and her textile industry would be on a par with the wages received by the workers in American industries.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. I think, probably, the gentleman will agree with me that Japan will take part in this conference, because she has done very well in every other conference she has had with American representatives.

Mr. TABER. That is undoubtedly so.

Mr. REED of New York. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield to the gentleman from New York.

Mr. REED of New York. In this conference, will some consideration be given to the question of child labor?

Mr. TABER. There is supposed to be some consideration given to that.

Mr. REED of New York. At the present time the Japanese are working children before they are even through nursing, in competition with labor over here.

Mr. TABER. Yes.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. TABER. Yes.

Mr. RICH. Does the gentleman have any idea that by this conference a tendency will be developed to bring up the textile industry in foreign countries at least to the scale that we have established in America, or will the tendency be to bring down American labor standards to those of foreign countries?

Mr. TABER. As I understand, there will be a dozen foreign nations in the conference, and we will be in it also. Our representatives should take the position, and maintain it, of trying to bring up the foreign industries and foreign labor to a level with American labor; but every one of the dozen other countries will be trying, probably, to beat down our conditions to their own level.

Mr. RICH. If the gentleman will permit one further question, if they do not agree to maintain the standard that is set by America, would it not be the wise thing for the American delegates to insist that we maintain a tariff that will equalize the difference between the cost of manufacture in foreign countries and in our own country, so that the American wage earner will have this advantage, at least, as a result of this conference?

Mr. TABER. That is what the tariff is for.

Mr. TAYLOR of Tennessee. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Tennessee.

Mr. TAYLOR of Tennessee. Is it not a historical fact that the United States has never lost a war and has never won a conference?

Mr. TABER. I guess that is about it.

Mr. WOODRUM. Mr. Speaker, I move the previous question on the joint resolution.

The previous question was ordered.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NAVAL APPROPRIATION BILL, 1938

Mr. UMSTEAD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 5232) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1938, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the bill may continue throughout the day, one-half of the time to be controlled by the gentleman from Pennsylvania [Mr. DITTER] and one-half by myself.

Mr. BIERMANN. Mr. Speaker, reserving the right to object, I would like to inquire of the chairman of the committee whether those of us who are opposed to this bill will be given ample time to express ourselves upon it?

Mr. UMSTEAD. Mr. Speaker, of course, I cannot determine what the gentleman considers ample time; but I may say to him that last year when this bill was under consideration, every man opposed to the bill who requested time was given time, and it will be my purpose to follow the same policy this year.

Mr. BIERMANN. I will say to the gentleman that some of us who were opposed to the bill did not have the time we thought we ought to have, but my point is that in general debate on a bill of this importance, before the chairman or the ranking minority member parcels out time to Members who want to speak on other subjects, all those who want to speak on the bill should be taken care of. I would like to have 30 minutes on this bill.

Mr. UMSTEAD. Mr. Speaker, I cannot promise the gentleman 30 minutes. He has not, before this moment, asked for a minute of time. I shall do the best I can to give him as much as possible, but I cannot ignore requests previously made for one now being made for the first time.

Mr. BIERMANN. Should a Member ask the chairman of a committee for time before the bill comes into the House?

Mr. UMSTEAD. That is the custom, as I understand it, and for 4 days I have been receiving requests, and I have been wondering why the gentleman did not make application. In fact, I have reserved him 15 minutes of time without his ever asking for it.

The SPEAKER. Is there objection?

Mr. FISH. Mr. Speaker, I reserve the right to object. I regret to say that I did not hear the gentleman say how much time he proposed to allow in the way of debate on the naval appropriation bill.

Mr. UMSTEAD. General debate is to run through the day, and we hope to conclude general debate today and take the bill up under the 5-minute rule tomorrow.

Mr. FISH. Does the gentleman propose to limit debate to the bill?

Mr. UMSTEAD. Today?

Mr. FISH. Yes.

Mr. UMSTEAD. No; that was not my request.

Mr. FISH. Assuming those in the House want to speak on the bill, will they be given preferred treatment?

Mr. UMSTEAD. I refer the gentlemen, and others on his side, to the gentleman from Pennsylvania [Mr. DITTER].

Mr. FISH. I have plenty of time, but I was thinking about others in the House. I think other Members in the House agree that this is a highly important bill, and if Members want to be heard they ought to be heard at this time in preference to those who want to speak on some other subject.

Mr. UMSTEAD. I shall say what I said to the gentleman from Iowa [Mr. BIERMANN] a moment ago, that I do not understand that the chairman of a committee or the ranking member of a committee can ignore requests for time under general debate, and those who desire to speak on the bill, in my judgment, should have made requests for time before today.

Mr. FISH. The gentleman surely agrees that those who want to speak on the bill ought to be afforded opportunity to speak on it.

Mr. UMSTEAD. I certainly do.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from North Carolina that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 5232.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 5232, the naval appropriation bill, 1938, with Mr. BLAND in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Without objection, the first reading of the bill will be dispensed with.

There was no objection.

Mr. UMSTEAD. Mr. Chairman, I yield myself 30 minutes.

As chairman of the subcommittee of the Committee on Appropriations for the Navy Department, I present for the consideration of the House the annual naval appropriation bill for the next fiscal year. The Appropriations Committee does not determine the Government's naval policy. This policy is determined by Congress and the administration in power. When Congress has expressed its will through legislation, and when the Government's naval policy has been determined upon pursuant thereto by the administration then in power, it is the task of our committee, as I understand it, to determine when and in what amount sums shall be made available to effectuate that policy, consistent with good business judgment and ordinary common sense. I also consider it the duty of our committee to see to it that no greater sums are recommended than appear to be reasonably necessary under the facts and circumstances existing at the time of the consideration of the estimates effectually to carry out the will of Congress.

We of the committee believe that the amounts recommended in this bill will be sufficient to continue the building program, maintain the necessary personnel of officers and enlisted men, adequately support the various shore stations and departments, proceed with replacements and expansion under the aviation program, and further, that by economical and proper use of the funds carried in this bill, the Navy will have sufficient money to carry on effectively and efficiently its entire establishment. We have seriously endeavored by the reductions recommended and the suggestions which we have made to impress upon the Department and the service the necessity of a businesslike and economical operation and the improvement and efficiency of the Naval Establishment.

It manifestly would be impossible for me to take the time today to discuss with those of you who are interested all of the details incident to the appropriations carried in the bill. I shall, therefore, undertake to call your attention to a few of the most important items now before us for consideration.

In the first place, I call attention to the fact that appropriations thus far provided for the Navy Department for the current fiscal year are in the sum of $528,102,532. The Budget estimates for 1938 amount to $562,425,709. This bill now before us carries appropriations totaling $526,555,428, of which $10,000,000 is an item heretofore appropriated by the Congress, and is reappropriated in this bill, which makes the new money carried in this bill $516,555,428; or, expressed in another way, your committee, after careful consideration of the items in the Budget, has made reductions totaling $35,870,281 below the Budget, and $1,547,104 below the sum of current appropriations.

At the outset, permit me to say that every item in this bill is related to the policy heretofore established of building the Navy of this country to the strength permitted under the London and Washington Treaties before those treaties expired.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. UMSTEAD. Not now. I shall be glad to later.

Not one item in this bill is carried for any purpose other than that which is considered to be necessary to obtain the objective of a treaty navy. Those treaties have expired, but the present policy of this Government, and the estimates upon which this bill was prepared, proceed on the same basis as if those treaties were now in operation, and as if they had not heretofore expired.

The things which contribute largely to the cost of a navy are the construction and commissioning of new ships, the aviation program, increase of personnel, both enlisted men and officers, increase in the Naval Reserve, and the accompanying expansion and proper support of all of the shore establishments. In considering this bill I ask you to bear in mind that your committee, regardless of its diligence and its efforts to eliminate all unnecessary expenditures, was controlled very largely by existing law with reference to most of the items in the bill.

You will find on pages 3, 4, and 5 of the report I have presented, a detailed statement of all the reductions made by our committee. Before going into those items I wish to call your attention, particularly those of you who oppose naval appropriations, to the fact that the time to make your fight is when authorizing legislation is before the Congress for consideration. At the last session of Congress laws were passed which added tremendously to the total cost of the Naval Establishment. Annual- and sick-leave laws which were passed added approximately $10,000,000 to the annual cost of the Naval Establishment.

Projects authorized here, yonder, and everywhere throughout the United States carry with them when estimates come to us to make them effective the necessity of appropriating money to carry out the will of Congress. So those of you who come here today and fight and oppose naval appropriations I ask you, where were you when the bills were passed authorizing the appropriations?

Mr. BIERMANN. Mr. Chairman, will the gentleman yield?

Mr. UMSTEAD. Not now. I shall be glad to later.

Mr. BIERMANN. The gentleman asked a question.

Mr. UMSTEAD. If the question hits the gentleman, I shall be glad to yield later, but not now.

In the consideration of estimates our committee is confronted with mandates of the Congress and the time to consider the cost of this project or of that project is when it is before the Congress for authorization.

Last week when the Treasury-Post Office appropriation bill was before the House a point of order was made against a provision in that bill, which was sustained by the Chair—and I am not discussing the merits of it—which will add to the cost of the Naval Establishment, apart from the Marine

Corps, $2,401,250 by resuming the payments of gratuities to enlisted men upon reenlistment.

If you will follow the items as I take them up, I shall undertake to explain to you the reasons for the committee's action with respect to the items in this bill.

We were confronted with a request which called for the expenditure of $451,380, occasioned by a plan to take out of their normal uses, one transport and two cargo ships for a period of 6 weeks for the purpose of employing them in connection with a landing exercise—a joint exercise to be engaged in by the Army, the Navy, and the Marine Corps. We did not feel that sufficient evidence was presented to the committee to justify such a large expenditure, and therefore the committee is recommending that the added expense be not allowed.

Another item with which we were confronted was a request coming from the Budget and the Department for the recommissioning of the *Pyro*. The Navy has two munition ships, one the *Nitro*, now in commission, and the other the *Pyro*, which has been in a decommissioned status for about 12 years. The evidence before us indicated it would cost approximately $500,000 to recommission the *Pyro* and put it in a state where it could be used for the transportation of ammunition. A few years ago the Department was given money with which to decentralize the storage of ammunition throughout the United States. That program has been largely completed. Your committee took the view that at the present time there was not sufficient need for the recommissioning of the *Pyro* to justify the expenditure which I have indicated. It was stated to our committee that the *Pyro* is now maintained in a fair condition. We are of the opinion that in an emergency this vessel easily could be recommissioned within a period of 30 days.

The question of the Naval Reserve presents a far-reaching and very important subject. I think those of us who believe that we should have a navy in this country recognize that in an hour of emergency a proper and well-trained Naval Reserve would have tremendous value. However, the field is so wide and the demands are so great that your committee, although recognizing the value and usefulness of the Reserve, has taken the position that it ought not be developed too rapidly, and we therefore have undertaken to hold it down in keeping with what we believe to be good common sense and a reasonable degree of progress in the various divisions of the Reserve each year.

The appropriation act for the current fiscal year allows $7,868,000 for this component. The Budget this year proposed $9,880,000. We reduced this amount by a total of $610,091, and allowed an increase of $1,430,054; but in fairness to the Reserve I should say that most of the increase is consumed by the aviation cadet program.

I desire to call your attention especially to three other items in connection with the Reserve. One of them deals with the issuance of uniforms to the Reserve. Heretofore the uniforms have been issued out of the clothing and small-stores fund. We were requested this year by the Budget to include $250,000 for this item for the first time. We felt, after carefully considering the evidence, that the capital of the clothing and small-stores fund is still sufficient to enable it to supply the necessary clothing to reservists for the next fiscal year; and we, therefore, disallowed the item.

Another item which was presented to us, not for the first time, although a part of it, as we recommend it to you, will be for the first time—and I am sure many of the Members will be interested in it. For a number of years we have been requested to appropriate funds for the training of the Merchant Marine Reserve. We were asked this year for sufficient funds to give training to 400 officers and 500 men. We felt it unwise to grant this request, but we did believe it to be good policy to allow sufficient funds to permit the training of 100 merchant marine officers, and have a report presented to us a year from now as to the progress and results of such a program. We then would be in a position to determine to what extent it may be desirable to proceed with this new phase, from an appropriation standpoint, of the Reserve branch of the Navy.

We were confronted with another request: To provide for training an additional number of college students, outside of the presently authorized naval R. O. T. C. Your committee did not feel that there is now in existence sufficient legislative authority to justify such action and we, therefore, disallowed it and have not recommended that item.

Next we come to the Bureau of Engineering. Your committee carefully considered all of the estimates under this Bureau, because the Bureau of Engineering is in charge of a very important branch of the naval service. We have allowed the Bureau of Engineering an increase of $3,396,500. We decreased the amounts requested by $1,061,300. It should be stated in explanation of the estimates and figures I am giving you that these additional amounts of money in some instances replace nonrecurring items which appear in appropriations for the current fiscal year. In such cases it does not mean that the amounts proposed are additional sums over and above the total of appropriations made this year for a particular department or branch.

A considerable portion of the increase recommended under the Bureau has relation to experiments and tests, and in that connection I wish to read from a paragraph on page 9 of the committee's report.

It may be stated that the bill makes available under this and other heads a total of $7,424,241 for research, experiments, and tests, apart from $390,000 it is proposed to be made available of "Replacement, Navy", funds for test boilers for navy yards engaged in new construction."

I shall make no attempt now to allocate the entire sum provided for experiments and research in this bill. Besides engineering, $3,328,500 is included under the Bureau of Aeronautics, $516,000 under the Bureau of Ordnance, and $763,000 under the Bureau of Construction and Repair. In this connection I also desire to say that the experimental and research field is wide open; but, at the same time, based upon the total amount of money the Navy is now costing this Government, it appeared to the committee that it was necessary to be liberal with this item, because such expenditures look to better defense preparation in many directions and in many fields.

Under Ordnance and Ordnance Stores we did not allow the total amount requested but we have allowed a substantial increase. We decreased the amount requested by the Bureau of Ordnance by $1,595,200; and your committee felt that it was fully justified in making this decrease. I call attention to the fact that whereas formerly it was the policy of the Department to purchase all of its ammunition out of the appropriation "Ordnance and ordnance stores", under the present policy the cost of ammunition for each new vessel commissioned is paid out of funds provided for "Increase of the Navy" or "Replacements, Navy", and not out of the annual maintenance and operation fund of the Bureau of Ordnance. This means a considerable amount of money, because every vessel, as I understand it, which goes into commission has placed upon it as part of its initial cost one and one-half times the magazine capacity of that vessel. Therefore, although we are not permitting the Bureau of Ordnance all of the funds requested by it, at the same time, by reason of the ammunition policy with respect to new vessels, we are proposing, in our judgment, a very liberal appropriation.

A few years ago—in 1916, to be exact—the Navy Department constructed at South Charleston, W. Va., a tremendous so-called armor plant. The Department spent on grounds, buildings, equipment, and machinery, approximately $25,000,000. The plant was first started in 1916, or rather, plans for it—just before we entered the World War. It was completed during the war. At the end of the war the Government had actually manufactured at South Charleston certain kinds of projectiles and started to manufacture a certain amount of armor. A number of projectiles were manufactured there, and other ordnance fittings, but no armor, if I am advised correctly.

In 1922 the plant was closed. Its machinery, its equipment, its tools—part of which have been removed—in the main still remain in the plant. This establishment presented

a problem to your committee, and I am calling it to the attention of Congress and particularly to the attention of the Committee on Naval Affairs for their very serious consideration. We are now having to keep in a state of repair a tremendous number of buildings and a rather large quantity of machinery. The Department is now renting 117 houses to citizens of South Charleston at a rental which is not commensurate, I understand, with rentals prevailing in the community, and there are a great many other problems connected with the equipment and the plant. As I say, we are confronted every year with the necessity of spending money for the repair and maintenance of this establishment; and it is the opinion of the committee that some disposition ought to be made of the plant in South Charleston, or some definite policy determined upon for our future guidance.

We were confronted with a request for an increase of 108 medical officers. Your committee, after considering the request, and in view of the fact there are now in the Naval Establishment 815 naval officers, felt that an increase of 108 in 1 year should not be allowed. We now have, as I said, 815, and they request an increase of 108. Your committee felt such an increase was all out of proportion to orderly procedure, and we therefore have provided for one-third of the increase requested by the Budget and the Department.

Mr. Chairman, I wish now briefly to discuss the matter of enlisted personnel. It was estimated 3 years ago that the number of enlisted men which the Naval Establishment would require for its proper operation after it reaches treaty strength would be 111,010 men. At the end of the fiscal year 1937 there will be in the Naval Establishment 100,000 enlisted men.

We were requested in this bill to provide for an average of 103,000 men during the fiscal year 1938, which would mean an additional 6,000 men during that fiscal year. This would mean, of course, at the end of 1938 there would be 106,000 enlisted men, leaving only 5,010 of the number originally stated as being the necessary number for a Navy of treaty proportions. Your committee felt that the Department was planning to approach the limit too rapidly and we reduced the proposed increase by 1,000, and, therefore, are providing for an average additional number during the fiscal year 1938 not of 3,000 but 2,500.

I now call attention to the item of travel of naval personnel. This question gave your committee considerable trouble. The policy of the Navy—and, I am told, of several other Government departments—is not to furnish travel on a cost basis but on a mileage basis. I became interested in the question and sought all of the information available about it. The legislative committee, as I understand, has heretofore given to this question serious consideration. According to the testimony before our committee, it appears that over a span of years mileage and actual expenses about equalize in the matter of reimbursement, and it would make very little difference in the ultimate cost to the Government, even if the system were changed to an actual cost basis. However that may be, I submit to the members of the Committee on Naval Affairs the importance of further consideration of this matter, and I submit to the Members of Congress that throughout the whole Government structure today and every day there are literally thousands of Government employees traveling both on an actual cost basis and on a per-diem basis, while some others travel on a mileage basis. I throw out the suggestion here and now that somehow in this great Government structure there should be and could be developed a uniform system of travel allowance throughout all of the various agencies of the Government.

We were requested to make an addition to the capital of the naval supply account fund in the sum of $6,000,000. The naval supply account fund is a fund which handles all of the purchases of supplies in use by more than one bureau of the Navy Department. They have as capital now $69,168,000. They do an annual business of 137 percent of their capital. In other words, the capital turns over or revolves at the rate of 137 percent each year. Your committee took the position that as a matter of ordinary common sense and business judgment a concern turning over annually only 137 percent of its capital had sufficient capital; therefore, we have disallowed the additional $6,000,000 requested for this purpose. However, we have added $5,000,000 to the capital of the naval supply account fund for an entirely different purpose, which is explained on page 14 of the report I have presented. This addition deals with the subject of the accumulation of a reserve supply of strategic war minerals, provision for which has been carried in the annual appropriation bills for the Navy Department, as presented to the House, for the last 2 years. I shall no longer dwell on that proposition, because it is adequately covered in the report itself.

With reference to the question of fuel and transportation, the efficient clerk of our committee obtained some figures from the Department which clearly demonstrated that the estimates of the Department were badly in error as to the quantity of fuel oil that would be consumed, if the past were any criterion.

[Here the gavel fell.]

The CHAIRMAN. The gentleman has consumed 30 minutes.

Mr. UMSTEAD. Mr. Chairman, I yield myself 10 additional minutes.

Mr. Chairman, any surplus that is left over from the fuel and transportation appropriations, of course, is blanketed back into the Treasury, but the committee took the view it was useless year after year to appropriate from $600,000 to $1,300,000 more for fuel and transportation than the reasonable needs of the Navy would require. We, therefore, have made a reduction in this item of an amount in excess of $800,000.

I shall not dwell at great length on the subject of public works, because the items are set out on pages 15 and 16 of the report, and the objects for which the funds are to be expended may be found there by anyone interested in any of the items. We did not grant all of the items requested under public works. We feel that we have acted wisely with view to proceeding in an orderly manner with the performance of the most necessary public-works items before us for consideration.

Mr. Chairman, I shall first touch upon a project which I know some Members of the House are particularly interested in. The proposition was brought up last year just prior to the closing of Congress. I refer to the naval air station at Alameda. Last year Congress passed an act authorizing the Navy Department to build at Alameda, Calif., a naval air station, and authorized the Government to take over from the city of Alameda, free and clear of all encumbrances, 929 acres, described by metes and bounds.

It appears that since that time, by Executive order, a field known as Benton Field has been transferred from the War Department to the Navy Department. The Benton Field is adjacent to the Alameda property and embraces approximately 1,050 acres of land. The plan placed before your committee by the Navy Department contemplated the use of the Alameda land and also the use of 454 acres of the Benton Field area. Your committee has included in this bill an item of $1,000,000 to comply with the terms of the Alameda authorization bill, and $364,000 of additional funds for various expenses other bureaus will be required to bear in the event the property is acquired and its development is proceeded with. Your committee felt, the time it considered this item, that the city of Alameda could not deliver this property to the Federal Government free and clear of all incumbrances. However, despite that point of view, we have provided the funds to enable development to go ahead in case procurement should be consummated as contemplated by law, prior to December 31, 1939, the expiring date under the authorizing act.

I understand the language of the authorizing act to mean what it says, and I further am of the opinion, and am anxious to make it a part of the RECORD, that not a dollar of this money can be lawfully expended by the Navy Department on the Alameda project until two things happen: First, until the town of Alameda can and does deliver this property to the Federal Government, as the authorizing act

provided, free and clear of all encumbrances; and, second, that it cannot spend a dollar of this money on the 454 acres, or any other area of the Benton Field property, until the Congress has authorized and made it lawful for the Navy Department to spend it. I have discussed this matter with the chairman of the legislative committee and I am of the opinion that he agrees with me in what I have said.

Another matter, public-works project, that was presented to us relates to a model testing basin. An act was passed last May 6 authorizing the Department to construct a ship model testing plant. This is a matter that has been under discussion for many years in the Department and it is considered to be a very necessary thing.

In the beginning, I looked upon its need with a great deal of doubt. Last year the Senate made provision for it when the bill went from the House to the Senate, and when the conferees met, your conferees would not agree that this item should remain in the bill. We had not been satisfied as to its necessity or as to the reasonableness of its cost, as explained by the Navy Department. Your committee now takes the view, after having heard the evidence presented with reference to the necessity and its value to the Naval Establishment, and to commercial activities engaged in shipping and coastwise trade and the development of the merchant marine, that there is ample justification for a modern ship model basin and that it should be constructed; but we turned thumbs down on the proposition submitted by the Department and the Budget, which would permit the purchase of 100 acres of land 15 miles out of Washington and pay for it $654 an acre, and, starting from the beginning, construct an entirely new plant. Therefore we have provided $2,500,000, instead of $3,500,000 as requested by the Department, and are requiring that it be constructed on Government-owned property.

We believe the Navy has sufficient property and an ideal location down at Bellevue, D. C., now owned by the Government and partly occupied by the Naval Experimental Laboratory, and that the new model basin can be constructed there without the necessity of power plants and a great many other buildings and facilities necessary for the operation of a model testing basin if constructed on a track by itself. We are proposing, also, one other restriction. Your committee took the view that at Langley Field there is ample provision now for testing airplanes. We, therefore, eliminated from this item all matters dealing with aeronautics, which appeared to be in duplication of facilities now maintained by the National Advisory Committee for Aeronautics down at Langley Field.

Mr. Chairman, we are confronted with a request to spend $1,000,000 in the enlargement of Bancroft Hall at the Naval Academy, and this item brings to the consideration of every Member of Congress a very important matter. It involves a question which ultimately may affect the cost of the retired list. It affects directly the number of men that ought to be sent to Annapolis, and it also affects directly the conditions existing so far as the number of line officers is concerned.

Your committee did not grant this request, and I am delighted to see members of the legislative Committee on Naval Affairs present. I have discussed this with some of the members of that committee, as well as with other Members of the House. We did not wish to say at this time that the number of appointments to the Naval Academy should, this next year, be limited to three, but it is my personal opinion—and I am not speaking for the committee now—that next year, unless some other solution of the officer problem be found, we shall be compelled to reduce the number of appointments to the Naval Academy to three rather than maintain it at four, as it now is. I shall not take the time, Mr. Chairman, to go into the details of the necessity for this action, except to say that the present authorized line-officer strength of the Navy is 6,531. That number was fixed in the act of July 22, 1935, and it was indicated at that time that it was the expectation to be able to arrive at that number by 1945. There were 6,257 line officers on the active list on September 30, 1936. Normal attrition is estimated at 2.5 percent.

Applied to the total authorized strength, that would represent an annual loss of 163 officers, while there will be an annually available inflow, on the basis of four appointments, of as many as 500 ensigns. Selection does not help the situation materially when it is considered that the passed-over lieutenants, junior grade, and lieutenants—and 72 percent of the authorized strength is in grades below lieutenant commander, are not separated from the Navy, but are permitted to be carried as additional numbers—the lieutenants until they have completed 21 years of service, and the lieutenants, junior grade, until they have had 14 years of service. The matter is further complicated by the introduction of the aviation cadet, who has proven that a solution has been found for supplying a large bulk of the needed flying-officer material. It is very doubtful if the Congress would be willing to forsake this arrangement and revert exclusively to getting aviation-officer material from Annapolis. These facts and considerations should be convincing that there is urgent need for further legislative consideration of the Navy's line officer situation, and raise a serious doubt as to the need or wisdom of continuing with four appointments to the Naval Academy. They constitute additional justification for the committee's refusal to recommend an addition to the dormitory facilities at the Naval Academy at this time.

Mr. Chairman, I yield myself 10 minutes more.

On page 19 of the report there appears a discussion touching a floating drydock. In 1935, Congress authorized the construction of a large floating drydock. The intention was to build it on the Pacific coast and to use it in the Pacific. Its authorized cost was $10,000,000, including all accessories. The Department, with Budget consent, appeared before the subcommittee on deficiencies and obtained an appropriation of $10,000,000. This past year, in 1936, bids were asked for. They were opened and the lowest bid was in excess of $16,000,000 and the highest one in excess of $21,000,000.

Manifestly it was impossible for the Navy to build the drydock within the authorized amount. I discussed the matter with the chairman of the full committee, and your Subcommittee on Naval Appropriations has reappropriated the $10,000,000 which had been appropriated for the floating drydock and has applied it to the cost of "Pay of the Navy", and hence the paper reduction of $10,000,000 to which I have previously called attention. Before the Navy Department can proceed further with the construction of such a drydock, it will be necessary for the Department to go before the legislative committee and request new authority for spending more than double the original amount the Department had estimated the drydock would cost.

Under the head of aviation, permit me to say that the bill is written in the figures and language of the Budget recommendations. There are many who believe that aviation has come to be one of the most important branches of our national defense.

Certainly no member of your subcommittee has a contrary view. We have provided in the bill for 1938, $29,186,000 for the purchase of new planes, which is $1,800,000, as I recall it, in excess of the sum allowed for that item for this year. With that money the Navy Department will purchase 251 replacement planes, 104 additional program planes, 42 Reserve planes, and 2 lighter-than-air ships, and will also be able to employ additional civilian inspection personnel. The Navy now has in use 970 so-called program planes, and there are 892 planes on order, making a total of 1,862 planes that we should have by the end of 1938. I might say in this connection that the delivery of planes, up until this time, has been somewhat slow. The Navy Department, however, anticipates that the deliveries will be made in due course and they do not consider it reasonable to anticipate any unexpected difficulties in connection with the delivery of the planes on order. It was estimated 2 years ago that 1,910 airplanes would be commensurate with a treaty navy.

We are working toward that number as rapidly as conditions will permit. We have allowed in this bill the full amount requested for the increased cost of maintenance and repair, and I call attention to the fact that you cannot keep adding additional planes to the number now in use

without also providing for an additional annually recurring expense of maintenance, operation, and repair.

On pages 20 and 21 of the report will be found a statement with reference to a limitation proposed to be placed upon the manufacture of airplanes and engines at the Naval Aircraft Factory at Philadelphia. This limitation was carried in the bill last year. It was stricken out in conference. I say to you frankly that it does not express my personal views on the subject. However, a majority of your committee felt that this restriction should again be included, and it is, therefore, a part of this bill.

As to the Marine Corps estimates, we have allowed practically everything requested, and I believe that the total reduction in the Marine Corps estimates aggregate about $143,000. In passing, permit me to say that the Marine Corps, in the estimate and judgment of the subcommittee, still maintains, justly, its reputation for efficiency and effectiveness.

I now come to the largest item in the bill, "Replacement, Navy—New ship construction." Last year your subcommittee recommended $168,500,000 for this purpose, and that amount was appropriated by the Congress. This year the Budget recommends $157,000,000. We were told by the officials of the Navy Department that on June 30 of this year there would be a carry-over into the fiscal year of 1938 of $56,500,000. The Navy Department also estimated that the maximum amount they expected to spend during the current fiscal year for ship construction would be $180,700,000. Therefore, your committee has allowed an additional $130,000,000, which, added to the carry-over of $56,500,000, makes a total of $186,500,000, which is $5,800,000 more than the Navy expects to spend during the present fiscal year. In other words, do not understand that by that reduction the ship-construction program heretofore decided upon by the Congress and the administration will be in any wise impeded or retarded; but your committee felt that it should not provide more money for the Navy Department for any particular purpose than the Department, upon its own statement and evidence, could reasonably expect to need during the fiscal year for which the appropriation is being made.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. UMSTEAD. I should prefer not to, just now.

This amount will be employed to continue the construction of 81 of the vessels that are now being built. Since the close of the fiscal year 1932 provision has been made for the construction of 106 vessels. Of this number 20 have been completed and 86 are still in the building stage.

In addition to carrying on the construction program underway, we have provided, in keeping with the policy of obtaining a treaty Navy by 1941, funds for beginning the construction of eight additional destroyers and four additional submarines, which, if we continue to adhere to the provisions of the Washington and London treaties, will leave, then, to be constructed approximately 15 destroyers and four submarines.

I believe, Mr. Chairman, that concludes what I wish to say at this time touching the major items with which your committee was called upon to deal. There is a matter of relatively minor importance upon which I should like to say a word before concluding.

Under two headings in this bill we were asked to appropriate as much as $1,800 each for the purchase of new automobiles. Your committee, after considering the matter, fixed upon a maximum of $1,300. Our reasons for so doing are as follows——

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. UMSTEAD] has again expired.

Mr. UMSTEAD. Mr. Chairman, I yield myself 10 additional minutes.

Under the present policy of purchasing automobiles, the Navy Department, as too do other Government agencies, buys cars at very favorable prices. I cannot give you the figures in dollars and cents. In addition to that, the maximum amounts we fix that may be paid for cars do not include the trade-in value of a car on the purchase of a new one. I respectfully submit to those of you in this House who believe in economy and are always talking economy that this is one thing the committee did that ought to appeal to you. We feel that under our limitation of $1,300, plus the trade-in value of the car, plus about a $300 favorable Government allowance, a car thus purchased will be about in the $1,700 or $1,800 class. I, for one, believe that a $1,800 automobile is good enough for any department of the Government or any official to use when it is being paid for by public taxation. We therefore have written a $1,300 maximum into our bill, and I took the liberty of calling our action to the attention of the full committee of the Appropriations Committee in the hope that we should make some impression upon the entire Government structure.

Mr. Chairman, I have taken much longer than I intended to discuss some of the main items in this bill. Before concluding my remarks about the provisions of the bill I should be failing to do not only what I wish to do, but should do, if I failed to take this opportunity to express to each member of the subcommittee my thanks for the conscientious manner in which each of them endeavored to assist in the preparation of this bill.

I also wish to pay tribute to the efficiency and diligence of Mr. John Pugh, who sits at my left, clerk to the Subcommittee on Appropriations for the Navy. His capacity, his tireless energy, his knowledge of the Naval Establishment, his uniform courtesy and kindness commands the respect and admiration not only of the members of our subcommittee but all those who deal with him. [Applause.]

Mr. MAGNUSON. Mr. Chairman, will the gentleman yield?

Mr. UMSTEAD. I yield.

Mr. MAGNUSON. The gentleman in discussing the items passed over an item on page 16 providing for an appropriation for the navy yard at Mare Island. I wonder if the gentleman would explain how that got in the bill.

Mr. UMSTEAD. During the last Congress there was authorized the construction at Mare Island of a graving dock at a maximum cost of $3,500,000. The committee last year allowed $150,000 for the preparation of plans, the removal of sewer pipes, and other necessary preliminary work. This year the committee felt that the work should continue, and we therefore recommend $500,000 additional funds in order that this project might be continued.

Mr. MAGNUSON. May I ask the gentleman if this item was recommended by any part of the Naval Establishment?

Mr. UMSTEAD. It was not, to the subcommittee. It has already been approved by the Navy Department and the Congress. It was not included in the estimates which came from the Budget.

Mr. MAGNUSON. Is it not a fact that the additional $500,000 is the action of the subcommittee itself without recommendation?

Mr. UMSTEAD. In a sense, yes; although, as I stated, the project has been authorized by Congress.

Mr. MAGNUSON. Then may I ask the gentleman whether or not the Department recommended, in relation to the general subject of drydocks, a preference for a floating drydock, and the sum of $10,000,000, in preference to the Mare Island dock?

Mr. UMSTEAD. It did not. The question of building a floating drydock was not before our committee at all, except by way of reappropriating money, which we did.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. UMSTEAD. I yield.

Mr. McCORMACK. I am very much interested if the gentleman has any views he would want to express as to the condition of the auxiliary fleet? While I realize that probably an authorization must be made before the Subcommittee on Appropriations can act, I feel if the gentleman has any views on the condition of our auxiliary fleet I should be anxious to hear them, and I am sure other Members of the House would be anxious to hear them.

Mr. UMSTEAD. I am not prepared to give the information requested by the gentleman for the reason that it has been before our committee only by way of isolated and collateral statements. That subject, of course, should, of necessity, be dealt with by the naval legislative committee. I have no detailed information upon which to base any opinion about it.

Mr. McCORMACK. The reason I framed my question in the manner I did was because I appreciated the fact that the gentleman probably was in that position, that the first action will have to be taken by the legislative committee; but if the gentleman has any personal views, or information, or opinions on that important matter as distinguished from his position as chairman of the subcommittee, I know it would be very interesting and a powerful contribution. My understanding is that our auxiliary fleet is in rather bad condition.

Mr. UMSTEAD. I thank the gentleman for his observations. The only information that I should be willing now to give to the House is that the Chief of Naval Operations has expressed to our committee that our auxiliary vessels are in bad condition in many instances, and that some action should be taken; but I have no information further than his general statement.

Mr. PHILLIPS. Mr. Chairman, will the gentleman yield?

Mr. UMSTEAD. I yield.

Mr. PHILLIPS. I should like to ask the gentleman several questions from notes I jotted down while he was talking. I noticed that on several occasions the gentleman referred, as I recall his words, to a treaty navy. For my part I should like to know if it is the policy of the United States Government in building our fleet to adhere to treaties which other nations no longer adhere to.

Mr. UMSTEAD. It would appear from the gentleman's question that he did not exactly understand my statement. I made no statement and do not now make any statement undertaking to say to the gentleman or to the Congress what the future naval policy of the United States may or may not be; but I do say to the gentleman that the appropriation items in this bill are made with the objective of developing a treaty navy as contemplated by the Vinson-Trammell Act; and at the time of the passage of that act both the London and Washington Treaties were in existence and operative.

Mr. PHILLIPS. Mr. Chairman, will the gentleman yield for a further question?

Mr. UMSTEAD. Certainly.

Mr. PHILLIPS. If I recall the gentleman's remarks correctly, he referred to the possible necessity of further legislation before money could be appropriated properly to set up the R. O. T. C. asked by the Navy Department. This is a subject in which I am interested, and I am wondering if the gentleman could not expand on it a little.

Mr. UMSTEAD. I shall be glad to, briefly. The present naval R. O. T. C. law, if I recall correctly, limits the number of R. O. T. C. students to 1,200. The Department now desires to exceed that number in a rather roundabout way, and the committee takes the view that additional legislation will be necessary before we shall have any authority to expand the number by way of appropriations.

Mr. O'CONNOR of Montana. Mr. Chairman, will the gentleman yield?

Mr. UMSTEAD. I yield.

Mr. O'CONNOR of Montana. On page 22 of the report appears the item of $150,074,000 for 81 vessels building and heretofore initially appropriated for. Among the items are two battleships. Has the gentleman any information as to how much of the $150,000,000 will be expended on the construction of the two battleships?

Mr. UMSTEAD. Approximately $15,179,000.

Mr. O'CONNOR of Montana. For both ships?

Mr. UMSTEAD. During 1938, the duration of this bill.

Mr. O'CONNOR of Montana. What will be the ultimate cost of construction of these two ships?

Mr. UMSTEAD. $60,173,000 each.

Mr. O'CONNOR of Montana. When will this sum have been expended by the Government?

Mr. UMSTEAD. It is estimated that it will require approximately 4 years to complete them.

Mr. KOPPLEMANN. Mr. Chairman, will the gentleman yield?

Mr. UMSTEAD. I yield.

Mr. KOPPLEMANN. In answer to the gentleman from Connecticut [Mr. PHILLIPS], the gentleman from North Carolina stated that the objective was a treaty-sized navy, if I understood the gentleman correctly.

Mr. UMSTEAD. That is correct.

Mr. KOPPLEMANN. I rise to ask what other reason there is for what I consider a very, very large appropriation, what other basis is there?

Mr. UMSTEAD. I realize, of course, that I could not answer within any reasonable time the gentleman's question because I am of the opinion that he does not believe in any great measure of national defense. The object of this bill, whether you express it in terms of a treaty navy or otherwise, is to provide for the United States and the people who live therein an adequate national defense. [Applause.]

Mr. KOPPLEMANN. Mr. Chairman, will the gentleman yield further?

Mr. UMSTEAD. I do.

[Here the gavel fell.]

Mr. WOODRUM. Mr. Chairman, the gentleman is making a very informative address. I ask unanimous consent that he may be permitted to yield himself such additional time as he may require to conclude his remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. KOPPLEMANN. In view of what the gentleman has just said, I want him to know that I stand for adequate national defense. The difference between the gentleman and myself is in what I consider unnecessarily large expenditures.

Mr. UMSTEAD. I yielded to the gentleman for the purpose of asking a question. I hope to be able to yield to him time in his own right to make a speech.

Mr. PHILLIPS. Mr. Chairman, will the gentleman yield?

Mr. UMSTEAD. I yield.

Mr. PHILLIPS. As I recall it, the gentleman stated that the Navy was unable to expend all of the money appropriated last year. I do not want to make a speech; I want only to ask a question. I am interested in a large Navy, but I cannot understand why the Navy cannot expend the money we appropriate for building a large Navy.

Mr. UMSTEAD. That is a long and somewhat involved subject. There are many things that must be taken into consideration in determining how money may be spent properly and wisely for building up the Navy.

I do not have the time now to go into all of that, but I should like to refer the gentleman to Admiral Land's statement before the committee dealing with matters affecting delay in the construction program.

Mr. DELANEY. Will the gentleman yield?

Mr. UMSTEAD. I yield to the gentleman from New York.

Mr. DELANEY. On page 10 of the committee report, in discussing the Charleston plant, the gentleman referred to the fact we are renting houses down there at a very small rental not commensurate with prices received for private dwellings elsewhere in the vicinity. All over the country we have many establishments of the Navy, which, in the opinion of the Navy and our committee, should be disposed of or dismantled. Has the gentleman any suggestions to make along this line?

Mr. UMSTEAD. I have not. I understand that some evidence has been presented to the legislative committee on that subject. We have accumulated in the hearings considerable evidence, and I think the testimony will be of interest to the members of the legislative committee. I have no solution to offer at this time, but I believe those charged

with that responsibility—and our committee is not—should find some solution.

Mr. DELANEY. I agree with the gentleman.

Mrs. ROGERS of Massachusetts. Will the gentleman yield?

Mr. UMSTEAD. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. What has the committee recommended for the Boston Navy Yard? That is not in my district, but many of my constituents work over there at times.

Mr. UMSTEAD. There is no specific item. I could not give the gentlewoman the total allocation for the Boston Navy Yard because that happens to be involved in lump-sum appropriations under several different bureaus in this bill, and there does not appear a break-down for the Boston Navy Yard or any particular yard.

Mrs. ROGERS of Massachusetts. Does the gentleman remember whether the appropriation for the Boston Navy Yard has been increased or decreased?

Mr. UMSTEAD. I should say it has been increased, but only to the extent of the natural and normal increase of the entire Naval Establishment.

Mr. FOCHT. Will the gentleman yield?

Mr. UMSTEAD. I yield to the gentleman from Pennsylvania.

Mr. FOCHT. May I call the gentleman's attention to a discussion in the last session of the Congress with regard to certain superdreadnaughts or battleships? I refer to two high-priced battleships.

Mr. UMSTEAD. Yes.

Mr. FOCHT. Was not the statement made here at the conclusion of that program we would have about 2,700 airplanes?

Mr. UMSTEAD. I do not recall such a statement being made on the floor; no.

Mr. FOCHT. That is my recollection. I notice there has been a diminution of 1,000, and I was wondering what happened to those airplanes.

Mr. UMSTEAD. I am inclined to think the gentleman is confusing Army and Navy figures.

Mr. O'CONNOR of Montana. Will the gentleman yield?

Mr. UMSTEAD. I yield to the gentleman from Montana.

Mr. O'CONNOR of Montana. I agree with the distinguished gentleman from Virginia that the gentleman is making a very informative speech this morning. As the gentleman is very familiar with the subject, I would like to have his opinion on what constitutes an adequate defense and what does he understand to be included in the word "defense" as we use it in connection with these appropriation bills? In other words, how far are we to go in defending ourselves? I would like to get the gentleman's opinion upon that matter.

Mr. UMSTEAD. I thank the gentleman for the first part of his statement, and I assume the gentleman knows that it would be utterly impossible for me to answer his question in the time left at my disposal.

Mr. O'CONNOR of Montana. No. I am anxious to hear the gentleman's opinion.

Mr. UMSTEAD. May I refer the gentleman to a study of the various elements involved in a treaty navy, to the place and position which the United States occupies among the family of nations, and to all other matters affecting our international relationships and the necessity for a defense of our country?

Mr. O'CONNOR of Montana. I just wanted the gentleman's opinion.

Mr. PHILLIPS. Will the gentleman yield?

Mr. UMSTEAD. I yield to the gentleman from Connecticut.

Mr. PHILLIPS. I would like to ask the gentleman just two more questions. One refers to lighter-than-air craft and the other refers to whether or not we have appropriated money to fix Bancroft Hall. I want to know if Bancroft Hall will be safe and sanitary and fully fireproof despite the fact we have not appropriated money to fix it up.

Mr. UMSTEAD. The gentleman again misunderstood my statement. I did not make the statement that we are not appropriating money to repair, maintain, and keep in excellent condition Bancroft Hall. The item that the committee recommended be not allowed is for an extension of Bancroft Hall, which has nothing to do with the maintenance of the institution.

Mr. PHILLIPS. May I ask the further question whether or not consideration has been given to lighter-than-air craft?

Mr. UMSTEAD. It was to the extent of the two ships provided for in the estimates.

Mr. GIFFORD. Will the gentleman yield?

Mr. UMSTEAD. I yield to the gentleman from Massachusetts.

Mr. GIFFORD. This interjection does not refer to battleships. One of the chief items of defense the gentleman may have in mind or should keep in mind is that we better preserve the credit of the Nation so that we may have funds for defense at some future time.

Mr. UMSTEAD. I am not differing with the gentleman about the preservation of the credit of our Nation. If he will take the Budget estimates and look at the amounts carried in this bill, I think he will give a little credit to us for trying to carry out that theory. [Applause.]

Mr. MAGNUSON. Will the gentleman yield?

Mr. UMSTEAD. I yield to the gentleman from Washington.

Mr. MAGNUSON. The gentleman will consider my questions in the light of trying to secure information and not as critical of the committe. I am interested in the question of a floating drydock. The gentleman stated that the question of a floating drydock did not come before his committee.

Mr. UMSTEAD. I stated the question of constructing the drydock did not come before our committee as such, and it did not.

Mr. MAGNUSON. Did not the Navy Department state that the matter was so urgent it was brought up before the Deficiency Committee?

Mr. UMSTEAD. That was in 1935 after Congress passed the enabling act. The Department went before the deficiency subcommittee on the basis of an emergency and secured an appropriation; yet from the spring of 1935 until the autumn of 1936 no proposal had been invited. The gentleman understands the reason it was not before our committee?

Mr. MAGNUSON. I do not understand the reason the committee took out the $10,000,000.

Mr. UMSTEAD. Because the act limited the total amount to be expended to $10,000,000 and the lowest bid submitted was $16,163,000.

Mr. MAGNUSON. Could not the Appropriation Committee recommend to the Committee on Naval Affairs the appropriation of an additional $6,000,000?

Mr. UMSTEAD. Our committee does not determine what the policy of the Naval Affairs Committee should be.

Mr. KOPPLEMANN. Did the gentleman's committee take into consideration the anticipated passage of neutrality legislation by the Congress in relation to the large expenditures for an increased Navy as contained in this bill?

Mr. UMSTEAD. I can answer the gentleman by saying that that matter was not considered by our committee at all, and so far as these estimates are concerned, was not considered in any of our deliberations or conclusions.

I also may say further to the gentleman that, as the gentleman knows, the legislation has not yet passed, and it is not the function of the Committee on Appropriations to consider legislation until it has been enacted by the Congress and signed by the President.

Mr. LUDLOW. Mr. Chairman, will the gentleman yield?

Mr. UMSTEAD. I yield to the gentleman from Indiana.

Mr. LUDLOW. If the gentleman will allow me to interrupt his very able presentation of this bill, I may say that I think the gentleman knows my deep-seated conviction that the Government should not enter into competition with private business, and I note with some concern the extent to which the Navy Department has entered into the manufac-

ture of airplanes. I know, of course, this is not a matter within the control of the gentleman's committee, because this is done pursuant to existing statutes, but I should like to ask the gentleman if he can give us information as to how many airplanes have been manufactured by the Government for the use of the Navy?

Mr. UMSTEAD. I understand 39 training planes have been delivered and 165, including the 39 already delivered, are under construction at the aircraft factory in Philadelphia.

Mr. LUDLOW. And will the gentleman tell us about the limitation carried in this bill against the manufacture of engines?

Mr. UMSTEAD. Yes. If the gentleman will read the language of the limitation, it will be clearer than any language I can now use. The limitation was included in last year's bill and was eliminated by the Senate and finally by the conferees. I stated, and will repeat, that although, generally speaking, I am in accord with the gentleman's philosophy about competition, when it comes to a question affecting the procurement of elements of national defense and all of the various phases of such defense, then I do not follow through with the gentleman on his theory of competition, and the limitation in this bill does not express my personal attitude, but represents the action of the committee.

Mr. LUDLOW. Does not the gentleman think there are private concerns that are capable of making these engines?

Mr. UMSTEAD. Yes; but I also think that although, of course, private industry is capable of making them, the United States Government would perhaps do well to have a yardstick on the cost of manufacturing airplanes so that it may know whether it is being charged too much or not. [Applause.]

Mr. LUDLOW. Does not the gentleman think that such a yardstick can be very readily available without actual manufacture by the Government?

Mr. UMSTEAD. I do not think so, and if the gentleman will read the hearings on the bill he will see from the questions propounded and the answers thereto that it is entirely possible to obtain a yardstick in the manufacture of airplanes, and I may say to the gentleman that the thing which bothers me about this matter is that unless we do this, how are we ever going to know how much we are being overcharged, even with the 10-percent profit limitation, in the large number of planes we are purchasing.

Mr. COLDEN. Mr. Chairman, will the gentleman yield?

Mr. UMSTEAD. I yield to the gentleman from California.

Mr. COLDEN. May I ask the gentleman whether his committee considered the advisability of building a permanent graving dock on the coast of southern California and one at Honolulu as a substitute for the floating dock that was previously authorized?

Mr. UMSTEAD. I may say, with all courtesy and deference to my friend from California, that the committee was so busy considering the items placed before it, the aggregate of which ran into such a large sum of money, we did not consider such items as the gentleman has mentioned which were not included in the bill.

Mr. DELANEY. Mr. Chairman, will the gentleman yield?

Mr. UMSTEAD. I yield to the gentleman from New York.

Mr. DELANEY. The gentleman has been very generous in his praise of his associates on the committee and of the secretary of his committee, and I want to pay a brief tribute to the gentleman for his very able presentation of this entire matter. I think everyone present appreciates the hard work the gentleman has undertaken and has so successfully carried out. [Applause.]

Mr. UMSTEAD. I thank the gentleman from New York.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. UMSTEAD. I yield to the gentleman from Michigan, and then I shall have to conclude.

Mr. CRAWFORD. I do not know whether this question comes within the jurisdiction of the gentleman's committee or not, but in the matter of over-aged naval vessels, of which we have approximately 213, can the gentleman tell us what efficiency they would have in defensive or offensive service and does over aged mean that they are obsolete or just over aged?

Mr. UMSTEAD. Do I understand the gentleman to refer to decommissioned vessels?

Mr. CRAWFORD. I would not say decommissioned, but vessels which are classed as over age.

Mr. UMSTEAD. I may say, in answer to that question, that some over-age vessels are still useful and there are many such vessels now in use. The truth is, and I say this partially for the benefit of my friends, the gentleman from Connecticut [Mr. KOPPLEMANN] and the gentleman from Iowa [Mr. BIERMANN] all vessels included in the 20 already completed and the 81 now under construction and the 12 new destroyers and submarines provided for in this bill are replacement vessels and do not add to the previous number of vessels in our floating Navy.

Mr. CRAWFORD. As I understand, there is a distinction in the classification of obsolete vessels and over-age vessels?

Mr. UMSTEAD. There is.

Mr. CRAWFORD. And those that are obsolete are not used at all?

Mr. UMSTEAD. There is quite a distinction between obsolete and over-age vessels. Over-age vessels are both so in fact and by reason of an arbitrary over age status prescribed in treaties. As to some of our vessels classified as over age, I should say no, and some of them unquestionably may be used again. A decommissioned vessel over age, if it be in fair condition and is kept up in proper repair—and we are maintaining a number in proper repair—in the event of an emergency could be recommissioned and could perform some very worthwhile and necessary functions.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. UMSTEAD. I stated that I should not yield further, but I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. I am very much interested in safety in the air. Can the gentleman tell me what is done with the obsolete airplanes?

Mr. UMSTEAD. I understand when they are declared to be obsolete and unsafe to fly they are not permitted to be used by any branch of the naval service.

Mrs. ROGERS of Massachusetts. Does the gentleman know whether accidents have decreased or increased, and the number of deaths?

Mr. UMSTEAD. I understand from the hearings before our committee that accidents are materially upon a decline.

Mr. KOPPLEMANN. Mr. Chairman, will the gentleman yield?

Mr. UMSTEAD. I yield to the gentleman.

Mr. KOPPLEMANN. Would the gentleman be willing to state, in the event of the passage of the neutrality legislation such as was passed in the Senate, that that would make unnecessary the size of the present Navy?

Mr. UMSTEAD. Of course, I am not prepared to answer that question, because I have not up until this time even had an opportunity, due to my labors in connection with this bill, to give proper consideration to the neutrality bill passed by the Senate. I am not familiar with all of its provisions.

Mr. KOPPLEMANN. I thank the gentleman, and I appreciate that he is a very busy working Member of this Congress.

Mr. UMSTEAD. Mr. Chairman, I reserve the remainder of my time. [Applause.]

With the consent of the gentleman from Pennsylvania [Mr. DITTER], I now yield 5 minutes to the gentleman from Texas [Mr. JONES].

JAMES P. BUCHANAN

Mr. JONES. Mr. Chairman, this is the twenty-fourth anniversary of the beginning of the service in Congress of the late JAMES P. BUCHANAN. I had intended to say a few words the day his death was announced, but my sense of loss was so overwhelming that I did not trust myself to undertake an expression at that time.

In my judgment, Mr. BUCHANAN was one of the great men of this generation. He was unusually well endowed with the qualities that go to make up an ideal public servant.

He had courage. I think we all agree that that is one of the most essential qualities of a good Representative. He possessed that quality to a superlative degree. He met all problems head up and unafraid.

He had ability. I think all who knew him will concede that. He always knew what it was all about.

He had honesty. If JAMES P. BUCHANAN told you he would do a thing, he might do more than he promised, but he would never do less.

He was unselfish. He had rather a brusque manner. It took a little while to learn what sort of man he was, but he had a heart as big as Texas, the State that he loved best, although he served all 48 with equal diligence.

He never sought anything for himself in the way of recognition except as an avenue for public service. The height of his ambition was to be chairman of the great committee of which he became chairman. He attained his ambition and used that position, as he conceived his duty to use it, in the interest of his country. He was intensely patriotic and loved his country, and, as near as a human being could, he thought only of his country's good.

I was very much impressed when talking to his physician on the day it became apparent that he could not meet the crisis with which he was faced. The physician told me that Mr. BUCHANAN, before the session began, had asked him about his future. The physician advised him that if he would quit his work and retire to his country home and live quietly he would probably live a number of years; but he told him that he could not do any great amount of work, and that if he persisted in his continuous efforts here in the House he probably would not last more than 2 or 3 months. After studying a moment, Mr. BUCHANAN said, "I believe I shall take my 2 months as a real man, as I have no desire to live uselessly."

That showed the real spirit of the man. It recalled to my mind a little poem by a noted columnist, Mr. W. F. Kirk. In the hours of his last illness, Kirk wrote a poem called the Ninth Inning. The last stanza of that poem, if I can repeat it correctly, is as follows:

'Twas a glorious game, from the opening bell;
Good plays, bad plays, and thrills pell-mell.
The speed of it burned my years away,
But I thank Great God that He let me play.

Words seem so futile. He was probably the best friend that I ever had in public life. He was almost like a father to me. Anything like an oration or a speech is not in order. I merely wanted to speak these few simple sentences of honest tribute to a great spirit with whom we had the privilege of serving. [Applause.]

Mr. PLUMLEY. Mr. Chairman, I yield 30 minutes to the gentleman from Michigan [Mr. MAPES].

Mr. MAPES. Mr. Chairman, I ask unanimous consent to revise and extend my remarks and include certain excerpts from the opinions of the Supreme Court and certain other documents and articles to which I shall refer.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MAPES. Mr. Chairman, I desire to discuss the report of the Brownlow Reorganization Committee, as it relates to the Interstate Commerce Commission, although what I have to say will apply quite as much to some of the other more important regulatory commissions or independent establishments of the Government, such as the Federal Trade Commission, the Federal Communications Commission, the Securities and Exchange Commission, and the Federal Power Commission, to mention some of the more important ones only. I confine myself particularly to the Interstate Commerce Commission, because my membership on the Committee on Interstate and Foreign Commerce of the House brings me into closer contact with the work of that Commission than of any of the others.

Let me say at the outset that I am a friend of reorganization and hope to be able to support the legislation reported by the Joint Committee on Organization. I may add that that hope is based upon the further hope that the joint committee will not accept some of the recommendations of the Brownlow Committee.

The Interstate Commerce Commission was the first regulatory commission. It was created by the passage of the Interstate Commerce Act in 1887—50 years ago—and the first chairman of the Commission was the distinguished author and jurist, Thomas M. Cooley, of Michigan.

The regulatory commissions have all been created by Congress and made its agents to assist it in the performance of the duty imposed upon it by the Constitution, "to regulate commerce with foreign nations, and among the several States, and with the Indian tribes." In the aggregate they cover a broad field and exercise tremendous power for weal or woe. At the same time, it should be kept in mind that they have no power, can exercise none, except that which has been expressly delegated to them by Congress.

SCOPE OF WORK OF REGULATORY COMMISSIONS

Some idea of the scope of their work may be had by a brief reference to the subjects or business over which they have jurisdiction. For example, Congress has made it the duty of the Federal Trade Commission to prevent unfair methods of competition on the part of those doing business in interstate commerce; of the Federal Communications Commission to regulate and control those engaged in the transmission of communications by wire or radio; of the Securities and Exchange Commission to regulate and control the stock exchanges and the issuance of corporate securities entering into interstate commerce; of the Federal Power Commission to regulate and control water-power projects on navigable streams and the transmission of electric energy in interstate commerce; and of the Interstate Commerce Commission to regulate the railroads of the country.

It would be hard to overstate the importance of these commissions. Every one of us, every American citizen, is directly affected by their work in his everyday life. In recognition of their importance and in order that they might be as free as possible from political and other control, Congress in creating them has given them an independent status outside of the regular departments of the Government, which are under the jurisdiction and the control of the members of the Cabinet. Up to this hour they are and always have been responsible to Congress, and to Congress alone. The Brownlow committee would change all this.

The papers last week carried stories to the effect that, in addition to the report of the committee, a confidential bill, prepared presumably by Mr. Brownlow, or under his supervision, was before the joint committee of the two Houses on reorganization, and at the same time an alleged summary of the bill was published.

It was difficult for me to get any more out of the summary than I did out of the report, and I assume that the bill, if there is one, having been prepared by Mr. Brownlow, attempts to put into legislative form the recommendations of the committee of which he was the chairman.

I see no reason why a bill of such importance and great public interest should be kept confidential, but, be that as it may, there was one statement in the story relating to the bill in the Washington Post that was especially significant. It was this:

Proposed changes were submitted by Louis Brownlow * * * and are understood to have been "casually" examined by the President—

The word "casually" being in quotation marks.

Herein lies the danger in accepting drafts of bills proposing legislation sent up from the White House as the work of the President. By the very nature of things and the multiplicity of his duties, the President can examine them "casually" only, if at all. They are often prepared, as in the case of the Brownlow committee, by someone without official responsibility, without public hearings, at least, and without practical experience in the field with which he attempts to deal.

I think it is only fair to say in this connection that the membership of the joint reorganization committee is such that we may expect it to carefully analyze any recommendation or bill submitted to it and to draft a bill of its own before recommending any to either House of Congress. The friends of the committee will be greatly disappointed if it does not do that.

RECOMMENDATION OF BROWNLOW COMMITTEE

It is impossible to get the full import and implications of the Brownlow committee report without a careful study of it; but, stated briefly, as far as its proposal relating to these regulatory commissions is concerned, it recommends that they be deprived of their independent status, placed in one or another department of the Government, and put under the control of, and made responsible to, a member of the Cabinet, a political appointee, and, through him, to the President. After that has been done, the work of the commissions is to be divided; the legislative, or quasi-legislative, part of it is to be separated from the judicial or quasi-judicial part and performed by a bureau or division, set up in the Department for that purpose, the members of the commissions proper to confine themselves in the future to the purely judicial part of the work now performed by them.

MEANS POLITICAL CONTROL

This recommendation, if carried out, means a radical change in a long-established practice of the Government and involves a question of public policy of fundamental importance. It seems to me and to others with whom I have discussed the matter, that it would change the very nature of the Interstate Commerce Commission; in fact, that it would destroy it as we have known it and as it has existed throughout the years. A former member of the Commission, testifying before the Committee on Interstate and Foreign Commerce of the House a few days ago, gave it as his opinion that it would be better to abolish the Commission altogether than to put into effect this recommendation of the Brownlow committee.

Putting these commissions under a member of the Cabinet means political control. Can anyone imagine anything more unfortunate? It means direct and constant contact between the Executive and the commissions, which would deprive them of the independence which they now enjoy. Their work would thereby be subjected to political influence which might prove very powerful when an administration had some political policy or plan it desired to put across or when the exigencies of party politics seemed to demand it. Think of the power which an Executive would have under such circumstances to reward or punish if he saw fit to use it for that purpose.

Who would want to make a political campaign upon the issue of whether railroad rates should be lowered or raised? When one contemplates the possibilities of this proposal, he can well understand the feeling of the former member of the Interstate Commerce Commission who declared it would be better to abolish the Commission altogether.

The friends of the work of these commissions may take some encouragement from the apparent uncertainty of the Brownlow committee itself as to the wisdom of the recommendation.

The report speaks of it as a "possible solution" only. Referring to it, the report says:

> The following proposal is put forward as a possible solution of the independent-commission problem, present and future.

That language indicates that the committee itself was not certain of the wisdom of its position. It may be that upon further reflection it will withdraw the recommendation which it has made as to these commissions. It is devoutly to be hoped that it will; but if it does not, then the friends of the work which they are delegated to perform must rely upon the good judgment of the reorganization committees of the House and Senate not to report any legislation which will attempt to put the recommendation into effect.

As a practical matter, it is difficult to see how it could be worked out. I venture to say that anyone who attempts to draft legislation attempting it will not find it "simple", as the report speaks of it. But suppose it could be done, what would be the result?

In the first place, the bulk of the work of the Commission, or, in the language of the report—

> All the purely administrative or sublegislative work now done by the Commission; in short, all the work which is not essentially judicial in nature—

would be done by a regular bureau or division in the Department directly responsible to the Secretary. The Commission now has an organization of about 2,000 employees, many of them experts in their field. They would all be assigned to a department, become subject to a bureau chief, and their work directed by him. It is not quite clear just what the status of the members of the Commission themselves would be. It would be some sort of a mongrel affair, a cross between complete independence which they now enjoy and responsibility to the head of the department. One thing is certain, they would not be burdened with work, as the strictly judicial part of the work of the Commission is limited. It consists largely in the trial of reparation cases.

RECOMMENDATION WOULD WEAKEN WORK OF COMMISSION AND RESULT IN DUPLICATION AND WASTE

Assuming that the work of the Commission could be divided, as recommended by the Brownlow committee, it would be bad public policy to do it. It would weaken materially the Commission's regulation of the railroads, result in duplication of effort, and a waste of time and money on the part of both the Government and of the shippers and railroads as well. The quasi-legislative work and the quasi-judicial work of the Commission overlap and merge into each other to a great extent.

Mr. ROBSION of Kentucky. Would the gentleman mind if I asked him to yield at this point?

Mr. MAPES. I shall be glad to yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. I notice the reorganization recommendation is to divide the Commission into two bodies, one a quasi-legislative body. What duties would they perform as a quasi-legislative body?

Mr. MAPES. I am coming to that. I hope to answer the question of my friend fully a little later in my remarks, I will say to the gentleman.

The fixing of rates for the future is a legislative act. An award of reparations for overcharges in the past is a judicial act. Frequently, the Commission at the same hearing considers the question of awarding reparation for overcharges in the past and fixing rates for the future. That could not be done under the set-up of the Brownlow Committee. As stated by the Supreme Court in the case of *Baer Bros.* v. *Denver, Rio Grande R. R. Co.* (233 U. S. 486):

> That the two subjects of reparation and rates may be dealt with in one order is undoubtedly true. But awarding reparation for the past and fixing rates for the future involve the determination of matters essentially different. One is in its nature private and the other public. One is made by the Commission in its quasi judicial capacity to measure past injuries sustained by a private shipper; the other, in its quasi legislative capacity, to prevent future injury to the public. But testimony showing the unreasonableness of a past rate may also furnish information on which to fix a reasonable future rate and both subjects can be, and often are, disposed of by the same order.

With a separation of the work, as the Brownlow Committee recommends, such testimony would all have to be duplicated.

DUTY OF CONGRESS TO MAKE RATES

It is the duty of Congress to fix railroad rates or, stated in another way, the fixing of rates is a legislative act. In the language of the Supreme Court in *Louisville & Nashville R. R. Co., Garret* (231 U. S. 298, p. 305):

> It has frequently been pointed out that prescribing rates for the future is an act legislative, and not judicial in kind. It pertains broadly speaking to the legislative power. The legislature may act directly, or, in the absence of constitutional restriction, it may commit the authority to fix rates to a subordinate body.

Congress saw fit to "commit the authority to fix rates to a subordinate body", to use the language of the Court, when

it created the Interstate Commerce Commission. The multiplicity of duties of Congress and the complexity of the rate-making problem, made it necessary for Congress to take such action in order to properly perform the duty imposed upon it by the Constitution. The fundamental idea underlying all commission regulation of public service corporations is that a small body of qualified experts, removed from political control, can do the job for Congress better, more continuously, and more efficiently, than Congress itself can do it.

The Interstate Commerce Commission "as the agent of Congress in making rates", quoting again the language of the Supreme Court—

> Must make them in accordance with the standards and under the limitations which Congress has prescribed (*Morgan* v. *U. S.*, 298 U. S. 468).

DUTY OF COMMISSION UNIQUE

The Commission has a unique duty to perform as compared with the regular administrative agencies of the Government. It is given the Transportation Act and told to make it work. In order to do that, it must develop and have at its command a staff of experts. In its work and in the preparation of its cases, it now has the opportunity to call in its experts, to produce evidence if it sees fit to do so, to examine witnesses; in short, to make up a complete record. The Brownlow Committee would change this. It says:

> The judicial section would sit as an impartial, independent body, to make decisions affecting the public interest and private rights upon the basis of the records and findings presented to it by the administrative section.

Under that set-up the Commission would not have the opportunity of seeing the witnesses even. The most that could be said for it is that it would become just another court and would delay the final determination of contested cases to that extent, although it would be obliged to render its decisions entirely "upon the basis of the records and findings presented to it by the administrative section." It just does not seem as though that sort of thing would work with any degree of satisfaction.

The plan, if put into effect, would deprive the Commission of the power which it now has of initiating investigations upon its own motion, such as the investigation of freight charges in the United States, which it made in 1922 and which resulted in an order reducing them, and the investigation of passenger fares and surcharges, such as it made last year and which resulted in the reduction of passenger fares and the elimination of surcharges.

REASON FOR RECOMMENDATION

What is the reason for this recommendation proposing such a radical change of governmental policy? It is frankly stated to be for the purpose of bringing all the regulatory commissions and their staffs under the control of the Executive and to make them responsible to him.

The report emphasizes the alleged necessity of centralizing and enlarging the powers of the Executive from the standpoint of management, but it fails to grasp, apparently, the functions of these regulatory commissions when it recommends that they be placed under the control of and made responsible to the Executive. They exercise no executive power in the proper meaning of that term. They are agents of Congress. While the Constitution vests the executive power in the President, it vests in Congress exclusively the power to regulate commerce between the States, with foreign nations, and with the Indian tribes. The President has no power to regulate commerce. These commissions are created by Congress to assist it in the performance of its duty in this respect. Is Congress willing to place them under the control of the Executive in the performance of a duty imposed upon it by the Constitution and delegated by it to them as its agents?

What the Supreme Court said in the Humphrey's case of the Federal Trade Commission (*Humphrey's Executor* v. *U. S.*, 295 U. S. 628) applies to all regulatory commissions.

The Federal Trade Commission—

The Court in that case declared—

> is an administrative body created by Congress to carry into effect legislative policies embodied in the statute in accordance with the legislative standard therein prescribed, and to perform other specified duties as a legislative or as a judicial aid. Such a body cannot in any proper sense be characterized as an arm or an eye of the Executive. Its duties are performed without Executive leave and, in the contemplation of the statute, must be free from Executive control. In administering the provisions of the statute with respect of "unfair methods of competition"—that is to say, in filling in and administering the details embodied by that general standard—the Commission acts in part quasi-legislatively and in part quasi-judicially. * * * To the extent that it exercises any executive functions, as distinguished from executive power in the constitutional sense, it does so in the discharge and effectuaton of its quasi-legislative or quasi-judicial powers, or as an agency of the legislative or judicial departments of the Government.

REPORT FAILS TO GRASP TRUE FUNCTION OF COMMISSIONS

In other respects the Brownlow committee seems to fail to grasp the true function of these commissions. Throughout the section of the report dealing with them reference is made to their "policy determining powers" or functions as if they, in and of themselves, could initiate and put into effect governmental policies or could exercise policy determining functions. Of course, they cannot do any such thing.

The report at one point declares:

> They are vested with duties of administration and policy determination with respect to which they ought to be clearly and effectively responsible to the President.

At another place it says that—

> The bulk of regulatory commission work involves the application of legislative standards of conduct to concrete cases.

This declaration seems a little contradictory of the other.

A function—

It continues—

> at once discretionary and judicial and demanding, therefore, both responsibility and independence.

The report further declares that the independent commissions constitute a "headless 'fourth branch' of the Government"; that instead of calling them " 'independent' regulatory commissions" "it would be more accurate to call them 'irresponsible' regulatory commissions, for they are areas of unaccountability" and that they are "vested with duties of administrative and policy determination."

Quite the contrary is the fact. They are agents of the Congress, as I have said, without any power or authority except such as Congress has delegated to them and are at all times responsible to Congress. They make annual reports to Congress. Representatives of the Interstate Commerce Commission are constantly before the Committee on Interstate and Foreign Commerce of the House and the Interstate Commerce Committee of the Senate. All legislation affecting the Commission is reported by these committees and the work of the Commission is under constant scrutiny by them. In addition to that, the Commission must appear annually before the Committee on Appropriations in support of its recommendations for funds to carry on its activities and its representatives are subjected to examination by that committee. Furthermore, the members of the commissions are dependent upon the President for reappointment and the Senate for confirmation. They may also be removed from office for neglect of duty or malfeasance in office.

In the light of these conditions, it seems wide of the mark to speak of the Interstate Commerce Commission as being irresponsible. Is no public official responsible unless he is under the control of and responsible to the Executive in the performance of his duties? Every public official is responsible to the public whom he serves and subject to the law of the land.

Mr. Landis, the able and distinguished Chairman of the Securities and Exchange Commission, in an address only last Saturday night before the Swarthmore Club of Philadelphia, speaking of his Commission, made some observations very pertinent to this recommendation of the Brownlow committee, although I do not know whether he had it in mind at the time or had ever heard of it or not.

The Sunday New York Times in its account of his address said that—

Mr. Landis ridiculed the assumption; then quoting the words of Mr. Landis, "widely held, but seemingly far from reality" that the Commission possessed "unrestrained freedom in the pursuit of its policies."

The Times story goes on to quote Mr. Landis as follows:

"Fundamental to the very creation of administrative authority is the fact that its source is legislative", he said. "It can be destroyed or altered as easily, if not more easily, than it can be born. Its actions are under the constant scrutiny of the legislature, to which it reports annually."

"Its appropriations, the lifeblood of its being", the Times continues to quote him as saying, "are a matter of annual grant and possess no inviolability in the eyes of either the Budget or Appropriations Committee."

The issue, he stated, "is one of practicality, not of doctrine; an issue of efficient and fair dispatch of business, not of formalism as to method of procedure."

It is evident that Mr. Landis, who has had practical experience and knows whereof he speaks, has a different opinion than the members of the Brownlow committee about the responsibility and power of these commissions.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. MAPES. I am glad to yield to the distinguished gentleman from Massachusetts.

Mr. McCORMACK. The gentleman is discussing a very important matter, and, frankly, one that I have not made up my mind on; so when I ask the gentleman a question, I do not want the gentleman to infer that my mind is contrary to the question I ask, because my mind is open. The independence of these commissions is very thoroughly appreciated, and the necessity of preserving them is a matter of import and worthy of most profound consideration. I realize, as the gentleman has very pointedly drawn out, the difficulty of separating the administrative from the quasi-judicial functions, and I would like to ask the gentleman if he has any views on independent commissions being made a part of some one of the established departments of government for budgetary purposes, retaining their independence in respect to the duties of the commission imposed upon them by law?

Mr. MAPES. I will say to the gentleman that would carry with it practically all of the objections, in the judgment of those who have considered the matter, that are raised to the recommendation of the Brownlow committee. It would establish a direct and constant contact between the Executive and the commissions, which would deprive them of the protection which they now enjoy because of their independent status.

A reference to the hearings before the Committee on Interstate Commerce of the Senate in the Seventieth Congress on the confirmation of Messrs, Aitchison, Farrell, and Porter to be members of the Interstate Commerce Commission will show what the members of that committee thought about this matter and what their answer would have been to the question of the gentleman from Massachusetts. Commissioner Aitchison was subjected to a gruelling examination upon that occasion by the members of the committee, particularly Senator WHEELER, who was critical of the Commission because it had not been more active in the exercise of the power delegated to it to regulate telephones. Commissioner Aitchison said that Congress had not appropriated funds sufficient to make it possible for the Commission to do more than it had. Then Senator WHEELER wanted to know why the Commission had not been more vociferous in making its needs known to Congress. A general discussion was then engaged in between the Commissioner and the Senators over the provision in the Budget law which prohibits any officer or employee of any department or establishment of the Government to make a request for any appropriaion or for an increase of any item as submitted to Congress by the Bureau of the Budget through the President unless at the request of either House of Congress.

As the hearings were about to close, this colloquy took place:

Senator PITTMAN. What I am getting at is this: I am dissatisfied with the whole Commission in their failure to grasp the intent of Congress in creating the Interstate Commerce Commission, and that was that it was to be a separate, nonpartisan commission as far as possible, and I mean by that it was to be an establishment that was as independent as possible of any institution except Congress. * * * It looks to me as though the institution has conceived the idea that it is responsible to the Chief Executive rather than to Congress.

Commissioner AITCHISON. No.

Senator PITTMAN. Because you are attempting to carry out what is termed an economic policy which is contravening the law of Congress.

The CHAIRMAN.—

Who was Senator Watson, of Indiana—

I have not any doubt about this as a general principle, because this idea of economy has been so thoroughly indoctrinated that I think it has been thoroughly inculcated. Of course, they lose sight of the legislative function and that the Interstate Commerce Commission is purely an agent of Congress simply because of the inability of Congress to do it.

Commissioner AITCHISON. Yes, sir.

Senator WHEELER. But they assume that they are a branch of the executive branch of the Government rather than the legislative branch of the Government.

Senator PITTMAN. I hope that the Commission does not find anything in the statute other than that section 206 to cause them fear, because the effort of Congress was to have an independent body and not a body that was afraid of anyone.

No one ever had any doubt about the responsibility of the Commission or the advantage of its occupying an independent status, free from Executive or political control, before this report of the Brownlow committee was made.

Quoting again from the opinion of the Supreme Court in the Humphrey case:

It is charged—

The Court said, speaking of the Federal Trade Commission—

with the enforcement of no policy except the policy of the law. Its duties are neither political nor executive, but predominantly quasi judicial and quasi legislative. Like the Interstate Commerce Commission, its members are called upon to exercise the trained judgment of a body of experts "appointed by law and informed by experience."

And again, said Justice McKenna, in *Interstate Commerce Commission* v. *Chicago, Rock Island & Pacific Railway* (218 U. S. 102), the powers of the Commission are "to be exercised in the coldest neutrality."

The Supreme Court said a good many things in the opinion in the Humphrey's case which are pertinent to this discussion. Referring to the report of the committee and the debates in Congress on the bill to create the Federal Trade Commission, it said:

The report declares that one advantage which the Commission possessed over the Bureau of Corporations (an executive subdivision in the Department of Commerce which was abolished by the act) lay in the fact of its independence, and that it was essential that the Commission should not be open to the suspicion of partisan direction. The report quotes (p. 22) a statement to the committee by Senator Newlands, who reported the bill, that the tribunal should be of high character and "independent of any department of the Government—a board or commission of dignity, permanence, and ability, independent of executive authority, except in its selection, and independent in character."

The debates in both Houses demonstrate that the prevailing view was that the Commission was not to be "subject to anybody in the Government but—only to the people of the United States"; free from "political domination or control" or the "probability or possibility of such a thing"; to be "separate and apart from any existing department of the Government—not subject to the orders of the President" (*Humphrey's Executor* v. *U. S.*, 295 U. S.).

Is all this to be changed; is a fundamental policy of government which has worked well for 50 years to be abandoned and one foredoomed to failure substituted in its place? I cannot believe so. [Applause.]

Mr. PLUMLEY. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, 20 years ago next April, the United States entered the World War to make the world safe for democracy and to put an end to all war. The result, of course, has been that both of these motives have become mockeries and travesties. Today the world is filled with rumors of war, and predictions are freely made that there will be another world war within a year. Nations have

gone mad in arming themselves to the teeth throughout Europe.

In considering this Navy bill the question before the House of Representatives is: What is our own policy? I want to commend the chairman of the Navy Appropriations Committee because of the able and clear manner in which he discussed the pending bill, but he did not discuss the policy of the United States. What is our policy? What is our policy toward Great Britain? What is our policy toward Japan? What connection has the naval policy, if there is such a thing, with our foreign policy? After all, we, the Members of Congress, have been invested by the Constitution with the power to provide for and maintain a navy. That is our duty and our responsibility, not that of the President or the Director of the Budget. We cannot escape it. I have read the pending bill and, as far as I can find out in the short time that it has been before us, it is a fair bill and I expect to support it because I believe in adequate national defense. Just what adequate national defense is is an open question as I do not know what the policy of our country is. After hearing the gentleman from North Carolina speak for an hour and a half on the bill itself I still do not know what the American naval policy is.

In this limited time, 15 minutes, it is imposible for me to say what I have in mind regarding the present armament situation. I would like to go back, as Al Smith says, and look at the record. Under a Republican administration in 1921 and 1922 a limitation-of-naval-armament conference was called here in Washington and we reached an agreement with Great Britain, Japan, and other nations to limit capital ships over 10,000 tons on a 5–5–3 basis. I thought at that time that it was the greatest step in the direction of peace since the armistice. Today I am convinced of it. At the time the big-navy men and the militarists attacked Secretary Hughes and said he had sacrificed our Navy, that he had betrayed American interests; but, as a matter of fact, just as soon as that treaty was signed we secured for the first time in all history an equality with Great Britain on the high seas. Great Britain had always maintained the Nelsonian attitude, "Britannia rules the waves", but under the Washington Treaty of 1922 she agreed for the first time to an equality with the United States on 18 battleships and 10 battleships for Japan. Overnight all thought and talk of war between Japan and the United States disappeared. It is naval armament races that create suspicion, distrust, and hatred and eventuates in war.

In 1930, again under a Republican administration, we extended the 5–5–3 treaty to the smaller ships, to the 10,000-tonners and under, to destroyers and submarines, but now, under this administration—and it is the proper time to bring it up, for today is the fourth anniversary of the present administration, it has failed to extend these naval treaties. Whether it has blundered into it—and a blunder is often worse than a crime—it failed to extend these treaties, either the Washington Treaty or the London Treaty of 1930; and, therefore, we are launched into this mad race to build the biggest battleships at the tremendous cost of $50,000,000 per battleship. And that is not all, because we must have auxiliary ships, light cruisers, submarines, and airplanes to protect each battleship costing another $50,000,000. For what purpose? Against whom are these battleships aimed? It costs $5,000,000 annually to even maintain one battleship.

I ask now why does not the President call a conference with Great Britain and Japan, invite them to Washington or elsewhere to get them around a table and see if we cannot head off this mad race to build naval armament. What has this administration done to call the attention of Great Britain to the fact that it still owes us $4,000,000,000? For 4 years the President has been silent about the war debts. Has any protest been made to the British Government about its proposed huge increase in naval armament of $7,500,000,000 in the next 5 years? You know the answer; and yet here we are, due to the failure of these conferences under this administration launched on a huge naval program. I cannot make out from this bill, however, what the policy is. Certainly in this bill we do not match the British Navy ship by ship, and certainly by this particular bill—at least according to Japanese reports—Japan expects to have a navy equal to ours in 3 years. So we have given up the 5–5–3 ratio; we are spending more money; we are getting nowhere and have no definite policy.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield.

Mr. KNUTSON. What, if anything, has this administration done toward bringing about a general disarmament?

Mr. FISH. I may say this about the President: That I admire him because he can get away with murder. [Laughter.] I admire him because he went before the country in the last election and claimed a monopoly on peace and good will in the world. At the same time, by default and mismanagement, my own party, the minority party, that ought to stand for constructive criticism, let him get away with it. So the people back home have not the faintest idea that this administration has fallen down in not extending these treaties to limit naval armaments. They do not even know that this administration is not collecting the war debts. We have been strangely silent on foreign affairs, with the result that the people back home believe what the President has told them, with his honeyed voice, that he has done so much to promote peace in the world when he has actually done very little.

Mr. PHILLIPS. Mr. Chairman, will the gentleman yield?

Mr. FISH. I would rather not yield in the limited time at my disposal.

The gentleman from Minnesota [Mr. KNUTSON] asked me if any efforts had been made to call a conference. Speaking as a humble Member of the House, as an American citizen, and as a war veteran, I would like to see the President call a naval limitation-of-armament conference and have the Congress of the United States ask him to do it. Here is an amendment I would like to propose to the pending bill, but, unfortunately, it will be ruled out because it is not germane:

That the President is authorized and requested to invite such governments as he may deem necessary or expedient to send representatives to a conference at Washington or elsewhere to consider the limitation of naval armaments for the purpose of reaching an agreement on a program to limit naval armaments with special reference to the limitation of battleships, battle cruisers, light cruisers, aircraft carriers, destroyers, submarines, and aircraft.

I know and everyone else knows if I offer that amendment it will be ruled out on a point of order; so I do not propose to offer it. I would be glad to have the chairman of the committee on the Democratic side offer it. This is not a partisan issue. The amendment is here, and he may have it.

I would go further, may I say to the gentleman from Minnesota. These conferences, of course, should be separate. A naval conference should be called immediately to be held either here or elsewhere, because Japan and England have already stated—England through Mr. Chamberlain, its Chancellor of the Exchequer, and Japan through the head of its Navy Department—that they are willing to enter into such a conference right now. I could read what these governments have said in the last few days if I had time. I would go further than suggested by the gentleman from Minnesota and call another general conference to implement the Kellogg Pact. We have denounced war as an instrument of national policy, except as a matter of national defense. Why not call a conference to discuss the causes and cure of war and try to head off this mad race, both from a naval and military standpoint, and bring the people of the world to their senses? Let us have them sit around a table like reasonable men. Of course, that should be done. This administration has not done one thing in the last 4 years to lessen the likelihood of war. Still I admit the fact it is just as good politically because the people back home think the administration has, in spite of its dismal record of failures.

Mr. UMSTEAD. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from North Carolina.

Mr. UMSTEAD. Do I understand the gentleman to mean by that language that the people back home are not capable of knowing what is going on in the country?

Mr. FISH. I did not mean that. I have great confidence in the people.

Mr. UMSTEAD. That is what the gentleman said.

Mr. FISH. I know what I said, and I do not change one word of it.

Mr. UMSTEAD. I just want to understand the gentleman.

Mr. FISH. The President and this administration are the greatest propagandists in the world. They claim credit for everything. The President claims credit right now for doing more for peace and good will in the world than any man in it, when as a matter of fact, he has had only one success and dozens of failures. I have not the time to go into all the failures. The only success that the administration and the President has had is in South America where there are no navies and where there is no thought of a world war. If you go over the record, consider the recognition of Soviet Russia, the Economic Conference at London, the war-debt situation, and the naval limitation of armament blunders, you will see that they are all failures.

Mr. PHILLIPS. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Connecticut.

Mr. PHILLIPS. I wonder if the gentleman is not refuting his own argument.

Mr. FISH. Please do not make a speech. Just let me have the question.

Mr. PHILLIPS. The question is this: The gentleman spoke a moment ago about the war debts having been repudiated. Does he think if a person or nation's word is not good in one instance it is good in another instance? What is the use of calling a conference?

Mr. FISH. I said this administration had not done a thing to collect the war debts. Let us see what the British Chancellor of the Exchequer had to say about the finances in Great Britain. He has a good sense of humor. On February 17 he made this statement:

> The present British Government could borrow with a clear conscience because it has restored such confidence in British finances that they are the envy of the whole world.

How did they restore their finances? By repudiating a debt of $4,000,000,000 which it owes the United States of America which this administration has made no effort to collect. [Applause.]

[Here the gavel fell.]

Mr. UMSTEAD. Mr. Chairman, I yield 15 minutes to the chairman of the Naval Affairs Committee, the distinguished gentleman from Georgia [Mr. VINSON].

Mr. VINSON of Georgia. Mr. Chairman, I want to take this opportunity to congratulate the gentleman from North Carolina [Mr. UMSTEAD], chairman of the Subcommittee on Naval Appropriations and the other members of his committee on the splendid work they have done in reporting this naval appropriation bill. They are entitled to the thanks of the House, for by searching investigation they have brought about worth-while economies. They have presented a bill some $35,000,000 under Budget estimates and they clearly justify their position for doing so. I have examined most carefully the numerous items of this bill and have read a great deal of the hearings and the bill shall have my wholehearted support. I again congratulate the distinguished chairman and his subcommittee on their splendid work.

Mr. Chairman, the Navy of the United States at the close of the World War, in ships that had been built and in ships under construction, ranked foremost in potential naval strength among the nations of the world.

It was then that the United States, firmly believing that an example of sacrifice would stay any naval building race in the future, signed the Washington Naval Treaty of 1922, whereby the leading naval powers of the world made a solemn agreement to limit naval construction in the major categories of ships to ratios prescribed by that treaty.

I need not remind anyone that between 1922 and 1929, a period of 7 years, the normal naval building program of the United States was dormant; that during this same period of time other leading powers of the world took advantage of the situation to build up to the limiting ratios prescribed by the treaty.

This country suddenly awoke to find that some immediate steps must be taken if the United States were to maintain any standing as a world power on the sea.

The steps that were taken to rectify this condition at as early a date as was consistent with national economy and the capacities of our neglected shipbuilding facilities are also well known to you in the form of the act of March 27, 1934. That act enunciated the determination of the Congress. It translated a national policy into action.

In addition to establishing the limits of the Navy in categories and in numbers of ships, this act required that the first and each succeeding alternate vessel in each category undertaken be constructed in Government yards.

In order that all Members of the House may be thoroughly conversant with the progress being made toward carrying out the building program, I shall briefly outline for your consideration what has been done since March 4, 1933, in naval construction.

The 1933 program provided for 37 vessels—32 under the National Industrial Recovery Act and 5 under the regular naval appropriation.

The 1934 program provided for 24 vessels.

The 1935 program provided for 24 vessels.

The 1936 program provided for 20 vessels, including 2 battleships, and the bill now under consideration provides for 12 vessels. A total of 117 vessels. This building program was of benefit to every State in the Union and the act of March 27, 1934, is a continuous replacement of ships as they become old and obsolete. Their design and construction embody the latest in shipbuilding, engineering, and ordnance. It is generally considered that these ships compare favorably with similar types built abroad.

To carry out the construction of these vessels there was allocated $238,000,000 from the National Industrial Recovery Appropriation; $25,050,333, increase Navy, emergency construction; and $335,914,334 was carried in regular naval appropriation bills; $130,000,000, which is in the bill now before the House, making a total up to date of $728,964,667.

Of these 117 vessels, 35 have been delivered or commissioned, and the remaining 82 are in varying stages of completion, ranging from the appropriation stage to that of being practically completed. It was expected that the new building program—act of March 27, 1934—would bring our Navy up to the strength permitted under the then existing limitation of armament treaties and would be completed by 1942, at which time our Navy, exclusive of battleships, will be made up of modern, up-to-date ships.

This building program provided employment, direct and indirect, to between 120,000 and 180,000 men per annum, affecting approximately 600,000 and 900,000 people from a family support point of view.

That this revival of shipbuilding, together with its attendant benefits, which extend into so many fields of raw materials, industries, and trades, might possibly be short-lived cannot have been contemplated by Congress when, on June 30, 1936, it enacted the public-contracts law, commonly known as the Walsh-Healey Act.

To those who only read the headlines of our daily newspapers it must be evident that this act has been the means of threatening what appeared to be an otherwise favorable prospect. Seldom does a day go by but that a caption arrests our attention with the information that some industry refuses to bid on Navy contracts because of stipulations required in those contracts by the Walsh-Healey Act. Only the other night a cartoon appeared in the Evening Star, Washington, D. C., depicting the Secretary of Labor sitting defiantly on a division of battleships while the Secretary of the Navy and two of his admirals stand pleading, "Gimme my ships!"

By the administration of the Walsh-Healey Act there is being caused a delay in the construction of some 20 ships on account of the lack of being able to obtain steel and other necessary equipment. Eleven of these ships are being delayed on account of the inability to obtain other equipment than steel.

It is impossible that Congress ever intended that one of its laws, or the administration of any of its laws by the head of an executive department, should have the effect of paralyzing the program of national defense.

A review of the hearings on the Walsh-Healey bill before its enactment indicated that "sweatshops" persisted in some branches of industry, that child labor was on the increase, that insanitary and unsafe factories were not uncommon, and that some employers were taking advantage of the recovery in industry to force employees to labor an unreasonable number of hours per week, and not infrequently at wages incompatible with the American standard of living.

Since the N. R. A. has been declared unconstitutional, and it was therefore unlawful to regulate industry by codes, Congress felt that so far as Government business was concerned, at least, this business could be given to those firms which would agree to conform to reasonable standards of employment as regards sanitary working conditions, reasonable hours, and living wages.

The emphasis was always placed upon sweatshops.

It was provided, therefore, in the Walsh-Healey Act that no contract in excess of $10,000 for any materials, supplies, articles, or equipment should be entered into by any Government agency unless stipulations were agreed to by the contractor that he would conform to reasonable standards of employment as regards sanitary working conditions, reasonable hours, and living wages. Naturally enough the Secretary of Labor was designated to administer the act. It was assumed that the Secretary of Labor would be in a position to know better than any other executive department of the Government sweatshop conditions and what were reasonable wages for a particular industry.

However, obvious difficulties were foreseen by Congress in carrying out such broad provisions as were embodied in the act. Therefore the act contemplated that certain exemptions would be necessary from the stipulations of the act, if in fact the best interests of the Government were to be served. It therefore provided in section 6 thereof as follows:

SEC. 6. Upon a written finding by the head of the contracting agency or department that the inclusion in the proposal or contract of the representations of stipulations set forth in section 1 will seriously impair the conduct of Government business, the Secretary of Labor shall make exceptions in specific cases or otherwise when justice and the public interest will be served thereby.

It appeared to Congress that the act could be administered in such manner as would materially benefit labor and at the same time offer no obstacle to orderly Government procurement.

The act offered better hours, better wages, and sanitary working conditions to the laboring man.

The contractor, knowing the added cost, if any, in performing the contract, could add the additional costs to his bid price.

The Government was assured of being able to fill its needs because there was a provision that if the head of a department certified that the best interests of the Government would be served thereby the Secretary of Labor was, it was assumed, compelled to grant an exemption to the stipulations of the act.

As written there appeared to be nothing which could prevent its functioning.

The act became effective on September 28, 1936. Thereafter attempts were made to transact Government business as usual. In the machine-tool industry, however, the Navy Department soon met obstacles. Manufacturers were taking exception to the stipulations of the Walsh-Healey Act.

After many delays, brought about by attempts of the Navy purchasing officer to procure these tools according to the new law, it was finally determined that a request for an exemption under section 6 of the act should be requested, since manufacturers refused to bid if stipulations of the Walsh-Healey Act were to be included in their contract, and the public interests did demand the immedite procurement of the tools because they were needed at the gun factory to complete naval ordnance for new ships under construction. I am informed that after correspondence and conferences between the Secretary of Labor and the industry, a compromise was reached which finally permitted a greatly delayed procurement, though no exemption was ever granted by the Secretary of Labor.

A more disturbing situation arose in connection with the procurement of copper. On four different occasions toward the end of the calendar year 1936 the Navy went into the market in an effort to obtain copper needed for the industrial navy yards. On these occasions invitations for bids were widely advertised and in addition sent direct to all prospective bidders on the mailing list for such material.

Upon failure to receive satisfactory bids, the Navy Department addressed letters to some 50 of the prospective bidders in an effort to obtain definite reasons for their failure to bid. Various reasons were advanced, including objections to the provisions of the Walsh-Healey Act.

The Secretary of the Navy made an administrative finding of fact in regard to copper and requested that the exemption provided both by the law and the regulations be granted. The Secretary of Labor has not yet authorized exemption of the copper needed for the industrial navy yards.

The Navy Department has on several occasions been forced to make emergency purchases in order to meet the urgent needs of the yards, which purchases being made without advertising, under the regulations of the Secretary of Labor are exempt from the provisions of the Walsh-Healey Act.

No one can look with favor upon a situation forcing such procedure when Congress has provided a definite method for obtaining exemption.

While the failure of the Secretary of Labor to grant the statutory exemptions provided for places the responsibility for delaying the shipbuilding program on that office, however, this does not remedy a situation which may unnecessarily delay completion of ships urgently needed for the national defense as authorized by the Congress.

A climax was reached, however, in the attempt to procure steel for new construction.

On December 14 and 18 bids were opened for some 25,000,000 pounds of main structural steel for submarines and destroyers. Twenty-four companies responded but conditioned their bids either specifically on executing a contract free from the stipulations of the Walsh-Healey Act or in some other manner qualified their bids so as to have little doubt that these stipulations were the cause of the conditioned bids.

As a result, from the standpoint of the validity of bids alone, disregarding other factors, it would have been possible to make an award for only some 7,000,000 pounds, and this quantity only for certain plates and shapes which were not in sufficient variety to permit any orderly construction progress. The Navy, after canvassing the industry, learned that the stipulations of the Walsh-Healey Act were the insurmountable obstacles.

The problem was laid before the Secretary of Labor with an administrative finding by the Secretary of the Navy, that the inclusion of the stipulations of the Walsh-Healey Act in the contracts for steel would impair the Government interest. Section 6 of the act which I have quoted you, which provides, you will recall, that in cases of such administrative finding by a head of an executive department, the Secretary of Labor shall make exceptions.

These exceptions in the cases of these contracts for steel were requested and for a period of 2 months the impasse has not been overcome, although it is understood there have been letters and conferences between the manufacturer and the office of the Secretary of Labor. No exemptions have been granted.

Jeopardy to the national defense is but one of the grave consequences resultant from a delay in the procurement of structural steel. The construction of ships in any plant contemplates a well-coordinated flow of structural steel, together with organized employment schedules. An interruption in the flow of steel must be attended by a suspension of labor.

Reports from the various navy yards, which include Portsmouth, Boston, New York, Philadelphia, Norfolk,

Charleston, S. C., Mare Island, and Bremerton, indicate that the failure to provide steel has brought or will bring these yards to the point where existing organization will be destroyed and men must be discharged or furloughed unless immediate steps are taken to provide the materials required.

Statistics from these yards indicate that as many as 5,000 men may be affected.

According to the press, there appears to have been a happy solution of the steel question in the agreement between the steel industry and organized labor affecting the 40-hour week with increased wages. It is to be hoped that this agreement will remove the obstacles now existent in the steel situation so that the Navy will be able to obtain the steel required to continue without further delay the construction of its vessels. However, this does not clear up the situation of having the Secretary of Labor to sit in veto over the procurement of all material for the Navy in excess of $10,000.

Other items of importance which the Navy has failed to obtain due to the Walsh-Healey Act include machine tools for navy yards, twine for the ropewalk, Boston, hydraulic gears for cruiser ordnance equipment, ingot copper, Diesel-driven electric generators for destroyers, refrigerating and air-conditioning machinery for submarines, and electric outlet and feeder boxes for cruisers.

From a consideration of the whole case there appears to be no question but that Congress intended to vest in the head of the contracting executive department the administrative determination as to when the Government business is being impaired. That determination having been made, the act provides that the Secretary of Labor shall make exceptions, when justice or the public interest will be served thereby.

The impasse, for the continuation of the national-defense program is due to the refusal by the Secretary of Labor, over a period of months, to grant an exception to the stipulations of the Walsh-Healey Act, and this refusal is persisted in over the certification of the Secretary of the Navy that the Government business will be impaired unless the exception is granted.

It is submitted that the plain intent of the act is that the responsibility for making the determination as when this impairment is threatened in the case of procurement lies, and should lie, with the Secretary of the Navy.

To allow any other interpretation is to permit a head of department who has no intimate knowledge of the problems of national defense to decide those problems over the head of department under whose cognizance such matters naturally fall. Carried to its logical conclusion, the Secretary of Labor may in any instance prevent procurement of any material if in the judgment of that officer the public interest as seen by that office will be better served otherwise.

It is apparent that the full authority for administering the needs of the Navy in the national defense should be vested in the Secretary of the Navy where the responsibility reposes and where the technical knowledge exists for the correct use of judgment and discretion in these matters. Such responsibility should not be divided with any other Government department or subject to the vagaries of administration of any other department which possesses neither the technical knowledge of the Navy nor the responsibility for the maintenance of that part of the national defense.

If such construction cannot be placed upon the language of the act as was the intention of Congress, the act should then be amended to place these matters solely within the administration of the Secretary of the Navy insofar as Navy business is concerned.

In conclusion, it is pertinent to ask whether the provisions of the act of March 27, 1934, which establishes the program of national defense for the Navy, is to be overridden by the administrative ruling of another head of department in effecting the provisions of the Public Contracts Act, which was primarily designed to overcome sweatshops.

Such was not and cannot have been the intent of Congress. [Applause.]

Mr. UMSTEAD. Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. ALLEN].

Mr. ALLEN of Pennsylvania. Mr. Chairman, 4 weeks ago when I listened to the President's message on the Supreme Court my feelings were mingled, my reactions uncertain, and the wish which was uppermost in my mind was that I might withdraw from the heat of controversy for a few days to study quietly this momentous problem. I did this very thing. I have studied history and precedent; I have listened to the speeches made in this Chamber, and I have become convinced that the President's plan is the only practical one, and that it should be enacted now while the need for progressive legislation is so imperative.

Stripped of all propaganda, divested of untruths and half truths this issue is in reality one of conflicting principles, and it should be so treated. Unfortunately the tactics which muddied the passage of the Wheeler-Rayburn utilities bill 2 years ago and the election last November are being employed once again. Regardless of everything else, we as United States Congressmen, sworn to represent 130,000,000 American people, must wage this battle over the Supreme Court on the field of truth, principle, and economic necessity.

If we are to consider this problem dispassionately we must eliminate certain charges which have been leveled against the President and his Supreme Court measure. To say that the plan is without precedent is an absolute falsehood. Six times heretofore Presidents have injected new blood into the Supreme Court. Six times in our history Presidents confronted with problems similar to those which Franklin Roosevelt now faces have resorted to this same procedure. Furthermore, those who suggest that the plan is not constitutional are likewise deceiving the people of this country. In its fine system of checks and balances the Constitution of the United States gives Congress the power to increase the number of Supreme Court judges and gives to the President of the United States the power to nominate these judges, and the Senate in turn the power to confirm them. Franklin Roosevelt's proposals are strictly constitutional in every respect, and they neither violate the spirit nor the letter of that document. There is no sound reason for anyone to think that Roosevelt's nominees for the Supreme Court would not be just as good, just as patriotic, and just as efficient as those of Warren G. Harding, for example. Another hysterical warning, which is absolutely without foundation, is that Roosevelt seeks to become a dictator. I submit that a calm perusal of the Constitution itself will convince anyone that no President restricted by that document can ever become a dictator. In the first place, the Chief Executive must appear before the people of this country every 4 years for reelection or rejection; and in the second place, the Congress of the United States, elected by the people every 2 years, holds in its hands the right of impeachment in the event that an Executive abuses his power. You know and I know what the citizens of the United States, reared in liberty and freedom, would do at the polls to any would-be dictator. No President can ever control the Supreme Court. I have already stated that additional members to that body must be approved by Congress and the appointments of the new judges themselves must be confirmed by the Senate. I do not know how many more checks on Executive power a timorous person would want.

Recently, one of our colleagues in this House compared the President's plan to a stacked deck of cards. I take immediate exception to such an outrageous statement as this. A stacked deck denotes cheating and treachery and it is a shameful thing for a Member of this House to make such a charge against the President, who is acting strictly within his constitutional rights, whose motives are honorable, and whose plan is motivated by the deplorable condition of millions of our citizens. [Applause.]

President Roosevelt's greatest predecessors from Jefferson to Jackson, from Jackson to Lincoln, from Lincoln to Theodore Roosevelt, have all had similar difficulties in the relationship between their administrations and the Supreme

Court. The best legal and political minds in our Nation are still at odds over the constitutional rights of the Supreme Court to nullify acts of Congress. The words and acts of Franklin Roosevelt in this respect are pale compared to those of his predecessors. Andrew Jackson stormed over a decision of John Marshall's as follows, "John Marshall has made a decision; now let him enforce it." That was outspoken defiance of a Supreme Court decision and yet Andrew Jackson goes down in history as one of our great patriots, and one of our greatest Presidents. Jefferson lamented that the Constitution had become a mere thing of wax in the hands of the judiciary, which they could form in any way they pleased. Abraham Lincoln, in his first inaugural address, referred to the nullifying power of the Supreme Court as a contradiction of popular government. He said that under such circumstances the people have ceased to be their own rulers, having to that extent practically resigned their Government into the hands of the Supreme Court.

Are we not foolish, however, to spend so much time discussing precedent and history? The problems of today and their relationship to the future of America are our task, and our minds should be focused on them. We must pull today's foot from yesterday's footstep. We must realize that laws are made for the living and not for the dead. It is not the duty of Government and certainly not of this Congress, merely to preserve tradition, but to make laws which will promote the general welfare of this Nation and to protect the rights of the majority of our citizens. It is not necessary for us to derive courage from acts or declarations of past Presidents. That is a contradiction of the spirit of the authors of our Constitution. Those very men were the greatest exponents of political change that the world has ever known. It is inconceivable to believe that they would deny succeeding generations the flexible political privileges which they undertook for themselves.

For four years the Roosevelt administration has endeavored to legislate for the people of America without interfering in any way with the Supreme Court. The present proposal is not an attempt to usurp judicial power, or to sap the independence of the Supreme Court. If that had been Roosevelt's ambition, it would have become apparent months ago. The present proposal is an imperative move to fulfill the promises which this administration has made to 130,000,000 American citizens. It is likewise imperative if the mandate delivered by the people last November is to be carried out.

What was that mandate? My interpretation of it is this: That 6,000,000 farmers who are tottering on the verge of bankruptcy, and were left without hope by the A. A. A. decision, expect us to ameliorate their sufferings. Five hundred thousand coal miners, and I might say many operators, are threatened with the same chaotic conditions which beset their industry in 1932 because of the Guffey coal-bill decision. Over a million railway workers expect us to give them some protection in their advancing years. This hope was dashed to the ground a few years ago because of the Supreme Court's adverse decision on the Railway Retirement Act. Over 15,000,000 industrial and clerical workers of America are at the mercy of their overlords so far as minimum wages and maximum hours are concerned. All this because the N. R. A. was declared unconstitutional. These people likewise expect us to restore to them some degree of protection and security; and last, but far from least, there are 10,000,000 unemployed men and women in America to whom this administration has promised relief, and to whom you and I held out a promise when we were campaigning for election last fall. All of these sufferers believed in us when they gave us their overwhelming support. We have got to do something about it and we must do it now. The present administration for 4 years has endeavored to complete a forward pass to the masses of our people, and many times these passes have been intercepted by the Supreme Court. Where the rights of our citizens are concerned it is proper, it is constitutional, and it is our duty to block the obstructionists. The majority of our people have as much right to representation on the Supreme Court as they do in this House of Representatives. That is the essence of popular government. Ours is supposed to be a democracy and yet during the past 2 years we have been governed by a judicial oligarchy. Ours has become a government of five men instead of one of laws. The efforts of this administration have the overwhelming confidence of our people and yet they have been repudiated by a judiciary whose actions are restricted by precedent alone.

I strongly believe in a clarifying amendment to the Constitution and so do others who support the President's plan. We believe that the President's proposal is the necessary first step, however, and that the constitutional amendment should be the second step.

Many of those who loudly cry for a constitutional amendment alone, remind me of a little poem which I learned as a boy in school:

> "Won't you come into my parlor", said the spider to the fly,
> "It's the prettiest little parlor that you ever did spy."

Many of the loudest advocates of a constitutional amendment at this time will oppose such an amendment as soon as it is offered. If the President were to abandon his own plan tomorrow in favor of a constitutional amendment, the most gleeful people in America would be those persons who have succeeded in blocking the child-labor amendment by falsifying the issue. They are fully aware that with the expenditure of millions of dollars, and by unloosening a flood of propaganda, they could delay passage of such an amendment indefinitely. They know that 13 small States, with a total population of only five and one-half million, less than 4 percent of our total population, could block such an amendment. They would concentrate the full force of their opposition in these small States. Their early activities in this controversy clearly denote what their future tactics will be and I for one am not willing to place my bet on the nose of a constitutional amendment as the only solution to our problems.

I am a strong advocate of the Supreme Court and I believe in an independent judiciary, but at the same time I believe more strongly in an independent, vigorous legislative body. I want to see the Supreme Court preserved and I want to see it function under the powers specifically prescribed by our Constitution. The President's proposal will do more to preserve the sanctity of the Supreme Court and the Constitution of the United States than any other movement which I know of at the present time. The Constitution and our institutions are safe only so long as their guaranties to the general welfare of the Nation are vital forces. Our Constitution is in daily danger as long as 10,000,000 independent American men and women roam our streets without gainful employment and as long as other millions are living on bare subsistent wages. Democracy itself is in danger as long as one-third of our population remains ill clothed, ill housed, and ill fed. If we would preserve our cherished institutions, we must return our unemployed to work in private industry; we must give the wage earner a fair share of what he earns; we must preserve the independent farmer at all costs; we must hold out hope and opportunity to the youth of our Nation; and to those of advanced years we must promise security. Then, and then only, will the Constitution of the United States be secure forever in the steel-clad vault of general prosperity and contentment. [Applause.]

Mr. DITTER. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. SAUTHOFF].

Mr. SAUTHOFF. Mr. Chairman, the coal business is a sick industry. A review of the industry, with all its varying vicissitudes of fortune during the last quarter of a century, shows the necessity for drastic action. The uncertainty of consumption, the high cost of distribution, the decline in industrial activity, the competition of oil and electricity, the high financial hazard, the large percentage of unemployed and resulting misery and hardship, all lead to the inevitable conclusion that the emergency efforts attempted during the past 25 years to afford some temporary relief have accomplished little of lasting benefit and must therefore be discarded as inadequate to meet the demands of this pressing problem.

At the close of the nineteenth century, with the expansion of industry, which marked the change in our history from that of an agricultural to an industrial nation, began the expansion of coal consumption. This expansion of the coal industry was further accelerated by railroad building into new producing fields, until we come to the period of the World War, when an extraordinary and abnormal demand for coal was made upon American coal mines. With increased demand came increased prices, which stimulated further mine development; new coal fields were opened up, and consequently large excess mine capacity and lower prices resulted. The price was further hammered down by improved methods of the use of coal by industry, railroads, and public-utility companies. Furthermore, other fuels entered the field in competition with coal, all of which tended to create an era of deflation and liquidation.

During the boom years between 1923 and 1929, when the country as a whole was experiencing the so-called "Coolidge boom", the bituminous coal-mining industry was suffering a serious setback. During those 6 years the number of commercial bituminous mines in operation was cut from 9,331 to 6,057 and the potential capacity, on the basis of 308 working days per annum, from 970,000,000 to 752,000,000 tons. The number of men employed declined from 705,000 to 503,000.

When we reached the bottom of the depression in 1932, the number of active commercial operations had been cut to 5,427, while the number of men employed in active work had shrunk to 406,000. In 1932, also, the average number of days during which the mines were operated had dropped to 146, while the industry had corporate losses of $51,167,000. As our country gradually recovered, there was an upswing in the coal industry. In 1933 the number of active commercial operations had risen to 5,500, while the number of men employed had risen to 419,000. Net losses were cut to $47,439,000.

In 1934 the 35-hour week was adopted and there was also an increase in the demand for coal, so that the number employed rose to 462,000 men.

In the October 1936 edition of Coal Age there is an article entitled "Economic Status of the Coal Mining Industry in the Last Quarter Century." I have copied freely from this article. I wish to point out the following excerpt:

> During the last quarter of a century, production climbed to 579,000,000 tons in the war year of 1918 and plunged to 310,000,000 tons in the depression year of 1932, the smallest total in any year since 1904. And on the financial side there is the picture of 1,234 companies showing a combined net income of $632,281,417 for the 5-year period 1917–21, and the industry as a whole reported a total loss of $204,354,075 in the 5-year period 1929–33.

These figures are, of course, the extremes, but they set forth in a rather dramatic way the economic picture of the coal industry and its many hazards. As this article well says, a résumé of these basic changes all point to one conclusion:

> In less than a single generation the soft-coal industry has been transformed from a speculative venture, dependent upon abnormal conditions for large short-term profits, into a business which must rely upon regular movement, low cost, and modern merchandising methods for its future financial success.

The main difficulty with this industry is that there is no yardstick by which anyone can gage future consumption and adjust production to the demand. From 1870 to 1920 the consumption of coal in the United States doubled every decade. This is no longer true. Coal now fluctuates with industrial activity. A study of the coal industry indicates that consumption is dependent upon the tonnage used by manufacturers, railroads, and public-utility companies, and this consumption is, in turn, affected by other competing fuels and also more efficient methods of utilizing coal.

Oil, natural gas, and water power have taken markets away from coal. Of these, water power has undoubtedly made the heaviest inroads.

> Oil, of course, is wholly responsible for the decline in the consumption of coal for bunkering, while both oil and gas have gained in the public-utility field, water power has been chief beneficiary of recent shifts there.

The Government has entered upon a broad field of expansion in water power as a source of energy and must, therefore, face some of the responsibility for replacing coal as a form of energy.

ATTEMPTED REMEDIES

At different times efforts were made to regulate the coal industry by calling upon the Federal Government for aid. In 1914 coal operators in Illinois and Indiana made such a request, but nothing came of it. The first real determined effort at actual regulation was taken during the war, when the United States Fuel Administration assumed control of prices, distribution, and wages. The latter agency was created during a time of emergency, and lapsed when the war ended. Minor efforts for regulation followed at different times, but not on a great national scale until the passage of the National Industrial Recovery Act. This act attempted to lay down some definite regulations through codes in order that working conditions might be improved and prices adjusted; but when that act was found unconstitutional (May 1935), its effectiveness was, of course, destroyed. The last national effort to aid the industry was the passage of the Guffey-Snyder coal bill, and this act, too, was found unconstitutional—May 1936.

During the war it was necessary to put a stop to extortionate prices, while under the National Industrial Recovery Act it was necessary to raise the price in order to secure higher wages and stabilize the industry.

Unfortunately, the National Industrial Recovery Act did not achieve the great results which were hoped for and expected. This was due partly to defects in the law and partly to defects in the administration of the law. A large majority of the codes were drafted by big business, and labor had little or nothing to say about them. All labor ever got out of the National Industrial Recovery Act was the right to bargain, if and when labor was strong enough to enforce that right. As Jett Lauck points out in his article Coal Labor Legislation in the Annals of the American Academy of Social Science, March 1936:

> The effectiveness of the National Industrial Recovery Act was finally destroyed by the attitude and procedure of its administration as to code authorities. The grotesque ruling was made that "industrial self-government" meant the control of industry by the management of industry. Labor and consumer were debarred from any actual participation.

Grafters, chiselers, and musclers-in, placing their own greed and selfishness ahead of their country's welfare, defeated the wishes of the President and helped to break down this well-intentioned measure. They were the industrial slackers at the time of their country's distress.

During this time the coal industry was worse off than before. Coal producers, jealous and envious of each other, failed to get together, and the United Mine Workers, for all practical purposes, had no assertive rights in the preparation of their codes. The situation in the bituminous-coal industry grew gradually worse; and the producers being unable to come together on a satisfactory basis, Congress sought to remedy the coal-trade evils by legislation, and the Guffey-Snyder bill was the result.

The main feature of this bill was the levying of a tax on the consumer of coal, the proceeds of such tax to be paid the miners in increase of wages and to help stabilize the industry. The inherent defect in such a system is the shifting of a burden from the shoulders of one class of unfortunates to the shoulders of another class equally unfortunate, namely, the consumer. In my State of Wisconsin the temperature sometimes falls to 40° below zero. Sometimes there is zero weather for several consecutive weeks. Under such conditions, fuel is an absolute necessity. To raise its price to those who now can buy only a basketful of coal at a time is not and cannot be a solution of our problem.

In my home city of Madison, Wis., the following prices went into effect February 1, 1937: These increases in price range from 20 to 95 cents a ton under United States grades.

Pocahontas and coke are now priced at $11.40 per ton. One of the local dealers in accounting for the raise said:

> The price of Pocahontas at the mines is now at least $1.40 a ton more than it was in August.

Egg and nut sizes of coal are now $15.20 a ton, $13.30 to $14.25 on pea coal, and from $11 to $11.65 on stoker buckwheat coal. If a family must use 10 to 12 tons of coal each year, one can readily see what a tremendous burden this is upon a wage earner of moderate income.

Let it be thoroughly understood that I am fully in accord with John L. Lewis, president of the United Mine Workers of America, when he said, in 1922, in testifying before the Bland committee of the House of Representatives:

> Some national authority over the coal industry is necessary, call it what you may.

There are some groups in the coal industry which are opposed to Government regulation. One group believes in unrestricted competition without any interference of any kind. Another believes that the industry can and ought to regulate itself by forming an association. However, experience has demonstrated that neither of these positions is tenable, as neither group has as yet eradicated the enormous waste from the coal industry. This waste consists not only of millions upon millions of tons of coal itself but also consists in the starvation, misery, and despair of unemployment and all the human wreckage that results from such a condition.

PERMANENT REMEDY

I appreciate that the new Guffey coal bill is a temporary, emergency measure, but I have come to realize that temporary measures have a way of becoming permanent, and in so doing merely increase the cost of living without solving the problem. I want to increase the miners' pay and at the same time reduce the cost to the consumer. This can be done only by taking private profits out of coal, and the best way to do that is to nationalize the coal industry. I appreciate that such a task is not a simple one, nor can it be done overnight, but it can and should be done, and the time to begin is now. We may temporize, we may procrastinate, we may by crafty evasion and devious circumlocution refuse to face the test, but I firmly believe that it can be done, that it should be done, and that we should have the courage to undertake it.

Nationalizing the coal mines will come because the American people will demand it. The case rests on a solid basis of facts. The enormous wastes—economic wastes and human wastes—resulting from private ownership have led to a situation of unrest and chaos from which there is no escape and no relief except in public ownership and democratic management. Economic forces and the instincts of the American people are creating an irresistible sentiment for nationalization.

The material herewith submitted is taken from a pamphlet entitled "How to Run Coal", issued by the nationalization research committee, United Mine Workers of America, in 1922.

The present private control of coal is doomed. Why? Because the coal industry has been so disorganized and mismanaged that the situation in recent years has approached what big-business men and stand-pat senators describe as a catastrophe. Intelligent men, with the welfare of the industry at heart, agree that the "game is up"—the old game of speculative profits, overproduction, shortages, sky-high prices, unemployment, gunmen, spies, the murder of miners, a sullen, desperate public. Unless unification and order enter the industry there will be a blow-up somewhere, followed by drastic, angry, and frenzied legislation. The American kingdom of coal is today in as chaotic and explosive a condition as the states of Europe.

The only large-scale proposal has come from the United Mine Workers of America in their demand for nationalization. It is the only proposal that grapples with slack work for the miners, high prices, and irregular supply for the consumer.

Under public ownership and democratic administration the coal industry will find out how much coal the people want, how much of a supply is already in stock, what is the cost of mining coal, how much pay a miner gets, and what the correct price is for a ton of coal. These are simple, easy, fundamental, and essential facts in running an industry. But not one of these elementary facts is known today. A permanent fact-finding agency will be one of the instruments of control.

But any plan of nationalization must also include ownership by the public. Ownership of the mines by the miners alone would be as unjust and as disastrous as ownership by the coal operators has proved itself to be. The public must give the final decision on the large issues of the industry. But it is always ownership that gives this power of decision. So the public must own the mines.

THE COST OF IT

The cost of this plan is practically nothing. It merely calls for an exchange of securities.

According to the study of the Federal Trade Commission—1922—there is an investment somewhere between a billion and a half and two billion dollars in the soft-coal industry.

The value at the mine of the coal for a single year was over a billion and a half dollars in the year 1920. To own the soft-coal industry will take a little more than the selling price of coal f. o. b. mine for a single year.

The capital investment of the anthracite operators is given as $432,000,000 by the census of 1919. This is, of course, a very rough figure.

There remains the value of the coal beds—the coal in the ground as distinct from the mining plant. Insofar as coal-mining companies have invested money in coal-bearing lands more than sufficient for their present needs and which they are holding for future use, the figure of $2,000,000,000 for bituminous and $432,000,000 for anthracite—given above—includes some of the value of the coal beds.

We estimate the value of established expectations in coal as approximately $2,000,000,000.

So we have—all figures approximate:

Bituminous operators' investment	$2,000,000,000
Anthracite operators' investment	500,000,000
Present value at compound interest of the royalty payments which might be expected from the future production of coal	2,000,000,000
	4,500,000,000

From the statement by the anthracite representatives of the United Mine Workers of America to the United States Coal Commission on Anthracite Accounting and Finance in 1923, we learn that to retire all claims in the anthracite industry would cost just over a billion dollars—$1,024,280,000. If the total production for the next 50 years is 4,750,000,000 tons, the average would run somewhat higher in the first 27 years, when the old bonds were being eliminated, and somewhat lower thereafter. It is to be remembered that this billion dollars represents both principal and interest. The cash-down purchase price today on the basis of the above illustrative figures would be $400,000,000.

Now, if this illustrative estimate is anywhere within the margin of the facts, it leads to a startling conclusion. The cost per ton of such a refunding plan is about one-third of the claims of investors in 1920 and about one-fifth of what they estimated those claims were in 1923.

The average charges during 1918, 1919, and 1920 were, roughly:

	Cents per ton
Depletion	10
Interest	7
Profits	52
Total	78

Subtracting the average cost per ton as given above at 28 cents from the average charge of 78 cents per ton leaves a saving of 50 cents per ton at the mine, which is practically doubled or trebled when it gets to the consumer.

In 1923 they estimated the total claims of capital at $1.40 a ton, or just five times 28 cents.

It would appear, then, from such preliminary and illustrative figures that the public interest would stand to gain from 50 cents to $1 per ton at the pit mouth for every ton mined during the next 50 years, if the outstanding claims of investors could be retired on some such basis as is here outlined. This might mean two or three times this sum in retail prices because of the method of price increase customary in distribution at present.

THE LAW

I do not claim any originality whatever for the plan herewith submitted in the bill entitled H. R. 5138. The measure that I am advocating follows closely the plan outlined in the Wheeler bill for the nationalization of the railroads in the United States.

Title I

Creates the United States Coal Administration to take over the properties of the coal industry in the United States. Managed by a board of trustees of five members appointed by the President. These trustees shall incorporate as a Government agency.

Stock

The Coal Administration shall have common stock of $100,000,000 par value, which shall be subscribed for by the Secretary of the Treasury.

Powers

The Coal Administration shall have all ordinary powers of corporations and in addition thereto, the right of eminent domain so as to acquire property and facilities of any coal mine and coal property or any other property incidental thereto.

Issue Securities

The Coal Administration is empowered to issue and to fix the terms and conditions of debentures, income bonds, or preferred stock with which to acquire coal properties and properties incidental thereto, or securities of such properties. Such securities shall be guaranteed as to principal and interest by the United States.

Subsidiaries

The Coal Administration is empowered to create subsidiary corporations which shall have powers within the terms of this act.

Acquisition

A Coal Administration acquisition tribunal of three members appointed by the President is set up to acquire all coal property. For such purpose it may hire accountants, appraisers, and so forth, hold hearings, subpena witnesses, administer oaths, take testimony, examine witnesses, require the production of books, papers, and so forth, relative to the inquiry.

Title II

United States Coal Administration is authorized to acquire the possession, use, control, and ownership of properties used in the coal industry, for which compensation shall be paid. Such compensation may be made in debentures of the Coal Administration. Full provision is made for acquiring properties of companies that are unwilling to sell. Full hearings are provided for. Securities of the Coal Administration may be exchanged for securities of coal properties.

Penalties

Last few sections deal with penalties for failure to comply with the law.

Outstanding Features

The administration is vested in a board of trustees, consisting of five members. Such trustees shall be truly representative of the following: First, miners; second, managerial and technical staff; third, owners; fourth, consumers; and fifth, financial skill.

Guaranty of Principal and Interest by the United States

The net profits shall go toward the (1) reduction in the price of coal; (2) increase in wages of employees; (3) payment of indebtedness; and (4) dividends on common stock owned by the United States.

CONCLUSION

After a full hearing and discussion has been held on this measure it might be deemed advisable to have a board of trustees consist of seven members instead of five. I have no objection, but I favor the membership as outlined above with a representation as outlined above.

I feel that we must take drastic action to relieve the unhappy situation of the coal miners in the United States. Government ownership ought to, and I am satisfied will, free the coal miners and their families from the peonage of lives regimented in food, clothing, and shelter; in short, regimented from the cradle to the grave. With no hope for the future either for themselves or for their children, Government ownership, looking to their welfare, should give the promise of the dawn of a new day. [Applause.]

Mr. DITTER. Mr. Chairman, I yield 30 minutes to the gentleman from Michigan [Mr. WOODRUFF].

RECIPROCAL TRADE AGREEMENT ACT—SOFTENING THE MINDS OF THE PEOPLES OF THE WORLD

Mr. WOODRUFF. Mr. Chairman, the Reciprocal Trade Agreement Act has been extended for another 3 years, and I take this opportunity to comment briefly upon the results already attained, and to comment at some length upon our past and present relations with a number of the countries with which the Secretary of State either has already concluded, or hopes to conclude, trade agreements. I shall also consider the possibilities of realizing "the larger purposes involved" to which the Secretary so often refers, and which he hopes to bring to realization through his administration of the act.

Mr. Chairman, utter indifference to our rapidly diminishing trade balance was the most significant fact apparent throughout the hearings before the Ways and Means Committee on the resolution to extend for 3 years the Reciprocal Trade Agreement Act. That indifference was not only exhibited by Secretary of State Hull and his assistant, Mr. Sayre; they insisted in their testimony that favorable trade balances for this Nation were insignificant as compared to the achievement of a "softening of the minds of the world toward peace." I do not share their indifference. No matter what pertinent economic question was asked of the Secretary, his reply invariably was that it was "not relevant to the larger purposes involved", which, he said, was world peace.

The Secretary, in presenting his views to the committee, constantly stressed the great contribution to world peace which, in his opinion, had been achieved through his administration of the act. He stated that through the benefits extended under the act to foreign nations, there had been this "softening of the minds" of the peoples of the world in their international relations, and indicated that a more peaceful atmosphere now exists.

The whole theme of his argument was that through lowering our tariff barriers, and thus throwing our markets open to foreign producers, and allowing them to sell their products in this country in competition with American farmers and American manufacturers, we can bring about a "softening of the minds" toward us. Let us examine the facts.

Such an argument is utterly refuted by our experiences during and following the years 1917 to 1919, when we attempted to achieve and preserve more peaceful conditions in the world by contributing the lives and health of nearly half a million American boys, and by spending and lending more than $40,000,000,000 of the American taxpayers' money in an effort to "soften the minds" of the world.

The figures and facts involved in our efforts in those years are pathetic and appalling, and cause to shrink into insignificance any contention of the Secretary of State that reciprocal-trade agreements will accomplish what we failed to accomplish by our monumental sacrifices of those days.

Mr. Chairman, there were 39,362 American boys killed in action. There were 14,009 died of wounds received in action. There were 192,361 others wounded in action. That was an appalling contribution by us, futile though it was, toward the "softening of the minds" of the world.

There were 76,757 who died of disease, accident, and other causes during their service in the war. That was still another appalling American contribution to the peace of the world.

More than 100,000 veterans with service-connected disabilities have died since the war, many of them the victims of their service. There are today 336,236 World War veterans receiving compensation for service-connected disabilities. These constitute a continuing contribution by us to the peace of the world.

Our expenditures and loans on behalf of our allies during that period reached more than $40,000,000,000. How can any individual for a moment assert that if these stupendous sacrifices which we then made, and which we are still making, and will continue to make in the years to come, have not "softened the minds" of the world toward peace, that to give away our markets, to make a gesture as weak as reciprocal-trade agreements, would accomplish this most desirable result?

The human misery, the agony of human hearts, the grief that was poured into that war, and has been caused since, is utterly beyond human computation or human comprehension; yet, in spite of all that, the world continues to arm at a pace at which it never armed before, getting ready for war.

A "softening of the minds" toward peace is not to be achieved by our giving them our markets. The effort of the war-making and other nations today is to take from the United States of America every dollar in money or trade, in loans or commerce, they can possibly wring from us. And if and when another world war shall come, Mr. Chairman, no effort on the part of the warring nations will be spared to inveigle or drag us into the hellish maelstrom.

It goes beyond all human reason, I say, it is utterly at variance with every fact and of all logic to assume that to turn our American markets over to foreign competitors and to deprive our own people of employment in order to purchase by that move some "softening of the minds of the world toward peace" when these sacrifices, this immeasurable treasure of human life and human health and human happiness, and this incomprehensible wealth of gold failed to achieve that objective.

And, be it remembered, these sacrifices were offered, our treasure was poured out, while we asked not one foot of territory and not one single trade advantage in return therefor. The stupendous contribution by the United States to the cause of peace was made entirely without any consideration other than the cause of peace.

That is why many of us felt grave alarm as we sat through the hearings on the Ways and Means Committee and witnessed the complacent, unconcerned attitude of the Secretary of State and his aides, who, with their eyes fixed on this vision of "softening the minds of the world toward peace", seemed prepared to give away the last market in America, regardless of its effects upon our own people.

This vision of "softening the mind of the world for peace" is a beautiful dream. The arguments are soothing in this day of a troubled planet. Wishful thinking is easy under such circumstances, and where wishful thinking enters, logic departs.

I find no quarrel with the Secretary of State because of his visions of peace. I would that such a vision might be made true. But the course of troubled Europe has been has seemed again to come upon mankind, and not to insuch as to compel every thinking man in this country to return to logic, and to try to think through the fever that dulge in idle dreams. The idleness of these dreams is fully demonstrated by the utter failure of the sacrifices we have made heretofore. By those sacrifices we have achieved not one single thing except to expose us to the ambitions, the greeds, the avarice, the hatreds, and the envies of the other nations that today are preparing for red war.

The act has been in effect approximately 2 years. Everybody knows that during this period misunderstandings, suspicion, and antagonism between nations have increased in intensity almost day by day. The newspapers are filled with rumors of war. The whole world is alarmed for fear that another world madness is upon us.

Not even during the days just preceding the last one did war seem as imminent as it does today. Another such war, the horrors of which will cause those of that other one to pale into insignificance, will destroy this civilization. And yet most of those European nations with which the Secretary of State is seeking to engage in these trade agreements, are feverishly preparing for war, spending sums of money so huge as to stagger the imagination, money that should, in part at least, be paid to us who are their creditors.

In this connection it is important and disillusioning to ponder the present status of the so-called war debts, and consider them and their relation to this whole subject. It is enlightening but disheartening to observe that the nations which today are creating through their warlike activities consternation in the hearts of lovers of world peace, and who are spending billions upon billions for war purposes, are among those who have so far forgotten the dictates of plain, common honesty and fair dealing as to repudiate their debts to us.

Mr. Chairman, I ask unanimous consent to print as part of my remarks statements showing total indebtedness of foreign governments to the United States as of January 15, 1937, as follows:

Statement showing principal of debt as funded, interest funded under agreements, and amount to be received over funding period on account of principal and interest

Country	Principal of debt as funded	Interest funded under debt agreements	Total principal payable	Interest payable over funding period exclusive of amount funded (see column 2)	Total amount (principal and interest) to be received over funding period
Austria	$24,614,885		$24,614,885.00		$24,614,885.00
Belgium	417,780,000		417,780,000.00	$310,050,500.00	727,830,500.00
Czechoslovakia	115,000,000	[1] $70,071,023.07	185,071,023.07	127,740,410.81	312,811,433.88
Estonia	13,830,000	2,636,012.87	16,466,012.87	21,241,632.89	37,707,645.76
Finland	9,000,000		9,000,000.00	12,695,055.00	21,695,055.00
France	4,025,000,000		4,025,000,000.00	2,822,674,104.17	6,847,674,104.17
Great Britain	4,600,000,000		4,600,000,000.00	6,505,965,000.00	11,105,965,000.00
Greece	30,292,000	2,205,000.00	32,497,000.00	5,623,760.00	38,120,760.00
Hungary	1,939,000	43,555.50	1,982,555.50	2,771,875.92	4,754,431.42
Italy	2,042,000,000		2,042,000,000.00	365,677,500.00	2,407,677,500.00
Latvia	5,775,000	1,113,664.20	6,888,664.20	8,901,858.93	15,790,523.13
Lithuania	6,030,000	402,465.00	6,432,465.00	8,637,076.57	15,069,541.57
Poland	178,560,000	28,784,297.37	207,344,297.37	274,330,483.92	481,674,781.29
Rumania	44,590,000	[1] 21,970,560.43	66,560,560.43	55,945,699.62	122,506,260.05
Yugoslavia	62,850,000		62,850,000.00	32,327,635.00	95,177,635.00
Total	11,577,260,885	127,226,578.44	11,704,487,463.44	[2] 10,554,582,592.83	[2] 22,259,070,056.27

[1] Represents difference between funded principal and total face amount of bonds delivered or to be delivered under the funding agreements, which difference arises through permitting the governments to fund a part of the interest accruing over the periods specified in the agreements (Czechoslovakia, first 18 years; Rumania, first 14 years).

[2] Exclusive of $53,870,533.27 interest on payments postponed during the fiscal year 1932 under moratorium agreements (see p. 42); exclusive of interest on principal amounts postponed in accordance with terms of funding agreements in certain instances (see p. 30), and exclusive of interest on principal amounts not paid when due (see p. 38).

Statement showing total indebtedness of foreign governments to the United States, Jan. 15, 1937

Country	Total indebtedness	Principal unpaid [1]	Interest postponed and payable under moratorium agreements	Interest accrued and unpaid under funding and moratorium agreements
Funded debts:				
Austria	$23,976,680.13	$23,752,217.00		$224,463.13
Belgium	432,042,469.28	400,680,000.00	$3,750,000.00	27,612,469.28
Czechoslovakia	165,576,380.33	165,241,108.90		335,271.43
Estonia	19,560,959.03	16,466,012.87	492,300.19	2,602,585.97
Finland	8,448,982.69	8,272,685.68	176,297.01	
France	4,081,227,249.62	3,863,650,000.00	38,636,500.00	178,940,749.62
Great Britain	5,107,446,980.97	4,368,000,000.00	131,520,000.00	607,926,980.97
Greece	33,402,848.34	31,516,000.00	449,080.00	1,437,768.34
Hungary	2,257,825.74	1,908,560.00	57,072.75	292,192.99
Italy	2,017,013,118.74	2,004,900,000.00	2,506,125.00	9,606,993.74
Latvia	8,054,808.40	6,879,464.20	205,989.96	969,354.24
Lithuania	7,207,793.02	6,197,682.00	185,930.46	824,180.56
Poland	244,789,092.29	206,057,000.00	6,161,835.00	32,570,167.29
Rumania	63,949,966.15	63,860,560.43		89,405.72
Yugoslavia [2]	61,625,000.00	61,625,000.00		
Total	12,276,580,064.73	11,229,006,291.08	184,141,190.37	863,432,583.28
Unfunded debts:				
Armenia	22,107,404.13	11,959,917.49		10,147,486.64
Nicaragua	469,001.84	289,898.78		179,103.06
Russia	366,112,049.91	192,601,297.37		173,510,752.54
Total	388,688,455.88	204,851,113.64		183,837,242.24
Grand total	12,665,268,520.61	11,433,857,404.72	184,141,190.37	1,047,269,925.52

[1] Includes principal postponed under moratorium agreements (p. 42) and principal amounts not paid according to contract terms (p. 34).
[2] This Government has not accepted the provisions of the moratorium.
NOTE: Indebtedness of Germany to the United States not shown in above statement, but discussed on pp. 43 and following.

Indebtedness of Germany to the United States, Jan. 15, 1937

AMOUNT OF INDEBTEDNESS

[In reichsmarks; reichsmarks on Mar. 2, 1937, were worth 40.2258 cents]

	Indebtedness as funded	Total indebtedness as of Jan. 15, 1937	Principal	Interest accrued and unpaid [1]
Army costs	1,048,100,000	1,006,208,896.15	907,500,000	8,718,896.14
Mixed claims	2,121,600,000	2,062,440,000.00	2,040,000,000	22,440,000.00
Total	3,169,700,000	[2] 3,068,648,896.15	3,037,500,000	31,158,896.14

PAYMENTS RECEIVED

	Total payments received as of Jan. 15, 1937	Payments of principal	Payments of interest
Army costs	51,456,406.25	50,600,000.00	856,406.25
Mixed claims	87,210,000.00	81,600,000.00	5,610,000.00
Total	138,666,406.25	132,200,000.00	6,466,406.25
Amounts received (in dollars)	33,587,809.69	31,539,595.84	2,048,213.85

AMOUNTS NOT PAID ACCORDING TO CONTRACT TERMS, JAN. 15, 1937

Date due	Funding agreement		Moratorium agreement	Total
	Principal	Interest		
Sept. 30, 1933		2,498,562.50	1,529,049.45	[2] 4,027,611.95
Mar. 31, 1934	122,400,000		1,529,049.45	123,929,049.45
Sept. 30, 1934	20,400,000	3,855,687.50	1,529,049.45	25,784,736.95
Mar. 31, 1935	82,900,000	4,534,250.00	1,529,049.45	88,963,299.45
Sept. 30, 1935	29,700,000	5,212,812.50	1,529,049.45	36,441,861.95
Mar. 31, 1936	29,700,000	5,891,375.00	1,529,049.45	37,120,424.45
Sept. 30, 1936	29,700,000	6,569,937.50	1,529,049.45	37,798,986.95
Total	314,800,000	28,562,625.00	10,703,346.15	354,065,971.15

[1] Includes interest accrued under unpaid moratorium agreement annuities.
[2] Includes 4,027,611.95 reichsmarks deposited by German Government in the Konversionskasse für Deutsche Auslandsschulden and not paid to the United States in dollars as required by the debt and moratorium agreements.

GREAT BRITAIN

Mr. Chairman, it was officially annouced recently that the British Government is to spend for war materials and supplies during the next 5 years the enormous sum of seven and one-half billions of dollars. An examination of the table above discloses the fact that His Majesty's Government now owes us the sum of $5,107,000,000. Of this amount $739,446,980.97 in principal and interest is past due.

Their total debt to us constitutes approximately two-thirds the sum they propose to spend within the next 5 years for their Navy and other war equipment—and yet they would have us believe they are financially unable to pay us, their saviors, the comparatively modest annual sum they formerly agreed to pay.

This current British indebtedness has been accumulating since that nation, together with all other debtor countries except Finland—great in honor, though small in size—bluntly informed us that they were "unable to pay."

It must be clear, even to those who wilfully close their eyes to facts not fitting their theories and purposes, that if our British and other debtor friends had cared to deal with us frankly they would have said, "We do not wish to pay; we will not pay."

An individual who can, but will not, pay his honest debt is utterly unworthy the respect of anyone. A nation which does so is contemptible, particularly when the money it borrowed was used to preserve its national life, loaned it when its very national existence depended upon its ability to borrow.

The more than thirteen billions England and the other nations owe us equals exactly that portion of our national debt. The American people are now paying the interest and must eventually pay the principal of these foreign debts, unless our debtors repay us, which, of course, they do not propose to do. Our national debt is now, in round figures, $35,000,000,000. Approximately 40 percent of this amount is represented by the moneys our ungrateful debtors owe us. These loans must be reckoned among those things we have contributed to bring about a "softening of the minds of the peoples of the world to preserve peace."

When we extended these loans to foreign governments we did not have the money in the Treasury; we had to find it elsewhere. There was only one way in which we could get it, and that was to borrow it from our own citizens, which we did. We secured them with good, honest United States Government bonds. We have since been taxing all our people to redeem these obligations, which have been, or will be, paid in full. Thank God, this Nation is not one which repudiates its honest debts.

Quite recently Walter Runciman, president of the British Board of Trade, was in this country allegedly with a view of increasing trade between his country and ours. The position he occupies is semiofficial. It is understood that the gentleman left these shores without reaching an agreement. It is doubtful if an agreement can be reached unless we grant tariff concessions far beyond anything they have been

hoping for. My reasons for so thinking were cited by the gentleman from Minnesota [Mr. KNUTSON] when discussing this subject in general debate on the resolution in the Committee of the Whole, when he quoted from an editorial in the recent edition of the London Economist, which stated:

> It is fully possible * * * that Great Britain has already gained more from the concessions made by the United States in her treaties with other countries than could be obtained in a direct Anglo-American treaty.

We have no trade agreement with Great Britain. The opinion of the editor of the London Economist is no doubt based upon the fact that our exports to that country for the first 11 months of 1936 increased but 2 percent over the corresponding period of the previous year, while our imports from that country during the same period increased 24 percent. Unless we make them a concession, which the welfare of our farmers and workers absolutely forbids, it is my opinion that no trade agreement will be reached with Great Britain.

Her public officials are not blind to the fact that by exercising patience, and waiting until we have entered into more and more agreements with other countries, reducing tariffs on more and more of the products she wishes to sell in this market, she will in the probable near future secure for herself all and more concessions than she could hope to secure, even if she were to enter into a trade agreement with us. In this way she avoids giving us any concession whatsoever in return for the markets we present to her.

Do not forget that every single item heretofore kept out of this market by our tariff wall, and which she is now selling in this country, or which she may sell as a result of future agreements, is sold in competition with, and usually below the price of, American products produced by American labor either in the factory or on the farm.

Practically all products not in competition with American factory or farm are on the free list and can be brought into this market without limit and without the payment to this Government of one red cent. That this is no small concession in itself is realized when it is known that during the years 1922 to 1936, inclusive, the foreign producers brought into this market and sold products to the value of $28,868,449,000, paying nothing for the privilege.

Our free list for imports is longer than that of any other country in the world. This in itself should be recognized as a genuine contribution to the "softening of the minds" of the world, provided, of course, the Secretary of State is justified in assuming the correctness of the theories he expounds.

FRANCE

France now owes us the total sum of $4,081,227,249.62. Of this amount $178,940,749.62 is past due, and has been accumulating since the time when all the debtor nations—always excepting little Finland—by common consent and agreement declared to us they could not pay.

Inasmuch as France is one of the 75 nations which receives all the concessions incorporated in reciprocal-trade agreements entered into by us with other countries, we ought at least to be interested to learn how rapidly she is experiencing a "softening of the mind" toward us and toward her European neighbors, and whether or not she is acting with that scrupulous regard for her honest obligations which we have a right to expect.

I know the Members of the House will pardon me if at this point in my remarks I indulge in a few reminiscences in connection with my experience in France in May 1917, just after this country had declared war on Germany, and when we had announced our intention of spending our last resource, if necessary, to insure victory for our allies.

When I disembarked at Bordeaux I beheld the greatest array of flags I had ever seen anywhere on any occasion. They were displayed on buildings, on lamp posts, everywhere. I discovered that these flags were almost exclusively French and American. An occasional English flag could be seen, yes; but the event the French people were celebrating was our declaration of war against their enemy.

I was in France for several weeks, and my mission there brought me in contact with a number of men high in the councils of the Government. They were exceedingly frank in those days, and they did not hesitate to tell just what our action meant to them. One gentleman summed up their collective opinion when he said to me, "You perhaps cannot account for the consuming enthusiasm which has seized upon our people unless you realize that when your country entered the war we were bled white. We were defeated. It is only the knowledge that you are coming that gives us the courage to hold on until you arrive." In other words, they believed then that without our help France could not have hoped for victory. They were exceedingly grateful to us. They lost no opportunity in those days of showing their gratitude. But, Mr. Chairman, they were in danger then. How do they react today? What is their attitude toward us as indicated by their actions in the past few years?

Because we have dared to suggest to them that they return to us the money we loaned to them, money not only for the purpose of carrying on their war activities but also money for the economic rehabilitation of their war-weary and war-torn country; because we have dared to suggest to them that their citizens be taxed instead of ours to repay this money, we are now reviled and looked upon as a nation of Shylocks.

And what have they been doing, Mr. Chairman, since the day they declined to make further payments on their debt to us? They have been spending more and more each year preparing for war. A small part of the money they are spending each year for this purpose would meet their pledged payments to us, and we would have some assurance that the French people, in whose interest this money was spent, and not the American people, are going to be taxed eventually to discharge this obligation.

What evidence, Mr. Chairman, have we that the French nation is experiencing this "softening of the mind" that the Secretary of State seems to believe is permeating the collective consciousness of the world as a result of this reciprocal trade agreement program? Is there less suspicion, less envy, less fear between France and her European neighbors? Is there less of intrigue, less pitting of interests of one nation against those of others to bring about a condition satisfactory to the French? I know of no such evidence.

I do know, Mr. Chairman, that there has been no time in history when world peace was so seriously endangered as now, and that the activities of those nations that suffered most from the World War, one of which is France, are contributing much to the present unsettled condition of the world.

ITALY

Italy, Mr. Chairman, is another nation that should by reason of her experience with us have a broad spirit of brotherly love. Her debt to us, measured in American dollars, is $2,017,900,000. She also has found it inconvenient to pay, notwithstanding the preferred treatment she received over all other debtor nations at the time the debts were refunded.

In this connection I will say that reductions in the foreign debts were made by reducing the interest charge rather than the principal of the loan. An examination of the rates granted the various nations shows that Great Britain, Finland, Hungary, Poland, Esthonia, Latvia, Lithuania, Czechoslovakia, and Rumania all pay 3.3 percent, while Belgium pays 1.8 percent, France 1.6 percent, Jugoslavia 1 percent, and Italy four-tenths of 1 percent.

It was recognized, by unbiased persons at least, that the provisions of the Versailles Treaty were such as inevitably to lead to future wars; that instead of making the world "safe for democracy" and insuring peace, the effect would be the reverse. Had the leadership and the splendid example of the American people, speaking through Woodrow Wilson, been followed by the representatives of other nations at that conference, the history of the world would have been changed. Notwithstanding our great sacrifices of life, of health, of money, we asked for not one dollar in indemnity, for not one foot of additional territory.

President Wilson was there as the spokesman for all the people of these United States. His was the opportunity to demonstrate to the world once and for all that we could and would settle our differences with nations on a basis of unselfishness, on a basis of live and let live, on a basis of mutual

understanding and respect for the rights of others, a basis, I will say, foreign to the code of every other nation represented at the conference.

In all history this was the greatest contribution by a people ever presented by ruler or potentate to the "softening of the minds" of the peoples of the world, and yet the seeds we sowed there were sowed on barren ground. That they bore no fruit was demonstrated at the time, has been since, and is now being demonstrated by the aggressions of Italy in Ethiopia and elsewhere, and by many other nations in their relations with their neighbors.

Can we believe that Italy, under the despotism of Mussolini, is undergoing a "softening of the mind", when we ponder Italy's course in Ethiopia? When we remember the 2,000 citizens of that stricken country that were summarily hunted down a few days ago and butchered because they were suspected of striking a blow in defense of their liberty? Who believes Mussolini's mind is filled with thoughts of light and love?

RUSSIA

Mr. Chairman, the Government of Soviet Russia has been "recognized" officially by the Government of the United States. The people of that country owe the people of this country in the aggregate the sum of $366,688,455.88. Regardless of the fact that this money was borrowed during a previous régimé, the fact remains that it was borrowed from the citizens of this country and used for the benefit of the citizens of Russia.

Payment of this debt constitutes a sacred obligation upon the existing Government, regardless of its character. Did our responsible authorities, before officially "recognizing" that country, secure from it a bona-fide commitment that Russia would pay this honest debt? I have no assurances that such commitment was secured. At all events, the fact is the debt has not been paid and there is no indication at this time that the debt ever will be paid.

"Recognition" placed Russia upon exactly the same basis with us as any other country in the world, and we find ourselves now, under the Trade Agreement Act, extending to her all the tariff and import concessions we extend to any or all other nations in the world. We do this whether she pays her debt to us or whether she does not. We do this whether she enters into a trade agreement with us, giving us trade advantages in return, or whether she does not.

Russia today boasts the greatest organized military establishment on the planet. This is her gesture toward "softening the minds of the world" toward peace.

JAPAN

Japan, while she undersells our own manufacturers in our own country, while she brazenly buys—and blandly denies—military information from a former officer of the United States Navy, shares in all the benefits of these reciprocal-trade agreements. Who believes that the Japanese mind has been "softened toward peace" when one remembers her aggressions in China?

Mr. Chairman, the overtone of threats, the tempest of rattling swords, the dance of billions for rearmament throughout the world seems to the State Department a gentle zephyr wafting the breath of peace over the softened hearts of nations.

GERMANY

Germany is one of only two nations excluded from the benefits of these trade agreements. That does not alter the fact, however, that Germany owes this Nation $1,200,000,000 which she does not pay. Why? Because she is rebuilding her military machine, while her besabered legions raise their steins to "der Tag."

WISHFUL THINKING

Mr. Chairman, how is it possible for the Secretary of State to see in the conditions I have endeavored faithfully to set out here a vision of peace to be achieved by his program of reciprocal-trade agreements?

I submit as an example of the State Department's wishful thinking a quotation from Constantine Brown, in a recent issue of a Washington paper, in which high officials of the State Department are quoted as saying:

People cannot possibly endure this reckless extravagance much longer. Sooner or later they will wake up and find out that spending money on unproductive construction—guns, airplanes, warships, and fortifications—can lead them nowhere. And the people themselves will eventually impose their will on their respective governments and force them to put an end to this drunken sailor's attitude of the last 2 years. When this happens the world will be ready to adopt a saner attitude toward international relations.

Yes, Mr. Chairman; when the German masses take back their liberty, when the Italian people reassert their independence, when the multitudes of Russia throw off the bitter yoke of servitude, when the Japanese lay aside their world-domination ambitions, the minds of the world may be "softened toward peace." But it must be obvious to any man or any woman in this House that if we are to purchase this "saner attitude toward international relations" by these reciprocal-trade agreements that the markets of America will have become exhausted, the wage earners of America will be workless, and the farmers of America will be destitute long before this Utopia is achieved.

Mr. Chairman, I have seen war. No individual in this broad land possibly could desire more fervently than do I peace on earth toward men of good will. Because of that very deep desire I have sought earnestly to find in Secretary Hull's reciprocal-trade policy the pathway to the world of his dreams. I wish it were true. But it is futile. It is worse than futile. In 2 years we have concluded 14 agreements, and we have sunk from a favorable trade balance of approximately $477,000,000 to an unfavorable trade balance of more than $4,500,000. In this connection may I state that during this period exports of agricultural products decreased $38,192,000, while imports of these commodities increased $199,139,000, reaching a grand total of agricultural imports for 1936 of $1,304,900,000. If this be the result of 14 agreements in 2 years, what, I ask, will be the condition if we conclude 60 additional treaties lowering the tariff, as each agreement is entered into, on additional products which compete with American-grown or American-manufactured products, as the Secretary of State desires to do?

In conclusion, Mr. Chairman, I wish to say I do not question the integrity, high purpose, and sincerity of Secretary Hull and Mr. Sayre. I want no word of mine to be construed as disrespectful of these men or derisive of their motives. Disagreeing utterly with their method, I agree wholly with their ideal. It is because I believe these gentlemen are sincerely mistaken that I am alarmed. What would not any of us give if we might achieve that world peace that Secretary Hull desires? But we owe it to the American people to face the stern realities in the great world crisis confronting us. What a bitter thing it is to consider the futility of reciprocal-trade agreements to accomplish world peace and to realize that men having the authority and the will to continue this policy with all its destructive effects seem utterly blind to that fact. [Applause.]

Mr. UMSTEAD. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. THOM].

Mr. THOM. Mr. Chairman, in the consideration of the naval appropriations bill, it is to be remembered that the amounts of money allocated are largely in direct response to the naval policy heretofore laid down by a preceding Congress. When the Seventy-third Congress voted for a Navy in conformity with the category of vessels allowed by the naval limitation treaties then in existence, it reposed power in the President to order replacement of one aircraft carrier, 99,200 tons of over-age destroyers, and 35,530 tons of over-age submarines, besides authorizing him to replace by vessels of modern design and construction the battleships of our fleet as they reached the age of 20 years. This latter provision opened the way for the replacement of 15 battleships—our entire strength in this class—by 1942.

It is about the question of battleship construction that I desire to make some observations. Since airplane warfare has come to be a reality, and even before when undersea craft came into naval use, much has been written and said about the vulnerability of battleships. Changed methods of warfare, some said, would make it necessary to hide away battleships so that they would not be blown to pieces from the air or from under water. From this kind of talk naturally flowed not a little bit of feeling widely held that continued construction of battleships was a wanton waste of public funds. No layman, therefore, but who has been wondering whether there is any truth in all of this.

For my own information, I have been looking around as a member of the Naval Appropriations Subcommittee to discover, if possible, whether we are in fact throwing away money on a useless but indeed costly piece of armament. Little or no expert answer can be obtained except from naval officers or civilian writers on naval subjects. Of course, the man in the street has an opinion, but one realizes that while he might prove right about it, yet his conclusions have been reached without much study. The first thing that one finds is that, generally speaking, naval strategists still believe that battleships are necessary for modern warfare, and consequently all the leading navies are now building, or have plans on way to construct, new battleship tonnage.

Let us enumerate. Jane's Fighting Ships, the chief authority on shipbuilding, tells us that France has in the blueprint stage two battleships, the *Richelieu* and *Jean Bart*, remarkable for the performance they are expected to give in speed and hitting power. Two other heavy ships of 26,500 tons, the *Dunkerque* and *Strasburg*, are now nearing completion.

The same authority tells us that two 35,000-ton, 30-knot, 14-inch-gun battleships are projected by Germany and that the *Scharnhorst* and *Gneisianu*, heavily armored, 11-inch-gun, 26,000-ton battleships are partly completed.

Italy is planning the *Littorio* and *Vittorio Veneto*, with nine 15-inch guns.

Jane's is less specific about Japanese battleship plans, noting only that "four new battleships are projected, two of which are expected to be begun in 1937."

Lastly, England saw recently the keels laid for the battleships *King George V* and *Prince of Wales*, and Parliament is now debating new and far-reaching naval plans, calling for three more battleships for this year. For a long-distance program, England is discussing not a battleship strength of 15 units, as presently maintained both by her and the United States, but an expansion to 24 or 25 units by the construction of new ships and by the modernization of its present 15 ships in this category.

In the light of all these programs, indicating a still thorough going belief in the efficacy of the battleship, the United States, by order of the President, is drawing plans for two new replacement battleships, and this appropriation bill is carrying the necessary moneys to begin work on them.

It is, therefore, easy to see that the battleship has not lost its popularity among naval men despite the growing expansion of air armament and its admitted power in attack.

The same doubts of the value of the battleship in the midst of new and modern implements of attack from the air have afflicted the English mind and led to an investigation by a subcommittee of the Parliament Committee of Imperial Defense on the subject of the Vulnerability of Capital Ships to Air Attack, culminating in the issuance of a so-called White Paper, dated November 1936, in which the conclusions of this body of civilians were incorporated.

The names of the members of the investigating committee were: T. W. H. Inskip, chairman; Lord Halifax, Malcolm MacDonald, and Walter Runciman, the last named having just visited President Roosevelt, and who is looked upon as one of the strongest men in the British Cabinet.

Their report as issued is ably reasoned and written, and it leaves one feeling that the question of the degree of vulnerability of battleships is entirely debatable, especially when the strongest paragraph written in favor of the continued employment of battleships, hereto appended, is examined:

> If capital ships are essential to our security we must have them. We are dependent, as is no other nation, on the maintenance of our overseas trade. We have more to lose by making a false decision in so vital a matter than has any other power. Yet no other great naval power, though with less risk than we ourselves should run, proposes to do away with capital ships. Should we be the first to do so? Surely not, unless the question is settled beyond all possible doubt. We do not find that the question is so settled. It may never be settled without the test of war, but the information at present at our disposal leads us to believe that the day of the capital ship is not over, now or in the near future; to assume that it is and to cease to build them would lead to grave risk of disaster.
>
> It is possible to state the matter in the simplest possible terms. The advocates of the extreme air view would wish this country to build no capital ships (other powers still continuing to build them). If their theories turn out well founded we have wasted money; if ill founded, we would, in putting them to the test, have lost the Empire.

This conclusion of the Commission I shall supplement with some of the supporting data in condensed form. It is pointed out that new forms of attack such as the airplane sooner or later produce new forms of defense. The last 40 years saw the advent of the submarine, the torpedo, and the mine. Naval experts turned their minds to counteracting the possible effects of their attacks on capital ships, and now the air attack must be combatted.

Bombing from an airplane, the Commission report points out, takes three forms. Level bombing is undertaken from a high altitude. Dive bombing involves attack from a steeply diving airplane. Torpedo attack consists of dropping torpedoes from aircraft at a low altitude abeam the ship.

What has been done to meet this power of the airplane?

First of all, armor plate has been thickened after tests have shown the penetrating power of bombs. In the new British capital ships, a turtleback arrangement of side and deck armor is planned to deflect aerial attacks. The ships will be outfitted for being made completely gas-tight on short notice.

In the way of offense, the battleship, as we all know, has the anti-aircraft guns to fall back on, and the tendency is to increase the volume of fire. The Commission found that the rate of hits in tests of anti-aircraft guns do not throw much light on their value because of difficulty in simulating real warfare. Interesting, however, are the facts produced that anti-aircraft fire, even if nonvital, would unnerve the air forces and cause them to take poor aim in bomb dropping. It would also have a tendency to drive an airplane to higher altitudes, thus making its attack less sure.

The argument that more in the way of naval strength can be derived by spending funds for airplanes than capital ships was studied. The Commission found that 43 medium bombers could be bought for the price of a battleship. One of the witnesses estimated that the squadrons of airplanes needed for defense of trade and territory of Great Britain would entail a cost equivalent to that of 15 battleships. If this estimate were accepted, then the cost of the present battleship strength of England would be about the same as supplying the number of airplanes necessary to do the same work.

Having concluded my digest, I now close by reading the justification for battleships as given in the recent hearings on the naval appropriations bill by Admiral Land, Chief of the Bureau of Construction and Repair:

> The modern battleship is so designed, constructed, and built that while it is not immune—and I doubt if such a thing as complete immunity can be given—it is such an uninteresting target, due to its many protective features, devices, and so forth, that we are amply justified in proceeding with the construction of them. The menace of the air to a battleship is much less than the so-called proponents of the air ever concede, or are willing to concede. It nevertheless remains a fact. So that we feel with the design as now prepared and approved that the menace from the air is very materially reduced over what has been in existence heretofore, and that we should go ahead with this type of ship, which cannot only give, but take and take and take punishment; it can take punishment far better than any other class of ship.

In conclusion, Mr. Chairman, I thought these facts, and these condensed statements from the English Commission, which, as far as I can learn, is the latest official report on the subject of the vulnerability of battleships, would be of interest at least to those of us who have heard the oft made claim that the battleship is no longer a necessary adjunct to the fighting forces of a nation. [Applause.]

Mr. UMSTEAD. Mr. Chairman, I now yield to the gentleman from Mississippi [Mr. FORD].

FEDERAL AID FOR EDUCATION

Mr. FORD of Mississippi. Mr. Chairman, for the second time since I came to Congress I rise to direct the attention of Members to the necessity for inaugurating a permanent policy of Federal aid for education in this country.

All over the Nation parents and teachers find themselves facing a peculiar situation as regards the education of mod-

ern youth. The best methods for the operation of free public schools have been scientifically determined by experts who have given long study to educational problems, and there is a large number of available well-trained teachers who can carry into effect the methods which have been established. The only impediment—and that is a serious one—is the lack of sufficient financial support for schools located in thousands of communities in many States of the Union. These communities are places wherein education is at a premium, where many intelligent boys and girls possessed of character and ambition are eager to take advantage of every educational opportunity. Here we have children literally thirsting for knowledge, and they would make the best possible use of any learning obtained.

So, as I have previously pointed out, the lack of funds necessary to carry on our schools is a difficulty that so dangerously threatens our educational structure as to make its present benefits and future operation matters of fearful doubt and speculation. We have the statesmanship in this country and we have a Government with sufficient funds to solve this problem of inadequate finances and remove this intolerable menace.

In this connection I look back to my speech of April 9, 1935, in which I made the following statement to this House:

> The children, the teachers, and the parents in many homes scattered over the broad area of the United States are wondering if those who represent them in the councils of the Nation will perform their duty and eliminate this dread danger. What they want and what they should have is a sound, permanent program that will insure the future security of public education. They are entitled to it, and those who are entrusted with the direction of this Government should grant it as speedily as possible.

This was good doctrine 2 years ago and it is good doctrine today. The pity of it all is found in the deafness with which the congressional ear is so often turned to the importunities of a situation crying aloud for the benefit of Federal legislation—Federal legislation which should be easy to enact and easy to administer, with untold benefits resulting from the expenditure of a comparatively small sum of money.

May I say, Mr. Chairman, that education was once considered a parental responsibility, and was in turn assumed by the church, by the locality, and then by the State. There is nothing to prevent the assumption by the United States of its just share of the cost of education. Over a century ago we find the first five Presidents of the United States advocating Federal aid for education. They knew that a fine foundation for every nation is the proper education of its youth.

We have only to look about us and we see many sections of the country which are very poor, while others are very rich. Wealth has flown into the rich centers from the poor ones, and from the rich centers some of this money finds it way into the Treasury of the United States. I maintain that it is only fair that at least part of these funds should be returned to the poorer States for use in the education of their future citizens.

The principle underlying and supporting the advocacy of Federal aid for education has found application in our present system of Federal aid for roads, an item formerly restricted solely to State and local dominion. I believe in governmental assistance for promoting navigation, building necessary dams, and draining rivers, as well as in building roads. Am I lacking in logic when I say that the principles underlying activities of that kind can be consistently extended to educational endeavor? I think not. I believe it to be entirely logical.

Following further the logic of the argument, let me remind you that the Federal Government has assumed the responsibility of providing assistance toward social security in this country, and I am glad that it has done so, my only objection being that the Government has not been liberal enough in its provision for the aged. But let me here and now bring in the thought that uniform education, provided for by necessary assistance from the Federal Government, is a great guaranty of social security. Many are the citizens we have today, both men and women, who would have better equipped themselves with better educations had they been given a reasonable opportunity in which to do so. That they do not have educations highly necessary in these complex times is not their fault; it is the fault of the Government which did not provide the required educational facilities. In many instances the inadequacy was due to lack of funds which the State and local authorities could not hope to be able to raise.

I would further direct your attention to the fact that the States and local authorities have been struggling in a brave attempt to carry the burden of education as it should be carried. The result has been a people weighted down with high taxes. The real-estate tax is growing more and more inadequate, because of the decline in real-estate values, coupled with the gigantic increase in urban population. More than half our people now live in cities, and the major portion of our wealth is industrial. In many States the property tax is so sadly overworked as to nullify any hope of additional income from that source. The educational system must be improved and maintained, we all agree, but the increase of local taxes is out of the question. Even if we are to lay aside every consideration except the practical aspects of the question, there still remains only one solution—a permanent policy of Federal aid for education.

These convictions prompted me to introduce a bill in the last Congress, March 4, 1935, which sought the appropriation of $100,000,000 for Federal aid during the year ending June 30, 1936, and setting up a permanent plan of Federal aid beginning with June 30, 1937. This Congress has seen the introduction of several bills which carry the same principles as did the bill which I introduced. I ask you to give particular attention to S. 419 and its companion bills, H. R. 1634 and H. R. 2288, introduced in the early days of this session. The enactment of any of these bills would authorize the appropriation of at least a hundred million dollars a year for Federal aid to education in the various States, and sets up such aid as a permanent policy. I hope every Member of Congress will give this legislation his most earnest consideration, and I hope that the Committee on Education will report out a measure at once. I think that the House has already waited far too long about taking favorable action intended to substantially help education in the United States.

Mr. DITTER. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. WADSWORTH].

Mr. WADSWORTH. Mr. Chairman, something over 2 years ago I inflicted some rambling remarks upon the members of the committee concerning a question which at that time I thought was highly important and which I still think is important; in fact, more important than ever before. Perhaps my remarks will be recognized as coming from a man who is riding a hobby. It has to do with the submission of amendments to the Constitution of the United States. I am emboldened to bring this matter up again because we are hearing so much these days about the Constitution, its past, its present, and its future, and, incidentally, a good deal of discussion as to the advisability or practicability of amending it from time to time in order, as some people contend, to keep it up to date with modern progress.

I have introduced a duplicate of a bill which I introduced 2 years ago, and it has been referred to the Committee on the Judiciary. It is H. R. 299. It proposes that the Congress shall exercise the power which I am convinced it possesses in the regulation of the method by which the States may pass upon amendments submitted to them by the Congress in accordance with the provisions of article 5 of the Constitution. The present machinery, or, rather, the lack of it—and I think that is an accurate description of the situation—has brought us to a point which, to say the least, is sloppy, a point where under certain sets of circumstances it is almost impossible to secure a decision from the requisite number of States after an amendment has been submitted to them in due course by the Congress.

To review the situation a little bit, may I remind those who are good enough to listen to me for a few moments that the Constitution has thus far been amended 21 times. True, the first 10 amendments were ratified practically in a single group. They were submitted by the First Congress,

following the inauguration of Washington as President, as a result of what has been known as a gentleman's agreement amongst the leaders of the Thirteen States at that time that those 10 amendments or their equivalent would be submitted immediately after the convening of the new Congress, or else the requisite number of States—at that time nine—could not be marshaled in support of ratification of the original Constitution. It may not be remembered, however, that when that First Congress met it was not content with submitting 10 proposed amendments. It submitted 12 amendments. Amendment numbered 1 has not yet been ratified; amendment numbered 2 has not yet been ratified; and amendments 3 to 12, inclusive, were ratified and became the first 10 amendments inserted in the Constitution. It may interest Members to know that amendment numbered 1 had to do with the basis of representation for Members of the House of Representatives. Had it been ratified and kept as a part of the Constitution all these years, the House of Representatives would have consisted of about 2,000 Members at the present time.

The other provided that the compensation of Members of Congress should not be increased until a succeeding election had taken place after the proposed increase. Those two amendments are still pending. They have never been withdrawn from the States. There is no machinery for their withdrawal. One of them was ratified by six States and another one by seven States. In neither instance did nine States, the then requisite number, vote for ratification. In other words, they have been pending for 147 years.

I might emphasize this side of the situation by reminding you that when a State rejects an amendment, that action is not final. It may later change its mind and if it ratifies, then that action is final. So that unless an amendment is ratified it is forever pending; and unless there is something done to the contrary—and perhaps the much-criticized Supreme Court might come to our rescue in this respect—it can be taken up at any time, even after the expiration of 147 years. Each State is entitled to take it up. There is nothing to prevent it. A decision has not been made because, under our peculiar situation, the only decision that is final with respect to an amendment to the Constitution is an affirmative decision. There is no such thing as a final negative decision under our present machinery.

Mr. DIRKSEN. Mr. Chairman, would the gentleman care to yield for a question?

Mr. WADSWORTH. My time is limited, if the gentleman will excuse me for a little while.

Then on May 1, 1810, another amendment was proposed and submitted to the States, which provided that if any citizen of the United States accepted a title of nobility from a foreign potentate, he should lose his citizenship and be ineligible to hold office in the United States. That amendment was submitted 126 years ago, and it is still pending. It has never been ratified by a sufficient number of States and, therefore, it still has life.

Seventy-five years ago another amendment was submitted, and this, to my mind, is the most interesting of the four unusual amendments that still have life. On the 2d day of March 1861, 2 days before Abraham Lincoln was inaugurated as President of the United States, the Congress submitted to the States a proposed amendment to the Constitution, which, had it been ratified, would have had this effect, that the Federal Government should have no right to interfere with a domestic institution inside of a State, including the institution of slavery. Two days before Lincoln was inaugurated the Congress submitted a proslavery amendment to the Federal Constitution. It might interest you to know that the State of Ohio ratified it. The State of Maryland ratified it. A rump convention, which happened to be sitting in the State of Illinois at Springfield, attempted to ratify it. Six weeks later Sumter was fired upon and the great issue was settled in another manner; but the amendment is still pending. I am not endeavoring to frighten you into believing that it will be resuscitated, but it is extraordinary that we should be in a situation of that sort.

So much for four amendments that are still pending. There is a fifth, the famous child-labor amendment now being discussed before so many State legislatures. It was submitted by the Congress on June 2, 1924. Therefore on the next 2d of June the child-labor amendment will have been pending before the States for 13 years, with no decision, unless indeed eight more States, as I figure it arithmetically now, ratify between this day and June 2.

I do not intend to discuss the merits of the so-called child-labor amendment, but its fate illustrates the fault which I believe exists in our system. It was submitted almost 13 years ago. It was submitted to the State legislatures for ratification. Since that time 38 States of the Union have at one time or another rejected it. More than three-fourths of the States of the Union have at one time or another since June 2, 1924, rejected the child-labor amendment. Still there was no decision, because rejection is not final in any State or in the Nation at large. There is no such thing as final rejection. Several of those 38 States have changed their minds from time to time and have since ratified the amendment. So that by today at one time or another 28 States have ratified it.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I yield.

Mr. HOUSTON. Was there any definite time limit on when this child-labor amendment should be ratified?

Mr. WADSWORTH. There was not.

Mr. HOUSTON. Does the gentleman know what the twenty-eighth State was which ratified it? Was it not the State of Kansas?

Mr. WADSWORTH. Kansas, I believe. Kansas had rejected the child-labor amendment five times, and finally ratified on the sixth attempt.

Mr. DIRKSEN. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I yield.

Mr. DIRKSEN. The gentleman says there are no mechanics for that particular amendment; but the fact is that if a time limit is placed in the proposed amendment, the whole matter falls of its own accord if it is not ratified within the given time?

Mr. WADSWORTH. That is my view.

Mr. DIRKSEN. And that would, of course, take care of the situation?

Mr. WADSWORTH. That would take care of the situation, but I think it should be standardized so that there should be no mistake in the future. When the eighteenth amendment was proposed it carried a provision that if it was not ratified by the requisite three-fourths of the States within 7 years, it should be deemed to have been rejected.

I think the woman-suffrage amendment carried somewhat the same provision, although I am not certain. Members may be interested to know how long it takes on the average to ratify amendments. Twenty-one have been ratified since the beginning. The one with respect to which the most time was consumed was the so-called income tax, or sixteenth, amendment. With reference to that amendment, a period of 3 years, 6 months, and 5 days elapsed between submission by Congress and ratification by the 36 State legislatures. The shortest period elapsing in the case of ratification, strange to say, was the repeal of the eighteenth amendment. It took only 9 months and 15 days to do it. To be sure—and I happen to remember some instances in connection with it—it took us 14 years to reach that point, but only 9 months and 15 days to ratify it.

[Here the gavel fell.]

Mr. PLUMLEY. Mr. Chairman, I yield 5 additional minutes to the gentleman from New York.

Mr. WADSWORTH. Another amendment which was ratified in a short time was the so-called "lame duck" amendment, which took 11 months and 4 days.

Counting all the 21 ratifications and grouping the first 10 in 1 unit, we find that the average time which has elapsed between submission and ratification is 1 year and 7 months.

I call that to the attention of the members of the committee, because we hear some proposals these days that we cannot submit amendments to the Constitution and have them ratified because it would take too long, and Government cannot wait. The average length of time has been 1 year and 7 months.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I yield.

Mr. MICHENER. If the majority of the people want to amend the Constitution, and if the Congress were to submit the resolution today, it could be amended within 90 days without any question of doubt.

Mr. WADSWORTH. Certainly.

Mr. MICHENER. It must be remembered, of course, that in some States the legislatures do not meet even biennially. I think there is one or two in which that is the case.

Mr. WADSWORTH. There are some States where the legislatures meet but once in 4 years.

Mr. MICHENER. I think they are all meeting now.

Mr. WADSWORTH. I think the majority of them meet every other year. Had an amendment to the Constitution been proposed this last January and had it met with an overwhelming public support in the States, there is not the slightest doubt that it could have been ratified just about as quickly as Congress could pass a doubtful act and get the Supreme Court to pass on it.

Mr. MICHENER. Quicker.

Mr. MILLER. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I yield.

Mr. MILLER. Supplementing what the gentleman has said, I think the whole thing could be obviated by Congress merely providing in the amendment that it should be submitted to conventions called by the States within a specified time.

Mr. WADSWORTH. That was the suggestion made by the gentleman from Illinois, and that is the purpose of my bill, although I would accomplish it in a little different way.

I do not know whether I have time to emphasize one phase of the question that appeals to me, but I shall try. Article V of the Constitution provides two alternative methods of submission. The Congress is to select which method shall be employed. An amendment may be submitted to the legislatures of the States or it may be submitted to conventions of the people called in the several States. I think a reading of the debates of the old, old days will lead one to the conclusion that the authors of the Constitution expected that all amendments that invited the people to surrender power to the Federal Government, to increase the power of the Federal Government, to make a change in the relationship between the sovereign States and the Federal Government, should be submitted to conventions of the people. Indeed, the original Constitution was submitted to conventions of the people in the 13 States, but for some reason or other since that time and down to the submission of the repeal of the eighteenth amendment Congress has always selected the legislatures as the ratifying agencies. I think it was a mistaken policy, but in any event the Congress has the right to choose which of the two it shall take.

We cannot bind future Congresses in this matter, but we can in a statute declare it the belief, as it were, of this particular Congress, that in the future unless the Congress otherwise decides, amendments shall be submitted to conventions of the people. We have demonstrated the effectiveness of this method in the matter of the repeal of the eighteenth amendment. Many people said, "Oh, the country is too big; you cannot get the States to go along, you cannot get them to elect delegates to a State convention; it won't work." It worked quicker than anyone we have ever had. Less time elapsed in that case than in the case of any other amendment. The people of the States demonstrated their ability to rule themselves, their ability at self-government. Within 9 months and 15 days 48 State conventions were called, held, and decisions made without the slightest doubt but what those decisions en masse represented the will of the American people.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. WADSWORTH. I yield.

Mr. HOUSTON. Would not ratification by conventions have a tendency to eliminate any particular partisan feeling which might exist in the legislatures?

Mr. WADSWORTH. Certainly it would. It will keep these amendments from becoming political footballs. The child-labor amendment, because of the way it has been handled, has become a political football, kicked around for 13 years back and forth, up hill and down dale. Thirty-eight States have rejected it and 28 have ratified it—an absurd picture.

Mr. PLUMLEY. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. WADSWORTH. Mr. Chairman, the question is, How best may we standardize this thing and still leave a completely free decision to the States? As I stated a moment ago, I think as a matter of general policy we should use the conventions of the people in the States. An amendment of comparatively small importance, like the Norris amendment, which did nothing more than change the date of the inauguration of the President and the convening of the newly elected Congress, a purely mechanical change, could very well be sent to the legislatures for ratification; but an amendment like the child-labor amendment, which invites the people of the various States to surrender to the Federal Government an important power heretofore enjoyed by the States, should go to the people of the States that created the Constitution in the first instance.

Having gone to conventions of the people, it is within the power of the Congress to say in the statute that the convention called to ratify shall be composed of delegates elected at large in each State. That defends the process against the rotten borough system which exists in some States in the matter of electing delegates by districts. The delegates shall be elected at large in the State so the people of the entire State will have an equal say in the matter, and the decision then is the decision of the people of the State rather than a decision of the majority of the districts.

Unless another date is specified by the Congress, the delegates shall meet on the twenty-eighth day following their election, which allows plenty of time. The legislature of the State calls the convention. The delegates, when elected, must meet promptly thereafter and render the decision of the people of the State.

The delegates so chosen shall constitute a convention in the particular State to ratify or reject. Concurrence of a majority of the total number of delegates shall be necessary to a choice. It shall be the duty of each convention to provide for official notification of the Secretary of State of the United States.

There is nothing in our statutes today that provides how the State of Illinois or the State of New York shall notify anybody that it has ratified or rejected an amendment. It has grown up by a sort of custom. There is no standardization. My bill provides in this section that delegates shall be elected and the convention held in accordance with the laws of the State. Then any amendment hereafter proposed to the Constitution of the United States shall be deemed to have been ratified as a part of the Constitution when it has been ratified by three-quarters of the States within 5 years after the amendment is proposed, and not later, or shall be deemed to have been rejected and no longer capable of being ratified by a State when it has been rejected by more than one-fourth of the States. Then you have your decision in accordance with the clear mandate of the Constitution of the United States.

Today you cannot tell when you will have a decision. The members of this body are this afternoon wondering whether the New York Legislature sometime this week or next week, after 13 years of consideration, is going to ratify or not. If it does ratify, that ends the matter for New York. If it rejects, the matter is not ended for New York at all. It goes on and on and on.

As I said in my opening remarks, this is somewhat of a hobby of mine; and my friend the gentleman from New York [Mr. CROWTHER] reminded me the other day that there is a

difference between a hobby and a horse. You can dismount from the horse. [Applause.]

Mr. LUCE. Will the gentleman yield?

Mr. WADSWORTH. I yield to the gentleman from Massachusetts.

Mr. LUCE. Has the gentleman given any thought to the problem presented by the fact that there is good authority, although not convincing or complete authority, for the belief that when a State convention has assembled, it may not be confined to any one subject but will have full power, being the embodiment of the people of the State, to proceed with anything else which it chooses to take up, the result being in some States that they do not want redistricting changes in their constitution or other changes? Therefore a convention is strongly opposed by a substantial number of the people under any circumstances.

[Here the gavel fell.]

Mr. PLUMLEY. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. WADSWORTH. The gentleman from Massachusetts brings up the question that a convention called in a State for the purpose of passing upon an amendment to the Federal Constitution, having disposed of that business, might go on with State business.

Mr. LUCE. It is not a new question. It has been threshed over in various States from time to time.

Mr. WADSWORTH. Of course, the Federal Government would not have jurisdiction over that end of it. I might cite the example of the repeal of the eighteenth amendment, when 48 States called conventions, elected delegates, and each State with perfect good order reached a prompt decision. That decision was recognized and accepted by the people of all America.

Mr. PHILLIPS. Will the gentleman yield?

Mr. WADSWORTH. I yield to the gentleman from Connecticut.

Mr. PHILLIPS. What would the gentleman's suggestion be about disposing of the pending amendments which he told us about in such interesting fashion?

Mr. WADSWORTH. Nothing can be done about that. My bill is not retroactive, and we cannot make it retroactive. Those amendments that are now pending are not in the possession or jurisdiction of the Congress of the United States. They are out there somewhere in 48 legislatures, and they will stay in each legislature until the legislature ratifies.

Mr. PHILLIPS. How about the constitutional amendments?

Mr. WADSWORTH. They are constitutional amendments. Does the gentleman mean a constitutional amendment to withdraw all the old trash?

Mr. PHILLIPS. My point is if another constitutional amendment should be submitted, why should it not include pending amendments?

Mr. WADSWORTH. I am not advocating a constitutional amendment. I am advocating the passage of a statute by which the Congress of the United States can exercise its undoubted power to regulate the manner in which the States shall perform their Federal functions in connection with amendments. [Applause.]

[Here the gavel fell.]

Mr. UMSTEAD. Mr. Chairman, I yield such time as he may desire to use to the gentleman from Kansas [Mr. HOUSTON].

FEDERAL SALES TAX ON GASOLINE AND LUBRICATING OIL

Mr. HOUSTON. Mr. Chairman, Congress should, at the earliest moment, repeal the present Federal sales tax on gasoline and lubricating oil, since these are inequitable and unreasonably burdensome.

I do not believe there is any other tax concerning which a committee from either branch of Congress has frankly admitted that it was objectionable and should be repealed. This is the case with the Federal sales tax on gasoline. Originally levied in 1932 as a temporary measure, it has been continued and even, for a brief period, increased. On May 10, 1933, the Senate Finance Committee in its favorable report on continuance of this tax, made this assertion:

> Your committee is of the opinion that the gasoline tax should be reserved for the States after June 30, 1934.

There was every ground, Mr. Chairman, for that declaration. Before the Federal tax was laid, every State in the Union and the District of Columbia had its own gasoline sales tax. In spite of that admission, the same committee in 1935 recommended that the tax be continued, grouping it with other taxes, and declaring:

> In conclusion, your committee, while recognizing that many of these taxes are objectionable or contain objectionable features, strongly urges that these taxes be temporarily extended for a period of 2 years without a change. Action on the part of the Congress to remove these taxes at an earlier date or to revise same will not be foreclosed by the passage of this joint resolution. Since the majority of these temporary revenue laws will cease to be operative after June 30, 1935, unless this joint resolution becomes law before that date, the prompt consideration of this measure is also urged by your committee.

It was also a clear recognition that by imposing this tax the Federal Government was invading a taxation field which it recognized as properly belonging to the States.

In many States this gasoline tax now constitutes the most important single source of revenue. In Arkansas, Florida, and Georgia approximately 50 percent of all tax revenues comes from the gasoline sales tax. In North Carolina, Tennessee, and Texas about 30 percent is thus derived. Many States have even pledged their expected future receipts from the gasoline tax for payment of interest and bonds. West Virginia thus has pledged 83 percent of all State gasoline tax collection for debt service on highway bonds. Arkansas pledges 65 percent, South Carolina 58 percent, North Carolina 49 percent, and Florida 43 percent. The Federal tax, therefore, because of its effect upon the consumption of gasoline, adversely affects the expected income of the various States.

This question of the effect of double taxation has been noted by Congress. The Ways and Means Committee of the House of Representatives authorized in July 1932 the appointment of a special committee to study this whole question of double taxation. In the preliminary report transmitted to that committee by Chairman VINSON of Kentucky these comments were made:

> If gasoline is classified as a necessity, as undoubtedly it must be in many cases, then the tax burden is unprecedentedly high for a necessity.
>
> * * * Combined Federal, State, and local levies upon gasoline increase the sales price to the consumer from 30 percent to more than 100 percent, depending upon the State involved. This is a large percentage, and while the tax is productive and easy to collect, it is evident that the rates are approaching the point of diminishing returns. * * *
>
> A discussion of the tax which gasoline can fairly bear without materially reducing its consumption is one of the important matters deserving the attention of both Federal and State legislators.

With specific reference to the Federal gasoline tax the committee pointed out:

> Prior to 1932 every State in the Union, the Territory of Hawaii, and the District of Columbia imposed a tax upon gasoline. On June 21, 1932, the Federal Government entered the field with a 1-cent tax upon gasoline sold by producers or importers during the period June 21, 1932, to June 30, 1933. While the Federal tax is a temporary measure, there is a possibility that it may be extended into 1934 or later years.

The Interstate Commission on Conflicting Taxation, at a meeting held May 24 and 25, 1933, made the following recommendation:

> Gasoline taxes: Since Congress has declared that the Federal tax on gasoline was levied only as a temporary expedient on account of the emergency, the Commission urges the Federal Government to relinquish this source of revenue for the exclusive use of the States at the end of the next Federal fiscal year.

The continuance of this Federal sales tax seemingly is justified by its supporters solely on the ground that it produces revenue and not upon the ground that there is a sound principle underlying it. Federal sales taxes have been consistently rejected. If gasoline and lubricating oil were only one of a large group of articles in common use which were subjected to a Federal tax, it might then appear that the theory of a Federal sales tax was approved. This, however, has not been the case. On the contrary, these petroleum

products seem to be singled out merely because of the ease of the collection and the large revenues thus received.

The petroleum industry has been carrying an unusual tax burden. Both the number and the amount of these taxes have been variously estimated. It seems accepted by the best authorities that there are now over 70 special taxes levied on the oil industry alone and that there are over 130 general taxes which are levied on the industry, many of them falling also upon others.

Since, ultimately, the consuming public pays these taxes, it might be more accurate to point out that the motoring public is today carrying this tremendous tax burden. From 1919 to 1935, a period of 16 years, motorists have paid over $12,000,000,000 in taxes. It has been estimated by the National Industrial Conference that the 1935 tax bill of the whole country amounted to $9,650,000,000. Over 13 percent of all these taxes was paid by the motorists. Of the State taxes collected in the 48 States, 32 percent is from gasoline taxes paid by the motorists.

These heavy taxes are largely paid by those who are in the lower income brackets. The Department of Commerce has published Consumers' Use of Selected Goods and Services by Income Classes, showing that 88 percent of all cars were purchased by families with incomes less than $3,000 per year and 71.3 percent by families receiving less than $2,000 per year. Under the theory that taxes should be levied upon the basis of the ability to pay, it sees inequitable that groups who are exempted from payment of income taxes on the theory that they are not able to pay should be the very ones upon whom falls probably the largest amount and the heaviest burden of these gasoline and lubricating-oil sales taxes.

Improper or inequitable laws inevitably create disrespect for law, evasion of law, and corruption. We have found this sadly true in more than one instance in the past. It is true also in the matter of sales taxes on gasoline. The bootlegging of gasoline which has not paid the tax has created serious problems in a number of States. The border line between a State having a high tax and a State having a low tax naturally invites gasoline bootlegging. This has been true in my own State. Kansas had a 3-cent State gasoline tax rate. Missouri had a 2-cent rate. Oklahoma had a 4-cent rate. Arkansas had a 6½-cent rate. A very profitable trade soon developed, the gasoline for the State with the lower tax rate being bootlegged into the neighboring States whose taxes were higher. This meant a very definite loss of much revenue to the States where the bootlegged product was sold.

In this matter it has been remarked by more than one that in this evasion of gasoline taxes those who are guilty of the practice are following the example of the governments themselves, which, having originally declared that the purpose of gasoline taxes was maintenance of highways, then diverted it to other purposes.

Mr. Chairman, this Federal sales tax on gasoline and lubricating oil affects rather vitally two outstanding industries which have been in the front rank of those leading the way back to prosperity. The petroleum industry and the automobile industry have been pacemakers for the rest of our industrial world. The levy of this tax which is ultimately paid by the consumers of petroleum products and the users of the products of the automobile industry is bound to affect the purchase and use of the products of these two phases of the Nation's business. Various studies which have been made of the effect of an increased or a decreased State gasoline tax upon the consumption of gasoline products have revealed that if the tax goes up per car consumption decreases and if the tax goes down per car consumption increases. Since persons of less than moderate means constitute the largest number of automobile users, it seems likely, although it has not been demonstrated, that the automobile industry may also feel the effects of the increased cost of maintaining an automobile due in part to the Federal gasoline tax.

The farmers constitute a large section of these gasoline users in the low-income groups. According to the Department of Agriculture, 22 percent of the motor vehicles in the country are owned on farms. The average consumption of motor fuel by farm vehicles is estimated at 565.6 gallons. That means that farmers are being compelled to contribute approximately $28,400,000 annually in Federal gasoline sales taxes. In view of the fact that the Bureau of Agricultural Economics finds that the average gross income of farm owners of automobiles is less than $1,500 annually, this tax is probably one of the most burdensome which could be devised for this group. In view of the condition in which so many of the farmers of the Nation find themselves, the injustice and the impropriety of this tax, of which nearly one-fourth is paid by the farmers, seems self-evident.

No one, Mr. Chairman, would propose that a Federal sales tax should be levied upon hay or grain sold to farmers for consumption by their horses which formerly furnished the automotive power on the farm. Nevertheless, the farmer's tractor and his stationary engine which is the modern substitute for the horse obliges the farmer to pay the Federal gasoline sales tax upon all of the motor fuel which is used for this necessary machinery on the farm. While the Nation labors to increase the farmer's purchasing power, it seems to be even more effectively laboring to take from him $28,000,000 of that reduced purchasing power.

These Federal sales taxes on gasoline and lubricating oil are unusual in that this form of tax is customarily levied on luxuries rather than necessities. Among the commodities which have this type of tax are tobacco, liquor, playing cards, and other articles which are not in common use by the great body of the American people. Gasoline and lubricating oil do not belong in the same category with these products. This is preeminently a motor age. The great body of our people rely upon transportation by automobile or bus. Motors not only drive pleasure cars but are in constant use as part of our transportation system. The tax upon motor fuel in reality is a tax levied upon transportation. It is, therefore, a tax also upon distribution. This might be subject to more than usual criticism, since one of our most significant economic efforts today is to promote distribution of our products.

The tax upon lubricating oil is levied upon our farming and industrial interests as well as upon those who may use motor cars for pleasure or luxury. All our machinery requires lubrication. Without the convenient and effective type of lubrication supplied by petroleum products we would be forced to rely upon less satisfactory methods. This tax might then practically qualify as a tax laid upon manufacture. Into that same category would fall the farmer's use of lubricants on his tractors and other types of farm machinery.

The industrial use of lubricating oil constitutes 43 percent of the total consumption. According to the Interstate Commerce Commission railways of class 1 alone purchased $13,545,000 worth of lubricating oils and closely allied products, using approximately 84,093,750 gallons upon which they paid a Federal sales tax of approximately $3,363,750, or about 11.7 percent of the total revenue derived from this tax. Motor vehicles operated by industrial and commercial companies, according to a study made in 1931 by the United States Bureau of Mines, use 26 percent of all lubricating oils.

The lubricating oil tax ranges from 4 percent to 33 percent of the sales price of the product when that sells for 25 cents per quart down as low as 12 cents per gallon.

The total revenues returned from the Federal sales tax on lubricating oil total approximately $27,000,000, a very minor portion of the Federal Government's income.

Since these taxes would appear to be inequitable, discriminatory, and burdensome, Mr. Chairman, it is to be hoped that the Congress will seriously consider whether their discontinuance would not be of greater advantage than their reenactment. It seems quite probable that if these levies are abandoned, industrial recovery will be advanced and the additional Federal revenues received from other taxes, due to this promotion of recovery, would compensate either wholly or largely for the elimination of taxes which it was hard to justify.

Mr. UMSTEAD. Mr. Chairman, I yield such time as he may desire to use to the gentleman from Ohio [Mr. LAMNECK].

Mr. LAMNECK. Mr. Chairman, the Supreme Court controversy is the most important issue that has confronted the country since the Civil War.

Efforts are being made to becloud the issue by injecting politics. I want it clearly understood that I am a Democrat; that I loyally supported Mr. Roosevelt in both of his campaigns for the Presidency; that I will continue to support him when I think he is right; but that I will oppose any effort to rob the people of the liberties and rights that have been so dearly gained. The question is not whether we shall or shall not support the President but whether we shall do it within the framework of the Constitution. Since the almost total surrender by Congress of its power to the Executive, the Supreme Court remains the last bulwark of the people's rights.

Let us look back in history and note the struggles of the people to gain these rights. In ancient Rome the common people once left the city and refused to come back unless they were given written laws to protect their liberties. The freemen of England defeated the forces of King John and forced him to sign the Magna Carta—the bill of rights upon which Anglo-Saxon law is based. The Puritans sailed the then unknown Atlantic to find a place where they could enjoy the right to worship God as they saw fit. The history of the Colonies is a history of the struggle of people for the right to govern themselves. Franklin, Jefferson, and the other signers of the Declaration of Independence pledged their lives, fortunes, and sacred honor in support of the Declaration, but it took 7 long years of bloodshed and suffering to make independence a fact.

The people who have emigrated to America have come here seeking the free exercise of rights denied them in their own countries. The French Huguenots came here seeking the right to worship as they pleased—and found that right. The Irish fled their homeland because they could enjoy here the right of self-government. The subject people of Austria and Russia found in America that freedom denied them in their own lands. Many people came to this country from Germany shortly after the failure of the revolution of 1848, in which the German people rose against the ruling class and demanded their rights. After putting down the revolution the rulers of Germany became increasingly oppressive and hundreds of thousands of the common people emigrated to other lands, the greater number to America.

Up to the present time the American people have continuously fought for, and succeeded in adding to, their rights. Will it be said that in 1937 the tide turned and they commenced to lose them? Will the tide of freedom-seeking emigrants turn the other way? Will Americans have to leave their own country to seek their rights? I trust not.

To find the reason why the framers of our Constitution deliberately divided the powers of the Government into three branches, we must first know the conditions as they existed prior to its adoption. The colonists had suffered from unchecked power in the hands of one man, George III. This British King controlled the Parliament and appointed and controlled the judges. The wise fathers of our country decided that they would not allow such a thing to happen in America. They gave the power of making laws to Congress, the power of interpreting the laws to the courts, and the power of executing the laws to the President. They did this deliberately, so that no one man or group could centralize the power.

Let us see what former Presidents have said on this aggrandizement of power in the hands of one man. Washington, in his Farewell Address, said:

> The spirit of encroachments tends to consolidate the powers of all the departments in one, and thus create, whatever the form of government, a real despotism.

Washington said further:

> If in the opinion of the people the distribution of constitutional power be in any particular wrong, let it be corrected by an amendment, but let there be no change by usurpation.

Our fourth President, James Madison, wrote:

> The accumulation of all powers—legislative, executive, and judiciary—in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.

Supporters of the President's proposal speak of a "mandate" given the President because of his overwhelming majority. Throughout his entire campaign the President spoke not a word about this proposed change. The Democratic national platform states:

> If problems cannot be effectively solved by legislation within the Constitution, we shall seek such clarifying amendments as will assure * * * power to enact these laws which * * * we * * * shall find necessary. Thus we propose to maintain the letter and spirit of the Constitution.

Every Congressman, every President, must take a solemn oath to "preserve, protect, and defend" the Constitution. Undermining the Supreme Court in order to shove unconstitutional legislation down the throats of the people is as much a violation of this oath as it would be to tear the Constitution to shreds.

We have recently had a case of an executive undermining the judiciary in Michigan. Some automobile workers went on a strike and seized the factory of their employers. They comprised a very small minority of the total number of workers, but because of their key position they threw 10 times their number out of work. The factory owner sought and received an injunction—the court ordering the men out of the factory. The men refused to go; and when the sheriff reported to the Governor that he did not have sufficient men to evict the strikers, but that the nonstriking workers were about to evict them, the Governor had the National Guard surround the factory to protect the strikers in their illegal act.

This Governor, who is said to have White House ambitions, also took an oath to preserve, protect, and defend the constitution and faithfully execute the laws of the State of Michigan.

The right to enjoy one's property is a part of the Bill of Rights; and if the workers seize other people's property, how long can they be sure that their own property will be safe from seizure? I believe it was Lincoln who said, in effect, "Do not destroy your neighbor's house, lest your own house be destroyed."

Do not mistake me—I am a friend of labor. I believe the worker has the right to bargain collectively or individually as he chooses, to work if he chooses, quit when he chooses, and go on strike when he chooses.

Would-be dictators always incite the worker, recount the sufferings of the people, and then explain that in order to correct these conditions they must give up rights and powers. Once in possession of this power the dictator is no longer a would-be, but a reality. The people find that the silken threads have turned to chains, and that the long struggle to regain their lost rights has again begun.

Take Italy for example: Mussolini has placed Italy back on its feet, but at the cost of the people's rights. You are either in favor of the Fascist Government, or you are in jail. Germany is another example; Hitler has improved things in a material way but at the cost of free speech and free press. In Russia, anyone who has a different opinion from the ruling clique is liable to find himself soon before a firing squad.

Let us see what happens to groups in dictator-controlled nations. In Russia, there is no such thing as freedom of religion. In Germany, the Nazis are in constant warfare with both the Catholic Church and the Protestants. In Mexico a young girl suffers death for attending a religious ceremony in defiance of the law. In Italy the Masonic order is suppressed. In Germany the Jews are oppressed and have suffered the loss of their rights. Labor has suffered the loss of its rights in both Italy and Germany.

The people of these countries once had the rights we now enjoy but were careless of them. They do not have them now. They cannot worship God as they please, or speak according to their conscience, or participate in the affairs of

their governments. These people can give Americans the answer to the question of what can happen to a nation that grows indifferent toward liberty. They lose it. And once lost, the reclaiming of liberty may be vastly more difficult, more bloody, and more tragic than the original winning of it.

These rights have been regarded by our ancestors as so precious that they have suffered untold hardships, and have even given up their lives to gain and preserve them. Are we to sit supinely by and see them taken away? Shall the sufferings, sacrifices, and struggles of our patriots have been in vain? Just as the fathers of our country dedicated their lives and fortunes to making America free, it is for us, the living, to dedicate our lives to keeping it free. "Eternal vigilance is the price of liberty."

In a world given over to one-man governments, the President has stood out as the defender of democracy—has made numerous speeches advocating that we Americans should prove to the world that "democracy will work." Can this be the same man that, controlling the legislative branch of the government, now seeks to gain control of the judiciary? Do we want a one-man government; no matter how benevolent?

I do not believe that Franklin Roosevelt has dictatorial ambitions; but we must remember that the term of Presidents is limited and that some other man in the White House might use the combined executive, legislative, judicial power to the detriment of the people and not to their advantage. I do not believe that the President now has any intention of taking away the liberties of our people; but I would like to make it clear to you that the Supreme Court is the last guardian of your rights. If you allow the Court to be packed today, you are liable to find that your liberties have vanished tomorrow.

An appeal is being made to the farmers to support the President in his demand. They are being told that the only way to give them the legislative aid they desire is this judiciary change. They are not told that this is the beginning of the probable loss of their rights—the right to plant what they want, when they please, and to sell their produce where they please—the right actually to hold property, the right of free speech. Are the farmers willing to risk losing their rights and independence for a small yearly soil-erosion or crop-curtailment check? Are they willing to sell their birthright for a mess of pottage?

The graveyard of the Democratic Party is strewn with the remains of Congressmen who, following the dictates of their conscience and the interests of their constituents, dared to vote against some of the administration's proposals. The Democratic Party will probably find itself in the graveyard if it allows itself to be known as the party that surrendered the hard-won rights of the American people.

The United States has done well under our present form of constitutional government. We have grown from 13 sparsely settled States with a population of 3,000,000 to a great Nation, spanning the continent, with a population of 130,000,000 and a standard of living the highest the world has ever known. The authors of the Declaration of Independence said:

> Prudence indeed will dictate that governments long established should not be changed for light and transient causes.

If we feel the need of a change in our form of government, we should remember that the Constitution provides for such a change by amendment. Opponents of the proposal to submit the issue to the people claim that it would take too long. This argument lacks force by reason of the fact that the prohibition repeal amendment was adopted a few short months after the people had been given the opportunity to vote on it. You can trust the American people. They have uncommonly good common sense. If we are to have a government of the people, by the people, and for the people, then we must let the people have final say on important changes in the structure of the Government.

In conclusion, my fellow citizens, I again warn you that eternal vigilence is the price of liberty; and I appeal to you to make your wishes on this most important issue known to your servants in Congress. Let us keep our liberties intact, place patriotism above politics, and fritter not away for a momentary good the hard-won values of centuries of endeavor.

Mr. DITTER. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. MICHENER].

Mr. MICHENER. Mr. Chairman, I am not going to consume the 10 minutes. The gentleman from New York [Mr. WADSWORTH] said that he was speaking in a reminiscent mood, saying he had discussed this same matter for a number of years, and this recalled to my mind another matter that is of vital importance today, I believe, which I have discussed in other years.

In the heyday of 1926–29 I discussed on the floor of the House the question of credit inflation. I was violently opposed to unwarranted installment buying—credit inflation in its worst form. Now, we are coming out of the depression and we are again getting into the old habit. If you will listen to your radio any morning between 7 and 8 o'clock in Washington you will find that almost all the time is taken up with sales talks—talk like this: "Buy our system of liquid heating; have it installed in your house today; no down payment; payments begin in September; enjoy the modern heat now."

Of course, you must own your own home and the lien attaches and you must pay later.

Another one, "Buy anything in this store for $1 down; you enjoy the merchandise; pay when you get ready and let us do the worrying."

The capsheaf was called to my attention by an article in the papers a day or two ago. Of course, we all realize it is necessary and advisable to buy necessities on the installment plan. When we buy the home, when we buy the things that are necessary, we sometimes must get trusted, but I do not believe that ever before in the history of the Republic political banquets have been paid for on the installment plan. [Laughter.]

In the District of Columbia the Democrats are holding two groups of banquets this evening—the minor and the major. The minor banquet is to be under the auspices of the Young Democrats, and the First Lady of the land is to be the star attraction. The major banquet is to be at the Mayflower, and the President of the United States is to be the main attraction.

We are advised by the press that Democratic Government clerks who are on the Federal pay roll and who hold jobs under the Government are expected to attend.

This is not the exact language, but this is the only inference that can be drawn. They are expected to attend and the terms of payment are what I am interested in. The first payment was $5 down in cash on Federal pay day last Monday, according to the statement of the organization responsible for the banquets, and then these poor clerks, who are expected to attend and pay $10 for the privilege of sitting and listening, are to have $5 taken out of their next pay-day check. This is the minor banquet. Then for the major banquet, many of our friends on the other side of the aisle—who are now smiling and who are expected to attend—the price is to be $100 a plate and to be in good standing you are expected to be there. This is a case where deserving Democrats are taxed according to their ability to pay and if they do not have the cash they are to have the privilege of the installment plan; in other words, Government employees and you officials who cannot raise the $100 to perform your duty in celebrating your recent victory, are to be permitted to pay $25 down and then $25 each monthly pay day, as the Government pays you, until you have taken care of your installment banquet. This is compulsory credit inflation with a vengeance.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. Not now; I have not the time.

Another thing that is interesting about this credit innovation is that its purpose is to liquidate the debt of the Democratic National Committee. You know when the Republicans were in power, after 1918, we found a colossal

debt facing the people and it became our duty, as we conceived it, to pay off that debt and to reduce that debt and take the old mortgage off of our national farm, and we proceeded to do this. We did it, as the good Speaker who now faces me, will recall—and I think he went along and helped—by reducing the national debt by one billion dollars a year for 10 years.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield, inasmuch as he has referred to me?

Mr. MICHENER. To the Speaker, always.

Mr. BANKHEAD. We paid it off in installments, did we not? [Laughter and applause.]

Mr. MICHENER. Yes; that is just the point, Mr. Speaker. We paid it off in installments, but we paid it off, and did not refinance it or leave the burden on someone else to pay. While we paid it off in installments—listen, Mr. Chairman—we extinguished the debt. We did not just change the form of the obligation. After these banquets the Democratic National Committee will be relieved, but those compelled to pay on the installment plan must pay in the future.

So tonight these banquets, we are told, are for the purpose of paying off the national Democratic debt of over $300,000. And I again call the attention of our splendid Speaker and of the House to the fact that these banquets are not paying off that national debt tonight, they are refinancing it, you are taking the burden off the shoulders of the National Democratic Party and placing that burden on the shoulders of Tom, Dick, and Harry, "deserving Democrats", who, in Washington at least, happen to hold many of their jobs because they are Democratic Party appointees.

Mr. VINSON of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. Oh, I could not resist yielding to the gentleman from Kentucky.

Mr. VINSON of Kentucky. Do I understand that the lamentations of my good friend from Michigan come from the fact that certain things that have happened do not permit him to enjoy a victory dinner tonight?

Mr. MICHENER. Of course, I regret that the Republicans were not victorious, however. I was offered a ticket. I could not afford $100 to go to a Democratic banquet, and I have too good sense to borrow the $100 for so useless a purpose, and I am not on the Democratic pay roll as an employee, and therefore I cannot be compelled to buy a $100 ticket and pay $25 down.

Mr. VINSON of Kentucky. And that is the reason the gentleman is in his present frame of mind?

Mr. MICHENER. The gentleman is opposed to unnecessary installment buying except for things worth-while. I am in my present frame of mind because I am opposed to the principle of credit inflation when it comes to making $1,200 clerks kick in for a banquet to pay off the debt of a political party. Just think how those poor clerks will enjoy that "victory dinner", which must be paid for out of future pay checks. This policy is setting a very bad example. I made a speech here along in the twenties against installment buying.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. DITTER. Mr. Chairman, I yield the gentleman 5 minutes more.

Mr. MICHENER. Because of that speech I was taken to task by one of the factories in my own State that happened to be selling automobiles at $5 down and the rest when you get ready. I said then that we must pay some time. Undoubtedly that kind of buying contributed much to the depression. Now we have a new and most insidious form of spending for useless and nonproductive things. You cannot enjoy just because you can borrow. The pay day is coming. You must eventually pay for all of these things, and I say in conclusion that it would be far better for our good friends now in power, my good Democratic friends, if they paid off their national party debt incurred during the last campaign, without imposing upon the Government clerks in Washington and asking them to take $10 or $100 tickets which they cannot afford to take—and when I say cannot afford to take, I say that no employee of the Government can afford to pay $10 or $100 for the privilege of sitting in a Democratic hallelujah meeting, if he has to go in debt for the privilege. The same would be true if these were Republican meetings.

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. Yes; I yield to the former Governor of Oregon.

Mr. PIERCE. Speaking of paying off the debt when the Republicans were in power, did that pertain to the last years of the Hoover administration?

Mr. MICHENER. I think the gentleman must have misunderstood me. I did not make any such statement.

Mr. PIERCE. I understood the gentleman to say they paid off the debt at the rate of a billion dollars a year while the Republicans were in power.

Mr. MICHENER. Oh, the gentleman refers to the reduction of the national debt from $26,000,000,000 in 1919 down to $16,000,000,000 in 1930.

Mr. PIERCE. And then tell us about the last years of the Hoover administration. What happened then? Did not that administration increase the national debt three or four billion dollars?

Mr. MICHENER. Yes; there was some increase.

Mr. PIERCE. And is it not true that no administration could have gone through the last 4 years without getting in debt, with the tremendous unemployment we had in this country, just as it was going into debt under the Hoover administration?

Mr. MICHENER. In all fairness, we were in a depression, we were in a slump; it was a world-wide depression; we were in the morning after the night before, and let us be frank about it. We had expanded credit. We had been on a spending spree after the war. The philosophy was to spend, not to save. We had done just the thing that I am inveighing against now.

We do not want a make-believe prosperity which, in fact, is not prosperity at all. Economy must in the end be the basis of lasting prosperty. You will read in the press tomorrow of the amount of party debt paid off by these $10 minor, $100 major banquets, but remember that the poor party job-holders who cannot afford to pay cash will still owe the debt. Banquets, fur coats, and automobiles are fine when we can afford them. Because our National Government is spending $2 for every $1 of income is no measuring stick for the rest of us. The pay day or the bankruptcy court is the inevitable end. It is all right to pay off political party debts by selling tickets to banquets, and by the same token it is all wrong to sell the tickets to those who cannot afford it, and who must mortgage next month's pay check, which is needed to buy things for the family.

Mr. HOUSTON. Will the gentleman yield for a question?

Mr. MICHENER. I yield.

Mr. HOUSTON. If that is true, it is unfortunate, of course, that we have to take the money from the clerks, but we do not have any Liberty Leagues on our side.

Mr. MICHENER. Of course it is unfortunate to coerce the employees, and I am so glad the gentleman agrees with me that it is unfortunate. I would that he could bring this same feeling to the chairman of the Democratic National Committee. I am sure that my good Democrat friend the gentleman from Kansas would like to avoid these assessments of clerks, and in this particular we agree exactly. [Laughter and applause.]

[Here the gavel fell.]

Mr. UMSTEAD. Mr. Chairman, I yield such time as he may desire to the gentleman from Virginia [Mr. FLANNAGAN].

Mr. FLANNAGAN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks at this point in the RECORD.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. FLANNAGAN. Mr. Chairman, I want to talk to you about the President's message on reformation of the Federal judiciary. In doing this I want to brush the rubbish aside, chloroform the spirit of hysteria that special privilege has

turned loose in the land, and deal with the subject in a practical and sensible manner.

To begin with, I want to admit that I am not a constitutional lawyer in the sense of those who make a study of our fundamental law for the one and sole purpose of curbing human rights and shielding and protecting the property rights they may happen to represent, though I believe I know a great deal more about the true meaning and intent of the Constitution than these special pleaders.

And in the beginning I want to observe that charging me with trying to put a dictator in the White House, with attempting to overthrow our form of government, with preaching fascism or communism or any other kind of ism, will neither deaden my energies nor quiet my voice in my effort to uphold the hand of our President in the great fight he is waging in behalf of greater social and economic rights for the masses of America. My family history on both sides of the house is too deeply rooted in American soil for such base and slimy charges to affect my standing as an American.

Long before we ever thought of a constitution, though I believe the spirit of the constitution at the time was indelibly written upon their hearts and minds, my people fled from the tyrannies and oppressions of the Old World to find freedom in the bosom of the new. Long before we ever had a constitution my people staked their all on the altar of freedom, joined hands with the other colonists, and together they triumphed over the proud mistress of the sea, landed our country safely into national existence, and paved the way for the Constitution I love and revere. No one can charge that there is a drop of Tory blood in my people or that they ever refused to rally around the stars and stripes.

I make these preliminary observations to serve notice upon those who would impugn my motives that I brand any statement that I am not preaching Americanism, as I understand Americanism, as the ordinary American understands Americanism, the essence of which is freedom, freedom of conscience, political freedom, religious freedom, economic freedom, that governments derive their just power from the consent of the governed, equal rights to all, special privilege to none, as a dastardly slander circulated for the purpose of destroying that which they cannot answer.

I know that there are those who will not agree with the views I express. Some of them are my close friends, for whom I entertain the highest respect. In taking a contrary stand, I know that they are motivated by sincere and honest convictions. With them I have no quarrel. I only ask that they accord me the same right to express my honest and sincere convictions that I so freely accord them. And for them I pray that a kind Providence may open their eyes and let them look down the avenue of the years and see just what our national fate will be if we continue to live under a judicial oligarchy instead of a democracy of the people, by the people, and for the people.

And there are those who, I am persuaded, for base and sinister motives, are against the views I express, because they are the hirelings of the Bourbon-Tory class that exalt property rights and frown upon the recognition of the economic and social rights the masses in America, under the leadership of our great President, are today battling for. To them I say that it is written a haughty spirit goeth before a fall, and that they had better call a halt and use the compass of public opinion to see which way they are headed before they become the contrivers of their own ruin.

SOME THINGS TO KEEP IN MIND IN CONSIDERING THE PLAN

Before discussing the President's reorganization plan of the Federal judiciary let me first make a few observations which I hope you will keep in mind as we consider and analyze the plan.

(A) Constitutionality of act often hinges on economic and social views of judges

Judges are human. As human beings they have their likes and dislikes; they hold economic views, entertain opinions on social problems, and rarely, if ever, become political nonentities.

These likes and dislikes, economic views, social opinions, and political leanings depend, to a great extent, upon the judge's background. From what section did he spring, in what atmosphere was he reared, who were his associates, what business and professional connections did he have before being elevated to the bench? Answer these questions and you know pretty well how the judge is going to view a case involving some social or economic problem.

If John Doe, a reactionary, is elevated to the bench, putting a prefix before his name, and calling him Judge John Doe, and robing him in a black gown will not in any way change his social, economic, and political views. He is still the same old John Doe entertaining the same old social, economic, and political views. In other words, putting a man in the Supreme Court does not mean that he has been reborn or regenerated, that henceforth he is a new man, capable of forgetting his past views on social, economic, and political questions, and in considering cases involving such questions will not let his past views and prejudices influence him, consciously or unconsciously, in construing the Constitution.

These 4-and-5 and 3-and-6 decisions we have frequently had in cases involving great social and economic problems clearly indicate, to my mind, that what I have said is true and that the trouble is not with the Constitution but with the judges themselves. It is generally known what the social and economic views entertained by the respective members of the Court are. Before going on the bench they were usually strong, outstanding men of conviction, entertaining definite and fixed opinions on most of the social, economic, and political problems. Their views are generally so well known that practically any layman, upon being informed of the social or economic question involved, can tell you how the Court will stand on the decision. This clearly shows that the judges in considering the case look at the constitutional question involved not dispassionately and with open minds but through the economic and social glasses they have been wearing since they became old enough to form definite and fixed opinions. I am not criticizing them for this, because they are only human, and that is the way human beings, consciously or unconsciously, act.

Now, do not become alarmed over the views I have expressed, because I can cite respectable authority to sustain them. Why, I can prove the truthfulness of these views by the Supreme Court judges themselves.

Let the record speak.

Chief Justice Hughes on one occasion observed: "We are under a Constitution, but the Constitution is what judges say it is."

The great Chief Justice in this frank observation is only partially correct. Recent decisions show that sometimes, at least, it is only what five of the nine judges say it is.

In the *Butler case* (297 U. S. 1), which hinged upon the constitutionality of the Agricultural Adjustment Act, commonly known as the A. A. A., Justice Stone, in a dissenting opinion, which was joined in by Justices Brandeis and Cardozo, said:

> Courts are concerned only with the power to enact statutes, not with their wisdom. * * * For the removal of unwise laws from the statute books, appeal lies not to the courts but to the ballot and to the processes of democratic government. * * * The suggestion that it (the taxing power of Congress) must now be curtailed by judicial fiat because it may be abused by unwise use hardly rises to the dignity of argument. * * * Courts are not the only agency of government that must be assumed to have capacity to govern.

Which clearly shows that he thought the majority opinion was based upon fixed economic views and not because the Agricultural Adjustment Act contravened the Constitution.

Justice Harlan, in the case of *United States* v. *Harris* (106 U. S. 629), in his dissenting opinion, made the same indictment against the Court:

> It is for Congress, not the judiciary, to say what legislation is appropriate. * * * The judiciary may not, with safety to our institutions, enter the domain of legislative discretion and dictate the means which Congress shall employ in the exercise of its granted power.

Chief Justice Taft, in the celebrated *Adkins case* (261 U. S. 525), which involved a minimum-wage law for the

District of Columbia, in a dissenting opinion upholding the constitutionality of the statute, said:

> It is not the function of this Court to hold congressional acts invalid simply because they are passed to carry out economic views which the Court believes to be unwise or unsound.

Would it be possible to make a more clear-cut charge that the Court, in holding the act in question unconstitutional, did so not because the act contravened the Constitution but because the act promulgated economic views not entertained by a majority of the members of the Court?

Let me call just one more witness. He has already testified, but as he is so positive about the matter, permit me to recall him for further examination.

In 1933 New York State passed a minimum-wage statute based upon the Standard bill of the National Consumers' League, which attempted to meet the objections of the Supreme Court raised in the Adkins case. The act was tested and finally found its way to the Supreme Court (*Morehead* v. *New York*, 298 U. S. 587), which, on June 1, 1936, held the act unconstitutional. Justice Stone, upholding the constitutionality of the act in a dissenting opinion, said:

> It is difficult to imagine any grounds, other than our own personal economic predilections, for saying that the contract of employment is any the less an appropriate subject of legislation than are scores of others, in dealing with which the Court has held that legislatures may curtail individual freedom in the public interest.

(B) The Constitution flexible enough to permit economic and social views of judges to determine decisions

Another thing we should keep in mind in considering the President's plan is that the Constitution is not a legal code spelling out in minute detail, thou shalt or thou shalt not do this or that. It is a declaration of fundamental governmental principles stated in broad and general terms. It was necessary, in order to perpetuate our Government, that broad and general terms be used so that the legislative branch of our Government, from time to time, can, by appropriate legislation, keep abreast with the thought and development of the times. It was worded so as to be flexible enough to meet changed conditions. This flexibility ofttimes permits the economic and social views of the judges to determine decisions.

Chief Justice Marshall said that the Constitution was—

> • • • intended to endure for ages to come, and consequently to be adapted to the various crises of human affairs.

Justice Story said:

> • • • The Constitution inevitably deals in general language. • • • Hence its powers are expressed in general terms leaving to the legislature, from time to time, to adopt its own means to effectuate legitimate objects, and to mold and model the exercise of its power, as its own wisdom and public interest shall require.

Now the legislative branch of our Government, most of the Members being fresh from the people, has usually realized that we live in a changing world and that in order to promote the general welfare of the people it is necessary that laws be passed, from time to time, to meet our changed social and economic conditions. The trouble has usually been caused by the social and economic views of many of the judges remaining static. From our past history it would seem that the social and economic views of many of our judges, like the laws of the Medes and Persians, changeth not.

(C) No check on judiciary

Now, just one other thing I want you to keep in mind in considering the President's plan of reorganization of the Federal judiciary:

Our Government is supposed to be a government of checks and balances, divided into three great divisions—the Executive, the legislative, and the judicial. As a practical proposition this assumption is only two-thirds correct.

The executive can be checked by the legislative branch, by the judicial branch, and by the people.

The legislative can be checked by the executive branch, by the judicial branch, and by the people.

But who checks the judicial branch? As a practical proposition, no one. They hold office during good behavior, which means they hold on until worn out by old age or infirmities, and their salaries cannot be diminished during their term of office.

Let me give you respectable Supreme Court authority for the proposition that there is no check on the judicial branch of our Government.

In the Butler case, involving the constitutionality of the A. A. A. legislation, Justice Stone frankly admitted that—

> The only check upon our exercise of power is our own sense of self-restraint.

Most of the maladjustments that we find in our social and economic life today are, in my opinion, due to the fact that under our system of government there is no effective way of checking the Supreme Court.

The judiciary has over the years, little by little, usurped Executive power, legislative power; yes, the very power of a free and independent people to regulate and govern their own social and economic affairs, until we wake up in the good year 1937 and find that while we profess to live under a government of, by, and for the people, which we are pleased to call a democracy, in truth and in fact we are living under a judicial oligarchy.

We have reached the point the mice reached when they woke up to the fact that for their own protection the cat should be belled.

But the mice were confronted by two problems. So are we. The problems were: Who to bell the cat? How to bell the cat?

The President has figured out a way to constitutionally—yes, I want to do it constitutionally—bell the cat. Under his plan it is up to the Congress to do the belling. The task should not be shunned by the Congress. As I see the matter the Congress should take peculiar delight in wresting from the judiciary the legislative powers it has unlawfully assumed—powers which, under the Constitution, were vested in the Congress and the Congress alone. If we fail we are inviting the people to lose faith in the ability of their legislative representatives to preserve the powers vested in the legislative branch of the Government by the Constitution. If we fail, we are admitting that we are unable to preserve the rights specifically delegated to us under the Constitution. I am unwilling to make such an admission.

I have called your attention to these three facts, namely: (1) That the constitutionality of acts of Congress often hinge upon the social and economic views of the Court and that judges rarely ever change their social and economic views; (2) that the Constitution is flexible enough to permit this to be done; and (3) that there is in truth and fact no effective check on the Supreme Court, in order to impress upon you the necessity, until we can properly check their powers by a constitutional amendment, of putting younger men on the bench whose social and economic philosophies are more in harmony with the heartbeats of the American people.

ROOSEVELT'S REORGANIZATION PLAN

Now let us examine and analyze the plan of reorganizing the Federal judiciary submitted by the President to the Congress.

(A) Constitutional

To begin with it is constitutional. In belling the cat he is staying within the Constitution. Not even the Liberty League, the Manufacturers Association, our Virginia Jeffersonian Democrats, or the most ribald opponent, will charge that the President is not performing a constitutional operation. That is more than can be said, in my opinion, of the operations of the Supreme Court on labor and the farmers and small-business men. And that is more than can be said, in my opinion, of some of the delicate operations the Supreme Court has performed in construing the "due process" clause, originally intended to protect human rights, to be the bulwark behind which special and corporate interests hide to strengthen and extend property rights, ofttimes even at the expense of human rights.

There seems to be no criticism of the proposals contained in the President's reorganization plan that Supreme Court judges should be pensioned upon resignation or retirement,

that the Supreme Court needs a proctor, and that the Federal Government should have the right to intervene in all cases involving constitutional questions.

The proposal in the President's recommendations that has brought down upon his head the wrath of a certain class in this country, largely the privileged class, is that the Congress provide for the appointment of an additional Justice for each Justice who has reached the age of 70 and refuses to resign, provided, however, the size of the Supreme Court does not at any one time exceed 15.

(B) Respectable authority for the plan

Now, there is respectable authority for this procedure.

Let the record speak:

In 1869 the House of Representatives passed a bill, almost identical in terms with the President's proposal. The only thing that kept the bill from becoming the law of the land was the fact that it failed of passage in the Senate.

Justice McReynolds, whose economic and social views are so reactionary that he has not upheld the constitutionality of a single piece of New Deal legislation, was once Attorney General of the United States. At the age of 51, and while still Attorney General, he had this to say:

> I suggest an act providing when any judge of a Federal court below the Supreme Court fails to avail himself of the privilege of retiring now granted by law that the President be required, with the advice and consent of the Senate, to appoint another judge, who shall preside over the affairs of the court and have precedence over the older one. This will insure at all times the presence of a judge sufficiently active to discharge promptly and adequately the duties of the court.

If such a recommendation was good for all Federal judges below the Supreme Court, why, may I ask, is it not good for Supreme Court judges? Surely, holding the high position they do, they should be as mentally and physically alert as district and circuit judges.

Justice McReynolds is now 75 years of age. He is still on the bench. So far he has failed to take the medicine he prescribed in his younger days for the old and infirm. Far be it from me to criticize him. Such, you know, is the way of the flesh.

President Taft, who afterward became Chief Justice Taft of the United States Supreme Court, once published a book under the title Popular Government, in which he approved in part, at least, Mr. Roosevelt's plan.

Said the Chief Justice:

> There is no doubt that there are judges at 70 who have ripe judgments, active minds, and much physical vigor, and that they are able to perform their judicial duties in a very satisfactory way. Yet in a majority of cases when men come to 70 they have lost vigor, their minds are not as active, their senses not as acute, and their willingness to undertake great labor is not so great as in younger men. * * *
>
> In the public interest, therefore, it is better that we lose the services of the exceptions who are good judges after they are 70 and avoid the presence on the bench of men who are not able to keep up with the work or to perform it satisfactorily.

(C) Not using high-handed methods

The President is not using high-handed methods, as many great Presidents in the past have done. The President's proposal, in the light of what some of the Presidents have done, is mild and timid.

Let the record speak:

Thomas Jefferson, you know, made the Louisiana Purchase without constitutional authority. Moreover, as soon as Jefferson was sworn in as President he went after the Federal judiciary. An act of Congress was immediately passed unbenching Adams' "midnight judges." Fearing that the Supreme Court would declare the act unconstitutional, he went further and got the Congress to pass an act suspending Supreme Court sessions for 14 months. President Lincoln got around the Supreme Court decision in the Dred Scott case by simply ignoring it. He just went ahead in spite of this decision and issued the Emancipation Proclamation. Those who followed had to amend the Constitution to make the proclamation constitutional. On another occasion Chief Justice Taney called upon President Lincoln to release a prisoner at Fort McHenry. Lincoln answered with a proclamation, in which he said, among other things:

> The judicial machinery seems as if it had been designed not to sustain the Government but to embarrass and betray it.

The prisoner remained in the fort. Andrew Jackson, when Chief Justice Marshall handed down the opinion in Worchester against State of Georgia reversing a decision of the Georgia Supreme Court, said:

> John Marshall has handed down his decision; now let him enforce it.

The decision was never enforced.

(D) What the President is trying to do

Now, what the President is attempting to do, sifted of the chaff, is simply this:

The President is only trying to relieve, in a constitutional way, an intolerable situation. He is not trying to change the Constitution, or curb in any way the power of the Court, or strip the Court of appellate jurisdiction. He is trying to keep special interests from using the Court to transform an inglorious defeat at the polls into a glorious victory by judicial fiat. He is trying to keep four or five judges, hang-overs from a social and economic era that commenced some years ago and ended with Hoover, from lawing on the people social and economic views which were repudiated by overwhelming majorities in the elections of 1932, 1934, and by every State in the Union in 1936 but two. The people have spoken, and he is anxious to have their thrice-expressed verdict translated into laws that will bring about the social and economic reforms they demand. He is trying to make way for an opportunity to place upon the bench men more in sympathy with the march of time, with our social and economic growth, with the heartbeats of America.

Other great Presidents have done the same thing, and they did not lessen their greatness in doing it.

Let the record speak:

Theodore Roosevelt was frank and open about the matter, and when Holmes was under consideration for the Supreme Court wrote Senator Henry Cabot Lodge, under date of July 10, 1902, as follows:

> Now I should like to know that Judge Holmes was in entire sympathy with our views, that is, with your views and mine and Judge Gray's views—for instance, just as we know that ex-Attorney General Knowlton is—before I would feel justified in appointing him.

Upon being assured by Senator Lodge that Holmes was in sympathy with their views on the Constitution, Roosevelt elevated Holmes to the Supreme Court.

Lincoln, in order to strengthen the chances that the acts passed during his administration would be held constitutional, increased the Court from 9 to 10. In appointing Chief Justice Chase, Lincoln said:

> We wish a Chief Justice who will sustain what has been done in regard to emancipation and the legal tenders.

But when Andrew Johnson came in, Congress, fearing he would get a chance to fill a vacancy on the Court, reduced the size of the Court from 10 to 7 by providing that no vacancy should be filled until the Court reached seven. The Legal Tender Acts were burning questions during Grant's administration. In filling two vacancies on the Court he appointed judges known to be in favor of the constitutionality of the acts. What happened? The very day he appointed these judges the Supreme Court held the Legal Tender Acts unconstitutional in a 5-to-3 decision. The cases were reargued, and a few months later the Court, by the vote of the two Grant appointees, held the acts constitutional. And it is common history that President Adams packed the courts with Federalists in order to curb the liberal Jefferson. In 1800, Thomas Jefferson, who had been in disagreement with the Court for years, and who had been the Court's most severe critic, won a sweeping victory over Adams, the Federalist candidate. The Supreme Court issue played an important part in the election. Between the election in November and the inauguration in March, President Adams, the defeated candidate, pushed through

his "lame duck" Congress an act creating 16 new circuit courts and filled the new judgeships with "lame duck" Federalists.

Moreover, before the inauguration he secured the resignation of Chief Justice Ellsworth and appointed in his place John Marshall, arch foe of Thomas Jefferson. Thus, although the Federalists were defeated at the polls, they were able, through the judiciary, to defeat the liberal doctrines of Jefferson for many years to come. The same thing is going on today. The Bourbons and Tories have been thrice defeated at the polls. Today through a packed Court—and I use the word "packed" in no disparaging sense, but simply to convey the idea that a majority of the judges entertain the social and economic views held by the President appointing them—which they are turning heaven and earth to keep packed, they hope to defeat the social and economic views of President Roosevelt for many years to come.

If we believe in permitting the personal economic predelections of the Supreme Court judges to thwart the will of the people we should turn the President's proposal down. If, on the other hand, we believe the will of the people, as expressed by their ballots, is supreme and should, as far as possible, be translated into law, then we should stand by the President.

There is nothing in the Constitution, if construed by liberal men in sympathy with our present social and economic needs, that would prohibit the people from the enjoyment of practically all of the social and economic legislation passed by the Congress during the Roosevelt administration.

ANSWERS TO SOME OF THE OBJECTIONS RAISED

Now, let me answer some of the objections that have been raised to the proposal of the President.

(A) Amendment

Oh, they say Mr. Roosevelt should advocate an amendment to bring about his social and economic reforms. Well, while I think a liberal and present-day construction of the Constitution will accomplish the purpose, I would not be averse to an amendment spelling out the needed constitutional rights but for the fact that an amendment is a slow and cumbersome process. And let me state that many of those now talking about proceeding by amendment, now advocating an amendment, were, prior to Mr. Roosevelt's proposal, just as bitter in their denunciation of those advocating an amendment as they are against the reorganization plan. They do not want an amendment. What they are trying to do is to kill the reorganization plan by advocating some other process that it takes time to accomplish. They are simply using the amendment process as a stalemate to the reorganization plan.

But let us examine the amendment way of solving our troubles. As a practical proposition, in all likelihood, it will not work. We need present relief, and every fair-minded man knows that there is no hope for present relief if we resort to an amendment.

In order to amend the Constitution the amendment has to be submitted by the Congress to the States and ratified by three-fourths of the States. On a controversial amendment, such as would have to be submitted, the Bourbons and Tories could baffle the matter along for years. Thirteen States, comprising less than 3 percent of our population, could defeat ratification.

Let the record speak as to what happens to controversial amendments, especially when they are opposed by the privileged class:

On April 8, 1895, the Supreme Court, by a divided decision, declared the income-tax law of August 27, 1894, unconstitutional. An amendment was submitted by the Congress to the States. The privileged class, although we now recognize the income tax as the fairest of all tax laws, bitterly opposed the amendment as being a socialistic assault upon capital. Eighteen years later, after a bitter fight, the income-tax amendment was finally ratified by the States.

The Supreme Court, by a divided decision, held the child-labor law unconstitutional. The Congress on February 13, 1924, submitted to the States an amendment designed to give the Congress specific power to regulate and prohibit the working of children. This humane amendment has been bitterly opposed by the privileged class, many of whom have been able to swell their coffers by working unfortunate girls and boys for long hours at a pauper wage, and today, 13 years later, we find that the amendment has only been ratified by 26 States.

Any amendment submitted now would travel the same road.

Oh, but I hear someone say that the thirteenth, fourteenth, and fifteenth amendments, known as the war amendments, were controversial amendments but were ratified by the States in 1 and 2 years after being submitted. Yes; that is true. But, remember, in many of the States it was a shotgun ratification.

(B) Dictator

I frequently hear the charge of dictator; that Mr. Roosevelt is attempting to become a dictator. Such a slimy charge but shows the length that the Bourbon and Tories will go in their effort to defeat all social and economic legislation designed to curb the avaricious and improve the condition of the masses in America.

Some of the opponents, unable to present valid and substantial reasons why the President's plan should not be put through, in their desperation resort to the old trick of frightening the people. If you are unable to resort to logic, then resort to fear. Well, with a record behind him such as the President has, it is going to be mighty hard to frighten the people into the belief that he wants to be a dictator.

But I will tell you what the people are afraid of: They are afraid the Supreme Court, if something is not done at once, will destroy all that has been and will be accomplished under the leadership of Mr. Roosevelt for the masses here in America; and they know if this should happen that the Tories and Bourbons will again assume the dictatorial powers they enjoyed before Mr. Roosevelt's advent into the national political arena.

Dictators, you know, are not born when the people have confidence in their governmental leaders. When leadership is actually functioning and attempting to bring relief to a people there is no danger of a dictator. Dictators spring into being when self-government breaks down, when the people are pressed to the wall, lose faith and confidence in their government, and become desperate, such as were the conditions back in the days of Hoover. If Mr. Roosevelt ever entertained—and, of course, he did not—playing the role of a dictator, he missed a golden opportunity in not grasping the scepter back in the early days of his administration. After the Hooverization the people would have turned to a dictator or anyone else who they thought could bring relief. Why, the Bourbons and Tories that are after him today were so badly frightened back in those days that they were petitioning the Congress to give the President dictatorial power.

But if the plan goes through, how, may I ask, will the change convert the President, who is one of our most democratic Presidents, and a great lover of the ordinary people, and a great believer in the doctrine that human rights are higher and more sacred than property rights, into a despot with a mailed fist? The very thought that such a change could or would take place is imbecilic. He is not asking that the Constitution be changed or that any of the checks provided for under the Constitution be removed. All that he is asking is that younger men, more familiar with the trend of the times, more in sympathy with the economic and social views that have been stamped by the approval of the ballots of a great majority of our people, be placed upon the Court.

Dictatorship! Those who are so violently opposed to the President's plan in order that they may retain the status quo had better beware lest in their zeal to thwart the will of the people they bring about a condition in this country that breeds dictators.

Dictatorship! Why, what does the opposition offer in lieu of the fanciful dictatorship they profess seeing in the borning?—The status quo, what we have today, judicial oligarchy

which is certainly as dangerous, if not more so, than a real dictatorship.

(C) State rights

Then we hear the cry that if the President's plan is approved it will enable him to put through legislation that will destroy the doctrine of State rights.

And, as strange as it may seem, we hear the State-rights doctrine preached by the Republican Party when, as a matter of fact, everyone knows that the Republican Party during its long history has never been a believer in the doctrine. Their right-about-face has been caused by their desire to defeat the President's program.

Now, as a matter of fact, we have largely outgrown the doctrine of State rights. The sooner we realize this the better off we are going to be. The doctrine was first invoked to protect the people, and in a sparsely settled country such as was ours when the Constitution was adopted and for many years following, there was justification for the doctrine. It worked. Today, due to our complex civilization, brought about chiefly through the increase in our population and invention, the doctrine of State rights, in many cases, instead of accomplishing its original purpose, is a hindrance to our further social and economic development.

While I believe as firmly as ever in preserving the doctrine as far as possible, I realize that in many instances it has outlived its day and will no longer serve a useful purpose. Whenever the preservation of the doctrine of State rights, as sacred as it is to many of us, depends upon sacrificing the general welfare of any particular class, such as the farmers, those who labor, and those who are engaged in the coal industry, we should be willing to surrender the doctrine in the public interest and for the general welfare of those involved.

Take agriculture. Years ago when our country was sparsely settled, when we consumed what we produced and were not vexed with surpluses, there might have been some justification for saying that the farm problem was a local problem to be dealt with by the respective States. But in this age when the Supreme Court tells us, as it did in the A. A. A. decision, that the farm problem is a local problem to be dealt with by the 48 separate States, we begin to wonder if the Supreme Court really understands the farm problem. The farm problem is a national problem and can only be effectively dealt with by national legislation; and you cannot change the nature of the problem by judicial fiat.

What I have said with respect to agriculture applies with equal force to labor and the coal industry, as the Supreme Court has held the coal industry is a local problem to be dealt with by the respective States, and, seemingly, that the labor question is out in "no man's" land, wherever that is, and that under the Constitution it cannot be effectively dealt with by either the States or the National Government.

(D) Packing the Court

The leading newspaper in my State, which has been in sympathy with most of the New Deal legislation, thinks that the—

> Enlargement of the Court is dangerous * * * unless the people of this country wish to alter their form of government.

The issue, according to this paper, is—

> Whether the system of checks and balances between the executive, the legislative, and the judiciary shall be retained, or whether it shall be abolished.

Now, there is nothing novel or new in either enlarging or in reducing the membership of the Court. The number of judges on the Supreme Court has been changed from time to time. The Court was established in 1789 with six members. Its members were reduced in 1801 to five. In 1807 the members were increased to seven. In 1837 to nine. In 1863 to 10. In 1866 the members were reduced to seven. In 1869 the members were increased to nine, where it has since remained.

If it took nine judges in 1869, when our population was about one-third of what it is today, to dispatch the business of the Court, surely 15 members would not be considered an unreasonable number today.

But, of course, the fear the paper had in mind was the fear we have heard expressed every time there has been a change in the number of judges on the Court. Rightfully or wrongfully, every time there has been a change, the cry has gone up that the Court was being packed, and in doing this we were destroying our system of checks and balances and therefore undermining our form of government. Now, a sufficient answer to this is the fact that in spite of the six changes that have been made in numbers, and in spite of the hysteria each change has caused and the ugly charges that have been hurled on each occasion, our democracy has marched on.

But what do you mean by packing? If the word is used in the sense that the Court will be packed by the President and the Senate like a crooked lawyer would pack a jury or a crooked gambler would pack a deck of cards, there would be well-grounded reasons for fear. But the tongue that would give voice to such a dastardly charge against the President or the Senate should be—and I hope will be—paralyzed while the thought is still in the borning and before it reaches the stage of vocal expression.

But if it is used in the sense that the President and the Senate, not unlike other great Presidents and Senates in the past, are only anxious to see that those who interpret our laws are in sympathy with the spirit and thought of the times, there can be no well-grounded reasons for fear.

And there are those who state that no President should have the power to appoint six additional Supreme Court judges; that this is too much power for any one man to have. As a general proposition, this is true. But remember we are confronted with an unusual situation that should be met in a practical way. And also remember that while it may be dangerous, as a general rule, for so much power at one time to be vested in the President and the Senate, that it is also a dangerous thing for five men, no matter how learned, no matter how circumspect, to hold in their hands the destinies of 125,000,000 people. And especially is this true when the five men happen to be the representatives of a past economic and social age and their personal predilections will retard our further social and economic development.

Also remember that Presidents in the past have appointed as many if not more Supreme Court judges. George Washington appointed 12 members to the Supreme Court, Jackson appointed 5, Lincoln appointed 5, Grant appointed 4, Harrison appointed 4, Taft appointed 5 and elevated still another to be Chief Justice, Harding appointed 4, and Hoover appointed 3. So far President Roosevelt has not appointed a single member. If his proposal goes through and he is called upon to appoint the maximum number possible, which is six, it would be one less than were appointed under Harding and Hoover. I certainly believe the American people, without entertaining the least fear, are willing to give Mr. Roosevelt the right to appoint as many judges as President Harding and President Hoover put together.

(E) What would Jefferson do?

The so-called Jeffersonian Democrats, many of whom know very little about the teachings of the man they profess to follow, are, in rhetorical phrases, asking, What would Jefferson do? Then they proceed to draw upon their vivid imaginations and answer their own question by definitely and positively placing Mr. Jefferson against the President's plan to reorganize the Federal judiciary. These fellows, you know, are the possessors of vivid and fantastical imaginations that closely border on political delirium tremens, otherwise they could never conjure up a kinship between their political philosophies and the philosophies of government preached by Thomas Jefferson. If Mr. Jefferson went to heaven—and I feel quite sure he did—every time he hears one of these Jeffersonian Democrats talk I know he has a hard time deporting himself in a manner befitting the company of his present associates. Oh, if they would only quit trying to act the part of the prophet by prophesying what he would do and, for a season at least, would act the part of the student

and find out what he actually did their views would be entitled to more weight.

Everyone familiar with American history knows that the high-handed methods of the Federal judiciary played an important part in electing Jefferson, who was the severest critic of the Federal courts, President in 1800. And everyone familiar with our history knows there is no kinship between Jefferson and the reactionaries who are fighting under the false banner of the Jeffersonian Democrats. Why Chief Justice Marshall not only regarded Jefferson as a radical but as an "absolute terrorist." In a letter written by Marshall to Charles Pickney the very morning Jefferson was sworn in as President he said:

> The Democrats are divided into speculative theorist and absolute terrorist. With the latter I am disposed to class Mr. Jefferson.

Mr. Jefferson was so incensed over the opinion of Chief Justice Marshall in the case of Marbury against Madison that he said:

> If this opinion be sound, then, indeed, is our Constitution a complete felo-de-se. For, intending to establish three departments, coordinate and independent, that they might check and balance one another, it has given, according to this opinion, to one of them alone, the right to prescribe rules for the government of the other, and to that one, too, which is unelected by an independent of the Nation. The Constitution, on this hypothesis, is a mere thing of wax in the hands of the judiciary which the Judges may twist and shape into any form they please.

Upon retiring from the Presidency, Jefferson wrote to Judge Tyler, in part, as follows:

> We have long enough suffered under the base prostitution of law by party passions in one Judge and the imbecility of another. In their hands the law is nothing more than an ambiguous text, to be explained by their personal malice.

In other letters written by Jefferson he expressed these views:

> You will have a difficult task in curbing the judiciary in their enterprise on the Constitution. The judiciary, if rendered independent and kept strictly to their own departments, merits great confidence for their learning and integrity. But it now appears we have no law but the will of the Judge.
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> * * * * * * *
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> The great object of my fear is the Federal judiciary. That body, like gravity, everlasting, with noiseless foot and unalarming advance, gaining ground step by step, and holding what it gains, is engulfing insidiously the special government into the jaws of that which feeds them.
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> * * * * * * *
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> We have seen, too, that, contrary to all example, the Judges are in the habit of going out of the question before them, to throw an anchor ahead, and grapple further hold for future advances of power.
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> * * * * * * *
>
> This member (the Court) of the Government was at first considered a most harmless and helpless of all its organs. But it has proved that the power of declaring what the law is, ad libitum, by sapping and mining, slyly and without alarm, the foundations of the Constitution, can do what open force would not dare to attempt. All know the influence of interest on the mind of man and how unconsciously his judgment is warped by that influence.
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> * * * * * * *
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> Knowing that religion does not furnish grosser bigots than law, I expect little from old Judges.
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> * * * * * * *
>
> It is a very dangerous doctrine to consider the Judges as the ultimate arbiters of all constitutional questions. It is one which would place us under the despotism of an oligarchy. The Constitution has erected no such tribunal, knowing that to whatever hands confided, with the corruptions of the time and party, its members would become despots. It has more wisely made all the departments coequal and cosovereign within themselves.

If Jefferson is the witness upon whom the opponents to the President's plan rely, they have, in the language of a famous Commonwealth's attorney in my section, who, when a witness called by him proved to be adverse, dismissed him with the laconic statement, "The sheriff evidently got him out of the wrong room."

(F) Immoral

There are those who even go so far as to charge the President with immorality in advocating a reformation of the Federal judiciary. Is it immoral to do a thing in a constitutional way? Remember all the President's recommendations are within constitutional limitations. Since when, may I ask, has it become immoral to resort to constitutional processes in reforming the judiciary? Let us be frank and honest about the matter; if any act of immorality has been committed, it has not been by the President but by the Court itself in disregarding the wishes of the people on social and economic problems as thrice expressed by their ballots, as enacted into law by their chosen representatives, and substituting therefor, in the language of Justice Stone, their "own personal economic predilections."

WHOSE CONSTITUTION IS IT, ANYWAY?

May I ask, Whose Constitution is it, anyway? Let us examine the instrument itself and see if any light is thrown on the subject. We will not have to read very far. The first three words reveal its ownership. "We the people"; yes, that is the way it begins, declaring in the very beginning its paternity. Yes; it sprang from the people, the greatest of their political offsprings, and may it please God to see that it is ever construed so as to promote the general welfare of those who gave it birth.

Oh, but let us read a little further, the whole preamble, and find out what "we the people" had in mind when it was established. It will tell the whole story. Listen:

> We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution of the United States.

May I ask again, Whose Constitution is it, anyway? Yes; it is the Constitution of the people. Under it, if rightly construed, its protecting cloak falls over the mansions of the rich, the hovels of the poor, the cells of the unfortunate. Under it, if rightly construed, the rich are protected in the enjoyment of their possessions, the farmers in the enjoyment of their acres, and labor in the enjoyment of honest toil. Under it, if rightly construed, the rich with their millions are unable to purchase a single ounce of justice or a single additional liberty that the poor cannot receive free of charge.

But, I am constrained to ask, Is the Constitution as at present construed accomplishing the high purposes set forth in the preamble? Is it? I am not asking you to take my word. But I beseech you to go ask the farmer, the small businessman, those who labor. Yes; go and ask the great masses here in this country. And with a voice containing but a few discordant notes they will answer, "We cried, and our supplications were heard by our President, acted upon by our duly chosen representatives, but our judiciary solemnly proclaimed that remedial legislation passed by the Congress at the instance of the President designed to insure our 'domestic tranquility' and promote our 'general welfare', to hold safe the social and economic progress we have made, was not vouchsafed to us under the great charter law of the land we love."

These are facts, and you cannot wipe them out by holloing dictator, by imputing sinister motives to the President, and wrapping the Supreme Court in the mantle of holiness.

These are facts that cry for redress, that demand action, and the only way you can wipe them out is by recognizing that the Constitution is not a dry, dead parchment but a living instrument whose flexible provisions should be adopted, to use the language of Chief Justice Marshall, "To the various crises of human affairs."

Democracy is a living organism, and its perpetuity depends upon its growth and development over the years. I would shudder for the fate of our descendants if I thought that our Government would ever become static. If it does, the end of the Republic is in sight.

Mr. UMSTEAD. Mr. Chairman, I yield to the gentleman from Oregon [Mr. PIERCE] such time as he may desire.

Mr. PIERCE. Mr. Chairman, I ask unanimous consent to revise and extend my remarks at this point in the RECORD on public ownership of power.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

PUBLIC OWNERSHIP AT THE CROSSROADS

Mr. PIERCE. Mr. Chairman, full well do I realize that I am not an expert on the theory and practice of public ownership. My contribution to the discussion, in order to be

of any value, must be the story of some of my own experiences through which I have become convinced that the only solution of the problems of the utilities and great natural monopolies lies in public ownership. These experiences and observations cover activities of over a half century in the far West and the Pacific Northwest. I ask your pardon for the oft-repeated pronoun "I" which must be used as I relate the story of my education in this matter through years in public life as State senator, Governor of Oregon, and now in my third term in Congress. Some knowledge of the background of my experience in private life will also shed light on other reasons for convictions, and the influences which have brought me to the conclusion that we must seek to bring about public ownership, if we are to be successful in our great governmental experiment. In my business life I have been influenced by my training and experience as a lawyer, practicing over a period of 10 years; by the struggles incidental to farming on a large scale, producing cattle and wheat, which made me a shipper and user of transportation; and by a brief but vivid experience as builder and operator of an electric power plant. All along the line of travel I have encountered obstacles to be overcome because governmental units had not asserted the right, the fundamental right, to own and control natural monopolies. Here in Washington, for the past 4 years, I have encountered the same obstacles. I find the same players at the same old game, on a slightly enlarged scale. In all the battles the face of the enemy is the same.

I live in a section of the United States where this subject is now constantly discussed because of the building of the great dam on the Columbia River at Bonneville, and an even greater construction at Grand Coulee. Our public activities are now centered on legislation which shall hold the power generated at Bonneville so that it will be operated and controlled wholly by the Federal Government. We desire the widest possible use and the utmost benefit for our people from this project, and we are determined that it shall not become just another asset of the private utilities. We of the Pacific Northwest have had examples of successful public ownership in the operation of several municipal power plants in the States of Washington and Oregon, notably in Tacoma and Eugene.

REASONS FOR MY BELIEF IN PUBLIC OWNERSHIP

Powerful monopolies a corrupting influence

In my opinion, the removal of the influence which private monopolies now exercise over legislative bodies will be as beneficial to public life as was the removal from those legislative bodies of the election of United States Senators. The State of Oregon initiated this important phase of the popular government movement which has long been established among us through the important seventeenth amendment. Sometimes popular government does fail to function, but we have the machinery and we can use it with swift certainty when we learn that we have been fooled by some group by means of publicity and propaganda or by secret manipulations much more difficult to meet. Oregon was the first State to adopt popular election of Senators, and I was part of that fight, so I know why it was needed and about how hard it will be to remove one other great evil influence which sometimes determines the actions of legislative bodies. I was in public life in Oregon when it was common practice to attempt to buy members of the legislature just as bags of peanuts are bought. These purchases were generally made in anticipation of senatorial contests. Senators were practically auctioned off. On March 4 of this year, this very day, it is 40 years since Oregon lost one of its United States Senators for a considerable period because of just such a struggle, and the State had but one Senator. In the previous election, one of the railroads was reported to have spent fully $300,000 in the effort to control election of a United States Senator, and they lost by two votes, for which it was said they would have paid $50,000 each. The next opportunity to secure a Senator is supposed to have caused another railroad to put $225,000 into election expenses for candidates for the legislature. There were enough pledges to bring about the desired election, but it was lost through one of the most brilliant and unique devices ever used in the long struggle for political control. The opposition prevented the house from organizing, through lack of a quorum, during the 40 days allowed for the session under the constitution. This was the first "sit-down" legislature on record. Out of all this corruption came the movement for direct election of United States Senators. Now that battle has been won, and there is a similar influence working in a quiet and more finished manner, but equally determined to control legislation in the interests of a particular group.

I repeat my conviction that we must demand public ownership, first, because of the necessity for removing the influence which monopolies and great aggregations of capital exert on public life and legislative bodies, otherwise we cannot begin to approach the ideal government and we cannot maintain our democracy. If anyone doubts the potency of this influence let him study the history of the struggle for holding company legislation in the Seventy-fourth Congress. Millions were spent in propaganda. The spread of stock, so shrewdly calculated over long years, had given these companies thousands of willing organizers who were diverted from the real wrongs and evils of the holding companies and made propagandists against public regulation. They feared the change which would have been so beneficial to all investors. We must remove this power gained through great corporate wealth and influence. We must recognize this as a fight for political decency as well as for economic justice.

Regulation impossible

My second reason for the conviction that public ownership is inevitable is the belief that regulation is utterly impossible. I had considerable experience with this when I was Governor of Oregon. I repeatedly asked the legislature to give me the power to appoint members of the public service commission which controlled the rates of utilities. That power was denied me because the utilities feared honest regulation and control. My successors were granted that privilege, and it has been seesawed through administrations, depending entirely upon safety to the utilities and their assurance that it would be perfectly satisfactory. The regulators have ceased to command the respect and confidence of the people. Private monopoly controls not only legislatures, and sometimes governors and public service commissions, but it often controls party organizations. We must change that system or submit to the tragedy and humiliation of losing the greatest governmental opportunity of history. We have failed to control monopoly, therefore, we must abolish it.

Proper taxation impossible

When I was Governor I was also member, ex-officio, of the State tax commission. I determined that a certain powerful utility, paying ridiculously low taxes, in no way commensurate with those borne by others, should be taxed on a valuation more nearly approximating that on which its rates were based. I shall never forget that tax fight. We accomplished something, but incidental to it was a proposed recall campaign directed against myself as Governor. It was one of the factors which accounted for my defeat in the campaign for reelection. Here again the spread of stock was a potent factor. I well recall an amusing incident in this connection. A bootblack said to his customer that he would not vote for that man Pierce for Governor because he would ruin "our company." Inquiry brought out the fact that the bootblack owned one share in that famous company, soon to be infamous when it became the property of a holding company which brought financial ruin and tragedy to investors. I cannot forget the newspaper advertisements with their promises of 7 percent and the enticing news that everyone could now participate in the large earnings. Many a banker saw to it that all the funds of widows and orphans and trusts under their control were invested in those stocks. Yes, the little fellows were let in, and then let down, but when they became stockholders they became citizens who objected to any proper taxation of utilities as well as to any proper regulation. It is practically impossible to get just taxes from the privately owned monopolies.

Economic loss

The only other reason for public ownership, which I shall take time to mention, is the loss incidental to the private control and ownership of utilities. Gradually we are learning that economic necessity will force Government ownership of natural monopolies, such as transportation and communication, and of natural resources. What a blessing it would be now to have the telephone and the telegraph operated as part of the Post Office Department. How remiss we have been in public duty in allowing private control of the radio. We had the fine example of England, we knew better, but we allowed this most important avenue of communication, this important agency for controlling public opinion, to become a private agency. Certainly we must have public ownership in this field.

The great natural resources of our country—how they have been wasted and exploited because we had not the vision, wisdom, and courage to assert ownership in the forests, the coal, and the oil fields; yes, and to insist upon conservation of the soil. The Nation is now beginning to realize the waste of exploitation of such resources.

One more illustration comes to my mind and I mention it at a venture because it is outside my actual experience. I throw it out for discussion by those better trained in economics. That is, the suggestion that if we had in the beginning controlled our oil resources, we should not have suffered so severely from the economic break-down, which, I assume, was partly caused by draining money from the whole country into one financial center. Now that the internal-combustion engine has revolutionized our lives, we fully realize that the Government itself should control oil and gas, and that control alone would be so potent financially that it would be comparable to the control of the gold reserves of the Nation. Oh, that the past generation had listened to those who begged for public ownership before its natural resources had made so many men rich and powerful.

OBJECTIONS AND FEARS INCIDENTAL TO PUBLIC OWNERSHIP

Public business versus private business

I should make it clear that I do not believe public ownership is a panacea for all our governmental ills. I do not think it will bring the millenium nor any approach to that happy state. I do believe it will remove from our political life the greatest source of public corruption, because of the concentration of power and money incidental to the operation of utilities. Usually the first argument against Government ownership is emphasized by pointing to Government corruption and incompetence, every exhibition of which is an argument against public ownership.

I am one who believes that public business is actually more honestly conducted than private business and more responsive to public opinion and control. I do not admit that public business is less efficiently operated than private big business. I am not one who stands in awe of the efficiency of big business. I think it largely an idle boast, contraverted by the publication of revelations made during rate-making inquiries and congressional hearings and investigations. Certainly the results of such investigations have pointed to excessive waste and shocking dishonesty. Many millions of so-called investors could testify on this matter. I admit, however, their tendency to believe the statements of those who have confiscated their earnings and to trust them rather than to trust the Government. The reason for this inefficiency in big business seems to be greed, delegated responsibility, and the aforesaid shrewdly calculated spread of stock so that really conscientious small owners have no influence. If there were time, I should like to compare almost any great private business with the efficiency of our Postal Service. I believe that is a complete and perfect answer to those who claim that the public cannot successfully transact business in a large way.

Bureaucracy and the civil service

The civil service is right in theory, but it must be very much improved and very much modified before it can become a perfect instrument for furnishing the personnel for the public service. Bureaucracy I do fear. I detest it, as I encounter it day by day in this National Capital. We can control it to a certain extent, though I believe we must avoid it by decentralizing in every possible manner. The only thing we can do is to insist upon improvement. We must have a different type of civil-service examination in order to test those who are applicants for administrative positions. This is vitally important, because the business conducted for the public, under a system of public ownership, must be administered honestly and intelligently and with a loyalty to the service. Governments are corrupt when powerful interests corrupt them for gain. Many of the evils incidental to bureaucracy will be eliminated when pressure of certain big-business groups is removed through Government ownership of utilities.

Government control not always successful

In the far West we are dependent upon great irrigation projects, which are under Government control. It has, for many years, been the stated policy of the Reclamation Service to give to the farmers on the irrigation projects the benefits of power generated in connection with the water supply. Over all these years there has been failure to put this policy into general operation. I know of one case in which farmers on a project were forced to sell the power for something like $3,000, and it was immediately capitalized for $400,000 by the private utility to which it was sold by the Government. In my own district certain farmers were forced by Government officials to sell their power rights for $100,000, and these were immediately capitalized by the favored company for $4,000,000, and all that section has been paying power rates based on this steal. Yes, Government officials sometimes betray their trust. I fear big interests have their tools in many Government buildings here in Washington. Unscrupulous people can pass civil-service examinations and sit in the places of authority. They may also be appointed to such positions through political patronage. I know all that; but I still believe that we will be vastly better served throughout this Nation if the utilities are under Government control and operation. We shall not gain anything if we sacrifice our objective because we have sometimes been betrayed. Let us strive for decency in public life, because we must entrust so much to government.

The cost of acquisition

This is a stumbling block always when we talk of public ownership. How shall we acquire these great properties without bankrupting the Government? Probably the Government must pay much more than they are worth. No one desires to do injustice, nor to confiscate private property. We must undertake the struggle with these great powerful ones who are not going to yield unless they are forced to do so. They often control those groups which might force them to deal honestly. I know how reluctant private owners would be to part with their holdings. They honestly believe they are entitled to run the business, and they are sincerely opposed to public ownership. It is always difficult to make the changes demanded by any new economic conditions. I can shed some light on this phase of it from my own experiences in building, operating, and selling a power company.

Some years ago I found myself builder, director, manager, president, and large part owner of an electrical power company. It was about the time when big companies were forming, and I attended many of their meetings and got an insight into some of the tricks of the trade. Among these was the famous injunction, repeated and adapted to the power world, "remember Harriman's advice—every time you lay a new rail or a new tie, issue a bond." Adapted to the electrical world, it was "every time you put up a pole or string a mile of wire, issue a bond. If you cannot sell the bonds, lock them up in your safe; the day may come when our right to charge certain rates will be questioned. The courts will never deny us a rate sufficient to pay dividends on our bond issues."

The property in my hands was comparatively small, giving electrical service to about 20,000 people. When I found I could not play the game, I sold my property and in the transaction secured an education in valuations. At that time the selling price of an electrical property with valuable rights

and franchises was supposed to be five times the gross income, with little attention paid to physical valuation. When transfers of property were made, an amazing number of things might be charged in the valuation—useless dams, and much other deadwood. Can we ever secure an honest and unquestioned valuation of transmission lines and power properties for purposes of Government purchase? The power line I built cost $1,000 a mile. Near it is a line constructed some years later at a cost, as I understand it, on the books of the company of $15,000 a mile. Can it be possible that it cost 15 times as much as the line I constructed? Can it be possible that these bits of burned clay, the three insulators on each pole cost $90 apiece, the value said to be charged on the books?

RAILROAD RATES AND PUBLIC OWNERSHIP

My experience as a shipper of wheat and cattle, under the handicap of location in the interior, has convinced me that only through Government ownership can we equalize the benefits of railway transportation, keep people in the interior country, and continue in the farming business. In wartimes the cost of freight on a bushel of wheat from my place to Portland was 9 cents; it is now 15½ cents a bushel for freight, and warehouse charges have doubled. Fifty miles nearer to Portland the freight is 4 cents less a bushel. Yes, years ago when the management of this western railway was in the West, where it properly belonged, we had that differential cut to 2 cents, where it remained for 15 years. When the management moved to Wall Street, the differential was doubled.

A committee of the House has reported out the so-called Pettengill bill to restore the obnoxious old system of allowing the railroads to charge more for a short haul than for a long haul in the same direction over the same track. This should convince those of us who have studied the problem that the sooner we take over the railroads the better it will be for the development of the country. The cost in subsidies of lands, loans, and privileges would have paid the bill at fair valuation. Since subsidies have now become the order of the day and appear as a legitimate demand, why, in the name of justice, do we not at once pay the whole bill and own what we have bought over and over again?

BONNEVILLE DAM AND ITS POWER PROBLEM

Franklin D. Roosevelt will be remembered in history as the President who laid the foundation for the greatest hydroelectric power development in all the world. Here I pause to pay tribute to Senator NORRIS, whose wisdom, foresight, courage, and tenacity have made possible the successful organization of the great T. V. A. development, which is the pattern and inspiration for the others.

The Columbia River is the second river in the United States in size. It has a constant flow of water, draining an immense territory, and fed from the snows and rains, with falls of many hundreds of feet through rocky caverns, making the building of dams comparatively cheap. These dams will afford, in the years to come, a staggering amount of electrical power and energy—41 percent of all hydroelectric power available in the United States. There will be enough to turn the wheels of industry and to light and heat homes and factories of a great industrial and agricultural population which will be increased by those coming to it from regions less favored by Nature. The energy which will be developed should be sold to the real consumer, to cooperative systems, and municipally owned plants at actual cost. Part of the Bonneville investment of forty millions, probably one-half, must be charged to navigation. The balance of the investment and the cost of Government-built transmission lines will make a total Government investment which should be liquidated by users of the electricity within a period of 50 years.

Think of the opportunity when that debt has been paid and the capital investment wiped out. The cost of operation will be small, the plant will still be in excellent condition, and the wheels will turn to produce electricity at a very low cost. What a heritage for the coming generations!

Congress will this session determine who is to enjoy the benefits of this great project. Shall the project enrich the private companies or shall it be used according to the T. V. A. plan and that of Ontario, for the benefit of the people? The utilities are working on this with extraordinary thoroughness. Their friends are in positions of authority in political, legislative, and administrative groups. They have a great advantage in the control of publicity. One of the most extensive purveyors of canned editorials against public ownership and public regulation operates in and from Oregon. The canned editorials supplied by this firm are inspired by utility pocketbooks and are frequently used, I regret to say, by our own weekly papers when the editors are too busy to prepare copy. Utility agents are present even when little groups of country people are meeting in their grange halls. The battle is being fought at every crossroads. In Oregon the State Grange has carried on the fight for public ownership and control. From its meager treasury the money has been spent for publicity and for initiating bills allowing the State and utility districts to prepare for the coming of Bonneville. Every proposed bill has been fought by the organized private utility interests.

Rural electrification through Bonneville power

Our farmers have been encouraged to believe that they are to farm in a new era as soon as Bonneville power is developed and marketed. They understand that the territory which is left to be supplied through rural cooperation in power districts is the poorest territory from a business standpoint, because the private utilities have already gone into the thickly settled communities. Unfortunately, many farmers in Oregon, unaware of pending changes and plans, were prevailed upon by private power companies to sign up for rural extensions. There is little doubt that these signatures were obtained in pressure campaigns under lack of information which amounted to misrepresentation. It remains to be seen just how this situation can be handled for the benefit of the farmers.

Under our State law, written into the statutes through the efforts of the State Grange, the work of forming power districts has been going forward slowly. This rather slow development can be traced directly to the private utilities which use every possible scheme for blocking the organization of districts, which must be voted upon in the territory of each proposed district. These powerful organizations, generously financed and skilled in publicizing their views, make it very difficult for groups of farmers, newly organized and inexperienced, to win an election for establishment of a power district. Through propaganda in meetings and printed matter, the voters are made to believe that they will be entering upon a hazardous experiment. The burden of proof rests upon the weaker group. The Rural Electrification Administration must have authority to come to the rescue of such groups and to assist definitely in the necessary promotional work. The farmer and the Government are partners in this undertaking, but the law as it now stands prevents the Government from entering into the activity essential to a successful enterprise until after the hardest battle has been fought. There is no agency put in the field by State or Nation to help these groups to plan and to set the facts before the people concerned. They are left to provide electrification for the most thinly settled territory in the most unproductive regions and to face the most difficult problems in power development. In this situation Federal and State Governments are unable to provide help in initiating enterprises, apparently because powerful interests have made the law partially inoperative. We should have a right to depend on the R. E. A. for power district development and for the encouragement of cooperative projects through promotional work. My colleague from Mississippi, who knows this subject better than any man in Congress knows it, says that the coming of electricity to rural regions doubles the land value of each farm it touches. His glowing accounts of the transformations wrought by rural electrical development certainly increase our determination to try to secure the same benefits for our people. Electric power will build up the country and will increase values. We are faced with the responsibility of working out the plan through which this may be accomplished. These great private utilities are getting Government money at 3 percent in order to take current to unserved rural regions, and they seem determined to reserve for themselves the benefits of 3-percent Government money. They

have been in business so long that they know just where to move in order to build most advantageously.

Publicly owned power districts must either generate their own power or buy it from some conveniently located municipal plant or private utility. Although the Rural Electrification Administration is authorized to make loans for the construction of generating plants, few such loans have been made. However, it is understood that its policy is becoming steadily more liberal in this respect. The wholesale power rate contained in the contract between the power district and the municipal plant or private utility is subject to the approval of the Rural Electrification Administration by reason of the fact that the Administration is vitally concerned in assisting the district to obtain its power at a low rate. With a low wholesale rate the power district will be enabled to supply power to its consumers at a rate which will permit of the building up of a high load. A high load means more revenue for the power district, and thus there will be no question but what the project will be self-liquidating. Certainly it is reasonable that our Government, in making loans for rural electrification projects, must have the right to condition its loans upon the reasonableness of the wholesale rate which its borrowers must pay for electric energy. We have a long way to go in order to make most successful the administrative side of the Government's effort to take electricity to the farmers. Certainly the State has an obligation in this connection, but it is not spending money to promote these districts, and has not entered upon a great program, such as we have undertaken nationally. I doubt if the battle can be fought on State lines with any certainty of victory for the people. Let us strengthen our Federal undertaking and adopt the loan and grant plan for municipalities and power districts which are building rural systems.

We must also have legislation which will give our Government the absolute and unquestioned right to lend its funds to cooperative public power districts, which are not rural, and to use them for the development of publicly-owned power projects. Our own great Public Works Administration has been hampered in its program by injunctions and difficulties of all sorts raised against loans and grants for such development.

Bonneville legislation in Congress

Today the most important issue in Congress, from the standpoint of the Pacific Northwest, is the relation of the Government to the control of the power soon to be developed at Bonneville. In the immediate future, we shall have Grand Coulee, also, as that is built for a combination of irrigation and power. If the people retain their rights, we shall see a remarkable development of rural electrification and of industries operating under a new order. This should be done without the concentration and crowded population which has made industrial centers elsewhere such problems from the standpoint of health and social welfare.

The President sent to Congress, on February 24, a communication transmitting the progress report on the Bonneville electric power project. This communication contained recommendations for immediate action made by the Committee on National Power Policy, recently appointed by the President. The committee, as its first assignment, made a study of Bonneville because of the immediate need for legislative action in connection with that project. The committee states that, though the major projects in the Columbia River Basin should be considered together, it has been compelled to report on Bonneville project first and to set up a provisional administration, pending the establishment of a permanent regional plan. Based on the findings transmitted to Congress, bills will soon be introduced in the House and Senate incorporating the recommendations of the committee. I shall introduce such a bill in the House. It is my judgment that the Congress should follow the President's recommendation and set up this provisional administration in the manner suggested. The bill will provide for the appointment by the Secretary of the Interior of one administrator, with an advisory board of three designated by the Secretaries of the Interior and War and the Federal Power Commission. This administrator is charged with the duty of making all necessary arrangements for the disposition of the electrical energy not required for the operation of navigation facilities at the dam. He is authorized to provide electric transmission lines, the substations, and other facilities necessary to take electrical energy from Bonneville to existing and potential markets. He is also directed to enter into contracts for the sale of electrical energy, at wholesale rates, to public and cooperative agencies, in conformity with rate schedules to be approved by the Federal Power Commission. He is required to give preference and priority to public and cooperative agencies. This administrator is given great power, but he has definite responsibilities to governmental agencies.

Provision is made for paying off the cost of transmission lines in the same manner applied to the amortization of the costs of the power project. An initial step is the necessity of determining the allowance for the amount of the investment at Bonneville which should be charged to navigation and the amount charged to power. It is my belief that the Army engineers should continue to operate the machinery of the dam, but should be relieved of all responsibility in connection with the marketing of electrical power. We recognize that the Bonneville project is primarily for navigation, and certainly for that type of service the Army engineers afford the best trained managers.

The opposition to Government operation of this and all similar projects solely in the interests of the ultimate consumer is well organized and determined. That has been demonstrated during the years of T. V. A. battles in Congress and through the courts. We must beware of "Greeks bearing gifts." Many of the close friends of private power monopolies will pretend to be for public ownership when in fact they are allied with private monopolies and planning that they shall become the chief beneficiaries. We have also to meet the strongly voiced opposition of those who would reserve Bonneville power for "industry at tidewater." Those, like myself, who believe that all consumers, large or small, near or far, are entitled to the benefits of this great natural resource and that such benefits can be realized only through public ownership and operation must now call to fight by our side all the wise and resourceful leaders who have won the other great battles. We know that the problem of cheap power can be solved only by Government ownership and operation. Power must be delivered to the ultimate consumer at yardstick rates based on actual costs. The enterprise must be entirely free from pooling of public and private power-transmission facilities except at the outset and on short-term contracts. This latter point is being bitterly contested by the utility companies, and slips are widely scattered stating that it would mean an "economic waste." They forget the "economic waste" of investors' losses through manipulations of holding companies. It is now impossible and unwise to allocate any definite percentage of current as between public and private agencies. We can only say that public agencies must have preferential service at wholesale rates. Industries must be encouraged to establish plants throughout the territory reached by Government lines. The Pacific Northwest looks to Congress for the great privilege of developing its section of the country, with the cooperation and powerful backing of the Federal Government. Our first need is for a satisfactory law under which may be determined the methods of administration and operation under which the benefits of Bonneville Dam may be realized and enjoyed. Certainly we shall agree that our water powers must be used for the service of all instead of the profit of the few.

Mr. UMSTEAD. Mr. Chairman, I should like to ask the gentleman from Iowa [Mr. BIERMANN] if he now desires 15 minutes?

Mr. BIERMANN. I do not like to impose on the Members if they want to adjourn.

Mr. UMSTEAD. Mr. Chairman, I yield 15 minutes to the gentleman from Iowa [Mr. BIERMANN].

Mr. BIERMANN. Mr. Chairman, since the World War, with the exception of 1 or 2 years, the United States has spent more money each year on its Navy than any other nation on earth. During those 1 or 2 years England spent

a little more than we. I assume that every Member of this House is reasonably patriotic. I assume that everyone wants to keep any invading force off our shores. I think all of us want "adequate" preparedness. The question is, What is "adequate" preparedness? At the present time I think this Congress is infected with some kind of mental affliction, with all due respect, that compels them to vote for any kind of appropriation that the Army or Navy asks for, and without asking the reason. It would be logical to ask in the case of voting a half-billion-dollar appropriation for preparedness, "Against whom are we preparing?" Nobody has attempted to answer that question here. Nobody has answered that question since I have been in this House. Are we preparing against England? Of course not. A revival of the War between the States is just as likely as a war between the United States and Great Britain. Are we preparing for a war with Germany? Where would we fight that war? They certainly could not come over here. Are we preparing for war with France? They could not come over here. Are we preparing for war with Japan? Certainly Japan, with half our population and probably 25 percent our financial strength, could not go 5,200 miles to San Francisco or 4,500 to Seattle to invade us. But for 35 years that I know of, jingo people like William Randolph Hearst—I think I would better not describe what I think of him or of his newspapers—have been poisoning the people of this country that we are in danger of war with Japan. Japan thinks she is in danger of war with us. I think Japan has just as good reason for her belief as we have for the belief that prevails here.

I noticed this little clipping in a Washington paper yesterday:

> Scientific methods of warfare are being strenuously studied in Japan, it was disclosed in the Diet. Fear of the United States was given as the reason for the new program.

It is appalling when we consider the amount of these appropriations. I want to compliment the committee for somewhat cutting down this appropriation below the Budget estimate. For the fiscal year ending June 30, 1936, the Departments of Agriculture, of Commerce, of the Interior, which included the Boulder Canyon, of Justice, of Labor, of State, and of the Treasury, all seven combined, cost the people of the United States $426,000,000. That is for the year ending June 30, 1936. Tomorrow we will be asked to vote an appropriation for the Navy alone of $526,000,000 or $100,000,000 more than it cost to operate those seven departments in the fiscal year 1936.

Up to the year 1904 the entire running expenses of the Government of the United States in no peacetime year had equaled what we are asked now to vote for the Navy alone. And they do not tell us against whom we are preparing, and they do not tell us what nation may invade us.

I have put out the challenge here many times, and I put it out here again, that none of the proponents of this bill can get any statement from any Army officer, whether he be second lieutenant or full general, or a statement from any Navy officer, whether he be ensign or full admiral, saying that it is possible for any foreign power or any combination of foreign powers to invade this country. The officers will not so stultify themselves as to make such a statement. I leave this as a challenge, a standing challenge. When we consider the military appropriation bill I want this challenge to stand then. I especially invite the proponents of this bill to give us the name of any Army officer or any Navy officer who will say that this Nation could be invaded.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. BIERMANN. I am sorry to decline to yield but time does not permit.

I want to quote from an article by Maj. Gen. Smedley D. Butler in the Liberty Magazine of November 21, 1936:

> Any nation choosing to war upon us would have to come a minimum of 3,000 miles by water. No military man, no matter how reckless, ever would contemplate invading a nation of 130,000,000 people with less than 1,000,000 soldiers. Mussolini did not begin his war on Ethiopia—a nation of only 10,000,000 people, a nation virtually defenseless—until he had 400,000 soldiers in Africa.
>
> And this minimum of 1,000,000 men, to be at all effective, would have to be transported in one great armada; would have to be landed safely on our shores, with a goodly percentage of their stores, within a period of about a week or 10 days and along a comparatively short stretch of about 100 miles.
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> • • • • • • •
>
> A million men, prepared for 3 months of living and fighting overseas, would require 5,000,000 tons of food, ammunition, and supplies of all sorts.
>
> There is hardly enough shipping in the entire world, including the United States, to transport 1,000,000 men and the necessary stores across 3,000 miles of ocean in a period of 10 days.
>
> • • • • • • •
>
> As a matter of fact, all the maritime nations of the world together have only about 160 ships of 15,000 tons or more each, with a total tonnage of less than 3,500,000. If all these ships—and they include 20 of our own—could be mobilized, they would not be sufficient to carry the required men in one crossing from Europe or Asia to the United States.

We do not have to take the word of Gen. Smedley D. Butler about transporting troops. We have our own experience. We ourselves engaged in a war 20 years ago beginning the 6th of next month, and we had the Navies of Great Britain, the United States, France, and Italy to help transport our troops. We sailed across an ocean that did not have a single enemy craft above the surface of the water, and we had no opposition until we got close to the other shore. How many men did we transport from May 1917 until the armistice in November of 1918? We transported 2,100,833 troops across the ocean with the combined four navies I have just mentioned.

Gen. Smedley Butler contends that a nation to have any chance of successfully invading our shores would have to transport 1,000,000 men over here in about 10 days. The most we ever transported to Europe in a month was 312,000 men. That was in July 1918. Even though we had these big navies to protect and help us, and even though we were unobstructed in our passage, we would have to pick out the 4 biggest months in order to find a group of 4 months in which time we transported over the seas as many as 1,000,000 men.

This talk of the United States being invaded by any foreign power or combination of foreign powers is just sheer bunk; that is what it is; and I defy anybody supporting the contrary proposition to come in here and prove that that is not so. I defy them to get the statement of any Army or Navy officer saying that this Government can be invaded in any way on either shore.

This thing would amuse me if it were not so serious. The fact is there are men here who objected yesterday to granting an authorization for $5,500,000 to give the star-route carriers of the United States reasonable salaries; but these same men when a bill of this size comes along, without being able to offer a single argument for it, yet will vote for it on tomorrow afternoon.

When we passed the Vinson-Trammell bill, we authorized, among other things, the beginning of the construction of two battleships, to cost $51,000,000 apiece—and I might explain that the flotilla which has to accompany each one of these battleships, according to Major General Mitchell, I believe, costs another $50,000,000. So, a couple of years ago the estimate for one of these outfits was $100,000,000. We authorized the expenditure of $51,000,000 on each of these ships. Now, if you will turn to page 571 of the hearings on this bill, you will find these items: "Battleships, *BB–55* and *BB–56*." These are the two ships in question. The total amount necessary to build these two ships and their armor, armament, and ammunition is $120,346,000—sixty-million-dollars-and-some-odd money for each one of these ships which were authorized a year ago at $51,000,000.

Sometimes it is of advantage to compare some of these expenditures with other expenditures that are of more value.

The new buildings in the triangle between Pennsylvania and Constitution Avenues, beginning with the Department of Commerce Building and concluding with the Archives Building, cost the Government of the United States $65,000,000. Just think of it, $65,000,000 for all those magnificent new buildings. The Treasury Building cost $8,000,000. The Capitol of the United States cost about $15,000,000,

according to David Lynn, the Architect. The Library cost $9,000,000. The State, War, and Navy Building cost $10,000,000. In other words, all these buildings I have mentioned—and they are the pride of our National Capital—cost $107,000,000. The cost of these two ships, if the cost does not increase in the next year, will be $120,000,000. All of this money is being given to the Navy Department without anyone attempting to come here and tell us against what nation we are preparing, or what nation or combination of foreign nations could possibly stand a Chinaman's chance of successfully invading this country.

Mr. Chairman, I earnestly hope the Members of the House who honestly want to economize, who want to cut the expenditures of our Government, and God knows we should cut them, will take the opportunity tomorrow to vote down this bill.

Mr. HILL of Oklahoma. Will the gentleman yield?

Mr. BIERMANN. I yield to the gentleman from Oklahoma.

Mr. HILL of Oklahoma. The gentleman stated the Members of the House would largely vote for this measure just because it has been recommended by the committee.

Mr. BIERMANN. Yes.

Mr. HILL of Oklahoma. It is a pleasure to me to announce to the gentleman that here is one Member who will not vote for it, even on this side of the House. If this bill were taken apart and disemboweled so that we could vote for certain sections of it, I might support some of the bill, but I cannot support all of the bill and cannot vote for it.

Mr. BIERMANN. I thank and commend the gentleman.

[Here the gavel fell.]

Mr. DITTER. I yield 10 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Chairman, there has been in the last few years a very considerable discussion of the reciprocal-trade agreements and the benefits resulting therefrom to different industries. May I call attention to the hearings held in reference to this bill, beginning at page 889? There appeared before the committee a distinguished Representative on the majority side of the House, the gentleman from Arkansas [Mr. MILLER]. He told the committee that last year we produced in America 28,428 tons of manganese as against 315,000 tons in 1918. The requirements of the United States for this strategic war material are 700,000 tons a year. Just so the industry might have a little harder sledding and so that our Government might be in a little worse shape if we were in trouble and needed manganese, and could not import it any longer, a reciprocal-trade agreement was made with Brazil a little over a year ago in which the tariff was reduced from 1 cent to one-half cent a pound. This results in a difference of only a few cents a ton in the cost of steel, but it makes an insuperable difference in the cost of manganese and the ability of the American producer to produce it.

Mr. Chairman, may I call the Committee's attention to a colloquy between the gentleman from Arkansas [Mr. MILLER] and the chairman of the committee:

Mr. UMSTEAD. You make the point there that if it continues as it is that the producers and manufacturers will necessarily have to go out of business?

Mr. MILLER. Yes, sir; they are going out of business.

Mr. UMSTEAD. And when and if the Government does need this material they will have to start from scratch again?

Mr. MILLER. They will have to start from scratch; and then we will be forced to subsidize them.

Mr. UMSTEAD. Without any going manufacturing concerns or mining concerns engaged in it, the cost to the Government at that time would be tremendous?

May I call attention to a further colloquy between the gentleman from Arkansas and the gentleman from Pennsylvania [Mr. DITTER]?—

Mr. DITTER. Mr. MILLER, since when has this disastrous condition, this trouble that you so graphically painted a moment ago, developed?

Mr. MILLER. Since when?

Mr. DITTER. Yes; since when has that condition developed?

Mr. MILLER. Since 1929; particularly since 1929.

Mr. DITTER. Has it been emphasized in any way since the adoption of reciprocal-trade agreements?

Mr. MILLER. Decidedly so.

Mr. UMSTEAD. Then, I take it, that insofar as this particular industry in your State is concerned, that you feel these reciprocal-trade agreements have been detrimental rather than helpful?

Mr. MILLER. That one has.

Mr. DITTER. Has it resulted in a decrease of employment in your district?

Mr. MILLER. Decidedly in that industry.

Mr. DITTER. In that industry?

Mr. MILLER. Yes, sir.

Mr. DITTER. Have you presented this claim of injustice, insofar as your people are concerned, to Professor Sayre?

Mr. MILLER. Yes, sir.

Mr. DITTER. Has he indicated any sympathetic attitude toward them?

Mr. MILLER. Oh, yes; but he had to take care of our cotton and other stuff, he said.

Mr. DITTER. So that, as far as any tangible results are concerned, neither Professor Sayre nor Secretary Hull has given you any relief?

Mr. MILLER. No, sir.

Mr. Chairman, that is the situation in which many of the industries of this country and those in the farming area of our country find themselves due to the operations of the Reciprocal Tariff Act. I hope that, with these items continually being brought to the attention of the Members of Congress, the time will soon arrive when they will wake up to what is being done to them through the operation of these reciprocal tariff acts and that they will stop this delegation of power which is ruining American agriculture and American industry.

I remember a few days ago having an interview with a gentleman in the office of the Secretary of State and telling him that ever since he began his operations not one industry and not one item of agriculture in my territory had been benefited but, on the contrary, had got the worst of it all the way down the line. The situation is, for the sake of promoting the prosperity of foreign people, our industries and our agriculture have been traded away. Is it not time for the American people to wake up to that situation and put a stop to this way of doing business? [Applause.]

Mr. BIERMANN. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Iowa.

Mr. BIERMANN. The gentleman's theory of international trading is that we sell to foreign countries all we can, but take back only cash and nothing else?

Mr. TABER. Oh, no.

Mr. BIERMANN. That is the rock-bound Republican theory.

Mr. TABER. No; it is not. Our theory is we should not cut the heart out of American farming and American industry.

Mr. HOOK. Mr. Chairman, will the gentleman yield there?

Mr. TABER. Yes.

Mr. HOOK. Does not the gentleman know that one of the largest industries in this country, the automobile industry, is located largely in the State of Michigan, and does not the gentleman also know that the automobile industry through its leaders went to the Republican National Convention and asked that convention to advocate reciprocal-trade agreements because they had been the salvation of the industry?

Mr. TABER. I know that did not happen, because I was on the resolutions committee at that convention and they did not appear before the committee. [Applause.]

Mr. HOOK. They certainly wrote letters to their leaders about it.

[Here the gavel fell.]

Mr. UMSTEAD. Mr. Chairman, I yield such time as he may desire to the gentleman from Indiana [Mr. LUDLOW].

Mr. LUDLOW. Mr. Chairman, I rise today to submit some general observations on the need of governmental economy that have occurred to me during my service on the Appropriations Committee, and specifically to call attention to a very praiseworthy move in that direction by the Joint Committee on Printing, of which the able gentleman from North Carolina, Hon. J. WALTER LAMBETH, is chairman.

Sometimes I wonder, from the experience of the last 20 or 25 years, whether economy has become a lost virtue.

For 100 years economy was the watchword of our statesmen. For 100 years "We stand for economy in government" was a full, resounding phrase that was featured and exploited in every platform of every political party—National, State, and local—as the greatest of all desiderata. Political action in the days of our fathers lost all of its virtue and its beneficent essence unless it was associated with economy. A candidate for office, unless he pledged himself in advance for economy, was beaten before he started. And then, Mr. Chairman, a change came over the spirit of our dreams. The inception of that change is difficult to trace, but it began after the turn of the century. By the beginning of the present decade public servants were thinking in terms of spending rather than saving. A Member of Congress was judged not by the amount of money he could save the taxpayers but by the amount of money he could extract from the Treasury till for the benefit of his district.

Unfortunately that judgment and that appraisal still stand in the mysterious processes of public thinking, only more accentuated than ever. It is the go-getter—the best grabber—and not the money saver who garners popular applause. Sometimes I marvel over the modern psychology which seems to say, "Economy go hang! The way to bring about prosperity is to spend money, and we want our share."

That kind of thinking reminds me of a man I once worked for, who undertook to build a handsome, new office structure to house his business when he did not have money enough to pay the architect's fee. He was a man of great brilliancy of mind, but he lacked the practical touch. He borrowed and borrowed until he was head over heels in debt at every bank in town. Finally a friend, remonstrating with him, said, "You shouldn't borrow so much money from the banks."

"Why," he replied in astonishment, "I thought that is what banks are for."

It seems to me that the myriads of interests that are engaged these days in pulling money out of the United States Treasury must be guided by the same benign philosophy that actuated my old employer. If you were to press them for an explanation, they probably would exclaim:

"Why, I thought that is what the Treasury is for."

Such is the modern psychology. It is a far cry back to the days of rugged honesty and simplicity, when the main objective of our fathers and mothers, which they never lost sight of in all their lives of toil and self-denial, was freedom from debt and the satisfaction that comes from owing no one. I am no apologist for the "horse and buggy" era, but I cannot agree that we of our time, struggling with a welter of debt, obligations, and taxes, are any happier than they were in their day and generation. Our forefathers stood for public and private economy with a capital "E" and for the discharge of their responsibilities according to the strict letter. My good father would have walked 10 miles to pay a debt of 10 cents when it was due if there was no other way to get there. That was the pioneer spirit.

We on the Appropriations Committee, who sit in judgment on the claims of the governmental activities for appropriations, have to meet the spending campaign head-on. We see the grabbing orgy in its fullest flower and fruition. I think we would fall dead from surprise if some departmental or bureau chief were to come before us and voluntarily offer to accept a reduction in his appropriation below the current year. Such a thing never occurs. Perhaps it is not human nature that it should occur. Every bureau chief who has pride in his work thinks his activity is the most worth-while activity in the entire range of the Government, and he comes before us bubbling over with enthusiasm and eagerness to secure a larger appropriation in order to expand its operations.

I sometimes think that we members of the Appropriations Committee have the toughest job in the world. If we were to grant all of the requests submitted to us, we would please everybody, but there would not be even a bottom left in the United States Treasury; whereas when we remember the taxpayers and do what we conceive to be our duty to them, we tread on the toes of the bureau chiefs and unleash opposition that often finds its way into Congress to checkmate and discredit our efforts.

An Appropriations Committee member finds no other task quite so difficult these days as the task of trying to be economical. And yet I, for one, believe that unpopular though we may, and do, make ourselves, we are performing a real public service when we hew to the line of economy. Nothing else would be so heartening to the business world, nothing else so stimulating to real recovery and to the restoration of normal jobs in industry as the knowledge that we are making an actual start in the direction of a balanced Budget.

While I am talking about the need for economy I cannot refrain from expressing my amazement over some of the publications issued by certain Government activities, publications that have all of the features of sales propaganda, with enormous type to catch the eye, florid illustrations, and appealing arguments to arouse the interest of the readers. These publications are as hard on the pocketbooks of the taxpayers as they are interesting and novel. There is, for instance, the First Annual Report of the Resettlement Administration which I will put up against any other Government report in the history of America from the standpoint of originality, with full confidence that my entry will win.

The front and rear backs of this document are medleys in color, showing attractive homesteads, happy farmers holding Government grants in their hands, cackling hens, and contented cows grazing placidly. In one respect the illustrations indicate a slight variation from Nature, as all of the cows are a brilliant red. The report contains 173 pages printed on highly calendered paper and illustrated copiously.

I asked the Public Printer how many copies of this report were printed, the total cost, and what they would have cost without the artistic features, and he replied:

> Total number printed for the Resettlement Administration was 3,100 copies. In addition there were printed 384 copies for depository libraries and international exchanges, as provided by law, and 300 copies for the Superintendent of Documents for sale.
>
> Total cost of all copies printed, $4,051.25.
>
> The cost without illustrations and embellishments would have been $3,108.86.

Another document of extraordinary character, also highly embellished, is the one entitled "Possibilities of Shelterbelt Planting in the Plains Region." This is an artistic report, on a superquality of paper with many illustrations, and in reply to an inquiry as to its cost the Public Printer says:

> I am pleased to advise that there was a total of 5,000 copies printed for the Emergency Conservation Work (Forest Service) and the total cost was $4,011.64.

Here we have two reports not in the ordinary style of plain printing that usually characterizes Government reports but decorated and embellished in the *n*th degree and the cost of the two was $8,062.89—the price of a good Indiana farm.

These may be little things compared with the vast sweep of governmental expenditures, but they are important because they are symptomatic of a prevailing predilection among many bureau chiefs to overlook the economies that should be our concern at this time when we are trying with terrible seriousness to stage a comeback from the worst depression our country ever has known.

I am not disposed to be too critical of officials who allow their zeal to lead them to such lengths in their efforts to do a good job, as they see it; but I do say that such unwarranted expenditures should immediately cease. These are just samples of extravagant practices that have grown up in many of the bureaus, every one of which should be eradicated as soon as possible.

The Joint Committee on Printing, of which our distinguished friend, Mr. LAMBETH, is chairman, has taken steps to curb this extraordinary publicity practice. With Mr. LAMBETH on that committee is Mr. RICH, of Pennsylvania, author of the pertinent phrase, "Where are you going to get the money?"—one of the real economists in Congress. Mr. BARRY, of New York, is the other House member. The Senate wing of the joint committee includes Senator HAYDEN, of Arizona; Senator WALSH, of Massachusetts; and Senator VANDENBERG, of Michigan.

At its last meeting on February 3 the Joint Committee on Printing, having the ornate Resettlement report in mind, adopted a rule directing the Public Printer whenever a manuscript is presented for printing that involves more than $500 additional expense for color printing and embellishments to submit the manuscript to the joint committee for its approval or disapproval before proceeding with the printing. This rule applies to all manuscripts submitted to the Government Printing Office from whatever source they may come. This is a move in the direction of real economy, and I congratulate the gentleman from North Carolina and his associates on their solicitude for that too often forgotten man—the humble taxpayer.

Mr. UMSTEAD. Mr. Chairman, I yield 15 minutes to the gentleman from Nebraska [Mr. BINDERUP.]

Mr. BINDERUP. Mr. Chairman, I am so very conscious of the magnitude of the subject I wish to discuss briefly this afternoon that I hesitated somewhat to take this time, realizing that my efforts, limited by so short a time, can hardly cause the slightest ripple on the waters of the great sea of public opinion. I realize the fact, Mr. Chairman, that to undertake to relate the history of our Uncle Sam and go back to the date of his birth, over 150 years ago, and to try to say anything that is worth while in 10 or 15 minutes is almost impossible. And yet, spurred on by the realization of the importance of the subject, I have taken these 15 minutes and I am thankful to you for this privilege.

In speaking to you once more about Uncle Sam's hospital chart I wish to say this: This is not just a little chart that was drawn up in a few minutes; this chart is not the result of a momentary impulse, but rather the result of years of study, based on Uncle Sam's history of depressions, the cause and history of those responsible and the principles involved, and every word and every comma and period on that chart is a cue to some historical event or to some statistics of importance in connection with collapses of Uncle Sam.

If in retrospect you could see with me the anxiety, the chills and the fever and the collapses of our Uncle Sam in each one of these 26 depressions, panics, and collapses; if I might hold up before you a magic mirror that you might see the past as I shall endeavor from time to time to show it to you; if you could realize the misery and want, the starvation and the deprivation, the tears and sorrows and suffering, the suicides, the murders, the destruction of the great institutions of civilization that have been wrecked in these collapses—all man-made—I know there would come a response in action as well as in words. I know we will not have time to study this chart, so I am setting it up before you that you may get a flash picture in your mind of the wavering health of our Uncle Sam, described by the red lines on the chart. And then in my few brief minutes I will tell you a little of the reason why these man-made panics came upon our Nation.

When was the germ created that caused our great Nation to collapse 26 times in its short history? That germ was created when the people were deprived of their constitutional right and privilege of coining and regulating their own money—money that is the sacred measurement; money that measures the sweat of the brow of man. It was born in that historic moment when Alexander Hamilton and Thomas Jefferson discussed that very important plank of the Constitution of the United States which provided that the people shall coin their own money and regulate the value—value that is determined by the abundance of money, as money measures values by and according to its own abundance.

And when Thomas Jefferson, the great champion of the people's cause, had lost in this great battle with Alexander Hamilton over the establishing of the United States Bank—a private bank—he said later in life that this was his greatest battle, and that it was the greatest loss politically he had endured in his life. And when his friends came to him to console him, Thomas Jefferson answered, as you will recall:

> I grieve not for myself, for I shall have died long before this piece of evil legislation bears its fruits; but I weep for posterity; I weep for the Nation I love.

Sometimes, when I have weighed these words of Thomas Jefferson, I have thought to myself: "O Thomas Jefferson, you great statesman, you who could peer beyond the wall of unborn time, you said you grieved for posterity and you wept for the Nation you loved. Tell me, O Spirit of Thomas Jefferson, when you said you grieved for posterity, could you see in that picture of the future our great people in distress, with millions cold and hungry, in a land of unlimited resources and unlimited credit? When you said you grieved for the Nation you loved, tell me, was it our great Nation of today you could see torn by strife, by threatened radicalism, communism, and decay? For today it is we that grieve for our own and for posterity."

Yes, we, too, grieve for the Nation we love, especially when we realize that the last collapse our Nation is suffering has lasted 17 years, started in 1920, and was amplified and its effect multiplied in 1929. It is then we realize the seriousness of our situation and the truth of what Thomas Jefferson said when he stated that he wept for the Nation he loved. Mr. Chairman, in these 15 minutes, no matter how high I might hold the torch of reason, no matter how bright the rays from that beacon light may be, how little, after all, I could tell you about these collapses of Uncle Sam. So let me skip the '24 and come down to the panic of 1920, at least for the present, because I can explain the situation in 1920 quite easily, because you Members of Congress lived it and you endured it. You breathed the air of 1920, and today you are still experiencing the results of the panic of 1920.

Yes, my friends, today, at the dawning of a new prosperity, we are busy sweeping aside the ashes of the past, and on this miserable foundation we are striving to again build up a new prosperity, a prosperity that will live for just a few years only, for the reason that we have not solved the cause. We have not removed the germ of destruction, and in another few years our Uncle Sam will have another collapse. And remember what I told you in my last week's talk: Every collapse is more severe than the preceding one. How did it happen that this great Nation of ours fell from the highest plane of prosperity, with the happiest people, when we were building the great institutions of civilization higher and higher, up into the unfathomable heights of human advancement? When Winston Churchill stood in the halls of England and pointed to this great Nation, he said, in substance, this:

> Behold a nation that has achieved the greatest success in government, when labor practically consumes the products of its own hands.

Was not this a wonderful statement? Yes, Mr. Chairman; when labor consumes the products of its own hands, that is distribution, that is government, that is consuming power, that is purchasing power; that is the motive, that is the spirit that turns the wheels of industry; that is the thing that determines when a nation is a great nation and when a government is a great government.

Then another great statesman followed Churchill, some time afterward, in England and said:

> Rome in all its glory and its golden age was not as great as was the United States in 1920, or until the 18th day of May 1920, at 12 o'clock.

That is when the panic of 1920 started; and may I say that I challenge anyone to deny the statement that this panic started at 12 o'clock on the 18th day of May 1920. Oh, no; not in this building; not in this room. It was merely in this room that the Representatives of the people forgot. It was here that we forgot that the cost of liberty is eternal vigilance, and that the only reason we are here, and the reason government was instituted among men, is just for one purpose—for the protection of the worthy weak against the greedy strong. It was here that Congress was in session and, busy with other minor matters, forgot to guard the toiling masses against the enemies of humanity: human greed, predatory wealth, and the pirates of finance. But it was not here that the crime was committed.

It was committed in the city of Washington, next to the White House, in the Treasury Building. There was a meet-

ing down there; it was a secret meeting. It was held in the office of W. P. J. Harding, Governor of the Federal Reserve Board of the Federal Reserve banks. There were about 50 bankers assembled, representing the combined fortune of billions of dollars. These 50 bankers assembled there for a certain purpose, and so definite are the facts connected with this meeting that we know definitely now that this panic, under which we are still suffering, started then and there at about 12 o'clock noon on the 18th day of May 1920, in that room, by those men, except that among these men were Mr. John Skelton Williams, a friend of the people, and the Secretary of the Treasury, Mr. David F. Huston. This combination of bankers, these wizards of finance, representing the hounds of money monopoly, these vultures of greed for money, these, my friends, are the enemies of our Nation, speaking of them as a class. They had assembled down there by invitation of Mr. Harding, Governor of the Federal Reserve Board, of the Federal Reserve Advisory Council, and 34 of the 36 class A directors, together with a majority of the reactionary members of the Federal Reserve Board, were present. Class A directors, representing the Government, and class B directors, representing business, were not there. It was a secret meeting. I have oftentimes wondered why, because the Republican Party had been so honest with us. They said to us before the election of Mr. Harding in 1920, and I quote from the Republican platform exactly what they said:

> We pledge ourselves to a courageous defiation of credit and currency.

And then President Harding said, and I clipped this from one of his speeches:

> If I am elected President, I pledge myself to use my efforts to give back to the dollar its purchasing power.

Mr. MARTIN of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BINDERUP. In a minute. They assembled down there for a certain premeditated purpose. From the Pacific coast and from Canada and the Gulf of Mexico they had come. It was not to wreck our Nation, it was to enrich themselves, and by so doing they did wreck our Nation; they had assembled because we had had a great war, and in this war we had inflated and inflated because we had a foolish, incompetent monetary banking system and we had voted billions of dollars worth of bonds, and we had a banking and currency plan in these United States where the banks could deposit these bonds back in the Treasury of the United States and the Government would issue currency dollar for dollar on every cent of the bond and give this currency back to the banks and allow the banks to continue to draw their interest besides.

And so we inflated and inflated. Besides that, because the banks had only to keep a reserve of 2½ and 7 percent, they had a right to lend every dollar 10 and 15 times and more and still draw their interest on every dollar, whether it existed or not. So with such a system of inflation in 1920 we raised the price levels on the gold standard. We were on the gold standard pure and simple, absolutely 100 percent monometallism, and with this gold standard we raised the price level to a point of inflation that the Nation had never seen before. They have told us about the safety of measuring values by the gold standard, the most treacherous standard you could possibly inaugurate. It had an index of purchasing power in 1913 of 145 and robbed the debtors, and then fell to 60 in May 1920, and robbed the creditors; then again defrauded debtors by raising to 107 in 1921 and 167 in 1933; that robbed the farmer of his farm and the laboring man of his home. And so they had a meeting down there because we had inflated all of these values.

But there was one thing that did not raise in price; there was one thing an abundance of money could not raise in price. Interest did not raise in proportion to commodities. Interest was black on white, written with pen and ink on paper. These bankers had billions of dollars of the people's obligations, Government bonds, State bonds, and private notes and mortgages, all long-time paper, running for 20 or 40 years. And as prices of commodities rose, interest stayed there as it was, black on white. They could not change the figures on their obligations without going to jail, but they knew another way, because they had read Adam Smith, the father of political economy, and he had told them how they could raise the purchasing power of interest without raising the figures on bonds and notes and mortgages held against the people.

Mr. MARTIN of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BINDERUP. I would like to finish. I have only 15 precious minutes.

Mr. MARTIN of Massachusetts. I want to ask the gentleman one brief question.

Mr. BINDERUP. And what is that?

Mr. MARTIN of Massachusetts. This secret meeting the gentleman is talking about was held during the administration of Mr. Wilson, was it not?

Mr. BINDERUP. No; it was held after his administration. It was on the 18th day of May 1920.

Mr. MARTIN of Massachusetts. That was during the administration of Mr. Wilson.

Mr. BINDERUP. Was it or was it not?

Mr. MARTIN of Massachusetts. Yes.

Mr. BINDERUP. Regardless of all that, the meeting was held May 18, 1920. I am sorry to be diverted from my chain of thought, but I want to stop to answer the gentleman and to say that this is not a political issue at the present time and was not a political issue then.

Mr. MARTIN of Massachusetts. I am not trying to bring out the fact that it is a political issue. I merely wanted to bring out the fact that that meeting occurred during the Wilson administration.

Mr. BINDERUP. I understand, but even when you bring out such a fact and say it is not political, I know what the gentleman means, and I know and we understand that it is for a political purpose.

So we raised the price level higher and higher and they knew, these wizards of finance, as I say, because they had read political economy and they had experimented on Uncle Sam many times before, they knew how to make that interest buy more labor and the products of labor. They knew they had to crush the price level down, that had been crushed down 24 times before in our Nation, and they knew that other nations had taken money out of circulation and lowered prices and increased the purchasing power of money. They knew and understood that money measures values by its own abundance.

The CHAIRMAN. The time of the gentleman from Nebraska has expired.

Mr. UMSTEAD. Mr. Chairman, I yield the gentleman 3 minutes more.

Mr. BINDERUP. If I have 5 minutes more, I think I can finish.

Mr. UMSTEAD. I cannot resist the gentleman. I yield him 5 minutes more.

Mr. BINDERUP. They knew they had to contract the volume of money and credit and bring prices down to increase the purchasing power of interest. All they had to do was to take money out of circulation; and so those 50 wizards of finance that met up there at that particular time followed the suggestion of John Perrin, who was Chairman of the Board and Federal Reserve agent of the Federal Reserve Bank of San Francisco. He suggested that they immediately take out of circulation $2,000,000,000 of Federal Reserve currency, restricting loans and contracting credit by burning up or destroying or locking up this amount of Federal Reserve currency. They knew what they were doing. They talked at length about taking $2,000,000,000 out of circulation; $2,000,000,000 of basic Federal Reserve currency out of circulation by contracting loans and refusing to make new loans. I want to tell you a bit more about that meeting. I happen to have the minutes of that meeting in my possession, and in the CONGRESSIONAL RECORD of May 1932 I read where in this Congress you incorporated the speech of John Simpson, who related what had happened in this meeting, as related by John Skelton Williams, so this is familiar to many of you. When John Perrin, the big banker of San Francisco, suggested taking $2,000,000,000 out of circulation, it was John Skelton

Williams, the humane Comptroller of the Currency and a devoted friend to the people, appointed by Woodrow Wilson, who rose and said:

Why, gentlemen, you cannot take $2,000,000,000 out of circulation; that is 25 percent of the wheels of commerce. That is one-fourth of the lifeblood in the veins and arteries of trade and commerce in Uncle Sam's system; you cannot take that out without a great crash. You will thereby collapse our great Nation. Do you not realize that our financial system, the banking system of our Nation, is builded on a strange precarious foundation, like a mist, a cloud, a shadow, a vision, a strange mystic intangible foundation called "confidence"? Just a little spark that exists only in the brain of man. Can you not realize that if you give such a shock to our financial system you will snuff out that little spark of confidence and the whole financial system of the United States will collapse?

They answered John Skelton Williams and said, in substance, this: "We have too many small banks, anyway. What we need is a large chain banking system." Again they discussed the situation of taking the people's money away from them, and once more John Skelton Williams arose and said:

Do you not realize that the farmers and laboring people of this great Nation have all got mortgages on their farms and homes? Can you not see that by creating a scarcity of money you will increase mortgages, measured in human effort, and wipe out all equities, and that the farmers and the laboring people will wake up some morning and find the only thing they have left is the mortgage on their homes? Their equities will have been wiped out—disappeared like the dew before a summer sun. Do you not realize that the merchant who buys goods and puts them on the shelf has bought them on a certain price level? You cannot crush this price level down any more than you could crowd yourself into a suit of clothes that you wore when you were 10 years old. You cannot crowd the price level down. You bought your goods, your homes, and your farms, and made your future contracts on a certain price level. When you crowd that price level down you create misery and want and starvation and deprivation and bread lines and soup kitchens; you invite war and pestilence, suicides, and crime. You crush Uncle Sam, and in this way will destroy his life, and he will follow in the same path as nations of the past that lived once but are no more, covered by the dust of time and forgotten but for a few yellow pages in history.

Every nation that ever was or ever will be can be destroyed if you crush down a price level, thereby creating extreme poverty, making the rich richer and the poor poorer, dividing a people, whereby one class dies of lust and luxury, idleness, and overindulgence, and the other class dies of misery and want, poverty, and starvation, and a nation with a people divided will fall. To crush down the price level without the results I have told you is as impossible as putting a chicken back in the shell 2 weeks after it has been hatched.

When John Skelton Williams pleaded to the wizards of finance for the farmer and the laboring man, warning them that these would lose their farms and homes, they answered him and said, in substance, this: "Well, the farmers and the laboring people have made a lot of money during and after the war. They will stand it all right." They knew and understood this would mean a crash. If you doubt this, listen to the words of Governor Harding, who presided at this meeting:

There are two remedies that suggest themselves; first, a reduction in the volume of credit, credit contraction—meaning taking money out of circulation. That is a drastic remedy; it is unpleasant medicine. The other method is to build up production—meaning to let the farmer overproduce and the laboring man create enough commodities to bring the price down so that interest could buy more farm products and products of labor.

And they selected the former method, taking the people's money out of circulation.

And so, my friends, it took these few mighty bankers who held in their own hands the magic wand of money power, some 50 of them, although a few of them did object and remonstrated against this drastic procedure, less than 2 hours to destroy the prosperity and happiness of a great Nation and of a great people, and it has now taken us over 17 years, costing billions of dollars and costing thousands of lives and immeasurable sorrow and suffering to our people, to try to overcome this crime committed by predatory plundering combinations of money monopoly. It has filled our prisons and poorhouses, hospitals, and cemeteries. And so a mighty nation crashed from the highest plains of prosperity, and a happy people, who were building the great institutions of civilization higher and higher by leaps and bounds, into the unfathomable heights of human advancement, were reduced to misery and want.

Sophocles, the Greek philosopher, was right when he wrote:

No power for good or ill can equal the power of money. This lays cities low. This drives man forth from a quiet dwelling place.

Yes, my friends; while at the same time it builds on yonder heights castles to the rich, in the vale it builds a church or a cathedral to a God whose judgment is feared, or in some conspicuous place it builds a library or museum or some great monument to satisfy the vanity of man, that suffering humanity might forget.

Mr. PLUMLEY. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan [Mr. CRAWFORD].

Mr. CRAWFORD. Mr. Chairman, I shall not use the 10 minutes.

In looking through the hearings on this bill I find myself in a researching mood with reference to the reciprocal-trade agreements, the neutrality bill, and our policy of defense and offense. The research brings me to this little statement which I find in the March 2 issue of the Washington Times:

JAPANESE DIET TALKS OF UNITED STATES "ATTACK"

TOKYO, March 2.—Possibility of an American naval and air attack upon Japan was discussed by the Japanese Diet today when the naval budget for 1937–38 was submitted.

In answer to interpellations, Navy Minister Mitsumasa Yonai told the Diet that by 1940, when the present Japanese building program is complete, the island empire "may feel itself secure against American attack."

During the discussions the public and press at one time were barred from the chamber, but enough of the debate was open to make it clear that the Navy is demanding huge appropriations chiefly because of the "danger" of an American attack.

In the course of the conversations Yonai emphasized that Japan will not alter her present naval construction to match the new $7,500,000,000 program of Great Britain, or any new construction undertaken by the United States. He gave the impression he regards the present Japanese program as ample.

Several deputies asked the Navy Minister bluntly whether the present armament programs of Japan and other nations were aimed at the future wars. He replied:

"Our present expenditures will be for war materials to the extent of 79 percent."

Yonai conjured up an interesting if imaginative picture of American aggression in the Far East. He commented:

"Suppose that the United States sent airplanes to Japan via the Kurile Islands, Hawaii, and the South Seas? In that event, Japan would certainly be menaced."

The Minister also takes the position that he will not fear any attack by the United States after the Japanese program has been completed up to 1940. Mr. Chairman, the United States Pacific is a great vast waste. From our Pacific, or California shore, to Hawaii is approximately 2,200 miles with nothing but water in between. Between Hawaii and the Philippine Islands we have very little territory that could possibly produce any revenue whatsoever for the United States or serve as a basis of any kind of defense whatsoever. We are, however, building stepping stones from our Pacific coast to the Philippine Islands through the establishment of air service. Those stepping stones run east and west. Another country is building stepping stones running north and south from Kamchatski's Arctic shores to the Equator, and in establishing their lines of commerce and air defense and air entrenchment they cross at about Guam the line of stepping stones built by the United States.

For approximately 8,000 miles you can travel the Japanese equatorial empire and be near Japanese soil at all times. Those islands are all rich in production of goods suitable and adaptable to the uses of mankind. I find myself dreaming about what kind of defense Japan could put up in the event those islands are fortified and, whether fortified or not, how those islands could be used for the purpose of landing aircraft. Almost any little coconut lagoon would be suitable for landing a great airplane that could do considerable damage in times of war. So then I come around to the thought: Are we building a Navy for the defense of the continental United States, including Hawaii and we will say Alaska; or are we building a Navy for the purpose of defending so-called American rights or American investments in the Philippine Islands 8,000 miles away, and wherein there is a Japanese Empire of considerable size lying directly between Hawaii and the Philippine Islands?

If we acknowledge parity with Japan insofar as naval armaments are concerned, how effective will our ships be—on a parity basis—in Asiatic or Philippine waters in competition with Japanese naval armaments? Is there any way we can defend investments or people located in the Philippine Islands as against Japan, with her surrounding territory north, east, and south of the Philippine Islands, with Japan fortified as she is now or may be on those islands?

These questions come to my mind in connection with neutrality, reciprocal trade agreements, and armament for defense or offense as the case may be. In the case of reciprocal-trade agreements, what attitude is this country to take with the Philippine Islands subsequent to the granting of independence to the Philippines? Are we to maintain military and naval reservations in the Philippine Islands? If so, does the present naval program provide for a defense of those islands and American interests there?

I had hoped that someone in the debate on this bill might discuss the Asiatic or Pacific phase of American defense or offense as related to this bill. If such discussion has taken place I have missed it. To me no naval program is complete unless it clearly sets forth to what extent defense will be maintained for interests of American people in the Pacific. It seems to me that if we are to have very much trouble from a military standpoint it may arise in the North Pacific, where such great armaments are now being concentrated by the powers of Japan, Russia, and the United States. Apparently every time we want to send some naval officer up to the Aleutian Islands to study weather conditions, Japan feels it necessary to send some officer into the South Sea Islands to study weather conditions. So it looks as though weather conditions are being studied on both sides. If we feel it necessary to establish an air base in the Aleutian Islands for the purpose of weather observation, Japan feels it necessary to establish an air base or air station for observation down in some South Pacific island in Japanese mandated territory. So while the bill is being read for amendment, Mr. Chairman, I trust that someone who is more familiar with this question of defense will place before the House concrete information with reference to what, and where, and how, and when we are to defend with this Navy which we are building.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. CRAWFORD. I yield.

Mr. MICHENER. The gentleman was over in that territory this last year and made some study of the matter. Would he, from his offhanded judgment, favor the continuation or enlargement of our defenses in the Philippine Islands or would he concentrate nearer home?

[Here the gavel fell.]

Mr. PLUMLEY. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. CRAWFORD. Mr. Chairman, my feeling at the moment is that we give to the people of the Philippine Islands just as quickly as possible their total independence and that we then immediately move out of there, lock, stock, and barrel, leaving no military or naval reservations behind. Subsequent to that step, if we deem it advisable in our reciprocal trade agreement program we may make such trade agreements with the Philippine Islands as fit into our general policy in dealing with that question and thereafter we guarantee to the Philippine Islands no military or naval defense in any way whatsoever, except through our sitting around the table and becoming a party to a neutrality agreement wherein the other powers of the earth join with us to guarantee the neutrality of the Philippine Islands and all to the extent we are no more obligated than the other great powers of the world.

Mr. HILL of Washington. Will the gentleman yield?

Mr. CRAWFORD. I yield to the gentleman from Washington.

Mr. HILL of Washington. Last year when the great Japanese Kagawa was here he made the statement publicly, and I heard it, at a meeting that 95 percent of the people of Japan were against war, including the rank and file in the army. Does the gentleman believe that statement is true?

Mr. CRAWFORD. I would not agree with that figure. I believe when a study is made with reference to the naval preparations by Japan from the information obtainable you come to the conclusion—at least I do—Japan is planning for the defense of Japanese and nearby territory and is not planning in any way whatsoever for an offense against the United States or any other great power other than China and Russia.

Mr. HILL of Washington. That is the military viewpoint; but the people in Japan and the people in the United States are opposed to it.

Mr. CRAWFORD. I cannot agree with the statement of the gentleman from Washington. The pressure of population in Japan is forcing that great power to look about and prepare for additional territory to which her people may go in the years to come. She is making rapid progress now in the Philippine Islands. What we desire here in the United States does not change the geography of the earth. Japan is becoming more and more entrenched in the South Seas between Hawaii and the Philippines and southward toward the Equator. There are vast areas rich in raw material and particularly the type of commodities so precious in the execution of war of offense and defense. These lands are much nearer to Japan than the United States. The following figures clearly indicate how well Japan is preparing for her future and to what extent she is looking after "nearby" territory from the standpoint of naval preparedness. Only today these figures were furnished to me by the Navy Department:

The following data show the comparative status in combatant ships of the United States, British, and Japanese Navies, brought up to March 1, 1937. The first table shows only under-age vessels on hand, those of first-class military value, and those building or appropriated for. To show those over age and consequently of reduced value, a supplementary table is added.

	(I) On hand, under age		(II) Building or appropriated for		(III) Projected		(IV) Total new vessels		(V) Total all vessels (I and IV)	
	Number	Tons	Number	Tons	Number	Tons	Number	Tons	Number	Tons
United States:										
Capital ships	15	464,300	2	70,000			2	70,000	17	534,300
Aircraft carriers	3	80,500	3	54,500			3	54,500	6	135,000
Cruisers (a)	16	151,800	2	20,000			2	20,000	18	171,800
Cruisers (b)	10	70,500	9	90,000			9	90,000	19	160,500
Destroyers	32	43,300	54	84,850	8	12,000	62	96,850	94	140,150
Submarines	25	33,620	17	24,295	4	6,000	21	30,295	46	63,915
Total	101	844,020	87	343,645	12	18,000	99	361,645	200	1,205,665
British Empire:										
Capital ships	15	474,750	2	70,000	3	105,000	5	175,000	20	649,750
Aircraft carriers	6	115,350	3	66,000	2	36,000	5	102,000	11	217,350
Cruisers (a)	15	144,220							15	144,220
Cruisers (b)	20	130,280	16	122,800	7	43,000	23	166,800	43	297,080
Destroyers	82	110,529	34	58,505			34	58,505	116	169,034
Submarines	38	45,214	14	14,900			14	14,900	52	60,114
Total	176	1,020,343	69	333,205	12	184,000	81	517,205	257	1,537,548

	(I) On hand, under age		(II) Building or appropriated for		(III) Projected		(IV) Total new vessels		(V) Total all vessels (I and IV)	
	Number	Tons	Number	Tons	Number	Tons	Number	Tons	Number	Tons
Japan:										
Capital ships	9	272,070			(1)	(1)			9	272,070
Aircraft carriers	4	68,370	2	20,100	(1)	(1)	2	20,100	6	88,470
Cruisers (a)	12	107,800			(1)	(1)			12	107,800
Cruisers (b)	16	86,895	4	33,950	(1)	(1)	4	33,950	20	120,845
Destroyers	78	101,629	18	25,944	(1)	(1)	18	25,944	96	127,573
Submarines	44	60,472	7	10,200	(1)	(1)	7	10,200	51	70,672
Total	163	697,236	31	90,194			31	90,194	194	787,430

OVER-AGE VESSELS

	United States		British Empire		Japan	
	Number	Tons	Number	Tons	Number	Tons
Cruisers [1]	[2] 1	13,700				
Cruisers [2]			18	84,840	4	14,680
Destroyers	158	178,460	72	79,985	16	14,930
Submarines	54	35,640	13	6,985	9	7,826
Total	213	227,800	103	171,810	29	37,436

[1] No public announcement has been made to date.

[2] *Seattle*—obsolete.

Mr. UMSTEAD. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. BIGELOW].

Mr. BIGELOW. Mr. Chairman, public opinion on the President's Court plan was sampled at Cincinnati last Sunday.

The result may be of interest to the House.

The ballot used called not only for a "yes" or "no" vote on the President's Court plan, but also provided that the voter indicate for which candidate he had voted for President last fall.

The meeting was free and open to the public. A special invitation, however, had been sent to 1,000 persons who had sent letters and telegrams from Cincinnati opposing the President's plan.

This meeting was held in the Emery Auditorium, February 28, under the auspices of the People's Church.

The ballots, 1,123 in all, revealed the fact that 587 present had voted last fall for Roosevelt, 398 had voted for Lemke, 50 had voted for Landon, and 20 for Thomas.

Less than 10 percent of those who had voted for Roosevelt opposed the President's plan. But while the President lost 9.8 percent of his own followers, he gained 46 percent of the Landon followers, and he gained 73 percent of the Lemke followers.

A 4½ TO 1 MAJORITY

Of all those present, 55 percent had voted for Mr. Roosevelt last fall, but over 81 percent of them supported the Court plan. The vote stood 912 for the President's plan and 211 against it. This 4½ majority for the President's plan contrasted strangely with the telegrams and letters sent in to me from Cincinnati, for these showed a majority of 25 to 1 against the President.

If significance were given to this vote it would indicate that the President's Court proposal is far more popular than was the President himself at the last election. The President's mass support appears to be more than holding its own. It is like "Ole Man River—It don't say nothin', it don't write letters, and it don't send telegrams, but it jes' keeps rollin' along."

I do not wish to overlabor this sample balloting. Another speaker might have talked the same audience into quite a different vote. But I got the impression that the rage against the Court proposals is confined to the newspapers and the corporation lawyers and their clients. The masses of the people want shorter hours and better pay. If packing or unpacking the Court will open the way for hour reductions and pay boosts, it will be all "jake" with the people. Thomas Jefferson did not lose any votes by his set-to with the Court—neither is Mr. Roosevelt likely to.

Certain cults may make a fetish of the Constitution and deify the Court but what the people want is jobs, and decent wages, and a little more than a pauper's share of the Nation's prosperity, and they have a hunch that the Supreme Court blocks their way to these blessings.

My chief reason for supporting the President's proposal is that I fear what may lie just ahead of us. I believe that until far more is done than this administration seems to have in mind our burden of unemployment will, with some fluctuations, grow steadily worse. How much longer can we afford to waste the productive capacity of eight or ten millions of our workers? How long can we pyramid our debts to carry these immense relief and work-relief rolls? The end of this must come and God knows how it may come, or how soon.

TIRED OF WAITING FOR A JOB

One of our relief offices was the scene the other day of a shocking tragedy. A jobless colored man walked into the office and shot down three of the attendants. In explanation he said:

I just got tired of coming here week after week and being told there wasn't any work.

How many crimes like that is it going to take before we feel sufficiently our own social guilt in temporizing with this problem of unemployment? Are we going to wait until such vengeance spreads to the mass and we invite a hurricane of wrath? Democracy will never ride such a storm. This will be the end of the Republic of our dreams.

I fear this result. If it comes, I do not want to be blamed for it. I do not want it said of me that by blocking the President's proposal to modernize the Court I contributed to this revolutionary chaos.

The President says he needs a modern Court. I will vote to give it to him. I will not stand in the way. I will not take that responsibility.

But neither can I take the responsibility for not speaking out and telling the President what I think about him and his Court proposal. I do not think the blame is all with the Court. I think much of the blame is with the President and with Congress. It does seem to me that the President is right; that we need a reasonable interpretation of the Constitution as it stands more than we need amendments to the Constitution.

NOT ALL THE COURT'S FAULT

But this Court issue should not hide from us the fact that, without any interference from the Court, we might have done far more than we have done.

It was not the Supreme Court that foisted on the Nation the old-age insurance plan of the Social Security Act. It was the President and Congress who did that. That is a plan to make the poor pay for their own pensions. It is a plan to save the rich that expense. As a method of taxation it is abominable. It does just the reverse of what the

economic situation requires. It is a botch of statesmanship. It reduces the purchasing power of labor, which should be increased. The tax on pay rolls is a sales tax. It reduces the purchasing power of the public, which should be increased. We need to take money from the top and pour it out at the bottom. The Social Security Act takes it from the bottom and spends a huge part of it in an appalling job of bookkeeping and bureaucratic business.

A BAD OLD-AGE PENSION PLAN

Instead of having a swarm of Government officials to keep tab on thirty millions of workers throughout their entire life, in order to make them pay for an old-age pension which will not average over $30 a month for a man and nothing at all for his wife, what the President and Congress should have done was to enlarge the grants in aid to the States. Why keep books on people until they are 65 years of age? Why not forget them until they are 65 and then, if they are alive, pay them a decent pension out of income taxes? A compulsory insurance system supported by a tax on wages and pay rolls is necessarily applicable to only a part of the people, while the benefits are certain to be inadequate for decent old-age support. This compulsory insurance plan should be abandoned and a noncontributory plan should be adopted as a permanent policy. If you attempt to force the masses of the working people to pay out of wages even half the cost of adequate old-age insurance, you are still further reducing purchasing power which is already inadequate for a proper standard of living.

But, as I see it, the most urgent duty before the President and Congress is to adopt, without delay, an effective policy for the complete abolition of unemployment.

Anything would be desirable which would help to so improve the industrial situation that those now unemployed would be automatically absorbed in industry. Some of the legislation needed for this purpose is still held to be unconstitutional. I would put nothing in the way of the President getting such legislation. Neither Congress nor the Court should stand in the way of it.

FACE THIS PROBLEM OF UNEMPLOYMENT

But whatever general improvement may be expected, we should prepare to deal with a serious problem of unemployment as a permanent condition for years to come.

Obviously, the only way to meet this problem is by a greatly expanded public-works program. We should plan enough of this work and spend enough on it to insure every unemployed worker a steady job at better than depression relief wages.

There is no lack of work needing to be done on flood-control projects, rehousing, reforestation, soil preservation, road building, and so forth. Workers so employed should not have to come from relief rolls as at present. There should be no means tests and no implications of public charity.

W. P. A. projects are not now half meeting the need. We shove the rest off on local relief rolls, disregarding the fact that funds for local relief are shamefully inadequate. If we are going to give these people more than empty words, if we are actually going to guarantee all of them the right to work and be useful, and that is their right, we shall have to stop talking about balancing the Budget and agree to vastly larger expenditures. How such an expanded public-works program should best be supported is debatable, but I do not think that increased taxation and increased borrowing are the only alternatives. I would like to see this Congress lay upon the President a mandate to issue Treasury notes to any extent necessary to keep enough desirable public works going to entirely abolish the shame and the danger of the mass unemployment which is engendered by our economic system.

To the Congress, and especially to the President of the United States, I want to say that I think the masses of the American people favor a reorganization of the Supreme Court because they think it will bring them relief from the twin evils that they suffer—unemployment and low pay.

YOUR RESPONSIBILITY, MR. PRESIDENT

But in being given this power to reorganize the Court the President is shouldering an awful responsibility. For then the people will begin to say to him: "We have given you the power you asked for. Now where is our relief? Where are our jobs? Where is our increased pay?" With the Court reorganized, Congress and the President will have all the power they need to absolutely abolish unemployment and poverty in this land. If in the years of this administration this is not done, I think the popularity of the President on coming into his second term will be more than equaled by his unpopularity in going out, and we, as Congressmen, will be covered with the deserved opprobrium of an indignant people.

And if the bright hopes of this hour are thus turned to disappointment and bitterness we may well tremble for the future of democracy in our land and throughout the world.

[Here the gavel fell.]

Mr. UMSTEAD. Mr. Chairman, I yield 10 minutes to the gentleman from Washington [Mr. LEAVY].

Mr. LEAVY. Mr. Chairman, I feel that it is only fair to my colleagues here in this body and to my constituents who commissioned me to come here that I frankly state my position in reference to the President's proposal in connection with the Federal court, and my reasons for taking the stand that I do.

At the outset, I want to say that I recognize the tremendous importance of the judicial branch of government in our political structure. It is not fair to say that it is more important than the legislative and executive branches, because such is not the fact. Neither is it fair to state that the judicial department is less important than either of the other two. Each, in its own sphere, has its importance. I certainly would not support any proposal to take away from the judiciary its independence of action in its particular field.

It would be well to say too, here, that by no stretch of the imagination, can anyone say that the proposal has any bearing on the personal guarantees in the Constitution. Every safeguard of personal liberty is preserved. The proposal certainly is not open to attack upon this ground. None need have the slightest fear of any loss of personal liberty now possessed. I am ready to take my stand with the President in his proposal. [Applause.]

I. THREE DEPARTMENTS OF GOVERNMENT NECESSARY

The problem that confronts us for solution in connection with the President's proposal is not one of depriving the Supreme Court of its independence, or powers conferred upon it by the Constitution and the laws that Congress has enacted thereunder. The problem is rather one of securing within the powers granted to the legislative and executive departments a personnel on the Supreme Court that will view the provisions of the Constitution of the United States in the light of present-day conditions, in order that the Nation may continue to exist under a constitutional form of government.

Judicial interpretation of constitutional provisions must be broad enough to recognize the importance of the other two branches of government. When the executive and legislative departments of the Government seek to cure dangerous, destructive, and threatening situations resulting in great injury to millions of citizens, such efforts must not be nullified by the judicial branch of our Government. This is exactly what has been occurring in reference to major New Deal measures. Unless we can secure a fair distribution of our national income, and assure to our citizenship a greater degree of social justice, then, indeed, our constitutional form of government is in serious danger.

II. WE ARE LEARNING ABOUT OUR GOVERNMENT

Whatever the ultimate outcome of the President's proposal may be, it has already resulted in great good to the American people. Millions of people who heretofore gave no thought to constitutional grants of power and constitutional limits of power, are now receiving a liberal education concerning our Government. There undoubtedly is, and will continue to be, better understanding of what constitutional government means in this country. Citizens are coming to a recognition of the fact that no department of government is sacred nor above constructive criticism. During the recent past, a sort of halo has been placed around the

Supreme Court of the United States and this sentiment, to a degree, carried over into the inferior Federal courts. A life position given to any man does not change the inherent nature, disposition, or manner of thought of that man. The natural tendency would be that it would result in a more dictatorial attitude than would otherwise be shown. There is a vast distinction between independence of thought and action, and arbitrary dictatorship.

III. MANDATE OF THE PEOPLE

In the general elections of 1932, 1934, and again in 1936, with ever-increasing majorities, the American people have expressed themselves in favor of the social, humane, and economic legislation proposed by the President. With a few exceptions, every New Deal proposal that the Congress has enacted into law which has reached the Supreme Court, has been by judicial decree nullified. There are now pending cases in the Supreme Court challenging every major legislative enactment of recent date which seeks to better the condition of the common man and woman in America.

The Supreme Court, by its decisions, has said that it is unconstitutional—

First. To prohibit child labor as a national policy.

Second. To fix a low-wage limit for women workers, either as a State or national policy.

Third. To authorize labor to bargain collectively.

Fourth. To collect a tax to help the farmer.

Fifth. To legislate on old-age pensions, as in the recent Railroad Retirement Act.

These holdings indicate very strongly that it will further rule that the Federal Government cannot protect the individual businessman and merchant from the threat of destruction now confronting him by the great monopolies and chains.

IV. CRITICISMS OF PRESIDENT'S PROPOSAL UNJUSTIFIED

The charge that the President's proposal is unheard of, cannot be supported by facts. American history discloses that the number of judges on the Supreme Court has been changed six times by congressional action. The Court was established with six members in 1789. Twelve years later its membership was reduced to five, and six years later it was increased to seven. Thirty years later, or in 1837, it was increased to nine. This was during the administration of Andrew Jackson.

In 1863, two years after the beginning of the Civil War, when the great Lincoln was President, the Court was increased to 10 members. Three years later, when Andrew Johnson was carrying on his fight with the Congress, it was reduced to seven members. Then, finally, in 1869, with President Grant in the White House, it was increased to nine members.

Study of American history in those periods will reveal that the changes in the Court were made largely because the Court had ceased to be responsive to the needs of the Nation at that time in its interpretation of the Federal Constitution. An impartial student of history would be compelled to admit that each change tended to build firmer the foundations of American government. He would have to admit further that had the personnel of the Supreme Court in 1857 been made up of men who were conscious of changing times and conditions, there never would have been a Dred Scott decision. It is not unreasonable to conclude likewise, that there never would have been a bloody four years of Civil War.

V. JUDICIAL MISTAKES DANGEROUS

Judicial decisions can far more easily wreck or even completely destroy constitutional government in America than can either legislative or executive action. Judicial mistakes become guideposts to be followed through future years, legislative and executive mistakes are always subject to correction at the next general election.

It has not been 90 days since I left 10 years of active service upon the highest trial bench of my State. I feel that I can reflect, in a small degree, the judicial viewpoint. I am conscious in a small measure, likewise, of the tremendous power that must be placed in the judiciary. I know the importance of an independent judiciary to our system of government.

VI. INDEPENDENCE OF THE JUDICIARY WOULD NOT BE DESTROYED

The proposal of the President is granted by all who have ever read article III, section 1, of the Constitution to be perfectly constitutional. It is strictly within the provisions of that great document.

President Roosevelt has already carried us through one of our great national crises which reached its climax about the time he took office in March 1933. He has demonstrated his patriotism, honesty, and loyalty to American principles and ideals equal to that of any President in all of our history. Would any person charge him with stultifying himself and the high office he occupies by requiring a pledge of any man he might appoint to the Supreme Court before he made such appointment? I am sure none but the most selfish and bitter partisan would do this.

What I have just said will scarcely be challenged by anyone who wants to be fair. All of us know that any new judge appointed will compare favorably in character, learning, and patriotic impulses with the distinguished men who now serve on the Supreme Court and who in the years gone by have served on that great Court. Why should there be this hue and cry of "packing" the Court? Why this charge that the President's proposal is proceeding beyond the broad outlines of the Constitution itself?

The answer to these questions is largely found in the fact that New Deal legislation enacted, and that proposed, is in the interest of the common people of America. This legislation limits, restrains, and restricts special privilege and human greed. It is the beneficiaries of present day social injustices who are using every agency at their command to mislead and poison the mind of the American public. The identical forces that fought the reelection of President Roosevelt last November are fighting this proposal. The appeal that they make is not to reason nor in most instances is it based upon facts. It is designed to arouse the emotion of fear that all men possess. It will not, and cannot, succeed in this crisis because the fear generated by the insecurity and the privation now suffered by the American people exceeds that of any fear that the President's opponents can set in motion.

It is a fact that the leaders of the Republican Party are unanimously opposed to this program. Such opposition is purely partisan and for the sole purpose of being later used in political campaigns. This matter, however, should rise above a partisan basis. If you believe conditions of the Hoover administration are what you want, then you should oppose the judicial reform proposal. If you believe that there is no place in America for extreme poverty, enforced idleness, and the misery that comes from insufficient food, clothing, and shelter, where we have an abundance of all these material things, then you should support the President's judicial reform program.

VII. CONSTITUTIONAL POWERS

The most profound student of the Federal Constitution will not contend that anywhere within that document can language be found granting the Supreme Court power to declare legislative acts unconstitutional. In the early case of *Marbury* v. *Madison*, Justice John Marshall enunciated the doctrine of implied powers. I have no fault to find with the Court passing upon the constitutionality of Federal acts. They have perhaps gained that right by the doctrine of prescription. It has been acquiesced in too long to be now denied. The President's proposal does not in any way encroach upon this power.

The implied power to test the constitutionality of a legislative act being granted and that power in no way being limited by the President's proposal, then why should it be said that he is setting up a dictatorship, that he is "packing" the Court, that American liberties are threatened, or that ulterior forces seek to destroy constitutional government?

The President's proposal would bring men fresh from present-day life and from close contact with present-day conditions onto the Supreme Bench with a degree of frequency sufficient to insure an interpretation of that great document

in keeping with its spirit and viewed from existing conditions. Such interpretations would make it a living, growing instrument of government. It would be, as its framers intended, an instrument of creation, not an instrument of destruction, such as recent interpretations have tended to make of it.

Granting the implied power that the Supreme Court has taken unto itself, to interpret legislative acts, it does not follow that the Court should go beyond the field of judicial interpretation.

The Court in the last 25 years has shown a constant tendency to invade and restrict the legislative and executive branches of the Government. The situation prevailing now and that has prevailed for sometime past is that five men can force their personal opinions relative to political, economic, and social conditions upon 130,000,000 people. The critics of the President say we are helpless unless we amend the Constitution.

VIII. NUMBER AND QUALIFICATION OF JUDGES

The framers of the Constitution left to the legislative and executive branches of the Government the power without limitation of fixing the number and qualifications of the men who sit upon the Supreme Court. Congress has the power not alone to fix the number of Judges that that Court shall have from time to time, it has the power to fix limitations as to their age, as to their personal professional fitness, as to whether they must be natural born or naturalized. Personally I would favor legislation providing an age limit, at least that now fixed for the President. It might even be wise that instead of being 35 years of age, such judges should be at least 45. I think the President should be limited to appointing none but natural-born American citizens. There is nothing in the Constitution that requires legal training or previous judicial experience for those appointed to the Federal courts. For 150 years every appointee to the Bench has been a man trained and educated in the legal profession. I am sure that all future appointees would come from the same profession. If there be fear that men unfit in the matter of training, experience, age, or nativity would be appointed, that could very easily be remedied by a legislative act.

From all of this it is evident that the framers of the Constitution did not intend to set members of the Supreme Court upon a high pedestal, separate and apart from all other citizens or public officials. As a matter of fact, we all know that becoming a Judge of the Supreme Court cannot, and does not, make a man a saint, and does not in itself make of him a wise man. What a man is, and was, before he became a Judge, he will be after. If there are any who fear that the President might not wisely select his new appointees, that fear should be allayed by the safeguard in the law requiring that before such a man could become a Judge a critical Senate must confirm the appointment.

IX. ABUSE OF CONSTITUTIONAL POWER

The Supreme Court of the United States, since it has assumed the power to interpret legislative acts, has expanded that power until today there is no act involving a national policy of the Congress, if it fails to meet the political and economic views of five Judges on the Bench, which cannot be declared unconstitutional.

The phrases "interstate commerce", "due process of law", and the "general welfare" have all been so interpreted, defined, and enlarged upon that they virtually leave five Judges of the Supreme Court as the final and absolute source of authority in America. In times like these this is dangerous.

X. AMENDING THE CONSTITUTION

It is suggested that the Constitution be amended to meet the President's proposal. An amendment is useless and unnecessary, because his proposal is conceded to be constitutional.

If an amendment could be submitted which conferred upon Congress express authority to legislate upon all or any part of the problems that have arisen in recent years involving production and distribution, we would have no assurance that it would be effective. The very purposes sought to be affected could be defeated and nullified by judicial decision.

To illustrate, for more than 20 years under a congressional act the United States Government collected an income tax; then suddenly, in 1895, the Supreme Court declared that could no longer be done (*Pollock* v. *Farmers' Loan and Trust Company*, 157 U. S. 429). It is true that they said Congress has the power under the Constitution to tax incomes, but they cannot tax such incomes if they are derived from real or personal property, because such a tax would be a "direct tax." Following this decision there was a national wave of indignation. People had come to realize the menace of great fortunes. Agitation was instituted to amend the Constitution. It was 18 years before the amendment was finally written into the Constitution.

XI. AGAIN THE EFFECTS OF JUDICIAL CONSTRUCTION

We wrote into our Constitution the following language:

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census enumeration.

Could any language be written that is plainer than the foregoing? Could even the man and woman who knows no law at all misunderstand this language? Is there room to dispute that here was granted an unrestricted and unlimited authority upon Congress to levy income tax?

The Supreme Court of the United States after the enactment of this amendment found in cases brought before them that—

It was unconstitutional for Congress to levy an income tax against Federal judicial salaries (*Evans* v. *Gore*, 253 U. S. 245).

They found that—

An officer who is employed by a State was exempt from paying a Federal income tax (*Metcalf and Eddy* v. *Mitchell*, 269 U. S. 514).

They found that—

Income derived in the nature of stock dividends was not in fact income such as contemplated in the constitutional amendment (*Eisner* v. *Macomber*, 252 U. S. 189).

They found that—

Income derived from interest collected by owners of State and municipal bonds was not actually income as defined by the sixteenth amendment (*Brushaber* v. *Union Pacific Railway Co.*, 240 U. S. 1).

The foregoing illustrates how easily by the judicial process of interpretation, the very intent and purpose of a constitutional provision and amendment can be defeated by five men who oppose that which is new and different. This, in spite of the well-recognized rule that the earlier enactment must always give way to the later, in case of conflict.

XII. THE GENERAL WELFARE CLAUSE

The recent six to three decision of the Supreme Court, holding invalid the Triple A law, is perhaps the most glaring instance in American judicial history of a Court leaving the judicial field and going over into the political and legislative field. (*United States* v. *Butler*, 56 Sup. Ct. 320 (1936).)

The express grant of powers given the Congress by the Constitution in clause 1, section 8, article I, reads so far as applicable, as follows:

Congress shall have the power to lay and collect taxes, duties, imposts, and excises * * * for the general welfare of the United States.

It would seem that even the most untutored layman could read but one thing out of this language, and that is, that Congress shall be the judge of what constitutes "general welfare" when they levy the tax. In the Triple A decision the six Judges who nullified that wholesome piece of legislation which gave the farmers of America the same type of protection that we have for almost a hundred years extended to private industry, said in substance, "We do not believe that the law you have enacted will be for the general welfare."

In writing this decision, the majority of the present Court went so far beyond what most of us had even dreamed was their power as to cause many to wonder whether, in fact,

we did not live under a judicial oligarchy instead of under a constitutional form of government. If the "general welfare" clause of the Constitution is to become a subject of judicial interpretation, as have the "interstate commerce" and "due process clauses", then no Congress can enact a law and no President can execute a law feeling sure that it is constitutional.

XIII. CONCLUSION

It is evident that every beneficiary of advantage and privilege wants the Court to remain as it is. They want a Court that thinks in terms of conditions as they used to be. They want a Court that will view legal principles entirely by standards set up at a time when there was neither extreme wealth or extreme poverty. They want a Court, the majority of whom unconsciously serve the country by serving the accumulated wealth of that small group that dominate the industrial, economic, and financial life of this Nation today.

You will find every great industrialist, every great international banker, and every individual who has enjoyed advantage and privilege over his fellows fighting the President's proposal.

I do not find fault with, nor do I intend to criticize, those fine men and women who purely out of patriotic motives oppose the suggested reform in our Federal judiciary. They are sincere. They are entitled to their opinions. We have no right to challenge their good faith. This group, however, is far in the minority of the whole group who are found fighting the President's proposal.

If the American people want legislation within the limitations fixed by the Constitution that will give the American farmer a chance to live and accumulate something to enjoy modern comforts and conveniences, then they will favor the President's proposal. If the American people want the laboring man to get a fair share of what we produce under respectable and decent working conditions, then they will favor the President's proposal. If the American people want the independent businessman and the individual professional man to continue to be a part of our life and to prosper, then they will favor the President's program. If the American people believe that every decent, self-respecting man and woman when they grow old is entitled to live in comfort and enjoy present-day blessings, then they would favor the President's proposal. If the American people want the youth of America to have an opportunity to look into life with hope, then they will favor the President's judicial program.

In my humble judgment, a denial of the right of the American people to govern themselves under their own Constitution, because five men out of 130,000,000 people say they do not approve of the methods being used, is the gravest threat to constitutional government that this Nation has ever had to meet.

Mr. KITCHENS. Mr. Chairman, will the gentleman yield?

Mr. LEAVY. I yield.

Mr. KITCHENS. In view of the amendment to the Constitution authorizing the income tax and with respect to the statement of the Supreme Court that it would not apply to salaries received by Federal judges, does not the gentleman think that in any event it would apply to all judges nominated and confirmed after this amendment was adopted?

Mr. LEAVY. Yes; I think it would apply under any circumstances because of the fact it is the last expression of the people in reference to the fundamental law. [Applause.]

Mr. UMSTEAD. Mr. Chairman, I yield 10 minutes to the gentleman from Virginia [Mr. HAMILTON].

Mr. HAMILTON. Mr. Chairman, I desire to speak with reference to certain important items that I think should be considered in connection with the naval appropriation bill now before the House.

By an act of Congress approved June 14, 1934—Public, No. 347, Seventy-third Congress—authority was given to acquire additional tracts of land adjacent to and lying southeastwardly from the Hampton Roads naval operating base at Norfolk, Va., this land being generally known as East Camp, together with such additional land adjoining this said East Camp site as necessary for the development and expansion of naval air activities at the Norfolk station and comprising approximately 540 acres, being bounded by Masons Creek on the north and east, Bush Creek on the west, and the Virginian Railway on the south. There was by Congress authorized to be appropriated for the purchase of this entire tract the sum of $400,000.

By an act of Congress approved April 15, 1935—Public, No. 36, Seventy-fourth Congress—authority was given the Secretary of the Navy to proceed with the construction at the "Naval air station, Norfolk, Va.; barracks and mess hall for enlisted men at cost of $500,000."

In hearings before the Naval Appropriations Committee in the Seventy-fourth Congress, Rear Admiral Smith, Chief of the Bureau of Yards and Docks of the Navy Department, pointed out the immediate necessity of a sea-wall replacement at the Hampton Roads naval base to protect and preserve filled areas comprising a major portion of the water front of that important operating base. Admiral Smith estimated the cost of this sea-wall replacement at $600,000. The Seventy-fourth Congress eventually appropriated $300,000, or half of this estimated cost, and there has been a beginning on this important work, but $300,000 more is needed to complete the project.

The Norfolk Naval Air Station is one of the most important in the country and possibly the most important on the Atlantic coast.

The aircraft overhaul department at the Norfolk Air Station, already developed into great importance—though greatly cramped for operating floor space—was as far back as June 1934 commended for "remarkable efficiency record" by Rear Admiral E. J. King, then Chief of the Bureau of Aeronautics. Further, in commendation of the aircraft overhaul department at Norfolk, Rear Admiral King said:

> The overhaul shops at Norfolk were first among Navy shops to attain a consistent average of 40 calendar days for the overhaul of scout-type planes. This was accompanied by marked savings in man-hours and material required for all types of airplanes, without cheapening the quality of overhaul. In engine overhaul, the Norfolk shops were first to achieve a major overhaul of a 1340 engine in less than 130 direct man-hours, and this was accompanied by a reduction in calendar days and material required for overhaul without any sacrifice of the quality of overhaul. This preeminence has resulted in economics at Norfolk and has pointed the way to possible economies in other Navy shops. These results are the more remarkable in that they have been accomplished during a period of diminishing work load and drastic reduction in shop force.

Now, the Norfolk aircraft overhaul department has grown so until there is not room for wholly efficient work without a great deal of lost motion. There is at this time, by urgent necessity, in temporary use an airplane hangar for wing, carpenter, and cleaning shop work. A great deal of time is thus lost in carrying airplane parts back and forth between this hangar and the main overhaul shop. Accompanying photographs here exhibited give some idea of crowded and almost unworkable conditions for greatest efficiency in one of the Nation's most important aircraft overhaul shop divisions. Here the sum of $500,000 is urgently needed for replacements and extensions.

With the Navy greatly increasing its aircraft—this bill we today consider showing more than $29,000,000 for replacement, additional increment, new planes for Naval Reserves, and so forth—what is to be done when provision is not at the same time made for adequate aircraft overhaul-department facilities?

And what is to be done to care for the enlisted personnel, with no action taken for the appropriation of funds under authorization already made for adequate barracks and mess hall to replace present dilapidated buildings at the Norfolk naval base, a condition already known to some Members of Congress, who have seen existent inadequate barracks and mess-hall conditions at the Norfolk base? If the American Fleet should be suddenly transferred to the Atlantic coast and to Hampton Roads, where it would naturally come for base, there would be found an almost collapsed condition for care, especially of aircraft personnel, because of inadequate housing facilities at the Norfolk base. Even with appropriation of the $500,000 already authorized, provision would only come from this amount to care for the housing in barracks quar-

ters of some six to eight hundred men. But shortly and before anything could be done, at best there will come the commissioning of the new aircraft carriers *Enterprise* and *Yorktown*, and in this connection there will be needed at the Norfolk naval air base quarters for some 1,200 men, all in addition to the main crews of the *Enterprise* and *Yorktown*, these 1,200 additional men to be engaged with 8 squadrons of airplanes—some 140 planes in all—in maneuvers from July to the close of the current year. Under present conditions, inadequate barracks at the Norfolk base will result in a large part of these 1,200 men having to be housed on the outside.

It is to be greatly regretted that neither the general Budget, as it came to Congress, nor the Appropriations Committee, in framing the legislative bill now before us, found it possible to care for the important items I have here presented as well as many much-needed improvements at the Norfolk Navy Yard, where there is great requirement for such things as additional pier, quay walls, and so forth, for repair and other operations, new dispensary building and accessories, additional cranes, important foundry additions, improved railroad tracks, and so forth. The last Congress fortunately appropriated $125,000 for important additional machine-shop construction at the Norfolk Navy Yard. This construction will soon be under way. But, when completed, there will be only a building, a shell as it were, with no machinery that should have been provided for at a cost of not less than $150,000. This machinery, however, may be had out of general appropriations to the Navy for mechanical tools provided in the present bill; but, even so, there will be nothing available until July 1, unless Congress should make present contemplated appropriations available upon passage and approval of this bill, and such should certainly be done.

I submit these presentations as highly important to the general welfare of the Navy and important establishments thereof at strategic Atlantic coast locations. [Applause.]

Mr. UMSTEAD. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. VINSON of Kentucky] having resumed the chair, Mr. BLAND, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H. R. 5232, the naval appropriation bill, had come to no resolution thereon.

HOUR OF MEETING TOMORROW

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 a. m. tomorrow.

The SPEAKER pro tempore. Is there objection?

There was no objection.

EXTENSION OF REMARKS

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. DEEN, indefinitely, on account of important business.

To Mr. HANCOCK of North Carolina, for several days, on account of sickness in family.

To Mr. O'CONNELL of Montana, for today, on account of important business.

ORDER OF BUSINESS

Mr. UMSTEAD. Mr. Speaker, I ask unanimous consent that debate upon the pending bill making appropriations for the Navy Department proceed tomorrow for 40 minutes, that the debate be confined to the bill, to be equally divided between the gentleman from Pennsylvania [Mr. DITTER] and myself, and that upon the conclusion of the 40 minutes' debate the bill be read for amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

ADJOURNMENT

Mr. UMSTEAD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 13 minutes p. m.) the House, under its order previously made, adjourned until tomorrow, Friday, March 5, 1937, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

413. A communication from the President of the United States, transmitting estimates of appropriations for the Department of Justice, for the fiscal year 1938 for buildings and equipment, penal institutions; medical and hospital service, penal institutions; and Federal jails, maintenance, amounting to $3,491,265, in substitution of estimates for the Department under the same headings in the Budget for the fiscal year 1938 (pp. 128, 479, and 484), amounting to $1,595,265 (H. Doc. No. 163); to the Committee on Appropriations.

414. A letter from the Acting Postmaster General, transmitting the proposed form of a bill to improve the delivery system of the Post Office Department; to the Committee on the Post Office and Post Roads.

415. A letter from the President, Board of Commissioners, transmitting the draft of a proposed bill to define, regulate, and license real-estate brokers and real-estate salesmen; to create a Real Estate Commission in the District of Columbia; to protect the public against fraud in real-estate transactions, and for other purposes; to the Committee on the District of Columbia.

416. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated March 2, 1937, submitting a report, together with accompanying papers, on a preliminary examination of Passaic River, N. J., from the Eighth Street Bridge, Wallington, to the Passaic Street Bridge at Garfield, authorized by the River and Harbor Act approved August 30, 1935; to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. NELSON: Committee on Agriculture. Senate Joint Resolution 75. Joint resolution making funds available for the control of incipient or emergency outbreaks of insect pests or plant diseases, including grasshoppers, Mormon crickets, and chinch bugs; with amendment (Rept. No. 356). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. JONES: A bill (H. R. 5326) to regulate commerce among the several States, with the Territories and possessions of the United States, and with foreign countries; to protect the welfare of consumers of sugars and of those engaged in the domestic sugar-producing industry; to promote the export trade of the United States; to raise revenue; and for other purposes; to the Committee on Agriculture.

By Mr. DICKSTEIN: A bill (H. R. 5327) to provide for additional compensation to jurors in criminal cases; to the Committee on the Judiciary.

By Mr. DIRKSEN: A bill (H. R. 5328) to provide for the construction by the Secretary of the Navy of a Federal building for use as a Naval Reserve armory of the ninth naval district; to the Committee on Naval Affairs.

By Mr. FORAND: A bill (H. R. 5329) for the better assurance of the protection of persons within the several States

from mob violence and lynching, and for other purposes; to the Committee on the Judiciary.

By Mr. MANSFIELD: A bill (H. R. 5330) to provide for hurricane patrol in the Gulf of Mexico and environs during the hurricane season; to the Committee on Merchant Marine and Fisheries.

By Mr. RANKIN: A bill (H. R. 5331) to restore certain benefits to World War veterans suffering with paralysis, paresis, or blindness, or who are helpless or bedridden, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. COCHRAN: A bill (H. R. 5332) authorizing allotment of pay by civilian personnel stationed abroad; to the Committee on Expenditures in the Executive Departments.

By Mr. KOPPLEMANN: A bill (H. R. 5333) to assure to all persons within the District of Columbia full and equal privileges of places of public accommodation, resort, entertainment, and amusement, and for other purposes; to the Committee on the District of Columbia.

Also, a bill (H. R. 5334) to incorporate the Italian-American World War Veterans of the United States; to the Committee on the Judiciary.

By Mr. McCORMACK: A bill (H. R. 5335) to authorize remission or mitigation of liabilities incurred under certain customs bonds; to the Committee on Ways and Means.

By Mr. WELCH: A bill (H. R. 5336) to amend the act of February 23, 1927, as amended (U. S. C., title 47, sec. 85), and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. REED of New York: Resolution (H. Res. 147) authorizing the printing of 5,000 copies of the report of the Joint Committee on Internal Revenue Taxation entitled "The Taxing Power of the Federal and State Governments"; to the Committee on Printing.

By Mr. RANKIN: Joint resolution (H. J. Res. 260) authorizing and directing the Federal Trade Commission to make an investigation with respect to alleged efforts of privately owned public utilities unfairly to control public opinion concerning municipal or public ownership of electrical generating or distributing facilities; to the Committee on Interstate and Foreign Commerce.

By Mr. JONES: Joint resolution (H. J. Res. 261) providing for control of wind erosion in the Great Plains; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. COLE of New York: A bill (H. R. 5337) for the relief of Charles B. Murphy; to the Committee on Claims.

By Mr. DOWELL: A bill (H. R. 5338) for the relief of George Shade and Vava Shade; to the Committee on Claims.

By Mr. ELLENBOGEN: A bill (H. R. 5339) granting a pension to Evangeline R. Butler; to the Committee on Pensions.

By Mr. FITZPATRICK: A bill (H. R. 5340) for the relief of Giuseppe Liso; to the Committee on Immigration and Naturalization.

By Mr. GRAY of Indiana: A bill (H. R. 5341) granting a pension to Grace A. Beatty; to the Committee on Pensions.

Also, a bill (H. R. 5342) granting a pension to Goly Weese; to the Committee on Pensions.

By Mr. HENDRICKS: A bill (H. R. 5343) granting a pension to Alta Manypenny; to the Committee on Pensions.

By Mr. JACOBSEN: A bill (H. R. 5344) for the relief of the heirs of William McGarrahan; to the Committee on the Public Lands.

By Mr. LANZETTA: A bill (H. R. 5345) for the relief of Corrado Arancio; to the Committee on Immigration and Naturalization.

By Mr. MASON: A bill (H. R. 5346) for the relief of John August Johnson; to the Committee on War Claims.

By Mr. MAPES: A bill (H. R. 5347) for the relief of the estate of Mrs. Ray E. Nies; to the Committee on Claims.

By Mr. POAGE: A bill (H. R. 5348) for the relief of Ed Symes and wife, Elizabeth Symes, and certain other citizens of the State of Texas; to the Committee on Claims.

By Mr. ROMJUE: A bill (H. R. 5349) granting a pension to Leah Kesterson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5350) granting an increase of pension to Julia E. Wilson; to the Committee on Invalid Pensions.

By Mr. SACKS: A bill (H. R. 5351) for the relief of Joseph Pasquarello; to the Committee on Military Affairs.

By Mr. SMITH of West Virginia: A bill (H. R. 5352) to provide for the appointment of James W. Grose as a sergeant, first class (master sergeant), United States Army; to the Committee on Military Affairs.

By Mr. SPARKMAN: A bill (H. R. 5353) for the relief of Susan Lawrence Davis; to the Committee on Claims.

By Mr. THOMAS of New Jersey: A bill (H. R. 5354) for the relief of Charles Somogi, Jr.; to the Committee on Claims.

Also, a bill (H. R. 5355) to extend the benefits of the Employees' Compensation Act of September 7, 1916, to Joseph A. Dugan; to the Committee on Claims.

By Mr. WADSWORTH: A bill (H. R. 5356) granting a pension to Jennie Smith; to the Committee on Invalid Pensions.

By Mr. WELCH: A bill (H. R. 5357) for the relief of Gunhard Nesvig; to the Committee on Naval Affairs.

By Mr. WILCOX: A bill (H. R. 5358) for the relief of Charlotte Forsling; to the Committee on Claims.

By Mr. ZIMMERMAN: A bill (H. R. 5359) granting an increase of pension to Sarah S. Crow; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

737. By Mr. COFFEE of Washington: Petition of the Building Service Employees' International Union, Local 23, Seattle Central Labor Council, Seattle, Wash., and Seattle Central Labor Council, protesting against the unjust dismissal of one Vincent McGrath from the Post Office Service, as said Vincent McGrath had acted as accredited representative of Post Office Clerks' Union in presenting grievances about the management of the Seattle post-office department, and further demanding that investigation be had at once to the end that such injustice be corrected and no employees intimidated against, nor his affiliations be used as a ground for his discharge; to the Committee on the Post Office and Post Roads.

738. By Mr. CONNERY: Petition of the Commonwealth of Massachusetts, memorializing the Congress to propose an amendment to the United States Constitution relative to the determination and establishment of minimum wages for women and children; to the Committee on Labor.

739. By Mr. GOODWIN: Petition of citizens of the township of Shandaken, N. Y., protesting against the packing of the Supreme Court; to the Committee on the Judiciary.

740. Also, petition of citizens of Sullivan County, N. Y., voicing opposition to the President's proposal to reorganize the Supreme Court; to the Committee on the Judiciary.

741. Also, petition of the New York State Bar Association, Albany, N. Y., opposing legislation affecting the membership of the Supreme Court; to the Committee on the Judiciary.

742. By Mr. CRAWFORD: Petition of certain residents of Alma and St. Louis, Mich., protesting against the President's bill or any substitutes giving the President power to remake the Supreme Court; to the Committee on the Judiciary.

743. Also, petition of Lloyd Purves and other residents of Owosso, Mich., protesting against a proposal to revise the Supreme Court; to the Committee on the Judiciary.

744. Also, petition of Anna Chapin and other residents of St. Johns, Mich., protesting against any proposal to increase

the number of Justices of the Supreme Court; to the Committee on the Judiciary.

745. Also, petition of certain residents of Saginaw, Mich., opposing the President's Supreme Court proposal; to the Committee on the Judiciary.

746. By Mr. CULKIN: Petition of the New York State Bar Association, opposing legislation affecting the membership of the Supreme Court; to the Committee on the Judiciary.

747. Also, petition of Charles D. Card and others, of Watertown, N. Y., opposing legislation preventing the free dissemination of information and curtailing the right of free speech; to the Committee on the Judiciary.

748. Also, petition of Nellie Guinup and others, of Watertown, N. Y., opposing legislation preventing the free dissemination of information and curtailing the right of free speech; to the Committee on the Judiciary.

749. Also, petition of Clara McKinney and others, of Brainardsville, N. Y., opposing legislation preventing the free dissemination of information and curtailing the right of free speech; to the Committee on the Judiciary.

750. Also, petition of H. Anderson and others, of Watertown, N. Y., opposing legislation preventing the free dissemination of information and curtailing the right of free speech; to the Committee on the Judiciary.

751. Also, petition of Arthur J. Peterson and others, of Watertown, N. Y., opposing legislation preventing the free dissemination of information and curtailing the right of free speech; to the Committee on the Judiciary.

752. Also, petition of G. A. Gaines and others, of Smithville, N. Y., opposing legislation preventing the free dissemination of information and curtailing the right of free speech; to the Committee on the Judiciary.

753. By Mr. FITZPATRICK: Petition of the Italian Cloak, Suit, and Skirt Makers' Union, Local No. 48, urging the judicial reform as outlined by the President; to the Committee on the Judiciary.

754. Also, petition of the Hat Trimmers' Local No. 21, Yonkers, N. Y., urging support of the President's judiciary program; to the Committee on the Judiciary.

755. By Mr. FORD of California: Resolution by the Los Angeles Central Labor Council, representing more than 75,000 members, emphatically approving the changes in the Federal judiciary, including the United States Supreme Court, as they believe that through this proposed legislation laws for the betterment of all the people and advancement of the Nation as a whole can be enacted and made effective; to the Committee on the Judiciary.

756. By Mr. FULLER: Memorial of the Arkansas General Assembly, urging an appropriation of $14,000,000 for vocational education as authorized under the George-Dean Act; to the Committee on Appropriations.

757. Also, petition of M. G. Ellis and 64 others, of Gentry, Ark., protesting against the appointment of additional Supreme Court Justices; to the Committee on the Judiciary.

758. By Mr. MAPES: Petition of 102 residents of the Fifth District of Michigan, protesting to the possibility of legislation suppressing freedom of religious worship, free speech, and a free press; to the Committee on the Judiciary.

759. By Mr. MERRITT: Resolution of the Citizens' Independent Convention of Rye, N. Y., a nonpartisan convention, disapproving and opposing legislation recently submitted to the Congress by the President insofar as such legislation proposes to increase the size of the Supreme Court or to effect a wholesale change in its membership under threat of such increase, thereby tending to impair its independence as a judicial tribunal; to the Committee on the Judiciary.

760. Also, resolution of the Champlain Chapter, Daughters of the American Revolution, of Crown Point and Port Henry, urging opposition of any bill which increases the size of the Supreme Court and destroys its potency; to the Committee on the Judiciary.

761. Also, resolution of the Queens County Council, Veterans of Foreign Wars of the United States, requesting that Congress provide an additional hospital of such size in the city of New York as shall accommodate veterans now forced into private institutions; to the Committee on Military Affairs.

762. Also, resolution of the Queens County Council, Veterans of Foreign Wars of the United States, requesting that the Veterans' Administration open additional beds at the Brooklyn Naval Hospital to the veterans of foreign wars in hospitalization; to the Committee on Military Affairs.

763. Also, resolution of the Bayside Republican Club, disapproving of the recent proposal of the President of the United States to enlarge the personnel of the Supreme Court by the appointment of six additional Justices in the event that the sitting Justices who have reached the age of 70 do not choose to retire; and in reaffirming its complete confidence in the integrity and impartiality of that august tribunal as now constituted; to the Committee on the Judiciary.

764. Also, resolution of the Association of the Bar of the City of New York, that this association, however its members may differ in their views of recent decisions of the Supreme Court on constitutional questions involving the scope of the Federal and State power in social and economic legislation, the proposal of the President in his message of February 5, 1937, and embodied in Senate bill 1392 and House bill 4417 to affect the decision of such questions by changing the membership of the Supreme Court would, if enacted, make the Court suspect of subservience and the Executive of domination; it is unsound in principle and dangerous as a precedent and violates the historic American principle of the independence of the judiciary; to the Committee on the Judiciary.

765. Also, resolution of the Tioga County Bar Association, in annual meeting assembled, endorsing and approving the resolution of the New York State Bar Association, and condemning the plan of the President of the United States as an attempt to subordinate that incorruptible defender of our American liberties, the Supreme Court of the United States, to the present administration; to the Committee on the Judiciary.

766. Also, resolution of the Jefferson County Bar Association, unalterably opposing the granting to the President the power to appoint six additional Justices of the Supreme Court and urging the Senators and Representatives in Congress to lend their influence and to cast their votes against the passage of such proposed legislation; to the Committee on the Judiciary.

767. Also, resolution of the Bayside Hills Civic Association, opposing the proposed tax of 1 cent per gallon on fuel oil, when used for the generation of heat, as it would be discriminatory and one that would impose such a serious hardship on users as to necessitate their abandoning oil-burning heating systems, and thus discouraging the ownership of small homes; to the Committee on Ways and Means.

768. By Mr. RUTHERFORD: Petition of the citizens of Nicholson, Wyoming County, Pa., protesting against the President's proposal to increase the number of members of the United States Supreme Court; to the Committee on the Judiciary.

769. Also, petition of certain citizens of Canton, Bradford County, Pa., protesting against the President's proposal to increase the number of members of the United States Supreme Court; to the Committee on the Judiciary.

770. Also, petition of certain citizens of Hallstead, Susquehanna County, Pa., protesting against the President's proposal to increase the number of members of the United States Supreme Court; to the Committee on the Judiciary.

771. By Mr. ASHBROOK: Petition of James F. Campbell and 82 residents of Knox County, Ohio, protesting against the President's Supreme Court proposal; to the Committee on the Judiciary.

772. By Mr. PFEIFER: Petition of the board of estimate and apportionment of the city of New York, requesting construction and equipment of the two new battleships to the Brooklyn Navy Yard; to the Committee on Naval Affairs.

773. By Mr. BURDICK: Petition of the Twenty-fifth Legislative Assembly of the State of North Dakota; to the Committee on Agriculture.

774. By Mr. SHAFER of Michigan: Petition of S. R. Truex and 42 other citizens, of Red Bank, N. J., urging the passage

of House bill 167, known as the longevity bill, calling attention to Congress for a change in the retirement law and to weaknesses in the Social Security Act; to the Committee on the Post Office and Post Roads.

775. By Mr. TURNER: Eighteen petitions of citizens of Columbia, Tenn., requesting that no law be passed that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

776. By the SPEAKER: Petition of the Pomery Civic Club, relative to the flood-control dam in the Ohio Basin; to the Committee on Flood Control.

777. Also, petition of Charlotte Morris, opposing any change in the laws of the United States; to the Committee on the Judiciary.

HOUSE OF REPRESENTATIVES

FRIDAY, MARCH 5, 1937

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O give thanks unto the Lord and call upon His holy name; He has been always mindful of His covenant and promise. Heavenly Father, accept our thanksgiving and praise for the privilege of another day. Give us understanding minds and hearts. Teach us to know that life is a great opportunity and that the world is full of open doors. Allow not our contact with it to cloud the vision and the ideals of the soul. Thou eternal source of life and light, giver of unspeakable gifts, from whose abundance come the blessings of man, may we abound in every good work. Steady our hearts; keep us in the ways of patience, obedience, and service; guide us with Thine eye and keep us this day without sin. In the name of our Savior. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Crockett, its Chief Clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 194. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Brownville, Nebr.;

H. R. 911. An act for the relief of Lewis Clark and Freda Mason;

H. R. 1120. An act for the relief of Fields B. Arthur and Arthur L. Allen, copartners, Colorado Culvert & Flume Co.; Glen Haller, Kenneth Austin, A. B. Hoffman, J. W. Jones, and Lloyd Lasswell;

H. R. 2503. An act to extend the time for completing the construction of a bridge across the Columbia River near The Dalles, Oreg.;

H. R. 2772. An act for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department;

H. R. 3148. An act granting the consent of Congress to the State of Alabama, or Etowah County, or both, to construct, maintain, and operate a free highway bridge across the Coosa River at or near Gilberts Ferry, in Etowah County, Ala.;

H. R. 3675. An act to extend the times for commencing and completing the construction of a bridge across the Savannah River at or near Lincolnton, Ga.; and

H. R. 3689. An act declaring Turtle Bay and Turtle Bayou, Chambers County, Tex., to be nonnavigable waterways.

The message also announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 179. An act for the relief of J. H. Richards;

S. 308. An act for the relief of the estate of Alice W. Miller, deceased;

S. 463. An act to settle claims of four persons arising from First Army maneuvers, August 1935;

S. 510. An act for the relief of Stephen Sowinski;

S. 525. An act for the relief of Harry King;

S. 609. An act for the relief of Edith Lewis White;

S. 687. An act authorizing the Secretary of War to bestow the Silver Star upon Michael J. Quinn;

S. 713. An act to provide an appropriation for the payment of claims of persons who suffered property damage, death, or personal injury due to the explosion at the naval ammunition depot, Lake Denmark, N. J., July 10, 1926;

S. 722. An act for the relief of Jesse W. Smith;

S. 869. An act for the relief of John A. Flagg;

S. 1115. An act to amend section 22 of the act approved March 4, 1925, entitled "An act providing for sundry matters affecting the naval service, and for other purposes";

S. 1147. An act for the relief of Alban C. Sipe;

S. 1236. An act authorizing the President of the United States to appoint Sgt. Alvin C. York as a major in the United States Army and then place him on the retired list;

S. 1272. An act relative to the military record of James Meagher, deceased;

S. 1311. An act for the relief of Norman Hildebrand;

S. 1315. An act to provide for the reimbursement of certain enlisted men and former enlisted men of the Navy for the value of personal effects lost by fire at the Naval Radio Station, Eureka, Calif., on January 17, 1930;

S. 1413. An act for the relief of Capt. Eugene Blake, Jr., United States Coast Guard;

S. 1454. An act to provide for the reimbursement of certain enlisted men of the Navy for the value of personal effects destroyed in a fire in building no. 125, United States Navy Yard, Washington, D. C., on July 16, 1935;

S. 1500. An act authorizing the Secretary of Agriculture to provide for the classification of cotton, to furnish information on market supply, demand, location, condition, and market prices for cotton, and for other purposes; and

S. Con. Res. 5. Concurrent resolution to recognize April 6 of each year as Army Day.

ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 194. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Brownville, Nebr.;

H. R. 911. An act for the relief of Lewis Clark and Freda Mason;

H. R. 1120. An act for the relief of Fields B. Arthur and Arthur L. Allen, copartners, Colorado Culvert & Flume Co.; Glen Haller, Kenneth Austin, A. B. Hoffman, J. W. Jones, and Lloyd Lasswell;

H. R. 2503. An act to extend the time for completing the construction of a bridge across the Columbia River near The Dalles, Oreg.;

H. R. 3148. An act granting the consent of Congress to the State of Alabama, or Etowah County, or both, to construct, maintain, and operate a free highway bridge across the Coosa River at or near Gilberts Ferry in Etowah County, Ala.;

H. R. 3675. An act to extend the times for commencing and completing the construction of a bridge across the Savannah River at or near Lincolnton, Ga.; and

H. R. 3689. An act declaring Turtle Bay and Turtle Bayou, Chambers County, Tex., to be nonnavigable waterways.

PERMISSION TO ADDRESS THE HOUSE

Mr. COOLEY. Mr. Speaker, I ask unanimous consent that on Monday next, after the reading of the Journal, disposition of matters on the Speaker's desk, and disposition of the call of the Committee on the District of Columbia, I be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that immediately after the address of the gentleman from

North Carolina on next Monday, if there be time, the gentleman from Maryland [Mr. LEWIS] may have 1 hour in which to address the House.

The SPEAKER. Is there objection?

There was no objection.

NAVAL APPROPRIATION BILL, 1938

Mr. UMSTEAD. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 5232) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1938, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 5232, the naval appropriation bill, 1938, with Mr. BLAND in the chair.

The Clerk read the title of the bill.

Mr. DITTER. Mr. Chairman, I yield 10 minutes to the gentleman from Vermont [Mr. PLUMLEY].

Mr. PLUMLEY. Mr. Chairman, as a layman and neophyte in matters pertaining to the Navy and the established naval policies, I approach the consideration of the matter in hand, as a member of this committee which has ultimately brought it to your attention, in a state of mind which is perhaps best described by an illustration.

When first assigned to membership on the Committee on Military Affairs, a matter having been submitted for consideration which troubled me very considerably and being undecided as to who was right and as to what to do, I turned for advice to certain friends of mine, competent by reason of their experience, to give me the information I sought. Answering my inquiries, one of them said to me: "If you were suddenly confronted as a layman with the responsibility of building a suspension bridge across the whirlpool rapids below Niagara Falls, you will admit that you would have to take advice from somebody. Would you take counsel and get all the information you could from the very highest grade and best structural engineers and bridge builders in the country, men who had demonstrated their ability, had experience covering years, and were ready to submit a definite plan; or would you take the suggestions and be governed in arriving at your own judgment as to how to proceed and what to do by the advice to be had from the fireman on board the boat *Maid of the Mist*, concerning whose intentions there could be no question but whose activities and experience were limited and had been circumscribed?" Of course there could be but one answer.

Without taking too much of your time and addressing myself especially to those who, like myself, know too little about it, may I say that this measure was sent down to us by the President and that the Budget as it originally came before the committee estimated the necessary expenditures for the fiscal year to be $562,425,709.

After protracted and exhausting, as well as exhaustive, hearings, at which we had present and on the stand everybody from whom we thought any information could be obtained, by reason of which we would be authorized to reduce the Budget estimate—after, I say, a month and a half of taking testimony and going over the Budget item by item—we cut out $36,000,000 in round numbers. That is to say, after those in authority and who were informed had satisfied the Bureau of the Budget that the minimum of their needs was estimated at $562,475,709, and in face of the fact that the former Congresses and administrations had established the policy responsible for the Budget estimate, it was up to us to determine what was and is the smallest sum that could be taken out of the pockets of the taxpayers and, at the same time, provide for a businesslike and economical operation of the Naval Establishment, and we cut the estimate $36,000,000.

In our bill there is a $10,000,000 item heretofore appropriated which we had to carry along and reappropriate, so that actually the new money carried in this bill is $516,555,428.

I say to you, gentlemen, that, whether we like it or not, is not the question. That, in our judgment, is the minimum amount necessary in order to pay the bills which the Naval Establishment, by virtue of existing laws and established policies, is authorized and empowered by legislation of Congress to contract.

The Committee on Appropriations may say with the soldier, in the words of Tennyson:

> Theirs not to make reply,
> Theirs not to reason why,
> Theirs but to do and die.

If Congress will continue to appropriate money and to authorize the expenditure of the same and to determine policies involving the expenditure of money, the responsibility rests upon this committee for bringing in and submitting to you its estimate of the lowest possible amount under and with which the directed expenditure can be accomplished.

You might as well understand that there is no prospect of declining naval costs; on the contrary, from what I have already learned, it seems to me, without any reference to what any other country in the world is trying to do, that there is bound to be an appreciable and immediate and continuing upward trend. Replacement, construction, modernization programs, aviation expansion, increased maintenance and operating costs are bound, gentlemen, to swell the aggregate of future annual appropriations for the Naval Establishment to sums much larger. You might as well face the fact.

It stands to reason that just as long as you approve formulated programs, thereby establishing and authorizing policies which involve and necessitate the expenditure of money, just so long your Committee on Appropriations having to do with the Naval Establishment will have to present to you a bill covering the expenditure of increasingly larger sums of money annually. Gentlemen, the time to stop is before you begin.

The American people should understand what confronts them. With the fact that the treaty navies have expired confronting us, before we undertake to employ our vast resources, and to impose further tax burdens upon the public, in an attempt to lead the mad race involved in building naval armament to assure our supremacy on the seas, the United States should take the lead in insisting that other nations meet with us to consider all questions involved—the possibility of renewing the treaties—to the end that reduction in expenditures may be made, and our naval burdens as well as those of the other countries be lightened.

It is true that there are those who contend that the Washington Limitation of Armament Conference, and that the resulting limitation of the naval armaments of 1921–22 were both a farce; but it is equally true that the consensus of opinion in this country is to the effect that the treaty of Washington for the limitation of armaments, negotiated in 1921–22, was one of the greatest steps in the direction of peace and understanding that was ever taken in this war-worn world.

Everybody knows that naval armament races create suspicion, distrust, hatred, and finally end in war to determine the mooted question as to which nation rules the waves.

The world knows that we intend to protect ourselves, and to maintain a reasonable and an adequate naval strength for our own defense. Moreover, the world knows we are competent to take care of ourselves. We are therefore in a position not to challenge the powers to an armament race but to challenge the powers to meet us around a table and to determine it to be the policy of the world powers not to enter into any armament race.

The great powers of the world which are strong upon the sea—and I am advised that Great Britain and Japan have already intimated a willingness so to do—should be invited by us to sit down around a common table and to work out some plan that will put a stop to all this talk of a naval

armament race; reduce the naval budgets of all the countries involved; relieve the individual taxpayer to that extent, and which will, even in these terrible and threatening days, be one step toward world peace.

I commend to you the careful reading of the report of your committee so ably drawn and so forcefully and intelligently presented to you by the gentleman from North Carolina [Mr. UMSTEAD], the chairman of the subcommittee.

There may be items in the bill which for some reason or other known to some Member might be stricken from it without jeopardy to the national defense, but if there be such an item your committee has overlooked it. We undertook to eliminate from this bill every single cent that we could not be convinced it was absolutely and necessarily vital for the reasonable and adequate preparedness of this country to spend; and I stand on that statement. [Applause.]

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. PLUMLEY. I yield.

Mr. RICH. First, I want to congratulate the subcommittee of the Appropriations Committee on keeping the appropriation below that which the Navy Department requested, if they deemed it too great from the Department. Each department of Government is requesting additional funds for their operation this year over and above the amount they were allotted last year. When will it ever stop? How can the Committee on Appropriations or how can Congress keep down the requests by these departments in order that we may be able to keep them within reasonable bounds of expenditures with receipts to the Federal Treasury? What is the observation of the gentleman about keeping down these expenditures of Government?

Mr. PLUMLEY. I will say to the gentleman, so far as the subcommittee on appropriations for the Navy Department is concerned, we gave them very definitely to understand that we proposed to cut unless they could satisfy us that their requests were justified.

The CHAIRMAN. The time of the gentleman from Vermont has expired.

Mr. DITTER. Mr. Chairman, I yield myself 10 minutes.

Mr. UMSTEAD. Mr. Chairman, I yield the gentleman from Pennsylvania [Mr. DITTER] 10 minutes.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 20 minutes.

Mr. DITTER. Mr. Chairman, after the very splendid presentation yesterday by the chairman of this Subcommittee on Appropriations, little need be said today. I feel that the response on the part of the Members indicated yesterday the confidence which they have in the recommendations made by the chairman of the subcommittee. I believe that confidence is going to be manifested today in the general support of this appropriation bill.

I would be remiss were I to fail to acknowledge to him the appreciation of the members of the committee for the courtesy that he rendered to the members of the committee at all times. I feel the House owes the chairman of this subcommittee a vote of thanks for the way in which he conducted the hearings and for the report which he brought to you yesterday.

Time will not permit lengthy observations on any particular parts of the bill. It probably is not necessary. We of the committee feel that this bill needs no defense. We feel that the bill stands on its merits.

The gentleman from Iowa [Mr. BIERMANN] yesterday took occasion to question the need of a navy and urged that the present naval program was an unnecessary expense. I believe due reflection and careful analysis by the membership will convince it that the program which is presently being pursued is a program of wisdom, and if the self-respect which we have heretofore commanded is to be continued, then a navy such as we contemplate is an absolute necessity.

I want to direct the attention of the membership for just a moment or two to that which might be said to be collateral to the actual appropriation bill, but which nevertheless has a bearing upon it.

It is the question of the selection board, the forced elimination of officers as a result of the action of the selection board. Growing out of the observations that were made here last year, the Naval Establishment saw fit to have the general board give a report on the question of selection boards. A rather detailed examination appears in the hearings. I believe a reading by the Members will indicate that the Naval Establishment acknowledges that the selection board's program is not completely satisfactory. They realize that we are assuming a financial obligation growing greater year by year as a result of the forced retirement of officers who they acknowledge are competent. Illustrations appearing in the hearings will indicate that there might be five officers whose fitness reports in every instance indicate a satisfactory service, but that of those five officers one would be selected for promotion while four would be involuntarily retired from the service. Such a program must be changed. Either the number of midshipmen at Annapolis must be reduced or some other means must be found by which we can save the cost of these involuntary retirements, by which also the Naval Establishment will be permitted to continue in service men who have demonstrated their ability.

Mr. TERRY. Mr. Chairman, will the gentleman yield?

Mr. DITTER. If I have time later, I shall be pleased to yield. I will try to be courteous.

During the course of the hearings the suggestion was made as to the advisability of having a secret poll of the naval officers to record their approval or disapproval of this selection-board program. Numerous complaints have come to me, and probably other Members have received complaint of this involuntary retirement from service. Expressing purely a personal opinion, and certainly not binding the committee, I can see no reason why those charged with the administration of naval affairs should object to having a secret poll taken of the officers of the Navy to record their approval or disapproval of this selection-board program.

Personally, I think there is a certain degree of demoralization, so far as morale goes, growing out of the present operation. I believe that the morale of the men would be materially improved were they to feel that some time in the future they would not face the possibility, to some extent looked upon by some of them as ignominy, of being forced to retire from the service with which they have been identified for years and to which they have given the best years of their lives. Punishment might be in order. Some of us who are enthusiastic in this matter might suggest that the Appropriations Committee refuse to appropriate for the retirement of men who are involuntarily detached from service. To penalize those men would not be fair; but I do direct the attention of the Naval Affairs Committee, and I plead particularly with the very able chairman of that committee that corrective measures should be introduced, considered by the establishment and by his committee so that in the Congress of next year we might have something which will do away with the complaints that presently prevail, and avoid the tremenduously increasing cost of the retirement of officers who have demonstrated their worth and ability.

Another observation that comes to me as we think in general terms of this program of the Navy is the policy that has been pursued in one instance by the Naval Establishment in the procurement of a piece of equipment which it has admitted was purchased for no reason other than to try to drive down the price of a private contractor. Against the opinion of some of us, and after we had registered definitely our objection, the piece of equipment was purchased last year involving the investment of $100,000. It was certainly represented—if not purposely at least the impression was left—that that piece of equipment was to be used in doing certain work. Some of us were surprised to learn this year that there was no intention of using that piece of equipment for the doing of any work, but that it was purchased with but one object in mind, that object being to try to drive down a private contractor's estimate for the doing of certain public work. I question the advisability of such a policy. Let there be bidding, let there be competition; but to use public funds and to impress upon the taxpayer group that we are making an investment in a piece of equipment for the ostensible purpose of doing public work and then in the fol-

lowing year bringing in an admission that the equipment was purchased not for that purpose but to drive down a fair price by a private contractor, to my mind, is not in accord with the established policy and does not inure to the benefit of the Naval Establishment.

As we think about battleships and cruisers, as we think about these combatant units of the fleet, let us not be unmindful of the personnel.

I want to take this opportunity to make just a very humble plea for the enlisted personnel and some of the officer personnel who presently are assigned in the Canal Zone. I say to the membership here today that if they had the opportunity of examining into, of personally investigating conditions in the Canal Zone faced by our enlisted personnel, they would feel that an investment for proper accommodations, barracks, housing, and so forth, is a crying need today. Many of the enlisted men are forced to accept accommodations in most undesirable sections of the cities at both ends of the Canal that were never intended as proper accommodations for our men of the fleet. The Naval Establishment should put on its priority list a constructive program that would provide for the enlisted personnel particularly, and for the officer personnel to a lesser degree, assigned to the Canal Zone. They should furnish accommodations in the Canal Zone by which those men and their families might feel that a Government to which they are rendering service is sufficiently appreciative to provide accommodations for them in keeping with their station in life. This should be done without delay.

In the absence of my distinguished colleague from Nevada, I should like to say a word on the subject of the acquisition of strategic war materials. I hope that the House will demonstrate its confidence in the program that we have provided looking toward the acquisition of these strategic war materials. We had it last year in conference. We unfortunately lost it. I hope there will be a loyalty and a unanimity of support back of the House demanding that the strategic war-material acquisition clause be continued in the bill by the conferees after their appointment.

Then I should like to make an observation about conditions at the South Charleston plant. Many of you will remember the white-elephant story we heard here last year. The rather interesting thing that has developed since last year is a complete "about face" by the Naval Establishment in connection with this Charleston plant. We had been led to believe that the Naval Establishment would look with approval upon the sale or disposition of that plant. Inactive for many years, it was looked upon as a continuing liability. It entailed the expenditure of funds year by year and with attendant deterioration and depreciation of plant and equipment. We spent thousands and thousands of dollars since the plant has been placed in its inactive state, and we had supposed that we had come to the point where we would dispose of the plant.

The Navy comes along now with the proposal that we should not dispose of the plant. We now find the situation developing that, in addition to the funds provided in the appropriation bill for the maintenance of this white elephant, this inactive plant—this plant that has not turned a wheel for years—the Naval Establishment has procured from the W. P. A. large sums of money, approximately a hundred thousand dollars for work in and about that inactive plant. If the Naval Establishment proceeds on a program of wastefulness and an utter disregard of public funds, it is inviting the objection of those who take exception to a Navy second to none in the world.

I believe the Naval Establishment is charged with the responsibility of discharging as a trustee the trust that has been committed to it by the Congress and by the people, and to simply go to this emergency agency and procure from that emergency agency vast sums of money to put into this plant that is dead, and for which some of us had hoped to sing a requiem, spending thousands and thousands of dollars for useless purposes, is not warranted and is not in any way justified.

We have had the suggestion made that the steel industry's actions brings about the possible reopening of this plant. May I suggest to the committee what such a program would entail? The machinery and equipment there is antiquated. It was never installed for the purpose of turning out steel such as the present naval construction program requires.

[Here the gavel fell.]

Mr. UMSTEAD. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. DITTER. Mr. Chairman, this plant has practically been dismantled. The suggestion made would require the employment of highly trained technicians, who would command in private life large compensation from private employers. It would likely take 3 years to put it into shape so that it might be in a state of production. In the meantime I ask the question: Are we to entirely stop our naval program in order to permit this plant at Charleston or any other plant to get under way in order to provide the steel necessary for our construction program?

Mr. TERRY. Will the gentleman yield?

Mr. DITTER. I yield to the gentleman from Arkansas.

Mr. TERRY. I was interested in the statement the gentleman made a while ago in reference to the officer personnel of the Navy. The gentleman has given the matter a great deal of study. I should like to know his opinion as to the advisability of reducing the number of midshipmen. Is it the opinion of the gentleman that we have too large an officer personnel; and if so, should that continue as we go along toward building the Navy up to treaty strength?

Mr. DITTER. I believe that the hearings definitely indicate that if we are to have a treaty Navy it will require an officer personnel such as is provided for in this bill and such as we anticipate or contemplate during the next few years. However, I am rather persuaded that the big bulge created as the result of the number of midshipmen presently being admitted to the academy must be reduced in some way so that when it comes to the point of funneling out and elimination, as presently prevails, there will not be the forced retirement of this large number of very, very capable men.

I confess, sir, my own limitations. I rather challenge the very splendid, intelligent, and exhaustive examination of the Naval Establishment to bring about a construction program. As I stated, I confess my own limitations so far as making definite suggestions are concerned.

We are talking today about aviation. Still I have records which indicate that it is contemplated that six officers having an experience ranging from 3 to 22 years will be forced to retire. We are trying to train a lot of younger officers for aviation duty, and at the same time we cast into discard this splendid group of men which has been trained and which as a result of years of experience brings contributions to the aviation unit.

Mr. TERRY. Is it the opinion of the gentleman that under present conditions we have too large a number of midshipmen in the academy?

Mr. DITTER. I feel that the number there probably can be carried, but I believe that looking into the next 2 or 3 years there will certainly be a need for cutting down that midshipmen group.

Mr. TERRY. There was requested in this appropriation the sum of $750,000 to enlarge Bancroft Hall. The committee, it seems to me, has wisely cut that out. If there is no necessity for these additional men, it seems to me we should reduce the personnel in the academy.

Mr. DITTER. I think the observation of the gentleman is well taken.

I submit this further observation: While the interest of Members in activities in their districts is natural and commendable, we venture the observation that a naval program cannot be circumscribed by the limitations of local interests and that it is hardly the proper vehicle for the personal aggrandizement of any Member. Publicity efforts seeking to impress upon a constituency the granting of funds related to national defense needs as a result of a Member's position stigmatizes a defense program with the unsavory flavor of

local politics and inevitably subjects a Member to the possible charge of selfish purposes at the expense of the national needs. The first is not desirable, the second is regrettable.

A word is in order here on the subject of armaments and peace.

Men and women throughout the world yearn for peace. Were the people of many nations given the right to express themselves, widespread objection would be heard to the frenzied efforts of dictators to maintain their rule and autocratic sway by the development of gigantic war machines. Demand for cannon fodder goes to the point of penalizing childless marriages. Crushing tax burdens are saddled upon already impoverished people to perpetuate the rights of dictators.

No one dare charge us with such motives. Our national-defense program is based solely on that which is necessary for defense needs according to the opinion of those charged with the responsibility of forming our national policies. Under no circumstance do we approve a course which could be construed as a participation by this Nation in an armaments race. Such a course cannot command the support of a nation which in times past has exerted every influence and demonstrated every purpose to curtail the construction of armaments. The spirit which prompted this Nation to destroy millions of dollars' worth of armament as an evidence of its sincerity of purpose to limit the naval construction of the nations of the world still prevails. We reluctantly admit failure in our efforts to have limitation agreements entered into by those nations which have heretofore been parties to such covenants. For this failure we are in no way responsible.

We still entertain the hope that agreements may take the place of a competitive arms race. This cannot be done unless a like disposition is evidenced by other nations. We cannot come to an agreement with ourselves. We are receptive today, as we have been in the past, to any overtures which may be made looking toward agreements with other nations which will result in a decrease of armaments.

In the absence of any agreement or the presence of any evidence of any disposition on the part of other nations to even approach negotiations, no other recourse is left for us but to provide adequately for the national defense. This means a navy such as we provided for in the present bill.

Since the Revolutionary War, which established our independence, this Nation has fought five wars with foreign nations. The War with France was fought by the Navy in the West Indies. The War with Mexico was fought in Mexico and the Republic of Texas. The War with Spain was fought in Cuba and the Philippines. The World War, so far as we were concerned, was fought in Europe.

In the War of 1812, and in this foreign war only, was our territory invaded. Such invasion was made possible by the overwhelming strength of the British fleet. With regard to the possibilities of invasion it is well to recall the so-called opium wars conducted by Great Britain against China in the 1840's. A handful of British subjects in ships 5,000 miles from home were able to impose their will and force concessions from a Chinese Government whose subjects were from three to four times the present population of the United States. Again, in 1900, in the so-called Boxer Rebellion, some 10,000 allied troops landed and marched a hundred miles to the capital of China, which they seized, and forced their will again upon the Chinese Government. It may be said that times have changed and that present rapid means of communication and transportation make a repetition of such campaigns impossible. On the contrary, it is believed that the present rapid means of transportation make more vulnerable a weak, rich, flabby nation. Looking again to China, we see the activities of Japan in that country.

The only sure defense against aggression and ultimately against invasion is the means of defense within the Nation itself.

[Here the gavel fell.]

Mr. UMSTEAD. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. MANSFIELD].

Mr. MANSFIELD. Mr. Chairman, I have requested this time for the purpose of making an announcement on a matter of considerable public interest pending before the Committee on Rivers and Harbors, and on which I have received a great many inquiries.

On Tuesday, March 9, the committee will start hearings on the Bonneville Dam and power proposition. A number of people have expressed an interest in that matter. This project provides for a means of transmission and sale of surplus power produced by the Bonneville Dam. As I stated, hearings will start on Tuesday, March 9.

On Wednesday, March 17, hearings will be commenced on the question of the pollution of the navigable waters of the United States. That is a matter of general public interest, and many people from all sections of the country have been making inquiries concerning it. [Applause.]

Mr. UMSTEAD. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. HULL].

Mr. HULL. Mr. Chairman, with all the billions which have been spent for relief purposes and the further appropriation of $780,000,000 in the recent deficiency bill to continue relief until July 1, 1937, there remains an acute situation in need of immediate attention in the drought counties in the great dairy section of the Northwest. The relief funds which pour out so liberally in other parts of the country are not being expended in such amounts and in such manner as to meet the problem which has confronted the dairy farmers who have no feed with which to maintain the dairy herds which they have been years in building up. Unless something is done for their relief at once, the plight of all such farmers will daily become more serious.

For weeks representatives from the dairy districts of Wisconsin and other Northwestern States have sought to obtain action upon the part of the Works Progress Administration and the Resettlement Administration to meet the conditions. From the Works Progress Administration we obtain the statement that the W. P. A. is an urban set-up, and is not intended to cover farm relief in the form requested; that farm problems have been turned over to the Resettlement Administration.

From the Resettlement Administration we have the explanation that feed loans are being made to farmers without other credit facilities, upon such security as the farmer may have, but that the funds available are not sufficient to meet the demands.

Thus after many weeks of endeavor, thousands of dairy farmers have exhausted their supply of feed for their stock and are forced to sell their herds, in many instances their only source of income.

There are 29 counties in Wisconsin which suffered of the disastrous drought of 1936, and about the same area was covered by the drought of 1934. There are 11 such counties in the Ninth District which I represent. The conditions in those 11 counties are about the same as in the other 18 Wisconsin counties, and not different from the several hundred counties in Iowa, Minnesota, North and South Dakota. The number of farmers in these counties can only be estimated, but probably is 200,000 or more.

In the Ninth District of 11 counties there are about 628,000 head of cattle, mostly dairy stock. In the 29 counties the total number of cattle is in excess of 1,500,000, a greater number than there are in the State of Pennsylvania, or in either Michigan, Ohio, or Indiana. About 5 percent of all the dairy cows in the United States are in the 29 counties in the drought afflicted section of Wisconsin.

For 6 years those counties have suffered partial or complete crop failure because of drought. In 1934 and 1936 the failure was practically complete as to the grain crops upon which the dairy farmers depend for the winter supply for their herds. Furthermore, the continued drought conditions have killed out hundreds of thousands of acres of alfalfa and clover crops and ruined pasture lands of an equal area.

This era of drought conditions is something which had never before come to Wisconsin.

In consequence of the drought of 1936, farmers were obliged to commence drawing on their feed supplies ordinarily held for winter consumption in August and September. Before winter came, many of them were purchasing feed stuffs from other sections and other States. Many farmers reduced their herds to their foundation stock, selling at such prices as they could obtain for cattle in no condition to bring more than a small portion of their real value. Many cows worth from $75 to $125 in the spring of 1936 were sold at from $25 to $40. Reports now indicate that thousands of farmers are being obliged to sacrifice their dairy stock at similar low prices. Herds that had been years in building are being sold for lack of feed.

Those of us from dairy districts who have sought to obtain Federal aid to relieve these distressing conditions have been and still are being supplied with detailed as well as general information as to the steadily growing seriousness of the situation. I have received hundreds of letters from farmers in my district who are losing their all. Many of them will lose their farms as well as their stock. Some of them will be forced from their homes by foreclosure and compelled to enter the ranks of the unemployed.

The county boards of our district and many farm organizations have backed up the demands of relief administrators, county agents, and individual farmers for Federal action. Resolutions describing the situation arrive daily. Those interested—and everybody in the dairy counties is interested—cannot understand why, with hundreds of millions going out to city people, to flood sufferers, and even to the slum dwellers of far-away Honolulu for housing relief, our Government continues to deny our own farmers a share of its attention.

The Wisconsin Legislature has repeatedly called upon the Federal agencies to make the loans which thousands of farmers must have to save their stock from sacrifice sales.

In August, the Works Progress Administration set up projects in the drought counties to enable farmers to earn money with which to purchase feed for their cattle. Assurances were given that this form of relief would be continued and that farmers would be able to earn enough to maintain their families and their herds. In November an order was issued discontinuing W. P. A. participation in the program on December 15. The Resettlement Administration was then authorized to provide grants to needy farmers. It has aided so far as its funds would permit, but it has not sufficient appropriations to more than partly meet conditions.

When the relief deficiency bill came before Congress, the Wisconsin Representatives and others from the dairy country were among those who urged an increase of Resettlement Administration funds to $400,000,000 for the very purpose of aiding the thousands of farmers in dire need of assistance. Our endeavors proved futile.

Among the communications I have received setting forth the conditions in Wisconsin is one from Walter Ebling, of the Wisconsin Department of Markets, who has made an extensive study of them. In brief, the following is a summary of his statement:

Wisconsin feed supply, including all counties, from 1936 crops, 73 percent of 5-year average. In drought counties only 57 percent of grain production of 1935. At present prices for milk and feedstuffs, 100 pounds of milk buys only 87 pounds of feed, or only 58 percent of what the same amount of milk would buy in 1935. At present prices, in terms of grain, eggs have a buying power only 51 percent of 5-year average. Drought of 1936 destroyed new seeding for hay and pasture in drought counties.

Regarding needed relief, he states:

Estimate 45,000 farmers in Wisconsin without cash or credit resources urgently needed for livestock feed to carry dairy herds through remainder of indoor feeding season, with average need of $200 each, or $9,000,000 in all. There are 15,000 farm-labor families, and small-acreage farmers who need subsistence grants for 5 months. More than 40,000 farmers will need seed, averaging $75 per farm. There are 30,300 farmers on rolls obtaining subsistence grants for living necessities. Unless rapidly moving program is initiated which will enable farmers to get feeds, heavy liquidation of livestock must occur, which will seriously cripple State's great dairy industry, our largest source of farm income.

Another statement covers the situation in Dunn County, one of the best dairy counties in the State, which has 65,500 dairy cattle, and which formerly had an income of about $7,500,000 annually from dairy products. It was compiled by Frank W. Kelly and Mr. W. A. Goodwin, members of the Dunn County Drought Committee. The survey was made at the close of the W. P. A. program for drought farmers in December 1936. The survey covered 1,814 farms owned by applicants for drought relief. These farms are located in 22 townships:

Eighty-seven percent of the farms of which the titles were held by the farmers were mortgaged in an average amount of $3,409, or a total of $3,792,788 on 1,134 farms. Thirty-two percent of the farms included in the survey are occupied by renters. The average chattel debt was $594 and the unsecured debt amounted to $342. The total debt on this group was $4,790,500.

Gross income per farm was $732, computed on 12 months, which included benefit of the better 1935 crop year. Deducting taxes, interest, insurance, and other costs, the average net income was not over $400. Computing farm and household workers of farm families, the average wage was less than 30 cents per day per person.

The grain supply on two-thirds the farms was exhausted in December, compelling farmers either to buy feeds or sell their stock. The farmers prefer a work program to obtain funds for subsistence of their herds, and would willingly work on local projects for that purpose.

An individual case showing the sad situation all too common in these drought counties is that of P. J. Stevens, of Cylon, Wis., which also has been mentioned on this floor by Congressman GEHRMANN. Mr. Stevens spent 60 years developing a fine farm in St. Croix County. Honest, frugal, and thrifty, a man of energy and industry, he brought 200 acres of rich soil under cultivation, erected a substantial farm home, barns, and other outbuildings. He built up a good dairy herd. Then came the years of adversity, with low prices for farm products, and then the 6 years of drought. On February 26 his farm was sold under foreclosure proceedings brought by the Federal Land Bank of St. Paul. The amount of the mortgage was less than the replacement value of the buildings on the farm. Mr. Stevens at 78, and after a lifetime of toil and saving, now is turned adrift, without home or a means of livelihood. There are many such instances. Even now there are more than 1,200 farm foreclosure cases pending in the 11 counties of the Ninth District. Many of them have been brought by the Federal land bank. There will be many more good farmers like Mr. Stevens losing out. Some will become tenant farmers on farms bought in by land banks, insurance and trust companies at foreclosure sales. At such sales farms are bought at the amount of the mortgage lien and not at the appraised value upon which the loans are made.

The urgency of the matter of providing feed loans on a basis on which the farmers can meet them by employment on local projects of the W. P. A. being the most feasible, the debt situation may well be considered. Figures are available for only 7 of the 11 counties of the Ninth District. Briefly summarized, they are:

Barron County, one of the richest dairy counties, which formerly had an income exceeding $9,000,000 annually from dairy products and now receiving about half that amount, has 5,639 farms. In 3 years 221 farms have been sold under foreclosure proceedings, with an acreage of 20,000 acres. Of that number, 135 farms were bid in by land banks, insurance and trust companies, practically all of which are now operated by tenants. There are 1,500 more farms mortgaged to land banks alone, with a total indebtedness exceeding $5,000,000, of which 35 percent are delinquent. Barron County, with about 80,000 dairy cattle, needs $500,000 immediately to carry its herds through the remainder of the season.

Chippewa County, with 4,053 farms and 72,000 dairy cattle, has 329 farms mortgaged to the Federal land bank alone. Feed and seed loans are in excess of $174,000. The Farm Credit Administration has approximately 1,000 unpaid loans from 850 borrowers. With feeds exhausted, more than

2,000 farmers are in urgent need of loans for feed and many of them of loans for seed.

Clark County, one of the largest dairy counties, with more than 200 cheese factories, has 5,348 farms with about 98,000 dairy cattle. The Federal land bank holds first liens on 1,250 farms, in the amount of $5,500,000, on which liens 320 are delinquent. There are 700 P. C. A. loans aggregating $200,000. Sixty percent of the farmers have borrowed money with which to buy feed, and fully as many were out of feed for their stock on March 1. The county agricultural committee states that $500,000 is needed for feed and seed.

Trempealeau County, with 3,000 farms and 62,000 dairy cattle, has 452 Federal land bank loans, in the amount of $2,260,000. At least 500 farmers were without feed for their stock on March 1 and $100,000 is needed at once for feed and seed.

Dunn County, previously mentioned, needs $480,000 for feed and seed loans. It has 3,500 farms. Other farm indebtedness than real-estate liens exceed $1,800,000. One-third the farmers had exhausted the feed supplies for their stock on March 1.

Pepin County has 1,017 farms on which there are 108 land-bank loans. On 402 farms the mortgage debt exceeds $680,000. About 40 percent of the farmers have been buying mill feeds, and more than that number have been buying since March 1. About half the farmers will have to buy seed grain.

Pierce County has 3,200 farms and 50,500 dairy cattle. The Federal land bank holds mortgages on 501 farms in the amount of $2,000,000 or more, and 117 are delinquent in their payments. There are 361 P. C. A. loans oustanding, amounting to $189,821. One-half the farmers are buying feed for their stock, and there are 500 farmers in need of feed for their stock who have no means for purchasing it.

What is true of these rich and at one time very prosperous dairy counties is true of the many others in the drought section of Wisconsin and also of Minnesota. The drought effects varied some in the different counties, but, in general, it was the same.

The situation, involving many thousands of farmers and along with them the businessmen of their small towns and cities, has become such that urgent action is necessary to prevent lasting damage to a basic industry. It also involves the future of hundreds of thousands of farm people who have been brought to their present plight through no fault of their own.

Our Government is expending billions for general welfare. Surely it has the means to aid those who are so sorely beset in that section of the country which produces 45 percent of the Nation's dairy products. Those distressed farmers are as much entitled to consideration as are any others. Action must be immediate, however, if further and greater distress is to be avoided.

To bring immediate relief I have presented a bill to appropriate $30,000,000 to the Works Progress Administration with which to make loans to farmers who must have feedstuffs to save their herds, the loans to be paid by labor on local projects to be set up by that administration. The Works Progress Administration has ample facilities to immediately launch the necessary programs. Congressman GEHRMANN is the author of another measure for the same purpose. It is not important to me which measure shall be taken up for consideration, but one or the other, or some other to be formulated by the committee, should be given immediate consideration. The facts warrant prompt action and that action should be had. [Applause.]

The Clerk read as follows:

BUREAU OF SUPPLIES AND ACCOUNTS

PAY, SUBSISTENCE, AND TRANSPORTATION OF NAVAL PERSONNEL

Pay of naval personnel: For pay and allowances prescribed by law of officers on sea duty and other duty, and officers on waiting orders, pay—$34,762,731, including not to exceed $1,695,100 for increased pay for making aerial flights, no part of which shall be available for increased pay for making aerial flights by any officer above the rank of captain, except not more than two officers of the rank of rear admiral, nor by nonflying officers or observers at a rate in excess of $1,440 per annum, which shall be the legal maximum rate as to such nonflying officers or observers; rental allowance, $7,275,000; subsistence allowance, $4,358,427; in all, $46,396,158; officers on the retired list, $9,000,000; for hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them, and hire of quarters for officers and enlisted men on sea duty at such times as they may be deprived of their quarters on board ship due to repairs or other conditions which may render them uninhabitable, $9,000; pay of enlisted men on the retired list, $7,600,000; interest on deposits by men, $3,000; pay of petty officers (not to exceed an average of 8,240 chief petty officers, of which number those with a permanent appointment as chief petty officer shall not exceed an average of 7,198), seamen, landsmen, and apprentice seamen, including men in the engineer's force and men detailed for duty with the Bureau of Fisheries, enlisted men, men in trade schools, pay of enlisted men of the Hospital Corps, extra pay for men for diving, and cash prizes (not to exceed $106,000) for men for excellence in gunnery, target practice, communication, and engineering competitions, $78,484,680, and, in addition, $10,000,000 appropriated in the Second Deficiency Appropriation Act, fiscal year 1935, for a "floating dry dock, type B, including mooring facilities and accessories", such sum being hereby reappropriated for the objects embraced by this clause and paragraph; outfits for all enlisted men and apprentice seamen of the Navy on first enlistment, civilian clothing not to exceed $15 per man to men given discharges for bad conduct or undesirability or inaptitude, reimbursement in kind of clothing to persons in the Navy for losses in cases of marine or aircraft disasters or in the operation of water- or air-borne craft, and the authorized issue of clothing and equipment to the members of the Nurse Corps, $1,775,210; pay of enlisted men undergoing sentence of court martial, $25,000, and as many machinists as the President may from time to time deem necessary to appoint; pay and allowances of the Nurse Corps, including assistant superintendents, directors, and assistant directors—pay, $558,880; rental allowance, $24,000; subsistence allowance, $23,871; pay, retired list, $243,249; in all, $850,000; rent of quarters for members of the Nurse Corps; pay and allowances of transferred and assigned men of the Fleet Naval Reserve, $15,290,000; reimbursement for losses of property as provided in the act approved October 6, 1917 (U. S. C., title 34, secs. 981, 982), as amended by the act of March 3, 1927 (U. S. C., title 34, sec. 983), $10,000; payment of 6 months' death gratuity, $150,000; in all, $159,593,048; and no part of such sum shall be available to pay active-duty pay and allowances to officers in excess of nine on the retired list, except retired officers temporarily ordered to active duty as members of retiring and selection boards as authorized by law: *Provided*, That, except for the public quarters occupied by the Chief of Office of Naval Operations, the Superintendent of the Naval Academy, and the Commandant of the Marine Corps and messes temporarily set up on shore for officers attached to seagoing vessels, to aviation units based on seagoing vessels including officers' messes at the fleet air bases, and to landing forces and expeditions, and in addition not to exceed 40 in number at such places as shall be designated by the Secretary of the Navy, no appropriation contained in this act shall be available for the pay, allowances, or other expenses of any enlisted man or civil employee performing service in the residence or quarters of an officer or officers on shore as a cook, waiter, or other work of a character performed by a household servant, but nothing herein shall be construed as preventing the voluntary employment in any such capacity of a retired enlisted man or a transferred member of the Fleet Naval Reserve without additional expense to the Government, nor the sale of meals to officers by general messes on shore as regulated by detailed instructions from the Navy Department;

Mr. SUTPHIN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SUTPHIN: Page 27, line 12, after the word "Department", insert the following: "*Provided further*, That except officers who are qualified as aviators, no appropriation contained in this act shall be available for giving flying training to officers above the rank or relative rank of lieutenant in the Navy."

Mr. SUTPHIN. Mr. Chairman, for some time past a dangerous and demoralizing policy has been followed by permitting high-ranking officers of the Navy to transfer to the Flying Corps. This not only materially increases the expense of the corps but is demoralizing to the junior officers—men who have given their lives to flying. This amendment will correct this vicious practice and to support this amendment is certainly a step toward economy in the administration of the Navy Department. I hope the amendment will be adopted.

Mr. UMSTEAD. Mr. Chairman, the gentleman from New Jersey called his amendment to my attention a few moments ago for the first time, and I am inclined to think there may be some merit in his proposal. However, it is my information that the gentleman has introduced a resolution or a bill, which is now pending before the Committee on Naval Affairs, seeking to accomplish what he is now proposing in this amendment.

No evidence, Mr. Chairman, is before the Committee about this question, or of how it might affect the operation of the Navy's aviation force, and, in my opinion, should not be acted

upon in such a hasty manner without a hearing, without the production of any evidence to justify such a course——

Mr. SUTPHIN. Mr. Chairman, will the gentleman yield?

Mr. UMSTEAD. Not right now. I will yield to the gentleman in a moment.

And I respectfully submit to the Committee that this amendment ought not to be adopted.

I now yield to the gentleman from New Jersey.

Mr. SUTPHIN. I may inform the gentleman from North Carolina that I believe the present practice is demoralizing and is upsetting the orderly procedure of the Flying Corps.

Mr. UMSTEAD. If that be true, Mr. Chairman, the gentleman ought to have given our committee at the proper time, when we were holding hearings upon this bill, the information which he states he has and upon which his conclusion is based.

Mr. SUTPHIN. I regret I did not have the opportunity.

Mr. UMSTEAD. I regret it also, and I hope this amendment will not prevail, and that the gentleman will come before our committee and give us the information next year.

Mr. SUTPHIN. I will be pleased to do that.

Mr. UMSTEAD. And if the gentleman can show us there is merit in his proposal, although we are not a legislative committee, his proposal or any other proposal looking toward increased efficiency in the Navy will have our sympathetic consideration.

I trust the amendment will be voted down.

The amendment was rejected.

The Clerk read as follows:

FUEL AND TRANSPORTATION, BUREAU OF SUPPLIES AND ACCOUNTS

For coal and other fuel for submarine bases and steamers' and ships' use, including expenses of transportation, storage, and handling the same and the removal of fuel refuse from ships; maintenance and general operation of machinery of naval fuel depots and fuel plants; water for all purposes on board naval vessels, and ice for the cooling of water, including the expense of transportation and storage of both, $8,847,076: *Provided*, That fuel acquired other than by purchase shall not be issued without charging the applicable appropriation with the cost of such fuel at the rate current at the time of issue for fuel purchased: *Provided further*, That the President may direct the use, wholly or in part, of fuel on hand, however acquired, to be charged at the last issue rate for fuel acquired by purchase, when, in his judgment, prices quoted for supplying fuel are excessive: *Provided further*, That no part of this appropriation shall be available, any provision in this act to the contrary notwithstanding, for the purchase of any kind of fuel oil of foreign production for issue, delivery, or sale to ships at points either in the United States or its possessions where oil of the production of the United States or its possessions may be procurable, notwithstanding that oil of the production of the United States or its possessions may cost more than oil of foreign production, if such excess of cost, in the opinion of the Secretary of the Navy, which shall be conclusive, be not unreasonable.

Mr. DIRKSEN. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. DIRKSEN: On page 33, line 16, strike out the sign and figures "$8,847,076" and insert the sign and figures "$8,173,528"; and on page 34, line 9, strike out the period, insert a colon and the following: "*Provided further*, That no part of this appropriation shall be available for the purchase of any fuel or fuel oil to be used in any fleet maneuver or fleet employment plan in waters more than 300 miles distant from the coast line of the American Continent."

Mr. UMSTEAD. Mr. Chairman, I make the point of order against the amendment.

Mr. KNUTSON. Mr. Chairman, it seems to me that the amendment is clearly in order, as being within the Holman rule.

Mr. UMSTEAD. Mr. Chairman, I reserve the point of order.

Mr. DIRKSEN. Mr. Chairman, I am sure that every Member of this legislative body has at some time or other reflected upon the huge defensive expenses of the country and wondered in what respect we could make an affirmative gesture in the direction of peace. I have thought about it a long time. Obviously we have to have an adequate Army, and obviously we have to have an adequate Navy, but it seems to me that somewhere along the line we can impose certain restrictions that will be conducive to peace between this and other countries. It seems to me that one of the first desiderata in getting at the structure of peace is to eliminate friction between this and other countries. Let me repeat. We have to eliminate every possible friction and provocation between this country and other countries, and one of the ways in which it might very well be done is to limit the maneuvering of the American Fleet to American waters. The amendment is nothing more than a limitation that prevents the fleet employment plan or maneuvering of the fleet if it is distant further than 300 miles from the American coast line. I need only point out what the experience was a year or two ago when our fleet was maneuvering 7,000 miles from our coast line. The Tokyo papers were filled with headlines, and it is only yesterday that the gentleman from Michigan [Mr. CRAWFORD] inserted in the RECORD a statement taken from a Tokyo paper indicating that those oriental people are constantly afraid that this country has militaristic designs upon Japan. We can give assurance to every country in the world when we keep our fleet within our own waters that we have peaceful intentions.

I have heard a great deal upon the floor of this House in the last 4 years to the effect that while we want a large Navy—and our defensive expenditures are now approximating the billion-dollar mark per year—we want to be at peace. Very well. Here is an opportunity for every member of this committee to register himself in behalf of a restriction on the tactical activities of the American Fleet that will keep it within American waters and eliminate those provocations with foreign countries. The only way I could get at it was to strike out enough money in this bill which covers 793,000-odd barrels of fuel oil for fleet purposes. In other words, that is the additional fuel oil they want this year for their so-called fleet employment program, and if that is stricken out and that proviso placed in the bill as a limitation upon the operations of the fleet, then they must remain within 300 miles of our coast line. It does not in any way impair our Panama Canal activities, because the American coast line includes both South and North America, and I think it is a very definite and affirmative action in behalf of peace and a declaration of our peaceful intentions so far as other governments are concerned.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. Yes.

Mr. KNUTSON. If I heard the gentleman's amendment correctly, under it we could not have maneuvers in Hawaiian waters.

Mr. DIRKSEN. Fleet maneuvers?

Mr. KNUTSON. Yes.

Mr. DIRKSEN. I do not know that we ought to have them there, if we are going to give the Asiatic countries alarm and leave a misimpression in the minds of other governments.

Mr. KNUTSON. But Hawaii is a part of the United States.

Mr. DIRKSEN. Suppose it is. Can the gentleman give any good reason why the fleet should be maneuvering away out there in the Pacific?

Mr. KNUTSON. Yes; I could give several reasons.

Mr. WADSWORTH rose.

Mr. DIRKSEN. Does the gentleman from New York desire to ask a question?

Mr. WADSWORTH. My question is along the line of that propounded by the gentleman from Minnesota [Mr. KNUTSON].

Mr. DIRKSEN. And I say in answer to that it occurred to me that we can still keep our fleet in American waters. We have no business with a fleet employment program that will take us away out in the Pacific thousands of miles and probably endanger our relationship with peoples in the Orient.

Mr. WADSWORTH. If the gentleman is consistent with respect to his ideas as to Hawaii and the fleet having maneuvers in that neighborhood, then we should withdraw from any fortifications in the island of Oahu and withdraw our Army on the ground that it is a menace to Japan.

Mr. DIRKSEN. I do not believe that argument obtains.

Mr. WADSWORTH. I think it does.

Mr. DIRKSEN. I do not know that fortifications are such a menace. There is something altogether different about a fleet maneuvering and how it may be interpreted by the

people of foreign countries. The mere existence of fortifications means nothing. They are static as distinguished from the active disposal of warships in foreign waters.

May I emphasize in connection with this amendment that it in nowise impairs the naval activities of this country. It does not prevent our naval vessels from journeying into the remote corners of the world. It does not affect the personnel of the Navy. It does not interfere with the general operations, such as training and target practice. It does not prevent this Nation from making hydrographic studies anywhere on the oceans and of gathering necessary data. It places no restrictions upon the sending of our vessels anywhere upon any legitimate errand. It applies exclusively to fleet maneuvers and to the fleet employment program. It seeks to prevent the working out of tactical problems in the other man's back yard. No one will contend that peaceful motives are inspired by going over to oriental waters, thousands of miles from our coast line, and there brandishing our weapons as if to inspire fear. Fear may be a basis for momentary respect and good will, but it does not last very long.

Some day I fancy that in crystallizing a naval policy we shall adopt some restriction under which war games will be played in our own front yard, and that means in American waters.

Mr. UMSTEAD. Mr. Chairman, I withdraw the point of order and rise in opposition to the amendment offered by the gentleman from Illinois.

Mr. Chairman, I appreciate the interest of the gentleman from Illinois in the subject of peaceful relations with other nations. I am also interested in having this country do anything it reasonably can to further peaceful relations with other nations, but I am surprised at the proposal involved in this amendment. The gentleman from Illinois [Mr. DIRKSEN] would seek by this amendment not only to control the policy of the Navy of the United States, without a hearing, dealing with a technical subject, but he would also say to the Hawaiian Islands, a possession of the United States, where we are spending millions of dollars upon our Pacific base, "We will let you loose today." I cannot believe that the gentleman intended to do what his answer to the gentleman from Minnesota [Mr. KNUTSON] indicated he intended to do by offering this amendment. It would prevent the Navy of the United States from holding any maneuvers in Hawaiian waters or anywhere between here and the Hawaiian Islands, and it would put the Congress in the position, without any evidence and without any hearing, of passing an amendment which would virtually control the technical operations of the defense of the United States.

I, therefore, ask the Members of this House to vote down the amendment.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. UMSTEAD. I yield.

Mr. KNUTSON. Under the gentleman's amendment, if we were to have fleet maneuvers off the coast of Alaska it would be close enough to some Asiatic power to come within the gentleman's idea.

Mr. DIRKSEN. Will the gentleman yield?

Mr. UMSTEAD. I yield.

Mr. DIRKSEN. The fact of the matter is that they do not go up there——

Mr. UMSTEAD. I do not yield for a speech. I yielded for the gentleman to ask a question.

Mr. DIRKSEN. I was attempting to answer the gentleman from Minnesota.

The CHAIRMAN. The time of the gentleman from North Carolina has expired.

Mr. O'MALLEY. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Illinois.

Two amendments have now been offered to this Navy appropriation bill, and we have proceeded some 31 pages in the consideration of the bill. When both of these amendments were offered it was suggested by the chairman of the subcommittee that because those matters were never a matter of public hearing or because they had never been brought to the attention of the committee before this time, those amendments ought to be summarily defeated. If we are to legislate in this fashion it means that no idea or no thought or no plan of any Member of this House that has not been first thought of by that Member in time to be presented to the committee should be considered. If we are going to legislate that way nothing that we Members who are not members of the Committee on Appropriations may wish to add to a piece of legislation coming from that committee will be considered. If that is the case, then we might as well not spend any time discussing it but pass the bill in toto as it comes from the committee.

I am in favor of the amendment offered by the gentleman from Illinois. I think if this country is going to use its Navy for defensive purpose solely, we should not be frightening foreign nations by conducting maneuvers thousands and thousands of miles from our shores.

The chairman of the subcommittee said that the amendment offered by the gentleman from Illinois [Mr. DIRKSEN] would control the policy of the Navy. I think the Congress should control the policy of the Navy. It is the right of the Congress to control the policy of the Navy, and it is the right of any Member of Congress when these bills come up to offer any amendment that he wishes which will control the policy of the Navy and restrict it in any of its operations that we may see fit to do.

I hope that as we proceed to consider this bill amendments will not be defeated simply because they have not been brought before the Committee on Appropriations heretofore, and that the merit of any and all amendments offered here on the floor be considered.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. CANNON of Missouri. Mr. Chairman, I rise in opposition to the amendment.

The suggestion made by the chairman of the subcommittee that these matters should be heard in committee before they are brought on the floor is deserving of the utmost consideration.

Mr. Chairman, why appoint committees? According to the theory of the gentleman from Wisconsin [Mr. O'MALLEY], carried to its ultimate conclusion, there is no necessity for this committee. If we are to accept the gentleman's conclusions, we should wait until the bill is brought on the floor of the House and take it up without any previous consideration by the committee at all. I am certain that no one would seriously take the position that we should legislate by impulse or caprice or without studying the questions involved; certainly not without due and deliberate consideration in both the House and the committee. If these amendments have merit, study by the committee will make them all the stronger and at the same time afford opportunity to best adapt them to the rest of the bill.

Mr. O'MALLEY. Mr. Chairman, will the gentleman yield?

Mr. CANNON of Missouri. I am glad to yield to the gentleman.

Mr. O'MALLEY. The gentleman, I recognize, is the outstanding parliamentarian of the House, but he indicates by his remarks that we should not attempt to bring up matters or offer amendments on subjects that have not been considered by the committee. If that be the rule, why is the bill read for amendment?

Mr. CANNON of Missouri. I have failed to make my position clear to the gentleman from Wisconsin. I did not say amendments should not be offered from the floor. That would mean acceptance of the bill as reported by the committee and without consideration in the House. My remarks were addressed to the stricture upon the chairman of the committee and criticism of his suggestion that amendments of such importance be submitted to the committee and opportunity given for their study during the hearings on the bill.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. I understand that the chairman of the subcommittee, in addition to giving that wise advice, also opposed the amendment itself because he said he was astounded at it.

Mr. CANNON of Missouri. And I agree with him that to so shackle our Navy as to make it impossible, whatever the emergency might be, to maneuver the fleet outside of territorial waters might be attended with grave consequences.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The amendment was rejected.

The Clerk read as follows:

Navy Yard, Pearl Harbor, Hawaii: Improvement of harbor and channel, $1,000,000; mooring facilities and accessories, $275,000; improvement of water supply, Aiea, $140,000;

Mr. COLDEN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I have been detained on the Merchant Marine and Fisheries Committee during the discussion of this bill.

Mr. Chairman, I want to call attention particularly to facilities for drydocking capital ships on the Pacific coast. On the Atlantic coast we have five drydocks for capital ships; if I recall correctly, one at Boston, one at New York, one at Philadelphia, one at Hampton Roads, and one at the eastern entrance of the Panama Canal; but when a capital ship passes through the Panama Canal it must travel 3,000 miles to San Pedro where the Pacific Fleet is based most of the time, and then about 1,100 or 1,200 miles farther to the only graving dock on the Pacific coast which has the facilities requisite to take care of a capital ship.

The Navy Department, in order to remedy that situation, has in the past recommended the building of a floating drydock. This was authorized and an appropriation of $10,000,000 was made. It was found, however, that the lowest bid was more than $16,000,000. The point is, it seems to me, that in order to give the Pacific coast the proper facilities there should be other graving docks on the Pacific coast to take care of capital ships. There should be one on the southern California coast 1,100 or 1,200 miles this side of Bremerton, Wash. For the same money that is being considered for the building of a floating drydock we could build a permanent graving dock in southern California and one at Pearl Harbor, too; it could be done for probably less money than would be required for the building of one floating drydock. I believe the hearings show that the last graving dock for capital ships was built at Philadelphia at an expense of about $6,000,000.

I wish some Member would tell me the reason for building a floating drydock at a cost of $15,000,000 or $20,000,000 when we could build two or three permanent graving docks for the same money. If we built these graving docks in southern California and at the Hawaiian Islands, the facilities would be so located as to be of great benefit. For instance, Los Angeles Harbor is 2,200 miles from Pearl Harbor, and it is approximately the same distance from San Francisco to Pearl Harbor; but there is a long stretch for any ship to travel from the Panama Canal to Bremerton, Wash.—about 4,300 miles—in order to reach the facilities necessary for the repair of these capital battleships. So I call the attention not only of the committee but of all the Members to my belief that it would be more economical and more efficient to build two permanent graving docks than to expend all the money on one floating drydock.

By unanimous consent, the pro-forma amendment was withdrawn.

The Clerk read as follows:

Naval War College, Newport, R. I.: Addition to library building and accessories, $155,000.

Mr. KOPPLEMANN. Mr. Chairman, I make the point of order there is not a quorum present.

The CHAIRMAN (after counting). One hundred and five Members are present, a quorum.

The Clerk read as follows:

BUREAU OF AERONAUTICS

AVIATION, NAVY

For aviation, as follows: For navigational, photographic, aerological, radio, and miscellaneous equipment, including repairs thereto, for use with aircraft built or building on June 30, 1937, $750,000; for maintenance, repair, and operation of aircraft factory, air stations, fleet air bases, fleet and all other aviation activities, accident prevention, testing laboratories, for overhauling of planes, and for the purchase for aviation purposes only of special clothing, wearing apparel, and special equipment, $18,064,000, including $250,000 for the equipment of vessels with catapults and including not to exceed $50,000 for the procurement of helium, which sum of $50,000 shall be transferred to and made available to the Bureau of Mines on July 1, 1937, in addition to which sum the Bureau of Mines may use for helium-plant operation in the fiscal year 1938 the unexpended balance of funds transferred to it for such operation in the fiscal year 1937, and the Bureau may lease, after competition, surplus metal cylinders acquired for use as helium containers; for continuing experiments and development work on all types of aircraft, including the payment of part-time or intermittent employment in the District of Columbia or elsewhere of such scientists and technicists as may be contracted for by the Secretary of the Navy, in his discretion, at a rate of pay not exceeding $20 per diem for any person so employed, $3,500,000; for new construction and procurement of aircraft and equipment, spare parts and accessories, $27,186,000, of which amount not to exceed $13,000,000 shall be available for the payment of obligations incurred under the contract authorization carried in the Navy Appropriation Act for the fiscal year 1937; in all, $49,500,000; and the money herein specifically appropriated for "aviation" shall be disbursed and accounted for in accordance with existing law and shall constitute one fund: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed $1,582,340: *Provided further*, That in addition to the amount herein appropriated, the Secretary of the Navy may, prior to July 1, 1938, enter into contracts for the production and purchase of new airplanes and their equipment, spare parts and accessories, to an amount not in excess of $15,000,000: *Provided further*, That the Secretary of the Treasury is authorized and directed, upon the request of the Secretary of the Navy, to transfer not to exceed in the aggregate $50,000 from this appropriation to the appropriations "Pay, subsistence, and transportation, Navy", and "Pay, Marine Corps", to cover authorized traveling expenses of officers and enlisted men in connection with flying new airplanes from contractor's works to assigned station or ship, including travel to contractor's works and return of personnel to stations of duty, and the amount so transferred shall be in addition to any limitations contained in the appropriations "Pay, subsistence, and transportation, Navy", and "Pay, Marine Corps": *Provided further*, That no part of this appropriation shall be expended for maintenance of more than six heavier-than-air stations on the coast of the continental United States: *Provided further*, That no part of this appropriation shall be used for the construction of a factory for the manufacture of airplanes, or for the construction or manufacture in a Government-owned factory or plant of airplane engines, other than experimental engines, or airplanes, other than airplanes for primary training purposes, except airplane engines and airplanes building or which had been formally ordered on or prior to March 2, 1937: *Provided further*, That the Secretary of the Navy is hereby authorized to consider, ascertain, adjust, determine, and pay out of this appropriation the amounts due on claims for damages which have occurred or may occur to private property growing out of the operations of naval aircraft where such claim does not exceed the sum of $500.

Mr. LEAVY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEAVY: Page 43, line 11, after the words "United States", strike out all down to and including the figures "1937", on line 18.

Mr. LEAVY. Mr. Chairman, my purpose in offering this amendment is to increase the efficiency of aviation naval service, and in the interests of economy.

It will be seen, particularly on page 42 of the bill, that a provision of $15,000,000 is made for the purpose of allowing the Navy Department to enter into contracts for the production and the purchase of new airplanes and their equipment, spare parts, and accessories. The amendment I propose is to strike out the proviso on page 43 of the bill, wherein it is stated that the Government may not expend any part of this appropriation in any one of its own plants or factories for any part of an airplane or a completed plane. It goes even further than that, in my judgment. There is a provision at the top of page 42, line 4, making $13,000,000 available for commitments and obligations of a certain kind and the remaining $14,000,000 is available for new planes and equipment. This is limited likewise by this

proviso, and none can be spent in any Government factory or plant.

The issue is this: If you believe that this sum of approximately $30,000,000 must, in spite of the better judgment of the naval officials, be spent with private concerns, then you want this proviso kept. If you believe that the matter of spending this enormous sum should be left to the judgment of the naval officials and they to decide if greater economy and efficiency would result in expending the money in Government owned, controlled, and operated aviation factories, they may so spend it. In other words, if you believe as I do, that the United States Government should construct all of its equipment in Government plants insofar as it is possible, then you will favor this amendment.

This rider has been written into this appropriation measure for the sole purpose of denying to the public of the United States the right to spend its own money for war purposes in its own factories that they have built at the public expense. It seems to me that this is a glaring instance of writing into an appropriation bill a provision that the private munition makers of Amerca must not alone be given a preference but that they must be given an exclusive right to every dollar of this enormous sum that we are providing for the Government to spend in connection with naval airplanes.

I cannot conscientiously support this naval appropriation so long as it carries within it this discrimination against the Government itself. It is just such incidents as this and such practices as this that, in my judgment, result in the private manufactures of war equipment and war materials, spending millions, creating public sentiment that will permit the expenditure of hundreds of millions of dollars in war preparation, irrespective of whether such preparations are essential or not, and it is such propaganda that ultimately leads to war.

I trust that the committee will support my amendment to strike this limitation from the naval appropriation bill, and that we will not be put in the position of virtually earmarking $30,000,000 of public money for the profiteering war makers.

Mr. TABER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, in order that the Members may have a picture of this situation, I think they ought to know just exactly what this language in the bill does and just exactly why it is desirable that it be there. This airplane factory was constructed during the war. For many years thereafter the Navy Department spent millions and millions of dollars attempting to manufacture airplanes at this plant, and those planes were a failure. They spent millions of dollars on experimental work and accomplished practically nothing.

At the present time the situation is about like this: There have been about 165 training planes constructed or under construction at this plant. If you figure the cost of these planes, taking into consideration what a private plant would have to carry, according to Admiral Cook, Chief of the Bureau of Aeronautics—and I obtained these figures yesterday, so they are up to date—the cost, if let by contract, would be $6,780 apiece. The cost of manufacturing them in this plant is $7,655, on the same basis, almost $900 more than it would cost to construct them by contract. Is not that a yardstick enough?

Mr. Chairman, this limitation permits the continuation of the manufacture of the training planes at this plant. This only seeks to prevent the enlargement of its activities. There is no reason why we should put the Government in the plane-manufacturing business any more. As a matter of fact, this plant is much more suitable for the repair and reconstruction or reconditioning of planes than it is for the manufacture of new planes, and, as a matter of fact, the plant is much more needed for that purpose.

Mr. LEAVY. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Washington.

Mr. LEAVY. Is there any reason why the naval authorities themselves should not be the judge as to whether they should spend this money?

Mr. TABER. There is every reason why they should not be the judge. Every time you give these admirals a lot of jurisdiction in the way of hiring help in factories, they branch out just as far as they can, and it has always resulted disastrously to the Treasury of the United States; it has retarded the efficiency of the Navy and the things that have been produced for the Navy. Those who are interested in an adequate national defense want to see the equipment for the Navy the very best, but secured at a reasonable price. The only way we can bring that about is to have these things contracted for, as far as possible, by private plants.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Georgia.

Mr. VINSON of Georgia. The effect of this limitation is in the interest of economy?

Mr. TABER. Absolutely.

Mr. VINSON of Georgia. That is the reason why the subcommittee put it in the bill?

Mr. TABER. That is my understanding.

Mr. VINSON of Georgia. If this amendment is adopted, it means the cost will be at least $800 or $1,000 more, and then we would not get planes as efficient as those manufactured by private industry?

Mr. TABER. That is my understanding.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. TABER. Mr. Chairman, there never has been any substantial airplane development by the naval forces or the naval airplane factories. There have never been improvements in efficiency and in effectiveness of the airplanes made by these naval factories. It has all been done by contract with private parties and that is the only way we have got results.

Mr. KNUTSON. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Minnesota.

Mr. KNUTSON. The greatest advance in airplane construction has been by privately operated factories?

Mr. TABER. That is the only way we have procured advances.

Mr. Chairman, I hope the members of the committee will support the Appropriations Committee in its effort to keep the manufacture of airplanes on an efficient basis so that when we spend a dollar we will get a dollar's worth in return and thereby have a chance to produce enough planes with the money we can afford to spend to take care of the aviation needs of the country. I do not think we can do it the other way so well. I hope the Members will insist on this provision staying in the bill.

Mr. Chairman, I want to call attention to one other thing. This limitation does not prevent the manufacture of spare parts, it does not prevent repairs being made by this establishment, but it does prevent and limits them to the making of repairs and to the construction of training planes. Perhaps that is farther than they should be permitted to go at this plant. At any rate, I hope the House will keep them within reason in the operation of this plant.

Mr. MOTT. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Oregon.

Mr. MOTT. If this provision was not in the bill, then the Navy Department would be authorized to use some of this money for the construction and maintenance of this plant up in Pennsylvania?

Mr. TABER. They would be authorized to use some of it anyway, because this permits them to construct training planes up there; it permits them to manufacture spare parts and that sort of thing, but it would prevent them from constructing these large fighting planes that we contract for, because they have never shown any aptitude or capacity to do that sort of work, nor have they shown any aptitude or capacity to design engines or to do work along that particular line.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Georgia.

Mr. VINSON of Georgia. If it were not for this proviso in the bill, the Navy Department would be authorized to construct at least 10 percent of the total airplanes at the experimental plant at Philadelphia?

Mr. TABER. The gentleman is correct.

[Here the gavel fell.]

Mr. JOHNSON of Minnesota. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, this amendment is rather important, in that it deals with the Air Service. There is a school of thought today that believes, perhaps, that the wars of the future will largely be fought in the air. The Navy Department builds, perhaps, half of its construction. Now we are setting a new policy in the Air Service. We are going to depart entirely from Government participation in the construction of aircraft. You are entering upon a new policy, and you are deciding that what was good for the Navy is not good for the Air Service.

I am surprised that the gentleman from New York [Mr. TABER], being a conservative, has not more faith in the admirals than he has. Well, the same admirals whom you do not trust to hire these employees are the same admirals who are going to fight the wars of the future—which I hope may never happen—and it seems to me that the United States Government, as big as it is, ought to be able to embark upon this undertaking of at least having a suitable yardstick program in connection with our Air Service just as they are doing in the Naval Construction Service.

I do not see anything to fear in this proposition. I know you cannot go with me now on my bill for complete Government manufacture of all arms and munitions, but that is one thing we are going to come to in this country. We do a lot of talking about it in the service men's organizations, and there are a lot of men here who would vote for a complete Government program to build all of the aircraft, naval vessels, and all the munitions of war.

This is really an important amendment, and it is an amendment offered to bring to the attention of the Congress the fact that you are going to embark on a new venture that will probably affect the battlefield of the future in the air, and you are departing from your established naval policy. [Applause.]

Mr. MAAS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the amendment here proposed is not only not in the interest of economy, but is certainly against the efficiency of naval aviation.

Some of you gentlemen know that I fly as a pilot; in fact, I do a great deal of flying. I have been flying for 20 years, and I may tell you that not only is it not an economy to have these planes built in this way but the planes themselves are not satisfactory. I am not indicting anybody in the Navy. We have the finest corps in the world, but they are not qualified to build these airplanes, and they have not done a successful job of building airplanes in the past. The naval aircraft factory, as a matter of fact, ought to be limited exclusively to overhaul. Even their training planes are not comparable with what we can purchase by contract for the same amount of money.

Comparing surface ships and airplanes, of course, is ridiculous, because there is no comparison. The airplane is still a matter of experiment and development, and it takes large amounts of money to do experimental and development work. We do not provide the aircraft factory nor can we provide that factory with the millions of dollars that the private concerns have available for development and experimental purposes. I might be in favor of this proposal if we would grant, say, $5,000,000 to provide an experimental fund, such as private concerns are required to have. However, we do not do this and we are not going to do it, and you know we are not going to do it.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. MAAS. I yield.

Mr. KNUTSON. It is my information the Navy Department itself does not want this expansion.

Mr. MAAS. That is correct. The Navy is in entire accord with the committee's provision as it is.

Mr. KNUTSON. Because they realize they could not build as good planes as they can buy under the present system.

Mr. MAAS. The admirals, since they are mentioned, are not in favor of doing this type of manufacturing up there. They do no want to do it, and they know we are better off not to do it.

Mr. JOHNSON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. MAAS. Yes.

Mr. JOHNSON of Minnesota. Are the admirals for an air force at all?

Mr. MAAS. Most of them are; yes.

Mr. JOHNSON of Minnesota. If the construction of the airplanes is an experiment, why should not the Gvernment participate in the experimental work?

Mr. MAAS. Because we are not in a position to do that kind of experimental and development work, together with the necessary testing, and so forth. The actual building of a service-type plane there is not satisfactory, because when we buy privately built planes they are built under competitive tests and the Navy tries them out; and if they are not satisfactory, they do not accept them. But here the very men who build them are going to be the same people who are going to decide whether they are satisfactory or not.

The factory does experimental work and will continue to do so. But the complete operations necessary in building battle planes from design, experiment, construction, and test cannot be satisfactorily done on either an efficient or economical basis at the Naval Aircraft Factory with the limited appropriations for design and experiment.

The Naval Aircraft Factory is limited in its funds by appropriations for the specific purposes authorized. In the development of large battle planes sometimes several millions of dollars are spent before a successful model is produced. A number of private companies are constantly doing this experimenting and developing, involving in the aggregate many millions of dollars. If the Naval Aircraft Factory is to compete in the manufacturing of battle planes with outside factories, we must duplicate all of the experimental funds of all the competing factories.

If we are not to provide such necessary funds, then it is exceedingly unwise and even dangerous to have the Naval Aircraft Factory go into a program of production on battle planes.

The question of Government manufacture of munitions is one that is too broad to go into at the present time; but we tried Government building of airplanes during the war, and you know what happened. It was one of the most colossal failures we have ever engaged in; and I may say that if we adopt a general policy of the Government building or manufacturing all its munitions and war supplies we will have taken a step that we will regret more than any we have ever taken before.

There has been much talk about neutrality. We are trying to obtain neutrality; but if we launch into the policy of manufacturing all our own munitions, building all of our own ships and all of our own airplanes, we will so burden the people of this country financially that the whole thing will collapse, because today munitions making is a side line with all of the private factories. We would have to duplicate all these factories, the overhead of which is now carried by commercial products. Furthermore, when we got up to peak production in the building up of our necessary defense supplies we could never cut down from peak production even after we acquired an adequate stock of supplies, because you could not throw people out of work in such Government plants, and you know it. Politics would prevent creating such unemployment. We would keep on building and building and manufacturing munitions until we would become a real world powder keg in this country.

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. MAAS. I yield.

Mr. PIERCE. Are not the airplane manufacturers and the munitions manufacturers the people who make the sentiment for war?

Mr. MAAS. Oh, no; they do not manufacture anything but airplanes.

Mr. PIERCE. Then the history we have been reading and the reports of these investigations are not true. As I have read them, these men are the ones who employ propagandists to put on these campaigns.

Mr. MAAS. I do not believe the airplane manufacturers have been putting out any propaganda to start a war.

Mr. PIERCE. And neither have the Navy men?

Mr. MAAS. Certainly not. They have the most to lose by a war.

Mr. PIERCE. Are not the munitions manufacturers the greater makers of war?

Mr. MAAS. The Navy and munitions makers are the result of wars and world greed, not the cause of either. China wanted peace and so provided no protection against war. China has been virtually dismembered as a result. The lack of a navy and an adequate army and munitions supplies did not save China.

The United States wants peace, but we are practical enough to provide adequately to enforce and protect that peace.

[Here the gavel fell.]

Mr. UMSTEAD. Mr. Chairman, I ask unanimous consent that debate upon this amendment close in 15 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. VOORHIS. Mr. Chairman, I rise in support of the amendment. I know very well the experience that the United States had in connection with airplanes during the war. It was a most regrettable and tragic thing. I do not understand, however, that the private manufacture of airplanes helped the situation to any extent. Quite the contrary. We were confronted with a problem which might have been different had we gone through the difficult period of bringing up the efficiency of our own Government service to the point where it could have done a good job in things like the manufacture of airplanes.

The only change that the gentleman from Washington [Mr. LEAVY] proposes by his amendment is to remove a restriction now contained in this bill against the possibility of the Navy going forward with work along this line. If, as has been said, the Navy now builds training planes, and if, further, as has been, and I hope mistakenly, charged, the Navy is incapable of building and designing planes, we are guilty of a very serious blunder in allowing the Navy to even build training planes. I should hate to believe that the Navy is so incompetent as has been implied. I find that when a move is made in the House which in the opinion of many may be in the interest of peace, that that move is sometimes criticized upon the ground that it is an undue interference with the Army or the Navy, but when a move is made in which some of us believe and which we believe would in the end prove important for true and effective national defense, then we are told that the Navy is inefficient and incapable of doing a good job. Again, why is it necessary to put on this limitation or any limitation if the admirals are all opposed to doing anything about Government manufacture, anyway?

Mr. MAAS. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS. Yes.

Mr. MAAS. The reason that the Navy is not capable of building these planes is not because they are not competent officers of the Navy, but it is because there are no funds provided for experimental purposes. Does the gentleman realize that private industry has spent millions on millions for experimental purposes?

Mr. VOORHIS. I want Uncle Sam to be in a position to have the benefit of some of that advancement in science and I believe he could get it. What I am pleading for is not that we initiate here a big program of Government manufacture of airplanes, but that we do not by the passage of this legislation definitely close the door to such a possibility and definitely make it impossible for our Navy to gain that experience.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS. Yes.

Mr. VINSON of Georgia. Under the limitation all experimental planes can be built there now. The gentleman is advocating that 10 percent of the number required by the Navy be built at Philadelphia. As a matter of fact, the Navy Department has never advocated that. The Navy Department has not come to Congress asking that this be done.

Mr. VOORHIS. I understand, but as a matter of principle some of us would like to see that limitation left out, because we do not want to shut the door in the face of such a possibility.

Mr. VINSON of Georgia. But the gentleman is mistaken. We are not shutting the door. They have the right under the limitation to have all experimental engines manufactured at the plant at Philadelphia?

Mr. VOORHIS. My point is that it might be important for us to go further than that at some time.

Mr. Chairman, the question of neutrality has been raised and I just want to point this out. If we really mean what we say about neutrality legislation, then we mean that for the sake of doing what we can to prevent the possibility of American entry into war, we are willing to sacrifice to some extent at least our insistence on complete defense of freedom of the seas. Under such circumstances I believe the national-defense program should be considered in the light of our present belief on neutrality; and the first step to be taken, I think, would be to make a sincere effort to determine the difference between offensive weapons and defensive weapons. Indeed, I would greatly favor a complete and thorough study by a special committee to determine the vital defensive needs of the United States, including the Panama Canal and Hawaii. Without such knowledge we are legislating in the dark.

Mr. MAAS. If the gentleman will permit, I can give him a definition right now. If you are in front of the weapon, it is an offensive weapon, if you are behind it, it is a defensive weapon.

Mr. VOORHIS. I understand what the gentleman means, but I am quite sure that there are other distinctions, too. It seems to me that airplanes and submarines are among the best defensive weapons we can have, and that Admiral Sims might have known something about the defensive quality of battleships when he suggested that in case of a defensive war the best place for battleships might be up the Mississippi River. Our greatest need is for accurate information in Congress concerning this vital question of national defense. For example, I shall vote for this appropriation bill because I am for national defense. But I shall do so with some misgivings lest I am actually voting more money than is really needed for our country's defense—money which, in that case, had better be spent for the construction of homes, the relief of farmers, the work of flood control, or in some other constructive way instead of on armament. Adequate armament for defense may prevent war. In this sort of world we must provide such armament for our Nation. But too large an armament may quite as well arouse fear and suspicion and in the end lead to war. Admittedly the problem is an extremely difficult one, but it is one that absolutely must be solved. Let us set ourselves the task, therefore, of determining what national defense really implies and requires.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. MAVERICK. Mr. Chairman, I think that this involves a fundamental theory of government. I am not going to give a lecture on history, but this reminds me of the origin of the United States Army. You know when we started to get a United States Army, people said that we should not have a public army; that we ought to have an army like the Hessian forces that we fought during the

Revolutionary War, because we would not be having a war all the time and we would have so much overhead, and that public armies were inefficient anyway, and that when we got into a war we could just hire a mercenary army; but, nevertheless, we decided to have an army, and we went ahead and got an army. Then we decided to have a navy. Some of these arguments today are the most archaic arguments I ever heard in my life. Back in Philadelphia in 1830 they began to have public education, and they said it would be a waste of money to have public education; that there was too much overhead to have public education. It would destroy the initiative of the honest mechanic where any man could go out and educate his child. It is the same old argument that we have all the time.

It seems to me that we, as Congressmen, are putting an unnecessary restriction on our own Government of the United States. If our admirals do not have sense enough to carry on their business, we ought to get new admirals, and we ought to have some confidence in the Government of the United States. That is all we are doing. We are putting an unnecessary restriction on the Government of the United States. It seems to me we are sabotaging our own program. You know we are supposed to be the representatives of the people of the United States. The Senate is supposed to be a sort of House of Lords, but last year the House of Lords knocked out this program and we had it in. I think they will do it again. In other words, it shows that we have no confidence in the Government of the United States.

Mr. BREWSTER. Mr. Chairman, will the gentleman yield?

Mr. MAVERICK. I yield.

Mr. BREWSTER. Did I understand the gentleman to say that on matters of naval and military policy he would be guided by admirals?

Mr. MAVERICK. No; I did not say that.

Mr. BREWSTER. I thought that is what the gentleman said.

Mr. MAVERICK. No; I did not say that. The gentleman misunderstood me. I always try to use my own judgment. I even differ with the Supreme Court occasionally.

The argument before us is the same thing that they bring up against the Tennessee Valley Authority every time that question arises. They say we are just ruining business all over the country. What are they doing in the Tennessee Valley Authority? They are selling electricity for one-half and one-third what they sold it for before. They say it is in the interest of economy. It is the same old story. Then somebody gets up and gives the single testimony of an admiral saying they lost so much on an airplane. Let us grant that the Government of the United States has had some operations that are not as efficient as something else. The answer to it is that it is not always true, and that the Government as a rule does its work fairly well, and that we should not, as a matter of principle, take this up. If what they say is true, we can abolish the Post Office and turn it over to Mr. Insull. We can abolish all of our public operations, but if we have a national defense, if we have an efficient national defense, we must have an efficient branch of the Government that at least knows how to run its business.

Look at the contemptuous attitude of the steel companies, saying that they would not comply with the laws of the United States. What do you think has happened in Europe? Some of the big cartels over there have been contemptuous with the government, and the government has taken over the munitions business. It has taken over the steel business and run it for the benefit of the nation.

I think this amendment ought to be adopted. I think it is a fundamental thing where we are backing up the Government.

Mr. THOMAS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. MAVERICK. I yield.

Mr. THOMAS of New Jersey. I infer from the gentleman's remarks that he would be in favor of the Government taking over all business. You want to take over the power and light business. You want to take over the munitions business, and you want to take over the steel business. You might as well take it all over and be done with it. I will say to the gentleman that after you have taken it all over, you will not have any government.

Mr. MAVERICK. Now, that is the kind of a ridiculous statement that the gentleman makes, saying that I would take over all business. That statement just has not got any sense. I did not say it.

Mr. VINSON of Georgia. Mr. Chairman, I rise in opposition to the amendment. I think the subcommittee on appropriations is to be congratulated for having brought in this bill with this limitation. It is limitations of this kind and investigations of this character that the subcommittee has made in presenting this bill that have brought about a reduction of some $35,000,000 under the Budget estimate. It is certainly in the interest of economy not to have the Government engaging in the manufacture of airplanes at the experiment station in Philadelphia.

This amendment brings about two things. It brings about economy. It is not economical for the Government to engage in the manufacture of 10 percent of all the airplanes acquired by the Navy. On the other hand, it will produce inferior planes, because experience in the past has demonstrated that even the experimental engines are not entirely up to the standard produced by industry.

Let me say in conclusion the Navy Department is not here advocating this. This measure has never been presented to Congress at the request of the Navy Department. It was put in the bill in the Senate because some Members of that body are of the opinion that practically all Government munitions should be made in Government navy yards and Government arsenals, but this House will be doing the proper and economical thing if it supports the committee's limitation, and you should vote down this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

MARINE CORPS

PAY, MARINE CORPS

Pay of officers, active list: For pay and allowances prescribed by law for all officers on the active list—pay and allowance, $4,166,211, including not to exceed $245,017 for increased pay for making aerial flights, none of which shall be available for increased pay for making aerial flights by nonflying officers at a rate in excess of $1,440 per annum, which shall be the legal maximum rate as to such nonflying officers; subsistence allowance, $532,608; rental allowance, $653,181; in all, $5,352,000; and no part of such sum shall be available to pay active-duty pay and allowances to officers on the retired list.

Mr. DIRKSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DIRKSEN: On page 44, after line 13, insert a colon and the following proviso: "*Provided*, That no part of this appropriation shall be used for the payment of any officer on the active list who shall be on duty in China after January 1, 1938."

Mr. DIRKSEN. Mr. Chairman, I send another amendment to the desk which applies on page 45, and ask that the two amendments be considered together, because they are identical.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. DIRKSEN: Page 45, line 14, after the figures "$8,845,000", strike out the semicolon, insert a comma and the following language: "*Provided*, That no part of this appropriation shall be used for the payment of any enlisted man on duty in China after January 1, 1938."

Mr. DIRKSEN. I take it, Mr. Chairman, I may proceed for 10 minutes, having two amendments.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. DIRKSEN. Mr. Chairman, I have always said that there is a road away from war. There are five stages on this road. The first one is to get away from friction and

provocations with foreign countries. The second one is mandatory neutrality. The third one, of course, would be an adequate defensive establishment for the needs of this country. The fourth would be to picture war in all its dismal horrors and divested of all its glory. The fifth would be to develop an affirmative peace consciousness in the country.

It is sheer stupidity to talk about universal peace unless it is backed up by some affirmative action. I offered an amendment this afternoon that sought to limit the maneuvering of our fleet to the coastal waters of this country. That is a part of such a program. You may call it an astounding amendment or an astounding bit of policy, but I assert the time is coming when that is going to be written into the organic law of this country as part of the naval policy of this country.

The feelings of my own heart are embodied in the pending amendments to make no part of these appropriations available for the payment of any troops in China after January 1, 1938. This will give this country 10 months to wind up its affairs in China and bring our troops back to this country. If the members of the committee do not know it, let me say that we have 1,603 marines on duty in China today. Two-thirds of them are in Shanghai and the other one-third is in Peking. Why are they there? We put them in China in 1901 under a treaty for a very definite purpose; ostensibly to guard a railroad along with 30 or 40 other nations that were participating at that time.

There is no reason for keeping troops in China in this day and age—fancy 1,600 marines over there! You can put them in one side of this Chamber and still have room left. Would anybody contend that 1,600 American troops in China can ever protect our interests in case John Chinaman one day decides to shake his lethargic self and do battle—1,600 mere American soldiers in two Chinese towns 10,000 miles from home. The result is what? Nothing but friction, nothing but provocation that may ultimately lead to the display of ill will between this country and China. We had an example of it in a bill presented on this floor a week ago last Wednesday by the Committee on Foreign Affairs to pay $300 to a Chinese lady in Tientsin who operated a restaurant. It happened that an American marine had gone into her restaurant at 12:30 after midnight on the 3d day of January, 1929. He decided to stage a one-man offensive. He decided to indicate to all China that he was a member of the American marines. He took out a knife and proceeded on a one-man offensive. They had to haul the lady to a hospital. The result was $54 worth of repairs.

Then came the bill for $300 to the American Congress 9 years after a private in the Marine Corps had cut up a lady in Tientsin, China. This will result in nothing but friction, nothing but difficulty, and it may one day disturb the gracious attitude of the other nations toward our country. This is a step in the direction of peace and will avoid friction. One of the things we can do is to make no money available in this bill for the payment of officers and troops in China after the 1st of January, 1938. This gives us 10 months to wind up our affairs. Let us tell them to come back because they have no business over there.

It reminds me of a story I heard about an incident abroad. They tell about Queen Victoria coming down the stairway, and her beautiful queenly robe brushed against the wet paint. So she insisted that a sentry be brought to stand at that turn in the stairway so it would never happen again. After the paint dried they left the sentry stand there on duty for 16 years. That represents what happened so far as our troops in China are concerned. We put them there after the Boxer Rebellion in 1901, and they are still there, serving no definite purpose.

We have no troops in any other country, so far as my knowledge goes, except China and the Philippines. If a case can be made out for their existence over there, it must be rather transparent. Imagine the existence of 1,600 Chinese marines in New York City or Washington or San Francisco. Just how long would we as Americans tolerate such a condition? If I interpret the American spirit aright, it would be but a little while until we would make short shrift of them.

Now, it may perchance be that since China cannot well help herself, we can continue to maintain a handful of troops in that country. But the fact remains that their very presence must react upon the oriental mind, precisely as the presence of Chinese troops in Washington or New York would react upon the minds of the citizens here.

The moment our troops over there come to harm there will be a swelling demand for an investigation, for apologies, and for all those bewildering actions that go to make up modern diplomacy. Such incidents always leave a scar, and from those scars can come unexpected complications. To withdraw these troops means the elimination of possible friction, and the elimination of friction is a happy way of avoiding possible future conflicts.

[Here the gavel fell.]

Mr. LUCKEY of Nebraska. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, this Congress is confronted with the largest appropriation measures for armaments ever presented in peace time. Each year we have been increasing our spending on armaments until we have reached the billion-dollar mark. The estimates for the coming year are twice as great as the amount spent in 1934 for the same purpose, and more than the entire Budget in 1916. This ever-increasing expenditure of the taxpayers' money goes on and on, and yet we never reach what the big-army and big-navy supporters call an adequate national defense. The facts are that we go on spending the Nation's money without having any definite or well-developed plan of national defense.

Mr. UMSTEAD. Will the gentleman yield?

Mr. LUCKEY of Nebraska. I only have 5 minutes.

Mr. UMSTEAD. Did I understand the gentleman to say this bill carries more funds than have ever been carried in an appropriation bill for the Navy Department?

Mr. LUCKEY of Nebraska. I am referring to our whole armament program.

Mr. UMSTEAD. I beg the gentleman's pardon.

Mr. LUCKEY of Nebraska. Mr. Chairman, the Democratic platform in 1932 had this to say:

> We advocate a firm foreign policy, including peace with all the world and the settlement of our international disputes by arbitration; no interference in the internal affairs of other nations; * * *; the pact of Paris abolishing war as an instrument of national policy to be made effective by provisions for consultation and conference in case of threatened violation of treaties. International agreements for reduction of armaments. * * *"

Those statements embodied in the Democratic platform of 1932 have been thrown to the winds, and we have embarked on a mad armament race that will fast lead this country into bankruptcy. In the 19 years since the World War this country has spent twenty-four and a half billion dollars for national defense. That is more than twice as much as either France or Italy spent, 5 times as much as Japan, 10 times as much as Germany, and $2,000,000,000 more than was spent by Great Britain in the same period. These figures are based on official records. Today, after leading the armament spending race for more than 19 years, our naval and military experts tell us that we still do not have an adequate national defense and that we must have a bigger Army and bigger Navy for national security.

Against whom are we arming? Are we preparing to defend our shores or are we developing a military machine for aggressive warfare? Are we preparing to send our Army and Navy all over the world to protect investments made by some of our citizens in foreign countries? If the World War taught us anything, it was that we should take care of our own affairs and mind our own business. That war will have cost us, by the time the last veteran is pensioned, hospitalized, and buried, over $100,000,000,000, without taking into cognizance the tremendous moral loss the American people have sustained.

This Navy appropriation bill calls for $526,555,428. That figure does not represent anything like what we will spend on our Navy during the coming fiscal year. The one-half billion dollars called for in this bill will be supplemented,

just as it has been in the last 4 years, by money taken from relief and deficiency appropriations. Since July 1, 1933, we have allowed $292,966,923.32 to be transferred from relief or emergency appropriations to the Navy. Additional millions have been provided through deficiency appropriations.

Not only does our Navy demand bigger and bigger regular appropriations but, in addition, they take the money we appropriate to buy food, clothing, and shelter for our poor. What has this money secured for us? The answer is simple: It has kept us going along our unplanned course of national defense. It has kept us in the biggest naval building race in history. The money has gone into the maintenance and upkeep of useless naval stations which should have been abolished years ago, and now we are fighting it out with Great Britain to see who can keep the biggest navy afloat.

We talk about national defense, yet the very figures and expressed statements of our naval officers show that we are doing only one thing, and that is carrying on a building race with Great Britain. Let us take a look at the figures showing present naval strength plus the building program for the next fiscal year in Great Britain and this country. These figures tell their own story. We have on hand in under-age vessels 186,323 less than Great Britain. We have appropriated for or have under construction 10,440 tons more than Great Britain. Great Britain leads us in projected tonnage by 166,000 tons. No other power comes anywhere near approaching those figures.

If anyone holds for a single moment the idea that we are building this Navy to protect our own waters, I refer them to page 688 of the hearings on this bill, where the Navy Department requests $21,000,000 for a floating dock at Singapore. Now, Singapore is not now or never has been within American territorial waters. If we are to have a navy to patrol the oceans of the whole globe, we should have docks and naval establishments in every country of the civilized world, and there are plenty of big-navy advocates who would hold that such a policy would give us an adequate national defense.

Several years ago Rear Admiral Magruder wrote an article in the Saturday Evening Post criticizing the Navy. He was rewarded for his article by being removed from command. Admiral Magruder openly laughed at a vice admiral commanding a fleet of one light cruiser and six destroyers, and a rear admiral whose fleet consisted of four fuel and supply ships and five tugs. He further pointed out that each admiral appointed to such a command insisted upon having his full complement of junior officers, servants, and band. No wonder we need so much money for a navy.

[Here the gavel fell.]

Mr. LUCKEY of Nebraska. Mr. Chairman, I ask unanimous consent to proceed for 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. LUCKEY of Nebraska. Mr. Chairman, Commodore Jahncke, a sincere naval officer, served as Assistant Secretary of the Navy under the Hoover administration. He had been in charge of navy yards. On his retirement he pointed out the enormous dissipation of our naval appropriations in the maintenance of useless navy yards. Our Navy, thinking in terms of the Pacific, maintains seven navy yards on the Atlantic coast, and for years the recommendations have been to decrease the number of yards on the Atlantic coast to four. Every penny diverted from furthering the national defense reduces the effectiveness and protective value of that national insurance.

As an instrument of national defense our Navy is needed for operations in our own waters. In the words of one of our greatest national-defense experts, "We do not need a navy to send upon missions from which they cannot return." Any naval or military expert will agree with Gen. J. Franklin Bell, who years ago pointed out that Subig Bay in the Philippines could not be defended and that the naval station at Cavite was in the same fix. Trying to maintain a navy to protect the Philippines is as foolish a policy as could be followed. Manila can provide only food and minor repairs. There is no coal and iron, and now that we have given up the Philippines we might well bring our Navy home.

A navy to protect our shipping has become a farce. There are no pirates. In times of war we cannot protect our shipping through waters controlled by great powers. Trade routes would be patrolled by submarines, aircraft, and surface vessels operating from nearby bases, and our warships, trying to protect our shipping in those zones, would be faced with the handicap of operating thousands of miles from our own base. The Navy as a "big stick" can be effective only when the other fellow is weak. Under the policies pronounced by our great President, we have cast off the role of the bully and completely discarded the big-stick policy.

These are the facts of national defense as they pertain to our Navy. The time has come when, if we would translate into something more than mere words the peaceful expressions of our Government and the sincere aspirations of our people, we must put an end to this billion dollar armament spending. My colleagues, with all the sincere love of country that a man may possibly hold, I oppose this measure and call upon you to help restore this country to the paths of peace rather than to continue on the road to war. [Applause.]

Mr. UMSTEAD. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Illinois [Mr. DIRKSEN] and desire briefly to refer to it.

Mr. Chairman, the amendment not only affects international arrangements but trespasses upon policies of our State Department. This Nation, as I understand, has marines on duty in China as legation guards, at Peiping and perhaps at Shanghai. I trust without further consideration the Members will vote down the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. DIRKSEN].

The question was taken; and on a division (demanded by Mr. DIRKSEN) there were 17 yeas and 55 noes.

So the amendment was rejected.

The Clerk read as follows:

For miscellaneous supplies, material, equipment, personal and other services, and for other incidental expenses for the Marine Corps not otherwise provided for; purchase, repair, and exchange of typewriters and calculating machines; purchase and repair of furniture and fixtures; repair of motor-propelled passenger-carrying vehicles; and purchase, exchange, and repair of horse-drawn passenger-carrying and other vehicles, including parts; veterinary services and medicines for public animals and the authorized number of officers' horses; purchase of mounts and horse equipment for all officers below the grade of major required to be mounted; shoeing for public animals and the authorized number of officers' horses; books, newspapers, and periodicals; printing and binding; packing and crating of officers' allowance of baggage; funeral expenses of officers and enlisted men and accepted applicants for enlistment and retired officers on active duty, including the transportation of their bodies, arms, and wearing apparel from the place of demise to the homes of the deceased in the United States; construction, operation, and maintenance of laundries; and for all emergencies and extraordinary expenses, $2,330,000: *Provided*, That there may be expended out of this appropriation (including the exchange value of any vehicle that may be used as part payment) for the purchase of motor-propelled passenger-carrying vehicles, the gross cost of any one vehicle not to be in excess of the respective amounts as follows: 2 at $1,300 each; 2 at $900 each; 8 at $700 each; 10 station wagons at $700 each; and 5 motorcycles at $300 each.

Mr. BIERMANN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, on yesterday the following colloquy took place, and I refer to page 1848 of the CONGRESSIONAL RECORD. The chairman of the subcommittee said:

Projects authorized here, yonder, and everywhere throughout the United States carry with them when estimates come to us to make them effective the necessity of appropriating money to carry out the will of Congress. So those of you who come here today and fight and oppose naval appropriations I ask you, where were you when the bills were passed authorizing the appropriations?

Mr. BIERMANN. Mr. Chairman, will the gentleman yield?

Mr. UMSTEAD. Not now. I shall be glad to later.

Mr. BIERMANN. The gentleman asked a question.

Mr. UMSTEAD. If the question hits the gentleman, I shall be glad to yield later, but not now.

The question did hit the gentleman, myself, and the gentleman did not yield later, but I do not mind that.

Mr. UMSTEAD. Will the gentleman yield?

Mr. BIERMANN. Does he ask me to yield now?

Mr. UMSTEAD. I ask the gentleman if he thinks he is fair?

Mr. BIERMANN. May I call the gentleman's attention to the fact I have not yielded to him? The gentleman did not yield to me then, or at any other time during his speech, but I do not mind that at all.

I was here battling the Vinson Navy bill, which I think is a curse to the country and a curse to the international situation, and if the gentleman from North Carolina has the fine intellect I think he has and the fine sense of obligation which I am sure he has, I am sure he will live to regret the day he supported a bill like the Vinson Navy bill.

As to the proposition that any expenditure authorized by a committee has to be followed by the Appropriations Committee, that is so utterly ridiculous and preposterous it amazes me that the gentleman makes that kind of statement in the RECORD.

Mr. VINSON of Georgia. Will the gentleman yield?

Mr. BIERMANN. I decline to yield.

The very fact that the Appropriations Committee holds extensive hearings and that they increase or decrease according to their wisdom shows there is nothing to that kind of statement. If the Appropriations Committee was bound to make an appropriation for every authorization, the Appropriations Committee instead of being one of the great committees of the House would be merely a subordinate and auxiliary committee.

Mr. Chairman, I now yield to the gentleman from North Carolina [Mr. UMSTEAD].

Mr. UMSTEAD. I wished to ask the gentleman from Iowa if it is not a fact that I declined to yield to anyone yesterday until I finished my general statement?

Mr. BIERMANN. I will say that——

Mr. UMSTEAD. Is the answer to that "yes" or "no"?

Mr. BIERMANN. Yes.

Mr. UMSTEAD. Then did I not yield to every person in this House who asked me to yield?

Mr. BIERMANN. I think that is true.

Mr. UMSTEAD. Then, why did not the gentleman ask me to yield to him, if he desired recognition?

Mr. BIERMANN. Now, I wonder if the gentleman will answer me "yes" or "no"——

Mr. UMSTEAD. One further question——

Mr. BIERMANN. I cannot let the gentleman take up all my time.

Mr. UMSTEAD. Is it not also a fact that without being requested to do so, I gave the gentleman 15 minutes' time on yesterday?

Mr. BIERMANN. That is true.

Mr. UMSTEAD. And announced that I would give it to him, and still the gentleman did not ask it. I went down and asked him on the floor yesterday evening publicly if he was ready to use the time I had reserved for his use, and in the 15 minutes allotted to the gentleman from Iowa he did not refer to the colloquy he is referring to this morning.

[Here the gavel fell.]

Mr. BIERMANN. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes in order to answer this multitude of questions.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. BIERMANN. The reason I thought the gentleman from North Carolina should have yielded to me at the spot where I asked him to yield was that the gentleman said, "I ask you", and he looked in my direction, "I ask you where were you when the bills were passed authorizing the appropriation?" That was the appropriate spot and the place where my answer should have appeared in the RECORD, but now the RECORD seems to show that those of us who oppose this outrageous appropriation of $526,000,000 were negligent in our patent duty to come in here when the Vinson bill was on the floor, and I wanted to show in the RECORD at that spot that we were here, and I think the gentleman from North Carolina should have yielded to me for that purpose.

Mr. UMSTEAD. Mr. Chairman, will the gentleman yield?

Mr. BIERMANN. I cannot yield all my time; but if I have time to yield, I will.

Mr. UMSTEAD. I did not object to the gentleman's request for additional time.

Mr. BIERMANN. No; but the gentleman has taken up a lot of my time. I will yield to him if I have some time.

Mr. UMSTEAD. I may say to the gentleman——

Mr. BIERMANN. I have not yielded, and the gentleman is familiar with the rules and knows he cannot interrupt me.

Mr. UMSTEAD. I understood the gentleman had yielded to me.

Mr. BIERMANN. The gentleman's speech would seem to indicate that the opponents of this appropriation bill were negligent in their duty to come in here and oppose the authorization bills and that we were not here, and the purpose of my request of the gentleman to yield was to show, at that point, that we were not at all negligent.

As to the time the gentleman yielded me, the gentleman stated here yesterday that Members had been asking for time for 4 days. I, perhaps, am not so well acquainted with the rules as the gentleman, but it was not my impression that a person asking time on a bill would have to see the chairman of the committee 4 days or 3 days or 2 days in advance of the time the bill comes on the floor, and as to the 15 minutes the gentleman yielded me, I am grateful to him for doing that. It is significant that he said a few moments ago that on yesterday evening he did yield me 15 minutes, with emphasis on the evening. I think there were not over 25 persons in the Hall at the time the gentleman yielded me the time.

If the gentleman now wants me to yield further, I will do so.

Mr. UMSTEAD. I will say to the gentleman, of course, I have no control over the number of men who stay on the floor to hear him speak. I personally like to hear him, because I am very fond of the gentleman from Iowa. There were other men who spoke yesterday evening as late as the gentleman from Iowa.

Now, one further observation; the gentleman said I happened to look toward him when I made some statement yesterday on the floor. I, of course, undertake to cover the audience to which I am speaking, and if my eyes happened to fall on the gentleman at any particular moment and sting his conscience, I, of course, did not mean to do so, and I regret that it caused him any undue concern; but now that the gentleman has raised the question, I ask the gentleman where he was last year when the Alameda project in California, carrying an ultimate expenditure, limited in the act, of $15,000,000, was under consideration on the floor, and I was here trying to stop its passage? I ask the gentleman if he was here or if he raised his voice?

Mr. BIERMANN. I do not recall that.

Mr. UMSTEAD. Does not the gentleman recall that I later mentioned to him that he was not here?

Mr. BIERMANN. No; I do not recall that. I may say to the gentleman that I do not have such an absolutely accurate memory as to recall every debate and every conversation that takes place on every single item of this bill or any other measure.

[Here the gavel fell.]

Mr. STEFAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEFAN: Page 49, line 12, add a new paragraph, as follows:

"No part of the funds appropriated in this act shall be used for further improvements in naval stations in the Philippine Islands or Philippine waters."

Mr. STEFAN. Mr. Chairman, I offer this amendment because of my great interest in efficiency and economy in all Government expenditures. Please stop to realize that here we are spending over half a billion dollars of taxpayers' money for the purpose of running our Navy business for 1 year. This spending is during peacetime, and we are told that we are not preparing for war with any nation. I offer this amendment, Mr. Chairman, not because I am against the

Navy. I am for an adequate national defense—a good Navy, a good Army, and a good Aviation Service for actual defense. I know this must cost a lot of money; but I feel that now that we are at peace, we should trim down these expenditures in order that all of this money is spent efficiently, economically. This amendment is offered in the hope that we can trim this vast sum down and for the purpose of being helpful to the Committee of the Whole in pointing out where I believe some of this money can be saved.

A big saving can be made now by holding down useless appropriations for naval stations and military and naval services in the Philippine Islands, which we are abandoning soon and where the people have been led to believe that we will give them their liberty and freedom.

I supported the amendment of the gentleman from Illinois [Mr. DIRKSEN] because I personally know that a great deal of money could be saved through the adoption of his amendment.

But, Mr. Chairman, I cannot sit idly by at this moment when we are asked to spend more than half a billion dollars for our Navy when simultaneously I have in my hands scores of telegrams and letters from farmers in my district telling me that livestock is starving and that these farmers cannot obtain a loan for feed and seed to continue their farming operations. These people who raise our Nation's food cannot get this help at a time when we so easily spend billions for many unnecessary activities. This morning delegates from my district came to my office pleading the cause of these needy farmers, who are in the same condition as the flood sufferers in the Ohio and Mississippi Valleys, because in my district we lost a crop. These penniless farmers wonder how we so easily spend billions of dollars for other purposes when they must witness the starving of their livestock. They wonder why we cannot trim down some useless expenditures and do something to stop the exodus of these farmers from their homes. Hundreds of these are headed for the towns and cities to go on relief. This is no idle statement. It comes directly to me from the lips of farm bureau officials who were in my office today. We who have been pleading the cause of these farmers since last December hope that this Congress will trim down on these useless expenditures and give more than "lip service" to the real agricultural needs of our Nation.

I also want to commend the members of this Committee on Appropriations for cutting down the appropriations just a little. These members have labored many hours on this bill. They have held many hearings, but I find nothing in these hearings which would indicate that anything had been done regarding the cutting down of useless expenditures for our naval or military activities in the Philippine Islands.

I have taken the floor several times on this subject. I had intended to say something about it when we get the Army appropriation bill, which I understand will also call for more than half a billion dollars. But with the call of distress from home and the indications that nothing is being done to cut some of these useless expenditures on the other side of the world prompts me to mention the subject again.

For more than 30 years we have spent millions of dollars each year of our taxpayers' money for military and naval activities in the Philippine Islands. Our Army there has done nothing for 30 years. They have taken no part in the protection of the islands internally or externally. Certainly they are not needed there now. Could we not bring them back home for national defense and save millions of these dollars for other and useful purposes?

I wish to make again the statement I made to Members last year—that by maintaining this useless and idle army in the Philippine Islands it presents a menace and real obstacle to the independence and freedom for the Filipino people—a freedom and independence which I believed we helped to celebrate in Manila last year. Certainly we could help the Filipino people by removing this idle army and at the same time divert some of this money which we are spending there for better use here. I believe we could at least add a little to the appropriations which we need so badly in our farming sections. I cast no reflections on our officers, soldiers, marines, or naval men. I believe we have the best soldiers and sailors in the world. Many of them agree with my argument on this particular subject. Some of those who agree with me have seen much service in the Philippines. The Philippine Constabulary, aided by the Philippine National Volunteers and other Philippine organizations, can protect those islands internally. Let us take our boys home. Let us save this money which is spent uselessly. Let us show the Philippine people that we really meant what we promised when we told them that now they are a free country. Do not let this menace remain in the islands. Give the Filipino people a real chance to practice how to run a republic. By keeping a big army over there these people feel that we do not mean what we say. It remains as an obstacle to their freedom and it spends millions of American taxpayers' dollars uselessly.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. STEFAN. Yes.

Mr. BOILEAU. What is the Army doing in the Philippines at the present time?

Mr. STEFAN. As I told my colleague from Wisconsin a year ago, our Army in the islands that we pay for with American taxpayers' money has done nothing there for over 30 years. Philippine people tell me that by maintaining that Army there we create a menace to their real freedom and independence which we promised them. They refer to our trip to the Philippines as a junket. It was a junket if we did not mean it when we promised them independence.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. STEFAN. Yes.

Mr. ROBSION of Kentucky. Could the gentleman give us information about what the cost is per year now to maintain the Army in the Philippine Islands?

Mr. STEFAN. I do not have the cost for 1936, but in 1935 the Department informed me the cost would run to many millions of dollars per year. I do not know what it costs to maintain the stations at Olongapo or Cavite. My colleague from Kentucky would perhaps like to know that there are 6,386 enlisted scouts and 52 Philippine Scout officers in the Philippine Islands drawing pay from the United States Treasury. Besides that there are 4,317 American enlisted men and 535 Regular American Army officers in the Philippines drawing pay from the United States Treasury. Besides that there are 55 warrant officers and 42 nurses in the Philippines also drawing pay from the United States Government.

The officers of the Regular Army and the Philippine Scouts for the fiscal year 1935 drew in salary alone $2,056,829. The Army nurses drew $69,469. The warrant officers drew $129,775. The American enlisted men drew $1,680,360. The Philippine Scouts enlisted men drew $1,210,199. This makes a total of $5,146,631 which we pay to our standing army in salaries alone in the Philippine Islands—that in a single fiscal year.

Of course, this does not include the tremendous amount of money we spend every year to transport officers and enlisted men and their families to and from the Philippine Islands, nor does it take in the maintenance of military equipment and buildings and other expenses. These are from figures given me by the Department for 1935, and I am unofficially informed that there has been no reduction this year. I hope the committee in charge of the Army bill will start reducing this useless expense for the next fiscal year. I hope that this will answer the question by the distinguished gentleman from Kentucky.

Mr. Chairman, it is with great seriousness that I call attention of Members of this House to these problems. Knowing that we are spending more than we take into this business which we call the Government, knowing that the Government as such is really the people who sent me here to represent them, knowing that the financial business of these people is critical, knowing that this Government owes close to $40,000,000,000, and still hearing the pleas of honest, hard-working farm men and women who have no feed with which

to feed their flocks nor seed with which to plant the new crop, I would be negligent in my duty if I did not make some remonstrance against useless expenditures of any kind.

This discussion has turned somewhat into the army phase of the matter rather than the naval question, but both questions point to the same target. It is for that reason I have diverted. I also wish that the membership would begin studying the various proposed bills which have in mind efficiency and economy. Before I have taken the floor to champion these causes and I pledge my support to any bill which will tend toward combining the Army and Navy under one head of national defense in order that these two competing branches of our defense service can be run efficiently, economically, and become more effective as a real defense service for our great Republic. [Applause.]

Mr. KNUTSON. Mr. Chairman, I find that at the turn of the century we spent, in round figures, $54,000,000 on the Navy. In 1925 that had increased by 600 percent. In 1930 there was a further substantial increase, and today we are asked to appropriate $528,000,000 for the Navy, which is $220,000,000 more than was carried in the appropriation bill of 10 years ago. I believe in adequate preparedness, but I am wondering what country we are arming against. We have thought for years and years that with 3,000 miles of sea on each side of us we were relatively safe, and yet with the constant increase in appropriations for preparedness it makes one wonder where it is going to stop. I am informed that the Army bill will call for something like $300,000,000, which will mean a total of nearly $900,000,000 for preparedness for the fiscal year 1938. When I first came to this body there was an annual expenditure in round figures of about a thousand million dollars for the entire operation of the Government, and now we are spending 80 percent of that amount in preparedness alone. Are we justified in making these enormous appropriations? For my part, I do not know just what I am going to tell my people upon my return home when they ask me why we have so greatly increased appropriations for preparedness. I am for adequate preparedness, but I have not seen anything that would lead me to believe that it is necessary to make these enormous expenditures at this time. I should like to have a little information on the subject. I should like to know what country we are arming against.

Mr. BIERMANN. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. I yield.

Mr. BIERMANN. On yesterday I asked the same questions I have asked again and again, but nobody has answered them and nobody will. I asked against what nation we are preparing. Nobody answered it. I asked the proponents of this bill to produce the name of a single Army officer or a single Navy officer who will say it is possible for this country to be invaded. I ask that question again, if there are any more jingoes who think they can answer this question. I should like to have it answered. I suggest to the gentleman from Minnesota, when he goes home, that he tell his constituents he voted against the naval appropriation bill, and he will have a clearer conscience, and I think he will have more votes.

ARE WE MEETING OUR RESPONSIBILITY?

Mr. KNUTSON. What disturbs me is the responsibility that rests upon each of us. There is not a man within the sound of my voice who does not want to vote every dollar that is necessary in order to assure the American people that degree of protection that is necessary to their well being. This bill disturbs me. I am not a small-navy man. I believe in appropriating every dollar that is necessary for the protection of this country, but I have not been able to convince myself that the spending of $528,000,000 next year is necessary in order that we may be fully prepared.

PRESIDENT SHOULD CALL DISARMAMENT CONFERENCE

Can it be that we have joined that mad race now going on over in Europe? If so, who is there to call a halt? Why does not the President of the United States call a disarmament conference for a limitation of armaments? I am satisfied there never was a time since the armistice was signed when the powers of the world were more ready to listen to reason in the way of spending money for preparedness.

Mr. UMSTEAD. Mr. Chairman, will the gentleman yield?

Mr. KNUTSON. I yield.

Mr. UMSTEAD. I will say for the information of the gentleman and other Members present that I am expecting in a few moments to personally offer an amendment to this bill authorizing and requesting the President of the United States to call such a conference. [Applause.]

Mr. KNUTSON. That is fine.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. RANKIN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, if we are going to call a disarmament conference, of course we should do so before this money is expended, because a great many of these vessels will require many years in their construction.

I, for one, want to see my country prepared for all emergencies, but I must confess that I fear we are not going in the right direction. What we need most is an air force—a force of trained airmen and sufficient airplanes to keep away from our shores anyone who would threaten us with invasion.

Let me say to the gentleman from Minnesota [Mr. KNUTSON] that I was here in 1921 when we were considering the question of disarmament.

We had just emerged from the World War—a war which we were told was to end all wars, guarantee the territorial integrity of small nations, and make the world safe for democracy.

We were also told that we were fighting that war to end militarism or military autocracy, which means, when reduced to its final analysis, overgrown naval and military establishments in times of peace, combined with universal compulsory military service and dictatorial powers concentrated into the hands of a few men.

That war had almost exhausted the manhood and resources of this world and had shaken our civilization to its very base. More than 10,000,000 young men, the pick and flower of the world's best manhood, had gone down to nameless graves beneath the sword of modern militarism.

It had placed a crepe on almost every doorknob in Europe, and had left broken hearts, vacant chairs, widows' weeds, and orphaned children in almost every home. It had left every park and public place filled with the maimed, the blind, the wounded and disabled victims of that conflict. It had left the world staggering under burdens of debts that it will take hundreds of years to pay. As someone said, "It had left the depressed people of Europe to struggle up the hill of the future, to stumble, faint, and fall under the cross of taxation upon which they and their children and their children's children were to be crucified."

It had left the world seething with hate and teeming with bitterness, the like of which humanity had never known.

With this horrible experience fresh in mind, Congress called this Disarmament Conference of 1921. Those were eventful days in Washington. The people of a war-weary world were hopefully appealing to the members of that conference, representing the leading nations of the earth, to lead them back into the paths of permanent peace.

That conference met on the 12th of November 1921. There came to Washington at that time the most powerful, the most eloquent, the most influential delegate that ever attended any conference in all the history of the human race—the dead body of the Unknown Soldier—one of those countless thousands of young men whose names disappeared with their bodies as they had gone down in the recent contest for the military supremacy of the world.

He was buried at Arlington the day before this conference met. President Harding, in delivering his address on that occasion, had to have an amplifier, radio service, telephone and telegraph wires to make his voice heard throughout the country. But this delegate of delegates needed no assistance to carry the voiceless eloquence of his silent protest against war, against armament, against militarism through-

out the length and breadth of the land, and to find for it a responsive chord at the fireside of every American home.

He was accompanied by one of the world's greatest interpreters, the sorrowing figure of a widowed war mother who had lost a husband and three stalwart sons in the war, and who had come 3,000 miles to place a wreath upon his bier. If there were people who could not appreciate his appeal, or who did not realize the sacrifice he had made, they could not fail to understand when they looked upon her withered form and saw his message translated into terms of a mother's sacrifice and a mother's love.

He was given a great reception, such as few kings, princes, or potentates have ever received or ever deserved. The procession down Pennsylvania Avenue surpassed all description, and the floral tributes coming from every quarter of the globe have probably never been equaled.

More than 50,000 people bowed in reverence as he was consigned to his last resting place of vantage in Arlington Cemetery. He had set the stage for the disarmament conference, and, we might say, had delivered the welcome address.

The next day the conference convened. I attended every session. In the words of Irvin Cobb, "I had a reserved seat at the greatest show on earth." Seated around the conference table were the chosen representatives of the leading nations of the world, while back of them sat the foreign diplomats, heads of the various armies and navies, other ranking officials and visiting dignitaries without number.

Secretary Hughes was chosen as chairman, and proceeded to deliver the welcome address. He did not argue, but confined himself to the statement of a concrete proposition for a limitation of armaments that, if properly carried out, would have meant the permanent peace of the world. He did not need to argue the case. That had already been done by the silent delegates at Arlington, whose mute but thrilling message had touched the heart and awakened the conscience of a war-torn civilization. His appeal had been heard at last, and by it he had possibly ushered in a new day, when war between civilized nations might cease, at least for years to come, and when the great burdens of taxation which wars and armaments entail might be lifted from the masses of the world.

But it seems now that times have changed. The sacrifices of the last war are being forgotten and the world seems to be preparing for another conflict which might spell the end of civilization. America should keep out of it; and in order to keep out of it, instead of building these enormous battleships we should build up our air force and prepare to defend our country from invasion, and should then keep our nationals out of the war zone.

If we enter a mad race of naval armament instead of leading the world in the paths of peace, we might contribute to another conflict that would wreck what civilization we have left and bankrupt every nation on earth, including our own.

At that time we had in the United States Army one of the great men of this world, Gen. "Billy" Mitchell, who has now passed away, and who deserves the lasting gratitude of every human being on American soil. [Applause.] He pointed out then that what we needed was an air force, and said he could destroy any vessel afloat from the air. They put on a bombing contest to test out General Mitchell's statement, and the air force destroyed every vessel they shot at. Finally they said, "Oh, well, airplanes can destroy these small vessels, but suppose we brought a real war vessel out. What effect do you think the air force would have?" He told them to bring it out, and they did. They brought out the biggest one we captured during the World War, an interned German ship called the *Ostfriesland*. The Republicans were in power then, and they set the day for that test, on the very day Congress had set to vote on the Fordney-McCumber tariff bill, so that Congressmen could not go.

That was very appropriate; for nothing has done more to perpetuate this mad race for armament than the muzzling of General Mitchell by his superiors in the War Department, and nothing has done more to wreck the peace and prosperity of this world than did the Fordney-McCumber Tariff Act.

So they came out with the *Ostfriesland*. The first bomb missed it. The next one went down by the side of it, and as one man said blew a hole in it in which you could have rolled a dwelling house. The *Ostfriesland* turned over, and the third plane dropped a bomb right on top of it, and they have not seen it since. [Applause.]

You can build all the battleships you want to, but when it comes to modern warfare with a modern air force they will be absolutely helpless.

We have not an adequate air force. I will probably offend some Army and Naval officers when I tell you that our air force is wholly inadequate and far behind the other branches of the service. This was clearly demonstrated a year or two ago when we had to cancel the air-mail contracts and call on the Army to fly the mails. They were not able to do it, and we had to call them off.

Every morning at 3 o'clock there passes my window a young man who flies the mails. If we were to get into a war, I would rather have that man defend my home or my town or our shores than to have a dozen antiquated ground officers trying to run the air force who do not know anything about flying. This may be pretty plain language, but I am telling you how I feel.

Why this mad race for armament? I will tell you why. Trade is the international lifeblood of civilization. When you raised these tariff walls and shut out foreign trade you threw great bodies of people in foreign countries out of their supply of raw materials. Today they are crying and begging for raw materials, yet farms in America that produce raw materials are being sold for taxes. When you passed that tariff bill you killed our foreign trade and made enemies of our former friends.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. For a question; yes.

Mr. KNUTSON. The gentleman is aware that this administration is negotiating trade agreements with almost all the large countries in the world. Has not that brought about the sad condition in this country of which he complains?

Mr. RANKIN. The gentleman from Minnesota does not know the facts. He is misinformed or uninformed. As a matter of fact, we have made these treaties with only a few countries. We have not touched the real trouble yet, but we are going to before we stop. What I am driving at, however, is that you are not going to be at peace with the world unless you trade with the world. Just as surely as the world stands, when you raise a tariff wall and say to the world, "You cannot trade with us", right then you make enemies. These trade treaties that are being negotiated by Cordell Hull are doing more to eliminate international bitterness toward the United States than anything else that has transpired since 1921. [Applause.]

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. RANKIN. I yield for a question.

Mr. RICH. I think the gentleman's statement would be all right, providing we let all the foreign countries get all advantages of the agreements and all the gains that might come from these agreements. Sooner or later the American laborer, the American farmer, and the manufacturer, and the American people in general will find it was a sorry day on which America entered into these agreements for which Secretary Hull and President Roosevelt are assuming the responsibility, a responsibility that the gentleman from Mississippi and the other Members of Congress should assume as Members of Congress. That power as per the Constitution was vested in Congress before the abdication of the Congress to Mr. Roosevelt.

Mr. RANKIN. O Mr. Speaker, as I have said before, nothing dies harder than an old regime. [Laughter.]

We are legislating for the future. I do not want to go against the committee—I want to go with them—but I submit that we must change our policy with reference to the subject of armaments.

We are changing our international policy. Instead of the world condemning Cordell Hull, he is acclaimed as one of the greatest benefactors of mankind, because he is undoing some of the iniquitous tariff policies for which the gentleman from Minnesota [Mr. KNUTSON] voted and for which the

gentleman from Pennsylvania [Mr. RICH] now raises his voice in praise. [Applause.]

In addition to opening up international trade and restoring the peace of mankind we should readjust and overhaul our entire defense system and build up an air force instead of building cumbersome naval vessels. We may use the Panama Canal for purposes of illustration. At one end of the Panama Canal we have some 9-inch guns on top of a mountain. Under what is known as the thumb rule, those guns are supposed to shoot 1 mile on a level for every inch in diameter. When they were put there they were fine, but what would they be worth now against airplanes coming from a carrier 50 miles away?

We should let the world understand that no power on earth can ever invade America. But, instead of pouring money by the hundreds of millions of dollars into the coffers of the steel trust, the armor-plate manufacturers, and the munitions trust, we should build an air force and train an air personnel that could take care of America under any and all circumstances. Then we should open up the channels of trade and resume our leadership among the nations of the earth. We will then be doing more to perpetuate the peace of mankind than we will by spending these vast sums of money and laying keels for vessels that will not only be obsolete before they are finished but which will be obsolete before they are begun. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska [Mr. STEFAN].

The amendment was rejected.

Mr. MASSINGALE. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, I should like to get a little information from the chairman of the subcommittee. The information I want, if he can give it to me, and I am sure he can, is as follows: It has been stated in the debate that since 1933 the Navy Department has received in excess of $250,000,000 out of the money appropriated by Congress to the W. P. A. for relief purposes; that is, since 1933, probably when the first appropriation was made. I would like to be informed about that, if the gentleman will give me the information.

Mr. UMSTEAD. I shall be glad to give to the gentleman such information as I have. It is my recollection that since 1933 approximately $293,000,000 out of emergency funds has been allocated for use by the Navy Department.

Mr. MASSINGALE. Is it contemplated that in addition to this $528,000,000 we are now appropriating to the Navy, the Navy expects to use any of the money that Congress has recently appropriated for W. P. A. purposes?

Mr. UMSTEAD. It is my understanding that the Navy Department does not expect to receive any of the money recently appropriated.

Mr. McCORMACK. Will the gentleman yield?

Mr. MASSINGALE. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. But that $293,000,000 was used on projects, was it not?

Mr. UMSTEAD. The $238,000,000, or approximately that sum, was used for the original construction program in connection with the enlargement of the Navy. That embraced, as I recall it, 32 ships and was applied to the construction of those ships. The balance of the funds were used throughout the Naval Establishment at shore stations and at other places to enable the program to be effectively carried out and in order that work could be given to those who were the unfortunate victims of the depression.

Mr. McCORMACK. As I understand it, the funds used, for example, from the W. P. A. allocation were for projects in navy yards, in navy training stations, or in shore establishments where work relief labor was employed? That was in the program?

Mr. UMSTEAD. The gentleman is correct.

Mr. McCORMACK. My purpose in asking these questions is so that there might not be any charge that there was a wild conspiracy on foot to capture this W. P. A. money. This money was used in connection with work projects.

Mr. UMSTEAD. I may say to the gentleman from Massachusetts there was submitted to the committee a complete statement of the allocation of emergency funds, and any Member of Congress may see that statement by calling on the clerk of the committee.

Mr. McCORMACK. And the Navy Department, in connection with these work projects, did what other regular establishments did?

Mr. UMSTEAD. Yes.

Mr. MASSINGALE. Mr. Chairman, may I say to the gentleman from Massachusetts I was not indulging in any wild speculation or any attempt to reflect upon the policy of the Navy Department. I am just as much in favor of a strong national defense as is the gentleman from Massachusetts. My position is that I do not believe it ought to be the policy of the Navy, the Army, or any other branch of the Government of the United States to deplete the money which Congress has appropriated for the relief of destitute people in the Midwest section of the United States, and that was the only object I had in asking the chairman of the subcommittee the question.

[Here the gavel fell.]

Mr. McCORMACK. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, may I say to the gentleman that the interpretation he made on the words I used is a reasonable one, but one that I did not intend. If the gentleman will look at the RECORD tomorrow, he will realize my question in no way was directed at himself, but at what might be construed to be the answers to the questions, unless the statements of the chairman were amplified by showing that the money was in the main used for work relief projects.

Mr. LUCKEY of Nebraska. Will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Nebraska.

Mr. LUCKEY of Nebraska. The gentleman from Massachusetts made the statement the $290,000,000 that was diverted from relief funds to the Army and Navy was used for the purpose of giving people work. Would not that have resulted in the employment of labor just as much if it had been used for the building of schools and homes?

Mr. McCORMACK. The gentleman's question answers itself. The fact remains an explanation was asked as to the purposes for which the $290,000,000 was used, and an explanation was partially given. I made inquiry to break the figure down. The result is that the Navy Department has done what other regular establishments of the Government have done. They have created projects to enable us to carry out effectively the W. P. A. program, and the main beneficiaries have been those who were the unfortunate victims of the depression.

Mr. O'MALLEY. Will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Wisconsin.

Mr. O'MALLEY. While the gentleman is breaking down those figures, let us break them away down to the bottom. How much of the $293,000,000 was used for actual relief work or wages and how much was used to buy plates for some of these ships or to buy armament material?

Mr. McCORMACK. The gentleman can ask the chairman of the subcommittee in his own time. The questions I asked of the gentleman satisfied my inquiry.

Mr. GRISWOLD. Will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from Indiana.

Mr. GRISWOLD. May I ask the gentleman from Massachusetts, if he knows, whether it is a fact that the contracts let under this W. P. A. money, such as the ones let to the Camden shipyards, were let on competitive bids, the same as all other naval contracts?

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. VINSON of Georgia. I may state to the gentleman that every contract let to a shipbuilding company has to be

let on competitive bids. Contracts or allocations made to navy yards do not have to be on competitive bids.

Mr. GRISWOLD. There was no distinction in the method by which this money was expended and any other money that was used for the same purposes.

Mr. VINSON of Georgia. None at all.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word, and I do this for the purpose of asking the gentleman from North Carolina, the chairman of the subcommittee, a question.

I note the gentleman stated that the committee is recommending that the President call a disarmament conference——

Mr. UMSTEAD. The gentleman misunderstood me. I did not make that statement. I said that I proposed to offer the amendment. It is not a committee amendment and no one has any responsibility for it but myself.

Mr. DOWELL. As I understood, it was the committee that intended to recommend it.

Mr. UMSTEAD. No.

Mr. DOWELL. May I further suggest, in view of the possibility that a conference may be called, why should we pass this enormous building program at this time, at least not until we ascertain if a disarmament conference may be called and this vast expenditure avoided?

Mr. UMSTEAD. Of course, I think the answer to the gentleman's question is apparent. In the first place, I think we should do well to hope to be able to hold the building of navies somewhere about the limits fixed by the recently expired treaties. If we could accomplish that much through another conference, we should be going a long way toward solving the international problem of armaments; but I do not even have the hope that we could accomplish by any conference a reduction to the limits contained in the treaties which existed prior to December 31, 1936; and let me repeat here that this bill does not provide for any item of expense which was not contemplated by the limitations imposed by those treaties.

Mr. DOWELL. The gentleman will recall that in the other disarmament conference we did scrap a number of vessels that were in building process.

Mr. UMSTEAD. I hope the gentleman will not get the impression, when I introduce my amendment, that it can possibly entail any repetition of what happened to this country as a result of the Washington conference.

Mr. DOWELL. But should not the gentleman proceed slowly now with this appropriation? This money is greatly needed for other purposes at the moment, and should we not wait until it is determined whether or not such a conference may be successful that we may be able to avoid this vast expenditure?

Mr. UMSTEAD. I cannot agree with that position.

The Clerk read as follows:

In all, $7,978,153, to be accounted for as one fund: *Provided*, That the sum to be paid out of this appropriation for employees assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for Civil Employees in the Field Service of the Navy Department shall not exceed $80,000.

Mr. UMSTEAD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. UMSTEAD: Page 49, after line 22, insert a new paragraph, as follows:

"That the President of the United States is authorized and requested to invite the Governments of Great Britain, France, Germany, Italy, Japan, and Russia, and any other governments which, in the judgment of the President should be invited, to send representatives to a conference for the purpose of entering into an agreement or understanding by which the naval expenditures and building programs of each of such Governments may be substantially reduced upon such terms as may be agreed upon, which understanding or agreement is to be reported to the respective Governments for approval."

Mr. UMSTEAD. Mr. Chairman, I have previously stated that the amendment just read is being offered by me on my own responsibility. It is not a committee amendment. I have consulted no authority of the administration. I have consulted none of the leaders of the House. I am offering the amendment on my own initiative because, in the pursuance of what I deem to be my duty, I am anxious to see to it, so far as I can, that every effort is made by this Nation of ours to achieve, if possible, in this hour of international difficulty, some limitation on the rising cost of the building of armaments.

I do not agree with any of the gentlemen who are undertaking, since I mentioned this amendment, to create the impression that the fact of its being offered should be taken into consideration in connection with amounts of money in the bill now before the Committee. On the other hand, I do not see how any person now on this floor or in the Congress, whether he be for a big navy or a little navy, can possibly have any objection to the amendment. I cannot see how any citizen can object to this amendment. It may do no good, Mr. Chairman—I do not know. It may not be the means of accomplishing anything—I do not know. I hope and I fervently pray that it may.

If by the calling of a conference some such limitations as existed prior to the termination of the Washington and London Treaties might be arrived at by the leading nations of the earth, then, certainly, this effort would be thoroughly justified.

I repeat, Mr. Chairman, the amendment is no one's suggestion but my own, and I am speaking with the authority of no person connected with the Congress or the administration. I offer it as my effort and my suggestion, to see if some way cannot be found whereby some limit may be fixed upon the cost of armaments. I trust that the amendment meets with the approval of every Member on this floor. [Applause.]

Mr. SHEPPARD. Mr. Chairman, I rise to ask the gentleman from North Carolina a question in order to secure some information. Considering our past experience with other nations, does the gentleman expect that we could have any consideration, even if we had such an arrangement? If we had such an agreement, does the gentleman believe it would be worth anything to us after we got it?

Mr. UMSTEAD. I am not undertaking to look into the future and prophesy.

Mr. SHEPPARD. Do we have to look into the future? Does the gentleman at this time feel that the word of nations who repudiate their indebtedness to this country is good?

Mr. UMSTEAD. I feel justified in thinking that in men or nations there is always something good if it can be aroused.

Mr. SHEPPARD. I certainly agree with the gentleman, if we have men to deal with; otherwise not.

Mr. PHILLIPS. Mr. Chairman, I arise in opposition. If a man breaks his word to you once, it is his fault or it is your fault, but if he does it the second time, it is your own fault, because you have given him an opportunity to do so. In principle I agree with the gentleman's idea. It is a good thing for the nations of the world to sit down in conference and endeavor to limit armament if they can. Facing the matter, not academically, but as it is, it seems to me idle and foolish and a foolish waste of time for us to endeavor to get the nations of the world together again in any kind of a conference to limit armament, when it has been incontrovertibly proved by recent facts of history that the words of these nations unfortunately are not good.

Mr. UMSTEAD. Mr. Chairman, will the gentleman yield?

Mr. PHILLIPS. May I finish this first? I believe the United States of America should adopt an adequate naval policy, a policy as regards military and naval service that it thinks adequate; and I think we should "stick to our knitting" and build up our own defenses and let the rest of the world take care of itself, knowing that the word of the statesmen of the rest of the world is no good. I now yield to the gentleman from North Carolina.

Mr. UMSTEAD. Can the gentleman point out to this Committee in what particular any nation which signed the Washington or the London Treaty failed to live up to either treaty?

Mr. PHILLIPS. I was not referring to that. I was referring to the general proposition of treaty breaking in the world today, wherever we look at it.

Mr. UMSTEAD. I am dealing with armament-limitation treaties; and the Washington and London Treaties are the two with which we have had experience. If the gentleman knows of any respect in which the nations signatory to those treaties failed to live up to them, I should like to have that information.

Mr. PHILLIPS. Answering the gentleman, if I know that John Smith has a reputation as a word breaker, I am just a fool if I put myself in his power by sitting down in conference with him. This is the condition regarding the nations of the world today. I repeat that I am very much against this amendment. I believe we should have our own policy and stick to it.

Mr. WADSWORTH. Mr. Chairman, I move to strike out the last two words. The gentleman from North Carolina [Mr. UMSTEAD] has been frank in stating that this amendment is offered by himself, without having had consultation with any member of the administration and without consultation, indeed, with the leaders of the House. I would not for one moment impugn his motives. He is looking toward an ideal which rests in the hearts of a great many people, but a thing of this sort should not be embarked upon without a good deal of exploring of the field in advance. I think the House, if I may be impertinent enough to say so, is scarcely prepared to vote "yes" or "no" upon an amendment of such supreme importance in the foreign relations of the United States. If the House is to propose in this fashion an international conference looking toward a limitation in naval armaments, it seems to me that such a measure should come to us from the Committee on Foreign Affairs, which committee will have a chance to discuss, for example, with the Secretary of State of the United States, the wisdom of embarking on such an undertaking. If I may criticize the offering of such an amendment today, it is on this ground: That is is thrown too suddenly into the House. It is already apparent that some Members distrust its efficacy. No one has had a chance to secure in advance from those who manage the international relations of the United States any information in respect to it. I think this is not the time to attempt such a thing, and I make the point of order against the amendment.

The CHAIRMAN. The point of order comes too late; debate has proceeded upon the amendment.

Mr. McCORMACK. Mr. Chairman, I move to strike out the last three words. This is a very unusual amendment. None of us but are in accord with the spirit of the amendment, but this is one of the most unusual situations I have seen since I have been a Member of the House during the last 9 years—a chairman in charge of a bill in his own individual right suddenly offering to the House an amendment that nobody has given consideration to. The gentleman's action is completely inconsistent with his utterances in the early part of the consideration of this bill when two or three Members of the House offered amendments. In an argument against these amendments he said they had not been presented to the members of the Subcommittee on Appropriations; they had not received consideration; therefore, for that reason, in the main, the amendments offered should be defeated.

The gentleman from Illinois [Mr. DIRKSEN] offered an amendment, and in part the argument was advanced against his amendment; and the argument appealed to me. Another gentleman, prior to that amendment, offered an amendment, and the gentleman from Wisconsin [Mr. O'MALLEY] mildly defended the right to offer the amendment, and undertook to meet the argument of the chairman of the subcommittee. I felt as the chairman of the subcommittee felt, yet the gentleman himself suddenly offers an amendment of great import, an amendment of great seriousness, without any consideration, without even the subcommittee considering it in executive session. He not only seeks to "authorize" but he "requests" the President of the United States to do something that he has a right to do without this amendment, and which under the Constitution, in the performance of his duty, he should do.

We must remember that only a few months ago we had a conference in London. It was not due to any lack of effort on the part of the representatives of our country that that conference was a failure.

Mr. DIRKSEN. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. DIRKSEN. It must be apparent to every Member of the House that the amendment is not germane, yet nobody rose in his place to raise a point of order that the amendment is not germane. Here comes an amendment that has no relation to the paragraph marked "Marine Corps Reserves", yet nobody rose in his place to raise a point of order. The gentleman from Massachusetts had his opportunity——

Mr. McCORMACK. Is the gentleman from Illinois undertaking to censure the gentleman from Massachusetts?

Mr. DIRKSEN. No, indeed. I am simply telling the gentleman that he could have stood in his place and raised the point of order.

Mr. McCORMACK. The gentleman from Massachusetts is as well acquainted with the rules as the gentleman from Illinois.

Mr. DIRKSEN. I think he is better acquainted with them.

Mr. McCORMACK. I do not admit that. The gentleman from Massachusetts knew he could have raised a point of order, but I was willing to have the amendment offered and considered on the floor of this House.

Mr. DIRKSEN. Very well.

Mr. McCORMACK. Does the gentleman from Illinois recognize that the gentleman from Massachusetts has a right to do that?

Mr. DIRKSEN. Yes. I say nobody stood in his place and raised a point of order.

Mr. McCORMACK. I want to address myself to the chairman of the subcommittee. Has the gentleman from North Carolina [Mr. UMSTEAD] placed himself in the embarrassing position of offering something that he has argued against previously in debate when other amendments were offered which had not been considered by the committee?

Mr. UMSTEAD. Oh, I do not think so. I do not think the gentleman's premise is correct in drawing his analogy.

Mr. McCORMACK. Wherein is the gentleman incorrect?

Mr. UMSTEAD. I rose to ask the gentleman now having the floor a question. If he will be so kind as to answer, then I will undertake to answer his question. [Laughter.]

Mr. McCORMACK. If the gentleman is going to ask me a question——

Mr. UMSTEAD. I do not desire to be technical about it.

Mr. McCORMACK. Oh, we understand.

Mr. UMSTEAD. This amendment carries no appropriation; does not affect any appropriation at this time. It is a matter about which every Member of the House entertains his own opinion. It is a simple proposition of requesting the President to call such a conference. It is not mandatory.

Mr. McCORMACK. Has not the President got that power? I realize all those things. I did not yield to the gentleman to make a speech.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. UMSTEAD. Mr. Chairman, I ask unanimous consent that the gentleman may have 5 additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. McCORMACK. I now yield to the gentleman from North Carolina.

Mr. UMSTEAD. Now, I call the gentleman's attention to the fact, and I am sure he simply has overlooked it, that the Washington conference was called by an amendment to a naval appropriation bill, and it appears in the bill just as I have offered it here. I have not followed the exact language of the amendment that was included in the naval appropriation bill preceding the Washington conference. I have made some changes in it. That conference was based on an amendment in a naval appropriation bill and did not

come out of the Committee on Foreign Affairs. I have followed the precedents of the House about this matter.

Mr. McCORMACK. Oh, the gentleman does not need to get excited, because I am not.

Mr. UMSTEAD. I am not excited.

Mr. McCORMACK. Now, let me ask the gentleman: Does the gentleman know whether or not the Member who offered that amendment offered it without consulting anyone?

Mr. UMSTEAD. I do not.

Mr. McCORMACK. Does the gentleman know whether he consulted the other members of the committee or the President of the United States at that time?

Mr. UMSTEAD. I do not.

Mr. McCORMACK. The gentleman from North Carolina has done nothing of that kind, has he?

Mr. UMSTEAD. I have not, and I have so stated three times.

Mr. McCORMACK. I know; and the gentleman is chairman of the subcommittee.

Mr. UMSTEAD. I stated that I was introducing this amendment on the basis of my own initiative and on the basis of my own individual responsibility as a Member of this House. [Applause.] No Member of this House loses that responsibility by virtue of membership on any committee. [Applause.]

Mr. McCORMACK. The gentleman is adhering strictly to a right; but when he acts as chairman of a committee and brings in a report of the committee the gentleman cannot act strictly in the same way he would were he not chairman of the committee. He has certain responsibilities imposed upon him by reason of being in charge of a bill. That responsibility is to protect the report of the committee and not suddenly inject into the debate or into the bill an amendment which has never been considered by the committee. Under a strict interpretation of the rules, of course, the gentleman can do it, but that is hardly compatible with his responsibility as chairman of the subcommittee. I feel justified in thinking that the gentleman should not have done it. [Applause.]

Mr. UMSTEAD. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. UMSTEAD. Replying to the gentleman, I may state that I realize I have not been chairman of a subcommittee very long. This is the first year I have undertaken to labor in such capacity.

Mr. McCORMACK. The gentleman has done a wonderful piece of work, and I compliment him.

Mr. UMSTEAD. I am not certain that I am familiar with all of the proprieties and niceties incident to the chairmanship of a committee, but I have had no rebuke so far with reference to my relationship with my committee.

This is a matter that is not in this bill. This is a matter that is not considered in this report. This is a matter that could be offered by way of amendment on most any bill under consideration. Why, then, do I not as an individual Member of this House have the right—not to take advantage of the House or any member of my committee—to offer on this bill or any bill an amendment to express something which I think may have in it some possibility of good and have it considered unless it is ruled out on a point of order?

Mr. McCORMACK. Is the gentleman through?

Mr. UMSTEAD. I am for the present.

Mr. McCORMACK. I reiterate what I previously said, that the gentleman from North Carolina has done the very thing that he has indirectly criticized other Members for doing. He has suddenly offered an amendment which has not been considered by the committee, an amendment which he has not even taken up with any of the leaders of the House, an amendment on which he has not consulted the President of the United States.

How do I, as a Democrat—and I am talking now to the Democratic side, and I favor personally the purpose of the amendment—know whether the President of the United States wants that amendment in the bill at this particular time? The gentleman from North Carolina is no more strongly in favor of peace than I am. The gentleman from North Carolina is no more strongly in favor of a limitation of armaments than I am. My friend from Iowa [Mr. BIERMANN] and I agree in the principle, although we disagree honestly as to the method, that there should be a sharp reduction in armaments.

[Here the gavel fell.]

Mr. McCORMACK. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Although we may be in disagreement as to some matters, I have profound respect for their position and for the right of those Members to entertain the views that they do; but how do I know that the President of the United States wants this amendment in the bill? I would vote for it, I would propose it, I would espouse it as strongly as any man in the House if I knew he wanted it; but I do not know whether the President of the United States, who is my President—and if I may without being misunderstood by my Republican friends—he is the leader of my party. I want to know, first, whether he wants it, whether it is going to embarrass him or not.

I am not opposed to the objectives of this amendment, but I do not know whether it is wise at this time. I feel that I am speaking in vain. I feel that the amendment will be adopted, but I do not know whether it is going to be wise. After its adoption, if it proves to be embarrassing, I know that other Members of the House, particularly other Democrats, will regret that the amendment was so suddenly offered.

[Here the gavel fell.]

Mr. TABER. Mr. Chairman, I ask unanimous consent, so that all of us may get a clear picture of the proposed amendment, that it be again read by the Clerk.

The CHAIRMAN. Without objection, the Clerk will again read the amendment.

There was no objection.

The Clerk again read the amendment.

Mr. RAYBURN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in all the years I have served as a Member of the House, there has not been a man for whose character, for whose ability, and for whose gentlemanly qualities I have more respect than I do for the gentleman from North Carolina [Mr. UMSTEAD], and what I shall say at this time I want it understood is in no way a criticism of him for offering this amendment. In my individual capacity as a Member of this House, I believe I should state that the amendment presented at this time for consideration is a mistake. Whether we vote this amendment up or down, in my opinion, we may be misunderstood. Therefore I am going to suggest that for the present at least, upon an amendment as far reaching as this may become, there should be consultation, not only in committees but with those who are in responsible positions in the executive departments of the Government, to find the situation we are now in and whether or not matters of this sort have been considered by the executive and the administrative departments of the Government. If a vote is demanded upon this very important and far-reaching as well as very vital question, I trust the Members of the House will vote it down.

Mr. MILLS. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, so the record may be clear, I am in favor of adequate national defense, if and until a peace resolution is adopted by all nations; but at this time, if the distinguished chairman of the subcommittee will agree to withdraw his amendment, I have a joint resolution prepared which I will introduce today which requests that the President call a conference of the leading nations when and if said resolution is adopted by Congress.

Mr. Chairman, prompted by an honest desire to do something effective toward achieving universal peace, I have taken this responsibility in the hope that, regardless of party lines, the Members of Congress will have the courage to face the issue and that abler and more experienced men

than I may be induced to carry this fight to a successful conclusion.

In presenting this resolution I dare to take the first step in the conviction that the will for permanent peace burns in every human breast and that the greatest number of inhabitants of the earth do not want war but peace. Given their choice and the chance to express that choice, the inarticulate population would vote solidly against war.

Mr. Chairman, the issue before the world is peace or war. Recent legislative measures in all countries of the world call for increased armament with increased taxes, creating an enormous burden on every nation and provoking a spark that will kindle into a flame in the future on the scale that will endanger the economic structure of civilization and destroy one-half of the population of the entire world by the new science of warfare. For me, I choose not to participate or even be living to face the disasters that will be the after effects of the next war.

It is my plan by the resolution that I shall present to this Congress today for adoption which, if adopted by the world, we shall once and forever remove the hazards of war. The plan in its conception is audacious but workable, providing its execution is intrusted to a supreme tribunal of experts.

The rank and file not only in this country desire peace but the entire world, and in my opinion the propaganda for the financiers and war lords can be credited for having a large part in having brought about every war, and it is important that our people should not overlook problems and issues which, though they lie beyond our borders, have a vital influence on the United States; and I hope that envy, hatred, and malice among nations have reached their peak and will be succeeded by a new tide of peace and good will. Therefore I hold it is fitting at this time that this Congress will unanimously adopt this proposed resolution of peace. The American Republics to the south of us have already been ready to cooperate with the United States on a basis of equality and neutral respect, and may I say the 21 Republics are not only living together in peace now but are united in determining that peace shall continue.

Mr. Chairman, I hate war. Millions have marched behind the banner, never to return to see loved ones again; thousands returned from war wounded, to find homes and property destroyed, mothers and children passed on to the beyond while they were away in war, never to see them again, and in a dying hour children crying to see their dad once more.

Mr. Chairman, industrial and agricultural production for a war market give immense fortune to a few, but for a nation as a whole it produces disaster, indebtedness, loss of lives, and destroys common understanding of peace and happiness that we all so well cherish.

Too, I would have you to know that the cost of war is almost beyond figures, and at this time I will not undertake to show the total billions of dollars that war has cost, not only to this great Nation but the entire world, and will only cite to your knowledge the demand that is now being made by all governments for larger and greater appropriations to increase the army, navy, and air forces, as there seems to be an increased rivalry between nations to own the greatest military forces that shall in the near future entangle the entire world in the greatest war that will ever be known. Too, I would have you to know that war not only results in loss of property and lives but destroys the very foundation of democracy, which guarantees life, liberty, and the pursuit of happiness to all men, and in return supplants dictatorial government, with vast amount of feudalism following, which results in many years of trial and error to rebuild the losses sustained in the pestilence that follow and cannot be denied.

War helps to create a greater gulf between the well-to-do and the poor, inasmuch as history has proven that the poor bare the burden of taxation and the ill-gained wealth of war accumulates in the hands of a few. As a result a drainage system is created whereby the poor are forced to work longer hours and at small wages, being undernourished, to help meet the financial burdens that are placed upon them directly and indirectly by governments, whereas at the same time the ill-gained wealth of the rich finances the government, whereby the rich benefit from the laborer and taxpayer indirectly inasmuch as the rich reap interest from money loaned to the government and the taxpayer pays the bills.

Too, war broods prejudice, envy, and hatred against the opposing nation which continues to exist after the war is ended; and when an indifference exists between nations, the honesty of that nation is distrusted and, with the same result, breaks down the common understanding of business, which, in turn, is crippled, bringing about unemployment, resulting in a financial depression, which has very well been proven in history—that after each war follows a depression.

Not only do economic conditions become impaired but social unrest usually breeds in the minds of the people, that cost the Government invariably billions of dollars, usually spent in ways that will not in return be collected but instead a loss to the Government. In fact, in an indirect manner, windstorms of the West are true and simple results of the recent World War, as during the war there was a great demand for raw products, such as grains, cotton, and fruits. Therefore, a demand and scarcity fixes prices. Since there was a great demand, there was a trend among the laboring class to put into cultivation greater numbers of acres of land; and, if you please, the great plains of the West were turned into productive fields of grain, with the result of the lowering of the water level, leaving the fields barren, with nothing but alluvial soil, to be easily gathered by the westerly winds, that has of recent years cost the taxpayers of this country untold millions of dollars; and if the demand in the recent war had not been so great for raw products, the grassy plains would not have been turned into fields of grain.

And, in conclusion, the billions of dollars that are now being appropriated for military purposes would instead be appropriated on education, making it possible for the unfortunate boys and girls of society to receive a vocational education—not based on their pocketbooks but their brains.

Mr. Chairman, I trust this House adopts this resolution calling upon the President to invite representatives of all governments to a conference in Washington to consider total disarmament and to create a permanent world-peace tribunal, inasmuch as the world today is an armed camp, and contrary to the law of Almighty God and fundamental principles of humanity and reason, which solemnly affirm that nations, as well as individuals, should live in peace one with the other. The world today presents a picture wherein each nation is striving its utmost to outdo its neighbor in preparing for war; therefore huge sums of money which could best be used in the relief of suffering, in the advancement of industrial progress and science, and which represents a staggering burden of taxation on all people, have been voted and are being spent to increase navies and air forces, equip armies with every conceivable weapon of destruction, and to construct fortifications, all of which constitute a menace to the peace of the world and to the lives of every man, woman, and child, threatening the very foundation of the social structure, and must inevitably result in the degeneration of the human race.

Mr. Chairman, previous efforts to assure permanent world peace have failed because the proponent governments lack the courage to face the issue squarely and refuse to consider the only effective measure, that of total disarmament; therefore it is my firm belief that the citizens of the United States of America detest war and are anxious to do everything humanly possible to prevent it; and with the conviction that this Nation possesses the moral courage to invite other nations to send their representatives to this country, with full instructions to discuss sincerely and free from all diplomatic restraint the only certain means whereby war can be forever abolished from the earth, we call upon the President to invite all governments to send their accredited representatives to Washington within 1 year for the purpose of considering total disarmament and to lay the foundations for world peace on a formula based upon the following articles:

First. The solemn affirmation by each government, as a fundamental principle of government, that war between nations is forever outlawed.

Second. The creation of a permanent world peace tribunal.

Third. The total scrapping of all existing naval and air forces and the disbanding of all military forces, with the exception of small naval, air, and military units, to be used by each country for police and patrol purposes exclusively and within its own borders.

Fourth. The prohibition by all governments of the manufacture and sale by private interests within their respective borders, of all war weapons, and the regulation by each government of the manufacture of explosives for industrial purposes.

Fifth. The complete severance of all trade relations and the application of a rigid boycott against any government which violates the above articles or resorts to warlike measures after such government has been cited and found guilty by the permanent world peace tribunal.

Sixth. The creation of a world peace army and navy—including air forces—to be of adequate strength, so as to insure right observance of world neutrality.

Seventh. The establishing of a neutral state to serve as barracks and munitions center for the world peace army and navy, including air forces.

Eighth. Enlisted men and financial appropriations to be allocated by each country based upon population and wealth.

Ninth. Before the peace tribunal shall come for trial and punishment all violations of the world peace pact.

Mr. KNUTSON. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, I am reluctant to take the floor a second time upon this proposition, but feel impelled to do so. I applaud the gentleman from North Carolina for offering this amendment asking the President to call a disarmament conference. It is not an amendment that changes the context of the bill. It merely adds to it. It was not necessary for the gentleman from North Carolina to consult anyone in advance before offering the amendment. He did so upon his own responsibility as a Member of this House.

This bill is going to another body after it has been acted upon here. If we adopt the amendment and it should subsequently be found not desirable, it may be stricken out by the other body, whereas if we fail to take action this afternoon we are not certain we will have another opportunity to make a suggestion or offer an amendment of this kind.

AMERICA MUST LEAD

I feel it is incumbent upon America to take the lead in stopping this mad race of armaments. The amendment the gentleman offers proposes to call a conference to that end of all the great powers of the world. There never was a time when there existed a greater need for counsel among the nations of the earth than right now, and the sooner this conference is called and the sooner deliberations are begun, the more money will be saved to the various governments, provided an agreement is reached. I sincerely hope a vote may be had upon the amendment offered by the gentleman from North Carolina, and I hope he will insist upon a record vote. The amendment should be adopted, and if it is later found contrary to the President's policy or otherwise, the other body may strike it out. If this amendment fails, I shall offer a concurrent resolution asking the President to ask the powers to send representatives to a disarmament conference in Washington. I shall vote against reducing the amount carried in this appropriation bill so that we will have plenty of trading stock if and when we meet representatives of the other powers in an arms-limitation conference, such as I shall propose before we adjourn this evening.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The question was taken; and on a division (demanded by Mr. BOILEAU and Mr. RICH) there were—ayes 66, noes 81.

Mr. O'MALLEY. Mr. Chairman, I demand tellers.

Tellers were refused.

So the amendment was rejected.

The Clerk read as follows:

REPLACEMENT OF NAVAL VESSELS

Construction and machinery: On account of hulls and outfits of vessels and machinery of vessels heretofore authorized (and appropriated for in part), and for the commencement of the following vessels authorized by the act approved March 27, 1934 (48 Stat. 503–505): Eight destroyers and four submarines, $90,000,000, to remain available until expended: *Provided*, That the sum to be paid out of the amount available for expenditure under the head of "Construction and machinery" for the fiscal year 1938 for employees in the field service assigned to group IV (b) and those performing similar services carried under native and alien schedules in the schedule of wages for civil employees in the field service of the Navy Department shall not exceed $4,570,000: *Provided further*, That not to exceed $390,000 of the amount available for expenditure under the head of "Construction and machinery" for the fiscal year 1938 shall be available for the purchase and installation of test boilers for navy yards engaged in new construction: *Provided further*, That, of the appropriations made available by this act under the head of "Replacement of naval vessels", there shall be available such sums as the Secretary of the Navy may from time to time determine to be necessary for the engagement of technical services, and the employment of personnel in the Navy Department and in the field, the purchase of plans, drafting and other supplies, and the expenses of printing and travel, in addition to those otherwise provided for, owing to the construction of vessels which have been, or may hereafter be authorized.

Mr. O'CONNOR of Montana. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. O'CONNOR of Montana: Page 50, line 4, under the heading "Replacement of naval vessels", strike out "$90,000,000" and insert in lieu thereof the figures "$74,821,000."

Mr. O'CONNOR of Montana. Mr. Chairman, the amendment I have just offered takes away the appropriation that is provided for the construction of battleships. A distinguished Member of this House a while ago stated that he represented an agricultural district. I likewise represent an agricultural district. Our cattlemen, sheepmen, and farmers are in dire need of feed for themselves and their stock. Our people are suffering.

May I read the words of the chairman of the subcommittee which he spoke yesterday? I asked him at that time how much of the $168,000,000 was going to be used for the construction of two battleships. Here is his reply:

Fifteen million one hundred and seventy-nine thousand dollars for this year.

I asked him what would be the cost of construction of one battleship, and here is the astounding figure he gave us:

Sixty million one hundred and seventy-three thousand dollars each.

In other words, in the next 4 years the American people, the American taxpayers, the American home owners, the American working people will pay into the coffers of the Steel Trust for the building of these two battleships the sum of $120,000,000 or thereabouts.

In addition to this, Mr. Chairman, as I understand, it will cost in the neighborhood of an equal amount to man and run these ships, and after you build them, what have you? You have something that a bomb dropped from the heavens out of an airplane can sink to the bottom of the ocean, as the distinguished gentleman from Mississippi told you here this afternoon.

Why should we at this time take any money out of the pockets of the taxpayers of this country and sink it into battleships that may be dropped into the ocean by a bomb dropped from an airplane? Any man, it seems to me, who has ever given the subject any thought whatever realizes that if we ever have another war it is going to be fought in the air and not upon the water.

Mr. VINSON of Georgia. Mr. Chairman, will the gentleman yield?

Mr. O'CONNOR of Montana. I have only a few minutes and I cannot yield now. I will yield to the gentleman at the end of my remarks if I have the time.

I call your attention further to the fact that we were engaged in a great World War. We entered into it in 1917 and we did not get out of it until nearly 2 years later, and never a single shot was fired by the Navy of the United States in that war. What part did the Navy take in that war? Absolutely no part at all.

I am not in favor of voting taxpayers' money to put into ships to send across the sea and have our flag follow our merchant ships throughout the world or have our boys follow those merchant ships throughout the world.

I stand for adequate defense, Mr. Chairman. I would vote the last dollar we have, I would give the last drop of blood of American manhood and womanhood to drive from our shores, in the language of the immortal Robert Emmet, any foreign enemy that would injure a blade of grass upon our soil, but I will not vote for any money to send ships across the ocean, to England or any other country, to protect them or to protect our shipping interests.

Therefore, Mr. Chairman, I sincerely hope that this amendment, which is a serious one, will be considered and agreed to.

I now yield to my friend. I do not want you to take my word for not a shot being fired and, perhaps, that is what the gentleman is driving at. You can go into the records of a committee where the late Senator Walsh, of Montana, developed this fact at a Senate hearing, in trying to cut down such an appropriation as I am trying to do here this afternoon, when there was a so-called Navy expert upon the stand who was asking the Senate of the United States to appropriate millions and millions of dollars for the construction of ships. He was asked, "Sir, how many shots were fired by the American Navy in the last war?" and he said, "Not a single one."

[Here the gavel fell.]

Mr. O'CONNOR of Montana. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. O'CONNOR of Montana. You heard the President of the United States last night when he said one-third of the population of this country is ill-clothed, ill-fed, and ill-housed. Do you want to appropriate in the next 4 years $160,000,000 for two ships that may be dropped to the bottom of the ocean in a minute? In addition to this, do you want to appropriate $160,000,000 more to man these ships for 4 years or 8 years or as long as they last? Do you want to take one-third of a billion dollars out of the taxpayers' pockets with the people of this country in the condition they are, as shown by the President of the United States, and put it into the Steel Trust? Answer that question by your vote upon this amendment. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Montana.

The amendment was rejected.

Mr. KOPPLEMANN. Mr. Chairman, I offer the following amendment, which I send to the desk:

The Clerk read as follows:

Amendment offered by Mr. KOPPLEMANN: Page 50, line 5, after the word "expended", add the following: "*Provided*, That no part of this appropriation shall be expended for the construction of any new battleship or battleships."

Mr. VINSON of Georgia. Mr. Chairman, I make the point of order against the amendment that it is legislation on an appropriation bill.

The CHAIRMAN. In the opinion of the Chair, the provision is clearly a limitation on the appropriation bill, and the Chair, therefore, overrules the point.

Mr. KOPPLEMANN. Mr. Chairman, the chief complaint launched against this administration is the enormous expenditure and our unbalanced Budget. In the face of this complaint and our promise to balance the Budget, we plan to enter into a program for building up our Navy, a plan which this year will cost about $528,000,000, if this bill passes.

In the hearings on the naval appropriations bill, Captain Kinnell stated that the total treaty-navy cost this year would be $584,000,000. In addition he recommends an added $9,000,000, as it were, for "leave legislation", making a total of $594,000,000. This sum represents only the normal expense. Last year it was estimated that battleships would cost $51,000,000. This year it is estimated that they will cost $60,000,000. In addition, during the past 10 years we have spent an annual average of $36,000,000 for the upkeep, repair, and maintenance of our battleships.

Under my amendment I propose that we keep what battleships we have, and that we do not build new ones. It has been well stated in the course of the afternoon that battleships do not contribute to the national defense. I reiterate that statement. Something has been said about airplanes. The most expensive bombers cost about $100,000 each. For the cost of one battleship we could proceed with the construction of 600 bombers, any one of which could destroy either of the two battleships contemplated under this bill.

At the present time there are only two ways to balance the Budget: We can cut relief, or we can cut our defense program. While economic conditions have improved, there is still so much distress suffered by millions of people that we should not, we must not, withdraw our relief assistance. But there is no need for entering into so expensive a program for national defense. How dare we cut relief appropriations, ignoring the demand of the people, ignoring the need expressed at the recent conference of Governors of six important States, at which an outcry was made against the cutting of W. P. A., and at the same time think of entering into this expensive Navy program with its unnecessary items of new battleships?

We do not want to impair our national defense, but spending $60,000,000 apiece for battleships is not contributing to our national defense. Our defense program must be limited to defense needs. There is neither reason nor need for our entering into the construction of expensive battleships which, even if war breaks out, will prove inadequate for modern warfare, as they have proven futile in the past.

The President has said that one-third of our Nation is ill-clothed, ill-fed, and ill-housed. There is a crying need for the eradication of slums; for the building of sanitary and safe dwellings. One battleship could take care of the needs of 10,000 families. We have not made a dent in our important housing problem, yet we are considering this measure, which would appropriate $60,000,000 apiece for needless battleships.

The Nation is faced with the pressing problem of flood control. Surveys and investigations have been made of our principal rivers. Plans for flood-control projects have been submitted. Any one of these plans carried out would rid our Nation and its people of one of our most serious internal catastrophes. But these necessary and humane projects are being held up because of the question of dollars and cents.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. KOPPLEMANN. Mr. Chairman, I ask unanimous consent to proceed for 2 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KOPPLEMANN. For New England, the War Department recommended as a flood-control project the construction of a reservoir system, the total cost of which, including land and damages, would amount to $13,000,000. The Federal Government has agreed to pay $10,000,000 of the cost but insists that the remaining $3,000,000 to cover cost of land and damages be met by the States concerned. Because of this $3,000,000 item, important flood-control projects in New England are being held up. Last year the flood did millions of dollars worth of damage, swept thousands of families from their homes, and wiped out business. Today we face the probable danger of another flood with the spring rains in the offing. But important flood-control projects are held up because of the question of who will pay the additional $3,000,000. These projects would prevent, to a great extent, the ruin which has been visited upon New England in the past. The control of floods presents a much more pressing problem than the construction of a battleship

which may never be used for the purpose for which it is intended. Yet today this Congress is considering this enormous appropriation bill for our Navy, which includes the cost of battleships at $60,000,000 apiece.

During recent years the city of Washington has been beautified, prestige has been given to our National Government by the construction of new and beautiful buildings, exemplifying the finest in American architecture. Go along Pennsylvania and Constitution Avenues. You feast your eyes and point with pride to our Commerce, Post Office, Interior, Labor, Justice, Agriculture, and Archives Buildings. Across from the Capitol there is the new and beautiful Supreme Court Building. The total construction of these permanent monuments of our Nation's greatness cost but $79,228,663. With the exception of the Supreme Court and Post Office Buildings, they all could have been built for the cost of one battleship. The cost of these buildings represents the cost of progress and constructive development, but battleships at a cost of $60,000,000 may be beautiful to the sight but only destructive in purpose.

The city of Hartford, Conn., is one of the outstanding capitals in the Nation. Our famous capitol building cost $2,532,524; our municipal building, dignified in its simplicity but symbolic of a thriving and ever-growing financial and industrial center, cost $1,402,170; our Bushnell and Avery memorials, built to foster culture in Hartford, together cost $1,758,000; the Aetna Life Insurance Co., one of the largest concerns in the world, cost $8,282,766. These buildings house good government, culture, and important business. They represent constructive and advancing activities in our Nation's life. Their total cost was $13,975,460. Compare that with $60,000,000 for battleships representing only the destructive ambitions of this great Nation.

The estimated appropriation for the defense needs of our Nation, I maintain, are entirely too high. During the hearings on the bill Mr. UMSTEAD pointed out, during the cross-examination of Admiral Smith, that the Navy estimates have been 25 to 50 percent less than the actual cost. If that is the case, then it is reasonable to expect that other estimates which may be submitted by the Navy Department will be less than the total cost. It is reasonable to expect that the program planned by the Navy Department for this year will be less than the estimated cost mentioned in this bill.

Last year the Navy Department said that a treaty-strength Navy would require an appropriation of $555,000,000 each year. Now they say that they forgot to add a $29,000,000 item. This admission in itself backs up Chairman UMSTEAD's statement that the Navy Department is inclined to pare their estimates below the actual cost.

It is a serious matter when a department requests an appropriation for their program and either purposely misinforms us of the actual cost or is ignorant of the actual cost and at the same time expects us to accept their word as to our actual defense needs. I make that statement in view of the fact that the chairman said on the floor that the Navy Department recommendation was the basis of the committee's report. It seems to me that at least we can cut out of this bill something that is unnecessary, and, therefore, I ask for the adoption of my amendment.

Mr. RICH. Mr. Chairman, I move to strike out the last two words, and ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. RICH. Mr. Chairman, I am glad to know that there is one Democrat who has realized that the Budget is not balanced.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut.

The amendment was rejected.

The Clerk read as follows:

Armor, armament, and ammunition: Toward the armor, armament, and ammunition for vessels hereinbefore described under the head of "Construction and machinery", $40,000,000, to remain available until expended: *Provided*, That the sum to be paid out of the amount available for expenditure under this head for the fiscal year 1938 for employees in the field service assigned to group IV (b) and those performing similar services carried under native and alien schedules in the Schedule of Wages for civil employees in the field service of the Navy Department shall not exceed $1,300,000.

Mr. BOILEAU. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BOILEAU: Page 51, after line 13, insert a new paragraph, as follows:

"No part of any money appropriated by this act shall be used for maintaining any activity or agency that is designed or primarily useful in preparation for or for warfare other than a war of actual defense."

Mr. BOILEAU. Mr. Chairman, I believe this amendment presents to the Committee of the Whole an opportunity to express the views of this Congress on the policy that should be pursued by the War Department and the Navy Department, and, of course, in this instance it applies only to the Navy Department, in the matter of warfare and what we mean by adequate national defense. This amendment, if adopted, would prevent the use of any money that is appropriated in this bill to be used in any way to maintain any activity or agency that is designed and primarily useful for any other kind of a war than a war of actual defense. In other words, by the adoption of this amendment the Congress of the United States should be definitely establishing what our policy is to be hereafter in the matter of national defense. There are many people in this country who believe earnestly that the Navy at the present day is being so shaped as to be useful primarily for a foreign or aggressive war; whereas the great masses of the people of this country want preparation, but preparation for defense only.

Not so long ago Secretary of the Navy Swanson stated that the primary purpose of the Navy was to defend our foreign trade and our foreign policy. That may be his idea of what the Navy should be, but the great masses of the American people are opposed to using our Navy for the purpose of defending our foreign trade or our foreign policy.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. Not for the moment, please.

Our neutrality policy in the past couple of years has completely changed the situation in that respect. If we are to adhere to our policy of neutrality, we do not need a navy to enforce our foreign policy. I, for one, am not willing that the young manhood of this country should at any time or any place protect the property or trade of American citizens except right here at home. I submit to you that Admiral Bristol not so long ago, in testifying before the Naval Affairs Committee, said that a navy is not needed and not useful primarily for the purpose of defending our coasts or our harbors. He said for that purpose we use mines, land fortifications, the Air Corps, and submarines. I submit to you that from the standpoint of national defense and from the standpoint of defense only, if there was to be any great emergency in which our fleet might possibly come into contact with the fleet of some other nation, we would probably find the major part of our battleships, particularly, up in the Mississippi River, because the James River would be too close to where they might get hurt.

I submit to you that from the standpoint of national defense only we are wasting a large part of our appropriations, and that a large part of the money we are spending on the Navy is in preparation for a foreign or aggressive war. My amendment, if adopted by this Congress, would establish the policy that we here in this country are building up a navy for defense only, and would show to the world that we do not propose to build up a war machine.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. BOILEAU] has expired.

Mr. BOILEAU. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. BOILEAU. I submit that we can, by taking affirmative action on this amendment, prove to the world that we meant what we said when we agreed with the other nations of the world in the Kellogg Peace Pact outlawing war as an

instrumentality for the settlement of international disputes. We can show that we meant what we said, and by adopting this policy of preparedness for defense only, other nations will have a higher regard for our integrity and for our leadership in this peace movement.

I submit to you that if you really believe we should prepare for defense only, you should adopt this amendment. If, on the other hand, you are using this phrase "adequate national defense" merely for the purpose of trying to fool somebody, as many of those who are using that expression in this country today are doing, then you should vote down this amendment. But "adequate national defense" means actual defense. It does not mean preparation for foreign or aggressive wars. My amendment would permit the use of all this money, provided we are building our Navy on a defensive basis and not on the basis of trying to intimidate other nations, or on the basis of trying to build a navy large enough to make our fleet successful in a foreign war in which we have no business.

[Here the gavel fell.]

Mr. MOTT. Mr. Chairman, I ask unanimous consent that the gentleman from Wisconsin may have 2 additional minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOTT. Will the gentleman yield?

Mr. BOILEAU. I yield.

Mr. MOTT. I should like to ask the gentleman to tell us some of the specific kinds of expenditures that would be excluded if his amendment were adopted.

Mr. BOILEAU. I will try to enumerate them. In the first place, the gentleman here suggests "floating hotels." I was going to say "battleships." I submit to you, if we are to take the testimony of Admiral Bristol, battleships are useless from the standpoint of national defense.

I assume further that we are justified in assuming from the statement of Secretary of the Navy Swanson that these battleships are useful and necessary only from the standpoint of protecting our foreign trade and our foreign commerce and our foreign policy. I submit to you further that if this amendment were adopted, it would no longer be the policy to carry on naval maneuvers that were designed to work out problems that might eventually be fought out in a foreign war. In other words, all of their maneuvers would necessarily be from the standpoint of trying to work out effective defensive machines to protect this country and its possessions.

I submit to you that the entire Navy would be forced to be reorganized, and we would have a better Navy from the standpoint of defensive purposes and it would not cost so much money.

Mr. MOTT. The gentleman would exclude construction of battleships and maneuvers in distant waters. What else would he exclude? I think the gentleman ought to be as specific as possible.

Mr. BOILEAU. I will be. It will prevent setting up in the Navy Department all of the various agencies and activities of this Government, all these activities on the part of the planning boards, and so forth, spending so much time and money trying to figure out in advance what problems they might meet in case of a foreign war, and they would devote all of their time to working out problems that would be beneficial in the event we should be attacked.

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. GRISWOLD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is the most inconsistent amendment that could be offered to this bill. It would be just as consistent to pass the bill and then say that we will take the fuel oil away from the ships so that they cannot operate after we build them. To adopt an amendment saying that you can only build ships, you can only train men, where it is necessary for defensive purposes is ambiguous. War is not solely a proposition of defense or training for defense. The gentleman from Wisconsin himself was in the Army. He knows that ever tactician believes that the best defense is an offense, if you can put it on; yet the gentleman by his amendment would say to these men who are out there on the high seas on a boat: "We will put you there, we will put defensive armor on your ships, but you cannot shoot, you cannot learn how to attack the other man; you may only stand there and take it." We have had too much of that up to this date in our Navy, and that is why our Navy is in the shape it is today.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. GRISWOLD. I yield.

Mr. BOILEAU. In all fairness, if the gentleman understood my amendment, I do not think he would say that we could put men on our battleships or cruisers around our coasts to prepare for the defense of our country and then say they could not shoot. That is not contemplated by my amendment at all. I know the gentleman wants to be fair. I submit that this amendment would permit all of the Navy to be used for defensive purposes, but would eliminate this activity of agencies that are designed and are primarily useful for foreign aggressive warfare.

Mr. GRISWOLD. I do understand the gentleman exactly, but I still insist that if his amendment is adopted it would be equivalent to saying they could not train for offense. If you do not train these men for offense as well as defense, then you are putting them out there with cannon loaded with blanks.

Mr. BOILEAU. The gentleman must admit that the amendment does not say we should prepare only for actual defensive operations, but prepare for a war of defense.

Mr. GRISWOLD. Where would the gentleman draw the line of demarcation?

Mr. BOILEAU. On the line of invasion or attempted invasion of our country. I do not believe the gentleman wants to get mixed up in a foreign war, does he?

Mr. GRISWOLD. No, indeed.

Mr. BOILEAU. If the gentleman agrees with that principle, then he must necessarily agree with the principle that we should prepare primarily for defensive operations.

Mr. GRISWOLD. I agree with the gentleman to a certain extent. I do not believe in our entering into a war of offense, but I certainly insist that in any kind of warfare in which we might find ourselves engaged we would need training and facilities and every equipment for offense as well as defense. The gentleman's amendment would rule out all training and equipment for offense.

Mr. BOILEAU. No. The gentleman, I think, is in accord with me in principle. The gentleman agrees we must prepare for defensive war. It does not mean that in preparing for a war of defense we should not have offensive equipment. The gentleman, I think, would be entirely in accord with my amendment if he understood it.

Mr. GRISWOLD. I may say to the gentleman that, in my mind, there is no distinction between preparing for a war of offense and a war of defense. To properly train a defensive force is to properly train it for offense. The two are as inseparable as a man and his skin. If the skin is removed, the man dies. If training for offense is removed, adequate defense dies.

Mr. BOILEAU. I believe there is a distinction, but I hope the gentleman agrees that there is no harm in this amendment.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The amendment was rejected.

The Clerk read as follows:

NAVY DEPARTMENT

SALARIES

For compensation for personal services in the District of Columbia, as follows:

Mr. BIERMANN. Mr. Chairman, I move to strike out the last word. Mr. Chairman, unless someone with a prior right

offers a motion to recommit, I expect to offer a motion to recommit this bill to the committee with instructions to reduce the amount to $400,000,000. Never in any peacetime year before the World War did the United States Navy ever cost as much as $400,000,000. Beginning with the year 1923 and continuing up to and including the year 1934 we never appropriated as much as $400,000,000 for the Navy. So my motion provides really for a modest cutting of this appropriation.

At the outset of the debate, or not long thereafter, I offered an invitation to anybody supporting this bill to tell us against whom we are preparing, against whom we are making our plans in spending the $526,000,000 carried in this bill. Nobody has answered that question.

Mr. MASON. Mr. Chairman, will the gentleman yield?

Mr. BIERMANN. Briefly, for a question.

Mr. MASON. I submit, Mr. Chairman, that when I am preparing to defend myself and getting in shape to do it I am not preparing against this gentleman, that gentleman, or any particular person; I am preparing against anyone who might want to take advantage of me. [Applause.]

Mr. BIERMANN. I agree that that is a very brave, fine remark; that is a real "he-man" remark.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. BIERMANN. I yield.

Mr. KNUTSON. The gentleman from Illinois evidently goes around armed all the time on the theory he will not be held up but he is not going to take any chances.

Mr. BIERMANN. He should do that if he carries his theory to a logical conclusion, but I am afraid the gentleman from Illinois is not any too logical.

Mr. Chairman, I asked the proponents of this bill to produce any officer at all, a second lieutenant or an ensign in the Navy, who would tell us how it is possible for any foreign government or any combination of foreign governments to successfully invade this country. No one, not even this distinguished gentleman [Mr. VINSON of Georgia], has offered to get up on this floor and tell us how that could be done. The reason they have not done so is because they cannot do it. No Army officer or Navy officer of this country will so stultify himself as to say this country can be invaded, even if we had no ships.

I am going to offer a motion to reconsider, if I have the opportunity, to cut off $126,000,000 from this appropriation. Those who are in favor of economy in this country will have an opportunity to vote for the motion to reconsider.

Mr. JOHNSON of Minnesota. Will the gentleman yield?

Mr. BIERMANN. I yield to the gentleman from Minnesota.

Mr. JOHNSON of Minnesota. May I say there has been one successful invasion of America, and that is by English lecturers. Other than that I cannot think of any invasion.

Mr. LUCAS. Will the gentleman yield?

Mr. BIERMANN. I yield to the gentleman from Illinois.

Mr. LUCAS. Did I understand the gentleman to say he believed no country could invade the United States of America at any time in the future?

Mr. BIERMANN. I mean to say no foreign country and no combination of foreign countries is capable of invading this country even if we did not have a single battleship. May I ask the gentleman to give me the name of a single Army officer or naval officer who will contradict that statement?

Mr. LUCAS. Then why did the gentleman offer an amendment to cut the appropriation down to $400,000,000? Why did he not offer an amendment to cut it all out?

Mr. BIERMANN. I thought I would have a better chance of getting that amendment through.

[Here the gavel fell.]

The Clerk read as follows:

PRINTING HISTORICAL AND NAVAL DOCUMENTS

For continuing the printing of historical and naval documents, including composition, clerical copying in the Navy Department, and other preparatory work, in accordance with the provisions of the appropriation made for the commencement of this work as contained in the Naval Appropriation Act for the fiscal year 1935, $20,000, together with the unexpended balance for this purpose for the fiscal year 1937: *Provided*, That nothing in such act shall preclude the Public Printer from furnishing 150 copies of each volume published to the Library of Congress.

Mr. LUCKEY of Nebraska. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, it is very evident from the appropriation bills covering the Army and Navy which are coming up before the House for consideration year after year that we have no national-defense policy. The Army and the Navy come here with separate bills. There is no coordination. There is no definite policy. We are working in the dark. That is not true with other nations. They have a specific, definite national-defense policy, based on a very careful study of the problems involved.

In order to find out where we are and where we are going, I have introduced in the House, Joint Resolution 254, a resolution which was introduced last year in the Senate by Senator Benson, of Minnesota, now Governor of that State, and by myself in the House.

This resolution provides as follows:

Whereas the Democratic Party, in party convention in Chicago, June 1932, submitted this platform: "National defense. A navy and an army adequate for national defense based on a survey of all facts affecting the existing establishments, that the people in time of peace may not be burdened by an expenditure fast approaching $1,000,000,000 annually."; and

Whereas the appropriations for the Army and the Navy during the 1937 fiscal year total more than $1,000,000,000; and

Whereas there is no established policy for national defense and therefore no guide as to what is needed by way of military or naval establishments to assure such defense; and

Whereas the Government of the United States under the Pact of Paris renounced war as an instrument of national policy; and

Whereas the Government of the United States has declared its neutrality in the event of war between or among foreign nations; and

Whereas a fundamental principle of our democratic government as embodied in the Constitution is control of the military branches of the Government by the civilian authorities; and

Whereas the absence of a policy of national defense leads to inefficiency, uncoordinated activities of our Army and Navy, growing demands on the National Treasury to support an Army and Navy for unknown purposes, and results in misunderstanding both at home and abroad of the purposes of our Army and Navy: Therefore be it

Resolved, etc., That a special committee of civilians be appointed by the President of the United States and that the committee is hereby authorized and directed to make a survey of all the facts affecting the existing establishments of the Army and the Navy, to hold public hearings, and to recommend to the Congress of the United States the best method of general organization and of coordination of the three armed services—Navy, Army, and Air—and a policy of national defense that shall be—

In harmony with our agreement to renounce war as an instrument of our national course in international affairs;

Designed only to defend the boundaries of the Nation against invasion, including for this purpose the control of the seas in the vicinity of our country, including Alaska, Hawaiian Islands, and the Panama Canal;

Actually as well as theoretically in keeping with our neutrality laws;

Instrumental in insuring our peaceful relations with other nations of the world;

Conducive to the elimination from the defense establishments of all agencies designed, or primarily useful, for aggressive purposes; and

Determinative of a basic policy to guide expenditures for national defense so that the people in time of peace may not be burdened in the future by war appropriations fast exceeding $1,000,000,000 annually.

SEC. 2. No member of the committee shall have any financial or economic interest in the production, distribution, or sale of materials used by the Army, Navy, or air forces of the United States; nor shall he hold any interest, directly or indirectly, in the sale, exchange, or transportation of articles, goods, or commodities to foreign nations; nor shall he have any financial or economic interest, directly or indirectly, in any foreign country.

SEC. 3. The committee shall be authorized to expend a sum of up to $10,000 and to employ needed clerical help.

SEC. 4. A report shall be prepared not later than March 1, 1938, and presented to the President of the United States, the Speaker of the House of Representatives, and the Vice President of the United States.

[Here the gavel fell.]

The pro-forma amendment was withdrawn.

Mr. BIGELOW. Mr. Chairman, I move to strike out the last two words.

HOUSE ORATORY

Mr. Chairman, if any words of mine could be called oratory, it would still come under the definition of a former

Speaker of this House, Joe Cannon, who said that, "Oratory in the House is like water going over a dam. It makes a hell of a lot of noise but it turns no wheels." [Laughter.]

The speech I am going to make this afternoon will be short because I know it is utterly in vain. A number of amendments have been proposed that I would like to have seen adopted. I would like to see our soldiers withdrawn from China. I would like to see a time limit set for the withdrawal of our military forces from the Philippines. I wish there were some way of drawing a distinction between an offensive and defensive war.

I feel a good deal the same as many who have expressed themselves on this floor, that we should have a definite national policy and confine ourselves to a strictly defensive operation. [Applause.]

RECEPTION COMMITTEE

An educated American Indian, addressing a Boston audience, said that he could not claim that his ancestors came over on the Mayflower, as the Boston people did, but that he was quite sure that some of his ancestors were on the reception committee. [Laughter.] I am willing to organize the most effective reception committee possible for anybody who comes over here looking for trouble, but my people in Cincinnati understand I am committed to the principle that as long as I have breath in my body I will vote against an aggressive war and I will never vote to send an American soldier to fight on foreign soil. [Applause.]

WHY VOTE TO RECOMMIT?

If there were a public opinion to sustain this Congress and to sustain the committee that has done, as it seems to me, such faithful work on its job—if, I say, there were a public opinion to sustain us all in bringing in a program that would be strictly defensive, we would probably have a different bill before us this afternoon. It is not their fault and it is not the fault of the Congress. It is the fault of all of us that we have not the mind yet made up to support the kind of defensive policy that I would like to see.

Now, I cannot vote against this bill. I cannot take the responsibility for that; but, Mr. Chairman, I wish to go on record as saying I am going to vote to recommit the bill as my way of expressing and having recorded my conviction that we should prepare for defense only and should spend nothing on weapons that can serve no purpose but to fight wars that we should never be in. At present it seems to me we are just going along with all the rest of the nations. [Applause.]

The pro-forma amendment was withdrawn.

The Clerk concluded the reading of the bill.

Mr. UMSTEAD. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. O'CONNOR of New York] having assumed the chair, Mr. BLAND, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 5232) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1938, and for other purposes, had directed him to report the same back to the House with the recommendation that the bill do pass.

Mr. UMSTEAD. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. BIERMANN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore (Mr. O'CONNOR of New York). Is the gentleman from Iowa opposed to the bill?

Mr. BIERMANN. I am, Mr. Speaker.

The Clerk read as follows:

Mr. BIERMANN moves to recommit the bill to the Committee on Appropriations with instructions to effect such reductions as will reduce the total appropriation provided in this bill to not more than $400,000,000.

Mr. UMSTEAD. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Iowa to recommit the bill.

The question was taken; and on a division (demanded by Mr. BIERMANN) there were—ayes 42, noes 125.

Mr. BIERMANN. Mr. Speaker, I make the point of order there is no quorum present, and I object to the vote on that ground.

The SPEAKER pro tempore. The Chair will count. [After counting.] One hundred and eighty-one Members present, not a quorum.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 84, nays 257, not voting 89, as follows:

[Roll No. 25]

YEAS—84

Allen, La.	Dowell	Kopplemann	Patterson
Allen, Pa.	Eckert	Lambertson	Pierce
Amlie	Eicher	Leavy	Polk
Bernard	Ellenbogen	Lemke	Ramsay
Biermann	Frey, Pa.	Lewis, Md.	Rankin
Bigelow	Garrett	Luckey, Nebr.	Rees, Kans.
Binderup	Gehrmann	McGroarty	Rich
Bolleau	Guyer	Massingale	Robsion, Ky.
Boren	Gwynne	Maverick	Rogers, Okla.
Brewster	Haines	Michener	Rutherford
Buckler, Minn.	Harrington	Mills	Sauthoff
Burdick	Hildebrandt	Mitchell, Tenn.	Schneider, Wis.
Carlson	Hill, Okla.	Murdock, Ariz.	Smith, Maine
Cartwright	Hill, Wash.	Murdock, Utah	South
Citron	Honeyman	Nelson	Stefan
Cluett	Hook	O'Brien, Mich.	Teigan
Coffee, Nebr.	Hope	O'Connell, Mont.	Thomas, Tex.
Coffee, Wash.	Houston	O'Connor, Mont.	Tobey
Crawford	Hull	O'Day	Transue
Crosser	Jarrett	O'Malley	Voorhis
Disney	Johnson, Minn.	Oliver	Withrow

NAYS—257

Aleshire	Dirksen	Jarman	Moser, Pa.
Allen, Ill.	Ditter	Jenkins, Ohio	Mosier, Ohio
Anderson, Mo.	Dixon	Jenks, N. H.	Mott
Andresen, Minn.	Dockweiler	Johnson, Tex.	Mouton
Arends	Dondero	Johnson, W. Va.	O'Brien, Ill.
Arnold	Dorsey	Jones	O'Connell, R. I.
Ashbrook	Doxey	Kelly, Ill.	O'Connor, N. Y.
Atkinson	Drew, Pa.	Kelly, N. Y.	O'Leary
Bacon	Drewry, Va.	Kennedy, Md.	O'Neal, Ky.
Barry	Driver	Kennedy, N. Y.	O'Toole
Bates	Duncan	Kenney	Owen
Beam	Eaton	Keogh	Pace
Beiter	Eberharter	Kerr	Parsons
Bell	Edmiston	Kinzer	Patman
Bland	Engel	Kirwan	Patrick
Bloom	Englebright	Kitchens	Patton
Boehne	Evans	Kloeb	Pearson
Boland, Pa.	Farley	Kniffin	Peterson, Fla.
Boyer	Ferguson	Knutson	Peterson, Ga.
Boylan, N. Y.	Fernandez	Kocialkowski	Peyser
Bradley	Fitzgerald	Kramer	Pfeifer
Brooks	Fitzpatrick	Lambeth	Phillips
Brown	Flannagan	Lamneck	Plumley
Buck	Flannery	Larrabee	Poage
Bulwinkle	Focht	Lewis, Colo.	Powers
Burch	Forand	Long	Quinn
Caldwell	Ford, Miss.	Lord	Rabaut
Cannon, Mo.	Fries, Ill.	Lucas	Randolph
Carter	Fuller	Luce	Rayburn
Casey, Mass.	Gambrill	Ludlow	Reece, Tenn.
Celler	Gavagan	Luecke, Mich.	Reed, Ill.
Champion	Gifford	McAndrews	Reed, N. Y.
Chandler	Goldsborough	McClellan	Richards
Chapman	Gray, Ind.	McCormack	Rigney
Church	Green	McGehee	Robertson
Clason	Greever	McGrath	Rogers, Mass.
Cochran	Gregory	McKeough	Romjue
Colden	Griffith	McLaughlin	Sadowski
Cole, Md.	Griswold	McLean	Sanders
Cole, N. Y.	Halleck	McMillan	Schaefer, Ill.
Collins	Hamilton	McReynolds	Schuetz
Colmer	Hancock, N. Y.	McSweeney	Seger
Cooley	Hart	Maas	Shanley
Cooper	Harter	Magnuson	Sheppard
Costello	Hartley	Mahon, S. C.	Short
Cox	Havenner	Mahon, Tex.	Sirovich
Crosby	Hendricks	Mansfield	Smith, Conn.
Crowther	Hennings	Mapes	Smith, Va.
Culkin	Hill, Ala.	Martin, Colo.	Smith, Wash.
Cullen	Hobbs	Martin, Mass.	Smith, W. Va.
Cummings	Hoffman	Mason	Snyder, Pa.
Curley	Holmes	Mead	Somers, N. Y.
Delaney	Hunter	Mecks	Sparkman
DeMuth	Imhoff	Merritt	Stack
Dickstein	Izac	Miller	Steagall
Dingell	Jacobsen	Mitchell, Ill.	Sullivan

Sumners, Tex.	Thompson, Ill.	Walter	Wilcox
Sutphin	Tinkham	Warren	Williams
Taber	Treadway	Welch	Wolfenden
Tarver	Turner	Wene	Wolverton
Taylor, S. C.	Umstead	Whelchel	Wood
Terry	Vinson, Ga.	White, Idaho	Woodruff
Thom	Vinson, Ky.	White, Ohio	
Thomas, N. J.	Wadsworth	Whittington	
Thomason, Tex.	Wallgren	Wigglesworth	

NOT VOTING—89

Allen, Del.	Faddis	Kvale	Scrugham
Andrews	Fish	Lanham	Secrest
Barden	Fieger	Lanzetta	Shafer, Mich.
Boykin	Fletcher	Lea	Shannon
Buckley, N. Y.	Ford, Calif.	Lesinski	Snell
Byrne	Fulmer	McFarlane	Spence
Cannon, Wis.	Gasque	McGranery	Starnes
Case, S. Dak.	Gearhart	Maloney	Sweeney
Clark, Idaho	Gilchrist	May	Swope
Clark, N. C.	Gildea	Millard	Taylor, Colo.
Claypool	Gingery	Nichols	Taylor, Tenn.
Connery	Goodwin	Norton	Thurston
Cravens	Gray, Pa.	O'Neill, N. J.	Tolan
Creal	Greenwood	Palmisano	Towey
Crowe	Hancock, N. C.	Pettengill	Wearin
Daly	Harlan	Ramspeck	Weaver
Deen	Healey	Reilly	West
Dempsey	Higgins	Robinson, Utah	Wolcott
DeRouen	Jenckes, Ind.	Ryan	Woodrum
Dies	Johnson, Okla.	Sabath	Zimmerman
Doughton	Kee	Sacks	
Douglas	Keller	Schulte	
Dunn	Kleberg	Scott	

So the motion was rejected.

The Clerk announced the following pairs:

General pairs:

Mr. Taylor of Colorado with Mr. Snell.
Mr. Woodrum with Mr. Goodwin.
Mr. McFarlane with Mr. Millard.
Mr. Dies with Mr. Taylor of Tennessee.
Mr. Zimmerman with Mr. Gearhart.
Mr. Weaver with Mr. Douglas.
Mr. Lanham with Mr. Wolcott.
Mr. Ramspeck with Mr. Fish.
Mr. Maloney with Mr. Shafer of Michigan.
Mr. Schulte with Mr. Andrews.
Mr. Spence with Mr. Gilchrist.
Mr. Kleberg with Mr. Case of South Dakota.
Mr. Greenwood with Mr. Kvale.
Mr. Dempsey with Mr. Wearin.
Mr. Boykin with Mr. Towey.
Mr. Creal with Mr. Lewis of Maryland.
Mr. Doughton with Mr. Ryan.
Mr. Scrugham with Mr. Kee.
Mr. Tolan with Mr. Lanzetta.
Mr. Sweeney with Mr. Allen of Delaware.
Mr. Palmisano with Mr. Faddis.
Mr. Starnes with Mrs. Jenckes of Indiana.
Mr. Lesinski with Mr. Barden.
Mr. Shannon with Mr. Daly.
Mr. Ford of California with Mr. Reilly.
Mr. Hancock of North Carolina with Mr. Keller.
Mr. Fulmer with Mr. Cannon of Wisconsin.
Mr. Nichols with Mr. Connery.
Mr. Clark of North Carolina with Mr. Pettengill.
Mr. Johnson of Oklahoma with Mr. Gasque.
Mr. Lea with Mr. Harlan
Mr. Secrest with Mr. Gingery.
Mr. Crowe with Mr. Dunn.
Mr. May with Mr. Buckley of New York.
Mr. DeRouen with Mrs. Norton.
Mr. Deen with Mr. Byrne.
Mr. Clark of Idaho with Mr. Scott.
Mr. Robinson of Utah with Mr. Fletcher.

The result of the vote was announced as above recorded.

Mr. DRIVER. Mr. Speaker, my colleague, Mr. CRAVENS, is confined to his room by illness today and unable to be on the floor. If here, he would have voted "no" on the motion to recommit .

Mr. McCORMACK. Mr. Speaker, the gentlemen from Massachusetts, Mr. HEALEY and Mr. HIGGINS, are unavoidably absent on official business. If present, they would have voted "no."

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken.

Mr. HILL of Oklahoma. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER pro tempore. The gentleman from Oklahoma demands the yeas and nays. As many as favor taking the vote by yeas and nays will rise and stand until counted. [After counting.] Ten Members have risen, not a sufficient number, and the yeas and nays are refused.

The question is on the passage of the bill.

The question was taken, and the bill was passed.

On motion of Mr. UMSTEAD, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS

Mr. BOYER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including therein an address delivered by the President of the United States.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD by inserting therein an address delivered by the President of the United States. Is there objection?

Mr. RICH. Mr. Speaker, I reserve the right to object, to inquire whether that speech was the one delivered at the victory dinner last night?

Mr. RAYBURN. Mr. Speaker, I demand the regular order.

The SPEAKER pro tempore. Is there objection?

There was no objection.

GENERAL LEAVE TO PRINT

Mr. UMSTEAD. Mr. Speaker, I ask unanimous consent that all Members who spoke on the bill have 5 legislative days in which to revise and extend their remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

DISARMAMENT

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent for the present consideration of a concurrent resolution asking the President to call a conference on disarmament.

The SPEAKER pro tempore. The Chair does not recognize the gentleman for that purpose.

EXTENSION OF REMARKS

Mr. BULWINKLE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a speech delivered by my colleague, Mr. ROBERT L. DOUGHTON, at Charlotte, N. C.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. CARTWRIGHT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MAGNUSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. HANCOCK of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including therein a radio address address delivered by myself on February 28.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. DORSEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including therein a speech I recently made in Philadelphia.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including therein an address delivered by my colleague the gentleman from Missouri [Mr. BELL].

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. BIGELOW. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

ELECTION TO A COMMITTEE

Mr. DOUGHTON. Mr. Speaker, I offer the following privileged resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 148

Resolved, That EDWARD T. TAYLOR, of Colorado, be, and he is hereby, elected chairman of the standing Committee of the House of Representatives on Appropriations.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

ORDER OF BUSINESS

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Is there objection.

There was no objection.

Mr. RAYBURN. Mr. Speaker, on Monday next business from the Committee on the District of Columbia will be considered. On Tuesday the coal bill will be taken up. I understand there will be 4 hours' general debate. It will probably go over and be completed on Thursday. Of course, on Wednesday the Calendar of Committees will be called. On Friday, if the coal bill is completed on Thursday, we will probably take up general debate on the neutrality bill.

I ask unanimous consent, Mr. Speaker, that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object—and, of course, I am not going to object—the gentleman from Texas said the neutrality measure might be taken up on Friday?

Mr. RAYBURN. For general debate.

Mr. MARTIN of Massachusetts. Of course, it would not be the gentleman's intention to finish the bill that week?

Mr. RAYBURN. Oh, no; because I understand the committee is asking for 8 hours' general debate.

Mr. MARTIN of Massachusetts. There is great interest in that bill, and there will be many demands for time.

Mr. RAYBURN. It will be practically impossible to pass the bill next week.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas [Mr. RAYBURN]?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. LANHAM (at the request of Mr. SOUTH), for today, on account of important business.

To Mr. DUNN, for a few days, on account of important business.

EXTENSION OF REMARKS

Mr. MAPES. Mr. Speaker, on yesterday I received unanimous consent to extend my remarks in the RECORD to include a speech by our former colleague, Hon. Louis C. Cramton, delivered at the seventieth anniversary of the founding of Howard University, on Tuesday of this week. This morning I received a communication from the Government Printing Office saying that that address would require 2¾ pages, and that only 2 pages can be printed without getting an estimate from the Printer. He transmitted an estimate of the cost, saying the cost would be $124, and that the speech will occupy 2¾ pages of the RECORD.

I renew my request, Mr. Speaker, to extend my remarks to include the speech referred to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 179. An act for the relief of J. H. Richards; to the Committee on Claims.

S. 308. An act for the relief of the estate of Alice W. Miller, deceased; to the Committee on Claims.

S. 463. An act to settle claims of four persons arising from First Army maneuvers, August 1935; to the Committee on Claims.

S. 510. An act for the relief of Stephen Sowinski; to the Committee on Military Affairs.

S. 525. An act for the relief of Harry King; to the Committee on Claims.

S. 609. An act for the relief of Edith Lewis White; to the Committee on Claims.

S. 687. An act authorizing the Secretary of War to bestow the Silver Star upon Michael J. Quinn; to the Committee on Military Affairs.

S. 722. An act for the relief of Jesse W. Smith; to the Committee on Military Affairs.

S. 869. An act for the relief of John A. Flagg; to the Committee on Military Affairs.

S. 1115. An act to amend section 22 of the act approved March 4, 1925, entitled "An act providing for sundry matters affecting the naval service, and for other purposes"; to the Committee on Naval Affairs.

S. 1147. An act for the relief of Alban C. Sipe; to the Committee on Claims.

S. 1236. An act authorizing the President of the United States to appoint Sgt. Alvin C. York as a major in the United States Army and then place him on the retired list; to the Committee on Military Affairs.

S. 1272. An act relative to the military record of James Meagher, deceased; to the Committee on Military Affairs.

S. 1311. An act for the relief of Norman Hildebrand; to the Committee on Claims.

S. 1413. An act for the relief of Capt. Eugene Blake, Jr., United States Coast Guard; to the Committee on Claims.

S. 1500. An act authorizing the Secretary of Agriculture to provide for the classification of cotton, to furnish information on market supply, demand, location, condition, and market prices for cotton, and for other purposes; to the Committee on Agriculture.

S. J. Res. 51. Joint resolution to amend the joint resolution entitled "Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war", approved August 31, 1935, as amended; to the Committee on Foreign Affairs.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 32 minutes p. m.) the House, in accordance with its order previously entered, adjourned until Monday, March 8, 1937, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

417. Under clause 2 of rule XXIV, a letter from the Chairman, Reconstruction Finance Corporation, transmitting a report of the activities and expenditures of the Reconstruction Finance Corporation for January 1937 (H. Doc. No. 164), was taken from the Speaker's table, referred to the Committee on Banking and Currency, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. SHEPPARD: Committee on Indian Affairs. H. R. 5293. A bill to authorize the acquisition of 640 acres of land for the use and benefit of the Santa Rosa Band of Mission Indians, State of California; with amendment (Rept. No. 357). Referred to the Committee of the Whole House on the state of the Union.

Mr. O'CONNOR of Montana: Committee on Indian Affairs. H. R. 5295. A bill to reserve certain public-domain lands for the use and benefit of the Chippewa, Cree, and other Indians of Montana; with amendment (Rept. No. 358). Referred to the Committee of the Whole House on the state of the Union.

Mr. O'CONNOR of Montana: Committee on Indian Affairs. Senate Joint Resolution 55. Joint resolution to amend the act of July 3, 1926, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in claims which the Crow Tribe of Indians may have against the United States, and for other purposes" (44 Stat. L. 807); without amendment (Rept. No. 359). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Military Affairs was discharged from the consideration of the bill (H. R. 5006) for the relief of DeWitt F. McLaurine, and the same was referred to the Committee on War Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. O'DAY: A bill (H. R. 5360) to promote the general welfare by means of financial assistance to the several States and Territories for the purpose of enabling them to provide more equal and more adequate opportunities for public education; to the Committee on Education.

By Mr. SHAFER of Michigan: A bill (H. R. 5361) to extend to custodial service employees employed by the Post Office Department certain benefits applicable to postal employees; to the Committee on the Post Office and Post Roads.

By Mr. WHELCHEL: A bill (H. R. 5362) to encourage and promote the ownership of farm homes and to make the possession of such homes more secure, to provide for the general welfare of the United States, to provide additional credit facilities for agricultural development, and for other purposes; to the Committee on Agriculture.

By Mr. BOILEAU: A bill (H. R. 5363) to amend the act of September 7, 1916, entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes"; to the Committee on the Judiciary.

By Mr. RANKIN (by request): A bill (H. R. 5364) to increase the existing rates of death compensation payable to widows, children, and dependent parents of World War veterans who died while receiving monetary benefits for disabilities incurred in or aggravated by active military or naval service in the World War, and to increase the rates now being paid widows and children of the combat dead; to the Committee on World War Veterans' Legislation.

By Mr. BARRY: A bill (H. R. 5365) to allow the Home Owners' Loan Corporation to extend the period of amortization of home loans from 15 to 30 years; to the Committee on Banking and Currency.

By Mr. DIES: A bill (H. R. 5366) to repeal section 13 of the act entitled "An act to regulate interstate and foreign commerce in petroleum and its products by prohibiting the shipment in such commerce of petroleum and its products produced in violation of State law, and for other purposes", approved February 22, 1935; to the Committee on Interstate and Foreign Commerce.

By Mr. DIMOND: A bill (H. R. 5367) to amend the Home Owners' Loan Act of 1933; to the Committee on Banking and Currency.

By Mr. O'NEAL of Kentucky: A bill (H. R. 5368) to exempt interstate highway bridges constructed and owned by public authorities from State, municipal, and local taxation; to the Committee on Interstate and Foreign Commerce.

By Mrs. ROGERS of Massachusetts: A bill (H. R. 5369) to extend the foreign-service retirement and disability system to certain widows of Foreign Service officers or of retired Foreign Service officers; to the Committee on Foreign Affairs.

Also (by request), a bill (H. R. 5370) to authorize a continuation of insurance installments to certain parents of the World War; to the Committee on World War Veterans' Legislation.

By Mr. McCLELLAN: A bill (H. R. 5371) to furnish employment by providing for emergency construction of public highways and related projects, and for other purposes; to the Committee on Roads.

By Mr. O'TOOLE: A bill (H. R. 5372) affecting temporary assignments of railway mail clerks; to the Committee on the Post Office and Post Roads.

By Mr. BUCK: A bill (H. R. 5373) to amend section 601 (a) of the Revenue Act of 1936; to the Committee on Ways and Means.

By Mr. WENE: A bill (H. R. 5374) for the better assurance of the protection of persons within the several States from mob violence and lynching, and for other purposes; to the Committee on the Judiciary.

By Mr. MANSFIELD: A bill (H. R. 5375) appropriating funds for a laboratory for the study of anaplasmosis in cattle; to the Committee on Appropriations.

By Mr. WELCH: A bill (H. R. 5376) to amend the Communications Act of 1934 (U. S. C., 1934 ed., title 47, sec. 303), and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BACON: A bill (H. R. 5377) to regulate interstate transportation of products of child labor in certain cases; to the Committee on Labor.

By Mr. CITRON: Joint resolution (H. J. Res. 262) to authorize the Secretary of Labor to appoint a Board of Inquiry and Study (a) to ascertain the facts relating to the labor practices of employers of labor in the shipbuilding industry and any and all other industries that sell and supply materials and goods to the United States Government, or any of its departments; (b) to report upon the facts found; (c) to make recommendations for improving the relations between labor and employer, for improving and coordinating the work of the National Labor Relations Board and the Bureau of Conciliation, Labor Department; and (d) to recommend legislation to improve the Wagner-Connery National Labor Relations Act and make effective agreements between labor and employer; to the Committee on Labor.

By Mr. MILLS: Joint resolution (H. J. Res. 263) calling upon the President to invite representatives of all governments to a conference at Washington to consider total disarmament and to create a permanent world peace tribunal; to the Committee on Foreign Affairs.

By Mr. KING: Joint resolution (H. J. Res. 264) for the relief of the Territory of Hawaii; to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 5378) granting an increase of pension to Catherine Logsdon; to the Committee on Invalid Pensions.

By Mr. BOREN: A bill (H. R. 5379) for the relief of Mrs. B. E. Hennigan; to the Committee on Claims.

By Mr. BOILEAU: A bill (H. R. 5380) granting a pension to Mary E. Grinnell; to the Committee on Pensions.

By Mr. COCHRAN: A bill (H. R. 5381) for the relief of John Patrick Slimon; to the Committee on Naval Affairs.

By Mr. DORSEY: A bill (H. R. 5382) for the relief of Frank Pingitore, alias Francesco Pingitore; to the Committee on Immigration and Naturalization.

By Mr. ENGLEBRIGHT: A bill (H. R. 5383) to correct the naval record of George Gianatos; to the Committee on Naval Affairs.

By Mr. FOCHT: A bill (H. R. 5384) granting an increase of pension to Sarah J. Hood; to the Committee on Invalid Pensions.

By Mr. GUYER: A bill (H. R. 5385) granting a pension to Frank C. Tyson; to the Committee on Pensions.

By Mr. HARLAN: A bill (H. R. 5386) granting a pension to Grace J. Turner; to the Committee on Pensions.

Also, a bill (H. R. 5387) granting a pension to Anna Mae Lehman; to the Committee on Pensions.

Also, a bill (H. R. 5388) granting a pension to James L. Mackley; to the Committee on Pensions.

By Mr. KRAMER: A bill (H. R. 5389) for the relief of Mack McNeil; to the Committee on Invalid Pensions.

By Mr. MILLER: A bill (H. R. 5390) for the relief of J. W. Frederick; to the Committee on Claims.

By Mr. PETERSON of Florida: A bill (H. R. 5391) granting a pension to Frank H. Brown; to the Committee on Pensions.

By Mr. REED of Illinois: A bill (H. R. 5392) for the relief of William J. Bartush; to the Committee on Military Affairs.

By Mr. ROBSION of Kentucky: A bill (H. R. 5393) granting an increase of pension to Martha J. Alcorn; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

778. By Mr. ANDREWS: Resolution adopted by the Society of Colonial Wars of the State of New York on March 1, 1937, opposing the President's proposal for the increase of the Supreme Court; to the Committee on the Judiciary.

779. Also, resolution adopted by the board of supervisors of Erie County, N. Y., protesting against the President's proposal for the increase of the Supreme Court; to the Committee on the Judiciary.

780. Also, resolution unanimously adopted by the members of the executive committee of the New York State Bar Association of New York State, opposing the President's proposal for the increase of the Supreme Court; to the Committee on the Judiciary.

781. By Mr. ASHBROOK: Petition of 98 citizens of Delaware, Ohio, protesting against the President's Supreme Court proposal; to the Committee on the Judiciary.

782. By Mr. BIERMANN: Petition of C. H. Clausen, of Osage, Iowa, referring to money legislation; to the Committee on Banking and Currency.

783. By Mr. CRAWFORD: Petition of certain residents of Owosso, Mich., opposing the proposal to change the Supreme Court; to the Committee on the Judiciary.

784. By Mr. FITZPATRICK: Petition of the Tremont American Labor Party Club, 796 East Tremont Avenue, Bronx, New York City, N. Y., urging favorable support on the President's program with reference to the Supreme Court; to the Committee on the Judiciary.

785. Also, petition of the Scottish-American Civic Association, of Yonkers, N. Y., urging support of President Roosevelt's proposed changes in the Supreme Court; to the Committee on the Judiciary.

786. Also, petition of the United Hatters, Cap, and Millinery Workers' International Union, Local No. 20, Yonkers, N. Y., endorsing the President's judiciary-reform program; to the Committee on the Judiciary.

787. By Mr. LORD: Petition of the Sons of the Revolution in the State of New York, opposing the proposal of President Roosevelt to reorganize the Supreme Court of the United States and declaring that, if adopted, it would constitute a subversive attack upon that department of our Government whose independence must be continued if the balance in our governmental departments is to be maintained and our representative Republic is to endure; to the Committee on the Judiciary.

788. Also, petition of F. H. Meeker and 35 residents of Unadilla, Otsego County, N. Y., protesting against the President's bill, or any substitutes permitting the executive branch of the Government to control or subordinate the judicial or the legislative powers established under the Constitution; to the Committee on the Judiciary.

789. Also, petition of Melvin C. Eaton and 500 residents of Norwich, Chenango County, N. Y., protesting against the President's bill, or any substitutes, permitting the executive branch of the Government to control or subordinate the judicial or the legislative powers established under the Constitution; to the Committee on the Judiciary.

790. Also, petition of the Otsego County Bar Association, opposing enactment of the bill for the reorganization of the Federal judiciary, or to any other bill the effect of which would be to increase the number of Justices of the Supreme Court of the United States, or otherwise to interfere with the independent action of the Federal courts and the justices and judges thereof, as one of the three great departments of the Federal Government; to the Committee on the Judiciary.

791. By Mr. MERRITT: Resolution of the Catskill Peace Group, favoring taking the profits out of war and the nationalization of the munitions industry; to the Committee on Ways and Means.

792. Also, resolution of the Catskill Peace Group, strenuously opposing the enactment of any universal draft laws as advocated in the industrial mobilization plan of the War Department, which calls for conscription of labor and all other manpower; to the Committee on Ways and Means.

793. Also, resolution of the Catskill Peace Group, urging a continuance of the trade-agreements policy and further asking that the United States take the initiative in calling international conferences to consider the stabilization of currencies and access to raw materials and markets; to the Committee on Banking and Currency.

794. Also, resolution of the Catskill Peace Group, urging a revision in the policies of the War and Navy Departments, restricting their activities to the protection of the continental United States of America; to the Committee on Military Affairs.

795. Also, resolution of the Catskill Peace Group, urging the President and Congress to secure the enactment of neutrality legislation laying mandatory embargoes on arms, munitions, and all materials essential for war purposes; to the Committee on Foreign Affairs.

796. Also, resolution of the Central Trades and Labor Council of Rochester, N. Y., endorsing proposals of President Roosevelt regarding the Federal judiciary; to the Committee on the Judiciary.

797. Also, resolution of the Scarsdale Community, N. Y., emphatically opposing the content and the method of the President's proposals of February 5, 1937, and urging and entreating their Representative in Congress to vigorously oppose by all fair means in their power the passage of the President's program or any compromise with it; to the Committee on Appropriations.

798. Also, resolution of the Home Owners and Taxpayers' Association, of Staten Island, N. Y., stating that if further confidence is to be restored and expect business to improve and to be put on sound base the same insurance and protection has to be provided for the millions who would be willing to invest in certain business, and especially in buying homes, if some insurance can be given to them their equity is not going to be jeopardized as experienced in the past; to the Committee on Banking and Currency.

799. Also, resolution of the Home Owners and Taxpayers' Association, of Staten Island, N. Y., stating that Congress should immediately put into law in form of a Federal insurance where the equity of a home owner, or a property owner, and also a small-business man will be protected as much as the Congress has done for the banker and a depositor; to the Committee on Banking and Currency.

800. Also, resolution of the Port Chester Women's Republican Club, of Westchester County, registering its emphatic disapproval of certain legislative recommendations regarding changes in the United States Supreme Court; to the Committee on the Judiciary.

801. By Mr. MOTT: Petition of August E. Jesse, Forest Grove, and 33 other citizens, of the State of Oregon, urging that the Congress pass no law that would disturb or abridge

the religious rights and privileges of all our people; to the Committee on the Judiciary.

802. By Mr. MURDOCK of Utah: Joint resolution from the Twenty-second Legislature of the State of Utah, relating to world's fairs and to a Utah centennial exposition in the year 1947; to the Committee on the Library.

803. By Mr. POLK: Petition of J. W. Watts and 24 other citizens, of Hillsboro, Highland County, Ohio, protesting against the President's proposal, permitting the executive branch of the Government to control or subordinate the judicial or the legislative powers established under the Constitution; to the Committee on the Judiciary.

804. By Mr. QUINN: Resolution adopted by the Polish National Alliance, No. 110, of McKeesport, Pa., regarding the President's proposal to reorganize the Supreme Court of the United States; to the Committee on the Judiciary.

805. By Mr. RICH: Petition of citizens of Blossburg, Pa., protesting against the President's plan to increase the membership of the Supreme Court; to the Committee on the Judiciary.

806. Mr. SHAFER of Michigan: Petition of Fred L. Peck and 75 other citizens of Eaton County, Mich., protesting against legislation designed to close the United States mails to Christian periodicals and otherwise interfering with religious liberties in America; to the Committee on the Judiciary.

807. Also, petition of Viola Kingsworth and 61 other citizens of Calhoun County, Mich., protesting against legislation designed to close the United States mails to Christian periodicals and otherwise interfering with religious liberties; to the Committee on the Judiciary.

808. Also, petition of W. R. Baker and 30 other citizens of Hillsdale County, Mich., protesting against legislation designed to close the United States mails to Christian periodicals or otherwise interfering with religious liberties and privileges in America; to the Committee on the Judiciary.

809. Also, petition of Charles A. Meredith and 42 other residents of Allen, Hillsdale County, Mich., protesting against President Roosevelt's bill, or any substitutes, permitting the executive branch of the Government to control or subordinate the judicial or the legislative powers established under the Constitution; to the Committee on the Judiciary.

810. By Mr. TREADWAY: Resolutions adopted by the citizens of Deerfield, Mass., in town meeting assembled, urging their representatives in Congress to resist the proposal to change the personnel of the Supreme Court; to the Committee on the Judiciary.

811. By Mr. WENE: Resolution of the New Jersey Petroleum Industries Committee, calling for early repeal of the duplicating Federal gasoline tax, adopted by the third general assembly of the Council of the State Governments, meeting at Washington, D. C., January 21–24, 1937; to the Committee on Ways and Means.

812. Also, petition concerning the Rehak plan for improved trading with annual money which will bring prosperity, peace, and happiness to the United States and the world; to the Committee on Banking and Currency.

SENATE

MONDAY, MARCH 8, 1937

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

Almighty God and Father of mankind, by whom the meek are guided in judgment, whose paths are mercy and truth, breathe upon us the spirit of Thy calm as in Thy sacred presence we again invoke Thy blessing of wisdom, that we may know, and strength, that we may do Thy will.

Be with us, O Thou Ruler and Guide, in every place and at every time; in our work and in our rest; in our laughter and in our tears; in loneliness and in fellowship; in the eye of day and in the shadow of night; and may we have no fear save that of losing Thee, who alone canst help us ever to serve our country with the high and holy purpose born of the revelation of Thyself in the life of Him who loved us even to the uttermost, Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 4, 1937, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Megill, one of its clerks, announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 5232. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1938, and for other purposes; and

H. J. Res. 252. Joint resolution to aid in defraying the expenses of the International Labor Office incident to holding its Technical Tripartite Textile Conference.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 194. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Brownville, Nebr.;

H. R. 911. An act for the relief of Lewis Clark and Freda Mason;

H. R. 1120. An act for the relief of Fields B. Arthur and Arthur L. Allen, copartners, Colorado Culvert & Flume Co.; Glen Haller, Kenneth Austin, A. B. Hoffman, J. W. Jones, and Lloyd Lasswell;

H. R. 2503. An act to extend the time for completing the construction of a bridge across the Columbia River near The Dalles, Oreg.;

H. R. 2772. An act for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department;

H. R. 3148. An act granting the consent of Congress to the State of Alabama, or Etowah County, or both, to construct, maintain, and operate a free highway bridge across the Coosa River at or near Gilberts Ferry in Etowah County, Ala.;

H. R. 3675. An act to extend the times for commencing and completing the construction of a bridge across the Savannah River at or near Lincolnton, Ga.; and

H. R. 3689. An act declaring Turtle Bay and Turtle Bayou, Chambers County, Tex., to be nonnavigable waterways.

HOUSE BILL AND JOINT RESOLUTION REFERRED

The following bill and joint resolution were each read twice by their titles and referred to the Committee on Appropriations:

H. R. 5232. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1938, and for other purposes; and

H. J. Res. 252. Joint resolution to aid in defraying the expenses of the International Labor Office incident to holding its Technical Tripartite Textile Conference.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Byrd	Gerry	King
Andrews	Byrnes	Gillette	La Follette
Ashurst	Capper	Green	Lee
Austin	Caraway	Guffey	Lewis
Bachman	Chavez	Hale	Lodge
Bailey	Clark	Harrison	Logan
Barkley	Connally	Hatch	Lonergan
Black	Copeland	Hayden	Lundeen
Borah	Davis	Herring	McAdoo
Bridges	Dieterich	Hitchcock	McCarran
Brown, Mich.	Duffy	Holt	McGill
Brown, N. H.	Ellender	Hughes	McKellar
Bulow	Frazier	Johnson, Calif.	McNary
Burke	George	Johnson, Colo.	Maloney

Minton	Pittman	Sheppard	Vandenberg
Murray	Pope	Smith	Van Nuys
Neely	Radcliffe	Stelwer	Walsh
Norris	Reynolds	Thomas, Okla.	Wheeler
Nye	Robinson	Thomas, Utah	White
O'Mahoney	Russell	Townsend	
Overton	Schwartz	Truman	
Pepper	Schwellenbach	Tydings	

Mr. MINTON. I announce that the junior Senator from Ohio [Mr. DONAHEY] and the senior Senator from Virginia [Mr. GLASS] are absent because of illness, and that the senior Senator from Ohio [Mr. BULKLEY] is detained because of a severe cold.

I further announce that the Senator from Mississippi [Mr. BILBO], the Senator from New York [Mr. WAGNER], and the Senator from New Jersey [Mr. MOORE] are unavoidably detained from the Senate.

Mr. SCHWELLENBACH. I announce that my colleague the senior Senator from Washington [Mr. BONE] is unavoidably detained from the Senate.

Mr. AUSTIN. I announce that my colleague the junior Senator from Vermont [Mr. GIBSON] is necessarily detained from the Senate, and that the senior Senator from Minnesota [Mr. SHIPSTEAD] is absent because of illness.

The VICE PRESIDENT. Eighty-five Senators have answered to their names. A quorum is present.

PROPAGANDA AGAINST PROPOSED REORGANIZATION OF FEDERAL JUDICIARY

Mr. ROBINSON. Mr. President, while the Senate had under consideration on Monday last the order of business relating to the presentation of petitions and memorials, I took occasion to insert in the RECORD a circular letter and certain printed slips issued over the signature of Mr. Gerald B. Winrod, of Wichita, Kans. I also made comment on the fact that the documents were sent to me in an envelope bearing the return address of Mr. Theo. Mahn, of Alma, Nebr. During the course of my remarks the Senator from Nebraska [Mr. NORRIS] stated that, knowing Mr. Mahn intimately, it was his belief that the purpose in sending the matter to me was not to contribute to the method of propaganda referred to but to give me information concerning the subject.

I then stated that a different inference had been drawn, due to the fact that no letter from Mr. Mahn accompanied the letter of Mr. Winrod and the slips referred to. I find that statement was in error. There was received at my office at the time the matter referred to as propaganda came in a letter from Mr. Mahn, which, by the force in the office, was segregated and placed in the files. In that letter Mr. Mahn distinctly stated that he was in sympathy with the New Deal, in harmony with the President's view regarding the Supreme Court, and that he was enclosing the propaganda matter distributed by the Defender, the magazine published at Wichita, Kans., in order that I might be informed and have an opportunity to combat it. It should also be stated that my inference, already referred to, was incorrect, and that the opinion expressed by the Senator from Nebraska was found to be accurate. I ask that Mr. Mahn's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THEODORE MAHN,
BONDED ABSTRACTER,
Alma, Nebr., February 25, 1937.

Senator JOSEPH T. ROBINSON,
Washington, D. C.

MY DEAR SENATOR: As a friend of the New Deal, and in harmony with the President's view regarding the Supreme Court, I am enclosing herein some propaganda matter that is being distributed by the Defender, a magazine published in Wichita, Kans., that might serve your purpose in combatting the critics of the President.

Trusting that some decided changes will be made in the personnel of the Court, and wishing you success in that direction, I am,

Yours very truly,

THEODORE MAHN.

P. S.—Remember me to my friend, Senator GEORGE W. NORRIS.

Mr. ROBINSON. While I have the floor, with the indulgence of the Senate, I should like to point out that the statement made a few days ago by myself that there is an organized and somewhat unfair effort being made to influence public opinion and that it is by no means limited to the agency represented by Mr. Winrod, is borne out by the fact that a large number of individuals and agencies are taking part in that effort. As further proof of the statement reference is now made to a letter addressed to Mr. R. C. Pollard, of 2610 Allendale Road, Baltimore, Md. The envelope containing the letter bears no return address. It is signed by a name that I am unable to read; the signature to me is not legible. In the letter which this writer is sending out through the States it is expressly requested that those who write to the President and to Members of the House and of the Senate use plain letterheads. That language is inserted by pen in the same handwriting as the signature.

I inquire, what is the purpose of asking a person corresponding with a Senator or Representative to use a plain letterhead? Manifestly the object is to withhold knowledge of the real identity of the writer.

That letter I designate also as unfair. I shall not read all of it, but will have it inserted in the RECORD in full. Among other things it states:

We are informed that Congress is holding up the proposal a week or two to get reactions of the people. Let's qualify. This is no time to "dilly-dally." It's not a party issue. It's time for "all good men to come to the aid of their country." What is the best course to follow? Radio talks and press comments are one thing, but nothing is comparable to an individual letter. Do you realize that if you phone 10 friends and pledge them to each phone 10 more, in 6 steps will be 1,000,000 letters on their way.

Time is an important factor. Act immediately.

The words "act immediately" are in capitals.

The letters can be very brief; chances are they will not be read, but simply classified as "pro" or "con." Write the President, and all your Senators and Representatives. For your convenience the names are all listed on the enclosed page. As Senator Blank so aptly put it, "If there must be a dictator in America I nominate the American people."

Pause in your present occupation. Write your letters, and phone 10 or more of your friends immediately. Tomorrow may be too late.

This is signed, as I have already said, with a signature that is not legible. Then there is a postscript:

Be sure to address your letters to Washington, D. C., the President at the White House, the Senators in care of the Senate Office Building, the Representatives in care of the House Office Building.

Accompanying the letter is a list of all Senators and Representatives. The gentleman who forwards the matter to me says, among other things:

I enclose some ammunition for use, showing how the opponents of the people are stooping to a low level to try and beat the President's court proposals.

Down to the chain letter scheme now, the enclosed indicates.

I never heard of the signer of the letter and evidently my name has been taken from a phone directory.

Note, while I am a resident of Baltimore, the letter in question comes from Cleveland, Ohio.

Keep up the good fight, Senator. We are with you.

I read that letter to show the reaction of one who has received the communication sent out under "plain letterheads." No doubt others would receive it in a different spirit.

It is not suggested that there is anything unlawful in the method being employed. It is suggested that the effort to influence Senators and Representatives is through the means of overwhelming them with communications which are prompted. I do not believe propaganda produced in that way has any very great value.

That is not all. The club women, particularly the women of Republican clubs, are active in the same way. They have a perfect right to entertain any view on the subject they please and to express it frankly and fairly; but all these letters which have reached me indicate an effort to mislead, indicate unfairness in the course that is being taken.

I have another letter headed "S O S" in capitals. "Save our Supreme Court" is the slogan on that letter, which reads:

Meeting and tea at Mrs. Blanks, 435 East Fifty-second, this Monday, February 15, at 5 o'clock.

Please come. It's to formulate plans for immediate action on its protesting President Roosevelt's latest "grab."

We have to act and act quickly to crystallize public opinion so it can be brought to bear on the uncertain Senators.

Then a name is given, followed by the statement:

——— is one of the instigators, so things will hum.

R. S. V. P. by return mail, please—one way or the other—and do come. We need you.

Another letter, addressed to a person whose name is omitted by me, is as follows:

I am so delighted that you are going to get the names and addresses of all the various clubs. I know that it will be well done and I have no more worries along that line. I do not believe that we better use clubs that we are not sure of.

That statement shows that the one responsible does not want a full and fair expression by all clubs, but desires to choose those clubs which will support the viewpoint which she entertains or occupies.

I do not believe that we had better use clubs that we are not sure of. For instance, in the classified telephone directory Minnewaska Club is probably a Democratic Club, and we wouldn't want to get in there. If you could get someone to call these various clubs and say, "I'm looking for a Democratic or a Tammany club in my neighborhood—is this a Democratic club?" etc., or something to that effect. I am sure you could make arrangements at the Republican National Committee headquarters, 41 East Forty-second, to do the telephoning there in order to save your own telephone bill. Or if you know someone who wants to contribute $10 or so to the Republican Party, ask her or him if you may use his phone for the day.

If you personally can't do the phoning, I am sure Blank—

Omitting in my reading the name used there—

would do it for you.

They say there are 5,000 clubs in Greater New York. I do hope we can cover at least 1,000 of them. I do hope that our contacts with the foreign clubs will be lasting, as I think there is a real opportunity for service to them later on.

I am quite sure the consulate would have lists of all their respective clubs. I know there are more than 50 Norwegian clubs in Brooklyn alone. I believe Mr. Blank, the consul general, would give you the list. You may use my name with him if you wish.

Good luck.

I am going to be in the city Monday (at the club) in case you wish to reach me.

Thanks so much for taking over this big job.

Sincerely,

——— ———.

I omit the name signed to the letter.

That letter indicates that the first letter, which I withdrew, has some relationship to this subject, although there is a reference in it to a meeting on September 15 which I do not understand as consistent with that suggestion. It appears that these influences are being moved in almost every direction and from as many sources as can be commanded, not to enlighten the public. Not one of these messages gives the slightest information as to the basis of the conclusion of the propaganda. It is limited to a request that without information these propagandist messages be sent broadcast over the Nation, so that no one who receives one may know how such a message actually originated.

ORDER OF BUSINESS

Mr. SCHWELLENBACH, Mr. BURKE, and Mr. COPELAND addressed the Chair.

The VICE PRESIDENT. The Senator from Washington.

Mr. COPELAND. Mr. President, will the Senator yield in order that I may make a request?

Mr. SCHWELLENBACH. Yes; I yield for that purpose.

Mr. COPELAND. Mr. President, I ask unanimous consent that there be placed before the Senate for consideration, in order to make it the unfinished business, Senate bill 5.

Mr. ROBINSON. Mr. President, I have no objection to proceeding to the consideration of the bill, with the understanding, however, that there shall be no effort to foreclose any contested provision of the bill during the present day. A number of Senators have stated to me that they could not be present today, and that they wish to be here when this measure is considered. For the first time in my memory at this advanced stage of the session there is no general legislation of importance on the calendar of the Senate other than the bill referred to by the Senator from New York.

Mr. COPELAND. The suggestion of the Senator from Arkansas is entirely satisfactory to me; and I think the most we could possibly do today would be to consider some of the uncontested committee amendments, but not with any thought of pressing the measure to final passage.

Mr. ROBINSON. I think that when the opportunity arises the Senator from New York should take the floor and explain in what particular this bill differs from the bill which was brought forward at the last session, and, of course, make any other explanation he may deem necessary.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. SCHWELLENBACH. I yield to the Senator from Tennessee.

Mr. McKELLAR. Is it the purpose of the Senator from New York to have a vote on this measure within the next 2 or 3 days?

Mr. COPELAND. I hope so. I really feel that the controverted features of the bill have been eliminated, or so modified that we can proceed to final action not later than tomorrow, I hope.

Mr. McKELLAR. I shall not object; but I shall have to communicate with some constituents of mine about the matter of amendments.

The VICE PRESIDENT. The Senator from New York asks unanimous consent that Senate bill no. 5 be laid before the Senate for present consideration and made the unfinished business. Is there objection?

Mr. McNARY. Mr. President, I suppose this is the pure food and drug amendment measure.

Mr. COPELAND. It is.

Mr. McNARY. We are proceeding wholly out of order. The routine morning business has not as yet been transacted. I do not like to commit myself on the question of unanimous consent. There is an orderly way of getting a bill before the Senate at the proper time. That way is by motion to make it the unfinished business or to proceed to its consideration.

I am going to object at this time. I shall aid the Senator from New York in due time, and in the proper fashion, to make the bill the unfinished business; but at this time I am going to insist on the transaction of the routine morning business; and I object to the Senator from Washington [Mr. SCHWELLENBACH] now proceeding with his speech. It can be done only by unanimous consent.

The VICE PRESIDENT. The regular order of business is the presentation of petitions and memorials. If any Senator should object to the Senator from Washington proceeding, the Chair would have to hold that it could be done only by unanimous consent, although the Chair has recognized the Senator from Washington.

Mr. McNARY. Very well; I shall insist on the disposition of the routine morning business. Then the Senator from Washington may proceed at the proper time and in due course.

Mr. COPELAND. Mr. President, if the Senator will yield, I assume from what the Senator from Oregon has said that he has in mind the parliamentary situation.

Mr. McNARY. Exactly.

Mr. COPELAND. And that later in the day, when the proper time comes, the Senator will not object to my request.

Mr. McNARY. My statement has no reference whatever to the merits of the Senator's proposal.

Mr. COPELAND. That is satisfactory to me.

CONDOLENCES IN BELGIAN SENATE ON FLOODS IN AMERICA

The VICE PRESIDENT laid before the Senate a letter from the Secretary of State, transmitting (with translations thereof) copies of the text of an address from the Parliamentary Annals of the Senate of the Kingdom of Belgium, containing a speech delivered on January 28, 1937, by the President of the Senate, M. Moyersoen, on the occasion of devastating floods occurring in the United States, which, with the accompanying papers, was referred to the Committee on Foreign Relations.

ATTORNEYS' FEES, OSAGE TRIBAL FUNDS

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to authorize the payment of attorneys' fees from Osage tribal funds, which, with the accompanying paper, was referred to the Committee on Indian Affairs.

CAPITAN GRANDE BAND OF MISSION INDIANS, CALIFORNIA

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to reserve certain public domain in California for the benefit of the Capitan Grande Band of Mission Indians, which, with the accompanying paper, was referred to the Committee on Indian Affairs.

PROPOSED AMENDMENT OF TRADE-MARK ACT

The VICE PRESIDENT laid before the Senate a letter from the Assistant Secretary of Commerce, transmitting a draft of proposed legislation to amend section 9 of the Trade Mark Act of February 20, 1905, as amended, which, with the accompanying papers, was referred to the Committee on Patents.

VETERANS' ADMINISTRATION HOSPITAL SITE, DETROIT, MICH.

The VICE PRESIDENT laid before the Senate a letter from the Administrator of Veterans' Affairs, transmitting draft of proposed legislation to authorize the Administrator to accept title for the United States to certain real property to be donated by Mr. Henry Ford and wife for Veterans' Administration Facility purposes, which, with the accompanying papers, was referred to the Committee on Finance.

JANUARY REPORT OF RECONSTRUCTION FINANCE CORPORATION

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the Reconstruction Finance Corporation, transmitting, pursuant to law, the report of that Corporation for the month of January 1937, including statement of loan and other authorizations made during the month, and showing the names, amounts, and rate of interest or dividend in each case, which, with the accompanying report, was referred to the Committee on Banking and Currency.

SPECIAL FINDINGS OF THE COURT OF CLAIMS (S. DOC. 34)

The VICE PRESIDENT laid before the Senate a letter from the Chief Clerk of the Court of Claims, transmitting, in response to certain resolutions of the Senate, certified copies of the special findings of fact and conclusion in the cases of Emma W. Bay and Harry C. Holloway, copartners, trading as John W. Bay & Co.; J. F. Towner, trading as J. F. Towner & Sons; John Archer; Emma W. Bay; Harry C. Holloway; and Laura Pancoast and Mary Pancoast, executrices of Laura T. Pancoast, which, with the accompanying documents, was referred to the Committee on Claims, and ordered to be printed as a Senate document.

COURT ORDERS RESTRAINING ENFORCEMENT OF LAWS

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the Federal Trade Commission (S. Doc. No. 33), stating, in response to Senate Resolution 82 (agreed to on the 17th ultimo), calling for certain information concerning injunctions or judgments issued or rendered by Federal courts since March 4, 1933, in cases involving acts of Congress, that no such case has arisen in which the Commission is involved, which was referred to the Committee on the Judiciary and ordered to be printed.

The VICE PRESIDENT also laid before the Senate a letter from the Administrator of the Veterans' Administration (with accompanying papers) (S. Doc. No. 32), submitting the information requested by Senate Resolution 82 (agreed to on the 17th ultimo), calling for certain information concerning injunctions or judgments issued or rendered by Federal courts since March 4, 1933, in cases involving acts of Congress, which, with the accompanying papers, was referred to the Committee on the Judiciary and ordered to be printed.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint memorial of the Legislature of the State of Washington, which was referred to the Committee on Foreign Relations:

House Joint Memorial 9

To His Excellency the Honorable President of the United States and the Senate and House of Representatives in Congress assembled:

We, your memorialists, the Senate and House of Representatives of the State of Washington in legislative session assembled, most respectfully represent and petition as follows:

Whereas certain species of fish, Sardinops Caerulea, popularly known as pilchard or sardine, is found in abundance along and off the entire Pacific coast of the United States and Vancouver Island; and

Whereas said fish is highly valuable and important in the production of fish meal and fish oil, and said production is indispensable to agriculturalists, to poultrymen, to stockmen, and to many phases of industry; and

Whereas said species of fish is apparently of migratory character, being found along and off said entire Pacific coast; and

Whereas it is desirable that adequate information and knowledge be had concerning the habitat, the abundance, and wise use of said fish; and

Whereas no one State or sovereignty should be considered as having any vested exclusive right to or interest in the resource, and an adequate survey cannot be carried on by one State alone; and

Whereas such scientific findings may form the basis for sound governmental control and conservation, which is desired:

Now, therefore, your memorialists petition the honorable President of the United States and Congress to take action and pass adequate legislation to provide—

1. For negotiation of a treaty with the Dominion of Canada looking toward joint and equitable supervision of said pilchard industry, and that industry alone;

2. For immediate scientific investigation and survey of said resource under the direction of the Federal Bureau of Fisheries in coordination with the fisheries departments of the States of Washington, Oregon, and California;

3. For the appropriation by Congress of sufficient funds to carry on such investigation and survey, a part of which shall be equitably allocated to said fisheries departments of said States of Washington, Oregon, and California for their part in such work.

And your memorialists will ever pray.

The chief clerk of the House of Representatives of the State of Washington is authorized and directed to forward without delay a copy of this memorial to the President of the United States, the President of the Senate, to the Speaker of the House of Representatives of the Congress of the United States, and to each Representative and Senator in the Congress of the United States from the States of Washington, Oregon, and California.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of Minnesota, which was referred to the Committee on Foreign Relations:

Joint resolution memorializing the United States Senate to ratify, at the instant session of Congress, the treaty between the United States of America and the Dominion of Canada for the building of the Great Lakes-St. Lawrence seaway

Whereas the St. Lawrence Seaway Treaty between the United States and the Dominion of Canada for the development of a sea lane into the Great Lakes remains unratified and, therefore, unfinished business before the country; and

Whereas it is well understood that it is the firm intention of the President of the United States to resubmit a treaty for the development of this great waterway; and

Whereas this project has been under scrutiny and analysis by boards composed of the members of the corps of United States Army Engineers, economic investigators of the Department of Commerce, the International Joint Commission, the United States St. Lawrence Commission, and many other groups over a long period of years and has had the approval of four Presidents of the United States; and

Whereas the International Joint Commission found that without considering the probability of new traffic created by the opening of the water route to the seaboard there existed between the region economically tributary to the Great Lakes and overseas points, as well as between the same region and the Atlantic and Pacific seaboards, a volume of outbound and inbound trade that might reasonably be expected to seek this route sufficient to justify the expense involved in its improvemcnt; and

Whereas the United States Great Lakes-St. Lawrence Commission found the construction of this shipway from the Great Lakes to the sea to be imperative both for the relief and for the development of a vast area in the interior of the continent; and

Whereas the building of this seaway, by affording easy and cheap communication to and from the interior of the continent, would be the greatest farm-relief measure ever passed: Now, therefore, be it

Resolved by the house of representatives and the senate concurring, That the State of Minnesota memorialize the President of the United States to resubmit the treaty with Canada for the development of the St. Lawrence River, and the Senate of the United States, now in session, to promptly ratify said treaty when submitted; and be it further

Resolved, That the Governor of this State is hereby requested to forthwith transmit to the Senate of the United States a properly authenticated copy of this joint resolution of the House of Representatives and the Senate of the State of Minnesota.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of Colorado, which was referred to the Committee on Agriculture and Forestry:

House Joint Memorial 9

Whereas there is now pending in the Congress of the United States H. R. 4009, a bill by the Honorable D. WORTH CLARK, "to

provide for the general welfare by establishing a system of Federal benefits and by enabling the several States to make more adequate provisions for the control and the eradication of noxious weeds; to conserve and protect the agricultural resources of the several States and of the United States; to empower the Secretary of Agriculture to make certain rules and regulations and prescribe conditions; to raise revenue; and for other purposes"; and

Whereas the enactment of such a measure would be extremely beneficial to the interests of the people of the State of Colorado: Now, therefore, be it

Resolved by the house of representatives of the thirty-first general assembly (the senate concurring herein), That the Congress of the United States is hereby respectfully memorialized and urged to give every consideration to the said H. R. 4009; and be it further

Resolved, That the Senators and Representatives of the State of Colorado in the Congress of the United States be requested to give their support to, and vote for, the aforesaid H. R. 4009, and that copies of this memorial be forwarded forthwith to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to the Senators and Representatives from the State of Colorado in Congress.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of Colorado, which was referred to the Committee on Appropriations:

House Joint Memorial 10

Whereas the problem of unemployment throughout the United States of America is a permanent one, and the principal responsibility for the care and relief of employables has been undertaken by the Federal Government; and

Whereas the Public Works Administration is an agency of the Federal Government which has been providing employment to large numbers of employables through Federal and State cooperation in the construction of public works; and

Whereas said Public Works Administration should be continued and enlarged, and sufficient appropriation should be made therefor by the Seventy-fifth Congress of the United States now assembled: Now, therefore, be it

Resolved by the house of representatives of the thirty-first general assembly (the senate concurring herein), That this general assembly memorialize the United States Congress to take immediate action to appropriate sufficient moneys for the continuation of the Public Works Administration and its extension, to provide greater cooperation between the several States and the Federal Government in the construction of public works; and be it further

Resolved, That the Senators and Representatives of the State of Colorado and the Congress of the United States be requested to give their support to any measure that will continue, enlarge, or make an appropriation for the continuance of a public-works program under the Public Works Administration, and that copies of this memorial be forwarded to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to the Senators and Representatives of the State of Colorado in Congress.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of Colorado, which was referred to the Committee on the Judiciary:

House Joint Memorial 8

Whereas there is now pending in the Seventy-fifth Congress of the United States S. 1375, which is a bill to provide for the punishment of persons stealing animals moving in interstate commerce, and for other purposes; and

Whereas stealing of animals is rapidly reaching alarming proportions and the apprehension and conviction of persons engaged in the stealing of animals is becoming increasingly more difficult because of modern means of transportation and the inability of State governments to afford protection to its citizens beyond the borders of the State; and

Whereas the passage of S. 1375 would enable the Federal Government to apprehend and convict persons stealing animals who are now able to evade punishment; and

Whereas the passage of said S. 1375 would be extremely beneficial to the State of Colorado and all of the States in the United States which are concerned with the establishment and protection of the livestock industry of the State: Now, therefore, be it

Resolved by the house of representatives of the thirty-first general assembly (the senate concurring herein), That the Seventy-fifth Congress of the United States is hereby respectfully memorialized and urged to give every consideration to S. 1375 to the end that it may be speedily enacted into law; and be it further

Resolved, That the Senators and Representatives of the State of Colorado in the Congress of the United States are hereby requested to give their support to, and vote for, the aforesaid measure, and that copies of this memorial be forwarded forthwith to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to Senators and Representatives from the State of Colorado in said Congress; and be it further

Resolved, That the Governor of the State of Colorado be requested to forward copies of this memorial to the Governors of the Western States, urging them to cooperate in efforts to secure the passage of the said measure.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of Wyoming, which was referred to the Committee on Agriculture and Forestry:

Senate Joint Memorial 5

Joint memorial memorializing Congress to support legislation now before Congress providing for the establishment of a system of Federal financial benefits, enabling the several States of the Union to make more adequate provision for the control and the eradication of noxious weeds; to conserve and protect the agricultural resources of the several States and the United States

Whereas H. R. 4009, now before the United States Congress, providing for the establishment of a system of Federal benefit, enabling the several States to make more adequate provisions for the control and the eradication of noxious weeds; and

Whereas the noxious weed problem is too large for Wyoming, her counties and individuals to financially cope with; and

Whereas large areas of public domain, other federally owned lands, and other publicly owned lands are involved in the noxious weed infestations within the State: Therefore be it

Resolved by the House of Representatives of the Twenty-fourth Legislature of the State of Wyoming (the senate concurring), That we hereby memorialize the Congress of the United States to enact into law H. R. 4009, providing adequate Federal financial aid for the control and the eradication of noxious weeds in the several States of the Union; be it further

Resolved, That certified copies of this memorial be sent to the President of the United States Senate and the Speaker of the National House of Representatives and to United States Senators JOSEPH C. O'MAHONEY and HARRY H. SCHWARTZ and to Congressman PAUL R. GREEVER.

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of the State of Texas, which was referred to the Committee on Public Lands and Surveys:

House Concurrent Resolution 10

Whereas the Forty-third Legislature of the State of Texas in regular session adopted Senate Concurrent Resolution No. 73, giving the consent of the State that the Federal Government purchase lands in Texas for reforestation and other purposes; and

Whereas pursuant to such consent on the part of the State the United States has purchased and is purchasing large tracts of land, particularly for watershed protection and forest preservation purposes; and

Whereas in the eastern part of the State the tracts have been purchased in such large contiguous areas that in several counties more than 50 percent of the area of said county is being purchased, thus removing said lands from taxation for State, county, district, and municipal purposes; and

Whereas in some of said counties more than 25 percent of the assessed valuation of property is being thus removed from the tax rolls; and

Whereas in many instances the entire area of school districts and the entire area of road districts is being removed from taxation; and

Whereas the State of Texas has already granted its consent to such program because of the beneficial results which will accrue to the section of the State involved, and which will accrue to the State generally; and

Whereas the State likewise is affected by the removal of such large areas from taxation in the following particulars:

(a) In the future the State will not receive from said lands the taxes it has been receiving in the past for State ad valorem, State pension, and State available school purposes;

(b) The State owns in its permanent school fund, and in other funds, bonds of counties, cities, road districts, and school districts situated within the affected area, which cannot be paid according to their tenor and effect because of the removal from taxation of a substantial part of the property originally securing said indebtedness;

(c) The State is interested in the condition of the citizens of said communities upon whom the burden of paying taxes will rest after said lands have been released from taxation, which burdens in the instance of bonds which are supported by unlimited taxing power must be materially increased; and in instances wherein said bonds are supported by limited taxing power must be increased to the maximum; and

Whereas at the time of the purchase by the United States Government a great amount of this land was delinquent for ad-valorem taxes, both to the State, counties, and districts affected; and

Whereas by reason of such purchase by the United States Government said land is exempted from taxation and will result in the financial insolvency of said counties and districts affected in a great many instances; and

Whereas it is the belief of this legislature that the United States Government by reason of said purchase of land in such large amount in these areas has, more or less, obligated itself to see that the least amount of injury is occasioned to its citizens thereby affected; and

Whereas the State of Texas appreciates the cooperation of the United States Government and the benefits which will accrue from the reforestation program, but desires the further cooperation of the Government in relieving the attendant hardships insofar as consistent and practical; and

Whereas this legislature is hopeful that after a reconsideration of this condition by the Congress of the United States and the executive department thereof that some legislation will be passed and approved which will accomplish the purpose of relieving these conditions: Therefore be it

Resolved by the house of representatives (the senate concurring), That the Congress of the United States be, and the same is hereby, requested to pass legislation in some form entitling the State of Texas and its political subdivisions to be reimbursed for the loss of taxes which resulted from the purchase of said land by the Federal Government until the taxable values of such political subdivisions have increased to the extent occasioned by such purchase upon the part of the Federal Government; and that the President of the United States be, and is hereby, requested to give careful consideration of these problems to the end that if he can consistently do so he may cooperate and approve such legislation; and be it further

Resolved, That a copy of this resolution be forwarded to the President of the United States, the Secretary of the Senate of the United States, the Chief Clerk of the House of Representatives of the United States, to each United States Senator, and to each Congressman of the State of Texas.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the Territory of Alaska, which was referred to the Committee on Public Buildings and Grounds:

House Joint Memorial 16

To the Honorable Congress of the United States, and to the Honorable Anthony J. Dimond, Delegate to Congress from Alaska:

Your memorialists, the House and Senate of the Legislature of Alaska, respectfully represent: That they are in receipt of the following telegram from the mayor of Anchorage:

ANCHORAGE, ALASKA, *January 22, 1937.*

ED COFFEY AND DAN KENNEDY,
House of Representatives, Juneau, Alaska:

Members of Anchorage Common Council unanimously urge that Territorial legislature memorialize Congress with plea that Anchorage Federal building project be considered immediately and rushed to completion. Fourteen Government agencies located here, of which seven rent quarters, and other seven, including post office, railroad, Federal jail, courthouse, and road commission, occupy wood-constructed buildings which were constructed as temporary quarters 20 years ago; and all these buildings now depreciated to point where they are unsafe, unsanitary, and extreme fire hazards to life and official records contained therein. Courthouse in such deplorable state that district judge refuses to call grand jury here, stating that although greatest number of trial cases originate this section, he will not risk official records being in building and jeopardize health of jurors and court officials. Federal jail has been condemned by health officials as unsanitary and by fire chief as a firetrap. Railroad three-story headquarters building foundation rotted away, leaving same extremely dangerous to occupy. Road commission occupy an old warehouse building costly to maintain and heat. Post-office building is a shabby, disreputable, leaky-roof, unpainted, drafty, rickety old firetrap structure unfit for human habitation, with working space inadequate and too few boxes to accommodate patrons. Increased population in Matanuska Valley makes this district most densely settled in central Alaska. Anchorage is outfitting point for 10 producing mining districts, headquarters of Alaska Railroad, and Signal Corps system, leading aviation base, salmon industry, coal fields, farming and timberlands—a modern city, ranking third in population in the Territory. Assessed property valuation of 2½ millions and unlimited natural diversified resources establishes Anchorage as permanent and warrants construction of a badly needed Federal building.

Mayor H. E. BROWN.

Your memorialists further represent: That they are familiar with the matters and things referred to in the foregoing telegram, and that the matters and things stated in said telegram are true; that the need for a courthouse and Federal building at Anchorage is great and pressing.

Whereupon your memorialists ask that a suitable public building be constructed at Anchorage without delay.

In this connection, your memorialists further represent: That this is not an ordinary request for an extension of the Public Works program but is a request for the construction of a public building that is indispensably necessary in connection with the orderly and proper conduct of the public business.

And your memorialists will ever pray.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the Territory of Alaska, which was referred to the Committee on Post Offices and Post Roads:

Senate Joint Memorial 5

To the Honorable Congress of the United States of America:

Your memorialist, the Legislature of the Territory of Alaska in the thirteenth regular session assembled, respectfully submits that:

Whereas there are three road-building agencies in the Territory of Alaska, namely, the Alaska Road Commission under the Department of the Interior, the Bureau of Public Roads under the Department of Agriculture, and the Territorial Board of Road Commissioners, a Territorial agency; and

Whereas it is believed that a single road-planning agency would function more economically and that the existing Territorial road-building agency fully understands the road needs and the road problems in Alaska; and

Whereas the Territory of Alaska has contributed liberally in the past toward the construction of roads and will continue to contribute for such purposes to the limit of its financial ability; and

Whereas the Territory of Alaska is conscious of the generous aid that has been extended to the Territory in the matter of road construction by the Federal Government; and

Whereas it is believed that the extension of the Federal Highway Act to the Territory would not involve a greater expenditure of Federal funds than is now expended under the existing arrangement; and

Whereas it is the sense of the Legislature of the Territory of Alaska that the people of Alaska should rightfully have a voice in the planning and building of all roads within the Territory and that the Territory is ready and willing to contribute on any fair and equitable basis toward highway construction within the Territory:

Now, therefore, your memorialist respectfully petitions and prays that H. R. 1554, now before Congress, extending the Federal Highway Act to the Territory of Alaska, be enacted.

And your memorialist will ever pray.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of New Mexico, which was referred to the Committee on Indian Affairs:

House Joint Memorial 10

Joint memorial to the Congress of the United States asking that the Indian Department improve roads in the Navajo Indian Reservation in New Mexico and Arizona

Whereas a number of citizens of San Juan County, N. Mex., have Navajo Indian trading posts in the northeast corner of Arizona and in the northwest corner of New Mexico on the west side of the Lukachukai Mountain; and

Whereas heavy snows or rainstorms make it impossible to traverse from Sheep Springs in New Mexico to Crystal, N. Mex., over the Lukachukai Mountain and are forced to go south through a corner of McKinley County, then north through Fort Defiance, then due north, greatly increasing the distance; and

Whereas there is no passable road over the Lukachukai Mountain during similar storms from Red Rock, N. Mex., to Lukachukai, Ariz., and one is forced to go northwest from Ship Rock, N. Mex., to Beclabito, thence in a northwesterly direction, thence south to Sweet Water, Ariz., thence south and west to Rock Point, Ariz., thence south and east to Round Rock, Ariz., thence south and thence east to Lukachukai, Ariz., thereby increasing the distance approximately four times by going around the north end of the mountain; and

Whereas the population of this territory in the corner of Arizona and the corner of New Mexico is largely Indians and citizens, most of the citizens are heavy taxpayers, and an extensive trading is carried on over these mountain passes, and due to the condition of the roads makes a great handicap to traders of this territory; and

Whereas during the heavy snows of the present winter traders have been marooned near Lukachukai for 7 weeks at a time, unable to get out for medical purposes or to get goods into their trading posts to carry on their business with the Indians; and

Whereas the traders are asking that the roads over these two mentioned passes of the Lukachukai Mountain be improved and graveled and kept open the year round to the general public for the good of all concerned: Now, therefore, be it

Resolved by the Legislature of the State of New Mexico, That the Legislature of the State of New Mexico memorialize the Congress of the United States to have the Indian Department improve these roads heretofore discussed and thereby benefit the inhabitants of this territory, as such road improvements are greatly needed; and be it further

Resolved, That a copy of this resolution be sent to the Honorable CARL A. HATCH, the Honorable DENNIS CHAVEZ, and the Honorable JOHN J. DEMPSEY, and to the Honorable CARL HAYDEN, of Arizona, and to the Honorable John Collier, Commissioner of Indian Affairs, and to the Honorable Harold L. Ickes, Secretary of the Interior, the Speaker of the House of Representatives, and the President of the Senate of the United States.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of New Mexico, which was referred to the Committee on Interstate Commerce:

House Joint Memorial 2

Joint memorial petitioning Congress to enact a law relative to length of railway trains

Whereas for many years the several Legislatures of the State of New Mexico have been importuned to enact a State law to define the length of railway trains operating within the State of New Mexico; and

Whereas this legislature is advised that such a State law has by a Federal court been held to be unconstitutional; and

Whereas such legislation appears to this body to be a matter peculiarly within the province of Congress, under the commerce clause of the Constitution of the United States: Now, therefore, be it

Resolved by the Legislature of the State of New Mexico, That the Congress of the United States be, and it hereby is, memorialized to enact legislation that will occupy the legislative field in respect to the limit of the length of railway trains; be it further

Resolved, That copy of this memorial be sent to the Honorable CARL A. HATCH, United States Senator from the State of New Mexico; the Honorable DENNIS CHAVEZ, United States Senator from the State of New Mexico; and the Honorable J. J. DEMPSEY, Member of the House of Representatives of the United States Congress; and to the Vice President and Speaker of the House of Representatives of the United States Congress.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of New Mexico, which was referred to the Committee on Public Lands and Surveys:

House Joint Resolution 22

Joint resolution memorializing and requesting the Congress of the United States to enact a law granting 4,000,000 acres from the public lands of the United States of America, situated in the State of New Mexico, in trust to the State of New Mexico, and other lands heretofore granted to the State of New Mexico under the Carey Land Act, for the benefit of the Carrie Tingley Crippled Children's Hospital

Whereas there is now established in the State of New Mexico, in the city of Hot Springs, the Carrie Tingley Crippled Children's Hospital, the purpose of which is to provide care and treatment for crippled children, and particularly for children who have been afflicted with infantile paralysis, and the cause and purpose of said hospital being per se, a worthy and needful one; and

Whereas there still remain within the boundaries of the State of New Mexico vast reserves of the public lands of the United States; and

Whereas, under patent no. 854989, Clear List No. 1, there was granted to the State of New Mexico under the provisions of the Carey Land Act, act of Congress August 18, 1894, and acts amendatory thereof, 4,743.33 acres of land to be administered under said acts; and

Whereas said grant has been fully and faithfully administered by the State of New Mexico and there now remains of said land heretofore so granted 2,980.63 acres: Therefore be it

Resolved by the House of Representatives and the Senate of the State of New Mexico:

SECTION 1. That the Seventy-fifth Congress of the United States, now in regular session, assembled in Washington, D. C., be, and the same hereby is, memorialized and requested to enact a law during the present session of Congress, as soon as may be done, granting 4,000,000 acres of public lands of the United States, situated in New Mexico, notwithstanding said lands are or may be embraced within any Executive order of withdrawal or grazing district authorized under the act of June 28, 1934 (48 Stat. 1269), to the State of New Mexico in trust for the use and benefit of the Carrie Tingley Crippled Children's Hospital.

SEC. 2. That the Seventy-fifth Congress of the United States, now in session, be, and the same hereby is, memorialized and requested to enact a law during the present session to grant to the State of New Mexico in trust for the use and benefit of said Carrie Tingley Crippled Children's Hospital 2,980.63 acres of land remaining after the completion of the administration of a grant from the United States of America under the Carey Land Act of August 18, 1894, and acts amendatory thereof.

SEC. 3. That the lands requested to be granted shall be under the same restrictions and limitations as that of the Enabling Act, act of June 20, 1910, provided the selections of same shall in no way be hindered by the reservations and established grazing districts authorized under provisions of said act of Congress of June 28, 1934 (48 Stat. 1269).

SEC. 4. That engrossed copies of this resolution be placed upon the permanent records in the office of the secretary of state of New Mexico.

SEC. 5. Be it further—

Resolved, That copies of this resolution be sent to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and the Senators and Representatives of New Mexico in Congress.

The VICE PRESIDENT also laid before the Senate a joint resolution of the Legislature of the State of Wisconsin, favoring the enactment of legislation to reduce the payments for interest and principal on farm and home loans, which was referred to the Committee on Agriculture and Forestry.

(See resolution printed in full when presented today by Mr. DUFFY.)

The VICE PRESIDENT also laid before the Senate a joint resolution of the Legislature of the State of Wisconsin, memorializing Congress to provide a moratorium on foreclosure of mortgages held by the Home Owners' Loan Corporation, which was referred to the Committee on Banking and Currency.

(See resolution printed in full when presented today by Mr. DUFFY.)

The VICE PRESIDENT also laid before the Senate a joint resolution of the Legislature of the State of Wisconsin, favoring the enactment of legislation to authorize the construction of the Kickapoo Valley flood-control project and to make an appropriation therefor, which was referred to the Committee on Commerce.

(See resolution printed in full when presented today by Mr. DUFFY.)

The VICE PRESIDENT also laid before the Senate a joint resolution of the Legislature of the State of Wisconsin, memorializing Congress to so modify the administration of the Works Progress Administration as to provide needy taxpayers preferred employment on works projects, which was referred to the Committee on Education and Labor.

(See resolution printed in full when presented today by Mr. DUFFY.)

The VICE PRESIDENT also laid before the Senate a joint memorial of the Legislature of the State of New Mexico, memorializing Congress (and the Secretary of the Interior) not to acquire additional lands in New Mexico for the use and benefit of the Indians, which was referred to the Committee on Indian Affairs.

(See memorial printed in full when presented today by Mr. CHAVEZ.)

The VICE PRESIDENT also laid before the Senate a joint resolution of the Legislature of the State of New Mexico, favoring the enactment of legislation authorizing that State to enact laws levying taxes on lands acquired by the Federal Government from private owners, and removed from the tax rolls, or which may be acquired in the future, in the same manner and at the same rates as taxes are levied and assessed against privately owned lands, which was referred to the Committee on Public Lands and Surveys.

(See resolution printed in full when presented today by Mr. CHAVEZ.)

The VICE PRESIDENT also laid before the Senate resolutions adopted by the Pomeroy Council and Civic Club, of Pomeroy, and the Gallipolis Chamber of Commerce, of Gallipolis, in the State of Ohio, favoring the enactment of legislation providing for immediate construction of flood-control projects in the Ohio River Valley and the adoption of a national policy for reforestation, soil erosion, and related programs, which were referred to the Committee on Appropriations.

He also laid before the Senate a resolution adopted at Washington, D. C., by the Third General Assembly of the Council of State Governments, urging that Congress relinquish to the States the matter of the taxation of gasoline at the termination of the current fiscal year or as soon thereafter as possible, which was referred to the Committee on Finance.

He also laid before the Senate a resolution adopted at Washington, D. C., by the Third General Assembly of the Council of State Governments, urging the Federal Government to accept full financial responsibility for providing old-age assistance and other forms of relief for Indians and persons of Indian blood, which was referred to the Committee on Indian Affairs.

He also laid before the Senate resolutions adopted at Washington, D. C., by the Third General Assembly of the Council of State Governments, urging the establishment of the National Resources Committee as a permanent agency of the Government, and the enactment of legislation to care for transient, needy, and stranded migratory laborers and other unsettled persons through grants in aid to the States, which were referred to the Committee on Education and Labor.

He also laid before the Senate resolutions adopted by Locals Nos. 980 and 1616, United Textile Workers of America, and Jacquard and Novelty Workers' Union, Local No. 989, of the Paterson district, New Jersey, favoring the enactment of the so-called National Textile Act, which were referred to the Committee on Education and Labor.

He also laid before the Senate a resolution adopted by the Council of the City of Parma, Ohio, protesting against the removal from Works Progress Administration rolls of persons 65 years of age or over without regard to their physical condition or eligibility for old-age pensions under the Social Security Act, which was referred to the Committee on Education and Labor.

He also laid before the Senate a resolution adopted by the Council of the City of Cleveland, Ohio, favoring the enactment of legislation providing low-cost housing, which was referred to the Committee on Education and Labor.

He also laid before the Senate resolutions adopted by District State Council, Junior Order of United American Mechanics for the West Coast, and Central Florida, and Tampa Council, No. 7, Junior Order of United American Mechanics, of Tampa, Fla., favoring the enactment of legislation restricting immigration, and providing for the registration of aliens, and the deportation of aliens inimical to the public interest, which were referred to the Committee on Immigration.

He also laid before the Senate the petition of Asbestos Workers' Local, No. 12, of New York City, N. Y., praying for the enactment of legislation to reorganize the judicial branch of the Government, which was referred to the Committee on the Judiciary.

He also laid before the Senate resolutions adopted by the Roumanian-American Citizens Club, of Dearborn, Mich.; the Bridgeport Federation of Democratic Women, of Bridgeport, Conn.; Locals Nos. 980 and 1616, United Textile Workers of America, of the Paterson, N. J., district; and Jacquard and Novelty Workers' Local Union, No. 989, affiliated with the United Textile Workers of America, favoring the enactment of legislation to reorganize the judicial branch of the Government, which were referred to the Committee on the Judiciary.

He also laid before the Senate a resolution adopted by the New York Branch, Eastern & Gulf Sailors' Association, Inc., of New York City, protesting against the passage of the so-called McReynolds neutrality bill, which was ordered to lie on the table.

He also laid before the Senate resolutions adopted by Hatband and Ribbon Workers' Local Union, No. 980; Plain Silk and Rayon Workers' Local, No. 1616; and Jacquard and Novelty Workers' Union, Local No. 989; United Textile Workers of America, of Paterson, N. J., favoring continuance of the investigation by a special Senate committee of violations of the right of free speech and assembly and interference with the right of labor to organize and bargain collectively, which were ordered to lie on the table.

Mr. LONERGAN presented a resolution adopted by a meeting of citizens of the town of Lyme, Conn., protesting against the enactment of legislation enlarging the membership of the Supreme Court, and favoring the submission of proposed constitutional amendments to the States if it is desirable to change the Constitution, which was referred to the Committee on the Judiciary.

Mr. KING. Mr. President, I present for printing in the RECORD and appropriate reference a memorial in the form of a joint resolution adopted by the Legislature of the State of Utah.

The joint resolution was referred to the Committee on the Library and is as follows:

Joint resolution relating to world's fairs and to a Utah centennial exposition in 1947

Whereas the State of Utah is rich in tradition and pioneer lore, is uncommonly beautiful, is possessed of truly different facilities for entertaining guests, and is nature's wonderland—the great scenic center of America where nature's artists, sculptors, architects, and builders have generously given to Utah and have placed on display within the State's boundaries and in neighboring States and the world's greatest natural wonders, and

Whereas within the State of Utah is one of the most beautiful cities of the world, the unique Mormon Temple, the world-famed organ and tabernacle, the great Salt Lake in which one can float like a cork, the greatest race course in the world, the gorgeous Zion and Bryce Canyons, Cedar Breaks, and Wayne Wonderland, the ancient cliff dwellings, natural bridges of San Juan, the Wasatch and Uintah Mountains, the spectacular Zion-Mount Carmel Highway, Timpanogos Cave, Alpine Loop Road, Flaming Gorge, and many more unequaled world wonders, sights, and interests which must be seen to be appreciated, and within the near boundaries of the adjoining States are the Yellowstone Park, the Boulder Dam, and the Grand Canyon of the Colorado; and

Whereas the scenic wonders of Utah are coming more and more to be our greatest natural resource, the value of which is enhanced by exploitation, and within the State of Utah are many ideal natural and industrial resources, such as mountains of copper, iron, coal, salt beds, chemicals, and minerals of value untold; and

Whereas recognizing the fitness of a suitable celebration by the State of Utah, with the participation of other States and nations, of the completion of the first century of Utah's history, and recognizing that the greatest development in the world's history has been coincident with the first 100 years of Utah's history; and

Whereas the Senate and House of Representatives of the United States have at sundry times, by joint resolution or otherwise, with the approval of the President of the United States, recognized the benefit of world's fairs to the commercial interests of the United States and of other nations participating and to the educational welfare to the people of the United States and of the world; and the United States Government has, at various times, invited the participation of other nations and has provided for the admission of the exhibits of such other nations free of duty; and

Whereas it is recognized by the legislature of the State of Utah that the holding of a world's fair serves desirable and useful public purposes and should have the support and cooperation of all of the people of the State of Utah and that necessary and desirable legislation should be enacted in the near future by the Legislature of Utah to designate the year 1947, the one-hundredth anniversary of the foundation of the State, as a world's fair year, and invite all nations that they might have the opportunity and joy of joining with Utah in such a celebration and in visiting and viewing the great wonders of the West: Now, therefore, be it

Resolved, That the Legislature of the State of Utah respectfully recommends to the Governor the appointment of a committee to investigate the feasibility of holding a world's fair in the State of Utah during the year 1947, and to report its findings to the Twenty-third Legislature of Utah, and we call upon members of commercial, patriotic, and civic clubs, industrial labor, farm, and religious groups and organizations, and upon all other citizens of our great State, wherever they may be, to join and lend their attention to the advisability of forming plans for a great Utah Trail Centennial Exposition. We request our representatives in Congress to inquire concerning what assistance and cooperation can be obtained from the Federal Government and to seek the counsel and cooperation of all the Western States relative to this important matter; and be it further

Resolved, That the secretary of state be authorized and instructed to forward a certified copy of this resolution to the Governor of the State of Utah, to the Governor of each of the Western States, to each of our delegation in Congress, and to the President of the United States.

Mr. McNARY presented a resolution adopted at Washington, D. C., by the directors of the American Forestry Association, relative to certain functions of the Departments of the Interior and Agriculture in relation to the proposed reorganization of the several departments and agencies of the Federal Government, which was referred to the Select Committee on Government Organization.

He also presented memorials, numerously signed, of sundry citizens of the State of Oregon (forwarded by Mrs. George T. Gerlinger, president of the Oregon Chapter of Pro America, Portland, Oreg.), remonstrating against the enactment of legislation to enlarge the membership of the Supreme Court, which was referred to the Committee on the Judiciary.

(See remarks of Mr. McNARY in reference to these memorials subsequently in today's proceedings.)

Mr. ASHURST presented the following memorial of the Senate of the State of Arizona, which was referred to the Committee on Public Lands and Surveys:

Senate Memorial 3

A memorial of the prehistoric pueblo of Tuzigoot

To the PRESIDENT OF THE UNITED STATES:

Your memorialist respectfully represents:

On the north bank of the Verde River, overlooking Pecks Lake, 1½ miles from the smelter city of Clarkdale, in Yavapai County, Ariz., stands the pueblo of Tuzigoot.

Tuzigoot (crooked water) is a city of the dead of the period from the eleventh to the fourteenth centuries, which has been dug out of the dust and debris of ages under the direction and superintendence of capable archeologists during the past 4 years.

This pueblo of more than 100 rooms constitutes one of the most remarkable archeological discoveries in this or any other State, and the thousands of artifacts found in the ruins and carefully preserved comprise a collection the value of which can scarcely be estimated.

The ground—a tract of a little more than 10 acres—on which Tuzigoot stands has been deeded by the mining company which owned it to the school district, and through the medium of a Fed-

eral project a commodious and attractive museum building has been erected at the site of the pueblo, in which are displayed the artifacts taken from these ruins and from others nearby.

This prehistoric wonder is of easy access and is attracting scientists and other visitors from all over the world. It is rapidly becoming famous as a point of extraordinary interest.

The ruins of Tuzigoot are considered to be of such importance that they should be placed under the care and jurisdiction of the Federal Government, and to this end the school district holding title to the property will convey the same in such manner as Federal authorities may suggest.

Wherefore your memorialist, the Senate of the State of Arizona, requests:

1. That the Federal Government accept title to the property on which the pueblo of Tuzigoot stands.

2. That the President of the United States declare the same a national monument and place the ruins, together with the museum which has been erected thereon, under the care of the National Park Service.

Mr. DUFFY presented the following joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Agriculture and Forestry:

Joint resolution memorializing the Congress to reduce the payments for interest and principal on farm and home loans

Whereas, under loans made by the Farm Credit Administration and Home Owners' Loan Corporation, the required payments of interest and principal are too large for many farmers and home owners to meet; and

Whereas farmers and home owners who have been granted these loans must also pay taxes, insurance, and other overhead charges, besides maintaining their property in good repair and supporting their families; and

Whereas the income of a large number of these farmers and home owners is insufficient to meet this financial burden; and

Whereas the reduction of the required payments on farm and home loans to an amount not exceeding 3 percent annually, consisting of a maximum rate of 1½-percent interest and 1½ percent on principal, would greatly lighten the financial burden of these borrowers: Now, therefore, be it

Resolved by the assembly (the senate concurring), That this legislature respectfully memorializes the Congress of the United States to pass necessary legislation reducing the required payments on farm and home loans to an amount not exceeding 3 percent annually, consisting of a maximum of 1½-percent interest rate and 1½ percent on principal, such loans to be financed under the provisions of the Frazier-Lemke refinancing bill; and be it further

Resolved, That properly attested copies of this resolution be sent to the President of the United States, each House of the Congress, and to each Wisconsin Member thereof.

Mr. DUFFY also presented the following joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Banking and Currency:

Joint resolution memorializing Congress to provide a moratorium on foreclosure of mortgages held by the Home Owners' Loan Corporation

Whereas numerous home owners having Home Owners' Loan Corporation mortgages are unable to meet the requirements of their mortgages due to their inability to secure employment and secure income sufficient to make payments upon their loans; and

Whereas the mortgagors have been in good faith trying to seek employment and to make payments, but are unable to make such payments for the reason that their earning capacity is insufficient and are unable to supply food, shelter, and clothing for their families and make the additional payments upon the Home Owners' Loan Corporation mortgages; and

Whereas the Home Owners' Loan Corporation, being a Government organization, and the Government, being able to secure money at a lesser rate of interest than that charged and authorized in said mortgages, requires interest at a rate more than the home owners can pay and still support and make provision for themselves and families; and

Whereas there have been numerous mortgage foreclosures due to inability of mortgagors to find employment or due to their limited earning capacity, although a large number have in good faith tried to comply with the terms and conditions of said mortgage: Now, therefore, be it

Resolved by the assembly (the senate concurring), That this legislature memorialize Congress to enact necessary legislation to provide a moratorium on mortgage foreclosures, lengthen the period of said mortgages, and reduce the interest thereof; be it further

Resolved, That properly attested copies of this resolution be sent to the President, Franklin D. Roosevelt, both Houses of the Congress of the United States, and to each Representative and Senator from Wisconsin.

Mr. DUFFY also presented the following joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Commerce:

Joint resolution memorializing the Congress of the United States to authorize the construction of the Kickapoo Valley Project and to make an appropriation therefor

Whereas Wisconsin is in dire need of the development, conservation, and control of the water resources of the Kickapoo River in the Kickapoo Valley to prevent the destruction of valuable properties by flood waters, the abandonment of large areas of land, and the waste of potential power sources; and

Whereas the Kickapoo Valley comprises an area approximately 100 miles long and 10 miles wide, including over 52 miles of railway, portions of the counties of Crawford, Monroe, Richland, and Vernon; and

Whereas the people of such area have formed an association known as the Kickapoo River Flood Control Association to investigate the control of floods in such valley and the area draining into it; and

Whereas such association has completed extensive surveys thereof and has otherwise secured the cooperation of the county boards therein; and

Whereas the engineers of such association, together with other independent engineers, have reported that such project was feasible from agricultural, financial, and engineering standpoints, and that such plan was adaptable to the conversion of water resources for the generation of electrical power; and

Whereas such association has requested the Federal Government to authorize the Kickapoo Valley flood control project; and

Whereas a greater degree of flood control in the Kickapoo Valley is desirable to prevent further destruction of highways, bridges, and other property losses, conserve highly fertilized farm lands, promote the generation of electrical power, and grant employment to hundreds of people now unemployed: Now, therefore, be it

Resolved by the assembly (the senate concurring), That this legislature memorialize the Congress of the United States to authorize the construction of such contemplated Kickapoo Valley project, and that adequate funds be appropriated so that construction may commence, thereby securing permanent benefits for the people of such region and offering ample unemployment relief; be it further

Resolved, That properly attested copies of this resolution be sent to the President of the United States, both Houses of Congress, and to each Wisconsin Member thereof.

Mr. DUFFY also presented the following joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Education and Labor:

Joint resolution relating to memorializing Congress to modify the Works Progress Administration so as to provide needy taxpayers preferred employment on works projects

Whereas for want of steady employment great numbers of owners of property subject to tax are unable in whole or in part to pay their taxes; and

Whereas the problem of tax delinquency and wholesale delinquent-tax sales have become a grim menace to the morale and welfare of a substantial percentage of the small home and other property owners throughout the Nation and a financial embarrassment to numerous local units of government; and

Whereas receipt of taxes sufficient to meet fixed charges and current expenditures of government is a paramount factor in maintaining good government; and

Whereas giving these needy taxpayers preferred employment on Works Progress Administration projects will in a majority of cases furnish them with sufficient employment or supplemental employment to enable them to pay their taxes, thereby relieving them of the withering anxiety of tax payments and local governmental units of the grave problem of excess delinquent-tax rolls: Now, therefore, be it

Resolved by the assembly (the senate concurring), That the Legislature of the State of Wisconsin respectfully memorializes the Congress of the United States to modify the Works Progress Administration so as to provide that needy taxpayers be given preference of employment on all works projects; and be it further

Resolved, That properly attested copies of this resolution be sent to both Houses of Congress and to each Wisconsin Member thereof.

Mr. CHAVEZ presented the following joint memorial of the Legislature of the State of New Mexico, which was referred to the Committee on Indian Affairs:

House Joint Memorial 3

Resolution memorializing the Congress of the United States and the Secretary of the Interior not to acquire additional lands in New Mexico for the use and benefit of the Indians

Whereas large tracts of land in this State have long been set aside for the Indians, and said lands are exempt from taxes and the State derives no revenue therefrom; and

Whereas this legislature is informed that the Federal Government contemplates the acquisition of additional large tracts of land for the use of said Indians, which acquisition will be detrimental for the citizens and taxpayers of this State: Now, therefore, be it

Resolved by the Legislature of the State of New Mexico, That the Legislature of the State of New Mexico memorialize the Congress of the United States and the honorable Secretary of the Interior not to purchase or acquire any additional lands in New Mexico for the use and benefit of the Indian tribes of this State; and be it further

Resolved, That a copy of this joint resolution be sent to the Honorable CARL A. HATCH, the Honorable DENNIS CHAVEZ, Senators from New Mexico; the Honorable J. J. DEMPSEY, Member of the House of Representatives; the Honorable Secretary of the Interior of the United States; and to the Speaker of the House of Representatives and the President of the Senate of the United States Congress.

Mr. CHAVEZ also presented the following joint resolution of the Legislature of the State of New Mexico, which was referred to the Committee on Public Lands and Surveys:

House Joint Resolution 18

Joint resolution memorializing the Congress of the United States to enact legislation enabling New Mexico to tax land acquired by the Federal Government from private owners in this State

Whereas the Federal Government has in the past acquired large tracts of land in New Mexico from private owners, and has thereby caused said lands to be removed from the tax rolls of this State, to the detriment of our communities and taxpayers; and

Whereas this legislature is informed that the Federal Government contemplates the acquisition of other lands from private owners in this State: Now, therefore, be it

Resolved by the Legislature of the State of New Mexico, That the Legislature of the State of New Mexico memorialize the Congress of the United States to enact legislation authorizing the State of New Mexico to levy taxes on lands so acquired in the past, or lands which may be acquired in the future, in the same manner and at the same rates as are levied and assessed against privately owned lands; be it further

Resolved, That a copy of this joint resolution be sent to the Honorable CARL A. HATCH and Honorable DENNIS CHAVEZ, Senators from New Mexico, the Honorable J. J. DEMPSEY, Member of the House of Representatives, and to the Speaker of the House of Representatives and to the President of the Senate of the United States Congress.

Mr. NYE presented the following resolution of the Senate of the State of North Dakota, which was referred to the Committee on Agriculture and Forestry:

Whereas it seems to have been impossible to secure legislation necessary to stabilize the market price of farm crops in these United States; and

Whereas the difference in the price of grains when bought for seed and feed and when sold in the market has been so great that the farmers who have been compelled to borrow money from the various Federal agencies for the purpose of buying such feed or seed are frequently required to sell 2 or more bushels in order to discharge the cost of each bushel purchased; and

Whereas under such conditions it will be utterly impossible for many of our farmers to discharge their obligations to the Federal agencies: Therefore be it

Resolved by the Senate of the State of North Dakota, That through this resolution we earnestly appeal to the Congress of the United States to enact such legislation as will permit any person now indebted, or who may hereafter become obligated for a Federal seed or feed loan, to discharge such debt by payment in kind, bushel for bushel; be it further

Resolved, That one copy of this resolution be sent to the Secretary of Agriculture and one copy to the President of the United States, one copy to each of our Congressmen, one copy to each of our United States Senators, and one copy to M. W. Thatcher, 423 East Leland Street, Chevy Chase, Md., these copies to be forwarded to them by our secretary of state immediately upon the passage of this resolution.

Mr. NYE also presented a concurrent resolution of the Legislature of the State of North Dakota, favoring the enactment of legislation to repeal section 4, the long-and-short-haul clause, of the Interstate Commerce Act, which was referred to the Committee on Interstate Commerce.

(See concurrent resolution printed in full when laid before the Senate by the Vice President on the 1st instant, p. 1664, CONGRESSIONAL RECORD.)

Mr. POPE presented the following joint memorial of the Legislature of the State of Idaho, which was referred to the Committee on Finance:

Senate Joint Memorial 7

We, your memorialists, the Legislature of the State of Idaho, respectfully represent that—

Whereas the maximum amount that can be paid to any person under the provisions of the Social Security Act is the sum of $30 per month, which said sum is not sufficient for the needs of any person receiving the same; and

Whereas under the law persons receiving Social Security funds are not permitted employment under any public works and by reason thereof must seek and eke out other financial assistance in such private employment as they are able to obtain and in doing so in many cases deprive able-bodied persons from obtaining employment and thereby tend to stagnate employment and national recovery; and

Whereas if the Social Security payments to the aged, infirm, blind, and needy were increased to an amount whereby the recipient thereof could live upon the same, the positions they are now holding could be filled by able-bodied persons and thereby tend to more employment: Now, therefore, be it

Resolved by the Senate of the State of Idaho (the house of representatives concurring), That we most respectfully urge upon the Congress of the United States and upon the congressional delegation from Idaho, Senators BORAH and POPE and Congressmen CLARK and WHITE, that an effort be immediately made to increase the Social Security payments to a sum of not less than $50 per month, so that the conditions as hereinabove set forth can be speedily corrected; be it further

Resolved, That the secretary of the State of Idaho be authorized, and he is hereby directed, to immediately forward certified copies of this memorial to the Senators and Representatives in Congress from this State.

REORGANIZATION OF FEDERAL JUDICIARY—ADDITIONAL PETITIONS AND MEMORIALS

Mr. NEELY. Mr. President, I present a concurrent resolution which was adopted by the Legislature of West Virginia on the 3d day of March and ask that it be read from the desk for the information of the Senate.

Mr. SCHWELLENBACH. Mr. President, I understand that I have the floor, and that if I yield the floor it will be with the understanding that I shall be recognized immediately after the conclusion of the morning business, and that no other business will be transacted after that time until I shall have made my address.

The PRESIDING OFFICER (Mr. BARKLEY in the chair). The Chair will recognize the Senator from Washington upon the conclusion of the morning business.

The Senator from West Virginia asks that the resolution he has sent to the desk be read. Is there objection? The Chair hears none, and the resolution will be read.

The legislative clerk read as follows:

Senate concurrent resolution concerning the program of President Franklin D. Roosevelt for the organization of the Federal judiciary

Whereas the Honorable Franklin D. Roosevelt, President of the United States, has submitted to the National Congress a proposal for the reorganization of the Federal judiciary; and

Whereas said proposal is to provide assistance to the Federal courts and prevent delay in the administration of justice: Therefore be it

Resolved by the senate (the house of delegates concurring therein), That the Legislature of West Virginia hereby endorses and approves the efforts of the President of the United States to improve and strengthen the Federal judiciary; and be it further

Resolved, That a copy of this resolution be forwarded to the President of the United States and to each of the Representatives in Congress from the State of West Virginia.

The PRESIDING OFFICER. The resolution will be referred to the Committee on the Judiciary.

Mr. McKELLAR. Mr. President, I have in my hand a letter embodying a resolution of the Brotherhood of Locomotive Firemen and Enginemen. I ask that it may be read.

The PRESIDING OFFICER. Is there objection?

Mr. McNARY. Mr. President, have we reached that head in the routine morning business?

The PRESIDING OFFICER. The presentation of petitions and memorials is now in order.

Mr. McNARY. May I ask whether this resolution refers to the proposed reorganization of the judiciary?

Mr. McKELLAR. It does; and it follows the one which has just been read.

Mr. McNARY. Mr. President, if we are to enter upon the reading of all the resolutions on this subject, particularly in protest, we shall be here until the middle of the summer. I have on my desk, and shall ask to have noted in the RECORD, memorials containing more than 4,000 names gathered by an organization of women in Oregon against the President's plan. I am going to do that in order to save time, Government expense, and space in the CONGRESSIONAL RECORD.

We may as well have an understanding on this subject now as at any time. If we are going to have read every resolution which comes here, I state to the Senate that I can take all day in presenting resolutions and letters and memorials in opposition to the President's proposal.

Mr. McKELLAR. Mr. President, this is a letter embodying a resolution heartily favoring the Supreme Court proposal of the President, signed by the president of the Brotherhood of Locomotive Firemen and Enginemen. If the Senator from Oregon objects to its being read, as I have asked, I shall ask to have the resolution published in the RECORD, and call the attention of Senators to it.

The PRESIDING OFFICER. Without objection, the letter embodying the resolution will be printed in the RECORD and referred to the Committee on the Judiciary.

The resolution is as follows:

BROTHERHOOD OF LOCOMOTIVE FIREMEN AND ENGINEMEN,
Cleveland, Ohio, March 5, 1937.

The Honorable KENNETH MCKELLAR,
United States Senator, Tennessee,
Washington, D. C.

MY DEAR SENATOR: The Brotherhood of Locomotive Firemen and Enginemen, having a membership of more than 75,000 in the United States, has, through its associations of general grievance committees, expressed its hearty endorsement of President Roosevelt's proposal for reorganizing the judiciary. The following resolution expresses our attitude:

"Whereas the courts of the United States in the exercise of their jurisdiction have invalidated many acts of Congress that were enacted at the suggestion of the President, in the interest of the Nation's social and economic welfare; and

"Whereas since these acts of Congress have been invalidated by the courts, the citizens of our country have had an opportunity to express their approval or disapproval of these acts and did on November 3 last, by an overwhelming majority, repudiate the opinion of the courts; and

"Whereas the same reactionary interests that so vigorously opposed the President on November 3 last are now attempting to defeat the will of the people by their opposition to the progressive proposal of the President to Congress that the courts be reorganized so as to make effective the will of the people as expressed: Now, therefore, be it

"Resolved, That we, the general chairmen's association of the Brotherhood of Locomotive Firemen and Enginemen, in session in Chicago, Ill., representing enginemen and hostlers on the railroads of the United States, endorse the President's proposal for a reorganization of the judiciary; and be it further

"Resolved, That a copy of this resolution be sent to the President and each Member of Congress and that a copy be furnished each lodge of our brotherhood, and be published in the next issue of our magazine."

We appeal to you to support the President in this much needed reform to the end that our judiciary may regain and hold the confidence of the people, which is so essential to the preservation of our institutions and the social and economic life of the Nation.

Respectfully yours,

D. B. ROBERTSON.

Mr. KING. I present a memorial signed by several hundred citizens of the State of Pennsylvania, which was sent to me by a citizen of that State. I ask that the memorial be printed in the RECORD and referred to the Committee on the Judiciary; but, pursuant to the rule, I shall not ask that the names be printed.

There being no objection, the memorial was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, without the names attached, as follows:

DEFEND THE HERITAGE OF JUDICIAL INDEPENDENCE

A distinguished British jurist, Herbert Arthur Smith, professor of international law at London University, warns in a special dispatch cabled under copyright by the United Press under date of February 14 that the President's proposals relating to the Supreme Court threaten "a common heritage of English-speaking people since the end of the seventeenth century."

These proposals, says Prof. Herbert Arthur Smith, "raise issues which are the common interest of all civilized countries, particularly Britain, which shares a common legal tradition with the United States and certain common conceptions in the nature of judicial independence which has been a common heritage of the English-speaking people since the end of the seventeenth century.

"This tradition has two aspects. From the judges it demands complete abstention from all political activities, whatever may have been their private opinions before being raised to the bench. For the rest of their lives they are indifferent to all, and only servants and spokesmen impersonal of the law * * * so long as the judges refrain from all political activity, it is an obligation of honor that neither their persons nor their office shall ever form a target for political bombardment.

"It is not overmuch to say that the whole structure of law and justice according to our ideas depends on the honorable observance by both sides of this unwritten convention.

"Should it be broken down, our courts would quickly become, as the courts of Russia and Germany already have become, the mere agents of a political party controlling the Government. * * * If a law is declared by a judge to be unacceptable to the people, as represented by a government, it is our business to change the law and leave the judge alone.

"By this we mean that we consider the principle of judicial independence one of the fundamentals of free institution and believe the maintenance of this principle is of greater importance than the decision in any particular case, however great its immediate political interest. * * *

"In Canada and Australia we have Federal constitutions which are much in common with the Constitution of the United States, and it so happens that within recent weeks Canada furnished an example which may be interesting to American observers.

"During Prime Minister's Bennett's recent administration the Canadian Parliament enacted a number of statutes which may be roughly described as the Canadian counterpart of the New Deal. They dealt with industrial and social problems, and they were challenged in the courts on the ground that they purported to deal with matters which under Canadian Constitution are reserved to the Provinces. Three weeks ago the judicial committee of the Privy Council, which is the final court of appeals in such questions, decided the statutes were invalid.

"But that does not mean that those Canadians who were disappointed by the decisions will start agitation to get rid of the judges or swamp the supreme court with new appointments. They fully realized that in the long run they would lose much more than they could gain by any such tactics, well knowing the principle of judicial independence is of far greater importance than the enactment of any particular statute.

"A judge's business is to declare the law as he finds it laid down for him by the constitution and the legislature. Whether that law is capitalistic or socialistic, whether the principle is conservative or radical, it is equally the judge's duty to apply it as he finds it.

"If a change in the law is desirable, those changes must come from the people, acting through the appropriate legislative agencies."

ONLY THEY DESERVE LIBERTY WHO ARE WILLING TO FIGHT FOR IT

To the Members of the Senate and House of Representatives of the United States:

We, the undersigned, citizens of the United States, exercising our right of petition, protest against the President's bill, or any substitutes, permitting the executive branch of the Government to control or subordinate the judicial or the legislative powers established under the Constitution.

This bill would give to the President the power to remake the Supreme Court and to pack it with men to interpret the Constitution as he wishes. Such concentration of power is dangerous even in the hands of the best-intentioned men.

The framers of the Constitution divided the Government into independent legislative, executive, and judicial departments, because history shows that concentration of those powers in one department or one man inevitably leads to dictatorship.

This bill would establish such concentration of power as no one at any time in any place has been able to use for the public good. The independent branches of the Government would become the instruments of the White House. Public respect for the courts and the Congress, so essential in a democracy, would be seriously impaired.

If one President is allowed in this fashion to create a Supreme Court to interpret the Constitution so as to validate the laws he desires, neither he nor his successors will have to consult the will of the people concerning future amendments.

We therefore protest and demand that the constitutional safeguards of an independent judiciary be retained.

The power to amend our Constitution is not the Executive's, to exercise by indirection. It is not yours to surrender. It is ours; and we look to you, trustees of the people's liberties, to protect it. How you vote on this issue is all-important, now and in the future.

Mr. KING. I also present a communication in the form of resolutions addressed to me by several hundred residents of the State of Utah, which is in the nature of a protest against the President's proposal to reorganize the Federal judiciary. I ask that the communication be printed in the RECORD and referred to the Committee on the Judiciary, but, in pursuance of the rule, that the names be not printed in the RECORD.

There being no objection, the communication in the form of resolutions was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

Whereas the Honorable Franklin D. Roosevelt, President of the United States of America, has proposed to the Congress of the United States that it grant to the President of the United States power to increase the number of Justices of the Supreme Court of the United States to the permanent number of 15, and has proposed that the Federal judiciary and its make-up shall be materially added to or changed; and

Whereas the undersigned believe that the granting of such proposals of the President by the Congress is likely to have the direct effect of so changing terms of office, dependency upon and acquiescence to the Executive's will and desires, by appointees to judicial office, and so, for the immediate future, render the judiciary a dependency of the Chief Executive and subservient to his will, and so destroy, at least for the present and immediate future, the independence of the judiciary, and so remove the check that an independent and coequal judiciary exercises upon the executive and legislative branches of the Government as to, in effect, destroy the American form of government; and

Whereas the President in his second inaugural address declared: "We are beginning to wipe out the line that divides the practical from the ideal; and in so doing we are fashioning an instrument of unimagined power for the establishment of a morally better world"; and

Whereas we agree with the former declaration of the President, made while Governor of New York State, to the effect that no man, be his qualifications what they may be, should be entrusted, or may safely be entrusted, with unimagined power; and

Whereas we believe that the effect of such change as is proposed by the Chief Executive to be made in the judiciary will have the direct effect of changing our present constitutional form of government with its checks and balances and divisions of powers, so as to center in the Chief Executive, to all intents and purposes, the power of a dictator, or that of an absolute monarch, while

preserving the empty form of constitutional government, and so will destroy America as we have known it and the American system of government and substitute therefor a virtual dictatorship established by law: Now, therefore, be it hereby

Resolved by the undersigned in citizens' protest meeting assembled as follows, That we, the undersigned citizens of the United States and of the State of Utah, do hereby condemn and oppose the said proposals of the President of the United States made as aforesaid to the Congress; and it is by us hereby further

Resolved, That we commend and compliment the position and action in the matter of the President's proposals taken and had by the Honorable WILLIAM H. KING, United States Senator from Utah, as the position and action of a great American, and we urge Senator KING to continue his commendable struggle against the sought encroachments upon the powers of the judiciary by the Executive.

In witness whereof we have hereunto affixed our signatures at Salt Lake City, Utah, this the 24th day of February 1937.

Mr. KING. I also present a resolution or memorial signed by 88 residents of the State of Utah, among them persons from all walks of life, condemning the proposal for the reorganization of the Supreme Court. I ask that the memorial be printed in the RECORD and referred to the Committee on the Judiciary.

There being no objection, the memorial was referred to the Committee on the Judiciary and ordered to be printed in the RECORD without the names attached, as follows:

SALT LAKE CITY, UTAH, *February 25, 1937.*

Hon. WILLIAM H. KING,
United States Senate, Washington, D. C.:

We, the undersigned citizens of the United States, in meeting assembled to protest against the President's bill to remake the Supreme Court and pack it with men to interpret the Constitution as he wishes—

Heartily commend and congratulate you in the high-minded and patriotic position which you have taken in opposition to this proposed legislation. You are entitled to the thanks and gratitude of the thinking people of the State of Utah.

We ask you to do everything within your power to kill this legislation, which is aimed at the very heart of the Constitution, and which, if passed, will destroy constitutional government and inevitably lead to dictatorship.

Mr. KING. I also present another petition or memorial, signed by 87 citizens of the State of Utah, in opposition to the plan of reorganization of the Federal judiciary, which I ask to have printed in the RECORD, without the names, and referred to the Committee on the Judiciary.

There being no objection, the petition was ordered to be printed in the RECORD, without the names attached, and referred to the Committee on the Judiciary, as follows:

UTAH CHAPTER PRO AMERICA—PETITION TO CONGRESS

We, the undersigned, respectfully urge that you make every effort to defeat the proposal of President Roosevelt to increase the number of Judges on the Supreme Court of the United States. We regard this as an attempt to enlarge the Court to produce certain immediate decisions by executive, rather than by judicial, authority and inevitably to create a permanent subservience of the courts to the Executive. In our opinion, this would undermine the foundations upon which American institutions rest.

Mr. DAVIS. Mr. President, I present and ask unanimous consent to have printed in the RECORD and appropriately referred a resolution, or petition, addressed to me from the East End Democratic Club, of Harrisburg, Pa., relating to the proposed reorganization of the Federal judiciary.

There being no objection, the resolution, or petition, was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, without the names attached, as follows:

RESOLUTION AS ADOPTED AS OF FEBRUARY 19, 1937

That it is our desire to go on record that we are in complete support of President Roosevelt's recommendations as to the reorganization of the United States Supreme Court and Federal judiciary.

That we consider his proposals as being fully in accord with such progressive policies as are deemed necessary for the furthering of those economic and social changes that may bring about the solution for our national welfare.

In witness thereof we, the undersigned, as officers of the East End Democratic Club, of Harrisburg, subscribe our signatures.

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Nebraska will propound the parliamentary inquiry.

Mr. NORRIS. I wish to inquire from the Chair if, after publication of all these matters, any space will be left in the CONGRESSIONAL RECORD itself, or in the Appendix.

The PRESIDING OFFICER. Inasmuch as the matter requested to be inserted in the RECORD today has not as yet been printed, the Chair is unable to answer that inquiry.

Mr. MCNARY. Mr. President, I ask unanimous consent to have noted in the CONGRESSIONAL RECORD the receipt of a petition or memorial, containing an imposing list of names of citizens of Oregon, in opposition to the President's plan for the reorganization of the Federal judiciary. The list contains the name of Mrs. George T. Gerlinger, of Portland, who is president of the Oregon Chapter Pro America. I ask that this memorial, containing a list of about 4,000 names, be referred to the Committee on the Judiciary for its consideration in connection with the proposed court legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The memorial presented by Mr. MCNARY is noted under the heading Petitions and Memorials appearing in today's RECORD.)

Mr. MCNARY. The Chair will note that my request is a simple one. It does not require much space. It is done in accord with my own request. The Senator from Utah has offered a number of petitions, which, I understand, are to be printed in the RECORD. Was that the request?

Mr. KING. I am willing to follow the rule which is prescribed, and which will be followed by other Senators. It seems to me that if we should have all petitions or memorials printed in the RECORD it would perhaps meet the challenge suggested by the Senator from Nebraska [Mr. NORRIS].

Mr. MCNARY. Mr. President, as stated a few minutes ago when a request was made by another Senator, we must adopt a plan here—although the rule is not wholly distinct in its application—as to how far we shall go in printing in the RECORD these speeches and resolutions and petitions. I hope we may come to an understanding that they will be noted in the RECORD if it is desired that attention be called to them. I do not wish to be in the attitude of objecting to the printing of one petition or to one request and permitting another to go through without objection.

Mr. ROBINSON. Mr. President, will the Senator from Oregon yield?

Mr. MCNARY. I yield.

Mr. ROBINSON. I think the Senator from Oregon is right. The rule requires that resolutions of legislative assemblies be printed in the RECORD. Manifestly, that should be carried out. But ordinary petitions accomplish their purpose when they are noted in the RECORD; and I shall hereafter, when present, object to the printing of petitions that are not provided for in the rule—that is, other than legislative petitions—no matter whether they support or condemn the proposed legislation relating to the reorganization of the courts.

WHEAT CROP INSURANCE AND EVER NORMAL GRANARY DAY

Mr. POPE. Mr. President, I present for appropriate reference, and ask unanimous consent to have printed in the body of the RECORD, a proclamation by the Governor of the State of Montana, relative to wheat crop insurance and an ever normal granary day.

There being no objection, the proclamation was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

BY THE GOVERNOR OF THE STATE OF MONTANA—A PROCLAMATION

Whereas by reason of successive droughts and insect pest invasions the wheat growers of the State of Montana are in a distressed condition; and

Whereas the economic losses of the wheat-growing industry of the State are reflected in loss of business and progress in other industries of the State; and

Whereas the national administration has recognized the emergency facing the wheat-producing industry, not only in Montana, but throughout all of the States in which hard wheat is grown; and

Whereas the national administration is giving its earnest attention to the passage of national legislation to effect a wheat crop insurance and an ever-normal granary act; and

Whereas the plan under consideration by the national administration provides insurance on the basis of computations of average yield over a given period of years; and

Whereas the wheat producers of the State of Montana and the national farm organizations of the State favor a 10-year period as a basis for insurable yield, and it appearing that it is necessary for the welfare of Montana to have this period inserted in the present national plan, and that it be made effective for the 1937 crop; and

Whereas all of the people of the State of Montana, regardless of their vocations or pursuits, will benefit from the enactment of this legislation: Now, therefore,

I, Roy E. Ayers, Governor of the State of Montana, do hereby proclaim and designate Saturday, the 20th day of February, A. D. 1937, as wheat crop insurance and ever normal granary day, and urge the people of the State of Montana to observe this day by efforts to secure united action for furthering the progress of this national legislation at the earliest possible date in order that the emergency confronting the agricultural industry of the State and the people generally may be relieved.

In witness whereof, I have hereunto set my hand and caused the great seal of the State to be affixed.

Done at the city of Helena, the capital, this 10th day of February, A. D. 1937.

ROY E. AYERS.

By the Governor—attest:

SAM W. MITCHELL,
Secretary of State.

REPORTS OF COMMITTEES

Mr. BURKE, from the Committee on Claims, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

S. 556. A bill for the relief of W. B. Greeley (Rept. No. 153); and

S. 1068. A bill for the relief of Earl W. Thomas (Rept. No. 154).

Mr. ELLENDER, from the Committee on Claims, to which was referred the bill (H. R. 635) for the relief of Mary Daley, reported it with an amendment and submitted a report (No. 155) thereon.

Mr. TOWNSEND, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 1096. A bill for the relief of Michael E. Sullivan (Rept. No. 156);

H. R. 1097. A bill for the relief of Brook House, Ltd., of Sydney, Australia (Rept. No. 157); and

H. R. 1098. A bill for the relief of William L. Jenkins (Rept. No. 158).

Mr. TOWNSEND also, from the Committee on Claims, to which was referred the bill (H. R. 1245) for the relief of Malinda J. Mast and William Lee Mast, reported it with an amendment and submitted a report (No. 159) thereon.

Mr. LOGAN, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

S. 315. A bill for the relief of George W. Hanna and Bertha M. Hanna (Rept. No. 160); and

H. R. 601. A bill for the relief of Edna M. Callahan and Anna Scott (Rept. No. 161).

Mr. LOGAN also, from the Committee on Claims, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

S. 1057. A bill for the relief of Joseph A. Ganong (Rept. No. 162); and

H. R. 2773. A bill to authorize the settlement of individual claims for personal property lost or damaged arising out of the activities of the Civilian Conservation Corps which have been approved by the Secretary of War (Rept. No. 163).

Mr. SCHWARTZ, from the Committee on Claims, to which was referred the bill (S. 118) for the relief of Harry D. McIntosh, reported it with an amendment and submitted a report (No. 165) thereon.

Mr. BROWN of Michigan, from the Committee on Claims, to which was referred the bill (S. 843) for the relief of Guy F. Allen, chief disbursing officer, Division of Disbursement, Treasury Department, reported it without amendment and submitted a report (No. 166) thereon.

He also, from the same committee, to which was referred the bill (S. 792) for the relief of Sam Larson, guardian of Margaret Larson, a minor, reported it with amendments and submitted a report (No. 167) thereon.

Mr. CONNALLY, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 1170) to provide for the extension and completion of the United States Capitol, reported it with amendments and submitted a report (No. 164) thereon.

TECHNICAL TRIPARTITE TEXTILE CONFERENCE—REPORT, COMMITTEE ON APPROPRIATIONS

Mr. McKELLAR. Mr. President, from the Committee on Appropriations I report back favorably, without amendment, House Joint Resolution 252, to aid in defraying the expenses of the International Labor Office incident to holding its Technical Tripartite Textile Conference here in Washington, and I submit a report (no. 168) thereon.

As the report shows, Mr. President, the enactment of this measure is recommended by the President. Some haste is asked for because of the imminence of the conference itself. The measure appropriates only $15,000 for the purpose.

I ask unanimous consent that the joint resolution be taken up for consideration at this time and passed.

The PRESIDING OFFICER. The clerk will read the joint resolution by title.

The joint resolution (H. J. Res. 252) to aid in defraying the expenses of the International Labor Office incident to holding its Technical Tripartite Textile Conference was read by its title.

Mr. McNARY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The inquiry will be stated.

Mr. McNARY. Have we concluded the routine morning business?

The PRESIDING OFFICER. The routine morning business has not as yet been concluded.

Mr. McNARY. I object.

The PRESIDING OFFICER. The Senator from Tennessee is favorably reporting the joint resolution. The question whether or not it should be taken up for consideration now is one for unanimous consent. The report will be filed, and the joint resolution will be placed on the calendar.

REGULATION OF TRAFFIC IN FOOD, DRUGS, AND COSMETICS—AMENDED REPORT OF COMMITTEE ON COMMERCE

Mr. COPELAND, from the Committee on Commerce, submitted, in lieu of Senate Report No. 91, heretofore withdrawn, an amended report (No. 152) to accompany the bill (S. 5) to prevent the adulteration, misbranding, and false advertisement of food, drugs, devices, and cosmetics in interstate, foreign, and other commerce subject to the jurisdiction of the United States, for the purposes of safeguarding the public health, preventing deceit upon the purchasing public, and for other purposes, heretofore reported from that committee with amendments.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GILLETTE:

A bill (S. 1783) to correct the enlistment record of Robert O. Anderson; to the Committee on Military Affairs.

By Mr. GUFFEY:

A bill (S. 1784) granting an increase of pension to Leah Jones; to the Committee on Pensions.

By Mr. ELLENDER:

A bill (S. 1785) to provide for cooperation between agencies of the Government in the purchase and sale of agricultural lands, and for other purposes; to the Committee on Agriculture and Forestry.

(Mr. ELLENDER introduced Senate bill 1786, which was referred to the Committee on Finance, and appears under a separate heading.)

By Mr. COPELAND:

A bill (S. 1787) to place warrant officers of the Coast Guard in the same status with warrant officers of the Navy as to being commissioned chief warrant officers upon length of service; to the Committee on Commerce.

By Mr. DUFFY:

A bill (S. 1788) for the relief of William J. Schwarze; to the Committee on Claims.

By Mr. NYE:

A bill (S. 1789) for the relief of Roland L. Mackin; to the Committee on Claims.

By Mr. OVERTON:

A bill (S. 1790) authorizing the erection of a monument commemorating Zachary Taylor; to the Committee on the Library.

By Mr. McADOO:

A bill (S. 1791) to provide for the acquisition of certain lands for and the addition thereof to the Yosemite National Park, in the State of California, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. KING:

A bill (S. 1792) to define the exterior boundary of the Uintah and Ouray Indian Reservation in the State of Utah, and for other purposes; to the Committee on Indian Affairs.

By Mr. LEE:

A bill (S. 1793) granting a pension to Eva Long; and

A bill (S. 1794) granting a pension to William Ravenscroft; to the Committee on Pensions.

A bill (S. 1795) for the relief of William G. Phelps; to the Committee on Military Affairs.

By Mr. BULOW:

(By request.) A bill (S. 1796) for the relief of Julia M. Scala; to the Committee on Civil Service.

A bill (S. 1797) for the relief of William C. Willahan; to the Committee on Indian Affairs.

A bill (S. 1798) granting an increase of pension to Frank C. Goings; to the Committee on Pensions.

AMENDMENT OF SOCIAL SECURITY ACT—OLD-AGE ASSISTANCE

Mr. ELLENDER. Mr. President, I introduce, for appropriate reference, a bill to amend the Social Security Act to provide a Federal plan for old-age assistance. I ask that a memorandum I have relative to the bill may be printed in the RECORD.

The VICE PRESIDENT. The bill of the Senator from Louisiana will be received and appropriately referred, and, without objection, the memorandum will be printed in the RECORD.

The bill (S. 1786) to amend the Social Security Act to provide a Federal plan for old-age assistance, and for other purposes, was read twice by its title and referred to the Committee on Finance.

The memorandum presented by Mr. ELLENDER is as follows:

MEMORANDUM IN EXPLANATION OF THE BILL TO AMEND THE SOCIAL SECURITY ACT TO PROVIDE A FEDERAL PLAN FOR OLD-AGE ASSISTANCE, AND FOR OTHER PURPOSES

The bill amends the Social Security Act to provide a Federal plan for furnishing financial assistance to aged needy individuals, the entire cost of the plan to be borne by the Federal Government, and to withdraw the Federal grants-in-aid to States under the other titles of the act. In order to encourage the States to continue to operate adequate plans for the purposes with respect to which the grants-in-aid are withdrawn, the bill provides that assistance to aged individuals will be furnished only to residents of States which have in operation approved State plans for aid to dependent children, maternal and child-health services, services for crippled children, and aid to the blind. The bill is effective as of July 1, 1937.

The old-age assistance plan is to be administered by the Social Security Board, which is authorized to utilize the services of State agencies. The plan provides that the Board will furnish to needy individuals over 65 years of age sufficient financial assistance to provide a reasonable subsistence compatible with decency and health, but not in excess of $30 a month. The Board is authorized to make reasonable investigations to determine the amount of assistance needed by any individual, and to change the amount of assistance from time to time if the circumstances warrant.

The provisions of the present act making appropriations and authorizing payments to the States for aid to dependent children, maternal and child-health services, services for crippled children, child-welfare services, vocational rehabilitation, and aid to the blind are repealed. However, those provisions of the present act which provide for the approval of State plans for aid to dependent children, maternal and child-health services, services for crippled children, and aid to the blind are retained. The purpose of requiring approval of such plans under this bill is to determine which States are adequately providing such services in order that the needy aged of such States may be eligible for Federal old-age assistance. In addition to the requirements of the present act for approved State plans for such purposes, the bill provides that the State plans must furnish services or assistance which is deemed by the Federal agency approving such plan to be adequate for the purposes the plans are designed to accomplish.

REGULATION OF COMMERCE BY AIRCRAFT—AMENDMENT

Mr. ANDREWS submitted an amendment intended to be proposed by him to the bill (S. 2) to amend the Interstate Commerce Act, as amended, by providing for the regulation of the transportation of passengers and property by aircraft in interstate commerce, and for other purposes, which was referred to the Committee on Interstate Commerce and ordered to be printed.

SUGAR QUOTAS AND EXCISE TAXES—AMENDMENTS

Mr. PEPPER submitted sundry amendments intended to be proposed by him to the bill (S. 1757) to regulate commerce among the several States, with the Territories and possessions of the United States, and with foreign countries; to protect the welfare of consumers of sugars and of those engaged in the domestic sugar-producing industry; to promote the export trade of the United States; to raise revenue; and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

REORGANIZATION OF FEDERAL JUDICIARY—ADDRESS BY SENATOR M'ADOO

[Mr. ASHURST asked and obtained leave to have printed in the RECORD a radio address on the subject of the proposed reorganization of the Federal judiciary, delivered by Senator McADOO on Mar. 5, 1937, which appears in the Appendix.]

REORGANIZATION OF THE FEDERAL JUDICIARY—ADDRESS BY SENATOR BURKE

[Mr. CLARK asked and obtained leave to have printed in the RECORD a radio address on the proposed reorganization of the Federal judiciary delivered by Senator BURKE on Saturday, Mar. 6, 1937, which appears in the Appendix.]

VICTORY DAY ADDRESS BY SENATOR CHAVEZ

[Mr. HATCH asked and obtained leave to have printed in the RECORD an address delivered by Senator CHAVEZ at the victory day dinner, Staunton, Va., Mar. 4, 1937, which appears in the appendix.]

REORGANIZATION OF FEDERAL JUDICIARY—LETTERS FROM CHASE S. OSBORN

[Mr. BROWN of Michigan asked and obtained leave to have printed in the RECORD several communications relating to the proposed reorganization of the Federal judiciary, which appear in the appendix.]

REORGANIZATION OF FEDERAL JUDICIARY—ARTICLE BY CHARLES S. COLLIER

[Mr. LOGAN asked and obtained leave to have printed in the RECORD an article by Charles S. Collier, published in the Washington Sunday Star of Mar. 7, 1937, relative to the proposed reorganization of the Federal judiciary, which appears in the Appendix.]

REORGANIZATION OF FEDERAL JUDICIARY—ARTICLE BY FRANKLYN WALTMAN

[Mr. HOLT asked and obtained leave to have printed in the RECORD an article entitled "Court Warfare", relating to the proposal to reorganize the Federal judiciary, written by Franklyn Waltman, and published in the Washington Post of the issue of Mar. 3, 1937, which appears in the Appendix.]

REORGANIZATION OF FEDERAL JUDICIARY—GERALD B. WINROD

Mr. BURKE. Mr. President, in further connection with the reference to the Reverend Gerald B. Winrod, of Wichita, Kans., I ask unanimous consent, in order that the RECORD may be more complete, that I may read a short telegram which I have received from him.

The PRESIDING OFFICER. Without objection, the Senator may read the telegram.

Mr. BURKE. This telegram is addressed to me from Brownsville, Tex., under date of March 2, and reads as follows:

The statement that the half million petitions received by Senators and Representatives during last few days opposing demoralization of Supreme Court reflects Ku Klux Klan activity absolutely false. I am not member of Klan or any other secret society and never have been. No petitions mailed from Alma or any other point in Nebraska. I am just a very ordinary minister of the Gospel who has positive convictions and many friends. Two hundred thousand more petitions started yesterday and can easily increase number to few million if necessary. Here in Rio Grande Valley poll votes running 7 to 1 against proposed Court change. Feel free to make any use of this telegram you like without assum-

ing responsibility of defending my plan of suggesting that Christians petition their Representatives because this was solely my own idea and has no connection with the efforts of any other man or organization which may also be fighting to save country from dictatorship.

GERALD B. WINROD.

REORGANIZATION OF FEDERAL JUDICIARY—PROPAGANDA

Mr. NEELY. Mr. President, I think I have some of the propaganda which one of the "Christians" mentioned in the Senator's telegram has sent out, and I should like to read it. This was mailed to me from Station H, New York, and reads as follows:

SIR: You and the President are angry like a lot of wet-nursed schoolboys because your outfit has "not been able to appoint judges." What the people of this country now demands is that you and the President get into your respective and designated official capacities and stay there and keep your hands off the courts of this Nation. Your krazy New Deal and most of those scheming to apply its silly utopian rackets are as kracy. And you will be governed by Federal courts or your will be impeached and driven out of offices you never should have held. Get out, you traitors. The Supreme Court is in the Court! And it is in the saddel.

Mr. CLARK. Mr. President, since the subject of propaganda in connection with the President's proposal for changing the structure of the judiciary of this country has been brought to the fore, in very pertinent connection therewith I ask unanimous consent that I may be permitted to read, under the present order of business, because it has to do with the subject which has been referred to, section 201 of the Criminal Code of the United States.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. CLARK. Section 201 of the Criminal Code of the United States provides as follows:

Use of appropriations to pay for personal service to influence Member of Congress to favor or oppose legislation. No part of the money appropriated by any act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress, whether before or after the introduction of any bill or resolution proposing such legislation or appropriation; but this shall not prevent officers and employees of the United States from communicating to Members of Congress on the request of any Member or to Congress, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

Any officer or employee of the United States who, after notice and hearing by the superior officer vested with the power of removing him, is found to have violated or attempted to violate this section, shall be removed by such superior officer from office or employment. Any officer or employee of the United States who violates or attempts to violate this section shall also be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not more than $500 or by imprisonment for not more than 1 year, or both.

This section has been more honored in the breach than in the observance, but in view of some of the propaganda which has already taken place from high officials of the executive department drawing salaries from the United States Government, and in view of some of the propaganda which is promised in the near future, it seems to me this section should again be brought to the attention of Congress.

Mr. LOGAN. Mr. President, will the Senator yield?

Mr. CLARK. I yield.

Mr. LOGAN. Does the section which the Senator has just read apply only to appropriation bills?

Mr. CLARK. No. It says, "No part of the money appropriated by any act."

Mr. LOGAN. I beg the Senator's pardon, but I understood the Senator to read further on in the section that the propaganda to which it refers must be in reference to bills appropriating money out of the Federal Treasury.

Mr. CLARK. No; it says, "Intended or designed to influence in any manner a Member of Congress to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress."

Mr. KING. Will the Senator permit an inquiry?

Mr. CLARK. I yield, if I have the right. I was reading the section by unanimous consent.

Mr. KING. Then I shall not interfere.

REORGANIZATION OF FEDERAL JUDICIARY

Mr. ASHURST. Mr. President, while we are discussing the widespread excitement it is due to the country that I now say that I have received I do not know how many letters—thousands of them, which are stacked up in great bales in my committee room and in my office. I have employed a young man to open them, and he is just today beginning to open the letters received last Monday.

I do not intend to volunteer to the Senate any advice. That would be resented. But in this period of great popular interest in this subject it would become all of us to meet our respective duties with a high head, brave heart, and take these Olympic hurdles under heavy pressure. [Laughter.] That is what I, at least, propose to do.

Mr. President, I ask to have printed in the RECORD an article concerning myself from the New York American. It is not altogether laudatory, but it is fair and seems to deserve a place in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York American of Feb. 25, 1937]

HENRY FOUNTAIN ASHURST, of Arizona, chairman of the Senate Judiciary Committee, is a great orator, but some of his colleagues insist his championship of the President's judiciary program is inconsistent with his past views.

Senator BAILEY, in debate, fetched up a newspaper article pointing out the same and bearing the happy caption: "Henry, Thou Art a Jewel."

CONFESSES ALL

To fellow Senators and galleries the Arizona statesman made humble confession:

"My faults are obvious. There can be no doubt I have my full share. I suffer from cacoethes loquendi, a mania or itch for talking, from vanity, and morbidity, and, as is obvious to everyone who knows me, an inborn, an inveterate flair for histrionics."

Having confessed, the one-time Arizona cowpuncher rallied to his own defense and said:

"But there never has been superadded to these vices of mine the withering, embalming vice of consistency. Whoever in his public service is handcuffed and shackled by the vice of consistency will be a man not free to act as various questions come before him from time to time; he will be a statesman locked in a prison house the keys to which are in the keeping of days and events that are dead. Let me quote Emerson: 'A foolish consistency is the hobgoblin of little minds, adored by little statesmen.' "

BLASTS "CARPENDI"

"I spoke of my vice, cacoethes loquendi. There is another vice called cacoethes carpendi, the mania to find fault, to carp against everything that somebody else proposes, but never suggesting a remedy yourself. Such is cacoethes carpendi, a vice not wholly unknown in this Senate Chamber!"

From his hecklers Henry drew cheers.

CHILD-LABOR AMENDMENT

Mr. ASHURST. Mr. President, if I may be pardoned another moment, I had intended to speak briefly today on the so-called child-labor amendment, because two questions are discussed throughout the country as to that amendment. The able Senator from Washington [Mr. SCHWELLENBACH] is ready to proceed, and I do not believe it would be courteous for me to ask him to yield. However, I hope to speak later in the week for 10 or 15 minutes in reply to two questions concerning procedure—not the merits of the so-called child-labor amendment, but procedure as to ratification. As I have stated, I do not feel that I should now trespass upon the time of the Senator from Washington.

FOREIGN INVASION OF AMERICAN FISHERIES

Mr. SCHWELLENBACH. Mr. President, it is my understanding that the morning business is now closed.

The PRESIDING OFFICER. It is.

Mr. SCHWELLENBACH. I should like to say at the outset that I dislike very much not to be able to accept the suggestion of the Senator from Arizona [Mr. ASHURST], because I know the Senate would have been delighted to hear from him. However, it is a fact that because of the existence of the court issue we cannot declare a moratorium on the consideration of all other problems of interest to the Nation. Therefore, I felt, despite the discourtesy that might be involved, that I should not yield to the Senator from Arizona.

Mr. ASHURST. Mr. President, will the Senator yield to me?

Mr. SCHWELLENBACH. I yield.

Mr. ASHURST. I will say to the Senator that the situation was quite the reverse. It was discourteous to the Senator from Washington for me to attempt to inject myself into his speech; and the Senator's observation that other legislation pending before the Congress is to be considered is quite a just one.

Mr. SCHWELLENBACH. Mr. President, I desire to intrude upon the time of the Senate for the presentation of a discussion of the subject of the threatened invasion of American fisheries by certain foreign powers. This is a subject which at first blush might appear to be limited in its importance to the States upon the Pacific coast. However, I hope I can demonstrate during the course of my discussion that the problem is one which should excite the interest of the entire Nation.

During the past few weeks we have been discussing legislation involving international relationships particularly in the so-called neutrality legislation. It has been our objective to prevent, if possible, American involvement in foreign controversies. To avoid such involvement, the Senate has mandated the voluntary relinquishment of many rights the protection of which in the past has been viewed as properly essential. I believe, and I may say it is the unanimous opinion of all who are fully familiar with the problem of the threatened invasion of American fisheries, that this problem contains potentialities which may more seriously threaten the peace of the United States than any other on the immediate horizon.

I make this rather broad statement with no purpose of being an alarmist. Our present extremely friendly relationship with the nations involved should assure us that we can and should avoid controversy. That possibility, however, depends upon full understanding of the problem by the Government of this country, and willingness upon the part of the Government to attack the problem courageously, and with the determination that it will be brought out into the open, faced, and solved in such a way as to do justice to our citizens at the same time that we attempt to avoid controversy with other nations. The problem is dangerous to our international relationships only if it is permitted to continue to be submerged, and if the feelings that are now being engendered over it are permitted to smoulder through lack of general understanding.

I have said that the problem is one of importance. It involves the future of the fishing industry in the States of California, Oregon, Washington, the Province of British Columbia, and the Territory of Alaska. It involves an outstanding wholesome food supply besides the employment of thousands of our people. We might first judge its importance by the standard of the amount of money that our Federal Government, the governments of the three States, and the Province of British Columbia and the Territory of Alaska spend for the conservation of these fishery resources.

Mr. President, I ask unanimous consent to have printed at this point in my remarks a table showing the amount of these expenditures during the last 10 years.

The PRESIDING OFFICER. Without objection, the table will be printed in the RECORD.

The table is as follows:

United States Bureau of Fisheries in Alaska, 10 years, 1927–36, inclusive, for propagation, patrol, research, etc	$3,576,000
United States Bureau of Fisheries in California, Oregon, and Washington, salmon hatcheries, 10 years, 1927–36	827,000
Territory of Alaska for propagating salmon, cleaning salmon streams, destroying salmon enemies, etc., 10 years, 1925–35, inclusive	362,000
Territory of Alaska, rebates on taxes account salmon fry released, 10 years, 1927–36, inclusive	90,000
State of Washington, expenditures for salmon hatcheries, protection of salmon, etc., 10 years, 1926–35 (number of salmon eggs handled in that period, 1,420,085,000)	1,966,000
State of Oregon, expenditures for salmon hatcheries, protection of salmon, etc., 10 years, 1927–36, inclusive	$1,297,000
State of California, expenditures for hatcheries, patrol, research, etc., on salmon, 10 years, 1927–36, inclusive	635,000
Province of British Columbia on hatcheries, conservation, patrol, and research, 10 years, 1927–36, inclusive	177,000
Bristol Bay (Alaska) packers' contribution for destruction of salmon enemies in that area, 10 years, 1927–36, inclusive	135,000
Alaska, trout tail bounties, fish ladder, and salmon stream improvements, W. P. A. funds, 1935–36	45,000
Dominion of Canada, funds spent in British Columbia waters mostly for conservation, protection, and regulation of salmon fisheries, 10 years, 1927–36, inclusive	4,575,000
Dominion of Canada, in British Columbia, for propagating salmon, 10 years, 1927–36, inclusive	871,000
Expenditures International Fisheries Commission for conservation, regulation, and research on halibut, 10 years, 1927–36, inclusive	554,270
Biological Board of Canada (Dominion funds), British Columbia division, fisheries and biological research stations at Prince Rupert and Nanaimo, 10 years, 1927–36, inclusive	991,000
Total for 10 years	16,101,270
Average per year	1,610,127

Mr. SCHWELLENBACH. I will not take the time of the Senate to read all these figures but will simply state that these governments have expended during this period of time $16,101,270, or an annual average expenditure of $1,610,000.

The importance of the subject might be judged by the standard of the value of the products involved. In a typical year the value of the manufactured canned fishery products in the territory under discussion was $97,159,000. The value to the fishermen of fish caught was $37,160,000. In these operations were used 20,914 vessels and boats, and direct employment was thereby given 77,026 persons. It is impossible to estimate the indirect employment resulting from these operations.

Mr. President, I ask unanimous consent to have printed at this point of my remarks a break-down of these figures, as between the three Pacific Coast States, the Territory of Alaska, and the Province of British Columbia.

The PRESIDING OFFICER. Without objection, permission is granted.

The matter referred to is as follows:

FISHERIES OF THE THREE PACIFIC STATES, ALASKA, AND BRITISH COLUMBIA

Table showing number of people engaged in the fishery industries, number of vessels and boats so engaged, and value of the products

	Pacific States in 1934	Alaska in 1934	British Columbia in 1934	Total for eastern Pacific in 1934
Number of fishermen	19,232	9,433	11,322	39,987
Number of transporters	203	1,753	378	2,399
Number of persons in wholesaling, canning, etc	13,415	14,999	6,226	34,640
Total persons employed	32,910	26,190	17,926	77,026
Number of vessels and boats, fishing and transporting	7,123	4,911	8,880	20,914
Value to the fisherman of fish caught	$18,289,000	$11,541,000	$7,330,000	$37,160,000
Value of manufactures canned fishery products, etc	$41,243,000	$40,682,000	$15,234,000	$97,159,000

Mr. SCHWELLENBACH. It must be remembered that so far as canned salmon is concerned the United States' output comes entirely from the Pacific coast and around 80 percent of it comes from Alaska.

I have said that the problem contains potentialities of international complications. I have no desire to detain the Senate too long in the discussion of points not directly relevant to the problem confronting us. Having made this assertion, however, I feel that it is pertinent to my case to review some of the international disputes which have arisen throughout the world in the past over the question of fishery rights. The first recorded instance of serious international complications over fishery rights occurred in 1410, when the Earl of Holland complained of attacks by the Scots against

Netherlands fishermen. This controversy raged intermittently and was the constant cause of conflicts and reprisals between the two nations until it was settled by a treaty in 1550.

England was in conflict with Norway and Denmark on the question of the right of English subjects to fish off the coasts of Iceland and Norway from the fifteenth century through to the last decade of the sixteenth century, and even then the interruption by the Danes of the English in their fishing off the coast of Iceland and the seizure of their vessels called forth strong protests from Queen Elizabeth.

On May 6, 1609, James I issued a proclamation directed toward the Netherlands fishermen, barring their herring fisheries along the British coast. Fulton in his book The Sovereignty of the Seas, declares that the Dutch in the reign of James and again in the reign of Charles were prepared to go to war with England rather than surrender their liberty of fishing. The proclamation of James was followed on May 10, 1635, by that of Charles I, but he had not an adequate fleet to enforce its provisions. The question of the fisheries played an important part in the discussions preceding the outbreak of the first Dutch war and during the ensuing peace negotiations. It cannot be questioned that the fisheries disputes were of profound importance in the underlying causes of both the Second Dutch War and the Third Dutch War, and the wars were only terminated with the abandonment by England of the claim of the right to levy an assize herring for the right to fish along British coasts.

In 1613, James chartered the Muscovy Co. He sent a fleet of seven armed vessels to catch whales at Spitzenbergen. This fleet destroyed the Netherland vessels, so the next year when the fleet of Dutch whalers sailed for the arctic it was convoyed by three men of war who took reprisals against the English fishing vessels.

During the entire seventeenth and eighteenth centuries sporadic controversies raged between the Netherlands and Denmark over the rights concerning fishing and whaling off the coasts of Greenland, Iceland, Norway, and Spitzenbergen. Denmark, by decrees issued in 1616, 1636, and 1639, prohibited foreigners from fishing in these territories. There were constant disputes, reprisals, and diplomatic controversies. It was not until a Danish squadron was dispatched to the north to defend the Danish claims and the Netherlands provided an armed convoy for its whalers and cod smacks that the Swedish, British, and French Governments intervened at Copenhagen and the controversy was ended.

All of these disputes arose over the right of one nation to prevent the fishing by the nationals of other nations off the coasts of its own territory or off the coast of territory which is controlled. The Scots claimed as waters reserved for themselves those extending up to a "land kenning" from the coasts. That amounted to a distance of from 14 to 28 miles. Denmark claimed general sovereignty over the Sound Belts, the Baltic, and the seas between Norway, Iceland, and Greenland. In 1636 the Norwegian Government attempted to reserve a zone of from 16 to 24 geographical miles for its nationals. Denmark in 1692 issued an edict prohibiting whaling within 40 geographical miles of its coasts.

In 1616 the British Government claimed that it had a right to levy assize herrings in a zone extending up to 100 miles of its coasts.

Protracted disputes occurred between Great Britain and France over the question of the rights of the representative nations in the North Atlantic fisheries. These disputes were the subjects of attempted settlement in the treaties of Utrecht in 1713; Paris, 1763; Versailles, 1783; Paris, 1914; and Paris, 1815. The question was not settled until the agreement of April 8, 1904.

In his book, The Law of Territorial Waters and Maritime Jurisdiction, page 364, Jessup says:

> The question of the right of American fishermen to fish off the shores of British possessions in North America troubled the diplomacy of the United States and Great Britain for over a century.

It commenced with the treaty of Versailles in 1783. On October 20, 1818, an agreement was reached concerning the fishing rights of American and British subjects on the Atlantic coast of North America. So difficult was the controversy and so numerous were the disputes under it that it finally became the issue in the North Atlantic fisheries award of 1910 by The Hague arbitral tribunal. These difficulties are described by Monroe in his work on international arbitrations. They resulted in numerous seizures of American fishing vessels during the period of the controversy. The Hovering Act of Nova Scotia was passed in 1836; a reciprocity treaty was signed in 1854. The question was included in the Treaty of Washington in 1871, and when in 1877 the United States was compelled to pay $5,500,000 it led to the termination of the Treaty of Washington.

Our Government became involved in a bitter dispute in Buenos Aires in 1831. We dispatched a war vessel to the Falkland Islands and suspended diplomatic relationships over the incident. Russia has had numerous difficulties involving her fishing rights. In 1821 the Czar attempted to prevent the fishermen of the United States and Great Britain from fishing in the Bering Sea, but on February 28, 1825, the controversy was ended by a convention. In 1891 and 1892 Russian cruisers captured American whaling vessels in the Bering Sea and the controversy was submitted to arbitration and damages awarded to the owners of the vessels. The Soviet Government on May 7, 1923, through the use of a Russian gunboat, captured the British trawler, the Lord Astor, and Great Britain dispatched His Majesty's steamship *Harabell* for the protection of the fishing vessels. In 1886, 1887, 1889 our Government seized British vessels for the violation of legislation enacted by Congress for the protection of fur seals in the Bering Sea. The controversy was not settled until the convention of July 7, 1911, between the United States, Great Britain, Russia, and Japan for the preservation and protection of fur seals.

The possibilities of conflicts over fishing rights have been many times increased by the modern-day use of efficient new facilities in the operations of catching fish. Many mechanical improvements have been made. Fishing boats can travel greater distances, complete their catch in a shorter time and return without prohibitive expense. This story is a vivid illustration of the application of power as our scientific age has developed it and made it available. Of outstanding importance were the adoption of gas engines in 1906 and of Diesel engines in 1921, of electric lights which permitted the 24-hour day, of steel anchor cables and the hauling of fishing lines by power machinery. The use of pound nets commonly called traps, makes possible a large increase in the number of fish that can be caught in prime condition during the period of their run. Where before, during all of the period of time which I have described, fishing controversies arose largely because of interference of one group of nationals with another, we now have a situation whereby the unrestricted fishing of certain species, at least, results in inevitable depletion of the supply. The story is told by the decline of the production in the North Atlantic halibut grounds since 1920. In the North Sea in that year there were produced 5,239,000 pounds. There has been a constant yearly reduction in the production until in 1933 the production was only 1,123,000 pounds. Realizing that these fertile grounds were being depleted, fishermen moved over to Iceland and their high year of production there was 14,815,000 in 1923. We see there the same gradual reduction until in 1933 the production was 6,868,000 pounds. As this production fell off, the fishermen moved to Greenland where they had a high year of 15,002,000 pounds in 1929, but the unrestricted, unregulated operation in those halibut grounds has brought the production down until in 1933 it was only 7,848,000 pounds. At this point I ask unanimous consent to have inserted in the RECORD a table showing the reductions in the North Atlantic grounds.

The PRESIDING OFFICER. Without objection, permission is granted.

The table is as follows:

Table showing the decline in succession of production from North Atlantic halibut grounds since 1920

Year	North Sea (pounds)	Iceland (pounds)	Greenland (pounds)
1920	5,239,000	6,006,000	
1921	5,206,000	6,369,000	
1922	8,545,000	11,720,000	
1923	4,226,000	14,815,000	
1924	5,247,000	13,562,000	
1925	3,940,000	13,627,000	83,000
1926	2,640,000	11,205,000	2,865,200
1927	2,853,000	12,760,000	6,612,000
1928	2,324,000	8,412,000	10,980,000
1929	2,073,000	6,375,000	15,002,400
1930	2,098,000	5,687,000	10,617,000
1931	1,484,000	6,821,000	11,615,000
1932	1,705,000	6,629,000	8,061,000
1933	1,123,000	6,868,000	7,848,000

Mr. SCHWELLENBACH. Mr. President, we have had a similar experience in our salmon industry. In years past one of the most prolific sources of salmon was the Fraser River, which flows entirely through Canadian territory. Because of the fact, however, that the fish in coming back to the Fraser River to spawn must pass through the waters of Puget Sound, which is in the State of Washington, a treaty was necessary to bring about international regulation of this branch of the industry. Negotiations for that treaty have been going on since 1907. It was only last year, however, that this body ratified the treaty with reservations. In 1913 the pack of these fish was 2,357,000 cases, whereas 1929 the pack had fallen to 172,291 cases. This enormous reduction may have been partly due to a famous rockslide in the Fraser River as well as to overfishing, but all experts in the field unite in the belief that with proper conservation methods there is no reason why the supply cannot be rebuilt to its former magnitude.

I think, Mr. President, that I have established the importance of these fisheries to the Nation and that no one can deny the dangers involved if they are not protected from foreign interferences. I now want to discuss the threats with which we are confronted from other nations.

The first comes from Japan. At this point I want to say that I do not want anything I may say to be construed as a criticism of Japan or as an accusation that Japan may not find frequently asserted statements of international law in support of her position. Whether these statements are or are not sound I shall not argue at this time. To a greater extent than any other nation in the world, Japan is a fishing nation. In 1934 Japan's fishing and manufacturing of fish products gave employment to more than one and one-half million persons, which was one and one-half times as many as the Japanese textile industry employed. Japan is responsible for about one-quarter of the world's catch of fish.

At the conclusion of the Russo-Japanese War one of the rewards to Japan for her victory was the granting to Japan by the Treaty of Portsmouth of the right to fish in Russian waters. While the Russians have always maintained coastal fisheries off the coast of Siberia, they were not particularly aggressive. Under the czars, Siberian canneries were conducted largely by foreigners. The Russians were, therefore, willing to grant substantial fishing rights in lieu of the surrender of other property. Under the Soviet, however, the attitude of the Russian Government has entirely changed. It has sought to build up its Siberian fisheries. It has purchased American cannery machinery and has taken to Siberia American fishing experts and mechanics to teach its people how to conduct the canning operations. While it is true that by the treaty of 1925, under which the Japanese Government granted recognition to the Soviet Government and in return therefor Japan's fishing rights in Siberia were again recognized, there have been frequent disputes and controversies, and Japan now is operating merely on a year-to-year basis.

In their operations off the Siberian coast there is no apparent indication that the Japanese have attempted to apply conservation methods. The result has been, and I now quote from a petition submitted to the Japanese Diet in May 1936:

> There is little room for further expansion of the salmon fisheries that have been developed by our people on and off the far eastern coast of the Union of Soviet Socialist Republics, where the output is gradually dwindling.

One of the ironies of the present Japanese fishing situation on the Siberian coast is that the depletion has resulted very largely from the Japanese method of offshore fishing. Salmon are referred to as anadromous fish. Salmon spawn only in fresh-water streams or lakes. The young normally go to sea in their first or second year. They spend a period of from 2 to 4 years traveling through the distant miles of the oceans and then return for spawning purposes to the stream or lake of their birth. This constitutes the invariable life cycle of the salmon. They become most desirable from the standpoint of size and quality as they conclude their deep-sea feeding period and prepare to ascend the streams. They have not yet reached this stage while they are in the deep sea. When they get into the fresh-water stream immediate deterioration commences. The ideal time at which to catch salmon for food is just before they enter the fresh-water stream. It is a fact that when streams have excessive runs, overstocking results. For some unexplained reason this causes less reproduction than understocking. After spawning in the stream of birth, the spawned fish is undesirable as food and soon dies. The principles of true conservation require that sufficient escapement of salmon into the streams be permitted that the streams may be adequately stocked. It is also required that that portion of the salmon headed for the streams, which would result in overstocking, if permitted to escape, should be caught and utilized for food.

The Japanese method of offshore fishing consists of the sending out of large floating canneries operating on the mother-ship principles. These ships are equipped as canneries. They carry with them the fishing boats and the fishing gear. They use enormous nets, aggregating as much as 3 miles in length. While the equipment is expensive, they are not required to pay any rental for fishing grounds, and wages are very low. Concerning their operations, the Trans Pacific said:

> Today Japan has her efficiently developed open-sea fishery and by this method has acquired a sort of suzerainty over fish.

A practical monopoly of the open-sea fisheries off the coast of Siberia was granted by the Japanese Government to the Taiheiya Fishery Co. This method of operation, in which literally hundreds of miles of nets have been spread by fishing vessels, resulted in largely "corking" of streams and shore traps. These nets prevent the salmon from ever reaching their home streams in Siberia. This operation out in the open ocean is not and cannot be the subject of regulation by the Soviet Government without some new application of new legal principles. In addition to that, reports of Japanese scientists reveal that through such operations many immature fish are taken, which require the destruction of a larger number of fish for a pack of equal size. The logical consequences of the mother-ship operation of the Japanese have been such exploitation as might, if continued, bring about the practical destruction of the fishing industry off the coast of Siberia.

This has resulted in Japanese fishermen looking to other areas in which to fish. Since 1930 the Japanese have established their mother-ship operations off the coast of Alaska, but have limited them to the catching of crabs and to smaller fish that can be used in the manufacture of fish meal. Therefore, the petition which I heretofore mentioned was filed with the Japanese Diet, asking for the issuance of licenses for fishing salmon outside the 3-mile limit off the coast of Alaska. I quote from the petition:

> The Government should, in accordance with the requirements and hopes of the civilian population, engage in the fishing industry immediately, so a policy of development of the open-sea salmon industry in the northeast waters of the Pacific Ocean, and to endeavor to effectuate the plan. * * * At this time the best salmon fisheries of the world are to the east of the

north Pacific Ocean. We now observe the production of canned salmon on the coast of Alaska to an amount several times as great as ours yearly. Thus our fishery people are keenly hoping for the opportunity of salmon fishing in those waters. The Government should make an epoch in Japan's fishing industry and meet the present need by immediately granting permission for the salmon fishery on the mother-ship system to operation on the north Pacific Ocean.

I may state that the foregoing quotation from the petition was printed in the Pacific Fisherman, a recognized trade journal on the Pacific coast, several months ago and has not been officially or unofficially denied.

In the November 18, 1936, edition of Far Eastern Survey, we find the following:

At the end of 1935 an application was made to the Japanese Government for permission to fish for salmon off Alaska, but in the spring of this year 89,000 yen were approved by the Japanese Diet for the purpose of investigating such fishing. The report states that "the Department of Agriculture and Forestry is to conduct extensive investigation of fishing resources in the Alaska waters, where it is stated there is an opening for salmon and trout fishing." It was said that the investigation would last about 3 years.

I sincerely hope that nothing will be done to precipitate unfriendly feelings, but that some solution may be evolved before any overt act should arouse the violent opposition of our own fishermen or retaliation from American commercial interests.

It must be remembered that Alaska furnishes 80 percent of the national salmon supply, which is a valuable export product. Our Government spends directly, or through the Territory, an average of approximately $400,000 a year in protecting this supply. We have elaborate regulations. We clear the streams in order that the fish may find passage to the spawning grounds. Salmon eggs are collected and redistributed. We regulate the kind of gear that may be used. We close the streams for fishing except during specific periods. We designate the positions that the traps must occupy.

If the Japanese are able to cork up our Alaska fisheries as they have the Siberian fisheries, the supply will soon be depleted and we shall face the same situation as is faced by the shore fisheries on the coast of Kamchatka. Succeeding in this, it is understandable that they will proceed south by the coast of British Columbia and the States of Washington, Oregon, and California.

The Canadains are not unaware of the dangers with which we are mutually confronted. On September 19, 1936, the Honorable G. S. Pearson, commissioner of fisheries for British Columbia, issued the following statement:

The Dominion should decide what rights we have in these fisheries; and if it finds that we have not sufficient rights to protect our interests, then negotiations should be started immediately for an international agreement to enable us to protect those rights.

These are our fish. In the case of salmon, of course, they are spawned and bred in British Columbia or United States streams. We could destroy all the salmon fisheries by preventing the fish from spawning, so that they cannot be considered as other fish the property of Canada and the United States. The halibut, of course, do not spawn in the fresh water, but Canada and the United States have spent large sums in saving the halibut fisheries from depletion and have sacrificed immediate profits to regulate the catch of these fish. Thus we feel that the halibut, too, are properly the property of Canada and the United States.

So far as Japan is concerned, the first of the 3 years of investigation has passed. A boat manned with a crew of fishery students, accompanied by scientists, and outfitted with scientific equipment, including cannery machinery for experimental use, cruised off the coasts of Alaska and British Columbia and last summer came into the port of Seattle. No definite conclusion has been announced, but it is generally believed that the investigations would prove the economic possibility of operations off our coast, and that at the end of another 2 years we shall be threatened with the depletion of this important resource and a catastrophe to this important industry.

However, it is not by Japanese alone that we are threatened. I have told you of the record of depletion of the halibut banks in the North Atlantic. Also, Japan is not alone in the perfection of the mother-ship method of operation. England and Norway and other European nations have had it perfected for years. Halibut is not canned but is sold as either fresh or frozen fish. The giant halibut mother ships of the North Atlantic are fully equipped, not merely to carry the small boats with which the catches are made but also for refrigeration. England faces a situation similar to Japan's. Let me read to you from the letter of transmittal to the Ministry of Agriculture and Fisheries, by Henry G. Maurice, secretary, accompanying the English report on sea fisheries for the year 1935:

No student of this report and of the reports of recent years can doubt that the fishing industry has reached a highly critical stage of its history. It must be remembered that nearly all our fish supply is taken in international waters. What affects our fishing industry, therefore, affects, in a greater or lesser degree, the fishing industries of all the coast of western Europe. The necessity for the regulation of fishing by international agreement is therefore apparent.

The British Government has made no move to encourage her nationals to seek out our North Pacific halibut banks as a substitute for the depleted banks of the North Atlantic. Indeed, when it is remembered that Canada has joined with the United States in an effort to save the fisheries, it would seem surprising if England should attempt to nullify the accomplishments of Canada. Nevertheless, powerful financial interests of England have had such a project under consideration. A combination of English and Norwegian financial groups own the steamer *Thorland* in Norway. It was planned to send the *Thorland* from Oslo on January 15. According to the Pacific Fisherman, the announced plan of this operation was to take aboard and freeze about 4,000,000 pounds of halibut and salmon and deliver it to the British market. The vessel carries a complete outfit of dories and gear and a large crew of Norwegian fishermen, and its operators were expected to catch some 2,000,000 pounds of fish off the coast of British Columbia and Alaska, and to buy an approximately equal amount. The reason the catch was to be limited to 2,000,000 pounds was that the representatives of the interests owning the *Thorland* made a proposition to local interests to limit the *Thorland's* catch to 10 percent of the total amount permitted by the International Fisheries Commission during any 1 year. This offer was made during the past year to individuals with whom I have personally talked in Vancouver, British Columbia, and Seattle. When the local businessmen notified the *Thorland* representative that they would not consider such a proposition, the threat was then made to go anyway, and conduct the fishing outside the 3-mile limit, and fish as they pleased. As I said a few minutes ago, the *Thorland* was supposed to leave on the 15th of January. Strong objections were made to her sailing, and so far she has not yet left; but there has been no satisfactory assurance given that she will abandon the project.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. SCHWELLENBACH. I yield to the Senator from Maine.

Mr. WHITE. I am very much interested in what the Senator has been saying. I wonder if he has a definite opinion as to the procedure which should be followed to prevent the depletion of the fish supplies through the fish being caught in the open sea, outside the territorial waters of the United States or Canada.

Mr. SCHWELLENBACH. I will say to the Senator that at the conclusion of my remarks I shall take up that point; and, if the Senator does not mind, I would rather wait until that time to deal with the subject.

Mr. WHITE. I apologize for interrupting the Senator.

Mr. SCHWELLENBACH. To appreciate the significance of this threat to the halibut industry, I must briefly outline the history of the industry before and since the adoption of the halibut treaty in 1924 between the United States and Canada. It is well worth heeding as a practical and outstanding example of what can be accomplished where two friendly nations with similar ideas and standards of living join together on a sound basis of cooperation.

Halibut spawn on the outer, deep edge of the banks. The eggs and larvae drift slowly into deeper water for a period

of 3 or 4 months. They then arise to the upper layers of water to be deposited in shore and along the coast, where they undergo their change to small halibut. They then settle on the bottom. They reach maturity at the average age of 12 years. Until that time they migrate but little. They then undertake wider migrations; but even this is only to a limited extent, and their habitat remains the continental shelf. It is there that they are caught. In the North Pacific halibut are normally caught by independent crews of from 2 to 12, operating power vessels, which make trips of from a few days to several weeks. Halibut fishing is peculiar in that there are no large companies involved. The master of the fishing boat is usually the sole or a part owner. The men all work on a share basis, known as working on a lay. Each boat is independently operated. The men employed in the fishery are of a splendid, hardy type. I believe there are no hardier fishermen or better sailors to be found anywhere in the world. The halibut are caught by means of gear, a unit of which is known as a skate, which is really nothing but a number of hooks attached by short lines to a heavy groundline. Halibut off British Columbia were so plentiful as late as 1912 that the catch averaged about 300 pounds per skate. By 1930 unregulated fishing for halibut resulted in the reduction of this amount to about 35 pounds per skate. The percentage of second-grade small fish rose to 45 percent of the catch. Despite the fact that in 1930 the number of fishermen greatly exceeded that of 1912, and despite the fact that increased efficiency by the use of power in the boats made possible many more trips per year, and much wider fields for fishing operations were resorted to, the catch in southeastern Alaska and British Columbia, which in 1912 was 60,000,000 pounds, had been reduced by 1930 to 22,000,000 pounds.

Realizing the seriousness of the situation in 1924, a treaty was entered into between our Government and that of Canada for the establishment of the International Fisheries Commission, more popularly known as the Halibut Commission. In its beginning this Commission had only the power of investigation. The story of this investigation reads like a scientific romance.

Biologists, chemists, and other scientists using methods of research from many different branches of science, including even anthropology, were employed. The waters of the American side of the north Pacific were studied as to their depths, their temperatures, their currents, and their salinity. Every phase in the development of the halibut was subjected to scientific scrutiny. The existence of international control gave the investigation unparalleled completeness and efficiency, despite its small expenditures. Thousands of halibut in their various stages were examined and studied. Finally, by 1930 the Commission had sufficiently ascertained the facts so that the Governments of the United States and Canada were asked to enter into a treaty giving the Commission the power of regulation.

These regulations were put into effect in 1931. There was no effort made to reduce the total amount of the catch below the amount caught in the previous year. However, strict regulations were instituted and enforced limiting the periods during which this amount might be caught, and limiting the methods of catching, and by other means.

On the more depleted grounds, during the first 5 years under regulation, the catch per skate rose from 35 pounds to 62 pounds; the percentage of second-grade small fish was decreased from 45 to 28 percent of the total catch. The percent of spawning has increased the young, which, when of marketable size, will provide for an increase of the total catch. The income per vessel has increased. All of these results have been obtained without reduction in the total catch, and primarily by the simple procedure of limiting the intensity of the fishery, but also by the protection of spawners by winter closure, and of young fish by closed nursery areas.

It needs no proof to bring the conviction that if the mother-ship halibut operators of the north Atlantic are permitted to invade this field they will completely destroy the effectiveness of our halibut regulation, not only by the actual increase of intensity, but also by rendering it impossible to restrict our own fishermen when their competitors reap the profit. The International Fisheries Commission could have and would have no direct jurisdiction over them outside of territorial waters. They could and would come into closed nursery areas, and they could and would disregard the regulations closing spawning areas during the winter. The United States and Canada have spent $554,000 in this investigatory and regulatory work. It will have been largely wasted and our resources destroyed if, after depleting the North Sea, the Iceland, and the Greenland halibut banks, the fishermen of Europe commence their invasion in the North Pacific.

The solution of this problem is not a legislative one. It lies within the field described by the senior Senator from Idaho a few days ago in discussing the reciprocity trade agreements as being under exclusive executive control. It shall not be my purpose to attempt to point out a definite solution. It is my purpose today merely to present these facts to the Senate and, I hope, to the people of the country in order that there may be a better understanding and appreciation of the significance of the problem. I said in the beginning that I do not desire to assume the role of alarmist. With thoughtful, considerate, courageous, and decisive action the problem should not be difficult of solution. It is, however, one that cannot and must not be neglected. Its neglect would, in my opinion, result in serious consequences.

Three lines of approach to the sclution have been suggested. The first is the strong feeling that any nation invading our fisheries in the manner I have described has taken the aggressive and has invited retaliation by any means in our power. American and Canadian fishermen feel that they have a proprietary interest, not only because the fishery has been theirs from the beginning, but because it has been maintained by their own sacrifices. It is almost inevitable that the demand arise for the boycott of the products of the invading nation. The mere statement of the proposal suggests the many different implications of trade difficulties that may arise from such a situation.

Second, the suggestion has been made by our people that the United States and Canada should join in the declaration that the North Pacific continental shelf shall be construed the exclusive fishing area of the United States and Canada, and that the regulatory power of the two nations shall extend over the entire area. In this it must be admitted that we would be immediately confronted with international usage on the Atlantic Ocean limiting the power of a nation to a control over the area within 3 miles of its shore. To succeed in the enforcement of this doctrine we would necessarily be required to write some new rules of international law. I believe that this suggestion should not be thrust aside without a searching consideration.

It is a fact that the physical and historical situation on the Pacific is entirely different from that on the Atlantic. International law, like all law, should be plastic and adaptable and not absolute and dogmatic. At this point may I quote from the late Walther Schucking, who was a member of the Permanent Court of International Justice, as follows:

> When new circumstances arise the world employs new norms. It is the task of scholarship in this case to bear in advance the torch for the development of law. But whence does the scholar receive the light wherewith to enkindle this torch, if he occupies himself only with the material of positive law, which perhaps long since has ceased to be the just law which the nations need? In such circumstances particularly the other tendency of the science of international law, that of the natural law, regains increased meaning. It seeks to develop the law philosophically out of the idea of justice and the necessities of the nations. For centuries, in regard to the legal principles developed by it, it has laid claim to immediate validity.

The third suggested solution is the development of an international agreement between all the nations involved, a joint resolution. This suggestion was made by Dr. Seiji Konda, a representative of the Japanese Department of Agriculture, at a meeting of the International Research Committee of the Institute of Pacific Relations at Yosemite National Park, Calif., August 16, 1936. Dr. Konda's proposal, as shown by the minutes of the meeting, was that our

Government and the Canadian Government join with Japan in a scientific investigation of our fisheries.

If the matter is put in that way, I, personally, could not agree to its consideration. Such a proposal would merely result in an agreement for Japanese participation in fishing resources which we and the Canadians have not only conserved but actually built up. I think our Government should understand that our people demand that any treaty into which we may enter must be bilateral. We must not be asked to simply permit others to participate in that which we and our Canadian neighbors have established and maintained. However, I do see in the present situation a remarkable opportunity for this administration to perform a valuable service in taking leadership in the settlement of the problems of the conservation of the fishing resources by all of the nations which might be interested. In such a movement, however, our Government must recognize its responsibility to our people for the protection of those rights and interests for the establishment of which they have made sacrifices in the past.

Mr. President, I have presented this rather lengthy discussion of this situation. I thank the Members of the Senate for their patience. I believe the problem is of vital interest to the entire Nation. I am positive that it is of supreme interest to the people of the State which I have the honor in part to represent.

Mr. COPELAND. Mr. President, before I make a motion which I hope to present in a moment I wish to commend the Senator from Washington who has just spoken for his very scholarly and convincing presentation of a pressing problem. In his remarks he has spoken largely of the economic effect of the abuse of the fisheries. It must be recalled, however, that dealing with this problem with some nations goes far beyond the question of making money out of the fisheries. It comes really to a matter of life and death as regards the most important food with which the human family must be supplied. I refer to protein food.

Protein food is the most important and the most extensively used food consumed by human beings. In our country we depend largely upon cattle and poultry for the supply of protein food, the meat of the poultry, and also the eggs. In other countries, however, perhaps notably in Japan, where the cattle industry is very small, the question of an adequate supply of protein food must be a very pressing problem, and doubtless with the years will become more so. Therefore, in attempting any solution of this very important problem, we must face the probability that ultimately there will be an appeal to our humanity in respect to the control of the fisheries because of the necessities of other nations whose people do not have access to protein food of another nature.

My feeling as an American is that we must look forward to the time when the supply of protein food will be a pressing one in our country. There must not be an abuse of the fisheries and a waste of the fish; there must be not only conservation but, as the Senator has said, actually the building up of this great industry.

I do not profess to be a prophet, though I happen to be the son of a seventh son, but in my judgment the time will come in the United States when we will be raking and scraping and hunting and fishing to find this essential food. This is the time to deal with the problem. Doubtless it has not become on the human side quite so pressing yet in some countries as it will become in the future; but I think the Senator is to be commended for bringing the matter to our attention.

In the Committee on Commerce we have had the subject raised from time to time, particularly the use of the mother boats, spoken of by the Senator from Washington, and the taking of large catches of fish by the Japanese in the eastern portions of the Pacific. It is a matter which demands our foresight and farsight. It must be dealt with, and I hope that the Senator will proceed in furthering the thought he has in his mind, because this will become a more and more important subject to the American people.

Mr. WHITE. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Maine?

Mr. COPELAND. I yield.

Mr. WHITE. I desire also to express my approval of what has been said by the Senator from Washington. I think no one who is familiar with the problem of the fisheries of the New England States can fail to sense the gravity of the situation confronting us as a people. We have seen our fish resources disappearing throughout the entire United States, along the Atlantic coast, in the area of the Gulf, and up the Pacific coast as well. Within my own time we have seen disappear from the waters of New England salmon, shad, and sturgeon. It was not many years ago that one could find the Atlantic sea salmon running into some thirty-odd rivers between New York and the Canadian border, and today there is just one river along that entire north Atlantic seaboard in which the Atlantic sea salmon is found in any numbers. The same thing has happened with respect to the shad and with respect to the sturgeon. We have seen a constantly decreasing supply of fish in the Chesapeake Bay area and to the south, shellfish particularly.

The salmon-packing industry, as the Senator from Washington knows, had its beginnings in California, I think, on the Sacramento River.

Gradually these operations have pushed farther and farther north as the streams to the south have become depleted. Only a few years ago we faced what seemed to be the extinction of salmon in some of the most important salmon rivers of Alaska, and Congress legislated in an endeavor to save this fish food for the people of the country. The halibut fisheries referred to have been pushed farther and farther away from our coast, until today I believe the great source of halibut supply is perhaps in Kadiak Island and away off the Aleutian Peninsula. We must do something or we shall see these food resources disappear.

Much the same situation existed a few years ago with respect to the seals of Pribilof Islands. When the United States bought those islands in 1867, as I recall the year, it was estimated that there were something like 3,000,000 to 5,000,000 fur seals in those herds, and that was the greatest fur-seal herd of the entire world. The United States started in letting concessions for killing the seals and making a per-capita charge per seal for the skins. The result of those concessions and of that killing, particularly the result of the pelagic sealing—that is, the killing of the seals while they were in the water, which usually took place while the female seals were swimming north toward their bearing grounds—was that toward 1910 or 1911 only about 100,000 seals remained of those tremendous herds that had been at the Pribilofs. In that situation, as the Senator from Washington knows, for I am sure he is familiar with the entire situation, there was a treaty negotiated between Russia, Japan, Canada, and the United States under which pelagic sealing was prohibited to the nationals of the several countries and under which the United States was given practically complete control of the seal herds. As the result of those conservation measures the seal herds have been brought back, so that probably in excess of a million seals are now annually found on the Pribilof Islands.

I myself believe that we must grapple with the fisheries problem in very much the same way. I see nothing effective we can really do except through international agreement. In the 1924 law dealing with salmon we provided that salmon caught outside the territorial waters of the United States could not be brought into our ports for freezing or for sale, but we only partially reached the situation itself. There is no check on returning the salmon to the Siberian and the Japanese ports for canning there.

I think the problem should be of the greatest concern to us all, and I feel that the Senator from Washington has rendered a public service in calling the matter to the attention of the Senate.

I hope good will result from the Senator's discussion of the subject.

REGULATION OF TRAFFIC IN FOOD, DRUGS, AND COSMETICS

Mr. COPELAND. Mr. President, I move that the Senate proceed to the consideration of Senate bill 5.

Mr. McNARY. Mr. President, the motion is a proper one, and this is the proper time that it be made. I think the

understanding, however, should accompany the motion that there will be no action today upon the bill or any amendment to it.

Mr. COPELAND. That is satisfactory to me.

The PRESIDING OFFICER (Mr. HATCH in the chair). The question is on agreeing to the motion of the Senator from New York.

The motion was agreed to, and the Senate proceeded to the consideration of the bill (S. 5) to prevent the adulteration, misbranding, and false advertisement of food, drugs, devices, and cosmetics in interstate, foreign, and other commerce subject to the jurisdiction of the United States, for the purposes of safeguarding the public health, preventing deceit upon the purchasing public, and for other purposes, which had been reported from the Committee on Commerce with amendments.

Mr. COPELAND. Mr. President, I should like to invite the attention of the Senator from Oregon and of the Senate to the fact that in the print now before us there are certain typographical errors, the omission of the repeal of certain laws not intended to be touched by the bill. A better wording of certain amendments has been found. So, if it is agreeable, I ask unanimous consent that the copy of the bill marked "Confidential Committee Print" be considered when the Senate undertakes the consideration of the measure. The print referred to will be distributed and be on Senator's desks tomorrow.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New York. The Chair hears none, and it is so ordered.

Mr. COPELAND. Mr. President, I will say very briefly that the bill which is now the unfinished business differs very slightly from the bill which was considered last year and in the last day of the session was presented to the Senate as a proposed compromise with the House. We did not succeed in the conference committee in reaching an agreement, and the bill died. The provisions of this bill are well set forth in the report and I ask permisison that pages 5 and 6 of the report, beginning with the second paragraph on page 5, be inserted in the RECORD at this point.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

A summary of the principal respects in which this bill increases the scope of the old law and affords the public greater protection follows:

ADVERTISING

1. Prohibits false advertising of food, drugs, therapeutic devices, and cosmetics.

FOODS

2. Provides for the promulgation of standards of identity and a reasonable standard of quality for food. (A standard of quality is authorized by the present law for canned food only.)

3. Requires the labeling of unstandardized food to disclose the ingredients by name.

4. Prohibits traffic in food which is dangerous to health. (The present law permits regulation of dangerous food only in the event that the poison is added.)

5. Prohibits addition of poison. If it cannot be avoided in production or manufacture, when it reaches the consumer the product must be safe for human use.

6. Eliminates the "distinctive name" proviso of the existing law under which the sale of products, the labels of which are misleading, are now permitted sale.

7. Requires fully informative labeling of infant and invalid food.

8. Requires label declaration of artificial colors and artificial flavors in food.

9. Forbids traffic in confectionery containing metallic trinkets and other inedible substances which have been found to be a menace to the welfare of children.

10. Authorizes emergency license control of food that might be dangerous by reason of contamination with micro-organisms. Such licensing is limited to operations in which the public health cannot be protected otherwise.

COSMETICS

11. For the first time places cosmetics under Federal supervision. Requiring cosmetics to be truthfully sold and outlaws those injurious to health.

DRUGS

12. Prohibits traffic in drugs and devices which are dangerous to health under the conditions of use prescribed in the labeling or advertising.

13. Requires habit-forming drugs to bear warning labels.

14. Requires adequate directions for use of drugs and devices and appropriate warnings against their probable misuse through overdosage, or by children, or in disease conditions where they may be dangerous.

15. Sets up special protection to consumers against drugs liable to deterioration.

16. Requires that claims of effect of drugs and devices must not be false or misleading in any material particular. (The present law makes fraud, that is, willful intent to deceive, an element of the offense; unwarranted therapeutic claims resulting from sheer ignorance of the manufacturer are not actionable.)

17. Defines "nonofficial" drugs as illegal if the standard of strength varies from the standard claimed. (The present law describes only those which fall below the standard claimed. Drugs which are too strong may be quite dangerous.)

18. Requires that antiseptics possess germicidal power.

19. Requires declaration on the label of the names of active ingredients of nonofficial drugs.

GENERAL

20. Prohibits the use of poisonous containers for food, drugs, and cosmetics.

21. Requires that food, drugs, and cosmetics be prepared and handled under conditions of reasonable cleanliness.

22. Forbids the use of uncertified and impure coal-tar colors in food, drugs, and cosmetics.

23. Prohibits slack-filling and the use of deceptive containers for food and drugs.

24. Provides for factory inspection and the procurement of records needed to prove Federal jurisdiction.

25. Provides increased penalties for violations.

26. Authorizes the Federal courts to enjoin violations.

Mr. COPELAND. The extract from the report outlines the principal respects in which this bill will afford the public greater protection than does the present law.

Mr. President, to enlarge briefly on the benefits conferred by this bill, let me say that in the first place it provides for the control of false advertising of food, drugs, therapeutic devices, and cosmetics. Under the present law there is no provision made for the control of advertising of products and devices supposed to be regulated by the existing food and drug acts.

Furthermore, the existing law has no reference to cosmetics. The cosmetic industry has grown to enormous proportions in the 30 years past, since the passage of the last act; and fair woman has become adorned and even fairer, if such a thing is possible, by reason of the use of various cosmetics. Our respect for her is such that we desire that whatever she uses may be safe to use, and that no harm may result from the application of cosmetics.

We come then to the matter of food. The new bill provides for the promulgation of standards of identity and a reasonable standard of quality for food. Under the present law, the McNary-Mapes Act—the only far-reaching and useful enactment on this subject which has done much to promote the welfare of the human family—the standard of quality is authorized for canned food only. The pending bill proposes that there shall be a standard of identity for all foods and a standard of quality.

I may say to the Senator from Oregon that, so far as I am concerned, I have no desire to press the measure further today.

TECHNICAL TRIPARTITE TEXTILE CONFERENCE

Mr. McKELLAR. Mr. President, earlier in the day I asked unanimous consent for the present consideration of a joint resolution favorably reported from the Committee on Appropriations. I renew the request for unanimous consent.

Mr. McNARY. Mr. President, when request was made that the measure be considered this morning, I objected because the request did not come at the proper time. It came during the consideration of routine morning business. I wish to ask the Senator from Tennessee whether the Committee on Appropriations favorably reported the measure.

Mr. McKELLAR. Yes. In view of the stress of time the committee was polled, and, so far as I know, all members of the committee that were approached concerning the matter, or a large majority, signed in favor of reporting the measure. It was done while I was away. I have just returned. The measure provides for an appropriation of only $15,000. Delegates are coming here on our invitation, and it is necessary that the appropriation be made immediately. I hope the Senator will let the measure be acted upon without objection.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. COPELAND. I should like to have the RECORD show that for the first time in my life I was acting chairman of the Committee on Appropriations. In the absence of the chairman, the Senator from Virginia [Mr. GLASS], and the ranking member, the Senator from Tennessee [Mr. MCKELLAR], I acted as chairman. The committee was polled, and there was full acquiescence on the part of the committee.

Mr. MCNARY. That is a very satisfactory statement.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee [Mr. MCKELLAR] for the present consideration of the joint resolution?

There being no objection, the resolution was considered, ordered to a third reading, read the third time, and passed, as follows:

Joint resolution to aid in defraying the expenses of the International Labor Office incident to holding its Technical Tripartite Textile Conference

Resolved, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $15,000 to aid in defraying the extraordinary expenses of the International Labor Office incident to holding its Technical Tripartite Textile Conference in Washington, D. C., in April 1937: *Provided*, That $10,000 of this appropriation shall be available for contribution for such purposes to the International Labor Organization, and not to exceed $5,000 shall be available for expenditure by the Secretary of Labor for expenses incident to holding such conference in Washington, including personal services in the District of Columbia, communication services, stenographic and other services by contract if deemed necessary without regard to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5), local transportation, stationery, supplies, repairs and alterations, and such other expenses as the Secretary of Labor may deem necessary.

PARTICIPATION BY AMERICAN CITIZENS IN FRENCH DEFENSE LOAN

Mr. BORAH. Mr. President, I will avail myself of the opportunity to comment on a matter which I regard as of importance.

According to a press dispatch from Paris, of which I was informed, France is to float what she calls a "defense loan" of a billion dollars on Wednesday next, and the problem is to avoid the Johnson Act. It is proposed, according to the press dispatch, that the French Government will accept from American citizens purchases payable in United States currency with the agreement to repay in the same currency, and it is thought, it seems, by certain bankers in the United States and in France that the Johnson Act can be avoided by having the transaction take place in the country where the bonds are floated. I desire to say that they are taking some risk in engaging in that kind of a conspiracy.

The Johnson Act itself reads:

[Public, No. 151, 73d Cong.]

An act to prohibit financial transactions with any foreign government in default on its obligations to the United States

Be it enacted, etc., That hereafter it shall be unlawful within the United States or any place subject to the jurisdiction of the United States for any person to purchase or sell the bonds, securities, or other obligations of, any foreign government or political subdivision thereof or any organization or association acting for or on behalf of a foreign government or political subdivision thereof, issued after the passage of this act, or to make any loan to such foreign government, political subdivision, organization, or association, except a renewal or adjustment of existing indebtedness while such government, political subdivision, organization, or association, is in default in the payment of its obligations, or any part thereof, to the Government of the United States. Any person violating the provisions of this act shall upon conviction thereof be fined not more than $10,000 or imprisoned for not more than 5 years, or both.

SEC. 2. As used in this act the term "person" includes individual, partnership, corporation, or association other than a public corporation created by or pursuant to special authorization of Congress, or a corporation in which the Government of the United States has or exercises a controlling interest through stock ownership or otherwise.

Approved, April 13, 1934.

Of course, France comes within the purview of this statute, for she is in default not only as to the principal but as to the interest upon her obligations to the United States.

The plan seems to be, so far as can be gathered with the meager facts which we have, to evade the statute by having purchases take place and the transactions consummated in France; but I call attention to the fact, Mr. President, that, in addition to the statute which I have read, we have also a statute making punishable the offense of conspiring to violate the law of the United States, and also a statute punishing accessories before the fact and accessories after the fact in a violation of the law of the United States; so I think it is a rather dangerous road these bankers are pointing out to the investors of the United States in trying to purchase this so-called defense loan, which is a war loan and nothing less.

I am particularly interested in this matter, Mr. President, because of the fact that if such a transaction can be accomplished and achieved in that manner, the vast armaments that are now being built up in Europe will be built up largely out of investments sold to people of the United States, and the United States will supply the necessary funds to construct and build those vast armaments. Armament building in Europe is now going forward at the rate of about twice what it was last year, and, above all things, the United States should not contribute, directly or indirectly, to the building up of these armaments, to say nothing of the fact that we are contributing to the aid of those governments that have repudiated the debts which they now owe us.

I wanted to call attention to this matter for the reason that it is intimated—an intimation which I do not accept—that the Secretary of the Treasury is willing that such a transaction shall be carried on if it is carried on in the way suggested. Of course, I have not talked to the Secretary of the Treasury, but I do not assume that he would connive at the violation even of the spirit of the statute, certainly not of its letter. As a Government and as the agents and representatives of the Government, we should protest against a transaction which would be consummated in absolute violation of the spirit of the law if not of its actual letter.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

Mr. MCKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

Mr. WALSH, from the Committee on Naval Affairs, reported favorably the nomination of Medical Director Perceval S. Rossiter to be Surgeon General and Chief of the Bureau of Medicine and Surgery in the Department of the Navy, with the rank of rear admiral.

Mr. WHEELER, from the Committee on Interstate Commerce, reported favorably the nomination of Allyn C. Breed, of Illinois, to be assistant chief inspector of locomotive boilers, vice John A. Shirley, retired.

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nomination of Brig. Gen. Don Everett Scott, North Carolina National Guard, to be brigadier general in the National Guard of the United States.

He also, from the same committee, reported favorably the nominations of several officers for appointment, by transfer, in the Regular Army.

The PRESIDING OFFICER (Mr. HATCH in the chair). The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state the nominations on the calendar.

POSTMASTERS

The Chief Clerk proceeded to read sundry nominations of postmasters.

Mr. MCKELLAR. I ask that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

That concludes the consideration of the Executive Calendar.

RECESS

Mr. BARKLEY. I move that the Senate stand in recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 2 o'clock and 6 minutes p. m.) the Senate took a recess until tomorrow, Tuesday, March 9, 1937, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 8, 1937

POSTMASTERS

CONNECTICUT

John L. Bradley, Cheshire.
John J. Kaicher, Sr., Forestville.
Benjamin Mandell, Newington.

FLORIDA

Reuben M. Coile, Bowling Green.
William Edward Dewar, Largo.
Frank H. Clyatt, Micanopy.
Harry W. Craig, Tarpon Springs.
Dorothy Egger Franklin, Venice.
Paul A. Tompkins, Webster.

NEW JERSEY

Louise H. Kelly, Allendale.

OHIO

Ludlow V. Lake, Johnstown.
Charles G. Johnson, Worthington.

OREGON

Arthur Henry Tifft, Redmond.

WEST VIRGINIA

J. Fred Wilson, Clay.

HOUSE OF REPRESENTATIVES

MONDAY, MARCH 8, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Thy mercy, O Lord, is in the heavens; and Thy faithfulness reacheth unto the clouds. Thy righteousness is like the great mountains; Thy judgments are a great deep.

Blessed Lord, we seek the fellowship of Him who trod the wine press alone that we may not be less than ourselves. Vouchsafe Thy guidance unto us and banish fear and unbelief from our breasts. We pray Thee to make our lives lofty in spirit and in aim, and enable us to bravely resist temptation and with manly silence sustain the heaviest burdens. Pour upon us, our Heavenly Father, the riches of Thy grace and the abundance of Thy mercy. In all our land may that which is mischievous be turned into blessings and the perverted things redeemed from lust and selfishness. Graciously be with our Speaker and this selected body of the people throughout this week. In our Savior's name. Amen.

The Journal of the proceedings of Friday, March 5, 1937, was read and approved.

APPOINTMENTS TO COMMITTEES

Pursuant to the provisions of House Resolution 60, Seventy-fifth Congress, the Chair appoints as chairman of the Select Committee on Government Organization the gentleman from Missouri, Mr. COCHRAN, and to fill the vacancy thereon the gentleman from Illinois, Mr. BEAM.

Pursuant to the provisions of Public Resolution No. 4, Seventy-fifth Congress, the Chair appoints to fill the existing vacancy on the Joint Committee on Government Organization the gentleman from Illinois, Mr. BEAM.

EXTENSION OF REMARKS

Mr. MARTIN of Colorado. Mr. Speaker, I ask unanimous consent to insert in the RECORD a radio address made by me in Washington on March 6.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. FLANNAGAN. Mr. Speaker, I ask unanimous consent to insert in the RECORD a radio address delivered by me on last Saturday.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BIGELOW. Mr. Speaker, I ask unanimous consent to insert in the RECORD a radio address made by the gentleman from California [Mr. IZAC].

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. GUYER. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting in the RECORD a radio address delivered by myself.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

TERM OF FEDERAL JUDGES

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

Mr. DIRKSEN. Mr. Speaker, reserving the right to object, I would remind the gentleman from Mississippi that this is District day.

Mr. RANKIN. I have talked with the chairman of the District Committee.

Mr. DIRKSEN. Several speeches are to be made after the conclusion of District day business.

Mr. RANKIN. I understand, but I shall not take more than 3 or 4 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

AMENDING THE CONSTITUTION TO LIMIT TENURE OF FEDERAL JUDGES TO TERM OF YEARS

Mr. RANKIN. Mr. Speaker, I am this morning introducing a resolution to amend the Constitution of the United States so as to limit the tenure of office of all Federal judges in the future to such terms of years as Congress may prescribe.

Section 1 of article III of the Constitution of the United States reads as follows:

> The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not diminish during their continuance in office.

The term "during good behavior", of course, means for life, unless removed from office for misbehavior.

The resolution which I have introduced would amend this section 1 of article III to make it read as follows:

> The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office; and shall hold their offices during good behavior, but if appointed after the ratification of this amendment, for not longer than such terms of years as the Congress may by law prescribe.

I have discussed this proposition with large numbers of Members of both Houses, and I have yet to find any substantial number of Members in either party in either House of Congress who oppose it.

If it were put to a vote today, I am confident that it would be passed overwhelmingly, and that it would be ratified by three-fourths of the States at soon as their legislatures could pass upon it.

If this amendment is adopted and becomes a part of the Constitution, Congress can then fix the term of a Supreme Court judge at, say, 12 or 15 years, and could fix the term of a circuit court judge or a district judge at 5, 7, or 9 years, or at any other length of time that Congress might agree upon.

In my opinion such an amendment should have been adopted a hundred years ago. I hope we can get a vote on it at an early date, pass it through the House and Senate, and send it on its way to the various States for ratification.

INCOME-TAX RETURNS

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 2 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, I call attention to the fact that at this particular time the people of this country who have made $1,500 or more are making out their income-tax returns. I question very much whether they are able to understand the questions asked, for the returns are so complicated. It seems to me that the Congress is responsible for the returns the taxpayers have been requested to fill out. If there is one thing this Congress ought to do, it is to simplify the tax returns they have requested of the people of this country. I further question whether the Members of Congress themselves are able to understand the law and make out the returns. I understand they must get aid from the Government collectors. Imagine what trouble people have who are unable to secure the services of the help the Members of Congress have access to.

Mr. KNUTSON. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield to the distinguished gentleman from Minnesota.

Mr. KNUTSON. As I understand it, it is largely an administrative matter. If the gentleman has any suggestions to make, he should transmit them to the Treasury Department, for I am sure they would like to simplify the returns that are required.

Mr. RICH. It is my belief that in order to simplify these returns the law must be changed. Congress must assume responsibility for these returns being so complicated. We must simplify this law so you and I and others can understand the English language.

Mr. COOPER. Mr. Speaker, will the gentleman yield?

Mr. RICH. I yield.

Mr. COOPER. I agree with the gentleman that the income-tax returns are complicated and difficult to execute. It was my privilege to serve a few years ago as a member of a special subcommittee of the Ways and Means Committee to make a comprehensive study of all the revenue laws of the country.

[Here the gavel fell.]

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. COOPER. Mr. Speaker, I entered upon the discharge of those duties with the fixed determination to do everything possible to try to simplify the income-tax system and the returns that are required. It soon developed that a very obvious situation was present—that is, that the business activities of this country are complicated. We have to tax business as we find it. We cannot reorganize all of the business of the country for the convenience of levying taxes, and therefore have to have complicated returns.

Mr. RICH. I am not finding fault with the taxes. I am finding fault with the returns. And I admire the gentleman from Tennessee and his ability, but to simplify the returns we must simplify the law. This I know can be accomplished if Congress will act to that end.

MEMBERS OF BOARD OF VISITORS TO THE UNITED STATES MILITARY ACADEMY

The SPEAKER laid before the House the following communication from the Committee on Military Affairs, which was read:

WASHINGTON, D. C. *February 18, 1937.*

Hon. WILLIAM B. BANKHEAD,
Speaker of the House of Representatives,
Washington, D. C.

MY DEAR MR. SPEAKER: Pursuant to the act of May 17, 1928 (U. S. C., title 10, sec. 1052a), I have appointed during the remainder of the first session of the Seventy-fifth Congress the following members of the Committee on Military Affairs of the House as members of the Board of Visitors to the United States Military Academy: LISTER HILL, Alabama; A. J. MAY, Kentucky; R. EWING THOMASON, Texas; DOW W. HARTER, Ohio; CHARLES I. FADDIS, Pennsylvania; WALTER G. ANDREWS, New York; and DEWEY SHORT, Missouri.

Sincerely yours,

LISTER HILL, *Chairman.*

DISTRICT DAY

The SPEAKER. This is District of Columbia day.

DESIGNATION OF CERTAIN STREETS OR AVENUES IN THE MALL AS OHIO, MISSOURI, OKLAHOMA, AND MAINE AVENUES

Mrs. NORTON. Mr. Speaker, I call up House Joint Resolution 171, for the designation of certain streets or avenues in the Mall as Ohio, Missouri, Oklahoma, and Maine Avenues and ask for its immediate consideration.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the four avenues extending east and west in the Mall between Third Street and Fourteenth Street and south of the National Museum and north of the Smithsonian Institution in the National Capital, the city of Washington, D. C., shall be named as follows: In honor of the State of Missouri the most southerly of such avenues shall be known as Missouri Avenue; in honor of the State of Maine the most northerly of such avenues shall be known as Maine Avenue; in honor of the State of Oklahoma the more northerly of the two center avenues shall be known as Oklahoma Avenue; and in honor of the State of Ohio the more southerly of the two center avenues shall be known as Ohio Avenue.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SALARIES OF OFFICERS AND MEMBERS OF THE METROPOLITAN POLICE FORCE (D. C.)

Mrs. NORTON. Mr. Speaker, I call up the bill (H. R. 2898) to amend section 1 of the act entitled "An act to fix the salaries of officers and members of the Metropolitan Police force, the United States Park Police force, and the Fire Department of the District fo Columbia", approved May 27, 1924, and for other purposes.

The Clerk read the title of the bill.

Mrs. NORTON. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 1 of the act of Congress entitled "An act to fix the salaries of the officers and members of the Metropolitan Police force, the United States Park Police force, and the Fire Department of the District of Columbia", approved May 27, 1924, be amended by striking out all of said section following the second period, which appears after the words "driver-privates shall have the same rank and pay of privates of the above classes", and place in lieu thereof the following:

"Members detailed to motorcycle service shall each receive an extra compensation of $120 per annum, and members of the force assigned to special service in the prevention and detection of crime shall be in two classes and receive extra compensation as follows: Class 1 shall receive extra compensation of $600 per annum; class 2 shall receive extra compensation of $240 per annum, and the Commissioners of the District of Columbia are authorized and empowered, in their discretion, to designate the members of the force assigned to such special service who shall be in class 1 and the remaining members of the force assigned to special service shall be in class 2: *Provided, however*, That members of the force designated by the Commissioners to class 1 shall, whenever possible, be members of the force in class 2, and have had at least 2 years' experience in class 2, but all vacancies in class 1 shall be filled from members of the force designated to class 2."

SEC. 2. Nothing in this act shall be construed as repealing or amending section 3 of the act entitled "An act relating to the Metropolitan Police of the District of Columbia", approved February 28, 1901, as amended.

SEC. 3. No member of the force designated to class 1, or class 2, according to the provisions of this act shall be demoted without a trial before the trial board.

SEC. 4. A member of the Metropolitan Police force assigned to duty in plain clothes must have previously performed duty for 3 years in uniform.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ESTABLISHMENT OF STANDARD OF WEIGHTS AND MEASURES FOR THE DISTRICT OF COLUMBIA

Mrs. NORTON. Mr. Speaker, I call up the bill (H. R. 4804) to amend section 11 of an act entitled "An act to

establish standard weights and measures for the District of Columbia; to define the duties of the Superintendent of Weights, Measures, and Markets of the District of Columbia, and for other purposes", approved March 3, 1921.

The Clerk read the title of the bill.

Mrs. NORTON. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 11 of an act entitled "An act to establish standard weights and measures for the District of Columbia; to define the duties of the Superintendent of Weights, Measures, and Markets of the District of Columbia, and for other purposes", approved March 3, 1921, as amended, is hereby amended by striking out the second proviso and inserting in lieu thereof the following: "*Provided further*, That no person, firm, or corporation shall sell, offer for sale, or keep for sale any coal or coke in any package which does not contain 50 pounds, 25 pounds, or 15 pounds, avoirdupois weight, of coal or coke, as the case may be, and which does not have plainly and conspicuously printed on the outside thereof the true net weight of the contents of said package, and the name and address of the maker of said package."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDMENT OF SECTION 907 OF THE CODE OF LAW, DISTRICT OF COLUMBIA

Mrs. NORTON. Mr. Speaker, I call up the bill (H. R. 4188) to amend section 907 of the Code of Law for the District of Columbia, approved March 3, 1901, as amended, up to and including June 7, 1924, and ask for its immediate consideration.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 907 of the act entitled "An act to establish a Code of Law for the District of Columbia", approved March 3, 1901, as amended, up to and including June 7, 1924, is amended by striking out said section and substituting the following in lieu thereof:

"SEC. 907. Second and third convictions: That whenever any person having been convicted of any felony shall thereafter be convicted of any felony committed after such first conviction, the punishment shall be by imprisonment in the penitentiary for the full term provided by law for such crime at the time of such last conviction therefor; that whenever any such person, having been so convicted the second time as above provided, shall be again convicted of any felony committed after said second conviction, the punishment shall be imprisonment in the penitentiary for a period of not less than 15 years: *Provided*, That such former conviction or convictions and judgment or judgments shall be set forth in apt words in the indictment. On any trial for any of said felonies, a duly authenticated copy of the record of the former conviction and judgment of any court of record, for any felony against the party indicted, shall be prima-facie evidence of such former conviction, and may be used in evidence against such party."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RECORDER OF DEEDS BUILDING

Mrs. NORTON. Mr. Speaker, I call up the bill (H. R. 4217) to provide for the erection of a building to be used exclusively for the recorder of deeds.

The Clerk read the title of the bill.

Mrs. NORTON. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That there shall be erected a Recorder of Deeds Building as provided for in an act entitled "An act to amend an act approved June 25, 1934, authorizing loans from the Federal Emergency Administration of Public Works for the construction of certain municipal buildings in the District of Columbia and for other purposes", approved May 6, 1935, and said building shall be used solely and exclusively for the performing of the duties and functions of the office of the recorder of deeds and shall be separate and distinct from any other building or buildings to be erected out of the funds authorized to be loaned to the Commissioners of the District of Columbia for the purpose of erecting certain buildings, and for other purposes, as provided for in the above-mentioned act: *Provided, however*, That the amount to be expended for the Recorder of Deeds Building shall not exceed the sum of $500,000: *And provided further*, That if the Commissioners of the District of Columbia shall fail or neglect to effect such loan for the purpose of erecting said Recorder of Deeds Building, said sum of $500,000 shall be made available out of the current revenues for the District of Columbia to be used for the purpose of erecting said building.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VOCATIONAL REHABILITATION OF DISABLED RESIDENTS OF THE DISTRICT OF COLUMBIA

Mrs. NORTON. Mr. Speaker, I call up the bill (H. R. 157) to amend an act entitled "An act to provide for vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes" (Public, No. 801, 70th Cong.).

The Clerk read the title of the bill.

Mrs. NORTON. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, will the gentlewoman from New Jersey explain this bill to us? I would like to know just what the bill does and how it will affect present conditions.

Mrs. NORTON. The bill simply raises the amount from $15,000 to $25,000, which is an increase of $10,000. It has been demonstrated before the committee that the measure is very urgently needed for the rehabilitation of disabled residents of the District. It has the endorsement of the Commissioners, and they are very anxious to have the bill passed.

Mr. MARTIN of Massachusetts. The bill simply increases the amount available for this purpose from $15,000 to $25,000?

Mrs. NORTON. That is all.

Mr. MARTIN of Massachusetts. And who pays it?

Mrs. NORTON. The District of Columbia.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 6 of the act entitled "An act to provide for the vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes", approved February 23, 1929 (Public, No. 801, 70th Cong.), be, and it is hereby, amended by striking out "$15,000" wherever it appears and inserting in lieu thereof "$25,000, to be immediately available": *Provided*, That no such additional appropriation shall be available for expenditure except when matched by equal appropriations of District of Columbia funds, which are hereby authorized.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WELTON B. HUTTON

The Clerk called the next bill, H. R. 4536, to provide for the holding of an examination by the Board of Optometry of the District of Columbia for a license to practice optometry in the District of Columbia for Welton B. Hutton.

The Clerk read the title of the bill.

Mrs. NORTON. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, I would like to ask why any one individual should have special legislation of this sort enacted for his benefit.

Mrs. NORTON. I am going to ask the author of the bill, the gentleman from West Virginia [Mr. RANDOLPH], to explain the measure to the gentleman.

Mr. RANDOLPH. Mr. Speaker, I may say to the gentleman from Massachusetts that Welton B. Hutton has been a practicing optometrist for more than 12 years, with a splendid reputation in his business, in the District of Columbia. It is with the permission, and, in fact, with the endorsement, of the other optometrists here, through their board of optometry, that they hope it will be possible to give Mr. Hutton this examination.

At the time the act was passed, calling for the practice of optometry to be regulated in the District of Columbia, approved May 28, 1924, he was not living in Washington, and was not a licensed optometrist, having come from my

district in West Virginia, I may say, to practice his profession here, and at that time he was not able to take the limited examination.

Mr. MARTIN of Massachusetts. Why was he not able to take the examination then?

Mr. RANDOLPH. He had not been here long enough. The provisions called for 1 year of practice immediately prior to passage of the act.

Mr. MARTIN of Massachusetts. It was a question of residence?

Mr. RANDOLPH. Yes; and I may say he has practiced here and is an excellent optometrist, and I may add also that his associates here in the District of Columbia would like to give him an opportunity to take the examination.

Mr. MARTIN of Massachusetts. Why can he not pass the regular examination now?

Mr. RANDOLPH. There has been no such opportunity given him.

Mr. MARTIN of Massachusetts. Is there not an opportunity afforded any person who wishes to do so to pass this examination?

Mr. RANDOLPH. He never had an opportunity to take the limited examination due to residence requirements, and all we are authorizing in this bill is an opportunity for him to take the examination that he may qualify as a licensed optometrist.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That notwithstand any limitations relating to the time required to be engaged in the practice of optometry as set forth in the act entitled "An act to regulate the practice of optometry", District of Columbia, 1924, the Board of Optometry in and for the District of Columbia is authorized and directed to hold an examination for a license to practice optometry in the District of Columbia for Welton B. Hutton, Washington, D. C., in accordance with the other provisions of the aforesaid act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REGULATION OF SALES OF GOODS IN THE DISTRICT OF COLUMBIA

Mrs. NORTON. Mr. Speaker, I call up the bill (S. 936) to regulate the sales of goods in the District of Columbia and ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentlewoman from New Jersey calls up the bill which the Clerk will report by title.

The Clerk read the title of the bill.

The SPEAKER. The gentlewoman from New Jersey asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

Mr. MICHENER. Mr. Speaker, I reserve the right to object. I do not know anything about the bill; I have never read it; but it is a bill that contains 50 pages. The committee report is simply a lot of words to the effect that it would be a good thing if this becomes a law. The report is indefinite—gives no information whatever. There are three or four organizations that evidently favor the bill, and the report says that it changes the whole contract law of the District of Columbia. Surely, if this committee is to be trusted with anything, it should not bring in a bill like this and ask that it be passed by unanimous consent without explaining it. I hope the chairman will take time to go into the matter and have the bill explained, and have it read for amendment, because it is things like this that weaken any committee in the estimation of the House. I object.

Mrs. NORTON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (S. 936) to regulate the sales of goods in the District of Columbia; and, pending that motion, I ask unanimous consent that debate be limited to 30 minutes, one-half to be controlled by the gentleman from Illinois [Mr. DIRKSEN] and one-half by myself.

The SPEAKER. The gentlewoman from New Jersey moves that the House resolve itself into the Committee of the Whole House on the state of the Union to consider the bill S. 936; and, pending that motion, asks unanimous consent that general debate upon the bill be limited to 30 minutes, one-half to be controlled by herself and one-half by the gentleman from Illinois [Mr. DIRKSEN]. Is there objection?

Mr. DIRKSEN. Mr. Speaker, I suggest that we take an hour, and that would give 30 minutes on a side.

Mr. MICHENER. Mr. Speaker, I reserve the right to object. Will someone explain what the bill means? I have not objected to the report, although it does not comply with the Ramseyer rule. This bill undertakes to repeal a lot of laws and changes a lot of laws, and those laws are not cited in the report, according to the Ramseyer rule. I hope someone will take the floor and tell us wherein the law is changed and explain the whole situation.

Mrs. NORTON. Mr. Speaker, I modify my request and ask unanimous consent that debate be limited to 1 hour, one-half to be controlled by the gentleman from Illinois [Mr. DIRKSEN] and one-half by myself. I may say to the gentleman from Michigan [Mr. MICHENER] that he will be fully convinced, I think, that the bill does not do what he thinks it is going to do.

Mr. MICHENER. But I have not suggested what I think it is going to do. I do not know.

The SPEAKER. The gentlewoman from New Jersey modifies her request that general debate be limited to 1 hour, one-half to be controlled by herself and one-half by the gentleman from Illinois. Is there objection?

There was no objection.

The SPEAKER. The question now is on the motion of the gentlewoman from New Jersey that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 936.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 936, with Mr. MCMILLAN in the chair.

The Clerk reported the title of the bill.

The CHAIRMAN. Without objection, the first reading of the bill will be dispensed with.

There was no objection.

Mrs. NORTON. Mr. Chairman, this bill codifies the law of the District of Columbia pertaining to sales so that it corresponds with the law now enacted in 34 States, and I would like to say to the gentleman from Michigan that the Uniform Sales Act is also the law in his State of Michigan.

The provisions of the Uniform Sales Act have been tested by innumerable judicial decisions in the many States of the Union in which it is now law. The States in which the act is now in force number 34, and this would bring the laws of the District of Columbia in line with the laws of those 34 States.

Mr. MICHENER. The report says that the law is practically the same as in these other States. The word "practically" is a big word. Will the lady explain wherein it differs from the laws of those other States?

Mrs. NORTON. My understanding is that the only difference between this act and the uniform act that has been enacted in 34 States was to make it applicable to the District of Columbia.

Mr. KENNEDY of Maryland. Mr. Chairman, will the gentlewoman yield?

Mrs. NORTON. Yes.

Mr. KENNEDY of Maryland. This law was proposed by the corporation counsel of the District of Columbia. It is substantially the same law that is in existence in 34 other States, including the gentleman's own State of Michigan. The purport of this law is to carry out the same purposes for which similar laws in these various States have been passed, and that is to enact a uniform sales act for the District of Columbia the same as exists in these various other States, as well as in the gentleman's State of Michigan. It has the approval of the Commissioners of the District and was drawn at the instance of the Corporation Counsel of the District of Columbia. It also has the approval of the National Commission on Uniform Laws, the American Bar Association, as well as other civic organizations interested in the passage of good legislation.

Mr. MICHENER. That is the same plausible answer that one could give who brought in any piece of legislation, merely saying that it has the approval of somebody's counsel and that it is a good bill, and that it explains in its "terminology" what it is, that it is supposed to be for the benefit of the people. That kind of an explanation of a bill is not worthy of this floor when we are discussing so important a bill as a bill that changes the contractual relations generally between people doing business in a State or in the District of Columbia.

The whole thing is shrouded in a lot of generalities. Here is a bill that somebody wants. It is alleged that it is practically the same as some other jurisdictions have enacted. The report should have stated what is changed. The chairman of the committee tells us this bill codifies all the laws in the District of Columbia on the subject of contracts. This House should not pass a law codifying, changing, and affecting all the contractual relations of all the people in the District of Columbia without reading it carefully and having a detailed explanation. The Committee at least should understand the bill thoroughly.

Mrs. NORTON. Mr. Chairman, I yield 10 minutes to the gentleman from Tennessee [Mr. CHANDLER].

Mr. CHANDLER. Mr. Chairman——

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. CHANDLER. I yield.

Mr. MICHENER. The gentleman is not a member of the District Committee, but is a member of the Committee on the Judiciary, and we all have great respect for him. He does not bring bills in in this way from his committee, and I hope he will discuss this bill as he would were it from the Committee on the Judiciary, and explain what every section does to the old law and what we have when we get through.

Mr. CHANDLER. I will be glad to do my best for the gentleman from Michigan.

This bill seeks to bring into uniformity with the laws of 34 of the States and Territories the commercial law relating to the sales of goods and personal property. It is the result of a number of years of effort on the part of the National Commission on Uniform State Laws. That is an organization created by the Governors of the several States for the purpose of simplifying and bringing into harmony the common-law decisions relating to transactions in the daily course of mercantile business.

It is a very important thing for commercial law to be simple, plain, and easily understood, because commercial transactions take place so rapidly that a misunderstanding of the law governing them very often results in serious loss to those engaged in them.

This law is not prepared by a group of people for selfish interests. The commissioners receive no compensation for their services. They are fine lawyers, interested in the development of the science and the spirit of the law, as contrasted with those who are so busy making money that they cannot contribute any of their time to the upbuilding of the profession to which they belong; judges of the courts, law teachers, and others. The original bill on this subject was written by Samuel Williston, who is professor of law at Harvard University and a great author and authority on the subject of contracts and sales throughout the United States.

Almost without change the law has been passed in the following States and Territories: Alabama, 1931; Alaska, 1913; Arizona, 1913; California, 1931; Connecticut, 1907; Delaware, 1933; Hawaii, 1929; Idaho, 1919; Illinois, 1915; Indiana, 1929; Iowa, 1919; Kentucky, 1928; Maine, 1923; Maryland, 1910; Massachusetts, 1908; Michigan, 1913; Minnesota, 1917; Nebraska, 1921; Nevada, 1915; New Hampshire, 1923; New Jersey, 1907; New York, 1911; North Dakota, 1917; Ohio, 1908; Oregon, 1919; Pennsylvania, 1915; Rhode Island, 1908; South Dakota, 1921; Tennessee, 1919; Utah, 1917; Vermont, 1921; Washington, 1926; Wisconsin, 1911; Wyoming, 1917.

This bill does not change existing statutes in the District of Columbia. It merely codifies and simplifies the law of sales and brings within the covers of a single pamphlet volumes that a lawyer would have to look into and a businessman would never be able to understand.

With reference to the changes I think the only changes between this bill and the laws as adopted in the various States relate to the Bills of Lading Act and the Warehouse Act, which Congress has already passed for the entire country, and in the amount fixed in section 4 for contracts in writing. They are only incidental changes which do not affect the substance of this statute.

The bill starts out with definitions which are the same in all the State laws. Then follow the formalities of a contract of sale and the subject matter of that contract. It describes what would be the situation as to the sale and delivery of merchandise under conditions which daily arise. For example, the loss or destruction of sold goods by fire, or otherwise; the question of defining and ascertaining the price of merchandise; how that is determined when a misunderstanding arises; sales that have warranties connected with them and conditions attached to them. It simplifies the law relating to those things. It defines what an express warranty of title in personal property is. It describes implied warranties in sales of property by description or by sample. It takes up the transfer of property, as between buyer and seller. It defines when title passes between one and the other; the sale of a piano, for example, or the sale of a radio, or the sale of a fur coat. Almost every daily transaction is involved in this law, which is written, after a study of 15 or 20 years, and also after the experience which it has had in 34 States of the Union.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. CHANDLER. I am pleased to yield to the gentleman.

Mr. JOHNSON of Texas. I note in the committee's report that among the States that have adopted similar legislation is the gentleman's own State of Tennessee. How long has Tennessee had such a law?

Mr. CHANDLER. Since 1919, and it has worked admirably in that State.

Mr. JOHNSON of Texas. The gentleman is a practicing attorney and would know the effect of that law. Has it been satisfactory?

Mr. CHANDLER. Very satisfactory. A very interesting point is that the statute has tended to reduce the volume of litigation on the subject of sales of personal property, and in that way relieves congestion in the courts. It has a progressive side in that respect also.

Mr. JOHNSON of Texas. The legislation is not designed to give advantage to either the purchaser or the seller. It is in the interest of public welfare and is not promulgated by any merchant's association of any character.

Mr. CHANDLER. Entirely so. It is not promulgated by any particular group. It is a recognition, as I said at the beginning, of the great importance that commercial law shall be simple and easily understood, and that it shall not be necessary to go to the law books every time a difference arises between a seller and a buyer of merchandise in daily business pursuits.

I shall be glad to go on, if it is desired, and state what is meant by reservation of right of possession of property that may be sold under condition; sale by auction—there are lots of auctions in the District of Columbia. This bill defines clearly the law with reference to sales by auction. It relates to the transfer of the title of property by a person not the owner but who has some right of sale. The layman can read this bill and understand it just as the lawyer can. It is in the interest of the private citizen in the District of Columbia as well as in the interest of the lawyers.

Section 25 deals with sale by the seller in possession of goods already sold and states what his duties are.

Mr. McLAUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. CHANDLER. I yield.

Mr. McLAUGHLIN. This is a law which is in effect in 34 States and has worked satisfactorily in these States, has it not?

Mr. CHANDLER. It has. The gentleman's State, Nebraska, has this law.

Mr. McLAUGHLIN. Nebraska has this law, and it has worked satisfactorily there. It has been construed by the

courts so that the terms are understood. There is no uncertainty of the rights of the litigants where this law is involved.

Mr. CHANDLER. That is entirely correct, and I thank the gentleman for his contribution. As a matter of fact, all of the States surrounding the District of Columbia have this law, as I recall; and I think I am safe in saying that it would be the law in every State in the Union if somebody took enough interest in those States where it is not now the law to present it to the legislatures. Virginia and Maryland, for example, which the District overlaps, have this law on their statute books. This makes the law in the three jurisdictions uniform on sales of personalty.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield further?

Mr. CHANDLER. With pleasure.

Mr. JOHNSON of Texas. Is this bill in conformity with the uniform law that has been adopted in these other 34 States?

Mr. CHANDLER. Yes.

Mr. JOHNSON of Texas. It is similar, as I understand it, to what we adopted some years ago in the law of merchants, the Uniform Negotiable Instruments Act, which applies to all negotiable securities and negotiable instruments. In the same way, this bill relates to the sale of personal property.

Mr. CHANDLER. Yes. It is very similar to the Negotiable Instruments Act, which is the same in every State and Territory in the country, and without which we would not be able to function in the handling of negotiable instruments. In just the same way the District of Columbia has passed already the Bills of Lading Act, the Child Labor Act of 1930, the Declaratory Judgments Act, the Fiduciaries Act, the Firearms Act, the Negotiable Instruments Act, and the Warehouse Receipts Act.

Mr. McFARLANE. Mr. Chairman, will the gentleman yield?

Mr. CHANDLER. I yield.

Mr. McFARLANE. I notice conditional sales are not covered in this bill. Is the gentleman going to come in later with a bill dealing with conditional sales?

Mr. CHANDLER. This is not my bill, I may say to the gentleman from Texas. It does not deal with conditional sales at all. They are covered by entirely different legislation, and they generally are different in each State.

I would be very glad to go further, if I have not already satisfied the gentleman from Michigan.

[Here the gavel fell.]

Mrs. NORTON. Mr. Chairman, I yield 5 additional minutes to the gentleman from Tennessee.

Mr. MICHENER. I wish the gentleman would go further and explain the bill. I am not so much interested in the fact that somebody says it is a good bill and that it is a uniform bill. Going further, let us take up the statute of frauds, mentioned on page 3, section 4. What is the present statute of frauds in the District? What is the amount?

Mr. CHANDLER. There is no statute of frauds in the District of Columbia now, so far as I know. This bill simply writes into the law the seventeenth section of the statute of frauds with reference to the sale of merchandise of the value of $500 or over, which contracts must be in writing, designed originally by the English statute of frauds, and intended to make definite and certain transactions of $500 and upward.

Mr. MICHENER. The statute of frauds is not uniform in the various States. In some States there is a limitation of $50 and in others greater amounts. In my State the amount is $100. It varies in the different States.

Mr. CHANDLER. Not very much, if I may interrupt the gentleman. They do not vary a great deal; $500 is the medium which has proven most satisfactory over the experience of a great number of years.

Mr. MICHENER. That is a pretty good explanation. Now, on page 4, section 6, paragraph 2, the bill deals with "fungible" goods. There are many Members here who do not know what "fungible" goods means. Will not the gentleman explain this for the benefit of those who are not lawyers?

Mr. CHANDLER. Fungible goods are goods in the mass in which each unit of the mass is similar to the whole. For instance, grain belongs in the class of fungible goods and money is fungible goods. That may explain it.

I think the gentleman is putting me through a bar examination.

Mr. MICHENER. I know the gentleman appreciates there are mighty few Members here who do know about this. The point I am trying to impress is that we are passing legislation here we do not know anything about. There are a few lawyers who do know about it. The gentleman is one of them. Other Members do not know anything about it. I am protesting against bringing important legislation in here and railroading it through by unanimous consent without Members having any idea what they are doing, and that is what is happening here.

Mr. CHANDLER. May I say to the gentleman, this bill came up in the Seventy-fourth Congress. It was reported favorably during that Congress. I looked at the bill at that time and hoped it would pass. Every Member of this body cannot study all bills of a legal character. It might as well be said that we ought to study an appropriation bill line by line. However, there are some of us in the House who have made a study of this subject for a number of years and probably you will have to take our word for it when we say it is a good measure and ought to be passed and will do a good service for the public in this community, especially when judges, lawyers, and law teachers have studied it for years.

Mr. MICHENER. I am usually willing to go along with the gentleman on a legal proposition, but he does not happen to be a member of that committee. I was unable to get any information from the committee. I talked with three or four members and they admitted that they did not know anything about it. It was reported here by the committee and the report accompanying the bill means absolutely nothing. It does not comply with the rule. Therefore it seems to me we ought to stop considering this type of legislation in this way.

Mr. CHANDLER. Recognizing, as I do, the situation which the gentleman has just stated, I took it upon myself to read this bill over very carefully during the week end so that if any question should arise I might be able to explain something that needed explanation.

Mr. MICHENER. The gentleman is to be commended.

Mr. COLE of Maryland. Will the gentleman yield?

Mr. MICHENER. I yield to the gentleman from Maryland.

Mr. COLE of Maryland. Is the Uniform Sales Act, of which this is a copy, one of the codifications encouraged by the American Law Institute?

Mr. CHANDLER. It is. And I might add that the American Law Institute is doing a wonderful work in restating the body of the law. I thank the gentleman from Maryland.

[Here the gavel fell.]

Mrs. NORTON. Mr. Chairman, I want to thank the gentleman from Tennessee [Mr. CHANDLER] for his very able explanation of this bill. Not being a lawyer myself, as a rule it has been necessary to depend on the lawyer members of the committee, but unfortunately there does not seem to be a lawyer member of the committee present at this time.

This bill was considered by the Judiciary Subcommittee of the District Committee in the Seventy-fourth Congress, and there was no objection to the bill from any source. May I also say, Mr. Chairman, that before bills are considered by our committee they must be approved by the Commissioners of the District of Columbia as well as the corporation counsel's office of the District of Columbia. Those of us who are not lawyers must depend upon the corporation counsel's office of the District for an explanation of and the necessity for these bills. When the corporation counsel and the Commissioners of the District of Columbia have passed upon the bills, they are sent to the Bureau of the Budget. Therefore, Mr. Chairman, before a bill comes to this House for consideration, as a rule, it is pretty well gone into by all responsible people in the District

government. Then, too, we have a Judiciary Subcommittee of the District of Columbia which considers all of these legal questions. That committee is made up of lawyers, and I am sure the gentleman from Illinois [Mr. DIRKSEN] will bear me out in the statement that we carefully and fully consider these bills. The gentleman from Illinois being a lawyer, and a very able lawyer, perhaps can answer some of the questions that have come up.

Mr. DIRKSEN. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, in order to clear up apprehensions or misapprehensions about my legal status, may I say that I am a member of the bar and incidentally a member of the bar of the District of Columbia as well as the State of Illinois.

Mr. Chairman, may I say a word with reference to this bill and with respect to procedural matters as far as District of Columbia legislation is concerned. The gentleman from Tennessee [Mr. CHANDLER] is quite right in stating that this bill came before the District of Columbia Committee in the Seventy-fourth Congress. I looked at it at that time and gave it quite a lot of consideration. The bill was considered by the Senate also. I may say it is quite beyond the mental capacity of any Member of Congress serving on several committees to carry legislation in mind from one Congress to another. You familiarize yourself at the time with the details of the measure, and then a lot of those details go out of mind. When the bill comes back, quite often as a perfunctory matter, it is restored to the committee calendar, then it is reported out with not much discussion perhaps, but that does not militate against the merits of the bill nor against that kind of procedure. This has happened very often, and may I suggest it has happened in the case of this uniform sales act.

I do not pretend to be overly familiar with all the details of the act, although I have some rudimentary familiarity with the general law of sales and contract, like most lawyers. I look at this largely in the light of the recommendation under which it came to the Congress from the District Committee. I think it is apparent that the very able lawyers who make up the District bar, and there are not hundreds of them but thousands, would be before the District Committee if there was anything wrong with a bill that was considered by the committee in 1934. They have unequivocally endorsed that bill, which in their judgment will add materially to the legal set-up and the substance of the law as it covers sales and contracts and negotiable instruments in the District of Columbia.

Now, I may say that, insofar as I myself am concerned, in view of the fact you have a Federal bar association, a District bar association, and a woman's bar association that are made up of very able lawyers, when they place their sanction upon a bill you can at least say that in large measure it must contain a great deal of legal merit.

Mr. FITZPATRICK. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. FITZPATRICK. Will it increase the business of the legal profession if the bill is passed?

Mr. DIRKSEN. I do not know, but, as a lawyer, I hope so. [Laughter.]

This bill comes before the Committee and the Congress with this recommendation.

Secondly, you have a cojurisdiction over in Maryland, and you have a codified sales law in Virginia, and you follow a sort of basic common-law procedure here in the District, so far as sales and that sort of thing are concerned. This has led to a great deal of confusion, and it has become necessary in the interest of the District and District business to get in line with Virginia and Maryland, because of the interplay of sales and contract sales and contract law as it exists between these three jurisdictions. This is another recommendation for the bill.

Thirdly, in substantially the same form in which it appears before the House today, this same bill obtains in some 34 State jurisdictions in this country.

Now, I may say that if it is a good law in the State of Illinois, I have no hesitation in saying that, in my judgment, it will apply very properly in the District of Columbia. If the lawyers in the State of Illinois, the Illinois Bar Association, and the students of law, including professors at Chicago University and Northwestern University, have served in order to make this a part of the organic law of the State of Illinois, then I am willing to go along with it, even though I cannot come before the House today and give a detailed explanation of all the provisions you will find in the measure. This is just like a great deal of legislation. You have got to accept some of it on faith. I venture to say that if you tried to read and masticate and digest all the bills that come before the Congress you would be reading day and night, early and late, for months and months just to catch up with your reading, to say nothing of being able to digest any of the material.

So, this bill having passed the Senate and coming here with the indirect recommendation of 34 different jurisdictions and with the direct recommendation of the bar association in the District of Columbia, I believe this should recommend itself to the favorable consideration of the Committee; and this is all I have to say on the subject. [Applause.]

Mr. Chairman, I reserve the balance of my time and yield 5 minutes to the gentleman from Michigan.

Mr. MICHENER. Mr. Chairman, the gentleman's speech makes very clear the thing to which I object. The gentleman says that somebody presents a bill here and that all the Members of the House do not have time to digest it and study it and be able to explain the measure when it comes on the floor. This is true; but, under our system of parliamentary procedure, we establish committees for that very purpose, and the rules provide that these bills must go to the appropriate committee.

The gentleman who just preceded me tells us that he is a lawyer; that he has not digested the bill; that he cannot explain it; that he does not understand its details; but he accepts it because, perchance, some group gave it to him and told him it was a good bill to pass through Congress.

Let us shun the day when this Congress accepts the philosophy of the gentleman from Illinois as just propounded in his splendid manner. The gentleman is a wonderful speaker, uses a fine lot of words, will make you think black is white by his words, but I want something more than words, and when you bring in a bill of this kind I would like to have the members of the committee, instead of running off the floor when the bill comes up, because they do not know anything about the measure, stand up here and defend the bill, as did the gentleman from Tennessee [Mr. CHANDLER], who is not a member of the committee, but a Member who is interested in the subject, who has given it study, who knows what it is, and who is ready to come here and explain it.

We have had a lot of trouble with our District bills here and I am going to talk quite frankly. We have had a lot of trouble getting their bills through the Congress, and what has been the trouble? This is the best illustration that the committee does not come on the floor prepared to explain its bills. It does not seem to take its work seriously. It brings bills in here that it cannot explain; that it evidently has not studied in detail. If we are going to pass bills like this, without committees understanding the bills, why have committees? Let us just have somebody present a bill here and have two or three Members make splendid speeches and say, "It sounds all right, and I do not know why it will not be all right; I have not studied it, but the objective is all right and the purpose seems all right and somebody out in the State says it is all right, so now let us make it a law. Let us do it unanimously, let us do it quickly, let us be through with it."

Mr. Chairman, we have to get away from that type of doing things if the Congress is going to have the respect that it should have, and that it must have in the country, and the committees of Congress must get away from that way of doing things if those committees want the respect of the Congress or the respect of the country. I am not opposing this bill. I am opposing the procedure. I have not had time to read it. I came here hoping that the committee would take this bill of 50 pages changing the entire contractual relations of individuals and corporations in the District of Columbia and tell us at least something about it,

other than that it is a fine thing, that it is a splendid bill, that some organization said so, and that we ought to pass it. I am not going to oppose it. Of course, the bill will pass, because this Congress on District matters has reached the stage where it does not give District matters the consideration to which they are entitled. We legislate for the District. This is District day. It should be a serious day for everyone. This day is the same to the people of the District of Columbia as your State legislature session is to your State. Your State legislature passes laws for the State and we pass laws here for the District of Columbia. We should take the matter seriously and so should the committee. It should not bring in bills that it at least does not know anything about. This condition is not the fault of the chairman. It is the culmination of years of lack of interest by Congress as a body in District affairs. The first step to regain interest, however, must come from the committee.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. DIRKSEN. Mr. Chairman, I yield myself 5 minutes. I say to my good philosophical friend from the State of Michigan [Mr. MICHENER], first of all, that it might be a good idea for him to serve on the District of Columbia Committee for a while. It is a labor of love with the Members who do serve on that committee. It is a gratuitous service for which you get no credit back home. The gentleman would be surprised at the time it takes from one's own time in serving one's own constituency or the country. In behalf of the chairwoman of the Committee on the District of Columbia and all the members of that committee, may I say that they have rendered yeoman service to the country and to the District of Columbia, coming here day after day with committee hearings, subcommittee hearings, and all that, in order to digest the hundreds of bills that go across the committee's table. I point out to my distinguished and scholarly friend from Michigan that when you legislate with reference to the District of Columbia it is quite different from legislating for the country as a whole. There are 600,000 people here, and we try to consult them as to what they want. We try to consult them insofar as the benefits of the people of the District of Columbia are concerned, and they say to us insofar as they can through representatives, through professional men and others, that they believe this is a good bill. I think that is a recommendation in itself for the bill. We try insofar as possible to give them a measure of home rule in that respect and let them say a word once in a while as to the kind of legislation they think ought to obtain here.

I did not say that I did not digest this bill. I did say that I have not digested it since 1934, when it was first introduced, and I freely confess that I do not have the mental capacity to carry that sort of legislation with all of its detail in my mind from one year to another. Perhaps the very capacious ability of my friend from Michigan is equal to that sort of thing, but I confess to you freely that I am not, and I make no apology for it. If the truth were known I venture to say that a very small, infinitesimally small, proportion of the membership of the House knows everything about all of the bills on which they vote. If you have any doubt about that general statement, I cite you to the fact that bills are considered on the floor of this House where there has been considerable discussion, and then when the bells ring, just watch the Members come in and listen to the words they get from some clerk near whichever door they may enter the Chamber, on the majority or the minority side. I have seen it for 4 years, and I know that a very small percentage of the membership knows very much about all of the bills that go through the legislative hopper. So my good friend from Michigan does not have to lecture me particularly on my legislative attainments. Those will take care of themselves.

Mr. CREAL. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. Yes.

Mr. CREAL. To inquire as to who is responsible for goods lost or damaged in transit.

Section 22 reads:

Unless otherwise agreed, the goods remain at the seller's risk until the property therein is transferred to the buyer, but when the property therein is transferred to the buyer the goods are at the buyer's risk, whether delivery has been made or not, except that—

(a) Where delivery of the goods has been made to the buyer or to a bailee for the buyer, in pursuance of the contract and the property in the goods has been retained by the seller merely to secure performance by the buyer of his obligations under the contract, the goods are at the buyer's risk from the time of such delivery.

When is delivery made, when it is placed in transit to the buyer? Then he would have to make claim for loss or damages in transit, or is it still the property of the seller? It would seem from the reading here that the seller relieves himself of obligations, where he was merely retaining title until the buyer had performed some conditions, and for that only, and it might make a shift as to who would present the claim for damages or loss in transit, by rail, for instance.

Mr. DIRKSEN. Mr. Chairman, this is a uniform provision, as my good friend from Kentucky will bear out. I conclude with this statement: I have voted on bills here that have not been fully explained, not only coming out of the District of Columbia Committee, but of many other committees; and so I say to you again that these bills receive a thorough discussion and thorough consideration in the Committee on the District of Columbia, and when we bring them to you we feel that we have good legislation that we can commend to the favorable action of the House. I say to the chairwoman that, in my judgment, she has not only done a remarkable job as chairwoman of the District of Columbia Committee, but I think she deserves the everlasting thanks of the Congress and of the people of the District for the amount of time she has devoted so diligently to this work. [Applause.]

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. RANDOLPH. I agree with what the gentleman said relative to the chairman and the committee members I certainly want to put the gentleman from Illinois in that class, because he gives splendid attention to the business of the District of Columbia Committee.

Mr. DIRKSEN. I thank the gentleman.

Mr. MILLARD. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield.

Mr. MILLARD. Were there public hearings after public notice on this bill in the Committee on the District of Columbia?

Mr. DIRKSEN. I think we had considerable hearings in 1934, as I remember it, and then hearings were conducted before the Senate committee.

Mr. MILLARD. After public notice to the people of the District, and they approved it?

Mr. DIRKSEN. Yes.

Mr. MILLARD. The gentleman does not answer the question, but, however——

Mr. DIRKSEN. Mr. Chairman, may I add this word by way of recapitulation? Maryland and Virginia, the adjoining jurisdictions, now have this uniform sales act on the books. It obtains in 34 States of the Union. It has the approval of the local bar associations. It has been passed by the United States Senate. It has been properly considered by the District Committee of the House 2 years ago. It codifies the law on sales and contracts for sale and is very definitely in the interest of the general public.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

The Clerk read as follows:

Be it enacted, etc., That on and after July 1, 1937, all sales of goods in the District of Columbia shall be made under and in accordance with the following provisions of law:

PART I

FORMATION OF THE CONTRACT

SECTION 1. Contracts to sell and sales: (1) A contract to sell goods is a contract whereby the seller agrees to transfer the property in goods to the buyer for a consideration called the "price."

(2) A sale of goods is an agreement whereby the seller transfers the property in goods to the buyer for a consideration called the "price."

(3) A contract to sell or a sale may be absolute or conditional.

(4) There may be a contract to sell or a sale between one part owner and another.

SEC. 2. Capacity—liabilities for necessaries: Capacity to buy and sell is regulated by the general law concerning capacity to contract, and to transfer and acquire property.

Where necessaries are sold and delivered to an infant, or to a person who by reason of mental incapacity or drunkenness is incompetent to contract, he must pay a reasonable price therefor.

"Necessaries" in this section means goods suitable to the condition in life of such infant or other person, and to his actual requirements at the time of delivery.

FORMALITIES OF THE CONTRACT

SEC. 3. Form of contract or sale: Subject to the provisions of this act and of any statute in that behalf, a contract to sell or a sale may be made in writing (either with or without seal), or by word of mouth, or partly in writing and partly by word of mouth, or may be inferred from the conduct of the parties.

SEC. 4. Statute of frauds: (1) A contract to sell or a sale of any goods or choses in action of the value of $500 or upwards shall not be enforceable by action unless the buyer shall accept part of the goods or choses in action so contracted to be sold or sold, and actually receive the same, or give something in earnest to bind the contract, or in part payment, or unless some note or memorandum in writing of the contract or sale be signed by the party to be charged or his agent in that behalf.

(2) The provisions of this section apply to every such contract or sale, notwithstanding that the goods may be intended to be delivered at some future time or may not at the time of such contract or sale be actually made, procured, or provided, or fit or ready for delivery, or some act may be requisite for the making or completing thereof, or rendering the same fit for delivery; but if the goods are to be manufactured by the seller especially for the buyer and are not suitable for sale to others in the ordinary course of the seller's business, the provisions of this section shall not apply.

(3) There is an acceptance of goods within the meaning of this section when the buyer, either before or after delivery of the goods, expresses by words or conduct his assent to becoming the owner of those specific goods.

SUBJECT MATTER OF CONTRACT

SEC. 5. Existing and future goods: (1) The goods which form the subject of a contract to sell may be either existing goods, owned or possessed by the seller, or goods to be manufactured or acquired by the seller after the making of the contract to sell, in this act called future goods.

(2) There may be a contract to sell goods, the acquisition of which by the seller depends upon a contingency which may or may not happen.

(3) Where the parties purport to effect a present sale of future goods, the agreement operates as a contract to sell the goods.

SEC. 6. Undivided shares: (1) There may be a contract to sell or a sale of an undivided share of goods. If the parties intend to effect a present sale, the buyer, by force of the agreement, becomes an owner in common with the owner or owners of the remaining shares.

(2) In the case of fungible goods, there may be a sale of an undivided share of a specific mass, though the seller purports to sell and the buyer to buy a definite number, weight, or measure of the goods in the mass, and though the number, weight, or measure of the goods in the mass is undetermined. By such a sale the buyer becomes owner in common of such a share of the mass as the number, weight, or measure bought bears to the number, weight, or measure of the mass. If the mass contains less than the number, weight, or measure bought, the buyer becomes the owner of the whole mass and the seller is bound to make good the deficiency from similar goods unless a contrary intent appears.

SEC. 7. Destruction of goods sold: (1) Where the parties purport to sell specific goods, and the goods without the knowledge of the seller have wholly perished at the time when the agreement is made, the agreement is void.

(2) Where the parties purport to sell specific goods, and the goods without the knowledge of the seller have perished in part or have wholly or in a material part so deteriorated in quality as to be substantially changed in character, the buyer may at his option treat the sale—

(a) As avoided; or

(b) As transferring the property in all of the existing goods or in so much thereof as have not deteriorated, and as binding the buyer to pay the full agreed price if the sale was indivisible, or to pay the agreed price for the goods in which the property passes if the sale was divisible.

SEC. 8. Destruction of goods contracted to be sold: (1) Where there is a contract to sell specific goods, and subsequently, but before the risk passes to the buyer, without any fault on the part of the seller or the buyer, the goods wholly perish, the contract is thereby voided.

(2) Where there is a contract to sell specific goods, and subsequently, but before the risk passes to the buyer, without any fault of the seller or the buyer, part of the goods perish or the whole or a material part of the goods so deteriorate in quality as to be substantially changed in character, the buyer may at his option treat the contract—

(a) As avoided; or

(b) As binding the seller to transfer the property in all of the existing goods or in so much thereof as have not deteriorated, and as binding the buyer to pay the full agreed price if the contract was indivisible, or to pay the agreed price for so much of the goods as the seller, by the buyer's option, is bound to transfer if the contract was divisible.

THE PRICE

SEC. 9. Definition and ascertainment of price: (1) The price may be fixed by the contract, or may be left to be fixed in such manner as may be agreed, or it may be determined by the course of dealing between the parties.

(2) The price may be made payable in any personal property.

(3) Where transferring or promising to transfer any interest in real estate constitutes the whole or part of the consideration for transferring or for promising to transfer the property in goods, this act shall not apply.

(4) Where the price is not determined in accordance with the foregoing provisions, the buyer must pay a reasonable price. What is a reasonable price is a question of fact dependent on the circumstances of each particular case.

SEC. 10. Sale at a valuation: (1) Where there is a contract to sell or a sale of goods at a price or on terms to be fixed by a third person, and such third person without fault of the seller or the buyer cannot or does not fix the price or terms, the contract or the sale is thereby avoided; but if the goods or any part thereof have been delivered to and appropriated by the buyer he must pay a reasonable price therefor.

(2) Where such third person is prevented from fixing the price or terms by fault of the seller or the buyer, the party not in fault may have such remedies against the party in fault as are allowed by parts IV and V of this act.

CONDITIONS AND WARRANTIES

SEC. 11. Effect of conditions: (1) Where the obligation of either party to a contract to sell or a sale is subject to any condition which is not performed, such party may refuse to proceed with the contract or sale or he may waive performance of the condition. If the other party has promised that the condition should happen or be performed, such first-mentioned party may also treat the nonperformance of the condition as a breach of warranty.

(2) Where the property in the goods has not passed, the buyer may treat the fulfillment by the sell of his obligations to furnish goods as described and as warranted expressly or by implication in the contract to sell as a condition of the obligation of the buyer to perform his promise to accept and pay for the goods.

SEC. 12. Definition of express warranty: Any affirmation of fact or any promise by the seller relating to the goods is an express warranty if the natural tendency of such affirmation or promise is to induce the buyer to purchase the goods, and if the buyer purchases the goods relying thereon. No affirmation of the value of the goods, nor any statement purporting to be a statement of the seller's opinion only, shall be construed as a warranty.

SEC. 13. Implied warranties of title: In a contract to sell or a sale, unless a contrary intention appears, there is—

(1) An implied warranty on the part of the seller that in case of a sale he has a right to sell the goods, and that in case of a contract to sell he will have a right to sell the goods at the time when the property is to pass;

(2) An implied warranty that the buyer shall have and enjoy quiet possession of the goods as against any lawful claims existing at the time of the sale;

(3) An implied warranty that the goods shall be free at the time of the sale from any charge or encumbrance in favor of any third person, not declared or known to the buyer before or at the time when the contract or sale is made.

(4) This section shall not, however, be held to render liable a sheriff, auctioneer, mortgagee, or other person professing to sell by virtue of authority in fact or law, goods in which a third person has a legal or equitable interest.

SEC. 14. Implied warranty in sale by description: Where there is a contract to sell or a sale of goods by description, there is an implied warranty that the goods shall correspond with the description and if the contract or sale be by sample, as well as by description, it is not sufficient that the bulk of the goods corresponds with the sample if the goods do not also correspond with the description.

SEC. 15. Implied warranties of quality: Subject to the provisions of this act and of any statute in that behalf, there is no implied warranty or condition as to the quality or fitness for any particular purpose of goods supplied under a contract to sell or a sale, except as follows:

(1) Where the buyer, expressly or by implication, makes known to the seller the particular purpose for which the goods are required, and it appears that the buyer relies on the seller's skill or judgment (whether he be the grower or manufacturer or not), there is an implied warranty that the goods shall be reasonably fit for such purpose.

(2) Where the goods are bought by description from a seller who deals in goods of that description (whether he be the grower or manufacturer or not), there is an implied warranty that the goods shall be merchantable quality.

(3) If the buyer has examined the goods, there is no implied warranty as regards defects which such examination ought to have revealed.

(4) In the case of a contract to sell or a sale of a specified article under its patent or other trade name, there is no implied warranty as to its fitness for any particular purpose.

(5) An implied warranty or condition as to the quality or fitness for a particular purpose may be annexed by the usage of trade.

(6) An express warranty or condition does not negative a warranty or condition implied under this act unless inconsistent therewith.

SALE BY SAMPLE

SEC. 16. Implied warranties in sale by sample: In the case of a contract to sell or a sale by sample—

(a) There is an implied warranty that the bulk shall correspond with the sample in quality.

(b) There is an implied warranty that the buyer shall have a reasonable opportunity of comparing the bulk with the sample, except so far as otherwise provided in section 47 (3).

(c) If the seller is a dealer in goods of that kind, there is an implied warranty that the goods shall be free from any defect rendering them unmerchantable which would not be apparent on reasonable examination of the sample.

PART II

TRANSFER OF PROPERTY AS BETWEEN SELLER AND BUYER

SEC. 17. No property passes until goods are ascertained: Where there is a contract to sell unascertained goods no property in the goods is transferred to the buyer unless and until the goods are ascertained, but property in an undivided share of ascertained goods may be transferred as provided in section 6.

SEC. 18. Property in specific goods passes when parties so intend: (1) Where there is a contract to sell specific or ascertained goods, the property in them is transferred to the buyer at such time as the parties to the contract intend it to be transferred.

(2) For the purpose of ascertaining the intention of the parties, regard shall be had to the terms of the contract, the conduct of the parties, usages of trade, and the circumstances of the case.

SEC. 19. Rules for ascertaining intention: Unless a different intention appears, the following are rules for ascertaining the intention of the parties as to the time at which the property in the goods is to pass to the buyer:

Rule 1. Where there is an unconditional contract to sell specific goods, in a deliverable state, the property in the goods passes to the buyer when the contract is made and it is immaterial whether the time of payment, or the time of delivery, or both, be postponed.

Rule 2. Where there is a contract to sell specific goods and the seller is bound to do something to the goods, for the purpose of putting them into a deliverable state, the property does not pass until such thing is done.

Rule 3. (1) When goods are delivered to the buyer "on sale or return", or on other terms indicating an intention to make a present sale, but to give the buyer an option to return the goods instead of paying the price, the property passes to the buyer on delivery, but he may revest the property in the seller by returning or tendering the goods within the time fixed in the contract, or, if no time has been fixed, within a reasonable time.

(2) When goods are delivered to the buyer on approval or on trial or on satisfaction, or other similar terms, the property therein passes to the buyer—

(a) When he signifies his approval or acceptance to the seller or does any other act adopting the transaction;

(b) If he does not signify his approval or acceptance to the seller, but retains the goods without giving notice of rejection, then if a time has been fixed for the return of the goods, on the expiration of such time, and, if no time has been fixed, on the expiration of a reasonable time. What is a reasonable time is a question of fact.

Rule 4. (1) Where there is a contract to sell unascertained or future goods by description, and goods of that description and in a deliverable state are unconditionally appropriated to the contract, either by the seller with the assent of the buyer, or by the buyer with the assent of the seller, the property in the goods thereupon passes to the buyer. Such assent may be expressed or implied, and may be given either before or after the appropriation is made.

(2) Where, in pursuance of a contract to sell, the seller delivers the goods to the buyer, or to a carrier or other bailee (whether named by the buyer or not) for the purpose of transmission to or holding for the buyer, he is presumed to have unconditionally appropriated the goods to the contract, except in the cases provided for in the next rule and in section 20. This presumption is applicable, although by the terms of the contract, the buyer is to pay the price before receiving delivery of the goods, and the goods are marked with the words "collect on delivery" or their equivalents.

Rule 5. If the contract to sell requires the seller to deliver the goods to the buyer, or at a particular place, or to pay the freight or cost of transportation to the buyer, or to a particular place, the property does not pass until the goods have been delivered to the buyer or reached the place agreed upon.

SEC. 20. Reservation of right of possession or property when goods are shipped: (1) Where there is a contract to sell specific goods, or where goods are subsequently appropriated to the contract, the seller may, by the terms of the contract or appropriation, reserve the right of possession or property in the goods until certain conditions have been fulfilled. The right of possession or property may be thus reserved notwithstanding the delivery of the goods to the buyer or to a carrier or other bailee for the purpose of transmission to the buyer.

(2) Where goods are shipped, and by the bill of lading the goods are deliverable to the seller or his agent, or to the order of the seller or of his agent, the seller thereby reserves the property in the goods. But if, except for the form of the bill of lading, the property would have passed to the buyer on shipment of the goods, the seller's property in the goods shall be deemed to be only for the purpose of securing performance by the buyer of his obligations under the contract.

(3) Where goods are shipped, and by the bill of lading the goods are deliverable to the order of the buyer or of his agent, but possession of the bill of lading is retained by the seller or his agent, the seller thereby reserves a right to the possession of the goods as against the buyer.

(4) Where the seller of goods draws on the buyer for the price and transmits the bill of exchange and bill of lading together to the buyer to secure acceptance or payment of the bill of exchange, the buyer is bound to return the bill of lading if he does not honor the bill of exchange, and if he wrongfully retains the bill of lading he acquires no added right thereby. If, however, the bill of lading provides that the goods are deliverable to the buyer or to the order of the buyer, or is endorsed in blank, or to the buyer by the consignee named therein, one who purchases in good faith, for value, the bill of lading, or goods from the buyer will obtain the property in the goods, although the bill of exchange has not been honored, provided that such purchaser has received delivery of the bill of lading endorsed by the consignee named therein, or of the goods, without notice of the facts, making the transfer wrongful.

SEC. 21. Sale by auction: In the case of a sale by auction—

(1) Where goods are put up for sale by auction in lots, each lot is the subject of a separate contract of sale.

(2) A sale by auction is complete when the auctioneer announces its completion by the fall of the hammer, or in other customary manner. Until such announcement is made, any bidder may retract his bid; and the auctioneer may withdraw the goods from sale unless the auction has been announced to be without reserve.

(3) A right to bid may be reserved expressly by or on behalf of the seller.

(4) Where notice has not been given that a sale by auction is subject to a right to bid on behalf of the seller, it shall not be lawful for the seller to bid himself or to employ or induce any person to bid at such sale on his behalf, or for the auctioneer to employ or induce any person to bid at such sale on behalf of the seller or knowingly to take any bid from the seller or any person employed by him. Any sale contravening this rule may be treated as fraudulent by the buyer.

SEC. 22. Risk of loss: Unless otherwise agreed, the goods remain at the seller's risk until the property therein is transferred to the buyer, but when the property therein is transferred to the buyer the goods are at the buyer's risk whether delivery has been made or not, except that—

(a) Where delivery of the goods has been made to the buyer or to a bailee for the buyer, in pursuance of the contract and the property in the goods has been retained by the seller merely to secure performance by the buyer of his obligations under the contract, the goods are at the buyer's risk from the time of such delivery.

(b) Where delivery has been delayed through the fault of either the buyer or seller the goods are at the risk of the party in fault as regards any loss which might not have occurred but for such fault.

TRANSFER OF TITLE

SEC. 23. Sale by a person not the owner: (1) Subject to the provisions of this act, where goods are sold by a person who is not the owner thereof, and who does not sell them under the authority or with the consent of the owner, the buyer acquires no better title to the goods than the seller had, unless the owner of the goods is by his conduct precluded from denying the seller's authority to sell.

(2) Nothing in this act, however, shall affect—

(a) The provisions of any factors' acts, recording acts, or any enactment enabling the apparent owner of goods to dispose of them as if he were the true owner thereof.

(b) The validity of any contract to sell or sale under any special common law or statutory power of sale or under the order of a court of competent jurisdiction.

SEC. 24. Sale by one having a voidable title: Where the seller of goods has a voidable title thereto, but his title has not been voided at the time of the sale, the buyer acquires a good title to the goods, provided he buys them in good faith, for value, and without notice of the seller's defect of title.

SEC. 25. Sale by seller in possession of goods already sold: Where a person having sold goods continues in possession of the goods, or of negotiable documents of title to the goods, the delivery or transfer by that person, or by an agent acting for him, of the goods or documents of title under any sale, pledge, or other disposition thereof, to any person receiving and paying value for the same in good faith and without notice of the previous sale, shall have the same effect as if the person making the delivery or transfer were expressly authorized by the owner of the goods to make the same.

SEC. 26. Creditors' rights against sold goods in seller's possession: Where a person having sold goods continues in possession of the goods, or of negotiable documents of title to the goods and such retention of possession is fraudulent in fact or is deemed fraudulent under any rule of law, a creditor or creditors of the seller may treat the sale as void.

SEC. 27. Definition of negotiable documents of title: A document of title in which it is stated that the goods referred to therein will be delivered to the bearer, or to the order of any

person named in such document is a negotiable document of title within the meaning of this act.

SEC. 28. Negotiation of negotiable documents by delivery: A negotiable document of title may be negotiated by delivery—

(a) Where by the terms of the document the carrier, warehouseman, or other bailee issuing the same undertakes to deliver the goods to the bearer; or

(b) Where by the terms of the document the carrier, warehouseman, or other bailee issuing the same, undertakes to deliver the goods to the order of a specified person, and such person or a subsequent endorsee of the document has endorsed it in blank or to the bearer.

Where by the terms of a negotiable document of title the goods are deliverable to bearer or where a negotiable document of title has been endorsed in blank or to bearer, any holder may endorse the same to himself or to any specified person, and in such case the document shall thereafter be negotiated only by the endorsement of such endorsee.

SEC. 29. Negotiation of negotiable documents by endorsement: A negotiable document of title may be negotiated by the endorsement of the person to whose offer the goods are by the terms of the document deliverable. Such endorsement may be in blank, to bearer, or to a specified person. If endorsed to a specified person, it may be again negotiated by the endorsement of such person in blank, to bearer, or to another specified person. Subsequent negotiations may be made in like manner.

SEC. 30. Negotiable documents of title marked "not negotiable": If a document of title which contains an undertaking by a carrier, warehouseman, or other bailee to deliver the goods to the bearer, to a specified person or order, or to the order of a specified person, or which contains words of like import, has placed upon it the words "not negotiable", "nonnegotiable", or the like, such a document may nevertheless be negotiated by the holder and is a negotiable document of title within the meaning of this act. But nothing in this act contained shall be construed as limiting or defining the effect upon the obligations of the carrier, warehouseman, or other bailee issuing a document of title or placing thereon the words "not negotiable", "nonnegotiable", or the like.

SEC. 31. Transfer of nonnegotiable documents: A document of title which is not in such form that it can be negotiated by delivery may be transferred by the holder by delivery to a purchaser or donee. A nonnegotiable document cannot be negotiated and the endorsement of such a document gives the transferee no additional right.

SEC. 32. Who may negotiate a document: A negotiable document may be negotiated by any person in possession of the same, however such possession may have been acquired if by the terms of the document, the bailee issuing it undertakes to deliver the goods to the order of such person, or if at the time of negotiation the document is in such form that it may be negotiated by delivery.

SEC. 33. Rights of person to whom document has been negotiated: A person to whom a negotiable document of title has been duly negotiated acquires thereby—

(a) Such title to the goods as the person negotiating the document to him had or had ability to convey to a purchaser in good faith for value and also such title to the goods as the person to whose order the goods were to be delivered by the terms of the document had or had ability to convey to a purchaser in good faith for value; and

(b) The direct obligation of the bailee issuing the document to hold possession of the goods for him according to the terms of the document as fully as if such bailee had contracted directly with him.

SEC. 34. Rights of person to whom document has been transferred: A person to whom a document of title has been transferred, but not negotiated, acquires thereby, as against the transferor, the title to the goods, subject to the terms of any agreement with the transferor.

If the document is nonnegotiable, such person also acquires the right to notify the bailee who issued the document of the transfer thereof, and thereby to acquire the direct obligation of such bailee to hold possession of the goods for him according to the terms of the document.

Prior to the notification of such bailee by the transferor or transferee of a nonnegotiable document of title, the title of the transferee to the goods and the right to acquire the obligation of such bailee may be defeated by the levy of an attachment or execution upon the goods by a creditor of the transferor, or by a notification to such bailee by the transferor or a subsequent purchaser from the transferor of a subsequent sale of the goods by the transferor.

SEC. 35. Transfer of negotiable document without endorsement: Where a negotiable document of title is transferred for value by delivery, and the endorsement of the transferor is essential for negotiation, the transferee acquires a right against the transferor to compel him to endorse the document unless a contrary intention appears. The negotiation shall take effect as of the time when the endorsement is actually made.

SEC. 36. Warranties on sale of document: A person who for value negotiates or transfers a document of title by endorsement or delivery, including one who assigns for value a claim secured by a document of title unless a contrary intention appears, warrants:

(a) That the document is genuine;

(b) That he has a legal right to negotiate or transfer it;

(c) That he has knowledge of no fact which would impair the validity or worth of the document; and

(d) That he has a right to transfer the title to the goods and that the goods are merchantable or fit for a particular purpose, whenever such warranties would have been implied if the contract of the parties had been to transfer without a document of title the goods represented thereby.

SEC. 37. Endorser not a guarantor: The endorsement of a document of title shall not make the endorser liable for any failure on the part of the bailee who issued the documents or previous endorsers thereof to fulfill their respective obligations.

SEC. 38. When negotiation not impaired by fraud, mistake, or duress: The validity of the negotiation of a negotiable document of title is not impaired by the fact that the negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the document was deprived of the possession of the same by loss, theft, fraud, accident, mistake, duress, or conversion, if the person to whom the document was negotiated or a person to whom the document was subsequently negotiated paid value therefor in good faith without notice of the breach of duty, or loss, theft, fraud, accident, mistake, duress, or conversion.

SEC. 39. Attachment or levy upon goods for which a negotiable document has been issued: If goods are delivered to a bailee by the owner or by a person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner and a negotiable document of title is issued for them, they cannot thereafter, while in the possession of such bailee, be attached by garnishment or otherwise or be levied under an execution unless the document be first surrendered to the bailee or its negotiation enjoined. The bailee shall in no case be compelled to deliver up the actual possession of the goods until the document is surrendered to him or impounded by the court.

SEC. 40. Creditors' remedies to reach negotiable documents: A creditor whose debtor is the owner of a negotiable document of title shall be entitled to such aid from courts of appropriate jurisdiction by injunction and otherwise in attaching such document or in satisfying the claim by means thereof as is allowed at law or in equity in regard to property which cannot readily be attached or levied upon by ordinary legal process.

PART III

PERFORMANCE OF THE CONTRACT

SEC. 41. Seller must deliver and buyer accept goods: It is the duty of the seller to deliver the goods, and of the buyer to accept and pay for them, in accordance with the terms of the contract to sell or sale.

SEC. 42. Delivery and payment are concurrent conditions: Unless otherwise agreed, delivery of the goods and payment of the price are concurrent conditions; that is to say, the seller must be ready and willing to give possession of the goods to the buyer in exchange for the price and the buyer must be ready and willing to pay the price in exchange for possession of the goods.

SEC. 43. Place, time, and manner of delivery: (1) Whether it is for the buyer to take possession of the goods or for the seller to send them to the buyer is a question depending in each case on the contract, express or implied, between the parties. Apart from any such contract, express or implied, or usage of trade to the contrary, the place of delivery is the seller's place of business if he have one, and if not his residence; but in case of a contract to sell or a sale of specific goods, which to the knowledge of the parties when the contract or the sale was made were in some other place, then that place is the place of delivery.

(2) Where by a contract to sell or a sale the seller is bound to send the goods to the buyer, but no time for sending them is fixed, the seller is bound to send them within a reasonable time.

(3) Where the goods at the time of sale are in the possession of a third person, the seller has not fulfilled his obligation to deliver to the buyer unless and until such third person acknowledges to the buyer that he holds the goods on the buyer's behalf; but as against all others than the seller the buyer shall be regarded as having received delivery from the time when such third person first has notice of the sale. Nothing in this section, however, shall affect the operation of the issue or transfer of any document of title to goods.

(4) Demand or tender of delivery may be treated as ineffectual unless made at a reasonable hour. What is a reasonable hour is a question of fact.

(5) Unless otherwise agreed, the expenses of and incidental to putting the goods into a deliverable state must be borne by the seller.

SEC. 44. Delivery of wrong quantity: (1) Where the seller delivers to the buyer a quantity of goods less than he contracted to sell, the buyer may reject them, but if the buyer accepts or retains the goods so delivered, knowing that the seller is not going to perform the contract in full, he must pay for them at the contract rate. If, however, the buyer has used or disposed of the goods delivered before he knows that the seller is not going to perform his contract in full, the buyer shall not be liable for more than the fair value to him of the goods so received.

(2) Where the seller delivers to the buyer a quantity of goods larger than he contracted to sell, the buyer may accept the goods included in the contract and reject the rest, or he may reject the whole. If the buyer accepts the whole of the goods so delivered, he must pay for them at the contract rate.

(3) Where the seller delivers to the buyer the goods he contracted to sell mixed with goods of a different description not included in the contract, the buyer may accept the goods which are in accordance with the contract and reject the rest, or he may reject the whole.

(4) The provisions of this section are subject to any usage of trade, special agreement, or course of dealing between the parties.

SEC. 45. Delivery in installments: (1) Unless otherwise agreed, the buyer of goods is not bound to accept delivery thereof by installments.

(2) Where there is a contract to sell goods to be delivered by stated installments, which are to be separately paid for, and the seller makes defective deliveries in respect of one or more installments, or the buyer neglects or refuses to make delivery of or pay for one or more installments, it depends in each case on the terms of the contract and the circumstances of the case, whether the breach of contract is so material as to justify the injured party in refusing to proceed further and suing for damages for breach of the entire contract, or whether the breach is severable, giving rise to a claim for compensation but not to a right to treat the whole contract as broken.

SEC. 46. Delivery to a carrier on behalf of the buyer: (1) Where, in pursuance of a contract to sell or a sale, the seller is authorized or required to send the goods to the buyer, delivery of the goods to a carrier, whether named by the buyer or not, for the purpose of transmission to the buyer is deemed to be a delivery of the goods to the buyer, except in the cases provided for in section 19, rule 5, or unless a contrary intent appears.

(2) Unless otherwise authorized by the buyer, the seller must make such contract with the carrier on behalf of the buyer as may be reasonable, having regard to the nature of the goods and the other circumstances of the case. If the seller omit so to do, and the goods are lost or damaged in course of transit, the buyer may decline to treat the delivery to the carrier as a delivery to himself, or may hold the seller responsible in damages.

(3) Unless otherwise agreed, where goods are sent by the seller to the buyer under circumstances in which the seller knows or ought to know that it is usual to insure, the seller must give such notice to the buyer as may enable him to insure them during their transit, and, if the seller fails to do so, the goods shall be deemed to be at his risk during such transit.

SEC. 47. Right to examine the goods: (1) Where goods are delivered to the buyer which he has not previously examined, he is not deemed to have accepted them unless and until he has had a reasonable opportunity of examining them for the purpose of ascertaining whether they are in conformity with the contract.

(2) Unless otherwise agreed, when the seller tenders delivery of goods to the buyer, he is bound, on request, to afford the buyer a reasonable opportunity of examining the goods for the purpose of ascertaining whether they are in conformity with the contract.

(3) Where goods are delivered to a carrier by the seller, in accordance with an order from or agreement with the buyer, upon the terms that the goods shall not be delivered by the carrier to the buyer until he has paid the price, whether such terms are indicated by marking the goods with the words "collect on delivery", or otherwise, the buyer is not entitled to examine the goods before payment of the price in the absence of agreement permitting such examination.

SEC. 48. What constitutes acceptance: The buyer is deemed to have accepted the goods when he intimates to the seller that he has accepted them, or when the goods have been delivered to him, and he does any act in relation to them which is inconsistent with the ownership of the seller, or when, after the lapse of a reasonable time, he retains the goods without intimating to the seller that he has rejected them.

SEC. 49. Acceptance does not bar action for damages: In the absence of express or implied agreement of the parties, acceptance of the goods by the buyer shall not discharge the seller from liability in damages or other legal remedy for breach of any promise or warranty in the contract to sell or the sale. But, if, after acceptance of the goods, the buyer fail to give notice to the seller of the breach of any promise or warranty within a reasonable time after the buyer knows, or ought to know of such breach, the seller shall not be liable therefor.

SEC. 50. Buyer is not bound to return goods wrongly delivered: Unless otherwise agreed, where goods are delivered to the buyer, and he refused to accept them, having the right so to do, he is not bound to return them to the seller, but it is sufficient if he notifies the seller that he refuses to accept them.

SEC. 51. Buyer's liability for failing to accept delivery: When the seller is ready and willing to deliver the goods, and requests the buyer to take delivery, and the buyer does not within a reasonable time after such request take delivery of the goods, he is liable to the seller for any loss occasioned by his neglect or refusal to take delivery, and also for a reasonable charge for the care and custody of the goods. If the neglect or refusal of the buyer to take delivery amounts to a repudiation or breach of the entire contract, the seller shall have the right against the goods and on the contract hereinafter provided in favor of the seller when the buyer is in default.

PART IV

RIGHTS OF UNPAID SELLER AGAINST THE GOODS

SEC. 52. Definition of unpaid seller: (1) The seller of goods is deemed to be an unpaid seller within the meaning of this act—

(a) When the whole of the price has not been paid or tendered.

(b) When a bill of exchange or other negotiable instrument has been received as conditional payment, and the condition on which it was received has been broken by reason of the dishonor of the instrument, the insolvency of the buyer, or otherwise.

(2) In this part of this act the term "seller" includes an agent of the seller to whom the bill of lading has been endorsed, or a consignor or agent who has himself paid, or is directly responsible for, the price, or any other person who is in the position of a seller.

SEC. 53. Remedies of an unpaid seller: (1) Subject to the provisions of this act, notwithstanding that the property in the goods may have passed to the buyer, the unpaid seller of goods, as such, has—

(a) A lien on the goods or right to retain them for the price while he is in possession of them;

(b) In case of insolvency of the buyer, the right of stopping the goods in transitu after he has parted with the possession of them;

(c) A right of resale as limited by this act; and

(d) A right to rescind the sale as limited by this act.

(2) Where the property in goods has not passed to the buyer, the unpaid seller has, in addition to his other remedies, a right of withholding delivery similar to and coextensive with his rights of lien and stoppage in transitu where the property has passed to the buyer.

UNPAID SELLER'S LIEN

SEC. 54. When right of lien may be exercised: (1) Subject to the provisions of this act, the unpaid seller of goods who is in possession of them is entitled to retain possession of them until payment or tender of the price in the following cases, namely—

(a) Where the goods have been sold without any stipulation as to credit;

(b) Where the goods have been sold on credit but the term of credit has expired; and

(c) Where the buyer becomes insolvent.

(2) The seller may exercise his right of lien, notwithstanding that he is in possession of the goods as agent or bailee for the buyer.

SEC. 55. Lien after part delivery: Where an unpaid seller has made part delivery of the goods, he may exercise his right of lien on the remainder, unless such part delivery has been made under such circumstances as to show an intent to waive the lien or right of retention.

SEC. 56. When lien is lost: (1) The unpaid seller of goods loses his lien thereon—

(a) When he delivers the goods to a carrier or other bailee for the purpose of transmission to the buyer without reserving the property in the goods or the right to the possession thereof;

(b) When the buyer or his agent lawfully obtains possession of the goods; and

(c) By waiver thereof.

(2) The unpaid seller of goods, having a lien thereon, does not lose his lien by reason only that he has obtained judgment or decree for the price of the goods.

STOPPAGE IN TRANSIT

SEC. 57. Seller may stop goods on buyer's insolvency: Subject to the provisions of this act, when the buyer of goods is or becomes insolvent, the unpaid seller who has parted with the possession of the goods has the right of stopping them in transitu; that is to say, he may resume possession of the goods at any time while they are in transit, and he will then become entitled to the same rights in regard to the goods as he would have had if he had never parted with the possession.

SEC. 58. When goods are in transit: (1) Goods are in transit within the meaning of section 57—

(a) From the time when they are delivered to a carrier by land or water, or other bailee for the purpose of transmission to the buyer, until the buyer, or his agent in that behalf, takes delivery of them from such carrier or other bailee; and

(b) If the goods are rejected by the buyer, and the carrier or other bailee continues in possession of them, even if the seller has refused to receive them back.

(2) Goods are no longer in transit within the meaning of section 57—

(a) If the buyer, or his agent in that behalf, obtains delivery of the goods before their arrival at the appointed destination;

(b) If, after the arrival of the goods at the appointed destination, the carrier or other bailee acknowledges to the buyer or his agent that he holds the goods on his behalf and continues in possession of them as bailee for the buyer or his agent; and it is immaterial that a further destination for the goods may have been indicated by the buyer; and

(c) If the carrier or other bailee wrongfully refuses to deliver the goods to the buyer or his agent in that behalf.

(3) If goods are delivered to a ship chartered by the buyer, it is a question depending on the circumstances of the particular case, whether they are in the possession of the master as a carrier or as agent of the buyer.

(4) If part delivery of the goods has been made to the buyer, or his agent in that behalf, the remainder of the goods may be stopped in transitu, unless such part delivery has been made under such circumstances as to show an agreement with the buyer to give up possession of the whole of the goods.

SEC. 59. Ways of exercising the right to stop: (1) The unpaid seller may exercise his right of stoppage in transitu either by obtaining actual possession of the goods or by giving notice of his claim to the carrier or other bailee in whose possession the goods are. Such notice may be given either to the person in actual possession of the goods or to his principal. In the latter case the notice, to be effectual, must be given at such time and under such circumstances that the principal, by the exercise of reasonable diligence, may prevent a delivery to the buyer.

(2) When notice of stoppage in transitu is given by the seller to the carrier, or other bailee in possession of the goods, he must redeliver the goods to, or according to the directions of, the seller. The expenses of such delivery must be borne by the seller. If, however, a negotiable document of title representing the goods has been issued by the carrier or other bailee, he shall not be obliged to deliver or justified in delivering the goods to the seller unless such document is first surrendered for cancelation.

RESALE BY THE SELLER

SEC. 60. When and how resale may be made: (1) Where the goods are of perishable nature, or where the seller expressly reserves the right of resale in case the buyer should make default, or where the buyer has been in default in the payment of the price an unreasonable time, an unpaid seller having a right of lien or having stopped the goods in transitu may resell the goods. He shall not thereafter be liable to the original buyer upon the contract to sell or the sale or for any profit made by such resale, but may recover from the buyer damages for any loss occasioned by the breach of the contract or the sale.

(2) Where a resale is made, as authorized in this section, the buyer acquires a good title as against the original buyer.

(3) It is not essential to the validity of a resale that notice of an intention to resell the goods be given by the seller to the original buyer. But where the right to resell is not based on the perishable nature of the goods or upon an express provision of the contract or the sale, the giving or failure to give such notice shall be relevant in any issue involving the question whether the buyer had been in default an unreasonable time before the resale was made.

(4) It is not essential to the validity of a resale that notice of the time and place of such resale should be given by the seller to the original buyer.

(5) The seller is bound to exercise reasonable care and judgment in making a resale, and subject to this requirement may make a resale either by public or private sale.

RESCISSION BY THE SELLER

SEC. 61. When and how the seller may rescind the sale: (1) An unpaid seller having the right of lien or having stopped the goods in transitu, may rescind the transfer of title and resume the property in the goods, where he expressly reserved the right to do so in case the buyer should make default, or where the buyer has been in default in the payment of the price an unreasonable time. The seller shall not thereafter be liable to the buyer upon the contract to sell or the sale, but may recover from the buyer damages for any loss occasioned by the breach of the contract or the sale.

(2) The transfer of title shall not be held to have been rescinded by an unpaid seller until he has manifested by notice to the buyer or by some other overt act an intention to rescind. It is not necessary that such overt act should be communicated to the buyer, but the giving or failure to give notice to the buyer of the intention to rescind shall be relevant in any issue involving the question whether the buyer had been in default an unreasonable time before the right of rescission was asserted.

SEC. 62. Effect of sale of goods subject to lien or stoppage in transitu: Subject to the provisions of this act, the unpaid seller's right of lien or stoppage in transitu is not affected by any sale, or other disposition of the goods which the buyer may have made, unless the seller has assented thereto.

If, however, a negotiable document of title has been issued for goods, no seller's lien or right of stoppage in transitu shall defeat the right of any purchaser for value in good faith to whom such document has been negotiated, whether such negotiations be prior or subsequent to the notification to the carrier, or other bailee who issued such document, of the seller's claim to a lien or right of stoppage in transitu.

PART V

ACTION FOR BREACH OF THE CONTRACT; REMEDIES OF THE SELLER

SEC. 63. Action for the price: (1) Where, under a contract to sell or a sale, the property in the goods has passed to the buyer, and the buyer wrongfully neglects or refuses to pay for the goods according to the terms of the contract or the sale, the seller may maintain an action against him for the price of the goods.

(2) Where, under a contract to sell or a sale, the price is payable on a day certain, irrespective of delivery or of transfer of title, and the buyer wrongfully neglects or refuses to pay such price, the seller may maintain an action for the price, although the property in the goods has not passed and the goods have not been appropriated to the contract. But it shall be a defense to such an action that the seller at any time before judgment in such action has manifested an inability to perform the contract or the sale on his part or an intention not to perform it.

(3) Although the property in the goods has not passed, if they cannot readily be resold for a reasonable price, and if the provisions of section 64 (4) are not applicable, the seller may offer to deliver the goods to the buyer, and, if the buyer refuses to receive them, may notify the buyer that the goods are thereafter held by the seller as bailee for the buyer. Thereafter the seller may treat the goods as the buyer's and may maintain an action for the price.

SEC. 64. Action for damages for nonacceptance of the goods: (1) Where the buyer wrongfully neglects or refuses to accept and pay for the goods, the seller may maintain an action against him for damages for nonacceptance.

(2) The measure of damages is the estimated loss directly and naturally resulting, in the ordinary course of events, from the buyer's breach of contract.

(3) Where there is an available market for the goods in question, the measure of damages is, in the absence of special circumstances, showing proximate damage of a greater amount, the difference between the contract price and the market or current price at the time or times when the goods ought to have been accepted, or, if no time was fixed for acceptance, then at the time of the refusal to accept.

(4) If, while labor or expense of material amount are necessary on the part of the seller to enable him to fulfill his obligations under the contract to sell or the sale, the buyer repudiates the contract or the sale, or notifies the seller to proceed no further therewith, the buyer shall be liable to the seller for no greater damages than the seller would have suffered if he did nothing toward carrying out the contract or the sale after receiving notice of the buyer's repudiation or countermand. The profit the seller would have made if the contract or the sale had been fully performed shall be considered in estimating such damages.

SEC. 65. When seller may rescind contract or sale: Where the goods have not been delivered to the buyer, and the buyer has repudiated the contract to sell or sale, or has manifested his inability to perform his obligations thereunder, or has committed a material breach thereof, the seller may totally rescind the contract or the sale by giving notice of his election so to do to the buyer.

REMEDIES OF THE BUYER

SEC. 66. Action for converting or detaining goods: Where the property in the goods has passed to the buyer and the seller wrongfully neglects or refuses to deliver the goods, the buyer may maintain any action allowed by law to the owner of goods of similar kind when wrongfully converted or withheld.

SEC. 67. Action for failing to deliver goods: (1) Where the property in the goods has not passed to the buyer, and the seller wrongfully neglects or refuses to deliver the goods, the buyer may maintain an action against the seller for damages for nondelivery.

(2) The measure of damages is the loss directly and naturally resulting in the ordinary course of events, from the seller's breach of contract.

(3) Where there is an available market for the goods in question, the measure of damages, in the absence of special circumstances showing proximate damages of a greater amount, is the difference between the contract price and the market or current price of the goods at the time or times when they ought to have been delivered or if no time was fixed, then at the time of the refusal to deliver.

SEC. 68. Specific performance: Where the seller has broken a contract to deliver specific or ascertained goods, a court having the powers of a court of equity may, if it thinks fit, on the application of the buyer, by its judgment or decree direct that the contract shall be performed specifically, without giving the seller the option of retaining the goods on payment of damages. The judgment or decree may be unconditional or upon such terms and conditions as to damages, payment of the price, and otherwise, as to the court may seem just.

SEC. 69. Remedies for breach of warranty: (1) Where there is a breach of warranty by the seller, the buyer may, at his election—

(a) Accept or keep the goods and set up against the seller the breach of warranty by way of recoupment in diminution or extinction of the price;

(b) Accept or keep the goods and maintain an action against the seller for damages for the breach of warranty;

(c) Refuse to accept the goods, if the property therein has not passed, and maintain an action against the seller for damages for the breach of warranty; and

(d) Rescind the contract to sell, or the sale, and refuse to receive the goods; or if the goods have already been received, return them or offer to return them to the seller and recover the price or any part thereof which has been paid.

(2) When the buyer has claimed and has been granted a remedy in any one of these ways, no other remedy can thereafter be granted.

(3) Where the goods have been delivered to the buyer, he cannot rescind the sale if he knew of the breach of warranty when he accepted the goods, or if he fails to notify the seller within reasonable time of the election to rescind, or if he fails to return or to offer to return the goods to the seller in substantially as good condition as they were in at the time the property was transferred to the buyer. But if deterioration or injury of the goods is due to the breach of warranty, such deterioration or injury shall not prevent the buyer from returning or offering to return the goods to the seller and rescinding the sale.

(4) Where the buyer is entitled to rescind the sale and elects to do so, the buyer shall cease to be liable for the price upon returning or offering to return the goods. If the price or any part thereof has already been paid, the seller shall be liable to repay so much thereof as has been paid, concurrently with the return of the goods, or immediately after an offer to return the goods in exchange for repayment of the price.

(5) Where the buyer is entitled to rescind the sale and elects to do so, if the seller refuses to accept an offer of the buyer to return the goods, the buyer shall thereafter be deemed to hold the goods as bailee for the seller, but subject to a lien to secure the repayment of any portion of the price which has been paid, and with the remedies for the enforcement of such lien allowed to an unpaid seller by section 53.

(6) The measure of damages for breach of warranty is the loss directly and naturally resulting, in the ordinary course of events, from the breach of warranty.

(7) In the case of breach of warranty of quality, such loss, in the absence of special circumstances showing proximate damage of a greater amount, is the difference between the value of the goods at the time of delivery to the buyer and the value they would have had if they had answered to the warranty.

SEC. 70. Interest and special damages: Nothing in this act shall affect the right of the buyer or the seller to recover interest or

special damages in any case where by law interest or special damages may be recoverable, or to recover money paid where the consideration for the payment of it has failed.

PART VI

INTERPRETATION

SEC. 71. Variation of implied obligations: Where any right, duty, or liability would arise under a contract to sell or a sale by implication of law, it may be negatived or varied by express agreement or by the course of dealing between the parties, or by custom, if the custom be such as to bind both parties to the contract or the sale.

SEC. 72. Rights may be enforced by action: Where any right, duty, or liability is declared by this act, it may, unless otherwise by this act provided, be enforced by action.

SEC. 73. Rule for cases not provided for by this act: In any case not provided for in this act, the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy, or other invalidating cause, shall continue to apply to contracts to sell and to sales of goods.

SEC. 74. Interpretation shall give effect to purpose of uniformity: This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the laws of those States which enact it.

SEC. 75: Provisions not applicable to mortgages: The provisions of this act relating to contracts to sell and to sales do not apply, unless so stated, to any transaction in the form of a contract to sell or a sale which is intended to operate by way of mortgage, pledge, charge, or other security.

SEC. 76. Definitions: (1) In this act, unless the context or subject matter otherwise requires—

"Action" includes counterclaim, set-off, and suit in equity.

"Buyer" means a person who buys or agrees to buy goods or any legal successor in interest of such person.

"Defendant" includes a plaintiff against whom a right of set-off or counterclaim is asserted.

"Delivery" means voluntary transfer of possession from one person to another.

"Divisible contract to sell or sale" means a contract to sell or a sale in which by its term the price for a portion or portions of the goods less than the whole is fixed or ascertainable by computation.

"Document of title to goods" includes any bill of lading, dock warrant, warehouse receipt or order for the delivery of goods, or any other document used in the ordinary course of business in the sale or transfer of goods, as proof of the possession or control of the goods, or authorizing or purporting to authorize the possessor of the document to transfer or receive, either by endorsement or by delivery, goods represented by such document.

"Fault" means wrongful act or default.

"Fungible goods" means goods of which any unit is from its nature or by mercantile usage treated as the equivalent of any other unit.

"Future goods" means goods to be manufactured or acquired by the seller after the making of the contract of sale.

"Goods" include all chattels personal other than things in action and money. The term includes emblements, industrial growing crops, and things attached to or forming part of the land which are agreed to be severed before sale or under the contract of sale.

"Order" in sections of this act relating to documents of title means an order by endorsement on the documents.

"Person" includes a corporation or partnership or two or more persons having a joint or common interest.

"Plaintiff" includes defendant asserting a right of set-off or counterclaim.

"Property" means the general property in goods, and not merely a special property.

"Purchaser" includes mortgagee and pledgee.

"Purchases" includes taking as a mortgagee or as a pledgee.

"Quality of goods" includes their state or condition.

"Sale" includes a bargain and sale as well as a sale and delivery.

"Seller" means a person who sells or agrees to sell goods, or any legal successor in the interest of such person.

"Specific goods" means goods identified and agreed upon at the time a contract to sell or a sale is made.

"Value" is any consideration sufficient to support a simple contract. An antecedent or preexisting claim, whether for money or not, constitutes value where goods or documents of titles are taken either in satisfaction thereof or as security therefor.

(2) A thing is done "in good faith" within the meaning of this act when it is in fact done honestly, whether it be done negligently or not.

(3) A person is insolvent within the meaning of this act who either has ceased to pay his debts in the ordinary course of business or cannot pay his debts as they become due, whether he has committed an act of bankruptcy or not, and whether he is insolvent within the meaning of the Federal bankruptcy law or not.

(4) Goods are in a "deliverable state" within the meaning of this act when they are in such a state that the buyer would, under the contract, be bound to take delivery of them.

SEC. 76a. Act does not apply to the existing sales or contracts to sell: None of the provisions of this act shall apply to any sale, or to any contract to sell, made prior to the taking effect of this act.

SEC. 77. Inconsistent legislation repealed: All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 78. Time when the act takes effect: This act shall take effect on the 1st day of July 1937.

SEC. 79. Name of act: This act may be cited as the "Uniform Sales Act."

Mr. MICHENER (interrupting the reading of the bill). Mr. Chairman, inasmuch as nothing can be gained from a reading of the bill, if there is no one who has any amendment to offer or no one who knows anything about it, I ask unanimous consent that the reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. Without objection, the bill will be printed in the RECORD.

There was no objection.

Mrs. NORTON. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the same do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MCMILLAN, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (S. 936) to regulate the sales of goods in the District of Columbia, directed him to report the same back to the House with the recommendation that the bill do pass.

Mrs. NORTON. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS

Mr. CHANDLER. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I made on the bill just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. FISH. Mr. Speaker, I ask unanimous consent to extend my remarks by including in the RECORD a short article by Woodrow Wilson on the Constitution of the United States in relation to the Supreme Court.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

DISTRICT OF COLUMBIA LEGISLATION

Mrs. NORTON. Mr. Speaker, this concludes the business of the Committee on the District of Columbia for today.

May I take this occasion to thank the Members who have remained on the floor to help us in our work today. It is the first day we have had a complete District day. Mr. Speaker, we are very grateful.

We are also grateful for any criticism, if the criticism is just, that may be offered. The chairman of the committee realizes that there are a great many bills brought into this House from the District of Columbia. Most of them are regulatory bills. A great many of them could be considered by the Commissioners of the District if the Congress were to grant more power to the Commissioners. We are hoping that in this session of Congress that power will be granted. Mr. Speaker, perhaps a great many Members of the House do not know that we have hundreds of bills in the Committee on the District of Columbia to consider. We meet once a week and we try in our limited way to give as good service as is possible. We do not pretend to be perhaps as brilliant as the gentleman from Michigan [Mr. MICHENER], but we are always glad to receive constructive criticism. May I say, Mr. Speaker, that we would welcome the gentleman from Michigan [Mr. MICHENER] as a member of the Committee on the District of Columbia if he is willing to devote his unlimited time and efforts to District legislation.

Mr. HOFFMAN. Mr. Speaker, will the gentlewoman yield for a moment?

Mrs. NORTON. Gladly.

Mr. HOFFMAN. Did he pretend to have knowledge or did he really have the information? [Laughter.]

Mrs. NORTON. I will leave that question to the House to decide.

We do not have a vacancy on our committee at the present time, but we may have in the near future. I invite the gentleman from Michigan [Mr. MICHENER] to become a member of the Committee on the District of Columbia. I think, if he does not have a sufficient number of headaches now from considering legislation, we will promise to give him just a few more. [Laughter.]

Mr. SHAFER of Michigan. Mr. Speaker, will the gentlewoman yield?

Mrs. NORTON. Gladly.

Mr. SHAFER of Michigan. Being from Michigan, I think I am perfectly able to take care of Michigan's end on the District of Columbia Committee. [Laughter.]

Mrs. NORTON. The chairman feels that the gentleman is perfectly capable of taking care of the Michigan end of the committee.

Mr. SHAFER of Michigan. I may say that I am very proud to be a member of this committee.

(Mr. DIRKSEN asked and was given permission to revise and extend his remarks in the RECORD.)

Mrs. NORTON. Mr. Speaker, I want to thank the gentleman from Illinois [Mr. DIRKSEN], the ranking member of the committee, a Republican, for the splendid and remarkable help that he considerately and continually gives to District of Columbia legislation. [Applause.]

Mr. Speaker, I think this concludes District of Columbia business for today.

CROW TRIBE OF INDIANS

Mr. O'CONNOR of Montana. Mr. Speaker, I ask unanimous consent to file a supplemental report on Senate Joint Resolution 55, to amend the act of July 3, 1926, entitled "An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render judgment in claims which the Crow Tribe of Indians may have against the United States, and for other purposes" (44 Stat. L. 807).

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

ORDER OF BUSINESS

Mr. MARTIN of Massachusetts. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MARTIN of Massachusetts. The Committee on the District of Columbia having completed its calendar, is any business to come up outside of the special orders?

The SPEAKER. The Chair knows of no actual business, but the Chair suggests we are going to have two very entertaining speakers in the public interest, and hopes the suggestion made by the gentleman will not tend to withdraw the membership from the floor.

THE SUPREME COURT

The SPEAKER. Under the special order of the House, the gentleman from North Carolina [Mr. COOLEY] is recognized for 30 minutes.

Mr. COOLEY. Mr. Speaker, I ask unanimous consent that in addition to the time already allotted to me I may be allowed to proceed for 10 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

REORGANIZATION OF THE FEDERAL JUDICIARY

Mr. COOLEY. Mr. Speaker, ladies and gentlemen, while I am reluctant to ask your indulgence, I do not feel that any Member of the House would be justified in the thought that I have in the past, even in the slightest degree, imposed upon the patience of my colleagues. I would not even now make this demand upon your time but for the importance of the question upon which I desire to address you. I hope, therefore, that you will hear me with some degree of patience.

Since the President's message recommending a reorganization of the judicial branch of the Government was delivered to the Congress I have given the subject the benefit of careful study and the very best thought of which I am capable. While I have studied this important question patiently and have considered it diligently, I have cherished but one hope and that is, that it might be given to me to decide it wisely. Whether the decision I have reached is wise or not, I am sure that time alone will tell.

The President's program has caused the public mind to become greatly agitated and the imagination of some of our citizens to become greatly disturbed. Some of our citizens are excited and alarmed and amazed. To others who look to this democracy for a solution of the great problems confronting this Nation today the program has brought comfort and courage and hope.

Free and fearless discussion of public policies is the very essence of a democracy and therefore open and widespread discussion should not only be welcomed, but encouraged. I am happy to note that our people are no longer apathetic or indifferent about the political side of their civilization. They are today vitally interested in the affairs of their Government. At every crossroads store, on street corners, in drawing rooms, in hotel lobbies, in the factory and on the farm our citizens are discussing constitutional law and representative government. Since other citizens in all walks of life are freely and glibly expressing their opinions upon this important matter, somehow I have the feeling that those whom I am humbly endeavoring to represent have a right to the benefit of an expression of my views and likewise I flatter myself to believe that even some of my colleagues might be interested in knowing my position upon this matter.

Being a lawyer and a son of a lawyer, and having been born and reared, taught and schooled in the exalted traditions of the legal profession, and having been closely associated with the judiciary and with the basic fabric of our civilization, the law itself, I can readily understand how the President's message was calculated to shock the sensibilities of members of the legal profession. Lawyers are officers of the court, and therefore a part of the judiciary, and are likely to consider it an attack upon the Court and its traditional power, and therefore instinctively, to come to the defense of the judiciary and oppose the enactment of the law, the vehicle which is to carry the recommendations of the President into effect.

I feel certain that I attach more than ordinary sanctity to the Constitution, the basic and fundamental law of the land. Although that somewhat faded parchment known as the Constitution is encased in marble and brass and gold at the national shrine in the Library of Congress, I like to regard it as a life-giving charter rather than as a curiosity in a museum. I like to believe that it is the charter of our rights as well as the shield of our liberties. I like to believe that it is a living, growing organism, responsive to the demands of the people, under the broad and generous outlines of which we may in any emergency rescue the people from a national disaster.

The philosophy of the New Deal, the Democratic Party, and its leaders is quite compatible with the genius of good government in a liberal and living democracy. The Democratic Party at all times entertains a spirit of progress and is now striving to distribute fairly and equitably the blessings as well as the burdens of government. It is not afraid to approach the solution of the great problems of human justice and economic security. It is unwilling to regard property and property rights as more sacred than human life and human happiness. And today it seeks to alleviate and mitigate and to prevent further human suffering and distress.

I love the law and the court, the instrumentality which is charged with the duty of interpreting and administering the law, in the temples of justice which we have established throughout the land. I yield to no man my love of my country, its government, and its grand institutions. As in

war I offered myself and my all in defense of its principles, likewise in peace shall I ever defend them.

In discussing this great question, let us lift ourselves above the bondage of passions of prejudices and above the superficialties and hypocrisies or partisan politics and look the issue straight in the eye as citizens of a great nation.

If Congress is about to exercise a power which it has no right, under the Constitution, to exercise; if the President is grasping for illicit authority, a courageous people should stop them from such attempted unlawful encroachment upon the rights of the people who, after all, are supreme in this Republic. If, on the other hand, the power sought to be used is a legitimate and granted power, one which the President and the Congress, both the duly chosen representatives of the people, have a right to exercise, who has the right to question the authority or challenge the use of that power?

If we are to search for the truth, let us first look at the Constitution and see what it says with reference to the right of Congress in this matter.

Article III, section 1, provides:

> The judicial power of the United States shall be vested in the Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuation in office.

You will note that not one word is said about the number of judges which Congress shall authorize for either the Supreme or inferior courts. The membership of the Supreme Court has been increased and decreased from time to time throughout our history. The language of the Constitution is so free from ambiguity and the power vested in Congress so plainly set forth that I need not bore you by a recapitulation of the views, the comments, and the observations of men who, in their day, recognized it and passed from the scene of action, knowing that this grant of power to Congress was set forth in the fundamental law of the land under which was established this Government of checks and balances.

The Presidential veto is the check upon the legislative branch. The power of Congress to override the Presidential veto by a two-thirds vote in both Houses is a check upon the executive branch. If the power now sought to be used by Congress and the President does not exist, then pray tell me where is the check of the legislative and executive upon the judicial branch of the Government? The answer to this proposition is likewise obvious, and I shall not dwell longer upon it. I do not believe that any well-informed person will question the right of Congress to enact the law which the President has recommended. This, therefore, is not an issue and I need not discuss it. While we may not have a right to question this authority, certainly all citizens have a right to question the wisdom of the use of the power. Then, still searching for truth and light, let us inquire into the wisdom and the purpose of the proposed legislation.

The President initiated the proposed law, and he must have had some purpose in doing so. He was actuated either by good or evil impulses; he was motivated either by ignorance or wisdom. If he wants the power, he wants it for either a bad or a good purpose; he wants it for either a constructive or a destructive purpose. Now let us ask ourselves these questions:

First. Does he cherish a personal political ambition which causes him to want to become a dictator?

Second. If he does, then will giving him the power to increase the Court enable him to accomplish this vicious purpose?

It occurs to me that the one broad and all-embracing issue involved in the proposition is:

Does Franklin D. Roosevelt want to become a dictator, and could he if he wanted to? And even this is a false issue.

When we look about the world today and look at conditions in our own land we must be impressed with the fact that this is no time for either idle talk or a display of passion. Should we, in this hour of world hysteria, attempt to shake the people's faith in their President? Unfortunately, men with disturbed imaginations, intellectual and perhaps well-meaning citizens, have in a very adroit and shrewd fashion not only impugned the motives of our President and questioned his sincerity and patriotism, but have cried out the ignoble words "tyranny", "outrage", "usurpation", "false pretender", "dictator", "socialism", "communism", "fascism", and other diabolical words which are well calculated to arouse the fears of the people of the Nation and cause them to question the character and virtue of their leadership and the stability of their Government.

Even some of our Senators and Congressmen are not willing to accord to their President the same pure motives which they have ascribed to themselves. Neither are they willing to accord to him the same exalted impulses and patriotic purposes which they would have us believe animate their breasts. They point the accusing finger at the President and carry their fight to the doorway of the White House. They well know that the President is helpless until they themselves first act. Yet to divert from themselves they permit their imaginations to run riot as they by insinuations and innuendoes accuse the President of a vicious and insidious type of treason and of cherishing within his bosom a secret and an alien concept and scheme to destroy the courts, the Constitution, and all that Americans hold dear. They give him credit for neither courage nor candor. They suggest by insinuation that he sneaks as a thief in the shadows of night, seeking to deceive the people, to shoot from ambush as it were, to undermine and to destroy that which he does not have the courage to attempt to overthrow. Their campaign of insinuation is as vicious and as cowardly and as cruel and as false as that of a slanderer who places the "scarlet letter" upon the forehead of pure and virtuous womanhood.

Who is this fiend, this alien, this monster who seeks to take from us the grand heritage which was purchased with the blood of our fathers? It is the same man, with the same character and with the same soul, who only a few short months ago they held up to the Nation as the greatest humanitarian the world has ever known; the savior of the masses with whom his heart beat in unison. A few short months ago they called him savior; now they would call him traitor. They say that he has deserted them, his party platform, and the people; that he is ambitious and seeks to enthrone himself as a dictator and to run roughshod over the wants and the wishes of the people who have placed their faith in him; that he wants to usurp power which the founding fathers never intended for a President to have.

The President has only suggested and recommended that Congressmen and Senators exercise the power vested in them by the people and plainly set forth in their Constituiton. Are Congressmen and Senators to be intimidated by the possession of power? Should the possession of power cause us to tremble or the use of it make us afraid? The President may be the diagnostician but surely we are the surgeons and it is our duty to carve the Nation's pathway to progress. If this Nation were about to declare war I wonder if these same statesmen in such an emergency would be so anxious to submit the question to a referendum of the people. Surely this act they are now asked to perform is no more serious than a declaration of war and yet they tremble in their boots at the thought of exercising the power they possess. If those who now accuse him are sincere in their belief that he is seeking to undermine this Government and has formulated a conspiracy and a scheme, the purpose of which is to overthrow the Government, why are not they bold and courageous in their assertions? Why do not they call him by the name traitor? Why do not they point to the overt act of treason? Why do not they give the country a bill of particulars and put him on trial before his countrymen? Oh, no, they dare not do that. They dare not bring charges of impeachment. They would have you only infer, from their remarks, but they are afraid of a bold assertion.

If the President is public enemy no. 1 and entertains the purposes they ascribe to him, that is to gain control of the

Supreme Court for an evil purpose, surely he cannot consummate the program without the aid of coconspirators and accessories. They say he wants a "puppet" Court. Is there anything in his life or his character, his acts or his conduct, in either public or private life that justifies the thought that he would ask his fellow men to join with him in such an unholy and unlawful alliance? It appears that they would have the people overlook the fact that their representatives must first authorize and the United States Senate must actually confirm the appointments of those the President nominates. Can you imagine a man of the character and caliber who is able to pass the scrutiny of the United States Senate selling his conscience and damning his soul for a little fame, only after a few years to fill an ignominous grave in the land of his fathers?

Do you believe that the President of the United States would ask a prospective appointee to surrender his self-respect, defame his name, and damn his soul by promising to abide by the wishes of the President in rendering his decisions from the bench?

If we could believe that such a thing were possible, we might just as well charge that the present Supreme Court is only a puppet, controlled by the hands of even dead men who appointed them. Such a thing is not only radical but it is ridiculous. Yet they suggest that Roosevelt would do it. Still they would not have you believe for one moment that any of his predecessors who have graced that office would have dared do such a thing.

The new judges would be just as independent and just as free as those who have served upon that tribunal in the past. The President of the United States could not, and would not attempt to "pop a whip" over a judge charged with the duty of administering public justice. Even if he attempted to do so it would be of no avail. Once they are appointed they are secure in their position beyond Executive control. Even the President himself must abide by their decrees.

No man, except by open violence and bloodshed, could ever become a dictator in the United States. If we should assume, for the sake of argument, that a President was ambitious and desired to become a dictator, what would he care about a precedent set by the Seventy-fifth Congress? What would he care even about the Court, the Constitution, or the Bill of Rights, or anything which is dear to the hearts of the American people? Even if we could possibly assume that there was a man in the White House with a "rubber stamp" Congress and a "puppet" Court, which undertook to enact and administer laws which were oppressive and offensive to the people—why, at the very next election the people, in their power, could defeat every Member of Congress and the new Congress so elected could repeal the old laws and enact new ones. The people, acting through Congress, could not only destroy the oppressive laws but would have even the power to strip the Executive and judiciary of all their functions and authority.

All this talk about dictatorship, "rubber stamp" Congress, and "puppet Court" is nothing but bunk and vicious propaganda. Need I remind my colleagues of the damnable type of propaganda used in the utility fight by the moguls of light and power when they called out "the death sentence": "The death sentence is about to be imposed upon the stocks of widows and orphans" when they knew that we were battling not only for the widows and orphans who were stockholders but for the humble users of electric current and power throughout the Nation? Then, as now, their weapon was only fright and fear. These prophets of disaster and apostles of fear, in that fight as in this, held the Constitution close to their hearts, between themselves and the people. Shall the strength, the courage, and nobility of American manhood tremble in the presence of such prophets while our people suffer in a vortex of disaster? They stand at the doorway of the temples of justice defending their sacred traditions, but they have nothing to offer to the American people save and except the allurements of hope, the do-nothing policy of former administrations. Shall we sit supinely by waiting for Nature to take its course or shall we take action and take it now, to the end that this Government may function in the interest of the people for whom it was established.

We have a mandate from the people to readjust our social order, to reestablish our national economy, and to subjugate the impulses of selfishness and greed to the higher demands of social and civic duty. Yes; every citizen has a solemn duty in this hour, the duty to lay his best gifts in the lap of his Republic, to the end that we may solve our great problems and thereby save our grand heritage.

Some of the decisions of the Supreme Court are nothing more nor less than carbuncles upon the Constitution, and the people share with the President the hope that the new judges will carve the offending growth from the body of their organic law.

The present Chief Justice has said:

> The Constitution is what the judges say it is.

This means that in 5-to-4 decisions the Constitution is really what one man says it is. The Constitution should be what the founding fathers intended it to be and not just what one man says he thinks it is. Recent decisions of the Supreme Court have had the effect of placing the representatives of a free people in the shackles of a judicial strait jacket.

Judges cannot merely by wrapping themselves in their judicial robes divest themselves of their political and economic theories nor divorce themselves from their social philosophies any more than they can shake off their historic background. If there is no precedent, then the individual philosophy and judgment of the judge becomes the law of the land. Surely no man will contend that even a judge is infallible. We want a Court composed of men who will not distort the meaning of the Constitution, but who will give the American people a liberal, a fair, and a just interpretation of that great document.

Most men realize that agriculture is no longer only the problem of him who tills the soil. Most men realize that industry is not only the problem of those in the factory or in the mine or at the furnace or at the forge. Most men realize that in this great Nation of ours no one group can long survive and prosper while another languishes in misery and distress. Most men realize that the victims of disaster and epidemics can no longer be ignored in this land of wealth and abundance.

The President has not proposed that Congress amend the Constitution. He has not suggested that we impair the dignity nor decrease the traditional power of the Supreme Court. Would you, as a citizen, have less respect for the Court or its decrees merely because its membership had been increased? Is the decree of a majority of nine men so sacred and is their judgment so infallible that even the people, whose servants they are, have no right to question the wisdom of their decision? Oh, yes; the opponents will say the people have the right, but the Congress to which the people have granted the power has not the right to place new blood, new theories, new philosophies, and new men upon the Court who will look through clear glasses at their great and vital problems.

We are dealing with problems; the Court deals only with precedents. We are close to the people; they are removed from the people.

Jefferson once said:

> It has long been my opinion, and I have never shrunk from its expression, that the germ of dissolution of our Federal Government is in the judiciary—the irresponsible body working like gravity by day and by night, gaining a little today and gaining a little tomorrow and advancing its noiseless step like a thief over the field of jurisdiction until all shall be usurped.

Lincoln, the patron saint of the Republican Party, said in his first inaugural:

> The candid citizen must confess that if the policy of the Government, upon vital questions affecting the whole people, is to be irrevocably fixed by decisions of the Supreme Court, the instant they are made in ordinary litigations between parties in personal actions the people will have ceased to be their own rulers, having to that extent practically resigned their Government into the hands of that eminent tribunal.

Some people seem to believe that the Supreme Court has a constitutional right to sit in judgment on the wisdom of legislative action. They seem to believe that the courts are the only agencies of the Government that have the capacity to govern. In this connection it may be well to consider the views expressed by the late Justice Holmes in *Railroad* v. *May* (194 U. S. 267, 270):

> It must be remembered that legislators are the ultimate guardians of the liberties and welfare of the people in quite as great a degree as the courts.

Whether legislation is wise or not is a matter that addressed itself to the conscience and the wisdom of the legislative branch. Whether it is constitutional or not addresses itself likewise to the legislative branch, but primarily is the function of the judiciary.

> The Court will certainly not substitute its judgment for that of Congress in such a matter, unless the relation of the subject to interstate commerce and its effects upon it are clearly nonexistent.

This is the language of another Chief Justice and former President, Hon. William Howard Taft.

In the interpretations of vague phrases in the Constitution, are we to forever permit the personal predilections of individual judges to become a part of the Constitution? Shall we be content when the Supreme Court destroys the effect of a law which offends no clear or explicit provision of the Federal Constitution? Shall we further permit judicial usurpation of the power of the people?

In *McCulloch* v. *Maryland* (4 Wheat. 316, 421) we find this language of a great Chief Justice:

> Let the end be legitimate, let it be within the scope of the Constitution and all means which are appropriate, which are plainly adapted to that end, which are not prohibited but consist with the letter and spirit of the Constitution, are constitutional.

Are we now to accept complacently a reversal of this cardinal guide and permit the powers of the people to be curtailed by judiciary fiat upon a tortured construction of the Constitution?

In the well-reasoned dissenting opinion in the case of United States against Butler we find this language:

> But interpretation of our great charter of government which proceeds on any assumption that the responsibility for the preservation of our institutions is the exclusive concern of any one of the three branches of Government, or that it alone can save them from destruction, is far more likely, in the long run, to "obliterate the constituent members" of "an indestructible union of indestructible States" than the frank recognition that language, even of a constitution, may mean what it says; that the power to tax and spend includes the power to relieve a Nation-wide economic maladjustment by constitutional gifts of money.

The people are demanding that their Government achieve very definite objectives to meet the needs and requirements of a modern society. The only danger of a dictatorship lies in the failure of the processes of democratic government. The continuity of the achievements of our democratic processes depend largely upon the courage with which we meet the present crisis.

Once again I quote from Justice Holmes:

> The first requirement of a sound body of law is that it should correspond with the actual feelings and demands of the community.
>
> The courts were intended to endure for all ages to come and consequently to be adapted to the various crises in human affairs.

This is the substance of the language of Chief Justice John Marshall.

We now find ourselves in a judicial rather than in a constitutional crisis.

It appears to me, after brushing aside all the false issues, that the real issue involved in this proposition is:

Should the people wait for nature to take its course and suffer while they wait or by bold and courageous action, and in the exercise of their right and wisdom enlarge the membership of the Court and by doing so bring to it additional men with broad wisdom and patriotic purposes who will liberally, fairly, and justly interpret the Constitution under which they must live?

This, therefore, is the question which either sooner or later the people themselves will ultimately decide.

I have definitely arrived at the conclusion that delay is more dangerous than action, and that this Government should take its stand upon the solid rock of service and the firm foundation of usefulness.

The grandest pursuit to which the spirit of the times invites us is that of leading this Nation to the glowing dawn of a better day.

We are living under a complex dual system of sovereignty and in a fast-moving world. Every hour modern civilization brings forth new problems and with them new possibilities. The progress of the world, stimulated by the dynamic energies of modern trade and commerce and accelerated by the rapid and splendid achievements of science, has advanced in a half century far beyond the entire accumulation of industry and science from the fall of Babylon to the rise of the American Republic. Business is no longer in its infancy. In this new civilization we have invaded the higher and the nobler fields of industry and intellectual pursuits; mankind is no longer in the vestibule but has entered the inner courts of the temple of science and learning. We have advanced far along the shining and celestial ways of scientific truth, realizing that by gaining peaceful supremacy over the natural elements we can further advance the progress of man. The inventive genius of man has dwarfed the Nation and made us interdependent. Labor-saving machinery which man has mastered seems to have become the master of man, and the laboring man's job is no longer secure. Highly organized industry with its monopolistic tendencies is engaged in battle with highly organized labor. The disastrous effects of these battles are visited upon every citizen and his household. Surely such problems of such far-reaching effect must be national in scope. Surely agriculture, the basic industry upon which the permanent prosperity of this Nation depends, is as national in its scope as the very soil itself; yet there are those who believe that these great problems are merely local and the Nation is helpless to deal with them. These same people seem to believe that human suffering and distress in a land of wealth and abundance is something in which the Nation may not be interested. They are willing for citizens to pine in secret anguish for the want of reasonable philanthropy. They are willing to see the soul of America corroded by the vicious influences of selfishness and greed which obscure the higher and nobler ideals of life.

> Life is more than meat and the body more than raiment.

We may at this time be sustained in the glad confidence and calm assurance that our Nation is fighting for the security of its citizens and is striving to solve the great problems of human and social justice. The icy hand of fear shall not chill the hearts of our statesmen.

EXTENSION OF REMARKS

Mr. KVALE. Mr. Speaker, I ask unanimous consent to extend my own remarks by printing in the Appendix of the RECORD an address delivered by Harry L. Hopkins, Administrator of the Works Progress Administration, upon the same subject to which we have just been listening.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. COX. Mr. Speaker, I ask unanimous consent to address the House for 20 minutes.

Mr. RAYBURN. Mr. Speaker, reserving the right to object, let me say to the gentleman that there is a special order for the gentleman from Maryland [Mr. LEWIS].

The SPEAKER pro tempore. There is a special order whereby the gentleman from Maryland [Mr. LEWIS] is to be recognized for 1 hour.

Mr. COX. Mr. Speaker, I renew my request that after the gentleman from Maryland has finished his address I be permitted to address the House for 20 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Under the special order the gentleman from Maryland [Mr. LEWIS] is recognized for 1 hour.

Mr. LEWIS of Maryland. Mr. Speaker, may I say in the beginning that I do not believe men and women were made for constitutions. Constitutions were made for men and

women; but in the same breath allow me to add that no constitution of which I can conceive could be better devised for men and women than the beloved Constitution we are sworn to defend. [Applause.]

Consider only the preamble, if you please;

"to form a more perfect union,"

"to establish justice,"

"to insure the domestic tranquility,"

"to promote the general welfare,"

"to assure the blessings of liberty,"

these, Mr. Speaker, must be the high objectives of any government organized to serve, and serve sincerely, the great requirements of the human family. Not only was the Constitution framed with those high purposes but it provided the necessary instrumentalities by which to effectuate them. The States were already habituated to their great duties of government. The National Government was now to be added, and effective power was recognized in the great instrument to permit it to achieve its noble ends.

DOES THE NATION NEED A CONGRESS?

Now, Mr. Speaker, let me venture an opinion this afternoon: The average, deeply thoughtful American citizen is going to decide the question before us on a much simpler statement than the statement we are presenting in this debate. He is going to ask himself this question, "Do the people of the United States, 125,000,000 in number, need to have a National Congress and State legislatures competent to pass the laws they find necessary to protect their liberties, their personal security, and their honest property?"

When he has asked himself that question and looks abroad at other peoples on the face of the planet, as well as the experience of the past, I believe he is going to answer "Yes", just as have other democracies and sovereign peoples. Mr. Speaker, if he does, he will find himself in very illustrious company. What said the great fathers of the Republic when this work of building the Constitution was done? They also said "Yes." I shall quote now at some length, because I consider this feature of the subject to be fundamental to all our considerations. Said Thomas Jefferson:

> The capital and leading object of the Constitution is to leave with the States: First, all powers which respect their own citizens only; second, to give to the United States those powers which respect, first, citizens of foreign countries, and, second, citizens of other States.

Wilson, a leading spirit in the Convention, also expressed himself. He said:

> Whatever object of government is confined in its operation and effect within the bounds of a particular State should be considered as belonging to the government of that State. Whatever object of government extends in its operation or effect beyond the bounds of a particular State should be considered as belonging to the Government of the United States.

Judge Marshall, who sat in the ratifying convention in Virginia, gave this statement:

> The Government's action is to be applied to those internal concerns of the Nation which affect the States generally, but not to those which are completely within a particular State which do not affect the other States.

Sir, the State was to govern the citizen in those acts which concerned only citizens within the State; the Government, in those of his acts which concerned citizens of other States as well. What could be more reasonable?

NO VACUUM IN LEGISLATIVE POWERS

There is still another great name to be quoted from that chapter of our history. Did the Constitution contemplate only those economic and social circumstances presented in the late end of the eighteenth century? Hear what Alexander Hamilton said on that subject. I quote from The Federalist (no. 34):

> Constitutions of government are not to be framed upon a calculation of existing exigencies, but on a combination of these with the probable exigencies of ages, according to the natural and tried course of human affairs. There ought to be a capacity to provide for future contingencies as they may happen. • • •

Can you find in this common understanding of the great work of the Convention any vacuum, any gaps, any no man's land, in the legislative powers of the Congress and of the States? There had been no vacuum before the Revolution. The sum total of the powers of the colonial legislature, taken with those of Parliament, were as broad and complete as the needs and interests of the human family. If you be in doubt as to the conscious purpose of the Federal Convention in this regard read the general-welfare clause—I bid you earnestly to read its history in the Convention—for there you will find this clause to be a residuary power, five times adopted in the Convention, and intended as a supplement to the specific powers, to eliminate all danger of a vacuum in the functioning powers of the Government. And without gap, sir, these powers proved to be for the first 68 years of our national life.

Mr. Speaker, 148 years have passed since these great declarations. Have any vacua shown themselves in the States' power, in the power of this Congress, to protect the great subjects of human liberty, security of person, and of honest property? Unhappily, you know that during the last few years destructive gaps have been alleged by interested litigants, and that our most important acts, passed to provide for the general welfare, have been outlawed at the instance not of the States but of private litigants by Court majorities, many Judges dissenting.

NULLIFICATION—MISSOURI COMPROMISE ACT

Sir, the most significant fact I have found in running over this subject in a historical way, is that for the first 68 years of the history of the Republic there was no judicial nullification of acts of Congress. During those 68 years the most important, the most difficult part of the path in our national history had to be trodden; a whole continent remained to be peopled and provided with the needs of human beings. Moreover, the national institution was new and had to make its adjustments to human requirements; and yet during that time of trial and experiment, in not a single instance was a substantive act of the sovereign legislative power of the United States stricken down in the courts until 1857.

What had this House done, Mr. Speaker, in the year 1857, what had it done that it alone among the great parliaments of the world should have its statute outlawed. Ah, sir, it did nothing in 1857, but in the year 1820 it had passed the Missouri Compromise Act to safeguard the national tranquility, and 37 years subsequently a divided appellate court declared this act to have been void all the time. What had the Missouri Compromise Act done so unwise, so unpatriotic, that a sovereign legislative power should be forfeited as the penalty? Well, sir, Congress had acted on a much-respected court decision. Back in 1772 a British subject from the Jamaicas carried one of his Negro slaves over to London, leaving the slave during his sojourn imprisoned on the boat in the River Thames. Some Quaker learned of this violation of a human being's right to liberty in England. A writ of habeas corpus was sought and the case was presented to Justice Lord Mansfield. Slavery was lawful in Jamaica—but Lord Mansfield declared that "the air of England is too pure for a slave to breathe", and summarily freed the slave.

I know I am addressing this afternoon the grandsons and, perhaps, the sons of Confederate soldiers who not only lived through but fought and suffered in that great contest. I know their feelings now on this unhappy subject. There is not a son of the South in this body today who, were you to offer him the ownership of a slave, that would not repulse the offer with disgust. And so, indeed, it was that in those early days an unwelcome institution was forced upon the South from the North and the East, which it so regretted that in 1820 its statesmen joined in passing the Missouri Compromise Act. On the principle of the Lord Mansfield decision it provided that if the slave owner, of his own volition, carried his human property over the Missouri Compromise line into free territory, by that act he made the slave a free man. That law had prevailed and, perhaps, had preserved the Union through a generation. The exigencies of class politics, or what not, at length were permitted to break in on the Court's deliberations; and when, at length, the case was considered by that eminent tribunal, we find it for the first time in our history nullifying an act of the Congress. When the Court did that it declared in effect that there was

no power under the flag that could deal with slavery; and it put a sword in every man's hand, soon to be crimson with the best blood of the Republic.

THREE JOHN MARSHALLS

Sir, a few words about the historical background of that, the Dred Scott decision. You know, of course, of the Marbury case, and have heard of it most frequently in recent years. It was decided by Judge Marshall as you well know. But there were three Marshalls.

The first Marshall, speaking as an attorney in that very Court in 1796, expressed himself as follows:

> The legislative authority of any country can only be restrained by its own municipal constitution. This is a principle that springs from the very nature of society, and the judicial authority can have no right to question the validity of a law unless such a jurisdiction is expressly given by the Constitution.

Exit now Marshall the First, Marshall the attorney. Enter Marshall the Second, Chief Justice. In a star-chamber proceeding, and what was virtually an ex-parte case, without argument at the bar, without notice that any such important innovation was to figure in the decision, he announces sua sponte the doctrine of the power of courts to nullify acts of Congress, and, in doing so, that the Court had taken supremacy over Congress, the lawmaking function, as well as the President and the executive power. Great is Alexander Hamilton. His life officeholding principle of autocracy has been proclaimed as the law. The Convention had rejected it when he proposed that Governors, Senators, and President should hold office for life. But Marshall's coup d'état will serve instead—supremacy is to be lodged in the only life officeholding branch of the Government. But Jefferson was President and thanks to his denunciation such courthouse nullification was scotched for 54 years.

There was a third Marshall, Chief Judge Marshall, I should add, presenting his final thought, I believe. Let me read from a letter of his to one of his associates, Justice Chase:

> A reversal of those legal opinions deemed unsound by the legislature would certainly better comport with the mildness of our character, than the removal of the judge who has rendered them unknowing of his faults (a).

In other words, he suggested just what Hamilton suggested that Congress do, just what the British Parliament would do—reverse the legislative action of the judge.

But, happily, sir, there was still another Marshall, to whom I feel grateful, not for his Dartmouth College decision, not for his Georgia land-fraud decision, but for his consistent resistance as a judge to the principle of nullification of acts of Congress by whomsoever might attempt it. He doubtless contributed in this way to sustain the Union. For this service I am intensely grateful.

CONVENTION FATHERS REPUDIATE NULLIFICATION

Certainly, the Convention had not granted such a power to nullify our acts.

Said Madison in 1788:

> In the State constitutions, and, indeed, in the Federal one also, no provision is made for the case of a disagreement in expounding them [the laws]; and as the courts are generally the last making the decision, it results to them, by refusing or not refusing to execute a law, to stamp it with its final character. This makes the judiciary department paramount in fact to the legislature, which was never intended and can never be proper.

Much other matter might be quoted from the great Madison, the principal spirit in that convention except perhaps General Washington himself (b).

May I add another voice from the historic Convention, Senator Baldwin, of the State of Georgia. Speaking in debate in the Senate in 1802, he stated:

> If it had been intended to convey these distinguished powers, that would have been done in very conspicuous characters and not left to be obscurely explored by construction, not enlightened by the least recollection from anybody on a subject and on an occasion certainly of the most impressive kind and so little likely to have been forgotten (c).

Other able judges of the time, Judge Bland, of Maryland; Chief Justice Gibson, of Pennsylvania, among them, discountenanced the Marshall view. Professor Haines, the foremost student of this subject, remarks:

> Anyone who carefully considers the opinions of Judges Bland and Gibson can readily perceive that reason and logic had comparatively little weight with those who are resolutely about to make judicial review of legislation a part of the American political system.

Let me quote the late Chief Justice Clarke, of North Carolina, also:

> The power to set aside or nullify an act of Congress or a State legislature is a purely political power, and is so recognized by the constitutions which give the veto to the Executive. It comes under no definition or conception of the judicial power, which is to judge between the parties to a controversy. Neither the Government nor the State is a party to these proceedings, in which its supremest power—that of enacting laws—is nullified. As claimed and exercised by the courts, it is the absolute, autocratic power, because it is irreviewable. Those whose interest it is to have such power over the legislative and executive assert it for their own ends. The wonder is that it has ever been acquiesced in at all under a free form of government.

But above all, sir, let us not forget that the Republic grew, that it prospered without the nullifying power from 1789 to 1857. The world will never forget what followed nullification in the Dred Scott decision.

COURTHOUSE VETO

The observation may be made that *somebody* should determine whether an act of Congress is constitutional. Why not the courts? Why not the Congress and President, as in other parliamentary bodies? [Applause.]

In all the other countries also having written constitutions adopted in the light of our experiences here, judicial nullification is ruled out, and the judge who would outlaw an act of the highest legislative body is not only impeachable but would have committed a high crime against the sovereignty of the government (c). Why not the Congress here as elsewhere? Our committees first pass on these constitutional questions. The House can veto their report. The House passes on the constitutional question. The Senate can veto its action. The Senate again passes on the constitutional question and the President may veto the unconstitutional action of both bodies. All these are sworn like the judges to support the Constitution. Finally the people may exercise a repealing veto, as they often do, by defeating unworthy public servants. From 1789 to 1857—68 years—this kind of veto alone obtained. It surely sufficed the Republic through a chapter of changes and of progress, I venture to affirm, without parallel in the history of nations.

But why not a Court veto? The reasons are that—

The Constitution is an institutional document; it is not like a deed or mortgage, a contract, usually supplied with sufficient circumstantial detail to enable the judge to interpret it fully and where the interpretation of the judge is of consequence only to the litigants.

The Constitution is an institutional document composed largely of abstract phrases, phrases which of necessity, in such an abbreviated instrument, are of general but indeterminate significance; phrases whose interpretations call for whole statutes, which in turn call for the exercise of the lawmaker's discretion. Such general phrases call for defining statutes as the subject index of a book calls for a book. It is a document to be interpreted by statesmen in the legislative laboratory, and the interpretation needs be finally made by the Congress and President before the law goes into operation, because the welfare of the citizen or security of the country may depend upon the immediate and unconditional operation of the statute.

A courthouse veto fails fatally, besides, because since the citizen is conclusively presumed to know the law, and is entitled to know whether it is a law when it passes, to fashion his conduct accordingly, any veto should take place before the obligations of the law can attach. The lawsuit veto fails also because—

First. It can only be exercised if and when some interested litigant invokes it in the courts.

Second. Meanwhile contingent obligation attaches to all citizens.

Third. The possible courthouse veto robs the law of its necessary majesty, by degrading it to the status of a mere order nisi dependent upon litigation by private litigants, whose approach is not pro bono publico, as justly expected of the Members of Congress and the President.

Fourth. Such a lawsuit veto does not operate ab initio on the citizen. If he has not brought suit in the courts, his effective rights may be one thing; if he has, his rights may be wholly different. I give the present processing-tax situation as an illustration.

CONFLICTS STATE LAWS AND CONSTITUTION, ETC.

Mr. Speaker, in order to avoid conflicts between State and National laws, Madison had proposed in the Convention that State laws should be subject to approval by Congress. Gouverneur Morris, Sherman, and Martin opposed the motion. Sherman "thought it unnecessary, as the courts of the States would not consider as valid any law contravening the authority of the Union." The Sherman suggestion that the State judges should negative the conflicting State laws was then expressly adopted instead of Madison's proposal. The Journal recites:

Mr. Luther Martin moved the following resolution: "That the legislative acts of the United States made by virtue and in pursuance of the articles of Union, and all treaties made and ratified under the authority of the United States, shall be the supreme law of the respective States, as far as those acts or treaties shall relate to the said States, or their citizens and inhabitants, and that the judiciaries of the several States shall be bound thereby in their decisions, anything in the respective laws of the individual States to the contrary notwithstanding."

It was thus, sir, that the power of State judges to adjudge State acts void, as in conflict with Federal law came into the Constitution. Changes of wording for conciseness without change of meaning or intention were made by the Committee on "Stile and Arrangement", so that it now reads:

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

Mr. Speaker, no friend of judicial reform disputes the wisdom of this clause—authority, unity can have but 1 voice, not 48 jarring voices. Justice Holmes emphasized the importance of this distinction between voiding State and National laws when he said:

I do not think the United States would come to an end if we lost our power to declare an act of Congress void. I do think the Union would be imperiled if we could not make that declaration as to the laws of the several States.

"PURSUANT", MEANING OF

The casual reader of the above clause is sometimes confused by the word "pursuance." It has an unquestioned relevancy to parliamentary procedural steps which must be pursued under the Constitution in the passage of an act of Congress. For example:

First. The bill must be passed by both Houses.
Second. There must be the favoring vote of a majority of a quorum of each House.
Third. (a) It must be approved by the President; (b) or in his hands and not disapproved for 10 days, etc.; and (c) or if vetoed by him, receive two-thirds of the votes of each House by yeas and nays entered on the Journals.

These are express procedural rules to be pursued or followed by Congress in the enactment of a law.

There is no authority in this clause to sanction the nullification of acts of Congress. This is the view of Professor Willoughby as found stated in his great but noncontroversial Commentaries on the Constitution of the United States (d).

COURT INTERPOLATIONS—DUE PROCESS

Mr. Speaker, I am going to discuss now some gaps, the vacua—and I can only touch them suggestively—resulting from some great interpolations which have been forced into the Constitution of our fathers, interpolations developed under the pretense of being interpretations, and I do not qualify the word "pretense."

In the Dred Scott decision, not only was this nullifying interpolation introduced into article III but another interpolation was forced into the fifth amendment; an interpolation which completely changes its meaning and the character of our Government. The fifth amendment, as you know, is, in substance, a copy of the Magna Carta. King John had been throwing his people into the Tower; he had been confiscating their property; he had been even decapitating them without an indictment or a trial under the British law. He was challenged at last by a brave and triumphant people and forced to concede the Magna Carta, whose whole object was to provide that no man should be hanged, imprisoned, or have his property taken away from him on a charge of treason, without a regular trial; that is, without "due process of law."

Mr. Speaker, it was fully recognized by the authors of the fifth amendment that Congress would need to enact laws as to crimes which would carry penalties which should take the life, the liberty, or the property of the offender. The amendment, of course, carries no inhibition against the enactment of such laws. It does provide that even though an offender has violated the law he may not be hanged, imprisoned, or have his property forfeited by fines without a day in court, an impartial trial; that is, "due process of law."

In the Dred Scott decision those words in the fifth amendment were construed to mean the full equivalent of the following interpolation which you now must add to the fifth amendment when you discuss it in the courthouse:

Provided, nevertheless, that if a judge shall consider any act of Congress, *civil* or criminal, with respect to life, liberty, or property to be unreasonable, the judge shall hold said act to be invalid, the judgment of the Congress that such act is reasonable to the contrary notwithstanding.

INTERPOLATION NOT DENIED

Mr. Speaker, there is really no dispute among the students of this subject as to the fact of this interpolation. You may wonder why present judges do not repent and strike this unworthy interpolation from the body of the sacred instrument. But, sir, it is forbidden. Stare Decisis, the goddess of courts and lawyers, forbids. Do you think my denunciation of this interpolation too severe? Let me read you some quotations from an authority in jurisprudence as great as the greatest of our jurists, Prof. Edwin S. Corwin, professor of jurisprudence in Princeton University:

When the fifth amendment was added to the Constitution in 1792 no one, so far as I am aware, had even suggested that the term "due process of law" had any other than its anciently established and self-evident meaning of correct procedure (p. 95, Twilight of the Supreme Court).

And later, discussing this interpolation in the Dred Scott case, Dr. Corwin says:

Indeed, at one point, and that a vital one, he (Chief Justice Taney) departs from the course of historical fact so flagrantly that one can hardly believe that he did not do so knowingly. This is where he boldly invokes the "due process" clause of amendment V as invalidating section 8 of the Missouri Compromise. No one at the time of the framing and adoption of the Constitution had any idea that this clause did more than consecrate a method of procedure against accused persons, and the modern doctrine of due process of law, the most important single basis of judicial review today, could never have been laid down except in defiance of history. (Ibid., p. 118.)

The nullification interpolation was forced into the Constitution in the Marbury case without argument of the subject at the bar; so also, sir, was the "due process" interpolation in the Dred Scott case.

DIVISION OF DUTIES—CONGRESS AND COURTS

Mark you, under that interpolation the Court has assumed a suzerainty over both legislative and judicial functions, including legislation as to all the subjects, civil or criminal, involved in life, liberty, and property. These are three great branches of the law which embrace all the rights, actual or conceivable, of the human being.

Now, sir, what is our relation to it? The relation of the Congress is that of the lawmaker. Congress, its duty is to declare what the law shall be on the subject of piracy and what the modes of punishment. The courts, they shall decide who is a pirate and sentence him. Congress has power to enact bankruptcy laws. The courts alone can declare any particular man a bankrupt. Intelligently observed, the distinction between the legislative function and the judicial function is of the very highest value in our social life; and let no man misunderstand my personal view of the matter. I have, for the courts of my country, yea, for the honest courts of all lands, only the very highest feeling of respect.

I believe so much in courts, Mr. Speaker, and their great function of deciding controversies which may otherwise lead to bloodshed, that I would, at this moment, give the World Court sitting at The Hague power to take jurisdiction of all controversies between nations, just as I am happy in the thought that our own Supreme Court can take jurisdiction of controversies between two of our States. But a court, stepping out of its judicial function into the legislative field, can only work mischief; just as a Congress stepping out of its field to try cases in the judicial field, could only work miserable failures in the adjudication of controversies between individuals.

STARE DECISIS

I asked a moment ago why these judges have not stricken this interpolation in the fifth amendment bodily out of the great document. Ah, Mr. Speaker, now we have introduced ourselves to the Eleusinian mysteries of a courthouse mind. In our temples of justice homage must be given, homage to the goddess Stare Decisis—let the decision stand.

Mr. Speaker, no lawyer here will be quicker to argue for the doctrine of stare decisis with regard to the interpretation of ordinary statutes. If the statute is doubtful, I want to have the doubt removed so I can pilot my client with assurance through the troubles of his business life. If the judge makes a mistake, there is a legislature waiting to meet shortly which can rectify it. It is just as sure to meet as the next term of court. But when, Mr. Speaker, you come to a court's decision on the Constitution, however destructive, there is no constitutional convention in waiting next year to rectify its wrong conclusions. We may have to suffer for a generation before the subject can be reexamined. Let us consider well, sir, the significance of the statement of Governor Hughes, "We are under a constitution, but the Constitution is what the judges say it is", and of the ominous declaration of a former Member and Solicitor General, whose voice still charms by its cultured eloquence, Mr. Beck, of the State of Pennsylvania, who boasted that the Supreme Court is a continual constitutional convention.

During six centuries no act of Parliament has been nullified by a British judge, but judges have been sent to the Tower for hanging and imprisoning British subjects without giving them an impartial trial, the "due process of law" guaranteed by Magna Carta. In these six centuries no British judge has suggested that Magna Carta limited the power of Parliament to pass laws determining the rights and duties of British subjects as to life, liberty, property. How could the judge determine such parliamentary questions without making a legislator of himself? Liberty, yes, but how much? property, yes, but how honest? and life, security—yes, yes, except for pirates and murderers. These questions require a lawmaker—which a king may be, which a parliament is, but which a judge by the very nature of his office must not, cannot be. "Life, liberty, property." These are titles, not under title so lacking in standards to guide judgment. It is the sociologist, not the legalist or judge, whose reaction is secured. And to whose philosophy of human rights shall the Court react? To Sir William Blackstone or Jeremy Bentham? To John Stuart Mill, the economist of the laissez faire, or to John Bright, the constructive liberal? Upon the answer to this question the progress of legal justice, the life of the Nation may depend.

INTERPOLATION HAS NO DEFENDERS

Sir, I find no advocates, no defenders of this "due process" interpolation, this "alteration" in the great instrument. It is not merely humanitarian legislation which has been made to suffer by it. May I read the following from an editorial of the Baltimore Sun?—

> It can hardly be doubted that the record of the Court in dealing with utility valuation has not been its brightest chapter. In the Baltimore United Railways case the Court found that a return of 6.26 percent on the company's investment was tantamount to taking property "without due process of law." All the way along the Court's effort to guide State commissions in regulating utility companies has produced more heat than light, and the whole subject illustrates the confusion which arises from the extension of the due-process clause to cover such matters as the fixing of rates for light, telephone, and traction companies.

We can only wonder why the courts do not cast this unworthy intruder headlong out of the sanctuary of the Constitution.

RIGHT TO WORK—LEGAL SANCTIONS OUTLAWED

So much has been said about the nullification of laws regulating minimum wages, maximum hours of labor, the employment of women and children that I will pass these now with this mere mention. But, sir, as to another decision of our highest Court, I will claim the House's attention. It concerns a decision by a divided vote which outlawed an act of this Congress protecting the right to work. The world does not owe a man a living, I grant you, but as certainly as it rests on moral foundations it does owe a man a chance to make a living. And the right to work—here is an act of Congress safeguarding the right by prohibiting the dismissal of an employee in interstate commerce because of membership in a labor union. A majority of the Court voted it down.

Fuehrer laissez faire has decreed "freedom of contract"; laissez faire, not the statute, is paramount in this Court.

Justice Holmes, dissenting, said:

> I also think that the statute is constitutional, and but for the decision of my brethren I should have felt pretty clear about it. * * * The section simply prohibits the more powerful party to exact certain undertakings, or to threaten dismissal or unjustly discriminate on certain grounds against those already employed.

Sir, this worker had dared to join a labor union. I ask, Had he not the same legal right to do this as to vote—or a stockholder to become a member of the employing corporation? But under this interpolation this undisputed legal right is outlawed. The Court had no more right under the Constitution as proclaimed to nullify this statute than King John had to hang his subjects without a trial. There was no question in the case as to the relation of Congress to parties—employer and employees were engaged in interstate commerce, that is, by railway—as to which Congress possesses undisputed power. The decision, may I say, rests squarely on a judge-made interpolation, so interpreted as to outlaw a first right, legal and moral, of an unoffending citizen of the United States.

Mr. Speaker, the outlawry of this right-to-work statute compares with the denial of freedom to Dred Scott. It is a right that connotes an equal duty in our time.

WHO DESTROYED STATE RIGHTS?

Mr. Speaker, the fourteenth amendment carries the same "due process" clause with respect to legislation by the States, and has been subjected by the courts to the same interpolation as the fifth amendment; and under it many thousands of State laws have been similarly nullified.

There are those who excuse nullification of acts of Congress by saying that the judge is protecting the State powers against impairment by Federal invasion; that the powers of the State have been almost destroyed by Federal action. There is, sir, some ground for this complaint. Consider what the State once was, clothed in her majestic colonial powers. Within the colonial boundaries she could exercise legislative powers like those of the British Parliament. Look at her now. Her legislative powers have been stripped to the bone. But who stripped them? Not this House. I challenge them to point to a single act of Congress impairing the State's power to legislate. Please note this list of subjects, purely domestic subjects, which are partly or wholly forbidden to the States now by the edicts of judges under this interpolation:

Federal decisions

1. Bakeries.
2. Banks.
3. Bedding.
4. Chain stores.
5. Creameries.
6. Education.
7. Employment agencies.
8. Flags.
9. Labor disputes.
10. Labor unions.
11. Laundries.
12. Lotteries.
13. Minimum-wage laws.
14. Mining.
15. Mortgages.
16. Negroes.
17. Newspapers.
18. Old-age homes.
19. Picketing.
20. Political parties.
21. Public utilities.
22. Railroads.
23. Railway conductors.
24. Rents.
25. Sleeping cars.
26. Statute of limitations.
27. Taxation.
28. Theater tickets.
29. Trust-made articles.
30. Use of highways.

State decisions

1. Alien employees.
2. Antitrust exemptions.
3. Barbers.
4. Chinese immigration.
5. Chinese labor.
6. Company stores.
7. Compulsory labor.
8. Convict-made goods.
9. Discharging employees.
10. Employment agencies.
11. Garnishment. (K)
12. Municipal ice.
13. Plumbers.
14. Public works.
15. Scrip payments.
16. Store orders.
17. Tips.
18. Union labels.
19. Weekly wage.
20. Women.
21. Employment.

Yes, ladies and gentlemen; do consider what the States once were. And look at them now—discrowned monarchs, cowing before some district judge, impotent to protect the helpless or the wronged against cunning and selfishness. Meanwhile the Congress is forbidden to act where the State is organically incapable to act, under the pretense that we should be encroaching on State powers. Away with this mockery! Let us hope never to hear its false voice in this Chamber again.

THE GENERAL WELFARE INTERPOLATIONS

But, ladies and gentlemen, here again the interpolator has done most violent work in crippling the Constitution. Paragraph 1 of section 8 of article I reads:

> The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defense and general welfare of the United States.

Careless or antagonistic readers may read this clause as if the word "excises" were not followed by a *comma*. The comma means "and." Read with the comma it is an independent power, like the power to levy a tax.

Judge Story, who was opposed to this clause, wrote a book in which, considering this clause, he said:

> The reading therefore which will be maintained in these commentaries is:
> "The Congress shall have power to lay and collect taxes, duties, imposts, and excises 'in order' to pay the debts and provide for the common defense and general welfare of the United States."

Observe, ladies and gentlemen, that Story strikes out the dividing comma and in its stead interpolates the words "in order." In passing on the meaning of the general-welfare clause in the A. A. A. case the Supreme Court adopted the Story "reading." The Court declared:

> We shall not review the writings of public men and commentators or discuss the legislative practice. Study of all these leads us to conclude that the reading advocated by Mr. Justice Story is the correct one.

Thus, ladies and gentlemen, has a divided Court interpolated words into the Constitution which were not adopted by the Convention or by the ratifying States. This interpolation has the effect of destroying the welfare clause as a legislative power. The Vinson-Guffey coal bill and the A. A. A. acts were based on the clause, which had to be gotten rid of to outlaw them. This was done by the majority in order to save our institutions—forsooth; Justices Stone, Brandeis, and Cardozo dissent and remark:

> The assumption by judges that they alone can save them (our institutions) from destruction is far more likely in the long run to obliterate the constituent members of an indestructible Union than the frank recognition that language, even of a constitution, may mean what it says.

Even with the Story interpolation, the Court had left some meaning to the welfare clause. Later in the opinion, however, they destroyed all meaning. Despite Washington's opinion that Congress could, (e) the Court declared that because the words "agriculture", "mining", manufacturing" were not found in the specific powers following the general welfare clause, you could not do anything for such subjects under it. The effect is to make the clause read as follows:

> Congress shall have power to lay and collect taxes, imposts, and excises (in order) to pay the debts and provide for the common defense and the general welfare (in manner following, viz):

Sir, this adds another interpolation, and one that Story specifically discountenanced.

I shall not have time, gentlemen, to fully discuss what has happened with the general welfare clause and the interpolations you see there in red letters and brackets on the chart. With those two interpolations by the Court the welfare power of the Constitution is destroyed, regarded either as a legislative power or as an objective in taxation legislation. With those interpolations—red lines—stricken out, we do have ample power in this body to act, to provide for the general welfare of the United States. The legislative powers are ample and we need not be hanging all our necessary national legislation on one hook, the commerce clause.

CLAUSE ADOPTED TO PREVENT GAPS IN LEGISLATIVE POWER

Mr. Speaker, the destruction of the welfare clause leaves a vacuum in the power of Congress as to all national subjects not specifically named in the specific powers. Certainly no such vacuum was intended, as we can learn from the journal of the Convention. When the subject transcended the organic power of the State to reach both cause and effect because of geographical limitation, the necessary power in Congress was intended to be given. They left no gap in the judicial power where the plaintiff and defendant resided in different States.

General Washington, Governor Randolph, Madison, and other distinguished associates, reaching Philadelphia sometime before the other delegates to the Convention, prepared a plan for a constitution and a national organization of government. Its preamble read:

> *Resolved*, That the Articles of Confederation ought to be so corrected and enlarged as to accomplish the objects proposed by their institution; namely, common defense, security of liberty, and general welfare.
>
> And that Congress shall—
>
> (1) Enjoy the legislative rights vested in Congress by the confederation.
> (2) Moreover to legislate in all cases to which the separate States are incompetent.
> (3) Or in which the harmony of the United States might be interrupted by the exercise of individual legislation.

Sir, in the course of its proceedings the "specific powers" of the Constitution were reported from committee first, and later the Committee of Five reported the following:

> That at the end of the sixteenth clause of the seventh article the following words be added:
> "And to provide as may become necessary from time to time for the well managing and security of the common property and general interest and welfare of the United States in such manner as shall not interfere with the governments of individual States in matters which respect only their internal police or for which their individual authorities may be competent." (Elliot, p. 256.)

And so the matter stood when, on September 4, the committee of 11 made a report shifting the welfare provision to the first paragraph of the present section 8, article I, to read as follows:

> The legislature shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States.

And the clause was read twice and adopted by the Convention on September 4. (Elliot, pp. 281–282.) By this action the welfare clause was shifted up from the sixteenth paragraph to the first paragraph without change of meaning.

WELFARE CLAUSE A POWER

Mr. Speaker, I challenge the student of the journal; I challenge the historian of the Convention to deny that the clause was intended as a legislative power; I challenge the grammarian; I challenge the student of comparative government to deny it as a power; and by the word "power" I mean a grant of legislative authority to "provide for the general welfare" not merely through the levying of a tax but by other logical and legitimate methods; for example, the prescription of justiciable rights and duties generally. It is true that such a power is applicable to but a limited part of the total field of legislative subject matter and goes only to causes which carry interstate effects. But when applicable it possesses properties like the postal clause, enabling the lawmaker to fully control the subject matter. The break-down of the principle of competition in farming and coal mining, the equal right of competent men to work and to a share of the Nation's employment asset, all subjects which the separate State is organically unable to encompass for geographical reasons, are examples of interstate subjects, the evils of which may run into catastrophes if an equal national power to treat them be denied.

Sir, legislative power to effect such control exists in all the leading countries, most of which have taken some action.

Such a legislative power unquestionably existed in the sum total of the legislative powers of the colony and Parliament. It was to conserve this necessary legislative power that the welfare provision of the Virginia plan and the general-welfare clause was designed.

NULLIFICATION, A CANCER

Mr. Speaker, they have introduced an alien principle into the vitals of this sacred instrument when they assumed the power of nullification over the acts of the Congress. Nullification! I do not use the phrase "judicial review." It is a very clever phrase, intended to hide the gravest usurpation of authority in our history. I know that, reading the history of my country as a boy, I learned that nullification was something odious to the American heart. I know that I was taught to loathe the Hartford Convention and despise the names connected with it. I know that even John C. Calhoun, distinguished though he was, with a mental integrity that commanded respect, had once been threatened by President Jackson for his part in threatened nullification on the part of the great Commonwealth of South Carolina. What transformation has occurred that nullification, once so odious, that threatened the very life of the Republic, that at length produced a civil war from which we are only too fortunate to emerge as a republic again—what transformation has occurred, I ask, that the black flag of nullification can be raised over our heads again?

Allow me to repeat that an alien principle has been introduced into the vitals of our Government by this outlawry of our statutes. Institutions are like great organisms in the vital world. The Congress of the United States is an institution. When you introduce an alien principle into its vitals, you have started a cancer. The laws of biology apply. Please observe the propagation of the cancer since it began its life with the Dred Scott decision. History tells us how South Carolina, Kentucky, the Hartford Convention, had tried ingloriously to engraft the principle of State nullification upon our Constitution. A "slaveocracy" court succeeded later where they had failed. Its virus so infected its host as to throw it shortly into the paroxysms of the Civil War. It is an irresponsible principle by its very nature, this principle of nullification; like the cancer, its grows at the expense of its host, without care as to consequences. Observe, I say, its subsequent spread within and throughout the domain of the governmental body. See it, sir, attacking the organs of government and crippling or paralyzing them one by one. It begins by paralyzing the Government's power to safeguard the national tranquillity on the subject of slavery under the general-welfare clause. It challenged the Nation's power to issue money. It next invaded the field of taxation to annul the Nation's power to tax, destroying revenue so necessary to the life of the Government. It has vetoed our legislation as to mining, agriculture, and human welfare generally. What next? What vital parts remain? It will find them if allowed.

ENCROACHMENT—FIRST APOLOGETIC, NOW AGGRESSIVE.

Mr. Speaker, after the Dred Scott decision these Court majorities acted timidly, even apologetically, in nullifying an act of Congress. But they have now become aggressive and seem to welcome the opportunity. The name Otis has become distinguished for the third time in American history. There was an Otis of the Revolutionary War. There was another Otis, of the Hartford Convention. There is a third Otis now, who is a district judge somewhere in the Middle West.

Judge Otis has expressed great indignation at the thought that Congress was considering this subject of the restoration of its constitutional powers. What did he do as a judge? I have the record here if anybody questions it. The spirit of usurpation, the trenching on the powers of Congress, has reached such a point of presumption that Judge Otis on the mere petition of a private litigant, before hearing, issued an injunction against the Government enforcing the Labor Relations Act. Consider for a moment what that means. It means that such courts have reached such a point of contempt for your statute, for the Congress, and President that the affidavit of a private litigant, plus the signature of his lawyer, import higher legal sanction than the act you passed, that the Senate also has passed, an act signed by a successor of George Washington. Can presumption outrun this in folly? But it is always so with irresponsible power. Jefferson very well said man was not made to be trusted with power for life without any accountability to anyone. The British found it so with its lifetime House of Lords, and we have found it so with this life officeholding class of the United States. You will pardon me for reading something from Jefferson on the subject. His prophecy pronounced at the time seems preternatural. Jefferson writes:

> It has long been my opinion and I shrank from its expression, that the germ of dissolution of our Federal Government is in the judiciary, an irresponsible body, working like gravity by day and by night, gaining a little today, gaining a little tomorrow, advancing its noiseless step like a thief over the field of jurisdiction until all shall be lost.

Fascism has started no party in the United States, they say: How much does it need to do so. What is the first thing a dictator does? Abolish the legislative power.

Mr. O'CONNOR of Montana. Mr. Speaker, will the gentleman yield?

Mr. LEWIS of Maryland. I hope the gentleman will excuse me. I do not have the time.

COURTS AND WEAK ENFORCEMENT OF CRIMINAL LAWS

There is an old adage that I recall: "Cobbler, stick to thy last." Have not the judges of the United States enough to do, plenty of program, if they attend strictly to their own business, especially in the way of enforcing the criminal statutes of the United States? The nonenforcement of the laws against crime in the United States has made of it a byword among nations. Here are the facts: The percentage of convictions in France to the number of arrests was 89; the percentage in Norway was 83.3; in Great Britain the percentage of convictions to arrests was 80 percent; in Italy it is as low as 48 percent; in the United States it drops to 11.4 percent. Is not this courthouse outlawry of statutes inculcating a general disrespect for our laws? Let the courts return to their last, I say (f). [Applause.]

LEGAL FICTIONS—REVENUE

Mr. Speaker, perhaps in no field of their nullifying operations has more mischief been done than in the very important field of the revenues. When you turn over a constitutional subject to a courthouse, you find a wholly different mental reaction from that of the lawmaker's mind.

Let me say there is such a thing as lawyer sense that does not make common sense. In saying that, I intend no sneer at the legal profession. I am a lawyer myself. Assistant Attorney General Jackson, the other day, gave a good illustration of this. He said he was the head of some revenue bureau that desired to know at just what time a man's marriage changed his status for taxation purposes. The question was referred to a brilliant young lawyer in the Bureau. He reported shortly. You know, we have two legal maxims that we lawyers often resort to. One is that the law does not regard a fraction of a day. So the day of the marriage would be out. The second, in giving notice, the day of service is not counted. So the young attorney reported, on that legal reasoning, that the effective marriage of John and Mary did not occur until a day and a night after the wedding. [Laughter.] The Attorney General frankly said that he could find no fault with the legal reasoning, but he tore up the opinion. [Laughter.]

Now, you laugh at that. You will not laugh at this. Consider the subject, for example, of the income taxes of the United States. One hundred years ago Daniel Webster, arguing some case in that eminent court, Maryland against McCulloch, contesting the validity of a State statute imposing a special and discriminatory tax on United States Bank branches, dropped the following gem in oratory: "The power to tax is the power to destroy.' That sentence has since become one of our fictions of the law.

Let me illustrate. The State of Maryland is a sovereign State, it is argued, and so, too, are all the others. There you have a beautiful legal fiction built on a half-truth. We all know, however, that no State now a member of the American

Union is a sovereign. None of them except Texas has ever exercised the first attribute of sovereign power, the making of treaties or the conducting of wars. What is the virtue of that fiction in a courthouse? A tax litigant comes in, the owner of a lot of municipal, county, or State bonds: "You must not count in my income any income I get from these bonds, Mr. Federal Government! If you start taxing my income from these Maryland bonds maybe you will destroy the State of Maryland." Now, there is a good example of courthouse sense that is utter nonsense before the court of common sense.

[Here the gavel fell.]

Mr. McFARLANE. Mr. Speaker, I ask unanimous consent that the gentleman be given 10 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

RESULTING CHAOS AND INJUSTICE IN TAXATION

Mr. LEWIS of Maryland. This fiction is applied by the courts not only to exempt all such income but also to all the employees of the counties, municipalities, and officeholders within the State. The fiction works also by reverse. The State income-tax collectors may not collect its income taxes from a Member of Congress or any employee of the United States living within the State. This destructive fiction does not end there. It has been used by the courts to serve the purpose of an oil company that had leased oil land from one of the States, which was thus exempted from paying the ordinary tax on its income because, forsooth, it was exercising a function of the sovereign State that gave the lease.

Now, Mr. Speaker, the exemption of stock dividends by the Court is another instance of its invasion of our constitutional powers by nullification of these revenue statutes—which has cost the country billions of dollars, altogether more than enough to have paid the "relief" bills of the depression.

I confess, sir, as one member of the Committee on Ways and Means, charged with the duty of initiating revenue measures, a feeling of complete discouragement. The Court's revenue decisions make it impossible for me to draft a revenue bill which does not grossly and unjustly discriminate in favor of large classes able to pay at the expense of other citizens whom I must make pay taxes for both. The recent corporation income tax is an example, for it illustrates to what devices the public financier has been driven by the outlawry of the statute taxing stock dividends.

REMEDIAL SUGGESTIONS

What shall be the remedy? An amendment to the Constitution is suggested. If we can get two-thirds here, two-thirds in the Senate, and then get three-quarters of the States, then under such an amendment we might reverse a decision of the Court declaring an act of Congress unconstitutional provided we could get a two-thirds vote in the House and Senate in favor of such reversal as well. Why not require that the vote be unanimous all around? Does not anybody know that under party government, which seems now to be the rule throughout the world, two-thirds government becomes utterly impossible in a legislative body? The curse of the country is government by its recalcitrants, under the one-third plus one rules.

The next suggestion is one that Hamilton and Marshall both made—as concessions, it is true—namely, that the Congress might, like the British Parliament, reverse a judicial legislative pronouncement which rendered nugatory one of its statutes (g).

Sir, the third suggestion is that under article III a statute might be passed depriving the courts of jurisdiction to pass on the constitutionality of acts under such general and indeterminate phrases as the general-welfare clause, commerce among the States, taxation, the issue of money, none of which mean anything until defined by a statute. These are title phrases, wholly lacking in self-executing force and whose construction call for legislative will and discretion. (i) It is the American court alone that assumes to substitute its views on such general phrases for that of the Parliament. It thinks it is wiser than Congress. It is not wiser. But suppose you act under article III and a court should set your statute of jurisdiction aside. It would hardly be showing more violence in doing so that it has shown in expunging the welfare clause, adulterating the due-process clause, or in exempting Federal judges from the payment of income taxes. Suppose it should set it aside; what then? You have at last been brought up exactly to the point which the President had to face—a sure constitutional solution of the problem which courts could not nullify, and that is by a revision of the number of judges. [Applause.] It is by that very method, history shows us, that the House of Lords has been controlled through the centuries and parliamentary democracy in the United Kingdom preserved.

THE ARGUMENT, ACQUIESCENCE

But they argue that we have lost the right to restore the powers of Congress, to stop courthouse nullification, we have lost it by acquiescence. Acquiescence! Who acquiesced? Let me summon the great spirits in our history before you.

James Madison, father of the Constitution, did you acquiesce?

I did not. This makes the judiciary paramount to the legislature which was never intended and can never be proper.

Thomas Jefferson, did you acquiesce?

No, no, my countrymen. The opinion makes the judiciary a despotic branch.

Andrew Jackson, did you acquiesce?

Never. I will hang the leaders of nullification if they persist.

Abraham Lincoln, savior of the Union, do you accept the Dred Scott decision?

Somebody has to reverse that decision, and we mean to do it.

General Grant, they have struck down the greenback which helped you win the war. Do you acquiesce?

I acquiesce? I will reconstitute that Court.

And he did.

Theodore Roosevelt, a great successor of yours in name and blood, is struggling with the same problem with which you struggled a generation ago. Did you acquiesce? Speak!

I do speak. Let the people recall the decision. The highest right of a free people is the right to make their own laws, and this right does not exist if under the pretense of interpretation an outside body can nullify the laws.

Now, my fellow Members, do we acquiesce? Consider the consequence in the full light of history. If we do, we have sentenced ourselves by that act to become mere legislative eunuchs, assembling here annually as a make-believe Congress to vote appropriations, to protect the gardens and seraglios of extremists in the philosophy of laissez faire. [Applause.]

Speaking for myself, Mr. Speaker, I can only say that I, too, have taken my oath to defend the Constitution of the United States; to defend it not only against foreign but also against domestic foes, mistaken only though they be.

I regard my oath as highly, sir, as any of the judges sitting on any bench today, and I mean to keep the faith; otherwise all is lost. With the death of American democracy, not only your countrymen lose but the hope of the world will suffer a shock from which it may not be able to recover for centuries to come. [Applause.]

APPENDIXES

(a)

MARSHALL-CHASE LETTER

Discussing the subject, the Honorable R. Walton Moore calls attention to the Marshall-Chase letter:

"In passing, I may remind you of a curious circumstance. That case (*Marbury* v. *Madison*) was decided in February 1803, and in January 1804 Marshall wrote a letter to Mr. Justice Chase, then involved in an impeachment proceeding based upon the charge that in various ways he had acted as a sort of judicial dictator. In that letter Marshall took the position that it might be well to concede to Congress a veto of the Court decisions, using this language: 'A reversal of those legal opinions deemed unsound by the legislature would certainly better comport with the mildness of our character than the removal of the judge who has rendered them, unknowing of his faults.' Mr. Beveridge, who in general is Marshall's unreserved eulogist, makes the following comment on the letter: 'Marshall thus suggested the most radical method of correcting judicial decisions ever advanced before or since by any

man of the first class. * * * Had we not the evidence of Marshall's signature to a letter written in his well-known hand, it could not be credited that he ever entertained such sentiments. They were in direct contradiction to his reasoning in *Marbury* v. *Madison*, and utterly destructive of the Federalist philosophy of judicial control of legislation.'"

(b)

In an address to Congress on June 16, 1789, Mr. Madison said:

"The legislative powers are vested in Congress, and are to be exercised by them uncontrolled by any other department, except the Constitution has qualified it otherwise. The Constitution has qualified the legislative power by authorizing the President to object to any act it may pass, requiring, in the case, two-thirds of both Houses to concur in making a law; but still the absolute legislative power is vested in the Congress, with this qualification alone." (Fourth Elliot Debates, p. 456.)

(c)

(Senator Baldwin, Annals of Congress, p. 106)

WILLOUGHBY, COMMENTARIES ON THE CONSTITUTION OF THE UNITED STATES

The reasoning of Marshall is by no means convincing. In every government operating under a written constitution the function of finally determining its meaning must be located somewhere, but it does not follow that this function must necessarily be exercised by the courts. For the fact is that in nearly all countries which possess written constitutions, except the United States, the legislatures are empowered to determine for themselves, without judicial or other interference, the extent of their constitutional powers. It is true that, at the time Marshall rendered his opinion, these other written constitutions did not exist, but the fact that this consitutional practice has since existed and now exists, makes it evident that the doctrine of judicial supremacy does not necessarily find application in the operation of a government that derives its powers from a written constitution.

(d)

The provision of article VI, paragraph 2, of the Federal Constitution that "this Constitution and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding", has no pertinency to the question of the power of the courts to question the validity of acts of Congress. For evidently the sole purpose of this provision was to establish the supremacy of Federal over State law.

(e)

Washington, who presided throughout the Convention, in his very first message to Congress, declared:

"The advancement of agriculture, commerce, and manufactures by all proper means will not, I trust, need recommendation."

Both Houses made answer, as was the custom in those days. The Senate said:

"Agriculture, commerce, and manufactures, forming the basis of the wealth and strength of our Confederated Republic, must be the frequent subject of our deliberation, and shall be advanced by all proper means in our power."

And the House of Representatives declared:

"We concur with you in the sentiment that agriculture, commerce, and manufactures are entitled to legislative protection, and that the promotion of science and literature will contribute to the security of a free government; in the progress of our deliberations we shall not lose sight of objects so worthy of our regards."

(f)

Country	Year	Arrests per 100,000 population	Convictions per 100,000 population	Percent
France	1932	599.2	536.9	89.0
Norway	1934	180.0	150.0	83.3
Great Britain	1934	214.4	171.07	80.0
Italy	1934	1,304.1	630.9	48.3
United States	1933	1,429.4	162.95	11.4

(g)

"It is not true that the Parliament of Great Britain, or the legislatures of the particular States, can rectify the exceptionable decisions of their respective courts, in any other sense than might be done by a future legislature of the United States." (Federalist, No. 81, and monograph of John M. Henry, Esq., Pittsburgh, Pa., author of Nine Above the Law.)

(h)

Jackson said:

"I'll hang every leader of that infatuated people, sir, by martial law—irrespective of his name or political or social position."

Regarding nullifications at bottom as a species of sedition he vowed that he would meet it "at the threshold and have the leaders arrested and arraigned for treason" (Beard, The Rise of American Civilization, p. 560).

(i)

The following are subjects which would remain unaffected by the proposed limitation of the jurisdiction of the courts. (See Sisson bill, H. R. 10315, Seventy-fourth Congress, second session.)

INALIENABLE RIGHTS

Habeas corpus.
Bills of attainder.
Ex post facto laws.
Duties on exports from a State.
Preference to ports of any State.
Proof of treason, two witnesses, etc.
Religious qualifications for office, not to be.
No law establishing religion, or prohibiting its exercise.
No law to abridge—
(a) Freedom of speech.
(b) Freedom of the press.
(c) Freedom of peaceable assembly.
(d) Freedom of right of petition.
No law to infringe right to State to militia.
Soldiers not to be quartered "in any house", etc.
Unreasonable searches and seizures.
Denial of presentment and indictment, certain crimes.
Twice in jeopardy, or witness against oneself.
Excessive bail, fines, or cruel and unusual punishments.
Questioning validity of public debt.
Denial right to vote on account of race, slavery, sex.
Treason not to work corruption of blood, etc.
Right of trial by jury, etc.

(Mr. LEWIS of Maryland and Mr. HOOK asked and were given permission to revise and extend their remarks in the RECORD.)

The SPEAKER. Under a previous order of the House, the gentleman from Georgia [Mr. COX] is recognized for 20 minutes.

Mr. COX. Mr. Speaker, I have no intention of undertaking an extended argument on this very controversial question that has been raised. I asked for time in order that I might make a brief reply to the argument of my friend, the gentleman from North Carolina. I have a great affection for the gentleman, and peculiarly so for my devoted friend who has just addressed the House. Our friendship is not dependent upon our agreeing upon all questions. The time of the gentleman from Maryland was almost entirely devoted to the threshing of old straw, a pastime in which I have heretofore indulged to some extent. However, the gentleman is always interesting and I joined with the other Members of the House in complimenting him by rising when he concluded his very fine address.

I concede to the gentleman from North Carolina the very highest patriotism and the best of motives, but these same virtues I claim for myself. That we should differ does not mean that either is insincere. The gentleman is following the lead given by our Attorney General in an address he broadcast from Miami, Fla., some 10 days or more ago, in which he sought to defend before the American people this proposal, which he had succeeded in selling the President.

The gentleman from North Carolina said in the course of his remarks that the proposal had shocked the legal profession and caused great excitement amongst the people. Well, let me ask: Are you surprised that a move of this kind which, it is believed, vitally affects constitutional government in America, should have caused excitement amongst the people? Of course the people are excited, and why should they not be?

The gentleman from Maryland departed from the line of his general discussion long enough to remark that the percentage of convictions for crime in other parts of the world is very much higher than is the case in the United States. May I remind the gentleman that trial for crimes raises questions that are usually passed upon by juries, and particularly is this true in the United States. The judges have little to do with the determination of such questions and are little responsible for what is done. Is this a condition that proves that our American judiciary is corrupt?

Let me get back to the proposal to reform the Supreme Court. When taken out of its setting and considered upon its own merits, what do we find it to be? Nothing less than a demand for a new Court that will give a new meaning to the Constitution. In other words, the demand that is made upon us is for an enlarged Court that will amend the Constitution by judicial interpretation, which would be just as effective as if the question had been passed upon by the people. Advocates of the proposal insist that the adoption of this measure would in nowise involve the question of the predetermination of the views of members of the legal profession that might be elevated to the Supreme Court

by the President. Yet, in the next breath, they insist that the bill must be adopted and a new Court must be created in order to make certain a different meaning may be given the Constitution so as to make valid any act that Congress might see fit to adopt. [Applause.]

Let us see if they are altogether consistent. They say that the proposal does not involve changing the Constitution; yet in the next breath insist that a new interpretation must be had and that change of the Constitution is involved because they contend that without this that which is desired cannot be accomplished.

Mr. Speaker, what is the demand in this case? It is for a Court that will, as insisted by the eloquent gentleman from Maryland, hold that the general-welfare clause carries a delegation of legislative authority. Is that one of their insistences? Your minds may be refreshed by recalling the statement just uttered on this floor by the gentleman from Maryland [Mr. LEWIS]. If we should have a Court that would hold the general-welfare clause contains a delegation of legislative power, you might as well do, as Jefferson and others said, wipe out all the rest of that instrument.

What is the second demand of the proponents of change? It is for a Court that will hold that under the commerce clause Federal power may be extended to the point of production control. What does that mean? It means the power to federalize every activity of life. If Congress may under the commerce clause control production, then Congress may control every activity that is connected therewith. If Congress can control production, it may regulate the sowing of seed, the cultivation and the harvesting of crops. If we extend Federal control to that extent, then we will have completely regimented the lives of the people. [Applause.]

The statement is made that those who are resisting these demands are undertaking to misrepresent and to slander the Chief Executive. This cannot be true, for many of the President's most devoted friends are resisting this proposal. I have defended him when it cost something to do so. They are undertaking to do that which Mr. Cummings sought to suggest; that is, make the President an issue in this contest. The President is not an issue. It is true that he sent the proposal up to us and that he is advocating its adoption, but he is not the issue. The question is far more important than the mere welfare of any individual in all this world. The President's fame in nowise rests upon his ability to bring about the acquiescence of Congress. [Applause.] This question is fundamental, and it is not political in the sense it is a party matter.

The advocates of change are diligently undertaking to create the impression that it is a party fight. The gentleman from North Carolina [Mr. COOLEY] said that we had been given a mandate on the part of the people, thereby undertaking to spread out and further the propaganda which was initiated by the Attorney General in presenting this question to the country as purely a party question. This is not a party question. In its importance it transcends all party welfare. I would have utter scorn for myself if I were to make party fealty the test of my position on a question so fundamental as this, a question which involves the very life of the Republic.

Mr. Speaker, if a new Court should be had and perform as would be expected and demanded, and we might say, as would be done, it would mean that all restraint upon Congress would be removed and this body, the legislative branch of the Government, would hold blanket authority to enact their will, whatever it might be, into law, which would be binding upon the people.

Mr. McFARLANE. Mr. Speaker, will the gentleman yield for a question?

Mr. COX. Yes; I yield to the gentleman.

Mr. McFARLANE. What objection does the gentleman have to the Congress being the legislative body of this country like our forefathers demanded?

Mr. COX. I have no objection to the Congress legislating, but I do want the Congress itself to legislate and within the powers delegated to it. [Applause.] Does that answer the gentleman?

Mr. McFARLANE. Yes.

Mr. COX. Does the gentleman find in that statement his answer? If not, I will undertake to particularize. [Applause.]

I have great faith in my fellows, but I shudder to think what would happen to my country as a result of legislative conduct if all constitutional restraints were taken off this body.

What is attempted in this case? It is to exercise a power which, under the Constitution, is reserved to the people. Do advocates of change invite or do they demand a power or a condition that will enable them to obtain a new interpretation of the Constitution? Confessedly so, because they say that to submit an amendment in the usual manner would take too long. Here is a test of their sincerity of willingness to be governed by what the people want. Let Congress propose needed amendments and submit them to the States, acting in convention. It is within the competency of Congress to submit questions of amendment in this manner. Congress may fix the date of conventions and prescribe rules and regulations for the holding of them.

If the advocates of constitutional amendment through judicial interpretation are willing to be governed by what the people want, then let them accept this suggestion, let amendments be submitted, let popular expression be obtained, all of which can be had within 60 days and before the debate in this Congress well begins.

Mr. COFFEE of Washington. Mr. Speaker, will the gentleman yield?

Mr. COX. I yield.

Mr. COFFEE of Washington. Would the gentleman vote for such an amendment in this body if it were submitted here?

Mr. COX. I do not know but that is a fair question. I am glad to answer it. I believe this question is of such widespread interest that the people should be given opportunity to express themselves on it, and therefore I would favor the submission of amendments in line with the proposal that now excites the attention of the country.

Mr. Speaker, I do not find it pleasing to be resisting a demand that comes from my President. I do not find it pleasing to have to come down in this well and bare my breast to the fire of the enemy, yet, at the same time, I want it understood that I have no apologies to offer for the position that I take, and certainly I do not apologize for any in whose company I may find myself. I am undertaking, as best I can, to meet my responsibility as a citizen of the Republic, and will at later date undertake an extended discussion of this question, which goes down to the very foundation of constitutional democracy. [Applause.]

[Here the gavel fell.]

Mr. PHILLIPS. Mr. Speaker, I ask unanimous consent to proceed for 1 minute to reply to the gentleman from Georgia [Mr. COX] respecting his remarks about a fellow townsman of mine, the Attorney General of the United States.

The SPEAKER. Is there objection?

There was no objection.

Mr. PHILLIPS. Mr. Speaker, I enjoyed the remarks of the gentleman from Georgia. I respect his ability, though I do not agree with his point of view. However, I cannot sit here mute when the name of a friend is brought into the discussion without that gentleman having a chance to answer for himself. I do not believe the gentleman from Georgia intended to cast aspersions on the Attorney General of the United States. Lest it may be considered by some that he did, I take this opportunity to state that in the opinion of a great many Americans, his many friends everywhere, the Americanism of the Attorney General of the United States is as good as the Americanism of anybody and also his Democracy. [Applause.]

EXTENSION OF REMARKS

Mr. COOLEY. Mr. Speaker, I ask unanimous consent to extend my remarks made this afternoon.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. DUNN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. DUNN. Mr. Speaker, it is my intention to put a petition on the desk for the purpose of discharging the Judiciary Committee from further consideration of H. R. 4417, a bill "to regulate the Supreme and other Federal courts", if the committee does not report the said measure after having it for 30 legislative days. According to information I have received, about one-third of the people in the United States are in need of the necessities of life. We Representatives in Congress should not hesitate to give our utmost support to legislation recommended by the President of the United States if it is to remove obstacles which prevent the enactment of progressive, constructive, and humanitarian legislation.

ENROLLED BILL SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 2772. An act for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department.

BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H. R. 194. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Brownville, Nebr.;

H. R. 911. An act for the relief of Lewis Clark and Freda Mason;

H. R. 1120. An act for the relief of Fields B. Arthur and Arthur L. Allen, copartners, Colorado Culvert & Flume Co.; Glen Haller, Kenneth Austin, A. B. Hoffman, J. W. Jones, and Lloyd Lasswell;

H. R. 2503. An act to extend the time for completing the construction of a bridge across the Columbia River near The Dalles, Oreg.;

H. R. 2772. An act for the relief of certain disbursing officers of the Army of the United States and for the settlement of individual claims approved by the War Department;

H. R. 3148. An act granting the consent of Congress to the State of Alabama, or Etowah County, or both, to construct, maintain, and operate a free highway bridge across the Cossa River at or near Gilberts Ferry in Etowah County, Ala.;

H. R. 3675. An act to extend the times for commencing and completing the construction of a bridge across the Savannah River at or near Lincolnton, Ga.; and

H. R. 3689. An act declaring Turtle Bay and Turtle Bayou, Chambers County, Tex., to be nonnavigable waterways.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 40 minutes p. m.) the House adjourned until tomorrow, Tuesday, March 9, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON THE DISTRICT OF COLUMBIA

A subcommittee of the Committee on the District of Columbia will meet Tuesday morning, March 9, at 10 a. m., in room 345, House Office Building, to consider the following bills: H. R. 4803, Public Utilities Commission and joint board, enforcement of orders; H. R. 5031, offenses against property.

COMMITTEE ON THE DISTRICT OF COLUMBIA

A subcommittee of the Committee on the District of Columbia will meet Tuesday afternoon, March 9, at 2: 30 p. m., in room 345, House Office Building, to consider H. R. 4806, for the prevention of blindness in infants.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization in room 445, House Office Building, at 10: 30 a. m., on Tuesday, March 9, for the consideration of H. R. 30 (actors' bill).

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Tuesday, March 9, 1937, at 10: 30 a. m., to hold hearings on H. R. 4948, a bill to authorize the maintenance and operation of the Booneville Dam project for navigation, power, flood control, and for other purposes.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization in room 445, House Office Building, at 10:30 a. m., Wednesday, March 10, private bills (hardship bills).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

418. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the legislative establishment, Library of Congress, for the fiscal year 1938, amounting to $15,000 (H. Doc. No. 153); to the Committee on Appropriations and ordered to be printed.

419. A letter from the Assistant Secretary of Commerce, transmitting the draft of a proposed bill to amend section 9 of the Trade Mark Act of February 20, 1905, as amended (U. S. C., title 15, sec. 89); to the Committee on Patents.

420. A letter from the Acting Secretary of Agriculture, transmitting the draft of a bill to amend section 243 of the Penal Code of the United States, as amended by the act of June 15, 1935 (49 Stat. 378), relating to the marking or labeling of packages containing wild animals and birds and parts thereof shipped in interstate and foreign commerce; to the Committee on Agriculture.

421. A letter from the Administrator, Veterans' Administration, transmitting the draft of a proposed joint resolution to authorize the Administrator of Veterans' Affairs to accept title for the United States to certain real property to be donated by Mr. Henry Ford and wife for Veterans' Administration facility purposes; to the Committee on World War Veterans' Legislation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. PETTENGILL: Committee on Interstate and Foreign Commerce. H. R. 1668. A bill to amend paragraph (1) of section 4 of the Interstate Commerce Act, as amended February 28, 1920 (U. S. C., title 49, sec. 4); without amendment (Rept. No. 360). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Washington: Committee on Irrigation and Reclamation. H. R. 114. A bill to provide for studies and plans for the development of a hydroelectric power project at Cabinet Gorge, on the Clark Fork of the Columbia River, and a reclamation project for the Rathdrum Prairie area, and for other purposes; with amendment (Rept. No. 361). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 1208) for the relief of Leonard Gramstad; Committee on World War Veterans' Legislation discharged, and referred to the Committee on Pensions.

A bill (H. R. 3450) granting a pension to Olive Erwin; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. McGROARTY: A bill (H. R. 5394) to provide for the acquisition of certain lands for, and the addition thereof to, the Yosemite National Park, in the State of California, and for other purposes; to the Committee on the Public Lands.

By Mr. PETERSON of Georgia: A bill (H. R. 5395) authorizing the appropriation of $25,000 for the erection of a suitable monument or other form of memorial at or near Ebenezer Church, in Effingham County, Ga., to mark the spot where the Salzburgers settled their colony in 1734; to the Committee on the Public Lands.

By Mr. PEYSER: A bill (H. R. 5396) to terminate the tax on admissions for which the established price is charged; to the Committee on Ways and Means.

By Mr. HIGGINS: A bill (H. R. 5397) providing a penalty for anyone who shall knowingly cause obscene matter to be delivered by mail or to be delivered at the place at which it is directed to be delivered; to the Committee on the Post Office and Post Roads.

By Mr. DIXON: A bill (H. R. 5398) for the better assurance of the protection of persons within the several States from mob violence and lynching, and for other purposes; to the Committee on the Judiciary.

By Mr. BUCK: A bill (H. R. 5399) to amend the Interstate Commerce Act by providing that the shipper shall not be liable for charges in certain cases; to the Committee on Interstate and Foreign Commerce.

By Mrs. NORTON: A bill (H. R. 5400) to define, regulate, and license real-estate brokers and real-estate salesmen; to create a Real Estate Commission in the District of Columbia; to protect the public against fraud in real-estate transactions; and for other purposes; to the Committee on the District of Columbia.

By Mr. PIERCE: A bill (H. R. 5401) prohibiting deficiency judgments in real-estate foreclosures by the Farm Credit Administration, the Federal land bank commissioner, and the Federal land banks, and prohibiting an increased rate of interest after maturity; to the Committee on Agriculture.

By Mr. DEEN: A bill (H. R. 5402) to amend the Social Security Act by including, in the definition of agricultural labor, service performed in the production of gum naval stores; to the Committee on Ways and Means.

By Mr. WILCOX: A bill (H. R. 5403) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States", approved July 1, 1898, and acts amendatory thereof and supplementary thereto; to the Committee on the Judiciary.

By Mr. HILDEBRANDT: A bill (H. R. 5404) to authorize the erection of a United States Veterans' Administration facility in eastern South Dakota; to the Committee on World War Veterans' Legislation.

By Mr. BLAND: A bill (H. R. 5405) to amend section 4551 of the Revised Statutes of the United States, as amended (U. S. C., 1934 ed., Supp. II, title 46, sec. 643); to the Committee on Merchant Marine and Fisheries.

By Mr. LEMKE: A bill (H. R. 5406) prohibiting deficiency judgments in real-estate foreclosures by the Farm Credit Administration, the Federal land bank commissioner, and the Federal land banks, and prohibiting an increased rate of interest after maturity; to the Committee on Agriculture.

By Mr. PALMISANO: A bill (H. R. 5407) to provide for review by the District Court of the United States for the District of Columbia of certain decisions of the Alcoholic Beverage Control Board of the District of Columbia; to the Committee on the District of Columbia.

By Mr. FADDIS: A bill (H. R. 5408) to amend the act of Congress entitled "An act to provide for the protection and preservation of domestic sources of tin", approved February 15, 1936; to the Committee on Military Affairs.

By Mr. RANKIN: A bill (H. R. 5409) for the erection of a public building at Booneville, Prentiss County, Miss.; to the Committee on Public Buildings and Grounds.

By Mr. CLASON: A bill (H. R. 5410) to provide for a survey of certain portions of the Connecticut and Chicopee Rivers with a view to the controlling of floods; to the Committee on Flood Control.

By Mr. GUYER: A bill (H. R. 5411) for the better assurance of the protection of persons within the several States from mob violence and lynching, and for other purposes; to the Committee on the Judiciary.

By Mr. HARRINGTON: A bill (H. R. 5412) to amend the Federal Farm Loan Act and the Farm Credit Act of 1935, as amended, to provide reduction in interest on loans secured by Federal land bank mortgages, including commissioner loans, and providing for an extension of principal payment dates, and for other purposes; to the Committee on Agriculture.

By Mr. SCOTT: A bill (H. R. 5413) to promote the general welfare by means of financial assistance to the several States and Territories for the purpose of enabling them to provide more equal and more adequate opportunities for public education; to the Committee on Education.

By Mr. TOWEY: A bill (H. R. 5414) to amend the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes", approved June 30, 1906; to the Committee on Interstate and Foreign Commerce.

By Mr. SCRUGHAM: A bill (H. R. 5415) relating to labor preferences in connection with certain public-works projects; to the Committee on Ways and Means.

By Mr. KING: A bill (H. R. 5416) to amend the act entitled "An act to enable the Legislature of the Territory of Hawaii to authorize the issuance of certain bonds, and for other purposes", approved August 3, 1935; to the Committee on the Territories.

By Mr. BLAND: A bill (H. R. 5417) to provide for the measurement of vessels using the Panama Canal, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. CHAPMAN: A bill (H. R. 5418) to authorize the Secretary of War to lend War Department equipment for use at the 1937 State convention of the American Legion, Department of Kentucky, to be held at Paris, Ky., during the month of July 1937; to the Committee on Military Affairs.

By Mr. MARTIN of Colorado: A bill (H. R. 5419) providing for the suspension of annual assessment work on mining claims held by location in the United States; to the Committee on Mines and Mining.

By Mr. SANDERS: A bill (H. R. 5420) to provide for the recognition by the Government of the United States of the academic standing of military and naval schools under its jurisdiction; to the Committee on Military Affairs.

By Mr. FERNANDEZ: A bill (H. R. 5421) to amend the Interstate Commerce Act, as amended, by providing for the regulation of marine-insurance companies, marine underwriters, marine-insurance brokers, and marine-insurance agents; to the Committee on Merchant Marine and Fisheries.

By Mr. SHANLEY: Resolution (H. Res. 149) requesting the President to call a conference for the recodification of the Rules of Neutrality; to the Committee on Foreign Affairs.

By Mr. TREADWAY: Joint resolution (H. J. Res. 265) proposing an amendment to the Constitution of the United States, fixing the number of Justices on the Supreme Court; to the Committee on the Judiciary.

By Mr. SAUTHOFF: Joint resolution (H. J. Res. 266) authorizing the issuance of a special postage stamp in commemoration of the adoption of the Ordinance of 1787; to the Committee on the Post Office and Post Roads.

By Mr. RANKIN: Joint resolution (H. J. Res. 267) to amend the Constitution to authorize Congress to prescribe fixed terms of office for judges of the Supreme and inferior courts of the United States; to the Committee on the Judiciary.

By Mr. CHANDLER: Joint resolution (H. J. Res. 268) to create the Andrew Jackson Memorial Commission to consider and devise plans for the erection of a permanent memorial to Andrew Jackson; to the Committee on the Library.

By Mr. FISH: Joint resolution (H. J. Res. 269) to call a conference of all the signatories of the Briand-Kellogg Peace Pact at Washington; to the Committee on Foreign Affairs.

By Mr. SNYDER of Pennsylvania: Joint resolution (H. J. Res. 270) authorizing the selection of a site and the erection of a pedestal for the Albert Gallatin statue in Washington, D. C., to the Committee on the Library.

By Mr. KNUTSON: Concurrent resolution (H. Con. Res. 5) requesting the President of the United States to call a conference of the naval powers of the world to consider a reduction in naval construction and armaments; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Texas, urging the Congress of the United States to pass legislation in some form entitling the State of Texas and its political subdivisions to be reimbursed for the loss in taxes which resulted from the purchase of certain lands in the State of Texas by the Federal Government; to the Committee on Ways and Means.

Also, memorial by the Board of Commissioners of the County of Kern of the State of California, expressing deep regret at the death of the late Congressman Stubbs, of the Tenth Congressional District of the State of California; to the Committee on Rules.

Also, memorial of the Legislature of the State of Wyoming, memorializing Congress to pass legislation for the control and eradication of noxious weeds; to the Committee on Agriculture.

Also, memorial by the members of Locals Nos. 980 and 1616 of the United Textile Workers of America, in support of the National Textile Act; to the Committee on Labor.

Also, memorial by the Popular Alliance of the City of Manila, requesting the retention in the Philippines of American naval bases; also resolution opposing the present commercial regime in the forthcoming economic conference between the American and Philippine Governments; to the Committee on Naval Affairs.

Also, memorial of the Board of Commissioners of the City of Maysville, of the State of Kentucky, asking the assistance of the Federal Government toward the control of floods in the Ohio Valley; to the Committee on Flood Control.

Also, memorial of the Jacquard and Novelty Workers' Union, Local No. 989, of the United Textile Workers of America, memorializing the Congress of the United States to pass the proposed legislation, in reference to the Supreme Court, by the President; to the Committee on the Judiciary.

Also, memorial of the Third General Assembly of the Council of State Governments, urging the Congress of the United States to develop the necessary legislation to take care of the problems of the transient, the needy, stranded migratory laborer, and other unsettled persons, through grants-in-aid to the States on the basis of certain basic requirements; to the Committee on Ways and Means.

Also, memorial of the Third General Assembly of the Council of State Governments, urging the Federal Government to accept full financial responsibility for providing old-age assistance and other forms of relief for Indians and persons of Indian blood, who, because of their peculiar relationship to the Federal Government, should be its particular concern; to the Committee on Indian Affairs.

Also, memorial of the Third General Assembly of the Council of State Governments, urging the Congress of the United States to relinquish the Federal gasoline tax at the end of the current fiscal year; to the Committee on Ways and Means.

Also, memorial of the Third General Assembly of the Council of State Governments, urging the Congress of the United States to establish the National Resources Committee on a permanent basis; to the Committee on Ways and Means.

Also, memorial of the Third General Assembly of the Council of State Governments, urging the Committee on Appropriations of the House of Representatives to insert an item for $25,000 in the deficiency appropriation bill to match a similar appropriation from the Council of State Governments for the purpose of financing all advisory committees and the technical staff of the Tax Revision Council, to the end that the proper financing of the Tax Revision Council may be consummated at the earliest time; to the Committee on Appropriation.

Also, memorial of the House of Representatives of the State of New Mexico, memorializing the Congress of the United States and the Secretary of the Interior not to acquire additional lands in New Mexico for the use and benefit of the Indians; to the Committee on Indian Affairs.

Also, memorial of the Assembly of the State of California, memorializing Congress to make provisions for widows of retired Federal civil-service employees; to the Committee on the Civil Service.

Also, memorial of the Legislature of the State of New Mexico, memorializing the Congress of the United States to enact legislation enabling New Mexico to tax land acquired by the Federal Government from private owners in the State of New Mexico; to the Committee on the Public Lands.

Also, memorial of the Senate of the State of Colorado, urging the Congress of the United States to enact such legislation as may be necessary to retain in the star mail service experienced, satisfactory contractors, and authorize the Postmaster General to grant pay adjustments at his discretion where rates of pay are unreasonably low; to the Committee on the Post Office and Post Roads.

Also, memorial of the Legislature of the State of Indiana, urging the Congress of the United States to enact such legislation as is necessary to retain in the star mail service experienced, satisfactory contractors, and to authorize the Postmaster General to grant pay adjustments at his discretion; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALESHIRE: A bill (H. R. 5422) granting an increase of pension to Marietta A. Hale; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5423) granting a pension to Esta May McArthur; to the Committee on Pensions.

By Mr. ANDERSON of Missouri: A bill (H. R. 5424) to provide for placing Arthur J. Forrest on the retired list of the United States Army as a major, United States Army; to the Committee on Military Affairs.

By Mr. BIGELOW: A bill (H. R. 5425) granting a pension to Fred Bert Stegeman; to the Committee on Pensions.

Also, a bill (H. R. 5426) granting a pension to Florence Tebbenhoff; to the Committee on Pensions.

Also, a bill (H. R. 5427) granting a pension to Anna Wehner; to the Committee on Pensions.

Also, a bill (H. R. 5428) granting a pension to Myrtle De Witte; to the Committee on Pensions.

Also, a bill (H. R. 5429) granting a pension to Josephine Ballmann; to the Committee on Pensions.

By Mr. BOREN: A bill (H. R. 5430) for the relief of J. G. Cansler; to the Committee on the Civil Service.

By Mr. BYRNE: A bill (H. R. 5431) for the relief of Cyrus M. Lasher; to the Committee on Claims.

By Mr. CARTER: A bill (H. R. 5432) granting a pension to Ulysses Samuel Main; to the Committee on Pensions.

By Mr. CROWTHER: A bill (H. R. 5433) granting a pension to Maude Harriman Sanford; to the Committee on Pensions.

By Mr. DOCKWEILER: A bill (H. R. 5434) granting a pension to Steve Hendrick; to the Committee on Pensions.

By Mr. FARLEY: A bill (H. R. 5435) granting a pension to Mary E. Ramer; to the Committee on Invalid Pensions.

By Mr. FLETCHER: A bill (H. R. 5436) granting a pension to Linford E. Dinkle; to the Committee on Pensions.

By Mr. GUYER: A bill (H. R. 5437) granting a pension to Ellen Crouse; to the Committee on Invalid Pensions.

By Mr. HARTER: A bill (H. R. 5438) for the relief of Richard T. Edwards; to the Committee on Claims.

By Mr. HIGGINS: A bill (H. R. 5439) for the relief of Roy Tessier; to the Committee on Immigration and Naturalization.

By Mr. JOHNSON of West Virginia: A bill (H. R. 5440) to authorize the award of a decoration for distinguished service, namely, the Congressional Medal of Honor, to Acors Rathbun Thompson; to the Committee on Naval Affairs.

By Mr. KING: A bill (H. R. 5441) for the relief of Chun Buck; to the Committee on Claims.

By Mr. KRAMER: A bill (H. R. 5442) for the relief of James Newton; to the Committee on Pensions.

By Mr. MARTIN of Massachusetts: A bill (H. R. 5443) for the relief of James Francis Burns; to the Committee on Naval Affairs.

By Mr. MILLER: A bill (H. R. 5444) for the relief of Mrs. Johnie Harris Campbell; to the Committee on Claims.

By Mr. MOTT: A bill (H. R. 5445) granting an increase of pension to Esther Ann Hill Morgan; to the Committee on Pensions.

By Mr. MURDOCK of Arizona: A bill (H. R. 5446) granting a pension to Rafael Lugo; to the Committee on Pensions.

By Mr. O'CONNELL of Rhode Island: A bill (H. R. 5447) for the relief of Charles B. Malpas; to the Committee on Claims.

By Mr. O'TOOLE: A bill (H. R. 5448) for the relief of Joseph Sciortino; to the Committee on Claims.

Also, a bill (H. R. 5449) for the relief of George Jacobson, as father and natural guardian of Harold Jacobson, a minor, of Brooklyn, N. Y.; to the Committee on Claims.

By Mr. PATRICK: A bill (H. R. 5450) for the relief of William C. Reese; to the Committee on Claims.

By Mr. REES of Kansas: A bill (H. R. 5451) for the relief of Catherine McLinden; to the Committee on Claims.

By Mrs. ROGERS of Massachusetts: A bill (H. R. 5452) granting a pension to Harriett G. Flynn; to the Committee on Invalid Pensions.

By Mr. SWEENEY: A bill (H. R. 5453) granting a pension to Peter McKittrick; to the Committee on Pensions.

By Mr. TAYLOR of Tennessee: A bill (H. R. 5454) for the relief of J. R. Harper; to the Committee on Claims.

Also, a bill (H. R. 5455) for the relief of H. Greeley Harris; to the Committee on Claims.

By Mr. WOODRUFF: A bill (H. R. 5456) for the relief of Harold Scott and Ellis Marks; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

813. By Mr. ASHBROOK: Petition of 133 citizens of Ashland, Ohio, protesting against the President's Supreme Court proposal; to the Committee on the Judiciary.

814. By Mr. BACON: Petition of sundry citizens of Woodmere, Long Island, protesting against the President's proposal to change the Supreme Court; to the Committee on the Judiciary.

815. By Mr. BEITER: Petition of the New York State Flood Control Commission, opposing any Federal legislation designed to change the principles and policies of the 1936 Federal Flood Control Act; to the Committee on Flood Control.

816. By Mr. BOYLAN of New York: Resolution adopted by the New York State Flood Control Commission, opposing any Federal legislation designed to change the principles and policies of the 1936 Federal Flood Control Act, etc.; to the Committee on Flood Control.

817. By Mr. CARTER: Petition of the Carquinez Local, No. 51, of the International Union of Mine, Mill, and Smelter Workers, by George Grayson, recording secretary, Rodeo, Calif., supporting President Roosevelt's stand on the Supreme Court; to the Committee on the Judiciary.

818. Also, petition of the Democratic Conference of the Congressional Districts of California, Inc., by E. M. Brodersen, president, and Sherman Kemp, Sr., executive secretary, and the policy committee of the Democratic Conference of the Congressional Districts of California, Inc., by Ernest G. Webb, president, and William Beck, secretary, jointly, favoring the proposal of President Roosevelt to create certain reforms in the Federal judiciary; to the Committee on the Judiciary.

819. By Mr. CLASON: Petition of General Henry W. Lawton Camp, No. 11, United Spanish War Veterans, Springfield, Mass.; to the Committee on Military Affairs.

820. By Mr. COFFEE of Washington: Memorial passed by both houses of the Legislature of the State of Washington, praying for treaty with Canada providing for equitable supervision of the pilchard and for survey of the resources under the direction of the Federal Bureau of Fisheries, in cooperation with State fisheries department, and for adequate appropriation by Congress in support thereof; to the Committee on Merchant Marine and Fisheries.

821. By Mr. CRAWFORD: Petition of 96 members of DeWitt (Mich.) Grange, No. 459, opposing the plan to increase the Supreme Court Justices to 15; to the Committee on the Judiciary.

822. Also, petition of Owosso (Mich.) Local No. 158, Farmers Union, protesting against any change in the Supreme Court; to the Committee on the Judiciary.

823. By Mr. CROWTHER: Petition of 366 citizens of Fort Plain and Montgomery County, N. Y., opposing enactment of House bill 4417; to the Committee on the Judiciary.

824. By Mr. CULKIN: Petition of the Chamber of Commerce of the State of New York, opposing legislation to increase personnel of United States Supreme Court; to the Committee on the Judiciary.

825. Also, petition of the New York Petroleum Industries Committee, favoring repeal of the Federal gasoline tax as proposed in memorial of the New York State Legislature to the Congress of the United States in 1935; to the Committee on Ways and Means.

826. Also, petition of W. B. Moore and others of Hammond, N. Y., opposing legislation preventing the free dissemination of information and curtailing the right of free speech; to the Committee on the Judiciary.

827. Also, petition of citizens of Adams Center, N. Y., protesting against the President's proposal to reorganize the Supreme Court; to the Committee on the Judiciary.

828. Also, petition of citizens of Alexandria Bay, Jefferson County, N. Y., opposing the President's Supreme Court proposal; to the Committee on the Judiciary.

829. Also, petition of Florence R. Stanford and others, of Watertown, N. Y., opposing legislation preventing the free dissemination of information and curtailing the right of free speech; to the Committee on the Judiciary.

830. Also, petition of F. J. Rich, Esq., and other citizens of Carthage, N. Y., protesting against the President's Supreme Court proposal; to the Committee on the Judiciary.

831. By Mr. CULLEN: Petition of the New York State Flood Control Commission, opposing any Federal legislation designed to change the principles and policies of the 1936 Federal Flood Control Act, which change might in any way retard or delay expeditious action in prosecution of presently authorized Federal flood-control projects in New York State; to the Committee on Flood Control.

832. By Mr. DEMPSEY: Resolution of the New Mexico State Legislature, memorializing the Congress of the United States and the Secretary of the Interior not to acquire additional lands in New Mexico for the use and benefit of the Indians; to the Committee on Indian Affairs.

833. Also, memorial of the New Mexico State Legislature to the Congress of the United States, asking that the Indian Department improve roads in the Navajo Indian Reservation in New Mexico and Arizona; to the Committee on Indian Affairs.

834. Also, memorial of the New Mexico State Legislature, petitioning Congress to enact a law relative to length of railway trains; to the Committee on Interstate and Foreign Commerce.

835. Also, resolution of the New Mexico State Legislature, memorializing the Congress of the United States to enact legislation enabling New Mexico to tax land acquired by the Federal Government from private owners in this State; to the Committee on Ways and Means.

836. Also, resolution of the New Mexico State Legislature, memorializing and requesting the Congress of the United States to enact a law granting 4,000,000 acres from the public lands of the United States of America, situated in the State of New Mexico, in trust to the State of New Mexico and other lands heretofore granted to the State of New Mexico under the Carey Land Act, for the benefit of the Carrie Tingley Crippled Children's Hospital; to the Committee on the Public Lands.

837. Also, memorial of the New Mexico State Legislature, on behalf of non-Indian settlers living near Indian settlements in need of immediate medical aid; to the Committee on Indian Affairs.

838. By Mr. FITZPATRICK: Petition of the Corset and Brassiere Workers' Union, Local No. 32, endorsing President Roosevelt's proposal for reform of the United States Supreme Court; to the Committee on the Judiciary.

839. Also, petition of the Journeymen Tailors Union of America, Local No. 1, endorsing the judiciary proposals of President Roosevelt; to the Committee on the Judiciary.

840. Also, petition of the United Neckwear Makers' Union, Local No. 250, urging speedy enactment of the President's proposals to reform the judiciary; to the Committee on the Judiciary.

841. Also, petition of the Westchester Security League, Bronxville, N. Y., opposing the President's proposal relating to the Supreme Court; to the Committee on the Judiciary.

842. By Mr. GUYER: Petition of the citizens of Douglas County, Kans., urging neutrality legislation which declares national policy with discretion to the Executive for its execution; to the Committee on Foreign Affairs

843. By Mr. HALLECK: Resolution of the Indiana Society of the Sons of the American Revolution, adopted at their annual meeting held at Indianapolis, Ind., on February 25, 1937, strongly condemning and disapproving any measure having for its purpose the abolition or abridgement of the powers of the Supreme Court of the United States to declare acts of the Congress or of the several legislatures unconstitutional, and pledging itself to resist any effort to change the form of government established by our forefathers except by constitutional amendment; to the Committee on the Judiciary.

844. By Mr. HILDEBRANDT: Resolutions relative to extension of boundaries of Harney National Forest, Fall River County, S. Dak.; to the Committee on the Public Lands.

845. Also, petition relative to extension of boundaries of Harney National Forest, in Fall River County, S. Dak.; to the Committee on the Public Lands.

846. Also, Resolution No. 7, relative to the Supreme Court; to the Committee on the Judiciary.

847. Also, petition from various citizens of Watertown, S. Dak., in behalf of religious freedom and the freedom of the press; to the Committee on the Judiciary.

848. Also, petition for religious rights and privileges; to the Committee on the Judiciary.

849. By Mr. JARRETT: Petition of Roy Blauser and other residents of South Oil City, Pa., opposing any revision or weakening of the United States Supreme Court; to the Committee on the Judiciary.

850. Also, petition of the Pennsylvania State Grange, representing 66,000 citizens, opposing enlargement of the United States Supreme Court, etc.; to the Committee on the Judiciary.

851. By Mr. KEOGH: Petition of the New York State Flood Control Commission, opposing any Federal legislation designed to change the principles and policies of the 1936 Flood Control Act; to the Committee on Flood Control.

852. By Mr. KRAMER: Resolution of the board of directors of the Conservation Association of Los Angeles County, pertaining to additional funds for continuation of the work of flood control, etc.; to the Committee on Flood Control.

853. By Mr. LEAVY: Memorial of the Legislature of the State of Washington to the Honorable Franklin D. Roosevelt, President of the United States, and to the honorable Senate and House of Representatives of the United States in Congress assembled, pointing out a cheap source of fish meal and fish oil which is indispensable for agriculturists, poultrymen, and to stock growers, and to many phases of industry, urging negotiations of a treaty with the Dominion of Canada providing for the joint supervision of the pilchard or sardine industry on the Pacific coast, and requesting Congress to provide sufficient funds for scientific investigation of said resources under direction of the Federal Fisheries Bureau coordinating with the Fishery Departments of the States of Washington, Oregon, and California; to the Committee on Merchant Marine and Fisheries.

854. By Mr. LORD: Petition of E. C. Rowell, Arthur Bennett, and Sinclair Archibald, legislative committee, Franklin Grange, No. 1096, Franklin, Delaware County, N. Y., protesting against the President's bill or any substitutes giving the President power to remake the Supreme Court; to the Committee on the Judiciary.

855. Also, petition of the New York State Bar Association, opposing the President's bill affecting the membership of the Supreme Court, believing the civil, political, and religious liberties of every American citizen depends basically on an independent judiciary, and that nothing is more vital to the preservation of liberty than a fearless, honest, and uncontrolled Supreme Court of the United States, wholly independent of the executive and legislative branches of the Government; to the Committee on the Judiciary.

856. Also, petition of Dr. J. H. Martin and seven residents, of Binghamton, N. Y., opposing the enactment of the bill for the reorganization of the Federal judiciary or to any other bill the effect of which would be to increase the number of Justices of the Supreme Court of the United States, or otherwise to interfere with the independent action of the Federal courts and the justices and judges thereof, as one of the three great departments of the Federal Government; to the Committee on the Judiciary.

857. Also, petition of the Chamber of Commerce of Walton, N. Y., unalterably opposing the plan for the change of the judiciary as proposed by the President of the United States, and urging the Senators and Representatives in Congress to lend their influence and to cast their votes against the passage of such proposed legislation; to the Committee on the Judiciary.

858. Also, petition of the Lenni Lenape Chapter, Daughters of the American Revolution, Delhi, N. Y., strongly protesting against the coercion, cramming, and change in the Supreme Court of the United States, because "we feel that as patriotic Americans we must turn the tide against this change or we shall lose the precious liberty for which our forefathers sacrificed their lives and fortunes"; to the Committee on the Judiciary.

859. By Mr. MARTIN of Colorado: House Joint Resolution No. 10 of the General Assembly of Colorado, urging appointment of a citizen of Colorado as a member of the Federal Power Commission; to the Committee on the Judiciary.

860. Also, Memorial No. 7 of the General Assembly of Colorado, approving measures to appropriate the necessary means for pest control in agriculture; to the Committee on Appropriations.

861. Also, House Joint Memorial No. 10 of the General Assembly of Colorado, to continue, enlarge, or make an appropriation for the continuance of the public-works program; to the Committee on Appropriations.

862. Also, House Joint Memorial No. 8 of the General Assembly of Colorado, providing for punishment of persons stealing animals moving in interstate commerce, etc.; to the Committee on the Judiciary.

863. Also, House Joint Memorial No. 9 of the General Assembly of Colorado, favoring the control and eradication of noxious weeds, etc.; to the Committee on Agriculture.

864. By Mr. MERRITT: Resolution of the New York State Bar Association, Albany, N. Y., disapproving the proposed legislation affecting membership of the Supreme Court; to the Committee on the Judiciary.

865. Also, resolution of the New York City Housing Authority, endorsing the bill introduced both in the House and in the Senate providing financial assistance to the States and political subdivisions thereof for the elimination of unsafe and insanitary housing conditions; for the provision of decent, safe, and sanitary dwellings for families of low income; and for the reduction of unemployment and the stimulation of business activity, to create a United States Housing Authority, and for other purposes; to the Committee on Banking and Currency.

866. Also, resolution of the Fellows of the New York Academy of Dentistry, being deeply concerned over the matter of proposed changes in the Federal judiciary now being considered by Congress and, having great respect for the wide experience and having confidence in the judgment of Congress, pray with humbleness of heart that the decision of Congress will be the President's decision and that American traditions may be preserved; to the Committee on the Judiciary.

867. Also, resolution of the New York Petroleum Industries Committee, memorializing the Congress of the United States to enact with all convenient speed such legislation as may be necessary to abolish the Federal gasoline-sales tax and to surrender to the States exclusively the power to tax such sales in the future; to the Committee on Ways and Means.

868. Also, resolution of the officers and members of the Delaware Regular Democratic Club, of Jackson Heights, N. Y., giving their unqualified endorsement to the President's plan for reforming the Federal judiciary; to the Committee on the Judiciary.

869. Also, resolution of the Trinity League of New York City, declaring its firm opposition to the President's proposal of enlarging the Supreme Court; to the Committee on the Judiciary.

870. Also, resolution of the Society of Mayflower Descendants of New York, opposing any attempt to subject the Supreme Court of the United States to political or executive domination; to the Committee on the Judiciary.

871. By Mr. MOTT: Senate Joint Memorial No. 2 of the Thirty-ninth Legislative Assembly of the State of Oregon, urging the Congress of the United States to make an appropriation to aid the fisheries of the States of Oregon and Washington; to the Committee on Appropriations.

872. Also, Senate Joint Memorial No. 6 of the Thirty-ninth Legislative Assembly of the State of Oregon, urging that Federal funds that are now or which hereafter are made available for the control of white-pine blister rust be expended on private and State-owned timberlands as well as upon timberlands owned by the Federal Government; to the Committee on Agriculture.

873. By Mr. PFEIFER: Petition of the Brooklyn Postal Employees' Credit Union, Brooklyn, N. Y., favoring the passage of House bill 1984; to the Committee on the Civil Service.

874. Also, petition of the New York State Flood Control Commission, Albany, N. Y., opposing any Federal legislation designed to change the principles and policies of the 1936 Federal Flood Control Act; to the Committee on Flood Control.

875. Also, petition of the Brooklyn Merchant Bakers' Association, Brooklyn, N. Y., concerning amendment to the windfall tax provisions to permit refunds by mills to all bakers, without discrimination; to the Committee on Ways and Means.

876. By Mr. QUINN: Resolution by Local Union 524, United Mine Workers of America, Harwick, Pa., requesting that appropriations be made to continue the work of investigating unlawful groups who terrorize the trade unions, and a resolution advocating a shorter work day and week as the solution of solving unemployment in the coal-mining industry; to the Committee on Rules.

877. By Mr. RICH: Petition of the McKean County Home Rule Association, of Kane, Pa., protesting against the President's plan to change the judicial system; to the Committee on the Judiciary.

878. Also, petition of citizens of Kane, McKean County, Pa., protesting against the proposed changes in the membership of the Supreme Court; to the Committee on the Judiciary.

879. By Mr. SHAFER of Michigan: Petition of Ray J. Dagon and 67 other citizens, of Hillsdale, Hillsdale County, Mich., protesting against the bill offered by President Roosevelt, or any substitutes, permitting the executive branch of the Government to control or subordinate the judicial or legislative powers established under the Constitution; to the Committee on the Judiciary.

880. Also, petition of Laura DeLashmutt and five other citizens, of Vicksburg, Mich., protesting against any changes in the Supreme Court as proposed by President Roosevelt; to the Committee on the Judiciary.

881. By Mr. SMITH of West Virginia: Resolution of the West Virginia State Legislature, urging the enactment of legislation providing Federal funds for flood relief in West Virginia; to the Committee on Flood Control.

882. By Mr. THOMAS of New Jersey: Petition signed by Eliza S. Hensel and 20 other residents, of Tenafly, N. J., protesting against the President's plan, or any substitutes, permitting the executive branch of the Government to control or subordinate the judicial or the legislative powers established under the Constitution; to the Committee on the Judiciary.

883. Also, petition of E. J. Surbeck and five other persons, of Ridgewood, N. J., protesting against the President's plan to enlarge the Supreme Court; to the Committee on the Judiciary.

884. Also, letter from Mrs. Albert R. Doughty, of Rutherford, N. J., legislation chairman, Woman's Club of Rutherford, N. J., which has a membership of approximately 400, advising that the Woman's Club of Rutherford has voted unanimously to go on record as opposed to the plan to increase the number of members of the Supreme Court of the United States, and, as opposed to any bill submitted to Congress the effect of which would be to bring about such a plan; to the Committee on the Judiciary.

885. By Mr. WITHROW: Joint Resolution No. 34–A, passed by the Wisconsin Legislature, relating to memorializing Congress to modify the Works Progress Administration so as to provide needy taxpayers preferred employment on works projects; to the Committee on Ways and Means.

886. Also, Joint Resolution No. 16–A passed by the Wisconsin Legislature, memorializing the Congress of the United States to amend the Federal Social Security Act to include other classes of labor; to the Committee on Ways and Means.

887. Also, Joint Resolution No. 23–A, passed by the Wisconsin Legislature, memorializing the Congress to reduce the payments for interest and principal on farm and home loans; to the Committee on Appropriations.

888. Also, Joint Resolution No. 21–A, passed by the Wisconsin Legislature, memorializing the Congress to provide a moratorium on foreclosure of mortgages held by the Home Owners' Loan Corporation; to the Committee on Appropriations.

889. Also, Joint Resolution No. 17–A, passed by the Wisconsin Legislature, memorializing the Congress of the United States to enact more simplified and stringent regulatory measures for aircraft and other legislation tending to lessen the hazards of aviation; to the Committee on Military Affairs.

890. Also, Joint Resolution No. 12–S, passed by the Wisconsin Legislature, urging the Congress of the United States to include the production of agricultural lime in all work programs carried out by the Federal Government; to the Committee on Agriculture.

891. Also, Joint Resolution No. 14–A, passed by the Wisconsin Legislature, memorializing the Congress of the United States to authorize the construction of the Kickapoo Valley project and to make an appropriation therefor; to the Committee on Rivers and Harbors.

892. Also, Joint Resolution No. 13–A, passed by the Wisconsin Legislature, memorializing Congress to provide for the repayment of Wisconsin Emergency Relief Administration loans made to farmers in drought-stricken areas by working on county, township, or village municipal-work projects; to the Committee on Appropriations.

893. Also, Joint Resolution No. 20–A, passed by the Wisconsin Legislature, urging the Congress of the United States to allocate to the several States the whole appropriation authorized by the George-Deen Act for vocational education; to the Committee on Appropriations.

SENATE

TUESDAY, MARCH 9, 1937

(Legislative day of Monday, Mar. 8, 1937)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, March 8, 1937, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had passed without amendment the bill (S. 936) to regulate the sales of goods in the District of Columbia.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 157. An act to amend an act entitled "An act to provide for vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes" (Public, No. 801, 70th Cong.);

H. R. 2898. An act to amend section 1 of the act of Congress entitled "An act to fix the salaries of officers and members of the Metropolitan Police force, the United States Park Police force, and the fire department of the District of Columbia", approved May 27, 1924, and for other purposes;

H. R. 4188. An act to amend section 907 of the Code of Law for the District of Columbia, approved March 3, 1901, as amended, up to and including June 7, 1924;

H. R. 4217. An act to provide for the erection of a building to be used exclusively for the recorder of deeds;

H. R. 4536. An act to provide for the holding of an examination by the Board of Optometry of the District of Columbia for a license to practice optometry in the District of Columbia for Welton B. Hutton;

H. R. 4804. An act to amend section 11 of an act entitled "An act to establish standard weights and measures for the District of Columbia; to define the duties of the superintendent of weights, measures, and markets of the District of Columbia; and for other purposes", approved March 3, 1921; and

H. J. Res. 171. Joint resolution for the designation of certain streets or avenues in the Mall as Ohio, Missouri, Oklahoma, and Maine Avenues.

CALL OF THE ROLL

Mr. LEWIS. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Capper	Guffey	Lodge
Andrews	Caraway	Hale	Logan
Ashurst	Chavez	Harrison	Lonergan
Austin	Clark	Hatch	Lundeen
Bachman	Connally	Hayden	McAdoo
Barkley	Copeland	Herring	McCarran
Black	Davis	Hitchcock	McGill
Bone	Dieterich	Holt	McKellar
Borah	Duffy	Hughes	McNary
Brown, Mich.	Ellender	Johnson, Calif.	Maloney
Brown, N. H.	Frazier	Johnson, Colo.	Minton
Bulow	George	King	Moore
Burke	Gerry	La Follette	Murray
Byrd	Gillette	Lee	Neely
Byrnes	Green	Lewis	Norris
Nye	Reynolds	Steiwer	Van Nuys
O'Mahoney	Robinson	Thomas, Okla.	Walsh
Overton	Russell	Thomas, Utah	Wheeler
Pepper	Schwartz	Townsend	White
Pittman	Schwellenbach	Truman	
Pope	Sheppard	Tydings	
Radcliffe	Smith	Vandenberg	

Mr. LEWIS. Mr. President, I regret to announce the absence of the Senator from Virginia [Mr. GLASS] and that of the junior Senator from Ohio [Mr. DONAHEY], caused by illness, and also the absence of the senior Senator from Ohio [Mr. BULKLEY], who is detained by a severe cold.

I further announce that the Senator from North Carolina [Mr. BAILEY], the Senator from Mississippi [Mr. BILBO], and the Senator from New York [Mr. WAGNER] are unavoidably detained from the Senate.

Mr. AUSTIN. I announce that my colleague the junior Senator from Vermont [Mr. GIBSON] and the senior Senator from Minnesota [Mr. SHIPSTEAD] are absent because of illness, and that the Senator from New Hampshire [Mr. BRIDGES] is absent on official business.

The VICE PRESIDENT. Eighty-five Senators have answered to their names. A quorum is present.

REORGANIZATION OF FEDERAL JUDICIARY—KENTUCKY UTILITIES CO.

Mr. LOGAN. Mr. President, on last Thursday I read into the RECORD a paragraph of a letter relating to the activities of an attorney at Middlesboro in Kentucky in procuring telegrams to be sent to Members of Congress. Later I was requested by the Kentucky Utilities Co., which was mentioned in the letter, to give the name of the writer of the letter as well as the attorney, which I did. The letter was written by the Honorable Joseph F. Bosworth, an outstanding Republican leader in Kentucky, who has been a member of both houses of the general assembly and speaker of the lower house, and the attorney was mentioned as J. W. Smith.

I desire to say that the letter from Mr. Bosworth did not charge that the Kentucky Utilities Co. was responsible for what the attorney was doing. I have a telegram which I ask consent to place in the RECORD, sent to me by R. M. Watt, president of the Kentucky Utilities Co., and also a letter written by Mr. Watt on the same subject, as well as a letter from Mr. Smith, the attorney referred to. I also wish to announce I have an affidavit from Mr. Bosworth in which he reiterates the truth of his charge, and a telegram from the mayor of the city of Middlesboro, the city clerk, and a prominent attorney there, Mr. Rohrer, who say that Mr. Smith has been an attorney for the Kentucky Utilities Co. and has been employed by it on different occasions.

I did not mean to charge, and neither do I now charge, and neither do I believe, that the officers and directors of the Kentucky Utilities Co. are responsible for the activities of Mr. Smith. I simply meant to show, by reading the letter, that some people were going about inducing men and women to send telegrams on the Court matter.

The VICE PRESIDENT. Without objection, the communications referred to by the Senator from Kentucky will be printed in the RECORD.

The letters and telegram are as follows:

KENTUCKY UTILITIES CO.,
Lexington, Ky., March 6, 1937.

Senator M. M. LOGAN,
Washington, D. C.

DEAR SENATOR: Since I was advised on yesterday that Mr. Jos. F. Bosworth, of Middlesboro, was the author of the letter referred to in my telegram to you and that Mr. J. W. Smith, of Middlesboro, was the lawyer whose name was mentioned in that letter by Mr. Bosworth, I have talked with Mr. Smith, who promised me that he would write you fully today in denial of the statements contained in Mr. Bosworth's letter connecting the Kentucky Utilities Co. with the transactions therein referred to.

So far as this company is concerned, I can only reiterate what I stated in my telegram to you, which is that this company has never made any expenditure in connection with or participated in either the controversy over the Supreme Court or the controversy over the Holding Company Act. No officer, agent, employee, attorney, or any other person representing or in any way associated with this company has ever had any authority or direction from the company to do or say anything relating to the legislation concerning either of these matters.

The act relating to the Supreme Court has never even been discussed or considered by the management of this company.

As to the Holding Company Act, the charge made by Mr. Bosworth is absolutely the first and only intimation ever made by any

person as to any participation whatever on the part of our company, or any of its officers, in opposition thereto. As a matter of fact, this company took no part in the opposition to the passage of the Holding Company Act, and since its enactment has complied fully with its terms.

You are well aware that in the minds of a large part of the public a charge, however groundless, against a public-service corporation is frequently equivalent to a conviction. Being conscious as I am of the absolute correctness of the position of this company in respect to the matters referred to, I want you to know that we feel that this company has already been done a grave injustice.

Yours very truly,

R. W. WATT, *President.*

LOUISVILLE, KY., *March 5, 1937.*

Senator M. M. LOGAN,
Washington, D. C.:

Upon the floor of the Senate today you read a letter from an unnamed author containing the intimation that Kentucky Utilities Co., through an attorney also unnamed, was offering to pay for telegrams to Senators and Representatives urging opposition to the President's plan with respect to the Supreme Court. The letter also contained the charge that the company, through the same unnamed attorney, had done the same thing in the late controversy over the Holding Company Act. This is to advise you with emphasis that both the intimation and the charge are utterly without the slightest foundation. In fact, whenever you are at liberty to disclose the names of the author of the letter and the alleged attorney for the company, we will welcome the opportunity to meet that issue of fact. The plain truth is that never at any time has this company made any expenditure in connection with or participated in any way in either the controversy over the Supreme Court or that over the Holding Company Act. It is unfortunate that a public-service corporation which endeavors to comport itself with propriety should be subjected to anonymous calumny, since the letter above referred to has been attended with such publicity. It will be appreciated if you will see that this response is accorded the same favor.

R. M. WATT.
President, Kentucky Utilities Co.

MIDDLESBORO, KY., *March 6, 1937.*

Senator M. M. LOGAN,
Senate Office Building, Washington, D. C.

DEAR SENATOR: My attention has been called to statements made in a letter written to you by Mr. Joseph F. Bosworth, of Middlesboro, indicating that, acting on behalf of Kentucky Utilities Co., I had been active in opposing the proposed plan to enlarge the Supreme Court, and also in opposing the passage of the Holding Company Act some years ago. These statements are absolutely untrue.

I am a Republican in politics. I am chairman of the Middlesboro city Republican organization, and have been since last fall. I am opposed to the plan to enlarge the Supreme Court. I have been active in that opposition to the extent of getting a number of my friends, who are also opposed to the plan, to send telegrams to Congressman J. M. ROBSION of our district, urging him to use every effort to defeat the plan. I requested Mr. Bosworth to send such a telegram. He declined. I never requested Mr. Bosworth or anyone else to send a telegram to anyone except to the Congressman from my own congressional district. I have always felt that any American citizen has a right to favor or oppose the enactment of any law. I acted in this matter as any citizen has a right to act.

I have never heard directly or indirectly any expression of opinion by anyone connected in any way with the Kentucky Utilities Co. with reference to the Supreme Court controversy. I have never discussed that matter with anyone connected with the Kentucky Utilities Co. My activities in connection with the Supreme Court matter have been and are entirely personal, and, so far as I know and believe, without the knowledge or information of anyone connected with the Kentucky Utilities Co. or any other utilities company. I never gave any thought whatsoever as to what anybody connected with any utilities company thought about the Supreme Court matter.

I never engaged in any activity in connection with the Holding Company Act. I had no interest whatever in that matter and I have none now. I never mentioned that subject to Mr. Bosworth in my life. I never discussed that matter, directly or indirectly, with anybody connected with any utilities company.

Yours very truly,

JAMES W. SMITH.

REPORT OF CALIFORNIA PACIFIC INTERNATIONAL EXPOSITION COMMISSION

The VICE PRESIDENT laid before the Senate a joint letter from the Secretaries of State, Agriculture, and Commerce, members of the California Pacific International Exposition Commission, transmitting, pursuant to law, a report concerning the character and extent of Federal participation in the California Pacific International Exposition at San Diego, Calif., during the years 1935 and 1936, together with a detailed statement of expenditures, which, with the accompanying report, was referred to the Committee on Foreign Relations.

LANDS FOR SHIVWITZ BAND OF PAIUTE INDIANS, UTAH

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to reserve certain lands in the State of Utah for the Shivwitz Band of Paiute Indians, which, with the accompanying paper, was referred to the Committee on Indian Affairs.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following resolution of the House of Representatives of the State of Oklahoma, which was referred to the Committee on Commerce:

Resolution opposing the construction of the Denison Reservoir and Dam on Red River

Whereas the United States of America is considering the construction of a large reservoir and dam on Red River below the mouth of the Washita River to be called the Denison Reservoir, for the purpose of impounding a large supply of water; and

Whereas the construction of said dam will inundate completely a large area of valuable farm land within the State of Oklahoma and completely destroy several towns and almost completely inundate two entire counties in the State of Oklahoma; and

Whereas the State of Oklahoma will thereby be compelled to bear the entire loss from this project and will receive no compensating benefits from the construction of said reservoir and dam; and

Whereas the problem of flood control in the affected area may be much better solved by the construction of smaller dams and smaller reservoirs on the various tributaries of Red River in the State of Oklahoma at a much smaller total cost and would result in the impounding and saving of floodwaters for the use of the drought sufferers in the semiarid areas of this State and prevent its dissipation, and would also result in the employment of labor being distributed throughout the entire State: Now, therefore, be it

Resolved by the House of Representatives of the Sixteenth Legislature of the State of Oklahoma:

SECTION 1. That it does hereby express its vigorous opposition to the construction of said reservoir and dam; and

SEC. 2. That it hereby respectfully requests the chief executive of the State of Oklahoma and the entire national congressional delegation from the State of Oklahoma to do all in their power to prevent the construction of said dam; and be it further

Resolved—

SEC. 3. That the secretary of state be, and is hereby, directed to send certified copies of this resolution to the President of the United States, the Vice President of the United States, the Governor of Oklahoma, each of the United States Senators and Congressmen of Oklahoma, the Chief of Engineers of the United States Army, to the Mississippi River Commission at Vicksburg, Miss., and to the National Water Resources Committee at Washington, D. C.

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of the State of Oklahoma, which was referred to the Committee on the Judiciary:

Resolution memorializing the congressional delegation from Oklahoma to support President Franklin Delano Roosevelt in the reorganization of the judiciary of the United States

Whereas the President of the United States recently sent a message to Congress suggesting a reorganization of the judiciary of the United States, increasing the membership of the Supreme Court of the United States; and

Whereas it is within the prerogative of the President to suggest such changes and it is within the power of Congress to pass laws relative to the judiciary, it is deemed expedient by the House of Representatives of Oklahoma, the senate concurring therein, to express its opinion and favor of such changes; and

Whereas it appears that the rights of the people might be better protected and the will of the people more clearly expressed under the law from time to time if the judiciary were increased so as to provide a more current view and better opinions on the matters now pending before the Supreme Court: Therefore be it

Resolved, That the house of representatives, the senate concurring therein, is hereby memorializing Congress to consider favorably the suggestion of the President of the United States and to pass the act which he has recommended for the increase of membership to the Supreme Court from 9 to 15; and be it further

Resolved, That a copy of this resolution be sent by the clerk to each Member of the Oklahoma delegation in Congress, to the President of the Senate, to the Speaker of the House of Representatives and to the President of the United States.

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of the State of Oklahoma, which was referred to the Committee on Post Offices and Post Roads:

Concurrent resolution of the House of Representatives and the Senate of the Sixteenth Legislature of the State of Oklahoma, memorializing the Seventy-fifth Congress of the United States to enact proper legislation to eliminate competitive bidding on star mail routes, and to provide for the retention of star-route contractors who have given satisfactory service; authorizing the Postmaster General to grant additional compensation where rates are unreasonably low; directing the clerk of the house of representatives to send a copy of this resolution to the President of the Senate and Speaker of the House of Representatives of the Seventy-fifth Congress of the United States and to each Member of the Oklahoma delegation of said Congress

Whereas the present system of competitive bidding on star mail routes tends to bring into the service of the Post Office Department inexperienced carriers, thereby resulting in inferior service; and

Whereas the fear of losing his contract every 4 years causes the contractor holding said contract to refrain from purchasing the proper equipment; and

Whereas the present economic stress has forced certain contractors to bid below the cost of operation rather than to apply for Federal relief; and

Whereas the patrons on star routes are entitled to the same class of service as given to patrons on routes where tenure and pay are fixed: Now, therefore, be it

Resolved by the House of Representatives and the Senate of the Sixteenth Legislature of the State of Oklahoma:

SECTION 1. That the Seventy-fifth Congress of the United States of America be respectfully memorialized to enact such legislation as is necessary to retain in the star mail service satisfactory and experienced contractors and to give the Postmaster General the proper authority to grant additional compensation where rates are unreasonably low.

SEC. 2. That the clerk of the House of Representatives of the Sixteenth Legislature of Oklahoma is directed to send a copy of this resolution to the Speaker of the House of Representatives of the Seventy-fifth Congress, to the President of the Senate of the Seventy-fifth Congress, and to each Member of the Oklahoma delegation of said Congress.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of New Mexico, which was referred to the Committee on Finance:

Joint memorial requesting Congress to impose a tariff on imported potash

Whereas the potash industry in this country, and particularly in the southwestern part of the United States, is now in its infancy; and

Whereas such industry must be fully protected to permit it to grow and prosper; and

Whereas continued production of potash in this country is an essential to the relief of our widespread unemployment situation: Now, therefore, be it

Resolved by the Legislature of the State of New Mexico, That the Legislature of the State of New Mexico does hereby request the Congress of the United States to impose a tariff on all potash imported into this country; be it further

Resolved, That copies of this memorial be sent to the President of the United States Senate, the Speaker of the House of Representatives, and to the Senators and Representative of New Mexico in Congress.

The VICE PRESIDENT also laid before the Senate resolutions adopted by Democrats and citizens of Jackson County, Ill., assembled at a victory day dinner, and members of the Italian-American Citizens Society, of Altoona, Pa., favoring the enactment of legislation to reorganize the judicial branch of the Government, which were referred to the Committee on the Judiciary.

Mr. CAPPER presented a petition of sundry citizens of Oberlin, Tex., praying for the enactment of the bill (S. 100) to amend the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890, the so-called Tydings-Miller fair-trade enabling bill, which was referred to the Committee on the Judiciary.

Mr. SHEPPARD presented petitions of sundry citizens of the State of Texas, praying that no law be enacted which would disturb or abridge religious rights or liberties, or close the mails to religious publications, which were referred to the Committee on the Judiciary.

He also presented petitions of 224 citizens of Castro County, Tex., praying for the enactment of legislation to reorganize the judicial branch of the Government, which were referred to the Committee on the Judiciary.

Mr. TYDINGS presented resolutions adopted by Arlington Council, No. 69, of Baltimore; South Mountain Council, No. 88, of Boonsboro; and Stockton Council, No. 187, of Stockton, all of the Junior Order United American Mechanics in the State of Maryland, favoring the enactment of legislation restricting immigration and providing for the registration of aliens and the deportation of undesirable aliens, which were referred to the Committee on Immigration.

He also presented a petition of sundry citizens of the State of Maryland, praying for the enactment of the bill (S. 1709) for the better assurance of the protection of persons from mob violence and lynching, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted by Stockton Council, No. 187, Junior Order United American Mechanics, of Stockton, Md., protesting against the enactment of legislation to enlarge the membership of the Supreme Court, or any other legislation of a similiar character, which was referred to the Committee on the Judiciary.

He also presented petitions of the Harbor Sales Co., Inc., of Baltimore, and sundry citizens of the State of Maryland, praying for the passage of legislation to extend title I of the National Housing Act, relative to the repair and remodeling of homes, which were ordered to lie on the table.

He also presented a resolution adopted by the Montgomery County League of Women Voters, of Chevy Chase, Md., favoring the enactment of an adequate food and drug law for the protection of consumers against false or incomplete labeling and the misleading advertising of food, drugs, and cosmetics, which was ordered to lie on the table.

Mr. LONERGAN presented a letter from the town clerk of Greenwich, Conn., embodying a resolution adopted by a town meeting relative to the proposed reorganization of the judiciary, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

TOWN OF GREENWICH, CONN.,
March 8, 1937.

Hon. AUGUSTINE LONERGAN,
United States Senate, Washington, D. C.

DEAR MR. LONERGAN: At a representative town meeting, legally warned, held at the Havemeyer Auditorium, in Greenwich, on March 4, 1937, at 8 o'clock p. m., the following resolution was adopted:

"I. *Resolved*, That the representative town meeting, in meeting assembled, hereby registers its disapproval of and strong protest against the recommendation contained in the special message of the President of the United States of February 5, 1937, that, among other things, the President be empowered by act of Congress to appoint, under certain conditions, six additional members of the Supreme Court, the same being in its judgment ill-advised and tending to subject our highest Court to the will of the executive and legislative, to subject the rights and liberties of a people to the tyranny of a majority, and thus to convert our National Government of laws into a government of men.

"II. *Resolved further*, That the said representative town meeting earnestly requests the two United States Senators from Connecticut and the Representative of Fairfield County in the House of Representatives to oppose by their efforts and their votes all proposals to enact any legislation tending to overthrow the independence of the Supreme Court or to destroy its power and rank as a branch of the Federal Government coordinate with the legislative and executive.

"III. *Resolved*, That copies of these resolutions be sent to said Senators and Representative."

Yours very truly,

HAROLD W. ALLEN, *Town Clerk.*

Mr. STEIWER presented the following joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on Agriculture and Forestry:

House Joint Memorial 14

To the Honorable Senate and House of Representatives of the United States in Congress assembled:

We, your memorialists, the Legislature of the State of Oregon, respectfully represent:

Whereas weeds constitute one of the greatest agricultural problems in the United States and constitute the greatest source of agricultural loss, with the possible exception of soil erosion; and

Whereas a conference, representing five different upper Mississippi Valley States, estimated an annual crop loss of $1,000,000,000 because of weeds; and

Whereas the State of Idaho, after large expenditures previous to 1936, engaged in a $2,000,000 weed-control program for that State in 1936, three-fourths of which was financed with Federal money; and

Whereas the other Northwestern States, including Utah, Montana, Wyoming, Oregon, and Washington, are taking steps in the matter of weed control; and

Whereas 57 percent of the land in Oregon is in Federal ownership; and

Whereas the weed problem has been recognized by the three farm organizations of Oregon, namely, the Oregon State Grange, the Farmers' Educational and Cooperative Union, and the Farm Bureau Federation, as of major importance, and they have passed

resolutions favoring National, State, county, and individual weed control; and

Whereas the Oregon State Planning Board has reported an annual loss of $1,500,000 from a limited number of perennial noxious weeds in Oregon alone and has recommended additional research work, additional control work, and Federal assistance; and

Whereas it is the consensus of opinion of these bodies that noxious weeds are gaining ground rapidly, that the control measures are inadequate, and that more research is needed, and that the weed problem is no longer an individual problem but a public problem: Be it

Resolved by the House of Representatives of the State of Oregon (the senate jointly concurring therein), That the Legislative Assembly of the State of Oregon hereby does petition the Congress of the United States:

1. To enact legislation declaring that the control of noxious weeds is of major agricultural importance and of such far-reaching consequence that the problem may no longer be considered solely an individual problem but that it has become a major national problem, and that in the public interest Federal assistance should be given the States, counties, and individuals cooperating in the control of noxious weeds just as such assistance has been provided for insect, plant, and animal disease control.

2. To provide funds and assistance through special appropriation, W. P. A., or similar channels, civilian conservation camps, soil conservation and agricultural conservation activities for actual work in weed control.

3. To provide for the control of noxious weeds on all federally owned and controlled lands in counties having regularly organized weed-control districts.

4. To require the United States Department of Agriculture to establish, after conference with the interested States, national policies covering (a) weed control, (b) interstate movement of seeds containing weed seeds designated as noxious, and (c) a comprehensive policy of research.

5. To finance a comprehensive Federal and State program of research in the Bureau of Plant Industry of the United States Department of Agriculture to determine upon the best materials and methods that may be used in the control of weeds.

6. To take steps toward the production of cheap weed-killing chemicals at some of the Federal power projects in or near weed-infested regions such as the Bonneville project in Oregon and the Grand Coulee project in Washington; and be it further

Resolved, That the secretary of state be, and he hereby is, authorized and directed to forward one copy of this memorial to the President of the United States, to each Member of both Houses of Congress, to the Governors of each of the respective States, and to the Secretary of the United States Department of Agriculture.

Mr. STEIWER also presented the following joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on Finance:

House Joint Memorial 1

To the Honorable Senate and House of Representatives of the United States of America in Congress assembled:

We the memorialists, the Thirty-ninth Legislative Assembly of the State of Oregon, convened in regular session, respectfully represent that:

Whereas a large group of the citizens and voters of the State of Oregon have expressed their deep convictions of the merits of the Townsend recovery plan; and

Whereas these members of the Townsend clubs, as law-abiding American citizens, feel that their rights should be respected and that they should be given a hearing before your august body; and

Whereas the Townsend national recovery plan should be fully considered because the economic depression has continued for 7 years without solution: Now, therefore, be it

Resolved by the House of Representatives of the State of Oregon (the senate jointly concurring therein), That the Legislature of the State of Oregon hereby does petition the Congress of the United States to give a fair, full, and impartial hearing and consideration of the Townsend national recovery plan, with a view to its enactment into law after the Members of Congress shall have settled the details of this legislation.

Resolved, That a certified copy of this joint memorial be sent forthwith to the President of the United States and the President of the United States Senate, the Speaker of the House of Representatives, and to each of the Members of the congressional delegation from the State of Oregon.

ADMINISTRATION OF RIVER AND HARBOR IMPROVEMENTS BY CORPS OF ARMY ENGINEERS

Mr. LA FOLLETTE presented a resolution adopted by the Board of Harbor Commissioners of Milwaukee, Wis., which was referred to the Select Committee on Government Organization and ordered to be printed in the RECORD, as follows:

Resolution adopted by the Board of Harbor Commissioners of the City of Milwaukee at its meeting of February 12, 1937

Whereas in the reorganization of the executive departments of the Government it is proposed that a Department of Public Works be created; and

Whereas the establishment of a Department of Public Works not only suggests the river and harbor work now being executed by the Corps of Engineers in the War Department be transferred to the new department, but also clearly indicates this purpose by ascribing only military functions to the War Department; and

Whereas under the present system the United States Corps of Engineers have ably and efficiently administered river and harbor improvements for more than 100 years on a nonpartisan, unbiased basis, entirely free from political influence and prejudice: Now, therefore, be it

Resolved, That the Board of Harbor Commissioners of the City of Milwaukee is opposed to any legislation or order which will relieve the Corps of Engineers, United States Army, of its present administration of river and harbor improvements; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the Senate and the House of Representatives of the United States, to the Secretary of War, to the Chief of Engineers, United States Army, and to the Senators and Representatives in Congress from the State of Wisconsin.

ENROLLED BILLS PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on the 4th instant that committee presented to the President of the United States the following enrolled bills:

S. 84. An act to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. Ralph Charles Stuart; and

S. 989. An act to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. Clarence Quinton Pair.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BORAH:

A bill (S. 1799) granting a pension to Marie L. Wood (with accompanying papers); to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 1800) providing for the cancelation of certain charges against the Klamath Drainage District, of Klamath County, Oreg., and charging such unpaid balance to the unentered public lands within the district; to the Committee on Irrigation and Reclamation.

By Mr. LODGE:

A bill (S. 1801) for the relief of the heirs of the late George W. Soule; to the Committee on Claims.

By Mr. LA FOLLETTE:

A bill (S. 1802) to amend section 40 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended; to the Committee on Indian Affairs.

By Mr. BROWN of Michigan:

A bill (S. 1803) to restrict habitual commuting of aliens from foreign contiguous territory to engage in skilled or unskilled labor or employment in continental United States; and

A bill (S. 1804) to amend the act of June 24, 1935, so as to include certain alien veterans of the World War who left the United States prior to their being called in the draft to serve in the military or naval forces of any of the countries allied or associated with the United States; to the Committee on Immigration.

By Mr. THOMAS of Oklahoma:

A bill (S. 1805) to extend the public-land laws of the United States to certain lands, consisting of islands, situated in the Red River in Oklahoma; to the Committee on Public Lands and Surveys.

By Mr. HAYDEN:

A bill (S. 1806) to extend the boundaries of the Papago Indian Reservation in Arizona; to the Committee on Indian Affairs.

By Mr. NEELY:

A bill (S. 1807) to amend the military record of James Ledsome, and for other purposes; to the Committee on Military Affairs.

A bill (S. 1808) granting an increase of pension to Mary A. Stagg; and

A bill (S. 1809) granting a pension to Maria J. Way; to the Committee on Pensions.

By Mr. TRUMAN:

A bill (S. 1810) for the relief of Carl E. Padgett; to the Committee on Claims.

A bill (S. 1811) to limit the applicability of the Motor Carrier Act, 1935, with respect to street railway systems; to the Committee on Interstate Commerce.

By Mr. BACHMAN:

A bill (S. 1812) for the relief of James E. Bugg; to the Committee on Claims.

By Mr. GEORGE:

A bill (S. 1813) to increase the existing rates of death compensation payable to widows, children, and dependent parents of World War veterans who died while receiving monetary benefits for disabilities incurred in or aggravated by active military or naval service in the World War, and to increase the rates now being paid widows and children of the combat dead; to the Committee on Finance.

By Mr. PITTMAN:

A joint resolution (S. J. Res. 96) authorizing allotments of pay by civilian personnel stationed abroad; to the Committee on Foreign Relations.

By Mr. BROWN of Michigan:

A joint resolution (S. J. Res. 97) to authorize the Administrator of Veterans' Affairs to accept title for the United States to certain real property to be donated by Mr. Henry Ford and wife for Veterans' Administration Facility purposes; to the Committee on Finance.

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred to the Committee on the District of Columbia:

H. R. 157. An act to amend an act entitled "An act to provide for vocational rehabilitation of disabled residents of the District of Columbia, and for other purposes" (Public, No. 801, 70th Cong.);

H. R. 2898. An act to amend section 1 of the act of Congress entitled "An act to fix the salaries of officers and members of the Metropolitan Police force, the United States Park Police force, and the fire department of the District of Columbia", approved May 27, 1924, and for other purposes;

H. R. 4188. An act to amend section 907 of the Code of Law for the District of Columbia, approved March 3, 1901, as amended, up to and including June 7, 1924;

H. R. 4217. An act to provide for the erection of a building to be used exclusively for the recorder of deeds;

H. R. 4536. An act to provide for the holding of an examination by the board of optometry of the District of Columbia for a license to practice optometry in the District of Columbia for Welton B. Hutton;

H. R. 4804. An act to amend section 11 of an act entitled "An act to establish standard weights and measures for the District of Columbia; to define the duties of the superintendent of weights, measures, and markets of the District of Columbia, and for other purposes", approved March 3, 1921; and

H. J. Res. 171. Joint resolution for the designation of certain streets or avenues in the Mall as Ohio, Missouri, Oklahoma, and Maine Avenues.

CHANGE OF REFERENCE

On motion by Mr. SHEPPARD, the Committee on Education and Labor was discharged from the further consideration of the bill (S. 1308) to aid business and economic research in connection with collegiate schools of business in the several State and Territorial universities, and it was referred to the Committee on Commerce.

AMENDMENT OF SOCIAL SECURITY ACT—AMENDMENTS

Mr. TYDINGS submitted amendments intended to be proposed by him to the bill (S. 1362) to amend the Social Security Act with respect to its application to employees of fraternal beneficiary societies, orders, and associations, which were referred to the Committee on Finance and ordered to be printed.

FEDERAL, STATE, AND LOCAL RESPONSIBILITY FOR EDUCATION—ADDRESS BY SENATOR LEE

[Mr. HARRISON asked and obtained leave to have printed in the RECORD a radio address on the subject Federal, State, and Local Responsibility for Education, delivered by Senator LEE on the evening of Mar. 8, 1937, which appears in the Appendix.]

THE LAWYER AND THE COMMUNITY—ADDRESS BY PRESIDENT WOODROW WILSON

[Mr. MCADOO asked and obtained leave to have printed in the RECORD an address entitled "The Lawyer and the Community", delivered by President Woodrow Wilson before the American Bar Association, Chattanooga, Tenn., Aug. 31, 1910, which appears in the Appendix.]

VICTORY DINNER—ADDRESS BY JOSEPH B. KEENAN

[Mr. PITTMAN asked and obtained leave to have printed in the RECORD an address entitled "Time, America, and Roosevelt March On", delivered by Joseph B. Keenan, assistant to the Attorney General, upon the occasion of the victory dinner at New Orleans, La., on Mar. 4, 1937, which appears in the Appendix.]

POSTMASTER GENERAL JAMES A. FARLEY

[Mr. HARRISON asked and obtained leave to have printed in the RECORD an editorial published on Feb. 18, 1937, in the Daily Clarion Ledger of Jackson, Miss., relative to Postmaster General James A. Farley, which appears in the Appendix.]

THE COURT, THE PEOPLE, AND THE PRESIDENT—ATLANTA JOURNAL EDITORIAL

[Mr. ROBINSON asked and obtained leave to have printed in the RECORD an editorial from the Atlanta (Ga.) Journal on Mar. 7, 1937, entitled "The Court, the People, and the President", which appears in the Appendix.]

REGULATION OF TRAFFIC IN FOOD, DRUGS, AND COSMETICS

The Senate resumed the consideration of the bill (S. 5) to prevent the adulteration, misbranding, and false advertisement of food, drugs, devices, and cosmetics in interstate, foreign, and other commerce subject to the jurisdiction of the United States, for the purposes of safeguarding the public health, preventing deceit upon the purchasing public, and for other purposes.

The VICE PRESIDENT. The Senate, by an order adopted yesterday, made the confidential committee print of the bill the copy to be used at the desk. So the Chair assumes the print referred to is on the desk of each Senator. If not, the Chair suggests that Senators obtain copies, because amendments offered to the original Senate bill probably would not apply to the bill pending.

Mr. COPELAND. Mr. President, I ask unanimous consent that the formal reading of the bill be dispensed with, and that it be read for amendment, the amendments of the committee to be first considered.

The VICE PRESIDENT. Is there objection to the request of the Senator from New York? The Chair hears none, and it is so ordered.

Mr. COPELAND obtained the floor.

APPLICATION OF MONEYS PAID FOR FOREIGN LOANS TO DEBTS OF DEBTOR NATIONS

Mr. LEWIS. Mr. President——

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Illinois?

Mr. COPELAND. I yield.

Mr. LEWIS. Mr. President, I accept the generosity of the Senator from New York to address the Senate, with its permission, for a few moments on the subject of debts due the United States by foreign governments. I do not rise to speak on the so-called food and drug bill as pending now before the Senate.

Mr. President, I assume to remind the Senate that a month past I was bold enough to say to this honorable body that there was a plan afoot on the part of certain debtors of the United States—meaning the debtors who are nations—among other things, to float an indebtedness in this country in the form of loans. Later the distinguished Senator from Michigan [Mr. VANDENBERG], the Senator from Idaho [Mr. BORAH], the Senator from California [Mr. JOHNSON] joined me on this floor from time to time in making clear corroborative information revealed in their different addresses delivered here on this subject.

I now wish to invite the attention of the Senate to the vindication of what I had said was afoot as well as the complete confirmation of my statement, by reports now appearing in the public press, verified by the conference at

which the Secretary of the Treasury, Mr. Morgenthau, very fully and accommodatingly disclosed facts to our distinguished leader on this side [Mr. ROBINSON] and Senators on the other side of the Chamber, sitting in conference. Members of the Senate have all seen this matter develop as it has been submitted to the Treasury and been contained in certain correspondence joined to forms of request for information and direction.

Mr. President, in connection with this subject I beg to say it is my intention at the proper time to carry out that which I shall now suggest to the Senate as being in my mind. Sirs, let us be fair to say that it is not France only that is now seeking to float her securities in different forms, most of covert adaptation. There are foreign nation debtors whose names are not mentioned, but whose agencies were prepared to carry on in the same form as intimated by France but who, not receiving encouragement from this Government, did not so boldly propose the system of which we have now read.

I now desire to say if any of these nations or their citizens have bought the bonds of the United States of America in the form of securities we have been selling to ourselves and to the world, these, of course, as a matter of national honor will be paid, and their interest properly paid to whomsoever shall hold the coupon; but I here say that if the nations who are in debt to us and who continuously repudiate the debt and decline any negotiations, either separately or combined, shall attempt to establish in this community an agency assuming to collect the money of Americans upon loans floated by those countries, I shall take such steps as are in my humble power to invite this honorable body to pass such measure as will require the Government to appropriate such money, the money paid by Americans for foreign loans floated by those lands in violation of the law and directly in opposition to the statute designated as the Johnson Act, and I will demand that such sums, paid by any American to any committee or any bank in behalf of loans forbidden by law, shall be applied as a credit to the debt owed by those governments.

These nations, our debtors, are in the position of violating the law in soliciting more loans. To the object and purpose I confess, I now notify the Senate that, to the extent of my capacity, I shall proceed on the same theory that has been applied against us in other lands, but particularly, sir, under the statutes of the United States, to ask that those moneys, which come in any form whatever, collected by the debtors under the form of a national loan, shall be promptly seized by legal process by the United States of America and the money itself applied to the debts those debtors owe to the United States.

It may be said that this seems rather severe, but I beg to invite my colleagues who have given their attention from time to time to literary subjects to note that the only observation that appears in the mouth of Hamlet touching affairs of government is the judgment expressed that—

> Diseases desperate grown
> By desperate appliance are relieved,
> Or not at all.

While it may be regretful that steps be taken such as I intend will be my effort to undertake, the regret is not parallel to the attempts on the part of any power our debtor to evade the laws of the United States and by some confederation or conspiracy do violence and injustice to citizens of the United States.

I have submitted the policy I have in mind. When circumstances justify I shall take steps before this body that will carry out by law my object.

Mr. President, I thank the Senate for giving me such considerate attention, and I thank the Senator from New York [Mr. COPELAND] for so graciously yielding to me.

REGULATION OF TRAFFIC IN FOOD, DRUGS, AND COSMETICS

The Senate resumed the consideration of the bill (S. 5) to prevent the adulteration, misbranding, and false advertisement of food, drugs, devices, and cosmetics in interstate, foreign, and other commerce subject to the jurisdiction of the United States, for the purposes of safeguarding the public health, preventing deceit upon the purchasing public, and for other purposes.

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). The question is on agreeing to the first committee amendment, which will be stated.

The first amendment of the Committee on Commerce was, in section 2, paragraph (f), under the title "Definition of terms", on page 3, in line 20, after the word "provided", to strike out "the" and insert "any"; in the same line, after the word "or", to strike out "failure of" and insert "failure, or the ordering thereof, by"; in line 21, after the word "officer", to strike out "employee or"; in line 22, after the word "agent", to strike out "acting" and insert "or employee"; in line 22, after the word "person", to insert "acting"; in line 23, after the word "his", to strike out "employment agency or" and insert "directorship"; in line 24, after the word "office", to insert "agency, or employment"; on page 4, line 1, after the word "officer", to insert "agent, or"; in the same line, after the word "employee", to strike out ", or agent who personally ordered or did any of the acts constituting, in whole or in part, such violation", so as to make the paragraph read:

(f) The term "person" includes individual, partnership, corporation, and association. Unless otherwise hereinafter provided, any act, omission, or failure, or the ordering thereof, by any director, officer, agent, or employee for or employed by any person, acting within the scope of his directorship, office, agency, or employment, shall in every case be deemed to be the act, omission, or failure of such person, as well as that of the director, officer, agent, or employee.

The amendment was agreed to.

The next amendment was, in section 2, paragraph (h), on page 4, line 8, after the word "drug", to strike out "for the purposes of this act"; in line 10, after the word "in", to strike out "the official United States Pharmacopœia, official Homoepathic Pharmacopœia of the United States, or official National Formulary, or any supplement to any of them", and insert "any official compendium", so as to make the paragraph read:

(h) The term "drug" includes (1) all substances and preparations recognized in any official compendium; and (2) all substances and preparations intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (3) all substances and preparations, other than food, intended to affect the structure or any function of the body.

The amendment was agreed to.

The next amendment was, in section 2, paragraph (i), on page 4, line 18, after the word "device", to strike out "for the purposes of this act", so as to make the paragraph read:

(i) The term "device" includes all devices intended (1) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; and (2) to affect the structure or any function of the body.

The amendment was agreed to.

The next amendment was, in section 2, paragraph (j), on page 5, line 1, after the word "soaps", to strike out the words "represented for cleansing purposes only" and insert the words "intended for no cosmetic uses other than those resulting from cleansing", so as to make the paragraph read:

(j) The term "cosmetic" includes all substances and preparations intended for cleansing, or altering the appearance of, or promoting the attractiveness of, the person, except that such term shall not include soaps intended for no cosmetic uses other than those resulting from cleansing.

The amendment was agreed to.

Mr. ASHURST. Mr. President, I rise to ask the able Senator in charge of the bill what, if any, reference the bill has to alcohol. It will be remembered that when Congress closed its session last June there had been a contest over an item which I thought interdicted or discriminated against alcohol distilled from sugar beets. I have not read the bill now before the Senate, but I shall be content with the answer made by the able Senator from New York and the assurance he may give as to whether or not the bill does interdict or discriminate against the alcohol made from sugar beets.

Mr. COPELAND. Mr. President, the Senator will recall that the matter in question was inserted in the House. The last day of the last session, when the bill came to the Senate,

that language was defeated by the Senate on the motion of the Senator from Arizona [Mr. ASHURST]. That matter does not appear in the bill now before us.

Mr. ASHURST. The word of the able Senator from New York is all I need or should need. I thank him.

The PRESIDING OFFICER. The next amendment will be stated.

The next amendment of the Committee on Commerce was, in section 2, paragraph (o), on page 6, line 2, after the word "representations", to strike out "of fact or opinion", so as to make the paragraph read:

(o) The term "advertisement" means all representations disseminated in any manner or by any means, other than by the labeling, for the purpose of inducing, directly or indirectly, the purchase of food, drugs, devices, or cosmetics.

The amendment was agreed to.

The next amendment was, in chapter III, "Prohibited acts and penalties", on page 6, after line 7, to insert a subhead "Prohibited acts."

The amendment was agreed to.

The PRESIDING OFFICER. Changes from numerals to letters in the designation of the subparagraphs will be made by the clerks, if there be no objection. The Chair hears no objection, and that will be done. The next amendment will be stated.

The next amendment of the Committee on Commerce was, in section 3, paragraph (d) (1), on page 6, line 21, after the word "commerce", to strike out "by radio broadcast or otherwise, or by any other means", and insert in lieu thereof "in any manner or by any means, including radio broadcast"; on page 7, in line 2, after the word "subdivision", strike out the numeral "5" and insert "(e)"; in line 3, after the word "medical", to insert "dental, and pharmaceutical"; in line 3, after the word "pharmaceutical", to strike out "profession" and insert "professions"; and in line 5, to strike out "that profession" and insert "those professions", so as to make the paragraph read:

(d) (1) The dissemination, by United States mails, or in interstate commerce in any manner or by any means, including radio broadcast, of any advertisement which represents any drug, or device to have any therapeutic effect in the treatment of Bright's disease, cancer, tuberculosis, poliomyelitis (infantile paralysis), venereal diseases, or heart or vascular diseases, unless such advertisement, not in violation of subdivision (e) of this section, is disseminated only to members of the medical, dental, and pharmaceutical professions and/or appears only in the scientific periodicals of those professions.

The amendment was agreed to.

The next amendment was, on page 7, in section 3, paragraph (d) (2), after line 5, to insert a new paragraph, as follows:

(2) The dissemination, in any manner or by any means, for the purpose of directly or indirectly inducing interstate commerce in any drug or device, of any advertisement which represents such drug or device to have any therapeutic effect in the treatment of Bright's disease, cancer, tuberculosis, poliomyelitis (infantile paralysis), venereal diseases, or heart or vascular diseases, unless such advertisement, not in violation of subdivision (e) of this section, is disseminated only to members of the medical, dental, and pharmaceutical professions or appears only in the scientific periodicals of those professions.

The amendment was agreed to.

The next amendment was, in section 3, paragraph (e) (1), on page 7, line 18, after the word "commerce", to strike out "by radio broadcast, or otherwise" and insert "in any manner, or by any means, including radio broadcast"; in line 20, after the word "any", to strike out "statement, design, or device" and insert "representation"; in line 23, after the word "therein", to insert "or the identity, strength, quality, purity, quantity, origin, source, harmlessness, or safety thereof"; in line 25, after the word "preventive", to insert "diagnostic"; and on page 8, line 1, after the word "the", to insert "safety or efficacy of the", so as to make the paragraph read:

(e) (1) The dissemination, by United States mails, or in interstate commerce in any manner, or by any means, including radio broadcast, of any advertisement which contains any representation regarding any food, drug, device, or cosmetic, or the ingredients thereof, or the substances therein, or the identity, strength, quality, purity, quantity, origin, source, harmlessness, or safety thereof, or the nutritional, dietary, curative, therapeutic, preventive, diagnostic, or beneficial effects thereof, or the safety or efficacy of the dosage, frequency, or duration of use pertaining thereto, which is false or misleading in any particular.

The amendment was agreed to.

Mr. ROBINSON. Mr. President, I should like to have the Senator from New York explain what is the purpose of the amendment, and its effect.

Mr. COPELAND. The purpose of this amendment is to control the advertising by any means, including radio broadcasting, of statements which are misrepresentations of fact as regards the curative or other alleged merits of a product. This is almost the same language as that of last year's bill and is in effect exactly what we did at that time.

Mr. ROBINSON. I note that apparently the language permits the dissemination of the information to members of the medical, dental, and pharmaceutical professions, but denies it to the general public. What is the reason for that distinction?

Mr. COPELAND. There are a great many experiments being made in medicine as to which there is a hope on the part of scientific investigators that some measure may be useful in the treatment of a disease now regarded, perhaps, as incurable. While we are quite unwilling to have hopes raised in the hearts of the general public, we should not wish to prevent the scientific development of the profession, or the attainment of any knowledge which might be had from printing the results of such experiments and expressing hopes in scientific journals.

I call the attention of the Senator from Arkansas—we discussed this matter privately one day—to the fact that on line 3, between "any" and "particular", at the end of the line, there had been inserted the word "material." Wherever that word had been inserted in the bill it has now been omitted.

Mr. ROBINSON. Very well, Mr. President. I myself did not regard the insertion of the word "material" as of very great importance. I do not think it changed the legal construction of the provision; but some authorities in the Department did think so. The word may be very well stricken out in view of the interpretation which has been given the language.

Mr. COPELAND. I thank the Senator.

The PRESIDING OFFICER. The clerk will state the next amendment of the committee.

The next amendment was, in section 3, paragraph (e) (2), on page 8, line 4, after the word "dissemination", to insert "in any manner or"; in line 5, after the words "purpose of", to strike out "inducing"; in the same line, after the word "indirectly", to strike out "the purchase of" and insert "inducing interstate commerce in"; in line 7, after the word "cosmetic", to strike out "in interstate commerce"; in line 8, after the word "contains", to strike out "any statement, design, or device" and insert "any representation"; in line 10, after the word "therein", to insert "or the identity, strength, quality, purity, quantity, origin, source, harmlessness, or safety thereof"; in line 13, after the word "preventive", to insert "diagnostic"; and in line 14, after the word "the", to insert "safety or efficacy of the", so as to read:

(2) The dissemination in any manner or by any means, for the purpose of directly or indirectly inducing interstate commerce in any food, drug, device, or cosmetic, of an advertisement which contains any representation regarding such food, drug, device, or cosmetic, or the ingredients thereof, or the substances therein, or the identity, strength, quality, purity, quantity, origin, source, harmlessness, or safety thereof, or the nutritional, dietary, curative, therapeutic, preventive, diagnostic, or beneficial effects thereof, or the safety or efficacy of the dosage, frequency, or duration of use pertaining thereto, which is false or misleading in any particular.

The amendment was agreed to.

Mr. COPELAND. Mr. President, I make the same comment here regarding the omission of the word "material" in line 16.

The PRESIDING OFFICER. The clerk will state the next amendment of the committee.

The next amendment was, in the same section and paragraph, on page 8, line 16, after the word "particular", to insert:

Any representation concerning the effect of a drug or device shall be deemed to be false and misleading under subdivision (1) and (2) of this paragraph if such representation is not supported by persons who, by reason of scientific training and experience, are qualified as experts on the subject to which such representation relates.

Mr. ROBINSON. Mr. President, that seems to be an important amendment, and I should like to understand it a little better before it is disposed of. It occurs to me that there might be cases in which this language would raise difficulties that could be avoided. This amendment requires that representations concerning the effect of a drug or device shall be deemed false, and so forth, unless supported by persons who have scientific knowledge. Just what is the intent of the committee in incorporating the amendment?

Mr. COPELAND. Mr. President, let me say, first, that the language here is exactly the same, in effect, as the language in our bill last year. A great many persons who are entirely sincere, but perhaps not very well informed as regards the human body and what should be put into it, have recommended certain products as cures for tuberculosis or Bright's disease or some other disease which is usually considered to be incurable. These persons have been upset because they have not been permitted by the Department to market their wares. So this matter was the subject of much discussion in the hearings during the past 2 or 3 years and on the floor of the Senate last year.

There can be no question that any therapeutic device or measure which has a scientific foundation or a reasonable chance of being helpful in the cure of disease ought to be encouraged. But surely it ought not to be left to a layman, or to some person not fully informed regarding these matters, to say, "This product will cure consumption", because a man who took it 5 years ago is alive today. So after considering all the possibilities of the matter, to make sure that no really worth-while remedy should be prohibited from sale, it was thought by all those who have studied the matter, both in the House and in the Senate, and as a result of the representations made to us by witnesses, that if the claim could be supported by proper scientific testimony there could be no objection to the sale of the product.

There has been a question as to what is meant by the language—

By persons who, by reason of scientific training and experience, are qualified as experts on the subject to which such representation relates.

It might be a matter which relates to some germ, making it a bacteriological problem. Then witnesses in that field of science could be called. It might be with reference to some device—and I speak of that now deliberately because the osteopaths feared that perhaps they would be interfered with in this respect. I should say that under this language they would be competent witnesses to testify as to the scientific value of the device.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. COPELAND. Yes.

Mr. ROBINSON. The thought occurs to me, upon considering for the first time the language of the amendment, that if a representation should be made as to the effect of any drug or device, and the party making the representation should fail to support it with a statement from some person who, by reason of scientific training, was qualified as an expert, the one making the representation would be in danger of prosecution even though his representation were entirely true. It is conceivable that might happen.

Suppose, for instance, that someone sought to promote the sale of a commodity for a certain purpose, and that actually the commodity was helpful and the representation made concerning it was true, but that no support accompanied the representation from a scientific source or from an expert: Would that subject the party making the representation to danger of prosecution?

Mr. GEORGE. Mr. President, before the Senator from New York answers, I desire to say, with his permisison, that the same question had arisen in my mind, but upon reading the whole amendment it will be seen that it does not raise a conclusive presumption. It seems more like a prima-facie case. The language is—

Shall be deemed to be false and misleading.

Mr. ROBINSON. If the Senator will permit me, I, too, had that thought.

Mr. GEORGE. It is difficult to see how that could be conclusively deemed. If it were, then, of course, the objection raised by the Senator from Arkansas would be good.

Mr. ROBINSON. If the authorities in the Department charged with the enforcement of the act should proceed with a prosecution when the representation actually made was really true, the question probably would be raised as to whether this conclusion or presumption was intended to be prima facie or conclusive. Of course, if it were conclusive, the courts probably would hold that it would not be binding, because Congress could not raise a conclusive presumption in that manner; but the thought I have in mind is that it would be well enough for us to understand just what is the intent of the committee.

Mr. COPELAND. It is provided in another part of the bill—I do not place my finger on it at the moment—that in case such a person as the Senator mentions is aggrieved, he has a right to apply for an injunction to restrain the Department from the application of this particular feature of the bill; and in the trial and determination of that question in the courts the facts would be substantiated. So I think there is ample means of relief.

I desire to impress upon Senators that there is no question that one of the reasons why we have in existence now a law like this, and one of the reasons why we want to make it more comprehensive, is that there are products upon the market under false and misleading representations. For example, some man developed a mange remedy, and it did not go very well as a mange remedy, so he decided to sell it as a cure for tuberculosis. [Laughter.] I am not giving a hypothetical case; this really has happened.

Mr. ROBINSON. On the theory that what is not good for the dog might be good for the man? [Laughter.]

Mr. COPELAND. That is it exactly. It might be that that mange remedy would be good in the treatment of tuberculosis; but the Senator would not desire to take it until someone of scientific attainment had examined into the fact to see whether or not it really was a remedy. It is to deal with such cases that this language is employed.

Mr. ROBINSON. The committee gave prolonged study to the matter and thought it out carefully?

Mr. COPELAND. Yes. I may say that this matter was first raised in the consideration of the so-called Tugwell bill, and the then Senator from Rhode Island, Mr. Hebert, was a very active member of the subcommittee. We spent practically a whole day with the witnesses in discussing this matter, and finally reached the conclusion that the provision before us was the best solution; and such a provision has been carried through the various bills since. So far as I know, there has been and is no opposition.

Mr. ROBINSON. What I was wondering was whether it would raise practical difficulty in the enforcement of the law. I am as anxious as the Senator from New York or anyone else can be to have on the statute books an effective pure food and drugs act, one which will protect the public against the shams and frauds which are so often perpetrated, particularly in connection with certain well-known diseases. If the committee gave the thought and attention to the question that is indicated by the Senator's statement, I am satisfied.

Mr. COPELAND. And the Department itself believes that this is a necessary strengthening of the present law.

Mr. ROBINSON. Very well.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. SCHWELLENBACH. I was very much interested in the statement of the Senator to the effect that the language on lines 20 and 21, page 8, would not deprive certain indi-

viduals who view themselves as experts by reason of scientific training and experience of the opportunity of supporting the representations. I do not see in the proposed language any wording that would protect them. In other words, suppose we have a department which thinks that in order to be an expert and qualify as an expert a person must be a member of the medical profession. I say that with all due respect to the medical profession. What is there in this language which would permit an osteopath to testify and to support a representation?

Mr. COPELAND. Mr. President, in reply to the Senator, in one of the prints of the bill we attempted to enumerate all those who might be considered experts—medical men, chemical experts, bacteriologists, and so forth. Let me say to the Senator, so that the RECORD will show it, and he can have the information for the benefit of his constituents—and there are some in my State who are interested in this matter—in any State where osteopathy is recognized, as it is in my State, and as it is in the District of Columbia, a man belonging to that profession, taking osteopathy merely as an example, a man who has had the benefit of a professional education and has received his degree, as the osteopath has, would be included among those "of scientific training", when the matter is in his field.

Mr. SCHWELLENBACH. It is the opinion of the Senator that the question as to whether or not a man would be recognized as an expert would depend upon the law of the State in which he was practicing?

Mr. COPELAND. That is correct.

The PRESIDING OFFICER. The question is on agreeing to the amendment on page 8, line 16.

The amendment was agreed to.

The PRESIDING OFFICER. The clerk will state the next amendment of the committee.

The next amendment of the committee was, in section 4, on page 9, line 18, before the word "district", to strike out "several"; on line 19, after the word "hereby", to strike out "given" and to insert in lieu thereof "vested with"; on line 20, after the word "injunction" and the comma, to insert "upon due notice"; on line 21, after the words "permanent, any", to strike out "violation of" and to insert "person from violating"; on line 22, after the word "subdivisions", to strike out "1 to 10" and to insert in lieu thereof "(a) to (j)"; on line 23, to strike out "In such injunction proceedings discontinuance" and to insert in lieu thereof "Discontinuance"; on page 10, line 1, after the word "injunction", to insert a comma and the words "if the court shall find that repetition of the offense is likely to occur"; on page 10, after line 2, to strike out subdivision (b), as follows:

(b) Any injunction granted pursuant to this section may be served on the person, or persons, against whom such injunction is granted anywhere in the United States, or in the Territories thereof, where he, or they, may be found, and shall be operative, and may be enforced by proceedings to punish for contempt, or otherwise, by the court by which such injunction was granted, or by any other district court, or judge thereof, in the United States, or in the Territories thereof. The said courts, or judges thereof, shall have jurisdiction to enforce said injunction, as herein provided, as fully as if the injunction had been granted by the district court in which it is sought to be enforced. The clerk of the court or judge granting the injunction shall, when required to do so by the court before which application to enforce said injunction is made, transfer without delay to said court a certified copy of all the papers on which the said injunction was granted that are on file in his office. Such proceedings to punish for contempt, or otherwise, may be instituted by order of the court or by the filing of an information by the United States attorney; and process of the court for the arrest of the violator of any injunction, or order, granted hereunder, may be served at any place in the United States, or in the Territories thereof.

And to insert in lieu thereof the following:

(b) Any injunction issued pursuant to this section shall be operative throughout the United States and the Territories and may be served on the person enjoined at any place in the United States or any Territory where such person may be found. Any person who violates such injunction may be punished for contempt in the court of his residence or where such person may be found. The clerk of the court which issued the injunction shall, when so required by any other court before which application to enforce the injunction is made, transfer without delay to such other court a certified copy of the decree of injunction. Contempt proceedings may be instituted by order of the court or by the filing of an information by the United States attorney; and such order or information, and the process of the court for the arrest of the violator, may be served at any place in the United States or the Territories.

So as to make the section read:

INJUNCTION

SEC. 4. (a) The several district courts of the United States are hereby vested with jurisdiction to prevent or restrain by injunction, upon due notice, temporary or permanent, any person from violating any of the provisions of subdivisions (a) to (j), inclusive, of section 3. Discontinuance of the violation shall not be grounds for denial of injunction, if the court shall find that repetition of the offense is likely to occur.

(b) Any injunction issued pursuant to this section shall be operative throughout the United States and the Territories and may be served on the person enjoined at any place in the United States or any Territory where such person may be found. Any person who violates such injunction may be punished for contempt in the court of his residence or where such person may be found. The clerk of the court which issued the injunction shall, when so required by any other court before which application to enforce the injunction is made, transfer without delay to such other court a certified copy of the decree of injunction. Contempt proceedings may be instituted by order of the court or by the filing of an information by the United States attorney; and such order or information, and the process of the court for the arrest of the violator, may be served at any place in the United States or the Territories.

The amendments were agreed to.

The next amendment of the committee was, in section 5, paragraph (a), on page 11, line 24, after the word "subdivisions", to strike out "(1), (2), (3), (4), (6), (7), or (8)" and to insert in lieu thereof "(a), (b), (c), (d), (f), (g), or (h)", so as to make the subdivision read:

CRIMINAL

SEC. 5. (a) Any person who violates any of the provisions of subdivisions (a), (b), (c), (d), (f), (g), or (h) of section 3 shall be guilty of a misdemeanor and shall on conviction thereof be subject to imprisonment for not more than 1 year or a fine of not more than $1,000, or both such imprisonment and fine; and for a second or subsequent offense imprisonment for not more than 2 years, or a fine of not more than $5,000, or both such imprisonment and fine.

The amendment was agreed to.

Mr. ROBINSON. Mr. President, I call the attention of the Senator from New York to subsection (c), on page 11, which reads:

No person shall be deemed to have violated an injunction, issued pursuant to this section, by reason of the dissemination, subsequent to such injunction, of an advertisement which was the basis of the injunction, if such dissemination was beyond the control of such person.

What does that mean in practice?

Mr. COPELAND. Let us take a great magazine such as the Saturday Evening Post, for example: The advertising is prepared for a number of weeks in advance. Such a publication could not be proceeded against by reason of the fact that an injunction had been served at a time previous to the last publication of the magazine in which the advertisement appeared. Do I make clear what I mean?

Mr. ROBINSON. No; because I cannot for the life of me see why the Saturday Evening Post or any other publication should be encouraged to continue the publication of an advertisement which had been enjoined. Why should not the magazine be bound, as well as the party who places the advertisement?

Mr. COPELAND. Let me say, if I may, that the product being advertised would have been prohibited from the market; therefore, so far as the public is concerned, the public would be protected, because it could not get the medicine. But many of the great magazines and other publications prepare their advertising copy weeks in advance. I just happened to think of the Saturday Evening Post; I do not know that they have expressed any interest in the matter. They send out their material weeks in advance, so that there is a release all over this country on a given day. An injunction may have issued several days or perhaps a week or so before the magazine is actually given to the public in some remote section of the country.

We had long discussion of this matter in the committee. It will be noted that no amendment was offered to the provision, because the matter had been given the most thorough

consideration by all the subcommittees and in all of the previous hearings. The language now before the Senate has been carried through several prints, including that of last year.

Mr. BARKLEY. Mr. President, will the Senator from New York yield to me?

Mr. COPELAND. I yield.

Mr. BARKLEY. Taken in connection with the amendment just above, in subdivision (b), which provides that "Any injunction issued pursuant to this section shall be operative throughout the United States and the Territories", the provision to which the Senator from Arkansas has called attention probably creates a conflict. Subdivision (c) provides that—

No person shall be deemed to have violated an injunction, issued pursuant to this section, by reason of the dissemination, subsequent to such injunction, of an advertisement which was the basis of the injunction, if such dissemination was beyond the control of such person.

It is not difficult for a magazine such as the Saturday Evening Post, or Colliers, or any other magazine to "kill" an advertisement within almost 30 minutes prior to the printing of the magazine. The dissemination of false advertisements which may have been the basis of an injunction in some remote part of the country is not really the question here. The question is whether the magazine or the periodical or newspaper after the issuance of the injunction should be allowed to go ahead and publish the matter simply because the man who has paid for the advertisement may say he has no further control over it. He ought to be made to have control over it, and the magazine itself ought to be made responsible. There is no time limit provided here. Months after the injunction the magazine might print the advertisement on the theory that the real perpetrator has no control over the article.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Idaho?

Mr. COPELAND. I yield.

Mr. BORAH. My attention was distracted when action was taken on section 4. I wish to call attention to the fact that we are here giving almost blanket authority for injunction, and all over the United States. Section 4 provides:

The several district courts of the United States are hereby vested with jurisdiction to prevent or restrain by injunction, upon due notice, temporary or permanent, any person from violating any of the provisions of subdivisions (a) to (j), inclusive, of section 3.

That covers all the transactions that are found on pages 6, 7, 8, and 9, down to the injunctional clause. Then the language in section 4 continues:

Discontinuance of the violation shall not be grounds for denial of injunction, if the court shall find that repetition of the offense is likely to occur.

Now, read that in connection with paragraph (b) on page 11:

(b) Any injunction issued pursuant to this section shall be operative throughout the United States and the Territories and may be served on the person enjoined at any place in the United States or any Territory where such person may be found. Any person who violates such injunction may be punished for contempt in the court of his residence or where such person may be found. The clerk of the court which issued the injunction shall, when so required by any other court before which application to enforce the injunction is made, transfer without delay to such other court a certified copy of the decree of injunction. Contempt proceedings may be instituted by order of the court or by the filing of an information by the United States attorney; and such order or information, and the process of the court for the arrest of the violator, may be served at any place in the United States or the Territories.

Mr. President, through the injunctive process the court would now control the execution of this measure throughout the United States in all particulars. It is a broad authority. The court is given power to say whether any of these violations have taken place, and the court is given power to issue injunctions, and then power is given to extend the court injunction throughout the United States, and the entire matter is under the injunctive process of the court. I presume that is the purpose of the committee, but it seems to me highly objectionable.

Has this matter been passed upon by the Department of Justice?

Mr. COPELAND. I am not sure about the Department of Justice, but it was very thoroughly studied by the lawyers on our committee, including the Senator from North Carolina [Mr. BAILEY] and the Senator from Missouri [Mr. CLARK]. I remember an expression made by the Senator from Arkansas [Mrs. CARAWAY]. She said:

I am just as much entitled to protection against lethal drugs in Arkansas as you are in New York.

I recall very well that comment being made at the time of the hearing on the bill. This language was prepared by the Department of Agriculture, and I assume it was after consultation with the Department of Justice. I cannot speak by the card in that matter.

Mr. BORAH. All these matters in connection with which the injunctive process operates are subject to criminal prosecution in case of violation under the law.

Mr. COPELAND. Yes.

Mr. BORAH. Then we are giving the court injunctive power to prevent crime throughout the United States under this proposed law.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. ROBINSON. Does not the Senator from Idaho think that very broad restraining power is necessary and will be necessary in many cases? Take, for instance, the case where poison or some other dangerous drug is being distributed throughout the United States as a wholesome medicine; take the case of any poison—and there are many that have been sold in commerce. The criminal prosecution in a remote district court would probably occasion a fine; but before the case would be tried there might be hundreds, even thousands, of persons poisoned or otherwise injured.

I am told by the Senator from New York that a product known as "ginger jake" is a good example of the case that I am attempting to state. The promoters of that business or of any such business as I have described—those who sell narcotics, opium, or other deleterious drugs—are not scrupulous. They are in the business to make money. They pay a small fine or some agent goes to jail for a few days in a remote district, and all through the United States elsewhere they carry on their business. If the injunction applies only to one limited area, the effectiveness of the measure is destroyed.

Mr. BORAH. Mr. President, I appreciate the strength of the Senator's argument, but here we have a great number of things provided for from paragraph (a) to paragraph (j) which are not connected with selling opium, and so forth, and those things are all punishable by fine and imprisonment. To spread the injunctive power over the entire field covered by these different subdivisions and then to make it coextensive with the United States seems to me a greater power than we ought to give to the injunctive side of the court. We criticize the court for abusing the injunction process and still are imposing the duty on the court in a most startling way.

Mr. COPELAND. Mr. President, of course it is absurd for me, a layman, to attempt to discuss the legal language or the legal aspects of this problem, but I wish to take a page out of my own experience. It may be recalled that for a long time I was president of the board of health of the city of New York. There was shipped into our city some olives, olives which were the very large, expensive type, put up in expensive glass jars. It developed that those particular olives were contaminated with the germ of botulism, and within a day or two in my city 23 persons were killed by eating those olives. I seized them, as I could under the power of the charter of our city and the law of the State. I seized them wherever I could find them. Now, suppose that brand had been distributed throughout the country. There ought to be some immediate way to stop its sale and dis-

tribution at once, no matter where, no matter how remote might be the place where that particular article was on sale.

I regard the bill before us as a health measure.

I do not think we can regard this proposed law in quite the same way that we do other things in connection with which the health and life problems do not enter in any way, but where the loss may be an economic one. We are dealing here with something to protect the men, women, and children of our country, and I want to see the law made just as rigid and as far-reaching as possible. I want it to go, as the Senator from Arkansas [Mrs. CARAWAY] said, to her State and to every other section of our country.

I am not competent to say whether this is good legal language or not. That is out of my field. But the legal lights on our committee and the legal experts of the Department studied this question; this is what they brought to us, and after a study and modification, and the change of a word here and there, bringing out in the discussion exactly the point raised by the Senator from Idaho. I remember that the Senator from North Carolina [Mr. BAILEY] said that this is more far reaching than anything he had ever heard of in this connection. But after he had heard all the argument he thought it was wise that it should be included in the bill in the language here presented.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. MINTON. I should like to ask a question of the Senator from Idaho [Mr. BORAH]. How would an injunction be procured in the first place unless service were had upon some defendant? What good would there be in obtaining an injunction which could be served on a defendant wherever he could be found, if he could not be found in the first place, so as to get jurisdiction of his person?

Mr. BORAH. Mr. President, I do not know. I am thinking of him after he is found. I have known of innocent men being wrongly charged with crime.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. BARKLEY. The language of the amendment on page 11, which was agreed to, provides:

> Any injunction issued pursuant to this section shall be operative throughout the United States.

Of course, I presume that means, shall be operative on the injunctee throughout the United States wherever he may be found, but it could not be said to be operative on everybody who was not a party to the action throughout the United States.

That is important in connection with the language to which the Senator from Arkansas has called attention. An injunction might be obtained against some defendant to prevent the issue of an advertisement or the misbranding of an article intended for interstate commerce or the placing of the article in interstate commerce, and the injunction might stop him anywhere in the United States, but shelves all over the country might be filled with the very article. How are the owners of those shelves to be prevented from going ahead and continuing the sale and distribution of the article if the injunction does not apply to the numerous persons to which the article may have been distributed, who are not parties to the action and who might be beyond the control of the person against whom the injunction is granted?

Mr. BORAH. I am thinking of the many things covered by the bill in section 3, from paragraph (a) to paragraph (j), on pages 7, 8, and 9, which do not partake of the nature of criminal actions in the sense that we have been discussing them here. There are some opportunities for mistake as to whether a person has acted in bad faith with reference to advertisements, and so forth. There are some things such as selling narcotics, and so forth, which, I suppose, we should cover in any way we can, but the injunction power, as granted here, covers all the provisions of the bill.

Mr. AUSTIN. Mr. President, will the Senator from New York yield for a question?

Mr. COPELAND. I yield.

Mr. AUSTIN. Is it not the understanding of the Senator from New York that this remedy is an equitable one and can be brought against a specified defendant and all other persons similarly situated, so that the scope of the injunction may be such as to afford a basis for contempt proceedings anywhere in the United States and be good against any person falling within the proscribed class of defendants?

Mr. COPELAND. Yes.

Mr. BORAH. John Doe or Richard Roe.

Mr. AUSTIN. Exactly.

The PRESIDING OFFICER. The next committee amendment will be stated.

The next amendment of the Committee on Commerce was, in section 6, paragraph (a), on page 14, line 8, after letter "a", to strike out "criminal injunction" and to insert "criminal, injunction,", so as to read:

> SEC. 6. (a) Any article of food, drug, device, or cosmetic that is adulterated or misbranded when introduced into or while in interstate commerce, or which may not, under the provisions of section 13, be introduced into interstate commerce, shall be liable to be proceeded against while in interstate commerce, or at any time thereafter, on libel of information and condemned in any district court of the United States within the jurisdiction of which the article is found: *Provided, however,* That no libel for condemnation shall be instituted under this act, for any alleged misbranding if there is pending in any court a libel for condemnation proceeding under this act based upon the same alleged misbranding, and not more than one such proceeding shall be instituted if no such proceeding is so pending, except that such limitations shall not apply (1) when such misbranding has been the basis of a prior judgment in favor of the United States, in a criminal, injunction, or libel for condemnation proceeding under this act.

The amendment was agreed to.

The next amendment was, in section 6, paragraph (a), page 14, line 12, after the word "it", to insert "actually", so as to read:

> or (2) when the Secretary has probable cause to believe from facts found by him that such misbranding of the article renders it actually dangerous to health or is, in a material respect, false.

Mr. COPELAND. Mr. President, I call attention to the fact that here is another one of the changes about which I spoke to the Senator from Arkansas. The words originally were "eminently dangerous" and they have been changed to read "actually dangerous."

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The PRESIDING OFFICER. The next committee amendment will be stated.

The CHIEF CLERK. In section 6, paragraph (a), on page 14, line 13, after the word "false", it is proposed to strike out:

> fraudulent; and in any case where the number of libel for condemnation proceedings is limited as above provided the proceeding pending or instituted shall, on application of the claimant, seasonably made, be removed for trial to any district of reasonable proximity to the district of the claimant's principal place of business which may be agreed upon by stipulation between the parties to the proceeding

And insert:

> and fraudulent, or is labeled or advertised as a cure or remedy for cancer, tuberculosis, Bright's disease, poliomyelitis, venereal diseases, or heart or vascular diseases.

In the portion to be inserted as stated, Mr. COPELAND proposes to strike out the words "a cure or remedy for" and insert "having any therapeutic effect in the treatment of."

Mr. COPELAND. Mr. President, just a moment. I did not give the clerk quite the correct language. I propose to strike out, on line 20, the words "or is labeled or advertised", and, in line 21, to strike out the words "a cure or remedy" and insert, after the word "as", the words "having any therapeutic effect in the treatment of."

The reason for that is to make it read in exactly the same language as is used on page 6 and page 7, so that it will read:

False and fraudulent, as having any therapeutic effect in the treatment of cancer—

And so forth.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York to the committee amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The PRESIDING OFFICER. The next amendment will be stated.

The next amendment was, in section 6, paragraph (b), page 15, beginning in line 3, to strike out:

In cases of articles of food, drugs, devices, or cosmetics seized under the provisions of this section when the same issues of adulteration or misbranding under the provisions of this act, raised by the same claimant, are pending in various jurisdictions, the United States district court for any district where one of such seizures is pending, or for any district of reasonable proximity to the district of the claimant's principal place of business, which may be agreed upon by stipulation between the parties to the proceeding, is hereby vested with jurisdiction to consolidate and try such cases; and on application of the claimant, seasonably made, such cases may be tried in any such jurisdiction.

And insert:

The United States district court for any district of reasonable proximity to the district of the claimant's principal place of business is hereby vested with jurisdiction to try such cases. Such district may be determined by stipulation between the United States attorney and the claimant, or, in the event the United States attorney refuses to stipulate or the parties cannot agree, the claimant may apply to the judge of the district court in which the seizure has been made and the judge of said court shall by order specify the district of reasonable proximity to the claimant's principal place of business to which the case shall be removed for trial. On the filing of the stipulation, or order, by either party thereto in the court within the jurisdiction wherein the seizures were made, the clerk of such court shall transfer immediately to the court stipulated, or ordered, a certified copy of the stipulation, or order, and all papers and records relating to such cases, including itemized statements of all accrued court costs and fees; and such cases shall thereupon be tried in the court stipulated, or ordered. The United States marshal for the district wherein the seizure were made shall hold the articles under seizure and shall execute the orders and decrees of the court stipulated, or ordered.

Mr. BORAH. Mr. President, this amendment provides that—

The United States district court for any district of reasonable proximity to the district of the claimant's principal place of business is hereby vested with jurisdiction to try such cases.

I presume that would permit the court to send a case practically anywhere the court thought proper?

Mr. COPELAND. Mr. President, the purpose of this provision—and I wish the RECORD so to show—is to prevent, as we wish to prevent, the imposition of any undue burden upon the person involved in the procedure. We had in mind, in a sense, a "jury of the vicinage", as the lawyers call it.

Mr. BORAH. That is correct.

Mr. COPELAND. The idea is that, so far as possible, the procedure should be in the court nearest the chief place of business of the person involved in the procedure.

Mr. BORAH. That was the idea, and that was the correct idea; but the language is within "reasonable proximity to the district of the claimant's principal place of business."

Under the provision a person arrested in Idaho could be sent over into the State of Washington and there tried, or a person arrested in Washington could be sent into the State of Oregon for trial. There should be, it seems to me, a more definite provision as to the place of trial.

Mr. COPELAND. Will the Senator suggest an amendment?

Mr. BORAH. If the Senator from New York will allow the amendment to be passed over for a moment, I will be glad to do so.

The PRESIDING OFFICER. The Chair will take the liberty af asking the Senator from New York if the word "seizure", on page 16, at the end of line 8, should not be "seizures"?

Mr. COPELAND. Yes; I think the word should be in the plural; and I ask that it be so amended, and then that the amended section go over.

The PRESIDING OFFICER. The question is on agreeing to the amendment striking out "seizure" and inserting "seizures."

The amendment was agreed to.

The PRESIDING OFFICER. The amendment, as perfected, will be passed over, and the next amendment will be stated.

The next amendment was, in section 6, paragraph (c), page 16, line 15, after the word "article", to strike out "seized" and insert "seized, and as regards fresh apples and fresh pears, a true copy of the analysis on which the proceeding is based", so as to make the section read:

The court at any time after seizure up to a reasonable time before trial shall by order allow any party to a condemnation proceeding, his attorney or agent, to obtain a representative sample of the article seized, and as regards fresh apples and fresh pears, a true copy of the analysis on which the proceeding is based.

Mr. COPELAND. Mr. President, in connection with this amendment, permit me to say a word. Mr. Fraser, who is a great apple expert in my section of the country, and who represents the International Apple Association, wants to be sure that the "true copy" is properly identified and that there is some identifying mark. I wish to say that that will be the practice of the Department, I am sure. Of course, the "true copy" will be identified in some manner as actually the "true copy."

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The next amendment was, in section 7, page 18, line 1, after the word "hearing", to strike out "the Secretary decides to make such report, then the" and insert "it appears that any of the provisions of this act have been violated by such person, then the Secretary shall at once certify the facts to the proper United States attorney", so as to make the section read:

SEC. 7. Before reporting any violation of this act to any United States attorney for institution of criminal proceedings, the Secretary shall, in accordance with regulations prescribed by him, afford appropriate notice and opportunity for hearing to the person against whom the proceedings are contemplated. If after such hearing it appears that any of the provisions of this act have been violated by such person, then the Secretary shall at once certify the facts to the proper United States attorney. The report shall be accompanied by findings of the appropriate officers and employees, duly authenticated under their oaths.

The amendment was agreed to.

The next amendment was, in section 8, page 18, line 9, at the beginning of the section, to strike out "Nothing" and insert "Notwithstanding the provisions of section 7, nothing", so as to make the section read:

SEC. 8. Notwithstanding the provisions of section 7, nothing in this act shall be construed as requiring the Secretary to report for prosecution, or for the institution of libel or injunction proceedings, minor violations of this act whenever he believes that the purposes of the act can be accomplished by a suitable written notice or warning.

The amendment was agreed to.

The next amendment was, in section 9, line 18, after the word "of", to strike out "sections 6 and 7" and insert the words "this act"; in line 20, after the word "proceedings", to strike out "under this act"; in line 21, after the word "Territory", to strike out "or political subdivision thereof"; in line 23, after the word "and", to insert "in the case of criminal proceedings"; and on page 19, line 4, after the numerals "30", to strike out "and under subdivision (10) of section 3", so as to make the section read:

SEC. 9. It shall be the duty of each United States attorney to whom the Secretary, consistently with the provisions of this act, reports any violation for institution of criminal, libel of information for condemnation, or other proceedings, or to whom any health, food, or drug officer of any State or Territory, presents evidence satisfactory to the United States attorney of any such violation and, in the case of criminal proceedings, that appropriate notice and opportunity for hearing has been afforded to the person against whom the proceedings are contemplated, to cause appropriate proceedings to be instituted in the proper courts of the United States without delay. All suits instituted under this act, except those arising under section 30 shall be by and in the name of the United States. Notwithstanding the provi-

sions of section 876 of the Revised Statutes, subpenas for witnesses who are required to attend a court of the United States, in any district, may run into any other district in any proceeding under this act.

The amendment was agreed to.

The next amendment was, in section 10, page 19, line 20, after the word "no", to insert "definition and"; and in line 21, after the word "vegetables", to insert "*Provided further*, That in the fixing and establishing of any standard of quality for any canned fruit or canned vegetable, consideration shall be given and due allowances made for the differing characteristics of the several varieties of such fruit and vegetable", so as to make the section read:

SEC. 10. For the effectuation of the purposes of this act the Secretary is hereby authorized to promulgate regulations fixing and establishing for any food a definition and standard of identity, and a reasonable standard of quality and fill of container: *Provided*, That no standard of quality shall be established for fresh fruits or fresh vegetables and no definition and standard of identity for fresh fruits (except fresh citrus fruits) or fresh vegetables: *Provided further*, That in the fixing and establishing of any standard of quality for any canned fruit or canned vegetable, consideration shall be given and due allowances made for the differing characteristics of the several varieties of such fruit and vegetable.

Mr. PEPPER. Mr. President, I observe that by section 10 chapter IV, on page 19, provision is made "that no standard of quality shall be established for fresh fruits." I wish to ask the Senator, Would that mean that no standard of quality would be applied to fresh citrus fruits?

Mr. COPELAND. Mr. President, may I call the attention of the Senator to page 5 of the amended report?

Mr. PEPPER. Does the Senator have reference to the language that?—

(A standard of quality is authorized by the present law for canned fruit only.)

Mr. COPELAND. Yes; I refer to the second paragraph on page 5 of the amended report, from which I quote:

(A standard of quality is authorized by the present law for canned fruit only.) In providing a standard of identity for citrus fruit it is intended that such will be a standard of maturity only.

That is exactly what is intended by the language of the bill, that in fixing that standard it shall be with reference to the maturity of the fruit and nothing else.

Mr. PEPPER. If I understand correctly, then, with respect to fresh citrus fruit, in the first place, no standard of quality is imposed?

Mr. COPELAND. That is correct.

Mr. PEPPER. And no standard of identity may be imposed except standards relating to maturity only?

Mr. COPELAND. The Senator is entirely correct.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

Mr. COPELAND. Mr. President, the amendment which has been adopted, in lines 21 to 25, was urged upon the committee by the Senator from Virginia [Mr. BYRD], the Senator from Maryland [Mr. TYDINGS], the Senator from Delaware [Mr. TOWNSEND], and the Senators from Georgia [Mr. GEORGE and Mr. RUSSELL]. It was given thorough study by the committee and the experts, and the language chosen is in full accord with the views held by the committee.

The PRESIDING OFFICER. The next amendment will be stated.

The next amendment of the Committee on Commerce was, under the subtitle "Adulterated food", in section 11, paragraph (a), on page 20, line 7, after the word "section", to strike out "15, or in excess of the limits of tolerance prescribed by regulations as provided by section", so as to make the paragraph read:

ADULTERATED FOOD

SEC. 11. A food shall be deemed to be adulterated—

(a) (1) If it bears or contains any poisonous or deleterious substance which may render it dangerous to health; or (2) if it bears or contains any added poisonous or added deleterious substance which may render it injurious to health, or which is unsafe within the meaning of section 15; or (3) if it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for food; or (4) if it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health; or (5) if it is, in whole or in part, the product of a diseased animal or of an animal which has died otherwise than by slaughter; or (6) if its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

The amendment was agreed to.

The next amendment was, in the same section, paragraph (b), on page 21, line 1, after the word "strength", to strike out "to" and insert "or", so as to make the paragraph read:

(b) (1) If any valuable constituent has been in whole or in part abstracted therefrom; or (2) if any substance has been substituted wholly or in part therefor; or (3) if damage or inferiority has been concealed in any manner; or (4) if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

The amendment was agreed to.

The next amendment was, under the subtitle "Misbranded food", in section 12, paragraph (c), on page 21, line 20, after the word "food", to strike out "and" and insert "unless"; in line 21, after the word "label", to strike out "fails to bear" and insert "bears", so as to make the paragraph read:

(c) If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word 'imitation' and, immediately thereafter, the name of the food imitated.

The amendment was agreed to.

The next amendment was, in the same section, paragraph (d), on page 21, line 25, after the word "to", to strike out "mislead the purchaser" and insert "be misleading in any particular", so as to make the paragraph read:

(d) If its container is so made, formed, or filled as to be misleading in any particular.

The amendment was agreed to.

The next amendment was, in the same section, paragraph (g), on page 22, line 18, after the numerals "10", to strike out "and (1) it fails to conform" and insert "unless (1) it conforms"; in line 20, after the word "standard", to strike out "or (2) its label fails to bear" and insert "and (2) its label bears"; in line 22, after the word "standard", to strike out "or" and insert "and", so as to make the paragraph read:

(g) If it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulations as provided by section 10, unless (1) it conforms to such definition and standard, and (2) its label bears the name of the food prescribed in the definition and standard, and, if so required by such regulations when such definition and standard permits optional ingredients other than spices, flavors, and coloring, the common names of such optional ingredients as are present in such food.

The amendment was agreed to.

The next amendment was, in the same section, paragraph (h), on page 23, line 4, after the word "below", to strike out "such standard of quality or fill of container and its label fails to bear" and insert "either such standard, unless its label bears"; and in line 7, after the word "standard", to strike out "of quality or fill of container", so as to make the paragraph read:

(h) If it purports to be or is represented as a food for which a standard of quality or fill of container has been prescribed by regulations as provided by section 10, and its quality or fill falls below either such standard, unless its label bears a statement, in such manner as the regulations specify, showing that it falls below such standard.

The amendment was agreed to.

The next amendment was, in the same section, paragraph (i), on page 23, line 10, after the word "section", to strike out "and its label fails to bear" and insert "unless its label bears"; in line 12, after the word "be", to strike out "or" and insert "and"; and in line 18, after the word "impracticable", to insert "or results in deception or unfair competition", so as to make the paragraph read:

(i) If it is not subject to the provisions of paragraph (g) of this section unless its label bears (1) the common or usual name of the food, if any there be, and (2) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavors, and colorings, other than those sold as such, may be designated as spices, flavors, and colorings without naming each: *And provided*, That to the extent that compliance with the requirements of subdivision (2) of this paragraph is impracticable, or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the Secretary.

The amendment was agreed to.

The next amendment was, in the same section, paragraph (j), on page 23, line 22, after the word "uses", to strike out "such as"; in line 23, after the word "special", to strike out "nutritional requirements, and its label fails to bear" and insert the words "dietary uses, unless its label bears"; in line 24, after the word "by", to strike out the word "such"; in line 25, after the word "regulations", to strike out the words "as may be"; on page 24, line 2, after the word "its", to strike out the word "nutritional", and in the same line, after the word "value", to insert the words "for such uses", so as to make the paragraph read:

(j) If it purports to be or is represented for special dietary uses by infants or invalids, or for other special dietary uses, unless its label bears, if so required by regulations prescribed by the Secretary, statements concerning its vitamin, mineral, and other dietary properties which fully inform the purchaser as to its value for such uses.

The amendment was agreed to.

The next amendment was, in the same section, paragraph (k), on page 24, line 5, after the word "preservative", to strike out "which is not prohibited by section 11 and it fails to bear" and insert "unless it bears", so as to make the paragraph read:

(k) If it bears or contains any artificial flavor, artificial color, or chemical preservative, unless it bears a label stating that fact: *Provided*, That to the extent that compliance with the requirements of this paragraph is impracticable, exemptions shall be established by regulations promulgated by the Secretary.

The amendment was agreed to.

The next amendment was, under the subhead "Tolerances for poisonous ingredients in food and certification of coal-tar colors for food", in section 15, paragraph (a), page 26, line 14, after the word "Any", to strike out "contaminating" and the comma and insert "contaminating"; in line 22, after the word "health", to insert "and any quantity exceeding the limits so fixed shall also be deemed to be unsafe for purposes of the application of section 11 (a)"; and in line 25, after the word "the", to strike out "quality" and insert "quantity", so as to make the paragraph read:

SEC. 15. (a) Any contaminating poisonous, or deleterious substance added to any food, except where such substance is required in the production thereof or cannot be avoided by good manufacturing practice shall be deemed to be unsafe for purposes of the application of section 11 (a); but when such substance is so required or cannot be so avoided, the Secretary is authorized to promulgate regulations limiting the quantity therein or thereon to such extent as he finds necessary for the protection of public health, and any quantity exceeding the limits so fixed shall also be deemed to be unsafe for purposes of the application of section 11 (a). In determining the quantity of such added substance to protect the public health, and after the effective date of such regulations, and during such temporary period, no person shall introduce into interstate commerce any such food manufactured, processed, or packed by any such manufacturer, processor, or packer, unless such manufacturer, processor, or packer holds a permit issued by the Secretary as provided by such regulations.

The amendment was agreed to.

The next amendment was, in chapter V, "Drugs and devices", on page 27, line 12, in the subtitle, after the word "drugs", to insert the words "and devices", so as to make the subtitle read:

Adulterated drugs and devices.

The amendment was agreed to.

The next amendment was, in section 16, paragraph (c), on page 29, line 4, after the word "its", to strike out the words "identity or strength differs from, or its purity or quality falls below" and insert the words "strength, quality, or purity differs from", so as to make the paragraph read:

(c) If it is not subject to the provisions of paragraph (b) of this section and its strength, quality, or purity differs from that which it purports or is represented to possess.

The amendment was agreed to.

The next amendment was, under the subtitle "Misbranded drugs and devices", in section 17, page 29, line 12, after the word "particular", to insert a new sentence, so as to make the paragraph read:

(a) If its labeling is false or misleading in any particular. Any representation concerning the effect of a drug or a device shall be deemed to be false and misleading under this paragraph if such representation is not supported by persons who, by reason of scientific training and experience, are qualified as experts on the subject to which such representation relates.

Mr. COPELAND. Mr. President, that is the same language and provides for the same experts as were considered a moment ago in the colloquy with the Senator from Washington [Mr. SCHWELLENBACH].

Mr. BARKLEY. Mr. President, may I ask the Senator from New York a question at that point?

Mr. COPELAND. Certainly.

Mr. BARKLEY. Does that mean that, even though the branding be true, it shall be deemed misbranding unless supported by the exports?

Mr. COPELAND. Oh, no; not at all.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The next committee amendent will be stated.

The next amendment was, in the same section, paragraph (e), on page 30, line 12, to strike out "Alpha" and insert "alpha"; in line 13, after the word "chloral", to strike out "cocoa" and insert "coca"; in line 15, after the word "derived", to strike out "therefrom or any other narcotic or hypnotic substance, which derivative or other narcotic or hypnotic substance has been designated as habit-forming by regulations prescribed by the Secretary, and" and to insert "therefrom, unless its label bears"; and in line 21, after the word "profession", to strike out "its label fails to bear", so as to make the paragraph read:

(e) If it is for use by man and contains any quantity of alpha eucaine, barbituric acid, beta eucaine, bromal, cannabis, carbromal, chloral, coca, cocaine, codeine, heroin, marihuana, morphine, opium, paraldehyde, peyote, sulphonmethane, or any substance chemically derived therefrom, unless its label bears, except when dispensed on the written order of a member of the medical profession, the name and quantity or proportion of such substance or derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

The amendment was agreed to.

The next amendment was, in the same section, paragraph (f), on page 30, line 25, after the word "drug", to strike out "and is not", and in the same line, after the word "designated", to insert "on its label"; in line 26, after the word "name", to insert "not"; in line 26, after the word "official", to strike out "compendium and its label fails to bear (1) a" and insert "compendium, unless its label bears (1) the"; in line 3, after the word "be", to strike out "or" and to insert "and"; in line 4, after the words "ingredients, the", to insert "common or usual"; in line 7, before the word "ether", to insert "bromides"; in line 9, after the word "digitalis,", to insert "digitalis", so as to make the paragraph read:

(f) If it is a drug designated on its label by a name not recognized in an official compendium, unless its label bears (1) the common or usual name of the drug, if such there be; and (2), in case it is fabricated from two or more ingredients, the common or usual name of each active ingredient, including the quantity, kind, and proportion of any alcohol; and also including, whether active or not, the name and quantity or proportion of any bromides, ether, chloroform, acetanilid, acetphenetidin, amidopyrine, antipyrine, atropine, hyoscine, hyoscyamine, arsenic, digitalis, digitalis glucosides, mercury, ouabain, strophanthin, strychnine, thyroid, or any derivative or preparation of any such substances, contained therein: *Provided*, That to the extent that compliance with the requirements of subdivision (2) of this paragraph is impracticable, exemptions shall be established by regulations promulgated by the Secretary.

The amendment was agreed to.

The next amendment was, in the same section, paragraph (g), on page 31, line 16, after "(g)", to strike out "If" and insert "Unless"; in line 16, after the word "labeling", to strike out "fails to"; and in line 17, after the word "use", to strike out "or" and insert "and", so as to make the paragraph read:

(g) Unless its labeling bear plainly and conspicuously (1) adequate directions for use, and (2) adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application: *Provided*, That where any requirement of subdivision (1) of this paragraph, as applied to any drug or device, is not necessary for the protection of the public health, the Secretary shall promulgate regulations exempting such drug or device from such requirement.

The amendment was agreed to.

The next amendment was, in the same section, paragraph (h), on page 32, line 3, after the word "recognized", to strike out "and it is not" and insert "unless it is"; and in line 4, after the word "therein", to insert "*Provided*, That the method of packing may be modified with the consent of the Secretary", so as to make the paragraph read:

(h) If its name is recognized in an official compendium, or if it purports to be a drug the name of which is so recognized, unless it is packaged and labeled as prescribed therein: *Provided*, That the method of packing may be modified with the consent of the Secretary. Whenever a drug is recognized in both the United States Pharmacopœia and the Homœopathic Pharmacopœia of the United States, it shall be subject to the requirements of the United States Pharmacopœia with respect to packaging and labeling unless it is labeled and offered for sale as a homeopathic drug, in which case it shall be subject to the provisions of the Homœopathic Pharmacopœia of the United States, and not to those of the United States Pharmacopœia.

The amendment was agreed to.

The next amendment was, in the same section, paragraph (i), on page 32, line 15, after the word "deterioration", to strike out "and is not" and insert "unless it is"; and in line 16, after the word "manner", to strike out "or its label fails to bear" and insert "and its label bears", so as to make the paragraph read:

(i) If it has been designated by regulations prescribed by the Secretary as a drug liable to deterioration, unless it is packaged in such form and manner, and its label bears a statement of such precautions, as such regulations require for the protection of public health. No such regulation shall be established for any drug recognized in an official compendium until the Secretary shall have informed the appropriate body charged with the revision of such compendium of the need for such packaging or labeling requirements and such body shall have failed within a reasonable time to prescribe such requirements.

The amendment was agreed to.

The next amendment was, in the same section, paragraph (j), on page 32, line 26, after the word "to", to strike out "mislead the purchaser" and insert "be misleading in any particular", so as to make the paragraph read:

(j) (1) If its container is so made, formed, or filled as to be misleading in any particular; or (2) if it is an imitation of another drug; or (3) if it is offered for sale under the name of another drug.

The amendment was agreed to.

The next amendment was, in chapter VI, "Cosmetics", in section 20, paragraph (a), on page 33, line 25, after the words "customary or", to strike out "usual, provided that" and insert "usual: *Provided*, That", so as to make the paragraph read:

ADULTERATED COSMETICS

SEC. 20. A cosmetic shall be deemed to be adulterated—

(a) If it bears or contains any poisonous or deleterious substance which may render it injurious to users under the conditions of use prescribed in the labeling thereof, or under such conditions of use as are customary or usual: *Provided*, That this provision shall not apply to coal-tar hair dyes, the label of which bears the following legend conspicuously displayed thereon: "Caution—This product contains ingredients which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows."

The amendment was agreed to.

The next amendment was, in the same section, paragraph (d), on page 34, line 15, after the word "which", to strike out "renders or will" and insert "may", so as to make the paragraph read:

(d) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render it injurious to health.

The amendment was agreed to.

The next amendment was, in the same section, paragraph (e), on page 34, line 17, before the word "contains", to insert "is not a hair dye and", so as to make the paragraph read:

(e) If it is not a hair dye and contains a coal-tar color other than one from a batch that has been certified in accordance with regulations as provided by section 23.

The amendment was agreed to.

The next amendment was, under the subtitle "Certification of coal-tar colors for cosmetics", in section 23, at the beginning of line 1, on page 36, to insert "other than those used in hair dyes", and in line 2, after the words "for use in", to strike out "cosmetics, and for coal-tar colors used in hair dyes as provided in section 20, paragraph (a)", and to insert "cosmetics. For the purposes of this chapter the term 'hair dyes' shall not include eyelash dyes or eyebrow dyes", so as to make the paragraph read:

CERTIFICATION OF COAL-TAR COLORS FOR COSMETICS

SEC. 23. The Secretary is hereby authorized to promulgate regulations for the certification of coal-tar colors other than those used in hair dyes, which are harmless and suitable for use in cosmetics. For the purposes of this chapter the term "hair dyes" shall not include eyelash dyes or eyebrow dyes.

The amendment was agreed to.

The next amendment was, in section 24, paragraph (e), on page 37, line 5, after the word "paragraph", to strike out "(a) or", and in line 17, after the word "its", to strike out "promulgation, and may be amended or repealed in the same manner as is provided for its adoption" and to insert "promulgation. Such regulation may be amended or repealed in the same manner as is provided for its adoption, and an interested industry may also request the Secretary for a new regulation or a change in an existing regulation, in which event the Secretary shall proceed as specified", so as to make the paragraph read:

(e) Whenever the Secretary deems that there should be established any regulations contemplated by section 11, paragraph (c); section 12, paragraph (g), (h), or (j); section 10; section 15, paragraph (a) or (b); section 13, paragraph (a); section 16, paragraph (a) or (b); section 17, paragraph (e) or (i); section 19; section 20, paragraph (e); or section 23, he shall give appropriate notice of the proposal and of the time and place for a public hearing to be held thereon not less than 30 days after the date of such notice. After such hearing the Secretary is authorized to formulate and promulgate such regulation as he shall find to be necessary to effectuate the purposes of such provision. The regulation so promulgated shall become effective on a date fixed by the Secretary, which date shall not be prior to 90 days after its promulgation. Such regulation may be amended or repealed in the same manner as is provided for its adoption and an interested industry may also request the Secretary for a new regulation or a change in an existing regulation, in which event the Secretary shall proceed as specified; except that public hearing on regulations under section 13 (a) may be held within a reasonable time after notice thereof, and the Secretary may fix the effective date of such regulations at any reasonable time after promulgation thereof.

The amendment was agreed to.

Mr. BORAH. Mr. President, I desire to suggest to the Senator from New York an amendment on page 15, which we were discussing a short while ago. I move to strike out all after the word "court", in line 15, down to and including the word "trial", in line 25, and to insert the matter which I have heretofore sent to the desk. Then it would read as follows:

The United States district court wherein the claimant's principal place of business is located, or such district court as the parties may agree upon, are hereby vested with jurisdiction to try such cases.

Mr. COPELAND. Mr. President, that is satisfactory to me.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Idaho to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The PRESIDING OFFICER. The next amendment of the committee will be stated.

The next amendment was, in section 25, paragraph (b), on page 38, line 19, after the word "request", to insert "seasonably made"; in line 20, after the word "sample", to insert "if available"; and in line 21, after the words "label of the", to strike out "article; except that the Secretary is authorized, by regulations, to make such reasonable exceptions from, and impose such terms and conditions relating to, the operation of this sentence as he deems necessary for the effectuation of the purposes of this act", and insert "article, or the owner thereof, or his attorney or agent", so as to make the paragraph read:

(b) Where a sample of a food, drug, or cosmetic is collected for analysis under this act, the Secretary shall, upon request, seasonably made, provide a part of such official sample, if available, for

examination or analysis by any person named on the label of the article, or the owner thereof, or his attorney or agent.

Mr. COPELAND. Mr. President, my friend, Mr. Fraser, called me about this amendment this morning, and wanted to know its meaning; and I think the RECORD should show what it does mean.

The first part of the amendment says:

The Secretary shall, upon request, seasonably made, provide a part of such official sample, if available.

That has no reference whatever to fruit, because if for any reason there should be a seizure of fruit, the individual articles are so large that there would be no trouble. The reason why the amendment is inserted is because the seizure might involve a very minute quantity of a poisonous drug, where the quantity would be so small that for the Department or the district attorney's office to divest itself of a part of the sample might defeat the proceedings. So I wish the RECORD to show that this language, which I hope will be adopted, has no reference whatever to fruit.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. DAVIS. Mr. President, may I have the attention of the Senator from New York for a moment? I notice on page 36, in line 4, the following language:

For the purposes of this chapter the term "hair dyes" shall not include eyelash dyes or eyebrow dyes.

Why the difference?

Mr. COPELAND. Does the Senator remember, last year and the year before, and the year before that, when I "orated" on this subject, that I had two pictures, one of a beautiful girl and the other of the same girl with her eyes mutilated and destroyed by reason of an infection from the use of a dye upon the eyelashes? This provision is to attempt to prevent other cases of blindness from the misuse of poisonous dyes of the eyelashes.

Mr. DAVIS. Would not the same dye tend to bring about baldness if applied to the hair?

Mr. COPELAND; No; the scalp might not suffer at all, while if the dye got into the eyes it would destroy the eyes.

I may say that since we had our argument about that matter last year, another case has occurred where a girl lost her sight. It is to protect against those terrible consequences that this language is used.

Mr. President, on page 43, line 23, I move to strike out the word "section" and insert "sections 12 (e) and", so as to read:

in accordance with sections 12 (e) and 24.

The PRESIDING OFFICER. The amendment offered by the Senator from New York will be stated.

The CHIEF CLERK. On page 43, line 23, after the word "with", it is proposed to strike out the word "section" and to insert "sections 12 (e) and", so that, if amended, it will read:

Promulgated in accordance with sections 12 (e) and 24—

And so forth.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment will be stated.

The next amendment was, in section 32, paragraph (a), on page 45, line 24, after the word "form", to insert "and the provisions of the act of June 6, 1896 (U. S. C., 1934 ed., title 26, ch. 10), filled cheese; and the provisions of act of July 1, 1902 (U. S. C., 1934 ed., title 26, ch. 4), viruses, serums, toxins, antitoxins", so as to make the section read:

EFFECTIVE DATE AND REPEALS

SEC. 32. (a) This act shall take effect 12 months after the date of its enactment. The Federal Food and Drugs Act of June 30, 1906, as amended (U. S. C., 1934 ed., title 21, secs. 1–15), shall remain in force until such effective date, and, except as otherwise provided in this paragraph, is hereby repealed, effective upon such date: *Provided*, That the provisions of section 24 shall become effective on the enactment of this act, and thereafter the Secretary is authorized hereby to (1) conduct hearings and to promulgate regulations which shall become effective on or after the effective date of this act as the Secretary shall direct, and (2) designate prior to the effective date of this act food having common or usual names and exempt such food from the requirements of subdivision (2) of paragraph (1) of section 12 for a reasonable time to permit the formulation, promulgation, and effective application of definitions and standards of identity therefor as provided by section 10: *Provided further*, That the act of March 4, 1923 (U. S. C., 1934 ed., title 21, sec. 6; 42 Stat. 1500, ch. 268), defining butter and providing a standard therefor, and the provisions of the act of July 24, 1919 (U. S. C., 1934 ed., title 21, sec. 10; 41 Stat. 271, ch. 26), defining wrapped meats as in package form, and the provisions of the act of June 6, 1896 (U. S. C., 1934 ed., title 26, ch. 10), filled cheese; and the provisions of act of July 1, 1902 (U. S. C., 1934 ed., title 26, ch. 4), viruses, serums, toxins, antitoxins, shall remain in force and effect and be applicable to the provisions of this act: *And provided further*, That amendment to the Food and Drugs Act, section 10A, approved August 27, 1935 (U. S. C., 1934 ed., Supp. I, title 21, sec. 14a), shall remain in force and effect and be applicable to the provisions of this act.

(b) The provisions of this act shall not be held to modify or repeal any of the existing laws of the United States except as provided by paragraph (a) of this section.

(c) Meats and meat food products shall be exempt from the provisions of this act to the extent of the application or the extension thereto of the Meat Inspection Act, approved March 4, 1907, as amended (U. S. C., 1934 ed., title 21, secs. 71–91; 34 Stat. 1260 et seq.).

(d) Nothing in this act shall impair, or be construed to impair or diminish the powers of the Federal Trade Commission under existing law.

Mr. COPELAND. Mr. President, I think the Senator from Wisconsin [Mr. DUFFY] wishes to modify the language of this amendment; and I think it would be well to have it done now, so that we may complete the bill.

Mr. DUFFY. Mr. President, I offer the amendment which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 45, line 19, after the word "That", it is proposed to insert "section 10 and section 24 (d) of this act notwithstanding"; and on page 46, line 5, before the colon, it is proposed to insert:

However, the provision of section 12 (k) of this act shall not be applicable to butter as defined in the act of March 4, 1923, nor to cheese as defined in the act of June 6, 1896.

Mr. COPELAND. Mr. President, we are glad to accept this amendment, because it puts in very much better language exactly what we wish to say. The Senators from the dairy States are interested in seeing that the butter and cheese industry shall not be disturbed. We thought we had chosen the right language, but I have been convinced by the Senator from Wisconsin that the change should be made, and I hope his amendment will be adopted in lieu of our amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin.

The amendment was agreed to.

Mr. DUFFY. Mr. President, in the pending committee amendment, on the first line of page 46, I suggest to the Senator the use of the word "defining" instead of just "filled cheese." In other words, that is the act now on the statute books defining cheese.

Mr. COPELAND. Very well.

Mr. DUFFY. I offer that amendment to the committee amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The PRESIDING OFFICER. That completes the committee amendments.

Mr. ROBINSON. Mr. President, sometime ago, while the bill was in process of preparation, the Senator from New York and I discussed certain provisions relating primarily, as I recall, to seizures. It will be remembered that when the former bill was here a year or more ago controversy arose over what was known as the Bailey amendment. It was thought by some authorities that the effect of that amendment would be to weaken the arm of the Department in carrying out the law. Will the Senator from New York state what action was finally taken by the committee with regard to that matter?

Mr. COPELAND. Mr. President, the matter referred to by the Senator from Arkansas is found on page 14 of the bill. When I introduced the bill in the Senate, beginning on line 9—it is line 10 in the bill before us—the language relating to seizures was that they might be made—

When the Secretary has probable cause to believe from facts found by him that such misbranding of the article renders it dangerous to health or is, in a material respect, false, grossly misleading, or fraudulent—

And so forth.

After the bill went to the Commerce Committee, the committee, upon the recommendation of the subcommittee, inserted before the word "dangerous" the word "imminently", so that it read:

That such misbranding of the article renders it imminently dangerous to health.

Since that time, as found in the bill before us, the word "imminently" has been changed to "actually", and there has been restored to the bill the language that the seizure may be made if the misbranding "is, in a material respect, false and fraudulent, or is labeled or advertised as a cure or remedy for cancer", and so forth.

So my judgment is that the amendment adopted here does away to a large degree with the criticism which was passed upon the bill heretofore; and that, I may say, is the opinion of the Department.

I quote from a letter from the Department on this subject:

The seizure provision has proved to be the most effective sanction of the present law in protecting the public. Any weakening of it, even to the extent of the proposed modification, is to be deplored. On the other hand, the improvements in other sections of the bill constitute such a signal advance that, desirable as it is to strengthen the seizure provision, we believe that the bill enacted with the proposed changes would be a more effective instrument for public protection than the old law.

Since that letter was written, the further language has been added—which, to my mind, materially strengthens the seizure provision—that a product labeled as having any therapeutic effect in the treatment of cancer, tuberculosis, Bright's disease, poliomyelitis, venereal diseases, or heart or vascular diseases may be seized. So fraudulent, alleged tuberculosis cures, Bright's disease cures, and so forth, may now be seized.

Frankness compels me to say that if I had my way I perhaps would make the bill a little more rigid. But this language meets the full approval of the committee, and I think it should stand as we have accepted it.

Mr. ROBINSON. Mr. President, let me ask the Senator from New York, what are the limitations on multiple seizures in the bill as now written? In what cases is the Department denied the right to make several seizures?

Mr. COPELAND. There might be a food product the label of which was grossly misleading so far as it related to the filling of the package, raising an economic question. We have tried to avoid a conflict over the Federal Trade Commission jurisdiction. If the label is grossly misleading, where health is not involved, that might well be dealt with by the Federal Trade Commission.

Mr. ROBINSON. Mr. President, will the Senator yield to a further question?

Mr. COPELAND. Certainly.

Mr. ROBINSON. Stating the inquiry differently, if the Department finds that a representation is false, and that it relates to a product which is dangerous to the health or safety of consumers, may there still be multiple seizures notwithstanding the fact that there has been no previous judgment on the subject?

Mr. COPELAND. Yes.

Mr. ROBINSON. Very well.

The PRESIDING OFFICER. The bill is still open to amendment.

Mr. GEORGE. Mr. President, I invite the attention of the Senator from New York, in charge of the bill, to the punctuation on line 15, page 26. In view of the adoption of the amendment already agreed to in line 14, the comma after the word "poisonous" on line 15 should come out. I therefore ask the Senator if he will not accept an amendment merely striking out the comma after the word "poisonous", on line 15, page 26.

Mr. COPELAND. I have no objection.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. In section 15, page 26, line 15, after the word "poisonous", it is proposed to strike out the comma.

The amendment was agreed to.

Mr. MOORE. Mr. President, I offer an amendment in the nature of a substitute.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. It is proposed to strike out all after the enacting clause and to insert in lieu thereof the following:

That the first section of the act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes", approved June 30, 1906, as amended, is amended by striking out "food or drug" and inserting in lieu thereof "food, drug, or cosmetics."

SEC. 2. Section 2 of such act of June 30, 1906, as amended, is amended by striking out the words "food or drugs" and inserting in lieu thereof "food, drugs, or cosmetics"; by striking out the words "foods or drugs" and inserting in lieu thereof "foods, drugs, or cosmetics"; by striking out "be fined not exceeding $200" and inserting in lieu thereof "be fined not exceeding $2,000, or be imprisoned not exceeding 1 year, or both, in the discretion of the court"; and by striking out "not exceeding $300 or be imprisoned not exceeding 1 year" and inserting in lieu thereof "not exceeding $10,000, or be imprisoned not exceeding 10 years."

SEC. 3. Section 3 of such act of June 30, 1906, as amended, is amended by striking out "foods and drugs" and inserting in lieu thereof "foods, drugs, and cosmetics"; and by adding at the end of such section the following new sentence: "Any citizen of the United States shall have the right to submit to the Secretary of Agriculture specimens of food, drugs, or cosmetics with indicative evidence of adulteration or misbranding, and with identification of party from whom said specimens were obtained, which specimens shall also be given such examination."

SEC. 4. Section 6 of such act, as amended, is amended by adding at the end thereof the following new sentence: "The term 'cosmetic', as used herein, shall include any substance or preparation which is intended for, or which is represented as possessing qualities capable of, cleansing, altering, or improving the physical state or attractiveness of the skin or other human body surface structures or teeth."

SEC. 5. (a) Section 7 of such act, as amended, is amended by striking out "Fifth. If it contain any added poisonous or other added deleterious ingredient" and inserting in lieu thereof: "Fifth. If it contain any poisonous or other added deleterious ingredient."

(b) Such section 7 is further amended by adding at the end thereof the following:

"In the case of cosmetics:

"If it contain any ingredient which may render the product injurious to the user under conditions of use prescribed in the labeling or other instructions for use, or under such conditions of use as are customary or usual."

SEC. 6. (a) The first paragraph of section 8 of such act, as amended, is amended to read as follows:

"SEC. 8. That the term 'misbranded', as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, or cosmetics, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug or cosmetic product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced, and to any food or drug preparation which is habit forming, or is dangerous to entrust in the hands of the lay public without medical supervision, the label of which bears no adequate statement of such danger in the form of directions for use covering its therapeutic effects and possible danger to the user."

(b) So much of such section 8 as reads as follows:

"Third. If its package or label shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein, which is false and fraudulent." is amended by striking out the words "false and fraudulent" and inserting in lieu thereof "false, fraudulent, or misleading."

(c) So much of such section 8 as reads:

"In the case of food:

"First. If it be an imitation of or offered for sale under the distinctive name of another article."

is amended to read as follows:

"In the case of food:

"First. If it be an imitation of or offered for sale under the distinctive name of another article, or if it is labeled as a commonly known food but does not comply with the standard of identity and minimum quality which has been established for such food by rules and regulations made in accordance with the

provisions of section 3 of this act; or if it is labeled as a commonly known food of a particular commercial grade for which commercial grades or standards of size, quality, and character have been adopted by commercial organizations, with which it does not comply: *Provided, however,* That all food standards adopted by the Secretary of Agriculture for the purposes of this act shall be solely of identity and minimum quality and shall be based solely upon ascertainable scientific facts, which standards shall not be enforced by the Secretary until 1 year after promulgation, which shall be not less than 3 months after public hearings have been held in the offices of the Department of Agriculture at Washington, D. C., St. Louis, Mo., and San Francisco, Calif., at which hearings all citizens having knowledge of such food products shall have a right to be heard."

(d) Such section 8 is further amended by inserting after the words "First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article" a comma and the following: "or under a name or picture or other representation on the label or in the package which may deceive or mislead the purchaser."

SEC. 7. Section 10 of such act, as amended, is amended by striking out the words "That any article of food, drug, or liquor" at the beginning thereof, and inserting in lieu thereof "Any article of food, drug, cosmetics, or liquor"; and by inserting before the period at the end of the proviso in such section a colon and the following: "*And provided further,* That all documentary evidence of compliance with such bonds, or relating to their forfeiture, shall be filed with the clerk of the district court in which the case was heard, along with the other papers in such case, as public records which shall be open for inspection at appropriate hours."

SEC. 8. Section 11 of such act, as amended, is amended by striking out the words "foods and drugs" and inserting in lieu thereof "foods, drugs, and cosmetics"; and by striking out the words "food or drug" and inserting in lieu thereof "food, drug, or cosmetics."

Mr. MOORE. Mr. President, I hesitate to lengthen unduly the debate upon the bill, but it is a measure of such vital importance and means so much to every citizen in this Nation that it seems to me we can afford to give it the most careful consideration.

In New Jersey 3,600 doctors are much concerned about the bill. They have appointed a "welfare committee", which has examined the bill carefully. They have made a number of suggestions, but have not had opportunity to appear before the committee and tell the committee what they think of the bill. So they have conferred with me in regard to it and have urged me to bring their objections to the attention of the Senate and to present a substitute. The proposed substitute is really the Wiley law, a law in which the doctors thoroughly believe. It is the Wiley law with certain amendments putting teeth into the statute, and they urge the enactment of the suggested substitute.

The doctors point out that on page 18 of the pending bill the provision as to prosecution is permissive; that it would not be necessary under the bill to enforce the law. It would give the Secretary of Agriculture the right to be judge, jury, and trial attorney. He might or might not decide that he should present evidence of any violation to the proper authorities.

They point out that in the repeal of the Wiley Act there would be the loss of judicial interpretations covering 30 years. That objection should be apparent at once. For 30 years the Wiley Act has been tested in the courts; all the decisions regarding pure food and drugs have been based on the wording of the Wiley Act, and those decisions would all be wiped out. The doctors believe that that is a sufficiently important consideration to engage the attention of the Senate.

They point out, too, that on page 4, line 14, the word "intended" is directly written into the law; and they contend that, since the word "intent" has been one of the chief causes of complaint, it is hardly wise to write it into the proposed law.

On page 4, line 20, the definition of the word "device" is made so loose as to include boots and overcoats; and the term "cosmetics" could well include a "transformation", which is what the ladies call the article they add to their own natural hair. The term could cover such an article and might include many things which ladies wear in order to make their appearance more attractive. These physicians point out how loosely the terms are used. They maintain that the definition of "antiseptic" is much better as it is written in the Federal Insecticide Act.

Further, Senators will notice that by the provision in line 19, page 17, it is made impossible to fix the costs of the trial which may be held unless the claimant comes in and claims the goods in issue.

Section 11, found on page 20, could well be confined to the first three lines. The remainder of the section, these physicians assert, has been inserted in order to weaken it.

I particularly call attention to lines 15 to 19, on page 28. I have heretofore invited the attention of the Senator from New York to those lines, and he very graciously stated that he would look into the situation.

On page 28, line 15, there is the following provision:

No drug defined in an official compendium shall be deemed to be adulterated under this paragraph because it differs from the standard of strength, quality, or purity therefor set forth in an official compendium, if its standard of strength, quality, or purity be plainly stated on its label.

I hope Senators realize the significance of that provision. A physician is called in a case of illness. He has in mind the standards, and he prescribes for the patient the standard drug. The prescription is taken to a druggist who has an adulterated drug, but on the label he has the fact written that it is adulterated. Who knows, however, what is on his labels and on the shelves in his drug store? The druggist uses a drug of a lower percentage of strength than standard. The doctor wonders why it does not effect a cure, why it is not helpful. He does not know that it is stated on the label that the drug has been adulterated, and that it is not of the standard strength.

These New Jersey physicians claim that when they prescribe for a person, they are at least entitled to know that they are getting the standard provided in the pharmacopœia, or wherever standards are prescribed. How otherwise can they with any intelligence treat a person? It seems to me the point is well taken, and should be considered by this body, because it affects every one of us.

I ask Senators to read the penalties provided in section 5 on page 11 of this measure. Let us turn to those penalties. It is provided:

Any person who violates any of the provisions of subdivisions (a), (b), (c), (d), (f), (g), or (h)—

Where is (e)? (e) refers to radio; (e) is left out. Turn back to (e), and see what (e) says:

The dissemination, by United States mails, or in interstate commerce in any manner, or by any means, including radio broadcast, of any advertisement which contains any representation—

And so forth. It will be seen that it does not refer to newspapers. It refers to radio or the mails.

Then when we turn to the criminal procedure we find that that particular section is left out. The doctors wonder why. A man may speak over the radio and tell the radio audience that some mouth wash will kill all the germs in the throat without stating that it may also remove the throat tissues. He can get away with that; but if a newspaper prints it, the newspaper cannot get away with it. At least, that is the interpretation which has been placed upon the bill. Subdivision (e) is omitted from the criminal section.

The New Jersey physicians point out that the main purpose of the proposed amendments to the present Harvey Wiley Food and Drugs Act is to satisfy complaints, and to make the law satisfactory to those who condemn the existing statute. The additional purpose of the amendments, as they refer to cosmetics, is to add to the list of products which the law controls something which was foreign to the purposes of the statute as originally passed. They point out the reason for these amendments. I have practically covered them, and I am presenting for the consideration of the Senate these amendments in the nature of a substitute.

I ask that there be printed in the RECORD, in connection with my remarks, the report of analysis of the provisions of the Food and Drugs Act, and so forth, prepared under instructions from the welfare committee of the Medical Society of New Jersey.

The PRESIDING OFFICER. Without objection, the report will be printed in the RECORD.

The report is as follows:

REPORT OF ANALYSIS OF THE PROVISIONS OF THE FOOD AND DRUGS ACT, WILEY ACT, THE PROPER COMPLAINTS AGAINST ITS EFFECTIVENESS, THE ANALYSIS OF THE NOTICES OF JUDGMENTS UNDER THE EXISTING LAW, THE ANNUAL REPORTS OF THE CHIEF OF THE FOOD AND DRUG ADMINISTRATION, THE PRESENT SENATE CONGRESSIONAL BILLS (S. 5) AND (H. R. 300) PREPARED UNDER INSTRUCTIONS FROM THE WELFARE COMMITTEE OF THE MEDICAL SOCIETY OF NEW JERSEY

Most of the complaints against the effectiveness of the Wiley Act take their origin from the reports of the Food and Drug Administrator, and have been enlarged upon to the public to the extent that a great many public-spirited organizations actually believe that the deficiencies of the Wiley Act are responsible for the present deplorable conditions in commerce and advertising of food and drugs and cosmetics.

Amongst a very large number of notices of judgment under the Wiley Act and the reports of proceedings of the Federal Trade Commission are to be found numerous records which would tend to demonstrate that most of the criticisms are not only unjustifiable but are also falsifications of documentary evidence.

It is a fact that when criticism by the Medical Society of New Jersey was made public in 1934, the proportion of criminal prosecutions instituted by the officials of the Administration were increased, from an almost negligible number, by several hundred percent. This leads us to believe that the Wiley Act could be enforced. Also one of the gravest criticisms of these affairs has centered about the fact that the Wiley Act contains no provision against false advertising. Where the fault lies in regard to this particular is too subtle for a short analysis. Sufficient to say that the records of the Federal Trade Commission display ample actions, either under stipulation or orders to cease and desist, the false advertisements of foods, drugs, cosmetics and theraputic devices, to warrant the opinion that these matters are adequately controllable under the Federal Trade Commission Act.

It has been alleged that the Federal Trade Commission cannot act on questions of false advertising because its actions are based on unfair competition. We would cite the record to demonstrate, and court opinions to prove that the Federal Trade Commission's actions can be based on false advertising because false advertising is unfair competition. The only case on record in which the Federal Trade Commission failed in its efforts to stop false advertisement was one in which the Federal Trade Commission itself inadvertently omitted the term "unfair competition" from the formal complaint.

Diverse individuals at sundry times have made statements alleging superior virtues to the Copeland bill (S. 5).

(1) Let it be thoroughly understood that the Wiley Act is a mandatory criminal statute on which have been based a large mass of district, appellate, and Supreme Court opinion.

This mass of judicial interpretations would be entirely obliterated if the Wiley Act is repealed. It would certainly take years to build up similar interpretation of any new legislation that might replace it in any of the bills that have been introduced into the Congress over the past 4 years. This is so important in itself as to be basis for summary rejection. Most of them have even contained clauses which would make it almost impossible for any enforcement to be obtainable.

The Copeland bills uniformly contain the paragraph (ch. 3, sec. 8): "Nothing in this act shall be construed as requiring the Secretary to report for prosecution or for the institution of libel or injunction proceedings for minor violations of this act, whenever he believes that the purposes of the act can be accomplished by a suitable written notice or warning."

The only part of the present S. 5 which is mandatory to the Secretary of Agriculture is chapter 3, section 7, which requires the Secretary to hold hearings for "persons against whom proceedings are contemplated in accordance with regulation prescribed by himself" with no provision that the records of these hearings shall be made public; then, if after such a hearing, the Secretary decides to make report, it becomes obviously a direct invitation for corrupt practice.

S. 5 is alleged to control false advertising, and the only paragraph of prohibited offenses left out of the penalty (secs. 5 A and 5 B) is that paragraph of prohibited offenses which has to do with false and misleading advertising, namely, section 3, paragraph 5.

In the article by Dr. Woodward, Journal of the A. M. A., December 20, 1935, in which he analyzed the Copeland bill officially, he unequivocally condemned the discretionary features of the bill. It has been proposed that amendment of the Wiley Act itself to include the essential changes would be more suitable than to attempt to enact new legislation, especially since it seems impossible to convince the authorities of the necessity for complete congressional investigation under oath. No testimony under oath has ever been taken, either on past performances or on statements concerning proposed legislation.

We are herewith submitting photostatic copy of a proposal for amendments to the Wiley Act which we believe will cover all proper criticisms which have been directed at it. The essential amendments which have been included in this copy are nine in number.

Amendments nos. 3 and 4 are for the purpose of including cosmetics in the preparations controlled by the act.

Amendments nos. 1, 5, 6, 7, and 8 have to deal with the proper criticisms of the act as it now relates to foods and drugs.

Amendments nos. 2 and 9 are proposed amendments concerning which, up to the present time, we believe, there has been no proper discussion but which, in our opinion, would add materially to the usefulness of the act.

NORMAN W. BURRITT.

FEDERAL INSECTICIDE ACT—SECTION 6

The term "insecticide", as used in this act, shall mean any substance or mixture of substances intended to be used for preventing, destroying, repelling, or mitigating any insects which may infest vegetation, man or other animal or households, or be present in any environment whatsoever.

The term "fungicide", as used in this act, shall mean any substance or mixture of substances intended to be used for preventing, destroying, repelling, or mitigating any fungi which may infest vegetation, man or other animal or households, or be present in any environment whatsoever.

These two paragraphs have served as a basis for numerous court decisions to both the Department of Agriculture and the Federal Trade Commission, the interpretation to include germs or other infective agents in the terms "insects" and "fungi."

Mr. MOORE. I also ask that a statement explanatory of the amendment in the nature of a substitute presented by me be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, the statement will be printed in the RECORD.

The statement is as follows:

The main purpose of these amendments to the present Harvey Wiley Food and Drugs Act is to satisfy complaints which may be considered legitimate and which have not come from those whose interest might be served by weakening this law or by repealing it outright.

The additional purpose of the amendments, as they refer to cosmetics, is to add to those products which the law controls something which was foreign to the purposes of the statute as originally passed.

It should be unnecessary to point out that repeal of the present law by the passage of an entirely new statute would wipe out every judicial interpretation based thereon over a period of 30 years. The inevitable result would be confusion, which would be utilized to delay or handicap any effective enforcement, even if the new law were finally found to be a suitable one. The amendment here proposed to section 2 materially increases the penalties provided, thus meeting the criticism that the maximum penalties now in the Wiley law are insufficient to act as a deterrent to some of the persistent violators of the statute.

The amendment in section 7 of the fifth paragraph relating to adulteration of foods merely deletes the word "added" before the words "poisonous." This obviates a defense to an action brought under these provisions of the law which is based upon the allegation that the poison was already in the food and therefore was not "added."

The amendment to the first paragraph of section 8 provides that a suitable warning must appear on the labels of all patent foods and patent medicines which may be dangerous to entrust in the hands of the lay public without medical supervision. When such adequate warning is stated upon the label the public is protected.

The second amendment to section 8 deletes the word "fraudulent" from the third paragraph on misbranded drugs, and thus, when the charge is misbranding, it will never again be possible to set up a defense based upon the intent of the offender.

The next amendment to section 8 specifically authorizes the adoption of food standards such as have already been promulgated by the Secretary of Agriculture for the purposes of this act.

The final amendment to section 8 relates to misbranded proprietary foods, and by strengthening the terminology against deception on such products would seem to satisfy all complaints upon this score.

The foregoing cover the most frequently raised criticisms of the present law for which any justification may be found. In addition, the amendment to section 3 here proposed is advisable in order to make it impossible for the officials to ignore evidence proffered by citizens who may have a just complaint in which the public welfare is obviously involved.

Another amendment of this character, that to section 10, makes it impossible for records which should rightly be public to be lost or concealed.

The various amendments which relate to cosmetics are drawn in such a wise, by the terminology of the definitions, as to amply differentiate a substance used for a cosmetic from something foreign to our purpose; let us say, "ladies' wearing apparel." Under the terminology here proposed there is no confusion, by exceptions of substances which may be deleterious, whether coal-tar dyes or anything else. If it is deleterious, these definitions unequivocally forbid it.

The purpose of each of these amendments has been to strengthen the original law while retaining the simplicity of its language and the mandatory character of its letter and spirit, which have always caused it to be regarded as a masterpiece of legislation of this character.

Every ambiguity in a law like this provides a thousand loopholes for the guilty to escape or the lax official to procrastinate and spells ultimate disaster for those for whose protection the statute exists.

When we consider as an alternative to thus amending the Wiley law such proposals as have been made in the bills S. 5 and H. R. 300 we must first compare the fundamental character of the proposed new laws with the old one. Obviously the administrative or enforcement clauses are of paramount importance; in the present law we find the word "shall" is invariably used whenever the Secretary is instructed as to his obligations. Thus the act is wholly mandatory and the Secretary must act to prosecute each

violation detected insofar as Congress provides him with funds so to do.

Consider now the administrative features of S. 5, which are repetitions of similar sections in H. R. 300 and most of the previous bills. We find in section 25 of S. 5 that "The Secretary is merely authorized to conduct examinations and investigations for the purposes of this act." But this is not the worst, because in section 8 we find that the Secretary or his agent is given the right to simply write a letter to an offender for whatever he may say that he "believes" to be a "minor violation." A minor violation is legally undefinable in any court; a man's belief is equally undefinable in a statute. Furthermore, there is nothing to prevent these private letters following each other in rapid succession for repetitions of the same offense.

Thus we find that this clause provides for an administrative arbitrator who may legally limit the definitions of offense and the infliction of penalty on each violation detected; who may prosecute or withhold action as he sees fit, and thus may adjudicate each offense en camera; a combination of legislative, administrative, and judicial functions in one Cabinet official, to be delegated to a bureau chief.

As example of a drug which would legally call for criminal prosecution of the manufacturer, with no loophole through which prosecution could be properly withheld under the Wiley Act, let us assume a single pint bottle of tincture of digitalis examined. It is found to be 50 percent over the U. S. P. assay, which is the legal standard of strength and purity. It is therefore misbranded. The physician is trying to give his patient, who is gravely ill with heart disease, a physiologic dose of digitalis. The drug will have no therapeutic effect upon the patient's condition until he has the maximum dose; the overdose to 150 percent of the physiologic dose will kill the patient, and the physician, though not at fault, might be held responsible.

On the other hand, under the discretionary administrative features and the minor violation clause in S. 5, the Bureau chief may legally say that he believes that this single pint bottle of deadly digitalis is an offense against which no proceeding need be had. Under pressure from commercial interest, he could be persuaded to give this opinion if he could do it legally.

But any manufacturer who purports to be producing tincture of digitalis, U. S. P., and is so careless as actually to have shipped even a single bottle so irregular in strength as to be capable of causing death has probably shipped other bottles, undetected, of similar irregularity with like results. Under S. 5, he could even continue this offense with only the chastisement of a few letters of warning.

As another example a shipper of oleomargarine labeled butter must be prosecuted criminally under the mandate of the Wiley law, just as the shipper of the digitalis must be prosecuted, and with the same impartiality, insofar as the enforcement official is concerned. The quality of mercy to be exercised should be in public by the court.

Under S. 5, however, the Bureau chief who may say that he believes the digitalis to be a minor violation, not warranting action, may say, with equal legality, if S. 5 becomes the law, that he believes the oleomargarine offense, which did not endanger human life, is, nevertheless, a major violation, to be prosecuted criminally.

Endless comparisons of this kind are available.

As to therapeutic devices which are attempted to be controlled in S. 5, it is sufficient to say that the term "therapeutic devices" cannot be defined to be both inclusive and exclusive. We must not clutter up a pure food and drug law with corset stays and ear muffs, both of which are therapeutic devices under the terminology of S. 5.

Improper therapeutic devices are already being controlled on their advertising and misbranding by the Federal Trade Commission. The same applies to the advertising of any other commodity in interstate commerce, including foods, drugs, and cosmetics. Why duplicate the control of an existing statute? During the year 1936 the Federal Trade Commission issued orders and stipulations to cease and desist the false advertising of foods, drugs, cosmetics, and therapeutic devices in several hundred separate actions, which covered many more hundred individual offenses. There is neither candor nor logic in the allegation that we do not now have a Federal statute covering such offenses.

Mr. COPELAND. Mr. President, I am so devoted to my friend the Senator from New Jersey, and have been for many years, that I wish I might say without reservation that what he wants I want. If he really and truly wants what he has proposed, however, I must say that I do not want it.

In order that the record may be clear, so that those who take pains to read the RECORD may have knowledge of the subject, I think there should be included here as much of a rebuttal as can be made of the points made by the able Senator in presenting his substitute.

His amendment, in the nature of a substitute, omits all reference to cosmetics and devices. It does not cover advertising. It leaves in it the evil of the "distinctive names" which are given products; it permits the commercial trade to establish standards which must be enforced by the Department, and is otherwise evil.

I begin, Mr. President, with the proposed substitute at page 2. If Senators are interested, and if they will read the proposed substitute, they will find in line 19, on page 2, this language:

Any citizen of the United States shall have the right to submit to the Secretary of Agriculture specimens of food, drugs, or cosmetics with indicative evidence of adulteration or misbranding, and with identification of party from whom said specimens were obtained, which specimens shall also be given such examination.

We have made great appropriations in the past few years. We no longer appropriate money in thousands of dollars or millions of dollars; we appropriate money in billions of dollars. Mr. President, if any citizen of the United States, no matter where he lives, is permitted and encouraged to send a sample of what he thinks is the wrong kind of a food or drug product to the Secretary of Agriculture for examination and analysis, we shall have to take over the Interior Department Building and the Commerce Department Building and convert them into laboratories. Ninety-nine times out of a hundred violations of food and drug laws are violations of a State law. They do not relate in any way whatever to interstate commerce in drugs or foods. They relate to products which are produced and sold within the States. But under the terms of the measure presented by my able colleague, he proposes to let anybody in Michigan, or New Jersey, or Idaho, or New York, or Pennsylvania, or Tennessee, or Oregon send in samples for analysis. I do not need to enlarge upon the thesis to show how utterly impossible it would be, with the meager funds at the disposal of the Department—and I assure Senators they are meager—to provide money with which to carry out this work.

The Senator from New Jersey has included in his measure, on page 4, beginning with line 14, the language of what is known in the Department as the Sherley amendment, which was enacted at some time or other; and this is what happened: This language, which is identical with that presented by the Senator, was held by the Supreme Court, in the *Johnson case* (221 U. S. 488), as not applicable to therapeutic claims for drugs, with a strong implication in that decision and in subsequent decisions under the Sherley amendment itself that a simple prohibition of false or misleading statements of therapeutic effect would be unconstitutional.

Because of this probable effect of the proposed change it can only be regarded as a weakening of the present law.

I have merely to mention that fact, because I know that my friend from New Jersey would not wish under any circumstances to weaken the present law, which he contends is so valuable a law and ought to be maintained in its original purity and wording.

I am sure the Senator will not be hurt by what I say, because I feel it my duty to put the facts in the RECORD.

Here is a most amazing proposal in this substitute. I desire to read the paragraph on page 5, beginning at line 2:

First. If it be an imitation of or offered for sale under the distinctive name of another article, or if it is labeled as a commonly known food but does not comply with the standard of identity and minimum quality which has been established for such food by rules and regulations made in accordance with the provisions of section 3 of this act; or—

Mr. President, I know how interested the Presiding Officer (Mr. SHEPPARD in the chair) is in this bill, which he stands for under all circumstances.

The amendment of the Senator from New Jersey continues, on page 5, line 7, as follows:

or if it is labeled as a commonly known food of a particular commercial grade for which commercial grades or standards of size, quality, and character have been adopted by commercial organizations, with which it does not comply.

In short, some canning industry or some commercial organization might decide that only peaches measuring 3 inches in diameter should be recognized as grade A. The grade would be fixed not by a standard established by the present act, sponsored by our able colleague, the Senator from Oregon, and known as the McNary-Mapes law, but by standards fixed by the industry, the leaders of the industry, not the independent men in the industry, but the commer-

cial organizations. We have heard much about the illegality of the delegation of authority even to a member of the Government, but the proposed substitute of the Senator from New Jersey would delegate the fixing of grades to commercial organizations. The Senator from New Jersey was a little careless in his reading of that provision, because he never would approve of the delegation of authority under any circumstances and especially to a commercial organization.

Mr. MOORE. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. MOORE. I do not think I referred to food. I was referring to drugs; the Senator is talking about foods.

Mr. COPELAND. Very well; exactly the same argument applies to drugs. Why should a commercial organization of druggists, even the able men in the State of New Jersey who are engaged in that profession, determine for us what the standard should be?

In his speech a little while ago the Senator from New Jersey very properly stated that it was desired to have the standards for articles measured by the United States Pharmacopoeia but now he would so weaken the law as to have a commercial organization of druggists in the State of New Jersey fix the standards.

Mr. MOORE. Mr. President, will the Senator yield again?

Mr. COPELAND. I yield.

Mr. MOORE. I did not know the Senator was arguing in my behalf, but he is saying the things I am trying to say. If the Senator will read on page 28 of the bill he may be able to explain the provision there found, but he has not done so as yet. I refer to line 15, which reads:

> No drug defined in an official compendium shall be deemed to be adulterated under this paragraph because it differs from the standard of strength, quality, or purity therefor set forth in an official compendium, if its standard of strength, quality, or purity be plainly stated on its label.

Let us follow that, if the Senator will permit me, for just a second.

Mr. COPELAND. To what page is the Senator referring?

Mr. MOORE. To page 28. An adulterated drug—I do not know the names of many drugs, but we will say adrenalin, if that may be used as an illustration, with a 100-percent standard set by the Pharmacopoeia.

Mr. COPELAND. Iodine would be a better illustration.

Mr. MOORE. Very well, we will take iodine. A poor New Jersey doctor who has to work hard for a living prescribes iodine which he thinks is of 100-percent strength in some drug store. The prescription is taken to the drug store, but the iodine proves not to be 100 percent, but only 25 percent, and the label reads: "This is 25 percent iodine." The doctor cannot go around the drug stores and see what is on the labels on the bottles on the shelves; and so he wonders why the prescription does not help his patient. The patient does not realize the difference, and after he is dead, and the undertaker has covered up the mistake of the druggist, or whoever is responsible, then it is discovered that the iodine was not of proper strength. What we want is to have a standard and say, "This is the standard", so that a doctor at any place prescribing any drug may have in mind the standard and may know he is going to get it when he writes the prescription.

Mr. COPELAND. Mr. President, the Senator has challenged me to explain what the provision on page 28 means. I did not put it in the bill; in one of the previous 20 prints of the bill it was put in by the Senator from Michigan [Mr. VANDENBERG], but I am going to explain what it means.

Mr. President, there are others beside the doctors in New Jersey who have been excited about this matter. I wish to answer them as well as my professional colleagues in New Jersey. I do not know the exact number of drugs which would be involved in this provision. I doubt if it would exceed the number of the fingers on my hand. I can only think of three or four of them—cascara sagrada, Fowler's solution, and iodine are all I can think of at the moment.

As a matter of fact, this provision has more to do with the method of preparing the drug than it has with its strength. There is a great concern which originated the use of cascara sagrada; they were pioneers in the marketing of that particular drug; they learned, through the years, how to prepare it and how to make a stable product and a palatable one.

When the United States Pharmacopoeia came along to establish a standard for cascara sagrada, either by revelation from on high or otherwise, they set up a standard of their own, that is as to the method of preparation. Now, under the strict interpretation of the law as we are proposing to write it, that product, the original product, could not be sold to the general public because it was not prepared, forsooth, by the method set forth by the board of the United States Pharmacopoeia.

In attempting to serve well the medical profession of the State of New Jersey, as he serves all his constituents well, I am sure the Senator would not wish to reflect in any manner whatever upon the able pharmacists of the State of New Jersey.

Mr. President, if you will permit me a personal allusion, when I was a young medical student I had as professor of organic chemistry one of the finest men I have ever known—an old gentleman who represented the highest standard of Christian citizenship and fine qualities of heart and mind.

He was a man who sought always to impress upon his students the importance of the ethical relations which they should hold with the public. I took his course in organic chemistry, and, I confess, I was one of the poorest students in the class; but, even though the professor did not teach me personally much organic chemistry, he taught me many things about morals and ethics. He was the dean of the department of pharmacy in the university as well as professor of organic chemistry in the medical department. Afterward I went back to that university as a professor, and at the time of my service I found a classmate of mine dean of the department of pharmacy, Dr. Schlatterbeck. He had the high ideals possessed by his predecessor.

I wish to say in forceful terms, if I can—and I know that my friend from New Jersey will echo my sentiments—that the men engaged in pharmacy, graduates of reputable, high-standing institutions, and practicing in every State in the Union, including New Jersey, are just as upright and just as ethical as is any doctor in the entire country.

Mr. President, if a doctor in New Jersey wishes to prescribe iodine of the standard strength, if he wishes to prescribe cascara sagrada prepared in accordance with the regulations of the board in charge of the pharmacopoeia, if he desires to prescribe Fowler's solution of arsenic prepared in accordance with the pharmacopoeia he can do it—how? I hope the Senator will take back word to the medical profession of New Jersey how it may be done. All he has to do is write on his prescription "Iodine, U. S. P.", or "Cascara sagrada, U. S. P.", or "Fowler's solution, U. S. P.", and the doctor in New Jersey may depend upon the ethical standards of the pharmacist filling that prescription that when it is filled it will be "iodine, U. S. P.", or "cascara sagrada, U. S. P.", or "Fowler's solution, U. S. P."

Mr. MOORE. That may all be true enough. He might write that on his prescription, and he might also tell the druggist how he wishes him to prepare it. However, that does not alter the fact that the bill provides that no drug below the standard represented by the pharmacopœia and the other standards is adulterated if on the container the adulteration is made manifest. The Senator was a good doctor and had a large practice, and when he wrote his prescriptions he had to write all these things on them. Suppose one doctor should leave it off the prescription he wrote and a patient should die. It would not mean much to some people, but after all there is the chance.

Mr. COPELAND. Fortunately, the drugs in question would not cause the death of anybody, whether U. S. P. or the standard possible under the terms set forth here. The bill does not say that it is "below strength"; it says, "If it differs from the standard."

Referring once more to my practice, the Senator was good enough to say it was large, and I wish it had been larger, but one reason why it was large, if it really was large, was because I insisted on giving pure drugs. When I wrote

a prescription I wrote thereon "U. S. P." Every drug store in this country is presided over, not by a drug clerk, but by the proprietor who must be a graduate pharmacist. Let the doctors in New Jersey write "U. S. P." upon their prescriptions and the honest, upright, fine pharmacists of New Jersey will supply exactly the things desired.

Mr. MOORE. Why not write "U. S. P." in the bill and say that is the standard and that the drugs used in prescription filling must come up to that standard, and then there will be no mistake?

Mr. COPELAND. I shall refer to that in a moment.

The reason why the original container must be labeled is that the honest pharmacist may know that the contents are not "U. S. P.", but are prepared by someone filling the bottle.

Mr. MOORE. I admit that the pharmacists are honest, and I know that no pharmacist in New Jersey would do anything wrong in this connection. All the manufacturers who can tomatoes or peaches, the farmers who put tomatoes or peaches in their baskets, are honest as well, are they not?

Mr. COPELAND. Oh, yes.

Mr. MOORE. If everybody were honest, we would not need such a law as is contemplated.

Mr. COPELAND. We do not need a law to protect the honesty of the pharmacists of New Jersey.

I wish to call attention to the provision at the bottom of page 5 of the amendment of the Senator from New Jersey. This section would permit commercial organizations to fix standards, and it is provided, in line 23, as follows:

(d) Such section 8 is further amended by inserting after the words "First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article" a comma and the following: "or under a name or picture or other representation on the label or in the package which may deceive or mislead the purchaser."

The effect of this amendment is debatable. It appears certain, however, that it does not eliminate the evils of the "distinctive name" joker. One's initial impression is, since the language is incorporated in an exempting proviso, that a food sold under a name or picture or other representation which deceives or misleads the purchaser, is to be exempted from all the inhibitions of the bill against false or misleading labeling, thus fortifying rather than mitigating the evil of the "distinctive name" joker.

Mr. President, I wish the RECORD to show that the amendment or substitute submitted by the Senator from New Jersey has been properly and fully considered by the committee and by the Senate. I also wish to have the RECORD show, in order that those who read it may know, that if the amendment proposed were adopted it would omit the following important provisions:

First. Control of false advertising.

Second. Prohibition of addition of poisons to food, except where such addition is required or cannot be avoided in production; authorization to limit to point of safety added poisons that are required or cannot be avoided.

Third. Authorization of emergency license control of food that may be dangerous because of contamination of microorganisms.

Fourth. Prohibition against traffic in confectionary containing metallic trinkets or other inedible substances.

Many deaths of little children have taken place in the United States as a result of the use of candy which contained or had embedded in it a little elephant or donkey or some other device. It has been swallowed and, instead of going into the stomach, has gone into the child's lung. Many deaths have occurred in that way. If we were to accept the substitute presented by the Senator from New Jersey, there would be no such prohibition as is contemplated by the pending bill. I know the Senator's kind heart and that he would not wish this to be the case.

Fifth. Requirement for fully informative labeling of infant and invalid food.

Sixth. Requirement that unstandardized food be labeled to disclose the ingredients by name, thus protecting allergic individuals. That is provided for in our bill.

Seventh. Requirements for labeling of deteriorating drugs.

Eighth. Definition of nonofficial drugs as illegal if the strength is greater than that declared on the label.

Ninth. Requirement that antiseptics possess germicidal power.

Tenth. Requirement for declaration on the label of the names of ingredients of nonofficial drugs.

Eleventh. Prohibition against the use of poisonous containers for food, drugs, and cosmetics.

Twelfth. Requirement that food, drugs, and cosmetics be prepared and handled under conditions of reasonable cleanliness.

Thirteenth. Prohibition against the use of uncertified and impure coal-tar colors in food, drugs, and cosmetics.

Fourteenth. Prohibition of slack filling and the use of deceptive containers for food and drugs.

Fifteenth. Authorization for factory inspection and the procurement of records needed to prove Federal jurisdiction.

Sixteenth. Authorization of the Federal courts to enjoin repetitious violations.

Mr. President, I have gone at length into this matter because of my great friendship for the Senator from New Jersey, and also that the Senate may be fully informed that the adoption of his substitute would result in destroying all the work which we have undertaken. It would not afford the public the protection against the evils of food, drug, and cosmetic abuses which we have provided in the bill.

Mr. MOORE. Mr. President, I merely wish to say that I appreciate all the Senator from New York has said. I shall not detain the Senate any longer, except to say that I am thoroughly convinced of the accuracy of my statements and reiterate them.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute offered by the Senator from New Jersey [Mr. MOORE].

Mr. MOORE. I call for the yeas and nays.

The yeas and nays were not ordered.

The amendment, in the nature of a substitute, was rejected.

Mr. MCKELLAR. Mr. President, I offer the amendment which I send to the desk, and I hope the Senator from New York will accept it. The amendment seems to me to be a very proper one if the Senator will let me call his attention to it.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. It is proposed to amend paragraph (f) of section 17, on page 31, line 15, by adding the following after the word "Secretary":

Such subdivision (2) shall not, except the requirements as to alcohol and those drugs required to be declared by such subdivision, apply to any drug the ingredients of which are fully and correctly disclosed to the Secretary.

Mr. MCKELLAR. Mr. President, paragraph (g) of section 17 requires—

(1) Adequate restrictions for use, and (2) adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application.

Subdivision (2) of this paragraph is unnecessary, since the first subdivision requires adequate directions for use. If a manufacturer is distributing a preparation that should not be consumed by a child, and he fails so to state in his label, then the directions would not be considered adequate directions.

This subdivision is further made unnecessary by paragraph (b) of the same section, which reads:

If it is dangerous to health when used in the dosage, or with the frequency or duration, prescribed or recommended in the labeling or advertisement thereof.

The fact that the provision is already in the bill seems to me to make it unnecessary to be repeated at this point. I hope the Senator from New York will accept the amendment and take it to conference, at any rate, so that the bill may be rounded out, because in a way the language to which I refer is really surplusage.

Mr. COPELAND. Mr. President, I wish I might accept the amendment on behalf of the committee; but I cannot do so, and I wish to state my reason. The provision in question requires adequate warning on the label of a drug "against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application." The first part of the section defines a drug as misbranded "if it is dangerous to health when used in the dosage, or with the frequency or duration, prescribed or recommended in the labeling or advertisement thereof."

The criticism which the Senator has made is a natural one, but I think his criticism or his suggestion of an amendment is due to a misapprehension as to the purpose of this language.

As a matter of fact the second part covers an entirely different field from that covered by the first subdivision. It is to the possible misuse of drugs that the second subdivision of the paragraph is directed.

I will give an example.

If one has ever seen a person suffering from asthma, he knows how severe the paroxysms are and how great is his misery. A rather common prescription for those cases is iodide of potash. That drug will relieve the paroxysms of asthma in some cases; in general its use is perfectly safe; but, unfortunately, if a tubercular person has asthma and takes iodide of potash, it is very likely to cause the latent disease to flare up, and, in consequence, the person's death might follow. The kind-hearted Senator from Tennessee is the last man in the world to aid in any way in bringing about such a result.

Medical literature is full of pathetic instances of death from certain pain relievers. The directions may be entirely adequate, and the drugs when taken in accordance with them may not be dangerous to health. But there is always a temptation on the part of a human being to think, "If a little medicine will help me a good deal, more will help me still more"; so many times these pain-relieving drugs, useful when given in appropriate dosage, if given in excessive dosage may cause death.

I can sympathize with any criticism of this provision on the ground that difficulty may arise in its application.

Mr. McKELLAR. Mr. President, if the Senator will yield, it seems to me that is the real trouble. I do not see how the provision can be practically applied; and it struck me—and I hope the Senator will consider the suggestion—that if he were to accept this amendment and take it to conference, a practical provision might be worked out. As the provision stands, I do not think it is worked out so as to have a practical application.

Mr. COPELAND. It may well be that the language as we have it here will be open to the possibility of further study, because I have no idea at all that the House bill will be anything like our bill.

Mr. McKELLAR. But if the House should agree to the language of the Senate bill, the conferees would be precluded from amending it in conference. If, however, this amendment should be adopted, I am quite sure that in conference an amendment could be worked out that would be entirely satisfactory.

Mr. COPELAND. I am so convinced that the Senate ought not to take that position that I could not for myself consider yielding in conference on the subject.

Let me finish my statement.

What warning should there be against (a) use, (b) use in pathological conditions or by children; (c) unsafe dosage; (d) unsafe methods of administration or application; and (e) use for prolonged periods of time? What constitutes adequate warning in these instances? These questions are emphasized with variations within each class of drug, variations in the quantity of the potent ingredient, variations in the chemical combinations of that ingredient, and variations in the substances accompanying them.

Mr. President, in the name of the safety of sick persons and particularly sick children in this country, I hope this amendment will be rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Tennessee [Mr. McKELLAR].

The amendment was rejected.

Mr. McKELLAR. Mr. President, I offer another amendment, which I send to the desk, and which I hope the Senator from New York will accept.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 31, line 17, after the word "use", it is proposed to strike out all of line 17 and down to the word *"Provided"* in line 21, in the following words:

And (2) adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application.

Mr. McKELLAR. Mr. President, the Senator will see that in line 17 the language of the original bill was "or", and the committee has stricken out that word and inserted the word "and." My first amendment is to strike out the language from the word "use" down to the word *"Provided"* in line 21. That is a repetition of the language already in the bill.

Mr. COPELAND. Mr. President, nothing could be better than to repeat certain things over and over in order to make sure that there is going to be due warning of the possibilities of taking this, that, or the other drug. I hope the Senate will defeat the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Tennessee.

The amendment was rejected.

Mr. McKELLAR. Mr. President, in line 17, page 31, the committee amendment to strike out the word "or" and to insert the word "and" was agreed to, and I ask that the amendment be reconsidered.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the amendment is reconsidered.

Mr. McKELLAR. Mr. President, I now urge the Senate to reject the committee amendment.

Mr. COPELAND. Mr. President, the same argument applies. To agree to the Senator's suggestion would defeat the very purpose we have in view.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. MOORE. Mr. President, I move to recommit the bill to the committee for further consideration, in order to give the objectors to whom I have referred a chance to be heard.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from New Jersey.

The motion was rejected.

The PRESIDING OFFICER. Is there any further amendment to be offered? If not, the Secretary, without objection, will be authorized to make the necessary clerical changes in the sections and subdivisions.

The question now is on the engrossment and third reading of the bill.

The bill (S. 5) was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. COPELAND subsequently said: Mr. President, I ask that there be inserted in the RECORD immediately following the passage of the food and drug bill a statement which has been prepared by a group of women representing several organizations. These women have been most kind in their comments upon the measure. They recognize that all legislation is by compromise. They are disappointed that certain more rigid requirements have not been included in the bill.

I think it is right that the RECORD should show that there are many consumers who would like to have a more rigid law. The inclusion of this statement in the RECORD will make clear to the House of Representatives, when it comes to consider the subject, that while we passed the bill in the Senate, and while it is reasonably satisfactory, and perhaps in its totality entirely satisfactory, yet there are weaknesses in it which these women would like to have corrected.

Of course, if I had my way, I would make the measure a more rigid one; but my experience this morning has taught

me that it is sometimes very difficult to get all we have already agreed upon by compromise in the committee.

I ask unanimous consent that the statement be printed in the body of the RECORD following the passage of the bill.

The PRESIDING OFFICER. Is there objection?

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

OBJECTIONS TO S. 5, FOOD, DRUG, AND COSMETIC BILL

Although the undersigned organizations recognize that S. 5 as reported on March 8 would improve food and drug regulation in numerous ways, we consider that the bill contains serious weaknesses. We recognize the fact that the bill contains certain improvements in regulation, such as more effective safeguards to health, more informative labeling, extension of regulation to cosmetics, therapeutic devices, and certain classes of drugs heretofore not covered.

We agree with the report of the Committee on Commerce that new food, drug, and cosmetic legislation should be "prepared with three basic principles in mind." The report states: "First, it must not weaken the existing laws; second, it must strengthen and extend that law's protection of the consumer; and third, it must impose on honest industrial enterprise no hardship which is unnecessary or unjustified in the public interest." In our opinion, however, the bill as reported fails to meet the first two principles as laid down in the report. First, it does weaken the seizure provisions of the present law; and second, it does not "strengthen and extend the law's protection of the consumer" as far as possible in all consistency with the third principle—fairness to legitimate industry.

S. 5 weakens the seizure provisions of the present law

The present law allows for unlimited seizure of both adulterated and misbranded products. The bill as reported limits to a single seizure the action that can be taken at any one time against misbranded products, unless the misbranding (1) has been subject to a prior judgment in favor of the United States, or (2) the misbranding renders the product actually dangerous to health, or is, in a material respect, false and fraudulent, or is labeled or advertised as cure or remedy for certain diseases (p. 14, sec. 6a, lines 6–22).

The possibility that products will be removed from the market by multiple seizure has not only been the greatest deterrent to violations of the present law but has also extended the greatest protection to the public by authorizing the arrest and detention of the adulterated and misbranded goods in process of distribution. Failure to allow more than one seizure at any one time for misbranded products except in the instances mentioned destroys the deterring effect of the present law and its protection against consumption of such products.

The provision in S. 5 as reported limits the possibility of more than one seizure of misbranded products. Labels can be changed so easily and still remain false in character, and composition of articles altered so readily that it is extremely unlikely that the Government would have occasion to proceed against a product on the same misbranding grounds on which it has previously won a judgment. Therefore the "prior judgment" exception amounts to nothing.

The substitution of the word "actually" for the word "imminently" before "dangerous to health" in this bill is an improvement over the bill as reported on February 15.

The addition of the words "in a material respect false and fraudulent" simply transfers to the seizure provision of the bill the fraud joker of the present act, which applies only to false therapeutic claims for patent medicines. One of the principal reasons for seeking new legislation in this field is to eliminate this joker which requires proof of intent to deceive as well as actual deception. Putting this language into the seizure provision will necessitate proof of intent to deceive in misbranding of food products and all misbranding of drug products before more than one seizure can be made.

In our opinion, the language allowing more than one seizure for products which are "labeled or advertised as a cure or remedy for * * *" does not in any way strengthen the consumer protection under this section of the bill. Since there is no definition of misbranding in the seizure section and advertising is not considered misbranding under other provisions of the bill, products which were so advertised would not be subject to seizure in any event.

The greatest limitation on the right of seizure which could be accepted as being fair to consumers is the one which was in S. 5 prior to the committee amendment. The bill then provided unlimited seizure for adulterated products and for misbranded products which had been the subject of a prior judgment in favor of the Government, or when so misbranded as to be dangerous to health or in a material respect false, grossly misleading, or fraudulent. Such a limitation in the bill would have corresponded to a self-imposed limitation which the Food and Drug Administration has followed for years, and so would not have been a serious modification.

The bill should be amended to restore the seizure provisions of the bill as introduced.

S. 5 does not extend the law's protection of the consumer to the extent possible in consistency with fairness to legitimate industry

1. Advertising: We recognize as consumers that advertising is a much more effective sales agent of products than statements on the label. We realize also that effective work of the Food and Drug Administration in clearing up false statements on the label has been largely nullified by its inability to enforce equally truthful statements in advertising. We agree with the committee report on the bill that advertising is an extension of the label and that control of advertising regulations should be in the hands of the same agency which administers the law's provisions regarding truthfulness of the label statements.

We are convinced, however, that provisions for advertising control in S. 5 are so inadequate as to make control of advertising virtually a farce. We have advocated the use of injunction as an additional enforcement tool for the adulteration and misbranding provisions of the act as well as for advertising. We believe, however, that it is fallacious to reason that injunction alone will be an effective enforcement weapon against false advertising. A manufacturer or distributor is faced with a severe economic loss through the prevention of the sale of his product by the process of injunction against a product which is adulterated or misbranded. This is not true in the case of false advertising of that product. Injunction in the latter instance simply means that that particular advertisement could no longer be used, but the manufacturer could still continue to sell his product. He can continue making false claims with sales-getting appeal in his advertising as long as he doesn't violate the specific terms of the injunction.

An injunction will not stop false advertising of a product but will simply prevent a particular false statement from being repeated. Not until a number of injunctions have been issued against specific kinds of false advertising of a product would the manufacturer be forced to abandon misleading statements. Even then he would not be stopped if he changed the composition of the product and thus gave it a different identity. Effective regulation of advertising has been sought by that element of the advertising profession which is eager to restore the confidence of the public in advertising and by those members of the trade affected by this bill that could be classified under the terms of the report as "honest industrial enterprise." The open opposition to effective control has not come from such groups.

An advertising provision with teeth in it is necessary if consumers are to be protected from that element of the industry which has been unscrupulous in its advertising policy.

Weak as the injunction is as an enforcement tool against false advertising, it was made even weaker by the committee amendment to S. 5 which gives the court discretion to deny injunction if, in its opinion, the offense is not likely to be repeated (p. 9, sec. 4a, line 24; p. 10, lines 1–2). A judge would be able to make such a decision in the face of protestations of reform only if the offender has been a repeated violator of the law. Most advertisers would thus suffer no penalty until they had repeated the offense several times. In the meantime the consumer would be afforded no protection. In our opinion, such an advertising provision will do no more than delude the consumer temporarily into believing that false advertising will be controlled.

2. Variation of drugs: One of the major points which led to the realization of the need for new legislation in this field was the ineffectiveness of the drug-variation clause in the present act. This provision of the present act allows complete freedom in variation of the formula of a drug bearing an official name without indicating on the label, in words which the consumer can understand, how it differs from the standard established. It seems reasonable to expect that a drug bearing an official name, such as iodine, should meet the standards set for that drug, or that the label of the drug bear a statement showing exactly how it differs from that standard. For this reason, physicians, pharmacists, and consumers have urged a change in the so-called drug-variation clause of the present law as one of the major weaknesses warranting new legislation in this field. However, the bill as introduced and reported to the Senate has the same provision as the present law (p. 28, sec. 16b, lines 15–19).

Adequate protection of the public demands that any variation be in strength only, and that the label of the product should state exactly the extent in which the drug varies from the standard. If it is only half as strong, the label should state, "half strength." In repeating the language of the present law, S. 5 fails to meet one of the essential requirements of new legislation.

3. Other weaknesses: In several other ways the bill does not provide the degree of consumer protection that is needed while not imposing any unfair or arbitrary regulation on legitimate industry.

(a) The elimination of the comma after the word "contaminating" on page 26, line 14, seriously weakens the protection given consumers against added poisons to foods. What is a contaminating poison? Since the word "contaminating" as an adjective carries the idea of inadvertency and is so used in other portions of the bill, in our opinion the protection of the consumer against excessive amounts of all poisons would not be possible.

(b) Although the bill makes a substantial improvement over the present act by providing for the listing on the label of the active ingredients of drugs not recognized in an official compendium and for proprietary foods, it does not require that the amount of each ingredient be given. The requirement that proprietary foods be exempted from listing ingredients on the label when such listing would "result in deception or unfair competition" is a loophole through which many proprietary foods can escape disclosing ingredients. The very products the composition of which consumers most need to know are most likely to be the ones to claim exemption. (P. 23, lines 18–19.) Consumers, therefore, will still not have information to which,

in our opinion, they are entitled (p. 30, sec. 17f, lines 25–26; p. 31, lines 1–15; p. 23, sec. 121, lines 9–20).

(c) The bill does not require that the ingredients of cosmetics be listed on the label. We recognize the great improvement in having the regulation of cosmetics included in this type of legislation, but also recognize that consumer protection would not be adequate for those with allergic tendencies unless the bill requires a label declaration of ingredients.

(d) Coal-tar hair dyes are exempted from the cosmetic provisions of the bill. (P. 34, sec. 20a, lines 1–7.) Hair dyes containing coal-tar colors are among the most dangerous of cosmetic products. The bill as reported to the Senate contains a provision making it possible for hair dyes containing harmful coal-tar colors to be used and sold, provided that the label bears a warning that they may cause "skin irritation." Harmful coal-tar colors are forbidden for all other products covered by the bill, and we believe should also be forbidden for hair dyes.

(e) The exemption of all fresh fruits and vegetables with the exception of fresh citrus fruit from the provisions relating to the establishment of a standard of identity and a standard of quality deprives the consumer of protection against unripe and immature fruits and vegetables, such as melons and tomatoes (p. 19, sec. 10, lines 20 and 21).

The bill, as reported, does not include provision for the establishment of multiple quality standards for foods. Again we recognize the advances made in this bill over the present law in respect to food regulation, but see no satisfactory reason why this additional step cannot be taken now.

(f) The provision making it mandatory for the Secretary to go through the whole process of public hearings, etc., whenever an industry is dissatisfied with a regulation seems to us completely unjustified and likely to hamper the administration in its enforcement activities since it is conceivable that a large proportion of the time of its staff could be consumed under this provision in needless review of regulations. The bill provides adequate opportunity for hearing prior to the adoption of a regulation, and the only purpose to be served by such a provision would be to delay and hamper administration (p. 37, lines 21–23).

The bill provides for court review and injunction of the regulations issued by the Administration (p. 43, sec. 30, lines 18–24; p. 44, lines 1–17). Such a review and injunction is possible without this provision under established equity law. The provision in this bill might prove extremely troublesome to effective enforcement, particularly since the language included in this section differs materially from the principles of present equity law. The wording of the bill provides that injunction can be used to prevent enforcement of the regulations of the Department if it is found that "the petitioner may suffer substantial damage by reason of its enforcement" (p. 44, sec. 30, line 9). At present, the Court holds an injunction can be granted if it can be proved that the petitioner will suffer irreparable damage.

SUMMARY

The undersigned organizations do not accept S. 5 as reported by the Committee on Commerce on March 8 as giving adequate protection to consumers because:

1. It limits the number of seizures possible for misbranded products and in this respect is weaker than the present law.

2. It does not provide the degree of consumer protection possible without being unfair to legitimate business, since it—

(a) Provides ineffective control of false advertising.

(b) Does not provide that the label of a drug, using an official name and differing from the standard set for that drug, show how it differs in strength.

(c) Does not give adequate protection against added poisons.

(d) Does not require that the label state the amount of each active ingredient of drugs for which an official standard has not been set or the amount of each ingredient in proprietary foods. Further, it allows a loophole for proprietary foods to escape listing ingredients.

(e) Does not require that ingredients of cosmetics be stated on the label.

(f) Exempts coal-tar hair dyes from cosmetic regulation.

(g) Does not authorize the establishment of multiple quality standards for foods and exempts fresh fruits and vegetables from even a single standard.

(h) Provides court review of the regulations under new equity principles which probably will weaken their effect and provides unnecessary administrative review of regulations.

We request that S. 5 be amended to provide multiple seizure for misbranded products to conform to the present practice of the Food and Drug Administration, to strengthen the enforcement provisions for advertising, and to provide the additional provisions suggested to strengthen consumer protection. These provisions, we are convinced, will benefit rather than be burdensome to honest industry.

American Association of University Women, American Dietetic Association, American Home Economics Association, American Nurses' Association, Girls' Friendly Society of the U. S. A., Council of Women for Home Missions, Medical Women's National Association, National Board of the Y. W. C. A. of the U. S. A., National Congress of Parents and Teachers, National Council of Jewish Women, National League of Women Voters, National Women's Trade Union League, Women's Homeopathic Medical Fraternity.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries, who also announced that the President had approved and signed the following acts and joint resolution:

On March 1, 1937:

S. 417. An act to extend the period during which direct obligations of the United States may be used as collateral security for Federal Reserve notes.

On March 2, 1937:

S. J. Res. 84. Joint resolution to authorize the Postmaster General to withhold the awarding of star-route contracts for a period of 60 days.

On March 4, 1937:

S. 62. An act to extend the times for commencing and completing the construction of a free highway bridge across the Missouri River at or near Atchison, Kans.;

S. 206. An act to provide a preliminary examination and survey of the Snake River and tributaries in the States of Idaho, Washington, and Oregon, with a view to control of floodwaters;

S. 1128. An act authorizing the Secretary of the Navy to accept gifts and bequests for the benefit of the office of Naval Records and Library, Navy Department; and

S. 1130. An act to authorize the acceptance of certain lands in the city of San Diego, Calif., by the United States, and the transfer by the Secretary of the Navy of certain other lands to said city of San Diego.

On March 5, 1937:

S. 84. An act to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. Ralph Charles Stuart; and

S. 989. An act to provide for the issuance of a license to practice the healing art in the District of Columbia to Dr. Clarence Quinton Pair.

NATIONAL GALLERY OF ART

Mr. CONNALLY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Joint Resolution 73, a measure providing for the acceptance by the Government of the Mellon art contribution. I have consulted the acting leader, the Senator from Kentucky [Mr. BARKLEY], and I do not believe there is any objection by any Senator.

Mr. FRAZIER. Mr. President, I believe the Senator from Wisconsin [Mr. LA FOLLETTE] raised some objection in regard to the joint resolution.

Mr. CONNALLY. Permit me to say to the Senator that while I have not personally conferred with the Senator from Wisconsin, my information is that upon investigation he withdrew his objection. I am not prepared to say whether or not that is true, but that is my information. I do not desire to take advantage of any Senator.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

There being no objection, the Senate proceeded to consider the joint resolution (S. J. Res. 73) providing for the construction and maintenance of a National Gallery of Art, which had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 5, line 21, to strike out the words "exhibited in" and to insert in lieu thereof the words "included in the permanent collection of", so as to make the joint resolution read:

Resolved, etc., That the area bounded by Seventh Street, Constitution Avenue, Fourth Street, and North Mall Drive NW., in the District of Columbia, is hereby appropriated to the Smithsonian Institution as a site for a National Gallery of Art. The Smithsonian Institution is authorized to permit the A. W. Mellon Educational and Charitable Trust (hereinafter referred to as the donor) to construct on said site for the Smithsonian Institute a building to be designated the National Gallery of Art, and to remove any existing structure and landscape the grounds within said area. The adjoining area bounded by Fourth Street, Pennsylvania Avenue, Third Street, and North Mall Drive NW., in the District of Columbia, is hereby reserved as a site for future

additions to the National Gallery of Art. The project shall be in accordance with plans and specifications approved by the Commission of Fine Arts.

SEC. 2. (a) There is hereby established in the Smithsonian Institution a bureau, which shall be directed by a board to be known as the Trustees of the National Gallery of Art, whose duty it shall be to maintain and administer the National Gallery of Art and site thereof and to execute such other functions as are vested in the board by this act. The board shall be composed as follows: The Chief Justice of the United States, the Secretary of State, the Secretary of the Treasury, and the Secretary of the Smithsonian Institution, ex officio; and five general trustees who shall be citizens of the United States, to be chosen as hereinafter provided. No officer or employee of the Federal Government shall be eligible to be chosen as a general trustee.

(b) The general trustees first taking office shall be chosen by the Board of Regents of the Smithsonian Institution, subject to the approval of the donor, and shall have terms expiring one each on July 1 of 1939, 1941, 1943, 1945, and 1947, as designated by the Board of Regents. A successor shall be chosen by a majority vote of the general trustees and shall have a term expiring 10 years from the date of the expiration of the term for which his predecessor was chosen, except that a successor chosen to fill a vacancy occurring prior to the expiration of such term shall be chosen only for the remainder of such term.

SEC. 3. Upon completion of the National Gallery of Art, the board shall accept for the Smithsonian Institution as a gift from the donor a collection of works of art, which shall be housed and exhibited in the National Gallery of Art.

SEC. 4. (a) The faith of the United States is pledged that, on completion of the National Gallery of Art by the donor in accordance with the terms of this act and the acquisition from the donor of the collection of works of art, the United States will provide such funds as may be necessary for the upkeep of the National Gallery of Art and the administrative expenses and cost of operation thereof, including the protection and care of works of art acquired by the board, so that the National Gallery of Art shall be at all times properly maintained and the works of art contained therein shall be exhibited regularly to the general public. For these purposes there are hereby authorized to be appropriated such sums as may be necessary.

(b) The board is authorized to accept for the Smithsonian Institution and to hold and administer gifts, bequests, or devises of money, securities, or other property of whatsoever character for the benefit of the National Gallery of Art. Unless otherwise restricted by the terms of the gift, bequest, or devise, the board is authorized to sell or exchange and to invest or reinvest in such investments as it may determine from time to time, the moneys, securities, or other property composing trust funds given, bequeathed, or devised to or for the benefit of the National Gallery of Art. The income as and when collected shall be placed in such depositaries as the board shall determine and shall be subject to expenditure by the board.

(c) The board shall appoint and fix the compensation and duties of a director, an assistant director, a secretary, and a chief curator of the National Gallery of Art, and of such other officers and employees of the National Gallery of Art as may be necessary for the efficient administration of the functions of the board. Such director, assistant director, secretary, and chief curator shall be compensated from trust funds available to the board for the purpose, and their appointment and salaries shall not be subject to the civil-service laws or the Classification Act of 1923, as amended. The director, assistant director, secretary, and chief curator shall be well qualified by experience and training to perform the duties of their office and the original appointment to each such office shall be subject to the approval of the donor.

(d) The actions of the board, including any payment made or directed to be made by it from any trust funds, shall not be subject to review by any officer or agency other than a court of law.

SEC. 5. (a) The board is authorized to adopt an official seal, which shall be judicially noticed, and to make such bylaws, rules, and regulations as it deems necessary for the administration of its functions under this act, including among other matters bylaws, rules, and regulations relating to the acquisition, exhibition, and loan of works of art, the administration of its trust funds, and the organization and procedure of the board. The board may function notwithstanding vacancies, and three members of the board shall constitute a quorum for the transaction of business.

(b) In order that the collection of the National Gallery of Art shall always be maintained at a high standard, and in order to prevent the introduction therein of inferior works of art, no work of art shall be included in the permanent collection of the National Gallery of Art unless they are of similar high standard of quality to those in the collection acquired from the donor.

(c) The board shall have all the usual powers and obligations of a trustee in respect of all trust funds administered by it and all works of art acquired by it.

(d) The board shall submit to the Smithsonian Institution an annual report of its operations under this act, including a detailed statement of all acquisitions and loans of works of art and of all public and private moneys received and disbursed.

SEC. 6. (a) The Commissioners of the District of Columbia are hereby authorized and directed to close Sixth Street NW. within the boundaries of the site for the National Gallery of Art. The National Capital Park and Planning Commission shall determine the building lines and approve the plan of approaches for said gallery, and shall also make recommendations for the widening and adjustment of Third, Seventh, Ninth, and such other streets in the vicinity as may be necessary and desirable to provide for the traffic which would otherwise use Sixth Street.

(b) Section 10 of the Public Building Act approved March 4, 1913 (37 Stat. L. 881), relating to the George Washington Memorial Building, and all provisions of law amendatory thereof, are hereby repealed.

(c) The existing bureau of the Smithsonian Institution now designated as a national gallery of art shall hereafter be known as the National Collection of Fine Arts.

(d) The fifth paragraph under the heading "Smithsonian Institution" in the Independent Offices Appropriation Act for the fiscal year 1924, approved February 13, 1923 (42 Stat. L. 1235), relating to the erection of a national gallery of art, is hereby repealed.

The amendment was agreed to.

Mr. McNARY. Mr. President, I have just entered the Chamber. On two former occasions, I recall, the Senator from Wisconsin [Mr. LA FOLLETTE] objected to the consideration of the pending measure. I think that in deference to him no action should be taken making it the unfinished business or considering it until he may be notified.

Mr. CONNALLY. Mr. President, I am willing to accede to the suggestion of the Senator. I do not wish to call up a measure if any Senator who is not present desires to object.

Mr. McNARY. I do not know what objection the Senator from Wisconsin has, but on one occasion I objected for him, and on another occasion the Senator from Nebraska objected. In complete fairness to the Senator from Wisconsin I think he should have an opportunity to be heard. The Senator from Texas always expects that privilege and extends that courtesy, and I suggest that we wait until the Senator from Wisconsin may be present.

Mr. CONNALLY. The Senator from Oregon was not in the Chamber a moment ago when I made the statement that, while I had no personal assurance from the Senator from Wisconsin himself, I had understood that he had investigated the matter and withdrawn his objection. However, I am so desirous of complying with the wishes of the Senator from Oregon that I ask that the order of the Senate taking the bill up for consideration be vacated.

Mr. McNARY. If the very able Senator from Texas has been advised that the Senator from Wisconsin has withdrawn his objection, I have no objection to the consideration of the joint resolution. I am very much in accord with the views of the Senator from Texas that we should pass the joint resolution. I am only asking that the rights of the Senator from Wisconsin be protected.

Mr. CONNALLY. Mr. President, rather than run any risk whatever in the matter, I prefer to let the joint resolution be withdrawn, because I cannot say that the Senator from Wisconsin has withdrawn his objection. My information that he has withdrawn the objection is only hearsay. Under the circumstances I ask that the action making the joint resolution the unfinished business be vacated, and that the measure remain on the calendar.

The PRESIDING OFFICER. Without objection, the action of the Senate in agreeing to the amendment is reconsidered, and the action making the bill the unfinished business is vacated.

REPORT OF CENTRAL STATISTICAL BOARD

The PRESIDING OFFICER laid before the Senate a message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on Commerce, as follows:

To the Congress of the United States:

Pursuant to the provisions of section 5 (f) of the act of Congress approved July 25, 1935, I transmit herewith for the information of the Congress the Second Annual Report of the Central Statistical Board for the period from January 1, 1935, to June 30, 1936.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *March 9, 1937.*

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. SHEPPARD in the chair) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF COMMITTEE ON POST OFFICES AND POST ROADS

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters, which were ordered to be placed on the Executive Calendar.

The PRESIDING OFFICER. If there be no further reports of committees, the calendar is in order.

DEPARTMENT OF THE NAVY

The legislative clerk read the nomination of Perceval S. Rossiter to be Surgeon General and Chief of the Bureau of Medicine and Surgery.

Mr. WALSH. I move that the nomination be confirmed.

The motion was agreed to.

INTERSTATE COMMERCE COMMISSION

The legislative clerk read the nomination of Allyn C. Breed, of Illinois, to be assistant chief inspector of locomotive boilers.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask that the nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

IN THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

The PRESIDING OFFICER. If there is no objection, the nominations in the Army will be confirmed en bloc. The Chair hears no objection, and the nominations are confirmed en bloc. That concludes the nominations on the calendar.

ADJOURNMENT TO THURSDAY

The Senate resumed legislative session.

Mr. ROBINSON. I move that the Senate stand adjourned until 12 o'clock noon Thursday next.

The motion was agreed to; and (at 2 o'clock and 45 minutes p. m.) the Senate adjourned until Thursday, March 11, 1937, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 9 (legislative day of Mar. 8), 1937

DIPLOMATIC AND FOREIGN SERVICE

Francis H. Styles, of Virginia, now a Foreign Service officer of class 6 and a consul, to be also a secretary in the Diplomatic Service of the United States of America.

UNITED STATES CIRCUIT JUDGE

J. Earl Major, of Hillsboro, Ill., to be United States circuit judge for the seventh circuit, to fill an existing vacancy.

UNITED STATES DISTRICT JUDGE

John Caskie Collet, of Missouri, to be United States district judge for Missouri, to fill an existing vacancy.

UNITED STATES ATTORNEY

Guy K. Bard, of Pennsylvania, to be United States attorney, eastern district of Pennsylvania, vice Charles D. McAvoy, deceased.

UNITED STATES MARITIME COMMISSION

Joseph P. Kennedy, of New York, to be a member of the United States Maritime Commission for the remainder of the unexpired term of 2 years from September 26, 1936, vice George Landick, Jr.

Thomas M. Woodward, of Pennsylvania, to be a member of the United States Maritime Commission for the remainder of the unexpired term of 3 years from September 26, 1936, vice Montgomery M. Taylor.

Rear Admiral Henry A. Wiley, United States Navy, retired, to be a member of the United States Maritime Commission for a term of 4 years from September 26, 1936, to which office he was appointed during the last recess of the Senate.

Edward C. Moran, Jr., of Maine, to be a member of the United States Maritime Commission for a term of 5 years. (Original appointment.)

Rear Admiral Emory S. Land, United States Navy, retired, to be a member of the United States Maritime Commission for a term of 6 years. (Original appointment.)

COAST AND GEODETIC SURVEY

Joseph Warren Stirni, of Delaware, to be aide (with relative rank of ensign in the Navy) by promotion from junior engineer, vice O. B. Hartzog, resigned.

Paul Albert Smith, of Michigan, to be hydrographic and geodetic engineer (with relative rank of lieutenant in the Navy) by promotion from junior hydrographic and geodetic engineer, vice L. P. Raynor, promoted.

PROMOTIONS IN THE COAST GUARD

Commander (Engineering) Webb C. Maglathlin to be captain (engineering), to rank as such from January 1, 1937.

Lt. Stewart P. Mehlman to be lieutenant commander, to rank as such from October 1, 1935.

Lt. (Jr. Gr.) Victor F. Tydlacka to be lieutenant, to rank as such from May 15, 1936.

Lt. (Jr. Gr.) Aden C. Unger to be lieutenant, to rank as such from May 15, 1936.

Lt. (Jr. Gr.) George I. Holt to be lieutenant, to rank as such from May 15, 1936.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

TO QUARTERMASTER CORPS

Capt. George Walter Vaughn, Field Artillery, with rank from August 1, 1935.

TO FINANCE DEPARTMENT

First Lt. John Severin Knudsen, Infantry, with rank from September 1, 1934.

TO CAVALRY

First Lt. Robert Merrill Lee, Air Corps, with rank from August 1, 1935.

PROMOTIONS IN THE REGULAR ARMY

TO BE COLONELS

Lt. Col. John Hutchison Hester, Infantry, from March 1, 1937.

Lt. Col. Franklin Langley Whitley, Infantry, from March 1, 1937, subject to examination required by law.

Lt. Col. Alfred Harold Hobley, Air Corps (temporary colonel, Air Corps), from March 1, 1937.

TO BE LIEUTENANT COLONELS

Maj. George Mayo, Corps of Engineers, from March 1, 1937.

Maj. Herbert Spencer Struble, Field Artillery, from March 1, 1937.

Maj. Eugene Owen Hopkins, Finance Department, from March 1, 1937.

Maj. Dana Woods Morey, Finance Department, from March 1, 1937.

TO BE MAJORS

Capt. Robert Gale Breene, Air Corps (temporary major, Air Corps), from March 1, 1937.

Capt. George Abe Woody, Ordnance Department, from March 1, 1937.

Capt. Thomas Kenneth Vincent, Ordnance Department, from March 1, 1937.

Capt. Samuel Littler Metcalfe, Infantry, from March 1, 1937.

Capt. Geoffrey Maurice O'Connell, Coast Artillery Corps, from March 1, 1937.

Capt. Frank Wilbur Halsey, Infantry, from March 1, 1937.

Capt. Kirby Green, Infantry, from March 1, 1937.

Capt. Myron Joseph Conway, Infantry, from March 1, 1937.

Capt. Hollis Benjamin Hoyt, Infantry, from March 1, 1937.

APPOINTMENTS IN THE NATIONAL GUARD OF THE UNITED STATES

GENERAL OFFICERS

Maj. Gen. Winfield Scott Price, New Jersey National Guard, to be major general, National Guard of the United States.

Brig. Gen. Daniel Bryan Byrd, adjutant general's department, Arkansas National Guard, to be brigadier general, Adjutant General's Department, National Guard of the United States.

Brig. Gen. Herbert Reynolds Dean, adjutant general's department, Rhode Island National Guard, to be brigadier general, Adjutant General's Department, National Guard of the United States.

APPOINTMENTS AND PROMOTIONS IN THE NAVY

Capt. Frank H. Sadler to be a rear admiral in the Navy from the 1st day of March 1937.

The following-named commanders to be captains in the Navy from the 1st day of February 1937:

H. Gordon Donald (an additional number in grade)
Robert R. M. Emmet
Samuel S. Payne
Theodore S. Wilkinson

The following-named lieutenants (junior grade) to be lieutenants in the Navy, to rank from the dates stated opposite their names:

Hubert E. Strange, June 30, 1936.
George Knuepfer, June 30, 1936.
Edward A. Hannegan, December 1, 1936.
Neale R. Curtin, January 1, 1937.
Alan B. Banister, February 27, 1937.

The following-named medical inspectors to be medical directors in the Navy, with the rank of captain, from the 1st day of February 1937:

Lester L. Pratt	Robert G. Davis
Harry E. Jenkins	John T. Borden
John J. O'Malley	Carroll R. Baker
Willard J. Riddick	Daniel Hunt
Chester M. George	John F. Riordan
Luther Sheldon, Jr.	George C. Rhoades
Richard H. Laning	John C. Parham

Asst. Surg. Lyle A. Newton to be a passed assistant surgeon in the Navy with the rank of lieutenant from the 1st day of July 1936.

Dental Surg. Harry E. Harvey to be a dental surgeon in the Navy with the rank of captain from the 1st day of February 1937.

The following-named pay inspectors to be pay directors in the Navy with the rank of captain from the 1st day of February 1937:

Smith Hempstone
Hervey B. Ransdell

Asst. Paymaster James S. Bierer to be a passed assistant paymaster in the Navy with the rank of lieutenant from the 1st day of February 1937.

Naval Constructor Fred M. Earle to be a naval constructor in the Navy with the rank of commander from the 30th day of June 1934, to correct the date of rank as previously nominated and confirmed.

The following-named boatswains to be chief boatswains in the Navy, to rank with but after ensign, from the 16th day of October 1936:

Sam P. Morgan	Francis M. Linderman
Charles L. Knopp	Theodore R. Cooley
Jacob F. Lawson	Paul E. Pointer

Boatswain Howard H. Branyon to be a chief boatswain in the Navy, to rank with but after ensign, from the 15th day of November 1936.

Gunner George F. Wickens to be a chief gunner in the Navy, to rank with but after ensign, from the 16th day of October 1936.

Gunner Henry J. Schafer to be a chief gunner in the Navy, to rank with but after ensign, from the 15th day of December 1936.

The following-named citizens of the United States to be assistant civil engineers in the Navy with the rank of lieutenant (junior grade) from the 1st day of March 1937:

Edmonde B. Kelly	George S. Robinson
Adolph F. Benscheidt	Carl J. Scheve
Joseph White	

MARINE CORPS

Maj. William B. Croka to be a lieutenant colonel in the Marine Corps from the 1st day of March 1937.

Capt. Moses J. Gould to be a major in the Marine Corps from the 30th day of June 1936.

The following-named captains to be majors in the Marine Corps from the 1st day of July 1936:

George R. Rowan
Theodore H. Cartwright
Richard H. Schubert

The following-named captains to be majors in the Marine Corps from the 1st day of August 1936:

William J. Whaling
Herman H. Hanneken
Daniel R. Fox

Capt. Vernon M. Guymon to be a major in the Marine Corps from the 1st day of September 1936.

The following-named captains to be majors in the Marine Corps from the 1st day of November 1936:

Edward G. Hagen
James L. Denham
Floyd W. Bennett

Capt. Bailey M. Coffenberg to be a major in the Marine Corps from the 1st day of December 1936.

Capt. Samuel W. Freeny to be a major in the Marine Corps from the 1st day of January 1937.

First Lt. Raymond F. Crist, Jr., to be a captain in the Marine Corps from the 30th day of June 1936.

Marine Gunner Victor H. Czegka to be a chief marine gunner in the Marine Corps, to rank with but after second lieutenant, from the 4th day of February 1937.

CONFIRMATIONS

Executive nominations confirmed by the Senate, March 9 (legislative day of Mar. 8), 1937

SURGEON GENERAL AND CHIEF OF THE BUREAU OF MEDICINE AND SURGERY, NAVY

Perceval S. Rossiter to be Surgeon General and Chief of the Bureau of Medicine and Surgery in the Department of the Navy with the rank of rear admiral.

ASSISTANT CHIEF INSPECTOR OF LOCOMOTIVE BOILERS

Allyn C. Breed to be assistant chief inspector of locomotive boilers.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

Capt. Frederick Harrison Koerbel to Quartermaster Corps.
First Lt. Paul Edwin Meredith to Quartermaster Corps.
Maj. Chester Price Haycock to Finance Department.

PROMOTION IN THE REGULAR ARMY

Dean Schamber to be captain, Medical Corps.

APPOINTMENT IN THE NATIONAL GUARD OF THE UNITED STATES

Don Everett Scott to be brigadier general, National Guard of the United States.

POSTMASTERS

CALIFORNIA

John H. Vaughan, Chico.
Donald C. Etter, Coalinga.
Mary L. Jordan, Fairfax.

Thomas A. Gianella, Marysville.
Fred R. Carpenter, Middletown.

GEORGIA

Raymond G. Hudson, Blue Ridge.
Jesse W. Mundy, Jonesboro.

MASSACHUSETTS

Thomas D. Cudihy, Marblehead.
Owen W. Gallagher, North Abington.
Patrick J. McCarthy, Turners Falls.
Stephen C. Luce, Vineyard Haven.

MICHIGAN

Enos C. Cole, Fowlerville.
Emory M. Grilley, Grant.
Harry W. Denham, Litchfield.
Wavial H. Howard, Marion.
Henry E. Murphy, Pinckney.
Roy M. Gillies, West Branch.

NEBRASKA

Arthur M. Hart, Burchard.
Cyril John Dendinger, Hartington.

NEW MEXICO

Alice L. Huff, Silver City.

NORTH DAKOTA

Sigrid Vick, Sheyenne.

OKLAHOMA

Lewis E. Sloan, Alex.
Otis E. Cox, Barnsdall.
John S. Dawson, Bennington.
Brown King, Britton.
Roy C. Grider, Byars.
LeRoy Parrish, Comanche.
Ralph Ownby, Durant.
Forrest Thomas, Jr., Healdton.
Lawson Race, Hunter.
Willie F. Cowan, Jennings.
John Stewart Keller, Lexington.
Walter G. McGlamery, Mooreland.
Walter G. Baustert, Okeene.
William Thomas Whittenburg, Skiatook.
Alfred Claude Davis, Woodward.

PENNSYLVANIA

William M. Grumbine, Annville.
Edward Aloysius O'Donnell, Beaverdale.
Alvin E. Moon, Blawnox.
Eugene C. Wonder, Chalfont.
Joseph R. Thurston, Factoryville.
Frederic W. Moser, Greenville.
Abraham H. Scholl, Harleysville.
Ralph B. McQuistion, Harmony.
Harry W. Fee, Indiana.
Frank E. Neumeyer, Macungie.
Francis J. Kelly, Mansfield.
Edwin F. Fox, Mertztown.
Catherine G. Hauer, Mount Gretna.
Lester C. Trauger, Perkasie.
Joseph A. Kelly, Roslyn.
Mary S. Anderson, Royersford.
George S. McCurdy, Scottdale.
Russell R. Lindsley, Smethport.
Charles S. Doyle, South Langhorne.
Homer F. Eshelman, Summerville.
Burnett W. Weber, Sykesville.
Ernest B. Wolf, Telford.
George C. Rohland, West Newton.

SOUTH CAROLINA

Grady R. Hogue, Blacksburg.

TEXAS

Jay H. Riley, Canton.
Thomas H. McCarty, Lawn.
Leo C. Neutzler, Nordheim.
Ethel B. Friend, Rockport.
Wade H. Taylor, Seminary Hill.
Carlos S. Baker, Sr., Stockdale.

HOUSE OF REPRESENTATIVES

TUESDAY, MARCH 9, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

As we wait in this place of prayer, our Father, we trust that our grateful emotions are too deep for adequate expression. We give thanks to Thee, blessed Lord God, for Thou dost remember us on our low estate; Thou givest grace and glory and withholdeth no good thing. Oh, may Thy praise be continually in our hearts. We pray that Thy thoughts may be our thoughts and Thy ways our ways. Grant that we may be potent factors in the extension of Thy kingdom, and hasten the time when men shall understand that "to be carnally minded is death, but to be spiritually minded is life and peace." Encompass us with that heavenly charity which recognizes in our brethren the good, and darken the eyes that see nothing but imperfection and failure. Unveil the cross and may we behold Him, and help us to live in the spirit of adoring wonder, praise, and consecration. In His name. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and a joint resolution of the House of the following titles:

On March 1, 1937:

H. R. 824. An act for the relief of James Luker, Sr.;

H. R. 2518. An act to provide for retirement of Justices of the Supreme Court; and

H. J. Res. 96. Joint resolution to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended.

On March 5, 1937:

H. R. 4609. An act to authorize the purchase and distribution of products of the fishing industry.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 252. Joint resolution to aid in defraying the expenses of the International Labor Office incident to holding its Technical Tripartite Textile Conference.

UNITED STATES-PHILIPPINE TRADE

Mr. COOPER. Mr. Speaker, by direction of the Committee on Ways and Means, I present a privileged resolution (H. Res. 145), and I ask unanimous consent that the resolution and the accompanying report be read.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read as follows:

House Resolution 145

Resolved, That the President of the United States be, and he is hereby, requested to report to the House of Representatives, for its information, if not incompatible with public interests, all of the facts within the knowledge of the Tariff Commission relating to (1) the expenses involved in gathering information, data, statistics, etc., in the Philippine Islands for the recently issued Tariff Commission publication—"United States-Philippine Trade", identified as report 118, second series; (2) whether any part of the expenses involved in gathering information contained in said report was paid in whole or part by any person, firm, corporation, or organization other than the Tariff Commission and if funds for any part of said report were furnished by any other source than the Tariff Commisison that the source of such funds be stated together with the amount of financial assistance contributed; (3) the names of those participating in the gathering of the information contained in said report whether in the employ of the Tariff Commission or in the employ of a firm, corporation, or organization, and the names of those voluntarily participating; (4) whether public hearings were held at which interested parties in the United States as well as in the Philippine Islands had an opportunity to present factual information and testimony upon which the conclusions set forth in the report may have been based.

The Committee on Ways and Means, to whom was referred the resolution (H. Res. 145) to request the President of the United States to furnish the House of Representatives information within the knowledge of the Tariff Commission relating to expense, and names of those participating in gathering information involved in the publication by the Tariff Commission entitled "United States-Philippine Trade", having had the same under consideration, report it back to the House and recommend that the resolution do not pass.

Mr. COOPER. Mr. Speaker, I move that the resolution be laid on the table.

The motion was agreed to.

A motion to reconsider the vote by which the motion was passed was laid on the table.

EXTENSION OF REMARKS

Mr. PIERCE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address by Hon. JOHN E. RANKIN, of Mississippi, delivered at the National Conference of the Lawyers' Guild in Washington, D. C.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

SEED LOANS TO FARMERS

Mr. LUCKEY of Nebraska. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Nebraska?

Mr. GREENWOOD. Reserving the right to object, Mr. Speaker, this morning has been set aside for the consideration of the coal bill. I will not object to this request, but I must object to any further ones.

Mr. LUCKEY of Nebraska. This is only a short letter that I want to read.

The SPEAKER. Is there objection?

There was no objection.

Mr. LUCKEY of Nebraska. Mr. Speaker, I want to read a letter that I received from the Chamber of Commerce of Lincoln, Nebr., on yesterday. It is so pathetic and so important that I think every Member of the House should hear it. It is addressed to me:

LINCOLN, *March 4, 1937.*

Hon. HENRY C. LUCKEY,
House Office Building, Washington, D. C.

DEAR MR. LUCKEY: The Lincoln Chamber of Commerce is seriously concerned over the acute distress which now exists on thousands of Nebraska farms, and which is causing an exodus from the farms to the cities and towns. Without doubt, the situation is more serious than it has been at any previous time in the present century.

The time for beginning spring work and sowing small grain is almost here. Thousands of farmers do not have seed, feed, money, or credit. They cannot carry on and put out a crop without financial assistance. There is an urgent need for liberalizing the Farm Credit Administration loan requirements.

Many farmers not only have no seed, feed, money, or credit, but do not have sufficient horses for farm use. The feed shortage of the past few years has forced farmers to reduce their work stock to the lowest possible number. Under such conditions the loss of one or two horses from old age, poor feed, or other causes is a serious matter. Without money or credit the horse cannot be replaced. Most of the men have exhausted their credit during the series of short crop years that Nebraska has experienced. Money must be made available for standard rehabilitation loans or some similar refinancing program to enable farmers to continue operations in 1937.

We hope that you will use your best efforts to secure some relief for the drought-stricken farmers of Nebraska. Unless help is forthcoming to enable these men to continue farming, their only recourse is to move to the towns and cities, where they will swell the relief rolls. If they can be given some aid where they are, they will be self-supporting as soon as they produce a crop.

Very sincerely yours,

AGRICULTURAL COMMITTEE,
LINCOLN CHAMBER OF COMMERCE,
H. C. FILLEY, *Chairman.*

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. LUCKEY of Nebraska. I yield.

Mr. RICH. I thought this administration had done more for the farmers than any previous administration, and that the farmers were in good shape. At least that is what this administration claims. Evidently it is not the case.

Mr. LUCKEY of Nebraska. The difficulty is in the liberalization of the regulations. Some of these people cannot give security. They have no other assets, and it is impossible under present regulations for them to get loans.

Mr. RICH. We are making P. W. A. grants and all kinds of grants to the farmers and others. I thought the farmers were in pretty good shape. The gentleman evidently thinks they are not?

Mr. LUCKEY of Nebraska. No; they are not.

Mr. RICH. I think from Mr. Green's statement of the number of people unemployed, things are getting worse; and if you will look at the statement of the Treasury, you will find that we are $16,000,000,000 more in debt than when this administration came into office.

Mr. LUCKEY of Nebraska. We want these farmers to carry on on their farms. In order to do that we must liberalize the rules under which these loans are made.

Mr. RICH. In other words, the gentleman wants more gratuities given?

Mr. LUCKEY of Nebraska. No; not gratuities.

The SPEAKER. The time of the gentleman from Nebraska has expired.

REGULATION OF BITUMINOUS COAL IN INTERSTATE COMMERCE

Mr. GREENWOOD. Mr. Speaker, I call up House Resolution 146 and ask for its immediate consideration; and, pending that, I yield one-half the time to the gentleman from Massachusetts [Mr. MARTIN].

The Clerk read as follows:

House Resolution 146

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 4985, a bill to regulate interstate commerce in bituminous coal, and for other purposes, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill and continue not to exceed 4 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

Mr. GREENWOOD. Mr. Speaker, this rule provides for the consideration of a bill to regulate bituminous coal in interstate trade. It provides for 4 hours of general debate, and is an open rule, providing for amendments and discussion. This rule is to take up a bill which is similar to one that was previously passed by the Congress, sometimes known as the Guffey coal bill. The gentleman from Kentucky [Mr. VINSON], of the Committee on Ways and Means, is the author of the present bill in the House. The former bill, which was declared unconstitutional by the Supreme Court, provided for the regulation of hours and wages and working conditions with reference to the laborers in the mines.

The Supreme Court found objection to this particular feature of the bill, and the bill was declared unconstitutional. The Supreme Court also found that the question relative to the production of coal, at least as it was regulated under that bill, was a question of local or State control. The committee in this bill has eliminated the features with reference to labor. There is no attempt to regulate wages or hours. We, therefore, think that the objections raised by the Supreme Court have been eliminated from the bill.

Another feature of the present bill, which I think strengthens it, is that it sets up a commission, in which any operator or producer of coal may make a showing that the production from his mine is consumed locally and does not enter the channels of interstate commerce. When such operator or producer makes such a showing, he can be exempted from the provisions of the bill. A municipal light plant or a water plant that owns a mine and consumes all of its own production could be exempted under this bill, or a small local neighborhood mine that could make the proper showing that their production was not in any way a burden on the interstate traffic of coal could likewise be exempted. I think this provision greatly strengthens the bill. If it

should come to the Supreme Court, they would at once observe from the bill that the Congress has attempted to draw a line between intrastate production and interstate production. I believe, therefore, that the present bill is upon a much superior ground from the standpoint of constitutionality than the previous bill.

The previous bill was in operation long enough for both the producers or the employers, as well as the employees, to discover that it had a great contributing influence on stabilizing the production of coal; and, so far as I have been able to learn—there may have been exceptions—the operators' and the miners' organizations both will favor the bill.

The bill does provide that the commission may set up maximum and minimum prices and provide for codes dealing with fair competition. The bill defines 13 unfair trade practices to be considered in formulating fair-trade relations. One of the troubles with the coal business, as I have observed it, is that during the war there was an overdevelopment, as there was in many other lines of business, and following the war and continuing on down to the present time there have been cutthroat methods of competition which have demoralized the business, driven many operators entirely out of production, and in other instances the competition has been so strong they do not attempt to pay a standard or living wage. Mining such coal at a reduced wage, they send it in to the market into competition with coal that does pay a standard or a living wage. So the whole business has lacked stability and has been demoralized. Both the operators and the miners have suffered.

The fixing of the maximum price will also protect the consumer. The fixing of the minimum price by the commission will protect the operator who wants to pay a decent, living wage to the miner. The coal miners and the operators do not have such a great amount of trouble in getting together where the business is stabilized and the producer knows that he can enter into a long-term contract for production. The United Mine Workers, in dealing with operators on time-basis contracts, have always been known to keep their contracts and to hold their local unions in line under the contract; and the business goes along with harmony existing between the operators and the miners. One of the greatest losses to industry today is where there is a lack of cooperation in fixing wage scales and working conditions and hours, for often in desperation labor calls a strike and both sides lose a great deal financially because of these labor disturbances. I think, as far as possible, it is the duty of Congress to undertake to assist in all such controversies as this between capital and labor. This bill will help in this cooperative understanding in the mining and sale of bituminous coal.

Coal occupies a little different position as a commodity from many of the commodities that we dealt with under the N. R. A. We all understand that codes were formed under the National Recovery Act which attempted to deal with small local businesses. This was the weakness of that law. Sometimes I think we made a mistake in writing that law when we did not put certain limitations on it to confine its operation to, say, the larger industries, the output of which was consumed all over the Nation; and this may be the reason why it fell in the decision before the Supreme Court. But I want the House to get this slant concerning coal. It is different from many of the commodities and businesses that were dealt with under the National Recovery Act. In the first place, coal is a great national resource found in many different sections of the United States. It is a commodity that is needed for the maintenance of industry and for transportation. It is consumed Nation-wide. It produces the motive power for many of the locomotives that haul the trains in interstate commerce. It is the fuel for a vast number of the power plants that send electric current over interstate lines. These features mark this commodity as one that might be considered of a national character. If the Congress of the United States has the power to regulate any industry under the commerce clause of the Constitution, it certainly must have the power to do what this bill does in helping to regulate the production and distribution of coal which is consumed nationally, and which is a national product used for transportation by locomotives and for the generation of electric power that is transmitted over interstate lines.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. GREENWOOD. I yield.

Mr. MAY. Another feature of the coal industry that probably has more to do with bringing it into the class of interstate commerce is the fact that it not only furnishes the motor power for the vast system of railroads in about 33 different States of the Union, but it employs some 450,000 men in its production and more than that in its transportation on the railroads.

Mr. GREENWOOD. I thank the gentleman for his contribution. The industry is so vast, so widespread, so great a necessity in business, transportation, and power that it seems to me it is stamped with an interstate character; and I am very hopeful in believing that the Supreme Court will find that this bill comes within the delegated powers of the Constitution giving Congress power under the commerce clause.

There are many features of the bill I would rather some member of the Ways and Means Committee more familiar with it than I explained to you in the debate on the bill. The bill sets up a commission and divides the country into areas—areas that are on a competitive basis. It sets up local boards to consider in detail the matters of price and of stabilization.

Mr. DIMOND. Mr. Speaker, will the gentleman yield?

Mr. GREENWOOD. I yield.

Mr. DIMOND. In the Territory of Alaska are several small coal mines, the production of which is consumed in the Territory. Not a pound of it enters into interstate commerce. Am I correct in inferring that under the conditions there existing these mines may be eliminated from the operation of this bill?

Mr. GREENWOOD. I may say to the Delegate from Alaska that from his explanation it would appear that their production is not a burden on interstate traffic. If, however, any of that coal were loaded on vessels, the gentleman can readily see that his position would not prevail. I think it would rather depend upon each separate producer making a showing that production from his mine is entirely consumed locally.

If the product of some mines were not consumed locally, but beyond the territorial limits of Alaska, then it might constitute a burden on interstate traffic and would not be exempt.

Mr. LAMNECK. Will the gentleman yield.

Mr. GREENWOOD. I yield to the gentleman from Ohio.

Mr. LAMNECK. Is it not a fact that practically all intrastate coal will come under this bill? I think our discussions in the Ways and Means Committee showed that to be absolutely the fact. Any coal that is mined which affects interstate commerce directly or indirectly comes under this bill. Now, you cannot find a mine that is not affected directly or indirectly by this bill.

Mr. GREENWOOD. As I understand it, this bill does not go that far.

Mr. LAMNECK. Well, it does, in my judgment.

Mr. GREENWOOD. Whether it constitutes a burden on interstate traffic would be a question for the commission to decide from the facts presented in each case.

Mr. DONDERO. Will the gentleman yield?

Mr. GREENWOOD. I yield to the gentleman from Michigan.

Mr. DONDERO. In my State are located certain bituminous coal mines, and the product thereof is used entirely within the State of Michigan. Would the producers of those mines be compelled to come under the provisions of this bill or might they be exempted by the commission which will be set up?

Mr. GEENWOOD. I think the answer to the gentleman's question is the same as I made to the question asked by the Delegate from Alaska. If the product of any mine went beyond State lines it would not be exempted. But whether

the mine whose product was used within the State is exempted would be a case for the commission to decide in the case of each separate producer when he presented his case.

Mr. DONDERO. Would that mine be compelled to pay a tax on the production of its coal? I notice a penalty is here provided.

Mr. GREENWOOD. I think there is a small tax charged against all production; but the large tax for enforcement purposes would not be levied, as I understand it, against a mine that is exempted under the law.

Mr. RICH. Will the gentleman yield?

Mr. GREENWOOD. I yield to the gentleman from Pennsylvania.

Mr. RICH. If a certain mine at the present time was shipping intrastate and decided it did not want to come under this act, and confined the sale of its coal to the State of Pennsylvania, for example—and I will speak of a Pennsylvania mine—and they decided to keep their coal within the State of Pennsylvania, would they fall under the provisions of this act?

Mr. GREENWOOD. The gentleman is asking me to give a full interpretation of this law and what the commission would decide on the facts in each case. I can see where the volume of the production of a mine was so great that it was sold even near a State line the commission might rule it would be a burden on interstate traffic.

Mr. RICH. Then we will have to take solely the decisions rendered by that commission?

Mr. GREENWOOD. Certainly. That is what the commission is set up for. Each man will have to present his case. The gentleman perhaps will recall the famous Louisiana case, where it was ruled that intrastate railroad rates were governed by State law only; but the Interstate Commerce Commission held that where intrastate rates affected interstate rates on interstate traffic the intrastate rates came under the jurisdiction of the I. C. C. and should be regulated by that Commission. We would have to depend upon the volume of production of a mine. Take the case of trucks coming there and getting coal, we would have to decide or determine where the trucks took the coal.

Mr. RICH. Will the commission regulate all districts alike?

Mr. GREENWOOD. I assume that the commission, being national in character, will lay down certain regulations which will apply alike all over the United States.

Mr. JENKINS of Ohio. Will the gentleman yield?

Mr. GREENWOOD. I yield to the gentleman from Ohio.

Mr. JENKINS of Ohio. I think it would be proper for the gentleman to add to his statement this fact. The gentleman from Pennsylvania referred to a Pennsylvania operator. If that operator is not satisfied with the decision of the commission, he still has the courts open to him. He can resist the collection of the tax and test the question out as to whether he is engaged in intrastate or interstate commerce.

Mr. GREENWOOD. I thank the gentleman for his contribution. In my State there are a lot of mines, and trucks come to these mines from Louisville, Cincinnati, and St. Louis. These trucks carry 8 or 10 tons of coal. They buy this coal from the mines and drive off. It may be that the producer selling this coal does not know where it is going. When a case like that comes before the commission there would have to be a showing where the production went and that the operator knew it was being consumed within the borders of that State. If this coal were sold to trucks and hauled off in interstate commerce, certainly his business would be a burden on interstate traffic. Therefore each case will have to be heard on its own facts.

Mr. RICH. This tax will increase the price of coal?

Mr. GREENWOOD. I would not say that at this time. Experience shows that under the former coal bill there was not a fluctuation of more than 25 cents a ton on the average and there was a reduction in as many instances as where there were increases.

Mr. RICH. I am thinking now particularly of the miners. If it does increase the price of coal, necessarily they are going to have greater competition from oil, will they not?

Mr. GREENWOOD. I suppose there is always that competition to contend with. They will have to take care of that themselves as against a stiff competition from oil and electricity.

Mr. MICHENER. Will the gentleman yield?

Mr. GREENWOOD. I yield to the gentleman from Michigan.

Mr. MICHENER. There is something here I do not understand very clearly. It is the gentleman's contention that in order to affect a mine the mine must produce coal that is a burden on interstate commerce. Now, let us take the district represented by the gentleman from Michigan [Mr. WOODRUFF], there are some coal mines located in that district. If I recall correctly, all of that coal is used within that district and within the State. If that is true, the gentleman states that mine would not come under this law?

Mr. GREENWOOD. I said it would be my impression that would be a case where they would be exempt, but if the volume of production was so great it went in competition with interstate coal at some of the large centers and was used industrially in those centers, I am not able to say at this time whether the commission would rule it was a burden or not. The commission must decide that on the evidence in each case.

Mr. MICHENER. No; that is not my question. Like the gentleman from Ohio [Mr. LAMNECK], I want it made clear whether coal that indirectly comes into competition with coal shipped in interstate commerce will come under this law.

Mr. GREENWOOD. Can you find any place in the law, let me ask, where they have that language, directly or indirectly?

Mr. MICHENER. I wanted the RECORD to show clearly the intent of Congress.

Mr. VINSON of Kentucky. Will the gentleman yield to me?

Mr. GREENWOOD. Yes; I yield.

Mr. VINSON of Kentucky. I may say right here and now that "indirect effect" does not bring it under this bill. This bill is bottomed upon the Supreme Court decision in respect of interstate commerce, that which is interstate commerce or transactions which directly affect interstate commerce. That is the constitutional limitation, and we are standing foursquare upon the foundation rocks of the Constitution.

Mr. MICHENER. The gentleman agrees with me, then, that we both have in mind the Schechter case?

Mr. VINSON of Kentucky. Having in mind the Schechter case and the Carter case, the Coal case, and the "indirect effect" does not bring it within the purview of this act, and it is so stated in the bill.

Mr. GREENWOOD. Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. BOEHNE). The gentleman from Indiana has 9 minutes remaining.

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. MCLEAN].

Mr. MCLEAN. Mr. Speaker, it hardly seems necessary to consider this rule. We could take a vote right now and determine the matter just as intelligently as we will be able to 5 hours from now, because it has been decreed that this bill shall pass, and it is all ready to pass. Any consideration we give it is wasted time. In other words, it has been decreed that the bill must pass, and it is going to pass.

Let us not be deceived about the bill. Its purpose is to control the soft-coal industry of the United States. Any explanation that may be made to the contrary, any fine lines that may be drawn or hairs that may be split about affecting, directly or indirectly, interstate commerce, are also wasted energy, because when this commission is established, its purpose will be to control that industry.

There are two methods whereby industry may be controlled or regulated. The method provided in the pending bill is calculated to defeat the law of supply and demand and control by Government agency the production, distribution, and price of soft coal. It is the popular method at the moment with administration forces. It puts the soft-coal industry

under the domination and control of a governmental bureaucracy.

The other method is that which has developed since the N. R. A. was invalidated, and seems to me to be more sensible. Since the N. R. A. was set aside nearly every industry has been operating under what are known as voluntary codes. The principle upon which this method is predicated is contained in the bill which was introduced by the gentleman from Massachusetts [Mr. CASEY].

If you are going to consider the coal situation at this time, why not do it fairly, and why not give all the Members of the House full opportunity to consider the various methods whereby industries can be regulated or controlled?

The bill of the gentleman from Massachusetts [Mr. CASEY] was referred to the Committee on Interstate Commerce. It is there and has been there for a long time in a state of innocuous desuetude. Despite the effort of the gentleman from Massachusetts to get a hearing, no hearing has been held.

When the application by the Committee on Ways and Means was made to the Committee on Rules, the gentleman from Massachusetts [Mr. CASEY] appeared and outlined this alternative for the method proposed in the pending bill—a more useful method whereby this whole matter could be satisfactorily handled. He has been denied a hearing before the Committee on Interstate Commerce, and he has not been accorded a hearing before the Committee on Ways and Means.

Mr. VINSON of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. McLEAN. No; I cannot. My time is limited.

Mr. VINSON of Kentucky. The gentleman certainly does not mean to say that the bill has ever been referred to the Ways and Means Committee.

Mr. McLEAN. I said it was referred to the Committee on Interstate Commerce.

Mr. VINSON of Kentucky. Then you said that the Ways and Means Committee refused a hearing.

Mr. McLEAN. Did the Ways and Means Committee take the bill up for consideration?

Mr. VINSON of Kentucky. It was not referred to our committee.

Mr. McLEAN. Did your committee consider the merits of the Casey bill?

Mr. VINSON of Kentucky. That bill was not referred to our committee, and certainly we did not exceed our jurisdiction.

Would the gentleman support the Casey bill if it were reported?

Mr. McLEAN. Yes; and I would support any bill which had for its object and purpose giving the businessmen of this country the right to conduct their own business under voluntary codes——

Mr. VINSON of Kentucky. In face of the Schechter case?

Mr. McLEAN. If it were a universal law applying to all businesses and giving every business an opportunity to regulate its own affairs within the limitations as outlined in the Sugar Institute case recently decided (297 U. S. 553).

Mr. KENNEY. Mr. Speaker, will the gentleman yield?

Mr. McLEAN. I yield.

Mr. KENNEY. I may say to the gentleman, as a member of the Committee on Interstate and Foreign Commerce, that I endeavored to get a hearing for the gentleman from Massachusetts [Mr. CASEY]; but it was only about a week and a half ago that the gentleman from Massachusetts [Mr. CASEY] appeared before the committee, and since that time the chairman has been called to California to attend the funeral of one of our colleagues, and for this reason consideration of the bill has been held up, as I understand.

Mr. McLEAN. Then why press the pending bill at this time? Why not, in a spirit of cooperation, defer consideration of all the methods whereby a proposition of this sort may be approached? Why the haste and speed to press this matter? Why not wait until the principles involved in the Casey bill can be brought before the House in an orderly way, with or without the recommendation of a legislative committee, and have the consideration they deserve?

Under the procedure about to be adopted we are limited to the consideration of the pending Vinson bill, and must either take it or leave it. [Applause.]

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield 10 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, I have no soft-coal mines in my district. I was not present when the original Guffey bill came up in the Congress, but if I had been here that day I would have voted against it on constitutional grounds, because it was clearly unconstitutional.

It seems to me, however, we now face a different situation and that this bill is not only constitutional but an improvement on the Vinson-Guffey bill that passed the House last June. We are confronted with a condition and not a theory. Many coal operators, miners, and even the public have asked for relief from certain intolerable aspects in the coal industry. They have sent to the Congress a Macedonian cry of "Come over and help", and are we to turn our backs upon these deplorable conditions in the soft-coal mines of Pennsylvania, West Virginia, and other States? Are we to wash our hands like Pontius Pilate and say, "Oh, the Congress is powerless to act; we cannot do anything for you."

Everyone knows the demoralized condition of these miners. We all know that the soft-coal industry has been stricken, stricken nigh unto death for many years past. We all know that not so very many years ago there were strikes, riots, and bloodshed in the bituminous-coal industry. We all know the poverty, the squalor, and the miserable working conditions existing in some of these mines, and yet are we to say we are powerless that we cannot do anything because the Constitution intervenes?

The committee has now brought out a new bill. I do not believe the bill is perfect, far from perfect, but it is the only bill that is before the Congress. If we want to amend it, let us offer perfecting amendments that we think are wise, but why vote against the only proposition that is presented to relieve the situation for the benefit of the operators, miners, and the American public?

Chief Justice Hughes said that the Congress has the right to fix prices on interstate commodities. This is what the bill does. I do not particularly like fixing prices on anything, but I understand this is a situation that has to be faced and the pending bill offers a partial solution. It certainly is constitutional under the wording of the bill and in accordance with the views expressed by the Chief Justice.

Before I go any further, let me go back a moment because this bill is merely a part of the old N. R. A. I said years ago when the N. R. A. was up that it went too far, that it would fail and collapse because you could not regulate 800 different businesses through bureaucracies at Washington. I suggested at the time that if the Administration applied the N. R. A. codes to four or five basic industries involving natural resources, such as coal, oil, and lumber, we might get a different result; at least, that was the way to try it out as a noble experiment.

The Republicans did not block the N. R. A. Most of the Republicans voted for it. We had parades all over New York State, the Republicans joining in support of the N. R. A. as a temporary proposition to relieve unemployment and do away with unfair practices. The N. R. A. failed, not because it was hampered or undermined by the Republicans, but because it was utterly impossible to regulate 800 different businesses through bureaucratic edicts and confusing codes at Washington. It had collapsed of its own weight long before the Supreme Court held it unconstitutional, and it was held unconstitutional by a unanimous vote of the Supreme Court, the liberals and the conservatives voting together. As a result of this unanimous decision by the Supreme Court we now have the vindictive attacks of the President upon the judiciary to destroy the independence of the highest tribunal in order to control it and put through a new N. R. A.

There is no question about the motive of the President. Ninety-nine percent of it is because the Supreme Court, by

a unanimous vote, held the N. R. A. unconstitutional. The President should have submitted a constitutional amendment to the people 2 years ago and it would have been ratified by now if the people wanted it. Referring to the bill, there is no reason why the Congress should not face the demoralized condition of the coal industry and try to legislate along constitutional lines. For one I believe this is constitutional legislation. It is more or less of an experiment, but it is an experiment for the benefit of a great industry that is stricken, employing 400,000 American wage earners and at times as many as 800,000. They have asked for our help. The Congress tried to put through the original Guffey bill, and that was declared unconstitutional and rightly so. Now, we present another bill, a partial bill to stabilize the soft coal industry, to do away with cutthroat competition, to stop the sale of coal at less than the cost of production, and provide indirectly a decent wage scale for the employment of these 400,000 American wage earners, and as one who believes in social and industrial justice and a square deal for labor within our American system and under the Constitution of the United States I propose to vote for this bill. [Applause.]

Mr. GREENWOOD. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. VINSON of Kentucky. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 4985) to regulate interstate commerce in bituminous coal, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 4985, with Mr. MAY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Without objection, the first reading of the bill will be dispensed with.

There was no objection.

Mr. CULLEN. Mr. Chairman, I yield 30 minutes to the gentleman from Kentucky [Mr. VINSON].

Mr. VINSON of Kentucky. Mr. Chairman, the bill under consideration, H. R. 4895, is offered as the administration's substitute for the Bituminous Coal Conservation Act of 1935, which was invalidated by the Supreme Court May 18, 1936.

This bill is the culmination of many years study and investigation. Since 1913 there have been approximately 25 different congressional studies on the bituminous-coal question. Committees of the House and the Senate, joint committees thereof, and a special coal commission have given months and months study to problems of an industry that now employs 476,276 people with 2,300,000 more depending upon it for their living and representing well over a billion dollars investment. The area affected is the length and breadth of our country. Thirty-two States produce bituminous coal—the consumers in all the 48 States of the Nation are concerned that there be a fair price for such coal.

The provisions of the Bituminous Coal Conservation Act of 1935, which sought the stabilization of the prices of bituminous coal moving in interstate commerce and the regulations of the unfair methods of competition therein, were not directly passed upon by the majority in the Supreme Court's decision. The entire act was invalidated, as the prevailing opinion states, because of its inability to separate the labor provisions of said act from the regulation of prices and unfair methods of competition. The majority opinion held that even though Congress segregated the distinct problems under separate headings, part I dealing with organization and production; part II, marketing; part III, labor relations; and part IV, district areas, and further separated these parts into sections and then subdivided the sections into paragraphs and, where necessary, subdivided the paragraphs under appropriate lettering. In addition to this there was the usual separability clause and again a second separability clause. The Court in the prevailing opinion substantially said that Congress did not show to their satisfaction that the stabilization of the industry through regulation of prices and of unfair methods of competition as it affected bituminous coal in interstate commerce was separate and apart from the labor provisions thereof; that holding invalid the labor provisions as beyond Federal power the stabilization features secured by regulation of prices and removal of unfair trade practices would likewise fall. For the first time in our observation of the Supreme Court's history did we wince at the failure of this great tribunal to measure up to its responsibility and pass upon a truly vital issue to our economic life.

It is stated in the minority report that the prevailing opinion of the Supreme Court did not pass upon the price-fixing features of the old act or upon the regulation of unfair methods of competition section of the old act. That is true, but in the proximity to the Court which we occupy is there anyone who would care to say that, with the temper of the Supreme Court as it is, with the known divisions that obtain in that Court today, if there had been five votes to strike down the sections of the bill pertaining to the regulation of prices and of unfair methods of competition that they would have strained themselves to hide behind the inseparability of the labor-relations features to invalidate the whole act? I say that if five votes could have been secured they would have invalidated the regulation of prices and of unfair methods of competition sections of the bill. Then there would have been no reason for them to have ignored the two specific separability clauses of the Congress contained in the bill. Some might say they would gladly have done it.

Ah, we are in respectable company when we say that Congress has the power to regulate interstate commerce, and in so doing the power to fix prices, unless they are arbitrary, discriminatory, and in violation of the fifth amendment to the Constitution of the United States. We are in respectable company when we say Congress has the power to pass this piece of legislation. Chief Justice Hughes stands there with a lucid opinion saying that Congress has that power. Three other Justices—Mr. Justice Brandeis, Mr. Justice Cardozo, and Mr. Justice Stone—say that Congress has that power. So I say to you that all of the Justices who spoke upon this subject said Congress had the power. The majority opinion is silent upon that proposition.

Unless the Taft philosophy set forth in the cases of Hill against Wallace, Chicago Board of Trade against Olsen, Stafford against Wallace, and the Coronado cases were followed, it was admitted by proponents of the measure that the labor sections in said act were subject to attack; but even if stricken down, the proponents urged the stabilization features through price regulations and the removal of unfair competition methods.

Sometimes it is said by those who are not particularly informed that with the labor provisions stricken from the bill it is of no practical benefit to the mine workers and those who depend upon work in and around the mines for a livelihood. If you are acquainted with the conditions that exist in the coal country, you will recognize the force of my statement that stabilization of the industry is necessary for the men who work in it to secure a reasonable living wage. In any reduction in the price of coal necessary to be made, the wages paid to the workers is the most vulnerable spot at which to cut. The operator cannot reduce certain other costs. He is unable to secure reduction in transportation charges; he cannot secure a reduction in supplies and machinery necessary to produce the coal. The first place that he cuts is in the wages of his employees.

In fact, the general counsel of the United Mine Workers of America, Hon. Henry Warrum, made such statement very clearly in the hearings before the House committee preceding the enactment of the legislation. Mr. Justice Cardozo very clearly pointed out this frank statement by this learned

lawyer and splendid gentleman. We quote from the dissenting opinion of Mr. Justice Cardozo:

At a hearing before a subcommittee of the Committee on Ways and Means, House of Representatives, Seventy-fourth Congress, first session, on H. R. 8479, counsel for the United Mine Workers of America, who had cooperated in the drafting of the act, said (p. 35):

"We have, as can be well understood, a provision of this code dealing with labor relations at the mines. We think that is justified; we think it is impossible to conceive of any regulation of this industry that does not provide for regulations at the mines. I realize that while it may be contested, yet I feel that it is going to be sustained.

"Also, there is a provision in this act that if this act, or any part of it, is declared to be invalid as affecting any person or persons, the rest of it will be valid, and if the other provisions of this act still stand and the labor provisions are struck down, we still want the act, because it stabilizes the industry and enables us to negotiate with them on a basis which will at least be different from what we have been confronted with since April, and that is a disinclination to even negotiate a labor wage scale, because they claim they are losing money.

"If the labor provisions go down we still want the industry stabilized so that our union my negotiate with them on the basis of a living American wage standard."

To back up the attitude of the United Mine Workers of America toward the 1935 act, they stand here today in that same fair attitude toward this proposed legislation, asking for its passage as a means of stabilizing the industry. It is their position that unless the industry is stabilized, the old cutthroat competition methods relegated to the scrap heap under N. R. A. and the Coal Conservation Act, will be revived and they will have great difficulty in securing a reasonable wage for the dangerous and arduous service rendered. We read from a letter written by Hon. John L. Lewis, president of the United Mine Workers, dated March 8, 1937:

UNITED MINE WORKERS OF AMERICA,
Washington, D. C., March 8, 1937.

Hon. FRED M. VINSON,
Member of Committee on Ways and Means,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: The United Mine Workers of America advocated before Congress the passage of the Bituminous Coal Act of 1935, not merely because of the labor provisions it contained, but because its marketing provisions fixed a floor level of production cost for the interstate marketing of coal. The decision of the Supreme Court, in the Carter case, invalidated the act because the regulations relating to labor were held beyond the power of Congress and were considered to be so interwoven with the marketing provisions as to invalidate them. In the hearings before your committee upon the legislation of 1935 our representative made it plain that if the labor provisions should fail that they were still interested as wage earners in the marketing provisions of the act.

By the decision in this case the bituminous mine workers are thrown back upon their own resources and ability to organize and collectively bargain for their wages. But, however, they may be able to meet this problem unsheltered by the law, they are still helpless to secure a living wage from an industry whose products has for years been marketed in a senseless cutthroat competition which finds its opportunity particularly in a competitive cutting of wages.

It is for this reason that the United Mine Workers of America are again asking Congress to reenact this legislation with the labor regulation deleted. The price provisions provide a minimum base, which, after all, is a limitation upon the meanest manifestation of unfair practices in the interstate commerce of bituminous coal—practices which are wasting the coal resources of the Nation and which depend primarily upon a free hand with the wages and working conditions of mine labor.

Very truly yours,

JOHN L. LEWIS.

THE NEW BILL H. R. 4895

In the last Congress H. R. 12800 was passed by the House in the last days of the session by a vote of 161 to 90, but it was the subject of filibuster in the Senate and did not come to a vote in that body. Upon the first day of this session H. R. 2015 was introduced by me in the House, and a similar bill was introduced by Senator GUFFEY in the Senate; they were identic bills. Much study was given to the problem during the interim between the adjournment of last Congress and the beginning of this one. There are a number of changes strengthening the bill from a legal viewpoint. Much of the work was done by the Honorable John Dickinson, then Assistant Attorney General, and his associates. Mr. Dickinson is the gentleman who argued the Carter case before the Supreme Court. The Ways and Means had before it H. R. 2015 for consideration, and by a vote of 15 to 6 the committee determined to proceed to its consideration without public hearings. It took this position because of the many hearings that had been held upon coal problems together with the hearings that had been held in the House and Senate upon the predecessors of this bill. The hearings 2 years ago covered 660 pages. The fact that there were no public hearings upon this bill, however, cannot be argued by those who are acquainted with Chairman DOUGHTON and the personnel of his committee that no consideration was given to the measure. The Ways and Means Committee spent 9 days working morning and afternoon in executive session on H. R. 2015. Every word was read; every portion thereof considered. The legality of the measure together with protection of the consumer were most carefully considered by the committee. The protection of the weaker sectors of the industry was always kept in mind. The question of high-cost production to preserve its competitive position certainly was in the minds of the committee. We had the benefit of information and counsel from members of the Coal Commission, its consumers' counsel, and representatives from the Attorney General's office. The Solicitor General, Hon. Stanley Reed, appeared before the committee and went into detail with respect of the legality of the measure. We had representatives from the legislative counsel, Messrs. Beman and O'Brien, who are the tops in legislative drafting.

At the request of the committee, the Attorney General gave the committee a statement relative to the bill and the reasons for not giving a written opinion as to the validity of the measure. I incorporate at the conclusion of my remarks this letter in full. It is quite apparent that the Department of Justice has not and will not render opinions upon the constitutionality of measures prior to their passage. Their obligation is to the executive branch of the Government in respect of opinions as to the constitutionality of measures which is shown quite completely in the latter. There is also shown an unbroken line of precedents as to the course that is taken. However, I trust that it will not be improper for me to say that the press carried an item immediately after the appearance of Solicitor General Reed before the Ways and Means Committee that he had given as his opinion that the act would stand the test of the courts.

I think that it is fair to state that the work of the committee produced real contributions to the measure, both from a viewpoint of validity and fair results in its workings.

While there are several changes in the bill under consideration, it is substantially in the same form as the act of 1935 in respect of the regulation of prices and unfair methods of competition. No new subjects have been added, and no new method of regulation has been adopted. The bill is confined to the regulation of interstate commerce in bituminous coal and to matters and transactions in or directly affecting such commerce. We think that this bill more clearly sets out this purpose. The penalty tax is presented in direct approach. The draw-back in the 1935 act is eliminated. There is a levy of a tax of one-half of 1 percent on the sale of or the disposal of bituminous coal by any producer. There is another tax of 19½ percent on the sale of or the disposal of bituminous coal to which the code would apply when the producer thereof is not a code member. In the Carter case there were objections made relative to the delegation of legislative power to persons outside the Government. This referred to fixing the minimum price of coal. Under the old act the minimum prices were fixed by the district boards which, with the exception of one member, were elected by the coal industry in the respective districts. There is an important change here authorizing the commission to fix prices upon proposed prices from the district boards. The power to fix the prices is lodged in a governmental agency, the Coal Commission. The powers of the Consumers' Counsel have been very much strengthened in this bill, particularly with respect to the initiation of proceedings by him in the interest of the consumer. He has more independence in that he reports directly to Congress his acts and recommendations.

THE TAX FEATURES

I am going to undertake a difficult task. It is the task of dealing with certain law points in the bill. This character of speech is generally tiresome, and I am certain that my efforts will be no exception to the rule, but, as a Member of this House, I know the genuine respect that my colleagues here have for the law and the courts. I have that same respect. As a lawyer and a Member of this body, I say to you that we have tried to square the language of this bill with the decisions of the Supreme Court. I desire to discuss with you the authority in law for the penalty tax, the regulation of prices and unfair trade practices and the intrastate commerce which is affected by this bill. Our efforts have not been to circumvent any opinion of our highest Court, but we have worked in a bona-fide attempt to meet the law laid down by them in a proper, legal, constitutional manner.

Direct approach is had in respect of taxing features of this bill, both as to the tax upon all coal mined and the tax which is levied for the purpose of enforcement. The drawback method, while in my opinion is equally as valid, was thought by some to be a more novel way of doing the job than the direct levy. Of course, the advantage of the manner in which the tax was levied under the 1935 act is that the members of the industry would show compliance with the code before the drawback was allowed. However, we grant that the direct approach is more easily understood, and we have governed ourselves accordingly in the new tax provisions. In the bill under consideration, we provide for an excise tax of one-half of 1 percent on the sale of or other disposal of bituminous coal by every producer; and a tax of 19½ percent upon the sale of or other disposal of bituminous coal to which the code would apply when the producer thereof is not a code member.

The tax under the 1935 act was 1½ percent of such sale price. The purpose of levying this tax was to relieve the Treasury from any financial responsibility for the administration of the act. However, in 1936 there were 400,000,000 tons of coal produced. At an average price at the mine of approximately $2 per ton you would have a value of such production of $800,000,000; 1½ percent thereof would be $12,000,000—one-half of 1 percent, of course, is $4,000,000. This is much more than adequate to cover the administrative costs of the bill.

The tax of 19½ percent is in lieu of the 13½ percent imposed under the 1935 act. It is thought that this will be a more effective means of enforcement than the old rate, particularly as it applies to small mines with high production costs which are in competition with strip mines. The increase was particularly desired by what might be called the isolated or outlying coal districts. Undoubtedly it will be a much stronger means of compliance, which means a sounder stabilization of the industry.

More questions are raised about this penalty section than most any other section of the bill. A person who reads the opinion feels that the tax was invalidated and that, consequently, we have no right to levy a tax of this kind. However, upon further consideration of the opinion, it is very apparent that while the majority held that the act could not be upheld in virtue of the taxing power, yet we find no basis for fear that the penalty tax cannot be properly levied to enforce the regulation of interstate commerce if such regulation is within the commerce clause of the Constitution. The commerce clause of the Constitution is the foundation rocks for this legislation. The Government took the position before the Supreme Court in the Carter case that the power relied upon was the commerce clause. I quote from the majority opinion in the Carter case:

> The position of the Government, as we understand it, is that the validity of the exaction does not rest upon the taxing power but upon the power of Congress to regulate interstate commerce; and that if the act in respect of the labor and price-fixing provisions be not upheld, the "tax" must fall with them. With that position we agree. * * *

I also quote from Mr. Chief Justice Hughes' opinion in this same case:

> I agree * * * that the so-called tax is not a real tax but a penalty; that the constitutional power of the Federal Government to impose this penalty must rest upon the commerce clause, as the Government concedes.

There may be an argument made that the taxing power is a support of the regulatory provisions, but, in the face of the Carter case, we do not take such position. We rely upon the power to regulate interstate commerce and transactions in or directly affecting interstate commerce. The levy of the taxes involved is an incident to and an aid in the enforcement of another constitutional power properly exercised. Of course, if there is no power under the commerce clause to uphold the substantive regulations, the act collapses. The Supreme Court in a number of cases has expressed the view that Congress might impose a penalty tax to enforce other constitutional powers. I do not think that anyone can successfully contradict such statement.

This is not a novel position. Congress has done it many times. I will refer to several Supreme Court cases upholding it.

STATE BANK-NOTE CASES

Congress under its constitutional power to establish a currency system sought to prohibit the use of State bank notes. It imposed a tax of 10 percent on such notes. Undoubtedly this was a prohibitory tax—it certainly was a penalty tax. The Supreme Court in the case of *Veazie Bank* v. *Fenno* (8 Wall. 533) held this tax to be constitutional, since Congress had the power to establish a currency system. It said (p. 549):

> Having thus, in the exercise of undisputed constitutional powers, undertaken to provide a currency for the whole country, it cannot be questioned that Congress may, constitutionally, secure the benefit of it to the people by appropriate legislation.

So far as we know, there has been no income derived from this penalty tax at all. It served its purpose of regulating the currency system and was upheld by the Supreme Court because it was incident to the enforcement of an undisputed constitutional power.

HEAD MONEY CASES (112 U. S. 580)

Congress imposed a tax on every alien brought into the country. It was argued that the tax was invalid because not uniform throughout the United States and because not for the general welfare. But the Court said:

> But the true answer to all these objections is that the power exercised in this instance is not the taxing power. The burden imposed on the shipowner by this statute is a mere incident of the regulation of commerce (p. 595).
>
> If this is an expedient regulation of commerce by Congress, and the end to be attained is one falling within that power, the act is not void, because, within a loose and more extended sense than was used in the Constitution, it is called a tax (p. 596).

UNITED STATES *v.* BUTLER (297 U. S. 1)

In holding unconstitutional the A. A. A. processing taxes, the Court, after holding that the tax was not a true tax, went on to say (p. 61):

> It does not follow that as the act is not an exertion of the taxing power and the exaction not a true tax, the statute is void or the exaction uncollectible. For, to paraphrase what was said in the *Head Money cases* (supra), p. 596, if this is an expedient regulation by Congress, of a subject within one of its granted powers, "and the end to be attained is one falling within that power, the act is not void, because, within a loose and more extended sense than was used in the Constitution" the exaction is called a tax.

CARTER *v.* CARTER COAL CO. (298 U. S. 238)

In holding the Bituminous Coal Conservation Act invalid under the commerce power the Court said (p. 289):

> That the "tax" is in fact a penalty is not seriously in dispute. The position of the Government, as we understand it, is that the validity of the exaction does not rest upon the taxing power but upon the power of Congress to regulate interstate commerce; and that if the act in respect of the labor and price-fixing provisions be not upheld, the "tax" must fall with them. With that position we agree and confine our consideration accordingly.

We do not think that there could be any serious contention that the levy of the tax of 19½ percent to further the

regulation of interstate commerce is not within the constitutional power of Congress.

REGULATION OF PRICES

There is no decision of the Supreme Court which denies the existence of Federal power to regulate prices in interstate commerce. However, there are three significant lines of authority supporting the existence of this power.

STATE LEGISLATION FIXING PRICES FOR INTERSTATE COMMERCE SALES

It is clear that the States have no power to fix the price of a commodity sold within the State for shipment to another State. Such a sale is a transaction in interstate commerce which may not be regulated by the States.

Dahnke-Walker Milling Co. v. *Bondurant* (257 U. S. 282): A Kentucky corporation statute which operated to prevent suit for breach of contract was held not to be constitutionally applicable to a sale of wheat in Kentucky for shipment to a mill in Tennessee. The Court said that "where goods are purchased in one State for transportation to another the commerce includes the purchase quite as much as it does the transportation" (p. 290).

Flanagan v. *Federal Coal Co.* (267 U. S. 222): A Tennessee statute which operated to prevent suit for breach of contract for the sale of coal f. o. b. mine was held not to be constitutionally applicable where it was understood between the parties that the dealings "were steps in sending coal from the mine to purchasers in other States" (p. 225).

Lemke v. *Farmers Grain Co.* (258 U. S. 50): A North Dakota statute regulated the business of purchasing grain within the State, including a provision for fixing the price by a State officer. The grain was sold to elevator operators who took delivery within the State and stored it there. Most of this grain was subsequently shipped outside the State after its purchase. The Court held that the State legislation was an unconstitutional burden upon interstate commerce.

The above cases show conclusively that the States have no power over sales in interstate commerce. The Supreme Court has held that where a State statute is invalid as an unconstitutional burden on interstate commerce, such a holding implies that Federal regulation of the same subject matter would be constitutional. Thus in the *Head Money cases* (112 U. S. 580), the Court in holding that a Federal statute regulating immigration was a valid exercise of the commerce power, reached its decision on the basis of prior decisions holding State regulation of the same subject matter unconstitutional. It was said (p. 593):

> It cannot be said that these cases do not govern the present, though there was not then before us any act of Congress whose validity was in question, for the decisions rest upon the ground that the State statutes were void only because Congress, and not the States, was authorized by the Constitution to pass them, and for the reason that Congress could enact such laws, and for that reason alone were the acts of the State held void. It was, therefore, of the essence of the decision which held the State statutes invalid that a similar statute by Congress would be valid.

In consequence of this principle the Supreme Court has in several cases involving State legislation expressly pointed out that the Federal Government has power to regulate prices in interstate commerce.

Lemke v. *Farmers Grain Co.* (258 U. S. 50): This case is discussed above. In the course of its opinion, the Court said (pp. 60–61):

> It is alleged that such legislation is in the interest of the grain growers and essential to protect them from fraudulent purchases, and to secure payment to them of fair prices for the grain actually sold. This may be true, but Congress is amply authorized to pass measures to protect interstate commerce if legislation of that character is needed. The supposed inconvenience and wrongs are not to be redressed by sustaining the constitutionality of laws which clearly encroach upon the field of interstate commerce placed by the Constitution under Federal control.

Public Utilities Commission v. *Attleboro Steam & Electric Co.* (273 U. S. 83): The Court held that the rates of electricity produced within one State and sold within that State for transmission to another State are not subject to regulation by the State of production. Both the majority and minority opinions state clearly that the power to regulate the rates resides in the Federal Government. In the majority opinion it was said (p. 90):

> The rate is therefore not subject to regulation by either of the two States in the guise of protection to their respective local interests; but if such regulation is required, it can only be attained by the exercise of the power vested in Congress.

In the dissenting opinion it was said (p. 91):

> If the Commission lacks the power exercised, it is solely because the electricity is delivered for use in another State. That fact makes the transaction interstate commerce, and Congress has power to legislate on the subject.

Baldwin v. *Seelig* (294 U. S. 511): The New York Milk Control Act prohibited all sales of milk brought in from other States at a price less than that permissible in New York. This provision was held to be an invalid burden on interstate commerce. The Court said (p. 522):

> If New York, in order to promote the economic welfare of her farmers, may guard them against competition with the cheaper prices of Vermont, the door has been opened to rivalries and reprisals that were meant to be averted by subjecting commerce between the States to the power of the Nation.

CONGRESSIONAL LEGISLATION DEALING WITH THE PRICE TERM OF CONTRACTS

Congress has on a number of occasions legislated with respect to the price term of contracts. The most striking example is section 2 of the Clayton Act, which prohibits discriminations in prices to different purchasers. This is a direct regulation of the price term of the contract. Its constitutionality has never been doubted. Congress has also legislated with respect to intrastate practices which affect interstate price in the Grain Futures Act. This act was upheld in *Chicago Board of Trade* v. *Olsen* (262 U. S. 1). The Court there made the significant statement that "the question of price dominates trade between the States" (p. 40). It upheld the regulation of the manipulation of futures which Congress had found to have the effect of unduly depressing prices of grain in interstate commerce on the ground that Congress could constitutionally regulate intrastate activity which directly affected interstate price. Since Congress may regulate local activity which merely affects interstate price, it would seem that it could a fortiori regulate the interstate price itself.

CONGRESSIONAL REGULATION OF THE RATES AND CHARGES OF INSTRUMENTALITIES OF INTERSTATE COMMERCE

There is, of course, no doubt that Congress has power under the commerce clause to regulate the rates of instrumentalities of interstate commerce, such as railways and telegraph companies. In the Packers and Stockyards Act, Congress has also regulated the charges made by stockyards and also the charges of commission men operating the stockyards. The validity of the Stockyards Act was upheld in Stafford against Wallace and very recently in *St. Joseph Stock Yards Co.* v. *United States* (298 U. S. 38). The validity of regulating the charges of commission men was upheld in *Tagg Bros. & Moorhead* v. *United States* (280 U. S. 420), and very recently in *Acker* v. *United States* (298 U. S. 427). Attention should also be called to the case of *Wilson* v. *New* (243 U. S. 322), in which the Court upheld congressional legislation of the wages paid to railway employees. On principle there is no distinction as far as the question of congressional power is concerned between these instances of Federal legislation and Federal regulation of prices in interstate sales. It is true that the cases just mentioned were concerned with public utilities, but that fact is significant only on the issue of due process. If Congress has power to regulate the rates charged by a railroad, which is a mere instrumentality of commerce, it certainly has the power to regulate buying and selling, which is commerce itself and not merely an agency of commerce. It is well known that when the Constitution was adopted the primary application of the commerce clause was thought to be on transactions of purchase and sale. It was only in *Gibbons* v. *Ogden* (9 Wheat. 1) that Chief Justice Marshall first laid down the principle that interstate transportation was also subject to congressional regulation.

The latest case with respect to Federal price fixing is *Carter* v. *Carter Coal Co.* (298 U. S. 238). The majority of the Court did not undertake to pass upon the validity of Federal regulation of sales of coal. Four members of

the Court, including the Chief Justice, expressed their opinion that Federal regulation of sales of coal in interstate commerce was constitutional. The Chief Justice said:

> * * * The act also provides for the regulation of the prices of bituminous coal sold in interstate commerce and prohibits unfair methods of competition in interstate commerce. Undoubtedly transactions in carrying on interstate commerce are subject to the Federal power to regulate that commerce and the control of charges and the protection of fair competition in that commerce are familiar illustrations of the exercise of the power, as the Interstate Commerce Act, the Packers and Stockyards Act, and the antitrust acts abundantly show. The Court has repeatedly stated that the power to regulate interstate commerce among the several States is supreme and plenary (*Minnesota Rate cases* (230 U. S. 398)). It is "complete in itself, and may be exercised to its utmost extent, and acknowledges no limitations, other than are prescribed in the Constitution" (*Gibbons* v. *Ogden* (9 Wheat. 1, 196)). We are not at liberty to deny to the Congress, with respect to interstate commerce, a power commensurate with that enjoyed by the States in the regulation of their internal commerce. See *Nebbia* v. *New York* (291 U. S. 502).
>
> Whether the policy of fixing prices of commodities sold in interstate commerce is a sound policy is not for our consideration. The question of that policy, and of its particular applications, is for Congress.

THE DUE-PROCESS CLAUSE

If the existence of Federal power to regulate the prices of sales in interstate commerce is established, the next question is whether the particular regulation is consistent with the due-process clause of the fifth amendment. This question depends upon the particular commodity involved and upon the particular circumstances. The latest expression of the Court with respect to the validity of price-fixing legislation under the due-process clause is *Nebbia* v. *New York* (291 U. S. 502), in which the Court upheld the validity of fixing of the price of milk sold in the State of New York. Of course, this case related to State legislation, but, as the Court made perfectly clear in that case, the due-process clause imposes no greater restriction upon the Federal Government than it does upon the States. Consequently, if the existence of Federal power over the subject matter be granted, under the authorities discussed previously, it follows that the Nebbia case is strong authority for the validity of Federal price regulation with respect to a commodity and an industry which present the same characteristics as in the case of milk. In Carter against Carter Coal Co., the lower court made a series of findings with respect to coal which present a strong parallel the facts relating to the milk industry on which the Supreme Court had based its opinion in the Nebbia case. The parallel is set forth on page 162 of the brief for the Government in the Carter case. It is also to be noted that the Chief Justice in the Carter case accepted this parallel and cited the Nebbia case as authority in the excerpt from his opinion, quoted above.

INTRASTATE TRANSACTIONS

I want it plainly understood that our purpose in this bill is the regulation of interstate commerce in bituminous coal and to matters and transactions in or directly affecting interstate commerce in bituminous coal. We are relying upon the commerce clause in the Constitution. We rely upon its entire power—we claim nothing beyond that power. That which is interstate commerce in bituminous coal and transactions in or directly affecting interstate commerce in bituminous coal are the subject matters upon which we are legislating. That which comes within that category is in the bill. That which does not come within that category is without the bill. We confine ourselves only within the limits of the commerce clause of the Constitution.

The power of Congress to regulate intrastate activity which directly affects interstate commerce is well established. Thus Congress may regulate the local activity of trading in futures on the grain exchange which such activity directly affects the interstate price of grain (*Chicago Board of Trade* v. *Olsen*, 262 U. S. 1). It may regulate the activities of stockyards operators which directly affect interstate commerce in livestock (*Stafford* v. *Wallace*, 258 U. S. 495). It may punish the issuance of a fraudulent bill of lading which is not commerce at all where the effect of such issuance is to directly affect interstate commerce (*United States* v. *Ferger*, 250 U. S. 199).

Direct analogy for the validity of the regulation of intrastate sales of coal is to be found in the regulation of intrastate railroad rates which affect interstate rates. The principle that Congress may constitutionally regulate these intrastate rates was first laid down in the *Minnesota Rate cases* (230 U. S. 352), in which the Court said (p. 399):

> There is no room in our scheme of government for the assertion of State power in hostility to the authorized exercise of Federal power. The authority of Congress extends to every part of interstate commerce, and to every instrumentality or agency by which it is carried on; and the full control by Congress of the subject committed to its regulations is not to be denied or thwarted by commingling of interstate and intrastate operations. This is not to say that the Nation may deal with the internal concerns of the State, as such, but that the execution by Congress of its constitutional power to regulate interstate commerce is not limited by the fact that intrastate transactions may have become so interwoven therewith that the effective government of the former incidentally controls the latter. This conclusion necessarily results from the supremacy of the national power within its appointed sphere.

The principles were applied in the Shreveport case (234 U. S. 342), in which the Court said (p. 351):

> Wherever the interstate and intrastate transactions of carriers are so related that the government of one involves the control of the other, it is Congress, and not the State, that is entitled to prescribe the final and dominant rule, for otherwise Congress would be denied the exercise of its constitutional authority and the State, and not the Nation, would be supreme within the national field.

Numerous examples of the exercise of this power occur in the reports of the Supreme Court. See particularly *Wisconsin Railroad Commission* v. *Chicago, B. & Q. Railroad Co.* (257 U. S. 563); *Florida* v. *United States* (292 U. S. 1); and *Ohio* v. *United States* (272 U. S. 498).

This analogy of the control of intrastate rates was accepted in the dissenting opinion of Mr. Justice Cardozo in the Carter case. The majority of the Court did not find it necessary to express any opinion on this point. The language of Mr. Justice Cardozo is as follows (298 U. S. 327, 328–329):

> Regulation of prices being an exercise of the commerce power in respect of interstate transactions, the question remains whether it comes within that power as applied to intrastate sales where interstate prices are directly or intimately affected.
>
> * * * * * * *
>
> One of the most common and typical instances of a relation characterized as direct has been that between interstate and intrastate rates for carriers by rail where the local rates are so low as to divert business unreasonably from interstate competitors. In such circumstances Congress has the power to protect the business of its carriers against disintegrating encroachments (Shreveport case, 234 U. S. 342, 351, 352; *Wisconsin Railroad Comm.* v. *Chicago, B. & Q. R. Co.*, 257 U. S. 563, 588; *United States* v. *Louisiana*, 290 U. S. 70, 75; *Florida* v. *United States*, 292 U. S. 1). To be sure, the relation even then may be characterized as indirect if one is nice or overliteral in the choice of words. Strictly speaking, the intrastate rates have a primary effect upon the intrastate traffic and not upon any other, though the repercussions of the competitive system may lead to secondary consequences affecting interstate traffic also (*Atlantic Coast Line R. Co.* v. *Florida*, 295 U. S. 301, 306). What the cases really mean is that the casual relation in such circumstances is so close and intimate and obvious as to permit it to be called direct without subjecting the word to an unfair or excessive strain. There is a like immediacy here. Within rulings the most orthodox the prices for intrastate sales of coal have so inescapable a relation to those for interstate sales that a system of regulation for transactions of the one class is necessary to give adequate protection to the system of regulation adopted for the other.

I desire to quote section 4–A in full herein. This is new language, and I think that it is quite helpful language, both in respect of the enforcement of the act and in clarifying the relationship between intrastate sales and interstate sales. Assuming that Congress has power to regulate interstate commerce, then there seems to be little doubt that it has power to regulate intrastate sales which directly effect interstate commerce.

> SEC. 4–A. Whenever the commission upon investigation instituted upon its own motion or upon petition of any code member, district board, State or political subdivision thereof, or the consumers' counsel, after hearing finds that the prices of coal sold by producers in transactions in intrastate commerce cause any undue or unreasonable advantage, preference, or prejudice as between persons and localities in such commerce on the one hand and interstate commerce on the other hand, or any undue, unreasonable, or unjust discrimination against interstate commerce, the commission shall by order so declare, and thereafter coal sold

in such intrastate commerce shall be subject to the provisions of section 4 relating to prices.

Any producer believing that any commerce in coal is not subject to the provisions of section 4 or to the provisions of the first paragraph of this section may file with the commission an application, verified by oath or affirmation for exemption, setting forth the facts upon which such claim is based. The filing of such application in good faith shall exempt the applicant, beginning with the third day following the filing of the application, from any obligation, duty, or liability imposed by section 4 with respect to the commerce covered by the application until such time as the commission shall act upon the application. If the commission has reason to believe that such exemption during the period prior to action upon the application is likely to permit evasion of the act with respect to commerce in coal properly subject to the provisions of section 4 or of the first paragraph of this section, it may suspend the exemption for a period not to exceed 10 days. Within a reasonable time after the receipt of any application for exemption the commission shall enter an order granting, or, after notice and opportunity for hearing, denying or otherwise disposing of such application. As a condition to the entry of and as a part of any order granting such application, the commission may require the applicant to apply periodically for renewals of such order and to file such periodic reports as the commission may find necessary or appropriate to enable it to determine whether the conditions supporting the exemption continue to exist. Any applicant aggrieved by an order denying or otherwise disposing of an application for exemption by the commission may obtain a review of such order in the manner provided in subsection (b) of section 6.

I desire to refute the idea that in section 4–A we seek to enlarge upon the constitutional power in respect of interstate commerce. We certainly do not intend to do it in 4–A, neither do we intend to limit the power to regulate interstate commerce as expressed in the Constitution. We have no purpose of using section 4–A as an enlargement of section 4. Section 4 has everything in it that is contained in section 4–A. What we tried to do was to stand upon the commerce clause as it has been interpreted by the Supreme Court in the Minnesota rate cases and in the Shreveport cases, as well as other cases.

We have attempted to set up simple machinery whereby a man may ascertain whether or not the thing that he does is such an intrastate transaction as not to be under the power of Congress and therefore not within the act. We set up this machinery in order that the small operator who may be engaged in an intrastate transaction that would not have a direct effect on interstate commerce may ascertain such fact. As we see it, if you have the power to regulate interstate commerce, you have the power to regulate those intrastate transactions that directly affect the interstate commerce.

THE PRICE OF COAL

It is argued that this bill will increase the price of coal to the consuming public. Fear always creeps in, and particularly when the effort is made to benefit people by legislation. The history is such that this argument can be successfully refuted unless there will be those who desire to purchase coal below the cost of production to the inevitable destruction of the industry itself and to an inevitable suffering on the part of the men and their families who produce it from the ground.

Before the enactment of the National Industrial Recovery Act the coal industry was prostrate and paralyzed. Cutthroat competition had reduced coal prices in many instances to as much as 75 cents per ton below cost of production. Then you had the stabilizing influence of voluntary action under the N. R. A. coal codes on the part of the coal producers. There was a lot of chiseling, to be sure, and a breaking down of the codes toward the end of their administration; but there was a definite stabilization of the industry, which benefited not only the operators but gave a living wage to the miners.

The facts are that the average realization per ton for the coal produced under N. R. A. was only 3 cents a ton more than the average production costs, and yet for the first time in years did the coal country make any money.

We insert herein a retail bituminous-coal price for prepared sizes in selected cities, per ton of 2,000 pounds, running from November 15, 1933, through September 15, 1936. This report was prepared by the bituminous coal commission.

Retail bituminous-coal prices for prepared sizes in selected cities

[Per ton of 2,000 pounds]

City	1933		1934										1935								1936			
	Nov. 15	Dec. 15	Jan. 15	Feb. 15	Mar. 15	Apr. 15	May 15	June 15	July 15	Oct. 15	Nov. 15	Dec. 15	Jan. 15	Feb. 15	Mar. 15	Apr. 15	May 15	June 15	July 15	Oct. 15	Jan. 15	Apr. 15	July 15	Sept. 15
Pittsburgh	$4.82	$4.75	$4.72	$4.68	$4.68	$4.75	$4.64	$4.54	$4.47	$4.20	$4.19	$4.20	$4.20	$4.20	$4.20	$4.20	$4.27	$4.19	$4.02	$4.42	$4.40	$4.38	$4.21	$4.76
Chicago:																								
High volatile	8.21	8.21	8.21	8.21	8.21	8.18	7.90	7.87	8.03	8.24	8.24	8.25	8.32	8.31	8.31	8.31	8.10	8.10	8.12	8.46	8.59	8.92	7.94	8.27
Low volatile	10.83	10.83	10.83	10.83	10.83	10.79	9.63	9.66	9.77	10.01	10.01	10.01	10.19	10.20	10.20	10.20	10.25	10.26	10.28	10.73	10.79	11.22	10.39	10.80
Cincinnati:																								
High volatile	6.10	6.15	6.10	6.10	6.10	5.69	5.83	5.85	5.85	5.85	5.85	5.92	6.06	6.24	6.24	5.06	4.96	4.96	4.98	5.80	6.26	5.85	5.73	6.07
Low volatile	7.98	7.92	8.00	8.00	8.00	7.39	7.46	7.50	7.50	7.50	7.50	7.55	7.68	7.91	7.91	6.87	6.63	6.63	6.66	7.57	8.18	7.86	7.73	7.98
Cleveland:																								
High volatile	6.34	6.20	6.20	6.26	6.29	6.34	6.81	6.81	6.90	6.75	6.75	6.77	6.77	7.08	7.08	7.08	7.05	6.85	6.82	6.62	6.66	6.91	6.93	6.76
Low volatile	9.09	9.00	9.00	9.00	9.00	9.00	8.75	8.75	8.76	8.79	8.79	8.79	8.79	9.21	9.21	9.21	9.21	8.16	8.75	9.41	9.54	9.80	9.21	9.50
Columbus:																								
High volatile	6.08	6.10	6.11	6.08	6.05	5.78	5.75	5.94	6.12	6.47	6.45	6.45	6.41	6.55	6.52	5.85	5.81	5.75	5.97	6.26	6.18	6.11	6.10	6.26
Low volatile	7.50	7.50	7.54	7.54	7.50	7.04	7.00	7.21	7.42	7.70	7.75	7.75	7.75	7.93	7.97	7.06	7.08	7.25	7.57	7.86	7.97	7.69	7.71	7.95
Detroit:																								
High volatile	6.84	6.84	6.86	7.12	7.17	7.17	7.17	7.17	7.17	7.17	7.12	7.17	7.17	7.17	7.17	7.03	6.95	6.95	7.06	7.36	7.36	7.40	7.12	7.06
Low volatile	7.56	7.55	7.89	8.38	8.51	8.51	8.52	8.52	8.52	8.52	8.52	8.52	8.52	8.50	8.48	7.92	7.73	7.73	7.79	8.63	8.63	8.63	8.13	8.27
Indianapolis:																								
High volatile	5.93	5.93	5.99	5.99	5.99	5.96	5.84	6.14	6.61	6.42	6.42	6.40	6.17	6.33	6.33	6.27	5.90	5.91	5.91	6.09	5.76	6.21	5.82	5.84
Low volatile	8.20	8.20	8.20	8.20	8.20	8.10	7.70	7.95	7.95	8.55	8.53	8.63	8.53	8.53	8.53	8.41	7.92	7.92	7.92	8.65	8.56	8.45	8.00	8.20
Milwaukee:																								
High volatile	7.51	7.50	7.51	7.51	7.51	7.51	7.96	7.96	7.98	7.98	7.98	7.98	7.98	7.98	7.98	7.98	7.89	7.97	8.21	8.42	8.43	8.42	8.30	8.53
Low volatile	9.62	9.83	9.83	9.80	10.11	10.11	10.39	10.36	10.36	10.70	10.65	10.65	10.65	10.65	10.65	10.65	10.14	10.03	10.53	11.22	11.48	11.43	10.73	11.00
Kansas City	5.79	5.79	5.85	5.76	5.96	5.97	5.95	5.99	6.30	6.31	5.98	6.01	6.03	6.00	6.02	5.94	5.98	5.92	5.74	5.94	5.85	5.85	5.53	5.82
Minneapolis:																								
High volatile	9.88	9.91	9.93	9.97	9.88	9.93	10.31	10.29	10.18	10.31	10.33	10.58	10.30	10.34	10.35	10.35	10.47	10.45	10.44	10.42	10.68	10.72	10.34	10.68
Low volatile	12.24	12.24	12.17	12.17	12.17	12.17	12.78	12.78	12.96	12.97	12.95	13.17	12.96	12.97	12.97	12.97	13.02	13.12	13.04	13.17	13.36	13.38	13.23	13.74
Omaha	8.55	8.56	8.59	8.59	8.59	8.59	8.59	8.59	8.61	8.55	8.57	8.55	8.55	8.55	8.57	8.39	8.38	8.34	8.34	8.55	8.62	8.74	8.62	8.80
St. Louis	5.54	5.55	5.54	5.57	5.51	5.59	5.52	6.26	6.44	5.63	5.51	5.99	5.99	5.96	5.85	5.87	5.65	4.98	4.95	5.39	5.38	5.76	5.19	5.37
Atlanta	7.05	6.98	7.02	7.02	7.02	7.02	6.52	6.52	6.52	7.02	7.02	7.02	7.02	7.02	7.02	7.02	5.98	6.03	6.23	6.98	[1] 7.38	7.54	6.41	6.89
Baltimore: Low volatile	9.56	9.38	9.88	9.38	9.50	9.38	8.94	9.06	9.69	9.38	9.38	9.25	9.06	9.06	9.31	9.31	8.50	8.50	8.50	9.00	9.19	9.19	8.56	8.94
Washington, D. C.: [2]																								
High volatile	8.69	8.64	8.64	8.64	8.64	8.64	8.56	8.56	8.56	9.00	9.00	9.00	9.00	9.00	9.00	8.94	8.61	8.50	8.50	8.81	9.00	8.94	8.50	8.92
Low volatile	10.31	10.31	10.31	10.31	10.31	10.19	10.00	10.00	10.00	10.47	10.47	10.47	10.47	10.47	10.47	10.38	9.91	9.72	9.72	10.52	10.87	10.87	10.37	10.56
Birmingham	6.00	6.01	6.07	6.07	6.07	6.06	5.94	6.12	6.24	6.29	6.29	6.29	6.29	6.29	6.29	6.02	5.86	5.78	5.80	6.18	6.36	5.75	6.03	6.23
Denver	8.24	8.10	8.03	8.13	8.02	8.04	8.07	8.10	8.18	7.81	7.81	7.81	7.75	7.62	7.62	7.62	7.82	7.83	7.73	7.08	7.69	7.75	7.28	7.43
San Francisco	16.06	16.06	16.06	16.06	16.06	16.06	15.04	15.04	15.04	15.04	15.04	15.21	15.21	15.21	15.21	15.21	15.04	15.04	15.11	16.35	16.33	16.38	15.28	15.28

[1] Revised by Bureau of Labor Statistics.

[2] Washington prices for per ton of 2,240 pounds.

Source: Monthly Labor Review, published by U. S. Bureau of Labor Statistics.

We call particular attention to the price of coal for the winter of 1935–36. Certainly it was the most severe winter that we have had in many, many years. In days gone by the coal-consuming public paid a much greater price for their coal in such a winter or in anticipation of a severe winter. I feel certain that the Coal Conservation Act then on the books had something to do with the stabilization of coal prices and was quite decisive in the absence of any gouging of the coal consumers.

It is a surprising statement for one to make that this legislation will not bring about any appreciable increase, if increase at all, in the price of coal f. o. b. mines. For years the smaller sizes of coal that are used for industrial purposes have been sold below cost of production, which make it necessary for the prepared sizes, used for domestic purposes, to bring a price higher than it otherwise would if the industrial coal were not sold below cost of production. Thus it is apparent that the domestic consumer has been compelled to carry the burden of unduly cheap industrial coal. It must be remembered that about 70 percent of the total coal produced is used for industrial and railroad purposes and about 30 percent is used in the prepared sizes for domestic purposes. It is quite apparent that a small increase per ton in the industrial coal price would permit of a much larger reduction in the price per ton for domestic coal.

Under the Coal Act of 1935 the district boards in coordinating the prices slightly increased the price of industrial coal and were thus able to reduce materially the price of domestic coal. The spread between the price of domestic and industrial coal was reduced by 16.9 cents in the New England all-rail market; by 16.3 cents in the tidewater market; by 37.7 cents in the North Atlantic States; by 6.3 cents in the Illinois market outside of Chicago. The actual changes proposed by the district boards amounted in the North Atlantic States to an increase per ton of 7 cents—from $1.868 to $1.938—in the price of industrial coal, and a reduction in the price of lump coal of 30.7 cents per ton—from $2.251 to $1.944.

We have heard no one maintain that the domestic consumer should carry the burden occasioned by the industrial consumers beating down their price below cost of production. There are many factors which have compelled, under the common practice of the industry, the coal operator to sell his industrial coal below cost of production, and in many instances materially below cost of production. I feel certain that this will be fully developed in debate by others.

Yet there are those who will say "that immediately this act passes there will be a tremendous increase in the price of coal, and particularly to the domestic consumer, and certainly the consumers' interests should be looked after." We say to you that it has been looked after. In this act we provide a consumers' counsel, who not only can sit in and participate in hearings before the commission where the interest of the consuming public is involved, but he has the power to initiate action for the consumers' benefit.

We would again recall that there has been some experience in stabilization of the coal industry. Under N. R. A., with its stabilizing effects, for the first time did we see the operator and the miner at peace with each other. For the first time in our experience the miner received a fair price for his work. For the first time in some 15 years the coal operator received a reasonable profit upon his investment. For the first time in approximately 15 years he was out of the red. With reference to the consumer, I ask this question: Was any community in the United States gouged by increase in coal prices during the operation of N. R. A.?

When the Snyder-Guffey bill was under consideration in 1935 statements were made on the floor that the price of coal would immediately jump a dollar a ton. In that debate we stood here in the well and said that it would not. It did not. The bill was passed. The prices were not promulgated, but because of the fact that we had a Coal Conservation Act and a Coal Commission empowered to act, the miners were enabled to enter into a wage contract that has certainly benefited their position. The operator was enabled to avoid cutthroat competition, and the strange thing about it, coal prices to the consumers, particularly to the domestic consumer, saw no particular increase.

We again repeat that the coordinated prices that were just about ready for promulgation saw a fair increase in industrial coal and a consequent reduction in domestic price. I would call your attention to the fact that the cost of coal production that can be fairly allocated to labor is a small portion of the price to the consumer. Assume an average around $2 per ton, f. o. b. mine. This is inclusive of all costs. When we pay here, or elsewhere, $9 or $10 a ton for that same coal it is evident that the cost of transportation and the costs of distribution, including the profits of those who touch it on the way to the consumer's bin must be included.

I desire to repeat one particular statement. The actual changes proposed by the district boards under the old act in the North Atlantic cities amounted to an increase in the price of industrial coal of 7 cents a ton, from $1.86 to $1.93, and a reduction in the price of lump coal of 30.7 cents, from $2.25 to $1.94.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Kentucky. Yes.

Mr. McCORMACK. I call attention to the fact that the price of coal to the purchaser at the mine is f. o. b. The price to the consumer is the price of the coal f. o. b. mine plus the freight rate and distributing costs. The freight rate constitutes from 46 to 63 or 65 percent of the cost to the ultimate consumer.

Mr. VINSON of Kentucky. Yes. In many instances it is more than 100 percent of the cost at the mine. Take Boston, for instance. My recollection is that the transportation cost by tidewater amounts to $5 per ton. If you bought the coal at the mine for $2.50, the transportation charges laid down on the dock at Boston would be 200 percent of the cost of the coal at the mine.

FURTHER DISCUSSION OF THE CARTER CASE

We again remind that the majority decision in the Carter case did not hold invalid those sections of the 1935 act which look toward the regulation of price and unfair methods of competition. Their opinion is silent upon these questions; but, as stated, the minority opinions of Mr. Chief Justice Hughes and Associate Justices Brandeis, Stone, and Cardozo very definitely upheld the right to regulate prices and unfair methods of competition in interstate commerce and transactions in or affecting interstate commerce. We quote from Mr. Chief Justice Hughes' opinion:

> But that is not the whole case. The act also provides for the regulation of the prices of bituminous coal sold in interstate commerce and prohibits unfair methods of competition in interstate commerce. Undoubtedly transactions in carrying on interstate commerce are subject to the Federal power to regulate that commerce and the control of charges and the protection of fair competition in that commerce are familiar illustrations of the exercise of the power, as the Interstate Commerce Act, the Packers and Stockyards Act, and the Anti-Trust Acts abundantly show. The Court has repeatedly stated that the power to regulate interstate commerce among the several States is supreme and plenary (*Minnesota Rate Case*, 230 U. S. 352, 398). It is "complete in itself, and may be exercised to its utmost extent, and acknowledges no limitations, other than are prescribed in the Constitution" (*Gibbons* v. *Ogden*, 9 Wheat. 1, 196). We are not at liberty to deny to the Congress with respect to interstate commerce, a power commensurate with that enjoyed by the States in the regulation of their internal commerce. (See *Nebbia* v. *New York*, 291 U. S. 502.)
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> Whether the policy of fixing prices of commodities sold in interstate commerce is a sound policy is not for our consideration. The question of that policy, and of its particular applications, is for Congress. The exercise of the power of regulation is subject to the constitutional restriction of the due process clause, and if in fixing rates, prices, or conditions of competition, that requirement is transgressed, the judicial power may be invoked to the end that the constitutional limitation may be maintained (*Interstate Commerce Commission* v. *Union Pacific R. R. Co.*, 222 U. S. 541, 547; *St. Joseph Stock Yards Co.* v. *United States*, decided Apr. 27, 1936).
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> In the legislation before us, Congress has set up elaborate machinery for the fixing of prices of bituminous coal sold in interstate commerce. That provision is attacked in limine. Prices have not yet been fixed. If fixed, they may not be contested. If contested, the act provides for review of the administrative rul-

ing. If in fixing prices, due process is violated by arbitrary, capricious, or confiscatory action, judicial remedy is available. If an attempt is made to fix prices for sales in intrastate commerce, that attempt will also be subject to attack by appropriate action. In that relation it should be noted that in the Carter cases, the court below found that substantially all the coal mined by the Carter Coal Co. is sold f. o. b. mines and is transported into States other than those in which it is produced for the purpose of filling orders obtained from purchasers in such States. Such transactions are in interstate commerce (*Savage* v. *Jones*, 225 U. S. 501, 520). The court below also found that "the interstate distribution and sale and the intrastate distribution and sale" of the coal are so "intimately and inextricably connected" that "the regulation of interstate transactions of distribution and sale cannot be accomplished effectively without discrimination against interstate commerce unless transactions of intrastate distribution and sale be regulated." Substantially the same situation is disclosed in the Kentucky cases. In that relation, the Government invokes the analogy of transportation rates (*The Shreveport case*, 234 U. S. 342; *Wisconsin Railroad Commission* v. *Chicago, Burlington & Quincy R. R. Co.*, 257 U. S. 563). The question will be the subject of consideration when it arises in any particular application of the act.

Upon what ground, then, can it be said that this plan for the regulation of transactions in interstate commerce in coal is beyond the constitutional power of Congress? The Court reaches that conclusion in the view that the invalidity of the labor provisions requires us to condemn the act in its entirety. I am unable to concur in that opinion. I think that the express provisions of the act preclude such a finding of inseparability.

This is admittedly a question of statutory construction; and hence we must search for the intent of Congress. And in seeking that intent we should not fail to give full weight to what Congress itself has said upon the very point. The act provides (sec. 15):

"If any provision of this act, or the application thereof to any person or circumstances, is held invalid, the remainder of the act and the application of such provisions to other persons or circumstances shall not be affected thereby."

That is a flat declaration against treating the provisions of the act as inseparable. It is a declaration which Congress was competent to make. It is a declaration which reverses the presumption of indivisibility and creates an opposite presumption. (*Utah Power & Light Co.* v. *Pfost*, 286 U. S. 165, 184.)

I quote from the minority opinion of Mr. Justice Cardozo, in which Mr. Justice Brandeis and Mr. Justice Stone concur:

First: I am satisfied that the act is within the power of the Central Government insofar as it provides for minimum and maximum prices upon sales of bituminous coal in the transactions of interstate commerce and in those of intrastate commerce where interstate commerce is directly or intimately affected. Whether it is valid also in other provisions that have been considered and condemned in the opinion of the Court, I do not find it necessary to determine at this time. Silence must not be taken as importing acquiescence. Much would have to be written if the subject, even as thus restricted, were to be explored through all its implications, historical and economic, as well as strictly legal. The fact that the prevailing opinion leaves the price provisions open for consideration in the future makes it appropriate to forego a fullness of elaboration that might otherwise be necessary. As a system of price fixing, the act is challenged upon three grounds: (1) Because the governance of prices is not within the commerce clause; (2) because it is a denial of due process forbidden by the fifth amendment; and (3) because the standards for administrative action are indefinite, with the result that there has been an unlawful delegation of legislative power.

(1) With reference to the first objection, the obvious and sufficient answer is, so far as the act is directed to interstate transactions, that sales made in such conditions constitute interstate commerce and do not merely "affect" it (*Dahnke-Walker Milling Co.* v. *Bondurant*, 257 U. S. 282, 290; *Flanagan* v. *Federal Coal Co.*, 267 U. S. 222, 225; *Lemke* v. *Farmers Grain Co.*, 258 U. S. 50, 60; *Public Utilities Commission* v. *Attleboro Steam & Electric Co.*, 273 U. S. 83, 90; *Federal Trade Commission* v. *Pacific States Paper Trade Association*, 273 U. S. 52, 64). To regulate the price for such transactions is to regulate commerce itself, and not alone its antecedent conditions or its ultimate consequences. The very act of sale is limited and governed. Prices in interstate transactions may not be regulated by the States (*Baldwin* v. *Seelig*, 294 U. S. 511). They must therefore be subject to the power of the Nation unless they are to be withdrawn altogether from governmental supervision (Cf. *The Head Money Cases*, 112 U. S. 580, 593; Story, Commentaries on the Constitution, sec. 1082). If such a vacuum were permitted, many a public evil incidental to interstate transactions would be left without a remedy. This does not mean, of course, that prices may be fixed for arbitrary reasons or in an arbitrary way. The commerce power of the Nation is subject to the requirement of due process like the police power of the States (*Hamilton* v. *Kentucky Distilleries Co.*, 251 U. S. 146, 156; cf. *Brooks* v. *United States*, 267 U. S. 432, 436, 437; *Nebbia* v. *New York*, 291 U. S. 502, 524). Heed must be given to similar considerations of social benefit or detriment in marking the division between reason and oppression. The evidence is overwhelmingly that Congress did not ignore those considerations in the adoption of this act.

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(2) The commerce clause being accepted as a sufficient source of power, the next inquiry must be whether the power has been exercised consistently with the fifth amendment. In the pursuit of that inquiry, *Nebbia* v. *New York* (291 U. S. 502) lays down the applicable principle. There a statute of New York prescribing a minimum price for milk was upheld against the objection that price fixing was forbidden by the fourteenth amendment. We found it a sufficient reason to uphold the challenged system that "the conditions or practices in an industry make unrestricted competition an inadequate safeguard of the consumer's interests, produce waste harmful to the public, threaten ultimately to cut off the supply of a commodity needed by the public, or portend the destruction of the industry itself" (291 U. S. at p. 538).

All this may be said, and with equal, if not greater force, of the conditions and practices in the bituminous coal industry, not only at the enactment of this statute in August 1935, but for many years before. Overproduction was at a point where free competition had been degraded into anarchy. Prices had been cut so low that profit had become impossible for all except a lucky handful. Wages came down along with prices and with profits. There were strikes, at times Nation-wide in extent, at other times spreading over broad areas and many mines, with the accompaniment of violence and bloodshed and misery and bitter feeling. The sordid tale is unfolded in many a document and treatise. During the 23 years between 1913 and 1935, there were 19 investigations or hearings by Congress or by specially created commissions with reference to conditions in the coal mines. The hope of betterment was faint unless the industry could be subjected to the compulsion of a code. In the weeks immediately preceding the passage of this act the country was threatened once more with a strike of ominous proportions. The plight of the industry was not merely a menace to owners and to mine workers: it was and had long been a menace to the public, deeply concerned in a steady and uniform supply of a fuel so vital to the national economy.

Congress was not condemned to inaction in the face of price wars and wage wars so pregnant with disaster. Commerce had been choked and burdened; its normal flow had been diverted from one State to another; there had been bankruptcy and waste and ruin alike for capital and for labor. The liberty protected by the fifth amendment does not include the right to persist in this anarchic riot. "When industry is grievously hurt, when producing concerns fail, when unemployment mounts and communities dependent upon profitable production are prostrated, the wells of commerce go dry" (*Appalachian Coals, Inc.*, v. *United States*, 288 U. S. 344, 372). The free competition so often figured as a social good imports order and moderation and decent regard for the welfare of the group. Cf. *The Sugar Institute, Inc.*, v. *United States*, — U. S. —, March 30, 1936. There is testimony in these records, testimony even by the assailants of the statute, that only through a system of regulated prices can the industry be stabilized and set upon the road of orderly and peaceful progress. If further facts are looked for, they are narrated in the findings as well as in congressional reports and a mass of public records. After making every allowance for difference of opinion as to the most efficient cure, the student of the subject is confronted with the indisputable truth that there were ills to be corrected, and ills that had a direct relation to the maintenance of commerce among the States without friction or diversion. An evil existing, and also the power to correct it, the lawmakers were at liberty to use their own discretion in the selection of the means.

(3) Finally, and in answer to the third objection to the statute in its price-fixing provisions, there has been no excessive delegation of legislative power. The prices to be fixed by the District Boards and the Commission must conform to the following standards: They must be just and equitable; they must take account of the weighted average cost of production for each minimum price area; they must not be unduly prejudicial or preferential as between districts or as between producers within a district; and they must reflect as nearly as possible the relative market value of the various kinds, qualities, and sizes of coal, at points of delivery in each common consuming market area, to the end of affording the producers in the several districts substantially the same opportunity to dispose of their coals on a competitive basis as has heretofore existed. The minimum for any district shall yield a return, per net ton, not less than the weighted average of the total costs per net ton of the tonnage of the minimum price area; the maximum for any mine, if a maximum is fixed, shall yield a return not less than cost plus a reasonable profit. Reasonable prices can as easily be ascertained for coal as for the carriage of passengers or property under the Interstate Commerce Act, or for the services of brokers in the stockyards (*Tagg Bros. & Moorhead* v. *United States*, 280 U. S. 420), or for the use of dwellings under the Emergency Rent Laws (*Block* v. *Hirsh*, 256 U. S. 135, 157; *Marcus Brown Co.* v. *Feldman*, 256 U. S. 170; *Levy Leasing Co.* v. *Siegel*, 258 U. S. 242), adopted at a time of excessive scarcity, when the laws of supply and demand no longer gave a measure for the ascertainment of the reasonable. The standards established by this act are quite as definite as others that have had the approval of this Court (*New York Central Securities Corporation* v. *United States*, 287 U. S. 12, 24; *Federal Radio Commission* v. *Nelson Bros. Bond & Mortgage Co.*, 289 U. S. 266, 286; *Tagg Bros. & Moorhead* v. *United States*, *supra*; *Mahler* v. *Eby*, 264 U. S. 32). Certainly a bench of judges, not experts in the coal business, cannot say with assurance that members of a commission will be unable, when advised and informed by others experienced in the industry, to make the standards workable, or to overcome through the development of an administrative technique many obstacles and difficulties that might be baffling or confusing to inexperience or ignorance.

The price provisions of the act are contained in a chapter known as part II. The final subdivisions of that part enumerate certain forms of conduct which are denounced as "unfair methods of competition." For the most part the prohibitions are ancillary to the fixing of a minimum price. The power to fix a price carries with it the subsidiary power to forbid and prevent evasion. (Cf. *United States* v. *Ferger*, 250 U. S. 199.) The few prohibitions that may be viewed as separate are directed to situations that may never be realized in practice. None of the complainants threatens or expresses the desire to do these forbidden acts. As to those phases of the statute the suits are premature.

THE NEBBIA CASE

A late expression of the Supreme Court is the Nebbia case, in which the opinion is written by Justice Roberts, one of the five gentlemen comprising the majority in the Carter case. Immediately it is said that the Nebbia case involved a State statute, which is certainly true. It did involve a State statute, but in writing that voluminous, and I may say as well "illuminous", opinion Justice Roberts dealt with the power of the sovereign to the fixed prices.

In the Nebbia case certain facts were found to show the conditions which existed and the necessity for the legislation. That was paralleled by Mr. Justice Cardozo in the coal case in respect of the coal trade. He pointed out that more than 19 separate distinct hearings had been held since 1913, either by committees or subcommittees, by joint committees of Congress, or by a special coal commission. Someone who wants to throw a little pebble at the bill said, "You did not have any public hearings on this bill." If anybody is interested in public hearings, they can get a wagonload of hearings which have been held during the years from 1913 to this hour. Two years ago we had 660 pages of hearings upon the coal act then under consideration. May I again say that the Ways and Means Committee took the bill originally introduced by me on the first day of this session (H. R. 2015) and considered every word and every line of it.

[Here the gavel fell.]

Mr. DOUGHTON. Mr. Chairman, I yield the gentleman 15 additional minutes.

Mr. VINSON of Kentucky. Mr. Chairman, this bill came out of committee in its present completed form. It was stronger, I may say, from a legal viewpoint as well as from a practical viewpoint.

Getting back to the Nebbia case, which was handed down March 5, 1934, by the Court as it is presently constituted: The opinion was rendered by Mr. Justice Roberts—a very comprehensive opinion, covering 24 printed pages, resulting in the Supreme Court upholding a price-fixing statute enacted in New York which involved the price of milk, which was a matter of internal commerce. The Court discussed the investigation of this subject, the necessity of milk as an item of diet, the necessity of safeguarding its production and handling for human consumption which greatly increased its price. It dealt with the amount of investment and the economic loss to the people of the State through the curtailment or destruction of the dairy institution. It treated of the prevalence of unfair and destructive trade practices leading to the demoralization of prices in the metropolitan area and other markets. It showed beyond question that, for the benefit of industry, for the benefit of the consumer, stabilization of this industry was needed.

The retail price fixed by the Milk Control Board was 9 cents a quart. Nebbia, a proprietor, sold 2 quarts of milk and a 5-cent loaf of bread for 18 cents. He was convicted for violating the Milk Control Board's orders. The Supreme Court confirmed his conviction. Mr. Justice Roberts stated in that opinion:

> Under our form of Government the use of property and the making of contracts are normally matters of private and not of public concern. The general rule is that both shall be free of governmental interference. But neither property rights nor contract rights are absolute; for Government cannot exist if the citizen may at will use his property to the detriment of his fellows, or exercise his freedom of contract to work them harm. Equally fundamental with the private right is that of the public to regulate it in the common interest.
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> The Court has repeatedly sustained curtailment of enjoyment of private property in the public interest. The owner's rights may be subordinated to the needs of other private owners whose pursuits are vital to the paramount interests of the community.
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> Laws passed for the suppression of immorality, in the interest of health, to secure fair trade practices, and to safeguard the interests of depositors in banks, have been found consistent with due process. These measures not only affected the use of private property, but also interfered with the right of private contract. Other instances are numerous where valid regulation has restricted the right of contract, while less directly affecting property rights.
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> The Constitution does not guarantee the unrestricted privilege to engage in a business or to conduct it as one pleases. Certain kinds of business may be prohibited; and the right to conduct a business, or to pursue a calling, may be conditioned. Regulation of a business to prevent waste of the State's resources may be justified. And statutes prescribing the terms upon which those conducting certain businesses may contract, or imposing terms if they do enter into agreements, are within the State's competency.
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> Legislation concerning sales of goods, and incidentally affecting prices, has repeatedly been held valid. In this class fall laws forbidding unfair competition by the charging of lower prices in one locality than those exacted in another by giving trade inducements to purchasers and by other forms of price discrimination. The public policy, with respect to free competition, has engendered State and Federal statutes forbidding monopolies, which have been upheld. On the other hand, where the policy of the State dictated that a monopoly be granted, statutes having that effect have been held inoffensive to the constitutional guarantees. Moreover, the State or a municipality may itself enter into business in competition with private proprietors, and thus effectively, although indirectly, control the prices charged by them.
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> In the light of the facts, the order appears not to be unreasonable or arbitrary, or without relation to the purpose to prevent ruthless competition from destroying the wholesale price structure on which the farmer depends for his livelihood, and the community for an assured supply of milk.
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> But we are told that because the law essays to control prices it denies due process. Notwithstanding the admitted power to correct existing economic ills by appropriate regulation of business, even though an indirect result may be restriction of the freedom of contract or a modification of charges for services or the price of commodities, the appellant urges that direct fixation of prices is a type of regulation absolutely forbidden. His position is that the fourteenth amendment requires us to hold the challenged statute void for this reason alone. The argument runs that the public control of rates or prices is per se unreasonable and unconstitutional, save as applied to businesses affected with public interest; that a business so affected is one in which property is devoted to an enterprise of a sort which the public itself might appropriately undertake, or one whose owner relies on a public grant or franchise for the right to conduct the business, or in which he is bound to serve all who apply; in short, such as is commonly called a public utility; or a business in its nature a monopoly. The milk industry, it is said, possesses none of these characteristics, and, therefore, not being affected with a public interest, its charges may not be controlled by the State. Upon the soundness of this contention the appellant's case against the statute depends.
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> We may as well say at once that the dairy industry is not in the accepted sense of the phrase a public utility. We think the appellant is also right in asserting that there is in this case no suggestion of any monopoly or monopolistic practice. It goes without saying that those engaged in the business are in no way dependent upon public grants or franchises for the privilege of conducting their activities. But if, as must be conceded, the industry is subject to regulation in the public interest, what constitutional principle bars the State from correcting existing maladjustments by legislation touching prices?
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> We think there is no such principle. The due process clause makes no mention of sales or of prices any more than it speaks of business or contracts or buildings or other incidents of property. The thought seems nevertheless to have persisted that there is something peculiarly sacrosanct about the price one may charge for what he makes or sells, and that, however able to regulate other elements of manufacture or trade, with incidental effect upon price, the State is incapable of directly controlling the price itself. This view was negatived many years ago (*Munn* v. *Illinois*, 94 U. S. 113).
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> Many other decisions show that the private character of a business does not necessarily remove it from the realm of regulation of charges or prices. The usury laws fix the price which may be exacted for the use of money, although no business more essentially private in character can be imagined than that of loaning one's personal funds (*Griffith* v. *Connecticut*, 218 U. S. 563). Insurance agents' compensation may be regulated, though their contracts are private, because the business of insurance is considered one properly subject to public control (*O'Gorman & Young* v. *Hartford Fire Ins. Co.*, 282 U. S. 251). Statutes prescribing in the public interest the amounts to be charged by attorneys for prosecuting certain claims, a matter ordinarily one of personal and private nature, are not a deprivation of due process (*Frisbie* v. *United States*, 157 U. S. 160; *Capital Trust Co.* v. *Calhoun*, 250 U. S. 208; *Calhoun* v. *Massie*, 253 U. S. 170; *Newman* v. *Moyers*, 253 U. S. 182; *Yeiser* v. *Dysart*, 267 U. S. 540; *Margolin* v. *United States*, 269 U. S. 93). A stockyards corporation while not a common carrier, nor engaged in any distinctly public employment, is doing a work in which the public has an interest, and its charges

may be controlled (*Cotting* v. *Kansas City Stockyards Co.*, 183 U. S. 79, 85). Private contract carriers, who do not operate under a franchise, and have no monopoly of the carriage of goods or passengers, may, since they use the highways to compete with railroads, be compelled to charge rates not lower than those of public carriers for corresponding services, if the State, in pursuance of public policy to protect the latter, so determines (*Stephenson* v. *Binford*, 287 U. S. 251, 274).

It is clear that there is no closed class or category of business affected with a public interest, and the function of courts in the application of the fifth and fourteenth amendments is to determine in each case whether circumstances vindicate the challenged regulation as a reasonable exertion of governmental authority or condemn it as arbitrary or discriminatory. The phrase "affected with a public interest" can, in the nature of things, mean no more than that an industry, for adequate reason, is subject to control for the public good. In several of the decisions of this court wherein the expressions "affected with a public interest", and "clothed with a public use", have been brought forward as the criteria of the validity of price control, it has been admitted that they are not susceptible of definition and form an unsatisfactory test of the constitutionality of legislation directed at business practices or prices. These decisions must rest finally, upon the basis that the requirements of due process were not met, because the laws were found arbitrary in their operation and effect. But there can be no doubt that upon proper occasion and by appropriate measures the State may regulate a business in any of its aspects, including the prices to be charged for the products or commodities it sells.

* * * * * * *

Where the public interest was deemed to require the fixing of minimum prices that expedient has been sustained. If the lawmaking body within its sphere of government concludes that conditions or practices in an industry make unrestricted competition an inadequate safeguard of the consumer's interest, produce waste harmful to the public, threaten ultimately to cut off the supply of a commodity needed by the public, or portend the destruction of the industry itself, appropriate statutes passed in an honest effort to correct the threatened consequences may not be set aside because the regulation adopted fixes prices reasonably deemed by the legislature to be fair to those engaged in the industry and to the consuming public. And this is especially so where, as here, the economic maladjustment is one of price, which threatens harm to the producer at one end of the series and the consumer at the other. The Constitution does not secure to anyone liberty to conduct his business in such fashion as to inflict injury upon the public at large or upon any substantial group of the people. Price control, like any other form of regulation, is unconstitutional only if arbitrary, discriminatory, or demonstrably irrelevant to the policy the legislature is free to adopt, and, hence, an unnecessary and unwarranted interference with individual liberty.

Tested by these considerations we find no basis in the due-process clause of the fourteenth amendment for condemning the provisions of the agriculture and markets law here drawn into question.

We have quoted at length from the Nebbia case dealing with the question of sovereign power to regulate price of matters within its jurisdiction, but we do not rely upon this case alone. We have set forth in some length the other decisions of the Supreme Court upon which we rely, but we emphasize the Nebbia case with the lengthy quotation therefrom, because Mr. Justice Roberts wrote this opinion about a year before the Carter case. If he had any change in mind relative to the power of Congress to regulate prices and unfair methods of competition within its sphere, it would have been an easy matter to have invalidated those points of the statute.

OTHER PROVISIONS

There are many other provisions which we would like to discuss in detail, but time does not permit. We would call specific attention to the report of the Ways and Means Committee in regard to the commission, consumer's counsel, organization, marketing, minimum prices and marketing rules and regulations, maximum prices, changes on complaint, prohibited sales and contracts, captive coal, and the labor provisions. Anyone interested can find a short succinct statement in regard to these items as well as others referred to therein.

CONCLUSION

We have endeavored to meet the court decisions. For instance, in the Coal Act of 1935 we empowered the district boards to establish prices. This was a delegation of congressional power to the industry to fix prices, because the district boards were composed of members of the industry with the exception of one man representing labor. You find no such provision in this bill. If the Supreme Court has held anything, it has held that Congress cannot delegate to persons outside of the Government legislative authority. Congress has not that power. It makes no difference how well intentioned one may be, it just cannot be done. If we wanted to delegate the power to them we could not do it, because the Supreme Court said in the N. R. A. case and in the coal case that Congress cannot delegate legislative authority to persons outside the Government. So, instead of authorizing these boards to fix the minimum prices, in this bill we authorize them to propose the prices, and the minimum prices are established by a Federal agency, the bituminous coal commission.

My best information is that there is just a small minority that is not favoring this bill in its present form today. Last Monday week, March 1, I believe it was, there was a meeting of the opponents in New York. It is no secret who was present.

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. VINSON] has expired.

Mr. DOUGHTON. Mr. Chairman, I yield the gentleman from Kentucky 5 additional minutes.

Mr. VINSON of Kentucky. I understand that representatives of the Pittsburgh Coal Co. were present. They are in this small group opposing this legislation and any other legislation that will stand up in court. I understand Mr. James Walter Carter, who took the coal case to the Supreme Court, was there. And, lo and behold, this gentleman who financed the fight against the original coal bill, today, I understand, wants a bill now passed that will delegate the power to him and other operators to fix the price, something which he railed against successfully in the Court as an unconstitutional delegation of power. I think that when you come to the end of the rope you will find some thirty or forty million tonnage that is against this bill, whereas in 1936 there were 400,000,000 tons of bituminous coal produced and used in this country.

There is very little coal in my district. There are a very few small mines. I do not have the interest of a Representative of a coal-producing district, but that does not mean that I have any less interest in legislation that will stabilize this great industry. As a boy and as a young man I traveled through the Kentucky coal fields and through the West Virginia coal fields. You might not believe it unless you were here during the days when we had the congressional ball games, but I used to play a little baseball. I played ball in their coal camps, upon their ball teams. I mixed and mingled with them. I became familiar with the manner in which they lived. Houses on stilts, 2 to 10 in a family, working 1 or 2 days a week. Hard going.

I hope there is no spot in our fair land where it exists now, but in the old days the coal operator used to go out and bring men in on transportation, as they called it. They would round up men and their families and herd them into trains. They had armed guards at the doors of the cars to prevent them from getting off the train until they took them up in the hollow. They had mine guards at the mouth of the hollow to keep them from coming out until they paid for their transportation and other amounts owing the company. The prices that were charged at commissaries were exorbitant. It was almost impossible to get even, and therefore almost impossible to get out of the hollow. It was the nearest approach to peonage that I ever observed. In most of our country those things are history.

When you come to consider this bill, please understand that what we desire is stabilization of the industry that will permit a fair return upon the investment to be made under the control of a Federal agency, so that there will be an opportunity for a fair wage to be paid to men who take their lives in their hands when they go down into the bowels of the earth to produce this necessity.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. VINSON of Kentucky. I yield.

Mr. RANDOLPH. Is it not a fact also that by the tax imposed there will be no additional financial responsibility for the administration of the act?

Mr. VINSON of Kentucky. That is correct. The tax raises $4,000,000, and the cost of administration will be considerably less.

I close with a request that you join with us and pass this bill, which means so much to the folks affected. [Applause.]

The CHAIRMAN. The time of the gentleman from Kentucky has again expired.

Mr. VINSON of Kentucky. Mr. Chairman, under leave to extend, I insert the letter of the Attorney General previously referred to in my speech:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., February 17, 1937.

MY DEAR MR. CHAIRMAN: In response to your request of yesterday on behalf of the Ways and Means Committee of the House of Representatives for an opinion of the Attorney General as to the constitutional validity of H. R. 2015, a bill to regulate interstate commerce in bituminous coal, and for other purposes, may I respectfully call to the attention of the committee the reasons which impel me to refrain from compliance with your suggestion.

The Department of Justice was created by Congress with power to its officers to represent the Government in litigation and to advise the President and the heads of departments in the execution of their duties. There is nothing in the legislation relating to the powers of the Department which authorizes the Attorney General to give such an opinion as you request, and, so far as I am advised, no such opinion has ever been given. It seems clear that embarrassment in administration would result if numerous requests of this character were complied with or if the Department was called upon to enforce acts previously stated to be invalid by an Attorney General.

The attitude of the Department of Justice has been consistent upon the propriety of acceding to requests for opinions by the legislative branch of the Government. A concise summary covering this attitude appears in a memorandum printed in the proceedings of the Senate of March 26, 1936, volume 80, CONGRESSIONAL RECORD, page 4379, reading as follows:

"IN RE SENATE RESOLUTION 228

"The authority of the Attorney General to render opinions is contained in sections 303 and 304 of title 5 of the United States Code. These sections read as follows:

"'303. Opinions and advice of Attorney General; to President. The Attorney General shall give his advice and opinion upon questions of law, whenever requested by the President' (R. S., sec. 354; Feb. 27, 1877, ch. 69, sec. 1, 19 Stat. 241).

"'304. Same to heads of executive departments. The head of any executive department may request the opinion of the Attorney General on any questions of law arising in the administration of his department' (R. S., sec. 356).

In accordance with these provisions, which authorize the rendering of opinions to the President and the heads of departments only, it has been a well-recognized custom from the beginning that the Attorney General will refrain from giving opinions requested by other branches of the Government. The subject was treated comprehensively by Attorney General Mitchell in April 1932 in response to a request of the Senate for an opinion with respect to certain railroad mergers. The response of the Attorney General to that request emphasized the fact that Congress has not required, nor indeed authorized, the Attorney General to render opinions to Congress or either House, and that for over a hundred years the Attorneys General have deemed themselves precluded from giving such opinions. Attorney General Mitchell cited a number of instances of this kind dating back to an early statement of Attorney General Wirt in 1820 in response to a request of the House of Representatives. Continuing, Attorney General Mitchell stated:

"Under date of February 14, 1929, my immediate predecessor declined the request of the House Committee on Expenditures in the executive departments for an opinion, and on June 3, 1930, I felt obliged to decline an opinion requested by the Judiciary Committee of the Senate.

"Congress has accepted this long-standing interpretation of the law and has never attempted by law to enlarge the powers or duties of the Attorney General so as to require him to give opinions to either House of Congress or to committees thereof. Having in mind the constitutional separation of the functions of the legislative, executive, and judicial branches of the Government, there has always been a serious question whether the principle of that separation would be violated by a statute attempting to make the Attorney General a legal adviser of the legislative branch, and as a matter of governmental policy the wisdom of constituting as legal adviser of either House of Congress an official of the executive department, who sits in the President's Cabinet and acts as his legal adviser, has always been open to doubt.

"When pending legislation affecting the Department of Justice has been referred to Attorneys General for comment or suggestion, it has been their practice to suggest such legal points as are pertinent and which ought to receive consideration by committees, but that practice has never properly involved any formal legal opinions from Attorneys General and has no resemblance to a request for an opinion as to the effect of an existing statute" (36 Op. Atty. Gen. 532).

Reasons of policy support this recognized practice. Except where required for administrative conduct, it would be inadvisable and inappropriate for the Attorney General, who is charged with the conduct of litigation for the Government, to render official opinions in a quasi-judicial capacity on matters which may become the subject of litigation.

INSTANCES ILLUSTRATING THE CONSISTENT VIEW OF ATTORNEYS GENERAL THAT THEY HAVE NO POWER TO RENDER OPINIONS TO EITHER HOUSE OF CONGRESS

Attorney General Wirt (1 Op. 335): "The Attorney General may give his advice and opinion upon questions of law only when required by the President or requested by the heads of the departments. It is not his duty to give official opinions to the House of Representatives."

Attorney General Brewster (18 Op. 87): "The authority of the Attorney General to give his official opinion is limited by the laws which create and define his office and will not permit him to give advice at the call of either House of Congress, or of Congress itself, but only to the President or the head of an executive department." This was said in response to a request for the opinion of the Attorney General made by a resolution of the House of Representatives.

Attorney General Crittenden (5 Op. 561): The Attorney General declined to advise a committee of Congress as to the validity of a claim pending before the committee because "to answer the questions you have been pleased to propose does not fall within the limits of the duty, or legal power, of the Attorney General but would be a wide departure from his appointed sphere of action."

Attorney General Evarts (12 Op. 544): In a communication to the chairman of the Senate Committee on Naval Affairs the Attorney General declined to give his opinion on a joint resolution pending before the committee. He said that "it has been uniformly considered that the powers and duties of the Attorney General were limited and defined by the statutes passed by Congress on the subject and that any exercise of official action beyond the statutory authority conferred upon him was an unwarrantable assumption on his part * * *." That "it was not competent for the Attorney General to give opinions concerning any matters pending in Congress upon the request of either of the Houses or of any committee."

Attorney General Mitchell (36 Op. 532): "The Attorney General (Apr. 25, 1932) felt obliged to decline to give an opinion in response to a Senate resolution on legal phases of the subject matter of the resolution, and cites an unbroken line of authority for more than a hundred years in support of his position."

In considering the bill in question, the committee may find helpful a discussion of the regulation of prices presented to the Supreme Court in the litigation over the Bituminous Coal Conservation Act of 1935. In that act the Congress undertook the "stabilization of the industry through the regulation of labor and the regulation of prices." The Department's argument, supporting the validity of the regulation of prices, is set out at length in the Government's brief in the Carter case at pages 102 to 196. Several copies of this brief accompany this letter. In this brief your committee will find a discussion of the constitutional issues in similar form to that contained in the memorandum on the social security bill, to which you have made reference.

The regulation of prices, proposed in H. R. 2015, is bottomed upon the same grant of power which supported similar regulations in the act of 1935. There are no subsequent or additional precedents known to me which would affect the position taken by the Department in presenting the Carter case.

I feel sure your committee will appreciate the reasons which have led to the long-continued practice of the Department as to such requests and which, in my opinion, require me to follow the precedents referred to in this letter.

Very respectfully yours,

STANLEY REED,
Acting Attorney General.

HON. ROBERT L. DOUGHTON,
Chairman, Ways and Means Committee,
House of Representatives.

Mr. TREADWAY. Mr. Chairman, I yield 20 minutes to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS of Ohio. Mr. Chairman, we have just listened to one of the most convincing and most exhaustive speeches I have ever heard in this Congress. The reason I feel more or less qualified to pass this compliment on this speech is that I have made a very exhaustive study of this subject myself and I find it would be surplusage if I were to attempt to say many of the things I had expected to say in view of the comprehensive and complete manner in which my colleague, Mr. VINSON of Kentucky, has handled this subject.

For years I have been in favor of doing what we hope this bill will do. Long before the first Vinson-Guffey bill was ever introduced I was in favor of lending aid to this failing industry. I did a great deal of work in that direction in the hope that I could formulate a plan that would have a tendency to stabilize this industry.

I voted for the first Guffey coal bill. I voted for it because of what it attempted to do and not so much for the

method in which it attempted to do it. In other words, when the Supreme Court found that the Guffey bill was unconstitutional I agreed with the Supreme Court. I had no inclination to abuse the Supreme Court or to fall out with it because of its decision.

It might not be amiss at this time to review the steps through which this bill has taken its devious course.

The gentleman from Indiana [Mr. GREENWOOD], in his opening statement on the rule, went into that rather in detail. The gentleman from Kentucky [Mr. VINSON] has done likewise. To understand the history of legislation is often to understand its merits. I find in the consideration of any bill there are only two or three cardinal principles, there are only two or three objectives, there are only two or three points of difference; and a review of the tedious course this bill has taken may refresh the recollection of some of us and may help someone to come to a conclusion as to how he should vote, or it may clear up some things for him.

The first bill provided and sought to do two things: It sought to fix prices and to regulate wages. The Supreme Court held that it could not regulate wages. It further held that these two provisions were so bound together that they were inseparable. It has been said on the floor of the House in times gone by that the decision of the Supreme Court against the original Guffey bill was a 5-to-4 decision. That is not the case. The decision on the Guffey bill was a very comprehensive decision and it was also very, very complex. You may take it as the gentleman from Kentucky [Mr. VINSON] did from one angle, and the vote may appear to show one trend, or you may take it from another angle and be justified in concluding that the vote of the Supreme Court was unanimous in another direction. Let me explain. Five members held the act unconstitutional by claiming that the labor provisions were unconstitutional and that they were inseparable. They declined to decide whether the price-fixing provision was constitutional if separated. Chief Justice Hughes decided that the provisions were separable and that the labor provisions were unconstitutional, but that the price fixing under the Nebbia case was constitutional. This would make the decision at least a 6-to-3 decision on the labor provisions. Justice Cardozo, speaking for himself and two others, held that the provisions were separable and the price-fixing provision was constitutional. This would make the decision stand as a decision of four clearly for the constitutionality of the price-fixing provision, with five not speaking definitely as to how they would stand if the provisions were separated. Thus it is perfectly possible that if the provisions were separated the full Court of nine might be favorable to holding the labor provisions unconstitutional and holding the price-fixing provision constitutional.

What does this bill do? This bill is very similar to the bill we passed last year and which failed to be considered in the Senate before adjournment. Last year's bill sought to do what? It sought to provide a means whereby the coal industry could be stabilized by the regulation of prices. If anybody asks you if price fixing is in this bill you must say that it is; it is a price-fixing bill; there is no question about that.

Is price fixing constitutional? What does the Supreme Court say in the cases as to whether price fixing is constitutional? Probably the most logical way to consider the subject is to consider what provision of the Constitution does this bill depend upon for its authority. There is no question but that it depends upon the commerce clause. This is the clause I refer to:

> Congress shall have power to regulate commerce with foreign nations and among the several States and with the Indian tribes.

The power "to regulate commerce" is a complete power and may be exercised to the utmost extent. In the exercise of this power Congress owes no obligation whatever to State legislatures and is restricted only by the limitations prescribed by the Constitution with reference to due process. In other words, Congress can regulate interstate commerce, to all practical purposes, so long as it does not work confiscation.

Early in the history of the country the power of Congress to regulate commerce reached the Supreme Court through the case of *Gibbons* v. *Ogden* (9 Wheaton, 1, 96). That was a case where Robert Fulton and others were by virtue of a New York statute claiming exclusive right to navigate all waters in New York. Ogden, holding under Fulton and relying upon the New York statute, sought to prevent Gibbons, who had a license from the United States Government, to operate on the navigable waters of the United States. The Court held the New York statute to be unconstitutional and further said in connection with the power of Congress to regulate commerce:

> This power, like all other vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution.

This case of Gibbons against Ogden is a star case on this subject. It has been supported many times. Another great case on this subject and which supports Gibbons against Ogden in the case known as the *Minnesota Rate case* (230 U. S. 399). In this decision the following language appears:

> There is no room in our scheme of government for the assertion of State power in hostility to the authorized exercise of Federal power. The authority of Congress extends to every part of interstate commerce, and to every instrumentality or agency by which it is carried on; and the full control by Congress of the subjects committed to its regulation is not to be denied or thwarted by the commingling of interstate and intrastate operations.

Another later case which shows the extent to which Congress may go in its control of commerce is the case of *Houston Railway Company* v. *United States* (234 U. S. 343). The syllabus of this case contains the following language:

> While Congress does not possess authority to regulate the internal commerce of a State, as such, it does possess power to foster and protect interstate commerce, although in taking necessary measures so to do it may be necessary to control intrastate transactions of interstate carriers.
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> The use by the State of an instrument of interstate commerce in a discriminatory manner so as to inflict injury on any part of that commerce is a ground for Federal intervention; nor can a State authorize a carrier to do that which Congress may forbid and has forbidden.

The above cases are sufficient to prove that Congress has individual power to regulate interstate commerce. The question yet remains whether Congress has the power to fix prices.

There is an abundance of authority to prove that Congress has the power to regulate railroad rates. To do this Congress set up the Interstate Commerce Commission, which has been operating for many years. The work of this Commission has been gradually expanding until it is now one of the great departments of Government. It fixes rates by reason of a decree by Congress to it of the right to fix rates.

Is rate fixing entirely analogous to price fixing? If, so, there is no question as to the constitutionality of this coal bill. The fixing of railroad rates is a very prominent factor in the fixing of the price of any commodity which is carried in railroad transportation. The average price paid by the consumer for coal in the United States is made up largely from transportation charges. In many cases the cost of production of the coal is less than one-fourth of the total cost to the consumer. In many cases the cost of transportation is twice and three times the price of the cost of the coal. If the Interstate Commerce Commission can fix the price of transportation, its power over the price to the consumer will be much more than the power of the bituminous coal commission over the price to the consumer, as provided in this bill.

The Supreme Court, in the case of the *Appalachian Coal* v. *United States* (288 U. S., p. 344), upheld a selling agreement in which companies representing 73 percent of the total coal production of the United States had entered into—a selling agreement the purpose of which was to stabilize the price of coal.

The Supreme Court, in the case of *Tag* v. *U. S.* (280 U. S., p. 420), held that laws passed by Congress regulating fees charged by "market agencies" rendering stockyard service in interstate-commerce matters are constitutional. In my rather cursory search I have not been able to find a case

directly in point to what is attempted to be done by way of price fixing in the present bill, but great confidence is expressed by the Attorney General's Department and others who vouch for the constitutionality of this bill in the case of *Nebbia* v. *New York* (291 U. S., p. 502), to which I shall refer later.

Some advocates of this bill lay great stress on the statement made by Justice Hughes in his opinion heretofore referred to in the original Guffey Coal Act case, where he says:

> We are not at liberty to deny to Congress, with respect to interstate commerce, a power commensurate with that enjoyed by the States in the regulation of their internal commerce.

Justice Hughes makes this statement, and cites Nebbia against New York as the basis of such a statement. If Chief Justice Hughes is correct in his assumption that because of the decision in the Nebbia case, which holds conclusively that a State has a right to fix prices in its control of intrastate commerce, that then, and by the same reasoning, Congress would have a right to fix prices for interstate commerce, then there can be no question about the constitutionality of this bill. Let me state it in another way: Under the terms of the Constitution the States gave the Federal Government the full authority and right and power to control interstate commerce. They did this because their experience under the Articles of Confederation had shown that this question of commerce between them and among them was prolific of more disturbance than any other question. They were glad to get rid of it, and turned it over to the Federal Government under the Constitution. They, by the same token, retained the full right, authority, and power to control intrastate commerce. In the Nebbia case the Supreme Court has decided that a State under State law has the right to fix the price of milk. Then, without any decision on the point, can it be considered that the Federal Government has the same right with reference to interstate commerce? Since the Nebbia case is generally looked upon as furnishing the answer to the question as to whether the price-fixing provisions of this bill are constitutional, I think it apropos to submit a brief of that case.

The New York Legislature passed an act to "fix minimum and maximum * * * retail prices to be charged by * * * stores to consumers for consumption off the premises where sold." The law provided that the minimum price of milk should be 9 cents per quart.

Nebbia sold 2 quarts of milk and a 5-cent loaf of bread for 18 cents and was convicted for violation of the board's order. He appealed on the ground that the statute and order of the board contravenes the equal-protection clause and the due-process clause of the fourteenth amendment.

The real question is whether the Federal Constitution prohibits the State from fixing the selling price of milk.

Extracts from the opinion of Justice Roberts:

> Under our form of government the use of property and the making of contracts are normally matters of private and not of public concern. The general rule is that both shall be free of governmental interference. But neither property rights nor contract rights are absolute; for government cannot exist if the citizen may at will use his property to the detriment of his fellows or exercise his freedom of contract to work them harm. Equally fundamental with the private right is that of the public to regulate it in the common interest. * * *
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> Thus has this Court from the early days affirmed that the power to promote the general welfare is inherent in government. Touching the matters committed to it by the Constitution, the United States possesses the power, as do the States in their sovereign capacity touching all subjects jurisdiction of which is not surrendered to the Federal Government. These correlative rights, that of the citizen to exercise exclusive dominion over property and freely to contract about his affairs, and that of the State to regulate the use of property and the conduct of business, are always in collision. No exercise of the private right can be imagined which will not in some respect, however slight, affect the public; no exercise of the legislative prerogative to regulate the conduct of the citizen which will not to some extent abridge his liberty or affect his property. But subject only to constitutional restraint, the private right must yield to the public need. * * *
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> And the guaranty of due process, as has often been held, demands only that the law shall not be unreasonable, arbitrary or capricious, and that the means selected shall have a real and substantial relation to the object sought to be attained. * * *
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> The Court has repeatedly sustained curtailment of enjoyment of private property in the public interest. The owner's rights may be subordinated to the needs of other private owners whose pursuits are vital to the paramount interests of the community. The State may control the use of property in various ways; may prohibit advertising billboards except of a prescribed size and location, or their use for certain kinds of advertising; may in certain circumstances authorize encroachments by party walls in cities; may fix the height of buildings, the character of materials, and methods of construction, the adjoining area which must be left open, and may exclude from residential sections offensive trades, industries, and structures likely injuriously to affect the public health or safety; or may establish zones within which certain types of buildings or businesses are permitted and others excluded * * *.
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> Certain kinds of business may be prohibited; and the right to conduct a business, or to pursue a calling, may be conditioned. Regulation of a business to prevent waste of the State's resources may be justified. And statutes prescribing the terms upon which those conducting certain businesses may contract, or imposing terms if they do enter into agreements, are within the State's competency * * *.
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> Legislation concerning sales of goods, and incidentally affecting prices, has repeatedly been held valid. In this class fall laws forbidding unfair competition by the charging of lower prices in one locality than those exacted in another, by giving trade inducements to purchasers, and by other forms of price discrimination.

It is not necessary that business be "impressed with a public interest" or be a "monopoly" in order to be subject to price-fixing legislation.

> But if, as must be conceded, the industry is subject to regulation in the public interest, what constitutional principle bars the State from correcting existing maladjustments by legislation touching prices? We think there is no such principle. The due-process clause makes no mention of sales or of prices any more than it speaks of business or contracts or buildings or other incidents of property. The thought seems, nevertheless, to have persisted that there is something peculiarly sacrosanct about the price one may charge for what he makes or sells, and that, however able to regulate other elements of manufacture or trade, with incidental effect upon price, the State is incapable of directly controlling the price itself. This view was negatived many years ago (*Munn* v. *Illinois*, 94 U. S. 113).
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> "Property does become clothed with a public interest when used in a manner to make it of public consequence, and affect the community at large" (p. 126). Thus understood, "affected with a public interest" is the equivalent of "subject to the exercise of the police power"; and it is plain that nothing more was intended by the expression. * * *
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> In *German Alliance Insurance Co.* v. *Lewis* (233 U. S. 389) a statute fixing the amount of premiums for fire insurance was held not to deny due process. * * *
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> Many other decisions show that the private character of a business does not necessarily remove it from the realm of regulation of charges or prices. The usury laws fix the price which may be exacted for the use of money, although no business more essentially private in character can be imagined than that of loaning one's personal funds (*Griffith* v. *Connecticut*, 218 U. S. 563).
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> Insurance agents' compensation may be regulated, though their contracts are private, because the business of insurance is considered one properly subject to public control (*O'Gorman & Young* v. *Hartford Fire Ins. Co.*, 282 U. S. 251). * * *
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> A stockyards corporation, "while not a common carrier, nor engaged in any distinctively public employment, is doing a work in which the public has an interest", and its charges may be controlled (*Cotting* v. *Kansas City Stockyards Co.*, 183 U. S. 79, 85). * * *
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> So far as the requirement of due process is concerned, and in the absence of other constitutional restriction, a state is free to adopt whatever economic policy may reasonably be deemed to promote public welfare, and to enforce that policy by legislation adapted to its purpose. The courts are without authority either to declare such policy, or, when it is declared by the legislature, to override it. * * *
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> And it is equally clear that if the legislative policy be to curb unrestrained and harmful competition by measures which are not arbitrary or discriminatory it does not lie with the courts to determine that the rule is unwise. * * *
>
> Price control, like any other form of regulation, is unconstitutional only if arbitrary, discriminatory, or demonstrably irrelevant to the policy the legislature is free to adopt, and hence an unnecessary and unwarranted interference with individual liberty. * * *

Having disposed of the constitutional questions involved in this bill, let me talk to you for a few minutes about the coal industry. The next great question that concerns the American people in the consideration of this bill is: What effect is it going to have on the price of coal? Mr. Chairman, many people have had a misconception of the elements that make up the cost of coal. Many people think that the total cost that they pay for coal goes to the miner and the operator. They have long had a prejudice against both. They do not give the miner the credit that he deserves, and they condemn the operator for things that he has not been

guilty of. Some of this comes from the fact that the miners union has assumed and carried more of the burden of the fight that the laboring man has made in his fight upward toward economic freedom than has any other group. For nearly 50 years this organization has fought against great odds for improvements in working conditions. Today the two greatest labor leaders of the world—John L. Lewis and William Green—are products of this organization. They are today representing different views, but the idea for one big union in each plant or industry seems to be in the ascendency and is now the plan which the miners' union has been operating. Many of the battles between the miners and the mine owners could have been averted if the industry had been in such an economic condition as would permit the mine owners to pay better wages and provide better conditions.

The mine owner and the miner do not get one-half of the money the consumer pays for his coal. On the average, the cost at the mine is generally only about one-third of the cost to the consumer, and in many cases it is not one-fourth or even one-sixth of the cost. The mine operator and the miners are not getting ready to gouge anybody. They are not asking for an increased price.

Suppose they did ask for an increase in price? What is the price of coal? While coal is a wonderful commodity and a necessary and basic national commodity, yet the price at the mine averaged last year from $1.75 to $1.90 per ton. If the price is increased 10 percent at the mine, it would only be an increase of 17 cents. Seventeen cents would be a great increase for the miners and operators, but it would be a small increase to the consumer who pays $10 or $12 per ton for the same coal. This small increase of 17 cents would be absorbed several times before the coal reached the consumer if this bill becomes a law and the coal industry is stabilized and a free, steady, all-the-year-around flow of coal is established. I think I have the largest mine in the United States in my district. Whether it is the largest or not, it is one of the largest mines in the country. It will produce 4,000 tons a day. This mine is modern in every way and equipped with every modern safety appliance. But in spite of this I saw 80 dead bodies taken out of this mine and laid in a row around the wall of a little store building. While we are considering the price that we are to pay for coal, why not think for a moment of the price that the miner pays when he mines the coal? Seventy-nine thousand have been carried out dead in the last 30 years. Thousands upon thousands have been injured. Coal is a necessary and useful commodity and we cannot do without it. Since it is produced so cheaply, why not pass this bill whose sole purpose is to stabilize this industry, thereby benefiting all parties concerned, and reviving an industry that should be kept in a thriving condition for the protection of the Nation itself?

I am trying to present this thought to you, and I repeat it: In spite of the fact the mining industry is 100 percent more hazardous than any other industry—and the Government figures will show that—the miners and the operators are not clamoring for an increase in prices. I will be glad to furnish you out of my district every day 1,000 carloads of the finest coal you ever saw. We will roll it out every day. You come and get it and pay us less than $2 a ton and our miners and our operators will be satisfied. The miner will receive his maximum wage and the operator will be satisfied. His taxes will be paid and for the first time since 1922 he will be out of the red.

It is a sad and appalling fact that this great industry, in which 450,000 people are engaged, this great industry upon which so many of you who live in the far North and Northwest depend for your very lives, must be misunderstood by you, when we will furnish you with coal at this ridiculously low price of less than $2 per ton.

What do you pay for coal in Minneapolis? Eight, ten, or twelve dollars a ton. What do you pay for it out yonder beyond Minneapolis and St. Paul? Ten and twelve dollars a ton. But what price do we get for it? We receive an average of about $1.72. That was about the average price of all coal in the United States last year.

You may ask me what is going to be the effect of the passage of this bill on selling prices. Let me give the Government statistics on the price of fuel for the past few years to domestic consumers. Let us take the city of Minneapolis, for instance. What was the price of fuel back in 1927? On an index of 100, it was 100.5. What was it in 1930? It was 101.8. In 1932 it had come down to 97. What was it in 1933, when the industry was flat on its back? It was 91. What was it in 1936? Just 91, exactly the same.

Mr. SIROVICH. How about New York?

Mr. JENKINS of Ohio. New York will take some time to find. Let me give you the figures for Cincinnati, which is near a coal-producing section. In 1926 it was 106.1; in 1936, 95.4, considerably lower.

Here is New York: 102.2 in 1926 and in 1936, 88.3, a very marked reduction of 14 points. That is the history all over the country. Chicago is the greatest market in the country for bituminous coal. In 1926 the index figure for domestic fuel there was 100. In 1936 it was down to 91. In all seriousness, how can anybody make the claim that it is the intention of those in the industry to gouge the people for an increase in price?

Mr. Chairman, do not get scared of that bugaboo, because I say to you that I know that it is not now in the mind of my people to demand an increase in price.

We are not asking for an increase. Then you ask how do we expect to profit by this act? May I say if this bill does not do certain things it ought to be defeated. If it does not result in stabilization of the industry we should not pass it. We want stabilization of the industry. What do I mean by that? Suppose you live in Minneapolis and you have $1,000,000 invested in a plant. You have the plant all equipped to burn coal. Have you not some right to look to the coal-producing sections of the country to furnish you with coal in a free, easy way? The coal-producing territory is only a small fraction of the total area of our country, more than half of the States do not produce any coal. Many of the States only produce a small amount. Eighty percent of the coal of this country is produced in five States—Pennsylvania, West Virginia, Kentucky, Ohio, and Illinois.

Mr. Chairman, if coal is a necessity, if coal is produced in a very limited, restricted area, if great sections of our country with millions of people and great manufacturing and commercial enterprises are dependent for their very existence upon coal, do you not think coal is impressed with a national interest to such an extent as to recommend it for national protection? That is what our people want. A man living in Minneapolis, instead of having to store his coal, instead of having to provide great expensive bins for his coal which he must buy ahead of time, and put out great quantities of cash capital for it, because he must check against strikes and all kinds of impediments, should have a guaranty of a free and easy flow of coal. That would be a great benefit to him. It would be a great benefit to the industry. That is what I mean by stabilization. This would be beneficial to the consumer and beneficial to the producers. It would also be beneficial to the transportation agencies that move the coal. That the coal industry is in desperate financial straits can be verified by Government statistics which show that ever since 1922 this industry has sold its production below cost, for its story is told in red figures.

Let me tell you what happened in 1936. In 1935 we produced in this country about 385,000,000 tons of coal. In 1936 we produced over 400,000,000 tons of coal. Would you not think that the industry would be better off in 1936 than 1935? Certainly, you would think so, but do you know that the industry was worse off in 1936 than in 1935, even though it produced more coal? Why? Because of cutthroat competition. Why is there so much cutthroat competition? The answer is that an industry that is fighting for its life is imposed upon and sales below cost are often made in

order to keep the plant moving and in order to meet immediate needs. I am told that there is a small railroad in this country that has been getting its coal for 26 cents per ton. You know what a man will do when he has his back to the wall or when he is facing bankruptcy.

Let me also tell you about the general price. The general price to the big consumer has always been less than the price to the small consumer. Why? Because he has the capacity and the power to squeeze down the price.

The testimony before our committee shows that the board of education in one of the large cities of this country, because it was a large consumer of coal, got its coal at nearly half the price that was paid by the people in this same city. Why? Because it took advantage of the mine owner and drove a hard bargain. The mine had to have an outflow for its output. The equipment in an idle mine deteriorates more rapidly than in a working mine. It had to keep its men working because it had the responsibility of keeping a pay roll for those men who lived in these houses which the gentleman from Kentucky [Mr. VINSON] has described as being built on stilts; and they had to do for them the very best they could. When this industry is stabilized, those who now receive concessions which they do not deserve will pay a reasonable price, and those who have been forced to pay higher prices will profit.

My judgment is that any independent study of this matter will disclose the fact that the people who are likely to be against this bill are the people who have been getting priorities, the people who have been getting rebates or favors because this bill, if properly administered by an honest commission, will result in cheaper coal to the average consumer of the country.

Mr. EDMISTON. Mr. Chairman, will the gentleman yield?

Mr. JENKINS of Ohio. I yield, gladly.

Mr. EDMISTON. A further reason the coal operator in the past was chiseled down on his slack coal, which is commercial coal, was because of the fact that a high percentage of slack had to be produced to produce the lump and he only had the industrial market in which to sell his slack.

Mr. JENKINS of Ohio. The gentleman from West Virginia has brought out a very important point. The coal industry has been at the mercy of everybody else for years, just as the coal industry now is at the mercy of the truckman. I have tried to get the coal industry to organize to meet this competition by delivering its own coal, but here is what the coal-mine owner does now. It rolls out its coal and various trucking groups come from the large cities and they take what they want and transport it just like the railroads and all the big consumers have done. The producer of coal has always sold his product in a buyers' market.

Now, as the gentleman from West Virginia suggests, there are several kinds or grades of coal prepared for shipment. This is another expense that the producer has been compelled to assume. This should not have been necessary for coal is the only great product that is ready for consumption when it is produced. You do not have to treat it like you do iron, and if the mine operator were able to sell his coal just as it comes out of the mine he would be in much better financial shape, but the trade has required him to grade his coal. One grade is run-of-mine. This is simply the coal as it is run. But the trade now is very exacting. Coal-producing plants must have large screens and crushers. Some want the coal graded into lumps of certain sizes and some want the coal pulverized. The ultimate result is that the mine owner finds himself with large quantities of slack and unmarketable coal on his hands which he is forced to sell for what he can get, which generally is practically nothing. The mine owner has been the victim of many a skillful buyer. Unwittingly he is often made to cut his competitor's throat.

Mr. Chairman, summing up this whole matter, I feel that we can reasonably expect the Court to sustain this bill from the standpoint of constitutionality, but if it is not constitutional, we must accept the decision of the Court. We must not challenge the honor or the integrity of the Court. We must prepare another bill and come forward with it. This is a distinctive industry and it admits of and is entitled to such legislative treatment as is necessary to permit this industry to serve the people as it should and as the people have a right to expect. Coal is produced in limited areas, but it is consumed in the widest areas. It is a necessity and the initial price of it is so low as to permit it to be used in plentitude by millions who have been deprived of its warming influence. Then let us not impugn the motives of those who willingly go down into the coal pits of the country, in the most hazardous of all occupations to provide a glowing fireside to the families and children of others all over the country. Let us rather show our appreciation of their efforts by recognizing their importance in the economic welfare of this the greatest industrial country in the world. [Applause.]

[Here the gavel fell.]

Mr. TREADWAY. Mr. Chairman, I yield 20 minutes to the gentleman from New York [Mr. REED].

Mr. REED of New York. Mr. Chairman, the House of Representatives passed the Bituminous Coal Conservation Act, better known as the Guffey coal bill, in 1935. It will be recalled that it was passed under the compulsion of the President. At the time the bill was in the hands of the subcommittee and serious doubts were entertained by some Members as to congressional power to legally enact such legislation, the President addressed a letter to Chairman Samuel B. Hill, of the subcommittee, urging favorable action on the measure. To keep the record straight, I quote from that letter:

> I hope your committee will not permit doubt as to the constitutionality, however reasonable, to block the suggested legislation.

The original Guffey coal bill went to the Supreme Court, and no amount of criticism hurled at the Justices for upholding the supreme law of the land in accordance with their sworn duty will relieve Representatives from their sworn responsibility to keep within their delegated legislative powers. The Supreme Court in the majority opinion handed down in the Guffey coal bill calls attention to the extent of legislative power and legislative discretion, rules that every reasonable man must recognize as essential to the conduct of orderly government under a limited Constitution. The Court said:

> The ruling and firmly established principle is that the powers which the General Government may exercise are only those specifically enumerated in the Constitution, and such implied powers as are necessary and proper to carry into effect the enumerated powers. Whether the end sought to be attained by an act of Congress is legitimate is wholly a matter of constitutional power and not at all of legislative discretion.
>
> Legislative, congressional discretion begins with the choice of means and ends with the adoption of methods and details to carry the delegated powers into effect. The distinction between these two things—power and discretion—is not only very plain but very important. For while the powers are rigidly limited to the enumerations of the Constitution, the means which may be employed to carry the powers into effect are not restricted, save that they must be appropriate, plainly adopted to the end, and not prohibited by, but consistent with, the letter and spirit of the Constitution. Thus it may be said that to a constitutional end many ways are open; but to an end not within the terms of the Constitution, all ways are closed.

It was never intended by the framers of the Constitution nor by the people when the Constitution was ratified to vest in the Congress of the United States powers beyond those expressly granted or powers to be implied therefrom. The first duty of a Representative, as I conceive the measure of my legislative responsibility, is to ascertain from the Constitution the extent of the powers entrusted to me.

The Constitution is most specific in granting legislative powers.

Article I, section 1:

> All legislative powers herein granted shall be vested in a Congress of the United States * * *.

Lest this might be misconstrued by those to be trusted with legislative power, even when limited to those expressly "granted", the people insisted as a further inducement to ratification an amendment which would find a safe repository for the powers not granted. I refer to article X:

> The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively, or to the people.

There is to be found in the provisions of the Constitution not one word that gives to Congress any legislative power whatever except such powers as are expressly granted.

I have found no utterance from any man who has better phrased the purpose of those who framed the Constitution than the statement made by Thomas Jefferson. He said:

It would be a dangerous delusion if our confidence in the men of our choice should silence our fears for the safety of our rights. Confidence is everywhere the parent of despotism. Free government is founded on jealousy, not in confidence. It is jealousy and not confidence which prescribes limited constitutions to bind down those whom we are obliged to trust with power. Our Constitution has accordingly fixed the limits to which, and no further, our confidence will go. In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution.

There are those who question the power of the Supreme Court to restrain Congress from exceeding the legislative limits to which it may legally go, thereby preventing legislative encroachments upon the powers not granted, but reserved to the States, respectively, or to the people.

This seems to be a live question these days; therefore, I shall trespass upon the time of the House to discuss it to my own satisfaction, if not to the satisfaction of those who disagree with me. On this point it is significant, I believe, that when the people granted legislative power it was in this language—article I, section 1:

All legislative powers herein granted shall be vested in a Congress of the United States * * *.

Not full and discretionary power, but only the powers "herein granted" is the specific language used. The voice and will of a sovereign people placed this limitation on the legislative powers of Congress.

This restraint read in connection with the tenth amendment supplemented with the oath of office required of every Representative, "to protect and defend the Constitution", would seem to provide every necessary safeguard to prevent conscientious legislators from encroaching upon the reserved rights of the States and of the people.

But let us look at another provision of the Constitution—article III, section 1—where we find this language:

The judicial power of the United States shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time establish * * *.

And further, section 2:

The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States * * *.

It is clear from the language of article III that "the judicial power of the United States" is vested in the courts, and is not limited to the judicial power "herein granted."

But if we are searching for this challenged power of the Supreme Court to pass upon the legality, the constitutionality of acts of Congress, it is well to ascertain what the men who framed the Constitution, and those who ratified the document, had in mind. Now, James Madison tells us that—

As the instrument came from them (the framers), it was nothing more than a draft of a plan, nothing but a dead letter, until life and validity were breathed into it by the voice of the people, speaking through the several State conventions. If we were to look, therefore, for the meaning of the instrument beyond the face of the instrument, we must look for it, not in the general convention which proposed it but in the State conventions which accepted and ratified the Constitution.

This invites the inquiry: Did the people understand, when in convention they ratified the Constitution, that the judiciary would have power to declare acts of Congress unconstitutional? A few excerpts taken from the proceedings of the ratifying conventions ought to furnish a convincing affirmative answer. I quote from the speech made by Oliver Ellsworth before the ratifying convention of the State of Connecticut, who, it will be recalled, was a member of the Constitutional Convention, and author of the Judiciary Act adopted by the new Government. He said:

This Constitution defines the extent of the powers of the General Government. If the General Legislature should at any time overleap their limits, the judicial department is a constitutional check. If the United States go beyond their powers, if they make a law which the Constitution does not authorize, it is void; and the judicial power, the Judges, who to secure their impartiality are to be made independent, will declare it to be void.

With this explanation of the power of the judiciary to declare acts of Congress unconstitutional the people of Connecticut ratified the Constitution.

James Wilson, a member of the Constitutional Convention, advocating ratification in the ratifying convention of Pennsylvania, said:

Under this Constitution the legislature may be restrained and kept within its prescribed bounds by the interpretation of the judicial department. * * * When it (an act) comes to be discussed before the Judges—when they consider its principles and find it to be incompatible with the superior power of the Constitution—it is their duty to pronounce it void; the Judges, independent, and not obliged to look to every session for a continuance of their salaries, will behave with intrepidity and refuse to the act the sanction of judicial authority.

John Marshall, in the ratifying convention of Virginia, said:

If they (Congress) were to make a law not warranted by any of the powers enumerated, it would be considered by the Judges as an infringement of the Constitution which they are to guard. * * * They would declare it void.

I have cited only a few of the statements made by men familiar with the purpose and intent of the provisions of the Federal Constitution, and made to the people of their respective States as an inducement to ratification. It was with a clear understanding on the part of the people who ratified the Constitution that the reserved rights of the States and of the people would be guarded from encroachment on the part of Congress. Such has been the general understanding and the practice of the Government for practically 150 years.

Now let me turn again to James Madison, who said:

And may it not be fairly left to the unbiased judgment of all men of experience and of intelligence to decide which is most to be relied on for a sound and safe test of the meaning of the Constitution, a uniform interpretation by all the successive authorities under it, commencing with its birth and continued for a long period, through the varied state of political contests.

Or the opinion of every new legislature, heated as it may be by the strife of parties, or warped, as often happens, by the pursuit of some favorite object, or carried away, possibly, by the powerful eloquence or captivating address of a few popular statesmen, themselves perhaps influenced by the same misleading causes? If the latter test is to prevail, every new legislative opinion might make a new Constitution, as the foot of every new chancellor would make a new standard of measure.

The Congress has no greater legislative power now than it had when the Court declared the original Guffey Coal Act unconstitutional. It is true the Court did not pass upon the price-fixing provisions of that act, but, as stated in the minority report, the Supreme Court, in its opinion, does say:

The price-fixing provisions of the code are thus disposed of without coming to the question of their constitutionality; but neither this disposition of the matter, nor anything we have said, is to be taken as indicating that the Court is of the opinion that these provisions, if separately enacted, could be sustained.

If it be true, as the sponsors of this new bill contend, that the illegal provisions of the Guffey Coal Act have been eliminated, I am not willing to vote for legislation the chief purpose of which is to coerce compliance with a code that will give a monopoly to large coal producers at the expense and ruin of small producers.

The tax of 19½ percent on all coal produced by non-code members to force compliance is a penalty, and, unless the Court can find that Congress has kept within the limit of its commerce power, it will not and cannot sustain any such tax to achieve an unauthorized end.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. REED of New York. Yes.

Mr. KNUTSON. The gentleman called attention to the fact that a 19½-percent tax on coal produced by non-code members will drive the small independent coal operators out of business, that they cannot afford to pay that price.

Mr. REED of New York. Yes. That is undoubtedly the purpose, and it will create a series of large monopolies. The effect of this bill, if put in operation, will be to raise prices

to consumers of bituminous coal. If this were not in contemplation, the bill would not be here. Those who are accessible to fuel oil will shift from coal to oil. This will bring a demand from the coal producers to tax fuel oil from the field of effective competition. There is no end to price-fixing once the Government embarks on such a program. [Applause.]

Mr. MASON. Mr. Chairman, will the gentleman yield?

Mr. REED of New York. Yes.

Mr. MASON. This is a bill to stabilize a disorganized, helpless industry. In the gentleman's opinion, will it do that?

Mr. REED of New York. I cannot say that it will, because here is what will happen. This bill would not be here unless its sponsors proposed to raise the price of coal, and when they raise the price of coal, the people will shift to oil; then the coal producers are going to come in here and ask us to fix the price of oil. Besides all this, the Government has already engaged in a program for the development of hydroelectric power at the expense of the taxpayers, which, according to the testimony before the committee, has already displaced 200,000,000 tons of coal.

Mr. MASON. Then, in the gentleman's opinion, it would not stabilize the business?

Mr. REED of New York. It would not.

Mr. TREADWAY. Mr. Chairman, I yield 15 minutes to the gentleman from Massachusetts [Mr. CASEY].

Mr. CASEY of Massachusetts. Mr. Chairman, the gentleman from Kentucky [Mr. VINSON] said that those who opposed this bill were throwing pebbles at it. I want to go on record now as stating, if he intended to include me in that remark, that no one bearing a name like mine ever threw pebbles, and I reserve my inalienable right to throw bricks. [Laughter.] At this bill I now propose to throw bricks, real bricks.

A great deal has been said about the constitutionality of the bill by the proponents of the bill here upon this floor. It would seem to me that that question is of grave concern to them, and well might it be so. We have the spectacle of a majority of the Committee on Ways and Means predicating as a basis for argument that this bill is constitutional on the authority of the minority decision of the Supreme Court in the Carter case. Of course the majority rules. You have to have five members of that Supreme Court in order to make your bill constitutional, and we have no assurance that these five members will say that this price-fixing proposition in this bill is constitutional. In fact the gentleman from Kentucky said that the majority opinion was silent on price fixing. That is true in part, but not really accurate, because as has been said before, the majority opinion in the Carter case, which was the Guffey case, said specifically as follows:

> The price-fixing provisions of this code are thus disposed of without coming to the question of their constitutionality; but neither this disposition of the matter nor anything we have said, is to be taken as indicating that the Court is of the opinion that these provisions, if separately enacted, could be sustained.

I do not see where the proponents of this bill find a great deal of comfort in that majority opinion. I do not know where they find a great deal of comfort in the Guffey case, but I do feel that when they resort to a dissenting opinion, when they quote dicta as authority for the constitutionality of this bill, then they have a weak basis for its constitutionality. Indeed, the decisions I have read of the Supreme Court show that price fixing in private industry has never been sustained as being constitutional. There is a long list of historical precedents for that. It is a fundamental question that the Federal Government cannot fix the minimum prices in private industry. We have cases on that. The majority of the committee and the proponents of this bill have said: "We have one decision of the Supreme Court upon which we can rest our case with a great deal of confidence, and that is the Nebbia case, in New York, in which the State fixed the price for milk." But that is no authority for saying as a general proposition that this Government can fix minimum prices in private industry. In fact, the Court in that case took it out of the realm of cases in which they said you cannot fix minimum prices by saying that it was in a special category, that it involved grave questions of public health for the inhabitants of the State, and, therefore, that case can be of no value as setting a precedent in determining the power of the Federal Government to fix prices in private industry where no question of public health is concerned. I do not believe anybody seriously contends, in view of that language, that that case was considered by the Court as overruling its historical position that prices in private industry cannot be fixed by the Federal Government. There are other grave doubts as to the constitutionality of this bill.

We heard the author of this bill say "that which is not interstate commerce is without this bill." There must have been a purpose in making that statement. The purpose is this: Intrastate commerce in the bituminous-coal industry comprises 42.6 percent of the bituminous-coal industry. Mark the significance of that. Forty-two and six-tenths percent of the bituminous coal is mined and used within the borders of the same States. It never goes outside of those borders. Obviously, when you are attempting to fix prices, if you only fix interstate prices, with such a large percentage of intrastate coal, you get nowhere. The framers of this bill saw that. They are conscious of it when they make the statement that it does not go beyond the confines of interstate commerce; but let us see whether they make any effort to go beyond the confines of interstate commerce. If you will turn to page 26 of the Vinson bill, I think we can determine whether or not there is any effort in this bill to concern itself with intrastate commerce. You will find there that in effect the bill says whenever prices in intrastate commerce in any locality cause any undue or unreasonable advantage, preference, or prejudice as between persons and localities in such commerce on the one hand, and interstate commerce on the other hand, or any undue, unreasonable, or unjust discrimination against interstate commerce, such prices in such locality shall be subject to the price-fixing provisions of the bill.

I ask you whether or not that is an effort to go beyond the confines of interstate commerce. I think you will agree that such a test set forth in this bill is contrary, not to any minority opinion but contrary to the unanimous opinion of the Court in the Schechter case, and applied even by the dissenting Justices in the Guffey coal case, the Carter case; and since such regulation of intrastate prices, which is clearly invalid, is an integral and necessary part of the price-fixing plan, the entire statute will fall.

However, I do not believe that merely because this bill is unconstitutional and will be back in our laps again that that is the sole reason for opposing it. What we have here is an attempt to tell us that without hearings on this bill you are to gather here today with 4 hours' debate and you gentlemen are to pass upon an intricate bit of price fixing, and pass upon it with reasonable intelligence. We have statements made as to whether the coal industry wants this or does not want it. I do not know whether they do or not. They have had no opportunity to come to any public hearing on this bill, and in the Vinson bill at the last session they had no opportunity to come before the committee and say, "We want it" or "We do not want it", or point out any flaws or advantages in it; but I do know that I have received a telegram from a man who says that his association represents 100,000,000 tons of coal mined annually in the bituminous coal mines, and he says, "I favor your bill and oppose the Vinson bill."

Some remark has been made that there are 400,000,000 tons of coal produced annually. I want to know from how many million tons of coal the proponents of the Vinson bill have heard? How many actually are in favor of this bill? Because when you get 100,000,000 out of 400,000,000 you have a pretty substantial lot behind your bill. They favor the Casey bill, which you have had no opportunity to pass upon. I do not know, and it has not been asserted, that any such appreciable number favor the Vinson bill.

Let me stress the importance of that. It has been said to you, and truthfully, that there is no attempt in this bill to

fix maximum hours and minimum wages, because it was held unconstitutional by the Supreme Court. That is true. It has been said to you that the way we are going to help the coal industry is to help the producers. That is what they say to you, in effect. If we help the producers we are going to help labor. I think it is a very pertinent inquiry to ask how may producers whom you say you are helping favor this bill. In other words, you say to them we are going to force this upon you whether you want it or not.

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. CASEY of Massachusetts. I yield.

Mr. SIROVICH. Would the gentleman be kind enough to explain the difference between his bill and the Vinson bill?

Mr. CASEY of Massachusetts. My bill and the Vinson bill both try to accomplish the same thing; we both see the necessity for legislation. Neither of them has labor provisions, because you cannot get by the Supreme Court with them. We both seek to eliminate cutthroat competition. I seek to do it by allowing the industry to regulate itself, under supervision. The Vinson bill seeks a strict governmental regulation by compulsion. That, I think, is the main distinction.

Mr. SIROVICH. Would the gentleman's act be declared constitutional?

Mr. CASEY of Massachusetts. I do not think there is any question about my act being declared constitutional. It does not attempt, for example, to regulate the intrastate coal business. It forms voluntary associations of the producers themselves within given districts, and it offers advantages to those men in the intrastate coal business by saying, "We will give you the advantages of market associations, of advertising, and in some instances exempt you from antitrust laws where you want to make agreements with members of an association."

It does not say to them, "We will force you in by a 19½-percent tax", as that is unconstitutional when you attempt to do that in connection with purely intrastate coal.

Mr. EDMISTON. Mr. Chairman, will the gentleman yield?

Mr. CASEY of Massachusetts. I yield.

Mr. EDMISTON. I cannot speak for the whole bituminous coal-producing area of the country, but, so far as my State, West Virginia, is concerned, the leading bituminous coal-producing State of the Union, every one of our 105,000 miners are in favor of this bill, and 8 out of 10 of our operators are in favor of it. Whenever you get 80 percent of the coal operators for anything, that is the same as unanimity in any other industry.

Mr. CASEY of Massachusetts. I may say to the gentleman from West Virginia that I do not doubt that the miners are for this bill, for, of course, the miners are following faithfully and implicitly their leader, and their leader is for this bill. That is why the miners are in favor of the bill. But no opportunity has been afforded them to study my bill. I think they would like my bill. As a matter of fact, miners have come to my office asking me to support the Vinson bill and I have talked with them. They have said they were in favor of the Vinson bill, but have also said that if it were not for the Vinson bill they would be glad to go along with my bill.

I would also call the gentleman's attention to the fact that his State, West Virginia, in the Vinson bill is grouped with Pennsylvania in area no. 1. In other words, there will be a minimum price that will affect both West Virginia and Pennsylvania. In West Virginia there is coal of a superior quality to that produced in Pennsylvania. The gentleman from West Virginia will agree to that, will he not?

Mr. EDMISTON. Only certain portions of West Virginia are included with Pennsylvania in the Vinson bill.

Mr. CASEY of Massachusetts. Nevertheless the operators of West Virginia are being put in the same category with the operators of Pennsylvania.

Mr. EDMISTON. Only in the Pittsburgh coal area. The southern producers are grouped with those of Kentucky.

Mr. VINSON of Kentucky. I am glad the gentleman brought out that point.

Mr. CASEY of Massachusetts. I may say that the main point that we are both seeking to establish is the elimination of cutthroat competition. Neither of our bills could incorporate the labor provisions which were stricken out by the Supreme Court.

[Here the gavel fell.]

Mr. TREADWAY. Mr. Chairman, I yield 5 additional minutes to the gentleman from Massachusetts.

Mr. CASEY of Massachusetts. The difference comes in the method of approach. They talk about costs of production in the Vinson bill, but how are they arrived at? The costs of production in the Vinson bill are arrived at by making an area like area no. 1 a price-fixing area and putting all the producers in one pool, as it were, the high-cost producers with very inefficient operation, with their obsolete machinery, who are on their way out of business and on the verge of bankruptcy are put in with the efficient operators, and a minimum price is made which they all must meet.

I propose to approach this question of elimination of cutthroat competition not by doing that. I am not going to eliminate competition within the industry by setting up minimum prices that are absolutely fixed and rigid, because under the provisions of my bill any individual operator can come before the Coal Commission and say, "I produce coal at a lower cost than your minimum"; he will be allowed to prove it and then be allowed to sell coal at or above his cost of production.

Mr. VINSON of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. CASEY of Massachusetts. I yield.

Mr. VINSON of Kentucky. I should like to hear the gentleman discuss the legal phase regarding the power of Congress to vest authority in the operators to fix the price of coal under the Schechter case and under the Carter case.

Mr. CASEY of Massachusetts. It is a matter of voluntary association. They are not bludgeoned in. We offer them attractions to come in, and they fix the prices and regulate themselves.

Mr. VINSON of Kentucky. Is there any control in regard to those prices that are agreed upon by the members of the association?

Mr. CASEY of Massachusetts. There is the control by the association's own rules, which conform to the N. R. A. much more closely than does the Vinson bill, which arbitrarily sets prices.

Mr. VINSON of Kentucky. Will the gentleman yield further?

Mr. CASEY of Massachusetts. I am sorry; I have but 2 minutes left; I do not see how I can yield.

Mr. VINSON of Kentucky. I will try to get the gentleman additional time.

Mr. CASEY of Massachusetts. Then I shall be pleased to yield.

Mr. VINSON of Kentucky. Under the gentleman's bill the majority members of the association fix the price for the minority, do they not?

Mr. CASEY of Massachusetts. Yes.

Mr. VINSON of Kentucky. Suppose there is minority production, whose operators are members of the association; then would you not have the picture of the minority producers fixing the price for the majority?

Mr. CASEY of Massachusetts. Oh, no, no. We preserve the American idea that an individual producer should be allowed to produce coal and sell it at or above cost. We intend to let the individual producer do that.

The distinction is this: In that way you eliminate the cutthroat competition which, of course, is formed because the producers are willing to go out and sell coal at lower than their cost of production; and, as the gentleman stated, it is labor that is forced to take it in the neck because any producer who enters into a contract to sell coal below his cost of production will take it out on labor.

Mr. VINSON of Kentucky. This association to which the gentleman refers fixes the price?

Mr. CASEY of Massachusetts. Not arbitrarily.

Mr. VINSON of Kentucky. They fix whatever price is agreed to?

Mr. CASEY of Massachusetts. They fix a prima-facie price.

Mr. VINSON of Kentucky. If a minority of the operators are members of the association, I submit then the minority will fix the price for the majority.

Mr. CASEY of Massachusetts. Any individual producer may say, "I produce my coal at such and such a cost." You cannot forbid him from selling it at above the cost of production. That is how we eliminate cutthroat competition—not by forming a legal monopoly which sets a price that cannot be varied. Under the Vinson bill, if there were a great demand for coal, if the steel industry, for instance, started to build battleships and needed huge amounts of coal, that would not affect the price. Market values have no effect whatsoever. How can it be said under such a bill, with such a lack of elasticity, with such rigid price-fixing provisions, that the consumers will not suffer? There is no competition under the Vinson bill. There is a legalistic monopoly created.

The farmer will suffer, too. He will get it because he will pay the steel industry more money for the implements which he uses in agriculture, and all on account of this bill. That is due to lack of elasticity in price. It does not take into consideration market values. It merely takes into consideration production.

May I say, Mr. Chairman, as a matter of common sense, without emotion, but speaking rationally, sensibly, and reasonably, that we have here a bill that is unconstitutional. It will be back in our laps. It ought to be defeated not only because it is unconstitutional but because it is a bad bill, and let no one urge upon you haste and the necessity of passing bad legislation. [Applause.]

[Here the gavel fell.]

Mr. DOUGHTON. Mr. Chairman, I yield such time as he may desire to the gentleman from Pennsylvania [Mr. DUNN].

Mr. DUNN. Mr. Chairman, I am very much interested in the bill which is being considered in the House today. The people who are employed in the mining industry have not been treated in the past as human beings. Like other laboring people, their work is difficult and is not steady. The compensation which they receive for their services is inadequate. People who are employed in the mines and other industries and whose salaries are insufficient to provide them with the necessities of life are, in my opinion, no better off than the slaves were prior to the Civil War. The coal miners and every other class of laboring people are entitled to a job which will provide not only a living wage but a saving wage. It is my intention to vote for this bill, because the miners maintain if it is enacted into law it will benefit them considerably.

Mr. DOUGHTON. Mr. Chairman, I yield 15 minutes to the gentleman from Massachusetts [Mr. MCCORMACK].

Mr. McCORMACK. Mr. Chairman, I am going to speak on this bill from an angle in which I will attempt to present to the members of the Committee the facts as I have been able to ascertain them in relation to the bituminous-coal industry. These facts have convinced me that a condition exists which requires legislative consideration and action, and they are facts that prompt me to support the pending bill.

I opposed the original Guffey Coal Act because I considered that, as drawn, it was unconstitutional. At that time I frankly stated I opposed it because of the constitutional question involved therein; that I did not oppose the objective sought if it were done in a constitutional manner.

I am supporting this bill because not only do I believe it to be constitutional but because the circumstances surrounding this particular industry should bring any person to the realization that legislative action is necessary to assist this industry and those dependent upon it for a living.

The legislative background of the present bill is a long and an interesting one. The action of Congress resulting in the passage of the act of 1935, and the consideration in committee of this particular bill, came after over 20 years' consideration of the bituminous-coal problem, and of a consequent conviction that the business of supplying the country with this essential source of energy required Federal action and regulation.

From 1913 to 1937, inclusive, there have been 20 investigations or hearings by Congress or by specially created commissions with respect to the conditions in this industry. There have been various causes for these investigations such as "bitterly contested strikes" arising from failure of producers in certain areas to recognize the right of their employees to bargain collectively, such as the investigations in West Virginia in 1913 and in 1920–21—in Colorado in 1914 and 1915—in West Virginia, Ohio, and Pennsylvania between 1925 and 1927. Also some investigations were concerned with "shortages" and with "high prices." The shortage which occurred during the World War showed the public the grave importance of a constantly adequate supply of fuel. For a time lack of coal became a limiting factor in the military program, and after extended hearings Congress authorized the control and distribution of fuel and also the fixing of maximum prices. When the strike of 1919 closed down the mines, wartime powers were again invoked to establish maximum prices and to control distribution. When the maximum prices were removed, prices arose to an all-time peak, and protests from the consumers led to further congressional investigations.

When a tremendous strike in 1922 closed down about 75 percent of the mining capacity of the country, forced industry to close down for lack of coal, and raised prices again to an exorbitant level, Congress once more provided for Federal control of the distribution, and also provided for another investigation. The present bill provides for maximum control.

The investigations after 1923 dealt with "the disastrous effects of the destructive competition in the industry", emphasized by the series of important strikes between 1925 and 1927.

Hearings were held in 1926, 1928, 1929, 1932, 1935, and 1936, in which the plight of the bituminous-coal industry—the surplus capacity, the cutthroat competition, and the wage cutting, the results of the breakdown of the machinery of collective bargaining, the continuous and heavy financial loss, the violence and disorders, were all fully inquired into and revealed.

An examination of the evidence of these hearings and investigations and the existing conditions shows that conditions of poverty have surrounded the worker.

They also show that State action will not meet the situation. This has been impossible, in the main, because of cutthroat competition and the inability of a State to regulate such competition outside of its borders.

Another interesting disclosure is that the average loss in mining in bituminous coal is 35 percent, of which 20 percent is classed as avoidable. In a year of normal production 150,000,000 tons is of avoidable loss, which has been found, in the main, to be due to price cutting, which results in wage cutting.

It has been found that "the causes of the excessive waste attending the mining of our coals are complex, but the great underlying cause is destructive competition." The minimum price, in the opinion of eminent authority, will help to prevent waste of coal in mining. If that is correct, this bill will have a direct bearing on the conservation of our coal deposits, which do not have an unlimited life. State action in this respect can and undoubtedly will supplement the conservation results and provisions of this bill, and probably in other respects.

Testimony is abundant that the life of the Connellsville coking coal would be exhausted in 30 years—Pittsburgh bed in Pennsylvania in 100 years—Pocahontas and New River districts in West Virginia at 1929 production in 85 years.

During the period of 20 years various proposals have been made for remedying the conditions of the industry. This bill fairly covers all of the constructive features of these proposals and embraces the right of collective bargaining. This bill undertakes to protect the industry and the worker, and also the consuming public. In this respect the provisions are stronger than in any other bill ever proposed.

In this respect I may say the committee has been so careful in its desire to protect the consuming public that we have provided in the bill that the consumers' counsel shall make his report direct to Congress. The bituminous coal commission makes its report and its recommendations to the Secretary of the Interior, but so far as the consumers' counsel is concerned, he makes his report and recommendations direct to the Congress.

We have also given the consumers' counsel extraordinary powers in his own right with respect to the summoning of witnesses and in representing the general public in all hearings before the commission, and in initiating hearings wherein, in the opinion of the consumers' counsel, the welfare of the consuming public requires the same.

Proposals have even gone to the extent of declaring coal to be "a public utility", and there is considerable rational thought in support of this proposal. In any bill, the real cause of the disturbed conditions of this industry are not met unless means are provided to control and prevent cutthroat competition. The history of this industry shows that cutthroat competition means cutthroat-wage reductions, and the existence of a condition of poverty to millions of American citizens who only ask some degree of economic security.

The operation of the N. I. R. A. in this industry showed a noteworthy result. Whatever may be the criticism in other directions, in this industry great results occurred. There is a substantial unanimity of opinion that conditions in the bituminous-coal industry greatly improved under the scheme of regulation which the code provided.

In other words, this bill is the result of nearly a quarter of a century of accumulated experience and discussion, with one bill, the act of 1935 being passed upon by the Supreme Court. It includes authorization of marketing agencies under public supervision, the outlawing of unfair-trade practices, the fixing of minimum and maximum prices, protection of the right of employees to bargain collectively, and provision for investigation of resource waste and conservation.

Bituminous coal plays an important part in the life of our country, and of our people. That is an important fact—a matter of common knowledge—but an essential matter of consideration, with other factors, in connection with this particular bill.

It is interesting to note that the method of sale of this coal is for the producer of coal to first obtain orders for coal through selling agencies located in consuming markets, and then to mine the coal to fill the orders. When coal is brought to the surface of the ground it is often separated into sizes by being run over screens, and is then loaded immediately into railroad cars for shipment to the purchaser. It is uneconomical to maintain storage facilities for the storage of coal, and they are not generally maintained. In other words, coal is not ordinarily mined unless there is an assurance that railroad cars will be available to receive it when it comes to the surface. Since the orders frequently specify coal of a certain size, and since coal comes out of the mines in various sizes, it often happens that unsold sizes of coal are produced in the course of mining operation.

Coal in such unsold sizes is also immediately loaded into railroad cars which are held on the tracks at the mine until sold, or until the mine tracks become congested. In the latter event, in order to avoid a suspension of mining operation, such unsold sizes are often consigned to some consuming market in the hope that they may be sold before demurrage charges consume their value. Producers are under heavy pressure to slash prices on such consigned shipments, and the coal so consigned is known as distress coal. This has had a demoralizing effect upon the industry and, with other factors, has resulted in the condition of chaos that has existed in the past, and which now faces the industry.

It is interesting to note that commercially important deposits of bituminous coal are found in 26 States; but the four States of West Virginia, Kentucky, Pennsylvania, and Illinois produce over 70 percent of the total national production. Of the other producing States only Ohio and Indiana produced over 10,000,000 tons in 1934, out of a total national production of 358,000,000 tons in that year.

It is a fact that coal mined in every State competes with coal mined in other States. This is important.

Competition in this industry is necessarily based upon the delivered price to the purchaser, which consists of the f. o. b. mine price plus freight. From 1923 to 1933 the freight charges ranged from 46.9 percent to 63.3 percent of the delivered price. Between this period the average freight charge per ton ranged between $2.36 and $2.20. The average f. o. b. mine price declined from $2.68 in 1923 to $1.31 in 1932. In 1934 it was $1.34.

Wages are another interesting aspect. I have tried to give you the legislative history and some of the important characteristics of this industry, how the sales made by the producers have determined in the main the amount of coal mined, and to give you an idea of what the producers and the workers are confronted with in this particular activity. I now come to the wage side.

Wages in the coal industry constituted in 1929—the most recent year for which figures comparable to other activities are obtainable—over 59 percent of the total value of the product of the mine.

The reason for that is that the cost of the production of coal is practically all labor. Naturally, labor should get a higher percentage of the returns. Furthermore, the difficulty of mining a ton of coal is greater than the difficulty faced by a worker who is employed in industry or some other commodity; the work is more laborious and there are factors in this industry which justify the same.

[Here the gavel fell.]

Mr. COOPER. Mr. Chairman, I yield the gentleman from Massachusetts 15 additional minutes.

Mr. McCORMACK. To illustrate this further, between 1923 and 1929 the computed wage payments in the industry dropped from $851,000,000 to $588,000,000, a decline of 30.9 percent, while other industry was prospering. During the same period coal producers of all kinds incurred substantial losses. The decline of wages was brought about by the drastic wage reductions and by a decrease of the number of persons employed. The number of men employed fell from 705,000 in 1923 to 594,000 in 1926 and in 1927, and to 503,000 in 1929. There was also an accompanying increase in the average number of days worked per man per year from 179 to 219 days.

But during this period wages were falling rapidly. Between the Bureau of Statistics' survey in the winter of 1921–22 and that in the winter of 1929, average hourly earnings for miners and loaders, constituting the largest proportion of underground workers, for the Nation as a whole fell 25.9 percent, from 84.5 cents per hour to 62.6 cents per hour. With the average number of days worked per year increasing, nevertheless average annual earnings for mine workers in the Nation as a whole fell from $1,208 in 1923 to $1,169 in 1929. While the employed miner worked on an average 40 days more per year, an increase of 22 percent, he received less wages at a time when wages in other lines were increasing. Even then the producers continued to lose money.

The effect of the depression has been more alarming. Production dropped from 535,000,000 tons in 1929 to 310,000,000 tons in 1932. Between 1923 and 1929 the average price of coal dropped from $2.68 to $1.78. In 1930 the average sales realization dropped to $1.70, in 1931 to $1.54, in 1932 to $1.31, and in 1933 the average was $1.34. The southern mines, at a greater distance from the consuming public, were forced to cut their prices to an average realization of $1.05 per ton in 1932. During this period, as between 1923–29, the industry as a whole was suffering great losses. In 1930 the deficit reported to the Treasury Department was $42,071,000; in 1931, $47,745,000; in 1932, $51,167,000; and in 1933, $47,549,000.

Wages declined more drastically than prices. The total annual wage payments in 1933, computed on the rate prevailing before the N. R. A., would have been $235,000,000, as

contrasted with $588,000,000 in 1929 and $851,000,000 in 1923. Average daily earnings for mine workers in the Nation as a whole declined $3.36 in 1933. Many mines in both Northern and Southern States were paying as low as $1.50 to $2.50 per day. Annual earnings per miner fell even more rapidly, as the average number of days dropped from 219 in 1929 to 160 in 1931, 146 in 1932, and 167 in 1933. To illustrate, between 1929 and 1933 the annual income of the West Virginia leader had been reduced from $1,233 to $557, and that of the Pennsylvania leader from $1,122 to $429. The effect of these wage conditions is apparent.

Bituminous-coal producers, by themselves and in collaboration with Governors of coal-producing States, made various efforts to rescue the industry from economic disaster by voluntary and State action. They have all resulted in failure in absence of Federal action. They were great constructive efforts, but they failed on the shoal of cutthroat competition. Just the same as those that in the past made wage agreements with their employees and failed because of cutthroat competition of those who would not make a wage agreement, voluntary and State action failed because of those who would not voluntarily cooperate.

The record indicates that the only possible solution of an intolerable condition in one of our basic industries is by Federal action.

Underlying every strike, as it appears to me, and I am giving you the results of my analysis of the evidence of the past 25 years, has been the cutthroat competitive price warfare that was carried on between union and nonunion fields. The worker was the one to suffer.

Opinions may honestly differ as to the method to meet this situation, but I cannot see how anyone can take the position that these conditions should be permitted to continue.

As bearing upon the danger of the work which workers in the mines perform, let me call to your attention the fact that the actual chance is that 1 out of 10 men that spend their working lives in the mines will be killed in a mine accident. In 1934 the accident hazards in bituminous mines were two and nine-tenths times as great as the average for all industries, and the accident severity rate was six and seven-tenths times the average for all industries. The severity rate in bituminous mines was higher than in any other industry reporting to the National Safety Council.

Another important piece of evidence as to the living conditions in the mining areas can be obtained from the records of the relief rolls. Even before President Roosevelt took office, and in 1931, former President Hoover recognized the situation by requesting the American Friends Service Committee to undertake child feeding in the coal fields.

Under the Federal emergency-relief program the relief load was exceptionally heavy in the coal fields.

I want you to note this piece of evidence. This is evidence, cold evidence, which I have undertaken to ascertain in order to enable me to make up my own mind as to the manner in which I should vote on this bill.

A recent study by the University of Pennsylvania showed that out of 163 of the leading manufacturing counties in the United States there was 1 county in which 24 percent or more of the population was on relief during the year July 1933 to July 1934. Out of 41 other important urban counties in the United States there was also 1 with more than 24 percent of the population on relief. But out of 88 counties classified as chiefly engaged in mining bituminous coal there were 22 counties in which over 24 percent of the population was on relief.

There is the evidence, extending over nearly a quarter of a century. Today we have this bill before us. If ever there was an industry that required legislative consideration, it is the bituminous-coal industry. If ever there were workers in an industry who have lived under conditions approximating poverty, yes, as my friend from Kentucky [Mr. VINSON] well said, "peonage", it is the workers of the bituminous-coal industry. I cannot close my eyes to that record—I refuse to close my eyes to that evidence.

Upon that evidence something should be done. The Ways and Means Committee has considered the present bill carefully. This bill represents the best that we can present to this Congress in the nature of legislation. The Supreme Court must act. That is the way in America, legislative acts and Supreme Court construction.

We need legal engineering or modern legal science in this country to meet the problems of the day. We need to have the legal profession lead the way. Our courts can take judicial notice of the fact that we have changed from a rural Nation into an urban industrial Nation. We must realize that the days when the formative law in America was being made and applied to the then conditions, from the Revolution to the Civil War, have changed, and the rules applying to a distinctly agricultural nation must be made to apply to an urban industrial nation, such as we are today, with well over 50, yes, well over 60 percent of the people of America living in cities of more than 2,500 population.

Time is passing, and as time passes it produces changes, and these changes present to us new social, economic, and political problems. In my opinion, there is a way within the Constitution to meet these problems. I have always been brought up to believe that the Constitution is elastic enough to apply and adjust itself to almost any change that may take place.

This bill, in my opinion, represents a step forward. It is legislation that is necessary. The record, which I have undertaken today to briefly state, of the past 25 years shows the necessity for such legislation. The industry, the workers, and the Nation itself require a stabilized bituminous-coal industry. In my opinion, this bill reasonably meets the problem as it confronts us today. This bill, in my opinion, is constitutional. I hope the measure will pass. [Applause.]

Mr. TREADWAY. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. CROWTHER].

Mr. CROWTHER. Mr. Chairman, if I thought the enactment of this legislation would bring about a cure of the disaster and the evil that is pictured as existing in the bituminous coal industry so eloquently by the gentleman from Kentucky [Mr. VINSON] and the gentleman from Massachusetts [Mr. MCCORMACK] I should be tempted to vote for it, but I do not think it will effectively accomplish this purpose. I rather think this situation as it presents itself is a very clear indication of the necessity of an amendment to the Constitution in order that we may handle these matters. If we cannot do it under the Constitution as presently constructed, I favor the orderly procedure of an amendment in order that we may proceed constitutionally, and stop throwing mud at the Supreme Court.

I call your attention, as has been done several times, to the fact this bill still contains the price-fixing feature and is purely a price-fixing bill. Whether or not this is going to result in bettering the condition of the employees is very questionable.

The Court made this statement, and I think stated it significantly:

> The price-fixing provisions of the code are thus disposed of without going to the question of their constitutionality, but neither this disposition of the matter, nor anything we have said is to be taken as indicating that the Court is of the opinion that these provisions, if separately enacted, could be sustained.

Now, they are still in the bill and they are still open to question. I think the coercive tax or penalty is a problem that should have been given further study, in view of the decisions in the past of the Supreme Court, especially in the Child Labor case, where Chief Justice Taft, in speaking of that tax, stated it had already lost its identity as a tax and had become a penalty; and the 19½-cent tax in this bill is a coercive penalty. The tax is one-half cent a ton on all produced coal and a tax of 19½ cents a ton if the producer does not sign the code on the dotted line. If this is not a coercive penalty, I never heard of one.

I think one of the great dangers attendant upon this legislation is this: Let us say, for argument's sake, that this bill passes and gets by the Supreme Court—and in passing may I say, before I forget it, it seems to me a great deal of

commendation is due the majority members of the committee for their very earnest endeavor in the consideration of this bill to discuss very carefully the constitutionality of the various sections while we were preparing the bill. This was in marked contrast to the attitude that has been taken heretofore, except by one or two members of the committee, and in marked contrast to the advice we received from the President to give no consideration to the constitutionality whatever and to resolve all doubts in its favor and report the bill. Let me say that this time the members of the majority gave very earnest consideration to every paragraph and every principle and policy involved as to whether or not it might get by the Supreme Court, and for this they deserve a great deal of credit.

As I said a moment ago, it seems to me if this bill is declared constitutional, why may we not expect to have similar legislation for every existing industry in this country? If we can have one industry set up a commission of its own with price-fixing power to protect it against competition, why may we not expect the electrical industry, the steel industry, the boot and shoe industry, and half a dozen other industries to do the same thing? You will recall the fact that the former Guffey bill was hardly born a year or two ago before we had a similar bill for the control of the textile industry presented to the Congress, and it is just as natural to presume, and it is a logical conclusion to come to, that we are going to have, and will have in the future, legislation of this character, and we shall have a multiplicity of bureaucrats here in Washington with 50 industries, each with a commission of 7 or 350 commissioners, with all the employees they may require. Where are we going? Nobody seems to know particularly either the direction or the destination. Of course, they try to explain to us that this is a special industry. Of course it is. It is an industry that is slowly dying. In the hearings for the extension of the N. R. A., Mr. John L. Lewis admitted to us that power development at Boulder Dam, the T. V. A., and various other places, would displace the use of bituminous coal. The fact is that this administration is just patting the coal miner on the back with a bill of this kind and then, by appropriating $200,000,000 during the past 4 years for hydroelectric development, is giving the same coal miner a kick in the pants at the same time.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. CROWTHER. I cannot yield. Mr. Lewis admitted that in the last 10 or 15 years hydroelectric development had reduced the consumption of bituminous coal 200,000,000 tons, which means a displacement of a thousand men to a million tons. So it is truly a dying industry. That does not relieve us of the necessity, if we can do it, of improving these desperate living conditions that exist at the bituminous mines. Mr. Lewis said that—

> The mine workers, the men who work in the mines, have a dread or an apprehension pass over them every time they read in the newspapers about the financing of any water-power electrical development. I presume that is human nature. The displacement of a million tons of bituminous coal roughly will destroy the jobs of a thousand men. It runs at the ratio of a thousand men to a million tons.

And he says further that—

> That does not take into consideration the men engaged in transportation and the distribution of that tonnage.

So that the displacement of labor is still greater. He said further:

> There are those who say that the cheapening of power energy through the widespread infusion of electrical energy produced by water power will in turn create industrial and social activity which will more than make up for the lost manpower in the mining industry, but whether that is true or not one man's opinion is just as good as another's.

He also said:

> That we have not experimented for a sufficient length of time to determine whether or not that promise will ever have any result.

Mr. Chairman, I think that is a fair statement. It is astounding when you realize that in 10 or 15 years the production of bituminous coal necessary for industrial and other uses has been reduced by 200,000,000 tons.

In this bill we are undertaking to establish a new little N. R. A. You cannot describe it in any other way, there is no other conclusion to reach. The first part of the bill provides for a commission of seven, to be composed of two from the miners and two from the operators. It does not say what the other three shall be or prescribe their qualifications. They may have been miners or operators before, but at least the miners and the operators have a 4-to-3 vote in the 7-vote commission. A consumers' counsel is appointed in this bill, and I think so far as the consumers' rights are concerned that is just a humorous gesture. He has no vote, he is added to this commission, he has nothing to say, he can cross-examine witnesses and appear at hearings, but he is the only one that anyone can appeal to. An outsider is limited to his services, he may have no other attorney. It seems to me that very little benefit will redound to the consumers of coal as a result of this consumers' counsel.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. CROWTHER. Yes.

Mr. SHORT. Not only will the price of coal to the consumer be increased, but will it not tend to drive out of existence the small-mine operators and producers?

Mr. CROWTHER. I think there is no question about that.

Mr. REED of New York. And will not this be the effect? When they raise the price above a certain point, the consumer will shift to fuel oil and gas and every other substitute?

Mr. CROWTHER. I think that is a fair deduction to make. Of course, you cannot raise the price of bituminous coal too high, because there are too many things competing with it, oil and gas particularly. Everybody realizes that. Of course, it is a worthy objective, this stabilizing the price, but will it benefit the miners?

If you are going to stabilize the industry, 19½ percent is not high enough to keep the fellow out of business who does not want to sign the code on the dotted line. A 19½-percent preferential will not keep him out. You cannot stop him. If you are going to stop him from bootlegging against the law, you will have to raise that 19½ percent, because there is a greater differential than that in a great many cases, as I understood from the evidence given at the previous hearing.

Mr. Chairman, I ask unanimous consent to extend my remarks by adding to them a statement entitled "Why the Progressive Miners of America Object to the Guffey Coal Bill." Inasmuch as there were no hearings on this bill, I desire to have their statement appear.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CROWTHER. I think both sides should be heard on a question of such far-reaching importance.

The matter referred to by Mr. CROWTHER is as follows:

WHY THE PROGRESSIVE MINERS OF AMERICA OBJECT TO THE GUFFEY COAL BILL

AN ANALYSIS BY THE DISTRICT EXECUTIVE BOARD, PROGRESSIVE MINERS OF AMERICA

In presenting this analysis of objections to the Guffey coal bill, the Progressive Miners of America wish to maintain that it is not presented on the basis of the effect it might have so far as our own organization is concerned if enacted into law, but rather because of the effects that it will have on the people as a whole from the standpoint of bad legislation.

The pending Guffey coal bill is just as vicious, discriminatory, and dangerous as its predecessor which was enacted into law by the last Congress, and which was killed through the efforts of those who were cognizant of the public dangers which would undoubtedly ensue.

The revised bill is cleverly drawn; full of ambiguous phrases which mean nothing other than a surface reading would indicate, and cover, through inference and clever evasion, the same fields of price fixing, coercion, taxation, and dictatorial bureaucratic control that the first bill incorporated. It carries the same artificial control of industry scheme as its predecessor, and, if enacted into law, would pave the way for the elimination of hundreds of coal mines from operation, and tens of thousands of coal miners from the industry.

We ask your earnest attention and study in the following analysis which we have prepared, and although it is somewhat lengthy we feel that the basic thoughts contained herein are of vital importance to the coal-mining industry, those who work in it, the public in general, and those who create and administer laws.

The preamble of the bill on page 1 says: "That regulation of the sale and distribution in interstate commerce of bituminous coal is imperative for the protection of such commerce; that there exist practices and methods of distribution and marketing of such coal that waste the coal resources of the Nation and disorganize, burden, and obstruct interstate commerce in bituminous coal, with the result that regulation of the prices thereof and of unfair methods of competition therein is necessary to promote interstate commerce in bituminous coal and to remove burdens and obstructions therefrom."

This preamble attempts to bring the production of coal under the interstate-commerce law although the courts have held up to this time that the production of coal is not interstate, but intrastate commerce. Although the preamble of the bill states that it intends only regulation of the "sale and distribution", the content of the bill is so fixed that such regulation involves production directly and definitely. Chief Justice Taft, in the *Coronado Coal Co.* v. *United Mine Workers of America* (259 U. S. 407–408) said: "Coal mining is not interstate commerce, and the power of Congress does not extend to its regulation as such." In the case of the *Oliver Iron Mining Co.* v. *Lord* (262 U. S. 171–178), the Court said: "Mining is not interstate commerce, but like manufacturing it is a local business, subject to local regulation and taxation." Noel Sargent, eminent economist, said of the regulatory features of the first Guffey bill: "Since bituminous coal is not a 'necessary of life', it is impossible to justify indirect efforts at production control under the guise of control over transportation and rates." In the event that this bill should become a law, and a challenge of constitutionality should be issued, it seems logical, because of the former holdings of the Court, that such challenge would be sustained. In the interests of constitutional legislation, therefore, why should such obvious deviations from constitutional legislation be proposed?

Furthermore; in the preamble the words "that regulation of the prices thereof" promises price pegging which is not in the interests of the buying public, but to the contrary will undoubtedly result in increases in the retail prices of the commodity which are now at a figure nearly out of the financial reach of the consumers. Any legislation which gives the authority to any group, governmental or otherwise, to peg prices cannot be considered good legislation by the consumers of the product. Competition in industry has always been considered by students of economy as the only protection of consumers; again, the effects of pegging the prices of coal will tend to widen the breach of competition with other substitute fuels, such as oil and gas, and electrical energy which are fast supplanting the commodity throughout the United States. To advance the cost of coal to any appreciable degree would be to stifle the industry and throw tens of thousands of miners into the ranks of the unemployed.

BITUMINOUS COAL COMMISSION

The set-up of the bituminous coal commission should earn the undivided attention of the Nation's legislators, for in the creation of the commission the bill proposes that the President shall appoint all seven members of the commission. Four of the seven members are designated members, as having been experienced coal miners and operators; the other three members are unqualified appointees of the President; all seven, however, shall not have a financial interest in the active operation of the industry.

The wording of the provisions for the selection of these seven members of the commission is so cleverly drawn that the entire board might consist of men formerly connected with the industry as "operators", which would, or could, work to the detriment of the workers' interests. It says, page 2, lines 14 to 16: "Two members of the commission shall have been experienced bituminous-coal-mine workers, two shall have had previous experience as producers, * * *." How many coal-mine operators are there who have not, at one time or another, been "experienced coal-mine workers"? This is, as you see, a wide-open chance that the workers may have no men on the commission who are fully cognizant with their interests.

COURT AUTHORITY

Another section of this bill, on page 2, entitled section 2 (a), on lines 7 to 9, gives judicial recognition, or court authority, to this commission. It says: "The commission shall annually designate its chairman, and shall have a seal which will be judicially recognized." This gives court authority into the hands of the commission, which is further broadened on page 3, lines 23 to 25, and extending over to page 4, line 4, which says: "Upon all matters within its jurisdiction coming before it for determination it shall have the power and duty of hearing evidence and finding facts upon which its orders and action may be predicated, and its findings of fact, supported by any substantial evidence, shall be conclusive upon review thereof by any court of the United States." Through this section we find that the findings of this commission are final, and no court of the United States can reverse their findings if there is any substantial evidence to support their decision. The question arises as to how many cases come before any court in which there is no substantial evidence on one side or the other. Ordinarily the court is expected and holds that the preponderance of substantial evidence is that upon which they predicate their review. The way the bill is devised precludes the sustaining of the orders of the commission by the higher court and binds the court to sustain upon the premise of "any substantial evidence."

CIVIL SERVICE SCRAPPED

The Civil Service provisions of the old bill which were attacked from various sources are cleverly evaded in the wording of the revised bill. On page 3, lines 2 to 8, it says: "With the exception of the secretary, a clerk to each commissioner, the attorneys, and such special agents, technical experts, and examiners as the commission may require, all employees of the commission shall be appointed with due regard to the provisions of the civil-service laws and the Classification Act of 1923, as amended." What other employees are need by the commission with the exception of those noted above? Possibly a few stenographers, filing clerks, etc., but nowhere in the act is found a provision which fulfills the civil-service statute as it was intended when enacted into law. The appointive power contained in this act, as well as all other proposed acts of the past several years, is diametrically opposed to the provisions of the civil-service statute and tend to bureaucratize the entire structure of government. This is not good, in that it promotes "pork barrel" legislation, designed to remunerate supporters of parties and political candidates.

"GIFT" WORKERS

The sentence found on page 3, lines 10 to 13, wherein it says "the commission is authorized to accept and utilize voluntary and uncompensated services of any person or of any official of a State or political subdivision thereof", opens the way for manufacturers, coal-mine operators, or other interested groups or persons to give the services of as many persons as the commission might require for the use of the commission in any capacity they might designate; in other words, the operators of coal mines might be permitted to send one or more of their henchmen to sit in and assist the commission, and, should they so decide, could be used in investigating charges against his own corporation. His word would be accepted by the commission with regard to any charges he might be sent to investigate; and should they decide on the basis of his report, their findings would, through the aforementioned sections of the bill, become conclusive in any of the courts of the Nation. Again, a labor organization, or organizations, could proffer the services of one or more men, and they could be utilized in investigating cases in which their own organizations were interested; their findings, if accepted by the commission, would became a part of the commission's decisions, thereby creating discriminatory orders against other labor organizations whose men might be refused the privilege of serving the commission in like capacity.

SELF-REGULATING

Page 3, lines 15 to 19, gives the commission the power to make and put into operation their own rules and regulations without any restraint other than the word "reasonable", and nothing in the provision gives Congress the right to prescribe any such rules of practice. The only stipulation whereby Congress becomes a part of the program is that the commission shall file a report of their activities with the Secretary of the Interior, and he shall transmit it to Congress.

THE CONSUMERS' COUNSEL

Section (b) 1, found on page 4 and continuing on pages 5 and 6, provides for the setting up of an office for the consumers' counsel of the national bituminous coal commission, and outlines his duties, powers, and how the personnel of his office are to be selected; these powers, duties, and privileges follow the same trend as those of the commission. The counsel's duties as prescribed in subsection 2 of (b) 1, at the bottom of page 4, states: "It shall be the duty of the counsel to appear in the interest of the consuming public in any proceeding before the commission and to conduct such independent investigation of matters relative to the bituminous-coal industry and the administration of this act as he may deem necessary to enable him properly to represent the consuming public in any proceeding before the commission." In other words, the Guffey coal bill creates a department in itself, and a part of itself, as the only representative of the consumer. The counsel, as it states, shall have as his duty "to appear in the interest of the consuming public." Through the art of omission the proponents of this bill provide that the only counsel for relief from grievance shall be this consumers' counsel, who is himself a part of the administration. It does not provide that other legal counsel shall have the privilege of preferring or pushing charges which might be to the protection of the consumer, but provides, in effect, that the consumers' counsel shall be the only one who may appear before the commission in charges of this kind. There are not many courts of the land who tell a defendant who he may or may not have to represent him in court. They may prescribe the requirements such counsels must have in order to appear before them, but to restrict to a single named counsel is but a short step from dictatorship.

TAX FEATURES

Under the subheading of Tax on Bituminous Coal on page 6, we come to one of the most dangerous features of the bill. In this section we find the coercive influence that was manifested in the old bill, and which makes it possible for the commission to debar thousands of mines, particularly those of small productive capacity, from active operation, and through this medium permit the large, mechanized operator groups to "squeeze" thousands of

miners from a livelihood, and place them on the relief rolls of the Nation, or place them on subsistence homesteads, as later provided for investigation in this bill.

Section 3 (a) of this section places an excise tax of 1½ percent on the sale of coal under certain provisions; subsection (b) of the same section provides an additional 13½ percent tax in addition to the first tax imposed in subsection (a), but provides for the exemption of code members from the last-mentioned tax. In other words, 1½ percent of the market value of all coal will be collected as a tax apparently for the administration of the act, and an additional tax of 13½ percent shall be collected from all who do not become code members, or a total of 15 percent. This, as you can plainly see, would place code members in a position of vantage over those who might have objection to becoming members under the law; in fact, the producer is coerced by the amount of the tax to become a code member whether he wishes to or not. This is not the American way of doing business. The Government should never place itself in the position of taxing people out of business, and this bill will most certainly do that.

"FAVORED CUSTOMER" CLAUSE

Under subsection (e) on page 7, we find the "favored customer" clause, which says: "The tax imposed by subsection (a) of this section shall not apply in the case of a sale of bituminous coal for the exclusive use of the United States or any State or Territory of the United States or the District of Columbia, or any political subdivision of any of them, for use in the performance of governmental functions." It further provides for the refund of the tax paid by any producer on any coal that is resold to either of the above-named agencies upon application by the producer and production of evidence of such resale.

This is typical discriminatory legislation, and it is doubtful that it would stand a test of the courts; taxes, especially, should be universal and without favor to any individual group, sect, or class, and anything to the contrary has been so far held as class legislation, and unconstitutional. (See *Bailey* v. *Drexel Furniture Co.*, 259 U. S. 20.)

ORGANIZATION AND PRODUCTION

Part 1, found on page 9, takes up the title of organization and production. It determines that 23 district boards shall be organized, comprised of code members from each district. It provides that the number of members on the board shall be not less than 3 nor more than 17, and that the number of producer members shall be even. The proponents of the bill have cleverly protected the interests of the big mining producers in two specific places with regard to the selection of producer members; first, on page 9, lines 10 to 16, the bill provides that the number of producer members on the board shall be determined "by the majority vote of the district tonnage for the calendar year 1936", which naturally gives the big mechanical mines the edge in voting on a tonnage basis; secondly, on page 9, lines 22 to 25, and extending over on page 10, lines 1 and 2, the bill further provides: "One-half of such producer members shall be elected by the majority in number of the code members of the district represented at the aforesaid meeting. The other producer members shall be elected by votes cast in the proportion of the annual tonnage output for the preceding calendar year of the code members in the district." What if a law were proposed which provided in effect that citizens whose incomes exceeded $50,000 per year should determine how many members were to constitute the Congress of the United States, and further provided that one-half of these members should be elected by they themselves? This, in effect, is just what the Guffey coal bill proposes for the coal-mining industry. Can anything be more biased, more dictatorial than these proposals?

LABOR REPRESENTATION

Continuing on page 10, lines 5 to 8, we find that labor is granted one member on each of the 23 district boards, and that this member is selected by the organization of employees "representing the preponderant number of employees in the industry of the district in question." We, as progressive miners, cannot refrain from calling to your attention the fact that under the last national bituminous coal commission set-up we claimed the right to name the employee representative in our district; we appeared before the national coal commission and offered to produce facts and figures proving that we did have the "preponderant number of employees" in our district. The national coal commission, regardless of our presentations, set aside our plea and permitted the appointment of one from an organization that has and still refuses to accept our repeated challenge to an honest and fair referendum designed to once and for all time settle this particular controversy. What guarantee do we have as a majority organization that we will be permitted to name such labor member in the face of the precedent set by the last commission?

Be that as it may, just how much weight do the proponents of this bill think that such an employee representative could carry anyway with as many as 6, 10, or 12 producer members voting against him on all measures where the welfare of his organization is concerned? Why do they provide for such employee representative at all?

ABOVE THE LAW

Subsection (c) on page 12 provides, in effect, that no suits in equity may be filed against the district board as a whole, nor can any member be held liable for the act of another. This takes the actions, orders, and decisions of the board and board members out of the hands of the courts and gives to them the same protection afforded legislators, holding them liable only, as members, for "his own willful misfeasance or for nonfeasance involving moral turpitude."

MARKETING

Part 2, found on page 13, takes up the title marketing. We should like to charge at the outset in taking up this section of the bill that it is entirely void and of no effect because of its patent unconstitutionality. It violates, in effect, that section of the Constitution which provides that persons shall be safe in their papers and effects. On page 13, lines 4 to 12, the bill provides: "(a) All code members shall, in their respective districts, report spot orders to the statistical bureau hereinafter provided for and shall file with it copies of all credit memoranda, and such other information concerning the preparation, cost, sale, and distribution of coal as the commission may require. All such records shall be held by the statistical bureau as the confidential records of the code member filing such information." Although it states that such material shall be held as confidential, we must remember that where grievance occur the commission shall have the power to investigate, ascertain, and otherwise find facts upon which to base their findings in settlement of the grievance. It would be easier to obtain such information from the statistical bureau than it would to demand such information from the code member, and possibly be forced to sue for the production of the code member's papers and effects in courts of law.

Also included in this section is the provision that "the commission shall have power to prescribe for code members minimum and maximum prices" (p. 13, lines 5 and 6).

MORE PRICE FIXING

The consuming public might be interested in the wording of the bill found on page 16, lines 17 to 23, which says: "The district board shall adjust the average costs so determined, as may be necessary to give effect to any changes in rates, hours of employment, or other factors substantially affecting costs, exclusive of seasonal changes, so as to reflect as accurately as possible any change or changes which may have been established since January 1, 1936." This means that any increase in operating costs, including wages, reduction of hours, etc., which affects the cost of coal shall be taken into consideration by the district board, and such increases shall not be deducted from the profits of the producer, but will be reflected in the minimum and maximum price tables; in other words, on the backs of the consumers. The bill practically guarantees the producer the same rate of profits accrued to him as of January 1, 1936, which year has been heralded as one of the most profitable in many.

Page 16, lines 1 to 16, further agrees that where costs rise to any figure in excess of 2 cents per net ton of 2,000 pounds, the minimum and maximum price tables will be adjusted immediately. No law as yet has been proposed which guarantees to the consumer an increase in wages in the event that prices increase in excess of 2 percent on the dollar.

RIGHT OF CONTRACT CHALLENGED

The right of contract is seriously challenged by the wording of the bill on page 20, lines 3 to 8, which says: "Subject to the exceptions provided in section 12 of this act, a contract for the sale of coal at a price below the minimum or above the maximum therefor established by the commission at the time of making of the contract shall constitute a violation of the code, and such contract shall be invalid and unenforceable." When any agency, governmental or otherwise, can determine the legality of, and right to contract, and assume the power of invalidating contracts, our security in individual rights is in jeopardy.

"DUMPING"

Although "dumping" is prohibited on page 15, lines 5 to 7, we find that on page 21, lines 1 to 4, minimum prices as well as maximum prices do not apply to coal sold outside the domestic market or the continental United States; what, therefore, is to prohibit the producer from shipping surplus coal to the foreign market and dumping it at a lower price, which would, in some cases, pay him by reason of a demand in a "short" market? Transactions outside the United States are easily covered up, and therefore this bill guarantees in no wise that dumping is abolished.

APPELLATE DECISIONS FINAL

On page 28, lines 7 to 12, we find that in forcing compliance of its decisions the commission may ask the order of the circuit court of appeals, which, in effect, denies the right of trial by jury to the defendant. The circuit court of appeals consists of three judges, and they, together with the United States District Court and United States Court of Appeals for the District of Columbia, are charged with the duty of enforcing compliance to the rules and regulations of the commission; of hearing appeals from the decisions of the commission; and determining modifications, if any, of their decisions. On page 32, lines 7 to 13, the act provides: "The judgment and decree of the court, affirming, modifying, and enforcing or setting aside, in whole or in part, any order of the commission shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C., title 28, secs. 346-347)." Now, the Supreme Court, by precedent, has refused to review such cases in certiorari and certification; we point to the case of the *United Electric Coal Co.* v. *Progressive Miners of America*, an injunction

proceeding which the Supreme Court refused to review. Such statement is, therefore, of no effect, and guarantees no relief from grievance.

UNITED STATES PARTY TO SUITS

Subsection (c), page 32, down to line 7, on page 33, makes the United States a party to a suit against code members to enforce compliance with the rules and regulations of the commission. Particularly is this found in line 25, page 32, and lines 1 to 4, on page 33, which says: "Upon such filing" by the commission "of the application and transcript the court shall cause notice thereof to be served upon such code member and thereupon shall have jurisdiction of the proceeding and of the question determined therein"; then we find the protection for the commission's findings in the same old phrase on lines 7 to 9, "the findings of the Commission as to facts, if supported by substantial evidence, shall be conclusive." In other words, the United States is made a party to the suit, and the court is bound by "substantial evidence" to sustain the commission.

RIGHT TO ORGANIZE

Section 9, on page 36, lines 18 to 25, says: "Sec. 9. (A) It is hereby declared to be the public policy of the United States that—(1) Employees of producers of bituminous coal shall have the right to organize and to bargain collectively with respect to hours of labor, wages, and working conditions through representatives of their own choosing, without restraint, coercion, or interference on the part of the producers." There is no word concerning coercion, restraint, interference, etc., on the part of labor organizations against each other, nor are there provisions in the bill as to how to ascertain just who are the representatives of the organization in the district; on page 37, lines 22 to 25, and extending over on page 38, lines 1 to 11, however, the question of minority organizations is adequately taken care of by the following: "(d) On the complaint of any employee of a producer of bituminous coal, or other interested party, the National Labor Relations Board may hold a hearing to determine whether any producer supplying coal for the use of the United States or any agency thereof or for the use of any contractor on or carrying out of any contract subject to the subsection (c) of this section, is complying with the provisions of subsection (a) of this section. Such department or agency shall thereupon declare the contract for the supply of the coal of such producer or for the work, service, or supply of the contractor using such coal to be canceled and terminated." Through the wording of this section, and the reference to the other subsections, the bill finally provides, in effect, that any employee or "other interested party" may make an appeal to the commission stating in effect that he is being denied the right of belonging to the organization of his own choosing, and because of the complaint of this one individual or other interested party, who does not necessarily have to belong to or be employed by any particular producer or union, the commission is empowered to cause hearings to be instituted, the United States courts are forced to enforce attendance of witnesses, and upon the basis of the protest of this one individual the commission can, if so disposed, nullify the contracts of such producer as stipulated in the above-mentioned section. There is no doubt but that a single man can be found in most any plant or coal operation in the Nation who could be induced to raise such objections against his employer, and that there are "interested parties" who would be glad to raise the point of choice of representatives in many different sections of the Nation. The coercive features of the act are such that we do not feel that it is to the best interests of any particular organization for it to be passed.

Another factor of the above-mentioned section is that it provides for "compulsory arbitration", which has always been fought upon the principle that it is coercive, arbitrary to the tenets of democracy, and obstructs normal negotiations.

CERTAIN OPERATORS PROTECTED

On page 40, lines 14 to 19, we find a definite protection to the contract of one of the largest coal operators in the State of Illinois. It reads: "Sec. 12. No coal subject to the provisions of this act may be delivered upon any contract at a price below the minimum price in effect at the time of delivery upon such contract: *Provided*, That the provisions of this section shall not apply to a lawful and bona-fide written contract entered into prior to June 16, 1933."

In conjunction with the above-named section let us take you back for a moment to pages 18 and 19, subsection (c), which says: "When in the public interest the commission deems it necessary to establish maximum prices for coal in order to protect the consumer of coal against unreasonably high prices therefor, the commission shall have the power to establish maximum prices, free on board transportation facilities, for coal in any district. Such maximum prices in effect within the district at the time, so that in the aggregate the maximum prices shall yield a reasonable return above the weighted average total cost of the district: *Provided*, That no maximum price shall be established for any mine which shall not yield a fair return on the fair value of the property."

Now, the minimum price protects the producer from cutthroat competition; the maximum price protects the consumer against "unreasonably" high prices. This bill provides in the first quotation that minimum prices shall not apply to contracts entered into "prior to June 16, 1933" and now we find that maximum prices do not apply to mines which may not earn a reasonable increase on the fair value of the property. This explains the problem of when a maximum and minimum price is not a maximum or minimum: It is when they run afoul of the interests of certain groups.

* * * Now the facts are these: The Peabody Coal Co. in 1928 entered into a contract with certain public utilities in the State of Illinois, and the contract stipulated that the Peabody Coal Co. would supply these public utilities with coal for a period of 30 years on the basis of "cost plus" payment. The Progressive Miners of America intervened in a suit before the Illinois Commerce Commission for the nullification of this contract in the public interest; also, the Public Ownership League of America protested the confirmation of the contract before the commerce commission, on the basis that the "cost plus" arrangement did not protect the interests of the consuming public inasmuch as the overhead of the coal company, no matter how high, would be absorbed by the prices of the products of those companies and paid by the consuming public. Under the Guffey coal bill as it is written, minimum prices or maximum prices would in no way apply to the contract of the Peabody Coal Co. which has yet another 21 years to run. Through the ramifications of this bill, you will find that the interests of many large coal operations are adequately taken care of, and their position, as such, in no wise threatened.

ANTITRUST EXCEPTIONS

By the insertion of the word "unless" on line 2, page 41, the bill takes from under the Sherman Antitrust Act of 1890 certain combinations of producers, restricting these combinations only to code members, which gives a distinct tinge of class legislation to the entire section, and predetermines its unconstitutionality. Why should any group be excluded from the antitrust laws regardless of their acceptance of the code, while others are held subject to the law? The old adage "A rose under any other name smells just as sweet" could well apply to this; a group, classed as a trust, would still be a trust even though they did accept the code. The permission of combinations is contrary to the real needs of the people which is decentralization of industry.

MINIMUM-PRICE AREAS

So far as the minimum-price areas are concerned, they are fixed in accordance to the quality of coal, and other technical qualifications, and under the last Guffey coal law apparently satisfied the requirements of certain producers; how the consumers fared, however, and how they will fare under the revised bill if enacted into law, is another matter. The district boards so arrange the minimum-price tables that they apply to the "delivered" price of the commodity, free on board to the market; in other words a price is fixed, based on operating costs, depreciation, depletion, insurance, etc., and the total average cost of each district is figured; then the national commission takes these costs and arranges a price for each area, and for each central distributive market. No code-member is allowed to sell in these central markets at a price less than the minimum for the area, or market, regardless of how high or low, as the case may be, his operating costs are. Through this medium the "low cost" mines reap high profits, and the "high cost" mines merely "get by", and the consumer pays through the nose.

OTHER DUTIES OF THE COMMISSION

Section 15 of the bill takes up the title Other Duties of the Commission. In this section it is only provided that the commission shall have investigatory powers so far as allocation, relief and rehabilitation, subsistence homesteads for unemployed miners, safe operation of mines, etc., is concerned.

The revised bill is much improved over the last bill in this respect; however, through the powers of investigation, suggestion, and recommendation of certain conditions might be brought about which would work a hardship on the workers, producers, and consumers.

CONCLUSION

In fine, there are entirely too many points upon which logical exceptions can be made to indicate that this is basic legislation. For regulatory legislation it is a step forward if regulation is needed. We, as progressive miners, however, believe that artificial control of industry is bad, and that government predicated upon the theory that it should regulate industry is also bad. We cling to these fundamentals:

1. Artificial regulation of industry does not stabilize, but to the contrary, throws the entire economic machine out of balance;

2. Paternalism in government toward industry or organized labor indicates a desire either to control, or defective leadership;

3. Regulation of production should not depend on potential profits, but on the ability of the people to consume.

Therefore, we make this analysis of objections, as we stated at the outset of this article, on the basis that the Guffey bill is not good legislation for the whole people, and from that standpoint we look to the defeat of the measure, and urge your active support to that end.

JOE OZANIC, *President.*
J. H. FANCHER, *Vice President.*
C. E. PEARCY, *Secretary-Treasurer.*

Mr. COOPER. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I rise at this time to voice my opinion in regard to the pending bill. While, as Members of this body, we are all interested in the problems of the bituminous coal industry, there are some of us who hail from purely urban districts, who are especially and particularly interested in the consumers. My district, comprising four populous wards on the west side of the city of Detroit, con-

sumes, along with the rest of the residential and manufacturing parts of the city, many millions of tons of coal per annum, yet produces no coal at all. The State of Michigan produces perhaps seven or eight hundred thousand tons of coal altogether, which is a very fractional amount of the bituminous coal produced in this country. It is therefore natural that I would deal with this problem from the standpoint of the interest of the consumer. Accordingly, from the very outset I undertook to make of the consumers' counsel, who is amply provided for in this bill, the most powerful individual connected with the administration of the act. The consumers' counsel, due to my insistence and the support I received from my colleagues on the committee, has the right to intervene at any time or at any place whenever in his estimation the consumers' interests are involved, much less jeopardized. He is authorized to make his report separately and independently of the commission and makes it direct to Congress. He can therefore make recommendations for amending the act when in his experience he finds the consumer interest insufficiently protected. In other words, he is not subservient to any of the commissioners. He is independent and powerful in his own right and in a position to protect the consumers' interest at all times. He attends meetings of the commission without invitation, in his own right, not as heretofore merely tolerated.

I never have been convinced that even the old Guffey coal bill jeopardized the interest of the consumer; but if there ever was any doubt in my mind, it is completely dispelled by the provisions of this bill. This bill protects the consumers' interest entirely.

Mr. Chairman, I was not altogether willing to go along on the question of whether or not this commission should be under the Secretary of the Interior. I thought possibly it would have been wise to make of this an independent commission, responsible directly to Congress, but I agreed to submerge my ideas in the matter, provided the consumers' interests were carefully considered and fully protected.

There is a phase of this bill that appeals to me a great deal. It is the conservation feature which will follow in the wake of sane competition. This feature is not even mentioned though it will work out that way. As we go over this country of ours, rich in natural resources, we find that the American public, the American producer, whether it is timber, coal, oil, or any other natural resource, is spending these natural resources like a drunken sailor, with no consideration whatever for future generations.

Mr. REED of New York. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I will yield in a moment. What has contributed more than anything else to the plundering and waste of these natural resources of coal, oil, timber, and natural gas is this cutthroat, unscrupulous competition.

Mr. REED of New York. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield.

Mr. REED of New York. In regard to spending the resources of the people, according to the latest figures obtainable by scientific experts, there is enough bituminous coal in the United States to supply the world at the present rate of consumption for a thousand years.

Mr. DINGELL. I do not care if there is enough to supply the consumers of bituminous coal for 10,000 years. That is no argument why you should go out and ruthlessly and sinfully waste the God-given natural resources which cannot be replaced.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. COOPER. Mr. Chairman, I yield the gentleman from Michigan 3 additional minutes.

Mr. DINGELL. It is my contention that in the bituminous-coal industry, due to the practice among large coal buyers, using the "squeeze play", so to speak, the domestic consumers, who constitute between 12 and 15 percent of the consuming public, were obliged to pay what was rightfully to be paid by the commercial users of bituminous coal. In other words, coal produced at the mine, costing as high as $1.65 a ton, was frequently purchased, because of a combination between the large consumers, for as low as one-third of the cost of production. The utilities, railroads, and industry, consuming 85 to 88 percent, were the beneficiaries of this piratical practice. The attendant result was that the burden of costs was shifted to the 12 to 15 percent, the small household consumer; he had to make up this difference, he had to pay the other fellow's tariff. In the meantime, there was no concern about how the coal was produced. The choicest part of a rich coal seam was mined and the rest of it was not even propped. It was permitted, as soon as it was mined out, to cave. Millions of tons were thus being wasted. The most reckless kind of mining was foisted upon the industry because of cutthroat competition—labor was, as usual, the sorriest and most abused victim of our inexcusable system. The natural resources in this country sooner or later must be conserved. The same situation obtains in the oil industry and in the gas industry. It is enough to make your hair stand on end when we realize, for example, that in west Texas alone a billion and a half cubic feet of gas goes into the air every 24 hours. It would mean more and would be more impressive if the people of this country realized that that amounts to 175,000 barrels of oil, going into the sky every 24 hours. Greater losses are occurring every day in the bituminous-coal industry and no one pays any attention. It is high time that something be done to prevent further ruthless exploitation. [Applause.]

The CHAIRMAN. The time of the gentleman from Michigan has again expired.

Mr. TREADWAY. Mr. Chairman, I yield 10 minutes to the gentleman from Kentucky [Mr. ROBSION].

Mr. COOPER. Mr. Chairman, I yield the gentleman from Kentucky 5 minutes.

The CHAIRMAN. The gentleman from Kentucky [Mr. ROBSION] is recognized for 15 minutes.

Mr. ROBSION of Kentucky. Mr. Chairman, the soft-coal mining industry is a most interesting matter of discussion and study. Many of us think of bituminous coal as providing heat, power, and electricity only. We take from coal the beautiful and wonderful fast colors of red, purple, crimson, blue, green, yellow, and so forth. When we see a lady dressed in a beautiful crimson gown, we can hardly realize that the color was taken from coal.

Coal provides us not only with power and heat as weapons of national defense, but it is from coal that we take the chemicals forming the base of our high explosives for our great guns and other instruments of warfare. No pharmacopoeia is complete unless it has hundreds of tried and effective medical remedies derived from bituminous coal.

I have the honor to represent one of the great bituminous-coal producing districts of the Nation. A single county of my district in some years has produced and marketed approximately 20,000,000 tons of coal. My friend the gentleman from Ohio [Mr. JENKINS], who has made such a splendid speech in behalf of this bill, tells us of a mine in his district which produces 4,000 tons of coal per day. I have a mine in my district which produces, day after day, more than 10,000 tons of high-class bituminous coal.

There is no industry which has so many ups and downs, handicaps, drawbacks, losses, and uncertainties as the bituminous coal-mining industry, and there is no class of workmen in this country in any industry which has been and is subject to as many hardships, lack of employment, poor living conditions and low wages as the bituminous-coal industry for many years. Those who are not conversant with the coal-mining industry cannot appreciate the handicaps to the coal-mining industry or the hardships of the miners. It is a very hazardous employment. The miners perform their work in the darkness of the bowels of the earth, and the floor or bottom of a great majority of the mines have water in them all the time, and the miners come from work with their clothing soaking wet. The Federal Government and the State governments have enacted statutes and provided inspection to lessen mine disasters, yet mine disasters are almost of weekly occurrence in which many miners lose their lives. One out of every 10 employed in the mines loses his life.

This is one of the great essential and key industries of the Nation.

Mr. JENKINS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. ROBSION of Kentucky. I yield.

Mr. JENKINS of Ohio. If all those who produce coal would quit, this country would suffer a great calamity, would it not?

Mr. ROBSION of Kentucky. My friend is right. Our great cities would be plunged into darkness; our great railroads would come to a standstill; the factories, shops, and mills would be stilled. Perhaps more than a hundred million people in wintertime would suffer and many would perish with cold. Most of our common schools, colleges, and universities would be closed. Our hospitals could not provide for the sick and disabled; the ordinary and common offices of the household in cooking, laundry, and so forth, would be stopped; in a word, almost all of the activities of this Nation would at once be paralyzed.

JUSTICE TO ALL

I am one of those who sincerely believes that we ought not to want meat, flour, meal, fruits, or any other products of the farm, clothing, shoes, furniture, coal, transportation, or any other product of the factory, mill, shops, or transportation at prices that will not pay a fair return on the investment on the farm or industry and will not make it possible to pay real American wages and provide a real American living standard for the producers and workers in the various producing activities of our Nation. [Applause.]

All of us should be willing to pay such prices for our coal and other products consumed by us as will insure a fair return to the producers and to the workers who provide these commodities for our use. None of those, whether living in Boston, Chicago, or any other part of this great land of ours, should insist on having bituminous coal at a price that does not pay a reasonable return on the investment and a decent American wage to those who toil in the mines and risk their lives in producing this coal. [Applause.]

I wish to commend our colleague, Mr. MCCORMACK of Massachusetts, for the very splendid and interesting speech he has made in support of this measure. Of course, he has no coal mines in his district. For one, I deeply appreciate the information that he has brought to us and the broad and statesmanlike manner in which he has approached the subject. At this point I also wish to commend the very able and splendid speech made by my colleague, Mr. JENKINS of Ohio, in support of this legislation, and the illuminating and eloquent speech of my colleague, Mr. FRED M. VINSON, on the legal aspects as well as other features of this bill. He, Mr. JENKINS, and Mr. MCCORMACK differ in political faith, and Mr. VINSON and Mr. MCCORMACK have no coal mines in their districts. Being members of the Ways and Means Committee and having made a careful study of the legal and other aspects of this situation over a period of years, they have brought to us a very comprehensive view on the national aspects of this proposed legislation; and, after all, we must consider this very great and important question not only as it affects our own immediate communities but as it affects the Nation as a whole.

THE REAL "SORE TOE" OF INDUSTRY

As we have heretofore pointed out, there has been for many years more distress in the bituminous-coal industry and among the workers in the bituminous coal industry than any other in this Nation, and because of this condition the industry and the workers have been a subject of 25 years or more of intensive study and investigation. There was a time when we mined and consumed annually approximately 550,000,000 tons of coal in this country, and there were employed in the production of that coal more than 700,000 miners. Of all the power and heat units, coal provided approximately 72 percent. We have valuable bituminous coal deposits in 26 of the 48 States of the Union, and in 1936 we produced altogether something more than 400,000,000 tons of bituminous coal. Now approximately 70 percent of this total production came from Kentucky, West Virginia, Pennsylvania, and Illinois.

This study discloses some startling information. In 1923 there was paid out in wages in this industry approximately $900,000,000, but in the peak prosperous year of 1929 these wages had dropped to less than $600,000,000, a decline of more than 30 percent. The number of men employed fell from 705,000 in 1923 to a little over 500,000 in 1929. Coal production dropped from 535,000,000 tons in 1929 to 310,000,000 tons in 1932. The average price for the Nation over dropped from $2.68 in 1923 to $1.34 in 1933. For the last several years the average price was less than $1.50, and the average price in 1936 the Nation over, f. o. b. the mines, was about $1.72 per ton, but in many of the Southern States high-class bituminous coal averaged much less and down as low as $1 and $1.25 per ton.

The total annual wage payments for the year 1933 was less than $250,000,000. This was a drop from $850,000,000 in 1923 to $250,000,000 in 1933 in a period of 10 years. The total average annual wages for all miners were cut from $1,200 to a little over $400, although the number of days worked per man was increased from about 180 to 220 days.

The Treasury Department showed that this industry as a whole suffered great deficits and losses. In 1930 it was $42,000,000; in 1931 it was nearly $48,000,000; in 1932 it was $51,000,000; in 1933 it was nearly $48,000,000.

Therefore, as stated heretofore, no other industry has had so many drawbacks, so many failures and bankruptcies in the last 10 years as the soft-coal industry, from the operators' standpoint as well as the miners'.

In my own congressional district, so far as I have been able to learn, the average coal operator is anxious to pay decent American wages, but on account of the distress in this industry, the cutthroat competition, and the location of Kentucky coal with relation to the southern and northern markets, the wages of the miners in many of the mines have been very low. In fact, I know of one mine where the operator could not sell the coal, and it was up to the miners to either work in the mines or go on relief. The miners and the operator met together and the cards were laid on the table, and while the operator expressed regret that the situation was such that he could not do more, yet he could not pay more than $1 per day, and while he did not urge the miners to do so, yet he said if the miners desired to go to the mines and work for $1 per day he could and would operate the mines, and a great many miners, preferring to work at a dollar per day rather than go on the dole, did do so.

Some of the operators in my district are paying the union scale of wages, and one big mine, I am informed, pays from 10 to 15 percent in excess of the scale fixed by the United Mine Workers.

But because of conditions to which I shall call your attention hereafter, our mines are idle much of the time, and, of course, this works a hardship on the operators as well as the miners and their families, and thousands of miners who are anxious to work and support themselves and their families have been forced on relief; and because of this condition wages have been forced down and the operators have suffered losses.

During the past 25 years there have been meetings of Governors and other representatives from bituminous-coal States. There have been many meetings of the producers of coal. They have formed many organizations and associations and with great diligence have tried to formulate plans to meet the hazards and distress of this industry and the workers engaged therein. All of these plans have come to naught. It appears that no plan was workable that would stabilize this industry so as to provide a fair return on the investment and provide wages comparable with those received by the workers in other industries; and out of all this study and investigation came the stabilization coal bill which was passed by Congress in 1935 and which was declared unconstitutional by the Supreme Court. The bill of 1935 provided for the fixing of minimum wages, hours, and so forth. The Supreme Court expressly held that the fixing of wages and hours was a purely State matter and not an interstate matter, and therefore could not be reached by an act of Congress under the Constitution, as the Constitution only gives

Congress the power to regulate interstate commerce. Congress has no power over purely intrastate acts or intrastate commerce. It has been held over and over by a long line of decisions throughout the history of this country by the Supreme Court that the mere mining of coal is an intrastate act and is not interstate.

This bill omits the labor features of the 1935 so-called Guffey Act and confines the provisions of the bill merely to the distribution of coal that enters interstate commerce—that is, carried from one State to another.

HELPS PRODUCERS AND MINERS

The bill before us has nothing relating to the fixing of wages, hours, or working conditions. This bill relates solely and only to the stabilization of the coal-mining industry. The evidence before Congress discloses that 80 percent or more of the producers of the 400,000,000 or more tons of soft coal in 1936 favor this legislation, and the producers of less than 50,000,000 tons have expressed opposition. The chief opponent of this legislation is the large Pittsburgh Coal Co., of Pittsburgh, Pa. I am informed that it is the largest producer of bituminous coal in the United States.

It has been contended that this measure was intended to help the large producer of bituminous coal. The evidence submitted to Congress would indicate that the small producer of coal has more to gain from this legislation than the large producer. Because of the larger amount of capital and sales organization, and so forth, of the large producer, he can take care of his tonnage and provide storage and wait for advances in the market better than the small producer. The 80 percent or more of the producers of bituminous coal favor the bill because they believe it will stabilize this industry and will insure to the producers a more consecutive market, eliminate cutthroat competition, and force the large consumers of coal to pay a fair and reasonable market price, and in that way insure to the producers a fair return on their investment.

Practically all of the miners, as expressed through their organizations, favor this legislation because, they claim, if the producers receive a fair price for their coal and cutthroat competition is eliminated, the producers will be able to pay them wages comparable with the wages received by the workers in other industries.

ELIMINATED UNFAIR PRACTICES

There is no property that deteriorates so rapidly as the idle coal mine. Falling slate and the accumulation of water and dangerous gases require the constant attention of a considerable force at all times. The miners as a rule live in what is known as the mining camp, and they must depend as a rule entirely for their support from the mines. In order to keep the mines in a workable condition and prevent deterioration and provide support for the miners it is necessary for the mines, if possible, to operate regularly. In order to accomplish this and with the hope of selling the coal, the operator runs his mines, loads his cars, and fills his mine tracks, but he fails to secure buyers for the coal. The coal is in the cars and standing on the tracks. Heavy railroad demurrages accumulate on this unsold coal. In order to clear his tracks, stop demurrage, and find a market for this coal, the operator is often forced to take less than the cost of production. Large consumers of coal, such as factories, mills, shops, utilities, and railroads, sensing this situation, many times are able to buy this coal at much less than the cost of production. Other operators find themselves in the same situation, and the operators are forced in the position of meeting cutthroat competition. Many of the large consumers of coal have machinery by which coal is reduced to powder and blown into the furnace, and, of course, the slack of clean coal is almost as valuable to such consumers as block coal. In the last year I have known of slack from clean coal selling for as little as 20 cents per ton, and the operator paying 12½ cents per ton royalty to the landowner; and I have also known of many instances when the operator was forced to give the slack away or dump it.

The railroads of the Nation consume from 25 to 30 percent of the coal produced. They are the largest buyers of any group, and as a general rule they receive their coal at a very small margin of profit, or below cost. The domestic consumers of coal in this country use only about 12 or 15 percent. The domestic consumers as a rule require block coal for their use. This measure, in my opinion, will not increase the price of coal to the domestic consumer. It can be seen at once that to the extent that the large consumers of coal secure their coal below cost, this must be added to the price of domestic consumers; but under this measure the commission will fix a minimum price for each particular soft-coal producing section and the large consumer will be unable to secure coal at less than his minimum price and, of course, that price will be fixed at such a sum as will be fair and reasonable and enable the coal operator to make a fair and reasonable return on his investment and pay just and fair wages to the miners.

These unfair practices and this cutthroat competition should be eliminated. It is unfair to the soft-coal industry, it is unfair to the miners, and it is unfair to the ordinary and average consumer.

There are some features about this kind of legislation that I had hoped could be avoided. This is a complicated bill, and I am supporting it in the hope that it will benefit the producers and the miners and at the same time will not put an additional burden upon the average consumer, and believing it will eliminate the many unfair practices such as cutthroat competition forced upon the producers and the unfair advantage taken of the producers and miners by the large consumers of coal, and after all these 25 years of study and investigation and considering that the condition of this great industry continually grows worse and the situation of the producers and miners grows more precarious, I can see no workable plan to stabilize this great industry and save it from disaster except under the legislation here proposed.

SUBSTITUTES

If there should be any fear in the mind of the consumers of soft coal that this would unreasonably enhance the price, may I point out that oil, gas, and hydroelectric power are serious competitors of soft coal. John L. Lewis, president of the United Mine Workers, testified before a committee of Congress that these substitutes had reduced the annual consumption of coal approximately 200,000,000 tons, and that each million tons of reduction meant taking away the jobs of a thousand men—in other words, this had taken away the jobs of 200,000 miners—and we can see that the number of miners has been reduced from over 700,000 to approximately 500,000. If under this law the operators and miners should undertake to oppress the consumers with unreasonable prices for coal, it would mean an increase in the use of oil, gas, and hydroelectric power.

Due to the fact that we have enough equipped mines and enough trained miners, if they worked regularly 5 days to the week, to produce approximately a billion tons of bituminous coal, and to the further fact that we have deposits of valuable commercial bituminous coal in 26 States of the Union, I am satisfied that this measure cannot and will not bring about a monopoly in the bituminous-coal industry.

THE TENNESSEE VALLEY AUTHORITY

Having observed the distress of the soft-coal mining industry and the distress of the miners engaged in that industry over a period of many years, I voted against the T. V. A. In my opinion, one of the serious criticisms of this administration's policies is that it borrows and spends billions of dollars in promoting governmental activities in direct competition with private industry and the workers in private industry. For instance, the Government has borrowed and spent hundreds of millions of dollars in developing the T. V. A. Of course, this money comes out of the pockets of the taxpayers. In the first place, it greatly hinders and damages the $600,000,000 invested in the many private utility plants in that area, and it will take away the jobs of thousands of workers employed by these private utility companies and takes away a lot of the market for the bituminous coal in Kentucky, Tennessee, Virginia, and Alabama; and if the T. V. A. accomplishes what this administration says it will

accomplish, in the course of a few years it will cut down one-half of the market for bituminous coal and take away one-half of the jobs of the coal miners in my congressional district, and will have a similar effect on the bituminous mines and miners in the States of Virginia, Tennessee, and Alabama. Of course, the T. V. A. provides a very few jobs to carry on its operation. The coal industry and the miners in my section are in bad enough condition without the Government putting into operation agencies that will greatly add to their distress.

KENTUCKY COAL HANDICAPPED

The average coal operator in my district, so far as I have been able to learn, is anxious to pay, and wants to pay, good wages to his miners. Kentucky, however, is handicapped as no other soft-coal producing State in the Union. We have a wonderful bituminous coal; in fact, it is superior to the bituminous coal of nearly any State in the Union, as shown by actual analysis. What is our trouble? Only a small part of the coal produced in Kentucky is consumed in that State. We must go to the coal markets to the north and to the south. In going to the coal markets of the north, we must pass through the coal-producing States of Indiana, Ohio, and Illinois. The freight rate is 45 cents per ton more for our coal to any of these markets to the north than it is on the coal produced in those States nearer the market. Forty-five cents is a big item when coal sells on the average f. o. b. the mines at perhaps less than $1.70 per ton.

A lot of Kentucky coal is also shipped to the southern markets, but in order to reach the southern markets Kentucky coal must go through the soft-coal producing States of Virginia, Tennessee, and Alabama. Unless the wide differential on freight rates on Kentucky coal is taken care of, it will put Kentucky out of the market, stop its coal mines, and throw its miners out of employment.

Now I come to the question I desire to put to my friend and colleague, Mr. FRED M. VINSON, from Kentucky, who is the author of this bill under consideration. He and his Committee on Ways and Means have, I am sure, made a careful study of this bill. Is this bill so framed that this differential can and will be taken care of and Kentucky coal will not be put out of the market?

Mr. VINSON of Kentucky. May I say to the gentleman that if I had the least thought that Kentucky coal would be put off the market, instead of being close to this bill I would get just as far away from it as I possibly could. I feel the language of this bill takes into consideration what the gentleman has in mind, among other things, the increased cost of transportation. I feel this bill is drafted to permit coal as such from Kentucky and the other fields of the country to move in competition to common consuming points upon a similar competitive basis as heretofore.

Mr. ROBSION of Kentucky. I thank the gentleman for his statement. I want to support legislation that will help the coal miners and coal operators of Kentucky. I certainly do not wish to support any measure that will injure the coal industry or the coal miners of Kentucky. The United Mine Workers' organization and other miners' organizations have always recognized that this 45-cent freight-rate differential must be taken into consideration if we are to have any coal business and work for the miners in Kentucky. We all regret that Kentucky is not more favorably situated to the markets and that we do have this freight-rate differential, but we are confronted with a condition and not a theory. Kentucky is right where she is. We do have the advantage in having one of the very best bituminous coals in the Nation.

There has been some statements made on the floor of the House today that this bill is going to interfere with every little coal operation in the country. This measure, if I understand it correctly, is directed and bottomed on the interstate commerce clause of the Constitution and is attempting to stabilize the coal industry so far as it is engaged in interstate commerce, and it does not cover little local wagon or truck mines. For instance, in my county and at my county-seat town there are a number of men taking coal from little wagon or truck mines and bringing the coal into the town. There is no large coal operation near my home town. Is there anything in this bill that would interfere with that? None of the coal mentioned enters interstate commerce at all.

Mr. VINSON of Kentucky. I do not think the small mine the gentleman describes would come under the terms of this bill.

Mr. ROBSION of Kentucky. I am stating a case that involves intrastate commerce only.

Mr. VINSON of Kentucky. We should have a definite understanding that intrastate coal, when it involves undue, unreasonable, or unjust discrimination of interstate commerce, comes under the terms of this bill.

Mr. ROBSION of Kentucky. I do not think the bill covers the situation that I speak of.

Mr. VINSON of Kentucky. I do not think the case which the gentleman states creates the undue, unreasonable, or unjust discrimination that is necessary.

Mr. ROBSION of Kentucky. Let me call my colleague's attention to some other counties in my district. There are little mines—wagon or truck—that do not send a pound of coal out of the State.

Mr. VINSON of Kentucky. In my opinion, the small mines to which the gentleman refers do not fall within the act.

Mr. ROBSION of Kentucky. If the bill includes those strictly intrastate mines such as I have mentioned, then the bill will be in danger of receiving adverse action at the hands of the Supreme Court. Congress under the Constitution has the power to regulate interstate commerce, but it cannot regulate purely intrastate commerce.

Mr. VINSON of Kentucky. We attempted to regulate the interstate feature and the interstate transactions, and in order for intrastate transactions to fall within the terms of his bill there must be undue, unreasonable, or unjust discrimination against interstate commerce.

Mr. SHORT. That is a matter for the commission itself to determine.

Mr. VINSON of Kentucky. It is a matter of law, which under this machinery the commission itself may determine.

Mr. ROBSION of Kentucky. But the small-mine operator himself may determine whether he is violating the law or not.

Mr. CASE of South Dakota. Will the gentleman yield?

Mr. ROBSION of Kentucky. I yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. The gentleman, of course, is familiar with section 4 (a), which provides—

> After hearing finds that the prices of coal sold by producers in transactions in intrastate commerce cause any undue or unreasonable advantage, preference, or prejudice—

And so forth. It seems to me that is a pretty broad provision.

Mr. ROBSION of Kentucky. If this measure is as broad as the gentleman from South Dakota would indicate, that would cause the Supreme Court to hold this measure unconstitutional if we should pass it.

Believing that this bill will stabilize the coal-mining industry and will provide a fair return upon the investment of the small as well as the large operator of bituminous-coal mines, and believing that it will mean decent American wages for all the miners engaged in producing this coal, enabling them to provide for themselves and their families in a real American way and according to the American standard of living, I am giving this measure my support. [Applause.]

Mr. TREADWAY. Mr. Chairman, I yield 8 minutes to the gentleman from Pennsylvania [Mr. FOCHT].

Mr. FOCHT. Mr. Chairman, it is clearly manifest that there is some dislocation in the bituminous coal business. This impressed me many years ago when I first became a member of the Pennsylvania Legislature. We were having difficulties then, as you are having them now. At that time we had prolonged strikes, with coal selling on the tipple at $1 a ton, Ida Tarbell making her reports on rebates, and

all sorts of troubles connected with the bituminous coal business.

I have been thinking about this history as I have listened to the wonderful presentation from a constitutional standpoint made by the gentleman from Kentucky [Mr. VINSON], who seemed to make it clear that in the minds of those who favor the bill it will be constitutional. One thing is certain, you cannot tell whether it is constitutional until you try it.

It is my opinion that long ago we ought to have known at least two things that are paramount in the economy of this country. One of them is in regard to interstate commerce. It does seem to me that it is about time for legislative bodies and the judiciary to know what constitutes interstate commerce or intrastate commerce, or both, much the same way as we long ago ought to have known something more about the Federal Reserve System without having to wait until 11,000 banks failed in 1 day. These constitutional and legal questions ought to have been settled long ago. However, economic and social conditions have changed, until I find up in the district that I represent—what is known as the Broad Top bituminous coal field, than whose residents, who are practically all Americans, no finer citizens live anywhere—conditions which impel me to stand before you today and speak in the interest of this bill.

I had to do with the anthracite field when I was a member of the Pennsylvania State Senate. Later on we saw that whole difficulty ironed out and solved by President Theodore Roosevelt, who sent a commission up there to make an investigation. I have read carefully the reports of that commission, and I am told by those who are more directly interested in this matter than am I that this commission is modeled after the one that was set up by President Theodore Roosevelt.

I sincerely hope there may come out of this a betterment of the conditions existing today. I do not wish to give you the sob story that I could give you about these people, my constituents, people who want to work, who are willing to work, who can work, but are without the opportunity. The miner himself is without a chance. The operator is without a chance. The railroads that are constructed into these mines are in financial straits. One of them is in the hands of the receivers, and another has just been rescued from that position.

In proof that these people in my district are progressing, that they are ready for the call of the market for this coal, they have set up washeries. They break the coal into sizes and send as fine coal to market as can be found anywhere.

I do not care to accept the challenge of the gentleman from Kentucky, or from anywhere else, but everyone knows the quality of the great Pittsburgh vein of coal. The coal veins in Pennsylvania are not all of that same quality, to be sure; but I do know that whatever comes out of this, whether it is turned down as unconstitutional or considered constitutional, you are not going to know about it until it is presented to the Supreme Court. However, we do know from contact with these fine people up there that whatever does happen as a consequence of the passage of this legislation and its enforcement, we cannot make things worse.

Let me say that if you do not do something pretty soon I will get a lot of miners together up at Huntingdon and Broad Top, Six Mile Run, Saxton, Hopewell, Orbisonia, and Shade Gap, and that section of the coal region around Dudley, and we will have a little session together and draft you a bill based on common sense and without so much argument. [Applause.]

Mr. TREADWAY. I yield 6 minutes to the gentleman from South Dakota [Mr. CASE].

Mr. CASE of South Dakota. Mr. Chairman, certainly, I have no desire to quarrel with the aims of this bill. The stabilization of the industry and an improvement in the economic condition of the workmen are things that probably every Member of this House desires, and I no less than anyone. The question I raise with respect to the bill, however, is whether or not it will accomplish these purposes because of section 4 (a) as it applies to the coal miners and the intrastate coal industry in my district by destroying the very industry itself.

Under section 4 (a) it is specifically stated:

> Whenever the commission upon investigation instituted upon its own motion or upon petition of any code member, district board, State or political subdivision thereof, or the consumers' counsel, after hearing finds that the price of coal sold by producers in transactions in intrastate commerce cause any undue or unreasonable advantage, preference, or prejudice as between persons and localities in such commerce on the one hand and interstate commerce on the other hand—

It becomes amendable to the provisions of the act.

The author of the bill [Mr. VINSON] has stated that in his opinion it does not apply to the small operator or the small miner, yet the gentleman from Massachusetts [Mr. MCCORMACK] has said that in his opinion "coal mined in any State competes with coal mined in every other State." On this basis coal miners and coal producers of my district have wired me that they believe that section 4 (a) would kill the business they are now engaged in developing.

The actual production of coal in South Dakota is so small at the present time that my friend from Kentucky would laugh if I were to give him the figures. Suffice it to say that this industry has been in operation less than 25 years at the most. The country was opened for settlement that long ago. During many of the years since, when economic conditions permitted the people to get a better wage somewhere else, they have not worked in the coal fields, but in our best years we have produced about 60,000 tons a year.

Our coal is a lignite coal, mined in open or strip mines and hauled away in trucks. Practically all of the coal price therefore goes for labor. The wages compare favorably with other wages in the territory and the hazards are not those of the underground miner of whom most of you speak. The sales are to near-by farms or towns and the business is strictly within the State. The miners are laborers and farmers who prefer work to relief.

If this section of the bill attempts to regulate intrastate commerce as plain words give it power to do, we may have to raise the question of constitutionality. This is not a question that I like to raise, but I recall that in 1930 the present President of the United States, then Governor of the State of New York, speaking before the Governors' Conference at Salt Lake City, said with respect to the Hawes-Cooper bill, which attempted to regulate prison-made goods:

> I would even go one step further than Governor Christianson. I regard this very distinctly as an invasion of what I call State home rule. I would go one step further and doubt very much the constitutionality of that act. It seems to me that it is incumbent upon some of us to test out the constitutionality of the Hawes-Cooper Act.

However, there is not merely the technical question of whether or not section 4 (a) violates the Constitution, there is also the question of whether or not it is desirable to attempt to regulate young intrastate industry. On this point I should like to bring to you the testimony of the President himself with regard to the development of new industries in the newer sections of the country.

I have been much impressed as I have listened to the arguments on this floor with respect to the social condition that has developed in the country and the statements that we have passed beyond the pioneering stage.

In many districts that may be true, but certainly in my own district it is not true. Our best days are ahead. This measure points to an eventual control that will "freeze" production rights on the basis of present records. It assumes that you have a mature industry. That is not true in South Dakota, certainly not of our coal. Any industry that is not yet 25 years old has not reached that stage and I should like to plead for some consideration to the development of our younger States where there are still new horizons and where hope is not dead.

In 1930 the Governor of the State of New York, now President of the United States, Franklin D. Roosevelt, in a speech broadcast on the 2d of March, said:

The proper relations between the Government of the United States and the governments of the separate States thereof depend entirely, in their legal aspects, on what powers have been voluntarily ceded to the central government by the States themselves. What these powers of government are is contained in our Federal Constitution, either by direct language, by judicial interpretation thereof during many years, or by implication so plain as to have been recognized by the people generally.

The United States Constitution has proven itself the most marvelously elastic compilation of rules of government ever written. Drawn up at a time when the population of this country was practically confined to a fringe along our Atlantic coast, combining into one nation for the first time, scattered and feeble States, newly released from the autocratic control of the English Government, its preparation involved innumerable compromises between the different commonwealths. Fortunately for the stability of our Nation, it was already apparent that the vastness of our territory presented geographical and climatic differences which gave to the States wide differences in the nature of their industry, their agriculture, and their commerce. Already the New England States had turned toward shipping and manufacturing, while the South was devoting itself almost exclusively to the easier agriculture which a milder climate permitted. Thus already it was clear to the framers of our Constitution that the greatest possible liberty of self-government must be given to each State, and that any national administration attempting to make all laws for the whole Nation, such as was wholly practical in Great Britain, would inevitably result at some future time in a dissolution of the Union itself.

The preservation of this home rule by the States is not a cry of jealous Commonwealths seeking their own aggrandizement at the expense of sister States. It is a fundamental necessity if we are to remain a truly united country. The whole success of our democracy has not been that it is a democracy wherein the will of a bare majority of the total inhabitants is imposed upon the minority, but because it has been a democracy where, through a division of government into units called States, the rights and interests of the minority have been respected and have always been given a voice in the control of our affairs. This is the principle on which the little State of Rhode Island is given just as large a voice in our national Senate as the great State of New York.

The moment a mere numerical superiority by either States or voters in this country proceeds to ignore the needs and desires of the minority, and, for their own selfish purposes or advancement, hamper or oppress that minority, or debar them in any way from equal privileges and equal rights—that moment will mark the failure of our constitutional system.

For this reason, a proper understanding of the fundamental powers of the States is very necessary and important. There are already, I am sorry to say, danger signals flying. A lack of study and knowledge of the matter of the sovereign power of the people through State government has led us to drift insensibly toward that dangerous disregard of minority needs which marks the beginning of autocracy.

Those, ladies and gentlemen, are not the words of "a defeatist lawyer", nor the voice of "horse and buggy" days. They are the wise words of a man who then saw clearly that the true answer to the problem of American growth is the development of America, words spoken just 7 years ago.

It seems to me the gentlemen who are most in favor of this bill would care to see that it is constitutional by exempting purely intrastate commerce, and that would help to insure the onward march of the American people.

The coal that is mined in the districts I am speaking about does not enter into interstate commerce. It would be to your interest to insure that the bill itself is not found later to be unconstitutional. But more than this, I want to put in a word for the development of a new country. We have out there, we are told by the Great Plains Drought Committee, a resource of lignite coal that will become in time the great coal reserve of the country. Figures mean nothing because they are only guesses today—we need more development to know—but we have been told there is a reserve coal supply in the Northwest sufficient for North America for 400,000 years. [Applause.]

Mr. COOPER. Mr. Chairman, I yield such time as he may desire to the gentleman from West Virginia [Mr. RANDOLPH].

Mr. RANDOLPH. Mr. Chairman, the legislation under consideration is of vital importance not only to my own district and State but to the Nation as a whole.

The gentleman from New York [Mr. CROWTHER] declared this afternoon during debate in opposition to the bill that the coal industry is a dying one. In reply I should like to emphasize to the Members that it is not due to a lack of markets that the industry might be classed as dying, but it is, rather, due to the ills within the industry itself. In support of this contention it will be interesting and enlightening to quote production figures in the bituminous industry. In the year 1935 there were 372,373,122 tons of coal mined throughout the United States, an increase of 124,000,000 over 1932. In the year 1936, 434,070,000 tons were mined by 6,500 operators, an increase of more than 138,000,000 tons over the previous year. During the months of January and February 1936 there were 39,795,000 and 41,154,000 tons, respectively, produced. During January and February 1937 there were, respectively, 40,940,000 and 41,740,000 tons mined.

Consumption of the commodity, therefore, has not been decreasing, and we should remember that the figures presented for the first 2 months of the present year are based upon unusually warm-weather conditions, whereas in the same period last year a major portion of our Nation was swept with unusually cold weather.

I repeat again that within the bituminous-coal industry itself there lie the unhealthy conditions which must be remedied now. In this connection I desire to read from a letter received by myself from John L. Lewis, president of the United Mine Workers of America:

As you are aware, repeated investigations by Congress have disclosed the long-disordered condition of the bituminous coal industry, due primarily to its overdeveloped productive capacity and to its consequent cutthroat struggle for markets. Since mine labor constitutes from 60 to 65 percent of production cost, the effect of this ruthless competition is reflected directly in the wages of mine workers and the living standards of their families.

The Coal Act of 1935 sought to establish a floor level of minimum prices, determined by actual cost of production, as a fair method of stabilizing the interstate marketing of bituminous coal. Because the act included certain labor provisions which the majority of the Supreme Court thought were inseparable from the minimum price regulations, and which were held to be beyond congressional control, the act was held invalid on a 5 to 4 division of the Court. The House then, in 1936, passed H. R. 12800, which reenacted the act with the labor provisions omitted, and that bill, though favorably reported by the Senate committee, failed to reach a vote in the Senate.

Except for minor changes in phrasing, this is the same bill. Though disappointed at the failure of mine labor to find shelter under the law for its right to organize and collectively bargain, the mine workers are still vitally interested in legislation that will end the practice of seeking markets at any price and cutting wages to attain that miserable objective.

The bill provides for commission control of both minimum and maximum prices and creates as an independent agency a consumers' counsel whose function is to represent consumers in the deliberation of the commission. It is also noteworthy that, in view of the tax imposed by the bill, the administration of this measure will entail no financial burden on the Government.

Honest legislative efforts have been made formerly to enact stabilization measures for the bituminous-coal industry. I feel that under the provisions of this act we meet the problem on a constitutional basis and that the Supreme Court will not declare invalid this bill, which I believe will have the speedy approval of both the House and Senate.

We have listened today to the gentleman from New York [Mr. FISH] declare his intention of supporting this measure. He, doubtless, along with a great many other Members, has believed in the principles of such regulatory legislation for the coal industry; and whereas he has criticized the provisions of the N. R. A. as being too broad in scope, he feels that we must do something at once to stabilize the bituminous-coal industry.

I am personally familiar with distressing conditions. West Virginia is the largest bituminous coal-producing State in the Union, and in 1936 produced about 28 percent of the Nation's output. Out of the 15 counties in my own congressional district, 9 of them—namely, Barbour, Grant, Mineral, Monongalia, Pocahontas, Preston, Randolph, Tucker, and Webster—produce bituminous coal in huge quantities.

We have seen the chaotic conditions in the industry grow steadily worse. Too long has there occurred the crucifixion of both the miner and operator—the former on the cross of long hours, short pay, and bad working conditions; the latter through unhealthy overproduction and disastrous price cut-

ting. It is my desire to see huts and hovels in mining regions turned into happy homes; to see dreadful drudgery become noble labor; to see profits accrue to the operators and those who have financially invested in the industry; to see added safety and security for all those affected. [Applause.]

Mr. COOPER. Mr. Chairman, I yield now to the gentleman from West Virginia [Mr. EDMISTON].

Mr. EDMISTON. Mr. Chairman, a great deal has been said on the floor today about the constitutionality of this new Vinson coal bill. I am not a lawyer, and I shall not touch on that subject. I do not pretend to know anything about it, but I do know what has happened in the coal fields of West Virginia since the enactment of the N. R. A. and the Guffey coal bill up until the old bill was declared unconstitutional. I know that peace and prosperity reigned there instead of strife and starvation, which we had had for years before governmental regulation in the bituminous-coal industry. Therefore, I urge upon the Representatives from non-coal-producing districts to assist us in passing this bill. I think if they will check up on the record they will find that the Representatives of the coal-mining districts supported their cotton bill and their tobacco bill, and in return they should support us in our coal bill. [Applause.]

Another point which I want my colleagues, who are opposing the bill on the ground that it increases the cost of coal to their constituents, to consider is the fact that under the N. R. A. and the Guffey bill, until is was declared unconstitutional, the records show that the price of domestic coal was not increased, but was decreased in all of the larger centers of population all over the country. The price of coal under the N. R. A. and the Guffey bill has been increased to the railroads, to the utilities, and to the manufacturing consumer. This is as it should be, in my opinion, because these people in the old days took advantage of the fact that the coal operator could not store his slack coal, of which 85 percent is used by utilities and industries, and held out on him until he would sacrifice his slack coal at a price far below the cost of production; then, naturally, in desperation to endeavor to balance his books he raised the price to the domestic consumer. The railroads of our country, up until the time of the N. R. A., practically stole their coal from the coal operator. They never paid a price equivalent to the cost of producing the coal, and, of course, the consuming public had to pay the difference. I have already told you of the peace and prosperity which exists in the West Virginia coal fields today as compared to the strife and starvation which existed prior to governmental regulation. It is hard to believe now that conditions could exist in America as those which did exist in the coal fields of West Virginia.

Many operators wanted to be fair, but in competition with ruthless operators, who installed "yellow dog" contracts at their mines, which compelled their men to purchase their food, clothing, and supplies from the company commissaries at a most unreasonable price. In the old days a miner had to buy his powder, to shoot his coal, from the company for which he worked, and that company, in many cases of record, charged him from 5 to 10 times the cost of the powder. One of the opponents of the bill has said that he opposes it on the ground that it gives a monopoly to the large coal operator and drives the smaller operator out of business. I do not believe this to be the case, but if it is the case I want to call the attention of the House to the fact that, in 1933, all coal operators, both large and small, were in the red. The bonds of the largest coal companies in the United States were purchasable on the market for 10 percent of their face value. Their preferred and common stocks had no value whatever, and they were all delinquent, for many years, in the payment of their taxes to the State. The State of West Virginia merely permitted them to continue to operate because to foreclose on them would have added more to an already overwhelming burden of unemployment. One final point I want my friends from non-coal-producing sections of the country to consider is that the cost to enforce and administer this bill is borne wholly by the coal industry and does not cost the taxpayers of America one single cent. As a matter of fact, on a tonnage basis far below that of 1936, it will put into the Treasury around $3,000,000 more than it will cost the Treasury.

Mr. TREADWAY. Mr. Chairman, I yield 8 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Chairman, I have been over this bill very carefully, and I feel there are some things about it, some effects bound to flow from it, that I should call to the attention of the House. Under the provisions of section 3 (a), a one-half of 1 percent tax is imposed on all coal produced and sold and under the provisions of section 3, paragraph (b), a 19½-percent tax is imposed upon those who do not become and remain code members. Under section 4 a code is set up to which the producers are supposed to belong. Boards are set up in 23 different localities, and these boards are made up of the large producers. That is, the producers have the privilege of naming the boards in the same proportion that their tonnage would figure. In balloting for board members the tonnage counts. That means that only the large producers would be in on it. There is to be one employee member in each territory, and these members are supposed to give a little bit of statistics to the Commission which is set up under sections 1 and 2. Then the Commission is to fix the minimum and maximum prices of coal in each district.

This coal industry, as has been said here by many, has been in difficulty for a long time, due, undoubtedly, as the history of it shows, to the competition that it has received from the oil industry, the natural gas industry, and the hydroelectric power industry. The development of those three industries has gone on in increasing velocity over the last 15 years, and the difficulties of the soft-coal industry has been very largely traceable to the competition that has come from that development.

If they are going to fix a minimum price at which coal must be sold, then their market will be more and more restricted, because of the competition of hydroelectric power, natural gas, and the fuel oil. Only because fuel-oil prices are maintained as a result of the restrictions on the production of oil at the present time has it been possible for the bituminous-coal industry to obtain any price at all. This is my idea of the result that the people in the bituminous-coal industry are going to get from this bill. You are imposing a tax upon it and you are imposing restrictions on the way that people can do business. You are placing most of the power to handle the situation in the hands of the large producers and ignoring the small producers almost entirely. The result of that situation will be that it will be harder and harder as a result of this bill for the soft-coal producers to market their products and maintain their markets. That is the way it will work out, insofar as the bituminous industry is concerned, and it is going to be a little more difficult for the consumer in the city and in the far-off territory where they are dependent upon bituminous coal to obtain the coal and to pay for it. It will just be one more mess of governmental regimentation and Government control, and the result will not benefit the bituminous-coal producer or the bituminous-coal laborer or the man who lives in the city and who is obliged to use that coal. It seems to me it is absolutely ridiculous, for that reason, for us to go further with this kind of regulation and I hope that the membership of the House will have those things in mind, the interest of the industry, the interest of the workingmen and of the consumers when they come to vote on the bill.

Mr. SHORT. Mr. Chairman, will the gentleman yield?

Mr. TABER. I yield.

Mr. SHORT. Under the terms of this bill, does not the commission become a quasi-legislative and also a quasi-judicial body? The Congress gives over to this commission both the power to legislate and to adjudicate?

Mr. TABER. It does.

Mr. SHORT. And the Congress does not have anything to say about it?

Mr. TABER. There is no question about that.

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Mr. TREADWAY. Mr. Chairman, I yield 8 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Chairman, I have been over this bill very carefully, and I feel there are some things about it, some effects bound to flow from it, that I should call to the attention of the House. Under the provisions of section 3 (a), a one-half of 1 percent tax is imposed on all coal produced and sold and under the provisions of section 3, paragraph (b), a 19½-percent tax is imposed upon those who do not become and remain code members. Under section 4 a code is set up to which the producers are supposed to belong. Boards are set up in 23 different localities, and these boards are made up of the large producers. That is, the producers have the privilege of naming the boards in the same proportion that their tonnage would figure. In balloting for board members the tonnage counts. That means that only the large producers would be in on it. There is to be one employee member in each territory, and these members are supposed to give a little bit of statistics to the Commission which is set up under sections 1 and 2. Then the Commission is to fix the minimum and maximum prices of coal in each district.

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Mr. TABER. I yield.

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Mr. TABER. It does.

Mr. SHORT. And the Congress does not have anything to say about it?

Mr. TABER. There is no question about that.

Mr. MASON. Mr. Chairman, will the gentleman yield?

Mr. TABER. I think the gentleman has placed his finger on the fundamental trouble with the bituminous-coal fields today—that is, the competition of these three sources he has named. Would the gentleman say, in view of that fact, that anybody who voted for the T. V. A. and water power would be consistent in supporting this bill, when they caused, largely, the trouble in the bituminous-coal fields today?

They very certainly helped to bring about the sorry state of the bituminous-coal industry today. The more they go into that sort of thing, the more damage they do. The Government financing of hydroelectric-power propositions, where it is costing the Government many times what it gets out of it in revenue to produce the power——

Mr. MASON. And ruining the miners?

Mr. TABER. And ruining the miners, is absolutely ridiculous. It is absolutely ridiculous for the country to go into that kind of business. Business enterprises on the part of the Government are designed to ruin the workingmen employed in the industries with which it competes. [Applause.]

The CHAIRMAN. The time of the gentleman from New York [Mr. TABER] has expired.

Mr. TREADWAY. Mr. Chairman, I yield myself the balance of the time.

The CHAIRMAN. The gentleman is recognized for 16 minutes.

Mr. FOCHT. Mr. Chairman, will the gentleman yield before he starts his speech?

Mr. TREADWAY. I yield.

Mr. FOCHT. The gentleman from New York [Mr. TABER], in the conclusion of his remarks, which were approved by the gentleman from Illinois [Mr. MASON], stated that what was ruining the bituminous-coal business was the competition of oil and electric power. I wish to say to both of the gentlemen that the bituminous-coal industry was ruined and in misery 25 years before you ever heard of oil or these other products of other industries. [Laughter and applause.]

Mr. TREADWAY. Mr. Chairman, this bill could well be given two or three different titles. One title could very well be "the emasculated Guffey bill" of historic interest, in connection with which the President of the United States advised his party associates to vote for the bill, irrespective of any doubts as to constitutionality, "however reasonable." It was found to be unconstitutional by the Court. Now we have left the emasculated Guffey bill.

Another title I would like to give it is "a bill to permit the producers of bituminous coal to gouge the public." That is what it is, because if this is not intended to raise the price of bituminous coal, it has no purpose whatsoever, and we might just as well not waste our time considering it. Stabilize prices? Yes. Stabilize them upward against the people who burn bituminous coal in their homes and in industry. That is exactly what you are endeavoring to do. You are so determined to do it that a majority of the Ways and Means Committee would not even give those who were opposed to it a chance to be heard. Not a line of testimony was taken in public hearings. Therefore, I say it is even more indicative of the fact that it is the old Guffey bill, because they said, "We got all the information available at that time." The purpose of the original bill and the purpose of the pending bill is to stabilize prices upward, against the consumers of bituminous coal.

The pending bill reenacts the price-fixing provisions of the original Guffey Act, which also contained wage and labor provisions. This act was invalidated by the Supreme Court on May 18, 1936. The proponents of the bill claim that the part which was declared unconstitutional has been omitted. Let us see whether it has or not. Let us see what the Court said in that decision. It held the wage and hour provisions unconstitutional and said that the price-fixing provisions must fall with them. Then it added:

> The price-fixing provisions of the code are thus disposed of without coming to the question of their constitutionality, but neither this disposition of the matter nor anything we have stated is to be taken as indicating that the Court is of the opinion that these provisions, if separately enacted, could be sustained.

Those are the exact words of the Supreme Court decision, rendered on May 18, 1936. They took absolutely no stand on sustaining the part of the bill now before us. So that when the proponents of this measure come forward with the statement that the measure is constitutional, they are presuming on the possible results of further action on the part of the Supreme Court. I do not think any advocate of the bill will deny that this measure, as left now, will eventually come before the Supreme Court. They did not pass on the validity of the price fixing, but they took particular pains not to hold out any hope that the price-fixing provisions, considered by themselves, would be upheld.

However, I do not intend to argue the constitutionality of the price-fixing provisions at this time. The primary question, it seems to me, is whether the price-fixing provisions should be enacted into law, even if they were constitutional. In my opinion, they should not.

Let me emphasize the fact that this bill does not provide primarily for Government regulation against "excessive" coal prices. On the contrary, it gives Government sanction to minimum price fixing by the coal industry itself.

Those who are sponsoring the bill will, of course, deny that the industry has the power to fix its own prices. But let us see just what the bill provides. Let the bill speak for itself.

Section 4 of the bill constitutes the proposed bituminous coal code, to which all coal producers must subscribe in order to avoid the penalty tax of 19½ percent under section 3 (b). Part I of the code sets up 23 district boards, 1 for each of the coal-producing areas designated in the appendix to the bill. These boards are to be composed of from 3 to 17 members, as determined by a majority vote of the district tonnage. This means that the large producers will dictate the number of members. All of the members of the district boards, with the exception of one labor member on each, are to be producer-members of the code.

These 23 district boards are required by part II of the code to propose minimum prices for the various kinds, qualities, and sizes of coal produced in each district.

These minimum prices are to be based on the weighted average of the total cost of production of all the coal produced in the district, and in determining total costs the district boards are permitted to include the cost of labor, supplies, power, taxes, insurance, workmen's compensation, royalties, depreciation, depletion, and all other expenses of production, coal operators' association dues, district board assessments for board operating expenses, and reasonable costs of selling and the cost of administration. In other words, everything is included but the kitchen stove.

Now let us see who is to pass upon the propriety of these minimum prices as proposed by the coal producers themselves. Section 2 of the bill sets up a national bituminous coal commission, composed of seven members, who are empowered to approve, disapprove, or modify the minimum prices submitted by the district boards, and to coordinate minimum prices in the various consuming markets. Ordinarily when a commission of this kind is set up, it is a disinterested body. The pending bill, however, provides that two of the seven members of the commission shall be experienced coal producers, and two experienced mine workers. This gives the coal industry a working majority on the commission, which is to pass upon the minimum prices proposed by the district boards which are also composed of coal producers and one labor member on each. As a matter of fact, there is nothing in the bill to prevent the entire coal commission being composed of men with the coal industry's point of view.

The only qualification for the remaining three members is that they shall have no financial interest, direct or indirect, in the production and distribution of coal, but I call attention to the fact that the present coal commission, established under the invalidated law, had this same qualification for the entire membership of the commission, yet two of its members were formerly connected with the coal industry. The chairman of the commission is a former coal operator and another member is a former official of the United Mine Workers.

Thus we see that under the very terms of the bill, as well as under its practical operation, the bituminous-coal industry is being given the power to fix its own minimum prices. The consumer is almost entirely out of the picture. I say "almost entirely", but I might as well say that the consumer is out of the picture altogether. It is true that a consumers' counsel has been provided for under the bill whose duty it will be to represent the consumers' interests in all price-fixing proceedings before the commission. But what chance has the consumers' counsel to accomplish anything? He has no vote. All he can do is present his argument and produce his evidence. The coal operators, through their district boards and their working majority on the coal commission, can completely ignore him when they come to make up the minimum prices which they are going to enforce against the helpless public.

Of course the public is not entirely helpless. It can turn to other fuels, such as fuel oil and natural gas, and to electricity. These substitute sources of fuel and power have already made heavy inroads into the market for coal, and any effort on the part of the bituminous-coal producers to raise the price of coal will inevitably lead to increased use of these other fuels. Thus this bill may prove to be a boomerang to the coal industry.

I have already mentioned the various items that are considered in establishing minimum coal prices. One of these costs was the expenses incurred in connection with assessments for district board dues incident to the administration of the coal code. The bill on its face makes it appear that the cost of administering the code will actually be borne by the code members; but, as a matter of fact, it will merely be included in their production costs and thus passed on to coal consumers when the minimum prices which consumers must pay are fixed. Let this be clearly understood.

The consumers of coal must also pay the expenses of the coal commission and the statistical agencies that will be set up all over the country. It is said that the tax of one-half of 1 percent levied on all bituminous coal produced will more than meet this expense; but this tax, while paid in the first instance by the coal producer, will be passed on to the consumer when the coal is sold. Thus the consumer is footing the bill all along the line.

During the hearings which were held in 1935 on the original Guffey Act, it was estimated that the effect of the bill would be to increase the price of coal anywhere from a few cents per ton to as much as $1.50. There is no way to tell exactly how much the increased cost would be. But even if it is only $1 per ton, this would mean an annual tribute of $400,000,000 annually to the bituminous coal industry. I ascertained from a witness who seemed qualified to know that my own section of the country—New England—consumed 20,000,000 tons of bituminous coal annually. On this basis, the people of my section alone may be required to pay $20,000,000 more annually for their coal. It is clearly evident, to my mind, that the consumer is the forgotten man in this measure.

What a ridiculous thing it is to put into a measure, that the consumers' counsel is looking after the consumers. Humph! That gentleman appeared before us. I sort of envy the man in a way. In the first place, he came up into my district and picked out one of our young ladies for a wife a number of years ago. That showed good judgment on his part. On top of that he shows most excellent judgment in holding down that job at $10,000 per annum. We tried to inquire what had been accomplished either by the board itself or by the consumers' counsel during the period since this law was originally invalidated, and what did we find out?

The Budget calls for an appropriation for the coal commission of $900,000. It calls for an appropriation of $90,000 for the consumers' counsel—$990,000 to support a board that was invalidated by the Supreme Court. One million dollars wasted in this one item! What did we find out? By inquiry we found out that the consumers' counsel and the coal commission filed a brief before the Interstate Commerce Commission in connection with a hearing on freight rates. It took three whole pages in the commission's report to list the names of the other persons who were also appearing, including 64 representatives of State public service bodies and some 300 other persons representing shippers, receivers, cities, and civic, commercial, and other organizations. And then the commission tells us that part of their job was to protect the consumer during the period that this matter of rates was before the Interstate Commerce Commission. They were just about one-four hundredth part of those who filed their names and briefs.

The chairman of this commission testified that they were getting up statistics, surveying things, getting data, and so on. Well, we could get a whole lot of data for $900,000 per annum, a lot of it. Further than that, he was honest enough to say that he asked for $1,400,000 and the Budget cut him down to $900,000. He could not, of course, spend it all. Nevertheless, in anticipation of the passage of this bill, they will at once come back and ask for the full $1,400,000, and probably more.

Mr. DOUGHTON. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. I yield.

Mr. DOUGHTON. I infer from the remarks of my colleague, the distinguished gentleman from Massachusetts, an able member of the committee, that he thinks the provision for a consumers' counsel is a waste of money. Feeling this way, I judge he would be interested in offering an amendment to the bill striking out that provision.

Mr. TREADWAY. What earthly good would that do? The gentleman has been instructed to pass this bill. The gentleman has not the slightest idea of accepting any amendment.

Mr. DOUGHTON. It would show the gentleman's faith in his argument.

Mr. TREADWAY. The gentleman sat there in the committee room day after day down at his end of the table, under the leadership of the gentleman from Kentucky, and wrote into the bill everything that looked good, and struck out everything that looked bad; and the gentleman is here to pass the bill. I have been in Congress long enough to know how far I would get offering an amendment. But I will be frank with the gentleman and say that I would like to see the consumers' counsel and the employees of his office earn their salaries a little better than they have been earning them since the invalidation of the original Guffey bill.

Mr. DOUGHTON. If that be the state of the gentleman's mind I do not see the use of his making this speech. He should back up his words with action.

Mr. TREADWAY. I know it is a waste of time. Why should we even take the time to read the bill? There is no use reading it. We know how the majority is going to vote. Let me say that if we had the Australian ballot on this bill perhaps the gentleman would not vote for it any more than he would for some other legislation that he has got to accept in the near future. The gentleman could be using his time, Mr. Chairman, and the time of the Committee to better advantage by taking up the subject of the elimination of nuisance taxes of one kind and another. Instead of that you are adding to the tax problem every day. You Members on the other side should see if you cannot revise some of the existing taxes and relieve the people of some of their burden. One of the proponents of the bill went so far as to say that it was not going to cost the Government anything. Why not tell the whole truth. My friend VINSON knows, and I know, that it is going to cost the consumers this $1,000,000, for instance, that is already wasted, and a lot more besides in increased prices for coal.

Your patronage master, Mr. Farley, can put more men to work under the language of this bill than he has postmasters to appoint at the present time. Of course, the seven high-priced men at $10,000 each per year will continue to draw that and they will not work up any great amount of perspiration earning it. They will just draw that much money. There will be no perspiration, that is certain. Mr. Farley

will tell them who these "experts" and "special agents" shall be who are to be put on the pay roll.

However, there may come a day of reckoning even when you get instructions to pass a bill that you are told in advance is unconstitutional. I do not believe the American people are going to stand for this sort of thing forever. Think of what a nice proposition all of these boards are. Who is going to pay for them? The Government? No, not the Government, but the consumers of bituminous coal. Read the bill. If any of these producers, in order to stabilize the proposition, do not like it they may pay a tax of 19½ percent. Where is there anything more ridiculous in the way of forcing people to do a certain thing if they want to earn a dollar?

In conclusion, Mr. Chairman, I want to warn the House of the precedent which this bill will set if it becomes a law. When one industry is given the monopolistic privilege of fixing minimum prices, it will be a signal for other industries to seek similar legislation, and the Congress will have difficulty denying such privilege to these other groups if it grants it to one. If it is fair for one, it is fair for all. I was under the distinct impression that the Democratic platform of 1936 contained a rather strong declaration against monopoly. This bill suspends the antitrust law insofar as it otherwise would apply to members of the bituminous coal code, who under this bill are given monopolistic powers. Certainly the people of the country have not forgotten their experiences in connection with price fixing under the N. R. A. codes. This bill revives price fixing for coal, and if the past is any guide, the people of this country will not be long in expressing their sentiments in opposition to a renewal of price fixing. The following quotation, taken from a radio speech made on June 5, 1936, by the senior Member of the other body from Montana, one of the country's leading liberals, is quite apropos of the pending bill:

> Consider the implications of price fixing for trade and industry by either the Government or private groups. It radically changes our form of government.
>
> The Government would be forced into a system of regimentation of industry that would not only be onerous to the people but that might very well be inefficient. Certainly the greatest totalitarian, bureaucratic state the world has ever seen would be the result. Price fixing by private groups will inevitably lead to price fixing by government. It will be a Fascist state in every sense of the word.

Mr. Chairman, I hope this bill will receive the fate that it deserves at the hands of this House and will be ignominously defeated.

[Here the gavel fell.]

Mr. DOUGHTON. Mr. Chairman, I yield myself 4 minutes.

May I say at the outset I am going to support this bill. I come from a district and a State which does not produce coal; therefore, we are not interested from the standpoint of either producer, operator, or miner. My good friend, the gentleman from Massachusetts [Mr. TREADWAY] who has just taken his seat, is greatly exercised about the consumer. It seems to me he is not overly consistent, because I have heard him address the House perhaps more frequently, and whose voice resounded throughout this Chamber more eloquently than any man in this House in the last 24 years, in behalf of the producer or the laborers in his district. He has always been anxious that they should have wages commensurate with the American standard of living and that they should have the benefit of the protective tariff, the primary purpose of which, according to his contention, has always been to take care of American labor and to maintain the American standard of living.

Today, however, we find the gentleman from Massachusetts unconcerned with maintaining the American standard of living, or decent living wages for those engaged in one of the basic industries of our country. Today he is concerned over the price of coal to the consumers while for the past 24 years his voice was silent in behalf of those who had to buy textiles, shoes, leather goods, machinery, cutlery, and scores of other articles produced in his section of the country, and now when he has an opportunity to give labor in the coal-mining States a decent wage and improve their standard of living he becomes agitated and concerned because the enactment of this bill might slightly increase the price of coal to the people of his State. If he has been sincere, as he doubtless was, in his desire to give protection to industry against unfair competitive conditions in order to enable labor to benefit from such protection he, in order to be consistent, should support this measure.

Mr. Chairman, as I understand it, that is the primary purpose of this bill. It is to take care of the deplorable conditions from which labor has been suffering for many years in the bituminous-coal sections of this country. That has been explained over and over again. I do not believe this bill will substantially increase the price of coal, but even if it did, in order that the miners in the bituminous-coal sections of this country may receive a living wage and may be rescued from the chaotic conditions under which they have been laboring for many years, I am willing, and I believe the people whom I represent would be willing, to pay a slightly advanced price for coal in order that these people may receive a living wage for their labor.

This bill has for its purpose the stabilization of one of the country's basic industries—the bituminous-coal industry—by providing for Federal regulation of interstate commerce in bituminous coal and of matters and transactions in or directly affecting such commerce.

The need and necessity for such stabilization and regulation of this industry has long been recognized and favored by a large majority of the coal operators, and the half a million workers engaged in the hazardous mining of coal. We are all, more or less, familiar with the labor unrest and the un-American standard of living and working conditions existing for years in this industry.

This bill seeks to improve the working conditions of the miners by stabilizing the industry and thereby remove the basic cause for the low wages and poor working conditions which have too often brought about strikes accompanied by violence and bloodshed.

Under the terms of the measure a bituminous coal commission is reestablished and empowered to fix minimum prices of coal at the mine in the various minimum-price areas set up in part II of the bill. The bill also sets up a code of fair competition and practices for the coal industry, the lack of which in the past has been the major cause of the chaotic conditions existing in the industry. A tax of one-half of 1 percent is levied on the mine price of all coal produced. This tax will more than defray the cost of administration. An additional tax of 19½ percent is levied on the mine price of all coal produced by those who do not become code members, or by those code members who violate the provisions of the code.

A consumers' counsel is also reestablished independent of the coal commission to protect the interests of the consuming public. Some may scoff at and belittle this provision of the bill and term it a "gracious gesture" and that his will be only a "voice crying in the wilderness." In the short time in which we have had such an official the consumers' interests have been protected. The present Consumer Counsel, as well as the members of the Coal Commission, has already contributed much toward the saving of $30,000,000 annually to the consumers of coal. For the first time one representing the consumers' interests has appeared before the Interstate Commerce Commission in connection with rate proceedings. Heretofore no one has presented briefs and arguments except those parties directly interested in such rate structures. I do not claim that the elimination of the surcharge and the saving of $30,000,000 annually was brought about solely by the Consumers' Counsel, but I do think it is a good thing to have someone representing the consumers' viewpoint at such proceedings, and if our Republican friends are sincere in their belief that the continuation of a Consumers' Counsel is merely a gesture, let them offer an amendment to strike this provision from the bill.

They are also fearful that this measure will bring about a monopoly in the coal industry and drive the small producer out of business. The answer to such claims is the fact that the large producers with strong financial resources, those who

are able to maintain their own selling and distribution systems and who take advantage of unfair competitive practices, are the ones opposing the passage of this measure, while the vast majority of the smaller producers, who are slowly but surely being driven out of business at the present time because of such unfair trade practices, are supporting its enactment.

Let me repeat: The coal industry has for years been characterized by wasteful production, chaotic distribution, inefficient management, and economic insecurity. If it is to survive, some form of regulation is necessary, and this bill sets up the necessary standards and machinery to bring about the stabilization of this industry. I am confident that it will be administered in such a manner as to protect the interests of all producers as well as the consumers of coal. I do not share the fears of some that the price of coal will be unreasonably increased in price to the ultimate consumer. On the contrary, I believe the small domestic consumer will be able to secure his coal at no increase in price and perhaps at a lower price. In the past the small domestic consumers have been charged prices that enabled large producers to recoup some of their losses incurred by sales to large industrial and utilities industries at prices far below the actual cost of production. The setting up of minimum prices at which coal may be sold at the mine will correct many of the unfair practices, and will, in my opinion, be of benefit to the domestic consumer instead of a hardship. Many times in the past the price of coal has been unduly advanced to the consumers because of the unstability and labor conditions in the coal industry, and the passage of this bill will in a large measure prevent the recurrence of such price advances. Criticism has been voiced because no hearings were held on this bill. The committee had ample evidence presented on the subject matter of this bill at the time of the hearings on the original bill, and, in addition, Congress has during the past several years conducted investigations and hearings on the coal situation. Additional hearings would only serve to further delay the solution of the problem. The situation calls for action, and I am confident the membership of this House will respond by the passage of this bill by an overwhelming vote of approval.

Mr. Chairman, in conclusion I wish to state that each and every member of the Ways and Means Committee approaches his duties with a real desire to discharge those duties faithfully and conscientiously. The gentleman who introduced this bill is a member of that committee and he is a most diligent, faithful, earnest, and capable member of that committee. The gentleman from Kentucky [Mr. VINSON], whenever this legislation is enacted into law, and its benefits are reflected throughout the country, should be given credit as its author and chief credit for its enactment. I have known no man who labored more diligently, more intelligently, more assiduously, or more prodigiously than he has in the preparation of this bill and the other bills preceding this one. I want to speak these words of tribute because I know he is entitled to the thanks of everyone desiring this legislation. He has given more painstaking study than I have known any member of any committee doing in the preparation of this measure in order to bring it before the House in proper form so that its constitutionality would be sustained. [Applause.]

Mr. Chairman, I just wanted to pay the gentleman that tribute. I am sure the people of his district, the people of Kentucky, of Virginia, West Virginia, Pennsylvania, and other coal-producing States interested in this legislation, owe him a debt of gratitude and I am sure they will be pleased to know of the splendid service he has rendered, almost unparalleled so far as my knowledge of legislation in this House is concerned. [Applause.]

[Here the gavel fell.]

Mr. COOPER. Mr. Chairman, I yield the remaining time to the gentleman from Missouri [Mr. DUNCAN].

Mr. DUNCAN. Mr. Chairman, apparently this has been a rather unusual bill as there has not been a Member on either side of the aisle who was able to say that it is not a deserving piece of legislation. There has been some little discussion about its constitutionality, but I believe no Member who has discussed it, with possibly one exception, has discussed that question with any degree of certainty whatsoever, even to his own satisfaction. It is unusual in that there has not been a word of criticism from the industry. At least, I did not receive a letter or telegram during the 10 days this bill was under discussion from any person objecting to it.

It is the general opinion, and I am sure it is true, that the employer and the employee alike are in accord with the objects of this bill and agree to the terms of it.

I am very much surprised at the speech of my good friend and colleague on the committee, the gentleman from Massachusetts [Mr. TREADWAY], when he spent 16 minutes of his time here and did not discuss a single, solitary thing of any importance in connection with the bill. He did talk about the consumers' counsel, who receives a salary of $10,000 a year. After the Supreme Court held the previous act unconstitutional, this consumers' counsel appeared before the Interstate Commerce Commission, representing the consumers of this country, and through his efforts and the efforts of those who were associated with him saved the consumers $30,000,000 in freight rates. This redounded to the benefit of the consumers. It seems to me that the $10,000 he has been paid since this bill was held unconstitutional was well earned in his appearance before that Commission and his efforts in helping to save this $30,000,000.

I can speak only of my own State. There are approximately 1,200 coal mines in it. There are men today in that State digging coal out of the bowels of the earth for $1 a day, and the coal is being sold from the coal mines for 75 cents a ton. If the consumers were getting any benefit from this price it might be justified, but they are getting no benefit from it because the coal is being moved into the places of consumption by trucks and other means of transportation, and is being sold for just a few cents below the market in these places of consumption, and which is just enough to upset the market.

I have seen literally hundreds of trucks coming from the State of Illinois into the city of St. Louis hauling coal, competing with the coal that has been shipped in there, thus affecting the market, and causing unfair competitive conditions, and directly affecting working conditions in the mines.

The same is true of coal going from some parts of Missouri into Iowa, into Illinois, and into Kansas, and it is true of practically every coal field in the United States.

It is true this bill will not remedy that situation entirely, because a great deal of the coal which is being sold as I have described is in intrastate commerce; but a large part of it may directly affect interstate commerce and can be controlled by the commission set up in this bill.

I agree with the gentleman from New York [Mr. CROWTHER], that the tax is not enough, but it will help. It will aid materially in encouraging some of these cut-rate producers to come in under the code rather than be required to pay the 19½ percent. I am sure nobody is seriously contending this tax is not valid.

Mr. BIERMANN. Mr. Chairman, will the gentleman yield?

Mr. DUNCAN. Yes.

Mr. BIERMANN. Would the gentleman care to say whether or not he thinks the Supreme Court would hold valid that 19½-cent tax, which has as its only purpose compelling the operators to join this code?

Mr. DUNCAN. I think there is no question about the constitutionality of it. If the gentleman will read the decision in the Carter case he will find the Court there said it was necessary to base the tax on the commerce clause of the Constitution or the right of Congress to control the industry, and when this had been done legally the tax would be valid. Whether it is a tax or whether it is a penalty then makes no difference so long as the Congress has the power under the Constitution to legislate with respect to the particular question under consideration. [Applause.]

Mr. CASE of South Dakota. Mr. Chairman, I ask unanimous consent to revise and extend my own remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. COOPER. Mr. Chairman, I yield the remaining time on this side to the gentleman from Ohio [Mr. IMHOFF].

Mr. IMHOFF. Mr. Chairman, it being my privilege to represent a congressional district in Ohio which mines at least 60 percent of the total output of the State and employing at least 14,000 miners, needless to say I am vitally interested in the passage of H. R. 4985, a bill to regulate interstate commerce in bituminous coal, and for other purposes, which I believe will aid materially in stabilizing the coal-mining industry, as well as prevent wage cuts and disastrous competition such as existed before the passage of the N. R. A. and the Bituminous Coal Conservation Act of 1935.

I have lived in a coal-mining community practically all of my life, and I am familiar with the difficulties and conditions of both the miners and producers which have prevailed during the past several years until the N. R. A. came into existence. Immediately upon the passage of the National Industrial Recovery Act the coal mines began to pick up, as well as upon enactment of the Bituminous Coal Conservation Act of 1935.

Upon setting aside of same by the Supreme Court, the effect was immediate. Several small operators in my district were compelled to shut down on account of cutthroat competition. The small operators were looking to Congress last year to enact appropriate legislation. After the great coal strike in 1927 and up until 1933 the coal-mining business in my section was at a very low ebb. The mines were working only 2 or 3 days a week. The miners were paid 25 cents a ton for loading coal and $1.25 per day for outside work. Then came the Roosevelt administration and the advent of the N. R. A. Immediately under the N. R. A. the coal-mining business became prosperous. Wages for loading coal were raised from 25 cents to 60 cents per ton, and wages for outside work were raised from $1.25 to $5 per day, and instead of the mines working 2 or 3 days a week they worked every day. The cutthroat competition that had been ruining the coal business for years was eliminated. The operators were saved from bankruptcy. The mines once more were working every day at good wages and were able to provide the necessities of life for their families. The prosperity of the miners and operators at once spread to other lines of business in the community. Everybody profited by the prosperity of the miners.

Cutthroat competition is again coming into play, and unless something is done the coal business will be back into the same state it was before the advent of the N. R. A. I believe the necessary remedy is provided in the present bill. The provisions of this bill are vital to the interests of one-half million miners in this country, as well as the investment of hundreds of millions of dollars by the operators.

It has been said that the passage of this bill will result in a very great increase in the cost of coal. Investigation has disproved these claims, and reliable authority has established that under the provisions of this bill there would be but a very small increase, if any, in the cost of coal to the public at large. The bill creates a consumer's council to appeal for and act in the interests of the consuming public.

During the consideration of this bill I expect to give it my full and absolute support. It will have tremendous and far-reaching effects upon many of my constituents. As stated before, I feel that not only would the coal-mining industry benefit but agriculture and other lines of industry would also benefit through the increased purchasing power that would be sure to follow and be maintained through the enactment of this legislation. [Applause.]

The Clerk read as follows:

Be it enacted, etc., That regulation of the sale and distribution in interstate commerce of bituminous coal is imperative for the protection of such commerce; that there exist practices and methods of distribution and marketing of such coal that waste the coal resources of the Nation and disorganize, burden, and obstruct interstate commerce in bituminous coal, with the result that regulation of the prices thereof and of unfair methods of competition therein is necessary to promote interstate commerce in bituminous coal and to remove burdens and obstructions therefrom.

Mr. TREADWAY. Mr. Chairman, may I ask the gentleman from North Carolina if it is the understanding that the further consideration of the bill is to go over until Thursday?

Mr. DOUGHTON. That is the understanding, I believe; yes.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H. R. 4985) to regulate interstate commerce in bituminous coal, and for other purposes, had come to no resolution thereon.

PERMISSION TO ADDRESS THE HOUSE

Mr. SIROVICH. Mr. Speaker, I ask unanimous consent that on Monday, March 15, immediately after the reading of the Journal, the disposition of all matters on the Speaker's table, and the following call of the calendar on that day, I may be permitted to address the House for 1 hour.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

EXTENSION OF REMARKS

Mr. BEITER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on extending the authority of P. W. A. beyond June 30, 1937.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. VOORHIS. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, including therein a statement by a number of Congressmen on the subject of unemployment.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. IZAC. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a speech delivered by the gentleman from Massachusetts [Mr. CONNERY] at Portland, Maine, on March 4 last.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEMKE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from North Dakota?

There was no objection.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by including therein a speech made by our distinguished colleague the gentleman from Texas [Mr. RAYBURN] before the Harvard Law School on February 27 last.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

WIDOWS OF EMPLOYEES AND RETIRED EMPLOYEES OF THE UNITED STATES AND THE DISTRICT OF COLUMBIA

Mr. SMITH of Washington. Mr. Speaker, by direction of the Committee on Pensions, I ask unanimous consent that that committee be discharged from further consideration of the bill (H. R. 2244) to provide annuities for widows of employees and retired employees of the United States and the District of Columbia, and that it be referred to the Committee on the Civil Service.

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, I assume this is agreeable to the Committee on the Civil Service?

Mr. SMITH of Washington. I may say to the gentleman that this action is agreeable to both committees. The bill purports to amend the Civil Service Retirement Act of May 29, 1930, and should properly go to the Committee on the Civil Service.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

ADDITIONAL DISABILITY COMPENSATION FOR WORLD WAR VETERANS

Mr. SMITH of Washington. Mr. Speaker, by direction of the Committee on Pensions, I ask unanimous consent that that committee be discharged from further consideration of the bill (H. R. 4099) to amend existing laws to provide compensation of $10 per month, in addition to that otherwise provided, for disability resulting from wounds, gas, or injury incurred in action involving actual combat, and that it be referred to the Committee on World War Veterans' Legislation.

The SPEAKER. Is there objection?

There was no objection.

CENTRAL STATISTICAL BOARD

The SPEAKER laid before the House the following message from the President of the United States, which was read, and, with the accompanying papers, referred to the Committee on Expenditures in the Executive Departments:

To the Congress of the United States:

Pursuant to the provisions of section 5 (f) of the act of Congress approved July 25, 1935, I transmit herewith for the information of the Congress the second Annual Report of the Central Statistical Board for the period from January 1, 1935, to June 30, 1936.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *March 9, 1937.*

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. SMITH of Connecticut, for 2 days, on account of illness.

To Mr. MALONEY, for 10 days, on account of official business.

To Mr. DRIVER, for 1 week, on account of attendance upon the flood conference at St. Louis, Mo.

EXTENSION OF REMARKS

Mr. IMHOFF. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the measure under consideration today.

The SPEAKER. Is there objection?

There was no objection.

Mr. VINSON of Kentucky. Mr. Speaker, I ask unanimous consent to extend my own remarks on the bill H. R. 4985, and to include therein certain excerpts from court decisions and certain tables showing the price of coal, and so forth.

The SPEAKER. Is there objection?

There was no objection.

ENROLLED JOINT RESOLUTION SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H. J. Res. 252. Joint resolution to aid in defraying the expenses of the International Labor Office incident to holding its Technical Tripartite Textile Conference.

ADJOURNMENT

Mr. DOUGHTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 2 minutes p. m.) the House adjourned until tomorrow, Wednesday, March 10, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization in room 445, House Office Building, at 10:30 a. m., Wednesday, March 10, private bills. (Hardship bills.)

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

422. A letter from the Secretary of War, transmitting a proposed bill to provide for the measurement of vessels using the Panama Canal, and for other purposes; to the Committee on Merchant Marine and Fisheries.

423. A letter from the Acting Secretary of the Interior, transmitting the draft of a proposed bill to reserve certain lands in the State of Utah for the Shivwitz Band of Paiute Indians; to the Committee on Indian Affairs.

424. A letter from the Acting Secretary of the Interior, transmitting the draft of a bill to reserve certain public domain in California for the benefit of the Capitan Grande Band of Mission Indians; to the Committee on Indian Affairs.

425. A letter from the Acting Secretary of the Interior, transmitting the draft of a bill to authorize the payment of attorney's fees from Osage Tribal funds; to the Committee on Indian Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. McREYNOLDS: Committee on Foreign Affairs. Senate Joint Resolution 51. Joint resolution to amend the joint resolution entitled "Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war", approved August 31, 1935, as amended; with amendment (Rept. No. 363). Referred to the Committee of the Whole House on the state of the Union.

Mr. SANDERS: Committee on Ways and Means. House Joint Resolution 221. Joint resolution to permit articles imported from foreign countries for the purpose of exhibition at the Greater Texas and Pan American Exposition, Dallas, Tex., to be admitted without payment of tariff, and for other purposes; without amendment (Rept. No. 364). Referred to the Committee of the Whole House on the state of the Union.

Mr. SHEPPARD: Committee on Indian Affairs. H. R. 5299. A bill to authorize the Secretary of the Interior to exchange certain lands and water rights in Inyo and Mono Counties, Calif., with the city of Los Angeles, and for other purposes; without amendment (Rept. No. 365). Referred to the Committee of the Whole House on the state of the Union.

Mr. MERRITT: Committee on Military Affairs. S. 1442. An act to enable Coast Guard officers to purchase articles of ordnance property for use in the public service in the same manner as such property may be purchased by officers of the Army, Navy, and Marine Corps; without amendment (Rept. No. 367). Referred to the Committee of the Whole House on the state of the Union.

Mr. FADDIS: Committee on Military Affairs. S. 1230. An act to repeal an act of March 3, 1933, entitled "An act to provide for the transfer of powder and other explosive materials from deteriorated and unserviceable ammunition

under the control of the War Department to the Department of Agriculture for use in land clearing, drainage, road building, and other agricultural purposes"; without amendment (Rept. No. 368). Referred to the Committee of the Whole House on the state of the Union.

Mr. ARENDS: Committee on Military Affairs. S. 1285. An act to amend that provision of the act approved March 3, 1879 (20 Stat. L. 412), relating to issue of arms and ammunition for the protection of public money and property; without amendment (Rept. No. 369). Referred to the Committee of the Whole House on the state of the Union.

Mr. McCORMACK: Committee on Ways and Means. House Joint Resolution 249. Joint resolution authorizing the Commissioner of Internal Revenue to grant further extensions of time for filing returns under title III of the Revenue Act of 1936; without amendment (Rept. No. 370). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. TURNER: Committee on Military Affairs. H. R. 2095. A bill for the relief of Alex Lindsay; with amendment (Rept. No. 366). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 5389) for the relief of Mack McNeil; Committee on Invalid Pensions discharged and referred to the Committee on World War Veterans' Legislation.

A bill (H. R. 4314) granting a pension to Juna Vista Murphy; Committee on Invalid Pensions discharged and referred to the Committee on World War Veterans' Legislation.

A bill (H. R. 1881) granting a pension to Benjamin DoBroky; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 700) granting a pension to Samuel Evans; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 2328) granting a pension to Alice Eppler; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 3556) granting a pension to Ella Ann Alexander; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1888) granting a pension to Huldah M. Martin; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1798) granting an increase of pension to William S. Nevius; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DISNEY: A bill (H. R. 5457) for the relief of the Pawnee Tribe of Indians of Oklahoma; to the Committee on Indian Affairs.

By Mrs. JENCKES of Indiana: A bill (H. R. 5458) to amend the Pure Food and Drug Act, by prohibiting the manufacture, transportation, and distribution of counterfeit drugs; to the Committee on Interstate and Foreign Commerce.

By Mr. HEALEY: A bill (H. R. 5459) to protect American and Philippine labor and to preserve an essential industry, and for other purposes; to the Committee on Ways and Means.

By Mr. FITZGERALD: A bill (H. R. 5460) to provide for the acquisition of additional land at New London, Conn.; to the Committee on Military Affairs.

By Mr. DINGELL: A bill (H. R. 5461) to extend the tax on the importation of copper for 2 years; to the Committee on Ways and Means.

By Mr. DIRKSEN: A bill (H. R. 5462) to increase the age of consent for marriage in the District of Columbia to 18 years of age in the case of males and 16 years of age in the case of females; to the Committee on the District of Columbia.

By Mr. KING: A bill (H. R. 5463) to exclude intraterritorial transportation, traffic, and service in the Territory of Hawaii from the operation of the Interstate Commerce Act; to the Committee on Interstate and Foreign Commerce.

By Mr. MAAS: A bill (H. R. 5464) to provide for the appointment of a Director of Aviation of the United States Marine Corps; to the Committee on Naval Affairs.

By Mr. MOTT: A bill (H. R. 5465) authorizing the construction of a dam and dike for preventing the flow of tidal waters in Willanch Slough in Coos County, Oreg., for the purpose of reclaiming land for farming; to the Committee on Rivers and Harbors.

By Mr. RAMSPECK (by request): A bill (H. R. 5466) to provide for the retirement of employees in the judicial service, and for other purposes; to the Committee on the Civil Service.

By Mr. SCHAEFER of Illinois: A bill (H. R. 5467) to extend the times for commencing and completing the construction of a bridge across the Mississippi River between St. Louis, Mo., and Stites, Ill.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 5468) to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near a point between Morgan and Wash Streets in the city of St. Louis, Mo., and a point opposite thereto in the city of East St. Louis, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS of Oklahoma (by departmental request): A bill (H. R. 5469) to provide for the payment of certain Creek equalization claims, and for other purposes; to the Committee on Indian Affairs.

By Mr. RABAUT: A bill (H. R. 5470) to authorize the Administrator of Veterans' Affairs to accept title for the United States to certain real property to be donated by Henry Ford and wife for Veterans' Administration facility purposes; to the Committee on World War Veterans' Legislation.

By Mr. COLLINS: A bill (H. R. 5471) to amend the laws relating to the distribution of public documents to depository libraries; to the Committee on Printing.

By Mr. WEAVER: A bill (H. R. 5472) to authorize the exchange of certain lands within the Great Smoky Mountains National Park for lands within the Cherokee Indian Reservation, N. C., and for other purposes; to the Committee on the Public Lands.

By Mr. CLARK of Idaho: A bill (H. R. 5473) to provide for the recommissioning of certain former officers in the Regular Army of the United States; to the Committee on Military Affairs.

By Mr. BARRY: A bill (H. R. 5474) to provide for the local delivery rate on certain first-class mail matter; to the Committee on the Post Office and Post Roads.

By Mr. BOREN: A bill (H. R. 5475) for the relief of property owners in street improvement district no. 70 in the city of Shawnee, Okla.; to the Committee on Roads.

By Mr. HARLAN: A bill (H. R. 5476) granting the members of the Cabinet the right of debate on the floor of Congress; to the Committee on the Judiciary.

Also, a bill (H. R. 5477) to exempt from titles II and VIII of the Social Security Act the employment of students working for tuition, board, or lodging while attending a college or university; to the Committee on Ways and Means.

By Mr. VOORHIS: A bill (H. R. 5478) to amend existing law to provide privilege of renewing expiring 5-year level-premium term policies for another 5-year period; to the Committee on World War Veterans' Legislation.

Also, a bill (H. R. 5479) to provide advancement for retired officers who have been advanced to the retired list or transferred from the active to the retired list under the

provisions of Public Act No. 123, approved May 7, 1932, or its amendments; to the Committee on Military Affairs.

By Mr. BOILEAU: A bill (H. R. 5480) to provide Spanish War veterans wartime pension rates for service-connected disability or death of certain veterans of the Spanish-American War recognized by Veterans' Regulations as "veterans of any war", to grant medical and domiciliary care to veterans of the Spanish-American War recognized as such by laws in effect March 19, 1933, and for other purposes; to the Committee on Pensions.

Also, a bill (H. R. 5481) to provide Spanish War veterans wartime pension rates for service-connected disability or death of certain veterans of the Spanish-American War recognized by Veterans' Regulations as "veterans of any war", and for other purposes; to the Committee on Pensions.

By Mr. McFARLANE: A bill (H. R. 5482) to provide the Congress with information on the state of the development of the aerial warcraft of the United States in comparison with that of other nations; to the Committee on Military Affairs.

By Mr. BLAND: A bill (H. R. 5483) authorizing superannuation compensation for certain employees of the Panama Canal not coming within the provisions of the Canal Zone Retirement Act; to the Committee on Merchant Marine and Fisheries.

Also, a bill (H. R. 5484) to provide for the addition of certain lands to the Fredericksburg and Spotsylvania County Battlefields Memorial National Military Park in the State of Virginia; to the Committee on the Public Lands.

By Mr. FISH: A bill (H. R. 5485) providing that the Supreme Court shall not invalidate an act of Congress except by a decision of two-thirds of the Justices; to the Committee on the Judiciary.

By Mr. DORSEY: A bill (H. R. 5486) for the better assurance of the protection of persons within the several States from mob violence and lynching, and for other purposes; to the Committee on the Judiciary.

By Mr. BLAND: A bill (H. R. 5487) to amend section 4551 of the Revised Statutes of the United States, as amended (U. S. C., 1934 ed., Supp. II, title 46, sec. 643); to the Committee on Merchant Marine and Fisheries.

By Mr. FISH: Joint resolution (H. J. Res. 271) authorizing the President to call a naval armament conference at Washington; to the Committee on Foreign Affairs.

By Mr. RABAUT: Joint resolution (H. J. Res. 272) to authorize the Administrator of Veterans' Affairs to accept title for the United States to certain real property to be donated by Mr. Henry Ford and wife for Veterans' Administration facility purposes; to the Committee on World War Veterans' Legislation.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Colorado, urging passage of House bill 4009; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of Oklahoma to the Congress of the United States, petitioning the Congress to enact such legislation as is necessary to retain in the star-mail service satisfactory and experienced contractors and to give the Postmaster General the proper authority to grant additional compensation where rates are unreasonably low; to the Committee on the Post Office and Post Roads.

Also, memorial of the Legislature of the State of Oregon, petitioning the Congress of the United States of America to take immediate action to appropriate such sums as may be necessary to provide a suitable pay based on the rank of each Reserve officer as may be appropriate for the maintenance, efficiency, and training of the Officers' Reserve Corps and to promote enactment into law such proposed legislation; to the Committee on Appropriations.

Also, memorial of the Legislature of the State of Oregon, memorializing the Congress of the United States to give a fair, full, and impartial hearing and consideration of the Townsend national recovery plan, with a view to its enactment into law after the Members of Congress shall have settled the details of this legislation; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of Oregon, memorializing the Congress of the United States to enact the Harrison-Black-Fletcher bill for Federal aid to education into law; to the Committee on Education.

Also, memorial of the Thirteenth Legislature of the State of New Mexico to the Congress of the United States, asking that the Indian Department improve roads in the Navajo Indian Reservation in New Mexico and Arizona; to the Committee on Indian Affairs.

Also, memorial of the Legislature of the State of Wisconsin, memorializing the Congress of the United States to authorize the construction of the Kickapoo Valley project and to make an appropriation therefor; to the Committee on Flood Control.

Also, memorial of the Legislature of the State of Wisconsin, memorializing Congress to provide a moratorium on foreclosure of mortgages held by the Home Owners' Loan Corporation; to the Committee on Banking and Currency.

Also, memorial of the Legislature of the State of Wisconsin, memorializing Congress to modify the Works Progress Administration so as to provide needy taxpayers preferred employment on works projects; to the Committee on Appropriations.

Also, memorial of the Legislature of the State of Wisconsin, memorializing the Congress to reduce the payments for interest and principal on farm and home loans; to the Committee on Agriculture.

Also, memorial of the State of Colorado, memorializing the Congress of the United States to support any measure that will continue, enlarge, or make an appropriation for the continuance of a Public Works program under the Public Works Administration; to the Committee on Appropriations.

Also, memorial of the State of Oregon, requesting Federal assistance for control of noxious weeds; to the Committee on Agriculture.

Also, memorial of the Legislature of the Territory of Alaska, asking that a suitable court house and Federal building be constructed at Anchorage, Alaska; to the Committee on Public Buildings and Grounds.

Also, memorial of the Legislature of the State of Washington, urging the negotiation of a treaty with Canada, looking toward joint and equitable supervision of pilchard industry and other proposed legislation; to the Committee on Merchant Marine and Fisheries.

Also, memorial of the Legislature of the State of Colorado urging passage of Senate bill 1375; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Legislature of the State of New Mexico, requesting that the Congress enact a law granting 4,000,000 acres of the public lands in the State of New Mexico and other lands heretofore granted to the State of New Mexico under the Carey Land Act for the benefit of the Carrie Tingley Crippled Children's Hospital; to the Committee on the Public Lands.

Also, memorial of the Legislature of the Territory of Alaska, urging passage of House bill 1554; to the Committee on Roads.

Also, memorial of the Legislature of the State of Oklahoma to the Congress of the United States, urging favorable action on President Roosevelt's suggested reorganization of the Federal judiciary system; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BIERMANN: A bill (H. R. 5488) granting a pension to Clarissa M. Eck; to the Committee on Invalid Pensions.

By Mr. CHANDLER: A bill (H. R. 5489) conferring jurisdiction upon the District Court of the United States for the

Western District of Tennessee to hear, determine, and render judgment upon the claim of Annie Mae Carter; to the Committee on Claims.

By Mr. COLE of Maryland: A bill (H. R. 5490) granting a pension to Howard E. Tolson; to the Committee on Pensions.

By Mr. COLLINS: A bill (H. R. 5491) for the relief of Frank D. Grantham; to the Committee on Military Affairs.

Also, a bill (H. R. 5492) for the relief of Gilbert A. Watkins; to the Committee on Invalid Pensions.

By Mr. DISNEY: A bill (H. R. 5493) for the relief of Mrs. Charles R. Warner; to the Committee on Claims.

By Mr. DOUGLAS: A bill (H. R. 5494) for the relief of John Anthony Carney; to the Committee on Naval Affairs.

By Mr. EBERHARTER: A bill (H. R. 5495) for the relief of Anne E. Felix; to the Committee on Claims.

By Mr. ECKERT: A bill (H. R. 5496) for the relief of Willard Webster; to the Committee on Claims.

By Mr. GRAY of Indiana: A bill (H. R. 5497) granting a pension to Charles R. Beck; to the Committee on Pensions.

By Mr. GREEN: A bill (H. R. 5498) granting a pension to Herbert E. Wireman; to the Committee on Pensions.

By Mr. HEALEY: A bill (H. R. 5499) for the relief of John McAnneny; to the Committee on Naval Affairs.

Also, a bill (H. R. 5500) for the relief of Thomas Henry Beech; to the Committee on Naval Affairs.

Also, a bill (H. R. 5501) for the relief of Philip DiPirro (alias Philip D. Pierro); to the Committee on Immigration and Naturalization.

By Mr. HILDEBRANDT: A bill (H. R. 5502) for the relief of William C. Willahan; to the Committee on Claims.

By Mr. IZAC: A bill (H. R. 5503) granting a pension to Sode Vetter; to the Committee on Pensions.

By Mr. LANHAM: A bill (H. R. 5504) granting a pension to Samuel D. Russell; to the Committee on Pensions.

By Mr. LUCE: A bill (H. R. 5505) for the relief of George Irving McCleave; to the Committee on Naval Affairs.

Also, a bill (H. R. 5506) for the relief of Thomas G. Ryan; to the Committee on Military Affairs.

Also, a bill (H. R. 5507) for the relief of Mary Webb Crosby; to the Committee on Claims.

By Mr. McLAUGHLIN: A bill (H. R. 5508) for the relief of William McKinley Gill; to the Committee on Military Affairs.

By Mr. MERRITT: A bill (H. R. 5509) for the relief of Baruch M. Hornblass; to the Committee on Military Affairs.

By Mr. O'CONNELL of Rhode Island: A bill (H. R. 5510) for the relief of Charles B. Malpas; to the Committee on Claims.

By Mr. PETERSON of Florida: A bill (H. R. 5511) granting a pension to Benjamin DoBrocky; to the Committee on Pensions.

By Mr. SCHAEFER of Illinois: A bill (H. R. 5512) granting a pension to Minnie Mancell; to the Committee on Pensions.

Also, a bill (H. R. 5513) granting a pension to Sarah E. Linder; to the Committee on Pensions.

Also, a bill (H. R. 5514) granting an increase of pension to Katharina Reis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5515) granting a pension to Antonia Kuehn; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5516) for the relief of Joseph M. Verneuil and Alice G. Verneuil; to the Committee on Claims.

Also, a bill (H. R. 5517) for the relief of Jerome Scalione; to the Committee on Claims.

Also, a bill (H. R. 5518) for the relief of Earl Choat; to the Committee on Naval Affairs.

Also, a bill (H. R. 5519) granting a pension to Nettie E. Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5520) for the relief of Malcolm William Bennett; to the Committee on Naval Affairs.

Also, a bill (H. R. 5521) for the relief of Joseph P. Noser; to the Committee on Naval Affairs.

Also, a bill (H. R. 5522) granting an increase of pension to Mary E. Straube; to the Committee on Pensions.

Also, a bill (H. R. 5523) granting a pension to Martha Jones; to the Committee on Pensions.

By Mr. WHITE of Ohio: A bill (H. R. 5524) granting an increase of pension to Peter McKittrick; to the Committee on Pensions.

Also, a bill (H. R. 5525) granting a pension to John Bettridge; to the Committee on Pensions.

By Mr. WOOD: A bill (H. R. 5526) for the relief of John W. Taylor; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

894. By Mr. ASHBROOK: Petition of 55 citizens of Mansfield, Ohio, favoring the President's Supreme Court proposal; to the Committee on the Judiciary.

895. By Mr. BELL: Memorial of the General Assembly of the State of Missouri; to the Committee on Interstate and Foreign Commerce.

896. By Mr. BIERMANN: Petition of the Helof Holm Post, No. 1977, Veterans of Foreign Wars, of Decorah, Iowa, protesting against the use of the Veterans' Administration funds for other purposes; to the Committee on World War Veterans' Legislation.

897. By Mr. BURDICK: Senate Concurrent Resolution U of the Twenty-fifth Legislative Assembly of North Dakota; to the Committee on Agriculture.

898. Also, Senate Concurrent Resolution J of the Twenty-fifth Legislative Assembly of the State of North Dakota; to the Committee on Interstate and Foreign Commerce.

899. By Mr. COFFEE of Washington: Petition of the Olympia Card and Label League, together with an expression from the Olympia Trades Council, Olympia, Wash., endorsing in toto the President's judiciary reform proposals and requesting the Members of Congress from the State of Washington to support wholeheartedly the President's recommendations relative to the judiciary; to the Committee on the Judiciary.

900. By Mr. CRAWFORD: Resolution of the board of directors of the Saginaw Sugar Beet Growers, Inc., requesting an appropriation for necessary funds to produce in commercial quantities leaf-spot resistant sugar-beet seed, U. S. 217, or other varieties adapted to the eastern area; to the Committee on Agriculture.

901. By Mr. CULLEN: Petition of Aerie 76, Fraternal Order of Eagles, Pittsburgh, Pa., urging the passage of the McCarran-Mead so-called longevity bill, to the end that justice may be done to a large body of loyal, faithful, and efficient governmental workers; to the Committee on the Post Office and Post Roads.

902. By Mr. DEMPSEY: Memorial of the New Mexico State Legislature, requesting Congress to impose a tariff on imported potash; to the Committee on Ways and Means.

903. By Mr. FITZPATRICK: Petition of the New York Women's Trade Union League, endorsing the President's proposal to increase the number of Justices of the Supreme Court; to the Committee on the Judiciary.

904. Also, petition of the United Textile Workers of America, Local No. 2449, urging support of the President's proposal in relation to the Supreme Court; to the Committee on the Judiciary.

905. Also, petition of the Designers' Guild of Ladies' Apparel, Local 30, I. L. G. W. U., urging support of the President's proposal to reform the United States Supreme Court; to the Committee on the Judiciary.

906. By Mr. HANCOCK of New York: Petition of 79 residents of Syracuse, N. Y., and other cities of the United States, opposing the proposed increase in the membership of the Supreme Court; to the Committee on the Judiciary.

907. By Mr. KEOUGH: Petition of the Pittsburgh Aerie, No. 76, Fraternal Order of Eagles, Pittsburgh, Pa., favoring the passage of the McCarran-Mead longevity bill; to the Committee on the Post Office and Post Roads.

908. By Mr. LANZETTA: Resolution of the Senate of the State of New York, memorializing the Congress of the United States of America to amend the War Risk Insurance Act, so as to provide that the amounts payable for insurance to

sailors for World War injuries be paid to soldiers and marines for like injuries; to the Committee on World War Veterans' Legislation.

909. Also, memorial of the New York Petroleum Industries Committee, memorializing the Congress of the United States to abolish the Federal gasoline sales tax as proposed in memorial to Congress of the United States in 1935 by the New York State Legislature; to the Committee on Ways and Means.

910. Also, resolution of the New York State Flood Control Commission, opposing any Federal legislation designed to change the principles and policies of the 1936 Federal Flood Control Act, which change might in any way retard or delay expeditious action in prosecution of presently authorized Federal flood-control projects in New York State; to the Committee on Flood Control.

911. By Mr. MERRITT: Resolution of the New York State Flood Control Commission, opposing Federal legislation designed to change the principles and policies of the 1936 Flood Control Act; to the Committee on Flood Control.

912. Also, resolution of the New York State Flood Control Commission, endorsing the principles and policies of the 1936 Flood Control Act; to the Committee on Flood Control.

913. Also, resolution of the Maybrook Junior Democratic Club, of New York, endorsing President Roosevelt's plan for the reorganization and rejuvenation of the Supreme Court; to the Committee on the Judiciary.

914. Also, resolution of the International Association of Heat and Frost Insulators and Asbestos Workers, Local No. 12, New York City, supporting the judicial reform recommendations of President Roosevelt; to the Committee on the Judiciary.

915. Also, resolution of the Veterans of Foreign Wars of the United States, Hollis Post, No. 2247, of Hollis, Long Island, favoring the administration's proposal to modernize the Nation's judicial system and increase the personnel of the Supreme Court of the United States; to the Committee on the Judiciary.

916. By Mr. MOTT: Petition of Mary L. Enslin and 14 other citizens, of Hillsboro, Oreg., urging that the Congress pass no law that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

917. Also, 57 petitions of citizens of the State of Oregon, urging that the Congress pass no law that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

918. By Mr. PFEIFER: Petition of the Pittsburgh Aerie, No. 76, Fraternal Order of Eagles, urging support of the McCarran-Mead longevity bill; to the Committee on the Post Offices and Post Roads.

919. Also, petition of the New York State Credit Union League, Inc., public relations committee, post office, Rochester, N. Y., urging support of House bill 1984; to the Committee on Banking and Currency.

920. Also, petition of the United Mine Workers of America, Washington, D. C., urging support of the Vinson coal bill (H. R. 4985); to the Committee on Ways and Means.

921. By Mr. SADOWSKI: Petition of the Common Council of the City of Detroit, endorsing the coining of commemorative half-dollars for State of Michigan Centennial and urging passage of Senate bill 1373 and House bill 4189; to the Committee on Coinage, Weights, and Measures.

922. Also, petition of the Detroit District Retail Lumber Dealers' Association, Detroit, Mich., endorsing the extension of title I of the Federal Housing Act; to the Committee on Banking and Currency.

923. Also, petition of the Common Council of the City of Detroit, opposing Works Progress Administration ruling requiring the lay-off of mothers with dependent children and compelling them to go on welfare; to the Committee on Banking and Currency.

924. By Mr. SUTPHIN: Resolution adopted by the Asbury Park (N. J.) Board of Trade, opposing the legislation recommended by the President affecting the Supreme Court of the United States; to the Committee on the Judiciary.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MARCH 10, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Lord and our God, we rejoice that Thou art a God of the little child, of the unlettered, of the afflicted, and of those who have wandered from the right way. We thank Thee that Thou art the King of righteousness, truth, peace, and love. We pray that our souls may give Thee entrance and allow not our hearts to deceive us. Holy Spirit, fill us with the visions, the charities, and the enthusiasms of a new life. We pray that this day may be filled with brotherly harmonies; give glow and passion to all our deliberations. When questions arise may they receive the best and the strongest persuasions of our understanding. Inspire us all, we beseech Thee, with a clearer and larger life in Christ Jesus our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested.

S. 5. An act to prevent the adulteration, misbranding, and false advertisement of food, drugs, devices, and cosmetics in interstate, foreign, and other commerce subject to the jurisdiction of the United States, for the purposes of safeguarding the public health, preventing deceit upon the purchasing public, and for other purposes.

EXTENSION OF REMARKS

Mr. CONNERY. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks by printing an address delivered by my colleague, Hon. ED. V. IZAC, of California, at the Victory Dinner held in Lawrence, Mass.

The SPEAKER. Is there objection?

There was no objection.

MEETING OF COMMITTEE ON MERCHANT MARINE AND FISHERIES

Mr. WARREN. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries be permitted to sit today during the session of the House.

The SPEAKER. Is there objection?

There was no objection.

FLORENCE C. OCHSENREITER

Mr. WARREN. Mr. Speaker, I offer a privileged resolution (H. Res. 150) from the Committee on Accounts, and ask for its immediate consideration.

The Clerk read as follows:

House Resolution 150

Resolved, That there shall be paid out of the contingent fund of the House to Florence C. Ochsenreiter, widow of William F. Ochsenreiter, late an employee of the House, an amount equal to 6 months' compensation, and an additional amount, not to exceed $250, to defray funeral expenses of the said William F. Ochsenreiter.

The resolution was agreed to.

MRS. MARY MUELLER

Mr. WARREN. Mr. Speaker, I offer another privileged resolution (H. Res. 144) from the Committee on Accounts.

The Clerk read as follows:

House Resolution 144

Resolved, That there shall be paid out of the contingent fund of the House to Mrs. Mary Mueller, mother of Helen I. Mueller, late an employee of the House, an amount equal to 6 months' salary compensation, and an additional amount, not to exceed $250, to defray funeral expenses of the said Helen I. Mueller.

The resolution was agreed to.

NEUTRALITY LEGISLATION

Mr. O'CONNOR of New York, from the Committee on Rules, submitted the following resolution (H. Res. 151) on the joint resolution (S. J. Res. 51) for printing in the RECORD:

House Resolution 151

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee

of the Whole House on the state of the Union for the consideration of Senate Joint Resolution 51, a joint resolution "to amend the joint resolution entitled 'Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war', approved August 31, 1935, as amended." That after general debate, which shall be confined to the joint resolution and continue not to exceed 10 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the joint resolution shall be read for amendment under the 5-minute rule. It shall be in order to consider without the intervention of a point of order the substitute amendment recommended by the Committee on Foreign Affairs and such substitute for the purpose of amendment shall be considered under the 5-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the joint resolution and the amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

PERMISSION TO ADDRESS THE HOUSE

Mr. FISH. Mr. Speaker, I ask unanimous consent that after the proceedings under Calendar Wednesday are dispensed with I may be permitted to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

EXTENSION OF REMARKS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by inserting an address made last night by the President of the United States.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, I also ask unanimous consent to extend my own remarks in the RECORD by inserting an address made by the President of the United States on March 4 last.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. RICH. Reserving the right to object, Mr. Speaker, that March 4 address has already been printed in the RECORD.

Mr. RANKIN. I withdraw the request, Mr. Speaker.

Mr. RICH. We do not want that in the RECORD twice.

Mr. RANKIN. Did the gentleman read it?

Mr. RICH. I heard it once. That is enough.

The SPEAKER. The gentleman from Mississippi withdraws the request.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks by inserting an address delivered by my colleague the gentleman from Michigan, Mr. CRAWFORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. WALTER. Mr. Speaker, I ask unanimous consent to extend my own remarks by including a program for highway development by my colleague, Mr. DREW.

The SPEAKER. Is there objection?

There was no objection.

EXTENSION OF TIME TO FILE RETURNS UNDER TITLE III OF REVENUE ACT OF 1936

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent for the present consideration of House Joint Resolution 249, authorizing the Commissioner of Internal Revenue to grant further extensions of time for filing returns under title III of the Revenue Act of 1936, on the ground of reasonable emergency.

The Clerk read the resolution, as follows:

House Joint Resolution 249

Resolved, etc., That the Commissioner of Internal Revenue be, and he is hereby, authorized to grant additional reasonable extensions of time for filing returns under title III of the Revenue Act of 1936 for the calendar year 1935 and any fiscal year ending on or before August 31, 1936: *Provided*, That, except in the case of taxpayers who are abroad, no such extension shall be made beyond June 15, 1937.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. MCCORMACK]?

Mr. MARTIN of Massachusetts. Reserving the right, Mr. Speaker, I should like to ask the gentleman to explain why the need of this extension?

Mr. McCORMACK. Mr. Speaker, under the present law returns on the "windfall tax", which was a part of the tax bill passed last year, must be filed by March 15. The purpose of this joint resolution is to extend the time, in the discretion of the Commissioner of Internal Revenue, until June 15. The Department in its letter states:

That numerous inquiries received in the Department relative to the provisions of title III of the Revenue Act of 1936 disclose that many persons subject to the tax are encountering difficulties in assembling the data necessary to the preparation and filing of a proper return on time. These difficulties are due principally to a lack of detailed records and need for which could not be anticipated, or, on the other hand, to the necessity of examining voluminous records covering the 6 years preceding initial imposition of the excise tax involved.

In either event the circumstances afford ample justification, in my opinion, for legislation which authorizes the Commissioner of Internal Revenue to extend the time for filing the reports under title III in proper cases beyond the period permitted under existing law.

That letter was signed by Acting Secretary Magill.

Mr. MARTIN of Massachusetts. Is this a unanimous report from the committee?

Mr. McCORMACK. It is a unanimous report from the committee. I conferred yesterday with the gentleman from Massachusetts [Mr. TREADWAY] about the bill, and he was agreeable to its immediate consideration.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. RICH. It may be necessary to extend the time for filing these reports; but does not the gentleman also think that the people throughout the country generally are entitled to an extension of time for filing their regular income-tax returns that are due on the 15th of this month? The returns are complicated and the people are clamoring for information. They do not have the benefit of expert assistance such as is available to Members of Congress. Two or three of the experts are in the Capitol Building at the present time ready to help Members of Congress make out their income-tax return. Members of Congress are responsible for making the laws, laws which make the income-tax returns so difficult to understand. Does not the gentleman think this privilege should be extended generally to all income-tax returns?

Mr. McCORMACK. I know what my friend has in mind, but this is a consideration extended to those businesses affected as a result of the Revenue Act of 1936 relating to the "windfall tax."

Mr. RICH. I appreciate that, but I thought I would call attention to another question that vitally affected the welfare of the Nation. I hope the gentleman, as one of the Members on his side of the House responsible for this law, will come in with a bill to simplify income-tax returns. That is what the people of the country are clamoring for.

Mr. McCORMACK. There is a great deal to what the gentleman says.

Mr. MARTIN of Massachusetts. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CALL OF THE HOUSE

The SPEAKER. This is Calendar Wednesday.

Mr. MARTIN of Massachusetts. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently there is not a quorum present.

Mr. CULLEN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 26]

Arnold	Crosby	Kleberg	Snell
Barden	Disney	Kniffin	Sweeney
Binderup	Driver	Lesinski	Terry
Boren	Duncan	McGehee	Tobey
Boykin	Gasque	McGroarty	Tolan
Buckler, Minn.	Gearhart	Mahon, Tex.	Wadsworth
Buckley, N. Y.	Gehrmann	Maloney	Weaver
Bulwinkle	Goodwin	Meeks	West
Cannon, Wis.	Harrington	Nichols	White, Idaho
Clark, Idaho	Hill, Wash.	Patrick	White, Ohio
Clark, N. C.	Holmes	Pettengill	Whittington
Clason	Honeyman	Sabath	Wigglesworth
Coffee, Nebr.	Jarrett	Scott	Wood
Cooley	Johnson, W. Va.	Scrugham	Zimmerman
Cravens	Keller	Shannon	
Creal	Kelly, N. Y.	Smith, Va.	

The SPEAKER. Three hundred and sixty-eight Members are present, a quorum.

On motion of Mr. RAYBURN, further proceedings under the call were dispensed with.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

Mr. SCHULTE. Mr. Speaker, I ask unanimous consent that the Committee on Immigration and Naturalization may have permission to sit during the sessions of the House this afternoon and tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

EXTENSION OF REMARKS

Mr. TAYLOR of South Carolina. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to insert therein a report of the New York State Economic Council on Labor Conditions in South Carolina.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

(Mr. HOUSTON and Mr. MILLARD asked and were given permission to extend their own remarks in the RECORD.)

CONTINUOUS DISCHARGE BOOK

Mr. BLAND. Mr. Speaker, I ask unanimous consent that the Committee on Merchant Marine and Fisheries may have until midnight tonight to file a report on the bill (H. R. 5487) to amend section 4551 of the Revised Statutes of the United States, as amended (U. S. C., 1934 ed., Supp. II, title 46, sec. 643).

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

ORDER OF BUSINESS

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RAYBURN. Mr. Speaker, it is expected that the coal bill will probably not take all of tomorrow. This morning the Rules Committee reported a rule making in order the neutrality bill. If the coal bill is finished at a reasonable hour tomorrow afternoon, it is expected to begin general debate on the neutrality bill. I thought the House should have this information.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday. The Clerk will call the committees.

Mr. DEROUEN (when the Committee on the Public Lands was called). Mr. Speaker, I call up House Joint Resolution 137, to amend a Senate joint resolution dated March 28, 1918 (47 Stat. 499).

The Clerk read as follows:

Resolved, etc., That the assistant to the Secretary of the Interior be, and hereby is, authorized to sign such official papers and documents as the Secretary may direct. Any official paper or document of whatever character so signed by the assistant to the Secretary shall have the same force and effect as if signed by the Secretary of the Interior.

Mr. DEROUEN. Mr. Speaker, I ask unanimous consent that the resolution be considered in the House as in Committee of the Whole.

The SPEAKER. The Chair will state to the gentleman from Louisiana that that is not necessary.

Mr. MARTIN of Massachusetts. Mr. Speaker, I object to the consideration of the resolution in the House as in Committee of the Whole. There are one or two Members on this side who would like some time on the bill.

The SPEAKER. The Chair calls the attention of the gentleman to the fact that this bill is on the House Calendar, and under the rules it is considered in the House.

Mr. MOTT. And those opposed to the bill will have an opportunity to speak in opposition to the bill?

The SPEAKER. Does the gentleman desire recognition?

Mr. MOTT. Yes; I do.

The SPEAKER. The gentleman from Louisiana [Mr. DEROUEN] has an hour under his control and can yield such part of it as he desires.

Mr. DEROUEN. I yield myself such time as may be necessary to explain the resolution.

Mr. Speaker, the purpose of this resolution is to clarify the provisions of the Senate joint resolution of March 28, 1918, authorizing the assistant to the Secretary of the Interior to sign such official papers and documents as the Secretary may direct.

The Comptroller General of the United States has refused to credit certain payments for travel authorized by the assistant to the Secretary on the ground that the assistant to the Secretary did not, under the resolution referred to, have authority to sign such travel authorizations even though he was directed to do so by the Secretary of the Interior. The Comptroller General took the position that the hearings at the time the 1918 resolution was passed by the Congress indicated that the intent was to limit the authority of the assistant to the Secretary to more or less routine matters even though the language was without such limitation.

The resolution now proposed gives the Secretary of the Interior sufficient and specific authority to assign to the assistant to the Secretary for signature any official papers which, in his discretion, he deems necessary, and the papers so signed will have the same force and effect as if signed by the Secretary of the Interior himself. The administrative purpose is to facilitate the handling of the large volume of departmental business. The specific assignment to the assistant to the Secretary which occasioned the request for the new resolution was the signing of authorizations for reimbursement of travel expenses to employees on permanent change of station which under the law is vested in the head of the Department. This new resolution is a corrective measure, and I understand that no change in departmental procedure is at this time contemplated by reason of the changed language.

This has been the practice all along. I quote from a letter written by the Secretary of the Interior to the Comptroller General:

> Under the authority of this joint resolution, which has not been modified or repealed in any way, the assistant to the Secretary has from time to time signed consolidated personnel orders, when directed to do so by the Secretary, and his authority to sign these other documents when directed by the Secretary has never before been questioned.

In other words, it would seem that the Comptroller General took an arbitrary position, that while it was true, it was the custom since 1918, and I refer to the custom of signing transfers and other important papers by the assistant to the Secretary, the Comptroller General nevertheless refused to accept that fact. All we are endeavoring to do by this resolution is to make it sufficiently broad so that it will cover the entire matter.

Mr. Speaker, I think I have made myself clear, but if I have not I shall be glad to answer such questions as the Members of the House may wish to ask.

Mr. Speaker, I yield 10 minutes to the gentleman from Oregon [Mr. MOTT].

Mr. MOTT. Mr. Speaker, this resolution may appear simple and harmless to some, as the Chairman of the Public Lands Committee indicated it was. Perhaps it is, but it does not appear so to me.

I think the principle involved in this proposal is wrong, and I think the House should know about it before proceeding to adopt it. In this resolution the Secretary of the Interior proposes that the Congress give him blanket authority to allow his assistant, not the Assistant Secretary of the Interior nor the Under Secretary of the Interior, but the assistant to the Secretary, to sign any document or paper or order which the Secretary of the Interior may direct and which the Secretary is now required personally to sign. He asks that when the assistant to the Secretary signs any such document or order it shall have the same force and effect as though the Secretary had signed it, existing law to the contrary notwithstanding.

It seems to me that is asking for rather broad and rather unnecessary authority. And may I call attention to the fact this is not a proposal of the Public Lands Committee of the House, from which it has been reported. Like a great many other proposals that have come out of that very fine committee, of which I am a member, the committee has really had nothing to do with it. This resolution was written in the Interior Department.

Mr. DEROUEN. Will the gentleman yield?

Mr. MOTT. I yield to the gentleman from Louisiana.

Mr. DEROUEN. I think the gentleman wants to be fair. I read a letter addressed to W. B. BANKHEAD, Speaker of the House, recommending that this resolution be enacted into law. It was thereafter referred by the Speaker to the Public Lands Committee and a hearing was had, at which the gentleman was present.

Mr. MOTT. That is quite true. I did not say anything that would contradict the gentleman's statement in that regard. I said this resolution was written in the Interior Department, either by the Secretary himself or by one of the various assistants to the Secretary. Nobody in the Public Lands Committee knew anything about it. It was not the proposal of anyone on our committee. It was simply sent up here from the Interior Department, and one of the Assistants was sent along with it to explain it to the committee and to tell us that the Secretary wanted it.

Now, why does the Secretary want this resolution? Last year an order was signed by the assistant to the Secretary of the Interior transferring certain personnel of the Department from one station to another and authorizing reimbursement of the employees so transferred for expense of transportation and for other items. The statute as it exists today provides that in a case of that kind the Secretary of the Interior must sign the order himself, personally. There are a number of such statutes. They pertain not only to the Department of the Interior but to all of the other departments of the Government. The statutes provide that certain things must be done by the department heads personally. Certain orders must be signed by the Secretary of the Interior and not by the assistant to the Secretary or by anyone else. The particular case in question, which I have just mentioned and which gave rise to this resolution, is a case in point.

The Secretary of the Interior, instead of signing this particular order, followed his usual custom and allowed his assistant to sign it. The order involved the payment of money. When the matter got to the Comptroller General the Comptroller turned it down because the law had not been complied with. It was the only thing the Comptroller could do in the circumstances.

Now, instead of the Secretary of the Interior complying with the statutory law, as he should have done, or proposing an amendment to the law if he was of the opinion that the law placed too much of a burden upon him, he comes in here with a proposal, not to amend the law of which he complains, but with a resolution to give him blanket authority to direct his assistant to sign any paper, any document, or any order which the Secretary himself is now required, under the law, to sign. And the resolution provides that when the assistant signs such an order it shall have full effect and validity in spite of any existing law to the contrary.

Under this bill the Secretary of the Interior does not have to direct the assistant to sign a particular order at a particular time. He can give him blanket authority in that field. If this bill becomes law tomorrow, the Secretary of the Interior may say to his assistant, "From now on, and until I advise you otherwise, I desire you to sign all orders of a certain class, all papers of a certain class, and all documents of a certain class." That would be all the authority the assistant would need under this resolution.

Now, Mr. Speaker, I have explained what this resolution is, and I have explained the character and the extent of the authority asked for in it by the Secretary. I think there is no real excuse for passing legislation such as this, and I think it is carrying irresponsible government entirely too far to ask the Congress to pass it, particularly upon such insufficient reasons as those which are advanced for it.

Mr. EBERHARTER. Mr. Speaker, will the gentleman yield?

Mr. MOTT. I yield to the gentleman from Pennsylvania.

Mr. EBERHARTER. Will the gentleman tell me whether or not any other department has made a similar request, or whether a similar resolution has been passed?

Mr. MOTT. Not that I know of.

Mr. BOILEAU. Under existing law does the Under Secretary of the Interior or the Assistant Secretary of the Interior have the right to sign these papers?

Mr. MOTT. I believe he does not. At any rate, the assistant to the Secretary does not have that authority.

Mr. BOILEAU. Is there such a large number of these papers that it requires someone to assist in signing such documents?

Mr. MOTT. I do not think there is such a large number of papers. Neither do I think the number involved is very important. The situation is simply this: Certain statutes authorizing the Secretary of the Interior to make certain orders contemplate that he shall sign those orders personally. An instance has arisen where the Secretary of the Interior does not want to do that. But instead of asking us to amend the particular law which requires him to do it in a particular case, he asks us for blanket authority to permit him to direct the assistant to sign for him on any occasion, and that is what this bill is.

Mr. BOILEAU. Does the assistant to the Secretary of the Interior receive his appointment from the President subject to confirmation by the Senate, or is he appointed by the Secretary of the Interior?

Mr. MOTT. I think the assistant to the Secretary is appointed simply by the Secretary.

Mr. GIFFORD. Mr. Speaker, will the gentleman yield?

Mr. MOTT. I yield to the gentleman from Massachusetts.

Mr. GIFFORD. I am wondering while reading this bill whether it would not have the effect of putting the stamp of approval on something that has been done already in the way of payment of expenses.

Mr. MOTT. I do not think so; no. At least my opposition to the resolution is not based upon any such assumption.

Mr. GIFFORD. There is no retroactive clause in the bill, but it reads—

> Any official paper or document of whatever character so signed.

You might well read into that, "so signed already." It certainly has a retroactive idea.

Mr. MOTT. Perhaps it has, but that is not my objection to it. My objection to this bill is simply to the giving to the Secretary of the Interior of blanket authority to direct his assistant to do anything in the way of signing orders and papers that the Secretary wants him to sign, notwithstanding the provisions of the several existing statutes upon that subject.

Mr. SAUTHOFF. Mr. Speaker, will the gentleman yield?

Mr. MOTT. I yield to the gentleman from Wisconsin.

Mr. SAUTHOFF. Does the assistant take any oath of office?

Mr. MOTT. I presume he does. I imagine the constitutional requirement in that regard would include the holder of a position of this kind. His office is assistant to the Secretary, not Assistant Secretary.

Mr. THURSTON. Mr. Speaker, will the gentleman yield?

Mr. MOTT. I yield to the gentleman from Iowa.

Mr. THURSTON. If the duties of this assistant become too arduous, should we not have provision made so that the assistant to the assistant may sign the papers?

Mr. MOTT. Adoption of this resolution probably would set a precedent under which a further resolution might be considered by the Congress in event the assistant should become overburdened with paper signing in the future.

Mr. DEROUEN. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. TABER].

Mr. TABER. Mr. Speaker, a year or perhaps a year and a half ago the Congress approved of the creation of the position of Under Secretary of the Interior on the representations of the Department and on the representations of a majority of the committee in charge of the bill that such a position was absolutely necessary for the transaction of the public business.

According to the best information I have been able to gather, this Under Secretary of the Interior performs no duties in the office of the Interior Department, but is the official lobbyist of the Executive Office on the Hill. It would seem to me that if we are going to prescribe additional duties for anyone to perform, those who are not performing any duties now, but are simply drawing the pay of the office, might be selected and designated by the bill that is being brought in for the consideration of the Congress requiring the performance of these duties. Perhaps the duties would be too arduous or perhaps it is impossible for the Congress to expect that one who is favored with such a position should be expected to perform any duties in connection with the Department to which he is attached. It seems to me when we create a position of Under Secretary, to be confirmed by the Senate, and the position of Assistant Secretary, also to be confirmed by the Senate, important functions required under the law to be performed by the Secretary himself should be delegated to the Assistant Secretary or the Under Secretary, if the Secretary is unable to perform them, so that the Under Secretary, perhaps, may have some work of an official character to do in the Department.

I hope before the Congress passes such a bill as this it will bear these things in mind. I hope it will make the position of Under Secretary of the Interior something more in that Department than merely a salary-drawing job, and I hope the House will take this under consideration in the consideration of this measure.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield.

Mrs. ROGERS of Massachusetts. Would it not, perhaps, be better to employ an additional Cabinet member as Associate Secretary of the Interior when the Secretary becomes 70 years of age, in order to help him take care of his work if it is too arduous? [Laughter.]

Mr. TABER. Perhaps so.

[Here the gavel fell.]

Mr. DEROUEN. Mr. Speaker, I yield 5 minutes to the gentleman from Utah [Mr. ROBINSON].

Mr. ROBINSON of Utah. Mr. Speaker, I do not know that I heard all the questions asked on the other side, but I may say to my colleagues that, in my opinion, this is just a tempest in a teapot.

In the first place, the present law provides:

> The assistant to the Secretary of the Interior is authorized and directed to sign such official papers and documents as the Secretary may direct.

This is the present law; in other words, at the present time the Secretary of the Interior may direct his assistant to sign such documents as he thinks should be signed, and the assistant signs them, and they have the same force and effect as if the Secretary had signed them himself. This was always thought to be the law. However, recently, in the rush of business, there were a number of travel checks signed by the assistant to the Secretary, Mr. Burlew, who, by the way, is a career man in the service of the Interior Department and served under President Hoover, and has been connected with the Department for many years. He is not a patronage man in any sense whatever, and I understand is a Republican.

The Secretary of the Interior directed him to sign these travel checks. The Comptroller General in looking over the law found there was in existence a statute requiring that whenever any matter pertaining to money was involved, it must be signed by the Secretary himself, and therefore he said, "This law you have passed allowing the Secretary of the Interior to direct his assistant to sign certain papers conflicts with a general law providing that the Secretary himself shall sign such papers", and therefore he refused to approve the signature.

This bill is introduced to clear the matter up and, I understand, is perfectly satisfactory to the Comptroller General and also satisfactory to the Department. The bill came before the Committee on the Public Lands and was considered very carefully and very technically, and the Public Lands Committee, with the exception of the gentleman from Oregon [Mr. MOTT], unanimously decided that the measure should be passed for the benefit of the Secretary of the Interior. We reported the bill out and we find ourselves met here with opposition.

Mr. Speaker, the only thing this bill seeks to do is to clarify the law and make things a little easier for the Secretary of the Interior; to permit him to do what he has done all the time, and what he has heretofore considered to be legal, and what the Comptroller General has considered heretofore to be legal. In other words, this is just a matter of clarifying existing statutes; and we hope you will not regard the political argument on the other side as being directed against this bill.

Mr. MOTT. Mr. Speaker, will the gentleman yield?

Mr. ROBINSON of Utah. I yield.

Mr. MOTT. This bill, if passed, will allow something to be done under the direction of the Secretary of the Interior and make legal that which is not legal under existing law. Is not that the fact?

Mr. ROBINSON of Utah. No; it is not the fact. It is what the Comptroller General says is not the law; but what, in my opinion is the law, and what, in the opinion of the Solicitor of the Department of the Interior, is the law, and always has been the law.

Mr. MOTT. Is not that the same thing as saying that a certain law is not unconstitutional, although the Supreme Court has just said that it is unconstitutional?

Mr. ROBINSON of Utah. No. All we add to the present bill is this:

> Any official paper or document of whatever character so signed by the assistant to the Secretary shall have the same force and effect as if signed by the Secretary of the Interior.

Mr. MOTT. Oh, I agree to that, because that is all there is to the bill.

Mr. GREEVER. As a matter of fact, does not a similar officer in every department have the same authority as is given in this bill to the assistant to the Secretary of the Interior?

Mr. ROBINSON of Utah. It is my understanding that that is the fact.

Mr. DEROUEN. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Speaker, this is a very meager report. I, for one, should like to know how these people who travel and whose expenses were denied by the Comptroller General finally did get their money or if they did not get it.

Mr. DEROUEN. I shall be very glad to answer that. After that ruling the Secretary of the Interior signed all of those papers. This is not retroactive. They were being held up since 1934.

Mr. GIFFORD. Mr. Speaker, for many years I have had a little experience in retroactive clauses in legislation, and I am a little interested to know whether or not all orders "so signed" would not include those already signed. It is

plain here that orders in the future should be allowed; but, if one should come up that was so signed before this law was enacted, would it not be retroactive?

My purpose in rising, Mr. Speaker, is that I can see possibilities of something more than convenience. Our Secretary of the Interior seems to be very politically minded, as has been suggested. He travels over the country making political speeches; and with the Under Secretary, as suggested, devoting perhaps his entire time to political matters, I want to recite to you how nice it would be if an Under Secretary or an Assistant Secretary might be called upon to O. K. the traveling expenses of even the Secretary himself while off making these political speeches.

Mr. DEROUEN. Mr. Speaker, will the gentleman yield?

Mr. GIFFORD. If the gentleman will give me a minute or more of time.

Mr. DEROUEN. I should be very glad to. I have in mind that the gentleman from Massachusetts is now discussing a political question. The gentleman is bringing in the Under Secretary, and I imagine that he is alluding to our former colleague, Mr. West, who is doing fine work.

Mr. GIFFORD. Oh, I agree that he has done marvelous work in the herding business.

Mr. ROBINSON of Utah. I wonder if the gentleman has it in mind that this bill has nothing whatever to do with Mr. West?

Mr. GIFFORD. Oh, I understand that. This applies only to the Assistant Secretary.

Mr. ROBINSON of Utah. Mr. West is the Under Secretary.

Mr. GIFFORD. Like many other secretaries that are to be anonymous in the future, such as those to be given to the President, they are simply to do the things that their superiors will wish to be relieved of doing. I want to quote to you a short article I read recently:

> Some bureau directors, and others sometimes, as a gracious gesture, are speakers at meetings even so far away as the coast. Do not let it be said that the great American public fails to get a break. Here is the arithmetic that proves it does.

And the arithmetic is so interesting that no wonder they want an Assistant Secretary who might feel that he is doing simply a duty and is not called upon to weigh the thing or assume any real obligation in signing the paper. To continue:

> Assume 2 weeks consumed in making the trip and that the speech is prepared en route. Assume the speech will require a half hour in delivery. The pay rate of the official being $8,000, he receives $307 pay for the 2 weeks. He also receives $70 per diem. It also costs about $300 fare and Pullman. To these let us add $10 for sundry items—telephones, taxicabs, and gratuity. Total, $687. Now, since the speech consumes a half hour, which is $\frac{1}{1344}$ of the 2 weeks, it is delivered at the rate of $922,928.

And the point I wish to make is that an Assistant Secretary who does not have real responsibility should approve these items of expense such as travel. It really might be less embarrassing to the Secretary to have his Assistant O. K. and sign all orders for traveling, especially on political matters.

I thank the gentleman for these few enjoyable minutes.

Mr. DEROUEN. The gentleman is very welcome.

[Here the gavel fell.]

Mr. DEROUEN. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the House joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

The title was amended to read: "Joint resolution authorizing the assistant to the Secretary of the Interior to sign official papers and documents."

Mr. DEROUEN. That is all my committee has, Mr. Speaker.

EXTENSION OF REMARKS

Mr. ROBINSON of Utah. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will continue with the call of committees.

SANTA ROSA BAND OF MISSION INDIANS, CALIFORNIA

Mr. ROGERS of Oklahoma (when the Committee on Indian Affairs was called). Mr. Speaker, I call up the bill (H. R. 5293) to authorize the acquisition of 640 acres of land for the use and benefit of the Santa Rosa Band of Mission Indians, State of California.

Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

Mr. CRAWFORD. Mr. Speaker, reserving the right to object, will the gentleman please explain the bill for the benefit of those who are not members of the committee?

Mr. ROGERS of Oklahoma. I should like to yield to the gentleman from California [Mr. SHEPPARD] to make an explanation.

Mr. SHEPPARD. Mr. Speaker, this is a bill to authorize acquiring 640 acres of land for the benefit of the Santa Rosa Band of Mission Indians in the State of California. Originally this land was lying adjacent to the Indian reservation and was open to homestead. An individual by the name of Fessler filed on that piece of land. At that time the Indians objected to that particular filing, but they could not make a showing that established their right to have it excluded, so the gentleman's patent was granted. The Indians have been using the 640 acres of land almost continuously since that time, until finally the gentleman who owns the land has conceded that he would be very well satisfied if it were sold to the Government. He is asking the sum of $500 for that particular 640 acres of land. We feel it would be of advantage to the Indians to have that land acquired, because there are many natural assets there that would be of benefit to the Indians. This has been approved by the Bureau of the Budget.

Mr. CRAWFORD. As I understand, the Indians use this land for hunting purposes?

Mr. SHEPPARD. That is right.

Mr. CRAWFORD. And they derive considerable income serving as guides to those who go on the land to hunt?

Mr. SHEPPARD. That is correct.

Mr. CRAWFORD. And also, during the off season, when there is no hunting permitted, they can use it for grazing purposes and thus keep their herds and help make a living?

Mr. SHEPPARD. The gentleman is right.

Mr. CRAWFORD. I believe the gentleman stated the entire section of 640 acres would cost the Government only $500?

Mr. SHEPPARD. That is all.

Mr. CRAWFORD. And that it also adjoins the Indian reservation?

Mr. SHEPPARD. That is correct.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma [Mr. ROGERS].

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to purchase in the name of the United States of America in trust for the Santa Rosa Band of Mission Indians 640 acres of land described as section 36, township 7 south, range 4 east, San Bernardino meridian, California, and for that purpose there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated the sum of $500.

With the following committee amendment:

Line 10, after the word "appropriated", insert "not to exceed."

The committee amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

EXCHANGING OF CERTAIN LAND AND WATER RIGHTS IN CALIFORNIA

Mr. ROGERS of Oklahoma. Mr. Speaker, I call up the bill (H. R. 5299) to authorize the Secretary of the Interior to exchange certain lands and water rights in Inyo and Mono Counties, Calif., with the city of Los Angeles, and for other purposes.

The Clerk read the title of the bill.

Mr. ROGERS of Oklahoma. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore (Mr. COOPER). Is there objection to the request of the gentleman from Oklahoma?

Mr. BURDICK. Mr. Speaker, reserving the right to object, I should like to have this bill explained. I want to find out what the purpose of the bill is.

Mr. ROGERS of Oklahoma. I yield to the gentleman from California [Mr. SHEPPARD] to make an explanation.

Mr. SHEPPARD. Mr. Speaker, this bill is for the purpose of transferring 3,800 acres of what is considered now as worthless Indian land to the city of Los Angeles for 1,470 acres of irrigated land. The city of Los Angeles already owns the water rights on the 3,800 acres of land. The Indians have no access to any water at all on the present land they occupy.

This is the outgrowth of the transaction of about 4 years ago wherein the city of Los Angeles acquired water rights and land out in the Owens Valley. At that time the land was acquired and the Indians were left without water on their present holdings. We want to make the exchange at this time through proper legislation and give the Indians an opportunity to move onto land where they will have access to water and can take care of themselves and make themselves self-supporting and keep off of the relief rolls.

Furthermore they have waived their rights under the Jurisdictional Act that was made in the State of California in consideration of this land-transfer arrangement.

Mr. BURDICK. Mr. Speaker, will the gentleman yield?

Mr. SHEPPARD. I yield.

Mr. BURDICK. Have the Indians of California been heard before the Committee on Indian Affairs?

Mr. ROGERS of Oklahoma. The ones we have had communication with are in favor of this bill. The chairman of the committee knows what the gentleman has in mind, but he does not want to make a statement at this time.

Mr. BURDICK. I want to inform the gentleman that there are a number of Indians here from California who desire to be heard on the bill, and they desire to have this go over until such a hearing can be had.

Mr. ROGERS of Oklahoma. In that connection I would say they have never communicated that information to me, and I did not know of it until a few minutes ago, when the gentleman advised me of it. It is too late now, of course.

Mr. CRAWFORD. Mr. Speaker, reserving the right to object, is it not also true that there are only about 181 families involved in this entire transaction; something less than 600 Indians altogether?

Mr. ROGERS of Oklahoma. That is right.

Mr. CRAWFORD. By making this transfer these Indians, who are now on land from which the water has been cut off by reason of acquisition of water rights by the city of Los Angeles, will be transferred in the immediate vicinity to land which will be supplied with water.

Mr. ROGERS of Oklahoma. That is right.

Mr. CRAWFORD. And thereby they will be enabled to go ahead with farming operations.

Mr. ROGERS of Oklahoma. The gentleman is correct, Mr. Speaker, I may say to the gentleman from North Dakota [Mr. BURDICK], that the bill passed the committee unanimously, and everybody who had anything to contribute to it favored the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to accept title on behalf of the United States to lands and water rights now owned and held by the city of Los Angeles in the counties of Inyo and Mono, State of California, if, in his judgment, the interests of the Indians in said counties will be benefited thereby; and in consideration therefor the said Secretary may issue a patent or patents to the said city of Los Angeles for lands, water rights, and buildings now held by the United States for the benefit of the Indians, provided that the lands, water rights, and buildings covered by the patent or patents shall not exceed in value the lands and water rights conveyed by the said city of Los Angeles to the United States: *Provided*, That the said Secretary may reserve the minerals of the lands conveyed to the said city, and the said Secretry is authorized to accept conveyance by the said city of the lands and water rights, subject to a similar reservation in the city of the minerals of such lands, and in determining the relative value of the lands and water rights to be exchanged consideration shall be given to any reservation made by either or both parties of any minerals or easements in the lands that may be exchanged.

SEC. 2. No allotted or other lands covered by trust patent or other instrument containing restrictions against alienation by the allottee shall be involved in any such exchange except with the consent of the allottees or their heirs. Any such allottees or their heirs are hereby authorized to relinquish to the United States any lands covered by such patents or other instruments and accept in lieu thereof assignments of land within the new Indian reservations which are hereby authorized to be established by the Secretary of the Interior out of any lands accepted by him pursuant to section 1 hereof: *Provided*, That any such Indian may receive an area of equal value to the area of the allotment relinquished by him and receive similar title to that relinquished should any of the lands accepted by the said Secretary be outside of the boundaries of the new reservations.

SEC. 3. No tribal lands shall be involved in any such exchange except with the consent of a majority of the adult Indians entitled to the use thereof. All lands acquired pursuant to this act, other than land to which title may be held by or in trust for individual Indians, shall be held by the United States in trust for the Indian tribe, band, or group concerned.

Mr. BURDICK. Mr. Speaker, I am not entirely satisfied that this bill should be passed, nor have I sufficient information to make up my mind that it should not be. One fact, however, that stands out plainly is that we are transferring 3,840 acres of Indian lands and receiving back for the Indians 1,470 acres. The wording of the bill itself provides that this transfer shall be made if in the judgment of the Secretary of the Interior it is for the best interests of the Indians of these counties. It occurs to me that the Indians themselves have no voice in this matter. We are conferring authority upon the Secretary of the Interior to transfer this tract of land if in his judgment he thinks it is for the benefit of the Indians.

I am convinced, Mr. Speaker, that there are Indians here now who desire to be heard on this bill, and as long as they are here I am going to use what influence I have to prevent the passage of the measure. It may be when a hearing is had and they are satisfied that it is the best thing to be done that they will approve it or give their consent before the committee. In such case I shall have no objection to make, but I do not believe we have the right to let the Secretary of the Interior transfer this much land without the consent of the Indians.

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. BURDICK. I yield.

Mr. TABER. Have these Indians had an opportunity to be heard before the committee?

Mr. BURDICK. I inform the gentleman that I just asked the chairman of the Committee on Indian Affairs if there was any hearing before this committee on this subject and he said "no." I may inform the gentleman further that this bill was introduced only on March 3.

Mr. ROGERS of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. BURDICK. I yield.

Mr. ROGERS of Oklahoma. The chairman made no such statement. We did have a hearing on the bill, but we did not hear the Indians to whom the gentleman refers, because they made no request to be heard. We did not even know they were here until a few moments ago.

Mr. BURDICK. I do not know that these Indians know even where the committee is.

Mr. SHEPPARD. Their lawyer does.

Mr. BURDICK. It seems to me, Mr. Speaker, that we are going mighty fast to bring up for passage on the 10th of March a bill introduced on the 3d of March. This is the speediest action I have seen on legislation in this House.

Mr. ROGERS of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. BURDICK. I yield.

Mr. ROGERS of Oklahoma. Answering the gentleman's assertion that no chance was given these Indians to be heard relative to these changes, I call his attention to the fact that the report from the Secretary of the Interior specifically says that no change will be made without the approval of the Indians before the transfer is made. We have that report from the Secretary.

Mr. BURDICK. That is not what the bill says. The bill authorizes him to transfer this land if in the judgment of the Secretary of the Interior he thinks it is for the best interests of the Indians.

Mr. ROGERS of Oklahoma. And then the report says that no transfer will be made without the Indians' approval.

Mr. BURDICK. We are not passing reports; we are passing laws.

Mr. ROGERS of Oklahoma. And I may say to the gentleman from North Dakota that the Indians have already approved this. They have been working for years to get something like this arranged and worked out between the Indians and the city of Los Angeles.

Mr. BURDICK. I am not in favor of Indian legislation which is favored by a city without taking the Indians into consideration. As long as they are here and desire to be heard on the bill, I think we are making a mistake to pass it without hearing them. It may develop when the hearing is had that it will be all right, but at the present time it does not seem to me to be all right.

Mr. ROGERS of Oklahoma. These Indians should have been heard, but they did not make their wishes known. We did not know even that they were here.

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield?

Mr. BURDICK. I yield.

Mr. CRAWFORD. I wish to ask a question of the chairman of the Committee on Indian Affairs. As I understand, no request whatsoever was made by these Indians of the committee that they be heard. Is that true?

Mr. ROGERS of Oklahoma. That is right.

Mr. CRAWFORD. Furthermore, has not the Committee on Indian Affairs adopted the policy of hearing these Indians whenever they come to Washington in order to let them get away as quickly as possible without incurring a lot of hotel bills and traveling expenses in the city?

Mr. ROGERS of Oklahoma. The gentleman is right. Whenever we know there are Indians in Washington who desire a hearing, we try to give it to them right away. That has been the policy of the committee continuously.

Mr. CRAWFORD. And that has been adopted as the policy of the committee?

Mr. BURDICK. I may say to the gentleman in this instance they went so fast they did not even hear the Indians at all.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. BURDICK) there were 44 yeas and 34 noes.

Mr. BURDICK. Mr. Speaker, I object to the vote on the ground there is not a quorum present.

The SPEAKER pro tempore. The Chair will count. [After counting.] One hundred and fifty-three Members present; not a quorum.

The Doorkeeper will close the doors, the Sergeant at Arms will notify the absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 249, nays 105, not voting 76, as follows:

[Roll No. 27]

YEAS—249

Aleshire	Barry	Boileau	Bulwinkle
Allen, Del.	Bates	Boland, Pa.	Burch
Allen, La.	Beiter	Boren	Caldwell
Amlie	Bell	Boyer	Cannon, Mo.
Anderson, Mo.	Bernard	Boylan, N. Y.	Cartwright
Arnold	Biermann	Bradley	Case, S. Dak.
Ashbrook	Bigelow	Brooks	Champion
Atkinson	Bloom	Brown	Chapman
Barden	Boehne	Buck	Clark, N. C.
Claypool	Gilchrist	McGranery	Robsion, Ky.
Coffee, Wash.	Gilden	McGrath	Rogers, Okla.
Colden	Goldsborough	McKeough	Romjue
Cole, Md.	Gray, Pa.	McMillan	Ryan
Collins	Green	McReynolds	Sabath
Colmer	Greenwood	McSweeney	Sacks
Cooper	Greever	Magnuson	Sadowski
Costello	Gregory	Mahon, S. C.	Sanders
Cox	Griffith	Mahon, Tex.	Schaefer, Ill.
Crawford	Griswold	Mansfield	Schuetz
Creal	Haines	Martin, Colo.	Schulte
Crosser	Hamilton	Massingale	Shafer, Mich.
Crowe	Hancock, N. C.	Maverick	Sheppard
Cullen	Harlan	May	Sirovich
Cummings	Harter	Mead	Smith, Wash.
Curley	Healey	Meeks	Smith, W. Va.
Daly	Hendricks	Michener	Snyder, Pa.
Deen	Higgins	Mitchell, Tenn.	Somers, N. Y.
Delaney	Hildebrandt	Moser, Pa.	South
Dempsey	Hill, Ala.	Mosier, Ohio	Sparkman
DeMuth	Hill, Okla.	Mouton	Spence
Dickstein	Hill, Wash.	Murdock, Utah	Stack
Dingell	Hobbs	Nelson	Starnes
Dixon	Honeyman	Norton	Stefan
Dockweiler	Hook	O'Brien, Ill.	Sumners, Tex.
Dorsey	Houston	O'Brien, Mich.	Sweeney
Doxey	Hull	O'Connell, Mont.	Swope
Drew, Pa.	Imhoff	O'Connor, Mont.	Tarver
Drewry, Va.	Izac	O'Connor, N. Y.	Taylor, S. C.
Duncan	Jacobsen	O'Neal, Ky.	Terry
Dunn	Jarman	O'Neill, N. J.	Thom
Eberharter	Johnson, Minn.	O'Toole	Thomas, Tex.
Eckert	Johnson, Tex.	Pace	Thomason, Tex.
Edmiston	Jones	Palmisano	Thompson, Ill.
Ellenbogen	Kennedy, Md.	Parsons	Transue
Englebright	Kennedy, N. Y.	Patman	Turner
Evans	Keogh	Patrick	Umstead
Faddis	Kerr	Patterson	Vinson, Ga.
Farley	Kleberg	Patton	Vinson, Ky.
Ferguson	Kloeb	Peterson, Fla.	Voorhis
Fernandez	Kniffin	Peterson, Ga.	Wallgren
Flannagan	Knutson	Peyser	Walter
Flannery	Kocialkowski	Pfeifer	Wearin
Fleger	Kramer	Poage	Whelchel
Forand	Lambertson	Rabaut	White, Idaho
Ford, Calif.	Lanham	Ramsay	Whittington
Ford, Miss.	Lanzetta	Ramspeck	Wilcox
Frey, Pa.	Larrabee	Randolph	Williams
Fries, Ill.	Long	Rankin	Withrow
Fuller	Lucas	Rayburn	Wood
Fulmer	McAndrews	Richards	Woodrum
Gambrill	McCormack	Rigney	
Garrett	McFarlane	Robertson	
Gehrmann	McGehee	Robinson, Utah	

NAYS—105

Allen, Pa.	Pocht	Luckey, Nebr.	Rich
Andresen, Minn.	Gavagan	Ludlow	Rogers, Mass.
Arends	Gifford	Luecke, Mich.	Rutherford
Binderup	Gray, Ind.	McClellan	Sauthoff
Brewster	Guyer	McLaughlin	Schneider, Wis.
Burdick	Gwynne	McLean	Secrest
Carlson	Halleck	Maas	Seger
Chandler	Hancock, N. Y.	Mapes	Shanley
Church	Harrington	Martin, Mass.	Short
Citron	Hart	Mason	Smith, Conn.
Clason	Hartley	Merritt	Smith, Maine
Cluett	Hennings	Millard	Sutphin
Cochran	Hoffman	Mills	Taber
Coffee, Nebr.	Hope	Mott	Taylor, Tenn.
Cole, N. Y.	Hunter	O'Day	Thomas, N. J.
Culkin	Jarrett	O'Leary	Thurston
Dirksen	Jenckes, Ind.	Oliver	Tinkham
Ditter	Jenkins, Ohio	Pearson	Towey
Dondero	Jenks, N. H.	Phillips	Warren
Douglas	Kenney	Pierce	Wene
Dowell	Kinzer	Polk	Wolcott
Eaton	Kirwan	Powers	Wolfenden
Eicher	Kitchens	Reece, Tenn.	Wolverton
Engel	Lambeth	Reed, Ill.	Woodruff
Fish	Lamneck	Reed, N. Y.	
Fitzgerald	Lewis, Colo.	Rees, Kans.	
Fletcher	Luce	Reilly	

NOT VOTING—76

Allen, Ill.	DeRouen	Kvale	Scott
Andrews	Dies	Lea	Scrugham
Bacon	Disney	Leavy	Shannon
Beam	Doughton	Lemke	Smith, Va.
Bland	Driver	Lesinski	Snell
Boykin	Fitzpatrick	Lewis, Md.	Steagall
Buckler, Minn.	Gasque	Lord	Sullivan
Buckley, N. Y.	Gearhart	McGroarty	Taylor, Colo.
Byrne	Gingery	Maloney	Teigan
Cannon, Wis.	Goodwin	Miller	Tobey
Carter	Havenner	Mitchell, Ill.	Tolan
Casey, Mass.	Holmes	Murdock, Ariz.	Treadway
Celler	Johnson, Okla.	Nichols	Wadsworth
Clark, Idaho	Johnson, W. Va.	O'Connell, R. I.	Weaver
Connery	Kee	O'Malley	Welch
Cooley	Keller	Owen	West
Cravens	Kelly, Ill.	Pettengill	White, Ohio
Crosby	Kelly, N. Y.	Plumley	Wigglesworth
Crowther	Kopplemann	Quinn	Zimmerman

So the bill was passed.

The Clerk announced the following pairs:

General pairs:

Mr. Taylor of Colorado with Mr. Snell.
Mr. Doughton with Mr. Treadway.
Mr. Bland with Mr. Wadsworth.
Mr. Cooley with Mr. Gearhart.
Mr. DeRouen with Mr. Lord.
Mr. Steagall with Mr. White of Ohio.
Mr. Weaver with Mr. Bacon.
Mr. Miller with Mr. Allen of Illinois.
Mr. Cravens with Mr. Goodwin.
Mr. Maloney with Mr. Holmes.
Mr. Driver with Mr. Wigglesworth.
Mr. Sullivan with Mr. Tobey.
Mr. Dies with Mr. Plumley.
Mr. Zimmerman with Mr. Crowther.
Mr. Smith of Virginia with Mr. Carter.
Mr. West with Mr. Andrews.
Mr. Johnson of Oklahoma with Mr. Welch.
Mr. Hancock of North Carolina with Mr. Lemke.
Mr. Gasque with Mr. Kvale.
Mr. Disney with Mr. Havenner.
Mr. Beam with Mr. Murdock of Arizona.
Mr. West with Mr. O'Malley.
Mr. Quinn with Mr. Buckley of New York.
Mr. Johnson of West Virginia with Mr. Kelly of New York.
Mr. Lewis of Maryland with Mr. Scott.
Mr. Pettengill with Mr. Byrne.
Mr. O'Connell of Rhode Island with Mr. Buckler of Minnesota.
Mr. Owen with Mr. Leary.
Mr. Keller with Mr. McGroarty.
Mr. Boykin with Mr. Teigan.
Mr. Lea with Mr. Cannon of Wisconsin.
Mr. Nichols with Mr. Scrugham.
Mr. Connery with Mr. Lesinski.
Mr. Celler with Mr. Casey.
Mr. Gingery with Mr. Clark of Idaho.
Mr. Fitzpatrick with Mr. Crosby.
Mr. Kelly of Illinois with Mr. Shannon.

Mr. MOUTON, Mr. CARTWRIGHT, and Mr. GRIFFITH changed their votes from "nay" to "yea."

Mr. RAYBURN. Mr. Speaker, I wish to announce that the gentlemen from California, Mr. LEA, Mr. GEARHART, Mr. CARTER, Mr. SCOTT, Mr. MCGROARTY, Mr. WELCH, Mr. HAVENNER, and Mr. TOLAN, are unavoidably absent on account of important official business.

The doors were opened.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. ROGERS of Oklahoma. Mr. Speaker, the Committee on Indian Affairs have no further bills to offer at this time.

DEVELOPMENT OF HYDROELECTRIC POWER PROJECT AT CABINET GORGE, ON THE COLUMBIA RIVER

Mr. WHITE of Idaho (when the Committee on Irrigation and Reclamation was called). Mr. Speaker, by direction of the Committee on Irrigation and Reclamation, I call up the bill (H. R. 114) to provide for studies and plans for the development of a hydroelectric power project at Cabinet Gorge, on the Clark Fork of the Columbia River, and a reclamation project for the Rathdrum Prairie area, and for other purposes.

The Clerk read the title of the bill.

Mr. WHITE of Idaho. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, I have not had a chance to see a copy of this bill as yet, because we did not know it was going to be called up at this time. Will the gentleman tell us what the bill is about?

Mr. WHITE of Idaho. Mr. Speaker, this is a bill authorizing the Interior Department to make an investigation of this project and provides for an appropriation of $25,000 to carry out the investigation.

Mr. MARTIN of Massachusetts. Mr. Speaker, I object to the gentleman's request to consider this bill in the House as in Committee of the Whole.

The SPEAKER pro tempore. The House automatically resolves itself into Committee of the Whole House on the state of the Union.

Mr. DOWELL. Mr. Speaker, I make the point of order a quorum is not present.

The SPEAKER pro tempore. The Chair will count. [After counting.] Two hundred and nineteen Members, a quorum.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 114, with Mr. CULLEN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Without objection, the first reading of the bill was dispensed with.

Mr. DOWELL. Mr. Chairman, I object.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized: (a) To conduct surveys and investigations in order to determine the feasibility and economic usefulness of the development of a hydroelectric power project at the Cabinet Gorge site on the Clark Fork of the Columbia River (near the Montana-Idaho boundary line) and a reclamation project embracing the Rathdrum Prairie area in Kootenai and Bonner Counties, Idaho; and (b), if such development is determined to be feasible and economically useful, to prepare cost estimates and designs for the construction of a dam at such site and such additional or incidental facilities as are necessary to carry out such development.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the reclamation fund, the sum of $25,000, or so much thereof as may be necessary, to carry out the provisions of this act.

Mr. WHITE of Idaho. Mr. Chairman, may I get some agreement as to time?

Mr. MARTIN of Massachusetts. Mr. Chairman, I have 1 hour in my own right. I do not have to ask the gentleman for time. I am going to take my hour when I get around to it.

Mr. WHITE of Idaho. All right.

Mr. MARTIN of Massachusetts. If the gentleman wants to give me half of his time, I will accept that, too.

Mr. WHITE of Idaho. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, this bill has to do with the policies of the Bureau of Reclamation of the Federal Government. We have west of the Rocky Mountains the great undeveloped section of the United States. In the States of Idaho, Montana, Washington, and Oregon are located the great timber stands of the country, which are owned by the Federal Government. We have to utilize and develop those timberlands to send the timber to the eastern section of the country, where it is needed to build up our great communities. We have to manufacture and utilize that timber out there. We do not have very extensive coal deposits in western Montana or Idaho. We must depend upon the utilization of our power resources. The Columbia River and its tributaries is, I think, the second greatest river system in this country.

The mountains are high. The run of the rivers is down steep grades. We have in that section as to which this investigation is asked one of the greatest areas of undeveloped potential water-power sites in the West.

Close by this section we have a number of reclamation districts. A few miles west of the Cabinet Gorge site, which is almost exactly on the boundary line between Montana and Idaho, is a number of reclamation districts that have been settled for years, with expensive pumping plants put in by private initiative. They are pumping from lakes and little streams that are going dry. The water resources have failed.

In the panhandle of Idaho and the Great White Pine Belt of Idaho we have a large demand for electric power. Less than 50 miles south of the proposed site is the Coeur d'Alene lead- and silver-mining district, one of the most important mining fields of the country, which produces most of the lead and silver of the western country.

In the Clark Fork River, one of the main branches of the Columbia River, we have a vast amount of power that is not being utilized. Part of that is going to waste. This is a conservation measure, if we can make the proper investigation and find that it is feasible and practicable to develop this resource. It is an ideal power site, one of the best power sites left in the West.

Mr. MARTIN of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. WHITE of Idaho. I yield.

Mr. MARTIN of Massachusetts. Has the gentleman estimated what the eventual cost of this project to the Government will be?

Mr. WHITE of Idaho. That is exactly one of the purposes of this bill.

Mr. MARTIN of Massachusetts. You want to spend $25,000 just to get an estimate?

Mr. WHITE of Idaho. The money is to be spent in making the necessary preliminary studies and examination of the rock structure of the dam site in order that we may bring that information to the Congress and tell the Congress exactly what we have.

Mr. MARTIN of Massachusetts. You know somewhere near what it is going to cost. Would it be $100,000,000?

Mr. WHITE of Idaho. No.

Mr. MARTIN of Massachusetts. Are you sure of that?

Mr. WHITE of Idaho. It is a small amount.

Mr. MARTIN of Massachusetts. What would it be?

Mr. WHITE of Idaho. It has been roughly estimated by private engineers at less than $10,000,000.

Mr. MARTIN of Massachusetts. Where did you get that information?

Mr. WHITE of Idaho. From some engineers who have investigated it for the different power concerns out there. It is not one of these large projects. It is an ideal site. It can be economically developed.

Mr. MARTIN of Massachusetts. If you have already investigated that much, why do you want to spend any money now?

Mr. WHITE of Idaho. I have explained to the gentleman I am taking the estimates of private individuals. Now, we want to get something official. We want to put it in the Government record.

Mr. DOWELL. Mr. Chairman, the gentleman also stated this would be helpful to other irrigation sections. How much land does that cover?

Mr. WHITE of Idaho. I could not say exactly, but I happen to know personally, from those who have been in my office seeking some other source of supply for these irrigation districts, that Dalton Garden, Avondale, and Chilco-Post Falls depend on Hayden Lake, and that the water level of Hayden Lake is lowered so far and they have to pump so high it is no longer practical to secure water from that source. The people whose homes are on those irrigation districts are short of water. The land has gone out of production. We must find a supplemental supply. This will solve the whole situation.

Mr. DOWELL. How much land will this put in production?

Mr. WHITE of Idaho. It will not bring more land into production. This is rehabilitation.

Mr. DOWELL. What do you mean by "rehabilitation"?

Mr. WHITE of Idaho. I mean to bring back those irrigation districts that are now short of water and cannot be fully utilized. People are living on those districts eking out a meager existence.

We have numerous photographs, which I regret I cannot bring here, showing the abandoned homes and the places where they are farming in a meager way when they could be utilizing these irrigation districts by rehabilitating them and putting them back into production.

Mr. DOWELL. Just a moment. The gentleman has introduced this bill and is familiar with the situation.

Mr. WHITE of Idaho. I am familiar with the situation. I have lived 40 years in that environment.

Mr. DOWELL. Then would you tell the House just how much this is going to irrigate, how much land this is going to bring into cultivation?

Mr. WHITE of Idaho. If the gentleman will study the bill, he will see that we have amended the bill at the suggestion of the Department of the Interior and cut out the irrigation features. We had them only for pumping and other purposes. It is a possible market for the power that will be generated on this project.

Mr. GILCHRIST. Pumping for irrigation; yes.

Mr. DOWELL. This is for that purpose, as I understand it, for irrigation.

Mr. WHITE of Idaho. Is it the gentleman's contention that these people who have gone onto this land, built homes, cultivated the land, and done all the things they could do should be left to abandon the places on account of insufficient water supply? Do you not think the Government should do something—go out there and furnish an adequate water supply to make power available, so the water can be put back on the land where it was originally?

Mr. GILCHRIST. Does the gentleman want me to answer his question?

Mr. WHITE of Idaho. I want your answer. I would like to have your answer as a Member of this House representing the great State of Iowa.

Mr. GILCHRIST. I will say that the people of your State should have every aid that the people of Iowa should have. I do not think they ought to have more. I think that at a time when the Government in cutting land out of production, at a time when it is the policy of this administration to cut down crop production, we should stop the bringing in of new lands by irrigation or reclamation.

Mr. WHITE of Idaho. Is it the gentleman's contention that all development in this country should be stopped?

Mr. GILCHRIST. I think that development by way of irrigation of arid lands can wait until the time comes when the production of lands already under cultivation shall be short of what the market demands. I think it is very, very foolish for this Government to go ahead and bring in new lands under the conditions that now prevail, when we are voting large appropriations to take lands out of cultivation. Your bill, as I understood your answer to the gentleman——

Mr. WHITE of Idaho. I cannot yield to the gentleman for a stump speech. I will yield to him for a question that will throw light on this matter.

Mr. GILCHRIST. This bill is for pumping, yes; but it is for pumping for irrigation. That is what it says.

Mr. WHITE of Idaho. Mr. Chairman, I cannot yield further. I suggest the gentleman get his own time, as there is going to be 1 hour of debate on that side.

Mr. GILCHRIST. I will be very pleased to do that, but I thought I had the right to answer the gentleman's question.

Mr. WHITE of Idaho. Let me answer the gentleman by repeating the statement I have made over and over again. This does not propose to bring into production new lands. This land has already been settled, the homes are built there, the roads are built, railroads have been constructed through the land and everything has been done to produce fine communities, and does the gentleman think that these people should be made to leave there because their source of water has failed them?

I may say further, Mr. Chairman, the same conditions exist here that obtain in the dust bowl. We must do something to reestablish the homes of the people who are on this land, and we are simply asking you for this authorization of appropriation and it has the approval of the Bureau of Reclamation, the Secretary of the Interior, and the Budget.

[Here the gavel fell.]

Mr. WHITE of Idaho. Mr. Chairman, I yield myself 5 additional minutes.

Mr. DOWELL. Mr. Chairman, will the gentleman yield for another question?

Mr. WHITE of Idaho. First, I want to say that these communities that exist here have everything that is conducive to the establishment of a fine community. The people are already on the land and we are trying to get this authorization in order to determine what should be done eventually, and the Congress will have ample opportunity to go into the details when the matter is presented on the floor here for appropriate action. We think we should know and know as soon as possible, what can be done in this situation and the sole purpose of the bill is to secure an authorization of some $25,000 to make this determination which involves one of the finest power sites in the entire United States.

Mr. DOWELL. Mr. Chairman, will the gentleman yield now?

Mr. WHITE of Idaho. I yield to the gentleman from Iowa.

Mr. DOWELL. The gentleman stated a while ago this land was not being cultivated because they did not have the water. Can the gentleman explain to the Committee why we will cut off production on land that is in proper condition, as it is in Iowa and in the Middle West, and then proceed to spend large sums of money in putting water over land that is not now in cultivation?

Mr. WHITE of Idaho. Does the gentleman want to pauperize these settlers out there because they are short of water on account of some possible benefit that may come to the State of Iowa?

Mr. DOWELL. May I suggest to the gentleman it is more important, it seems to me, that we do not put more land under cultivation while we have a policy of keeping land out of cultivation where it is productive.

Mr. WHITE of Idaho. May I say to the gentleman that his contention is right along the line of the statement made at the Bureau of the Budget when they went down there to get the money to eliminate predatory animals. They said we must reduce the production of livestock; and why not let the wolves and the coyotes take the stock? Is that the gentleman's contention?

Mr. DOWELL. No; my contention is not to put more land under cultivation until we take care of what we have under cultivation now. May I ask the gentleman one thing more? Whenever the surplus problem is solved, then you can come to this House with good grace and ask to have this land put under cultivation.

Mr. WHITE of Idaho. I may say to the gentleman that his proposition, reduced to its simplest terms, is whether we should produce a surplus of agricultural crops or increase the surplus of the unemployed. If the gentleman wants to take people off the land where they can dig out their own sustenance and bring them into communities where they have to vote millions of dollars in order to support the unemployed, or put them in inefficient labor, that is one thing. Here they are engaged in private initiative on projects that have already been built. If the gentleman wants to take that position, he is welcome to do so; but this is simply a question of whether we are going to have surplus products or an additional surplus of unemployed people, with all that this means to the children as well as to their parents.

Mr. DOWELL. In other words, the gentleman favors putting more land under cultivation while we have a surplus and while we are taking land from cultivation throughout the country that is now producing crops.

Mr. WHITE of Idaho. I think I have made it clear to the gentleman—at least, I have tried to make it clear—that we are not bringing any land under cultivation but rehabilitating land already in cultivation.

Mr. GREEVER. Mr. Chairman, will the gentleman yield?

Mr. WHITE of Idaho. I now yield to the gentleman from Wyoming.

Mr. GREEVER. As a matter of fact, the lands proposed to be put under cultivation do not raise crops that come into competition with the crops raised in the State which the gentleman who just spoke represents.

Mr. WHITE of Idaho. I may say most emphatically they do not. The principal outlet of this country is in the local mines and in Canada. A great deal of our stuff goes across the line into the Dominion of Canada.

Mr. THOMAS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. WHITE of Idaho. I yield to the gentleman.

Mr. THOMAS of New Jersey. As I understand, this bill only calls for an appropriation of $25,000?

Mr. WHITE of Idaho. Yes.

Mr. THOMAS of New Jersey. Which means there is not a very great deal of work entailed in this study. Is not that the fact?

Mr. WHITE of Idaho. That is correct.

Mr. THOMAS of New Jersey. Then, if this is only a small job, have we not a department in this entire Government that could go out there without putting through this bill and without having any special appropriation?

Mr. WHITE of Idaho. No; not under the plans being followed by the Bureau of Reclamation. They must have an authorization for this appropriation.

Mr. THOMAS of New Jersey. How about the W. P. A.; can they not make a study of this matter without any appropriation?

Mr. WHITE of Idaho. This is to be handled not by W. P. A. or by any other organization, and I do not want to go into that.

Mr. THOMAS of New Jersey. I know that is true under your bill, but cannot the W. P. A. make this study?

Mr. WHITE of Idaho. Oh, if they were so disposed, I presume they could.

Mr. BURDICK. Mr. Chairman, will the gentleman yield?

Mr. WHITE of Idaho. I yield to the gentleman from North Dakota.

Mr. BURDICK. As I understand it, all the gentleman is trying to do with respect to any irrigation which may be involved in this measure is to give the people out there a chance to live where they are now?

Mr. WHITE of Idaho. Yes.

Mr. LEWIS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. WHITE of Idaho. Yes.

The CHAIRMAN. The time of the gentleman from Idaho has again expired.

Mr. WHITE of Idaho. Mr. Chairman, I yield myself 1 minute more.

Mr. LEWIS of Colorado. How long has this community been established there?

Mr. WHITE of Idaho. About 40 years. There are seven or eight irrigation districts, and it dates back from 1900 on.

Mr. LEWIS of Colorado. And this bill simply proposes to investigate the question of supplementing existing water supply for an existing community?

Mr. WHITE of Idaho. And the practicability of this power development and the market for the power that is produced there. This is simply a matter of investigation.

Mr. LEWIS of Colorado. For an established community?

Mr. WHITE of Idaho. Yes.

Mr. LEWIS of Colorado. Which has been there for 40 years?

Mr. WHITE of Idaho. Yes.

The CHAIRMAN. The time of the gentleman from Idaho has again expired.

Mr. MARTIN of Massachusetts. Mr. Chairman, I yield 15 minutes to the gentleman from New York [Mr. CULKIN].

Mr. CULKIN. Mr. Chairman, there is no Member of this House for whom I have greater affection than the proponent of this measure, the distinguished and able Member from Idaho [Mr. WHITE]. His happy personality and his approach to these questions are certainly most interesting. Those of you who were in the last Congress remember that in the heel of that hunt the gentleman from Idaho brought in this bill under a motion to suspend the rules, and the bill was roundly defeated.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. CULKIN. The gentleman from Idaho does not lose courage, and he is here again endeavoring to write into law something, of course, that may commend him as a Representative to his own constituents, but from the standpoint of the Treasury can only be defined in classic phrase as a piece of pork, pure and undefiled.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. CULKIN. In just a minute. I want the gentleman to cool off a little. If gentlemen who are present here will turn to the letter of the Secretary of the Interior on page 2 of the report, they will find that the Secretary of the Interior condemns, beyond hope of salvation, this project so persistently pushed by my good friend from Idaho. In the

first paragraph on page 2 of the report in the letter to which I refer, the Secretary states:

A complete investigation of the possibility of irrigating the Rathdrum Prairie area in Kootenai and Bonner Counties, Idaho, was made by the Bureau of Reclamation in 1931 and 1932.

So that there is now in the Department of the Interior a full and complete data as to this proposition.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield? I should like to correct the gentleman.

Mr. CULKIN. I shall yield in just a moment or two.

Mr. WHITE of Idaho. But if the gentleman——

Mr. CULKIN. No; no. I refuse to yield now. The letter goes on to state:

That report shows that the engineering plans for the rehabilitation of the irrigation districts could not be completed within the assumed economic limits, and therefore was infeasible.

The gentleman now takes refuge in the proposition that this is not reclamation. He was somewhat beleaguered by my friend from Iowa [Mr. DOWELL]. He said it was merely to render present land more fertile, and was simply a pumping proposition—a $10,000,000 pumping proposition, $10,000,000 to be taken out of the Treasury for the purpose of establishing power. With reference to that, note what the Secretary of the Interior himself, in a measure a proponent of reclamation and power, says:

There is a possibility of developing a feasible power project at the Cabinet Gorge site on the Clark Fork of the Columbia River; further investigations are necessary to determine, first, the power markets that might be served by the plant, and, second, the design and cost of a dam at this site, provided that the necessary markets can be developed.

In other words, the proposition is uneconomic from an irrigation standpoint, and there are no markets for the power. In the past I have had a considerable number of skirmishes with my friends from the western country who are seeking appropriations for reclamation. I want to make myself clear here and now that there is no man in this House more devoted to the orderly and proper development of the arid West than I. Before I take a stand on a reclamation proposition I endeavor to find out if the project is economic. The Secretary of the Interior says that this is not an economic project, and condemns it for reclamation and power purposes in his own letter.

Mr. WHITE of Idaho. If the gentleman will yield, I think I can save the House and the gentleman some time.

Mr. CULKIN. Not now. I call attention of the House to the fact that we are now spending or beginning to spend on this same river for reclamation purposes $490,000,000 in the Grand Coulee area. At Bonneville, Wash., we are spending another $50,000,000. Grand Coulee is a most uneconomic, a most unsound project, and if such projects as is here suggested are sufficiently multiplied, they will ultimately wreck the United States Treasury. They will do a disservice, if you please, to genuine needed reclamation. Every piece of reclamation pork that is put over here defeats the needs of real reclamation and discredits it.

My judgment is that this may add to the prestige of the gentleman from Idaho in his own district, but from what I know of his personality, his fascinating and charming character, that sort of influence on his part does not need any additional prop. [Applause.] So I say to you this is the time to call a halt. You are going to be confronted with demands for reclamation, some of it sound, much of it unsound, that will run into $3,000,000,000 before this Congress is over. Do not start with this pipe dream that emanates from some of the chambers of commerce enthusiasts of the gentleman from Idaho.

Now I am going to yield to the gentleman from Idaho for a question; not a self-serving declaration but for a question.

Mr. WHITE of Idaho. I am going to yield the gentleman 1 minute of my time that he may properly answer the questions I should like to put to him. If the gentleman in his diligence in reading the report had read the last report from the Department of the Interior, he would have saved himself and the House considerable time, because he would have found in there that the words "and a reclamation project embracing the Rathdrum Prairie area in Kootenai and Bonner Counties, Idaho" were stricken out. A committee amendment has been passed by the committee, and that part is cut out. It is simply an investigation of the Cabinet Gorge power project. I will add that there is a vast amount of water going away to the sea that is not being used by anyone. Is it the gentleman's contention that if that power can be utilized to manufacture the timber in that country and develop the mineral resources of that country, it should be allowed to escape and no attention paid to it and no investigation be had and nothing done about it? Is the gentleman in favor of that policy?

Mr. CULKIN. Now, the gentleman has asked me a question. I have a very tender conscience. The gentleman makes me suffer when he makes that sort of pathetic appeal, but that statement of the gentleman does not change my view one iota.

Mr. WHITE of Idaho. We knew that in advance. [Laughter.]

Mr. CULKIN. The gentleman, of course, is somewhat concerned about the attitude of his constituents. We will all bear witness that he has made a gallant fight for this uneconomic proposition. That ought to be sufficient glory for him without making it part and parcel of another raid on the Federal Treasury.

I repeat that this is just getting the camel's nose under the tent on this reclamation proposition. It means the beginning, if you open the door here, to unbridled and unqualified spending of the public money, running, as I say—and I say it advisedly—into a sum approximating $3,000,000,000.

I wish to say this in corroboration of what the gentleman from Iowa [Mr. DOWELL] brought out a moment ago, that every new acre of land which is brought into production in these western areas decreases the present value of lands in Kansas, in Minnesota, in Iowa, and in every other agricultural State North, East, South, and West.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield there?

Mr. CULKIN. In just a moment. These new lands increase the problem of surpluses. That is what the A. A. A. was directed at. I voted for the A. A. A. I think it was correct in principle. It was for the purpose of controlling surpluses. This proposition is preliminary to adding to those surpluses and placing new burdens on the men who are on the land. It will particularly place a new burden upon men who are on the irrigated lands. I say now to those gentlemen from the reclamation States, as I have said before, that the time is coming, if this foolish, uneconomic policy is persevered in, when their constituents will turn on them and they will disappear from the legislative lists.

Sound policy, intelligent disbursement of the public money, due regard for the policies for the present administration, and the present Department of Agriculture call for the defeat of this bill, not only because it is unsound but because it is something that will bring disaster to the other farmers who are on the land. [Applause.]

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield for a question?

Mr. CULKIN. I yield.

Mr. WHITE of Idaho. Could not everything the gentleman has said and every argument he has made, have been made by the people east of the Alleghanies when Ohio, Illinois, and Indiana were being developed? Could not the people of Virginia, Maryland, and other Eastern States have made the same argument against the development of Illinois, Indiana, and Ohio? Could not every argument the gentleman has made have been made at the time those States were developed and that agricultural land brought into production?

Mr. CULKIN. The gentleman loses strength and force as he goes along. That question is irrelevant. The people of those States always paid their own way.

The CHAIRMAN. The time of the gentleman from New York [Mr. CULKIN] has expired.

Mr. MARTIN of Massachusetts. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. KNUTSON. Mr. Chairman, will the gentleman yield?

Mr. CULKIN. I yield.

Mr. KNUTSON. In his remarks the gentleman referred to this bill as a piece of undefiled pork. A reading of the report of the committee would indicate that it is a piece of pork that has been impregnated with trichinosis; is that not true?

Mr. CULKIN. I accept the amended definition.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. CULKIN. I yield.

Mr. MOTT. Is it not a fact that this bill as now amended in accordance with the report and recommendation of the Secretary of the Interior, is not a reclamation or irrigation bill at all, but is purely a power bill? The gentleman will notice that the Secretary in his recommendation cut out practically all reference to either irrigation or reclamation.

Mr. CULKIN. Yes; I think that is probably true; but reclamation is just like that famous lizard, the chameleon, that changes color. Reclamation changes color as legislative needs demand, sometimes it is power and then again it is reclamation. Today it happens to be power.

Mr. MOTT. The point I am getting at is that this is a power bill as it is now presented to us, and nothing else. If this be the case, why ask that this survey be made by the Interior Department when the War Department has made every survey of a power project? The Army engineers do it, and they do it without the necessity of an additional appropriation, and they bring in with their report all of the information there is on the power project. It is a report of experts and it costs probably a fraction as much as the amount asked for in the bill. My question is, Why give any jurisdiction to the Secretary of the Interior?

Mr. CULKIN. I understand; the gentleman wants to know why it should not go to the War Department engineers.

Mr. MOTT. Yes.

Mr. CULKIN. I will say this, that the best engineers in the world on the matters of transportation and water power, the best economists in that field, are the United States engineers. That is where it should go. I agree with the gentleman.

Mr. MOTT. And I venture the further assertion that it would be found they already have information on this project down in the War Department.

Mr. CULKIN. That would not be surprising.

[Here the gavel fell.]

Mr. MARTIN of Massachusetts. Mr. Speaker, I yield 10 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN. Mr. Chairman, I ask unanimous consent to proceed out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

A THREE-HORSE TEAM PLOWING A FIELD

Mr. HOFFMAN. Mr. Chairman, last night the President went back to the "horse and buggy" days for an illustration, and likened our Government, consisting of a legislative, a judicial, and an executive branch, to a three-horse team plowing a field. The illustration is a very good one and, rightly applied and correctly understood, lays bare his plan to usurp the functions of the Supreme Court. Unfortunately the President has the horses of his team hitched, not abreast but tandem, with the Executive as the lead horse, determining the course of the plowing.

Our forefathers, having suffered from unjust laws, enforced arbitrarily by an executive and his appointees, wisely determined upon a system of checks and balances, whereby laws are enacted by representatives selected directly by the people and for short terms.

WHY A SUPREME COURT?

Knowing that the people themselves, as history has demonstrated, often, under the pressure of some temporary urge or disaster, adopt expediencies which are ill-advised, a judicial department was established, at its head the Supreme Court, its judges appointed for life, with authority to determine whether the legislation enacted squared with the Constitution.

Remote from popular clamor, not dependent upon the will of the people for their tenure of office, selected in the first place because of their integrity and ability, the members of this Court are enabled to look without passion or prejudice at the enactment of the Congress and determine, not whether such laws are wise or expedient but whether they were enacted in the exercise of powers granted to that body by the Constitution.

USURPATION OF LEGISLATIVE POWERS

The Executive was charged only with the enforcement of the law. It is a matter of common knowledge that in recent years the Executive, through his advisers, has written many bills, sent them to Congress under the title of "must legislation", and, because of the pressure exerted by him, those bills became law. Thus he usurped the functions of Congress. Those laws he proceeded, through his appointees, to execute arbitrarily and without judicial determination.

USURPATION OF JUDICIAL POWERS

When the Court, in a few instances, held that the enactment of those laws, passed because of the claimed existence of an emergency, under threat of revolution if they were not enacted, was an improper exercise of power by Congress, the President conceived the plan of establishing a Court which would do the will of the Executive and of the legislative branch of the Government, as dictated by the Executive. Thus he seeks to usurp the functions of the judiciary.

He wants to change one of the horses of the team. He forgets entirely that a three-horse team plowing a field is of no value without a restraining power. The team has that influence in a driver. The Government has it in the Supreme Court and the Constitution.

THE SUPREME COURT'S PLACE IN A THREE-HORSE TEAM

Again, as every farmer knows, a three-horse plow team has three horses driven abreast. Not infrequently the two outside ones are young and fractious, headstrong, and inclined to go their way. And so the plowman, who knows his business puts in the middle, not another wild and woolly yearling, unbroken, with a maximum of energy and a minimum of judgment, but a tried and true, staid, old workhorse.

PROGRESS THAT CONTINUES

Under the direction of the driver, not only is the one field plowed, but the work goes on without bolting this way or that, the team held down to a steady but continuous, if plodding, progress.

Both the farmer and the experienced, old work horse know that there are other fields, that there are other days, yes, other weeks. The Supreme Court knows that there are other days and other years and other centuries and that Congress and the Executive must both be held, not to do the bidding of the Supreme Court, but to do the will of the people, guided by the driver's, the Constitution's, restrictions.

In everyday life, this sort of a team accomplishes much and the progress is ever onward. A team made up of nervous, high-strung horses, even though they may be Kentucky thoroughbreds, speedy and impelled by the highest motives to get somewhere soon—in fact, right now—in the end turn few furrows, plow little ground, although they may kick up quite a dust.

The President would hook up the three departments of the Government, not abreast, as the forefathers did, each doing its part of the work, all pulling together toward a common end, under the guidance and the limitations of the Constitution. He would arrange these departments like a three-horse team hooked tandem, with himself in the lead. He would not submit to any directions or restrictions by the governmental driver—the Constitution.

A TEAM WITHOUT RESTRAINT

He, like a lead horse without guidance or rein, would determine the speed at which the team should travel and the direction in which it should go, and, if the staid old horse in the middle chose to follow the furrow and the driver's

controlling rein, he would leave the driver—the Constitution—sitting under a shade tree and substitute for the old work horse—the Supreme Court—new blood, judges who will have expressed before they are appointed an opinion in favor of the legislation he desires.

The President may know all about yachts and deep-sea fishing, but last night he displayed a lack of knowledge of farming, of plowing, and of the way in which a team is used, even though he claims to know about the "horse and buggy" days.

The years have demonstrated that our form of government, the three departments, all working together under the Constitution, and not in defiance of it, is still the best system in existence. Let us continue in the lawful way, and when our Constitution needs change, let the people do it in the manner provided in that instrument.

Franklin Delano Roosevelt is not the only President the United States has had. We have had depressions, emergencies, and crises in our history, and through all of them we have survived and made progress, not in violation of but within the spirit of the Constitution. If we have courage and faith, we can do it again. [Applause.]

Mr. Chairman, I yield back the balance of my time.

Mr. MARTIN of Massachusetts. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. GILCHRIST].

Mr. GILCHRIST. Mr. Chairman, this bill is either a power bill, or it is a reclamation bill, or it is both. If you will read the bill you will discover that on the motion of the Secretary of the Interior they struck from the bill the language dealing with reclamation projects; but in lieu thereof and also on his own motion they put in the language that this should be a hydroelectric power project for irrigation pumping or other uses.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. GILCHRIST. I will yield to the gentleman when I get through. The gentleman is about to ask me about the phrase "or other uses" as not being limited alone to hydroelectric power purposes. Perhaps it is, and perhaps it is not. No man can say positively that this language is limited alone to the hydroelectric project for irrigation pumping or other purposes. If it is a power project, of course, as was pointed out by the gentleman from Oregon, it is not properly here but ought to be in the War Department. They can make their own surveys, and they make the best surveys in the world. In that case we would not need to expend this money.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. GILCHRIST. I yield.

Mr. MOTT. I just made the proposal to the gentleman from Idaho that if he would consent to an amendment requesting that this survey be made by the War Department, which properly should make it, that I would be glad to support the bill; but neither a survey by the Interior Department nor the granting of any jurisdiction over a power project to the Interior Department is proper.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. GILCHRIST. Yes; on the gentleman's time. That is fair. I had only 5 minutes to start with.

So, Mr. Chairman, as I said at the outset, if it is a power bill it is not properly here. Furthermore, if it is a power bill it does not appear that it is within the constitutional limitation that was laid down in the T. V. A. decision on the Norris Dam and other such kindred works, because that decision was founded upon the proposition that the sale of power was incidental to the reclamation of the river, incidental to commerce upon the river, and incidental also to control of the river for flood purposes. These are things clearly within the province of this Congress to pass upon. That does not appear. It does appear to the contrary, however, that it is not a kind of proposition that would be within the four corners of this T. V. A. decision.

Passing from that proposition to the question of whether this is a reclamation bill—and it may be that it is possible so to construe those words—then it is manifest that it ought not to be here, because the time is not ripe for further reclamation districts to be established.

The gentleman has very ably put his argument on the ground of helping poor people out there. Does the power proposition help them? Is it going to rescue these men from arid lands if you give them power? Power to do what? Power to turn machinery?

[Here the gavel fell.]

Mr. MARTIN of Massachusetts. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. GILCHRIST. Mr. Chairman, the proposition that this is really a reclamation project is the thing upon which the able gentleman from Idaho has appealed to us for support; but in his speech he says it is not reclamation; it is not for the purpose of helping the poor friends of his and mine out there at all if we are to support the Secretary of the Interior in his view of it. Furthermore, if it is a reclamation project, certainly this is not the proper time, with the Secretary of Agriculture, all of the Cabinet, and the President asking for various appropriations to cut down the surpluses. I have been one of those who believed that we must cut down surpluses in order to put agriculture back upon a sure footing. We cannot go on and on and on raising foodstuffs beyond our needs and then expect to get good prices. I am one of those Republicans who believe it is a part, and should be a part, of our system, to cut down production insofar as that production creates surpluses beyond the ability of the market to buy. That is our condition now. That is exactly what we are confronted with. The time has not come for the people out there to raise crops and create a surplus.

Mr. Chairman, something was said about the fact they do not raise crops in competition with the other States.

Mr. CARLSON. Will the gentleman yield?

Mr. GILCHRIST. I yield to the gentleman from Kansas.

Mr. CARLSON. I believe a statement was made on the floor of the House that this would not result in competition with agricultural lands of the Middle West.

Mr. GILCHRIST. That statement was made.

Mr. CARLSON. I find in a resolution of the Spirit Lake (Idaho) Chamber of Commerce, which organization is in favor of this measure, that the purpose is to convert the land adjacent to this power and irrigation project into stock raising and farming. Therefore, I think it would come in competition with the farm lands of other States.

Mr. GILCHRIST. Certainly. Now, beets are raised in many places in this country.

Mr. MICHENER. Will the gentleman yield?

Mr. GILCHRIST. I yield to the gentleman from Michigan.

Mr. MICHENER. After hearing the debate thus far I am wondering if the proponents of the bill would not withdraw it for the good of everybody?

Mr. WHITE of Idaho. The statement has been made on the floor that this is idiotic. I will leave to the verdict of posterity as to whether the policy of the proponents or opponents of this bill is idiotic.

Mr. GILCHRIST. I should be glad to leave it to posterity or prosperity.

Mr. CULKIN. Did the gentleman say "prosperity" or "posterity"?

Mr. WHITE of Idaho. Both.

Mr. GILCHRIST. I should like to leave it to posterity, but I do not think either the gentleman from Idaho [Mr. WHITE] or myself will live long enough to collect the bet or find out which one of us is right.

May I say something with regard to the raising of sugar beets? They may be raised there. If you put this land under water, it will come immediately into competition with the sugar-beet country and the cane-sugar country. Are you going to raise wheat or potatoes? I have heard something about Idaho potatoes. Certainly it will come into competition with all the rest of the agricultural production of the country.

[Here the gavel fell.]

Mr. WHITE of Idaho. Mr. Chairman, I yield 5 minutes to the gentleman from Oregon [Mr. PIERCE].

Mr. PIERCE. Mr. Chairman, our colleagues on this side of the aisle should "quit kicking our hound dogs around." I have been through this territory and am thoroughly familiar with it. I may not have a complete picture of the situation, but I understand there is a district here that is settled, divided into farms, the farms fenced, houses built, schools constructed, and everything built to make up a community. Then the water partially fails. The Reclamation Service made a survey or study and found they could not get water into the district except by pumping, at the exorbitantly high rate charged by the power companies. Therefore the Secretary of the Interior makes the statement it is not feasible to irrigate the land at present power rates. The authorization of $25,000 from the reclamation fund is a very small matter, considering the thousands and millions that we have voted out of the Treasury of the United States in the last 4 years. The measure under consideration calls for an appropriation of $25,000 to make a survey and study of the situation to see if cheap electric power may be developed. Whether it is feasible or not depends entirely upon the price of power. Throughout the West we are paying very high rates for power. If we had the T. V. A. rates out in that country, we would pay one-third or less than we are paying today for electric power. If cheap power can be developed, then it is feasible to pump the water for irrigation and thereby save the homes of the people who are living there. They may then raise the grass that old Bess eats and they can gather eggs and not be on relief.

Mr. Chairman, I am ready to vote money to make a survey of all feasible projects involving power which may be used for or in connection with irrigation. Grand Coulee is the object of attack of the gentleman from New York [Mr. CULKIN]. He likes to talk about it and roll it around a little bit. Some years ago a Member of this House gained great fame in talking about Duluth and the great country that was going to be developed out there by making sport of the situation. Maybe our friend from New York will be as badly deceived in years to come about Grand Coulee. He may be in the same position as the Congressman who talked about and made sport of Duluth some years ago.

Mr. CULKIN. Will the gentleman yield?

Mr. PIERCE. I cannot yield to the gentleman now.

Mr. CULKIN. The gentleman is referring to me, and it seems to me he ought to yield.

Mr. PIERCE. Not right now. Let me finish my thought.

Mr. CULKIN. The gentleman invites my interruption when he mentions my name.

Mr. PIERCE. I want to see the $25,000 authorized. The bill still has to run the gantlet of the Reclamation Department before the $25,000 may be used to make a study to see if the power can be developed at the rates at which it is said it can be developed and sold. If such development is possible, the market is found there; yes, for irrigation and for the other uses that will come naturally.

Our friend from Iowa made a long, long talk about raising more products to come into competition with other agricultural products. The big crops that are raised on these districts do not compete with the products of Iowa and Michigan except incidentally. As for sugar, we are still an importing country. If we can raise more sugar in the United States, I am willing to help do so. I think we should raise our own sugar in sugar beets.

[Here the gavel fell.]

Mr. WHITE of Idaho. I yield the gentleman from Oregon 2 additional minutes.

Mr. PIERCE. Do not take seriously the criticism of our friends here who would stop progress in the West, who would call a halt on these surveys and studies. There are many projects in the West where electric power can be developed very cheaply. There is no coal to dig out, there are no trees to cut down to generate power. The rains supply the force in the streams. If this power can be developed and utilized for pumping the water cheaply onto those lands, the thousands and thousands of people who must leave the territory just east of the Continental Divide can find homes there where they can live comfortably.

Mr. ANDRESEN of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. PIERCE. I yield to my friend from Minnesota.

Mr. ANDRESEN of Minnesota. Is the gentleman familiar with this particular area in which this power is to be provided?

Mr. PIERCE. Just driving through there is all.

Mr. ANDRESEN of Minnesota. What has been the source of the water supply for irrigation? Has it been by gravity?

Mr. PIERCE. There has been a lowering of the water supply which, as I understand it, has deprived them of water. There was at one time plenty of water, but the water level throughout a good deal of that part of the West has been sinking for 20 years, and I think this is one of the areas so affected.

Now they want to supplement that supply by pumping water, and if they have the power furnished cheaply enough they can pump it and still live in their homes.

Mr. ANDRESEN of Minnesota. How large an area of farm land is involved?

Mr. PIERCE. I could not tell the gentleman that.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield to me?

Mr. PIERCE. I yield.

Mr. WHITE of Idaho. As a matter of fact this money does not come out of the Treasury at all, but out of the reclamation fund, a fund which has been accumulated by the sale of public lands.

[Here the gavel fell.]

Mr. WHITE of Idaho. Mr. Chairman, I yield 2 additional minutes to the gentleman from Oregon [Mr. PIERCE].

Mr. CULKIN. Mr. Chairman, will the gentleman yield?

Mr. PIERCE. I yield to the gentleman from New York.

Mr. CULKIN. The gentleman referred to my attitude on the Grand Coulee. Would I be violating any confidence if I asked the gentleman if there have not been times when he was not very enthusiastic about the Grand Coulee himself?

Mr. PIERCE. I am not going to answer that directly. I will say to my friend from New York that I hope he will take a trip through Grand Coulee 25 years from now, when I think he will see a picture altogether different from the picture he dreams of now.

Mr. CULKIN. I have a high opinion of the gentleman's sincerity.

Mr. MOTT. Mr. Chairman, if the gentleman will yield, my colleague understands that whatever may be the incidental features of this project, such as irrigation or reclamation, as the bill is now before us it is purely a power project and nothing else. This is borne out by a reading of the bill, is it not?

Mr. PIERCE. That is true, but I think in the background is the saving of this settlement, which is why I want to see cheap power available.

Mr. MOTT. Since it is a fact that this is purely a power project, why bring in a bill asking the Interior Department to make a survey and appropriate $25,000 when this is within the jurisdiction of the War Department? The survey will be made by experts, and we will not have to authorize a cent.

Mr. PIERCE. Because when irrigation is mixed up in any way, directly or indirectly, with a power project it should be under the Reclamation Service, as is Grand Coulee, which is for reclamation and power, while Bonneville is power and navigation.

Mr. MOTT. My colleague knows that the War Department made both of those surveys.

Mr. PIERCE. Construction of Grand Coulee is now being done by the Reclamation Service.

Mr. MOTT. I say the War Department made the survey. That is what this bill is asking for.

[Here the gavel fell.]

Mr. MARTIN of Massachusetts. Mr. Chairman, I yield 10 minutes to the gentleman from South Dakota [Mr. CASE].

Mr. CASE of South Dakota. Mr. Chairman, it happens that the two committees that have had bills come under fire this afternoon are committees of which I happen to be one of the minority members, and we all joined in the favorable report on these bills. So possibly I should take a few

minutes to come to the defense of the integrity of the minority membership thereon.

THE INDIANS HAVE A VOICE

First, I want to go back to the bill from the Committee on Indian Affairs, on which we had the roll call.

I am afraid that many of the Members of the House voted under the impression that the bill was presented here by the Indian Affairs Committee without an opportunity being afforded for anyone to be heard upon it. It should be known that the gentleman who, we now understand, wanted to appear before that committee was present at the time the bill was considered by the committee. He could have been heard.

The objection that was raised here on the floor this afternoon was that this land was to be traded at the discretion of the Secretary of the Interior without the consent of the Indians concerned. That is not the case.

As a matter of record I would like to call to your attention the first sentences in sections 2 and 3 of that bill. The first sentence in section 2 reads as follows:

No allotted or other lands covered by trust patent or other instrument containing restriction against alienation by the allottee shall be involved in any such exchange except with the consent of the allottees or their heirs.

That takes care of the allottees.

And the first sentence of section 3 takes care of tribal lands. It reads:

No tribal lands shall be involved in any such exchange except with the consent of a majority of the adult Indians entitled to the use thereof.

So in the bill itself provision was made to take care of Indian consent on both the allotted lands and the tribal lands, and on behalf of the minority members I would like to make it clear that there was no objection to the bill.

COMMITTEE UNITED ON IRRIGATION BILL

Similarly there was no objection raised by the minority members of the Committee on Irrigation and Reclamation to the bill now under consideration. There were three members of the minority in committee when this bill was heard. Some questions were asked and we obtained some information about it, but there was no objection raised, and I would like to speak for the integrity of the members of that committee.

Mr. CULKIN. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. My time is limited and I am not going to yield until I finish what I have to say.

I want to speak, first, with respect to the question of shifting positions, whether this is a power bill or whether it is reclamation.

Mr. Page, the Commissioner of Reclamation, appeared before us at our last meeting and I happened to ask him the question:

Is there any way, Mr. Commissioner, in which the purposes of flood control that are accomplished by some reclamation measures can be assessed to the people who benefit by reason of the flood control?

He said:

There is no way in which that can be accomplished.

I then said:

There are other purposes or benefits that are accomplished by water control and water development.

And he said:

Yes.

And I said:

Navigation sometimes? Yes.
Power development sometimes? Yes.
Irrigation sometimes? Yes.
Flood control sometimes? Yes.
Who pays the bill for all benefits in our irrigation and reclamation projects when the cost is assessed back to the land?

The Commissioner said:

The people of the irrigation districts pay the cost.

Then what should be more natural than in the attempt to discover some way for these people to have an economic independence we should seek to find all the sources of revenue that can come from the development of any water project? What more natural then, that when the Secretary reports, as has been pointed out, that a thing is not feasible, for irrigation alone that the committee should then seek to find on what other bases the development of this water project might stand economically? So, naturally we want to find out whether in this particular project, in addition to the benefits that may come from irrigation, there will be benefits from the development of power, so that the cost can be shared by the several interests that will benefit.

Something has been said here as to increasing surplus production.

I am just a little surprised at some of the arguments that have been brought up this afternoon. A few days ago, when a bill was rushed before the House to appropriate $20,000,000 for the relief of people in the flood districts, no one objected to the purposes of the bill. There may have been some question as to the procedure, some questions about some phase of it, but so far as the purpose of alleviating the suffering of people in the flood districts was concerned, no one objected. We have done everything that could be done by this body for the people in the flood districts; and I submit, Mr. Chairman, if you could go through the districts where irrigation is being proposed you would find that the people are just as worthy and just as deserving of measures for their economic relief and for their salvation as the people in the flood districts, and I do not begrudge anything we have done for the people in the flood districts.

Mr. FORD of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I must decline to yield until I have concluded my statement.

An excess of water may be an economic calamity in one district and a shortage of water may be an economic calamity in another district. In the development of irrigation and reclamation projects we are not seeking to bring in surplus production. The gentleman from Iowa spoke about raising sugar, and certainly the gentleman with his knowledge of agricultural products knows that in this country we do not produce a surplus of sugar, and yet it might be implied from his remarks that we are producing a surplus of sugar. In the United States alone we produce less than 25 percent of the domestic consumption of sugar, and under the flag, taking our country as a whole, we do not produce a surplus of sugar.

If we irrigate lands where farmers now are working out their hearts trying to make a living growing corn or growing wheat or something of that sort in competition with other farmers—if we can transfer them into an economy where they are producing sugar beets, then they are not going into competition with you. We are putting them into the production of a noncompetitive product. You may answer, "What about your quota system?" At the present time the sugar-beet production of the country does not meet the quota allotted to sugar beets, and until America is producing a surplus of sugar, is it not a better proposition that we take wheat and corn farmers and put them into the production of sugar beets?

Something may be said with regard to livestock, but the people out in these dry-land areas are now trying to produce livestock, and one of the things accomplished by irrigation is the production of needed winter feed. Is it economical that these people should live out their days trying to get along without using the water that goes to waste? You appropriate money for their relief and we appreciate that, but these people want a chance to make good for themselves, and that is why they want this water, to go into noncompetitive production and make it possible for them to get winter feed for the stock for which they have the summer range.

The question is raised as to whether this is economically sound or not; but certainly it is not economically sound to ask these people to move from where they are and become nomads. They want to stay there. They have built their homes, they have built their schools, they have built their churches and they want a chance to succeed.

And they should have the same chance at economic independence that we freely concede and grant and are willing to support for the people of the districts where they have an abundance of water. [Applause.]

Mr. FORD of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. Yes.

Mr. FORD of Mississippi. The gentleman has made a good general statement about this matter and I am wondering if he can inform some of us not acquainted with that particular section of the country as to how far the proposed site of this dam is from the Grand Coulee Dam.

Mr. CASE of South Dakota. I would rather have the gentleman from Idaho answer that, because it is his bill and I am not familiar with the immediate district.

Mr. FORD of Mississippi. Is the gentleman familiar with the population there, as to whether it is sparsely or thickly populated?

Mr. CASE of South Dakota. I would rather have the gentleman from Idaho answer that question.

Mr. WHITE of Idaho. Mr. Chairman, the Coulee Dam is 225 miles in an air line west of the site of this proposed project, and, further, in certain valleys out there it is fairly well populated.

The CHAIRMAN. The time of the gentleman from South Dakota has expired.

Mr. WHITE of Idaho. Mr. Chairman, I yield 10 minutes to the gentleman from Washington [Mr. HILL].

Mr. HILL of Washington. Mr. Chairman, I was born in the Middle West quite a number of years ago. About 25 years ago I moved to the far West, and sometimes when I hear certain gentlemen from New York speak on the floor of this House I thank Almighty God that I was not born and reared in that State. They talk about pork. Well, the way they squeal every time anybody gets up and says anything about power and irrigation, they must be an authority on pork. If they would read the bill they would find that the question of reclamation has been deleted, and it is a question of power, but I shall address myself also to the question of irrigation and later on when the question of the Coulee Dam comes up I think I shall be ready to meet some of these allegations and aspersions by Members on the other side of the House. I want to make just a few remarks now with reference to irrigation. A king who bore the same name as I do, Canute, King Canute, the Dane, sat among his courtiers at the seaside and said to the waves, "So far and no farther." But the tides came in, and King Canute could not control the tides. I say here to you Members of the House today that all the mouthings of those who oppose irrigation cannot stop the onward march of irrigation and reclamation in the United States, both in the West and in the South, by reclamation, by irrigation, and by drainage. You cannot stop it, it is coming in spite of you. The Coulee Dam is one of the grandest projects in the history of the world ever undertaken by man, great not alone for the district that I represent, because it is partly in that district, not alone for the State of Washington, not alone for the Northwest, but for the whole United States, for you who live any place in the United States. You will all some day thank God that such men as Secretary Ickes and President Roosevelt had the courage and found the means to start that project, and to carry it through to completion.

I want now to answer two or three questions that have been raised. Does irrigation pay its debts? You are talking about pork, you who live in the East and Middle West, and I look at some of you now right in your eyes and say to you that we did not withhold our support from flood control, God forbid that we should, and we want to help you take care of the men, women, and children who are suffering and dying there, but how much, what percent, what penny out of a dollar do you pay back of all the money that we have appropriated? Not one cent. We gave it to you to take care of those in want and suffering; the Federal Government did this, and the same is true regarding results of earthquakes and droughts and hurricanes and tornadoes. When we gave that money we did not expect to get back a cent of it. I am here now to tell you that in the Yakima Valley where I live, from 72 to 85 percent of the money that has been expended by the Federal Government there in construction of irrigation projects has been paid back. We are going to pay back every cent and yet you talk about pork! Damn your talk about pork. Those who always cry "pork" are the ones who look for it. Irrigation has and will repay every cent the Federal Government has expended in its behalf.

Mr. CULKIN. Mr. Chairman, will the gentleman yield?

Mr. HILL of Washington. No; I ask the gentleman to get his time over there on his side.

Mr. CULKIN. But the gentleman has referred to me.

Mr. HILL of Washington. If the coat fits, put it on. There is one other thing I want to speak about. Is there any competition between what we raise in the West on irrigated lands and what you raise in the Middle West?

You raise what are known as staple products—cash crops, such as corn, wheat, grain of all kinds. They are the necessities for a bare existence. Those are the products that the poor people must use. That is true. But when people get back their purchasing power so that they can get a little more money to spend than for mere existence, they are going to spend it for what is known as the protective diet, such as eggs, vegetables, and fruits; for a better-balanced diet that will help not only to keep them alive but give them health, comfort, and a physical vigor to fit them for their duties. Those are the kind of products that we raise in the West on irrigated lands, and they are not in competition with your products in the Middle West and the East at all. I would also emphasize that most of the products we raise we consume ourselves. Moreover, we are buying from you who are complaining of irrigation and reclamation. Your agricultural products are being sent west by the carloads; not only that, but we buy from your manufacturing centers. There is being sent to our section now where we are building these dams engines, implements, steam shovels, and manufactured goods of all kinds. We are buying them from you and helping you, and then your gratitude is to turn around and raise your voices and strike at us every time we try to have some small form of reclamation. I shall talk later on about the reclamation projects, but I want to close my remarks on reclamation with this statement:

The last great frontier of homesteading is the arid West. A half century ago the Middle West was called the "bread basket of the United States" and the arid West was called the "great American desert." Due to causes far beyond the control of human beings, some of the Middle West has become the Dust Bowl, where existence is barely possible. With the diversion of water now going to waste and often destructive, the American desert is becoming in a small measure the bread basket. We do not glory in the pathetic conditions of the Dust Bowl, but we do intend to provide food and homes for those who are being driven from their former homes and are coming west to seek new ones.

Just after the Civil War the great Middle West was the homestead country opened up by Lincoln and those who followed him. There are no more homesteads there now. Instead of that, people are coming to the great Northwest and going to the South, where we reclaim land by irrigation in one instance and by drainage in the other. That is where the future homesteads, lands for homesteads, are to be found. Secondly, let me tell you Members on the Republican side, do you know that 12,000 families—not persons, but 12,000 families—from Kansas, Nebraska, from the Dakotas, and Oklahoma have come to our States of Washington, Idaho, and Oregon in the last year, asking us to find them homes? [Applause.] They are asking us to give them something to eat and to feed them. We are digging down into our pockets to help those who left your States. That is what we are doing. More than 12,000 families came there to find homes; yet you are against more irrigation.

But this bill does not deal with that. This bill deals with power. It has been stated on the floor of this House that we have got too much power already. Yes; we have too much power, because we have rates at 10 or 12 cents per kilowatt;

but when you get the Government of the United States to develop power so that we will get it at 1 cent per kilowatt, we will not have too much power. Why? Because the people are going to use 10 or 15 times as much power as they are using today. Those who have no power at all, those who have only a little power in their homes, will use it for every conceivable purpose. So when we develop the Coulee Dam and the Bonneville Dam and the St. Lawrence-Great Lakes Waterway and all the power sites in the United States, we are going to use every kilowatt of power that is developed. People will buy it because it is low in price. That is what President Roosevelt stands for. That is what Secretary Ickes stands for. That is why, when they came out to our great Northwest in 1934 and saw the great opportunity for developing a power plant that would give cheap power for our people, they said, "We are going to do it." And they are going to finish the job in spite of opposition and obstructions.

I close by saying you cannot stop the tides of progress. They are coming. [Applause.]

The CHAIRMAN. The time of the gentleman from Washington [Mr. HILL] has expired.

Mr. MARTIN of Massachusetts. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. KNUTSON].

Mr. KNUTSON. Mr. Chairman, the last speaker, the gentleman from Washington [Mr. HILL], made reference to the large influx of people into the semiarid States in the past few years. Of course, it is human nature to want to be where Santa Claus spends most of his time. [Laughter.] I cannot recall a year in the last 20 when some of these Western States have not been before the Congress asking for huge sums of money for the purpose of bringing additional lands under water. Now, do not get the idea that this $25,000 they are asking for today is all this proposed project will call for. That sum is not going to accomplish anything except to make a survey. After that survey is made they will come back and ask for perhaps twenty-five or fifty million dollars to carry out the recommendations that will be made. Such recommendations are always made. Why all this hurry about developing the entire country? We cannot hope to develop this great continent in a few generations. There are other generations coming after us. We should leave a little frontier for them to develop.

The gentleman from Washington [Mr. HILL] sought to minimize the competition that is being forced upon our farmers as a result of this constant development of irrigated land. With us, that competition is a serious problem. Each time you bring in a new area of irrigated land you simply emphasize the grave and serious crop-surplus situation that the Mississippi Valley has had to contend with in the past few years. We are spending hundreds of millions of dollars in order to control production in this country, and then we turn around and spend millions of dollars to bring new land into production through reclamation. Is there any sense in a policy like that?

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield right there?

Mr. KNUTSON. I cannot. I only have 5 minutes.

I dare say there is not a man here this afternoon coming from the Middle West who has not time and again had his farmer constituents complain to him about the policy of Congress in appropriating money to bring new lands into production through irrigation, which can only mean greater surpluses. You cannot justify the spending of money to control production, on the one hand, and then spending millions of dollars to increase production, on the other hand. They say that the products of this land will not come into competition with us. I say it will, and the gentleman knows it will.

Mr. HILL of Washington. I do not know it, because it does not.

Mr. KNUTSON. Yes; it does.

Mr. HILL of Washington. It does not.

Mr. KNUTSON. We always hear that your products do not compete with our section of the country. What are you going to raise out there—jack rabbits?

Mr. HILL of Washington. What will we send here? Can the gentleman name anything that we send here?

Mr. MARTIN of Massachusetts. Mr. Chairman, the regular order.

Mr. KNUTSON. Oh, you produce alfalfa, and so do we. You produce sheep, and so do we. You produce cattle, and so do we. You produce potatoes, and so do we. I could go on that way for another 5 minutes, enumerating the things that you produce which come into competition with us.

We do not object to your development; but whenever we have a reclamation project in Minnesota, we finance it ourselves. We have reclaimed thousands of acres of swamp lands in the northern part of the State, to our sorrow; and we as a nation have brought thousands of acres of western land under irrigation at the expense of the Federal Treasury, to our sorrow. It is about time that we called a halt on all this senseless and ofttimes harmful reclamation program. We can use these huge sums of money to better purposes.

Mr. WHITE of Idaho. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. VOORHIS].

Mr. VOORHIS. Mr. Chairman, my purpose in asking for time to address the House this afternoon is in order to speak, as my colleague the gentleman from Washington has spoken, in answer to some of the arguments which have been advanced on this floor this afternoon against this bill.

In the first place, it is my desire to ask you to think back over a few years of American history to a time before the natural resources of this country had been almost all claimed and largely monopolized, to a time before all our agricultural lands had been taken up by our farming population. In those days America bred a spirit of hope and enterprise. It was the very product of those conditions. We today, if I understand our efforts, are engaged in a great attempt to break the hold of monopoly on this land in order to bring back, insofar as we may in this modern day, that same kind of American spirit.

If I understand the agricultural program of this administration aright, it is based upon an attempt to put agriculture on an economically sound basis. It is not based on the idea of scarcity; it is based upon the belief that the farmers of the country ought not to farm uneconomical land. We are trying to put them in the position where they will be farming lands which are profitable. It is, to my mind, fallacious for people to believe that in continuing to block the development of new wealth they are helping anybody at all. This is brought to our attention with unusual force in California. People from other parts of the Nation, if they stop and think, will be glad to see us open up new opportunity for unemployed people to start out and make a living on their own hook.

Our major problem continues to be unemployment. We have got to find ways and means of getting our unemployed people into a condition where they can make a living. The problem of our farmers is not primarily a problem of overproduction, it is primarily and basically a problem of wrong distribution of income which prevents the people in this country from being able to buy the things they should have to eat.

CONTROL OF MARKET, NOT SCARCITY, IS REAL NEED OF FARMERS

Further than that, we must remember that what the farmer really needs is to be put in a position—as this administration has attempted to put him in the position—to have something to say about the price at which he sells. He should at least get cost of production for what he produces. We must help him break the hold of monopoly on the marketing of his product. When he is put in that position he will no longer need to be afraid of overproduction of essential food products.

We know today something about the problem of monopoly price. Yes; about the problem of monopoly price of electric power, if you will. Every time we enable our people to have a basic commodity like electric power at cheap cost, the benefits of it will stretch throughout the length and breadth of this land in some manner or other and will increase the prosperity not only of Idaho, not only of California but likewise of New York and other parts of our Nation. This, after

all, requires us to think a little beyond the particular interest of the section from which we come. It will not directly benefit my own State of California, perhaps, if this step is made; but for my part I should be glad if I could say to people who come to California in broken-down cars because they could not make a living where they came from, that there is still a place in America where they could make another start and have a reasonable chance of making a go of it.

NEW LANDS FOR OLD

What is the use of condemning our people to an existence on marginal agricultural land when it is possible to put them on good land? America has always moved onward, she has always had a vision of a future broader than her past. Let us not forget this, as we face these problems of adjustment in this day that are greater than any we have had to face before.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS. I yield.

Mr. CASE of South Dakota. The development of irrigation in the West, including California, has never been a matter of partisan politics, has it?

Mr. VOORHIS. Not so far as I know.

Mr. CASE of South Dakota. Hoover Dam, for instance, was not a matter of party politics, was it?

Mr. VOORHIS. No.

Mr. CASE of South Dakota. And that is the way it ought to be in the future. It should be viewed from the standpoint of the progress of the people.

Mr. VOORHIS. I agree with the gentleman.

Mr. DOWELL. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS. I yield.

Mr. DOWELL. Is not the policy of the Department of Agriculture at the moment one of reducing agricultural production?

Mr. VOORHIS. I should rather say it is a policy looking toward an ordered and balanced agricultural production, an economic balance of different types of production. If we can go forward with this program long enough, it will enable us to have a balanced agriculture to meet the needs of the Nation in many different lines.

Mr. DOWELL. As a matter of fact, that is the result of whatever policy the gentleman may call it?

Mr. VOORHIS. It might be in a particular commodity.

Mr. DOWELL. Is it not the case in every commodity?

Mr. VOORHIS. No; I do not believe anyone can say that.

Mr. GREEVER. Will the gentleman yield?

Mr. VOORHIS. I yield to the gentleman from Wyoming.

Mr. GREEVER. Is it not true some of the very best rehabilitations and the soundest rehabilitations of farmers we have had has been upon reclamation projects?

Mr. VOORHIS. The gentleman is correct, and I thank him for his contribution.

[Here the gavel fell.]

Mr. MARTIN of Massachusetts. Mr. Chairman, I yield 8 minutes to the gentleman from Missouri [Mr. SHORT].

Mr. SHORT. Mr. Chairman, irrigation, reclamation, drainage, improvement of navigation, prevention of soil erosion, the generation and development of hydroelectric power are all related and allied subjects. It is extremely difficult to consider one of these subjects without taking into consideration the others. But there are certain committees of this House under which these various problems are specifically considered, committees like the Committee on Irrigation and Reclamation, the Committee on Flood Control, the Rivers and Harbors Committee, and the Committee on Military Affairs.

I regret that some gentlemen here this afternoon have attempted to make this a partisan or sectional matter. Certainly we all want to go forward together, because the progress and prosperity of one section of our country depends very largely upon the progress, prosperity, and stability of other sections of our country. Mr. Chairman, there has been more heat than light and more wind than wisdom in some of the words spoken by gentlemen here this afternoon.

Let us consider this particular bill. The members of the committee have been informed this bill was brought in last year as an irrigation and reclamation measure, wholly and simply that, but defeated by an overwhelming vote. If it is an irrigation and reclamation project, then the authorization of $25,000 is wholly unnecessary, because the Department of the Interior has already made the survey of this proposed project as far as rehabilitation of irrigation districts is concerned and the Department has ruled that from the standpoint of economics it is altogether infeasible. So we can eliminate this particular bill and this particular project so far as irrigation and reclamation is concerned, from a purely economic point of view.

The measure is brought into the House this afternoon as a hydroelectric power development project. I do not know whether it is an irrigation or reclamation project of whether it is a power project. Some of the proponents of the measure say it is one and other proponents of the measure say it is something else. But if it is not an irrigation and reclamation project, if the Department of the Interior has already made surveys and recommended that the project is infeasible from a purely economic point of view so far as irrigation and reclamation is concerned, then, Mr. Chairman, I submit to the Members of the Committee, it must be a power project. If it is a hydroelectric project, what committee of this House and what department of Government has the proper jurisdiction for the consideration of the measure? Why, there can be only one.

This bill should have been reported out by either the Committee on Rivers and Harbors or more particularly the Committee on Military Affairs. Certainly an investigation and survey should be made by the Chief of Engineers of the War Department, which would not call for the useless and wholly inexcusable and unjustifiable expenditure of $25,000. That is the gist of the whole matter. That is the only thing we have to consider this afternoon.

We are not voting on whether we are in favor of irrigation or against irrigation. May I say to my good friends from the far West that the old Fourteenth District of Missouri, which I once had the honor to represent, and which is now ably represented by my good friend and colleague, the gentleman from Missouri, Mr. ZIMMERMAN, spent over $53,000,000 of their own money in draining counties in southeast Missouri and moved more dirt than was moved in the excavation on the Panama Canal.

Mr. Chairman, in recent years thousands of homes have been deserted not only in my State of Missouri but in every other Mississippi Valley State. You Representatives from the States of Minnesota, Illinois, Iowa, Missouri, Tennessee, Arkansas, and Louisiana, as well as the States to the east of us, Indiana and Ohio, even as far as New England, know that in recent years, because of high taxes, because of surplus production, thousands upon thousands of our farmers have been forced to leave their farms. I will agree and frankly admit at least 100 families from my own district during the past year, much to my displeasure, unfortunately have been forced to go to California and Idaho. Why? Because Secretary Wallace has been spending millions upon millions of dollars of the taxpayers' money in taking good, tillable soil out of production in my State and every other Middle Western State, while Secretary Ickes has turned right around and spent hundreds upon hundreds of millions of dollars of the taxpayers' money on irrigation and reclamation projects in the far West, opening up 1,600,000 acres of new land that had never been in cultivation before. May I say to my good friends from the far West that if we will stop the illogical, silly, foolish, and destructive program of having one department of Government destroying every attempt that is made by another department, if we will stop paying farmers not to farm in the Midwest, if we will stop opening up new regions in the far West, many of the farmers of Iowa and Missouri will stay at home and not go out to Idaho,

California, and Washington to bother you people and become a pest.

[Here the gavel fell.]

Mr. WHITE of Idaho. I yield myself the balance of the time.

Mr. Chairman, I am very much interested in the statement made by the gentleman from Missouri referring to the discussion on the bill. He stated there had been more heat than light and more wind than wisdom. I am, of course, a little bit curious to know to which side of the discussion his remarks were addressed.

There does seem to be considerable confusion and lack of investigation on the part of the opponents of the measure, and for the information of the opposition, the gentlemen who spoke on the bill, I am going to read a few lines from the report and a paragraph from the bill.

In the letter of the Secretary of the Interior under date of February 11, 1937, we find this statement:

> This bill has been submitted to the Bureau of the Budget, which advises that the proposed legislation, insofar as it pertains to the investigations in connection with the development of the Cabinet Gorge project, would not be in conflict with the program of the President, but would be in conflict therewith insofar as it pertains to further investigations in connection with the reclamation project for the Rathdrum Prairie area.
>
> In view of the above, I recommend enactment of the bill with the following amendments.
>
> HAROLD L. ICKES,
> *Secretary of the Interior.*

I think that definitely sets at rest the contention that this bill does not have the approval of the Department of the Interior.

As to where the money is going to come from, I am going to read to the opponents of this bill the second section, as follows:

> There is hereby authorized to be appropriated, out of any money in the reclamation fund, the sum of $25,000.

Now, get the inference there, and get that statement, "any money in the reclamation fund." We all know, if we know anything about the provisions of the law under which the reclamation fund was created, the money in this fund is accumulated from the sale of public lands in the Western States, from oil royalties, coal royalties, and so forth, and put into a fund to develop the area where the money is raised by the sale of these resources. It does not come out of the Treasury. This is not an authorization to take money out of the Treasury but simply from the reclamation fund.

Mr. MITCHELL of Tennessee. Mr. Chairman, will the gentleman yield?

Mr. WHITE of Idaho. I yield to the gentleman from Tennessee.

Mr. MITCHELL of Tennessee. I should like to ask my colleague if I understood him correctly to say that there is money available now for this purpose in the reclamation fund?

Mr. WHITE of Idaho. I understand there is money available in the reclamation fund.

Mr. CULKIN. Mr. Chairman, will the gentleman yield?

Mr. WHITE of Idaho. I yield to the gentleman from New York.

Mr. CULKIN. Does not the gentleman understand that in the last session there was $4,000,000 remaining in this reclamation fund, and that amount was earmarked for a sum of $50,000,000? How can the gentleman then say there is money in the reclamation fund, if I am correct as to that information?

Mr. WHITE of Idaho. From my discussion with the Bureau of Reclamation I understand there is some money available, and I understand there is money coming into the reclamation fund from time to time. If the money is not available, then there will be no authorization.

Mr. CULKIN. Did the gentleman read the text of the last bill appropriating money for reclamation? It earmarked all that money for approximately $50,000,000 worth of irrigation. Therefore there can be no money available if my understanding of the matter is correct.

Mr. WHITE of Idaho. Then, if the gentleman is correct in that statement, he has done a lot of talking about nothing, because there is no money to appropriate.

Mr. CULKIN. Mr. Chairman, may I say to the gentleman I do not think that remark rises to the height of parliamentary discussion. The gentleman may think it is funny, but I think it is clowning. I will say that, and that is the way I feel about it.

Mr. WHITE of Idaho. I may say in answer to the gentleman he has made a definite statement on this floor that a remark was idiotic. I am going to say this to the gentleman, as between the idiocy of the policy of the opponents of the bill and the idiocy of the Committee on Reclamation, I will leave that verdict to posterity.

Mr. CULKIN. Prosperity or posterity?

Mr. WHITE of Idaho. Both. [Laughter.]

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. WHITE of Idaho. I yield to the gentleman from Oregon.

Mr. PIERCE. The income from the reclamation fund this year, if we do not pass a moratorium bill again to extend the time of payment, ought to be somewhere between $6,000,000 and $7,000,000 from all sources.

Mr. CULKIN. May I state to the gentleman I have just conferred with the distinguished ranking Member——

The CHAIRMAN. The gentleman from Idaho has the floor.

Mr. WHITE of Idaho. I have yielded to the gentleman from New York, but the gentleman from Oregon is giving some valuable information and I should like to have it in the RECORD.

Mr. PIERCE. This information came from Mr. Page himself, when he was visiting in Oregon last summer.

Mr. CULKIN. I understand from the ranking minority member on the committee that what I said a moment ago is correct, that these sums, to some $50,000,000——

Mr. TABER. It is a good deal more than that.

Mr. CULKIN. A good deal more than that—$200,000,000, were earmarked for irrigation, and at that time there was only $4,000,000 remaining, if I am correct.

Mr. TABER. Something like that.

Mr. CULKIN. Approximately $4,000,000 in the reclamation fund. Therefore, you are $196,000,000 shy. Mr. Page is off that much.

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. WHITE of Idaho. I yield to the gentleman from Oregon.

Mr. PIERCE. There has been collected a large sum of money from the various sources, as provided in the act, for the reclamation of the West, and this money was collected out of lands sold and from the products of the West.

Mr. CULKIN. I understand that.

Mr. WHITE of Idaho. Mr. Chairman, I must refuse to yield further.

Mr. Chairman, a lot has been said about what is intended under this bill. This is a bill to investigate one of the great power sites or one of the great potential power sites in the West. It is in one of the large undeveloped sections of the United States. We have out there, owned by the Federal Government, one of our greatest stands of Government timber. This timber, to be utilized, must be manufactured. We must manufacture our pulp, wood fiber, lumber, and then we have tributary to this site and very convenient to it one of the great silver-lead mining fields in the country—the Coeur d'Alenes—and they use a vast amount of power in the reduction of zinc by an electrolytic process.

What we desire to do here is to investigate the markets concerned and the feasibility and practicability of this project.

I may say to my friends from the Prairie States, including the great States of Iowa and Nebraska, who are opposing this bill, that they are concerned with markets, and by this development we will build up a market for them. If they would go into the great mining camp of Wallace, they would see the large amount of bacon and corn products coming in, not by carloads but by trainloads, with solid car after car of pack-

ing-house and corn products. Our country is their market, and if they had an ounce of gumption they would be here working with us to develop new communities and new markets for their products.

Mr. Chairman, I ask that the bill be read for amendment.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized: (a) To conduct surveys and investigations in order to determine the feasibility and economic usefulness of the development of a hydroelectric power project at the Cabinet Gorge site on the Clark Fork of the Columbia River (near the Montana-Idaho boundary line) and a reclamation project embracing the Rathdrum Prairie area in Kootenai and Bonner Counties, Idaho, and (b), if such development is determined to be feasible and economically useful, to prepare cost estimates and designs for the construction of a dam at such site and such additional or incidental facilities as are necessary to carry out such development.

With the following committee amendment:

Page 1, line 8, after the parenthesis, strike out the remainder of the line and all of line 9 and the word "Idaho" in line 1, page 2, and insert "for irrigation pumping or other uses."

Mr. TABER. Mr. Chairman, I rise in opposition to the amendment.

It is perfectly apparent this is a reclamation bill, if we put in the measure that it is for irrigation pumping and other purposes. I do not believe we ought to put in this sort of thing in view of the condition of the country today. I do not believe we should go ahead with reclamation projects any further, and I hope the committee amendment will not be adopted.

The committee amendment was agreed to.

Mr. MOTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MOTT: Page 1, line 3, strike out the word "Interior" and insert the word "War"; page 1, line 4, strike out "surveys and investigations" and insert "preliminary examination"; page 2, line 1, after the word "for", insert "navigation, flood control."

Mr. WHITE of Idaho. Mr. Chairman, I reserve a point of order against the amendment.

Mr. MOTT. Mr. Chairman, it has been suggested that there has been a good deal of futile debate on this bill. I think there has been a good deal of unfortunate debate also. Some of it has been in the nature of acrimonious debate. Some of the tirades we have listened to today have had hardly the dignity of stump speeches.

It has been charged, for example, that the minority here is against irrigation and reclamation and power development. This certainly is not true. The minority has supported all of these projects. The record shows that. What it is that prompts gentlemen to make such ridiculous assertions is beyond my comprehension.

Personally, I have voted for every reclamation project, every irrigation project, every flood control and every hydroelectric power project since I have been in Congress, and I intend to continue doing so as long as the projects are meritorious and as long as the legislation proposing them is proper. There would be nothing that would please me more than to have my colleague from Idaho secure a proper survey for his proposed hydroelectric project. I am willing to take his own word for it, without further testimony from anyone, that he has a meritorious power project, and I think he is entitled to have a survey of it and to receive a report from experts making the survey.

But, Mr. Chairman, the gentleman from Idaho is not asking for a survey in the proper manner, by the proper procedure, or from the proper authority.

I do not object to the gentleman's having a survey. What I do object to is bringing bills like this in here which undertake to give jurisdiction to a wrong authority. No one can read this bill without being convinced that irrigation and reclamation form no part of it whatever. The Secretary of the Interior, in his report on the bill to the committee, said that he would not recommend a survey or an investigation of the irrigation and the reclamation feature of it. And he sent to the committee an amendment, which the committee and the gentleman himself accepted and adopted, eliminating irrigation and reclamation from the bill. He recommended an investigation of a hydroelectric power project, and nothing else. It is true that the words "for irrigation, pumping, and other uses" are in the bill, but that would be an incident to any hydroelectric power development in any arid or semiarid country.

So there can be no doubt either about what the gentleman from Idaho wants or what the bill provides. It provides for a survey to determine the feasibility of a hydroelectric power development on the Clark River, and for nothing else. That is all the gentleman wants and that is all he has contended he wants.

That being the case, the proper thing to do is to amend the bill in the way I have suggested.

Instead of having a survey made by the Interior Department, as the bill now provides, authorization should be given to the War Department to make the usual preliminary examination. That is the usual, orderly procedure to obtain a survey of any power project. In order to bring it properly under the jurisdiction of the Federal Government, it is necessary, of course, to include in addition to hydroelectric-power development navigation or flood control. That is always included in every power project. So I have included that in addition to the other provision for power purposes.

If this bill is amended as I have suggested, my colleague from Idaho will get everything that he wants. He will get the regular and thorough preliminary examination by experts in the War Department who have made every examination and survey for Federal hydroelectric-power projects to date, including the Grand Coulee, the Bonneville Dam, Boulder Dam, and every other power project now being constructed or operated.

The amendment I have suggested also strikes out section 2, which authorizes an appropriation of $25,000 from the reclamation fund for the purpose of a preliminary examination. The reason for this is that if the survey is made by the War Department, no money needs to be either authorized or appropriated. The War Department has a fund for that purpose, and a simple authorization for the War Department to make the usual preliminary survey is all that is necessary. The War Department will send its experts out there and make the examination. They will make their report to the Board of Army Engineers. If the Board approves it, the War Department will then submit it to Congress. That is all my colleague can possibly want, and by this amendment he will get it without the expenditure of any money. Furthermore the survey will be made by a department which has the authority and jurisdiction to make it, and which also has engineers qualified for that work. I hope the amendment that I suggest may be adopted.

It is possible, of course, that the amendment may not be germane to this bill as it is drawn. In that case the gentleman should withdraw his bill and redraft it in the way every other hydroelectric power survey bill has been drawn. If he will do that and can get a favorable report from the Army engineers, I want to tell my colleague from Idaho that I shall then be happy to vote for any appropriation necessary to carry out the construction of the project, as recommended by the engineers. If he is not willing to do that and insists upon having this survey made by the Interior Department, which has no proper jurisdiction and which must hire civilian engineers and pay them out of the reclamation fund, then I must regretfully vote against the kind of an authorization he asks for in this bill.

Mr. WHITE of Idaho. Mr. Chairman, the gentleman from Oregon refers to a provision in his amendment to strike out section 2. Was that provision submitted in writing?

The CHAIRMAN. The Clerk did not report it because the Clerk has not yet read section 2.

Mr. WHITE of Idaho. Then that is not before the House. I make the point of order that the Bureau of Reclamation, the Department of the Interior, has the authority to make this investigation, and I make the further point of order that if his amendment to transfer to the War Department

is passed, it will prevent the use of money from the reclamation fund for the purpose for which the bill is offered, and for that reason that the amendment is out of order.

Mr. MOTT. Mr. Chairman, I should like to be heard on the point of order.

The CHAIRMAN. The Chair directs the attention of the gentleman from Idaho to the fact that he has not presented any ground where the point of order would hold.

Mr. WHITE of Idaho. It is my understanding that the amendment must be submitted in writing. I made the parliamentary inquiry as to whether the proposal to strike out was in writing and, as I understood, was informed it was not. So that it is not now before the House.

The CHAIRMAN. The amendment was submitted in writing.

Mr. WHITE of Idaho. I make the point of order that it is not germane.

Mr. MARTIN of Massachusetts. I make the point of order that the point of order comes too late. The gentleman had already debated the measure.

The CHAIRMAN. The gentleman from Idaho reserved the point of order. In regard to the point of order made by the gentleman from Idaho, the Chair will state that the amendment as submitted on line 1, page 2, to insert the words "navigation and flood control", is not germane, and the Chair sustains the point of order.

Mr. MARTIN of Massachusetts. Mr. Chairman, before we go any further, what was the ruling of the Chair?

The CHAIRMAN. The Chair sustained the point of order, as it was not germane to the bill. That has been decided by the Chair. There is no amendment before the House at this time. The Clerk will read.

Mr. MOTT. Mr. Chairman, a parliamentary inquiry. I do not yet understand. A moment ago, if I understood him correctly, the Chair stated that it was perfectly germane and that he overruled the point of order. That is what I understood the Chair to say.

The CHAIRMAN. The Chair stated that it was not germane. That was very plain, as far as the Chair is concerned.

The Clerk will read.

The Clerk read as follows:

SEC. 2. There is hereby authorized to be appropriated, out of any money in the reclamation fund, the sum of $25,000, or so much thereof as may be necessary, to carry out the provisions of this act.

Mr. WHITE of Idaho. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with the recommendation that the amendment be agreed to and the bill as amended do pass.

Mr. MOTT. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. MOTT. I stated a moment ago that I rose for a parliamentary inquiry. The Chair asked if I would defer it for a moment, and then before anything was done the gentleman from Idaho moved that the Committee rise. I should like to state the parliamentary inquiry.

The CHAIRMAN. The gentleman may state it.

Mr. MOTT. Section 2 of the bill has now been read. My amendment was partly to section 1 and partly to section 2. I think I could offer the amendment after the reading of section 2 as well as after the reading of section 1, as far as that is concerned. If I understand the ruling of the Chair correctly, the Chair sustained the point of order to my amendment, because the words "flood control" were included in the amendment.

The CHAIRMAN. That is correct; flood control and navigation.

Mr. MOTT. Now, if that is the case, then I wish to offer this as an amendment to section 2, striking out the words which the Chair has held to be not germane, so that this amendment may be voted upon. I think I have the right to offer this amendment, with the objectionable words stricken out, to section 2 of the bill.

The CHAIRMAN. The Clerk will report the amendment.

Mr. MOTT. In reporting the amendment I should like the objectionable words stricken out.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MOTT: On page 2, beginning in line 7, strike out all of section 2.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oregon.

The amendment was rejected.

Mr. WHITE of Idaho. Mr. Chairman, I move that the Committee do now rise and report the bill to the House with an amendment, with the recommendation that the amendment be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. CULLEN, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H. R. 114, directed him to report the same back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. WHITE of Idaho. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 69, noes 47.

Mr. TABER. Mr. Speaker, I object to the vote on the ground that there is no quorum present, and I make the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 204, nays 137, not voting 89, as follows:

[Roll No. 28]

YEAS—204

Aleshire	Dies	Hill, Ala.	Nichols
Allen, Del.	Dingell	Hill, Okla.	O'Brien, Mich.
Allen, La.	Disney	Hill, Wash.	O'Connell, Mont.
Allen, Pa.	Dixon	Honeyman	O'Connell, R. I.
Amlie	Dockweiler	Hook	O'Connor, Mont.
Anderson, Mo.	Dorsey	Hunter	O'Connor, N. Y.
Atkinson	Doughton	Imhoff	O'Day
Beiter	Doxey	Izac	Oliver
Bell	Drew, Pa.	Jacobsen	O'Neal, Ky.
Bernard	Drewry, Va.	Jarman	Patman
Biermann	Dunn	Jenkins, Ohio	Patton
Bigelow	Eckert	Johnson, Minn.	Pearson
Binderup	Eicher	Johnson, Okla.	Peterson, Fla.
Bland	Ellenbogen	Johnson, Tex.	Peyser
Bloom	Englebright	Jones	Pfeifer
Boileau	Evans	Kirwan	Phillips
Boland, Pa.	Faddis	Kitchens	Pierce
Boylan, N. Y.	Ferguson	Kopplemann	Poage
Bradley	Fernandez	Kramer	Quinn
Brooks	Fitzgerald	Larrabee	Rabaut
Brown	Flannagan	Lea	Ramsay
Buck	Flannery	Leavy	Randolph
Burdick	Fleger	Lemke	Rankin
Byrne	Fletcher	Lewis, Colo.	Rayburn
Caldwell	Forand	Luckey, Nebr.	Richards
Cannon, Mo.	Ford, Calif.	Luecke, Mich.	Rigney
Cartwright	Ford, Miss.	McClellan	Robinson, Utah
Case, S. Dak.	Frey, Pa.	McCormack	Rogers, Okla.
Citron	Fulmer	McFarlane	Ryan
Clark, Idaho	Gambrill	McGranery	Sacks
Cochran	Garrett	McGrath	Sadowski
Coffee, Wash.	Gehrmann	McKeough	Sanders
Colden	Gilden	McLaughlin	Schaefer, Ill.
Colmer	Goldsborough	McReynolds	Schneider, Wis.
Cooper	Gray, Ind.	Magnuson	Schulte
Costello	Green	Mahon, Tex.	Shanley
Creal	Greever	Mansfield	Sheppard
Crosby	Hamilton	Martin, Colo.	Sirovich
Crosser	Hancock, N. C.	Massingale	Smith, W. Va.
Crowe	Harlan	Maverick	Snyder, Pa.
Cullen	Hart	Mills	Somers, N. Y.
Curley	Harter	Mitchell, Tenn.	South
Daly	Havenner	Mosier, Ohio	Sparkman
Delaney	Healey	Murdock, Ariz.	Spence
Dempsey	Hendricks	Murdock, Utah	Stack
Dickstein	Higgins	Nelson	Starnes

Steagall	Thom	Voorhis	White, Idaho
Sumners, Tex.	Thomas, Tex.	Wallgren	Whittington
Swope	Thomason, Tex.	Wearin	Wilcox
Teigan	Turner	Welch	Withrow
Terry	Vinson, Ky.	West	Woodrum

NAYS—137

Andresen, Minn.	Gavagan	Ludlow	Robsion, Ky.
Andrews	Gilchrist	McAndrews	Rogers, Mass.
Arends	Gray, Pa.	McGehee	Romjue
Arnold	Gregory	McLean	Rutherford
Ashbrook	Griswold	McMillan	Sauthoff
Bates	Guyer	McSweeney	Secrest
Beam	Gwynne	Maas	Seger
Boehne	Halleck	Mahon, S. C.	Shafer, Mich.
Boyer	Hancock, N. Y.	Mapes	Short
Brewster	Harrington	Martin, Mass.	Smith, Maine
Burch	Hartley	Mason	Stefan
Carlson	Hennings	May	Sutphin
Chapman	Hobbs	Michener	Taber
Church	Hoffman	Millard	Tarver
Clark, N. C.	Hope	Mitchell, Ill.	Taylor, S. C.
Clason	Houston	Moser, Pa.	Taylor, Tenn.
Claypool	Hull	Mott	Thomas, N. J.
Cluett	Jarrett	O'Brien, Ill.	Thompson, Ill.
Crawford	Jenckes, Ind.	O'Leary	Thurston
Culkin	Jenks, N. H.	O'Neill, N. J.	Tinkham
Deen	Kennedy, N. Y.	O'Toole	Towey
Dirksen	Kenney	Owen	Transue
Ditter	Keogh	Pace	Treadway
Dondero	Kinzer	Patterson	Umstead
Douglas	Kleberg	Peterson, Ga.	Vinson, Ga.
Dowell	Kniffin	Polk	Wene
Duncan	Knutson	Powers	Whelchel
Eaton	Kocialkowski	Ramspeck	Williams
Eberharter	Lambeth	Reece, Tenn.	Wolcott
Edmiston	Lamneck	Reed, Ill.	Wolfenden
Engel	Lanham	Reed, N. Y.	Wolverton
Farley	Lanzetta	Rees, Kans.	Woodruff
Fish	Lord	Reilly	
Focht	Lucas	Rich	
Fries, Ill.	Luce	Robertson	

NOT VOTING—89

Allen, Ill.	Crowther	Kerr	Scott
Bacon	Cummings	Kloeb	Scrugham
Barden	DeMuth	Kvale	Shannon
Barry	DeRouen	Lambertson	Smith, Conn.
Boren	Driver	Lesinski	Smith, Va.
Boykin	Fitzpatrick	Lewis, Md.	Smith, Wash.
Buckler, Minn.	Fuller	Long	Snell
Buckley, N. Y.	Gasque	McGroarty	Sullivan
Bulwinkle	Gearhart	Maloney	Sweeney
Cannon, Wis.	Gifford	Mead	Taylor, Colo.
Carter	Gingery	Meeks	Tobey
Casey, Mass.	Goodwin	Merritt	Tolan
Celler	Greenwood	Miller	Wadsworth
Champion	Griffith	Mouton	Walter
Chandler	Haines	Norton	Warren
Coffee, Nebr.	Hildebrandt	O'Malley	Weaver
Cole, Md.	Holmes	Palmisano	White, Ohio
Cole, N. Y.	Johnson, W. Va.	Parsons	Wigglesworth
Collins	Kee	Patrick	Wood
Connery	Keller	Pettengill	Zimmerman
Cooley	Kelly, Ill.	Plumley	
Cox	Kelly, N. Y.	Sabath	
Cravens	Kennedy, Md.	Schuetz	

So the bill was passed.

The Clerk announced the following additional pairs:

On this vote:

Mr. Hildebrandt (for) with Mr. Snell (against).
Mr. Zimmerman (for) with Mr. Wadsworth (against).

Until further notice:

Mr. Warren with Mr. Bacon.
Mr. Smith of Virginia with Mr. Gifford.
Mr. Kelly of Illinois with Mr. Lambertson.
Mr. Parsons with Mr. Tobey.
Mr. Bulwinkle with Mr. Allen of Illinois.
Mr. Cox with Mr. Crowther.
Mr. Fuller with Mr. Holmes.
Mr. Greenwood with Mr. Plumley.
Mr. Mead with Mr. Wigglesworth.
Mr. Driver with Mr. Carter.
Mr. Connery with Mr. White of Ohio.
Mr. Maloney with Mr. Buckler of Minnesota.
Mr. Cooley with Mr. Goodwin.
Mr. Miller with Mr. Cole of New York.
Mr. Taylor of Colorado with Mr. Gearhart.
Mr. Cravens with Mr. Kvale.
Mr. Sullivan with Mr. Meeks.
Mr. Weaver with Mr. Johnson of West Virginia.
Mr. Collins with Mr. Smith of Connecticut.
Mr. Kerr with Mr. Kelly of New York.
Mr. Boykin with Mr. Kee.
Mr. Chapman with Mr. Long.
Mr. Tolan with Mr. Eckert.
Mr. Lesinski with Mr. Barry.
Mr. Pettengill with Mr. Merritt.
Mr. Wood with Mr. Buckley of New York.
Mr. Fitzpatrick with Mr. Griffith.
Mr. Scott with Mr. Cannon of Wisconsin.
Mr. Lewis of Maryland with Mr. Haines.
Mr. Gasque with Mr. Allen of Delaware.
Mr. Scrugham with Mr. Sweeney.
Mr. Kennedy of Maryland with Mr. Barden.
Mr. Casey of Massachusetts with Mr. McGroarty.
Mr. DeRouen with Mr. Gingery.
Mr. Keller with Mr. Shannon.
Mr. O'Malley with Mr. Celler.
Mr. Chandler with Mr. Walter.
Mrs. Norton with Mr. Cummings.
Mr. Schuetz with Mr. Cole of Maryland.
Mr. Sirovich with Mr. Smith of Washington.

On motion of Mr. WHITE of Idaho, a motion to reconsider the vote whereby the bill was passed was laid on the table.

RESIGNATIONS FROM COMMITTEES

The SPEAKER. The Chair lays before the House the following resignations:

MARCH 10, 1937.

Hon. WILLIAM B. BANKHEAD,
Speaker of the House of Representatives,
Washington, D. C.

DEAR MR. SPEAKER: I herewith tender my resignation, effective immediately, as a member of the Committee on Naval Affairs.

Respectfully submitted.

W. D. MCFARLANE.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

The SPEAKER. The Chair lays before the House the following resignation:

MARCH 10, 1937.

Hon. WILLIAM B. BANKHEAD,
Speaker of the House of Representatives,
Washington, D. C.

MY DEAR MR. SPEAKER: I hereby resign my membership on the Committee on Public Buildings and Grounds of the House of Representatives as of this date. With great respect,

Your obedient servant.

HARRY R. SHEPPARD.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

The SPEAKER. The Chair lays before the House the following resignation:

MARCH 10, 1937.

Hon. WILLIAM B. BANKHEAD,
Speaker of the House of Representatives,
Washington, D. C.

DEAR MR. SPEAKER: I hereby tender my resignation as a member of the Committee on Invalid Pensions.

Respectfully,

JERRY VOORHIS.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

ELECTION TO COMMITTEES

Mr. DOUGHTON. Mr. Speaker, I offer a privileged resolution and move its adoption.

The Clerk read as follows:

House Resolution 152

Resolved, That W. D. MCFARLANE, of Texas, be, and he is hereby, elected a member of the standing Committee of the House of Representatives on Appropriations.

The resolution was agreed to, and a motion to reconsider was laid on the table.

Mr. DOUGHTON. Mr. Speaker, I offer the following resolution and move its adoption.

The Clerk read as follows:

House Resolution 153

Resolved, That H. JERRY VOORHIS, of California, be, and he is hereby, elected a member of the standing Committee of the House of Representatives on the Public Lands.

The resolution was agreed to, and a motion to reconsider was laid on the table.

Mr. DOUGHTON. Mr. Speaker, I offer the following privileged resolution and move its adoption.

The Clerk read as follows:

House Resolution 154

Resolved, That HARRY R. SHEPPARD, of California, be, and he is hereby, elected a member of the standing Committee of the House of Representatives on Irrigation and Reclamation.

The resolution was agreed to, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. HEALEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a letter sent by my colleague the gentleman from Massachusetts [Mr. MCCORMACK] to the Secretary of the Navy.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. RABAUT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the bill passed today.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. STARNES. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an address delivered by Postmaster General Farley at the formal dedication of the Federal building at Gadsden, Ala., on Monday, March 8.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a speech by Secretary Ickes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MCGRANERY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein the remarks of Hon. Michael Francis Doyle at the dinner of the Presidential electors at the Mayflower Hotel, this city, on January 18, 1937.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. BIERMANN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

THE LATE ALBERT CLINTON WILLFORD

Mr. BIERMANN. Mr. Speaker, I regret to announce that the Iowa delegation has just received the very sad news of the death of our former colleague, Bert Willford, a former Representative from the Third Iowa District. Many of you will remember him, and those of you who do remember him will share with us the sorrow that we feel. He was a warmhearted, sincere man, a loyal friend, one who loved life. During several weeks he has struggled bravely against the disease that finally cost him his life.

The Iowa delegation feels the greatest sympathy for his family, to whom he was a loving father and a kind and devoted husband.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. SMITH of Virginia (at the request of Mr. BLAND), for today, on account of illness in family.

To Mr. ZIMMERMAN (at the request of Mr. WILLIAMS), indefinitely, on account of official business..

To Mr. RUTHERFORD, for Thursday, on account of business.

DECISIONS OF THE SUPREME COURT

The SPEAKER. Under the previous order of the House, the gentleman from New York [Mr. FISH] is entitled to be recognized for 10 minutes. Does the gentleman desire to use the time?

Mr. FISH. Mr. Speaker, I desire to submit a unanimous-consent request. Because it is so late this evening, I ask unanimous consent that the 10 minutes given me now may go over until tomorrow morning.

Mr. RAYBURN. Mr. Speaker, several Members have asked to be recognized to speak tomorrow, but I have told each and every one of them that I should appreciate his deferring his requests to a later date, as we want to finish the coal bill. The committee of which the gentleman is a member is going to have a bill up for consideration probably tomorrow afternoon, but certainly on Friday.

Mr. FISH. I will not insist. I will take the time now.

Mr. Speaker, I listened last night with much interest to the speech of the President of the United States over the radio. It was a masterpiece of propaganda to the people back home. He stressed his opposition to the 5-to-4 decisions, which almost everyone is against, including, I imagine, the Justices of the Supreme Court. He also evaded like the plague any reference to the N. R. A. decision, which was a unanimous decision of that Court, including the liberals and conservatives and the young and the older members.

I have always believed that the motive behind the President in his attacks upon the Supreme Court was the failure to pass the N. R. A. His speech last night was an indictment of the Justices of that Court, and not an indictment as ordained by the Constitution, and a trial in the Senate, but an indictment without hearing against the Justices over the radio and in the press holding them up as being unfit, incompetent, and unqualified to serve. It was not a very sportsmanlike proposition, as they cannot answer back, and was a disservice to representative and constitutional form of government by publicly undermining the faith of the American people in our judiciary.

Mr. Speaker, I have not asked for this time to defend the members of the Supreme Court, as they need no defense, but to offer a proposal. The President said last night that his was the only proposition that could go through in a limited time. I propose to submit a novel plan. It has no precedent whatever, but there is no precedent I know of that can be used against it. Yesterday I offered a bill, H. R. 5485, which reads as follows:

No act of Congress shall be invalidated by the Supreme Court of the United States except by a decision of two-thirds of the Justices.

This does not require a constitutional amendment. It would require simply a mere act of the Congress, which would become the law of the land when signed by the President of the United States. I sincerely believe the Supreme Court Justices themselves would be glad to be relieved of the responsibility for these 5-to-4 decisions or, if the President's plan goes through, the 8-to-7 decisions, a duty that even Justice Marshall rebelled against as being an awful responsibility to hold acts of Congress unconstitutional by 5-to-4 decisions.

As I said, there are no precedents either way. Literally there are none, but you may by inference say there are precedents in favor of it, because in order for the Congress to perform highly important acts it is written into the Constitution we must do it by a two-thirds vote. In order to override the President's veto or impeach a judge we have to do so by a two-thirds vote. To initiate a constitutional amendment a two-thirds vote is also required.

I submit my bill is sound and logical. It could be put through both Houses in a week's time if the majority wants to do it and thereby do away with what the President was speaking about last night—the unfortunate 5-to-4 decisions.

Sometimes the simplest, straightest, and shortest methods to accomplish the results desired are overlooked for devious and complicated plans of procedure.

Mr. MOTT. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Oregon.

Mr. MOTT. The gentleman said that there was no constitutional question involved in his proposal which would require a two-thirds vote of the Court. May I ask would there be a constitutional question involved if his bill provided that in order to hold unconstitutional an act of Congress a unanimous opinion of the Court would be necessary?

Mr. FISH. I understand what the gentleman is aiming at. I do not believe any Congress would pass such a bill, as it is beyond the limits of reasonable action. However, I do not believe the Court would ever raise the constitutional question on an act of Congress requiring a two-thirds vote.

I believe it would respect the will of Congress, at least to that extent, and I think the Justices would welcome it, because it would do away with unpopularity that comes from 5-to-4 decisions and relieve them of a great responsibility.

Mr. BOILEAU. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Wisconsin.

Mr. BOILEAU. The gentleman states the Court would not do that. The gentleman states the Supreme Court Judges are incapable of doing anything contrary to the Constitution. If in their judgment this was unconstitutional, they would be obliged to say so, would they not?

Mr. FISH. This law would be the law of the land if signed by the President, and it would not go before the Supreme Court. The Supreme Court could possibly ignore it, but I do not think it would want to ignore it, because it would be the law of the land.

Mr. BOILEAU. Does the gentleman say the Supreme Court would have discretion to ignore it if in their judgment it was unconstitutional? In other words, that the Supreme Court has the right to determine policies?

Mr. FISH. I do not know of any way this bill would come before the Supreme Court. There is no way of bringing it before the Supreme Court. How could you get anybody to bring it before that Court?

Mr. BOILEAU. An attorney on a question of rehearing before the Court could bring the question before the Court and say that it is unconstitutional.

Mr. FISH. I cannot guarantee what the Court would or would not do. All I can say is I believe we have the power to do this and that it is sound and logical and that the Court itself would welcome the measure. If we should go to the extent of requiring a unanimous decision, that would be an entirely different matter and utterly unreasonable, and the Court would or should find a way to resist it or ignore it.

Mr. BRADLEY. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Pennsylvania.

Mr. BRADLEY. The gentleman does not happen to believe that the American people have given him this mandate to present his plan?

Mr. FISH. Who?

Mr. BRADLEY. The American people.

Mr. FISH. Did I say my plan represents the viewpoint of the American people? I think the gentleman has been dreaming. I have been discussing a particular bill; and if he wants to vote for it, all right. If he does not, no one cares. At least I do not.

Mr. MOTT. Does the gentleman think we are ever going to have an opportunity to vote on the bill?

Mr. FISH. Not for the present; but I am hoping the majority side may later on find this is a rather complicated and dangerous question, and that the President's plan has powerful opposition from the people back home and within the ranks of the Democratic Party.

They might find that this proposal of mine is the easier way out of the dilemma, and that they can do it by an act of Congress and within a few weeks' time. That is why I am speaking here. I want to stimulate consideration of the status of the Court and not to soft pedal on any plan to do away with the unsatisfactory 5-to-4 decisions.

Mr. LUDLOW. Mr. Speaker, will the gentleman yield?

Mr. FISH. Yes.

Mr. LUDLOW. The gentleman is a good lawyer and a student of public affairs. Would not the Supreme Court have the right on its own initiative to institute this rule of which the gentleman is speaking?

Mr. FISH. I believe the gentleman is absolutely right.

The gentleman has asked whether the Court would have the right to act in this matter on its own initiative. Of course it would have such right. The Supreme Court determined to invalidate acts of Congress originally by a majority vote, but there was no precedent for that, and there was no particular reason for it any more than having it done by a two-thirds vote. The Justices could do that of their own accord tomorrow morning and do it within the Constitution.

Mr. LUDLOW. Mr. Speaker, will the gentleman yield further?

Mr. FISH. Yes.

Mr. LUDLOW. I was impelled to ask that question by the gentleman's observation that he thought the Court would welcome such a change. It was my opinion that the Court on its own initiative could institute this change.

Mr. FISH. I believe that the Justices would welcome an expression from the Congress, and I submit in all sincerity that if Congress passed such a bill and it was made the law of the land, the Supreme Court would adhere to it and would adhere to it voluntarily. The Justices could do it of their own accord. But you know the Justices are not apt to change a majority rule of their own accord, particularly when they are under attack.

Mr. McFARLANE. Mr. Speaker, will the gentleman yield to me for a question?

Mr. FISH. I know where the gentleman stands on the Supreme Court question, but that question is not under consideration here.

The President, in order to avoid submitting constitutional amendments, seeks to pack the Supreme Court, destroy its independence, and make it subservient to his will. His plan would destroy the confidence and respect of the American people in the judiciary, and on a secret ballot would not muster one-third of the Democratic Members of Congress. It is a radical and revolutionary proposal, setting up partisan and prejudiced umpires in place of nonpartisan, impartial, and independent Justices, and thereby make the Court a "rubber stamp" to register the edicts of the Chief Executive.

In conclusion, the enactment of the bill I have introduced would not impair our representative and constitutional form of government or undermine our three separate and independent departments of government. By a simple act of Congress, passed by a majority vote and signed by the President, which would then become the law of the land and be so construed as binding on the Supreme Court, no act of Congress could be held unconstitutional except by a decision of two-thirds of the Justices of the Supreme Court.

I believe the bill I introduced today is a conservative proposal and a way out of the disastrous dilemma with which the Congress is confronted.

My bill would do away with the unpopular 5-to-4 decisions that do so much to undermine the confidence of the people in the authority of the Court. If enacted, it would tend to uphold the dignity and prestige of the Court with the American people.

The Congress has the right to override a veto of the President by a two-thirds vote and to initiate a constitutional amendment by a two-thirds vote. Why would it not be sound, proper, and logical to require a two-thirds vote of the Supreme Court to invalidate acts of Congress, thus maintaining the checks and balances of our American system without undermining the judiciary or destroying our representative and constitutional form of government?

Any objections that might be raised as to the power of Congress to legislate regarding the prerogatives of the Supreme Court can find ample precedents from the days of Jefferson, when the Court was forbidden to sit for a year, and numerous increases in the number of Justices, including the recent voluntary retirement bill on full pay for the Justices over 70. The Congress is invested with the power to legislate, and I do not believe, if my bill is enacted into law, it would be disregarded by the Supreme Court Justices or held unconstitutional, or that they would even be opposed to such a measure.

[Here the gavel fell.]

EXHIBITION AT THE GREATER TEXAS AND PAN AMERICAN EXPOSITION

Mr. SANDERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Joint Resolution 221, to permit articles imported from foreign countries for the purpose of exhibition at the Greater Texas and Pan

American Exposition, Dallas, Tex., to be admitted without payment of tariff, and for other purposes.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, this is the usual resolution with respect to exhibits that come in from abroad?

Mr. SANDERS. It is.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the joint resolution, as follows:

House Joint Resolution 221

Resolved, etc., That all articles which shall be imported from foreign countries for the purpose of exhibition at the international exposition to be held at Dallas, Tex., beginning in June 1937, by the Greater Texas and Pan American Exposition, a corporation, or for use in constructing, installing, or maintaining foreign buildings or exhibits at the said exhibition, upon which articles there shall be a tariff or customs duty, shall be admitted without payment of such tariff, customs duty, fees, or charges under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during or within 3 months after the close of the said exposition to sell within the area of the exposition any articles provided for herein, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry hereunder for consumption or entry under the general tariff law: *Provided further*, That imported articles provided for herein shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because such articles were not sufficiently marked when imported into the United States: *Provided further*, That at any time during or within 3 months after the close of the exposition, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, whereupon any duties on such article shall be remitted: *Provided further*, That articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at the said exposition under such regulations as the Secretary of the Treasury shall prescribe: *And provided further*, That the Greater Texas and Pan American Exposition shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under the provisions of this act, and that the actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for, articles imported under the provisions of this act, shall be reimbursed by the Greater Texas and Pan American Exposition to the Government of the United States under regulations to be prescribed by the Secretary of the Treasury, and that receipts from such reimbursements shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524, Tariff Act of 1930.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 5. An act to prevent the adulteration, misbranding, and false advertisement of food, drugs, devices, and cosmetics in interstate, foreign, and other commerce subject to the jurisdiction of the United States, for the purposes of safeguarding the public health, preventing deceit upon the purchasing public, and for other purposes; to the Committee on Interstate and Foreign Commerce.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 936. An act to regulate the sales of goods in the District of Columbia.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 27 minutes p. m.) the House adjourned until tomorrow, Thursday, March 11, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON EDUCATION

The Committee on Education will meet on Thursday, March 11, 1937, at 10:30 a. m., to hold a hearing of H. R. 4713, a bill to amend the act entitled "An act to incorporate the National Education Association of the United States", approved June 30, 1906, as amended.

COMMITTEE ON MILITARY AFFAIRS

A subcommittee of the Committee on Military Affairs will meet Thursday, March 11, at 10:30 a. m., in room 1310, New House Office Building, to consider H. R. 5201, "To correct the military record of Oberlin M. Carter, formerly captain, Corps of Engineers, United States Army, to show that the judgment of court martial in his case is unlawful and invalid."

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

426. A letter from the Reconstruction Finance Corporation, transmitting a report covering the operation of the Reconstruction Finance Corporation for the fourth quarter of 1936, and for the period from the organization of the Corporation on February 2, 1932, to December 31, 1936, inclusive (H. Doc. No. 166); to the Committee on Banking and Currency and ordered to be printed.

427. A letter from the California Pacific International Exposition Commission, transmitting a report concerning the character and extent of Federal participation in the California Pacific International Exposition in San Diego, Calif., during the years 1935 and 1936, together with detailed statement of expenditures; to the Committee on Foreign Affairs.

428. A communication from the President of the United States, transmitting a proposed provision affecting the appropriation of the War Department for travel of the Army, fiscal year 1937 (H. Doc. No. 165), to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. O'CONNOR of New York: Committee on Rules. House Resolution 151. Resolution providing for the consideration of Senate Joint Resolution 51; with amendment (Rept. No. 373). Referred to the House Calendar.

Mr. WEAVER: Committee on the Judiciary. H. R. 4012. A bill to penalize procuring of or attempts to procure the escape of any prisoner in the custody of an officer of the United States; without amendment (Rept. No. 374). Referred to the House Calendar.

Mr. RANKIN: Committee on World War Veterans' Legislation. H. R. 5331. A bill to restore certain benefits to World War veterans suffering with paralysis, paresis, or blindness, or who are helpless or bedridden, and for other purposes; without amendment (Rept. No. 375). Referred to the Committee of the Whole House on the state of the Union.

Mr. RANKIN: Committee on World War Veterans' Legislation. House Joint Resolution 272. Joint resolution to authorize the Administrator of Veterans' Affairs to accept title for the United States to certain real property to be donated by Mr. Henry Ford and wife for Veterans' Administration facility purposes; without amendment (Rept. No. 376). Referred to the Committee of the Whole House on the state of the Union.

Mr. FADDIS: Committee on Military Affairs. H. R. 5408. A bill to amend the act of Congress entitled "An act to provide for the protection and preservation of domestic sources of tin", approved February 15, 1936; without amendment (Rept. No. 377). Referred to the Committee of the Whole House on the state of the Union.

Mr. ARENDS: Committee on Military Affairs. S. 462. An act to permit the exchange of used parts of certain types of equipment for new or reconditioned parts of the same equipment; with amendment (Rept. No. 378). Referred to the Committee of the Whole House on the state of the Union.

Mr. JONES: Committee on Agriculture. H. R. 3687. A bill to extend the period during which the purposes specified in section 7 (a) of the Soil Conservation and Domestic Allotment Act may be carried out by payments by the Secretary of Agriculture to producers; without amendment (Rept. No. 379). Referred to the Committee of the Whole House on the state of the Union.

Mr. COCHRAN: Committee on Expenditures in the Executive Departments. H. R. 5332. A bill authorizing allotment of pay by civilian personnel stationed abroad; without amendment (Rept. No. 380). Referred to the Committee of the Whole House on the state of the Union.

Mr. BLAND: Committee on Merchant Marine and Fisheries. H. R. 5487. A bill to amend section 4551 of the Revised Statutes of the United States, as amended (U. S. C., 1934 ed., Supp. II, title 46, sec. 643); with amendment (Rept. No. 381). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND (by request): A bill (H. R. 5527) to amend the Interstate Commerce Act, as amended, by providing for the regulation of wharfinger service in connection with transportation by water carriers in interstate and foreign commerce, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. RABAUT: A bill (H. R. 5528) to extend to political subdivisions of States the same treatment accorded to States which borrowed for relief purposes under the Emergency Relief and Construction Act of 1932 by eliminating discrimination in the case of certain loans made to cities and counties under that act, and for other purposes; to the Committee on Banking and Currency.

By Mr. HARTER: A bill (H. R. 5529) to replace the airship *Los Angeles*; to the Committee on Naval Affairs.

By Mr. SUTPHIN: A bill (H. R. 5530) to replace the airship *Los Angeles*; to the Committee on Naval Affairs.

By Mr. LANHAM (by request): A bill (H. R. 5531) to aid engineering and industrial research in connection with colleges and schools of engineering in the several State and Territorial universities and colleges, and for other purposes; to the Committee on Education.

By Mr. BOREN: A bill (H. R. 5532) to provide for the exclusive manufacture by the Government of all war supplies for the Army, Navy, and air forces of the United States, and for other purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 5533) amending the Civil Service Retirement Act; to the Committee on the Civil Service.

Also, a bill (H. R. 5534) to reclassify the salaries of employees in the custodial service of the Post Office Department of the United States; to the Committee on the Post Office and Post Roads.

Also, a bill (H. R. 5535) to establish a system of longevity for postal employees; to the Committee on the Post Office and Post Roads.

By Mr. GREGORY: A bill (H. R. 5536) making allowances to letter carriers in lieu of carfare; to the Committee on the Post Office and Post Roads.

By Mr. LUCKEY of Nebraska: A bill (H. R. 5537) extending the Special Delivery Service; to the Committee on the Post Office and Post Roads.

By Mr. DUNN: A bill (H. R. 5538) providing for the granting of pensions by the Federal Government to certain blind persons, imposing duties upon the United States Treasurer in connection therewith, providing penalties, and making an appropriation; to the Committee on Pensions.

By Mr. BOREN: Joint resolution (H. J. Res. 273) proposing an amendment to the Constitution of the United States providing for the election of President and Vice President; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. KENNEDY of New York: Joint resolution (H. J. Res. 274) to amend article I, section 4, clause 3, of the Constitution; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Utah, requesting the Congress to submit an amendment to the Constitution of the United States giving Congress the power to regulate the hours of labor in industry; to the Committee on the Judiciary.

Also, memorial of the State of New Mexico, requesting Congress to impose a tariff on imported potash; to the Committee on Ways and Means.

Also, memorial of the Legislature of the State of Utah, memorializing the Congress to transfer the headquarters of those Government agencies which deal exclusively with western matters to a location in the Western States, preferably Salt Lake City; to the Committee on Expenditures in the Executive Departments.

Also, memorial of the Senate of the State of Montana, urging an appropriation for the continued operation of dryland demonstration stations in Montana; to the Committee on Appropriations.

Also, memorial of the Legislature of the State of Minnesota, urging the Congress to amend section 5219, Revised Statutes of the United States; to the Committee on Banking and Currency.

Also, memorial of the Legislature of the State of North Dakota, urging appropriation for the care of needy and blind Indians of the dependent children of ward Indian families; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HAVENNER: A bill (H. R. 5539) granting a pension to Mort Wallace Mays; to the Committee on Pensions.

By Mr. HOUSTON: A bill (H. R. 5540) granting an increase of pension to Anna E. Crawford; to the Committee on Invalid Pensions.

By Mr. JACOBSEN: A bill (H. R. 5541) for the relief of Martin W. Duffy; to the Committee on Claims.

By Mr. KING: A bill (H. R. 5542) for the relief of Imogene Enley; to the Committee on Claims.

By Mr. KRAMER: A bill (H. R. 5543) granting a pension to Mary D. Howard; to the Committee on Pensions.

By Mr. RYAN: A bill (H. R. 5544) for the relief of Jacob N. Lahr and others; to the Committee on Claims.

By Mr. TOWEY: A bill (H. R. 5545) for the relief of the Passaic Valley sewerage commissioners; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

925. By Mr. ASHBROOK: Petition of William J. Sweeney and 41 other postal employees of Redbank, N. J., urging

passage of House bill 167 and legislation extending retirement benefits to widows of postal employees; to the Committee on the Post Office and Post Roads.

926. Also, petition of 13 citizens of Shelby, Ohio, protesting against the passage of any law that would disturb or abridge the religious rights and privileges of our people; to the Committee on the Judiciary.

927. By Mr. CARTER: Communication of the International Association of Machinists, Lodge No. 1117, Alameda, Calif., endorsing President Roosevelt's proposed judiciary reform plan; to the Committee on the Judiciary.

928. Also, Assembly Joint Resolution No. 3 of the State of California, memorializing Congress to make provision for widows of retired Federal civil-service employees; to the Committee on the Civil Service.

929. By Mr. COFFEE of Washington: Petition of the Seattle Chapter, National Aeronautic Association, petitioning Congress to amend its rules of procedure so as to provide for standing committees on civil aeronautics in both the Senate and the House; to the Committee on Rules.

930. Also, petition of the Seattle Chapter, National Aeronautic Association, endorsing the pending congressional bill calling for the assignment of two Civilian Conservation Corps camps to each naval district in the United States; to the Committee on Naval Affairs.

931. Also, petition of the Brotherhood of Locomotive Firemen and Enginemen of the United States, expressing support and categorical approval of the President's judiciary reform proposal, calling attention to the mandate of the electorate in November for the continuation and expansion of the New Deal, and urging each Member of Congress to vote therefor; to the Committee on the Judiciary.

932. By Mr. CURLEY: Resolution of the Brotherhood of Locomotive Firemen and Enginemen, representing a membership of 75,000, endorsing the President's proposal for reorganization of the judiciary; to the Committee on the Judiciary.

933. Also, petition of the New York State Flood Control Commission, opposing any Federal legislation designed to change the principles and policies of the 1936 Federal Flood Control Act, which change might in any way retard or delay expeditious action in prosecution of presently authorized Federal flood-control projects in New York State; to the Committee on Flood Control.

934. By Mr. HART: Petition of the Hudson County Newspaper Guild, urging support for President Roosevelt's New Deal program, and especially for the proposals regarding the judiciary, contained in his message of February 5; to the Committee on the Judiciary.

935. Also, petition of the Atlantic County Bar Association, expressing its disapproval of the President's proposals regarding the United States Supreme Court; to the Committee on the Judiciary.

936. By Mr. HOOK: Resolution of the Escanaba Chamber of Commerce, Escanaba, Mich., urging the continuation of the tax on foreign copper; to the Committee on Ways and Means.

937. Also, resolution adopted by the Common Council of the city of Hancock, Houghton County, Mich., urging the ratification of the Great Lakes-St. Lawrence Seaway Treaty, which would promote commerce and stimulate industry and employment in the Great Lakes Basin and the entire Middle and Northwest; to the Committee on Rivers and Harbors.

938. By Mr. KRAMER: Resolution of the Senate and Assembly of the State of California, pertaining to legislation to enact such legislation as may be necessary to abolish Federal gasoline sales tax, etc.; to the Committee on Ways and Means.

939. Also, resolution of the Assembly and the Senate of the State of California, pertaining to legislation to provide annuities for widows of retired Federal civil-service employees, etc.; to the Committee on the Civil Service.

940. By Mr. MAPES: Petition of 111 residents of the Fifth District of Michigan, protesting against the possibility of legislation suppressing the freedom of religious worship, free speech, and a free press; to the Committee on the Judiciary.

941. By Mr. LORD: Memorial of the Senate of the State of New York, respectfully urging the Congress of the United States of America to amend the War Risk Insurance Act so as to provide that the amounts payable for insurance to sailors for World War injuries be paid to soldiers and marines for like injuries; to the Committee on World War Veterans' Legislation.

942. Also, petition of H. H. Woodburn and 14 residents of Binghamton, N. Y., protesting against the President's bill or any substitutes permitting the executive branch of the Government to control or subordinate the judicial or the legislative powers established under the Constitution, believing this bill would give to the President the power to remake the Supreme Court and to pack it with men to interpret the Constitution as he wishes; to the Committee on the Judiciary.

943. Also, petition of Mabel A. Martin, M. D., and seven residents of Binghamton, N. Y., protesting against the President's bill, or any substitutes, permitting the executive branch of the Government to control or subordinate the judicial or the legislative powers established under the Constitution; to the Committee on the Judiciary.

944. Also, petition of George W. Young and 52 residents of Union, N. Y., opposing the President's bill, or any substitutes, permitting the executive branch of the Government to control or subordinate the judicial or legislative powers established under the Constitution, believing it would give the President power to remake the Supreme Court and to pack it with men to interpret the Constitution as he wishes; to the Committee on the Judiciary.

945. Also, petition of Rev. Grant Robinson and 19 residents of Walton, N. Y., protesting against the President's bill, or any substitutes, permitting the executive branch of the Government to control or subordinate the judicial or the legislative powers established under the Constitution; to the Committee on the Judiciary.

946. By Mr. MEAD: Petition of the New York State Flood Control Commission, endorsing, with the view of safeguarding the lives, property, and welfare of the people of New York State from disastrous floods, the principles and policies of the 1936 Flood Control Act; to the Committee on Flood Control.

947. By Mr. MOTT: House Joint Memorial No. 13 of the Thirty-ninth Legislative Assembly of the State of Oregon, petitioning the Congress of the United States to enact the Harrison-Black-Fletcher bill for Federal aid to education into law at an early date; to the Committee on Education.

948. Also, House Joint Memorial No. 1 of the Thirty-ninth Legislative Assembly of the State of Oregon, petitioning the Congress of the United States to give a fair, full, and impartial hearing and consideration of the Townsend national-recovery plan, with a view to its enactment into law after the Members of Congress shall have settled the details of this legislation; to the Committee on Ways and Means.

949. Also, six petitions signed by citizens of the State of Oregon, urging that the Congress pass no law that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

950. By Mr. RICH: Petition of citizens of Williamsport, Pa., protesting against the President's plan to reorganize the judiciary; to the Committee on the Judiciary.

951. Also, petition of Colonel Hugh White Chapter, Daughters of the American Revolution, of Lock Haven, Pa., protesting against the President's plan to change the judiciary; to the Committee on the Judiciary.

952. Also, petition of citizens of Williamsport, Pa., protesting against the President's plan to reorganize the judiciary; to the Committee on the Judiciary.

953. By Mr. THOMAS of New Jersey: Letter from Mrs. George A. Angle, regent, Peggy Warne Chapter, Daughters of the American Revolution, stating that 57 members of the chapter are opposed to the proposed increase in the membership of the Supreme Court; and a letter from Mrs. Charles

L. Hall, of Clinton, N. J., stating that the Woman's Republican Club of Clinton, N. J., desires to express its wishes that the Supreme Court be kept independent of the other departments of the Government, and also stating that the club is not in favor of the President's reorganization plan; to the Committee on the Judiciary.

954. Also, resolution of the Woman's Club of Hackettstown, N. J., opposing the plan to increase the number of members of the Supreme Court and any bill submitted to Congress or the Senate the effect of which would be to bring about such a plan, and likewise opposing any bill that would force any of the present or future members of the Supreme Court to retire at the age of 70; and a resolution adopted by the Woman's Club of Tenafly, N. J., opposing the plan to increase the number of members of the Supreme Court; and a resolution of the Warren County Association of the Patriotic Order Sons of America, Stewartsville, N. J., opposing the enlarging of the Supreme Court of the United States; to the Committee on the Judiciary.

955. Also, petition signed by 42 residents of Ridgewood, N. J., protesting against the President's bill, or any substitutes, permitting the executive branch of the Government to control or subordinate the judicial or the legislative powers established under the Constitution; and a resolution adopted by the Teaneck Woman's Republican Club, Teaneck, N. J., vigorously opposing President Roosevelt's projected plans for reorganizing the Supreme Court; to the Committee on the Judiciary.

956. By Mr. TURNER: Petition of the citizens of Columbia, Maury County, Tenn., urging Congress to enact the old-age pension bill as embodied in House bill 2257; to the Committee on Ways and Means.

957. Also, petition of four citizens of Columbia, Tenn., requesting that Congress pass no law that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

958. By the SPEAKER: Petition of the Gallipolis (Ohio) Rotary Club, concerning flood control for the Ohio Basin; to the Committee on Flood Control.

959. Also, petition of the Iron City Lodge, No. 60, Brotherhood Railway Carmen of America, Birmingham, Ala., endorsing the President's proposed judiciary reform; to the Committee on the Judiciary.

SENATE

THURSDAY, MARCH 11, 1937

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Father in Heaven, who knowest our downsittings and our uprisings, who understandest our thoughts long before: grant to each one of us the temper of mind that rises up in the morning "to do Thy will, O God", and which says at eventide, "Father, into Thy hands I commend my spirit"; so shall our prayers become life in harmony with Thine.

May the deliberations of this day reflect the guidance of Thy holy Spirit, and while we beseech Thee to undo whatever we have done amiss, to repair the places we have laid waste, and to heal the hearts that we have wounded, do Thou, in Thy mercy, take up the mistakes of all our yesterdays into the light of Thy forgiveness and, transfiguring them there, weave them into Thy divine mosaic, that we may at length discover that, even against our will, we are fellow laborers with Thee. In our Savior's name we ask it. Amen.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, March 9, 1937, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. LEWIS. In order to assure the presence of a quorum, I ask for a roll call.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Connally	King	Pepper
Andrews	Copeland	La Follette	Pittman
Ashurst	Davis	Lee	Pope
Austin	Dieterich	Lewis	Radcliffe
Bachman	Duffy	Lodge	Reynolds
Bailey	Ellender	Logan	Robinson
Barkley	Frazier	Lonergan	Russell
Black	George	Lundeen	Schwartz
Bone	Gerry	McAdoo	Schwellenbach
Borah	Gillette	McCarran	Sheppard
Bridges	Green	McGill	Smith
Brown, Mich.	Guffey	McKellar	Steiwer
Brown, N. H.	Hale	McNary	Thomas, Okla.
Bulow	Harrison	Maloney	Thomas, Utah
Burke	Hatch	Minton	Townsend
Byrd	Hayden	Moore	Truman
Byrnes	Hitchcock	Murray	Tydings
Capper	Holt	Neely	Vandenberg
Caraway	Hughes	Norris	Van Nuys
Chavez	Johnson, Calif.	O'Mahoney	Walsh
Clark	Johnson, Colo.	Overton	White

Mr. LEWIS. I announce the absence of the junior Senator from Ohio [Mr. DONAHEY], the Senator from Virginia [Mr. GLASS], and the senior Senator from Ohio [Mr. BULKLEY], caused by illness.

The Senator from Mississippi [Mr. BILBO], the Senator from New York [Mr. WAGNER], and the Senator from Montana [Mr. WHEELER] are necessarily detained from the Senate.

The Senator from Iowa [Mr. HERRING] is absent on important public business.

I ask that this announcement stand in the RECORD for the day.

Mr. AUSTIN. I announce that my colleague the junior Senator from Vermont [Mr. GIBSON] and the Senator from Minnesota [Mr. SHIPSTEAD] are absent because of illness and that the Senator from North Dakota [Mr. NYE] is absent on official business.

The VICE PRESIDENT. Eighty-four Senators have answered to their names. A quorum is present.

NOTICE OF ADDRESS BY SENATOR NORRIS

Mr. NORRIS. Mr. President, I desire to announce that tomorrow, as soon as I can obtain recognition from the Chair, I shall address the Senate upon the subject of judicial amendment of the Constitution and government by injunction.

ORDER FOR CONSIDERATION OF UNOBJECTED BILLS

Mr. ROBINSON. Mr. President, I ask unanimous consent that, at the conclusion of the morning business, the Senate proceed to the consideration of unobjected bills on the calendar.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

LANDS FOR KANOSH BAND OF PAIUTE INDIANS, UTAH

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to reserve certain lands in the State of Utah for the Kanosh Band of Paiute Indians, which, with the accompanying paper, was referred to the Committee on Indian Affairs.

LANDS FOR KOOSHAREM BAND OF PAIUTE INDIANS, UTAH

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to reserve certain lands in the State of Utah for the Koosharem Band of Paiute Indians, which, with the accompanying paper, was referred to the Committee on Indian Affairs.

REPORT OF RECONSTRUCTION FINANCE CORPORATION

The VICE PRESIDENT laid before the Senate a joint letter from the Chairman and Secretary of the Reconstruction Finance Corporation, transmitting, pursuant to law, a report of the Corporation, covering its operations for the fourth quarter of 1936, and for the period from its organization on February 2, 1932, to December 31, 1936, inclusive, which, with the accompanying report, was referred to the Committee on Banking and Currency.

PETITIONS AND MEMORIALS

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of California, which was referred to the Committee on Civil Service:

To the President and Vice President of the United States, the Speaker of the House of Representatives, and to the Senators and Representatives from this State:

On January 13, 1937, the California Legislature adopted the following:

Assembly Joint Resolution 3, relative to memorializing Congress to make provision for widows of retired Federal civil-service employees

Whereas there are many widows of retired Federal civil-service employees living in the State of California, some of whom are now obliged to live in State and county institutions for the poor, and many retired Federal civil-service employees receiving annuities are now living in California who have little or no savings and who will leave dependent widows surviving them; and

Whereas the civil service retirement and disability fund is made up of contributions of employees to the amount of 3½ percent of the annual salary received by each employee in addition to an annual appropriation by Congress, and said sums are placed on deposit and bear interest, and the present balance in the fund exceeds $300,000,000; and

Whereas it is estimated that there are about 5,000 widows of retired Federal civil-service employees living in the United States, and an annuity of $50 a month to each could readily be met as an obligation of the civil service retirement and disability fund, in that such widows do not outlive their husbands for an average period of more than 2½ to 5 years; and

Whereas under existing law on the death of a retired Federal civil-service employee any credit balance remaining to his account is returned to his estate, and such sum may be insufficient to support the widow and may be lost or dissipated by the widow, with the result that such widow will be the object of charity: Now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Congress be hereby memorialized to enact legislation to provide annuities for widows of retired Federal civil-service employees (including present living widows of such retired employees), who were married to the retired Federal employee for a period of at least 10 years prior to the death of said employee, at the rate of $50 a month under the operation of the civil service retirement and disability fund, to continue until the death or remarriage of the widow, such annuity, if granted, to be in place of payment in the future of the credit balance, if any, of the deceased employee to his estate; and be it further

Resolved, That the chief clerk of the assembly be hereby directed to transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, and to the Senators and Representatives from this State.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of Montana, which was referred to the Committee on Agriculture and Forestry:

Memorial to the Congress of the United States, the Secretary of Agriculture, and the Director of the Budget, requesting the necessary appropriation for the continued operation of the dry-land demonstration stations at Moccasin and Huntley, Mont.

To the Honorable Senate and House of Representatives in the Congress of the United States, the Honorable Secretary of Agriculture, and the Honorable Director of the Budget:

Your memorialists, the members of the Twenty-fifth Legislative Assembly of the State of Montana (the senate and house concurring), respectively represent:

That whereas the dry-land demonstration stations located at Huntley and Moccasin, Mont., have been in operation for many years, and at each of said stations invaluable demonstrations and experimental work has been carried on for the benefit of those engaged in farming the semiarid lands in Montana, and such stations have proved to be of great assistance to many people of Montana and elsewhere; and

Whereas the said demonstration stations have been and are being operated on a cooperative plan with the State of Montana, of which the State of Montana matches funds appropriated by the United States for said stations; that the money appropriated by the United States for both of said stations amounts to the sum of $8,000 annually, and all of the national appropriation is expended for salaries; and

Whereas it has come to the attention of your memorialists that the current Budget prepared by the Director of the Budget omits and eliminates the appropriation for the continued operation of the above said stations in Montana, which if not restored will result in the closing of the same; and

Whereas conditions in the localities served by the said stations, the great need to continue the experimental and demonstration work at said stations, to improve farming methods, and to propagate or experiment with drought-resisting grasses and grains and other forage crops, and to render assistance in the resettlement plans now being carried on by the Government of the United States makes the continued operation of the above said stations necessary and imperative; and to now close, and to anywise hamper their operation, would result in great loss to those dependent on the result of their experimental work: Now, therefore, be it

Resolved, That the necessary appropriation for the continued operation of the aforesaid dry-land demonstration stations be provided in the proper budget therefor; and that the Secretary of Agriculture continue to operate the said stations in conjunction with the State of Montana; and be it further

Resolved, That a copy of this memorial be forwarded to the President of the Senate, the Speaker of the House of Representatives, to each Member in Congress from Montana, to the Secretary of Agriculture, and to the Director of the Budget.

The VICE PRESIDENT also laid before the Senate the following memorial of the Legislature of the State of Utah, which was referred to the Committee on the Judiciary:

Memorial to Congress of the United States requesting the Congress to submit an amendment to the Constitution of the United States giving Congress the power to regulate the hours of labor in industry

Whereas there is an urgent need to end unemployment and its subsequent train of poverty and misery in Utah and other States; and

Whereas the expense of providing for the unemployed in direct and work relief is greater than the taxpayers of the State of Utah and other States can bear; and

Whereas there is no definite solution given at present that unemployment should be solved by a more equal distribution of the profits of production: Now, therefore, be it

Resolved by the Legislature of the State of Utah in regular session assembled, That the Congress of the United States, by urgent request, submit an amendment to the Constitution of the United States giving Congress the power to regulate the hours of labor in industry; be it further

Resolved, That the Secretary of State forward copies of this memorial to the Congress of the United States and to Utah's delegation in Congress.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of Minnesota, which was referred to the Committee on Banking and Currency:

Joint resolution memorializing the President and Congress of the United States to amend the Federal law so as to permit the States to tax national banks upon a fair and equitable basis, and requesting the States to join in a similar memorial

Whereas the several States are prohibited from taxing the property, income, or shares of national banks except in the precise method prescribed by Congress (sec. 5219, R. S. U. S.); and

Whereas from 1866 to 1923 the only method by which Congress authorized the States to tax national banks was to tax upon their shares, and during such period such shares were taxed by the State at the property rate upon the same basis as the property of the farmer, merchant, manufacturer, and home owner, thereby securing equality of the burden of taxation among all property owners; and

Whereas, said Federal statute provided that the rate of such tax should not exceed the rate imposed by the State upon other monied capital in the hands of individual citizens of the States invested in notes, bonds, and other evidences of debt (money and credits) coming into competition with the business of banking; and

Whereas beginning in 1921 and continuing down to the present time there have been rendered various decisions of the United States Supreme Court and other Federal and State courts construing the above limitation, the effect of which decisions has been to practically destroy the power of the States to tax the shares of national banks, it being manifestly impossible to classify such investments into those competing and those not competing with the business of national banks. It is also clearly evident that there is no similarity or relationship between shares in a national bank which have a right to share in the profits of a going business arising from the income from all the deposits in the bank as well as the capital invested on shares, and also to share in the income received from other activities of such banks and a debt evidenced by a note or bond, the income from which is limited to the interest provided therein. It is absurd to claim that for purposes of taxation such wholly different types of property should be treated precisely alike; and

Whereas, although the Federal act in form permits States to tax the net income of banks or to levy a tax measured by or according to such net income, such method is entirely and wholly unjust, inequitable, and inadequate. Because, first, when such method is used by a State it is in lieu of all other forms of taxation. Second, any such bank is entirely tax free unless it makes a net profit, whereas all other persons, owners of property, must pay a tax whether they make a profit or loss. This places the national banks in a privileged class and exempts them from paying any share of the public burden during the period when they do not make a net profit, thus shifting their share of the tax burden upon other property owners. Third, in all the States where the net-income or measured-by-net-income methods have been used, the shrinkage in taxes collected from banks have ranged from 66⅔ to 90 percent, as compared to former tax collections under the share-tax plan; and

Whereas because of the decisions of courts holding void taxes upon the shares of national banks, the whole matter of taxing banks, both National and State, has been thrown into great confusion, and many of the States have been persuaded to abandon the share method of taxing banks and have either adopted low millage rates of from 3 to 5 mills on the dollar of value of such stock, or have adopted the income tax or measured by income-tax method, with the result that in the past 10 years the total tax of national banks has been reduced from $79,376,000 in 1922 to $48,080,000 in 1932, notwithstanding the fact that during such period the total capital and surplus of such banks increased from $2,356,427,000 to $2,828,408,000, and thus, during a period when taxes have increased upon all other forms of property and for all other persons, banks have secured reductions; and

Whereas in March 1927 the Supreme Court of the United States held bank taxes in Minnesota to the amount of approximately $1,200,000 void because the rate was higher than the rate on moneys and credits, and the legislature at once established the Bank Tax Commission of Minnesota for the purpose of obtaining such an amendment to the Federal law as would permit this and other States to tax bank stock upon its value as other property is taxed; said commission has in all practicable ways endeavored to secure such amendment by enlisting the cooperation of all other States and other taxing officials, by appearing before committees of the Senate and House of Representatives of Congress of the United States, by attending national tax conference, by correspondence with tax officials of all other States, and by conferences with them and otherwise; and

Whereas through the efforts of the said commission and the tax officials of other States bills have been introduced at every session of Congress providing for the necessary amendments to said Federal act, and by reason of the lobby maintained by the American Bankers Association all efforts to obtain such legislation have been unsuccessful; however, in June 1934 the Banking and Currency Committee of the House of Representatives reported favorably upon a bill introduced by Mr. STEAGALL, chairman of said committee, which bill would grant to the States all the relief required. Said report is an unanswerable argument in favor of restoring to the States the power to tax bank shares upon an equitable basis, the same as they were taxed for nearly 60 years; and

Whereas bills identical with the so-called Steagall bill have been introduced, and Representative STEAGALL has stated he will reintroduce the so-called Steagall bill and aggressively urge its passage in the present session of the Congress of the United States, provided he is given proper support from the various States, and it is of the utmost importance that all of the States join in an effort to secure the passage thereof: Now, therefore, be it

Resolved by the Legislature of the State of Minnesota, That the Congress of the United States and the President of the United States are hereby respectfully and earnestly urged to so amend section 5219, Revised Statutes of the United States, that the States may tax the shares of national banks upon the ad-valorem basis, with no other limitation thereof except that the rate be not greater than the rate imposed upon the shares of State banks; be it further

Resolved, That all of the United States are hereby earnestly urged and requested to adopt resolutions similar to this resolution memorializing Congress and the President of the United States to pass such legislation and to cooperate with the State of Minnesota for the purpose of securing the enactment of such legislation until the same is secured; be it further

Resolved, That the secretary of the State of Minnesota is authorized and requested to send copies of this resolution to the President of the United States, Vice President of the United States, Speaker of the House of Representatives of the United States, and to each Member of the House of Representatives from the State of Minnesota; also to send a duly authenticated copy hereof to the presiding officer of each House of the legislature of all the States of the Union and to the chairman of the tax committees of each house thereof.

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of the State of Minnesota, which was referred to the Committee on Public Buildings and Grounds:

Concurrent resolution memorializing the Congress of the United States to use Minnesota products, wherever possible, in the construction of Federal buildings in the State of Minnesota, and in all other construction work in the State of Minnesota in which the United States Government is directly or indirectly interested

Whereas the United States of America is engaging in, and about to engage in, the erection of many Federal structures in the State of Minnesota; and

Whereas in all construction work by the United States Government in Minnesota the said United States Government has issued specifications that certain building materials be used in the erection of such structures; and

Whereas in such specifications building materials from localities outside the State of Minnesota have been given preference; and

Whereas there are in this State factories and deposits making available the use of building materials in this State, which said building materials are equal, if not better, in quality to the said building materials imported into the State; and

Whereas inasmuch as these structures are being erected within the State of Minnesota it is desirable that such building materials be purchased from producers in the State of Minnesota in preference to producers in other States and localities; and

Whereas the purchasing of such materials from local producers would, to a large extent, help to alleviate the unemployment situation in Minnesota, and also to give Minnesota communities the benefit of the products of this State: Now, therefore, be it

Resolved by the house of representatives (the senate concurring), That the State of Minnesota memorialize the Congress of the United States of America to provide, by appropriate legislation or otherwise, that in the erection of all structures in the State of Minnesota by the United States Government, directly or indirectly, building materials produced in the State of Minnesota shall be used and given preference, wherever possible, over such building materials from other States of the Union or other localities in the erection of such structures; be it further

Resolved, That the secretary of state of Minnesota be instructed to send copies of this resolution to both Houses of Congress and to each Member in Congress from the State of Minnesota.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on Education and Labor:

To His Excellency the President of the United States and to the Honorable Senate and House of Representatives of the United States of America in Congress assembled:

We, your memorialists, the Thirty-ninth Legislative Assembly of the State of Oregon, in regular session assembled, respectfully request and petition as follows:

Whereas the Congress of the United States has for consideration a measure known as the Harrison-Black-Fletcher bill for Federal aid to education; and

Whereas it is recognized as a fundamental principle that a democracy such as ours is dependent for its maintenance and welfare upon the intelligent participation in governmental affairs of an electorate properly trained through adequate opportunity for education in our public schools; and

Whereas there exists among the various States of the Union wide differences in financial ability to support an adequate State public-school system; and

Whereas the Federal Government has in recent years, through its power to secure revenue from various Nation-wide sources, encroached somewhat upon the field of taxation on liquor, incomes, inheritances, gasoline, and the like, previously reserved to the individual States, thus depriving them of available sources of revenue now required for the adequate maintenance of public schools; and

Whereas the increase in educational demands has emphasized the need of direct financial aid from the Federal Government to the States for the maintenance of public schools: Be it

Resolved by the House of Representatives of the State of Oregon (the senate jointly concurring therein), That we do most earnestly petition and memorialize the Congress of the United States in the name of the State of Oregon to make early enactment the Harrison-Black-Fletcher bill for Federal aid to education into law; and be it further

Resolved, That copies of the resolution be forthwith transmitted to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, Washington, D. C., and to each member of the Oregon delegation in Congress.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on Finance:

To the honorable Senate and House of Representatives of the United States of America, in Congress assembled:

We the memorialists, the Thirty-ninth Legislative Assembly of the State of Oregon, convened in regular session, respectfully represent that—

Whereas a large group of the citizens and voters of the State of Oregon have expressed their deep convictions of the merits of the Townsend recovery plan; and

Whereas these members of the Townsend Clubs, as law-abiding American citizens, feel that their rights should be respected and that they should be given a hearing before your august body; and

Whereas the Townsend national recovery plan should be fully considered because the economic depression has continued for 7 years without solution: Now, therefore, be it

Resolved by the House of Representatives of the State of Oregon (the senate jointly concurring therein), That the Legislature of the State of Oregon hereby does petition the Congress of the United States to give a fair, full, and impartial hearing and consideration of the Townsend national recovery plan, with a view to its enactment into law after the Members of Congress shall have settled the details of this legislation.

Resolved, That a certified copy of this joint memorial be sent forthwith to the President of the United States and the President of the United States Senate, the Speaker of the House of Representatives, and to each of the members of the congressional delegation from the State of Oregon.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of Oregon, which was referred to the Committee on Military Affairs:

To the Honorable Senate and House of Representatives of the United States of America in Congress assembled:

We, your memorialists, the Thirty-ninth Legislative Assembly of the State of Oregon, respectfully represent that—

Whereas the effectiveness of the national-defense structure is based upon the Army, the National Guard, and Organized Reserves; and

Whereas the Organized Reserves is held in a high degree of reliance by the Government of the United States; and

Whereas the officers of the Officers' Reserve Corps attain the highest degree of military fitness through individual training, inactive duty training, and partially through active duty; and

Whereas the expense involved in maintaining a Reserve commission actually exceeds the total amount received from the Government in the form of pay and allowances for active duty; and

Whereas each Reserve officer represents a Government investment of more than $1,000, which should be conserved and promoted; and

Whereas a form of inactive duty pay would provide an incentive for the personnel of the Officers' Reserve Corps to pursue various forms of inactive duty and study to keep at a high standard the esprit, morale, efficiency, and dependability; and

Whereas there is now legislation pending in the Congress of the United States in conformity with the substance of this memorial: Now, therefore, be it

Resolved by the Senate of the State of Oregon (the house of representatives jointly concurring therein), That this legislative assembly petition and memorialize the Congress of the United States of America, now in session at Washington, D. C., that immediate action be taken to appropriate such sums as may be necessary to provide a suitable pay based on the rank of each Reserve officer as may be appropriate for the maintenance, efficiency, and training of the Officers' Reserve Corps and to promote enactment into law such proposed legislation.

The VICE PRESIDENT also laid before the Senate a concurrent resolution of the Legislature of the State of North Dakota, favoring the enactment of legislation to provide for the care of needy aged and blind ward Indians and the dependent children of ward Indian families, and also making an appropriation therefor, which was referred to the Committee on Indian Affairs.

(See concurrent resolution printed in full when presented today by Mr. FRAZIER.)

The VICE PRESIDENT also laid before the Senate a resolution adopted at Huntington, W. Va., by the fourth annual convention of the Ohio Valley Conservation and Flood Control Congress, favoring the making of adequate appropriations for effective flood control of the Ohio River and its tributaries, which was referred to the Committee on Appropriations.

He also laid before the Senate a resolution adopted by the Church Aide of the First Spiritual Alliance Church, of Portsmouth, N. H., favoring the immediate enactment of legislation to provide a referendum on war and to take the profit out of war, which was referred to the Committee on Finance.

He also laid before the Senate a resolution adopted by the board of directors of the Buffalo (N. Y.) Junior Chamber of Commerce, favoring consideration of the proposed plan of the United States Junior Chamber of Commerce for the settlement of war debts, which was referred to the Committee on Finance.

He also laid before the Senate a resolution adopted by the Building Owners & Managers Association of Los Angeles, Calif., protesting against the enactment of legislation providing a reduction of the hours of labor from 8 to 6 for railway employees without reduction in wages now paid for 8 hours' labor, which was referred to the Committee on Interstate Commerce.

He also laid before the Senate a resolution adopted by Lodge No. 346, Brotherhood of Railroad Trainmen, of Allentown, Pa., favoring the enactment of legislation to reorganize the judicial branch of the Government, which was referred to the Committee on the Judiciary.

Mr. JOHNSON of California. Mr. President, I present memorials signed by 10,023 citizens, which are in addition to the memorials signed by 15,000 citizens that I presented the other day. These memorials are transmitted by Mrs. A. C. Mattei, president of the California Chapter, Pro-America, of San Francisco, and remonstrate against the court proposal now pending before this body. I ask that the memorials be referred to the Committee on the Judiciary.

The VICE PRESIDENT. The reference requested by the Senator from California will be made.

Mr. HALE presented memorials, numerously signed, of sundry citizens of the State of Maine, remonstrating against the enactment of legislation to enlarge the membership of the Supreme Court, or any other legislation of a similar character, which were referred to the Committee on the Judiciary.

He also presented petitions, numerously signed, of sundry citizens of the State of Maine, praying that no law be enacted which would disturb or abridge religious rights or liberties, or close the mails to religious publications, which were referred to the Committee on the Judiciary.

Mr. COPELAND presented a letter from the Rochester (N. Y.) Chamber of Commerce, with an accompanying report of their committee on Federal taxation, favoring and recommending a decrease in Federal appropriations, a balanced Budget, and a reduction in appropriations for work relief, which, with the accompanying paper, was referred to the Committee on Appropriations.

He also presented a resolution adopted by the New York City Housing Authority, favoring the enactment of the so-called Wagner low-cost housing bill, which was referred to the Committee on Education and Labor.

He also presented resolutions adopted by the Board of the Village of Webster, and Local Unions Nos. 33 and 464, Bridge, Structural, and Ornamental Iron Workers, of Rochester, in the State of New York, favoring the continuation of the Public Works Administration, which were referred to the Committee on Education and Labor.

He also presented a resolution adopted by the Schenectady (N. Y.) Junior Chamber of Commerce, favoring consideration of the plan proposed by the United States Junior Chamber of Commerce for the settlement of war debts, which was referred to the Committee on Finance.

He also presented a petition of several citizens of Schenectady, N. Y., praying for the enactment of legislation to repeal the long-and-short haul clause of the Interstate Commerce Act, which was referred to the Committee on Interstate Commerce.

He also presented resolutions adopted by Division No. 87, of Salamanca, and Division No. 83, of Hornell, both of the Order of Benefit Association of Railway Employees, in the State of New York, favoring the enactment of legislation to repeal the long-and-short haul clause of the Interstate Commerce Act, which were referred to the Committee on Interstate Commerce.

He also presented a resolution adopted by Sunnyside Branch, American League Against War and Fascism, of Woodside, N. Y., protesting against the passage of the bill (S. 25) to prevent profiteering in time of war and to equalize the burdens of war and thus provide for the national defense, and promote peace, which was referred to the Committee on Military Affairs.

Mr. FRAZIER presented the following concurrent resolution of the Legislature of the State of North Dakota, which was referred to the Committee on Indian Affairs:

Concurrent resolution memorializing the Congress of the United States to provide for the care of needy aged and blind ward Indians and the dependent children of ward Indian families

Whereas there are several hundred ward Indians eligible to receive old-age and blind assistance and several hundred ward Indian children eligible to receive aid to dependent children in the State of North Dakota; and

Whereas because of their status as residents of Indian reservations they and their property are not subject to taxation by the State or county in which they reside; and

Whereas because of the heavy burden placed upon these counties in making payments of old-age and blind assistance and dependent children aid to qualified taxpaying residents, the counties are under excessive financial strain; and

Whereas it is an undue hardship upon the said State and counties to provide care for these ward Indians because of the facts above stated: Now therefore be it

Resolved, That we, the members of the Twenty-fifth Legislative Assembly of the State of North Dakota, respectfully memorialize

Congress to provide Federal funds for the care and relief of these above referred to needy aged and blind ward Indians and the dependent children of ward Indian families; and be it further

Resolved, That a copy of this resolution be forwarded to the United States Senate and the United States House of Representatives and to each of the Senators and Representatives of the State of North Dakota in the Congress of the United States.

REPORTS OF COMMITTEES

Mr. PITTMAN, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 976) relating to labor preferences in connection with certain Public Works projects, reported it with an amendment and submitted a report (No. 169) thereon.

Mr. WALSH, from the Committee on Naval Affairs, to which was referred the bill (S. 1129) to authorize the Secretary of the Interior to accept from the State of Utah title to a certain State-owned section of land and to patent other land to the State in lieu thereof, and for other purposes, reported it without amendment and submitted a report (No. 170) thereon.

Mr. THOMAS of Utah, from the Committee on Mines and Mining, to which was referred the bill (S. 628) to provide for the construction and equipment of a building for the experiment station of the Bureau of Mines at Salt Lake City, Utah, reported it without amendment and submitted a report (No. 171) thereon.

Mr. BYRNES, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred the resolution (S. Res. 86) authorizing an additional amount for expenditure in an investigation of interstate railroads and affiliates (submitted by Mr. WHEELER on the 1st instant), reported it with an amendment.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DUFFY:

A bill (S. 1814) for the relief of Hans Everson; to the Committee on Claims.

By Mr. McNARY:

A bill (S. 1815) to provide for the construction of four bridges across the United States Reclamation "A" Canal in Klamath Falls, Oreg.; to the Committee on Irrigation and Reclamation.

By Mr. RUSSELL:

A bill (S. 1816) to amend section 77 of the Judicial Code, as amended, to create a Brunswick division in the Southern District of Georgia, with terms of court to be held at Brunswick; to the Committee on the Judiciary.

A bill (S. 1817) for the relief of Arthur Lee Dasher; to the Committee on Military Affairs.

By Mr. FRAZIER:

A bill (S. 1818) to prohibit experiments upon living dogs in the District of Columbia and providing a penalty for violation thereof; to the Committee on the District of Columbia.

By Mr. LEWIS:

A bill (S. 1819) for the relief of Bernard Foley; to the Committee on Claims.

(Mr. LEWIS introduced Senate bill 1820, which was referred to the Committee on Banking and Currency, and appears under a separate heading.)

By Mr. WALSH:

A bill (S. 1821) to provide that graduates of approved school ships may be rated as able seamen upon graduation; to the Committee on Commerce.

By Mr. HATCH:

A bill (S. 1822) for the relief of Harry Burnett; to the Committee on Claims.

By Mr. CONNALLY:

A bill (S. 1823) for the relief of Clarence R. Clements; to the Committee on Claims.

By Mr. SCHWELLENBACH:

A bill (S. 1824) for the relief of Myrtle Backinger; to the Committee on Claims.

A bill (S. 1825) for the relief of Walter Curry; and

A bill (S. 1826) for the relief of Francis Gerrity; to the Committee on Military Affairs.

By Mr. THOMAS of Utah:

A bill (S. 1827) granting a pension to John M. Holladay; to the Committee on Pensions.

By Mr. McGILL:

A bill (S. 1828) granting an increase of pension to Ida Lane; to the Committee on Pensions.

By Mr. O'MAHONEY:

A bill (S. 1829) authorizing the Chief of the Weather Bureau to enter into 3-year contracts for airplane observation flights; to the Committee on Agriculture and Forestry.

By Mr. THOMAS of Oklahoma:

A bill (S. 1830) to provide for a useful and comprehensive system for the impounding, storing, conserving, and making use of the unappropriated waters falling or emanating within the United States, and for other purposes; to the Committee on Commerce.

(By request.) A bill (S. 1831) to provide for the payment of attorneys' fees from Osage tribal funds; and

(By request.) A bill (S. 1832) to reserve certain public domain in California for the benefit of the Capitan Grande Band of Mission Indians; to the Committee on Indian Affairs.

By Mr. KING:

A bill (S. 1833) to reserve certain lands in the State of Utah for the Shivwitz Band of Paiute Indians; to the Committee on Indian Affairs.

A bill (S. 1834) to provide for the prevention of blindness in infants born in the District of Columbia;

A bill (S. 1835) establishing a small claims and conciliation branch in the Municipal Court of the District of Columbia for improving the administration of justice in small cases, and providing assistance to needy litigants, and for other purposes; and

A bill (S. 1836) to define, regulate, and license real-estate brokers and real-estate salesmen; to create a Real Estate Commission in the District of Columbia; to protect the public against fraud in real-estate transactions, and for other purposes; to the Committee on the District of Columbia.

By Mr. COPELAND:

A bill (S. 1837) to incorporate the American Gold Star Mothers of the World War; to the Committee on the Judiciary.

A bill (S. 1838) granting an increase of pension to Kate O'Donnell Wood; to the Committee on Pensions.

(Mr. O'MAHONEY introduced Senate Joint Resolution 98, which was referred to the Committee on the Judiciary, and appears under a separate heading.)

By Mr. WALSH:

A joint resolution (S. J. Res. 99) to set apart public ground for the Smithsonian Gallery of Art, and for other purposes; to the Committee on the Library.

COMMEMORATION OF ONE HUNDREDTH ANNIVERSARY OF CITY OF CHICAGO

Mr. LEWIS. Mr. President, the city of Chicago is soon to celebrate the one hundredth anniversary of its birth. I have been requested by the city council to tender to the Senate a bill which has for its object a law providing that there shall be struck off certain coins such as has been the custom in similar instances, this to be done at no expense to the Government of the United States, in commemoration of the anniversary of the city's birth. I ask that the bill be appropriately referred. I prefer to have the reference decided by the Chair.

The VICE PRESIDENT. The bill of the Senator from Illinois will be received and referred to the Committee on Banking and Currency.

The bill (S. 1820) to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the establishment of the city of Chicago, Ill., as a city, was read twice by its title and referred to the Committee on Banking and Currency.

POWER OF COURTS TO HOLD LAWS UNCONSTITUTIONAL

Mr. O'MAHONEY. I introduce a joint resolution proposing an amendment to the Constitution, and ask that it be referred to the Committee on the Judiciary and printed in full in the RECORD.

There being no objection, the joint resolution (S. J. Res. 98) proposing an amendment to the Constitution of the United States relating to the power of the courts to hold laws unconstitutional, was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Joint resolution proposing an amendment to the Constitution of the United States relating to the power of the courts to hold laws unconstitutional

Resolved, etc., That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by conventions in three-fourths of the several States:

"ARTICLE —

"SECTION 1. No law of the United States or of any State shall be held to be unconstitutional by any inferior court, and not by the Supreme Court unless two-thirds of the members thereof shall specifically and by separate opinion find it so beyond a reasonable doubt.

"SEC. 2. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within 7 years from the date of the submission hereof to the States by the Congress."

AMENDMENT TO NAVAL APPROPRIATION BILL

Mr. WALSH submitted an amendment intended to be proposed by him to the bill (H. R. 5232) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1938, and for other purposes, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 40, after line 10, to insert the following:
"Navy Yard, Boston, Mass.: Addition to and accessories for the structural shop building, $500,000."

THE UNITED STATES NAVY (S. DOC. 35)

Mr. WALSH. Mr. President, I ask unanimous consent to have printed as a Senate document a factual statement prepared by me for the Committee on Naval Affairs of the Senate, the Members of the Congress, and the public entitled "The United States Navy." This compilation contains information as to the organization, personnel, fleet, the land establishments, and other facts about the Navy, and was prepared with the assistance and cooperation of the Navy Department. The document when printed will, I believe, contain the only complete information to be found in a condensed form relative to the activities and organization of the Navy.

The VICE PRESIDENT. Without objection, the article will be printed, as requested.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 114. An act to provide for studies and plans for the development of a hydroelectric power project at Cabinet Gorge, on the Clark Fork of the Columbia River, for irrigation pumping or other uses, and for other purposes;

H. R. 5293. An act to authorize the acquisition of 640 acres of land for the use and benefit of the Santa Rosa Band of Mission Indians, State of California;

H. R. 5299. An act to authorize the Secretary of the Interior to exchange certain lands and water rights in Inyo and Mono Counties, Calif., with the city of Los Angeles, and for other purposes;

H. J. Res. 137. Joint resolution authorizing the assistant to the Secretary of the Interior to sign official papers and documents;

H. J. Res. 221. Joint resolution to permit articles imported from foreign countries for the purpose of exhibition at the Greater Texas and Pan American Exposition, Dallas, Tex., to be admitted without payment of tariff, and for other purposes; and

H. J. Res. 249. Joint resolution authorizing the Commissioner of Internal Revenue to grant further extensions of time for filing returns under title III of the Revenue Act of 1936.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the Vice President:

S. 936. An act to regulate the sales of goods in the District of Columbia; and

H. J. Res. 252. Joint resolution to aid in defraying the expenses of the International Labor Office incident to holding its Technical Tripartite Textile Conference.

TRIBUTE TO THE LATE SENATOR COUZENS

[Mr. VANDENBERG asked and obtained leave to have printed in the RECORD an address on the late James M. Couzens, formerly Senator from Michigan, delivered by William J. Norton at Traverse City, Mich., on Nov. 1, 1936, which appears in the Appendix.]

REORGANIZATION OF FEDERAL JUDICIARY—ADDRESS BY SENATOR LA FOLLETTE

[Mr. ROBINSON asked and obtained leave to have printed in the RECORD an address delivered by Senator LA FOLLETTE at the convention of Labor's Nonpartisan League at Washington, D. C., Mar. 8, 1937, on the subject of the proposed reorganization of the Federal judiciary, which appears in the Appendix.]

REORGANIZATION OF FEDERAL JUDICIARY—ADDRESS BY SENATOR CONNALLY

[Mr. CONNALLY asked and obtained leave to have printed in the RECORD an address delivered by himself before the joint session of the Texas Legislature on Mar. 2, 1937, relative to the proposed reorganization of the Federal judiciary, which appears in the Appendix.]

POLLUTION OF RIVERS AND STREAMS—ARTICLES BY SENATOR LONERGAN

[Mr. MALONEY asked and obtained leave to have printed in the RECORD two articles written by Senator LONERGAN relative to the need of an antipollution law, which appear in the Appendix.]

THE BUENOS AIRES CONFERENCE—ADDRESS BY SECRETARY HULL

[Mr. MCKELLAR asked and obtained leave to have printed in the RECORD an address on the subject, "The Results and Significance of the Buenos Aires Conference", delivered by the Secretary of State in New York City on the evening of Feb. 25, 1937, which appears in the Appendix.]

ADDRESS BY HON. JAMES A. FARLEY AT UNIVERSITY OF NORTH CAROLINA

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an address delivered by Hon. James A. Farley at the University of North Carolina, Chapel Hill, N. C., on Mar. 9, 1937, which appears in the Appendix.]

THE FEDERAL SYSTEM—NEW YORK TIMES EDITORIAL

[Mr. COPELAND asked and obtained leave to have printed in the RECORD an editorial entitled "The Federal System", published in the New York Times of Thursday, Mar. 11, 1937, which appears in the Appendix.]

WHISKY AND POLITICS—EDITORIAL BY DAVID LAWRENCE

[Mr. CAPPER asked and obtained leave to have printed in the RECORD an editorial by David Lawrence, entitled "Whisky and Politics", published in the United States News of Mar. 8, 1937, which appears in the Appendix.]

NONPARTISAN SOCIAL SECURITY LEAGUE

[Mr. DAVIS asked and obtained leave to have printed in the RECORD two statements describing the purposes of the Nonpartisan Social Security League, which appear in the Appendix.]

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred as indicated below:

H. R. 114. An act to provide for studies and plans for the development of a hydroelectric power project at Cabinet

Gorge, on the Clark Fork of the Columbia River, for irrigation pumping or other uses, and for other purposes; to the Committee on Irrigation and Reclamation.

H. R. 5293. An act to authorize the acquisition of 640 acres of land for the use and benefit of the Santa Rosa Band of Mission Indians, State of California; to the Committee on Indian Affairs.

H. R. 5299. An act to authorize the Secretary of the Interior to exchange certain lands and water rights in Inyo and Mono Counties, Calif., with the city of Los Angeles, and for other purposes; and

H. J. Res. 137. Joint resolution authorizing the Assistant to the Secretary of the Interior to sign official papers and documents; to the Committee on Public Lands and Surveys.

H. J. Res. 221. Joint resolution to permit articles imported from foreign countries for the purpose of exhibition at the Greater Texas and Pan American Exposition, Dallas, Tex., to be admitted without payment of tariff, and for other purposes; and

H. J. Res. 249. Joint resolution authorizing the Commissioner of Internal Revenue to grant further extensions of time for filing returns under title III of the Revenue Act of 1936; to the Committee on Finance.

THE CALENDAR

The VICE PRESIDENT. Morning business is closed. Under the order adopted earlier today, the Senate will now proceed to the consideration of unobjected bills, and the clerk will state the first order of business on the calendar.

The resolution (S. Res. 8) limiting debate on general appropriation bills was announced as first in order.

Mr. VANDENBERG and Mr. McKELLAR. Over.

The VICE PRESIDENT. The resolution will be passed over.

NATIONAL GALLERY OF ART

The joint resolution (S. J. Res. 73) providing for the construction and maintenance of a national gallery of art was announced as next in order.

Mr. COPELAND and Mr. NORRIS. Over.

The VICE PRESIDENT. The joint resolution will be passed over.

Mr. COPELAND subsequently said: Mr. President, a few moments ago I objected to the consideration of Senate Joint Resolution 73. I wish to state that, so far as I am concerned, I objected because of the wish of certain architects of my city to be heard on the matter and not because of any personal objection.

Mr. NORRIS. Mr. President, of what calendar number is the Senator speaking?

Mr. COPELAND. I refer to the second measure on the calendar, which relates to the construction and maintenance of a national gallery of art.

Mr. NORRIS. Has the Senator withdrawn his objection?

Mr. COPELAND. No; I have not. I stated that I objected on behalf of certain architects in New York who are discontented about the measure.

Mr. NORRIS. I could not hear the Senator, and I did not know but that he had withdrawn his objection. I also have an objection.

The VICE PRESIDENT. The joint resolution has been passed over.

Mr. CONNALLY subsequently said: Mr. President, I should like to inquire of the Senator from Arkansas [Mr. ROBINSON] if there would be any objection to taking up at this time Senate Joint Resolution 73, providing for the construction and maintenance of a national gallery of art.

Mr. ROBINSON. Mr. President, in reply to the inquiry of the Senator from Texas I will state that the joint resolution was called a few moments ago upon the consideration of the calendar for unobjected bills, and objection was made by some Senators to its consideration. I have no personal objection.

Mr. CONNALLY. I will say to the Senator from Arkansas that the Senator from Texas was detained at the meeting of the Judiciary Committee, and was not on the floor at the moment. If there is objection, I shall not renew the request.

BILL PASSED OVER

The VICE PRESIDENT. The clerk will state the next order of business on the calendar.

The bill (S. 761) for the relief of the State of Massachusetts was announced as next in order.

Mr. WALSH. Mr. President, on a previous call of the calendar the Senator from Nebraska [Mr. BURKE] objected. In his absence I ask that the bill may go over.

The VICE PRESIDENT. The bill will be passed over.

ELMER BLAIR

The bill (S. 294) for the relief of Elmer Blair was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, sailors, and marines, and their widows and dependent relatives, Elmer Blair, formerly private, Company B, Three Hundred and Thirtieth Regiment United States Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private on March 13, 1918: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

BILL PASSED OVER

The bill (S. 548) for the relief of Dorothy White, Mrs. Carol M. White, and Charles A. White was announced as next in order.

Mr. HAYDEN. Mr. President, I ask that the bill be passed over without prejudice. I desire further information with reference to it.

The VICE PRESIDENT. The bill will be passed over.

GOVERNMENT FOR AMERICAN SAMOA

The bill (S. 1095) to provide a government for American Samoa was announced as next in order.

Mr. VANDENBERG and Mr. COPELAND. Over.

The VICE PRESIDENT. The bill will be passed over.

Mr. TYDINGS subsequently said: Mr. President, having been out of the Chamber a moment, I ask what objection was raised to Senate bill 1095, to provide a government for American Samoa.

Mr. VANDENBERG. Mr. President, I made objection in the absence of the Senator from Maryland. I am awaiting some information respecting the bill, and I know he will give it to us.

Mr. COPELAND. Mr. President, I also objected to the consideration of the bill, and I am sorry to say I must insist upon the objection.

Mr. TYDINGS. My purpose in rising was to bring on debate now, for I wished to find out from the Senator objecting what the objection was, in the hope that we could discuss the matter and clear up any obstacle there might be.

Mr. COPELAND. So far as I am concerned, I think this is a very important measure, which ought to receive the attention of the Senate at some future time. The bill deals with a controversial question, at least so far as I am concerned, and I interpose now the same objection I raised last year.

In due time, and on an appropriate occasion, I am perfectly willing to go into the merits of the bill; but I wish to have a little time to reprepare myself regarding the objections which I had last year.

Mr. TYDINGS. Mr. President, I will state that there are very ample and extensive hearings and information upon this bill, and a copy of the document embodying them has already been sent to each Member of the Senate. It would take too long to enter into a discussion of the bill at this time; but if any Senator is interested in the merits of the matter, I shall be very glad to supply him with another copy of the document. I may further say that on three occasions the Senate has passed similar bills which were the result of the labors of a commission which went to American Samoa, composed of the Democratic leader of the Senate, the former chairman of the Territories Committee, Senator Bingham, and two or three other Members of the House and Senate.

I have no personal interest in the measure, except that from reading the hearings I received the definite impression that the commission felt that a larger measure of local self-government ought to be given to the natives of Samoa, and that this bill was the result of their visit.

I am very anxious that Senators who may be inclined to oppose the bill shall be familiar with the reasons for its enactment. My whole purpose in speaking now is to inform Senators that the hearings are available, and I shall be delighted to supply a copy of them to anyone who desires it.

Mr. COPELAND. Mr. President, I shall be very happy to receive any material the Senator has. I hope to approach the consideration of the matter with an open mind, but I do wish to be informed about it.

BILLS PASSED OVER

The bill (S. 1435) to create a board of shorthand reporting, and for other purposes, was announced as next in order.

Mr. KING and Mr. McKELLAR. Over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1436) providing for the employment of skilled shorthand reporting in the executive branch of the Government was announced as next in order.

Mr. KING. Over.

The VICE PRESIDENT. The bill will be passed over.

W. B. GREELEY

The Senate proceeded to consider the bill (S. 556) for the relief of W. B. Greeley, which had been reported from the Committee on Claims with amendments, on page 1, line 5, after the word "Treasury", to strike out "not otherwise appropriated" and insert "allocated by the President for the maintenance and operation of the Civilian Conservation Corps"; in line 8, to strike out the numerals "$2,500" and insert "$908.50"; and on page 2, at the end of the bill, to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to W. B. Greeley, of Seattle, Wash., the sum of $908.50, in full satisfaction of his claim against the United States for damages for personal injuries sustained by him on February 1, 1935, near the Fourth Avenue Bridge, Olympia, Wash., when he was struck by a Civilian Conservation Corps motor truck driven by Owen E. Cole, an employee of the Civilian Conservation Corps, Camp Matlock, Wash.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EARL W. THOMAS

The Senate proceeded to consider the bill (S. 1068) for the relief of Earl W. Thomas, which had been reported from the Committee on Claims with amendments, on page 1, line 6, to strike out the numerals "$5,000" and insert "$1,500", and at the end of the bill to insert a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropiated, to Earl W. Thomas, of Minneapolis, Minn., the sum of $1,500 in full satisfaction of his claim against the United States for damages on account of injuries received while in the employ of the United States at Chillicothe, Ohio, on February 6, 1931: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY DALEY

The Senate proceeded to consider the bill (H. R. 635) for the relief of Mary Daley, which had been reported from the Committee on Claims with an amendment, on page 1, line 5, after the word "Treasury", to strike out "not otherwise appropriated" and insert "allocated by the President for the maintenance of operation of the Civilian Conservation Corps", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to Mary Daley, of Syracuse, N. Y., the sum of $225 in full satisfaction of all claims against the United States for personal injuries sustained by her as a result of a collision of a Civilian Conservation Corps motor vehicle with her automobile on Highbridge Road near Lyndon, N. Y., August 19, 1935: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILL PASSED OVER

The bill (H. R. 1096) for the relief of Michael E. Sullivan was announced as next in order.

Mr. McKELLAR. Mr. President, may we have an explanation of the bill? If not, let it go over.

The VICE PRESIDENT. The bill will be passed over.

BROOK HOUSE, LTD.

The bill (H. R. 1097) for the relief of Brook House, Ltd., of Sydney, Australia, was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of Agriculture be, and he is hereby, authorized and directed to pay to Brook House, Ltd., of Sydney, Australia, a sum equivalent at the rate of exchange current at the time of payment to 101 pounds, 8 shillings, Australian currency, in full settlement of its claim against the United States on account of rental of space for the period of July 1 to December 31, 1933, inclusive, in connection with a lease of quarters to the agricultural commissioner of the United States at Sydney, New South Wales, Australia, said lease dated April 17, 1931, and there is hereby reappropriated for the purposes of this act so much of the unexpended balance as may be necessary, of the appropriation "34303—Salaries and expenses, Bureau of Agricultural Economics, 1934", which has heretofore been covered into the surplus fund of the Treasury.

WILLIAM L. JENKINS

The bill (H. R. 1098) for the relief of William L. Jenkins was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $481.50 to William L. Jenkins, formerly American consul at Trebizond, Turkey, in full settlement of his claim against the United States for his failure to receive a like amount appropriated for his relief in Public Law No. 519, approved July 3, 1930 (46 Stat. 886), such sum representing the value of personal property lost by him during 1919 as a result of civil disturbances at Trebizond, and which sum was used by the General Accounting Office as a set-off against his then-existing indebtedness to the United States in the amount of $2,000, but subsequently credited to his accounts by authority of Private Law No. 30, approved May 8, 1935: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

MALINDA J. MAST AND WILLIAM LEE MAST

The Senate proceeded to consider the bill (H. R. 1245) for the relief of Malinda J. Mast and William Lee Mast, which had been reported from the Committee on Claims with an amendment, on page 1, line 5, after the word "Treasury", to strike out "not otherwise appropriated" and insert "allocated by the President for the maintenance and operation of the Civilian Conservation Corps", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to Malinda J. Mast and William Lee Mast, of McKinley, Oreg., the sum of $350 in full satisfaction of their claim against the United States for damages for personal injuries suffered on May 19, 1934, about 1 mile north from where the Norway-Lee County Road leaves the Coquille-Myrtle Point State Highway, in Coos County, Oreg., when the automobile in which said Malinda J. Mast and William Lee Mast were riding was struck by a motor truck owned by the United States and driven by Lem Reynolds, an employee of the Civilian Conservation Corps: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

GEORGE W. HANNA AND BERTHA M. HANNA

The bill (S. 315) for the relief of George W. Hanna and Bertha M. Hanna was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to George W. Hanna and Bertha M. Hanna, of Paxton Springs, N. Mex., the sum of $5,000 in full satisfaction of their claim against the United States on account of the death of their minor son, David Hanna, who was killed on October 1, 1935, when a truck which he was driving turned over in a ditch which had been dug across the Oso Ridge Forest Foad in the Cibola National Forest in the State of New Mexico and left unmarked by employees of the Forest Service: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

EDNA M. CALLAHAN AND ANNA SCOTT

The bill (H. R. 601) for the relief of Edna M. Callahan and Anna Scott was considered, ordered to a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Edna M. Callahan the sum of $3,500 and to Anna Scott the sum of $1,500. Such sums shall be in full settlement of all claims against the United States on account of injuries sustained by the said Edna M. Callahan and Anna Scott on or about the 10th day of October 1932 while aboard a boat provided by the Navy Department of the United States plying between the Fifth Street Landing at San Pedro, Calif., and the U. S. S. *Relief*, lying in the harbor of San Pedro, at San Pedro, Calif.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be demed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

JOSEPH A. GANONG

The Senate proceeded to consider the bill (S. 1057) for the relief of Joseph A. Ganong, which had been reported from the Committee on Claims with an amendment to add at the end of the bill a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Joseph A. Ganong, office cadastral engineer at Portland, Oreg., the sum of $51.24, representing payments made by John L. Day, United States marshal for the district of Oregon, for traveling expenses incurred by said Joseph A. Ganong as a witness for the Government in the case of United States against State of Oregon, which payments were disallowed by the Comptroller General of the United States and were subsequently refunded by said Joseph A. Ganong: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLAIMS ARISING OUT OF CIVILIAN CONSERVATION CORPS ACTIVITIES

The Senate proceeded to consider the bill (H. R. 2773) to authorize the settlement of individual claims for personal property lost or damaged, arising out of the activities of the Civilian Conservation Corps, which have been approved by the Secretary of War, which had been reported from the Committee on Claims with an amendment, on page 1, line 5, after the word "Treasury", to strike out "not otherwise appropriated" and insert "allocated by the President for the maintenance and operation of the Civilian Conservation Corps", so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to Associated Indemnity Corporation, Portland, Oreg., $131.83; to Walter A. Dunlop, Roslindale, Mass., $11.25; to Eggert Coal Co., Morristown, N. J., $12.50; to L. L. Farrell, Escanaba, Mich., $10.66; to Francis H. Finn, Waterbury, Vt., $16.25; to Norman W. Foster, Florida, Mass., $30; to Wade Hawk, Greeneville, Tenn., $10.70; to Norman C. Horne, Mount Union, Pa., $26; to William Long, Channahon, Ill., $33.50; to Oregon State Highway Commission, Salem, Oreg., $102.25; to Redding Creamery, Redding, Calif., $35.10; to San Joaquin Light & Power Corporation, Fresno, Calif., $37.11; to Henry Simonsen, Farmington, Minn., $40.25; to S. W. Siemons, Bullsgap, Tenn., $18.40; to Paul Traglio, Salem, Oreg., $100; to Bert Tucker, Stamping Ground, Ky., $148; and to the Virginia-Carolina Chemical Co., Richmond, Va., $18.86, in full settlement for damages sustained by reason of the operation of the Civilian Conservation Corps, which claims have been approved by the Secretary of War: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Mr. KING. Mr. President, I should like to ask a question of a member of the committee. Are the appropriations, which are being made to pay for injuries caused through negligence of the Civilian Conservation Corps, to be paid out of the Treasury of the United States or out of the large fund which has been allocated to the Civilian Conservation Corps?

Mr. SCHWELLENBACH. Mr. President, I can answer the Senator's question. The committee has taken the position and has uniformly insisted on amending all bills of this

character so as to provide that payments shall come out of the allocation of funds to the Civilian Conservation Corps.

Mr. KING. Does the bill now before us make such a provision?

Mr. SCHWELLENBACH. I have not examined this particular bill, but the amendment which the clerk just read does so provide.

Mr. ROBINSON. Mr. President, the amendment in the bill contemplates payment of these claims out of funds allocated by the President for the maintenance and operation of the Civilian Conservation Corps. I observe also in this connection that the claims are for relatively very small amounts.

Mr. KING. I have no objection.

The VICE PRESIDENT. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

EXTENSION AND COMPLETION OF UNITED STATES CAPITOL

The bill (S. 1170) to provide for the extension and completion of the United States Capitol was announced as next in order.

Mr. LODGE. Let the bill go over.

Mr. McKELLAR. Mr. President, I call the attention of the Senate to the fact that this bill seems to call for a direct appropriation. It should merely authorize an appropriation, and I think the bill ought to go to the Appropriations Committee before it is acted upon by the Senate. I call the attention of the Senator from Texas [Mr. CONNALLY], the author of the bill, to that fact.

The VICE PRESIDENT. Objection has been made to the consideration of the bill.

Mr. ROBINSON. Mr. President, one moment before the bill goes over. I call the attention of the Senator from Tennessee to the fact that this is a legislative bill rather than an appropriation bill, and I do not think the Appropriations Committee would have jurisdiction of it.

Mr. McKELLAR. It fixes the amount of the appropriation, however, in case a contract is awarded.

Mr. ROBINSON. It is an authorization, as is required under all circumstances to give the Appropriations Committee jurisdiction.

The VICE PRESIDENT. Objection having been made, the bill will be passed over.

HARRY D. M'INTOSH

The Senate proceeded to consider the bill (S. 118) for the relief of Harry D. McIntosh, which had been reported from the Committee on Claims with an amendment to add at the end of the bill a proviso, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Harry D. McIntosh, out of any money in the Treasury not otherwise appropriated, the sum of $84, in full settlement of any and all claims against the Government for medical expenses incurred as a result of personal injuries suffered by his son, Douglas McIntosh, when he was struck by an Army school bus at Mount Clemens, Mich., on December 5, 1935: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GUY F. ALLEN

The bill (S. 843) for the relief of Guy F. Allen, chief disbursing officer, Division of Disbursement, Treasury Department, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to allow credit in the accounts of Guy F. Allen, chief disbursing officer, Division of Disbursement, Treasury Department, without charge against the certifying officer of the Department of Justice, for the sum of $126.40, representing the disallowed portion of the sum of $138 paid by him on August 17, 1934, on voucher no. 102336, from the appropriation, "15746, Salaries and expenses, Division of Investigation, 1935", to the Airline ticket office, Municipal Airport, Oklahoma City, Okla., for the charter of a special airplane by an assistant director of the Federal Bureau of Investigation of the Department of Justice, for transportation from Oklahoma City, Okla., to Springfield, Mo., in connection with an emergency investigation.

BILL PASSED OVER

The bill (S. 792) for the relief of Sam Larson, guardian of Margaret Larson, a minor, was announced as next in order.

Mr. SCHWELLENBACH. Let the bill go over.

The VICE PRESIDENT. The bill will be passed over.

That completes the calendar.

EXTENSION OF TIME FOR FILING RETURNS—REVENUE ACT OF 1936

Mr. GEORGE. From the Committee on Finance, and by request of the chairman of the committee, who is temporarily absent from the Chamber, I report back favorably without amendment House Joint Resolution 249, authorizing the Commissioner of Internal Revenue to grant further extensions of time for filing returns under title III of the Revenue Act of 1936. This joint resolution is identical with Senate Joint Resolution 91. I invite the attention of the Senator from Washington [Mr. SCHWELLENBACH] to the House joint resolution, and I request unanimous consent for its immediate consideration.

The VICE PRESIDENT. Is there objection to the request of the Senator from Georgia?

Mr. McNARY. Mr. President, a moment ago the able Senator from Georgia spoke to me briefly about this matter. If an emergency situation requires the consideration of the joint resolution at this time, I should like to have him state what it is.

Mr. GEORGE. Mr. President, under title III of the Revenue Act of 1936 the so-called "unjust enrichment" tax, or "windfall" tax, was imposed. Returns were required to be made within the discretion of the Commissioner of Internal Revenue, and, of course, the time for making returns will expire on March 15. It appears that the Commissioner is not given discretion to grant further extensions of time for filing returns by these taxpayers; and the joint resolution merely gives the Commissioner, in his discretion, the power to make additional reasonable extensions of time.

The joint resolution has the recommendation and approval of the Treasury Department; and, inasmuch as the returns must be filed by Monday, March 15, unless this joint resolution be passed and approved, I understand that the distinguished leader of the minority interposes no objection.

The VICE PRESIDENT. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution (H. J. Res. 249) authorizing the Commissioner of Internal Revenue to grant further extensions of time for filing returns under title III of the Revenue Act of 1936, was considered, ordered to a third reading, read the third time, and passed, as follows:

Resolved, etc., That the Commissioner of Internal Revenue be, and he is hereby, authorized to grant additional reasonable extensions of time for filing returns under title III of the Revenue Act of 1936 for the calendar year 1935 and any fiscal year ending on or before August 31, 1936: *Provided*, That, except in the case of taxpayers who are abroad, no such extension shall be made beyond June 15, 1937.

Mr. SCHWELLENBACH. Mr. President, in view of the emergency, I ask unanimous consent that the Vice President be authorized to sign House Joint Resolution 249 after the recess or adjournment of the Senate.

The VICE PRESIDENT. Is there objection to the request of the Senator from Washington? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

REPORTS OF COMMITTEE ON POST OFFICES AND POST ROADS

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters, which were ordered to be placed on the Executive Calendar.

DEPARTMENT OF THE NAVY—SURGEON GENERAL

Mr. WALSH. Mr. President, at the last session of the Senate the nomination of Rear Admiral Perceval S. Rossiter to be Surgeon General and Chief of the Bureau of Medicine and Surgery of the Navy Department was confirmed. The present term of office of Admiral Rossiter will expire on Monday. In order that there may be no period when the office will be vacant, I ask unanimous consent that the President be notified that the nomination was confirmed.

The VICE PRESIDENT. Is there objection to the request of the Senator from Massachusetts? The Chair hears none, and the President will be notified.

Are there further reports of committees? If not, the calendar is in order.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask that the nominations of postmasters be confirmed en bloc.

The VICE PRESIDENT. Without objection, the nominations are confirmed en bloc.

That concludes the nominations on the Executive Calendar.

ADJOURNMENT

The Senate resumed legislative session.

Mr. ROBINSON. I move that the Senate stand adjourned until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 12 o'clock and 35 minutes p. m.) the Senate adjourned until tomorrow, Friday, March 12, 1937, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 11, 1937

POSTMASTERS

LOUISIANA

Chrissie D. Redditt, Columbia.
Joseph W. Stegall, Delhi.
William O. Woodward, Dubach.
Hall S. Rogers, Grand Cane.
Elizabeth Mae Langlois, Istrouma.
Tesca R. Roy, Jr., Mansura.
Eugenia Z. Boyle, Metairie.
Dennis Gomez, Jr., Norco.
Harry J. Coenen, Rayville.
Robert H. Nelson, Shreveport.
Ernest A. Pennebaker, Wisner.

MISSISSIPPI

Leo G. Ford, Bay St. Louis.
Wilson F. Skaggs, Laurel.

MONTANA

Kenneth LeCompt, Arlee.
Abbie J. McClammy, New Deal.

RHODE ISLAND

William A. Kirkpatrick, Apponaug.
Mary E. Feeley, Oakland Beach.

WISCONSIN

Harry A. Martens, Coleman.

HOUSE OF REPRESENTATIVES

THURSDAY, MARCH 11, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

We desire, Father in Heaven, to lift up our voice in thanksgiving and praise. As we pray, may we together remember with gratitude the never-failing mercy and goodness of an infinite God. Thy servant has said: "Blessed are those who are undefiled in the way and walk in the law of the Lord. Blessed are they that keep His testimonies and that seek Him with a whole heart." Oh, that we might always be animated by Thy holy word. Do Thou write it within us. We pray that all our duties may weigh with sacredness upon our hearts. Strengthen our faith in the eternal verities and inspire us to live up to the ideals and teachings of the Master. Merciful Father, permit us to carry into the evening shadows the sweet assurance that we have won love by deserving it and happiness by bestowing it. Through Christ our Savior. Amen.

The Journal of the proceedings of yesterday, Wednesday, March 10, 1937, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Crockett, its Chief Clerk, announced that the Senate had passed without amendment bills and a joint resolution of the House of the following titles:

H. R. 601. An act for the relief of Edna M. Callahan and Anna Scott;

H. R. 1097. An act for the relief of Brook House, Ltd., of Sydney, Australia;

H. R. 1098. An act for the relief of William L. Jenkins; and

H. J. Res. 249. Joint resolution authorizing the Commissioner of Internal Revenue to grant further extensions of time for filing returns under title III of the Revenue Act of 1936.

SWEARING IN OF A MEMBER

The SPEAKER laid before the House the following communication from the Clerk of the House:

WASHINGTON, D. C., *March 11, 1937.*

The SPEAKER, HOUSE OF REPRESENTATIVES,
Washington, D. C.

DEAR SIR: From the State Board of Election Commissioners of the Commonwealth of Kentucky I have received the certificate of election of Hon. B. M. VINCENT as a Representative-elect to the Seventy-fifth Congress from the Second Congressional District of that State, to fill the unexpired term caused by the death of Hon. Glover H. Cary.

Very truly yours,

SOUTH TRIMBLE,
Clerk of the House of Representatives.

The SPEAKER. The Member-elect will come forward and take the oath of office.

Mr. BEVERLY M. VINCENT appeared at the bar of the House and took the oath of office.

EXTENSION OF REMARKS

Mr. COLLINS. Mr. Speaker, I ask unanimous consent to extend my own remarks with respect to a depository library.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to extend my own remarks by including an address of the Honorable James Landis, Chairman of the Securities and Exchange Commission.

Mr. RICH. Mr. Speaker, reserving the right to object, is the gentleman Chairman of the Commission at the present time?

Mr. MAVERICK. He is the Chairman right now—the "big shot."

Mr. RICH. The "big shot"? Well, we want some "big shot" addresses and we will see what this is.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

BOOKER T. WASHINGTON AND THE TUSKEGEE INSTITUTE

Mr. MITCHELL of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MITCHELL of Illinois. Mr. Speaker, it is the custom of this great deliberative body to pause in its work and do homage to the memory of its great men and women, and especially those who have made large and lasting contributions to the growth and welfare of the Nation. It was only a few weeks ago when we assembled in this Chamber and listened to a most eloquent address delivered by one of our Members in memory of the great work done by Abraham Lincoln. On February 22 we dispensed with all of the business of the House and listened with rapt interest to the reading of George Washington's Farewell Address. In this way the Nation shows its appreciation for the work done by its statesmen and benefactors.

I wish to call your attention to April 5, which is the birthday of the late Booker Washington, founder and builder of the great Tuskegee Institute at Tuskegee, Ala. No man of our time has made a larger and more lasting contribution to character and citizenship building than Booker Washington. The 5th of April has been set aside not only to commemorate his birthday, but to bring to the attention of the country the wonderful work that is being done at this great institution. I therefore ask unanimous consent of this body that on April 5, after we shall have listened to the reading of the Journal and disposed of the special matters on the Speaker's desk, that I be permitted to address the House for 30 minutes on the life and work of Booker Washington and the great Tuskegee Institute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

REGULATION OF BITUMINOUS COAL IN INTERSTATE COMMERCE

Mr. DOUGHTON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 4985) to regulate interstate commerce in bituminous coal, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 4985, with Mr. MAY in the chair.

The Clerk read the title of the bill.

The Clerk read as follows:

NATIONAL BITUMINOUS COAL COMMISSION

SEC. 2. (a) There is hereby established in the Department of the Interior a National Bituminous Coal Commission (herein referred to as Commission), which shall be composed of seven members appointed by the President, by and with the advice and consent of the Senate, for a term of 4 years. The Commission shall annually designate its chairman, and shall have a seal which shall be judicially recognized. Any person appointed to fill a vacancy shall be appointed only for the unexpired term of his predecessor in office. The Commission shall have an office in the city of Washington, D. C., and shall convene at such times and places as the majority of the Commission shall determine. Two members of the Commission shall have been experienced bituminous coal mine workers, two shall have had previous experience as producers, but none of the members shall have any financial interest, direct or indirect, in the mining, transportation, or sale of, or manufacture of equipment for, coal (whether or not bituminous coal), oil, or gas, or in the generation, transmission, or sale of hydroelectric power, or in the manufacture of equipment for the use thereof, and shall not actively engage in any other business, vocation, or employment. Not more than one commissioner shall be a resident of any one State, and not more than one commissioner shall be a resident of any one of the districts hereinafter established, but a change in any of the boundaries of the districts, made by the Commission as hereinafter provided, shall not affect the tenure of office of any commissioner then serving. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. The Commission is authorized to appoint and fix the compensation and duties of a secretary and necessary professional, clerical, and other assistants. With the exception of the secretary, a clerk to each commissioner, the attorneys, and such special agents, technical experts, and examiners as the Commission may require, all employees of the Commission shall be appointed and their compensation fixed in accordance with the provisions of the civil-service laws and the Classification Act of 1923, as amended. No person appointed without regard to the provisions of the civil-service laws shall be related to any member of the Commission by marriage or within the third degree by blood. The Commission is authorized to accept and utilize voluntary and uncompensated services of any person or of any official of a State or political subdivision thereof. The members of the Commission shall each receive compensation at the rate of $10,000 per year and necessary traveling expenses. Such Commission shall have the power to make and promulgate all reasonable rules and regulations for carrying out the provisions of this act and shall annually make full report of its activities to the Secretary of the Interior for transmission to Congress. A majority of the Commission shall constitute a quorum for the transaction of business, and a vacancy in the Commission shall not impair the right of the remaining members to exercise all the power of the Commission. No order which is subject to judicial review under section 6, and no rule or regulation which has the force and effect of law, shall be made or prescribed by the Commission, unless it has given reasonable public notice of a hearing, and unless it has afforded to interested parties an opportunity to be heard, and unless it has made findings of fact. Such findings, if supported by substantial evidence shall be conclusive upon review thereof by any court of the United States. The Commission may establish divisions deemed necessary for the proper dispatch of its business, and may refer any matter to an individual commissioner, who shall exercise all the powers and authority of the Commission in the premises: *Provided*, That any person in interest may, upon written petition, secure a review by the Commission of the report, findings, or order of such commissioner.

(b) (1) There is hereby established an office in the Department of the Interior to be known as the office of the consumers' counsel of the National Bituminous Coal Commission. The office shall be in charge of a counsel to be appointed by the President, by and with the advice and consent of the Senate. The counsel shall have no financial interest, direct or indirect, in the mining, transportation, or sale of, or the manufacture of equipment for, coal (whether or not bituminous coal), oil, or gas, or in the generation, transmission, or sale of hydroelectric power, or in the manufacture of equipment for the use thereof, and shall not actively engage in any other business, vocation, or employment. The counsel shall receive compensation at the rate of $10,000 per year and necessary traveling expenses.

(2) It shall be the duty of the counsel to appear in the interest of the consuming public in any proceeding before the Commission and to conduct such independent investigation of matters relative to the coal industry and the administration of this act as he may deem necessary to enable him properly to represent the consuming public in any proceeding before the Commission. In any such proceeding before the Commission the counsel shall have the right to offer any relevant testimony and argument, oral or written, and to examine and cross-examine witnesses and parties to the proceeding, and shall have the right to have subpena or other process of the Commission issue in his behalf. Whenever the counsel finds that it is in the interest of the consuming public to have the Commission furnish any information at its command or conduct any investigation as to any matter within its authority, the counsel shall so certify to the Commission, specifying in the certificate the information or investigation desired. Thereupon the Commission shall promptly furnish to the counsel the information or promptly conduct the investigation and place the results thereof at the disposal of the counsel.

(3) The counsel is authorized to appoint and fix the compensation and duties of necessary professional, clerical, and other assistants. With the exception of a clerk to the counsel, the attorneys, and such special agents and experts as the counsel may from time to time find necessary for the conduct of his work, all employees of the counsel shall be appointed and their compensation fixed in accordance with the civil-service laws and the Classification Act of 1923, as amended. The counsel is authorized to make such expenditures as may be necessary for the performance of the duties vested in him.

(4) The counsel shall annually make a full report of the activities of his office directly to the Congress.

Mr. MAPES. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. MAPES: Page 3, beginning with line 9, strike out lines 9 and 10, and line 11, except the word "all", so that the sentence will read "all employees of the Commission shall be appointed and their compensation fixed in accordance with the provisions of the civil-service laws and the Classification Act of 1923, as amended."

Mr. MAPES. Mr. Chairman, the President, in his message to the Congress on January 12, 1937, submitting the

Brownlow Reorganization Committee report, in summarizing the recommendations of that committee said:

> The committee presents an integrated 5-point program which you will find set out in its report. It includes these major recommendations—

And, without attempting to read the others, I shall read only the one pertinent to this amendment:

> No. 3. Extend the merit system upward, outward, and downward to cover practically all nonpolicy determining posts.

Let me read it again:

> Extend the merit system upward, outward, and downward to cover practically all nonpolicy determining posts.

Mr. Chairman, to carry out this recommendation literally the Congress in this bill should provide that these commissioners should be selected according to the civil-service laws and regulations and not appointed by the President as provided in the bill. They will not occupy any "policy determining posts." However, my amendment does not go as far as that. It does not apply to the commissioners themselves, but simply goes to the employees of the commission.

My amendment proposes to strike out, on page 3, line 9, the words "with the exception of the Secretary, a clerk to each commissioner, the attorneys, and such special agents, technical experts, and examiners as the commission may require."

The bill proposes to take all those out from under civil service, as well as the commissioners, so it is evident that this bill is not in harmony with the recommendation of the Brownlow committee in that respect. The President endorses the recommendation of the Brownlow committee. The President specifically says in his message:

> I endorse this program and feel confident that it will commend itself to you also, with your knowledge of government, and to the vast majority of the citizens of the country.

Mr. Chairman, here is an opportunity to adopt and to put into practice the merit system now. [Laughter and applause.]

Mr. FRED M. VINSON. Mr. Chairman, it is well for my friend from Michigan to keep up the record. This is a matter with which every member of this House is familiar. I feel that the House is perfectly competent to take up the recommendations of any committee when the time comes for consideration of legislation based upon that support. The Coal Commission has had some experience in operating, and, according to their experience, they tell us that the Secretary, their own clerks, the attorneys, and the technical experts, as in many other agencies of the Government, should not be included in the civil service. I trust that the amendment of the gentleman from Michigan will be voted down.

Mr. TREADWAY. Mr. Chairman, I move to strike out the last word. I am in hearty accord with the motion of the gentleman from Michigan [Mr. MAPES]. I referred to this matter in some remarks I made on the floor 2 or 3 days ago when the bill was under discussion, and, if I understand that gentleman's amendment correctly, it practically means that, on lines 10 or 11, the words "the attorneys and special agents, technical experts, and examiners as the commission may require" will be stricken out.

Mr. MAPES. That is correct.

Mr. TREADWAY. That is exactly what I referred to the other day—the absolute uselessness of pretending to have any civil service with that language in the bill. It is as big a piece of sarcasm as we could possibly perpetrate right now. By the way, that seems to be the favorite word—"now." You could not make a bigger bluff than now to say that those people should not be under civil service. The gentleman from Kentucky [Mr. FRED M. VINSON] has referred to the experience of the Coal Commission. What experience have they had other than drawing their salaries? They have been doing that mighty well. The actual authority of the Coal Commission was stopped by the Supreme Court decision, and they have done well in keeping $400,000 in circulation in the way of employees since then, probably not one of that number being under the civil service. Now, if you are going to pass this legislation and make it the law of the land, and say that attorneys and such special agents and technical experts and examiners as the commission may require should not be under civil service, why say anything about civil service? Maybe you could get a $25 file clerk or something who would have to go through the ceremony of the civil service, but $1,400,000 will be expended to people who enjoy the patronage that your Postmaster General can so ably dispense. Let us face the thing now as the circumstances actually are. There is the truth of the case, plainly stated.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. TREADWAY. Yes.

Mr. HOFFMAN. Why not wait until after the bill is passed and they have been put into this commission, and then get them all under the civil service?

Mr. TREADWAY. Yes; put them into this group of 275,000 who are now waiting to be put under the civil service, after being appointed under patronage. That is consistency, if I ever heard of it. So it seems to me that if we want to be honest with ourselves, and honest with our convictions, we should show whether we are for civil service or against it now. If you are against it now, vote down the amendment offered by the gentleman from Michigan, and if you are for civil service, vote to strike out that language. I know the answer that my colleagues of the committee will make to me. They will say, why did you not propose it in the committee? We had that discussion up the other day, the chairman and I. A fat chance a man has to offer an amendment, when he is one of 7 as against 18. This bill is satisfactory to those who want to put the bill through. I am not one of those and I am not one of those who want to be a hypocrite about the civil service. That is what you are doing and what you will mean when you say that I should have offered the amendment in committee. What good would it do? It would only waste my breath and your time, and there is time enough wasted in the Committee with talk now. It would be foolish to offer the amendment, because you gentlemen never would agree to it in the wide world. That is my answer to the question that I am quite sure the gentleman from North Carolina [Mr. DOUGHTON] and the gentleman from Kentucky [Mr. FRED M. VINSON] will ask me or refer to in answering what I have to say, but here is a straight-cut civil-service proposition. If you are for it, you are for it now. If you do not believe in civil service and prefer patronage, then vote down the amendment.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. RAMSPECK. Mr. Chairman, I move to strike out the last two words. I am in favor of the Mapes amendment, not for the reason stated by the gentleman from Massachusetts [Mr. TREADWAY], because, if I remember correctly, he did not vote to put postmasters under civil service. I think the gentleman from Michigan [Mr. MAPES], however, did, and I think he is sincerely in favor of civil service, but I call the attention of the members of the Committee to the fact that when we established the Social Security Board we made the same exception proposed in this bill which the gentleman from Michigan would strike out. Most of the trouble that the Social Security Board has had about appointments has grown out of that very exception. We have the Interstate Commerce Commission, the Veterans' Administration, and a number of agencies who select their attorneys and all their employees through the civil service, and it has worked very satisfactorily—much more satisfactorily, according to my information, than has the exception in the Social Security Act. They have had much trouble in the Social Security Board about attorneys and experts, and there is hardly a Member of Congress on our side of the House who has not had his difficulties about appointments of so-called experts and attorneys, which are excepted from the civil service.

The Comptroller General has ruled that under this type of exception you cannot appoint a man as an expert where the position may be filled by civil-service examination. The result is that the Social Security Board today has quite a number of experts who are perhaps going to be kept on the pay roll, where they are not needed, or else they will

lose their jobs, because the Comptroller General has ruled that those positions can be filled by civil-service examinations.

We have a lot of lawyers on the Social Security Board, and from what I know of the type of men who have been selected, I do not think they will measure up to the attorneys in the Interstate Commerce Commission or in the Veterans' Administration or any of the other agencies where they have been selected by civil service.

I hope the House will adopt the amendment offered by the gentleman from Michigan. It is in accordance with the President's recommendation in his reorganization message, and I think we ought to adopt it.

Mr. WHITE of Idaho. Mr. Chairman, will the gentleman yield?

Mr. RAMSPECK. I yield.

Mr. WHITE of Idaho. I assume the gentleman has transacted business with the departments of Government here?

Mr. RAMSPECK. Yes.

Mr. WHITE of Idaho. Has the gentleman had an opportunity to make some comparisons in the different departments, for instance, the Reconstruction Finance Corporation, where they are excepted from the civil service, in the efficiency of service and the courtesy of the employees, as against those departments which are under civil service?

Mr. RAMSPECK. Yes; I have.

Mr. WHITE of Idaho. Does not the gentleman find that where the civil-service rules do not apply they are more courteous and they are more efficient in the conduct of the business?

Mr. RAMSPECK. No. I cannot say that has been my experience. I think the Reconstruction Finance Corporation is a very efficiently managed agency, but I find that the regular, old-line agencies that have been under civil service for years are more cooperative with Members of Congress, and know better how to help us transact our business than these new agencies, where the positions have been filled under the patronage system. That has been my experience.

Mr. WHITE of Idaho. Would the gentleman like to have the civil service extended to the secretarial force in his own office?

Mr. RAMSPECK. No. I do not think you can extend it there, because that is a confidential relationship. It is a political relationship.

Mr. WHITE of Idaho. Does not the gentleman think he will find confidential relationships all through the departments?

Mr. RAMSPECK. Not in the same respect that you do in your own office, where you are a political officeholder and must be elected, and you must have people that you can control. That is a very different proposition. I think we get better service from the old line agencies that are under civil service, and the people are better satisfied and render better service to the Government.

I hope the amendment will be adopted.

[Here the gavel fell.]

Mr. DOUGHTON. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Michigan [Mr. MAPES].

Men who have had experience in the administration of legislation similar to this testify that you can have too much civil service. Enough of anything is enough. Those who testified before our committee, who have had experience and who are familiar with the administration of this and similar legislation, state that the examiners, lawyers, and experts should not be under civil service. Of course, the examiners occupy the same relation to the law as experts. They are nothing but experts. The commission will be in a better position to select men who are capable, efficient, and well-qualified to discharge the duties of examiners if they are unhampered.

We have an illustration, a rather sad one, in respect to the administration of the Social Security Act.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. DOUGHTON. Yes; I yield.

Mr. MAPES. The gentleman understands this is the recommendation of the Brownlow committee and of the President. Does the gentleman desire to take a position antagonistic to their recommendation?

Mr. DOUGHTON. We will cross that bridge later in the day. That has no connection with what I am talking about.

Any Member of the House can find out, and many Members have already found out, that the Social Security Board, in the administration of that act, has been and is now being hampered on account of the strict civil-service requirements.

Mr. MAPES. The gentleman has a different opinion about that than the gentleman from Georgia, [Mr. RAMSPECK], chairman of the Committee on the Civil Service?

Mr. DOUGHTON. The gentleman from Georgia admitted that he did not want the clerks in his office to be selected under civil service rules and regulations. Carried to its last analysis, that is exactly what should be done. You can talk about anything and study about it until it becomes an obsession. With all due respect to the gentleman from Georgia [Mr. RAMSPECK], who is one of the ablest Members of this House, that is his hobby. I believe in civil service, as far as reasonable, but we can go too far with anything.

I trust this amendment will be voted down in the interest of the legislation.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was rejected.

The Clerk read as follows:

TAX ON COAL

SEC. 3. (a) There is hereby imposed upon the sale or other disposal of bituminous coal produced within the United States when sold or otherwise disposed of by the producer thereof an excise tax in an amount equal to one-half of 1 percent of the sale price at the mine in the case of coal disposed of by sale at the mine or in the case of coal disposed of otherwise than by sale at the mine, and coal sold otherwise than through an arms' length transaction, one-half of 1 percent of the market value of such coal.

(b) In addition to the tax imposed by subsection (a) of this section, there is hereby imposed upon the sale or other disposal of bituminous coal produced within the United States, when sold or otherwise disposed of by the producer thereof, which would be subject to the application of the conditions and provisions of the code provided for in section 4, or of the provisions of section 4–A, an excise tax in an amount equal to 19½ percent of the sale price at the mine in the case of coal disposed of by sale at the mine, or in the case of coal disposed of otherwise than by sale at the mine, and coal sold otherwise than through an arms' length transaction, 19½ percent of the market value of such coal. In the case of any producer who is a code member as provided in section 4 and is so certified to the Commissioner of Internal Revenue by the Commission, the sale or disposal by such producer during the continuance of his membership in the code of coal produced by him shall be exempt from the tax imposed by this subsection.

(c) The taxes imposed by this section shall be paid to the United States by the producer, and shall be payable monthly for each calendar month on or before the first business day of the second succeeding month, under such regulations and in such manner as shall be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury.

(d) In the case of coal disposed of otherwise than by sale at the mine, and coal sold otherwise than through an arms' length transaction, the Commissioner of Internal Revenue shall determine the market value thereof. Such market value shall equal the current market price at the mine of coal of a comparable kind, quality, and size produced for market in the locality where the coal so disposed of is produced.

(e) The taxes imposed by this section shall not apply in the case of a sale of coal for the exclusive use of the United States or of any State or Territory of the United States or the District of Columbia, or any political subdivision of any of them, for use in the performance of governmental functions. Under regulations prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury, a credit against the tax imposed by subsection (a) of this section or a refund may be allowed or made to any producer of coal in the amount of such tax paid with respect to the sale of coal to any vendee, if the producer has in his possession such evidence as the regulations may prescribe that such coal was resold by any person for the exclusive use of the United States or of any State, Territory of the United States, or the District of Columbia, or any political subdivision of any of them, for use in the performance of governmental functions.

(f) No producer shall, by reason of his acceptance of the code provided for in section 4, or of the exemption from the tax pro-

vided in subsection (b) in this section, be held to be precluded or estopped from contesting the constitutionality of any provision of this act or of the code, or the validity or application of either to him or to any part of the coal produced by him.

Mr. MERRITT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MERRITT: On page 6, line 24, after "amount equal to", strike out "one-half" and insert in lieu thereof "one-quarter."

Mr. MERRITT. Mr. Chairman, I have another amendment.

The CHAIRMAN. Without objection the Clerk will report the gentleman's second amendment for information.

The Clerk read as follows:

Page 7, line 4, after the word "transaction", on line 13, strike out "one-half" and insert "one-quarter."

Mr. MERRITT. Mr. Chairman, I voted for the Guffey coal bill passed at the last session. I wish to be consistent and I shall vote for the Vinson coal bill. I am confident that the coal people need some sort of legislation to give them stability and protection. The gentleman from Kentucky [Mr. FRED M. VINSON] the other day when he explained the bill—and I wish to compliment him on his explanation—said among other things that the amount that will be provided for the administration of this legislation by the assessment of the tax of one-half of 1 percent would be more than adequate.

In the report of the majority of the Committee on Ways and Means (Rept. No. 294), on page 2, it is stated as follows:

First, a tax of one-half of 1 percent on the sale of or other disposal of bituminous coal by every producer. On the basis of a production of 4,000,000 tons annually the average price of which at the mine would approximate $2 per ton, this tax is estimated to yield $4,000,000 annually, which is more than adequate to cover the administrative costs of the bill.

That $4,000,000 would be "more than adequate" to cover the costs of administering this bill would seem to be considerably of an understatement. There is no reason why this bill should not be administered for less than $2,000,000 per year, which could be obtained by a tax of one-quarter of 1 percent—instead of one-half of 1 percent—upon tonnage produced in the United States each year. It would seem to be somewhat inconsistent to attempt to rehabilitate a supposedly sick industry by saddling the producers with a tax of one-half of 1 percent upon the selling price of their coal when a tax of one-half that amount should return more than sufficient for the purposes for which imposed.

With this in mind I have offered an amendment that will produce about $2,000,000 a year. For the sake of economy, if for no other reason, I am confident that the people of the country, especially the coal industry, will be satisfied with this amount of money to administer this legislation.

The State of New York, which it is my honor and distinct pleasure to represent, is comprised entirely of consumers, and if this industry, as has been pointed out, has been a very sick one, I believe this is a step in the right direction to put it on its feet, making the tonnage price insofar as the consumers are concerned that which will meet with their entire satisfaction.

I sincerely trust that the committee will find this a very agreeable amendment, and ask for their favorable consideration.

Mr. FRED M. VINSON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I wish we were in position to agree with the amendment of the gentleman from New York. I know that those who are interested in the bill and in the benefits that we hope will come from it would like to see the least possible burden placed upon the industry, but it must be remembered that the industry has stoutly maintained that they wanted the administration of this act without any dollar burden upon the Treasury of the United States.

In the previous bills, the Guffey-Snyder bill of 2 years ago, the tax per ton of coal was 1½ percent, and that was the rate carried in the bill of last year, H. R. 12800, introduced by me, which passed the House, but failed in the Senate by reason of a filibuster. It has been pointed out that the 1½-percent tax carried in the bills heretofore, and in the original bill as introduced by me on the first day of the session, would raise $12,000,000. The committee, after due consideration, decreased the 1½-percent tax, that of $12,000,000, to a one-half of 1-percent tax, or $4,000,000.

We are not able to know exactly how much will be required to administer this law, but the committee felt that they should be on the safe side and fix the tax at one-half of 1 percent. It may be that in the future, when the administration has had longer experience, a reduction could be made in the tax.

Mr. Chairman, I trust that the amendment will be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was rejected.

The Clerk read as follows:

SEC. 4. The provisions of this section shall be promulgated by the Commission as the "Bituminous Coal Code", and are herein referred to as the code.

Producers accepting membership in the code as provided in section 5 (a) shall be, and are herein referred to as, code members, and the provisions of such code shall apply only to such code members.

For the purpose of carrying out the declared policy of this act, the code shall contain the following conditions and provisions, which are intended to regulate interstate commerce in bituminous coal and which shall be applicable only to matters and transactions in or directly affecting interstate commerce in bituminous coal:

PART I—ORGANIZATION

(a) Twenty-three district boards of code members shall be organized. Each district board shall consist of not less than 3 nor more than 17 members. The number of members of the district board shall, subject to the approval of the Commission, be determined by the majority vote of the district tonnage during the calendar year 1936 represented at a meeting of the code members of the district called for the purpose of such determination and for the election of such district board; and all code members within the district shall be given notice of the time and place of the meeting. All but one of the members of the district board shall be code members or representatives of code members truly representative of all the mines of the district. The number of such producer members shall be an even number. One-half of such producer members shall be elected by the majority in number of the code members of the district represented at the aforesaid meeting. The other producer members shall be elected by votes cast in the proportion of the annual tonnage output of the code members in the district for the calendar year preceding the date of the election: *Provided*, That not more than one officer or employee of any code member within a district shall be a member of the district board at the same time. The remaining member of each district board shall be selected by the organization of employees representing the preponderant number of employees in the industry of the district in question. The term of district board members shall be 2 years and until their successors are elected.

The district boards shall have power to adopt bylaws and rules of procedure, subject to approval of the Commission, and to appoint officers from their own membership, to fix their terms and compensation, to provide for reports, and to employ such committees, employees, arbitrators, and other persons necessary to effectuate their purposes. Members of the district board shall serve, as such, without compensation but may be reimbursed for their reasonable expenses. The territorial boundaries or limits of the 23 districts are set forth in the schedule entitled "Schedule of Districts" and annexed to this act.

Whenever the Commission upon investigation instituted upon its own motion or upon petition of any code member, district board, State or political subdivision thereof, or the consumers' counsel, after hearing finds that the territorial boundaries or limits of any district or minimum-price area are such as to make it substantially impracticable to establish minimum prices in accordance with all the standards set forth in subsections (a) and (b) of part II of this section, and that a change in such territorial boundaries or limits or a division or consolidation of such districts or minimum-price areas would render the establishment of minimum prices in accordance with all such standards more practicable, it shall by order make such changes, divisions, and consolidations as it finds will substantially aid in such establishment of minimum prices.

(b) The expense of administering the code by the respective district boards shall be borne by the code members in the respective districts, each paying his proportionate share, as assessed, computed on a tonnage basis, in accordance with regulations prescribed by such boards with the approval of the Commission. Such assessments may be collected by the district board by action in any court of competent jurisdiction.

(c) Nothing contained in this act shall constitute the members of a district board partners for any purpose. Nor shall any member of a district board be liable in any manner to anyone for any act of any other member, officer, agent, or employee of the district board. Nor shall any member of a district board, exercising reasonable diligence in the conduct of his duties under this act, be liable to anyone for any action or omission to act under this act except for his own willful misfeasance or for nonfeasance involving moral turpitude.

(d) No action complying with the provisions of this section taken while this act is in effect, or within 60 days thereafter, by any code member or by any district board, shall be construed to be within the prohibitions of the antitrust laws of the United States.

PART II—MARKETING

The Commission shall have power to prescribe for code members minimum and maximum prices, and marketing rules and regulations, as follows:

(a) All code members shall report all spot orders to such statistical bureau hereinafter provided for as may be designated by the Commission and shall file with it copies of all contracts for the sale of coal, copies of all invoices, copies of all credit memoranda, and such other information concerning the preparation, cost, sale, and distribution of coal as the Commission may authorize or require. All such records shall be held by the statistical bureau as the confidential records of the code member filing such information.

In each district there may be established by the Commission a statistical bureau which shall be an agency of the Commission. Each statistical bureau shall be under the direction of a manager, who shall be appointed by the Commission. No producer, employee, or representative of a producer, and, except as the Commission may specifically approve, no member of a district board or employee or representative thereof shall be an employee of any statistical bureau.

Each district board shall, from time to time on its own motion or when directed by the Commission, propose minimum prices free on board transportation facilities at the mines for kinds, qualities, and sizes of coal produced in said district, and classification of coal and price variations as to mines and consuming market areas. Said prices shall be proposed so as to yield a return per net ton for each district in a minimum price area, as such districts are identified and such area is defined in the subjoined table designated "minimum price area table", equal as nearly as may be to the weighted average of the total costs, per net ton, determined as hereinafter provided, of the tonnage of such minimum price area. The computation of the total costs shall include the cost of labor, supplies, power, taxes, insurance, workmen's compensation, royalties, depreciation and depletion (as determined by the Bureau of Internal Revenue in the computation of the Federal income tax) and all other direct expenses of production, coal operators' association dues, district board assessments for Board operating expenses only levied under the code, and reasonable costs of selling and the cost of administration.

MINIMUM PRICE AREA TABLE

Area 1: Eastern Pennsylvania, district 1; western Pennsylvania, district 2; northern West Virginia, district 3; Ohio, district 4; Michigan, district 5; Panhandle, district 6; Southern no. 1, district 7; Southern no. 2, district 8; that part of Southeastern district 13, comprising Van Buren, Warren, and McMinn Counties in Tennessee.

Area 2: West Kentucky, district 9; Illinois, district 10; Indiana, district 11; Iowa, district 12.

Area 3: Southeastern, district 13, except Van Buren, Warren, and McMinn Counties in Tennessee.

Area 4: Arkansas-Oklahoma, district 14.

Area 5: Southwestern, district 15.

Area 6: Northern Colorado, district 16; southern Colorado, district 17; New Mexico, district 18.

Area 7: Wyoming, district 19; Utah, district 20.

Area 8: North Dakota and South Dakota, district 21.

Area 9: Montana, district 22.

Area 10: Washington and Alaska, district 23.

The minimum prices so proposed shall reflect, as nearly as possible, the relative market value of the various kinds, qualities, and sizes of coal, shall be just and equitable as between producers within the district, and shall have due regard to the interests of the consuming public. The procedure for proposal of minimum prices shall be in accordance with rules and regulations to be approved by the Commission.

A schedule of such proposed minimum prices, together with the data upon which they are computed, including, but without limitation, the factors considered in determining the price relationship, shall be submitted by the district board to the Commission, which may approve, disapprove, or modify such proposed minimum prices to conform to the requirements of this subsection, which shall serve as the basis for the coordination provided for in the succeeding subsection (b): *Provided*, That all minimum prices proposed for any kind, quality, or size of coal for shipment into any consuming market area shall be just and equitable as between producers within the district: *And provided further*, That no minimum price shall be proposed that permits dumping.

As soon as possible after its creation, each district board shall determine, from cost data submitted by the proper statistical bureau of the Commission, the weighted average of the total costs of the ascertainable tonnage produced in the district in the calendar year 1936. The district board shall adjust the average costs so determined, as may be necessary to give effect to any changes in wage rates, hours of employment, or other factors substantially affecting costs, exclusive of seasonal changes, so as to reflect as accurately as possible any change or changes which may have been established since January 1, 1936. Such determination and the computations upon which it is based shall be promptly submitted to the Commission by each district board in the respective minimum-price area. The Commission shall thereupon determine the weighted average of the total costs of the tonnage for each minimum-price area in the calendar year 1936, adjusted as aforesaid, and transmit it to all the district boards within such minimum-price area. Said weighted average of the total costs shall be taken as the basis, to be effective until changed by the Commission, for the proposal and establishment of minimum prices. Thereafter, upon satisfactory proof made at any time by any district board of a change in excess of 2 cents per net ton of 2,000 pounds in the weighted average of the total costs in the minimum-price area, exclusive of seasonal changes, the Commission shall increase or decrease the minimum prices accordingly. The weighted average figures of total cost determined as aforesaid shall be available to the public.

Each district board shall, on its own motion or when directed by the Commission, propose reasonable rules and regulations incidental to the sale and distribution, by code members within the district, of coal. Such rules and regulations shall not be inconsistent with the requirements of this section and shall conform to the standards of fair competition hereinafter established. Such rules and regulations shall be submitted by the district board to the Commission with a statement of the reasons therefor, and the Commission may approve, disapprove, or modify the same for the purpose of coordination.

(b) District boards shall, under rules and regulations established by the Commission, coordinate in common consuming market areas upon a fair competitive basis the minimum prices and the rules and regulations proposed by them, respectively, under subsection (a) hereof. Such coordination, among other factors, but without limitation, shall take into account the various kinds, qualities, and sizes of coal, and transportation charges upon coal. All minimum prices proposed for any kind, quality, or size of coal for shipment into any common consuming market area shall be just and equitable, and not unduly prejudicial or preferential, as between and among districts, shall reflect, as nearly as possible, the relative market values, at points of delivery in each common consuming market area, of the various kinds, qualities, and sizes of coal produced in the various districts, taking into account transportation methods and charges and their effect upon a reasonable opportunity to compete on a fair basis, and the competitive relationships between coal and other forms of fuel and energy; and shall preserve as nearly as may be existing fair competitive opportunities. The minimum prices proposed as a result of such coordination shall not, as to any district, reduce or increase the return per net ton upon all the coal produced therein below or above the minimum return as provided in subsection (a) of this section by an amount greater than necessary to accomplish such coordination, to the end that the return per net ton upon the entire tonnage of the minimum price area shall approximate the weighted average of the total costs per net ton of the tonnage of such minimum price area. Such coordinated prices and rules and regulations, together with the data upon which they are predicated, shall be submitted to the Commission. The Commission shall thereupon establish the effective minimum prices and rules and regulations in accordance with the standards set forth in subsections (a) and (b) of part II of this section.

(c) When, in the public interest, the Commission deems it necessary to establish maximum prices for coal in order to protect the consumer of coal against unreasonably high prices therefor, the Commission shall have the power to establish maximum prices free on board transportation facilities for coal in any district. Such maximum prices shall be established at a uniform increase above the minimum prices in effect within the district at the time, so that in the aggregate the maximum prices shall yield a reasonable return above the weighted average total cost of the district: *Provided*, That no maximum price shall be established for any mine which shall not yield a fair return on the fair value of the property.

(d) If any code member or district board, or any State or political subdivision of a State, or the consumers' counsel, shall be dissatisfied with such coordination of prices or rules and regulations, or by a failure to establish such coordination of prices or rules and regulations, or by the maximum prices established pursuant to subsection (c) of part II of this section, he or it shall have the right, by petition, to make complaint to the Commission, and the Commission shall, under rules and regulations established by it, and after notice and hearing, make such order as may be required to effectuate the purpose of subsections (b) and (c) of part II of this section. Pending final disposition of such petition, and upon reasonable showing of necessity therefor, the Commission may make such preliminary or temporary order as in its judgment may be appropriate, and not inconsistent with the provisions of this act.

(e) No coal subject to the provisions of this section shall be sold or delivered or offered for sale at a price below the minimum or above the maximum therefor established by the Commission, and the sale or delivery or offer for sale of coal at a price below such minimum or above such maximum shall constitute a violation of the code: *Provided*, That the provisions of this paragraph

shall not apply to a lawful and bona-fide written contract entered into prior to January 6, 1937.

A contract for the sale of coal at a price below the minimum or above the maximum therefor established by the Commission at the time of the making of the contract shall constitute a violation of the code, and such contract shall be invalid and unenforceable.

From and after the date of approval of this act, until prices shall have been established pursuant to subsections (a) and (b) of part II of this section, no contract for the sale of coal shall be made providing for delivery for a period longer than 30 days from the date of the contract.

No contract shall be made for the sale of coal for delivery after the expiration date of this act at a price below the minimum or above the maximum therefor established by the Commission and in effect at the time of making the contract.

The minimum prices established in accordance with the provisions of this section shall not apply to coal sold and shipped outside the domestic market. The domestic market shall include all points within the continental United States and Canada, and car-ferry shipments to the island of Cuba. Bunker coal delivered to steamships for consumption thereon shall be regarded as shipped within the domestic market. Maximum prices established in accordance with the provisions of this section shall not apply to coal sold and shipped outside the continental United States.

(f) All data, reports, and other information in the possession of any agency of the United States in relation to coal shall be available to the Commission for the administration of this act.

(g) The price provisions of this act shall not be evaded or violated by or through the use of docks or other storage facilities or transportation facilities, or by or through the use of subsidiaries, affiliated sales or transportation companies or other intermediaries or instrumentalities, or by or through the absorption, directly or indirectly, of any transportation or incidental charge of whatsoever kind or character, or any part thereof. The Commission is hereby authorized, after investigation and hearing, and upon notice to the interested parties, to make and issue rules and regulations to make this subsection effective.

(h) The Commission shall prescribe the price allowance to and receivable by persons (whether or not code members) who purchase coal for resale, and resell it in not less than cargo or railroad carload lots; and shall require the maintenance by such persons, in the resale of coal, of the minimum prices established under this act.

UNFAIR METHODS OF COMPETITION

(i) The following practices with respect to coal shall be unfair methods of competition and shall constitute violations of the code:

1. The consignment of unordered coal, or the forwarding of coal which has not actually been sold, consigned to the producer or his agent: *Provided, however,* That coal which has not actually been sold may be forwarded, consigned to the producer or his agent at rail or track yards, tidewater ports, river ports, or lake ports, or docks beyond such ports, when for application to any of the following class: Bunker coal, coal applicable against existing contracts, coal for storage (other than in railroad cars) by the producer or his agent in rail or track yards or on docks, wharves, or other yards for resale by the producer or his agent.

2. The adjustment of claims with purchasers of coal in such manner as to grant secret allowances, secret rebates, or secret concessions, or other price discrimination.

3. The prepayment of freight charges with intent to or having the effect of granting a discriminatory credit allowance.

4. The granting in any form of adjustments, allowances, discounts, credits, or refunds to purchasers or sellers of coal, for the purposes or with the effect of altering retroactively a price previously agreed upon, in such manner as to create price discrimination.

5. The predating or postdating of any invoice or contract for the purchase or sale of coal, except to conform to a bona-fide agreement for the purchase or sale entered into on the predate.

6. The payment or allowance in any form or by any device of rebates, refunds, credits, or unearned discounts, or the extension to certain purchasers of services or privileges not extended to all purchasers under like terms and conditions, or under similar circumstances.

7. The attempt to purchase business, or to obtain information concerning a competitor's business by concession, gifts, or bribes.

8. The intentional misrepresentation of any analysis or of analyses, or of sizes, or the intentional making, causing, or permitting to be made, or publishing, of any false, untrue, misleading, or deceptive statement by way of advertising, invoicing, or otherwise concerning the size, quality, character, nature, preparation, or origin of any coal bought, sold, or consigned.

9. The unauthorized use, whether in written or oral form, of trade marks, trade names, slogans, or advertising matter already adopted by a competitor, or any deceptive approximation thereof.

10. Inducing or attempting to induce, by any means or device whatsoever, a breach of contract between a competitor and his customer during the term of such contract.

11. Splitting or dividing commissions, brokers' fees, or brokerage discounts, or otherwise in any manner directly or indirectly using brokerage commissions or jobbers' arrangements or sales agencies for making discounts, allowances, or rebates, or prices other than those determined under this act, to any industrial consumer or to any retailers, or to others, whether of a like or different class.

12. Selling to, or through, any broker, jobber, commission account, or sales agency, which is in fact or in effect an agency or an instrumentality of a retailer or an industrial consumer or of an organization of retailers or industrial consumers, whereby they or any of them secure either directly or indirectly a discount, dividend, allowance, or rebates, or a price other than that determined in the manner prescribed by this act.

(j) The Commission shall have jurisdiction to hear and determine written complaints made by any code member, district board, State or political subdivision of a State, or the consumers' counsel, which charge any violation of the code specified in part II of this section. It shall make and publish rules and regulations for the consideration and hearing of any such complaint, and all interested parties shall be required to conform thereto. The Commission shall make due effort toward adjustment of such complaints and shall endeavor to compose the differences of the parties, and shall make such order or orders in the premises, from time to time, as the facts and the circumstances warrant. Any such order shall be subject to review as are other orders of the Commission.

(k) In the investigation of any complaint or violation of the code, or of any rule or regulation the observance of which is required under the terms thereof, the Commission shall have power by order to require such reports from, and shall be given access to inspect the books and records of, code members to the extent deemed necessary for the purpose of determining the complaint. Any such order shall be subject to review as are other orders of the Commission.

(l) The provisions of this section shall not apply to coal consumed by the producer or to coal transported by the producer to himself for consumption by him.

Mr. BOILEAU. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOILEAU: Page 25, line 15, after the period, insert a new sentence as follows:

"It shall not be an unfair method of competition or a violation of the code or any requirement of this act: (1) To sell to or through any bona fide and legitimate farmers' cooperative organization duly organized under the laws of any State, Territory, the District of Columbia, or the United States, whether or not such organization grants rebates, discounts, patronage dividends, or other similar benefits to its members; (2) to sell through any intervening agency to any such cooperative organization; or (3) to pay or allow to any such cooperative organization or to any such intervening agency any discount, commission, rebate, or dividend ordinarily paid, or allowed, or permitted by the code to be paid or allowed to other purchasers for purchases in wholesale or middleman quantities."

Mr. BOILEAU. Mr. Chairman, I call the committee's attention to the fact that this amendment would add a new sentence on page 25 at line 15 as a part of paragraph 12.

The sole purpose of this amendment is to provide that the restrictions of paragraph 12 shall not apply to farmers' cooperatives and farmers' cooperatives only. This provision is, I believe, in identical terms, or substantially so, with a similar provision in the original Guffey Act. The Guffey Act exempted farm cooperatives. This identical provision was also contained in the original bill introduced during this session by the distinguished gentleman from Kentucky. I copied the language from his original bill. The Committee on Ways and Means struck out this language before they introduced the new bill and before the new bill was reported to the House during this session.

This amendment merely provides that farmers' cooperatives which are organized under the laws of the United States or the laws of the various States may buy this coal for distribution among its own members without going through the ordinary selling agencies.

Paragraph 12 as now written includes among unfair trade practices the sale to or through any broker, jobber, commission account, or sales agency which is in fact or in effect an agency or an instrumentality of a retailer or industrial consumer or of an organization of retailers or industrial consumers whereby they get these price benefits, rebates, discounts, or, in other words, a smaller price than they would otherwise receive.

Mr. Chairman, the amendment I have offered merely exempts from the provisions of this bill the farmers' cooperatives so that these cooperatives may buy coal in a community where they have cheese factories and distribute that coal to the various cheese factories, thereby being able to secure the coal at a lower price. It does not mean, as I understand it—and if I am in error I would appreciate it if the gentleman from Kentucky would correct me—that they

will be exempted from the payment of the tax. It means they will be exempted from the provisions of the law and the code, which would prohibit the cooperatives from being selling organizations. They would still pay the tax. Because of the fact these cheese factories, owned by farmers, are quite far removed from cities, where there is the opportunity to buy this coal, they should be able to buy a carload of coal, perhaps, and sell it among the farmers in the community, saving an amount that would otherwise be paid to the broker or agent.

This is not a great departure and it is not an unreasonable advantage to give to farmers' cooperatives. It is just good common sense. Those people are not living in a city. They live out in the country and they should have the advantage of this lower price by being able to buy coal in larger quantities and distributing it among their own members. I want to emphasize this fact, and if I am in error I hope the gentleman from Kentucky will correct me. This amendment does not exempt them from paying the tax. It merely gives them the opportunity to distribute coal among the members of the cooperatives without the middleman's profit. May I say again this paragraph appeared in the original Guffey Coal Act and it was also contained in the bill introduced during this session by the gentleman from Kentucky, and I refer to the original bill introduced by him.

Mr. Chairman, the adoption of this amendment is just good, sound common sense. It will not disrupt the philosophy of the bill and I hope therefore the amendment will be adopted.

Mr. STEFAN. Will the gentleman yield?

Mr. BOILEAU. I yield to the gentleman from Nebraska.

Mr. STEFAN. May I say to the distinguished gentleman from Wisconsin [Mr. BOILEAU] I received a letter the other day from A. G. Keeney, president of the Farmers Union in Nebraska, who is very much interested in retaining this section in the bill. The members of that organization were satisfied with the section when it appeared in the original bill and they are very much interested in seeing that the section is retained in this bill; therefore they asked me to say something to the membership of the House on this question.

[Here the gavel fell.]

Mr. BOILEAU. Mr. Chairman, I ask unanimous consent to proceed 5 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BOILEAU. Mr. Chairman, I want to emphasize the fact that the farmers' cooperatives and the farmers themselves will still pay this tax. They will still be paying for the operation of this bill through the increased price of coal. We are not asking to be exempted from that particular provision.

We recognize the need for this type of legislation in the coal industry and there is no attempt on the part of the cooperative farm organizations of this country to disrupt or do anything that will impair the efficiency of this bill. We are all for it and we are going to support it. We merely ask for this one small concession that will not in any sense disrupt the smooth working of the bill. It will give the farmers' cooperatives an advantage they should have. I hope the members of the committee may see their way clear to adopt this amendment.

Mr. FORD of California. Will the gentleman yield?

Mr. BOILEAU. I yield to the gentleman from California.

Mr. FORD of California. I think this is a good amendment, but may I ask the gentleman, might it not impair the bill before the Court on the ground of discrimination, because this bill will come before the Court again?

Mr. BOILEAU. I do not believe it will, I will say to the gentleman from California. I do not see how it could. This merely exempts them. As a matter of fact, there are other provisions in the bill that exempt the United States, States, municipal governments, and so forth. This does not exempt the farmers to the same extent that Government units are exempted, for instance, because the latter are exempted from payment of the tax. We are paying the tax and my amendment merely provides that this bill shall not prevent the cooperatives from the orderly marketing of this commodity among their own members, and it is of great importance to the farmers. It does not provide that these cooperatives shall not pay the tax. Out in the country where these farmers' cooperatives want to buy coal and distribute it among the cheese factories, in which considerable coal is used, and they are not individually able to buy in carload lots, this will result in a considerable saving.

Mr. Chairman, I appeal to the members of the committee to accept this amendment, and I may say in accepting the amendment you will be making a very fine gesture to the cooperative movement in this country which is trying to cooperate with you and are willing to support this measure.

Mr. O'MALLEY. Will the gentleman yield?

Mr. BOILEAU. I yield to the gentleman from Wisconsin.

Mr. O'MALLEY. Would this amendment affect city people who happened to belong to a cooperative?

Mr. BOILEAU. My amendment applies only to farmers' cooperatives. It is the same language as appeared in the original Guffey bill and in the bill as originally offered by the gentleman from Kentucky. I anticipate the gentleman's question—why should it not apply to the cities?

Mr. O'MALLEY. That is right.

Mr. BOILEAU. We are out in the country. We do not have a coal agent out there in every community of the country. They want the right to buy the coal in large lots, and the right to distribute it to the individual members of the cooperatives.

Mr. O'MALLEY. We have buying cooperatives in the city. Why should they not receive the same advantage as the farm cooperative?

Mr. BOILEAU. This is an entirely different situation, because it applies to a commodity that is not readily available out in the country, whereas it is readily available in the cities. The only way to make a decent saving is to buy by carload lots.

[Here the gavel fell.]

Mr. McCORMACK. Mr. Chairman, the gentleman from Wisconsin stated that this provision was in the original Guffey bill. In that respect the gentleman is unintentionally mistaken. This provision was not in the original Guffey bill but was inserted as a amendment in the Senate.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I will be glad to.

Mr. BOILEAU. I mean the bill passed last year. If I am in error in that respect, I will accept the statement of the gentleman, who knows more about it than I do. I thought such a provision was in the act that was passed by the Congress. It was not in the original Guffey bill as introduced in the House, but it was in the act.

Mr. McCORMACK. The gentleman is correct in that respect.

Mr. BOILEAU. I thank the gentleman.

Mr. McCORMACK. What does this provision mean? It means nothing. The gentleman from Kentucky [Mr. VINSON] included it in the bill he introduced this year, which was a natural thing to do. I would hesitate to ask my friend the gentleman from Kentucky if he knows what it means. Nobody on the committee knows what it means.

Let us assume that it means what the gentleman from Wisconsin says it does—to give the farmer cooperatives an advantage. Why should they have any advantage over the consumer cooperatives? If you include both, you are going to seriously affect this bill.

Section 12 relates to hidden agreements, hidden understandings on the part of the producer with the retailer or the wholesaler or the agency which takes coal orders.

Paragraph 12 is aimed at one of the vicious practices of unfair competition. Yet, my friend asks that his amendment be adopted, which will permit the farmers' cooperatives to enter into such agreements. I know the gentleman does

not mean that. What the gentleman has in mind, as I understand, is that farmer cooperatives may be enabled to buy coal at a lower rate. His amendment will not accomplish that. The farmer cooperative, it is true, will pay the one-half of 1 percent the same as anyone else, but the farmer cooperative has to pay the producer the minimum price, as does anybody else. This amendment gives no advantage to the farmer cooperative; and if it did, the same advantage should be given to the consumer cooperatives. There is no reason why we should make fish of one and flesh of another.

Mr. ROBSION of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. Certainly; I will be glad to yield.

Mr. ROBSION of Kentucky. If it is effective, as the gentleman from Wisconsin claims, it violates every fundamental principle of this bill, does it not?

Mr. McCORMACK. Exactly.

Paragraph 12 relates "to selling to or through any broker, jobber, commission account, or sales agency." By whom? By the producer, from and purchased of the producer at the mine. And, remember, this bill applies only to coal mined. It does not at all apply to the middleman. If there are any secret or hidden agreements, as herein stated, made by a producer with a middleman, it constitutes unfair competition. Naturally we want to prevent that. Paragraph 12 is for that purpose.

If this amendment, which is intended to relate to paragraph 12, is adopted, it means that the farmer cooperatives are asking for something the members do not want and certainly would not want. They do not want to have the right, in my opinion, to enter into secret agreements with the producers of coal—

Whereby they or any of them secure, either directly or indirectly, a discount, dividend, allowance, or rebates, or a price other than that determined in the manner prescribed by this act.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. Gladly.

Mr. BOILEAU. Will the gentleman agree with me that the only purpose that could be served by this amendment would be to permit the farm cooperatives to buy directly from the mines?

Mr. McCORMACK. They can do it now.

Mr. BOILEAU. They cannot do it now if they sell to others, because it says that this shall be an unfair trade practice, and unfair trade practices shall include—

Selling to or through any broker, jobber, commission account, or sales agency which is in fact or in effect an agency or an instrumentality of a retailer or an industrial consumer or of an organization of retailers or industrial consumers.

Mr. McCORMACK. But then continue. I know; wait a while. Whereby they do what? They secure, either directly or indirectly, advantages which constitute unfair competition.

Mr. BOILEAU. "Or a price other than that determined in the manner prescribed by this act."

[Here the gavel fell.]

Mr. McCORMACK. Mr. Chairman, I ask unanimous consent to proceed for 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BOILEAU. I want to clarify this.

Mr. McCORMACK. I realize what the gentleman has in mind, but the gentleman's amendment will seek, if anything, an objective for which the gentleman does not stand for—the permitting of unfair competition.

Mr. BOILEAU. I agree with the gentleman on that principle. As far as unfair competition is concerned, I am perfectly willing to have those provisions in the act. But under this paragraph 12, as I understand it, if a group of farmers——

Mr. McCORMACK. A group of farmers who have formed a cooperative.

Mr. BOILEAU. Yes.

Mr. McCORMACK. All right.

Mr. BOILEAU. If a group of farmers in conjunction with other groups of farmers who have other cooperatives should buy coal to distribute directly from the mine to these cooperative cheese factories in the community, they could not buy in that way because they would be buying through——

Mr. McCORMACK. Absolutely, they can.

Mr. BOILEAU. Another agency.

Mr. McCORMACK. No; that is not true. My friend has it wrong. We will assume we are two farmer cooperatives. The gentleman from Kentucky, or any gentleman here, let us say the gentleman from California [Mr. VOORHIS], is a producer. You and I can go and buy of this gentleman, but we have to pay the minimum price. That is all. He pays the tax; we do not. We can go to him, and if the minimum price of his district is $1.90 a ton f. o. b. mine, we can both buy of him. There is nothing to stop us.

Mr. BOILEAU. If a broker or agent buys coal and sells to various cooperatives who are industrial consumers, he would be prohibited from carrying on that operation under paragraph 12 if he gave any price discrimination or any lower price because of the volume.

Mr. McCORMACK. I have just explained to the gentleman that cooperatives can go and buy, for instance, of the gentleman from California, who is a producer, but cannot buy lower than the minimum price. Neither can anyone else, and neither should they be able to do so, and I am sure the gentleman would not want them to be able to do so.

Mr. BOILEAU. That is right.

Mr. McCORMACK. You can go and buy at the minimum price, and you can sell to the members of your cooperative at a fair profit if you want to.

Mr. BOILEAU. If it is an industrial consumer, under this provision I cannot sell to him and give him the advantage of the lower price which I would be able to give him otherwise.

[Here the gavel fell.]

Mr. McCORMACK. Mr. Chairman, I ask unanimous consent to proceed for 2 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. Let me explain to my friend that this bill does not apply at all to the consumer. This bill does not at all apply to the middleman who has no secret agreements with a producer. This particular paragraph only applies to a sales agent, where such sales agent and the producer have made a hidden agreement to give the sales agent an advantage which is not given to those who are buying at the mine.

Let me go further. If the gentleman represented a farm cooperative, and the minimum price in the district where the gentleman from California [Mr. VOORHIS] has a mine is $1.90 per ton, the gentleman can go and buy as an individual sales agent of the gentleman from California at the same price of $1.90. The gentleman or the farm cooperative, unless there is a hidden agreement, can sell this coal for $1.50 a ton to the consumer, if it wants to take a 40-cent loss, if there are no hidden agreements that violate this bill; but if there are any hidden agreements, the law should apply to farm cooperatives the same as to individuals.

There is nothing about this bill, I assure the gentleman from Wisconsin, that prevents a farm cooperative from paying the minimum price, and if it has not had a hidden agreement with the producer the cooperative can sell the coal in any way it wants and for any price it wants to. This bill does not prevent a cooperative from distributing any profits made out of the sale of bituminous coal, just the same as it distributes its profits now. If I understand my friend correctly, he fears, under this bill, that that could be done. In this respect the gentleman is in error. A farm cooperative is in no way affected unless it makes hidden agreements, which no such organization wants or intends to do. Neither does my distinguished friend from Wisconsin.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconin [Mr. BOILEAU].

The question was taken; and there were on a division (demanded by Mr. BOILEAU)—ayes 15, noes 45.

So the amendment was rejected.

Mr. CASEY of Massachusetts. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CASEY of Massachusetts: On page 20, lines 24 and 25, strike out the words "January 6, 1937", and insert in lieu thereof the words "the day of approval of this act."

Mr. CASEY of Massachusetts. Mr. Chairman, I am certain we all appreciate the necessity for legislation in the coal industry, but I am equally certain that each one of us is anxious to obtain for the coal industry the best kind of legislation.

It has been true in the past that oftentimes we have criticized the Supreme Court when such criticism was not justified. Sometimes this criticism could be leveled at ourselves because of the hasty enactment of a bill.

We have here on page 20 a statement that says:

The provisions of this paragraph shall not apply to a lawful and bona-fide written contract entered into prior to January 6, 1937.

I now address my remarks particularly to those in the House who are legally minded, because, as I understand the original coal bills, they practically invalidated contracts which did not conform with them. This is the first time we have this change in any coal bill to a date certain. Why was that date picked upon to set the dead line as to whether or not contracts would be valid or invalid? The reason, Mr. Chairman, is this: January 6, 1937, was the date upon which Senator GUFFEY introduced his bill (S. 1) in the Senate. Obviously, setting a date certain, after which contracts are declared to be invalid, does not make it a legal proposition any more than the provisions in the former coal bills which the gentleman evidently felt was unconstitutional.

Now, I do not think the unconstitutional setting of a date here that invalidates contracts from that time until the passage of the bill will render this entire bill unconstitutional.

But I do think the Supreme Court will strike it out, and I think it is our duty to send through this House the most efficient kind of legislation. If we are going to select a date upon which, prior thereto, contracts shall be valid, and after which they shall be invalid, and we do set that date as when any Representative or Senator shall drop a bill in the hopper, then I say the businessmen of this country cannot enter into even the ordinary affairs of business with any sense of security, and the business affairs of this country will be in a sorry state. I hope the Members will adopt this amendment, not only because it is good common sense, but also because it is legal, and it is our duty to pass the most efficient and legal measures that we can, and keep them within the Constitution.

Mr. FRED M. VINSON. Mr. Chairman, I rise in opposition to the amendment. The only difference between constitutional and unconstitutional are two letters, "u" and "n." I grant that Members are privileged to throw rocks at other Members' efforts, whether they are pebbles or brickbats. I say this particularly for the RECORD, in behalf of the Ways and Means Committee which gave this particular section very careful consideration, and somewhat in defense of myself as the author of the bill, this section was very closely scrutinized, and we concluded it meets the legal test. My good friend CASEY—and I think he is one of the most splendid young chaps I have known since I have been here—is a rather late convert to coal stabilization. He means well, I feel certain, but the crowd around him do not want coal legislation at all.

This section is vital to the bill. As a matter of fact, I am inclined to think that the date should be moved back further than January 6, 1937, but the committee, after careful consideration, fixed that date, and my friend, lovable as he is, does not know why that date was fixed. It was fixed because that was the date that two bills were introduced—H. R. 2015 in the House, by myself, and an identical bill introduced in the Senate by Senator GUFFEY. This language was prepared by Mr. John Dickinson, Assistant Attorney General. It takes the place of language that I had in the former act dealing with the same thought. Personally, I thought the other language was somewhat better, but I yielded to the opinion of the Assistant Attorney General, who argued the case before the Supreme Court. It is customary in order to protect legislation such as this to fix a dead line as notice to the country that this sort of legislation is being considered, so that people cannot go out and make long-term contracts below the minimum price and defeat the purpose of the bill. Upon January 6, 1937, notice was served that this legislation might be enacted.

I shall read now the language of the Supreme Court in support of our argument that this section is valid. Nothing could be plainer, nothing can be clearer, than that Congress has the right to include this kind of language to protect its legislation. There are a number of cases that I might cite, but more particularly I refer to the case of the *L. & N. Railroad* v. *Motley* (219 U. S., 467) and the cases of the *Philadelphia, Baltimore & Washington Railroad Co.* v. *Schubert* (224 U. S., 603), *Radio Commission* v. *Nelson Bros. Co.* (289 U. S., 266, 282), and *Norman* v. *B. & O. R. R. Co.* (294 U. S., 240, 306).

The case of the Philadelphia, Baltimore & Washington Railroad Co. against Schubert is particularly in point. The second Employers' Liability Act provided:

That any contract, rule, regulation, or device whatsoever, the purpose or intent of which shall be to enable any common carrier to exempt itself from any liability created by this act, shall to that extent be void: *Provided*, That in any action brought against any such common carrier under or by virtue of any of the provisions of this act, such common carrier may set off therein any sum it has contributed or paid to any insurance, relief benefit, or indemnity that may have been paid to the injured employee or the person entitled thereto on account of the injury or death for which said action was brought.

I am quoting the statute because that is the background for the discussion.

The CHAIRMAN. The time of the gentleman from Kentuck has expired.

Mr. FRED M. VINSON. Mr. Chairman, I ask unanimous consent to proceed for 3 minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FRED M. VINSON. The Court construed this section as intended to apply to existing as well as to future contracts, and, as thus construed, the section was held valid. The Court said, at page 613:

The power of Congress, in its regulation of interstate commerce, and of commerce in the District of Columbia and in the Territories, to impose this liability was not fettered by the necessity of maintaining existing arrangements and stipulations which would conflict with the execution of its policy. To subordinate the exercise of the Federal authority to the continuing operation of previous contracts would be to place, to this extent, the regulation of interstate commerce in the hands of private individuals and to withdraw from the control of Congress so much of the field as they might choose by prophetic discernment to bring within the range of their agreements. The Constitution recognizes no such limitation. It is of the essence of the delegated power of regulation that, within its sphere, Congress should be able to establish uniform rules, immediately obligatory, which as to future action should transcend all inconsistent provisions. Prior arrangements were necessarily subject to this paramount authority.

Certainly. The Supreme Court said that was necessary to be done in order to defeat the "prophetic discernment to bring within the range of their agreements."

In other words, the Supreme Court recognizes what would be done if you did not protect against "prophetic discernment." Men would go out and make long-term contracts and defeat the purposes of the act.

[Here the gavel fell.]

Mr. FORD of California. I move to strike out the last word. Mr. Chairman, I supported the original Guffey bill, which was invalidated by the Supreme Court. I also supported the second Guffey coal bill, which passed this House but was defeated the last night of the previous session of Congress in another body. I still support H. R. 4985 because it will, I believe, serve to bring order out of chaos in the

bituminous coal regions of the United States, and because I believe it will effectively, as did the N. R. A., bring to that industry a decent measure of order; and because I believe that it will also enable the 400,000 men who work in the coal regions to secure a decent wage and an opportunity to enjoy a decent American standard of living.

I am not particularly interested in the profits of the coal-mine owners; they are able to take care of that. But I am vitally interested in the welfare of these 400,000 miners who, with their families, constitute a population of approximately 2,000,000 people. It is my hope that this House will pass H. R. 4985 so that these miners and their families will be given a decent opportunity to once more work in an industry of which they are a vital part by reason of the fact that they have been employed in it practically all their lives.

The coal industry has been one of the sore spots socially. Through the blind greed of its owners and its lack of consideration for the men who are employed in it, it has become economically unsound. By reason of this condition and of its interstate character, it has become necessary for the Federal Government to take some action to try to help these coal barons save themselves and the industry, because they do not seem to have the social vision or the business foresight to do it themselves.

I am therefore supporting H. R. 4985 because its objectives, though limited to meet the objections of the Supreme Court—a Court which apparently is determined to base its legal decisions solely on its economic predilections.

These objectives will, I believe, inure to the social and economic welfare of 2,000,000 human beings. It is in their welfare that I am interested.

For that reason I am supporting H. R. 4985.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. CASEY].

The amendment was rejected.

Mr. DIRKSEN. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I rise only to address an inquiry to the Committee. I will say to the gentleman from Kentucky [Mr. FRED M. VINSON] that I had intended to offer an amendment, and I was afraid it might commend itself to the grace of the Committee and might be adopted.

I notice in the language on page 10, beginning in line 22, that safeguarding language has been included in the bill to prevent more than one officer or employee of a code member within a district from becoming a member of the district board at the same time.

Mr. FRED M. VINSON. What is the gentleman's understanding as to the membership of the board?

Mr. DIRKSEN. I understand exactly the language of the bill, but here is the question that I think will be raised as time goes on, and I wondered whether the committee had given some attention to it. Let us assume four good-sized coal companies, operating as corporate entities under their own names, and all four of them controlled by a larger corporation, through the ownership of 51 percent of the stock. Manifestly, you have five large mines under one control. If it were possible for the subsidiary companies to be represented on the district board at one and the same time, a condition is created whereby a single coal unit, for instance, in a separate district, would exercise more control than is contemplated in the language of the bill. I had in mind an amendment in line 23, using this language:

Provided, That not more than one officer or employee of any code member or of any subsidiary of a code member within a district shall be a member of the district board at the same time.

Not knowing whether the matter had been considered before the committee, I was rather reluctant to offer the amendment.

Mr. FRED M. VINSON. I believe the gentleman will agree with me that the language in the bill will do a pretty good job to start with.

Mr. DIRKSEN. I think it will, but I will say to the gentleman that question is going to come up in my own State sometime, because that condition exists there right now.

Some other refinements in the text of the bill have occurred to me, but taken as a whole I favor the enactment of this measure. I recall the debate on the Guffey coal bill, both in the Seventy-third and Seventy-fourth Congresses. I voted for both measures. I shall vote for the pending measure because of a conviction that something must be done for the bituminous-coal industry and because I feel that the present Guffey-Vinson bill can be constitutionally sustained.

Coal has had a hard row. Little more than 150 years ago coal was not used as fuel. Only after the wood supply for use in the iron smelters of England had been exhausted did they turn to coal for fuel. The labor of keeping the mines free from water by means of hand pumps was so onerous that it furnished the incentive to James Watt for inventing a steam engine hitched to a pump to do this work. Coal begot steam and steam fathered coal, and its use in steamships, on locomotives, and in industry built the empire of coal.

It is a huge industry. The average annual output of coal would make a cube one-half mile in each dimension. Coal is an absolute necessity. To anyone who disputes that fact, he need but witness the dismay in some humble household in the colder regions of the country that is without coal on a winter day. It is worth all the logic in the books to establish that it is a necessity. So we look at an industry which supplies one of the basic necessities to ascertain why it is a sick industry. That it is a sick industry can hardly be disputed either.

Consider the unemployment in the coal industry, the ruinous price competition, the abandoned mines, the ghost towns that result from abandoned mines, the shifting production, the exhaustion of coal resources, the unrestricted latitude in opening up new mines in an industry already overproduced, the present effort to keep up an overproduction that began during the war, the mining of the most accessible coal for the purpose of meeting price competition and thereby wasting vast coal resources, the ruination of abandoned mines by water and you get a dismal picture that readily justifies the contention that the coal industry is sick.

A concrete evidence of its malady can be obtained in any coal-producing State. Contemplate, if you will, the meaning of the figures in this brief table:

Coal statistics for Illinois

Year	Average days worked	Base wage	Average annual wage	Tons	Men employed
1918	238	$5.70	$1,356.60	89,291,105	85,965
1922	120	7.50	900.00	58,467,796	96,336
1927	114	7.50	855.00	46,848,224	76,970
1932	107	5.00	535.00	33,474,553	47,597
1935	160	5.50	880.00	45,013,278	49,100

That table needs little explanation. It explains itself. Note the fluctuation in the working days in the coal industry in Illinois. Note the change in the basic wage. Note particularly the range of average annual income from a high of $1,356.60 in the war year of 1918 to the low of $535 in the depression year of 1932. Note the change in annual tonnage and note also that about one-half as many miners were employed in 1935 as in 1922. What happened to the rest of the miners? Unless they found employment in other lines, they have been compelled to go on relief. Truly, the coal industry has been and is a sick industry.

What made it a sick industry? Many factors furnish the answer. First, consider the effect of competitive fuels on the coal industry. Electric energy now provides about 11 percent of the Nation's heat and power. Promotion of electric power has been generously subsidized by hundreds of millions of dollars from the Federal Treasury. Muscle

Shoals, Boulder Dam, Bonneville Dam, and the Grand Coulee Dam bear witness to that fact. In interstate commerce, electric energy is regulated by the Federal Power Commission. In intrastate commerce, rates are fixed by the various utility commissions. Every electric utility is guaranteed a rate that will yield a definite income on invested capital. Why not give "coal" a break? Fixing rates is but another name for fixing prices. While the growth of generation of electric energy has already contributed to the chaos in coal, it is but a circumstance to the tribulation that may be in store for the coal industry when the many subsidized power dams get into operation. Grand Coulee when completed will be able to produce eight billion kilowatts of firm power annually and more than four billion of secondary power. Boulder Dam has a capacity of more than four billion kilowatts of firm power and one and one-half billion of secondary power. Having been so generous in building up vast resources of electric energy by dipping into the Federal Treasury, is it not time to do something in behalf of the chaotic coal industry?

Now consider the competition from natural gas. It is produced in more than 24 States and consumed in 35 States. The record discloses that 1,765 billion cubic feet are produced annually which show a revenue of almost $400,000,000 per year. Transportation charges alone on natural gas aggregate $260,000,000 per year alone. There are approximately 8,000,000 consumers of natural gas; 50,000 miles of pipe lines now underlie the surface of the Nation. Natural gas, like electric energy has been the object of Government solicitude. In the Seventy-fourth Congress, the United States Senate passed a companion bill to H. R. 12,680 introduced by Representative LEA, of California, which gave the Federal Power Commission jurisdiction over natural gas in commerce. This bill conferred authority upon the Federal Power Commission to hold hearings, fix rates, and suspend rates, whereas in intrastate commerce, State utility commissions can fix rates that guarantee a fair return. Here then is price fixing for natural gas, a competitor of coal. Why not give coal a "break"?

The third important competitor of coal is petroleum. Today we have domestic-oil burners, oil-burning locomotives, and oil-burning vessels, not to speak of Diesel motors, which are gradually replacing steam plants for a vast variety of uses. In 1910 we produced but 175,000,000 barrels of petroleum; in 1934 production had reached 908,000,000 barrels. Imports of petroleum, ranging up to 125,000,000 barrels in 1921, further aggravate the lot of the coal industry. Ninety-three thousand miles of pipe lines now convey this black gold into interstate commerce. Shall we stand idly by as petroleum usurps the markets of the coal industry and confess that we are helpless to aid coal?

In addition to competition from competitive fuels, the coal industry has suffered from increased industrial efficiency in the use of coal. From 1919 to 1930 the amount of coal required to generate a kilowatt of electric energy has decreased by 49 percent. Sir Frank Edward Smith, K. C. B. and noted British engineer, reports as follows:

> In 1913 it took 1,083 tons of coal to produce a million units of electric energy; in 1934, it took 661 tons.

Yes; our efficiency, desirable as it is, has only helped to aggravate the instability in the bituminous-coal industry. Competitive fuels and greater efficiency can put a coal mine out of business; but what of the miners, what of the invested capital? You can abandon a mine, but you dare not abandon the miners. They are entitled to our consideration.

If you concede that coal is a sick industry, what kind of a remedy shall we apply? We might nationalize the coal industry, as has been suggested, but who would care to project the Government into the coal business? We might suggest industrial self-government, but how effective would it be over a wide area; with differing wage scales, different grades of coal, different shipping facilities? That is the heart of the trouble now. We might follow a laissez-faire policy, but that is only the law of the jungle with a fancy name. If none of these will do, there remains some form of Federal regulation.

The broad basis for such regulation should be a constant supply of coal at prices that are consistent with mining costs, a decent livelihood for the miners, and a proper regard for the conservation of coal resources. Once wasted, these resources can never be replaced.

The pending bill for the regulation of the sale and distribution of bituminous coal by a Federal commission with plenary power, armed with an excise tax that is substantial in amount, appears to be the best solution for the moment. At least it is worthy of a trial and can be improved as time goes on.

It is objected that the tax is a penalty. What other means of enforcement is available in securing cooperation within the industry to dispel chaos and instability? It is contended that it constitutes price fixing. So it does. But what of price fixing today for coal's competitors, electricity and gas? It is contended that it will raise prices to the consumer. It probably will. Nobody wants the coal miner to work for a starvation wage, nor wants the employers to operate their mines at a loss. Only recently labor and steel reached an accord. The next day the price of steel was increased from $3 to $8 per ton. If there is to be prosperity for the miners and a decent profit for management and stockholders, it can be achieved only at a price; and I believe the public will share this reasonable view. This plan has been called a little "N. R. A.", and it is said that it will effect monopoly. If that were true, can it not be said that we have monopolies in petroleum, gas, and electricity today, all of which share generously in the bounty of State and National Governments?

When all is said and done, we are faced with the stern fact that you cannot move a coal mine as you would an industrial plant in order to meet competition. The existing mines must be operated or abandoned. If a mine is to be operated, it is entitled to a fair return on the investment. If it is to be abandoned, what about the miners? We cannot abandon them. I have seen too many of these ghost towns that are in distress today because mines were abandoned. You cannot abandon to its fate an industry whose product slipped from 580,000,000 tons in 1918 to 209,000,000 tons in 1932, and the value of whose product slipped from $2,000,000,000 in 1918 to $406,000,000 in 1932. Something must be done, and this appears to be the best remedy that we can apply. It constitutes a beginning and can be improved as time goes on.

Now comes the bogeyman of constitutionality. I, along with others, have examined the decision in the Carter Coal Co. case in which the original Guffey Act was invalidated. Clearly the Court stated that Congress had no power to control hours and wages. The Chief Justice concurred in this view, but stated that Congress did have power to fix prices in interstate commerce. The three dissenting judges stated that the opinion of the Court began at the wrong end and that the complainants were crying before they were hurt. It appears also that the matter of price fixing is an open one.

Under such circumstances, what should be the rule of a Member of Congress where the question of constitutionality is one which each must decide for himself? Obviously it is a perplexing question, and no Member of this body would care to record himself in favor of a measure which might be patently unconstitutional. I believe that James Bradley Thayer, noted writer on law and author of an essay on the Origin and Scope of the American Doctrine of Constitutional Law, has this to say on page 22 of his essay:

> This rule recognizes that, having regard to the great complex, ever-unfolding exigences of government, much which will seem unconstitutional to one man or body of men, may reasonably not seem so to another; that the Constitution often admits of different interpretations; that there is often a range of choice and judgment; that in such cases the Constitution does not impose upon the Legislature any once specific opinion but leaves open this range of choice; and that whatever choice is rational is constitutional.

As a Member of this body I am persuaded that this is a rational application of a rational remedy and that it will square with our organic law, and therefore I shall support it.

May I add one word about the increase in the excise tax from 13½ to 19½ percent. I believe this increase is in the interest of the better and more effective enforcement of the act. We are witnessing today a great expansion in the production of coal by strip mining. It has now become practicable for strip-mining operations to remove 15 feet of overburden for every foot of underlying coal. That means that 60 feet of earth can be removed to dig up a 4-foot vein of coal with huge electric shovels of 20-cubic-yard capacity, and do so at a profit. The advantage has been on the side of strip-mine operators as against pit mines, and hence an effective tax is necessary to bring all coal production into line. May I add parenthetically that the matter of strip-mine operations must one day have the diligent attention of the various States. Not only is a vast acreage of land completely destroyed by such operations but in addition a vast amount of taxable property is destroyed. Once the coal is taken out, the operations are abandoned, leaving only vast fields of high ridges that cannot be taxed. Today most progressive municipalities have zoning ordinances under which the use and the intensity of use of property is carefully regulated. Is it too much to hope that in the days to come States, too, will give attention to strip-mining operations if it can be demonstrated that there is need for regulation in the public interest?

[Here the gavel fell.]

Mr. CASEY of Massachusetts. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CASEY of Massachusetts: Page 26, line 15, add the following:

"(m) Anything herein to the contrary notwithstanding, no producer of bituminous coal shall be required to sell the coals produced by him at prices higher than will be sufficient to realize for such producer the aggregate costs of production and sale of such coals."

Mr. CASEY of Massachusetts. Mr. Chairman, lest there be any confusion, I think that every bill at present in either the Senate or the House has for its purpose helping the producers achieve a reasonable profit. None of these bills attempt to help the coal miner directly. They all attempt to help him indirectly, because the labor provisions in the original coal bill were stricken out by the Supreme Court. What you have here in all of these bills is an attempt to help the coal industry by helping the producer arrive at a reasonable profit.

The pending bill bases practically everything upon costs of production. It does not base it, however, upon the individual producer's cost of production; it bases it upon pooling all of the producers in a given area—the good, the bad, and the indifferent together—and taking an average minimum price.

My amendment merely states that the individual producer who is efficient, who can operate his mine efficiently, who has the right kind of machinery, up-to-date machinery, will not be required to sell above the aggregate cost of production. In other words, it does not deprive the individual producer of the profit which he should get because he can operate his mine efficiently, but it does accomplish what every bill touching this subject has sought to accomplish, the elimination of cutthroat competition.

What does cutthroat competition mean? It means that a producer sells below his cost of production in order to get business away from a fellow producer. This is what cutthroat competition means. No man can be accused of cutthroat competition who sells at a profit or at or above his cost of production. That is a matter of fair business methods. But if you allow this bill to go through without this amendment, you are going to have a great variance in the price of coal, because in minimum-price area no. 1 the N. R. A. statistics show that the weighted average cost was approximately $1.85 per ton, whereas the individual producers' costs varied from $1.52 to $3.18 per ton. I want you particularly to notice this spread in prices. The pending bill, therefore, would require the $1.52 producer to sell his coal on a $1.85 basis simply because other producers in his area were so inefficient as to have higher costs. Now, I say the consumers ought to be considered. The public should be allowed to buy coal at lower prices from those producers who, because of good business management, are able to show a profit at a lower price than their competitors operating under inefficient methods. The consuming public and the farmers, who buy farm implements, are entitled to the benefits of this amendment.

Mr. TREADWAY. Mr. Chairman, will the gentleman yield?

Mr. CASEY of Massachusetts. I yield.

Mr. TREADWAY. The gentleman has been talking a great deal about producers. What effect will his amendment have upon the price of coal to the consumer?

Mr. CASEY of Massachusetts. This amendment, if adopted, would greatly aid the consumer in buying coal at a reasonable price. If it is not adopted, there will be greatly increased prices for the consumer to pay. The consumer should get the benefit of the individual producers' efficiency with his modern machinery; but the bill without this amendment will make the consumer pay the spread between the efficient producer and the inefficient producer.

Mr. TREADWAY. Then the gentleman feels that this measure accomplishes mere stabilization of price and that it will mean increased prices for the consumer, does he?

Mr. CASEY of Massachusetts. I certainly do.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts.

The amendment was rejected.

The Clerk read as follows:

ORGANIZATION OF THE CODE

SEC. 5. (a) Upon the appointment of the Commission it shall at once promulgate said code and assist in the organization of the district boards as provided for in section 4, and shall prepare and supply to all coal producers forms of acceptance for membership therein. Such forms of acceptances, when executed, shall be acknowledged before any official authorized to take acknowledgments.

(b) The membership of any such coal producer in such code and his right to an exemption from the taxes imposed by section 3 (b) of this act, may be revoked by the Commission upon written complaint by any code member or district board, or any State or political subdivision of a State, or the consumers' counsel, after a hearing, with 30 days' written notice to the member, upon proof that such member has willfully violated any provision of the code or any regulation made thereunder; and in such a hearing any code member or district board, or any State or political subdivision of a State, or the consumers' counsel, or any consumer or employee, and the Commissioner of Internal Revenue, shall be entitled to present evidence and be heard: *Provided*, That the Commission, in its discretion, may in such case make an order directing the code member to cease and desist from violations of the code and regulations made thereunder and upon failure of the code member to comply with such order the Commission may apply to a circuit court of appeals to enforce such order in accordance with the provisions of subsection (c) of section 6 or may reopen the case upon 10 days' notice to the code member affected and proceed in the hearing thereof as above provided.

The Commission shall keep a record of the evidence heard by it in any proceeding to cancel or revoke the membership of any code member and its findings of fact, if supported by substantial evidence, shall be conclusive upon any proceeding to review the action and order of the Commission in any court of the United States.

In making an order revoking membership in the code as in this subsection provided, the Commission shall specifically find (1) the day or days on which the violations occurred; (2) the quantity of coal sold or otherwise disposed of in violation of the code or regulations thereunder; (3) the sales price at the mine or the market value at the mine if disposed of otherwise than by sale at the mine, or if sold otherwise than through an arms' length transaction, of the coal sold or otherwise disposed of by such code member in violation of the code or regulations thereunder; (4) the minimum price established by the Commission for such coal and in effect at the time of such sale or other disposal; (5) the amount of tax required to be paid by the code member as a condition to reinstatement to membership in the code as in subsection (c) hereof provided.

(c) Any producer whose membership in the code and whose right to an exemption from the tax imposed by section 3 (b) of this act shall have been revoked and canceled may apply to the Commission and shall have the right to have his membership in the code restored upon payment by him to the United States of one and one-half times the amount of the tax provided in

section 3 (b) upon the sales price at the mine, or the market value at the mine if disposed of otherwise than by sale at the mine, or if sold otherwise than through an arms' length transaction, of the coal sold or disposed of by the code member in violation of the code or regulations thereunder (but in no case shall such sales price or market value be taken to be less than the minimum price established by the Commission for such coal and in effect at the time of such sale or other disposal), as found by the Commission under subsection (b) hereof. The Commission shall thereupon certify to the Commissioner of Internal Revenue and to the collector of internal revenue for the internal revenue collection district in which the producer resides the amount of the required payment as found under clause (5) of subsection (b), and upon payment of such amount of the Commissioner or the collector such officer shall notify the Commission thereof.

(d) Any code member who shall be injured in his business or property by any other code member by reason of the doing of any act which is forbidden or the failure to do any act which is required by this act or by the code or any regulation made thereunder, may sue therefor in any court of competent jurisdiction where the defendant resides, or is found or has an agent, without respect to the amount in controversy, and shall recover threefold damages by him sustained, and the cost of suit, including a reasonable attorney's fee.

SEC. 6. (a) All rules, regulations, determinations, and promulgations of any district board shall be subject to review by the Commission upon appeal by any producer and upon just cause shown shall be amenable to the order of the Commission; and appeal to the Commission shall be a matter of right in all cases to every producer and to all parties in interest, including any State or any political subdivision thereof. In the event that a district board shall fail, for any reason, to take action authorized or required by this act, then the Commission may take such action in lieu of the district board. The Commission may also provide rules for the determination of controversies arising under this act by voluntary submission thereof to arbitration, which determination shall be final and conclusive.

(b) Any person aggrieved by an order issued by the Commission in a proceeding to which such person is a party may obtain a review of such order in the Circuit Court of Appeals of the United States, within any circuit wherein such person resides or has his principal place of business, or in the United States Court of Appeals for the District of Columbia, by filing in such court, within 60 days after the entry of such order, a written petition praying that the order of the Commission be modified or set aside in whole or in part. A copy of such petition shall be forthwith served upon any member of the Commission and thereupon the Commission shall certify and file in the court a transcript of the record upon which the order complained of was entered. Upon the filing of such transcript such court shall have exclusive jurisdiction to affirm, modify, and enforce or set aside such order, in whole or in part. No objection to the order of the Commission shall be considered by the court unless such objection shall have been urged below. The finding of the Commission as to the facts, if supported by substantial evidence, shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence in the hearing before the Commission, the court may order such additional evidence to be taken before the Commission and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper. The Commission may modify its findings as to the facts, by reason of the additional evidence so taken, and it shall file such modified or new findings, which, if supported by substantial evidence, shall be conclusive, and its recommendation, if any, for the modification or setting aside of the original order. The judgment and decree of the court, affirming, modifying, and enforcing or setting aside, in whole or in part, any such order of the Commission shall be final, subject to review by the Supreme Court of the United States upon certiarari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C., title 28, secs. 346 and 347).

The commencement of proceedings under this subsection shall not, unless specifically ordered by the court, operate as a stay of the Commission's order.

(c) If any code member fails or neglects to obey any order of the Commission while the same is in effect, the Commission in its discretion may apply to the circuit court of appeals of the United States within any circuit where such code member resides or carries on business, for the enforcement of its order, and shall certify and file with its application a transcript of the entire record in the proceeding, including all the testimony taken and the report and order of the Commission. Upon such filing of the application and transcript the court shall cause notice thereof to be served upon such code member and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript a decree affirming, modifying, or setting aside the order of the Commission. The findings of the Commission as to facts, if supported by substantial evidence, shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence, and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the proceeding before the Commission, the court may order such additional evidence to be taken before the Commission and to be adduced upon the hearing in such manner and upon such terms and conditions as to the court may seem proper.

The Commission may modify its findings as to the facts or make new findings, by reason of the additional evidence so taken, and it shall file such modified or new findings, which if supported by substantial evidence shall be conclusive, and its recommendation, if any, for the modification or setting aside of its original order, with the return of such additional evidence. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari or certification as provided in sections 239 and 240 of the Judicial Code, as amended (U. S. C., title 28, secs. 346 and 347).

(d) The jurisdiction of the circuit court of appeals of the United States or the United States Court of Appeals for the District of Columbia, as the case may be, to enforce, set aside, or modify orders of the Commission shall be exclusive.

Mr. CASEY of Massachusetts. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CASEY of Massachusetts: Page 28, at the end of line 16, add the following:

"The code shall be declared by the Commission to be and shall become effective whenever acceptances for membership therein shall have been received from the producers of two-thirds percent of the aggregate tonnage of bituminous coal determined by the Commission to be subject to the provisions of this act."

Mr. FRED M. VINSON. Mr. Chairman, I reserve a point of order against the amendment.

Mr. CASEY of Massachusetts. Mr. Chairman, it has become increasingly apparent to me that Members on the majority side prefer to follow this bill in its entirety. If this be so, then I should not be a lone voice crying in the wilderness. I call your attention, however, for the last time to inequities in the bill, for this is the last amendment I am going to offer. I ask you to consider whether or not this amendment has merit? After all, we were elected as men of judgment to exercise our faculties and not to follow blindly any particular crowd. If we are going to exercise our individual judgments, then I think this amendment will get somewhere; if we are not, then it will meet the fate of the previous amendments.

The proponents of this bill say the industry wants it. They are trying to help the coal industry. It has been said here that the coal producers whom we are trying to help want this bill. If this be an accurate statement, if this be so, if this be correct, then what harm can there be in submitting it to the coal industry, and if 66⅔ percent of the coal industry want this code, that it become a law?

Obviously if you cannot get a majority of 66⅔ percent to favor the code established under this bill, then you are going to run into the same proposition you ran into in the matter of prohibition, that of trying to force down the throats of an industry something they do not want and which will be in disfavor.

Mrs. JENCKES of Indiana. Mr. Chairman, will the gentleman yield?

Mr. CASEY of Massachusetts. I yield.

Mrs. JENCKES of Indiana. I represent one of the largest coal-mining communities in western Indiana. Both operators and miners have been in my office and said that they wanted the bill passed just as it has been presented to the House. I hope this will be helpful to the gentleman.

Mr. CASEY of Massachusetts. On the other hand, if two-thirds of the membership of the coal industry accept the code, then you are going to have cooperation from the industry itself. You are going to have an effective piece of legislation. It can be made operative over a recalcitrant number of only one-third, whereas now you have no opportunity of knowing how many favor and how many do not favor it. I think the proponents of this bill ought to have the courage to submit this code to the industry and see whether the industry we want to help desires this or does not desire it.

Mr. RANDOLPH. Will the gentleman yield?

Mr. CASEY of Massachusetts. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. The gentleman would not suggest that method with all types of legislation for each industry we would seek to help?

Mr. CASEY of Massachusetts. I certainly would agree to the proposition. When we are trying to help any particular group we ought to find out whether or not that group wants it and whether or not the group favors the legislation we are passing.

[Here the gavel fell.]

Mr. FULMER. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Massachusetts.

When the original coal bill was up for consideration I voted against it. I believe, however, we have a much better bill before us at this time; and realizing the problem of the coal operators, the miners, and those interested in the coal fields of the country at this time, as well as the problem of the consumer in buying coal at a fair price, I am going to vote for this bill. In other words, this is a problem in the various States wherein are located coal mines. We have not any coal mines in my State, South Carolina.

Mr. Chairman, we have similar problems to this in our agricultural States, and I shall speak on one or two of these problems at this time.

One of these problems, and perhaps the most important, is the need of an up-to-date marketing and distributing system whereby farmers' products may be properly distributed when and where there is a demand, and with some bargaining power on the part of farmers, as to a fair price for their products, which they have not today. This is one of the things that will solve many of the problems of agriculture, as far as the South is concerned. I believe that this is true also in other agricultural sections of the United States. Farmers, being unorganized, and because of their financial condition, are unable to properly control production or properly market their farm products. You who represent agricultural districts and I know and the Secretary of Agriculture understands the great need of the Federal Government assisting farmers along this line.

All other well-organized groups, composed of usually few in number, are able to do what I am talking about. Take General Motors: They not only have complete control of their business, but they keep posted as to the trend of business, and they govern their production up or down, accordingly. Not only do they do this, but they are able to market their products from the factory on down to the various States, counties, cities, and small towns to the actual consumer, or purchaser, and at a fixed price. The International Harvester Co., one of the largest manufacturers of farm machinery and farm implements in the United States, is able to do this very same thing. In fact, this is true with all well-organized industries. As a general supply merchant, back in the old days, I used to handle the International Harvester Co.'s line. I was one of their select agents, so to speak. They refused to sell their goods to Tom, Dick, and Harry. Thereby, as stated, they controlled the distribution of their products in an orderly manner, and at fixed prices. This concern made a contract with me, not only fixing the price of farm machinery and implements to me as their agent, but they actually fixed in that contract the price that I had to sell these products for to my farmer customers. I could have sold them cheaper than the fixed price, and still have made a fair profit. But if I did not maintain this fixed price, the contract would have been given to some other merchant who would comply with the requirements of the contract. These well-organized groups are doing the same thing today. These groups, also, properly label their goods, and they spend millions in advertising annually, all of which is charged along with every other item of cost, including a fair profit, and, as stated, their products are properly distributed when and where needed right down to the actual consumer or purchaser at a fixed price.

Farmers are not posted as to the trend of business, or perhaps the actual demand for their various products, and if they were, they could never tell when they planted their various crops just what the harvest would be. They not only have to pay fixed prices on that which they purchase, but they have everything else on the face of the earth, as well as under the earth, the elements and the various insects, to contend with. If for any reason the crop is cut short, and for this reason the price should prove to be fair, they have not the products, and it is no fault of theirs. If the good Lord is willing and they have proper seasons, and happen to have a splendid yield and a good crop, they still have to go to these various agencies and groups that absolutely control the marketing of their products and the fixing of the prices thereon, and ask them: "What will you give me for my vegetables, fruit, or cotton?"

The thing that I want you who are interested in being of service to agriculture to do is to answer me this question: How do you expect farmers to succeed, in that they have to pay fixed prices, while, on the other hand, they have no control or say-so about the price that they receive for that which they produce?

These well-organized groups have been able to wipe out all unnecessary agents and middlemen, and the old haphazard method of marketing and distributing. Farmers cannot do this, and up to this good hour Congress has done nothing to remedy this important and sad situation which applies to the marketing of farm products.

Now, let us see what is going on under the present old wasteful and disgraceful marketing system of farm products. There is nothing wrong with farmers when it comes to producing crops. They can produce, all right. But when it comes to properly grading, labeling, and properly distributing their products when and where needed, in line with demand, and with some bargaining power as to price, they cannot do it. We are spending millions through the Extension Service and agricultural colleges, in advising farmers as to improved methods of farming, soil fertility, and the improving of the quality of farm products.

However, when we attempt to pass legislation to assist farmers to do that which all of these well-organized groups do, whether they do so under legislation or in the face of the anti-trust laws, we have numerous Members of Congress standing upon the floor of this House, opposing this type of legislation. They admit that these other groups are doing the very thing that we are talking about, but their contention is—let the farmers alone—let them do it themselves. And yet, they know that because farmers are unable to organize, and because of their financial condition, they are helpless, and I want to say to you, they are hopeless, unless we can do something to insure those who feed and clothe the world, that they are going to get a fair price for that which they produce when it is offered on the market for sale. Let me state at this point: We are now considering before the Agricultural Committee what is known as the farm-tenant bill. The purpose of this bill is to spend millions to purchase land to be sold to tenants and sharecroppers for the purpose, as stated by those in the Department of Agriculture who are interested in spending this money, to make landowners out of tenant and sharecrop farmers. For the past 50 years farmers have been losing their lands under foreclosure at the rate of from forty to fifty thousand farms annually. These farmers, and many of them were good farmers, many of them who inherited their farms from their fathers and grandfathers, have been passing into tenant and sharecrop farming.

I want to state emphatically to you at this time, that this situation was not brought about because of any fault on the part of thousands of these farmers. They have labored long hours. They have been able to produce, but, in that they had to pay fixed prices and accept anything that anyone would offer them for their products, they have been forced into this position, and thousands of them today are living in poverty and misery, and many of them are actually filling untimely graves. I want to ask you this question: In that we have not done anything up to this good hour, in that the Supreme Court has canceled every farm bill that would tend to help farmers control their business, to insure a fair price to the farmers for their products, how

are you going to make landowners out of tenant farmers under the present situation?

If, and until we pass definite legislation by the Congress that will give farmers an assurance under crop insurance that they will have a crop, and a fair price in line with prices they have to pay for that which they purchase, which cannot be done at this time, it would be futile to spend the taxpayers' money, attempting to make landowners out of tenant and sharecrop farmers. I am for this class of people because I have served as a tenant farmer. They have my deepest sympathy in their struggles for a square deal. However, I do not want to hold out to them some hopes of making them the happy possessors of a home under a bill that would only take care of about 5,000 tenant and sharecrop farmers, annually, when at the same time under the present program forty to fifty thousand farmers are losing their lands and going into tenant and sharecrop farming annually.

Much has been said and done in trying to have farmers grow a better staple of cotton. A staple ranging from one inch to one and a sixteenth, one and an eighth and up to one and a quarter inch. However, as stated, under the present marketing system there are thousands of farmers who do not get paid for actual quality or a proper premium for staple length in selling their cotton. If this is true, then the thing that most of these farmers are interested in is the growing of just as many bales of cotton as they can produce, regardless of the length of the staple. The United States Standard Cotton Grading Act, introduced by me during the Sixty-seventh Congress, has meant millions to the South in that all cotton now exported is graded and certified to by the Government and accepted by all foreign buyers. But, as stated, farmers generally are not getting what they are entitled to, and therefore why should they be interested in growing an inch or an inch and a sixteenth cotton only for someone higher up in the cotton industry to get the premium on this type of cotton?

I realize that many farmers who are in a position to actually demand payment for proper grading and the length of staple for their cotton are receiving these benefits, and we are improving the staple length of our cotton. However, as stated, many of these farmers do not get just what is coming to them. But after this cotton passes into the hands of the large cotton merchants and exporters, they receive the full benefits under the grading act in that all cotton received by them is properly graded as to color and as to length of staple and sold to the cotton mills, or for export, accordingly. Now, what I am interested in is doing this very thing for farmers in that they cannot, as stated, do it themselves. The way to have farmers plant a uniform type of cotton, producing the very best staple length that they can produce in their territory, is to do the thing that I am talking about so that the farmer, when he receives the premium on staple lengths above seven-eighths inch, he will realize immediately what it will mean to him to do the thing that is being advocated by the agricultural colleges and the extension service in the South, and then we will get results.

We of the South grow the finest fruits and vegetables to be found in any section of the United States. Go down to the Washington markets, and they will tell you that we have quality and the finest flavor to be had anywhere, but the grading and packing is miserable.

Farmers in many of the Southern States, and I am especially referring to South Carolina, on account of the iodine content in vegetables and fruits in that State, have practically a gold mine if they were able to do that which is being done, as previously stated, by these well-organized groups. They, also, should advertise to the world the quality, flavor, and the large iodine content in their products, which the people in many States would love to have because of these valuable qualities. However, as previously stated, in that they have no control whatsoever in fixing a fair price they are unable to do this advertising.

I want to give you a list of just a few vegetables and fruits grown in South Carolina showing the iodine content that is not known to the rest of the country, and, if so, only in a very few instances.

Green vegetables:	
Asparagus	285
Beet tops	657
Cucumbers	530
Kale	287
Lettuce	912
Onions	222
Spinach	692
Summer squash	625
Carrots	213
Irish potatoes	211
Rutabagas	200
Turnips	271
Fruits:	
Blueberries	206
Strawberries	181
Watermelons	402
Feed for cattle: Cottonseed meal	140

Going back to the grading and marketing problem, what is the use for farmers to improve their grading and packing if it were possible for them to do so under the present system of marketing?

I grow on my farm just lots of vegetables and sweetpotatoes. I ship these, especially vegetables, largely by truck to Washington and Baltimore. I have no way of knowing, as a farmer, the real condition of either of these markets—that is, whether the markets are glutted with the same type of farm produce that I am sending up, or just what kind of price I will receive for same.

I am sure that many of you, who have not had this kind of experience, do not understand just what I am talking about. Communicate with your farmer friends and find out just how helpless they are and how they are being robbed. I have gone down to some of the chain store managers and to many commission merchants in trying to sell these products, only to have them make some statement, in a great many instances, that perhaps the market is glutted with these vegetables at this time, or that the demand is very slow, and then they proceed to fix their own price. Naturally, I have to accept that price or leave the products for sale with some commission merchant, hoping that when I receive their invoice of sale that I may be able to get at least a sufficient amount to pay for the expense of trucking these products to the city of Washington or Baltimore. I put my sweetpotatoes in a curing house, and there are just lots of other farmers who do this, and when I ship them out in the spring I have them properly packed and graded.

I find, however, that because of the manner in which potatoes are shipped into the market, brought into the market by trucks or railroads, that I do not get any advantage in properly grading, for the reason that these potatoes of quality and proper grade have to compete with all kinds of potatoes and with shipments that are not graded at all. In other words, there are just lots of fruits and vegetables that are placed on the markets that should never be offered for sale, because of the type of quality and grading. These should be canned or fed to the livestock on the farms. If this cannot be done, they should be thrown on a waste pile, thereby saving freight, expense of hampers, and packing.

This improper grading of fruits and vegetables, when placed on the market, naturally reduces the price to the farmer and the ultimate consumer has to pay a higher price to take care of the waste brought about by this type of marketing. Then, in the next place, what would be the use on the part of farmers in improving quality and properly grading their products if they are unable to have some bargaining power in seeing to it that they receive a price in line with quality and grade?

The thing that farmers generally are interested in now, in that they have no say-so as to price, is to be able to offer for sale just as many bushels of potatoes or hampers of fruits and vegetables as they possibly can, with the hope that if they should get even a reasonable price, the larger will be the amount of the check because of the number of bushels and hampers.

As previously stated, the marketing and distributing of farm products are absolutely in hands other than farmers', many of which are middlemen, nothing more or less than real parasites, sapping the very lifeblood out of farmers and consumers. I do not mean by this that there is not need for many, legitimate agencies operating between the farmers and the consumer. However, if we had an up-to-date marketing and distributing system, naturally there would be no need for all of these different types of agencies and middlemen, and, naturally, it would tend to wipe out many of these useless agencies, as has been the case with the marketing system established by well-organized groups.

The marketing system that I am interested in would tend to give farmers a proper guidance as to demands so as to bring about an orderly production somewhat in line with actual supply and demand. This system should be composed of agencies from the township, county, State, and National agencies. Farmers, perhaps, would do the best they could in grading their products before going to their local agency. Their products would then be delivered to their local agency where they would be properly graded, properly labeled, and they would be sold either to truck buyers, or would be shipped to the actual buyer, chain stores and merchants, on the advice and under the instructions received from State or National agencies. This would tend to bring about orderly distribution where these products were actually needed, and it would enable the handlers of these products who sell direct to the consumers to be able to buy just what they want and when they were in need of any of these products. Under the present system, farmers or shippers, for instance, in my State, receive prices on watermelons, vegetables, and fruits, and, believing that these prices are fair, they proceed to make shipments, not knowing just how many carloads from the same section or the same State are going into that one market center.

In other words, if they had this up-to-date marketing system, as stated, these shipments would be properly distributed in line with demand, all of which would bring about a fair price, both to the producer and to the consumer.

We hear a great deal about what Denmark and a few other foreign countries are doing along these lines. The thing that I am interested in is bringing about orderly production, proper grading, proper marketing, distributing, and the securing of a fair price in line with what is being done in Denmark and these other countries. However, it can only be done in line with the manner in which it is being done in these countries, that is, with the assistance of the Federal Government. Farmers cannot do it.

Mr. PIERCE. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I am prompted, by the statement of the gentleman from South Carolina [Mr. FULMER], to say a word. I supported the original bill as well as the bill that was defeated in the Senate, and I am going to support this bill. My chief reason for this is because it is a price-fixing measure. I believe in price fixing within reasonable limits for basic commodities like coal, cotton, and wheat. As our colleague from South Carolina stated, the farmers' problems can only be solved by price fixing, with a control of production. I was a raiser of wheat in quantity, and for 3 years, when the price was fixed by the Government, I knew what that wheat was going to bring me when I sowed it. I knew what it was going to be worth when I threshed it. I paid my men accordingly. Wages that were $1 a day before the Government fixed the price went as high as $5 a day. We are approaching that period of price fixing, whether we want to or not.

Mr. FULMER. Will the gentleman yield?

Mr. PIERCE. I yield to the gentleman from South Carolina.

Mr. FULMER. At this time the Agricultural Committee of the House, and I suppose the Senate, are working on a number of bills, one of which will make landowners out of tenants and sharecroppers. Is it not a fact that unless you can give the farmers some assurance as to a fair price for that which they produce you are not going to stop them from going into tenant farming, and in the meantime you will not bring the tenants and sharecroppers up to the point of owning land?

Mr. PIERCE. The bill we have been considering in the Agriculture Committee does not solve the problem, but one along the line suggested by the gentleman, I think, will help materially.

Mr. RANDOLPH. Will the gentleman yield?

Mr. PIERCE. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. I appreciate the gentleman's support of the pending bill. In connection with the price-fixing features of this legislation, it is to be remembered we have had an increased consumption in the last year of 2 percent and an increase in wages paid to the miners since 1935 of 10 percent; yet within the last year the price paid to the producer of coal was slightly under that which existed before those increases went into effect. Certainly a small price increase would not be objectionable.

Mr. PIERCE. This bill will undoubtedly raise the price of coal to the consumer. I cannot go along with those who say there will not be any increase to the consumer. I realize there must be an increase as a natural result of this legislation, but that is sure to come in this age of price fixing, which is right ahead of us. While we of the West are voting with you people of the coal-mining States on this bill, do not forget us when we come upon this floor with a real bill which will do something for the farmers of South Carolina, Oregon, and other agricultural States.

[Here the gavel fell.]

Mr. FRED M. VINSON. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I am glad my good friend the gentleman from Massachusetts [Mr. CASEY], has thrown his last brick. I want to speak on the amendment just offered as well as refer to the one that has just been defeated. The philosophy behind the prior amendment, as well as this one, is the philosophy of the large operator, the operator of the low-cost mine, and him who is well financed. There are other operators in this country who must be cared for. There are operators that are average both in regard to cost of production and as to their financial structure; and then there are operators who are not so favorably situated, both in regard to cost of production and financial structure. Those of us who have been in this war for some time know the line of demarcation between amendments helpful to the industry and those helpful to a few—mostly those who need it least.

The amendment that the gentleman from Massachusetts [Mr. CASEY] offers does not say anything about the number of operators. I may say that from the best information I have, 90 percent of the operators favor H. R. 4985. So I am asking the committee to vote down the amendment, which is the last brickbat this good, fighting chap is going to throw at us.

Mr. GIFFORD. Mr. Chairman, will the gentleman yield?

Mr. FRED M. VINSON. I yield to the gentleman from Massachusetts.

Mr. GIFFORD. Before the gentleman takes his seat, will the gentleman comment on the speech just made by our friend, the gentleman from Oregon [Mr. PIERCE], in which he stated that he is going to vote with the coal-producing States, but he expects them to cooperate with him when he asks something for the farmers?

Mr. FRED M. VINSON. I may say that if one cares to make a study with respect to increase in cost to the consumer, there is much in this debate that will dispel the thought there is going to be any material increase, if any increase at all. Certainly, my good friend from Oregon, in referring to legislation sponsored by him, could only have in mind that which my friend from Massachusetts had in mind in days gone by when he espoused certain legislation, and that it was good legislation, righteous legislation, which commended itself to his colleagues in the House——

Mr. GIFFORD. My question is whether there is any other industry that is in a fix comparable with this and would the gentleman favor this principle's being applied to other industries?

Mr. FRED M. VINSON. I think every case must stand upon its own foundation. I may say frankly to my friend from Massachusetts that the Supreme Court has taken into consideration the history of the industry and its condition in construing legislation passed by Congress.

Mr. GIFFORD. My last question is, The gentleman cannot assure the farmers, then, that he can reciprocate?

Mr. FRED M. VINSON. I am going to support the legislation that is presented by the gentleman from Oregon or the gentleman from Massachusetts if I think it is good legislation.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. CASEY].

The amendment was rejected.

The Clerk concluded the reading of the bill.

Mr. BANKHEAD. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the very brief remarks I shall make at the conclusion of the reading and consideration of this bill will not be prompted by any fear upon my part of its passage by this House; but understanding that there is a possibility there may be no final record vote upon the passage of the bill, and because of the fact I was an earnest advocate of the passage of the bill in its original form and upon its second passage through the House, I desire very briefly to go on record in this fashion to give this bill and its purposes my support and endorsement.

I happen to live in a district, and particularly in a county, where the bituminous-coal industry is one of our major industries, and for the last few years I have been made very unhappy to witness constant decadence in the prosperity and extent of this former great enterprise in the district which I have the honor to represent. I think it has well been said many times, if there is any great industry in America that has been sick—if not, indeed, almost paralyzed—it is the bituminous-coal industry of America, and what those of us have had in mind who have advocated the previous bills is to undertake to do what we conceive to be legitimate and prudent and, indeed, constitutional in undertaking to solve this problem.

I am pleased that those of us who favor this proposal are now having the opportunity to vote for it for another adventure along the line of the Senate and, possibly, for another decision by a certain august tribunal in this country.

I wish to congratulate the Committee on Ways and Means for the very fine fashion in which it has framed the latest draft expressing the purposes we have in mind, and I particularly desire to congratulate the co-author of this bill, the distinguished gentleman from Kentucky [Mr. FRED M. VINSON] upon the fine thought, the diligence, the energy, and the courage with which he has pursued the objectives he has had in mind in connection with this proposed legislation. [Applause.] I was glad also to name Mr. MAY, who has shown such great interest in the passage of the bill, to preside as Chairman of the Committee of the Whole during its passage.

I hope, Mr. Chairman, this bill will pass the Senate, and if passed and approved by the President, as I am sure it will be, and any contest should be made as to its validity before the Supreme Court of the United States, I still indulge the hope it may run the gamut of the decision of that Court. I express this earnest hope for the reason that I know the necessities for this legislation. I feel it is a fair bill. I feel it will not work any injustice or unfairness to any interest that is represented, and I believe if we have an opportunity to see it put into operation it will tend to revive to a very large extent this great industry which, in recent years, has so greatly languished because of the conditions this bill seeks to correct. [Applause.]

The CHAIRMAN. Pursuant to the resolution heretofore adopted, the Committee will rise.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee had had under consideration the bill H. R. 4985, and, in pursuance of House Resolution 146, he reported the same back to the House.

The SPEAKER. The previous question is ordered by the resolution. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. TREADWAY. Mr. Speaker, I offer the following motion to recommit, which I send to the desk.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. TREADWAY. I am.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. TREADWAY moves to recommit the bill to the Committee on Ways and Means with instructions to that committee to report the same back forthwith with the following amendment: Strike out, on page 3, lines 9, 10, and all of line 11 except the word "all", so that the sentence will read: "All employees of the Commission shall be appointed and their compensation fixed in accordance with the provisions of the civil-service laws and the Classification Act of 1923, as amended."

Mr. FRED M. VINSON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Kentucky makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and ninety-nine Members present, not a quorum.

Mr. FRED M. VINSON. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The doors were closed.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 29]

Andrews	Driver	Maloney	Sweeney
Boykin	Fish	Meeks	Tinkham
Buckler, Minn.	Gasque	O'Connell, Mont.	Tobey
Buckley, N. Y.	Goodwin	O'Connell, R. I.	Tolan
Cannon, Wis.	Hill, Okla.	Pettengill	Wadsworth
Chandler	Holmes	Rutherford	White, Idaho
Coffee, Nebr.	Hunter	Sadowski	White, Ohio
Cole, N. Y.	Kleberg	Scott	Whittington
Cooley	Kvale	Scrugham	Wigglesworth
Crosser	Lesinski	Shannon	Zimmerman
Crowther	Lord	Smith, Conn.	
Curley	Luckey, Nebr.	Smith, Va.	
Doxey	McGehee	Sullivan	

The SPEAKER. On this roll 382 Members have answered to their names, a quorum.

Mr. COOPER. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

The SPEAKER. The question is on the motion to recommit.

Mr. TREADWAY. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. The gentleman from Massachusetts demands the yeas and nays. All in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Thirty-nine Members have risen, not a sufficient number, and the yeas and nays are refused.

The question is on the motion of the gentleman from Massachusetts to recommit the bill.

The motion was rejected.

The SPEAKER. The question now is on the passage of the bill.

The question was taken, and the bill was passed.

A motion to reconsider the vote by which the bill was passed was ordered to lie on the table.

EXTENSION OF REMARKS

Mr. HANCOCK of North Carolina. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD

and include therein an address delivered by Hon. James A. Farley, Postmaster General, on the occasion of the dedication of the new Federal building at Reidsville, N. C., March 9, 1937.

The SPEAKER. Is there objection?

Mr. RICH. Mr. Speaker, I reserve the right to object. Is this gentleman the Postmaster General who served in the last term or the new Postmaster General?

Mr. HANCOCK of North Carolina. He is the greatest and most efficient Postmaster General in the history of our Government.

The SPEAKER. Is there objection?

There was no objection.

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by inserting a statement by my colleague, the gentleman from California [Mr. MCGROARTY].

The SPEAKER. Is there objection?

There was no objection.

Mr. GRAY of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein certain excerpts from an address that I delivered.

The SPEAKER. Is there objection?

There was no objection.

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their own remarks on the bill H. R. 4985.

The SPEAKER. Is there objection?

There was no objection.

(Mr. FORD of California, Mr. PIERCE, Mr. MAY, and Mr. KENNEY were each granted leave to extend his own remarks in the RECORD.)

CONTINUOUS DISCHARGE BOOKS

Mr. BLAND. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 5487) to amend section 4551 of the Revised Statutes of the United States, as amended (U. S. C., 1934 ed., Supp. II, title 46, sec. 643), which I send to the desk and ask to have read.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. BLAND. Mr. Speaker, this is a bill dealing with what has been known in the newspapers as the Copeland continuous discharge book, which has caused strikes.

We held hearings last week for the entire week in the Committee on Merchant Marine and Fisheries. At the conclusion of those hearings we brought together the representatives of labor, representatives of the Department of Commerce, representatives of the Department of Labor and put them around a table. They agreed in substance upon the bill which is now presented to you.

The bill makes very few changes in the original law. It leaves the continuous discharge book intact. However, if a seaman does not care to accept a continuous discharge book, we provide a certificate of identification with all of the identifying marks in it that are contained in the continuous discharge book, but without the record of discharges. Since such a seaman has no discharge book, we provide for a separate certificate of discharge that shall be given to him at the end of the voyage. In this bill we have gotten for the Government everything that is needed for the protection of the Government, and yet we have met the fear of blacklisting on the part of those seamen who objected to the continuous discharge book.

When we entered upon consideration of this bill I had no hope that we would be able to reach a solution of this kind. We expressly provide that entries shall contain no reference to character or ability. The old discharge books would not have permitted any such entries, but we desired it should be affirmatively shown upon the legislation.

A question was raised as to "rating" of the seaman which was required to be shown. We added language to make certain that rating should refer only to the capacity in which the seaman served on the ship. To avoid any question we wrote that into the law. Then to provide that there should be no discrimination against either class of seamen—that is, those taking the discharge books or those taking certificates—we provided against blacklisting in favor of those who hold one character of book or certificate or the other. We then were confronted with a problem which had to be met if the ships were to continue to move. So we provided that until the date when this law would have finally gone into effect, temporary certificates of identification, and temporary certificates of discharge should be issued pending the issuance of permanent certificates. We have protected the Government, we have met the principal objections urged by the seamen, and all seem to be satisfied.

Mr. WELCH. Mr. Speaker, will the gentleman yield?

Mr. BLAND. I yield.

Mr. WELCH. Will our chairman also state that the bill was reported unanimously by this committee?

Mr. BLAND. The bill was reported unanimously by the committee. It has the endorsement of the Director of the Bureau of Marine Navigation and Inspection, to whom great credit is due for bringing about this settlement. They met around the table and finally adjourned in the spirit of a love feast. The committee unanimously reported the bill.

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield?

Mr. BLAND. I yield.

Mr. CRAWFORD. What provision is there in the bill which provides for some entry being made on the discharge book with reference to the character and integrity of the seaman?

Mr. BLAND. None.

Mr. CRAWFORD. That has been eliminated?

Mr. BLAND. Absolutely. It never was in the discharge book, but there was a fear on the part of some that it was in there. So that there might not be any question in the future, we have affirmatively written into the law that that record shall not be made.

Mr. CONNERY. Mr. Speaker, will the gentleman yield?

Mr. BLAND. I yield.

Mr. CONNERY. The gentleman is to be congratulated for bringing such a happy outcome to such a controversial issue. I want to congratulate the gentleman.

Mr. BLAND. The committee is to be congratulated. Much of the work was done while I was in the chair presiding over the naval appropriation bill.

Mr. Speaker, I ask unanimous consent to dispense with the further reading of the bill.

The SPEAKER. Is there objection?

There was no objection.

The bill is as follows:

Be it enacted, etc., That section 4551 of the Revised Statutes of the United States, as amended (U. S. C., 1934 ed., Supp. II, title 46, sec. 643), is amended to read as follows:

"SEC. 4551. (a) Every seaman upon a merchant vessel of the United States of the burden of 100 gross tons or upward, except vessels employed exclusively in trade on the navigable rivers of the United States, shall be furnished, at the option of the seaman, with a book to be known as a continuous discharge book or with a certificate of identification, which book or certificate shall be retained by the seaman and shall contain the signature of the seaman to whom it is so furnished and a statement of his nationality, age, personal description, photograph, thumbprint, and home address. Such books or certificates shall be issued by the shipping commissioners, or, at ports where no shipping commissioners have been appointed, by collectors or deputy collectors of customs or United States local inspectors of steam vessels, in such manner and form as the Director of the Bureau of Marine Inspection and Navigation, subject to the approval of the Secretary of Commerce, shall determine. Any individual, firm, partnership, corporation, or association which shall issue any such book or certificate, or make any statement or endorsement therein, except as authorized by the provisions of this section, or issue any imitation of any such book or certificate, shall be deemed guilty of a misdemeanor and shall be imprisoned not less than 1 month nor more than 3 months, in the discretion of the court.

"(b) Any person applying for such book or certificate and claiming to be a citizen of the United States shall furnish satisfactory evidence of such citizenship.

"(c) No seaman shall be employed on any vessel to which this section applies until he has exhibited a certificate of identification or a continuous discharge book to the shipping commissioner, or in cases where seamen are not signed on before the shipping commissioner, to the master of the vessel: *Provided*, That the provisions of this subsection shall not apply to the employment of

seamen at a foreign port or place, in which case seamen so employed shall be furnished a continuous discharge book or a certificate of identification, in accordance with the provisions of subsection (a) of this section, at the first port of entry in the United States or its territories at which the vessel arrives after such seamen are so employed.

"(d) Upon the discharge of any seaman and the payment of his wages, the shipping commissioner shall enter in the continuous discharge book of such seaman, if the seaman carries such a book, the name and official number of the vessel, the nature of the voyage (foreign, intercoastal, or coastwise), the class to which the vessel belongs (steam, motor, sail, or barge), the date and place of the shipment and of the discharge of such seaman, the rating (capacity in which employed) then held by such seaman, and the signature of the person making such entries and nothing more. Whenever a seaman is discharged in any collection district where no shipping commissioner has been appointed, the master of the vessel shall perform the duties of such commissioner and shall make the proper entries in such continuous discharge book; and when the seamen are not required by law to be signed on and discharged before a shipping commissioner, the master shall make such proper entires in the discharge book. Any master who fails to make such entries shall be fined the sum of $50 for each such offense.

"(e) For the purpose of furnishing evidence of sea service in the case of seamen preferring the certificate of identification instead of the continuous discharge book, the Bureau of Marine Inspection and Navigation shall provide a certificate of discharge, printed on durable paper, in such form as to specify the name and citizenship of the seaman to whom it is issued, the serial number of his certificate of identification, the name and official number of the vessel, the nature of the voyage (foreign, intercoastal, or coastwise), the class to which the vessel belongs (steam, motor, sail, or barge), the date and place of the shipment and of the discharge of such seaman, and the rating (capacity in which employed) then held by such seaman. Where the seaman is discharged before a shipping commissioner such shipping commissioner shall make the proper entires in such certificate, which shall be signed by the seaman and the master of the vessel, and witnessed by such shipping commissioner. Whenever a seaman is discharged in any collection district where no shipping commissioner has been appointed, the master of the vessel shall perform the duties of such commissioner and shall make the proper entries in such certificate of discharge; and when the seamen are not required by law to be signed on and discharged before a shipping commissioner, the master shall make such proper entries in the certificate of discharge. Any master who fails to make such entries shall be fined the sum of $50 for each such offense.

"(f) There shall be maintained in the Bureau of Marine Inspection and Navigation in Washington, D. C., a record of every continuous discharge book, certificate of identification, certificate of discharge, and any other certificate issued by the Bureau of Marine Inspection and Navigation, together with the name and address of the seaman to whom it is issued and of his next of kin, and certified copies of all entries made in continuous discharge books or certificates of discharge, which entries shall be forwarded to the Bureau by the shipping commissioner or other person making such entries in accordance with the provisions of this section. Records so maintained shall not be open for general or public use or inspection.

"(g) Any person, partnership, company, or corporation who shall require any seaman employed or applying for employment to possess, produce, or carry a continuous discharge book, if and when such seaman possesses or carries an identification certificate, or to carry an identification certificate, if and when such seaman possesses and carries a continuous discharge book, or who shall exchange or give to any other person, partnership, company, or corporation information to cause discrimination against a seaman for electing to carry either an identification certificate or a continuous discharge book, or to prevent a seaman from obtaining employment on that account, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punishable by a fine of not more than $1,000 or imprisonment for not more than 1 year, at the discretion of the court.

"Seamen shall apply for certificates of identification or continuous discharge books hereunder; and if any application contains any statement known by the applicant to be false, he shall be deemed guilty of a misdemeanor, and on conviction thereof before any district court of the United States shall be fined not more than $1,000 or imprisonment for not more than 1 year, in the discretion of the court.

"(h) In case of the loss of a continuous discharge book, a certificate of identification, or of any certificate of discharge by shipwreck or other casualty, the seaman shall be supplied with a duplicate of such continuous discharge book, certificate of identification, or certificate of discharge, in which shall be entered all data that may be available from the copies of records kept by the Bureau of Marine Inspection and Navigation. In other cases of loss the seaman may obtain a duplicate of such continuous discharge book, certificate of identification, or certificates of discharge, containing the same entries, upon a payment of a sum equivalent to the cost thereof to the Government to be determined from time to time by the Secretary of Commerce.

"(i) The provisions of this section shall not apply to fishing or whaling vessels or yachts.

"(j) The Secretary of Commerce shall enforce this section as to all vessels of the United States subject to the provisions hereof through collectors of customs and other Government officers acting under the direction of the Bureau of Marine Inspection and Navigation, and shall make such rules and regulations as he may deem necessary to carry out the provisions of this section."

SEC. 2. This act shall take effect as to vessels within the provisions of section 4551 of the Revised Statutes, as amended, as follows: (a) Upon its enactment in the case of such vessels engaged in foreign or intercoastal voyages, and (b) on June 25, 1937, in the case of all other such vessels: *Provided*, That the Secretary of Commerce is hereby authorized, pending the issuance of permanent certificates of identification and permanent certificates of discharge under such section, to provide for temporary certificates of identification and temporary certificates of discharge, which shall have the same force and effect as the permanent certificates.

With the following committee amendments:

On page 3, beginning with the word "when", in line 21, strike out all of lines 22, 23, 24, 25, and lines 1 to 5, both inclusive, on page 4. In line 18 on page 4, after the word "seaman", insert: "Records of service entered in either continuous discharge books or certificates of discharge shall contain no reference to the character or ability of the seaman." Strike out all the remainder of line 21 and all down to and including the word "commissioner", in line 25, and insert "The shipping commissioner shall issue such certificate of discharge and make the proper entries therein, which certificate shall be signed by the seaman to whom it is issued and the master of the vessel and shall be witnessed by such shipping commissioner."

On page 5, strike out the remainder of line 5 and all down to and including line 14 on page 5.

On page 7, in line 22, strike out the word "section" " and insert the word "section."

Page 7, line 23, insert:

"(k) Where vessels are required to sign on and discharge the crew before a shipping commissioner and no shipping commissioner is appointed or is available the functions and duties required by subsections (d) and (e) of this section to be performed by such shipping commissioner may be performed by a collector or deputy collector of customs; and where vessels are not required to sign on and discharge the crew before a shipping commissioner the duties and functions required by subsections (d) and (e) of this section to be performed by the shipping commissioner shall be performed by the master of such vessel. Any master who shall fail to perform such duties or functions shall be fined in the sum of $50 for each offense."

Page 8, line 16, after the word "that", insert "until June 25, 1937."

The committee amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

On motion by Mr. BLAND, a motion to reconsider the vote by which the bill was passed was laid on the table.

FLOOOD CONTROL

Mr. CITRON. Mr. Speaker, I ask unanimous consent to proceed for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. CITRON. Mr. Speaker, on next Monday morning at 10:30 o'clock there will be a meeting in the caucus room of the old House Office Building of Members from those areas that suffered from floods in 1936. The purpose of the meeting is to discuss several bills proposing to amend the Disaster Loan Corporation Act. [Applause.]

EXTENSION OF REMARKS

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein certain tables on the prices and the consumption of coal.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

REGULATION OF INTERSTATE COMMERCE IN BITUMINOUS COAL

Mr. RICH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RICH. Will the Speaker be so kind as to explain why no action was taken on the request of several Members for

a roll call on the passage of the bituminous coal bill? A great many Members were standing in support of the request.

The SPEAKER. In answer to the inquiry of the gentleman from Pennsylvania the Chair states that we had reached the stage in the proceedings involving the question on the passage of the bill. The ayes had been put to the House. Before the noes could be put, the gentleman from Missouri rose in his place in the rear of the Hall and asked for the yeas and nays. It is contrary to the rules of the House to interrupt proceedings pending a division or vote on a question. For that reason the Chair then put the negative and thereafter announced that the ayes had it. No request then being made for the ayes and noes, the Chair announced that the bill was passed. [Applause.]

Mr. RICH. I thank the Speaker.

SITE FOR VETERANS' HOSPITAL, DETROIT, MICH.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Joint Resolution 272, to authorize the Administrator of Veterans' Affairs to accept title for the United States to certain real property to be donated by Mr. Henry Ford and wife for Veterans' Administration facility purposes, which I send to the Clerk's desk.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. SNELL. Mr. Speaker, reserving the right to object, will not the gentleman tell us something about the bill?

Mr. RANKIN. Certainly. I may say to the gentleman from New York that we have provided for a veterans' hospital in Detroit, Mich., one that is very much needed; but when the Board of Hospitalization went there to make the investigation they found it impossible with the funds we had to secure a proper site. Mr. Henry Ford and his wife propose to donate 38 acres of ground for this hospital, and this is a bill giving the right to the Veterans' Administration to accept it. Let me say further to the gentleman from New York that this land is to be donated, but if we ever abandon it for this purpose it will, of course, revert to the original owner.

Mr. DONDERO. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield.

Mr. DONDERO. I understand certain restrictions were placed around the gift. Have the restrictions been removed or have they been agreed to?

Mr. RANKIN. The only restriction that is on the offer at all is that if we abandon it for this purpose it reverts to the original owner.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. Yes.

Mr. MICHENER. It is a splendid site and one that it has been very difficult to get. It is right near the Ford estate and is ideal for hospital purposes. We are very fortunate, indeed, to have Mr. Ford give it to us.

Mr. MAY. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield.

Mr. MAY. I merely wanted to inquire if the Henry Ford mentioned in this instance is the motor manufacturer.

Mr. RANKIN. The gentleman wants to know if Henry Ford is the man who make automobiles. [Laughter.]

Mr. MAY. No; I want to know if Henry Ford, the man who makes automobiles, is the man who is making this gift.

Mr. RANKIN. He is the same Henry Ford.

Now, let me say to the Members of the House that, in my opinion, this measure ought to pass. I think it is a very generous offer. It will enable us to build a veterans' hospital in Detroit where one is very much needed. The Board of Veterans' Hospitalization says that the veteran population in southern Michigan is one of the largest to be found in any similar area in the United States.

Mr. BOILEAU. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield.

Mr. BOILEAU. Can the gentleman tell us what the name of the hospital is to be?

Mr. RANKIN. No. I do not suppose it has been named.

Mr. BOILEAU. Are there any plans for any particular name?

Mr. RANKIN. Not that I know of. There has been no legislation to that effect and there is nothing in this bill with reference to naming the hospital.

Mr. HOOK. Will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Michigan.

Mr. HOOK. Is it not a fact that as soon as this is authorized and the bill passed the Veterans' Bureau may proceed with the construction of this hospital?

Mr. RANKIN. Yes. The construction of this hospital is being held up until they can acquire a suitable site; and, with property values as high as they are in Detroit and the surrounding area, this is about the only way we can really get a suitable site.

Mr. HOOK. In other words, the money has been appropriated and allotted by the Veterans' Bureau for the project?

Mr. RANKIN. Yes.

Mr. HOOK. And approved by the President?

Mr. RANKIN. The gentleman is correct.

Mr. ROBSION of Kentucky. Will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Kentucky.

Mr. ROBSION of Kentucky. What is the estimated value of the site to be donated?

Mr. RANKIN. The gentleman from Michigan can probably give the gentleman more accurate information than I can on that. I understand it is above $100,000.

Mr. DONDERO. May I say, if it is 38 acres at Dearborn, Mich., belonging to Henry Ford, it is worth a lot of money. I would not be prepared to say what the value is, but it would have a very high value.

Mr. ROBSION of Kentucky. Could not the Government acquire the site, or is the price too high?

Mr. RANKIN. There is no other property available.

Mr. DONDERO. Will the gentleman inform the House as to the amount of money appropriated for this hospital at Detroit, Mich.?

Mr. RANKIN. Yes; it is $1,400,000.

Mr. DONDERO. I may say to the gentleman I hope this bill passes, because the State of Michigan and the veterans of that State need a hospital very badly up there.

Mr. RANKIN. When we had this proposition up for consideration, the veterans' organizations appeared before the committee, and General Hines, representing the board of hospitalization, came before the committee. All parties were satisfied, if I remember, with the amount allocated for the construction of this hospital.

Mr. DONDERO. I understood it was $2,000,000, but I wanted that figure confirmed, if the gentleman knew.

Mr. RANKIN. I have just been informed that it is $1,400,000.

Mrs. ROGERS of Massachusetts. Will the gentleman yield?

Mr. RANKIN. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. I know the need for a hospital in Detroit. How many beds will the hospital provide?

Mr. RANKIN. Three hundred and fifty.

Mrs. ROGERS of Massachusetts. This has the approval of the Veterans' Administration?

Mr. RANKIN. Oh, yes; it has the approval of the Veterans' Administration.

Mr. BIERMANN. Will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Iowa.

Mr. BIERMANN. Is this a general hospital?

Mr. RANKIN. Yes.

Mr. BIERMANN. Does the gentleman think it is good policy to build general hospitals throughout the country when there are many private and church hospitals, as well as other hospitals, that have plenty of empty beds which are not being used?

Mr. RANKIN. The question before the House now does not involve a policy, because this money has already been appropriated and allocated for this purpose. The veterans'

organizations from the State of Michigan appeared before the committee and showed the necessity for this hospital 2 years ago. Of course, it took some time to get the funds allocated and make arrangements to build the hospital.

Mr. BIERMANN. As a general proposition, all over the country, as far as I know, these general hospitals are to a large degree surplus hospitals. There are, as I said a minute ago, private hospitals, church hospitals, and other hospitals that have vacant beds which could take care of these veterans, and, as far as the veteran himself is concerned, he would rather be treated in his home town, by his home doctor and his home corps of nurses than go 200 or 300 miles to some hospital where he is treated as he might be in a factory. As far as I am concerned, I would a good deal rather vote against any more general hospitals for veterans and take that money so that the veterans could be taken care of in their own home towns, by their home doctors, at a place where their families could visit them.

Mr. RANKIN. In the first place, Detroit is a city of more than a million people. These veterans have come there from all sections of the country. They are in that area now, and they need this hospital. Besides, the defeat of this resolution would simply cause us to have to go to some other area around there and take property less desirable and pay a considerable price for it.

Mr. BIERMANN. I do not mean to say I expect to vote against the resolution, but I think as a policy, for the good of the veterans and for the good of the general hospital situation in the country, we ought to stop building these general hospitals. It is a different thing if you have to build a psychopathic hospital, a tubercular hospital, or a hospital for some special disease that may require special treatment, but so far as a general hospital is concerned, a veteran would be better off if he could be treated in his home town, by his home doctor, and be taken care of by his home-town nurses.

Mr. CONNERY. Will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Massachusetts.

Mr. CONNERY. May I say to the gentleman, if we followed that principle we could not get any of the doctors from Johns Hopkins, who come over here to certain diagnostic centers. The veterans could not get the facilities at home. Some of these men have been operated on 20 or 25 times. You cannot get big surgeons, who would charge $3,000 for an operation, to do this work out there.

Mr. BIERMANN. I may say to the gentleman, you can attach a surgeon from the Johns Hopkins Hospital to a private hospital to treat a veteran just as well as you can attach him to the veterans' hospital.

Mr. CONNERY. But you cannot get them to go from New York out to Iowa.

Mr. BIERMANN. You cannot get them to go from Baltimore to Iowa to go to a veterans' hospital either.

Mr. CONNERY. But you can get them to go to the big diagnostic centers, and that is why this hospital is being built at Detroit. You will get the surgeons there.

Mr. BIERMANN. My point is, there are plenty of vacant beds in the private hospitals and other hospitals all over the country. These hospitals in some instances are supported by churches. They are supported by donations in other instances, and they need the business. They ought to have this veterans' business, especially when the veteran can get just as good treatment in that hospital as far as the veteran himself is concerned.

Mr. CONNERY. I may say I am in entire accord with the gentleman so far as cases other than surgical cases are concerned and as far as taking care of the veteran in his home town is concerned so much the better. He will get good service there and the veteran will be taken care of.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There being no objection, the Clerk read the bill, as follows:

Resolved, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to accept on behalf of the United States title to a triangular tract of land bounded by Southfield Road, Snow or Pepper Road and Outer Drive, in Ecorse Township, Wayne County, State of Michigan, containing approximately 38 acres, to be donated by Mr. Henry Ford and Clara J. Ford, his wife, upon the condition that such property be used for the purpose of constructing, operating, and maintaining what is now designated as a Veterans' Administration facility or which may hereafter be so designated or similarly designated by or in accordance with law, which may include domiciliary, hospital, regional office, and such other activities essential to the functioning of the facility, and when no longer used for this purpose the property donated to revert to the grantors, their heirs, executors, or assigns, the said tract of land being described as follows:

Lands lying in private claim 31, Ecorse Township, Wayne County, Mich., and described more particularly as follows:

Commencing at the point of intersection of the easterly line of Southfield (formerly known as Town Line) Road, of 204-foot width and the northerly line of Outer Drive of 150-foot width; thence easterly along the northerly line of said Outer Drive 193.48 feet along the arc of a curve of radius 274.21 feet to a point which is south 78°19'30" east 189.45 feet from the last previously mentioned point; thence north 81°27'50" east 1,790.64 feet along the said northerly line of Outer Drive; thence easterly 156.89 feet measured along the arc of a curve of 575.54 feet radius to a point on the center line of Snow (formerly Pepper) Road, which bears north 89°16'20" east 156.14 feet from the last previously mentioned point; thence northwesterly along the center line of said Snow Road north 37°4'00" west 1,566.96 feet and north 27°3'10" west 253.61 feet to the point of intersection with the said easterly line of Southfield Road; thence southerly along the said easterly line of Southfield Road south 31°44'00" west 2,003.69 feet to the point of commencement, containing 38.930 acres, more or less.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THE BOARD OF EDUCATION OF THE DISTRICT OF COLUMBIA

Mrs. JENCKES of Indiana. Mr. Speaker, I ask unanimous consent to proceed for 20 minutes.

The SPEAKER. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

Mrs. JENCKES of Indiana. Mr. Speaker, I desire to address this House of Representatives on a most important subject.

My good name and my service as a Member of the Congress has been ridiculed.

The following statements appeared in print as a news item in the February 12, 1937, edition of the Washington (D. C.) Times. The article is as follows:

JENCKES CLAIM RIDICULED

Replying to charges hurled yesterday in the House of Representatives by Mrs. VIRGINIA E. JENCKES, Democrat, of Indiana, that the Board of Education is "lobbying and propagandizing on a national scale" for legislation that would permit the advocacy of communism in District schools, Mr. Henry I. Quinn, Washington attorney and school board member, said: "Everything Mrs. JENCKES is reported to have said is as baseless as the charge she made last year that I and other board members were bigoted against the people of my church. Her charge will not be taken seriously by any thinking person.

Now, for the information of this House of Representatives, as well as every Member of the Congress, I made definite written charges against the Board of Education of the District of Columbia, charging the Board of Education of the District of Columbia with inefficient handling of the money which Congress appropriated for the purposes of the Board of Education. I charged that the Board of Education employed, at the rate of $50 per day, a professor who was associated with the University of Moscow, Russia, to teach character education. I charged the Board of Education with permitting the circularization of a magazine which carried an article advertising and praising a book containing vile, sacrilegious, and filthy utterances. The Board of Education has never answered these charges, which I filed in writing before a subcommittee of this House of Representatives. Instead, individual members of the Board of Education have ridiculed the charges, but did not answer them.

The friends and propagandists of the Board of Education of the District of Columbia propagandized against me in my own congressional district just before the recent primary and election and at both times when Democrats and Republicans learned the truth I was renominated and reelected by an outstanding majority because both Democrats and Republicans

quickly recognized the false propaganda which was put out against me and voted for me.

Notwithstanding the fact that during the sessions of the Seventy-third and Seventy-fourth Congresses, I have been active in denouncing the Board of Education as a board for their inefficient administration of a public trust, I have never mentioned any individual member by name.

However, due to the untruthful statements which are accredited to Mr. Quinn, member of the Board of Education, and published in one of the leading newspapers of our Nation's Capital, I desire to read to this House of Representatives a letter dated Notre Dame College, Baltimore, Md., February 16, 1937.

This letter is from Father J. F. Reilly, formerly pastor of St. Ann's Roman Catholic Church, Wisconsin Avenue, Washington, D. C. The statements made by Father Reilly definitely indicate the standing Mr. Quinn has in the estimation of Father Reilly, who was pastor of St. Ann's Roman Catholic Parish at the time I made the written charges against the Board of Education. The letter from Father Reilly reads as follows:

DEAR MRS. JENCKES: Several years ago, when I was pastor of St. Ann's Church in Northwest Washington, D. C., about 300 of our children, American boys and girls, sons and daughters of American fathers and mothers, were attending school in an old frame building that was literally a fire trap—a situation that was merely tolerated by the Commissioners because for the time being there seemed to be no alternative. Adjoining us on Wisconsin Avenue was the old Tenley School, completely abandoned by both school board and District, furnace torn out, every bench removed, more than 600 windowpanes broken, the building itself in the hands of a wrecker to be torn down.

Then it was, Mrs. JENCKES, that you explained to Congress the danger of fire in the old frame building, where 300 school children were housed, the tremendous saving to the District if St. Ann's people were permitted to purchase the abandoned Tenley School, for, as you made clear, if that large pupil group was turned over to the District for public-school facilities, there was the expense of new buildings, new equipment, and salaries of at least eight teachers.

Congress was very reasonable in spite of much opposition, not the least of which came from the School Board of the District of Columbia, whose members argued that the Tenley School might some day be needed for what they termed an "overflow." This same building, let us not forget, which they had marked for wreckage and which had been saved from destruction only because of your untiring efforts in behalf of our 300 future American citizens.

The members of that school board who voted constantly against your constructive plan, and I understand Mr. Quinn was one of them, were worse than bigots, for bigots are usually reasonable according to their light and not in spite of it.

Even after Congress passed your bill permitting the sale to us of the property in question, and after the President had affixed his signature in May or June, that same school board, by strange, if not devious tactics, prevented the actual sale of the building until a day in the fall of that year—a delay which forced us to open school a month later than schedule required.

For some of the opposition who now object to the name "bigot" I feel that "traitor" would be a much more suitable tag.

You did a great work then, Mrs. JENCKES, not only for that little army of future American citizens but also in the cause of fairness and for the District of Columbia, too, as witness the improvements of all that property under discussion. God speed you in the same kind of patriotic work that you are doing now for future American citizens, for the District of Columbia, and for the good old U. S. A.

Sincerely,

Father J. F. REILLY.

The statements of Father Reilly are a definite answer to the untruthful and misleading statements accredited to Mr. Quinn.

Now, I ask every Member of this House of Representatives to secure from the Library of Congress a copy of the magazine which the Board of Education of our Nation's Capital permitted to be circulated among teachers and pupils. The name of this magazine is Scholastic National High School Weekly, published in Pittsburgh, Pa., on October 6, 1934. On page 11 is a special article lauding and praising a book entitled "Boy and Girl Tramps of America", by Thomas Minehan. This book was published in 1934 by Farrar & Rinehart, Inc., New York City, N. Y.

I ask every Member of this Seventy-fifth Congress to get a copy of Boy and Girl Tramps of America from the Library of Congress and read the filthy, lascivious, and irreligious utterances contained in this book. Then determine for yourselves whether you would like to put this book in the hands of young boys and young girls of your family or acquaintance.

The Board of Education strongly defended Scholastic National High School Weekly against the charge that another Member of Congress and I made and finally withdrew the magazine. It is withdrawn at the present time.

The Board of Education has not made a satisfactory reply why they permitted this magazine to be circulated among our children.

This magazine carried a laudatory article about this filthy book which was advertised to our young children. So much for that.

The Board of Education ignored and refused to pay any attention to a petition which was sent to the Board of Education and which was signed by many Members of the House of Representatives and Members of the Senate who were members of the District of Columbia Committees of the House and Senate. This petition appealed to the Board of Education to save $20,000 a year by leasing or renting the old Tenley School to St. Ann's Roman Catholic parish for parochial school purposes. The Board of Education abandoned this building; they ordered this building to be torn down, and the Board of Education urged the Commissioners of the District of Columbia to make haste in tearing the building down. As soon as St. Ann's parish indicated a desire to rent or buy this building the Board of Education immediately said that they might need it at a future time; that it might be needed for playground purposes; that the building might be turned into a library; or the National Capital Park and Planning Commission might need the property for park purposes at some future time.

The Board of Education directly and indirectly lobbied against the bills which were introduced in the House and Senate authorizing the Commissioners of the District of Columbia to sell this property.

The Board of Education attempted to get the President of the United States to withhold his signature to the bill after the Congress had passed it.

I ask every Member of the Seventy-fifth Congress to drive out Wisconsin Avenue NW., in our Nation's Capital, and visit St. Ann's Parish School in the 4400 block of Wisconsin Avenue NW.

Take along with you an architect or a builder. Ask the architect or builder whether the Tenley School was in such shape that it should have been destroyed. I am satisfied to rest my case on what any responsible architect or builder says. As a matter of fact, the action of the Congress and the President saved the taxpayers of the District of Columbia and the Nation at least $20,000 a year by selling this abandoned building to St. Ann's Roman Catholic parish.

It would be interesting to this House of Representatives to know how many other abandoned school buildings have been destroyed by the Board of Education of the District of Columbia, which might have been salvaged in order to save money for the taxpayers.

The Board of Education in opposing the McCormack amendment to H. R. 148, directly exposed themselves as desiring to legalize the advocacy of communism in the public schools in the Nation's Capital. The Board of Education has made a great hue and cry about the "red rider." The Board of Education's propagandists, local and national, have flooded the country with statements that school teachers were being insulted. It is not a "red rider"—it is a "red herring" the Board of Education is using to hide the real issue. The McCormack amendment does away with the provisions in H. R. 148 which compel school teachers to take an oath that they have not taught or advocated communism prior to getting their salary. The McCormack amendment permits the teaching about communism in the public schools and it does not require that the teachers or other employees take an oath prior to receiving their salaries.

The McCormack amendment, however, does definitely prevent the advocacy of communism in the public schools of our Nation's Capital. The Board of Education desires the privilege of advocating communism in the public schools of the District of Columbia. They proclaim that right under

a nebulous self-developed right which they have proclaimed as "academic freedom."

The rank and file of our American school teachers never have asked for the "academic freedom" which would give them the right to advocate communism in the public schools.

Communism destroys religion. What will ministers of the gospel all over America say, if this Congress legalizes the advocacy of communism in the public schools of the Nation's Capital. What will our American veterans say? What will our patriotic organizations say, and what will our patriotic citizens say? The efforts of the Board of Education of the District of Columbia to legalize the advocacy of communism in the public schools of our Nation's Capital is of vital interest to citizens in every city in America. H. R. 148 must not be made law unless the McCormack amendment is part of it. I sound a solemn warning that if Congress permits the legalizing of the advocacy of communism in the public schools of our Nation's Capital, communism will be advocated in a short time in every public school in America.

I appeal to the Members of this House of Representatives and American citizens in every State in the United States to become militant. I appeal to them to become aroused in order to prevent the advocacy of communism in the public schools of our Nation's Capital and the public schools in every city and community throughout America. The time has come for the citizens and the Congress to take decisive action and resist this bold attempt to legalize the advocacy of communism in the public schools in the city of Washington, our Nation's Capital.

I pray that you realize the great importance of my plea and keep faith with the American people in order that our American form of Government might be protected against the scourge of communism. [Applause.]

Mr. JOHNSON of Minnesota. Mr. Speaker, I ask unanimous consent to speak for 1 minute in reference to the statement made by the gentlewoman from Indiana regarding a citizen of Minnesota.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. JOHNSON of Minnesota. The gentlewoman from Indiana made an unfair statement about Thomas Minehan, of Minnesota, who wrote a very famous book of 1933, Boy and Girl Tramps of America, which happened to be a "best seller" of 1934 in the sociological field of literature.

Mr. Minehan is a graduate of the University of Minnesota, and holds a master of arts degree from another college in the East. He is a sociologist of unquestioned standing in America.

His book is the result of a case survey composed of 2,000 personal investigations made over a period of 2 years. Mr. Minehan himself, stricken in youth by the same disease as the President, has won his way to success the same way as has the President. He was on the road for 2 years, traveling in box cars, hitchhiking, living in camps, and living in slums. Mr. Minehan has made a great contribution to literature and science, and deserves a boost rather than unfair, disparaging criticism.

[Here the gavel fell.]

EXTENSION OF REMARKS

Mr. TEIGAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address made by me over the radio March 10 dealing with the reorganization of the Federal judiciary.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. FOCHT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a short article I wrote myself.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a statement by a constituent, William B. Cowan.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. CASE of South Dakota. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address by Governor Roosevelt on the subject of Constitutional Government in America.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

ORDER OF BUSINESS

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RAYBURN. Mr. Speaker, I had intended to ask unanimous consent that the House adjourn until 11 o'clock tomorrow, and had so informed several Members, but the gentleman from Wisconsin [Mr. BOILEAU] stated he must object if I made the request because of a meeting their group is holding at 10:30 tomorrow. Therefore, I will not make the request and force the gentleman from Wisconsin to object.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. CURLEY (at the request of Mr. O'MALLEY), indefinitely, on account of illness.

To Mr. SMITH of Virginia (at the request of Mr. BLAND), indefinitely, on account of illness in his family.

To Mr. BOREN, for 6 days, on account of important business in his district.

To Mr. O'BRIEN of Michigan, for 6 days, on account of important official business.

ENROLLED JOINT RESOLUTION SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H. J. Res. 249. Joint resolution authorizing the Commissioner of Internal Revenue to grant further extensions of time for filing returns under title III of the Revenue Act of 1936.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 40 minutes p. m.) the House adjourned until tomorrow, Friday, March 12, 1937, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

429. A letter from the Acting Postmaster General, transmitting a report relative to the desirability of continuing the 3-cent rate of postage now applicable to certain first-class matter; to the Committee on Ways and Means.

430. A letter from the Secretary of the Navy, transmitting a draft of a proposed bill to repeal section 3744 Revised Statutes as amended; to the Committee on Expenditures in the Executive Departments.

431. A letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to reserve certain lands in the State of Utah for the Koosharem Band of Paiute Indians; to the Committee on Indian Affairs.

432. A letter from the Acting Secretary of the Interior, transmitting a draft of a bill to reserve certain lands in the State of Utah for the Kanosh Band of Paiute Indians; to the Committee on Indian Affairs.

433. A communication from the President of the United States, transmitting the draft of a proposed provision to authorize the use of not to exceed $2,000,000 of the funds available to the Federal Surplus Commodities Corporation for

use by that Corporation in carrying into effect the provisions of the act entitled "An act to authorize the purchase and distribution of products of the fishing industry" (H. Doc. No. 167); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. MILLER: Committee on the Judiciary. H. R. 1611. A bill to amend the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890; with amendment (Rept. No. 382). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 4754) for the relief of Charles R. Wicker; Committee on Claims discharged, and referred to the Committee on Pensions.

A bill (H. R. 5264) for the relief of the heirs of Richard B. Sconyers; Committee on Claims discharged, and referred to the Committee on War Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. COLDEN: A bill (H. R. 5546) providing for the transfer of a vessel to the Sea Rovers of America for use in the training of personnel for the United States Merchant Marine Service; to the Committee on Merchant Marine and Fisheries.

Also, a bill (H. R. 5547) providing a nautical school at the port of Los Angeles, Calif.; to the Committee on Naval Affairs.

By Mr. DICKSTEIN: A bill (H. R. 5548) to protect the artistic and earning opportunities in the United States for American actors, singers, dancers, solo instrumentalists, and orchestral conductors, and for other purposes; to the Committee on Immigration and Naturalization.

By Mr. RANDOLPH: A bill (H. R. 5549) to provide local flood protection for the city of Elkins, W. Va.; to the Committee on Flood Control.

By Mr. ROGERS of Oklahoma (by departmental request): A bill (H. R. 5550) to provide for the payment of attorneys' fees from Osage tribal funds; to the Committee on Indian Affairs.

Also (by departmental request), a bill (H. R. 5551) to reserve certain public domain in California for the benefit of the Capitan Grande Band of Mission Indians; to the Committee on Indian Affairs.

By Mr. SCHNEIDER of Wisconsin: A bill (H. R. 5552) to provide for the relinquishment of an easement granted to the United States by the Green Bay & Mississippi Canal Co.; to the Committee on the Post Office and Post Roads.

By Mr. SCHULTE: A bill (H. R. 5553) to impose an excise tax on stores in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. ANDREWS: A bill (H. R. 5554) to authorize the Secretary of War to lend War Department equipment for use at the 1937 National Encampment of Veterans of Foreign Wars to be held in Buffalo and Niagara Falls, N. Y., from August 29 to September 3, 1937; to the Committee on Military Affairs.

By Mr. BURDICK: A bill (H. R. 5555) to amend Public Law No. 383 (73d Cong., 48 Stat. L. 984), relating to Indians, by exempting from the provisions of such act any Indian tribe or reservation in the State of North Dakota; to the Committee on Indian Affairs.

By Mr. ANDREWS: A bill (H. R. 5556) to authorize the attendance of the Marine Band at the National Encampment of the Veterans of Foreign Wars to be held in Buffalo and Niagara Falls, N. Y., August 29 to September 3, 1937; to the Committee on Naval Affairs.

By Mr. SCOTT: A bill (H. R. 5557) providing for an increase of pay of the enlisted men of the United States Navy; to the Committee on Naval Affairs.

By Mr. RANKIN (by request): A bill (H. R. 5558) to provide that the holders of the Medal of Honor, Distinguished Service Cross, or the Navy Cross, shall be employed in the civil service without a competitive examination; to the Committee on the Civil Service.

By Mr. DISNEY: A bill (H. R. 5559) to amend the last two provisos, section 26, act of Congress approved March 3, 1921 (41 Stat. L. 1225–1248); to the Committee on Indian Affairs.

By Mr. SCRUGHAM: A bill (H. R. 5560) authorizing the western bands of the Shoshone Nation of Indians to sue in the Court of Claims; to the Committee on Indian Affairs.

By Mr. MERRITT: A bill (H. R. 5561) relating to the holding of two offices of profit under the United States; to the Committee on Expenditures in the Executive Departments.

By Mr. BLAND: Resolution (H. Res. 155) for the consideration of H. R. 5487, a bill to amend section 4551 of the Revised Statutes of the United States, as amended (U. S. C., 1934 ed., Supp. II, title 46, sec. 643); to the Committee on Rules.

By Mr. HIGGINS: Joint resolution (H. J. Res. 275) authorizing the selection of a site and erection of a statue or other form of memorial to the memory of Haym Salomon, Revolutionary patriot; to the Committee on the Library.

By Mr. FISH: Joint resolution (H. J. Res. 276) providing for an amendment to the Constitution; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of California, memorializing the Congress of the United States to reject any change in the judiciary; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALESHIRE: A bill (H. R. 5562) for the relief of James Scherer; to the Committee on Claims.

Also, a bill (H. R. 5563) granting a pension to Belle Robinson; to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 5564) granting a pension to Margaret Proctor; to the Committee on Pensions.

By Mr. BARRY: A bill (H. R. 5565) to authorize the cancelation of deportation proceedings in the case of Joseph Pellon; to the Committee on Immigration and Naturalization.

By Mr. BURDICK: A bill (H. R. 5566) for the relief of Nancy Jordan; to the Committee on Claims.

By Mr. DEMPSEY: A bill (H. R. 5567) for the relief of Harry Burnett; to the Committee on Claims.

By Mr. ELLENBOGEN: A bill (H. R. 5568) for the relief of Maj. William W. McCaw; to the Committee on Claims.

Also, a bill (H. R. 5569) granting a pension to Felix Jaranowski; to the Committee on Pensions.

By Mr. JACOBSEN: A bill (H. R. 5570) granting a pension to Charles French; to the Committee on Pensions.

By Mr. KELLER: A bill (H. R. 5571) granting a pension to Laura B. Stewart; to the Committee on Pensions.

By Mr. KRAMER: A bill (H. R. 5572) for the relief of Irving Levine; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

960. By Mr. BARRY: Petition of the New York State Flood Control Commission, endorsing, with the view of

safeguarding the lives, property, and welfare of the people of New York State from disastrous floods, the principles and policies of the 1936 Flood Control Act; to the Committee on Flood Control.

961. By Mr. BURDICK: House Concurrent Resolution Q of the Twenty-fifth Legislative Assembly of the State of North Dakota; to the Committee on Indian Affairs.

962. Also, House Concurrent Resolution V of the Twenty-fifth Legislative Assembly of the State of North Dakota; to the Committee on Interstate and Foreign Commerce.

963. By Mr. COFFEE of Washington: Petition of the Department of Justice Union (formerly Justice Lodge, 21, American Federation of Government Employees), Washington, D. C., supporting the President's plans for judicial reform; to the Committee on the Judiciary.

964. Also, petition of the Franklin Townsend Club, No. 5, of Tacoma, Wash., urging retirement of Supreme Court Justices at the age of 65 years at not more than $200 a month; to the Committee on the Judiciary.

965. By Mr. CULLEN: Petition of the Utility Workers' Union, Local B–752, of the International Brotherhood of Electrical Workers, emphatically approving the principle of Supreme Court reform as outlined by the President of the United States; to the Committee on the Judiciary.

966. Also, petition of the Labor's Non-Partisan League, urging the adoption of President Roosevelt's program for reorganization of the Federal judiciary; to the Committee on the Judiciary.

967. Also, petition of the general grievance committee, Brotherhood of Locomotive Firemen and Enginemen, Pennsylvania Lines East, endorsing the policy of the President to place on the Supreme Court the requested additional judges; to the Committee on the Judiciary.

968. By Mr. CURLEY: Resolution of the Utility Workers' Local, B–752, supporting the President's plan to reorganize the judiciary; to the Committee on the Judiciary.

969. Also, resolution of the Maritime Association of New York, opposing construction of further bridges over the Hudson River; to the Committee on Rivers and Harbors.

970. By Mr. FITZPATRICK: Petition of the Labor's Non-partisan League, endorsing President Roosevelt's program for reorganization of the Federal judiciary; to the Committee on the Judiciary.

971. Also, petition of the general grievance committee, Brotherhood of Locomotive Firemen and Enginemen, Pennsylvania Lines East, endorsing the policy of the President to place on the Supreme Court a sufficient number of Judges to insure to the American people the rights and privileges given to them under the Constitution of the United States; to the Committee on the Judiciary.

972. By Mr. JOHNSON of Texas: Petition of local Woman's Christian Temperance Union of Corsicana, Tex., favoring House Joint Resolution 1, proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

973. Also, house concurrent resolution, passed by the Legislature of the State of Texas, urging legislation entitling the State of Texas and its political subdivisions to be reimbursed for the loss in taxes which resulted from the purchase of certain land in the State by the Federal Government; to the Committee on Ways and Means.

974. Also, house simple resolution passed by the Legislature of the State of Texas, urging that the Resettlement Administration allocate such amount necessary to purchase and develop the Lost Pine area and such amount necessary to purchase and develop the Lost Pine area and such Government-owned and developed area to be known as the Buchanan Lost Pine project in honor of the late Congressman Buchanan; to the Committee on Agriculture.

975. By Mr. RICH: Petition of citizens of Bradford, Pa., protesting against the President's plan to increase the membership of the United States Supreme Court; to the Committee on the Judiciary.

976. By Mr. MOTT: Petition signed by 14 citizens of Reedsport, Oreg., urging that the Congress pass no law that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

977. By Mr. PFEIFER: Petition of the New York Convention and Visitors Bureau, New York City, concerning Senate bill 974, creating a Capital Auditorium Commission; to the Committee on Public Buildings and Grounds.

978. By Mr. PIERCE: House Joint Memorial No. 13 of the Oregon State Legislature, concerning the Harrison-Black-Fletcher bill; to the Committee on Education.

979. Also, House Joint Memorial No. 1 of the Oregon State Legislature, concerning the Townsend plan; to the Committee on Ways and Means.

980. By Mr. SHAFER of Michigan: Petition of Elizabeth Pennels and 33 other members of the Simpson Methodist Episcopal Church, of Kalamazoo, Mich., protesting against President Roosevelt's bill, or any substitutes, to reorganize the Supreme Court, and a petition signed by Ralph B. Fast and 32 other residents, of Kalamazoo, Mich., voicing their opposition to President Roosevelt's proposal to reorganize the Supreme Court; to the Committee on the Judiciary.

981. Also, resolution of the Flint Exchange Club, of Flint, Mich., opposing any tampering with the Supreme Court of the United States; to the Committee on the Judiciary.

982. Also, resolution of the Calhoun County (Mich.) Bar Association, disapproving President Roosevelt's proposal to increase the membership of the Supreme Court; to the Committee on the Judiciary.

983. Also, resolution of the Kalamazoo County (Mich.) Democratic Organization, voicing faith in President Roosevelt and approving his Supreme Court reorganization proposals; to the Committee on the Judiciary.

984. Also, petition signed by Roy B. Howard, of Jonesville, Mich., and 25 other citizens of Hillsdale County, voicing opposition to President Roosevelt's Supreme Court reorganization plan; to the Committee on the Judiciary.

985. Also, petition of Jennie McCormick, 404 Center Street, Albion, Mich., and 20 other citizens of Calhoun County, opposing legislation designed to bar the New Testament and other periodicals from the United States mails or otherwise interfering with religious privileges; to the Committee on the Judiciary.

986. By Mr. TEIGAN: Memorial of the Minnesota State Legislature, requesting use of Minnesota products, wherever possible, in the construction of Federal buildings in the State of Minnesota, and in all other construction work in the State of Minnesota in which the United States Government is directly or indirectly interested; to the Committee on Public Buildings and Grounds.

987. By Mr. THOMAS of New Jersey: Petition of Gordon Cooper and four other residents of Lambertville, N. J., protesting against the President's bill, or any substitutes, permitting the executive branch of the Government to control or subordinate the judicial or the legislative powers established under the Constitution, and a letter from the corresponding secretary of the Wyckoff Republican League, Wyckoff, N. J., stating that at a regular meeting of the club, held March 5, the club went on record as disapproving the proposed bill to increase the number of Judges of the Supreme Court; to the Committee on the Judiciary.

988. Also, resolution of the Citizens' Republican League of Midland Park, N. J., strenuously opposing the proposed plan of President Roosevelt as it affects the United States Supreme Court; to the Committee on the Judiciary.

989. Also, petition signed by Mrs. J. Salsberg and 36 other citizens of Riverdale, N. J., opposing the Supreme Court plan of President Roosevelt and urging Congress to oppose the issue; to the Committee on the Judiciary.

990. By Mr. THOMASON of Texas: Resolution adopted by the Commissioners' Court of El Paso, Tex., urging an appropriation for eradication of noxious weeds; to the Committee on Agriculture.

991. By the SPEAKER: Petition of the Gallipolis Chamber of Commerce, relative to the matter of flood control; to the Committee on Flood Control.

SENATE

FRIDAY, MARCH 12, 1937

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

O God, the Lord and giver of life, Thou dayspring from on high: Visit us with Thy salvation and give us the strength, wisdom, and patience needful for the exactions of the day.

Help us to realize that only by yielding our wills to Thine do we enter the doorway to the fuller life of service in which our powers are raised to their highest possible degree of perfection, and may every citizen make instant response to this challenge by giving his full measure of devotion to the God who loved him into being and to the Republic which fosters those ideals of citizenship which lead along the way of justice, truth, and love unto the city of our God. We ask it in the name of Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 11, 1937, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 4985. An act to regulate interstate commerce in bituminous coal, and for other purposes;

H. R. 5487. An act to amend section 4551 of the Revised Statutes of the United States, as amended (U. S. C., 1934 ed., Supp. II, title 46, sec. 643); and

H. J. Res. 272. Joint resolution to authorize the Administrator of Verterans' Affairs to accept title for the United States to certain real property to be donated by Mr. Henry Ford and wife for Veterans' Administration facility purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H. R. 601. An act for the relief of Edna M. Callahan and Anna Scott;

H. R. 1097. An act for the relief of Brook House, Ltd., of Sydney, Australia; and

H. R. 1098. An act for the relief of William L. Jenkins.

CALL OF THE ROLL

Mr. LEWIS. Mr. President, conscious that committee duty has kept many Senators from the floor, I ask at this time, in order to secure a quorum, that the roll be called.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Davis	Lee	Pope
Andrews	Dieterich	Lewis	Radcliffe
Ashurst	Duffy	Lodge	Reynolds
Austin	Ellender	Logan	Robinson
Bachman	Frazier	Lonergan	Russell
Bailey	George	Lundeen	Schwartz
Black	Gerry	McAdoo	Schwellenbach
Bone	Gillette	McCarran	Sheppard
Borah	Green	McGill	Smith
Bridges	Guffey	McKellar	Stelwer
Brown, Mich.	Hale	McNary	Thomas, Okla.
Brown, N. H.	Harrison	Maloney	Thomas, Utah
Bulow	Hatch	Minton	Townsend
Burke	Hayden	Moore	Truman
Byrd	Hitchcock	Murray	Tydings
Byrnes	Holt	Neely	Vandenberg
Capper	Hughes	Norris	Van Nuys
Caraway	Johnson, Calif.	O'Mahoney	Walsh
Chavez	Johnson, Colo.	Overton	Wheeler
Clark	King	Pepper	White
Connally	La Follette	Pittman	

Mr. LEWIS. I announce the absence of the senior Senator from Ohio [Mr. BULKLEY], the junior Senator from Ohio [Mr. DONAHEY], and the Senator from Virginia [Mr. GLASS], occasioned by illness.

The Senator from Mississippi [Mr. BILBO] and the Senator from New York [Mr. WAGNER] are necessarily detained from the Senate.

The Senator from Kentucky [Mr. BARKLEY], the Senator from New York [Mr. COPELAND], and the Senator from Iowa [Mr. HERRING] are absent upon important public business.

I ask that this announcement be entered in the RECORD for the day.

Mr. AUSTIN. I announce that my colleague the junior Senator from Vermont [Mr. GIBSON] and the Senator from Minnesota [Mr. SHIPSTEAD] are absent because of illness.

The VICE PRESIDENT. Eighty-three Senators have answered to their names. A quorum is present.

SIGNING OF AN ENROLLED JOINT RESOLUTION

The VICE PRESIDENT announced that, under authority of the order of the Senate of the 11th instant, he signed on yesterday, after the adjournment of the Senate, the enrolled joint resolution (H. J. Res. 249) authorizing the Commissioner of Internal Revenue to grant further extensions of time for filing returns under title III of the Revenue Act of 1936, which had previously been signed by the Speaker of the House of Representatives.

RELIEF OF GOVERNMENT DISBURSING OFFICERS

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Interior, transmitting a draft of proposed legislation to authorize and direct the Comptroller General of the United States to allow credit for all outstanding disallowances and suspensions in the accounts of disbursing officers or agents of the Government for payments made pursuant to certain adjustments and increases in compensation of Government officers and employees, which, with the accompanying paper, was referred to the Committee on Claims.

HALLE D. M'CULLOUGH

The VICE PRESIDENT laid before the Senate a letter from the Secretary of the Interior, transmitting a draft of proposed legislation to authorize and direct the Comptroller General of the United States to allow credit in the accounts of Halle D. McCullough, former superintendent and special disbursing agent of the Fort Berthold Indian Agency, Elbowoods, N. Dak., for payments made to the International Oil Co., Minot, N. Dak., which, with the accompanying paper, was referred to the Committee on Claims.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following concurrent resolution of the Legislature of the State of Pennsylvania, which was referred to the Committee on Commerce:

Whereas the port of Philadelphia is of great importance as a port in the volume of domestic shipping and the domestic commerce flowing through the port of Philadelphia has increased substantially over and above increases in such commerce for other ports on the eastern seaboard; and

Whereas despite such increase in domestic commerce there has been no increase, but on the contrary a diversion and decrease in the flow of foreign commerce through the port of Philadelphia for the principal reason that the channel to and from Philadelphia to the Atlantic Ocean is not deep enough to accommodate the entry of ships coming from foreign ports; and

Whereas the port of Philadelphia is the only port of this Commonwealth for the entry and flow of foreign commerce and it is of vital interest to protect and develop facilities necessary for such foreign commerce; and

Whereas in order to prevent great economic loss to industry in Pennsylvania by reason of lack of a channel deep enough to admit entry of foreign commerce it is necessary that the channel be deepened from Philadelphia to the Atlantic Ocean: Therefore be it

Resolved (if the senate concur), That the General Assembly of the Commonwealth of Pennsylvania respectfully petitions the Congress of the United States to enact the necessary legislation and to make the necessary appropriation to deepen the channel from the port of Philadelphia to the Atlantic Ocean to a depth of at least 40 feet with suitable widths; and be it further

Resolved, That a copy of this resolution be forwarded to the President of the United States to the President of the Senate and the Speaker of the House of Representatives of the United States and to each Senator and Representative in the Congress of the United States from this Commonwealth by the chief clerk of this house.

The VICE PRESIDENT also laid before the Senate the following concurrent resolution of the Legislature of the State of North Dakota, which was referred to the Committee on Foreign Relations:

Whereas the United States and Canada negotiated a treaty in the year 1932 providing for the joint construction of the St. Lawrence Seaway, which treaty has been ever since, and is now, awaiting ratification by the United States Senate; and

Whereas the early completion of this great international waterway project is necessary, not only to establish equality in transportation costs between seaboard States and Midwestern and Northwestern States but also to restore prosperity to the entire Northwest, including North Dakota; and

Whereas the President of the United States has repeatedly approved the St. Lawrence Seaway project and has recommended the ratification of said treaty at a previous session of Congress: Now, therefore, be it

Resolved by the house of representatives (the senate concurring), That the President of the United States is hereby memorialized to resubmit said treaty to the United States Senate for ratification at the present session of Congress, and that the Senate of the Unied States is hereby urged to ratify said treaty at the earliest possible time, to the end that the necessary enabling legislation for the completion of this waterway project may be adopted by this Congress; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the President of the Senate, and to each Member of Congress and the Senators from North Dakota.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of Colorado, which was referred to the Committee on the Judiciary:

Whereas there has been introduced in the Congress of the United States a bill known as the Wagner-Van Nuys antilynching bill; and

Whereas one of the greatest blots on the escutcheon of the several States and the fair name of our country as a whole is the evil of lynching and the unrestrained activities of such lawless mobs; and

Whereas among the victims of these atrocities have been not only men but women and children, some 5,068 lynchings have disgraced our country since 1882, 15 of which occurred in the year 1934; and

Whereas the governments of the several States have been unable to cope successfully with the continuous uprising of mob law in that respect: Now, therefore, be it

Resolved by the senate of the thirty-first general assembly (the house of representatives concurring herein), That the Congress of the United States is hereby respectfully memorialized and urged to enact the said Wagner-Van Nuys antilynching bill into law.

The VICE PRESIDENT also laid before the Senate the following resolution of the Senate of the State of California, which was referred to the Committee on the Judiciary:

Whereas legislation has been introduced, sponsored by the President of the United States, to increase the number of Justices of the Supreme Court of the United States; and

Whereas said legislation provides, among other things, that whenever a Supreme Court Justice, having attained the age of 70 years and having served 10 years upon the Federal bench, fails to retire, an additional Justice may be appointed by the President, subject only to the limitation that there be no more than 15 judges upon the Supreme Court; and

Whereas it is vital to the preservation of our American institutions and our American form of government that the three great branches of our Government should remain separate and independent, and there shall continue to be a judicial review by the independent court of justice of the acts of the Congress and of the President in order to determine judicially whether the inalienable rights and liberties guaranteed under the Constitution have been infringed upon; and

Whereas the separation of the executive, the legislative, and the judicial branches of our Government, and the mutual independence of the three branches one from the other, are fundamental to the genius of our Constitution and our Government: Now, therefore, be it

Resolved by the Senate of the State of California, That the Senate of the State of California does respectfully urge and memorialize the Congress of the United States to reject that portion of the proposed legislation which will give to the President of the United States the right to appoint additional Justices to the Supreme Court of the United States in the event that any of the Justices of the Supreme Court fail to resign, and to reject any legislation which will destroy the independence of the Supreme Court and render it subservient to the Presidency; and be it further

Resolved, That copies of this resolution be transmitted to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, and to all the Senators and Representatives from California in the Congress of the United States.

The VICE PRESIDENT also laid before the Senate a resolution adopted by Dairy Employees' Local Union No. 754, International Brotherhood of Teamsters, Chauffeurs, Stablemen, and Helpers of America, of Chicago, Ill., favoring the enactment of legislation to reorganize the judicial branch of the Government, which was referred to the Committee on the Judiciary.

He also laid before the Senate a resolution of the Kiwanis Club of Portsmouth, Ohio, favoring the appropriation of funds and enactment of legislation to construct reservoirs and other projects for flood control in the Ohio River Basin, which was referred to the Committee on Appropriations.

He also laid before the Senate the petition of Mr. and Mrs. E. S. Bowers, of Schuyler, Va., praying for the enactment of old-age pension legislation, which was referred to the Committee on Finance.

Mr. TYDINGS presented a petition of sundry citizens of Baltimore, Md., praying for the enactment of old-age pension legislation, which was referred to the Committee on Finance.

Mr. SHEPPARD presented a petition, signed by 152 citizens of Victoria County, Tex., praying for full support in Congress of the President's proposal to reform the Federal judiciary, which was referred to the Committee on the Judiciary.

Mr. DUFFY presented the following joint resolution of the Legislature of the State of Wisconsin, which was referred to the Committee on Appropriations:

Joint resolution relating to Federal aid for Bang's disease control

Whereas the Federal and State cooperative Bang's disease control program which has been carried on almost entirely by funds appropriated by the Congress of the United States and administered by the Federal Bureau of Animal Industry, has resulted in greatly reducing the incidence of Bang's disease among cattle in our State, and has proven otherwise extremely beneficial to the cattle breeding and dairy industry of Wisconsin; and

Whereas these funds to conduct this very essential disease control work have been made possible through the initiative and support given by all the Wisconsin Members of both Houses of Congress; and

Whereas continued Federal assistance for the ensuing year is imperative for effective control of this destructive disease in the State of Wisconsin: Now, therefore, be it

Resolved by the senate (the assembly concurring), That the members of the senate and the assembly of this State take this means of expressing their appreciation to all the Wisconsin Members of Congress for their interest in and support of this cause; be it further

Resolved, That each Wisconsin Member of both Houses of Congress be earnestly requested to make every effort to obtain passage of legislation by the Congress of the United States providing necessary funds for continued Federal aid for control of Bang's disease in Wisconsin for the ensuing fiscal year; and be it further

Resolved, That properly attested copies of this resolution be transmitted to each Wisconsin Member of both Houses of the Congress of the United States.

Mr. LA FOLLETTE presented a joint resolution of the Legislature of the State of Wisconsin, favoring an appropriation to continue Federal aid for the control of Bang's disease in Wisconsin for the ensuing fiscal year, which was referred to the Committee on Appropriations.

(See joint resolution printed in full above when presented today by Mr. DUFFY.)

REORGANIZATION OF FEDERAL JUDICIARY—DIFFICULTY OF CONSTITUTIONAL-AMENDMENT METHOD

Mr. GREEN. I present a resolution adopted by the House of Representatives of the State of Rhode Island, endorsing the proposal of the President of the United States to reorganize the Federal judiciary. I ask that the resolution be read; and, after that shall have been done, I should like to make a brief comment.

The VICE PRESIDENT. Without objection, the clerk will read.

The Chief Clerk read as follows:

House resolution endorsing the proposal of the President of the United States to reorganize the judiciary of the United States

Whereas the house of representatives has been apprised in the public press that the President of the United States, by means of a special message to Congress, has proposed certain changes in the judiciary of the United States; and

Whereas such proposal is strictly in accordance with the Constitution of the United States and has as its sole aim the relief of

congestion in the Supreme Court and the growing need for liberal interpretation of our statutes in keeping with modern conditions of living; and

Whereas the restriction of an age limit for members of the judiciary is in accordance with general practice in educational and business institutions: Therefore be it

Resolved, That this house of representatives places itself on record as being heartily in favor of the proposal of the President of the United States to reorganize the judiciary of the United States; and be it further

Resolved, That copies of this resolution shall be forwarded by the recording clerk of the house of representatives to each of the Senators and Representatives in Congress from the State of Rhode Island.

Mr. GREEN. Mr. President, in presenting this resolution of the House of Representatives of the State of Rhode Island entering the proposal of the President to reorganize the Federal judiciary, it is fair to add that I am informed that a resolution protesting against the same proposal was recently passed by the Senate of the State of Rhode Island. I cannot, however, present the latter resolution, since I have not been officially informed of its passage. These two resolutions serve as an admirable illustration of the difficulty of securing the passage of any constitutional amendment relating to the Supreme Court.

It is sometimes argued that since the President received an overwhelming vote in the last election, carrying 46 of the 48 States, it should not be difficult to secure the adoption of a constitutional amendment, since it has to be approved by only 36 States. Rhode Island offers an admirable illustration of the fallacy of this argument. In the last election President Roosevelt carried Rhode Island by a plurality of 39,807 votes, in round figures, 40,000. State senators were elected at the same election. The Republicans elected 28 and the Democrats 14, or only one-half as many. Yet the 28 Republican senators received a total vote of 53,647 and the 14 Democratic senators received 118,381, or over twice as many. In other words, the President swept the State, and the Democratic senators received twice as many votes as the Republican senators, and yet the Republicans have twice as many senators as the Democrats. And just as this Republican senate of the State of Rhode Island, misrepresenting the people of that State, has passed a resolution protesting against the President's proposal, so any amendment on the same subject will receive similar disapproval at its hands.

The same thing is true, though probably to a less extent, in at least 12 other States in the Union. Yet the submission of constitutional amendments is sometimes described as "giving the people a chance to vote on the proposition."

The VICE PRESIDENT. The resolution of the House of Representatives of Rhode Island, presented by the Senator from Rhode Island, will be referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES

Mr. HATCH, from the Committee on Public Lands and Surveys, to which was referred the bill (S. 329) to further extend the period of time during which final proof may be offered by homestead and desert land entrymen, reported it without amendment.

He also, from the Committee on Irrigation and Reclamation, to which was referred the bill (S. 413) to extend the time for the completion of the investigation of reclamation projects authorized by the act of April 14, 1936, reported it with amendments and submitted a report (No. 172) thereon.

Mr. O'MAHONEY, from the Committee on Irrigation and Reclamation, to which was referred the bill (S. 48) to authorize an appropriation for investigations under the Federal reclamation laws, reported it without amendment and submitted a report (No. 173) thereon.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WHITE:

A bill (S. 1839) to authorize the conveyance by the United States to the town of Bristol, Maine, of a portion of the Pemaquid Point Lighthouse Reservation, and for other purposes; to the Committee on Commerce.

A bill (S. 1840) for the relief of Alfred P. Paquin; to the Committee on Naval Affairs.

A bill (S. 1841) granting a pension to Martha Cooper; to the Committee on Pensions.

By Mr. BRIDGES:

A bill (S. 1842) to amend the Social Security Act by defining the term "domestic service in a private home" as used therein; to the Committee on Finance.

By Mr. TYDINGS:

A bill (S. 1843) for the relief of Emma Gregory; to the Committee on Claims.

(By request.) A bill (S. 1844) for the relief of Alva (Albert) Ellsworth Porter; to the Committee on Naval Affairs.

By Mr. ELLENDER:

A bill (S. 1845) to amend the act entitled "An act to prohibit financial transactions with any foreign government in default on its obligations to the United States", approved April 13, 1934; to the Committee on the Judiciary.

By Mr. McADOO:

A bill (S. 1846) to reduce by 100,000 the number of 50-cent pieces authorized to be coined in celebration of the opening of the San Francisco-Oakland Bay Bridge, and to authorize the coinage of not to exceed 100,000 50-cent pieces in celebration of the opening of the Golden Gate Bridge; to the Committee on Banking and Currency.

By Mr. LOGAN:

A bill (S. 1847) to authorize the Secretary of War to lend War Department equipment for use at the 1937 State convention of the American Legion, Department of Kentucky, to be held at Paris, Ky., during the month of July 1937; to the Committee on Military Affairs.

By Mr. HATCH (for himself and Mr. CHAVEZ):

A bill (S. 1848) granting to the State of New Mexico certain lands for the use and benefit of the Carrie Tingley Crippled Children's Hospital; to the Committee on Public Lands and Surveys.

By Mr. NEELY:

A bill (S. 1849) for the relief of the Goldenberg Furniture Co.; to the Committee on Claims.

A bill (S. 1850) to provide for the appointment of James W. Grose as a sergeant, first class (master sergeant), United States Army; to the Committee on Military Affairs.

A bill (S. 1851) for the relief of Henry Top; to the Committee on Naval Affairs.

A bill (S. 1852) granting an increase of pension to John Flanagan;

A bill (S. 1853) granting a pension to Laura Ricketts; and

A bill (S. 1854) granting a pension to James B. West; to the Committee on Pensions.

By Mr. MINTON:

A bill (S. 1855) to promote the general welfare of the United States in a comprehensive plan to control destructive floods of the Ohio River and its tributaries, to conserve the soil from erosion, build up forest reserves, preserve wildlife, increase recreational centers with cabin and cottage sites, utilize submarginal lands, expand subsistence farming, extend water navigation and commerce, produce electrical energy for interstate transmission, provide a healthy and cheaper water supply for household and irrigation purposes, control pollution of streams, and to relieve unemployment among the people; to the Committee on Commerce.

A bill (S. 1856) for the relief of Francis B. Cornell; to the Committee on Military Affairs.

A bill (S. 1857) granting an increase of pension to Quessie Burns; and

A bill (S. 1858) granting an increase of pension to Minerva C. Smith; to the Committee on Pensions.

By Mr. BYRD:

A bill (S. 1859) for the relief of Merritt Rea;

A bill (S. 1860) for the relief of the heirs at law of Barnabas W. Baker and Joseph Baker; to the Committee on Claims.

A bill (S. 1861) for the relief of Benjamin J. Crockett; to the Committee on Military Affairs.

(Mr. ANDREWS introduced Senate Joint Resolution 100, which was referred to the Committee on the Judiciary, and appears under a separate heading.)

By Mr. McKELLAR:

A joint resolution (S. J. Res. 101) to amend the joint resolution establishing the George Rogers Clark Sesquicentennial Commission, approved May 23, 1928, as amended; to the Committee on the Library.

CONSTITUTIONAL AMENDMENT RELATIVE TO THE JUDICIARY

Mr. ANDREWS. Mr. President, I introduce a joint resolution for appropriate reference, and ask unanimous consent that it may be read at this time.

There being no objection, the joint resolution (S. J. Res. 100) proposing an amendment of section 1, article III, of the Constitution of the United States, relating to the judiciary, was read the first time by its title, the second time at length, and referred to the Committee on the Judiciary, as follows:

Joint resolution proposing an amendment to section 1, article III, of the Constitution of the United States relating to the judiciary

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment, when ratified by the legislatures of three-fourths of the several States, shall become a part of article III, section 1, of the Constitution:

"ARTICLE III

"SECTION 1. The judicial powers of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The Justices of the Supreme Court and judges of inferior courts shall be appointed by the President by and with the advice and consent of the Senate, and shall hold their offices during good behavior as herein provided, and shall receive at stated times for their services a compensation which shall not be diminished during their continuance in office. Any person having held a commission or commissions as Justice of the Supreme Court or judge of an intermediate appellate or district court for at least 10 years continuously or otherwise, may voluntarily retire on full salary upon attaining the age of 70 years, subject to call, however, for such further duties as he may be willing to undertake; and upon attaining the age of 75 years he shall automatically retire and shall during the remainder of his life continue to receive the yearly compensation payable to him at the time of his retirement.

"The Supreme Court shall consist of a Chief Justice and one Associate Justice appointed from territory comprising each of the intermediate appellate courts established by the Congress. No person other than a native-born citizen of the United States shall be appointed a member of the Supreme Court. No person shall be appointed to fill a vacancy in the office of Associate Justice of the Supreme Court which shall occur by reason of this amendment or any cause who has not been for 10 years last past an inhabitant of the territory comprising the highest intermediate appellate court from which no incumbent Associate Justice was an inhabitant at the time of his induction to office. A vacancy in the office of Chief Justice may be filled by appointment from any State or the District of Columbia.

"The Supreme Court may exercise its powers and jurisdiction under such rules as it may adopt, and two-thirds of its members shall constitute a quorum. The concurrence of a majority of all members of the Court shall be sufficient to a decision and judgment of the Court: *Provided*, That no act of Congress shall be adjudged invalid except upon the vote of not less than two-thirds of the whole Court.

"The membership of each intermediate appellate court, ordained and established by the Congress, shall consist of at least one judge from each State included within the territory comprising each such court, one of whom shall be designated by the President as the presiding judge of the court.

"This section shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within 5 years from the date of its submission."

HOUSE BILLS AND JOINT RESOLUTION REFERRED

The following bills and joint resolution were severally read twice by their titles and referred as indicated below:

H. R. 4985. An act to regulate interstate commerce in bituminous coal, and for other purposes; to the Committee on Interstate Commerce.

H. R. 5487. An act to amend section 4551 of the Revised Statutes of the United States, as amended (U. S. C., 1934 ed., Supp. II, title 46, sec. 643); to the Committee on Commerce.

H. J. Res. 272. Joint resolution to authorize the Administrator of Veterans' Affairs to accept title for the United States to certain real property to be donated by Mr. Henry Ford and wife for Veterans' Administration facility purposes; to the Committee on Finance.

REGULATION OF INTERSTATE COMMERCE IN BITUMINOUS COAL—AMENDMENTS

Mr. ROBINSON. I submit two amendments for appropriate reference. The amendments are identical, but one is intended to be proposed by me to Senate bill 1, and the other to House bill 4985, to regulate interstate commerce in bituminous coal, and for other purposes.

The VICE PRESIDENT. The amendments of the Senator from Arkansas will be received, printed, and referred to the Committee on Interstate Commerce.

DESK AND CHAIR OF THE LATE SENATOR FLETCHER

Mr. PEPPER submitted the following resolution (S. Res. 91), which was referred to the Committee on Rules:

Whereas the Honorable Duncan U. Fletcher, late a Senator from Florida for a period of 27 consecutive years, used the same desk and chair in his office for many years; and

Whereas the Alumni Association of the University of Florida has earnestly petitioned the Senate that it be permitted to have said desk and chair to be maintained as a memorial to the late Senator Duncan U. Fletcher: Therefore be it

Resolved, That the President of the Senate is authorized to appoint a committee of two Senators to present said desk and chair to the Alumni Association of the University of Florida upon the condition that it be placed in the Union Building of said university at Gainesville, Fla., and be appropriately cared for and maintained as a memorial to the late Senator Duncan U. Fletcher. The transportation of such desk and chair from Washington, D. C., to Gainesville, Fla., shall be without cost to the United States.

NUMBER AND APPORTIONMENT OF CIVIL-SERVICE EMPLOYEES

Mr. HAYDEN. Mr. President, I submit a resolution calling upon the Civil Service Commission for certain information relative to apportionment, which I ask to have printed in the RECORD and lie on the table. I also ask leave to have printed in the RECORD a tabulation issued February 15, 1937, by the Commission relative to apportionment.

The VICE PRESIDENT. The resolution will be received and lie on the table; and, without objection, the tabulation presented by the Senator from Arizona will be printed in the RECORD.

The resolution (S. Res. 92) was ordered to lie on the table, as follows:

Whereas the rule of apportionment under the Civil Service Act provides that appointments to the public service in the executive departments at Washington shall be apportioned among the several States, Territories, and the District of Columbia upon the basis of population as ascertained at the last preceding census; and

Whereas the report of the Civil Service Commission as of February 15, 1937, contains a record of only 39,744 civil-service apportioned appointments in Washington; and

Whereas that number represents less than 10 percent of the total number of Federal employees with civil-service status; and

Whereas of the said 39,744 appointees, 8,989, or 22.6 percent, are residents of the District of Columbia; and

Whereas the reform of the civil-service system and its extension to emergency agencies is under consideration by the Congress: Now, therefore, be it

Resolved, That the Civil Service Commission is hereby requested to furnish the Senate the following information:

(1) The total number of employees with civil-service status in Washington, D. C.

(2) The total number of employees with civil-service status engaged in field service outside of Washington.

(3) A statement showing the apportionment by States of all civil-service employees in Washington, including those who have been blanketed into the civil service or secured a status through noncompetitive examination, or in any other manner, according to the legal residence of such employees at the time they were appointed.

(4) A similar statement showing the apportionment by States of all civil-service employees engaged in field service outside of Washington according to the legal residence of such employees at the time they were appointed.

The table presented by Mr. HAYDEN is as follows:

Condition of the apportionment at close of business Monday, Feb. 15, 1937

[U. S. Civil Service Commission, Washington, D. C.]

State	Entitled	Received
IN ARREARS		
1. Puerto Rico	492	28
2. Hawaii	117	13
3. Alaska	19	6
4. California	1,809	626

Condition of the apportionment at close of business, Monday, Feb. 15, 1937—Continued

State	Entitled	Received
IN ARREARS—continued		
5. Texas	1,856	674
6. Louisiana	670	274
7. Michigan	1,543	673
8. New Jersey	1,288	583
9. Arizona	139	65
10. Oklahoma	763	374
11. Arkansas	591	300
12. South Carolina	554	283
13. New Mexico	135	73
14. Mississippi	640	364
15. Alabama	843	494
16. Ohio	2,118	1,247
17. North Carolina	1,010	618
18. Georgia	927	570
19. Nevada	29	19
20. Wisconsin	936	618
21. Connecticut	512	344
22. Kentucky	833	563
23. Illinois	2,431	1,658
24. Tennessee	834	596
25. Oregon	304	244
26. Pennsylvania	3,068	2,540
27. Wyoming	72	60
28. Montana	171	145
29. Florida	468	404
30. New York	4,011	3,543
31. Delaware	76	68
32. Indiana	1,032	925
33. New Hampshire	148	133
34. Maine	254	237
35. Idaho	142	135
36. West Virginia	551	527
37. Rhode Island	219	211
38. Washington	498	483
39. North Dakota	217	213
40. South Dakota	221	218
41. Massachusetts	1,354	1,342
42. Missouri	1,156	1,146
QUOTA FILLED		
43. Nebraska	439	439
44. Utah	162	162
IN EXCESS		
45. Minnesota	817	820
46. Kansas	599	602
47. Colorado	330	337
48. Vermont	115	120
49. Iowa	787	862
50. Virginia	772	1,941
51. Maryland	520	1,842
52. District of Columbia	155	8,982

GAINS	
By appointment	182
By reinstatement	13
By transfer	25
Total	220
LOSSES	
By separation	77
By transfer	23
Total	100
Total appointments	39,744

NOTE.—Number of employees occupying apportioned positions who are excluded from the apportionment figures under section 2, rule VII, and the Attorney General's opinion of August 25, 1934, 10,892.

REORGANIZATION OF FEDERAL JUDICIARY—LETTER OF SENATOR ASHURST

Mr. CONNALLY. Mr. President, I send to the desk a copy of a letter written by the senior Senator from Arizona [Mr. ASHURST] to one of his constituents and ask that the clerk may read it.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the clerk will read, as requested.

The legislative clerk read as follows:

MARCH 12, 1937.

Mr. J. R. LOFGREEN,
Tombstone, Ariz.

DEAR MR. LOFGREEN: Your letter of March 6 received in which you advise that you have heard terrific criticism of me because I am supporting the President's plan to reorganize the judicial branch of the Government and you also complain that I have not replied to your letter dated February 24.

I sympathize with your impatience in not receiving any answer to your former letter and I say in reply that I am working harder now than I have ever worked before; but I am not complaining, for when an officeholder complains of overwork, he is simply proving that he has a task too big for him.

I have been for years a critic, and hope I am able, without making a wry face, to take a small dose of that medicine—criticism—of which I have given other fellows sizable doses; in other words, I not only "ladle it out" but can also "take it." Pardon my dropping into slang, but it conveys my thought precisely.

Copy of the committee hearings will be sent to you.

With kind personal regards.

Sincerely yours,

HENRY F. ASHURST.

FEDERAL EDUCATION AID TO UNDERPRIVILEGED CHILDREN—ADDRESS BY SENATOR PEPPER

[Mr. LEWIS asked and obtained leave to have printed in the RECORD a radio address on the subject of Federal Education Aid to Underprivileged Children, delivered by Senator PEPPER on Thursday, Mar. 11, 1937, which appears in the Appendix.]

REORGANIZATION OF FEDERAL JUDICIARY—STATEMENT OF ASSISTANT ATTORNEY GENERAL JACKSON

[Mr. DIETERICH asked and obtained leave to have printed in the RECORD the statement made yesterday by Assistant Attorney General Robert H. Jackson before the Senate Committee on the Judiciary, which appears in the Appendix.]

REORGANIZATION OF FEDERAL JUDICIARY—STATEMENT OF JOHN P. DEVANEY

[Mr. LUNDEEN asked and obtained leave to have printed in the RECORD the statement made today before the Committee on the Judiciary by Hon. John P. Devaney, former chief justice of the State of Minnesota, on the proposed reorganization of the Federal judiciary, which appears in the Appendix.]

JUDICIAL AMENDMENTS TO THE CONSTITUTION AND GOVERNMENT BY INJUNCTION

Mr. NORRIS. Mr. President, I respectfully request that I be not interrupted during the course of my remarks or until I shall have finished my statement, at which time I shall be glad to answer, if I can, any questions that may be propounded.

The VICE PRESIDENT. The Senator from Nebraska requests that he be not interrupted until he has finished his statement. Senators will please take notice.

Mr. NORRIS. Mr. President, the Constitution of the United States divides the power of Government into three separate and distinct branches, the legislative, the executive, and the judicial. So long as these powers are exercised within the respective fields, so long as the representatives of any one branch do not intrude into the field of either of the other two branches, the machinery of government is kept in good running order. On the other hand, when the officials of any one branch go beyond the boundaries of their own field and interfere with the operations of any other branch, there is conflict, disorder, and confusion.

Whether, under our Constitution, the judiciary possessed the power to nullify an act of the Federal Congress because in the opinion of the judiciary such act contravened any provision of the Constitution was for a long time a disputed question. But gradually it assumed this constitutional authority and proceeded to exercise it. Whatever disagreements there may be in the minds of thinking people on this question, I believe it safely can be said that by long years of exercising this authority it has become fairly well established and settled that at the present time our courts have the right to nullify acts of Congress when in the opinion of the judiciary such acts of Congress are unconstitutional.

AN ACT OF CONGRESS SHOULD NOT BE SET ASIDE AS UNCONSTITUTIONAL UNLESS IT IS CLEARLY SO BEYOND A REASONABLE DOUBT

It is likewise the well-established law that when courts are called upon to settle questions involving this constitutional right the courts should hesitate and be extremely careful lest they exceed their own constitutional power. It is universally conceded by all students of constitutional law that a court should not set aside an act of Congress on the ground that it is inimical to any provision of the Constitution unless it is satisfied that the law in question is unconstitutional beyond all reasonable doubt.

This identical question was passed upon by the Supreme Court of Pennsylvania in *Commonwealth* v. *Smith* (4 Bin. 117), page 123. The court upheld its power to declare a law of the legislature unconstitutional but declined to do so in

the case at bar because it was not convinced of its unconstitutionality beyond a reasonable doubt. The court, speaking through Chief Justice Tilghman, said:

For weighty reasons, it has been assumed as a principle, in construing constitutions, by the Supreme Court of the United States, by this court, and every other court of reputation in the United States, that an act of the legislature is not to be declared void, unless the violation of the Constitution is so manifest as to leave no room for reasonable doubt.

Another case directly in point is *Ogden* v. *Saunders* (12 Wheat. 213–270). The Judge writing the opinion of the Supreme Court of the United States said:

But if I could rest my opinion in favor of the constitutionality of the law on which the question arises, on no other ground than this doubt so felt and acknowledged, that alone, would, in my estimation, be a satisfactory vindication of it. It is but a decent respect due to the wisdom, the integrity and the patriotism of the legislative body, by which any law is passed, to presume in favor of its validity, until its violation of the Constitution is proved beyond all reasonable doubt.

In the famous Dartmouth College case, reported in Fourth Wheaton, 519, at page 625, Mr. Chief Justice Marshall stated:

On more than one occasion this Court has expressed the cautious circumspection with which it approaches the consideration of such questions, and has declared that in no doubtful case would it pronounce a legislative act to be contrary to the Constitution.

As late as January 1937, Circuit Judge Garrecht, in a dissenting opinion regarding the constitutionality of the act setting up the National Labor Relations Board, called attention to the way in which many courts have refused to follow the universally admitted rule of law in considering the constitutionality of acts of Congress. In his opinion, Circuit Judge Garrecht said:

There is a canon of statutory construction formulated by the courts often more honored in the breach than in the observance that no law should be set aside as unconstitutional unless it was clearly so beyond a reasonable doubt.

Former Justice Clarke, of the Supreme Court, in an article in Ninth American Bar Association Journal, 689 (1923), at page 692, made some very apt allusions to this subject. He said:

It is difficult for men not steeped in legalistic thinking and forms of expression to understand how five Judges can agree that an act of Congress is unconstitutional "beyond rational doubt" and that by "clear and indubitable demonstration" they have shown it to be so, when four of their associates, equally able and experienced Judges, who have heard the same arguments on the same record declare that to them "upon the basis of reason, experience and authority", the validity of the act "seems absolutely free from doubt."

Let us suppose that an experienced man of business wanted to get legal advice as to the constitutionality of certain acts he proposed to do. Suppose such a man consulted nine of the most influential and learned members of the bar. Five of these lawyers advised him that he has no constitutional right to do the thing he contemplates; but four of his advisers, equally learned and equally respected, tell him he has a constitutional right to pursue his contemplated action.

Does any man believe that his mind would be free from reasonable doubt? Does it not irresistibly follow, whatever may be his desires, that inevitably his mind will be in doubt as to his rights in the premises?

This rule of law laid down by the courts themselves, if adhered to and followed by our judges, would at once remove most of the confusion that now exists. When nine Judges, all of superior ability, all learned in the law, all conscientious, listen to a learned discussion by able lawyers of a disputed constitutional question, and reach a unanimous conclusion, the point would clearly be established beyond a reasonable doubt. If, on the other hand, after such consideration, the members of the Court disagree nearly evenly upon the disputed question, it would follow, as night follows day, that a doubt would be raised, no matter which side of the question the Judge was on. A 5-to-4 decision of itself would raise a reasonable doubt, not only in the mind of every member of the Court but in the minds of all thinking people, whatever might be their following or occupation.

If the Supreme Court would apply this universal, well-established rule, it would at once reverse every 5-to-4 decision it ever made in declaring any act of Congress unconstitutional. If this reasonable and well-established rule were applied, there would be little, if any, doubt left in the minds of any of our people when the Supreme Court had acted.

It follows, therefore, that without any act of Congress, without any amendment of the Constitution, the Court itself could, and should, by its own action, purify the atmosphere as to any conflict between two of the great branches of Government. But it is perhaps too much to expect that the Court will of its own motion take this step. It is important, therefore, to consider the admitted constitutional powers of Congress—to ascertain whether such a result can be brought about by act of Congress without amending the Federal Constitution.

APPELLATE JURISDICTION OF THE SUPREME COURT

Under the Constitution the Supreme Court has both original and appellate jurisdiction. Its original jurisdiction is not important in the discussion of the problem now before us. The Constitution, after giving the Supreme Court original jurisdiction in certain cases, provides that—

In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

It would seem clear, therefore, that the Supreme Court would have no appellate jurisdiction unless Congress made some provision by which such jurisdiction could be acquired; and if Congress provides for appellate jurisdiction it can likewise provide the regulations under which the jurisdiction shall be exercised, and can also provide for any exceptions it sees fit, thus preventing the Supreme Court from having jurisdiction in any case or class of cases it desires to withhold.

Even before the Constitution was adopted, and while the question of its adoption was pending before the Colonies, Marshall made a speech in the Virginia Convention in which he stated:

Congress is empowered to make exceptions to the appellate jurisdiction, as to law and fact, of the Supreme Court. These exceptions certainly go as far as the legislature may think proper for the interest and liberty of the people.

In 1882 the Supreme Court cleared the question of any doubt. In *Duncan* v. *The Francis Wright* (105 U. S. 381), at pages 385 and 386, the Court said:

Actual jurisdiction under the power is confined within such limits as Congress sees fit to prescribe. * * * Authority to limit the jurisdiction necessarily carries with it authority to limit the use of the jurisdiction. Not only may whole classes of cases be kept out of the jurisdiction altogether, but particular classes of questions may be subjected to reexamination and review, while others are not. * * * The general power to regulate implies power to regulate in all things.

In this case the Supreme Court upheld an act of Congress excepting from the jurisdiction of the Supreme Court the right to pass on questions of fact, although section 2, article III of the Constitution expressly provides that "the Supreme Court shall have appellate jurisdiction both as to law and fact." On this question the Supreme Court, at page 386, said:

To our minds it is no more unconstitutional to provide that issues of fact shall not be retried in any case, than that neither issues of law nor fact shall be retried in cases where the value of the matter in dispute is less than $5,000.

In 1893 the Court adhered to its previous ruling, and in *American Construction Co.* v. *Jacksonville Railway Co.* (148 U. S. 378) said:

This Court, therefore, as it has always held, can exercise no appellate jurisdiction, except in the cases, and in the manner and form, defined and prescribed by Congress.

Again, as late as 1926, in *Luckenbach* v. *United States* (272 U. S. 533) the Supreme Court said:

An appellate review is not essential to due process of law, but is matter of grace.

The famous *McCardle case* (7 Wall. 506), it will be remembered, had reached the Supreme Court, had been argued, and had been submitted to that tribunal when Congress passed a statute taking away from the Supreme Court its appellate

jurisdiction. The Supreme Court, in passing upon that question, said:

> We are not at liberty to inquire into the motives of the Legislature. We can only examine into its power under the Constitution; and the power to make exceptions to the appellate jurisdiction of this Court is given by express words.

In *Wiscart* v. *D'Auchy* (3 Dallas, 320), at page 327, the Supreme Court, speaking of the appellate jurisdiction of that Court, said:

> If Congress has provided no rule to regulate our proceedings, we cannot exercise an appellate jurisdiction; and if the rule is provided, we cannot depart from it.

In *Barry* v. *Mercein* (5 Howard, 103), at page 119, in emphatic language the Supreme Court held that it had no appellate jurisdiction except that which is conferred by act of Congress. The Court said:

> By the Constitution of the United States, the Supreme Court possesses no appellate power in any case, unless conferred upon it by act of Congress; nor can it, when conferred be exercised in any other form, or by any other mode of proceedings than that which the law prescribes.

In *Crawford* v. *Points* (13 Howard, 11), at page 11, the Supreme Court, speaking through Chief Justice Taney, said:

> It is very clear that the appeal cannot be sustained. The appellant endeavors to support it, upon the ground that there is no act of Congress now in force establishing a circuit court for the western district of Virginia. But, assuming this to be the case, it does not follow that an appeal to this Court can be taken from the decree of the district court. For we can exercise no appellate power, unless it is conferred by law; and there is no act of Congress authorizing an appeal to this Court from the decision of a district court in a case of bankruptcy.

In *Colorado Central Mining Company* v. *Turck* (150 U. S. 138), at page 141, the Supreme Court, speaking through Chief Justice Fuller, after referring with approval to several cases on this subject, said:

> It has been held in an uninterrupted series of decisions that this Court exercises appellate jurisdiction only in accordance with the acts of Congress upon that subject.

In *National Exchange Bank* v. *Peters* (144 U. S. 570), at page 572, the Chief Justice, speaking for the Court, said:

> Although the appellate powers of this Court are given by the Constitution, they are nevertheless limited and regulated by acts of Congress.

In this connection the Chief Justice referred to the case of *Durousseau* v. *United States* (6 Cranch 307), page 314, wherein it was held that the affirmative description of jurisdiction implied "a negative on the exercise of such appellate power as is not comprehended within it."

These constitutional provisions, as construed by our own Supreme Court, seem to give Congress complete jurisdiction over the subject matter. It can withhold all appellate jurisdiction from the Supreme Court; it can grant to the Supreme Court such jurisdiction as it sees fit, and provide by law how such jurisdiction shall be exercised; and it can withhold appellate jurisdiction from the Supreme Court to any extent it sees fit.

Would it not logically follow, therefore, that if Congress can regulate the exercise of jurisdiction by the Supreme Court, it could establish the rule that the Supreme Court itself could establish without any act, and provide that where the issue was the constitutionality of an act of Congress, even a unanimous opinion of the Court should be necessary in order to nullify an act of Congress as being unconstitutional?

If the Supreme Court itself, without any change of Constitution or law, can set up a rule that an act of Congress cannot be nullified as unconstitutional unless the judgment nullifying that act of Congress shall be concurred in by more than a bare majority of the members of the Court, would it not follow that Congress in its constitutional regulatory power could set up such a rule, and that the Court would be bound to follow it? If judges of our courts always remained within the domain of the judiciary, and did not undertake to condemn acts of Congress as unconstitutional because such laws did not harmonize with their own philosophy of government, or because they doubted the wisdom of such legislation, there would be no trouble.

I am not unmindful of the fact that Mr. Chief Justice Hughes has expressed some doubt about this particular power of Congress which I am discussing in his book The Supreme Court of the United States, at page 241, where he said:

> But making allowance for such exceptions and giving effect to such regulations as Congress may appropriately provide with respect to the cases in which the appellate jurisdiction shall be exercised, when the appellate jurisdiction attaches to a case the judicial power extends to it, and it is doubtful to say the least if Congress would have the constitutional authority to fetter the exercise of the judicial power by giving the control of it to the minority of the Court.

The Chief Justice does not express himself explicitly, and what he has said goes only so far as to raise a doubt as to whether Congress has the constitutional power thus to limit the appellate jurisdiction of the Supreme Court. I realize that even a doubt coming from such high authority is entitled to weight, and should cause us to hesitate before going contrary to the doubt thus expressed. However, it does not appear from what the Chief Justice has said that he had given this question more than superficial examination, and the doubt expressed cannot be considered as of the same weight as an opinion given in a case where the question discussed was the real issue. What the Chief Justice said certainly should have no more weight than obiter dictum in an ordinary case.

It is quite clear from the Constitution itself and from all the authorities heretofore cited that Congress has power to limit the appellate jurisdiction in any way it sees fit, and the jurisdiction extends no further than the boundaries fixed by such limitation.

It is true, as the Chief Justice says, when appellate jurisdiction attaches that judicial power extends to it; but it is fundamental, and will not be disputed, that when jurisdiction ends judicial power ends with it. Without jurisdiction it follows conclusively there can be no judicial power. I most respectfully submit that such a law would not give the control of judicial power to "the minority of the Court."

But, for argument's sake, suppose it does. If the Constitution gives this control, who can complain? If a fair interpretation of the words of the Constitution would give control of the Court to even one of its members, the Supreme Court—like every other body of men—would be powerless to extend such control beyond the language of the Constitution itself. In other words, the Supreme Court has no authority to amend the clear meaning of the Constitution by carrying judicial power beyond the jurisdiction given it by the Constitution itself or beyond the law fixed by Congress in pursuance of such constitutional authority.

But because more than a bare majority is required to render judgment it does not follow that the control of the Court is thereby turned over to a minority of its members. Examples of this are found in the Constitution itself. It is provided in the Constitution, for instance, that a judge, after being impeached by the House, shall be tried by the Senate; but the Senate can render no judgment of guilty in the case unless there is a two-thirds majority of the Senate in favor of it. Could any one with reason say this gave control of the Senate to a minority of its Members? By the same instrument the Senate is given authority to try any of its Members, and has power to expel such Members, but only by a two-thirds vote. In other words, a judgment of expulsion cannot be rendered by the Senate unless two-thirds of its Members favor it. The defendant in a criminal trial cannot be found guilty if even 1 out of the 12 members of the jury withholds his judgment. The effect of this is to preclude the jury from rendering a verdict unless it unanimously agrees. It has no jurisdiction to render such verdict, and the power to do it falls when the jurisdiction fails.

It seems perfectly clear that an able jurist with the ability and wide learning of Chief Justice Hughes would necessarily and irresistibly reach the logical conclusion, if such an issue were brought before him in his official capacity, that Congress does have the constitutional power to provide by law that no judgment of unconstitutionality could be rendered by the Supreme Court unless the judgment were concurred in by the number of justices specified in the act.

With the wisdom or unwisdom of any law the judge has nothing whatever to do. It is not within his province. An act of Congress can be repealed. Every 2 years the people elect all the Members of the House of Representatives and one-third of the Senate. Therefore it is within the power of the people themselves to bring about a comparatively swift remedy. But when the Supreme Court, perhaps by a bare majority of one, has adjudged an act of Congress to be unconstitutional there is no remedy on the part of the people except to amend the Constitution; and that, as everybody knows, is a long, laborious, tedious remedy, one that often cannot be attained until the evil has gone beyond repair. This act of the Court becomes a precedent, and if it is wrong that wrong is perpetuated and carried on through unborn generations.

The correct rule is very forcefully stated by Justice Stone in his dissenting opinion in the A. A. A. case, volume 297, United States Reports, 78–79, and although he was not speaking for the majority of the Court, yet I am satisfied the quotation I shall make from his opinion is universally admitted to be a correct statement of the law. Justice Stone in this opinion said:

> The power of the courts to declare a statute unconstitutional is subject to two guiding principles of decision which ought never to be absent from judicial consciousness. One is that courts are concerned only with the power to enact statutes, not with their wisdom. The other is that while unconstitutional exercise of power by the executive and legislative branches of the Government is subject to judicial restraint, the only check upon our own exercise of power is our own sense of self-restraint. For the removal of unwise laws from the statute books appeal lies not to the courts but to the ballot and to the processes of democratic government.

We must not forget that any tribunal, whether judicial or legislative, is composed of men with all the imperfections attributable to humanity. No organization, either of judges or of legislators, is perfect; and the human element must in the end enter largely into the decision, whether made by a court or made by a legislature.

It would seem, therefore, not only reasonable but imperative that when the Supreme Court is passing upon the constitutionality of an act of Congress it should not be permitted to nullify such act of Congress by a bare majority of one. It does not seem logical, it does not seem fair, that a law passed by the Congress, composed of more than 500 men, the representatives of the people, and approved by the President, elected by all the people, should be set aside by a bare majority of one, in a court holding unlimited power for life and not responsible in any way, directly or indirectly, to the people of the country.

INFERIOR COURTS

The greatest evils in our judicial system come from the inferior courts. In the United States there are over 150 Federal district judges. Under our present system every one of these judges has power to issue injunctions restraining the enforcement of Federal statutes. That the power to issue these injunctions has been abused is common knowledge. The wrong and the damage that have occurred from such injunctions issued by these courts from one end of the country to the other, in nullifying acts of Congress as unconstitutional, have amounted to many millions of dollars. Injunctions wrongfully issued, even though later denied and set aside by the appellate court, have nevertheless caused untold and irreparable damage, and have often interfered with the liberties and the rights of the people to an extent that would require the imagination fully to comprehend.

The report of the Federal Power Commission, made in response to a resolution of the Senate, gives some wonderful disclosures in the way of government by injunction. This report is confined entirely to injunctions relating to public electrical projects. It must be remembered, too, that this report ends with the year 1935. There should be many cases added, because 1936 is prolific with injunction suits commenced by private utilities against the installation of publicly owned electric-light projects. Since 1931 and up to December 31, 1935, there were 186 restraining orders and injunctions applied for in such cases. The delay incurred from litigation in 246 cases amounted in the aggregate to 289 years 8 months and 22 days, an average of 1 year 2 months and 4 days per case. The great bulk of these cases occurred in comparatively recent years.

Direct expenses incurred in such cases amounted to $376,233 for 198 cases, an average per case of more than $1,900. These figures do not include direct expenses estimated at $1,000,000 by the city of Los Angeles. Indirect expenses, consisting of extra charges, losses in profits, and losses to consumers, extra charges to the authorities for electrical energy for such use, totaled $11,920,207 in 162 cases, or an average of $73,582 per case.

The majority of such orders have been sought during the past 5 years—90 prior to 1931; 186 since that date up to December 31, 1935. Between January 1, 1931, and December 31, 1935, 127 cases were instituted against public authorities not involved in P. W. A. or T. V. A. proposals or activities, 50 cases involving P. W. A. loans or grants, and 9 cases against the 19 public authorities concerned in the Tennessee Valley Authority's proposals. (Full and complete detailed information as to these injunction suits can be obtained by an examination of Senate Document 182 of the Seventy-fourth Congress, second session.)

In the various improvements and projects undertaken by the Public Works Administration, it has been found to be invariably true that wherever such a project is for the purpose of assisting a municipality in installing an electric-lighting plant, the project has been met and delayed at its very inception by a private power company applying to some court for an injunction restraining the construction of the project in question. The Administrator of Public Works reports:

> The number of suits against power projects and the similarity of their wording indicate a concerted move on the part of power companies of the country to prevent any city from carrying out its desires in this direction.
>
> The chief purpose of these suits is to obtain a preliminary injunction; and, once injunctions are obtained, the power companies employ devious dilatory practices to prevent a final adjudication of the issues by the Supreme Court, evidently feeling that an indefinite delay is preferable to a final determination of the real issue. In some cases this delay has been so long drawn out as to discourage the applicant and cause the project to be dropped, thus completely defeating the city's efforts.

This matter was passed on by the circuit court of appeals for the fourth circuit in the case of *Duke Power Co.* v. *Greenwood County* (81 F. (2d) 986, at p. 994). In this case the circuit court said:

> If it be conceded, as we think it must be, that the expenditure of public funds for the relief of Nation-wide unemployment is within the power of Congress, as being an expenditure in furtherance of the general welfare of the United States, we think that it necessarily follows that expenditures for a Nation-wide program of public works for the purpose of providing employment in such an emergency is within the congressional power.

This case was taken on appeal by the power company to the Supreme Court of the United States. Although the case was fully argued and both sides expected an opinion of the Court upon the merits, the Supreme Court in its opinion made no reference to the issues relied on by both sides. It reversed the circuit court of appeals on points that were not referred to in the hearing. It ignored all the issues that were raised by everybody and decided the case upon an issue not raised by anybody. The Secretary of the Interior reports there were more than 50 cases in inferior courts awaiting the decision on the issues raised in the Supreme Court in this case.

The delay and damage resulting from the delay in injunction cases is clearly illustrated by the injunction issued by Judge Grubb in Alabama against the T. V. A. in what is ordinarily known as the Ashwander case. That injunction held up the T. V. A., which in effect was the Government of the United States, for more than a year, preventing to a great extent the use of energy generated at Wilson Dam.

Not only did that erroneous decision of a single judge result in waste and financial loss to the Government and to persons with whom the Government had contracts, but there is no way whereby the Government or its contractors can recover the damages sustained. This case illustrates also the damages that can and do occur continually through preliminary injunctions which are afterward set aside by the Supreme Court.

The T. V. A. at Wilson Dam was making electricity. Fourteen municipalities wanted to buy this electricity. The injunction prevented the consummation of a contract by which the electricity could be sold by the T. V. A. and purchased by the municipalities. The electricity could not be stored, and, since the injunction prevented its use, the result was almost a total loss.

In the meantime the private power company was supplying the municipalities with electricity at enormous prices. So that the T. V. A. lost the sale of this electricity and the municipalities lost the difference between what they would have paid the T. V. A. and what they had to pay the private power companies, which were in reality behind the injunction. Although the T. V. A. won the case in the Supreme Court, it lost a vast amount of money; and although the private power companies lost the suit, they made all the money which the T. V. A. and the municipalities lost. The losses in this case to the T. V. A., in actual expenses and in the loss of revenue from the sale of power, amounted in the aggregate to nearly a million dollars. Indirect losses to the consumers of electricity in the municipalities amounted to between one million and two million dollars. This illustrates how injunctions wrongfully issued by inferior courts result in almost untold damages, even though the case is finally won in the Supreme Court.

This point is further illustrated by an injunction recently issued by Judge Gore in the Federal court in Tennessee.

In this case the Georgia Power Co. commenced an action in Georgia, in which it asked for a preliminary injunction against the T. V. A. The case came on for hearing upon the application for a preliminary injunction. After the evidence was in, and after the case was fully argued by both sides, Judge Sibley of the circuit court, presiding in the district court, denied the application for a preliminary injunction.

The very next day, while this case was still pending in the Federal court in Georgia, the Georgia Power Co., with 18 other plaintiffs, went into the Federal District Court of Northern Alabama, filed a petition therein, praying for the same relief that the Georgia Power Co. had asked in the Georgia Federal district court. After the case had been set for hearing upon the application for a preliminary injunction, and when the parties were all ready to proceed, the day before such hearing was to be had, the power companies dismissed the case. Then these same plaintiffs, 19 in number, went into Tennessee, where in the Federal district court they prayed for the same relief that had been asked for in the other two cases, and there—in Tennessee—they found a judge who was willing to grant their application for a temporary injunction. The power companies went through Georgia, Alabama, and finally into Tennessee, hunting a judge who was willing to grant their prayer.

This preliminary injunction ties the hands of T. V. A., and, with some exceptions, prohibits the T. V. A. from building transmission lines or from negotiating contracts with municipalities or from carrying out contracts already negotiated. The damages in this case, which is still pending, even though in the end it is won by T. V. A., will result in millions of dollars to the T. V. A. and to the consumers of electricity, who would get the benefit of reduced electrical rates were it not for the issuance of this injunction.

But greater than any money damages, and beyond the power of the human mind fully to comprehend, is the injury to the morale, the organization, the employees, the municipalities that are interested, and the thousands of consumers of electricity who must suffer, innocent though they are, on account of these injunctions issued by lower inferior courts. The discouragements that come to the citizens of municipalities, after they have decided by huge majorities in public elections to buy power of the T. V. A., are beyond the power of language to describe. The city of Chattanooga, 2 years ago, at a general election, voted by a majority of about 3 to 1 to buy power from the T. V. A., and yet its hands are tied because the hands of the T. V. A. are tied, and the citizens are becoming discouraged because the Federal Government itself has been made impotent and helpless by injunctions issued at the behest of the private power companies.

A PROPER BOND SHOULD BE REQUIRED

Much could be done to relieve the evil of the situation, if Congress should provide by law that before any preliminary restraining order or injunction issued, the party applying for the order should be required to give a proper bond. This bond should remain in full force and effect until the case is finally determined. Under the present law, if a district court makes the preliminary injunction permanent, the plaintiff is relieved from the payment of damages, even though the case remain undisposed of for a year or more, and even though ultimately it is determined that the injunction never should have been issued.

It is clearly within the power of Congress to provide that the plaintiff shall, by proper bond, protect the defendant from damages that may occur during the time the case is winding its weary way to the Court of last resort.

MUNICIPALITY SHOULD BE MADE PARTY DEFENDANT

Congress should also provide by law that any municipality having an interest in the results of such litigation should, on application, be made a party to the suit, and that such municipality and its citizens should have the right to bring an action on such bond if in the final determination of the case the court found that the injunction had been wrongfully issued.

THE UNITED STATES GOVERNMENT SHOULD BE MADE PARTY WHEREVER AN ACT OF CONGRESS IS INVOLVED

Another very important safeguard could be provided by act of Congress, and that is that wherever the issue of the constitutionality of any statute is raised the United States should be made a party to the suit and given an opportunity to be heard.

INCREASING THE MEMBERSHIP OF THE SUPREME COURT

Our Constitution does not fix the number of Justices that shall constitute the Supreme Court. The membership of this Court has been changed several times by act of Congress. There is no shadow of doubt but what Congress has the constitutional authority to increase the number of Supreme Court Justices to any number it sees fit. Whether such a remedy should be pursued and such a law passed—and while there may be serious question as to the wisdom of such a course—the power of Congress in the premises cannot be doubted.

From the foregoing, and from the undisputed power of Congress, it is fair, I think, to conclude that Congress, without any amendment to the Constitution, has authority—

1. To take away from inferior courts the power to declare an act of Congress unconstitutional. If Congress exercised this authority, it would naturally follow that the Supreme Court would likewise be deprived of authority to declare such acts unconstitutional, because the authority to do so depends upon its appellate jurisdiction, and there would be no way for such a case to reach the Supreme Court.

2. To limit in any way it saw fit the power of the lower court in acting upon constitutional questions. It could take away all jurisdiction of the present inferior courts and set up a new court having exclusive and original jurisdiction of constitutional questions.

3. To provide that the judgment of this new court should be exclusive and final, or to provide a method by which constitutional questions could be taken on appeal from such court to the Supreme Court.

4. To require that in all cases, in whatever court the question might be raised, the Government should be made a party to the suit and given an opportunity to be heard.

5. To regulate and make exceptions to the appellate jurisdiction of the Supreme Court, and to provide by law that no act of Congress should be held unconstitutional by the

Supreme Court unless such judgment should be concurred in by a number of Justices specified in the act.

6. To regulate and make exceptions to the appellate jurisdiction of the Supreme Court in any way it saw fit.

7. To provide that no injunction or temporary restraining order shall be issued setting aside an act of Congress as unconstitutional, except upon the giving of an adequate bond to protect all parties interested from damage, and to provide that such bond shall continue in force and effect until the case is finally adjudicated in the appellate court.

8. To provide by statute for the increase of the number of justices, either of the Supreme Court or of any inferior court.

CONSTITUTIONAL REMEDIES

Our Constitution was framed by wise and able men. But these forefathers could not possibly have looked into the future and seen the wonderful advancement that was going to be made in all lines of human endeavor. They could not see that our natural resources, in the century that was to follow, could be jeopardized and ultimately destroyed unless the fundamental law was construed by the courts to be a living instrument, keeping pace with the advancement of civilization. When our Constitution was written, the railroad, the telephone, the telegraph, the radio, and electricity were unknown. The public highways as they now exist were not dreamed of. No one then knew that the trails winding across the mountains would eventually become paved highways for interstate traffic.

Our Constitution ought to be construed in the light of the present-day civilization instead of being put in a straitjacket made more than a century ago.

Our judiciary has not kept pace with human progress. Our judges too often have stood upon the highways of human progress and held aloft "stop" signs that have impeded civilization in its triumphant march. Our forefathers were not laboring under the impression that they were living in an age that had reached the end of human progress. And, with due respect to the ability, the honesty, and the wisdom of our judges, I believe it can truthfully be said that many of them are living in an age that is past and are continuing to construe our fundamental law in a light that has failed rather than in the sunlight of an electric age.

AMENDMENTS TO THE CONSTITUTION

In connection with this subject, several very important suggestions have been made relating to our judiciary which would require amendments to the Constitution.

A DEFINITE TERM OF OFFICE FOR JUDGES

One amendment of this kind, which seems to me to be very desirable, is that members of both the Supreme Court and the inferior courts should be appointed for specific terms rather than for life. Our present system, provided for under our Constitution, is a very beautiful theory. To give to the judges a tenure of office that lasts for life, to pay them a competent salary, to place them beyond and above the power of the people to interfere with their authority, and to give to the Supreme Court Justices absolute, unlimited, and final authority is supposed to place the bench upon a pedestal of security and independence where the judges cannot possibly be influenced in any degree whatever.

The trouble with this theory is that it does not work in practice. Judges, after all, are only men. The elevation of a man to the bench, even though it be for life, does not give him any attributes of divinity. He still has all the imperfections of humanity. He still retains his prejudices, his viewpoint, his likes, and his dislikes. In other words, he has all the virtues and all the infirmities he possessed before he went on the bench. The luxury of his new surroundings naturally has a tendency to cause him to forget the trials and tribulations and the hardships that beset the ordinary, common individual. There is no perfect man, and therefore there can be no perfect court.

If a judge, endowed with unlimited and absolute power, with a tenure of office for life, and without there being any appeal from his decision, makes a mistake, however honestly and conscientiously it may have been made, he thereby sets up a permanent law the burdens and wrongs of which must be borne by generations yet unborn.

Such machinery in our Government is a relic of the absolute monarchy that prevailed before the dawn of civilization. Such a doctrine is abhorrent in a democracy. There is no man, however great, however honest, however conscientious, however wise, who ought to be entrusted for life with absolute authority where there is no appeal from his decision. It is true our Constitution can be amended, but such method is long, uncertain, and requires the almost unanimous consent of the entire country. There is no practical remedy to correct the mistakes of the Supreme Court. If by amendment we should take away the life tenure of office, we would do no injury to anyone, and we would take away from our judiciary this relic of the absolute monarchy and restore the beneficent virtues of democracy.

GIVING CONGRESS POWER TO OVERRIDE A VETO OF THE SUPREME COURT

Another very important amendment to the Constitution has been given serious consideration ever since the framing of our Constitution. In fact, it was suggested in various forms by eminent members of the Constitutional Convention. This suggestion is to provide by constitutional amendment that whenever the Supreme Court has set aside an act of Congress as being unconstitutional the question shall be submitted again to Congress. If, upon such resubmission, Congress again passes the act in dispute, it shall become the law, notwithstanding the decision of the Supreme Court.

In other words, such a proposition would treat the decision of the Supreme Court much as a veto of the President is now treated; and if the National Legislature should again pass the law over the judicial veto, it would become the law of the land.

LABOR

Some law national in its scope regulating the hours and conditions of labor is a positive necessity. Congress, representing the Nation, is the only power that can deal effectively with this question. Under the decisions of our Supreme Court, it is very doubtful whether Congress has the constitutional authority to pass a law on this subject which would be effective in bringing about a remedy from the present intolerable situation. An amendment to the Constitution giving this power to Congress is a practical necessity. We have been trying to deal with the unemployment situation from the very beginning of the depression. We have not yet provided a permanent remedy, and, in my humble judgment, we never shall settle this question permanently until we have a national law which will limit the hours as well as the conditions of human labor.

AGRICULTURE

Agriculture is perhaps the greatest of all our industries. A prosperous agriculture is absolutely necessary to the happiness of our people and the prosperity of our Nation. When agriculture languishes, prosperity disappears. Those who produce the food we eat must have not only the cost of production but a reasonable profit as well. All our people, whatever may be their calling in life, depend for their happiness and their prosperity upon a successful agriculture.

Congress has tried in vain to give relief on this subject. The Supreme Court has nullified all such attempts. If the decisions of the Court remain, it is absolutely imperative that Congress be given authority by an amendment to the Constitution to meet this situation. Notwithstanding the decisions of the Supreme Court, we all know that agriculture is the broadest and perhaps the most fundamental of all our industries. It is not local; it is national in its scope, any decision of the Supreme Court of the United States to the contrary notwithstanding.

CONSTITUTIONAL AND LEGISLATIVE REMEDIES PURSUED AT THE SAME TIME

I see no reason why Congress should not pursue its legislative remedies and the remedy by way of constitutional amendment at the same time. There is no apparent reason why such a course should not be followed. Congress has not exhausted all of its constitutional authority. It is perfectly

reasonable that it should do this, and at the same time propose to the legislatures of the States any amendment to the Constitution that may seem desirable.

In conclusion I should like to say to those who are opposed to any amendment of the Constitution and who are likewise opposed to any act of Congress limiting in any way the jurisdiction of our courts, that the course they are pursuing, if persisted in and if successful, will result in the pendulum swinging further to the other side than progressive, thinking men and women are advocating at this time. We are asking only that the powers given to Congress by the Constitution should be exercised; and in amendments to the Constitution that are proposed we are striving only to make the Constitution more democratic, to give to our people "domestic tranquillity", "the blessings of liberty", and more fully to "promote the general welfare." The present intolerable situation cannot go on indefinitely; and, unless some reasonable degree of control is brought about, those who seek to prevent any innovation will find themselves in the end in a situation where all authority of any court to declare an act of Congress unconstitutional will be taken away.

Mr. LA FOLLETTE. Mr. President, in the course of the very illuminating speech of the Senator from Nebraska [Mr. NORRIS] I thought I heard reference made to the attitude of Chief Justice Hughes. While I concede that what I am about to refer to has no final bearing on the subject, I wish to invite the attention of the Senator from Nebraska to the book entitled "The Supreme Court of the United States", comprising a series of lectures delivered by the Chief Justice during the time when he was not upon the bench.

In connection with the suggestion which has been made that Congress might pass legislation to provide certain rules governing the decisions of the Court on questions involving the constitutionality of statutes, I desire to call the Senator's attention to the following statement in the volume to which I have referred, The Supreme Court of the United States:

> It is urged that as legislation should be held to be repugnant to the Constitution only in clear cases, and as this is recognized as a principle of decision, a division in the Court should be regarded as enough to show reasonable doubt. Plainly, that suggestion cannot be carried to its logical limit. If it were, the action of a single judge in the court of first instance holding an act to be constitutional would be conclusive, for is he not a reasonable man? Or, if that judge decided the act to be unconstitutional, and in the circuit court of appeals two judges agreed with him, but the third dissented, should not the majority bow to his dissent as sufficiently indicating doubt? We have similar considerations with respect to State court decisions. Why have any review by the Supreme Court in such cases, unless the courts under review, whether Federal or State, should hold legislation to be unconstitutional?
>
> And then on the view suggested their unanimous opinions to this effect might be overthrown and the legislation still be sustained if a minority of the Supreme Court considered it to be valid, as a vote of the majority of the Supreme Court would not be sufficient to render a contrary decision.
>
> In truth, judges will have their convictions, and it is of the essence of the appropriate exercise of judicial power that these should be independently expressed. Divisions on close questions cannot be prevented.

Then on page 41 the Chief Justice says:

> But making allowance for such exceptions and giving effect to such regulations as Congress may appropriately provide with respect to the cases in which the appellate jurisdiction shall be exercised, when the appellate jurisdiction attaches to a case the judicial power extends to it, and its is doubtful, to say the least, if Congress would have the constitutional authority to fetter the exercise of the judicial power by giving the control of it to the minority of the Court.

ORDER OF BUSINESS

Mr. LEWIS and other Senators addressed the Chair.

The PRESIDENT pro tempore. The Chair recognizes the Senator from Illinois [Mr. LEWIS].

Mr. LEWIS. Mr. President, I have risen to address myself to a matter different from that which has been advanced by the able Senator from Nebraska. I prefer to yield to Senators who expect to speak on that particular subject. At this particular time I yield to the junior Senator from Nebraska [Mr. BURKE].

Mr. BURKE. Mr. President, I merely desire to submit a request for unanimous consent.

Mr. ROBINSON. Mr. President, I wish to ask a question or two of the Senator from Nebraska [Mr. NORRIS] before he leaves the floor. In beginning his remarks he announced that he did not desire to be interrupted while he was speaking, but that he would respond to questions at the conclusion of his remarks.

Mr. BURKE. Mr. President, if the Senator from Arkansas will permit me, it will be necessary for me to leave the floor at 2 o'clock, and I should like to submit a report from the Committee on the Judiciary. It will take only a moment.

The PRESIDENT pro tempore. Permit the Chair to get the parliamentary situation clear. Does the Senator from Illinois yield the floor?

Mr. LEWIS. I do not yield the floor.

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Nebraska?

Mr. LEWIS. I yield to the Senator to submit a report; then I will yield to the Senator from Arkansas, who desires to address himself to the question discussed by the senior Senator from Nebraska, and I shall also yield to the Senator from Montana [Mr. WHEELER], who desires to discuss the same subject. I do not wish, however, to intrude the subject matter in which I am interested into the discussion of the other subject.

UNITED STATES DISTRICT COURT IN MISSOURI

Mr. BURKE. Mr. President, as in executive session I desire to submit a report on a nomination from the Committee on the Judiciary, and since it is necessary that I ask unanimous consent for immediate consideration, I wish to make a statement in reference to the report.

The Attorney General of the United States in his annual report in 1934, and again in 1935, stated that the congestion in the United States district court in Missouri made necessary the appointment of an additional judge. The Judiciary Committee of the Senate last year gave full consideration to the matter and reported a bill providing for an additional judgeship, which passed both Houses of the Congress and was signed by the President on June 22, 1936.

On Tuesday of this week the President nominated John Caskie Collet, at present a judge on the Supreme Court of Missouri, to fill this vacancy. I happened to be named as chairman of the subcommittee to which the nomination was referred. The subcommittee has considered the qualifications of Mr. Collet and found them to be excellent, and the full committee has authorized me to report the nomination. Because of the congestion in the district in question, I ask unanimous consent that action may now be taken on the nomination.

Mr. ROBINSON. No, Mr. President; unanimous consent cannot be given. Daily we have executive sessions when such matters are, in regular order, brought before the Senate.

Mr. BURKE. Very well. Then I ask unanimous consent that I may submit the report of the Committee on the Judiciary.

Mr. ROBINSON. I shall not make any objection to the submission of the report as in executive session.

The PRESIDENT pro tempore. The report will be received, and the nomination will be placed on the Executive Calendar.

Mr. LEWIS. Mr. President, I again say that as the subject matter about which I rose to speak is not the one discussed by the senior Senator from Nebraska [Mr. NORRIS], and as the Senator from Arkansas [Mr. ROBINSON] and the Senator from Montana [Mr. WHEELER] desire to address themselves to that theme, I prefer for the moment to yield the floor in order that the remarks of Senators may run concurrently.

REORGANIZATION OF FEDERAL JUDICIARY

Mr. WHEELER. Mr. President, I do not desire to address the Senate at any great length at the present time, but in

view of the fact that the Senator from Wisconsin [Mr. LA FOLLETTE] has called attention to a very great authority on the subject of the Supreme Court, I wish to call attention to another authority, who agrees with me, and, I think, did agree with the Senator from Nebraska [Mr. NORRIS] a few years ago. I am sure he would be recognized as a far greater authority than anybody else with reference to the needs of the Court and the method by which we should arrive at the results which it is desired to accomplish.

At the outset I desire to say that I am not at all in disagreement with the Senator from Nebraska with reference to the objectives which he seeks; I am in thorough accord with those objectives. Likewise, I think the authority from which I shall quote is in accord with those objectives.

In the book I hold in my hand it is stated, on page 193—

> It is unnecessary to take time in establishing the fact that the administration of justice is generally unpopular with the people of this country. Growing complaint with the laws' injustices, delays, and cost has to a great extent characterized every generation. The present one is no exception, but at the present time the problem rises into significance beyond the mere stage of dissatisfaction. It becomes a public problem of great importance.
>
> Speedy and efficient justice is no more necessary to the individual in such vast communities as New York or Chicago than it is in the smaller places, but in the large communities it should be placed as soon as possible on a par of importance with health, sanitation, and police protection if we are to give adequate government to the great masses of our citizens.
>
> It is a matter of common knowledge that justice has not been adequately provided. Moreover, in a time of economic distress such as this the multiplication of legal actions involving debts increases. The necessity for relief is accentuated.

I do not agree with the following statement, but the author says:

> The jury trial, for example, established in order to provide the means for trustworthy decisions on matters of fact is used all too frequently for purposes of delay.
>
> The only way to attack the problem is by rigorous application of judicial efficiency. In the face of this congestion the remedy commonly proposed is to add new judges or new courts, but it will readily be seen that if the problem is what I have stated it to be, such a so-called remedy merely aggravates the complaint. There are, of course, legitimate demands for additional judicial manpower in sections where the population has grown rapidly. But it is easy to see that to apply this remedy in all cases is to add to the ravages of the disease, to contribute to the confusion, and what is profoundly important at this time, to burden still further an already seriously embarrassed taxpayer. With taxes mounting in all the subdivisions of government, the time has come for a veritable searching of heart with regard to the cost of public service, and new demands should be most carefully scrutinized in the light of this problem of dollars and cents.

I quote from page 198:

> One of the difficulties of the past has been that attempts at reform have concerned themselves largely with the highest courts. These courts, as the result of consistent efforts on the part of reformers and largely because of the generally splendid personnel of judges who have served in them, have been a credit to the Nation. It is nevertheless true that our inferior courts have been and are vastly in need of reconstructive improvement. * * *
>
> In the quest of reform there is no question as to the willingness of leaders of the bar to assist not only individually as lawyers but through the various legal associations—

And so forth.

I desire to call the attention of the Senate to the fact that I am not quoting from the writing of some man who is a candidate for office. I am quoting from a book entitled "Looking Forward", written in 1933 by the present President of the United States of America.

I merely desire to say that, because some of us disagree with the method the President now proposes and agree with what he said in 1933 as to the practical way to reach and solve the problem, it seems that we are considered to be just "defeatist lawyers", or something of that kind. I maintain that the President of the United States, in writing that book, was correct when he said that the unsound way of going about this matter was to increase the membership of the Court, because, as he said, it would only add to the ravages of the disease.

The same thing, in effect, was said by Prof. Felix Frankfurter in the book he wrote just a few years ago in conjunction with the head of the Securities and Exchange Commission.

I desire to correct the Senator from Nebraska [Mr. NORRIS] with reference to one statement he made, and I think he will agree to the correction. He said, as I understood him, that the courts had prevented all legislation with reference to farm relief.

I call the Senator's attention to the fact that the McNary-Haugen bill, which both he and I most vigorously supported, and which I still think provided a better way of meeting the situation than the A. A. A., was not nullified by the Supreme Court. It was vetoed by the then President of the United States of America.

Mr. NORRIS. A good many other bills were vetoed by the President. Of course, the McNary-Haugen bill was not nullified by the Supreme Court. It never got a chance to deal with it.

Mr. WHEELER. No. I know that some very able lawyers argued in this body that that measure was unconstitutional.

Mr. NORRIS. Oh, yes. I do not know how the Senator can offer that as a defense of the Supreme Court, however, for the Supreme Court never had a chance to pass upon that measure. It is not entitled to credit because it did not go wrong there.

Mr. WHEELER. No; I did not offer that as a defense; but I am sure the Senator did not intend to make the statement he made when he said that the Supreme Court had prevented all chance of passage of that measure. If I misunderstood the Senator about that, I should like to be set right.

Mr. NORRIS. I think the Senator probably has a right to be more or less technical about the matter. Of course, I did not mean the Supreme Court had passed on the measure. A great many bills have been passed which have never gone to the Supreme Court and the Court has had no chance to pass on them. I think it would be fair to say that I referred principally to the A. A. A. decision. The Agricultural Adjustment Act was the important agricultural measure which was passed upon by the Supreme Court.

Mr. WHEELER. I am not defending the Supreme Court. I have said repeatedly that the Supreme Court of the United States has been wrong when it has passed upon economic and political problems, and I now reiterate it. I also say, however, that adding six more Justices to the Supreme Court for life will not correct the situation, and there is no assurance that it ever will be corrected by such a method.

Mr. NORRIS. Mr. President, will the Senator yield further?

Mr. WHEELER. I yield.

Mr. NORRIS. I expect to discuss that question in time if it comes before the Senate. I wish to say now that, although I mentioned that as a constitutional method which Congress could pursue, I did not undertake to discuss it, and there were several other things I did not discuss.

Mr. WHEELER. I fully appreciate that. I was simply calling attention to my own views, and not to the Senator's views upon that particular phase of the question. I rose at this time merely to call attention to the fact that on a former occasion the President of the United States, at a time when he was President, denounced the idea of adding additional judges to the Supreme Court for the purpose of correcting all the evils which he says exist, and which I agree do exist to a large extent with reference to our judicial system.

RESTRICTION OF JUDICIAL POWER TO HOLD LAWS UNCONSTITUTIONAL

Mr. O'MAHONEY. Mr. President, I have been very much impressed by the statement of the Senator from Nebraska [Mr. NORRIS]. I think I quite agree with everything he has said. Whether by way of legislation or by way of constitutional amendment, it has seemed to me to be eminently desirable that there should be taken away from the Supreme Court the power by a mere majority to declare unconstitutional acts of Congress.

Yesterday I had the privilege of introducing in this body a joint resolution providing for an amendment to the Constitution, the gist of which is in this language:

> No law of the United States or of any State shall be held to be unconstitutional by any inferior court, and not by the Supreme

Court unless two-thirds of the members thereof shall specifically and by separate opinion find it so beyond a reasonable doubt.

There is nothing new about that proposal. In essence, it is the same proposal as that which is defended by the Senator from Nebraska. It was laid down as long ago as 1923 by William Jennings Bryan in an article in a magazine, which, as I recall, was Hearst's International. In that article Mr. Bryan said:

Big business must not be surprised if struggling humanity still survives and hopes for the time when judges with a different bias will succeed these.

He was writing these words immediately after the Supreme Court had rendered the decision invalidating the minimum-wage law applying to the District of Columbia. He proceeded:

So many of these 5-to-4 decisions have appeared at opportune times to emasculate laws intended for the protection of weaker members of society that this new decision has given impetus to the movement to require a two-thirds or three-fourths vote in the Supreme Court to nullify a law passed by Congress or a State legislature.

Since that statement was written by Mr. Bryan, the disposition of the Supreme Court to invalidate acts of Congress has become increasingly apparent. I do not at this time desire to enter upon the merits of the question; but I should like the RECORD to show, as bearing upon the feasibility of adopting a constitutional amendment, that 41 legislatures are now in session. Of these, 22 are controlled substantially by the Democratic Party.

In Arizona, Arkansas, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Michigan, Missouri, Nevada, New Mexico, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Washington, and West Virginia the legislatures are Democratic in both branches, and in each of these States there is a Democratic Governor.

In Montana there is a Democratic Governor, a house which is controlled by the Democratic Party and a senate in which the votes of the two parties are equal.

In Delaware, Kansas, and Massachusetts there are Democratic Governors and Republican houses and senate.

In Connecticut and New York there are Democratic Governors and Democratic senates, but Republican houses.

In Maine, New Hampshire, South Dakota, and Vermont there are Republican Governors and Republican legislatures in both branches.

In Maryland and New Jersey there are Republican Governors and Democratic legislatures in both branches.

In California there is a Republican Governor, with a Republican senate and a Democratic house of representatives.

In Iowa there is a Democratic Governor, with a Republican senate and a house divided equally between Democrats and Republicans.

In Rhode Island there is a Democratic Governor, with a Republican senate and a Democratic general assembly.

In Minnesota there is a Farmer-Labor Governor, with a conservative senate and a liberal house of representatives.

In Nebraska there is a Democratic Governor, with a unicameral nonpartisan legislature.

In North Dakota there is an Independent Governor, with a legislature in which there are three parties, with no party exercising any control.

In Wisconsin there is a Progressive Governor, and the same situation with respect to the legislature prevails as that which exists in the State of North Dakota.

Summarizing, there are 31 Democratic Governors, 7 Republican Governors, 1 Independent, 1 Farmer-Labor, and 1 Progressive.

There are 22 Democratic legislatures, 7 Republican legislatures, 6 divided, and 6 indeterminate.

I have here, Mr. President, a list of all the State legislatures in session in 1937, showing the dates upon which the sessions begin, the limits of the sessions, the dates upon which they end, and when the legislatures convene. I ask that this statement be printed in the RECORD in connection with my remarks.

The PRESIDING OFFICER (Mr. McGILL in the chair). Without objection, it is so ordered.

The statement is as follows:

State legislatures in session, 1937

	Begins	Limit	Ends	Convenes
		Days		
Arizona	Jan. 11	60	March	Biennially.
Arkansas	do	60	do	Do.
California	Jan. 4	None		Do.
Colorado	Jan. 6	None		Do.
Connecticut	do	(1)	June	Do.
Florida	Apr. 6	60	do	Do.
Georgia	July 12	60	September	Do.
Idaho	Jan. 4	60	March	Do.
Illinois	Jan. 6	None		Do.
Indiana	Jan. 7	61	March	Do.
Iowa	Jan. 11	None		Do.
Kansas	Jan. 12	50	March	Do.
Maine	Jan. 6	None		Do.
Maryland	do	90	April	Do.
Massachusetts	do	None		Annually.
Michigan	do	None		Biennially.
Minnesota	Jan. 5	90	April	Do.
Missouri	Jan. 6	70	March	Do.
Montana	Jan. 4	60	do	Do.
Nebraska	Jan. 5	None		Do.
Nevada	Jan. 18	60	March	Do.
New Hampshire	Jan. 6	None		Do.
New Jersey	Jan. 12	None		Annually.
New Mexico	do	60	March	Biennially.
New York	Jan. 6	None		Annually.
North Carolina	do	None		Biennially.
North Dakota	Jan. 5	60	March	Do
Ohio	Jan. 4	None		Do.
Oklahoma	Jan. 5	60	March	Do.
Oregon	Jan. 11	None		Do.
Pennsylvania	Jan. 5	None		Do.
Rhode Island	do	60	March	Annually.
South Carolina	Jan. 12	None		Do.
South Dakota	Jan. 5	60	March	Bienially.
Tennessee	Jan. 4	75	do	Do.
Texas	Jan. 12	None		Do.
Utah	Jan. 11	60	March	Do.
Vermont	Jan. 6	None		Do.
Washington	Jan. 11	60	March	Do.
West Virginia	Jan. 13	60	do	Do.
Wisconsin	do	None		Do.

[1] 5 months.

State legislatures not in session in 1937

	Next session	Begins	Limit	Ends	Convenes
			Days		
Alabama	Jan. 1939	Second Tuesday	50	March	Quadrennially.
Kentucky	Jan. 1938	First Tuesday	60	do	Biennially.
Louisiana	May 1938	Second Monday	60	July	Do.
Mississippi	Jan. 1938	Tuesday after first Monday.	None		Do.
Virginia	do	Second Wednesday.	60	March	Do.

42 legislatures meet in 1937. Of these—
18 end in March.
2 end in April.
2 end in June.
1 ends in September.
19 have no limit.
—
42
4 legislatures meet in 1938.
1 legislature meets in 1939.

RELINQUISHMENT BY UNITED STATES OF PHILIPPINE CONTROL

Mr. LEWIS. Mr. President, I desire to address the Senate on a subject not before the body.

Mr. CONNALLY. Mr. President——

Mr. LEWIS. Does the Senator from Texas wish to interrupt me?

Mr. CONNALLY. If the Senator will yield to me for just a moment, I should like to say a word.

Mr. LEWIS. I yield to the Senator from Texas.

Mr. CONNALLY. Mr. President, Senate Joint Resolution No. 73 has been pending for some time. It relates to the Mellon gift to establish a National Gallery of Art. It was the desire of the majority leader, the Senator from Arkansas [Mr. ROBINSON], as expressed to me, that I make a motion to take up the joint resolution for consideration immediately following the address of the Senator from Nebraska [Mr. NORRIS]. I do not, however, wish to interfere with the Senator from Illinois.

Mr. LEWIS. Would it interfere with the plan of the Senator from Texas if I should occupy 15 minutes before he makes the motion?

Mr. CONNALLY. No. I withdraw the request for the moment, so that the Senator from Illinois may proceed.

Mr. LEWIS. Mr. President, I am being called from the city tomorrow on official business at Chicago, and thus it is that I am imposing myself on the Senate at this moment. I rise to strike what I feel is a note of alarm, and to utter my own protest against a matter with which the public press and general information acquaint me. It is the suggestion that the law now upon the statute books defining the policy and providing for the independence of the Philippine Islands in 1946 is to be changed, and immediate possession given the Philippine people of their islands and all the power and authority of the United States to be at once divorced and ended.

If this is to be done, if there be truth in this report, I feel that such would be a great error. Indeed, I charge that it would be a national blunder if this country should now accord absolute independence to the Philippine Islands and thus separate from ourselves the complete control of the islands at the critical time that is now confronting our Nation.

I invite you, sirs, to consider the information which has come to us. This is that Germany has just closed with Japan an alliance that gives to Germany and Japan the joint control of the Japanese and German Navies. This gives to Germany a joint association with Japan in matters such as Japan may have in contemplation, whether respecting this, our United States, or any other country.

Sir, in this connection we are also aware that France and Russia have entered into a compact, both commercial and military, by which France is possessed of advantages which Russia may afford, military particularly, in matters that may transpire in the east around the waters or near the shores of Japan or Russia, and near the possessions of the United States.

I call attention, sir, to a compact between Italy and Austria and Italy and Germany. These, too, sir, have for their avowed purpose aiding the control of authority on the part of Japan and her allies, whether for Germany or for whomsoever it is designed. This would give complete voice to these described lands in all authority touching the Pacific coast, and particularly the combined privilege and power of the newly constituted and now greatly multiplying navies of the world.

I invite the attention of this honorable body to the announcement this morning that England has added to the building of her navy an increase far surpassing that which will be added to the navy of any other country of the world, and that in such increase she finds it agreeable to establish a pleasing situation, if not a direct compact, with Japan, and partially with France. Let us recall that England had with Japan a similar joint treaty some time past, and that here at the city of Washington, in the year 1922, it was assumed the particular treaty was withdrawn. Now we observe that the relationship which England bore thus to Japan has been renewed, and for reasons, let us feel, which England considers justify such action. Now, however, the fact is before us that all these relations are addressed clearly to the viewpoint of allowing one country in the great Orient to have such relations in Europe as will give it complete domination in any matter that may touch the United States of America.

Mr. President, I trust I may not be regarded as lacking considerations of common politeness when I say that our country seems blind to the fact that all these manipulations around us are predicated upon the theory of war that is approaching, and that, in that approach, the very first move will be by some form of alliance to barricade the United States from any effort it may make, sir, in aid of any cause or in the protection of itself, if such protection should, in the nature of things, lead to contest against any of these lands or their joint allies.

Mr. President, at a time like this we know that these conditions, as we have now seen them conceded, leave this our America alone, completely by itself; and by itself for the present time it so must remain.

America will not enter into alliances with England, despite the attitude of eminent statesmen of England, who, as we gather from the press, feel, as stated, that their secure safety in whatever may be their prospect of peril lies in some alliance with this, the United States of America. We will not join with any country in Asia, nor any other land in Europe other than England, in the matter of any political alliance. We will not risk our children to the conflicts of war, where they may be summoned by the tocsin of other lands to conflict and death. We will, however, look about to see what steps may be properly taken in a precautionary move for the complete protection of this our United States.

Particularly, sir, I refer to the guardianship by the United States of the Philippine Islands. If it be true that because of the conflicts which are now being considered and anticipated by these foreign lands they assume to make these new arrangements, these alliances which join navies together and place in some form of aggregation the joint armies of these different countries, sir, we must look at the situation. They can have but one object, and that object must be either looking toward some conflict to which they will address themselves in an assault or to some opposition to an assault. Thus the moves are being made in the defense, or preparing for offense. In such scenes, where do we act. What precaution are we taking? And in all, where will stand the United States?

In the Orient, sir, we have our interests. The Orient, if it finds occasion to resent any action on our part in the event there should be such conflicts, would move promptly upon us. In what way are we seeking to protect ourselves? Are we going to give up control of the Philippine Islands now and leave the United States without a base of supplies or a place where our Navy may be quartered and guarded, and our Pacific coast, in some degree, sir, assured of its protection? Have we reached that point where, through a form of altruism which is asserted as "generosity", we, to serve the dreams of separation and hopes of control by those whom we have served so greatly as we have those of the Philippine Islands, shall for the zeal of separate administration surrender the right of the defense of the United States? Shall we be indifferent to what is necessary to guard our welfare in the hour that is now threatened upon us by the whole world?

Mr. President, if we shall now, as is intimated, in order to accommodate the emissary of the Philippine Islands, who is now in our midst, or to serve the purpose of those who fancy they will be benefited in some form of trade, relinquish our control of the Philippine Islands and turn those islands to themselves, the very first move that Japan would naturally make, from a military point of view, in any form of conflict, would be to seize the islands, and, seizing the islands for her defense, if in conflict against her were other countries, sir, whatever the object of conflict, Japan would not allow the Philippine Islands to escape her possession in the natural course of strengthening herself. Then, sir, her next move would be to move on Hawaii, so near by, then to possess it, and this after we easily had given up any barricade between Japan and Hawaii that could be base of obstruction to any advance on America. From Hawaii, sirs, the step easily is afforded to the Pacific coast. To avoid the danger to the Pacific coast under the assault, a form of concession and reprisal would be at once naturally asked by the victors of the United States. That concession would be that we yield up our opposition under our present immigration laws and repeal our exclusion laws, then the demand that Asiatics be placed on an equality of citizenship in the United States with citizens of the United States and with American citizens anywhere in the world.

Mr. President, as to that measure of embarrassment we may say we will meet it when it arises and treat with it when it is upon us. But now we can readily see that our first duty is to avoid bringing it upon us. Our second and principal duty is to prepare our Nation as against these obstructions and possible dangers, so that it may take such steps as will guard America.

Mr. President, at this particular time, with these situations prevailing, particularly in the Orient, and in view of these compacts throughout Europe, and these clear moves having for their object something that relates to the Pacific Ocean, I oppose my country's taking a position which would result in having no base in the Pacific wherein we might protect ourselves. We now have a barrier in the Philippines between us and those who might assail us intentionally, or those who in conflict would find themselves driven by a matter of alliance to assail us to serve objects of war.

I rise to express my belief that my countrymen are spending too much time in nonessentials all around us and giving too little attention to the most important things that are necessary to the defense of our country. I refer to our surrounding possessions of America. I protest against the yielding up of our control of the Philippine Islands, and depriving ourselves of a naval base for supplies there, at this particular time. I am anxious that we realize that these movements now being undertaken in the name of "friendship" and "generosity" carry with them a threat to our welfare so serious and so solemn that they are weakening American control, and confronting us with multiplied dangers.

I rise to protest against what appears to be the threat. I oppose the policy. It is my purpose to carry this matter further when the naval supply bill shall be presented to this honorable body. In the meantime I give notice of my opposition to any move now afoot to accommodate any source or serve any purpose of mere generosity that shall defeat the United States in its privilege to protect itself in the Orient by holding its present position as against foreign intrusion or against any advantage that may be taken over us.

I realize there are no such conditions so serious at this particular moment as to threaten us with invasion; but I invite attention to the fact that such appeared as the condition just before we became embroiled in the conflict with Germany. Such was also the condition of apparent security just before we became engaged in the conflict with Spain.

Mr. President, I apologize to my fellow Members of the Senate for recalling personal experiences. I was a Member of the House of Representatives just before the Spanish-American War broke out. I heard my distinguished fellow Members, some of whom are now Members of this honorable body, proclaim that there was never any danger in anywise whatever and that we should take no steps to anticipate a conflict. Yet we were soon in it. I also observed before the World War, when I was a Member of this body, that honorable gentlemen would constantly admonish us to take no steps that looked in the direction of anticipating a conflict and preparation against it. I invite attention again to the fact that, while we do not charge an intended conflict, we should prepare now against the loss of that which would be our base of defense if conflict should arise among those countries of the world who have made these new alliances with each other for the purpose of increasing their armies and strengthening their navies and enlarging their possessions. I realize there is a maxim of the ancients which I wish to adopt—to "trust in God, but look out for yourself."

Mr. President, I thank the Senate for its consideration.

NATIONAL GALLERY OF ART

Mr. CONNALLY. Mr. President, it was my purpose today to ask the Senate to take up for immediate consideration Senate Joint Resolution 73, relating to the construction and maintenance of a National Gallery of Art. However, several Senators have advised me that the senior Senator from New York [Mr. COPELAND] is desirous of being present during the consideration of the measure. The Senator from Texas just called the office of the senior Senator from New York and was informed that he is out of town. Not desiring to proceed in his absence in view of the circumstances, I wish to give notice now that next Monday, as soon as I am able to obtain recognition, I shall move that the Senate proceed to the immediate consideration of the joint resolution.

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

REPORTS OF COMMITTEE ON POST OFFICES AND POST ROADS

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of several postmasters, which were ordered to be placed on the Executive Calendar.

The PRESIDING OFFICER (Mr. LUNDEEN in the chair). If there be no further reports of committees, the clerk will state the first nomination in order on the calendar.

POSTMASTERS

The Chief Clerk proceeded to read sundry nominations of postmasters.

Mr. ROBINSON. I ask unanimous consent that nominations of postmasters on the calendar be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc. That completes the Executive Calendar.

Mr. ROBINSON. Mr. President, I understood the Senator from Nebraska [Mr. BURKE] desired to submit a request for unanimous consent for the consideration of a nomination at this time. However, the Senator is not now in the Chamber, and therefore I shall let the matter go over.

ADJOURNMENT TO MONDAY

Mr. ROBINSON. I move that the Senate stand adjourned until Monday next at 12 o'clock noon.

The motion was agreed to; and (at 2 o'clock and 18 minutes p. m.) the Senate adjourned until Monday, March 15, 1937, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 12, 1937

POSTMASTERS

ILLINOIS

James L. Brown, Chebanse.
Thomas J. O'Brien, Lockport.
Earl D. Veach, Vienna.
Simon J. Ronchetto, Westville.

MISSOURI

Arthur Earl Thurman, Steelville.

NEW HAMPSHIRE

Peter J. Hickey, Portsmouth.
Harold D. Foss, Rochester.

PENNSYLVANIA

Patrick J. Friel, Crum Lynne.

HOUSE OF REPRESENTATIVES

FRIDAY, MARCH 12, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, Thou who art the wisdom of the ages, let us feel Thy presence breathing life and balm into our natures. We raise our prayer to Thee, saying: Unto Thy name be all glory and power forever and ever. Bestow upon us the blessing of Thy spirit, full of vital, stimulating strength; do Thou fill our hearts with gladness and our souls with vibrating joy. We pray Thee to order our steps in Thy word so that no wickedness shall have dominion over us. Show the light of Thy countenance upon these, Thy servants, for Thy righteousness is an everlasting righteousness and Thy law is truth. Lofty in morals, let it lead the way to the dignities and treasures of an exalted manhood. We thank Thee for Thine only begotten Son. In Him was no temper of vanity, of greed, or of passion. With steadfast vigor may we be able to go on and know the Lord. In our Redeemer's name. Amen.

The Journal of the proceedings of yesterday, Wednesday, March 11, 1937, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed, with amendments, in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 635. An act for the relief of Mary Daley;

H. R. 1245. An act for the relief of Malinda J. Mast and William Lee Mast; and

H. R. 2773. An act to authorize the settlement of individual claims for personal property lost or damaged, arising out of the activities of the Civilian Conservation Corps, which have been approved by the Secretary of War.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 118. An act for the relief of Harry D. McIntosh;

S. 294. An act for the relief of Elmer Blair;

S. 315. An act for the relief of George W. Hanna and Bertha M. Hanna;

S. 556. An act for the relief of W. B. Greeley;

S. 843. An act for the relief of Guy F. Allen, chief disbursing officer, Division of Disbursement, Treasury Department;

S. 1057. An act for the relief of Joseph A. Ganong; and

S. 1068. An act for the relief of Earl W. Thomas.

EXTENSION OF REMARKS

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on pending legislation and to quote very briefly from a House report.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SCOTT. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by inserting some excerpts from a speech which I delivered at Long Beach, Calif., on the 8th of this month.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BEITER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on the 1936 tax bill.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein some excerpts from a speech made by the Honorable Robert H. Jackson, Assistant Attorney General of the United States, before the Senate Committee on the Judiciary.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

THE NEUTRALITY BILL

Mr. O'CONNOR of New York. Mr. Speaker, I call up House Resolution 151.

The Clerk read as follows:

House Resolution 151

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate Joint Resolution 51, a joint resolution to amend the joint resolution entitled "Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war", approved August 31, 1935, as amended. That after general debate, which shall be confined to the joint resolution and continue not to exceed 10 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the joint resolution shall be read for amendment under the 5-minute rule. It shall be in order to consider without the intervention of a point of order the substitute amendment recommended by the Committee on Foreign Affairs and such substitute for the purpose of amendment shall be considered under the 5-minute rule as an original bill. At the conclusion of such consideration the Committee shall rise and report the joint resolution to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the joint resolution and the amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

Mr. O'CONNOR of New York. Mr. Speaker, I yield 30 minutes to the gentleman from Michigan [Mr. MAPES].

Mr. Speaker, while I do not ordinarily prefer to read my remarks, I believe the measure which we are about to consider presents such a grave matter for our consideration that what I have to say in the first instance I shall read, and I respectfully prefer not to be queried until I have completed these remarks.

Mr. Speaker, House Resolution 151, just read, is an open rule providing for the consideration of Senate Joint Resolution 51, the Neutrality Act, as amended by the House Committee on Foreign Affairs.

The rule provides for 10 hours' general debate, with every opportunity afforded for the offering of amendments. The importance of the subject and the proposed legislation justifies the long debate provided.

At the outset I wish to again state, especially for the attention of the new Members, that in reporting a rule for the consideration of a measure, the Rules Committee does not give the measure its "blessing", nor can it be assumed that all the members of the Rules Committee, or even a majority of that committee, favor the measure or all its terms. It has happened on many an occasion that many members of the Rules Committee have voted against the final passage of a measure which they previously reported to the House for its consideration.

The prime function of the Rules Committee is to serve the other standing committees of the House and the organization of the House. When it is considered that a measure is of sufficient importance to be laid before the membership for consideration, the Rules Committee acts, irrespective of the individual views of its members as to the merits of the proposal.

It is in following out that function that the Rules Committee now brings this measure before the House.

In the 10 hours' general debate and in the consideration of amendments it is hoped that much light will be thrown upon this most important issue. Few proposals which have or may come before us equal this program of "neutrality" in its importance and possible consequences.

It is doubtless true that since the close of the World War in 1918 there has grown up in this country a definite and outspoken aversion to war, and especially to our involvement in any war in which other nations are the chief contenders. While extreme emotional urge or even ultra pacifism may be partially behind the almost universal expression of the people, there is no question as to public sentiment in the matter. This may or may not account for the ease with which "neutrality" proposals are favored in Congress in recent years. Of course, it is gratuitous for me to state that despite any public clamor we as duly elected representatives should keep our feet on the ground and soberly arrive at a conclusion which is for the best interest of the country. Is this proposal such?

The word "neutrality" has been much mouthed. Neutrality is not an attribute of the normal human being. Human nature has so endowed man that he just must take sides in any contest or on any issue. Can nations, mere aggregations of human beings, rise above this human trait?

Can an individual, or even a nation, see a bully picking on a child and remain neutral? Was not that one of the impelling situations which dragged us into the World War?

It should also be borne in mind that the legislation before us is not temporary. It does not merely amend or extend the existing temporary resolution of neutrality which expires on May 1 of this year. Under the joint resolution, which we

shall presently consider, the country would adopt a permanent policy of "neutrality", not knowing what situations may arise in the future. This consideration involves the question whether what we now do here shall be of a temporary or a permanent nature. Would it be better to extend the existing legislation?

In the hearing before the Rules Committee it was not contended that this legislation, either as it passed the other body or as it has been recommended by our House committee, had the approval or was desired by the administration. That is a matter which should be cleared up before the debate is finished. Does the proposal give the Chief Executive too much power, or does it fail to give him sufficient power or discretion for the purposes intended? Does the Chief Executive want such a grave responsibility lodged in his hands? Will it involve us in war? And more important still, does it infringe upon the constitutional prerogative of Congress to declare war? Personally, that is one right of Congress I should never vote to surrender to any Executive. [Applause.]

It is admitted by some of the most ardent supporters of this proposal that it is a complete reversal—an open, an avowed retreat—from this country's invariable insistence in the freedom of the seas. Should we make that turnabout? What will be the consequences to our national interests, to our foreign trade, with its millions of employees?

Under the cash-and-carry feature of the proposal, will our American ships lie idle in our ports, and will the millions of our workers engaged in foreign trade walk our streets unemployed while all shipping is conducted by other nations, or by even one nation which may control the seas? Will the floating armament of other nations be engaged in naval battle at the very gateways of our ports, with the possible damage to our cities and our people?

In such an event—even as to the tying up of our shipping trade, will there be such public protests and demonstrations of a riotous nature as there occurred early in the nineteenth century when President Thomas Jefferson imposed similar embargoes?

Further, in considering such legislation, thoughtful persons will naturally look carefully into the detail of the proposal to see if any selfish interests may be served—either the extreme and complete surrender—the ultrapacifist, or the Communist or the Socialist with like views, or the citizen or resident here who has a greater interest in some other nation than ours. They will look to see if any portion of the measure favors any business interest, munition making, financial, shipping, or other. They will carefully scrutinize the legislation to see if the bill will result, even to the extent of giving an undue advantage to any other nation, whether at our own expense or to the preferment of some other nation over other countries.

Is this bill, as is claimed in some quarters, "an Anglo-American alliance"? If it is, do our people want to enter into such a partnership to the detriment of other nations and contrary to our traditional policy of an equal attitude toward all the nations of the world?

There surely are citizens other than myself who do not favor such a closed corporation. Let us, therefore, approach the consideration of this proposal with these queries in our mind, unmoved by any emotional drive, but with our faces set foursquare toward a calm consideration of what is best for our people and our country.

Neutrality may be a consummation devoutly to be wished, but it should not be inconsiderately rushed into without first counting the cost to the American people. Is it going to be our policy of "neutrality at any cost." [Applause.]

Mr. MAPES. Mr. Speaker, I yield 10 minutes to the gentleman from Tennessee [Mr. TAYLOR].

Mr. TAYLOR of Tennessee. Mr. Speaker, the proposal of which the pending rule is a forerunner, if enacted into law, will mark the beginning of a new peace policy for the United States.

I am not a member of the Foreign Affairs Committee, and neither am I an expert on international law, and therefore I cannot be expected to fully understand and expound the mechanics of this very complicated measure.

While I am devoted to peace and am willing to make any sane and practical sacrifice to keep our country out of war, I confess that it is with considerable misgivings that I see Uncle Sam abandon a national policy for which the War of 1812 was heroically fought and brilliantly won. I refer to the war which established for this Nation in its infancy the freedom of the seas. However, much as I revere this distinguished heritage which has come down to us, I am perfectly willing to compromise or even deny ourselves the exercise of these rights if by doing so we can avoid the horror and desolation and misery of war.

In studying this proposal, Mr. Speaker, I wonder if the hope it engenders is an illusory one. I wonder if the exercise of the provisions embodied in this resolution will not be rather calculated to involve us in war with foreign nations than promote peaceful relations with them.

The passage of this resolution, in my opinion, will be a distinct disappointment to that group of pacifists in this country who contend that our neutrality should be absolutely and unequivocally mandatory. This group has become so war conscious that they want us to shun and abandon every appearance of military strength or intention, even to the point of reducing our national defense to the very minimum, or preferably by doing away with it altogether.

I should like to have seen this measure less discretionary and more mandatory, but I most emphatically disagree with our pacifist friends on the subject of national defense. In my judgment, the surest way to avoid war is by maintaining an adequate national defense. I do not mean by that that we should undertake to compete with certain European nations who are today engaged in mad and vulgar rivalry for military supremacy, which will ultimately and inevitably lead to national suicide. However, it is manifest to me that our greatest security depends on an adequate system of national defense, and the sooner we have it the better for the interests of this great Republic.

In attempting to study and analyze this measure, it has occurred to me that entirely too much authority is vested in the Executive. Practically every condition and contingency set up in this measure is based upon Presidential discretion. The President, in his discretion, is authorized to ascertain that a state of war exists, and, excepting arms, munitions, and implements of war, and cash-and-carriage sales of other commodities which he in his discretion may render free from embargo, the President's discretion is absolutely unlimited. And, as I understand it, the measure which we have before us today eliminates the word "cash" as a mandatory condition.

Personally, Mr. Speaker, I think there is a great deal of logic in the argument that American merchantmen should not be permitted to trade with belligerent nations; and certainly if they do they should be required to do so at their own peril. But even then, such might lead to consequences fraught with great danger to the peace of this country. Even should our merchantmen confine their cargo to commodities not included in the President's proscription, they would be subject to the rules of international law, such as search and seizure, and to blockade. These are the risks they must assume under existing law as well as under the provisions of this resolution.

Mr. Speaker, I am in accord with the position taken by Senator BORAH in that it occurs to me that this measure is in some respects "immoral." Under its terms it is proposed that we take the profits and let someone else take the risk. We may sell belligerent nations commodities which are not in the proscribed classes, and take the profits, and then like Pontius Pilate, assume an air of sanctified innocence and wash our hands of all responsibility.

Might this not have the effect to involve us in war? It will certainly elicit the contempt and resentment of such belligerent nations as will not have the facilities or the opportunity to avail themselves of our unrestricted markets.

This measure, without design, of course, provides a distinct advantage to Great Britain and to Japan, due to their geographical location and relation to the United States. Only Great Britain could purchase with safety our commodities

and convoy freighters and transports in the Atlantic and the same situation applies to Japan in the Pacific. It can readily be seen that this situation is calculated to not only excite the hatred and ill will of the weaker belligerents against the United States, but may result in serious permanent injury to our commerce in the future in the way of retaliation. Say, for instance, that Great Britain and Germany should become involved in war. Of course, due to her powerful Navy and her strategic geographical location, Great Britain would enjoy a decided advantage over Germany in the matter of obtaining necessary commodities such as oil, cotton, and food products from this country. This fact of itself would prejudice Germany or any other country similarly situated against us, because oil, cotton, and food products are as indispensable to the successful prosecution of war as arms and ammunition. In this instance, Germany would be forced to go to South America or elsewhere for her cotton, oil, and food products, and after the war is over she would naturally continue to patronize the country from whom she obtained supplies during her extremity, and thus the American cotton producer, oil producer, and farmer would permanently lose a valuable foreign customer.

And, furthermore, Mr. Speaker, if goods bought and paid for before leaving port are allowed to be shipped in American bottoms, flying the American flag and manned by American seamen, it is apparent that we will expose ourselves to depredations which might precipitate us into war. Belligerent nations do not respect international law or neutrality enactments. These become mere scraps of paper when men are dying on the seas or on the battlefields. We saw the folly of this false sense of security fully exploded during the World War.

In my opinion, the commodity provisions of this bill contain the greatest war-provoking possibilities and potentialities. This provision, you will observe, is a discretionary one, and, unless administered most discreetly, is calculated to embroil us in war, or certainly elicit for ourselves the hatred of nations.

Mr. Speaker, let us not lull ourselves into the delusion that the passage of this resolution will remove all possibilities of war. Much as I should like to see our "swords beaten into plowshares and our spears into pruning hooks" and the nations of the earth "learn war no more", as prophesied by Isaiah, I fear that the passage of this measure would hardly justify that action by the United States at the present moment or even if this bill should pass and become law. So long as the nations of the earth are afflicted and actuated by avarice and cupidity we will doubless have wars. Of course, we can lessen the possibilities of war by friendly gesture and convention. This measure has this desideratum as its objective. And while I am not fully satisfied with the provisions of this resolution, I shall support it notwithstanding, because I believe that it is a step in the right direction. [Applause.]

Mr. MAPES. Mr. Speaker, I yield 4 minutes to the gentlewoman from Massachusetts [Mrs. ROGERS].

Mrs. ROGERS of Massachusetts. Mr. Speaker, I shall vote for this rule to bring up the McReynolds bill, although I cannot vote for its passage in its present form. There are certain provisions in the measure which I feel are likely to bring us into war. We all want peace and will do everything we can to keep out of war.

Of course, we all know, Mr. Speaker, no matter what so-called neutrality legislation we may pass, we may be embroiled in war. There are certain insults that the United States cannot stand.

Mr. Speaker, I ask unanimous consent to read into the RECORD a short paragraph from a German newspaper, a copy of which was carried in the Herald Tribune.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. This deals with an alleged insult by the German newspaper to American womanhood—to a certain group of American women, to be sure, but to all American womanhood. I quote from the text of Der Angriff's editorial:

> But the climax is to be found in an orgy of insult before a thousand Jewish women, whom he—
>
> Mayor LaGuardia—
>
> fetched in from the streets so that he might have an applauding audience.
>
> They are speaking of the mayor of New York—
>
> Of course, this Jewish inciter and apostle, with his cheap Jewish brain, cannot understand what it means to insult the leader of 70,000,000 people. One would think, however, that the White House in Washington would have sufficient power to forbid procurers who climb high to tell their dirty stories to a thousand women instead of to one woman.

I read this into the RECORD, Mr. Speaker, because I find so few people in the United States realize what the press of Germany is actually saying about American womanhood, and, of course, Mr. Speaker, we all know that the German press is controlled by the present Government of that country. Der Angriff attacked our American institutions; it also attacked unjustifiably our American women.

I went to the State Department a week ago to express my indignation in the matter, and I hoped that something would be done in the way of a protest to the German Government. I was at the State Department yesterday and had an interview with Secretary Hull. I sincerely hope his protest to Germany, made yesterday, will bring regrets from the German Government.

I am not rattling any sabers, but I do know that American manhood bitterly resents the apparent attitude of the present German Government, through its press, toward American womanhood. [Applause.]

Mr. O'CONNOR of New York. Mr. Speaker, at this time I understand that the protest to which the gentlewoman from Massachusetts [Mrs. ROGERS] referred has already been made by the American Government.

Mr. MAPES. I yield 5 minutes to the gentleman from Minnesota [Mr. KNUTSON].

Mr. KNUTSON. Mr. Speaker, the gentlewoman from Massachusetts [Mrs. ROGERS] has cast some aspersions upon the German press and their alleged attacks upon American womanhood, but I am wondering whether she speaks from personal knowledge or if what she says is based on propaganda that has come from some source that is unfriendly to the German people.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. KNUTSON. Yes.

Mrs. ROGERS of Massachusetts. I have this information from the State Department, of reports that have come from Berlin; and it is the first time in the history of this country, so far as I can find, that the press of any country has ever attacked American womanhood, or the womanhood of any other country.

REMEMBER THE FALSE PROPAGANDA OF THE GREAT WAR

Mr. KNUTSON. Mr. Speaker, I do not think that we should convict a great people upon ex-parte testimony. I can recall back in 1914, '15, and '16 when the world was fed up on tales from across the water of German atrocities. We were told that German soldiers mutilated noncombatants, and ruthlessly and needlessly destroyed private property on every hand. That propaganda continued until it had worked the American people into a pitch of frenzy that finally drove them into war.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. KNUTSON. Not now. After the war was over we found they were all lies, put out by the Allies in order to inflame the American people. Did we not learn something from that experience, which nearly wrecked our country? Are we going to permit ourselves to be inflamed by similar stories today? I do not think we should take cognizance of the weird and unusual tales that come to us from across the water. We do not know what motives inspire them, but that there is a purpose behind them we may be sure.

LET US GET AT THE TRUTH BEFORE TAKING UMBRAGE AT ALLEGED SLURS

I am in favor of American neutrality. I believe that with 3,000 miles of sea on each side of us we can stay out of these European embroilments, and that we should do so. I do not believe there is a man in this Chamber but will admit that we would have been infinitely better off in every way if we had stayed at home and attended to our affairs in 1917 and 1918 instead of sticking our nose into something that did not concern us. I think it is time that we were pro-Americans rather than pro something else, and for my part I want absolute and indisputable evidence that the German press is being quoted aright before I take umbrage at some will-o'-the-wisp, coming from we know not where, and inspired by we know not whom.

I trust that the gentlewoman from Massachusetts will not take offense at what I have said. I do not question her sincerity, and may I say at this point that if the stories that come to us as to alleged slurs cast upon American womanhood by the German press are true, I resent them as strongly as does she or anyone else. However, if they be true, let us not forget that the provocation, which came from this side of the water, was great.

GERMAN PEOPLE CONTRIBUTED GREATLY TO AMERICAN PROGRESS

I have lived among Americans of German extraction all my life. No people have contributed more to the upbuilding of America than have they, and no class of our citizens are more law abiding, thrifty, honorable, and chivalrous than are they and their descendants. The Germans contributed materially to the success of the American Revolution, and in the war for the preservation of the Union they wrote a record that stands out in letters of living light.

It has been my privilege to have traveled in Germany. I found the German people as kindly and high-minded as any other people, and in some instances more so. American soldiers with the army of occupation will bear me out in this statement.

WE SHOULD PRESERVE PEACEFUL RELATIONS WITH GERMANY

We may not agree with the form of government that they now have, and it may be possible that they do not altogether approve of ours, but I submit in all fairness that it is their own affair as to what form of government they choose to live under, just as our form of government is our sole affair. We are at peace with the German Government and the German people, and we should use every endeavor to continue that happy condition.

Those who are spreading propaganda which cannot but have for its result the impairment of these peaceful relations are disloyal to our Government, and I care not who they be nor from whence they come.

NEUTRALITY BILL ONE OF MOST DIFFICULT QUESTIONS FOR CONGRESS TO DECIDE

Mr. Speaker, we have before us today the neutrality bill. Of all the questions that this Congress will be called upon to grapple with, this is by far the most difficult to solve. The Senate has passed a neutrality bill that is based upon a cash-and-carry policy. In my opinion such a neutrality law manifestly would favor nations having large navies, such as Great Britain and Japan, and would operate against countries with small navies. A cash-and-carry neutrality law would not in effect be neutrality at all.

Our task is to ascertain what policy is best for the American people. It would seem to me that a true neutrality law should in time of war obligate us to discontinue commerce with all belligerent nations and sell only to neutrals. If we were to adopt such a policy, and it is the only kind that will keep us out of future wars, we should proclaim to the world that we will insist upon the freedom of the seas for American ships; also that we will not tolerate the search and seizure of American vessels while plying between our shores and neutral ports. We made a cowardly surrender of that right during the World War, and as a result were dragged into that war. Far better would it be to forego all foreign commerce during wartimes and allow grass to grow on our streets than to needlessly become mixed up in another war, which would perhaps result in national bankruptcy and the destruction of our civilization. Let us not act hastily in this matter. It is of too great importance.

WE SHOULD ACT WITH CAUTION IN OUR FOREIGN RELATIONS

There has never been a time in the history of the Republic when we should act with greater caution in foreign affairs. Europe is today arming with feverish haste in preparation for the next war. We must do everything within our power to keep out of that war, and in this connection I want to call your attention to House Joint Resolution 199, introduced by Mr. LUDLOW, of Indiana, which calls for an amendment to the Constitution providing that henceforth no war, save a war of defense, or to repel invasion, shall be declared until affirmative action shall have been taken by a majority of all votes cast thereon in a Nation-wide referendum of the American people. Congress should lose no time in submitting Mr. LUDLOW's amendment to the American people for ratification. Had the Constitution contained such a provision back in 1917 we would not have been dragged into the World War. In the meantime let me urge my countrymen to be on guard against all foreign propaganda that is intended to inflame our people and arouse animosity and hatred which can only drag us into foreign entanglements with which we have no concern.

The SPEAKER. The gentleman has consumed 5 minutes.

Mr. MAPES. Mr. Speaker, I yield 1 minute to the gentlewoman from Massachusetts [Mrs. ROGERS].

PROVOCATION FOR ALLEGED SLURS BY GERMAN PRESS

Mrs. ROGERS of Massachusetts. Mr. Speaker, I shall not take more than a moment; but, of course, if the reports are not true in respect to the German press, it will be very easy for the German Government to say they are not true and to express regret.

Mr. KNUTSON. Mr. Speaker, will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. Yes.

Mr. KNUTSON. The gentlewoman will admit there was some provocation from this side of the water.

Mrs. ROGERS of Massachusetts. I think this side of the water is perfectly able to take care of itself. The Secretary of State sent his regrets to the German Ambassador in Washington, and that the gentleman [Mayor LaGuardia] referred to on this side of the water is able to fight his own battles; but if it be correct that the German Government controls the German press and the German papers have so attacked American womanhood in such an untrue, unjust, and unwarranted way, then this country should not rest until Germany expresses regret.

Mr. O'CONNOR of New York. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. GREENWOOD].

Mr. GREENWOOD. Mr. Speaker, I am glad that this rule provides for 10 hours of debate because of the importance of the subject that is covered by the legislation. It does involve a change of national policy; there is no doubt about that. I think this country, profiting by experience of the past, both of wars in which we have engaged and wars now in progress, desires to promote peace, and that that is the prevailing sentiment of the country, and that this Nation is willing to do that even at the cost of some sacrifice. Very often sacrifices must be made of natural rights and of liberties, technical rights, if peace is to be promoted. We have all had the experience of that kind, and have had observations in communities and in families. Everywhere we see peace frequently promoted by the making of some sacrifice. There is the old doctrine of the freedom of the seas and we all revere it, but if the exercise of that freedom is to carry our people or products into a war zone that will involve us in controversy, may it not be better that we set some example to the world and make some sacrifice of that ancient doctrine or right in order to promote a better doctrine and a higher civilization than the world has yet known?

The chief controversy in this bill, as I understand it, is whether we shall have neutrality of a mandatory character or neutrality as this bill provides that is somewhat discretionary, lodging the power in the President and his advisers. To make it mandatory, according to my feeling, would be

a further departure from the ancient doctrine of freedom of the seas, because the Executive would not have any discretion, and there might be times when the country should exercise that discretion as to whether we should exercise the same policy toward all nations that are at war, where one is the aggressor and the other a victim, or shall have a mandatory neutrality where there shall be a hard-and-fast rule that shall be fixed against all nations alike. Each foreign controversy or war may offer a different set of circumstances or facts that we would like to weigh at the time that we impose these principles or carry out this law.

It would seem to me it would be better to have the discretion in the hands of the Chief Executive and his advisers to make those decisions under the set of circumstances that may arise. Whether it shall be mandatory as to certain fixed commodities is very difficult to decide. We know there are certain commodities that we feel would be included in any Executive order, but there may be other commodities which, under a particular set of circumstances, should be included or should be withdrawn. So far as I am concerned, I feel that a law which places discretion in the President to exercise in the light of circumstances as they may arise in the particular controversy is better legislation and is a precautionary step moving in the right direction, but not going so far with a rigid principle that might not apply when those circumstances arise.

Mr. DONDERO. Mr. Speaker, will the gentleman yield?

Mr. GREENWOOD. I yield.

Mr. DONDERO. What is the gentleman's position on the question of whether or not commodities—I do not mean materials of war—commodities shall be shipped in American vessels to any belligerent nation, as provided in section 4 of the bill?

Mr. GREENWOOD. I think when those circumstances would arise, when it would become precarious to the peace of this Nation, I am willing to sacrifice that principle of carrying our own commodities in our own vessels into a war zone for what I consider a higher principle of promoting peace under those circumstances. [Applause.]

The SPEAKER. The time of the gentleman from Indiana [Mr. GREENWOOD] has expired.

Mr. MAPES. Mr. Speaker, I yield such time as he may desire to the gentleman from Nebraska [Mr. STEFAN].

Mr. STEFAN. Mr. Speaker, fourscore and seven years ago that great statesman Daniel Webster rose in his place in the Senate of the United States and said: "I speak today as an American. Hear me for my cause." In the tense and strained international condition existing today anyone speaking with those sentiments must of necessity be speaking of neutrality for America, come what may elsewhere over this troubled world of ours.

More than 18 years have elapsed since the whine of the last shell over the fields of France and Belgium. Many there were who thought that we would immediately resume our peaceful ways and things would right themselves shortly. I need tell no one within sound of my voice that today we are still settling for that last holocaust.

We are now far into the eighth year of the greatest business panic the United States has ever known. Staggering sums have been spent by this Government in an effort to relieve the distress caused by this depression and to again get business started on its way. And yet even the most optimistic must in the honesty of his own chamber admit to himself that we are a long way from shore.

I say, Mr. Speaker, that the expenditure of every dollar so spent is the direct result of the so-called World War. And who is to repay those staggering sums? It is true that you and I and all of us here will pay as long as we remain on this earth.

But more than that. It constitutes a first mortgage on the shadowy host that follows us, the millions yet unborn who have yet to pass before the bank of time. That is the most tragic part. You and I and the rest of us may take it as punishment for permittting ourselves to be dragged into that war. But for those unborn millions it is only the sins of the fathers being visited on the children. And if it shall cease with the third and fourth generations, there will be little credit due us.

Mr. Speaker, I want my country, my United States, to adopt as its permanent policy an attitude of "hands off." I do not want to see my country adopt a policy that says to all the world, "We are your friend." But we are also the friend of every nation on the face of the globe so long as that nation behaves itself and acts in a way to warrant the friendship of a civilized nation.

I shall speak and vote for adequate appropriations for national defense. Airplanes superior in equipment and numbers to those possessed by any nation on earth should be provided by this the greatest nation of the earth. And trained pilots in sufficient numbers to make our air force invincible in war will be one of the greatest insurance policies for continued peace that we can provide. And these can be provided at a much less relative cost than the armed and naval forces that are equally essential to preserve our peace and our neutrality.

We are favored in this land of ours by a geographical isolation that is impossible across the waters. But army and navy can never be supplanted by other forces. They are a vital necessity, and because of their nature large increases in their personnel and equipment are more expensive than air equipment.

I feel, Mr. Speaker, that we must combine our Army and our Navy under one head. Let us create a department of defense, uniting under one responsible head all the defense units we provide. That will enable us to provide these improvements in our armed units in an economical manner and at the same time increase their efficiency.

Supporting that statement I need only mention that it is now practically universally agreed that the combining of the allied commands under General Foch was the greatest move toward an early conclusion of the war. Why should the Army operate independent of the Navy? And who is there to pretend that two air forces, one for the Army and one for the Navy, are either economical or efficient?

We must remember that while the need for this preparedness is great because it is necessary to correlate with an official attitude of "keep your hands off of us", that it can only be provided out of the taxpayers of the Nation. My people have gone through a period of devastating droughts and plagues of grasshoppers that have left them seriously crippled in their ability to pay. Let us, therefore, temper the wind by giving them a full hundred cents' value for every dollar we must assess against them in the way of taxes.

Now, this should not be accompanied by the building up of a professional Army and Navy group. We have in this country millions of the veterans of the late war. They it was who bared themselves to the deadly blast of the foe. To me they are best represented by an incident that happened in late September in the closing year of the war. It was told by a lieutenant that in the chill of the late afternoon a company was lined up with orders to go up front for the first time. In the distance could be heard the artillery fire. Lining up his men, he said, "Men, we are going up to the battle line. Some of you will not be coming back. But let every man remember he is an American soldier. Let every man go with a smile on his face." And every man went with a smile.

That represents the spirit of our defenders in the late war. They are the ones who should serve as the leaders in a program to keep America eternally and forever out of the troubles, real or imaginary, of the other nations. They are the ones who have the real horrors of war indelibly impressed upon their minds, never to be removed. They have seen all sides of the war. They have seen the glamour of parades and waving crowds and bands replaced by the grimness of the actuality—the mud and the slime of the trenches, bodies of their comrades rotting in a no man's land or being used as carrion by the fat and ugly trench rat.

No, my friends; we want no professional Army. But we do want neutrality. That we propose to have. And we want it by adopting an official attitude that we have no in-

terest in the bickerings of any other of the nations of the earth, backed up by providing a line of defense that will say to the world and to every nation in the world, "We should like to be your friend; but we want to be friendly to every other nation, and we are not going to mix in your wars. But if you ever make a false move against us, we have the equipment to blow you to 'kingdom come'; and we will not hesitate a moment to do it."

In that way this Government can obtain a lasting peace and serve as a model for what government ought to be.

Mr. O'CONNOR of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days after the passage of the bill within which to extend their own remarks on the rule and the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from New York?

The was no objection.

Mr. O'CONNOR of New York. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

Mr. LAMBETH. Mr. Speaker, I make the point of order that a quorum is not present.

Mr. FISH. Will the gentleman withhold that until this vote is taken?

The SPEAKER. A constitutional question has been raised. It is the duty of the Chair to count.

Mr. FISH. Will the gentleman not withdraw the point of order?

Mr. LAMBETH. Mr. Speaker, I withdraw the point of order for the present.

The SPEAKER. The question is on the passage of the resolution.

The resolution was agreed to.

EXTENSION OF REMARKS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by including a copy of a letter which I have sent.

The SPEAKER. Is there objection?

There was no objection.

Mr. BURDICK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

CALL OF THE HOUSE

Mr. KLOEB. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Obviously there is not a quorum present.

Mr. O'CONNOR of New York. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 30]

Allen, Del.	Douglas	Lord	Smith, Va.
Andrews	Drew, Pa.	Mahon, S. C.	Smith, Wash.
Binderup	Driver	Maloney	Somers, N. Y.
Boren	Dunn	Martin, Mass.	Sullivan
Boykin	Eckert	Meeks	Sumners, Tex.
Brewster	Fieger	Mitchell, Ill.	Sutphin
Buckley, N. Y.	Fries, Ill.	Murdock, Utah	Taber
Cannon, Wis.	Gasque	Nichols	Teigan
Casey, Mass.	Gingery	Norton	Tinkham
Celler	Goodwin	O'Brien, Mich.	Tobey
Chandler	Hancock, N. C.	Pierce	Voorhis
Clark, Idaho	Harter	Quinn	Wadsworth
Clason	Holmes	Rees, Kans.	Weaver
Cole, N. Y.	Hook	Rich	White, Ohio
Connery	Hunter	Ryan	Whittington
Cooley	Kee	Sadowski	Wigglesworth
Cravens	Kelly, N. Y.	Scott	Wood
Crosby	Kleberg	Scrugham	Zimmerman
Curley	Kniffin	Seger	
Delaney	Lamneck	Shannon	
Dingell	Lewis, Md.	Smith, Maine	

The SPEAKER. Three hundred and fifty-one Members have answered to their names, a quorum.

On motion of Mr. McREYNOLDS, further proceedings under the call were dispensed with.

EXPLANATION OF ROLL CALL

Mr. KVALE. Mr. Speaker, on roll call no. 29 of yesterday I was recorded as absent. I should like the RECORD, with the Speaker's permission, to show that I was at a meeting of a subcommittee of my committee at that time.

NEUTRALITY ACT OF 1937

Mr. McREYNOLDS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of Senate Joint Resolution 51, to amend the joint resolution entitled "Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent States; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war", approved August 31, 1935, as amended.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of Senate Joint Resolution 51, the Neutrality Act of 1937, with Mr. WARREN in the chair.

The Clerk read the title of the joint resolution.

By unanimous consent, the first reading of the resolution was dispensed with.

Mr. McREYNOLDS. Mr. Chairman, I yield myself 20 minutes.

Mr. Chairman, I should like the Members to give me their attention for a short time while I undertake to explain the bill we now have under consideration, and should like them to refrain from asking me to yield during that time. When I finish the explanation of the bill I shall be glad to yield to any Member and endeavor to answer such question as he may ask.

Mr. Chairman, every Member recognizes the interest of the people of the United States in proper neutrality legislation. The idea is prevalent that neutrality legislation can be so perfected that it can keep us out of war. No legislation can keep us out of war, but we can pass legislation perhaps controlling shipments of war materials and controlling the conduct of our people with certain limitations that will enable us and assist us in keeping out of war. All are trying to reach the same goal. The question is the remedy.

Your committee has considered this matter from every angle. Many theories of mandatory neutrality have been suggested which if enacted into legislation would precipitate us into war. Some people seem to be sold on mandatory legislation. I will discuss this in detail later. I think I can show the fallacy of that argument under certain conditions. The Senate passed a neutrality bill, which came over to the House a few days ago, was referred to the House Committee on Foreign Affairs, was stricken, and we now have before us for consideration the House bill as an original bill; and it is the House bill that I shall undertake to define and explain, section by section, so that those Members who have not given it particular study will know what is in the bill.

The second section of the bill consists of definitions of the various terms used in the bill, such as "United States", "person", "vessel", "American vessel", "vehicle", "board", and so forth. This obviates the necessity of repeating lengthy phrases in many places throughout the bill when one word will cover it.

The third section of this bill deals with the export of arms, ammunition, and implements of war. This provision is mandatory. Whenever the President issues a proclamation that a state of war exists between two certain countries, the bill provides that thereafter it shall be unlawful to export or attempt to export or cause to be exported arms, ammunition, implements of war, and so forth, to any belligerent country or to any neutral country for transshipment to a belligerent. This is the law at the present time on the statute books, but, if not reenacted, it will expire on May 1 next. The only addition that has been made in this section is to cover civil strife whenever that civil strife reaches such extent that it might be called "warfare", and whenever the President has to issue another proclamation showing that our neutrality is involved, or in order to save the lives and

commerce of the people of the United States. This is the only addition to the present law in this section.

The pending bill differs somewhat from the Pittman bill, but I am not discussing the Pittman bill at this juncture.

The bill now under consideration provides that the President, by proclamation, shall definitely enumerate the arms, ammunition, or implements of war, and so forth, shipment of which is prohibited. This he has been doing under existing law in the case of other wars. He is given authority, after the state of war ceases to exist, to withdraw the restrictions.

Section 4 deals with the export of other articles and materials and is what might be called the commodities section. Here is where the main differences exist between the House bill and the Senate bill. There being such a difference between the Senate bill, known as the Pittman bill, and this bill, I shall undertake to define what the House bill does and also point out the differences between the two bills so that the Members will understand them if they have not studied the two bills.

Considering first subsection (a) of section 4 of the House bill:

Whenever the President shall have issued a proclamation or proclamations as provided in section 3 of this act—

That is, a proclamation that war exists—

and he shall thereafter find that the placing of restrictions on the shipment of certain articles or materials in addition to arms, ammunition, and implements of war from the United States to said belligerents named in the proclamation issued under said section 3—

Commodities of war, such as copper, oil, cotton; in fact, probably all articles will be made contraband if the same policy is followed in a future war as was followed in the World War—

or to a State wherein civil strife has been proclaimed to exist, is deemed necessary.

In that case not only is there issued the proclamation that a state of war exists, but if under these conditions the President deems it necessary he shall have authority to, and shall, issue another proclamation prohibiting the shipment in American vessels of certain materials which he may specify.

Now, why is it left that way? That is the Pittman bill. The House bill has an exception in this respect: "Except under certain limitations and exceptions as the President may prescribe." That clause appears in the House bill and for what purpose? I will undertake to tell you why we placed that in there.

You will remember that under this bill, if its provisions are carried out, they can come here, buy articles and pay for them; and American vessels may go at any time to neutral countries or to those sections of the world which would not likely involve us in war. The omission of the clause "Except under certain limitations and exceptions as the President may prescribe" in paragraph (a) which I just called attention to in the Pittman bill would make it necessary if the President decided to place the provisions of that paragraph into operation to make them applicable to exportations to any territory or belligerent without reference to the necessities of the case. I especially call this to the attention of the Members who represent border States along the Great Lakes—New York, Ohio, Michigan, Minnesota, Wisconsin, and other States. I ask you to note the effect of this legislation on your shipments on the Lakes if this provision is not retained in the House bill.

Mr. Chairman, remember that this is permanent legislation. Sometimes I feel it is unfortunate, because it is hard to look into the future and undertake to tell what kind of war may arise or what may be necessary to keep us out of war. The inclination of the people of the United States, it would seem from the Senate bill, and some Members of this House, was to keep out of the last war.

Let me take the following illustration: If Great Britain should become a belligerent and Canada should participate, and she would, and, assuming further, hostilities on the sea were confined to a region adjacent to the British Isles and were of such a nature that American vessels entering the region adjacent to the British Isles would be in grave danger, of course the President in that case would put this section into effect. The President, in order to prevent American vessels from carrying certain commodities, presumably contraband, into that area, would be obliged to prohibit American vessels from carrying the same commodities between Rochester and Toronto or between Detroit and Windsor. See what it would do for your trade and yet you are not in any danger in the shipment of goods between Chicago and Montreal, or between Cleveland and other places on the Canadian side. Let me direct the attention of the Representatives from Washington State to the shipment of goods between Seattle and Vancouver, between Seattle and Australia, between San Francisco and Australia, and so forth. That is your mandatory provision. Are you for it? Do you want to destroy your commerce? Do you want to destroy your shipping interests when there is no necessity for it and when the war zone is in another part of the world? Yet you say you are for the mandatory provision. Such examples could be multiplied ad infinitum.

On the other hand, the introduction of a clause we have placed in this section reading, "Except under such limitations and exceptions as the President may prescribe", would enable the President to put the provisions of the paragraph into operation in such measure and to such degree as changing circumstances might from day to day indicate was necessary in the interest of this country. I want you to listen closely, because your committee is right about this matter. That is not all.

Let us go further. I may say while I am on subsection (a) the reason the President is given discretion in naming commodities arises from the fact, first, that all commodities might not be contraband, but whenever they were contraband the President likely would name every commodity contraband and an American vessel under that section could not carry them abroad.

What does subsection (b) mean? Here is what that section does, and I want you to listen to this. There is another difference and we think we are right. Under subsection (b), as the President issues a proclamation that a war exists between two countries, that section of the Pittman bill goes into effect. It makes no difference what character of war it may be. It makes no difference if we are in no danger. It goes immediately into effect. You will remember if you once lose your connections or trade you will lose it for any and all purposes. Some have said, "Of course, you would sacrifice trade to save human lives." I say, "Yes; and I would have trade to save human lives." This section provides that as soon as the proclamation is issued then no goods may be sold to any belligerent nation or to any neutral for transmission without the title, having been transferred. Our bill virtually says there is no use putting this into effect until there is a reason and that reason is to maintain our neutrality and to preserve the lives and the commerce of this country. Then the President puts it into effect. But we have the same restriction, "under certain limitations and exceptions as the President may prescribe."

The omission in paragraph (b) in the Pittman bill of those introductory clauses which appear in paragraph (b) of the House bill would have the effect of putting the provisions of that paragraph automatically into effect. Should Persia, Afghanistan, Latvia, or Estonia become involved in a war in which the neutrality of the United States was in no wise endangered, the cumbersome machinery necessary to enforce the provisions of the paragraph would immediately have to be set up and placed in operation.

Let me use this illustration again. I call attention of you Members representing districts along the Great Lakes, although it affects the whole country. Should Great Britain become involved in a war in any part of the world and Canada assumed the technical status of a belligerent, all of the provisions of the paragraph would automatically and effectually apply to exports to Canada.

The result would be that no American citizen could cross with an automobile into Canada without first selling his automobile to a foreigner, because it means a transfer of title. That is the construction of this act. I defy anyone to question that construction of the Pittman bill. It cannot be done.

No American citizen could even cross into Canada with a handbag of toilet articles without first selling them to a foreigner.

The tens of thousands of American citizens who own cottages or camps in Canada would have to spend their summers at home unless they could find it possible to divest themselves of all right, title, and interest in any personal effects or household or camp equipment which they might wish to send or take with them into that country.

The absurd dislocation of economic interests which would result from this situation and the immeasurable loss and inconvenience to American citizens might have no relation whatever to the preservation of American neutrality.

The inclusion of the introductory clause in the House bill, on the other hand, has the effect of retaining all of the useful provisions of the paragraph, while at the same time endowing them with that flexibility and executive discretion in their application which is necessary in order to obviate totally unnecessary sacrifices on the part of American citizens.

If the paragraph as it is written in the House bill were to become law, the Executive could make its provisions operative to such measure and in such degree as changing circumstances from day to day might dictate in the interest of this country.

These are the principal differences in the commodity section between the Pittman bill and the House bill. I have undertaken to show you why we made these differences, which I think are absolutely sufficient.

FINANCIAL TRANSACTIONS

There is one small amendment to section 5, to what is the law at this time. As you will remember, doubtless, after such proclamation is issued by the President, belligerents, and so forth, are prohibited from selling bonds and securities in this country. In other words, a foreign nation cannot finance its war in the United States of America.

There is only one amendment, and since it seems to create a great uproar from a certain class of people in this country, I will alone assume the responsibility for suggesting having that amendment placed in this bill. I may have had some doubt when the amendment went in the bill as to its propriety, but since the bill has been up for consideration, and in view of the character of the opposition which has arisen, I am more convinced than ever I am right on this provision.

The words to which I refer appear in line 24, on page 23, following the words:

Or to make any loan or extend any credit to any such government or person—

And they are as follows:

Or to solicit or receive any contribution for any such government or political subdivision, or any person acting for or on behalf of such government or subdivision.

If we are to remain neutral in this country, we must keep our people as neutral as possible. No European war ever starts but what certain people from this country are fighting on one side or the other, or on both sides. That was demonstrated last year when the Italo-Ethiopian war was going on at the time when this neutrality bill was before this House for consideration by the Committee on Foreign Affairs. It has been demonstrated during this session at a time when civil war is being waged in Spain. Certain people are soliciting and collecting funds to be sent to one side or the other.

Therefore, I thought it was proper to stop that practice as far as possible in order to keep from creating strife in this country.

A misunderstanding of these words in this bill is prevalent. Let me correct that misunderstanding by saying that it would not be unlawful, if this bill becomes law, to solicit or receive funds for the American Red Cross, the International Red Cross, or any other organization set up in such States for relief so long as such organization is not a party of the Government. This is what the provision means.

I am now going to digress a bit, not from the subject, but just do a little side talking. I received a telegram this morning, and I want to pay my respects to the sender. I cannot hold it up any longer. I want the Members of the House to listen to this telegram. It reads:

WASHINGTON, D. C., *March 11, 1937.*

HOUSE FOREIGN AFFAIRS COMMITTEE,
Capitol Hill, Washington, D. C.:

Feel that McReynolds so-called neutrality bill is actually not neutrality bill, but pro-Fascist and not in keeping with American traditions. Urge its defeat.

Now, this is all right—I have had worse than this, but where did this come from? It is signed "Social Security Board Union", who are civil-service employees. If this is what civil service means, then we had better take them all out of civil service—if they are undertaking to dictate to this House. [Applause.]

Mr. JOHNSON of Minnesota. Mr. Chairman, will the gentleman yield for a question?

Mr. McREYNOLDS. Not right now.

Mr. JOHNSON of Minnesota. I should like to ask the gentleman——

Mr. McREYNOLDS. I do not yield to the gentleman.

Mr. JOHNSON of Minnesota. All American citizens have the right of petition.

Mr. McREYNOLDS. I have nothing to say about these men and women, even those who are among the W. P. A. workers, but when an organization right under the dome of the Capitol is organized and undertakes to condemn men in Congress and denounce their legislation without knowing what it is about, then I think it is time for us to take cognizance of such action. [Applause.]

I called up and located the president of this union. He had been under civil service for 4 months, but his period of probation was not over, and I told him worse things than I am telling you now. I then called the Civil Service Commission and said, "Have you rules that would control a matter of this kind?" They said, "I think not." I then stated, "You had better draw up some"; and I said further, "I understand this organization has already made a request of the Social Security Board not to advance anyone except by seniority"; and I asked, "Have you any rule that takes care of that?" He said, "I think not." I then said, "If you have a merit system, you had better draw yourselves some more rules."

I am not objecting to any American citizen's protesting against legislation—and I have protests of various kinds against this section, and I could tell you whence they come, and I will at a later time—but when we have men here in the departments that undertake to dictate to the Members of this House and denounce legislation in which they are not concerned, then I say that such people, every one of them, ought to fired, and I believe this House will agree with me. [Applause.]

They not only did this, but the State Department, within the last few days, has refused to issue passports for people going to Spain in order to keep our people out of that country, where they might become involved, and these people condemned the State Department. What do you think of that? They had hardly got a job down there before doing this.

I realize I am digressing somewhat, but when I thought of this matter I could not let it go by, I may say to the gentleman from Ohio. I promised him I would try to explain this bill, and this is one of the small things involved.

This carries us to section 6. It will not take me very long on the balance of the bill, because nearly all of it is the law at the present time.

This section deals with American vessels prohibited from carrying arms. This is the law at the present time, and is in the Pittman bill and in my bill, and I presume there is no use discussing this further.

The next section is section 7, which refers to the use of American ports as a base of supply. This is also the law at the present time, and used to be the law before the present measure was written.

The next is section 8, with respect to submarines and armed merchant vessels. We already have this section, except there has been added to the present section, "or armed merchant vessels." With this addition to the section it is the law at the present time, so I presume there is no reason for going into this section further.

The next section relates to travel by American nationals on belligerent vessels. This section provides:

> Whenever the President shall have issued a proclamation or proclamations as provided in section 3 of this act and he shall thereafter find that the maintenance of peace between the United States, and foreign states, or the protection of the lives of citizens of the United States, or the protection of the commercial interests of the United States and its citizens, or the security of the United States requires that American citizens should refrain from traveling on the vessels of the state or states named in the said proclamation or proclamations, he shall so proclaim, and thereafter it shall be unlawful for any citizen of the United States to travel on any vessel of the state or states named in the proclamation or proclamations issued pursuant to section 3 of this act, except under such limitations and in accordance with such rules and regulations as the President shall prescribe.

I will tell you the reason for this. We have American citizens on various islands of the sea, and they would have no chance to get off of these islands, but would become marooned there unless the President could prescribe that they could leave on other vessels, or they may want to send diplomatic representatives on these boats or newspaper correspondents under certain conditions.

So that is the reason that this provision is put in there, so that the President can control it, and I think it is a very reasonable provision.

Then we have the National Munitions Control Board. I presume most of the Members are familiar with that. We have two or three amendments to that. One I will tell you of is very short. The license under the original bill provided for the payment of $500. It has been demonstrated that this would work a great hardship on many people who are engaged in that enterprise. Some of their profits will be entirely eaten up. We provided that on all business over $50,000 they should pay the $500 license, and that under that they should pay $100. There are 155 who have taken out licenses, as I remember the number, and there are only about 8 or 10 who would be exempt and be entitled to this reduction. We thought that is a reasonable amendment; and then there are two or three little amendments not of much account. The remainder of the bill is in respect to regulation by the President. Of course, the American republics are exempted. That is the law at the present time. Then the penalties are similar to what they have been in the law, and there is the authorization for appropriations and the repeal section.

That covers this bill that you now have before you, the House bill. I shall be glad now to yield to any gentleman who desires to ask a question.

Mr. BEAM. Mr. Chairman, will the gentleman yield?

Mr. McREYNOLDS. Yes.

Mr. BEAM. I was interested in the statement the gentleman made relative to shipping facilities, particularly on the Great Lakes and particularly as affecting Chicago. As I understand it, under the original Pittman bill, if a state of war should exist between Great Britain and any other foreign power, the President could shut off travel or transportation or commercial exchanges between Canada and this country.

Mr. McREYNOLDS. If Canada were involved, and she would likely be, the President would not have to do it. It would be done automatically under the Pittman bill.

Mr. BEAM. Under the terms of the gentleman's bill, how would it be affected?

Mr. McREYNOLDS. Under certain exceptions and limitations, and the President could control it.

Mr. MARTIN of Colorado. Mr. Chairman, will the gentleman yield?

Mr. McREYNOLDS. Yes.

Mr. MARTIN of Colorado. Is there any difference between the gentleman's bill and the Pittman bill, paragraph (b), section 4, aside from the exception giving the President discretion?

Mr. McREYNOLDS. There are two differences. The first difference is this: Under the Pittman bill when the President issues a proclamation that war exists that subsection (b) goes into effect automatically, while under the House bill conditions have to arise for the President to put it into effect.

Mr. BEITER. Mr. Chairman, will the gentleman yield?

Mr. McREYNOLDS. Yes.

Mr. BEITER. The gentleman has ably described the difference between his bill and the Pittman bill, and has warned those who reside along the Great Lakes that if the Pittman bill were adopted it would paralyze commerce between this country and Canada. Is there any provision in either the Pittman bill or the House bill that would guard shipping interests using the Welland Canal? Of course, along the Great Lakes we have to use the Welland Canal to a great extent in shipping our merchandise to the ocean. Let us assume that Canada became involved in war; is there any protection to the shippers of this country who are compelled to use the Welland Canal in either bill?

Mr. McREYNOLDS. We have certain limitations and restrictions. If our ships or citizens would keep out of danger, then the President would exempt them.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. McREYNOLDS. Yes.

Mr. JOHNSON of Texas. The gentleman was describing the provisions of the bill a few moments ago with respect to the license fee and the National Munitions Board, and he stated that the license fee, where the business done is less than $50,000, is $100. I notice on page 30, in line 14, the printer has omitted the figure after the dollar mark.

Mr. McREYNOLDS. Thank you. We will have to correct that by amendment when we reach it.

Mr. CRAWFORD. Referring to lines 14 and 15, on page 18, under "definitions", as I read this the Philippine Islands are included as a part of the United States in this bill.

Mr. McREYNOLDS. Yes.

Mr. CRAWFORD. In view of the fact that the islands are in a transition period, will it not be necessary for us to change this bill when full and complete independence becomes operative?

Mr. McREYNOLDS. There is no question about that, and there may be lots of other things that will have to be changed, when we get to the future.

Mr. CRAWFORD. Take line 24, page 23, would that permit the solicitation of funds for the International Red Cross, although it is in behalf of the relief of the suffering?

Mr. McREYNOLDS. I do not quite understand the gentleman's question.

Mr. CRAWFORD. Line 24, page 23. If we permit the solicitation of funds for the International Red Cross or similar institutions, would not that in fact be aiding and abetting one or both sides of the war taking place?

Mr. McREYNOLDS. It might be on both sides, and it might be on one side. We would relieve the suffering. We want to relieve all.

Mr. FITZPATRICK. In answering the gentleman from New York in relation to the discretionary power, if the Pittman bill were agreed to, it would be mandatory, and the President would have no discretion.

Mr. McREYNOLDS. Absolutely. The gentleman is correct. I thank the gentleman for his suggestion.

Mr. FERGUSON. Mr. Chairman, will the gentleman yield?

Mr. McREYNOLDS. I am glad to yield.

Mr. FERGUSON. Does not the gentleman think that with the passage of section 4 the nations of the world will realize that we are not going to carry any more foodstuffs in event of war, and they will discriminate against our agricultural markets and will trade with nations who will continue to trade with them when they are in their worst need?

Mr. McREYNOLDS. I think the gentleman's suggestion is one well to be considered, and it is for that very reason that we are trying to save all we can by that exception limitation.

Mr. FERGUSON. I will say the gentleman's argument was very conclusive in giving the President the power, but I thought it went further and was almost an argument against the whole section.

Mr. McREYNOLDS. We are saving what we can.

Mr. O'CONNOR of Montana. Mr. Chairman, will the gentleman yield?

Mr. McREYNOLDS. I yield.

Mr. O'CONNOR of Montana. As I understand this bill, it gives the President of the United States discretionary power to place an embargo, not only upon what is now understood to be munitions of war, but likewise upon foodstuffs, clothing, and any other material or commodity that he deems necessary to place an embargo on, in order to save the security of the United States.

Mr. McREYNOLDS. The gentleman is mistaken. We do not place an embargo on materials of war. We place certain restrictions upon the way of selling materials. They can come here and get all that they want; but we do not place an embargo, unless you would consider that action an embargo.

Mr. O'CONNOR of Montana. Now, following that up, suppose two countries are engaged in war. If we supply foodstuffs, are we not getting on dangerous ground then, just the same as if we supplied munitions of war?

Mr. McREYNOLDS. That depends. I do not know whether we would or not. It would depend on the conditions at the time. If I had my way, I would exempt foodstuffs and clothing.

Mr. O'CONNOR of Montana. So would I.

Mr. McREYNOLDS. I hope the President will never put them in there, but under the Pittman bill they will all be in there.

Mr. HAINES. Mr. Chairman, will the gentleman yield?

Mr. McREYNOLDS. I yield.

Mr. HAINES. The gentleman, in reply to an inquiry by the gentleman from Montana [Mr. O'CONNOR], stated that they could come here and buy goods and take them away. The gentleman means they could take them away in their own ships; not in American bottoms?

Mr. McREYNOLDS. They could in American vessels if orders were not made to the contrary by the President. The President would control that, as to where the ships were going.

Mr. PACE. Mr. Chairman, will the gentleman yield?

Mr. McREYNOLDS. I yield.

Mr. PACE. Do I understand in section 4 that the same articles are contemplated under (a) as under (b)?

Mr. McREYNOLDS. They may be.

Mr. PACE. One says "certain articles and materials." I understand those are things suitable for war purposes.

Mr. McREYNOLDS. They are all the same articles. Section (b) provides that nothing shall be sold without title passes. Section (a) provides that the President can mention such commodities and refuse to let American vessels carry them.

Mr. PACE. Then what is the significance in section (a) of using the language "articles and materials"?

Mr. McREYNOLDS. I do not think there is any significance. It was just drafted that way.

Mr. PACE. And in section (b) using the word "commodities."

Mr. McREYNOLDS. "Commodities" would cover "articles and materials." It is just a form of drafting that no one noticed at the time; but "commodities" would cover it. I presume that is my word, because I have used "commodities" more than the other. I think it is broader and covers the whole field.

Mr. PACE. Then (a) and (b) are to cover the same articles?

Mr. McREYNOLDS. The same articles; yes.

Mr. McCLELLAN. Mr. Chairman, will the gentleman yield?

Mr. McREYNOLDS. I yield.

Mr. McCLELLAN. In placing the gentleman's construction on this bill, to what extent do we surrender the right of freedom of the seas in placing this embargo on shipments and in refusing to permit our vessels to engage in that sort of commerce during war?

Mr. McREYNOLDS. I would say that we are not relying on the freedom of the seas.

Mr. McCLELLAN. In other words, it does involve surrender?

Mr. McREYNOLDS. Why, certainly, to a great extent. They did not pay any attention to the freedom of the seas during the World War, and I do not think they will pay any attention to it in the next war.

Mr. McCLELLAN. Is it possible to have any neutrality legislation, in the gentleman's opinion, without to some extent becoming isolationists insofar as the rest of the world is concerned?

Mr. McREYNOLDS. I think we have done just about the best we could do, trying to save as much of the American goods and people's interests as possible, under this bill.

Mr. McCLELLAN. Then those two things I have mentioned are factors of sacrifice, necessary, that will be involved in the passage of any effective neutrality legislation?

Mr. McREYNOLDS. The gentleman is correct.

Mr. MAHON of Texas. Mr. Chairman, will the gentleman yield?

Mr. McREYNOLDS. I yield.

Mr. MAHON of Texas. I know the gentleman from Tennessee is conversant with and, in fact, an authority on this subject. I should like to ask the gentleman if I understood the gentleman correctly a few moments ago when I understood him to say that if he had his way about it he would be of the opinion that we should not restrict the transportation of foodstuffs to belligerent nations?

Mr. McREYNOLDS. I surely did say it.

Mr. MAHON of Texas. That, of course, is not in the bill?

Mr. McREYNOLDS. No. We could not get by with it, except the President could leave it out if he wants to under my bill.

Mr. DONDERO. Might not this bill be strengthened to overcome the objection that has been made by providing in it that we might still deal with the belligerent nations to the extent of shipping commodities in American vessels to the extent of the normal trade with those nations, we will say, over a 5-year period preceding hostilities between the nations?

Mr. McREYNOLDS. That was the bill last session. When I introduced my bill this session it covered that plan, but it looked as though we were not going to get very far, that it would be difficult to enforce, that it would be doing more injustice to one than the other, so we abandoned it.

Mr. SAUTHOFF. Mr. Chairman, will the gentleman yield?

Mr. McREYNOLDS. I yield.

Mr. SAUTHOFF. The gentleman gave an excellent exposition of the bill and the differences between the House bill and the Senate bill. I am interested in one subject that I do not think has been discussed—that of existing treaties with foreign countries.

Mr. McREYNOLDS. We had some hearings on that, of course. We understood that there are no treaties that would be involved; but if they were, they would have to be rectified in the proper way. There is nothing in the bill about them, of course.

Mr. SAUTHOFF. I would ask the gentleman this question, then, he probably being familiar with this phase of the matter: If we pass this bill, would it in any way abrogate any existing treaty?

Mr. McREYNOLDS. It would not.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. McREYNOLDS. I yield.

Mr. MOTT. I know the gentleman has made an exhaustive study of this subject. I wish he would explain whether there have been any instances where a nation has become involved in a war between other belligerent nations on account of shipping purely foodstuffs or noncontraband articles to one of the belligerents, unless there was an effective blockade?

Mr. McREYNOLDS. The gentleman is taking in a little too much territory for me. I do not know whether there ever was such a war. I know, however, that it was on account of our shipments and the loss of human lives that caused us to become involved in the World War. Under the old international law, of course, we had the right to ship to neutrals those commodities and materials that were not contraband of war. They had the right to approach our ships, inspect them, and if they did not contain contraband, we were supposed to permit them to go on, but before the war progressed very far they got to blowing them up first and examining them afterwards.

Mr. MOTT. The gentleman does not think that the neutrality act passed in the Seventy-fourth Congress supplemented by an act applying to civil wars in general would be sufficient to protect the country and keep it out of war?

Mr. McREYNOLDS. I think there is a demand in this country for legislation of the type represented by the pending bill. Sometimes I doubt the policy of even enacting permanent neutrality legislation without some qualification, because conditions change so quickly and so vastly these days. I am sure that the ranking Republican member of our committee knows that we are a long ways off in this bill from what we started with 4 years ago. Methods of warfare change so rapidly that we cannot tell what is going to occur or how to keep out of war. We have just tried to do the best we could.

Mr. MOTT. Under some of the provisions of this bill is there not danger of unfairness to weak nations? For example, were Japan and China to become involved in war and this bill should become a law——

Mr. McREYNOLDS. And if the President should put it into effect, of course, Japan could come here and get goods.

Mr. MOTT. And China could not?

Mr. McREYNOLDS. Yes; the gentleman is right; and in the case of the Atlantic, Great Britain could get supplies from us and some weaker nation could not.

Mr. MOTT. Is there any way of avoiding such a situation?

Mr. McREYNOLDS. No; not unless the nations involved are equal in strength.

Mr. MOTT. And the gentleman is of the opinion that it would be better to take the risk of doing this injustice?

Mr. McREYNOLDS. Yes; I think so.

Mr. MOTT. I am asking for information, and I am sure the gentleman will give me what information he can.

Mr. McREYNOLDS. I am trying to be as frank as I can with the gentleman.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. McREYNOLDS. Yes.

Mr. MAY. I have read this bill only once. I think the committee has done a fine job in trying to solve some of the problems of the past. I am curious, however, to know what the chairman of the committee thinks about the proposition that under the provisions of this bill the President might absolutely abandon the principle we have insisted upon for over a century, of freedom of the seas; and whether such abandonment might not paralyze the foreign commerce of this country and even the domestic commerce of this country?

Mr. McREYNOLDS. I am very glad the gentleman asked that question. We are going a long way in this bill from the principle of freedom of the seas; but in the House bill we have some little hold left on that principle, whereas in the Senate bill we have not.

Mr. MAY. If we are, as a matter of fact, to abandon the doctrine of the freedom of the seas—and I may say right here that I am opposed to abandoning it at all——

Mr. McREYNOLDS. Let us not abandon it.

Mr. MAY. If we abandon it, or if the President should abandon it so far as products other than munitions of war are concerned, why all of this adequate preparation for war that we are making now?

Mr. McREYNOLDS. I may say there is nothing in this bill that abandons the doctrine of freedom of the seas. Under the form in which this bill is written, we are not relying on the freedom of the seas.

[Here the gavel fell.]

Mr. McREYNOLDS. Mr. Chairman, I yield myself 8 additional minutes.

The gentleman asked why we are making these great preparations. May I say to the Members of the House you can write whatever neutrality bills you please, you can keep your citizens out of the war zone, you can do all that and more, but if you do not have a big navy to tell these bullies where to get off, you will get into it. Therefore I am in favor of a big navy.

Mr. MAY. We have pending before the Committee on Military Affairs a bill that takes the profits out of war and we have had such distinguished leaders as Barney Baruch appear before the committee and testify with reference to his cash-and-carry policy. Of course, I can speak only for myself, but I think that adequate preparation for war is the surest guaranty of peace.

Mr. McREYNOLDS. I agree with the gentleman.

Mr. MAY. The thing that worries me is whether or not we may be able to get some of our money back from the European countries that owe us debts, if we do not abandon the freedom of the seas.

Mr. CRAWFORD. Mr. Chairman, will the gentleman yield?

Mr. McREYNOLDS. I yield to the gentleman from Michigan.

Mr. CRAWFORD. Referring to the gentleman's statement on trade treaties, do I understand from his statement this law cannot really become effective without adjusting some of the trade treaties?

Mr. McREYNOLDS. I do not think there are any treaties in the way, but if there are they would have to be adjusted.

Mr. CRAWFORD. Before this act could become effective?

Mr. McREYNOLDS. Yes.

Mr. LUCAS. Will the gentleman yield?

Mr. McREYNOLDS. I yield to the gentleman from Illinois.

Mr. LUCAS. There was reference made to the fact that the administration might or might not be against this bill. Would the gentleman care to elaborate on that question?

Mr. McREYNOLDS. May I say in answer to the gentleman's question I am not authorized to say the administration is behind either bill, but I think I can show you that evidently the administration is not opposing this bill if we may take Acting Under Secretary of State, Mr. Moore's, statement when he appeared before the Foreign Relations Committee of the Senate. I will read just a little of that statement:

Acting Under Secretary of State MOORE. There was a great deal of question in the hearings last year relative to flexibility in the legislation as against the mandate issued.

Quoting him further:

I think that the recent decision of the Supreme Court is a sort of a landmark in describing and defining the position in which the Executive is, and the power he has when he is handling our foreign affairs.

I am going to be very frank. I have always thought that legislation that is enacted should be permissive to a very large extent instead of being mandatory.

That point was argued at great length in the former hearings.

The Supreme Court of the United States rendered an opinion in the Chaco case, United States of America, appellant, against Curtiss-Wright Export Corporation, and Mr. Justice Sutherland stated as follows:

It is important to bear in mind that we are here dealing not alone with an authority vested in the President by an exertion of the legislative power, but with such an authority plus the very delicate, plenary, and exclusive power of the President as the sole organ of the Federal Government in the field of international relations—a power which does not require as a basis for its exercise an act of Congress; but which, of course, like every other governmental power, must be exercised in subordination to the applicable provisions of the Constitution. It is quite apparent that if in the maintenance of our international relations embarrassment—perhaps serious embarrassment—is to be avoided and

success for our aims achieved, congressional legislation, which is to be made effective through negotiation and inquiry within the international field, must often accord to the President a degree of discretion and freedom from statutory restriction which would not be admissible were domestic affairs alone involved.

That was the opinion he quoted. Then Mr. Moore goes on to say:

The Court goes on to say that this is true because he has a better opportunity of knowing the conditions, that he has confidential sources of information, has his agents abroad, and so on.

Then the Supreme Court cited the case in Two Hundred and Thirty-ninth United States Reports, the case of Mackenzie against Hare, which contained the following language:

As a government, the United States is invested with all the attributes of sovereignty. As it has the character of nationality it has the powers of nationality, especially those which concern relations and intercourse with other countries. We should hesitate long before limiting or embarrassing such powers.

That is the endorsement given by the Acting Under Secretary of State, Mr. Moore.

Mr. Chairman, we have undertaken to keep the State Department out of this, but that was their view as expressed at that time.

Let me read now what the President said at a previous time, and we have no reason to believe that he has changed his opinion. He made this statement when he signed the first joint resolution that was passed in reference to this matter.

On August 31, 1935, the President made the following statement on Senate Joint Resolution 173:

The latter section terminates at the end of February 1936. This section requires further and more complete consideration between now and that date. Here again the objective is wholly good. It is the policy of this Government to avoid being drawn into wars between other nations, but it is a fact that no Congress and no Executive can foresee all possible future situations. History is filled with unforeseeable situations that call for some flexibility of action. It is conceivable that situations may arise in which the wholly inflexible provisions of section I of this act might have exactly the opposite effect from that which was intended.

That pertains to the embargo on arms.

I could read further, but it will be noted what he thought about it at that time, and I have no reason to believe the President has changed his mind. If I did believe he had changed his mind, I would have asked him about the matter.

Mr. LUCAS. Is it true that Senator PITTMAN started out on practically the same theory as this bill, but was forced to change his course through the mandatory bloc that is on his committee?

Mr. McREYNOLDS. It is quite evident there was a compromise in some way.

Mr. O'CONNOR of Montana. Mr. Chairman, will the gentleman yield?

Mr. McREYNOLDS. I yield to the gentleman from Montana.

Mr. O'CONNOR of Montana. I am not criticizing the giving of the power to the President, because the power has to be given to someone, but may I ask if thought was given to the conferring of a joint power to the President and the Secretary of State?

Mr. McREYNOLDS. It was not, because we know it will be joint, anyway, when they act. The President is the Commander in Chief of the Army and Navy. When he takes any steps in reference to foreign affairs the State Department is always consulted; in fact, it is always present.

Mr. O'CONNOR of Montana. We do recall a controversy that arose between the President and the Secretary of State during the last war.

Mr. McREYNOLDS. Yes; and he "resigned."

Mr. O'CONNOR of Montana. Having that in mind, the thought occurs to me——

Mr. McREYNOLDS. I do not think it is necessary, because I believe as long as Franklin D. Roosevelt is President and Cordell Hull is Secretary of State they will agree. [Applause.]

Mr. FISH. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I desire to congratulate the chairman of the Committee on Foreign Affairs for his able presentation of his bill this afternoon.

I desire to congratulate the members of the Committee on Foreign Affairs for the hard work and industry they have shown in formulating a so-called neutrality bill.

I furthermore desire to congratulate the House leadership for allowing 10 hours' debate on this very important subject involving the question of peace or war.

This is not exactly a neutrality measure. It is a quarantine bill. It is an effort to stay out of war. It is an attempt to promote peace. Parts of the bill are good, parts are bad, and other parts are indifferently good or bad. I hope we can keep the good, that we can do away with the bad, and that we can perhaps amend and perfect that which is indifferent and make it good. It is my hope that the House will legislate in a constructive manner and improve the bill so that most of the Members can conscientiously support it.

At the outset of my remarks I propose to appeal to the membership of the House to divest themselves of partisanship. Possibly it is an unworkable and impracticable appeal, one which will probably be disregarded, but I propose to make it just the same.

My appeal is that this bill should be considered on a strictly nonpartisan basis, that it shall be considered purely on its merits regardless of any partisanship at all. It is a peace measure and ought to be considered as such, transcending all party lines. I hope when it comes to the question of amendments the amendments will be considered purely on the basis of merit and not from a partisan viewpoint, and if that is done the Members of the House will write a bill that will do them credit.

I have commended the members of the committee for their diligence, but the fact is we did not hear from the Secretary of State at any time during the consideration of the bill. We did not even hear from the Under Secretary of State or any of the Assistant Secretaries of State. We did not hear from any great international lawyers or from any college professors on international law, or at least they did not appear before the committee.

The views of John Bassett Moore, probably the greatest living authority on international law, against the delegation of congressional powers to the President are in the minority report. We have presented Congress with an experiment, to my mind a very dangerous experiment.

I have a good deal of sympathy with the gentleman from Connecticut in his proposal that we should accept what is good and make it permanent law—possibly this is putting words in his mouth—by extending the present embargo law against arms, ammunition, and implements of war, prohibiting loans to belligerents, and then placing an extension of 1 year, at the most 2 years, on the rest of the unprecedented experiment.

When I say "experiment" I mean this delegation of the constitutional powers of the Congress to the President, authorizing him to lay embargoes, virtually to declare war, and to discriminate against American shipping.

If you insist on this bill without amendment—and we propose to offer amendments to do away with the unwarranted discretionary power to the President, and leave the power where it should be, in the hands of Congress—if the House rejects those amendments, then I hope there will be sufficient Members who will agree to a permanent embargo on arms, ammunition, and implements of war, with a year's limitation on the balance of the bill. The Congress should refuse to delegate permanently our constitutional power to lay embargoes and our constitutional power to declare war, and oppose placing this discriminatory power in the hands of the President to be used against our own American shipping. I doubt if we have the constitutional right to delegate away permanently the power invested in Congress to lay embargoes.

Before I go further I want to renew my appeal, even to the committee members. An unfortunate custom has grown up in this House. The committees have assumed to be the

masters of the House. They have built up a veritable Frankenstein. They forget that they are the creatures of the House, the servants of the House, and not the masters. They report out legisaltion sometimes with limited or inadequate hearings and say to the House, "You must not amend that. You have no right to amend our bill." This practice is making for bad legislation, and the House ceases to be a legislative body.

Certainly, this particular bill should be considered as a nonpartisan measure on its merits, and even the committee members who reported it out so it could be considered before the House should favor beneficial amendments. This is the proper thing to do and the right procedure.

I voted against this bill in committee so I could write a minority report. I intended to file a minority report alone, but I submitted it one afternoon to four or five Republicans on the committee who happened to be in the House and they signed it. I did not submit it to any Democrats, and I did not care who signed it or who did not sign it. I wrote the minority report so that the Members of the House could read it if they wanted to, and I sincerely hope that they will before they vote on the amendments.

I reiterate my appeal to the members of the committee who voted out this bill, that they are not restrained in any sense from voting for any amendment that would improve the bill. They only voted the bill out of the committee so it would be before the House but with no reservations or commitments against perfecting amendments.

Furthermore, this bill has a somewhat different status from others, because there are really two neutrality bills. There is the Pittman bill, passed by the Senate, and this, the McReynolds bill. The committee, knowing about that situation, reported out this bill without extended hearings as the Senate bill had already passed, and the differences will be presumably ironed out in conference.

This is very far from a perfect bill. The House could write a bill, if it wanted to, that would probably be acceptable and a far better bill than either one of these.

My distinguished friend from Tennessee seemed to get very excited about the fact that somebody in the civil service or some civil-service union had the temerity to send a petition to the Congress of the United States either for or against certain neutrality legislation. Since when have civil-service employees ceased to be American citizens?

A civil-service employee has as much right as the gentleman from Tennessee either to favor or to oppose this legislation. I refer the gentleman to the first amendment of the Constitution, which states:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peacefully to assemble, and to petition the Government for a redress of grievances.

This is merely a matter of freedom of speech and of petition to the Congress. Of course, a civil-service employee, whoever he may be, has the same constitutional rights as any other citizen, and I cannot understand either the reasoning or the logic of the gentleman from Tennessee in taking umbrage at the fact that a civil-service employee or a union of them dared to write to the Congress about this bill. Have these civil-service employees all become rubber stamps? Is it a crime for an American citizen to express his judgment about legislation? I think these remarks of the gentleman from Tennessee are most unfortunate at the present time as it smacks too much of Hitlerism or fascism.

This is probably one of the most extraordinary bills that has ever come before the Congress, because it attempts to go two directions at the same time. I have been waiting to find out whether the President of the United States has endorsed this bill; I have been waiting to find out whether the Secretary of State dares to endorse this bill, because if they do they repudiate their own policies.

The Secretary of State says that the road to peace is through the extension of trade, more exports and more imports; and this bill states just the opposite, that the way to peace is not to sell and, probably, not to buy.

However, this is not all that is peculiar in this bill. I want to stand corrected if my Latin is wrong, but I say, "O tempora, O mores." Has it come to this, that the League of Nations has fallen so low and is so moribund that there is no one to do it reverence in the house of its friends? What is this measure? It is an isolationist measure, pure and simple, and the extraordinary thing about it is that the Senators, like Senators BORAH and JOHNSON, who led the fight against the League of Nations, and at that time were called irreconciliables and isolationists, are the very ones who are now opposing this bill because it is superisolationist. It goes even too far for them. It surrenders the freedom of the seas.

It surrenders our neutral rights on the high seas, permitting neutral ships to carry neutral goods or that free ships make free goods. They opposed this isolationist bill and yet the President of the United States who once ran on a platform favoring the League of Nations is alleged to favor it. Shades of Woodrow Wilson! This bill means the death of the League of Nations, killed by its own friends. This is the last nail in the coffin of the League of Nations—done to death by the very man who once urged it openly on the American people, including Mr. Roosevelt and Mr. Hull. I am not shedding tears. I have always been against it, but I am stating here an unquestioned fact.

Mr. LUCAS. Mr. Chairman, will the gentleman yield at that point?

Mr. FISH. I yield, certainly.

Mr. LUCAS. Is it not a fact, however, that this bill, if enacted into law, partially does the same thing that the League of Nations attempted to do insofar as the peace of the universe is concerned?

Mr. FISH. I hope this bill, imperfect as it is, will have better effect in promoting the peace of the world than the League of Nations.

Mr. LUCAS. I am talking about the idea.

Mr. FISH. I do not know. I am not quite sure about the idea in this bill. I shall try to get to that in a minute. The bill pulls two ways and it is pretty hard to find an idea when it is running away from you. You have to catch it when it comes back, and that is the trouble I have with this bill because it is claimed to be a neutrality bill and it provides for unneutral acts that may drag us into war.

Let us take up first the good features of the bill. We proclaim a new doctrine and, certainly, an unselfish doctrine. We propose to sacrifice for all time the profit on arms, ammunition, and implements of warfare. We propose to make permanent our temporary law.

We are the only nation in the world that has ever taken any such step in the direction of peace, and we do it of our own accord. We are not compelled to do it, we are not forced to do it; and yet the American Congress will, I am sure, by a unanimous vote, declare this to be its policy, and a very proper policy, because no one in this country wants America to be the symbol of arms and munitions of war for the sake of greed and profit. If we are to have a war in the future it must be a war in defense of the United States of America and not a war in defense of the war profiteers and the munitions makers of America.

We propose in the name of peace and humanity to sacrifice war profits on arms, ammunition, and implements of war to belligerent nations or those engaged in civil strife by unanimous vote of the Congress, regardless of party. It will then become the permanent American policy and a gratuitous contribution to world peace and to a war-weary world.

There are those who say that this is far enough and we should stop there. That is a fair argument, a very fair argument, because we are way ahead of the procession. Nobody else has done this, and no other nation is even thinking of doing it. Yet we have done it of our own accord and ask nothing in return.

The main objections of those of us on the committee to this bill who are opposing its bad features are simply these: Section 4 gives the President unwarranted and unnecessary discretionary power to lay embargoes. Section 4 is the main

controversial part of the bill, and that is where the big contest will come. Section 4a gives the President the discretionary power to lay embargoes against what? Why, against American ships—not against foreign ships, not against neutral ships, but embargoes that discriminate against the American merchant marine. Congress, on the other hand, appropriates millions of dollars for our merchant marine every year.

Mr. SIROVICH. How does it discriminate?

Mr. FISH. It gives the President power to lay embargoes only against American shipping, against our ships that might carry certain products, cotton, oil, copper, steel, or even foodstuffs, but he has no power to lay embargoes against neutral or belligerent ships. The result is that Congress delegates its constitutional power to lay embargoes to one man and I do not care whether he is good, bad, or indifferent, Republican or Democrat, we place the power in the hands of one man to ruin and wreck the entire American merchant marine by such embargoes and sacrifice American interests without any control by Congress.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes.

Mr. MAY. Does the gentleman mean to state that under the provisions of this bill the President would have to embargo or might embargo only American ships and that at the same time English merchant ships could come into our port and get the very goods and take them out, after the embargo on American ships?

Mr. FISH. That is precisely the situation. The gentleman has stated it correctly and clearly.

Mr. SIROVICH. Is not the embargo against the goods themselves in this country?

Mr. FISH. No; the embargo is against the American ships, and here we are spending millions of dollars to build up an American merchant marine. Of course I believe that we must look after American interests first, but this bill might just as well have been written in No. 10 Downing Street by the British Prime Minister, because it hands all the trade on the Atlantic over to the British Government and to the British merchant marine and discriminates against our own. On the other hand, as far as the Pacific is concerned, the bill might have been written by the Japanese Prime Minister, because it turns all the trade over to them in the Pacific and helps destroy our American merchant marine.

I say to you Members—and I am pointing at the Democrats, but I mean also the Republicans—and this is a constitutional power that belongs to us—if you vote to give this power to the President to destroy our shipping, then you Members who vote for it are accountable to your own people, and particularly those of you who live in the ports of the country—East, West, or South—and have a merchant marine to look after. That provision certainly should be considered and voted on in a nonpartisan way. It is not a question of democratic or republican policies, it is a question affecting the existence of our merchant marine, and American interests. Do we propose to sacrifice them to the British and the Japanese interests, and particularly to those interests and to those countries that still owe us huge war debts?

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes.

Mr. JOHNSON of Texas. Concerning the statement the gentleman made a moment ago, and which I understand he is now discussing with reference to discrimination against American vessels in favor of other vessels, I understood him to say that the bill levies an embargo against American vessels, but does not levy an embargo against other vessels.

Mr. FISH. The gentleman is mistaken. I did not say that. I said that the President is given discretionary power to lay embargoes against American ships, but not against others.

Mr. JOHNSON of Texas. Let me analyze it.

Mr. FISH. The gentleman will have his time to speak, but that is the fact. I do not know how he is going to analyze it. That is written into the bill.

Mr. JOHNSON of Texas. I want to read a sentence to show that the gentleman's statement is either erroneous or I have misunderstood him. We have no power to regulate the shipment of other ships into belligerent territory. The section the gentleman refers to is not an embargo alone of departure of ships from our ports, but to carry goods into belligerent countries. We cannot control the ships of other countries carrying commodities into belligerent countries, but this gives the President power to prevent our ships from carrying commodities into belligerent countries.

Mr. FISH. I know the gentleman has tried to analyze it and make it mean something that he would like it to mean, but it does not mean that. Here is what it says:

> The President shall by proclamation from time to time definitely enumerate the articles and materials which it shall be unlawful for American vessels to transport.

That is clear English language. There is no mistake about that. That is the crux of the bill.

Mr. JOHNSON of Texas. Here is the crux of the bill the gentleman is discussing, on page 21, line 7:

> For any American vessel to carry such articles or materials to any belligerent state.

We cannot control the ships of other countries carrying goods into belligerent countries, but we can control our own vessels.

Mr. FISH. We can write laws that will apply equally to American vessels, as far as the export of commodities is concerned.

We can say that foreign vessels cannot carry certain commodities, applying it equally to all. If we can say it to American ships we can say it to foreign ships or belligerent ships or neutral ships. That must be self-evident merely by restricting or restraining the commodities and not the ships.

Mr. McREYNOLDS. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes; I yield.

Mr. McREYNOLDS. The gentleman is not in favor of foreign vessels coming over here and buying goods and paying for them, although we put these other restrictions on?

Mr. FISH. Oh, I did not say anything about that. Please do not put words into my mouth. I am discussing one thing, and that is that American ships are discriminated against. I made no such statement and had no such thought as the gentleman suggests.

Mr. MARTIN of Colorado. Will the gentleman yield for a question?

Mr. FISH. For a question; yes.

Mr. MARTIN of Colorado. The gentleman's objection, if it is a valid objection, would apply almost equally against the Pittman bill and the McReynolds bill, would it, or against one of them?

Mr. FISH. I am not sure of the exact wording of the Pittman bill. I am not very much alarmed either, because I imagine this will all go into conference, the Pittman bill and this bill, and will be straightened out, as far as those items are concerned, in conference.

Mr. DONDERO. Mr. Chairman, will the gentleman yield for a question?

Mr. FISH. I yield.

Mr. DONDERO. What does the gentleman think of the suggestion of amending this bill to read that we shall continue normal commercial trade with any two countries that may be at war, in American ships in time of war, as we did for 5 years previous to the time they went into war, in order to keep American ships on the high seas, only on commodities and materials that do not go into the manufacture of war materials?

Mr. FISH. I think that is proper and sound.

Mr. KOPPLEMANN. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield for a question.

Mr. KOPPLEMANN. Do I understand the gentleman from Michigan [Mr. DONDERO] to mean that if we permitted a normal quota, you would have them go to the war zones and be delivered to belligerents?

Mr. DONDERO. I mean exactly this, the right to continue the same relations with two belligerent nations as we did in peacetime. In other words, continue normal relations.

Mr. FISH. If we could establish a war zone, in a future war, I would be in favor of keeping American ships out of that war zone; but I doubt very much whether we could establish a war zone. Probably in the next war the war zone will cover all the oceans, from one side to the other. If we could limit the war zone to 200 miles or 100 miles from the belligerent nations, I would be in favor of keeping out of those war zones, because of possible attacks by submarines, airplanes, mines, and so forth.

Mr. PARSONS. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield.

Mr. PARSONS. I think what the gentleman has just said, that it would be impossible to establish a war zone, is the best speech in favor of neutrality that I know of.

Mr. FISH. I wish we could establish war zones, but I doubt it. However, I do not agree that American ships must keep off the sea. There are parts of this bill that I am in favor of. I am not against all of it. Nobody loathes or abhors war more than I do, and nobody will go to a greater extent to keep us out of war or to do away with or limit war as far as humanly possible.

Now, for the sake of educating Congress, including Republicans and Democrats, this question of neutrality is not anything new. It goes back to April 22, 1793, to that famous proclamation issued by George Washington. It is short, and it is so interesting and so modern that I propose to read it. George Washington had a great deal of vision. He seemed to foresee things. He foresaw the war that was brewing then between Great Britain and France, when he began to formulate his famous proclamation of neutrality. It might have been written today with the world filled with rumors of war. He wrote to Thomas Jefferson and his Cabinet about it a few weeks before war was declared. The proclamation reads:

APRIL 22, 1793.

By the President of the United States of America

A PROCLAMATION

Whereas it appears that a state of war exists between Austria, Prussia, Sardinia, Great Britain, and the United Netherlands, on the one part, and France, on the other, and the duty and interest of the United States require that they should with sincerity and good faith adopt and pursue a conduct friendly and impartial toward the belligerent powers:

I have therefore thought fit by these presents to declare the disposition of the United States to observe the conduct aforesaid toward those powers respectively; and to exhort and warn the citizens of the United States carefully to avoid all acts and proceedings whatsoever, which may in any manner tend to contravene such disposition.

And I do hereby also make known that whosoever of the citizens of the United States shall render himself liable to punishment or forfeiture under the law of nations, by committing, aiding, or abetting hostilities against any of the said powers, or by carrying to any of them those articles, which are deemed contraband by the modern usage of nations, will not receive the protection of the United States, against such punishment or forfeiture; and further, that I have given instructions to those officers, to whom it belongs, to cause prosecutions to be instituted against all persons, who shall, within the cognizance of the courts of the United States, violate the law of nations, with respect to the powers of war, or any of them.

GEORGE WASHINGTON.

By the President,
THOMAS JEFFERSON.

That would almost apply today. That is the fundamental neutrality policy of the United States, that we should be neutral, friendly, and impartial to all nations.

How can we remain neutral when we give the President discretionary power? How can we remain neutral when we give the President the power to lay embargoes, let us say, on oil, as we do in this bill, against both nations, it is true? But let us assume that he had power and had applied it in the Ethiopian-Italian war. Then it would have been used only against Italy. It would have been an unneutral and unfriendly act; it would have been a hostile act; it would have been almost an act of war. Yet that is the power we are giving him, the power to declare any embargoes he wants on cotton, oil, coal, copper, wheat, and foodstuffs.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield.

Mr. MAY. What the gentleman means to say, I take it, is that because Italy has no oil to speak of that it would be a nonneutral act toward Italy.

Mr. FISH. An absolute discrimination against Italy; and that is the power he wanted at the time.

Mr. MAY. That, of course, would depend upon whether Ethiopia had plenty of oil.

Mr. FISH. Ethiopia did not need any oil. It would depend on other things with other nations; it might not be oil; it might be some other commodity. This policy is very apt to involve us in war, in my judgment. If the President has certain things in mind, let him enumerate a list of commodities and send the list to Congress and let Congress decide whether they want to take the risk of war. We represent the people. The people have more at stake than anybody else; they have the lives of their sons. We should not surrender our constitutional power to declare war to any one man; and no one man should ask for it.

Mr. BIERMANN. Mr. Chairman, would the gentleman yield?

Mr. FISH. I yield.

Mr. BIERMANN. I understood the gentleman to say a little while ago that this bill gives the President the power to declare war. I suppose the gentleman does not mean that that power is specifically set out in the bill.

Mr. FISH. Not literally, not specifically; no.

Mr. BIERMANN. To what did the gentleman refer?

Mr. FISH. The bill is sufficiently broad to give the President discretionary power to lay embargoes on commodities—against both belligerents, it is true, although one might need the commodity and the other not. Laying such an embargo is an unneutral act, an unfriendly act; it is an act that might involve us in war and undoubtedly would involve us in war.

I want to make a further appeal to the Democrats to consider these matters on a nonpartisan basis; and although I realize that I am not always nonpartisan in my remarks, I think I have a record of being 100 percent nonpartisan in my remarks on questions of war and peace.

A few years ago Secretary Stimson, a Republican Secretary of State under a Republican administration, asked the Committee on Foreign Affairs for the power to determine the aggressor nation. This is an unneutral act, an unfriendly act, an act which undoubtedly would mean war.

For instance, if the President had that power and said that Japan was an aggressor nation against China and then we refused to sell any arms or munitions to Japan but would sell to China and an American ship flying an American flag proceeded from New York to Shanghai with contraband of war, naturally a Japanese destroyer would seize our vessel outside the Chinese port. Our honor would be impugned, our dignity would be slighted, and probably we would be involved in war within 30 days. I opposed granting that power to my own administration, and I am proud to say that not a single Republican member of the Foreign Affairs Committee voted for it, although the Secretary of State came down and pleaded and pleaded, and even went to my floor leader and told him what he thought of me; but my floor leader backed me up and said that the Committee on Foreign Affairs could handle their own affairs.

So a few years ago, when President Roosevelt sent Secretary Hull to our committee asking for identically the same power, I opposed that, because it is not an act of peace; it is an act of war. This discretionary bill tends in that direction, although it does not go quite that far. It gives discretionary power to the President supposed to be used only against both warring nations, but actually is used against one nation, and thus discriminates against that nation. That nation will resent it, and there will be enmity and hostility which will eventuate in war.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield.

Mr. RANDOLPH. The gentleman is the ranking minority member of the Committee on Foreign Affairs. Does he join with the chairman of the committee as he expressed himself today, neither approving or disapproving the embargo on foodstuffs?

Mr. FISH. I am glad the gentleman asked that question, because I was going to take it up in a few minutes. The reason I propose that we make a permanent embargo on arms, munitions, and implements of war is because we are all agreed on that. The rest of the bill, however, is pure experiment. We have had very little in the way of committee hearings. We have not even heard from the State Department although we asked them to be there—I mean the Secretary of State and Under Secretaries of State. I do not mean the subordinates.

Whether the administration be Republican or Democratic, it is not the President who uses the power, nor is it the Secretary of State, but it is the subordinates who like to have their fingers in every foreign pie—and they do not always pull out plums; they are just as apt to involve us in war.

Now, let me get the gentleman's question again.

Mr. RANDOLPH. I referred to an embargo on foodstuffs.

Mr. FISH. This is a very, very important part of any neutrality policy, although it is ignored in the pending bill. I propose to make permanent the prohibition against the sale and shipment of arms, ammunition, and implements of war, but placing a 1-year limitation on the rest of the bill.

Possibly you Democrats will not follow me, but I am willing to go along with the untried experiments for 1 year and in the meanwhile ask the President to call an international conference of all the 63 signatory nations to the Briand-Kellogg Pact, which renounces war as an instrument of national policy, and try to implement that pact not by force or coercion but by considering the rights of the neutrals on the high seas. The main thing to consider in connection therewith is the question of the rights of neutrals to carry foodstuffs. I for one believe that Great Britain, Germany, and other nations would agree to that right in future warfares. I think that would be the greatest step toward peace that we could accomplish. It would do far more good than this experiment we are considering and would put an end to starving women and children in belligerent nations.

Mr. McREYNOLDS. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Tennessee.

Mr. McREYNOLDS. As I understand the gentleman's statement, he would ask for a 1-year limitation, and I presume that would be on everything except what is provided in the present law?

Mr. FISH. Everything except the present law.

Mr. McREYNOLDS. And he would make that permanent?

Mr. FISH. That is what I want to do. Of course, I am going to try to change the discretionary powers granted to the President. If you vote that down, well and good. Then I shall be in favor of putting a 1-year limitation on certain sections of this bill, but I want to reserve my right to at least carry out my own principle, and that is not to delegate any constitutional powers to the President to lay embargoes or to involve us in a war.

Mr. HEALEY. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Massachusetts.

Mr. HEALEY. The gentleman has stated that had we embargoed oil and cotton during the Italo-Ethiopian War, that would have been an unfriendly act toward Italy?

Mr. FISH. Exactly.

Mr. HEALEY. I agree with the gentleman. Is that merely because we had changed our neutrality during that warfare between those two nations?

Mr. FISH. Yes. This bill proposes that the act of the President shall take place during a war. We give him the discretionary power to use in time of war, and that is what makes it so much worse. It is applied only during wartime and involves embargoes only during a war. That is the time the discretion is used.

Mr. Chairman, there is another amendment I should like to have considered. If we are to outlaw, as we properly should, the sale of ammunition, arms, and implements of war in time of war to belligerents, why not outlaw the sale of arms, ammunition, and implements of war in time of peace as well as in time of war? [Applause.] Why go chasing after this blood money for the sake of greed and profit and the promotion of war? Why arm other nations who already owe us a great deal of money? It is only consistent that we apply the embargo to peace as well as to war. We have outlawed war. We have renounced it as an instrument of national policy except for defense under the Kellogg Pact. Why should we not outlaw the shipment of munitions of war in time of peace as well as in time of war? I propose to offer such an amendment, and you can vote it up or down.

Mr. KLOEB. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from Ohio.

Mr. KLOEB. When we get away from the extraordinary war powers as conferred by the Constitution, how could we constitutionally enact such a provision?

Mr. FISH. To prohibit the shipment of arms abroad?

Mr. KLOEB. The sale and shipment of arms.

Mr. FISH. The gentleman is getting me into a constitutional question. I will leave that for the Supreme Court.

Mr. CULKIN. Will the gentleman yield?

Mr. FISH. I yield to the gentleman from New York.

Mr. CULKIN. Let us assume the policy the gentleman has just suggested had been the policy of France at the time of the Revolutionary War. Does the gentleman believe we would have gained our independence?

Mr. FISH. Certainly not; but that was over 150 years ago. We have gone forward since then.

Mr. CULKIN. But we would never have been born.

Mr. FISH. I do not propose that this country should be the symbol of arms and munitions of war in order to help somebody else promote a war. The time to stop war is in time of peace.

Mr. CULKIN. The gentleman recognizes if that had been the law of France at that time then America would never have been born, and the gentleman would not be here.

Mr. FISH. Yes; but France was practically at war with England. And I recognize that American public opinion today has decided against the sale and shipment of arms, and I for one am willing to make very large concessions and surrender a large part of our freedom of the seas, because, if you analyze the principle of the freedom of the seas, you will find it has involved us in every single foreign war in the last 150 years with one exception, the Crimean War. It involved us in a limited war with France in 1798 to 1800. It involved us in the War of 1812 and in the World War, because we insisted on our neutral right to sell arms and everything else to belligerent nations. That is what the freedom of the seas is. We propose to change that. We propose to partially surrender it, not because someone demands it, but because we want to do it for our own sake and for the best interest of the American people.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield to the gentleman from Kentucky.

Mr. MAY. I wonder if we will have any more success in procuring peace by abandoning the freedom of the seas than we had when we destroyed about $200,000,000 worth of vessels right after the World War. We sank them to the bottom of the sea to bring about world peace.

Mr. FISH. The gentleman has a very good right to think that. Nobody believes that this bill is a guarantee against war. Nobody even claims it. Most of us believe it is a rather dangerous experiment upon which we are embarking, particularly when we empower the President to discriminate against American ships and empower him possibly to get us into war by use of discretionary embargoes. Those two things ought to be stricken out.

However, there is a great deal more in the bill that is good: Prohibiting the lending of money to belligerent nations and prohibiting submarines coming into our harbors, which ought to be made mandatory instead of

discretionary. This bill is a purely discretionary bill all the way through, and all these powers should be retained by Congress.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes.

Mr. JOHNSON of Texas. The provision with reference to prohibiting loans of money is mandatory.

Mr. FISH. Yes.

Mr. JOHNSON of Texas. This makes it permanent law and makes it mandatory.

Mr. FISH. Everybody is for that.

Mr. JOHNSON of Texas. I thought the gentleman said that was——

Mr. FISH. No; I am talking about the submarines, another provision of the bill.

However, every section in this bill is discretionary. At the proper time we will offer amendments, just as we will on this question of submarines. It ought to be mandatory to keep these submarines out and not let the President have this discretion, for if he keeps them out after war is begun, then the nation against which he acts will think it is another unfriendly gesture.

We are discussing here a so-called neutrality bill. This is not a neutrality bill as far as the discretionary powers are concerned; it is an unneutrality bill. However, it is an attempt to stay out of war and has good parts and good intentions. We are discussing the whole policy of peace and war.

As far as existing international law is concerned, it is merely what the British Empire concedes to the neutral nations. Therefore, we need not discuss the question of the freedom of the seas. Great Britain dominates the seas. She tells the neutrals where they get off. They did that in the last war and they will do it in the next.

However, this being a question of peace and war, I propose to use some of my time to digress a little bit in order to read to the House a letter which I received at 6 o'clock last night from the Secretary of State with respect to the war debts. These war debts are involved in this entire situation. Great Britain owes us $5,000,000,000. I forgot a billion when I was speaking the other day. It is a little over five billion. But what is a billion among friends? [Laughter.]

One of the questions I asked in my letter was, "What protest have we made to Great Britain in regard to its proposed huge naval armament, to the extent of seven and one-half billions of dollars?"

As I figure it out, they owe us 75 percent of the amount they are proposing to spend on military and naval armament. They owe us $5,000,000,000, and they are spending $7,500,000,000 on armament. Therefore we have at least a 50-percent interest in all the new British battleships. We might get them to protect our American ships if we are afraid to do it ourselves.

It is an amazing thing, when you look at the sums involved in the war debts, to find that the total indebtedness as of January 15, 1937, of three nations was $11,000,000,000, and of all the others approximately one billion. Yet those three nations are the ones which are arming to the teeth, who have gone stark, staring mad, and are spending money as fast as they can to build up big armament.

France owes us, as of January 15, 1937, $4,081,000,000; Great Britain, $5,107,000,000; and Italy, $2,017,000,000.

France has made no payments whatever since this administration came into power. Italy has paid $2,000,000—give her credit for that—and Great Britain has paid $17,000,000. That is all we have received on these war debts in the last 4 years, $19,000,000, about one-third the cost of a battleship.

The letter from the Secretary of State is dated March 11, 1937:

MY DEAR MR. FISH: I transmit the following information which you requested in six numbered questions in your letter of January 26, 1937:

"(1) What war-debt payments have been made since March 4, 1933, by each nation in accordance with the official debt-funding settlements or agreements entered into?"

I enclose a memorandum prepared in the Treasury Department, and revised January 15, 1937, covering the indebtedness of foreign governments to the United States. Pages 32 and 33 give an itemized statement of payments made during the period from July 1, 1932, to January 15, 1937, under the funding agreements and moratorium agreements. Pages 34 to 37 give an itemized statement of the amounts due under the funding and moratorium agreements and not paid as of January 15, 1937—

I have already given you the figures on what has been paid—

"(2) What steps have been taken to induce Great Britain, France, Italy, Belgium, or any other defaulting nations to fulfill their obligations in accordance with terms and provisions of the World War debt-funding agreements approved by the Congress?"

As amounts scheduled to be paid annually or semiannually under funding and moratorium agreements become due and payable, this Government, shortly before the due date, transmits to each debtor government a statement of the amounts due and payable on the said due date, together with a statement of amounts previously due and unpaid. In preparing this notice of amounts due under the agreements signed by the debtor governments, it is the practice of this Government to add that it is fully disposed to discuss, through diplomatic channels, any proposals which the debtor government may desire to put forward in regard to the payment of the indebtedness and to give such proposals careful consideration with a view to eventual submission to the American Congress.

Such notices and the replies of the respective debtor governments are customarily issued to the press and have also been republished in annual reports of the Secretary of the Treasury. With a few minor exceptions, this published correspondence comprises the formal communications exchanged with foreign governments regarding their indebtedness to the United States. Through such correspondence debtor governments have continued to acknowledge their indebtedness although they have not been prepared to resume payments or to submit any proposals for payment which might be considered with a view to submittal to the Congress. In addition to this formal correspondence, there is, of course, frequent mention of the subject of debts in informal diplomatic intercourse with the general objective of securing payment, but no representatives of this Government have been authorized to negotiate in any way with the debtors—

But actually nothing has been done—

"(3) What, if any, verbal or written understanding, assurance, or agreement has been entered into by the present administration offering to accept a reduction in the payment of principal or interest, or both, on any of the war debts since the joint resolution adopted by the Congress, approved December 23, 1931, expressly declaring against further reduction or cancelation of war debts?"

There has been no understanding, assurance, or agreement entered into by the present administration offering to accept a reduction in the payment of principal or interest, or both, on any of the war debts. Several payments in amounts less than those contractually due have been received from debtor governments, but in the correspondence pertaining to such payments the rights of the United States have always been reserved. Thus in a note addressed to the British Ambassador June 14, 1933, regarding a partial payment, the Acting Secretary of State said. (See Annual Report of the Secretary of the Treasury for year ended June 30, 1933, p. 246.)

"The President points out to His Majesty's Government the well-known fact that it is not within his discretion to reduce or cancel the existing debt owed to the United States, nor is it within his power as President to alter the schedule of debt payments contained in the existing settlement. Such power rests with the Congress."

"(4) What, if any, verbal or written assurances have been given or negotiations entered into by the present administration with any foreign nation regarding tariff concessions or trade agreements in respect to war-debt payments?"

Section 3 of the Trade Agreements Act of 1934, approved June 12, 1934, provides as follows:

"Nothing in this act shall be construed to give any authority to cancel or reduce, in any manner, and of the indebtedness of any foreign country to the United States."

There are no provisions in any trade agreement entered into under the authority of the act in regard to intergovernmental debts or payments thereon nor have any verbal or other assurances been given or negotiations entered into by the present administration with any foreign nation regarding tariff concessions or trade agreements in respect to war-debt payments. The trade agreements are designed to produce mutual economic benefit on their own basis.

"(5) What, if any, protest has been made to the governments of the debt-defaulting nations regarding the enormous increase of expenditures for military and naval armaments?"

No formal protests have been made to foreign governments regarding the increase of expenditures for military and naval armaments. As you know, the United States has taken a leading part in efforts to secure the limitation and reduction of armaments by international agreement.

I do know that the United States has taken that position, but I did not know that this administration had taken any such position. The United States did take such a position in 1922, when it called the Limitation of Armament Conference at Washington. They saved exactly $250,000,000 a

year on their naval program, or a total of $4,000,000,000 in 16 years.

I know that it was extended in 1930 at the London Conference, through the 5–5–3 ratio, to smaller ships. But under this administration there has been nothing but failure, so today we are launched on this gigantic naval program and competition that breeds suspicion, distrust, hatred, and causes war.

If we do not propose to make some effort to collect these debts, if these nations are going to continue to refuse to pay us even the interest on the money we lent them after the Armistice, and if we are not going to protest these enormous armaments that are being built by Great Britain, France, and Italy, then let us make some bargain with the British to have a share in these new British battleships. We might get 51 percent of these battleships, and if we could do this, we might save a little something on our own program.

Mr. PIERCE. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield.

Mr. PIERCE. Cannot the gentleman see a vast difference between these foreign countries paying the debts due this country and rearming themselves? In the latter case they are spending the money within their own countries, it is their own credit that is used in buying their own iron and building their own ships. If they undertook to pay us they would have to pay us in gold or in goods. We do not want the goods and they have not the gold.

Mr. FISH. Let me answer the gentleman.

Mr. PIERCE. I should like to have an honest answer from the gentleman.

Mr. FISH. Let me answer the gentleman specifically, because that is the old cry we always hear. Here is Great Britain appropriating seven and a half billion dollars—and the Chancellor of the Exchequer states it will amount to $10,000,000,000 before they get through—during the next 5 years, and at the same time they owe us $5,000,000,000.

Mr. PIERCE. How can they pay us?

Mr. FISH. Wait—do not be impatient.

Mr. PIERCE. Tell us how, please—in goods?

Mr. FISH. I will tell the gentleman. They owe us $5,000,000,000. They do not even pay us the interest on it. If they want to pay it, I will tell the gentleman exactly how they can pay it and pay it very easily. They can pay us in tin. They can send us $100,000,000 worth of tin each year. They can pay us in tea. They can also send us $100,000,000 or $200,000,000 worth of rubber. They could pay off the entire $5,000,000,000 in these three commodities alone without sacrificing a single American interest, and there are other commodities also; and if they want to surrender a few of their islands in the Caribbean Sea or in the West Indies, they could do that; but did you ever hear of Great Britain ever giving up anything? [Laughter.]

[Here the gavel fell.]

Mr. FISH. Mr. Chairman, I ask unanimous consent to proceed for 10 additional minutes.

The CHAIRMAN (Mr. IMHOFF). Without objection, the gentleman from New York is recognized for 10 additional minutes.

There was no objection.

Mr. PIERCE. Mr. Chairman, will the gentleman yield for one further question? Is it not true that if Great Britain undertook to pay the debt in the products the gentleman has referred to, this would dislocate the entire foreign business of Great Britain?

Mr. FISH. Certainly not. They have a complete monopoly on them, and they can control the situation absolutely with respect to tea, rubber, and tin.

Mr. MAY. And manganese.

Mr. FISH. There are other commodities, but these are the big ones, and they could pay off the debt in these products alone, and yet we make no protest. It might be different with some of the other debtor nations; but, in all sincerity, let me say that I would like to see a new debt-funding commission established. I am against the cancelation of the debts, and I am against the settlement of the debts by payment of 5 or 10 percent on them. I would rather have them owe us the money so we will never lend them any more than have them pay us 5 or 10 cents on the dollar; but so far as Great Britain is concerned, I think we drove a rather harsh bargain. We asked 80 percent of her and only 50 percent of France, and 25 percent of Italy; and I would be perfectly willing to reduce that 80 percent to 50 percent if they would show any signs of paying.

However, I would not be willing to reduce it to 5 or 10 percent, because I think it is good insurance at the present time and will keep us from being suckers and giving other billions of dollars to these foreign nations for purposes of war or the manufacture of armaments. [Applause.]

Mr. HOOK. Mr. Chairman, will the gentleman yield for just a short question?

Mr. FISH. All right; go ahead.

Mr. HOOK. Will the gentleman tell us whether he has any plan by which a judgment could be entered against the debtor nations, and if such a judgment could be entered, what plan he may have for the collection of such judgment?

Mr. FISH. There is only one way to collect such a debt, and that is just the way you collect a personal debt. When someone owes you money and cannot pay it all, you meet with him and find out how much you can get from the debtor. The creditor and the debtor sit around a table, and that is the way it should be done in this case, and not take a token payment of 5 or 10 cents on a dollar. We know how much Great Britain can pay. We know what she is doing in the way of armament. We know in what commodities she can pay us. We are willing, or at least some of us are willing, to make it 50 percent instead of 80 percent, and we would then be getting two and a half billion dollars, which would help us to balance the Budget. And do not make any mistake about this matter of balancing the Budget. The Coolidge economy program would have been a myth without the Limitation of Armament Conference in Washington in 1922, when we saved $250,000,000 a year for 16 years.

Mr. HOOK. Is it not a fact that the best method to follow when you are dealing with a person of that kind who does not pay his debts, is not to have any further dealings with him until he does pay?

Mr. FISH. That may be the gentleman's opinion.

Mr. RICHARDS. Mr. Chairman, will the gentleman yield?

Mr. FISH. I yield.

Mr. RICHARDS. What does the gentleman from New York propose if our debtor friends will not pay us anything? What would the gentleman propose then?

Mr. FISH. That is what they are doing now. [Laughter.]

Mr. RICHARDS. What does the gentleman propose we should do?

Mr. FISH. We have not secured one penny, outside of Finland, from any of these countries, with the exception of the few million dollars I just spoke about.

Mr. RICHARDS. Then, how are we going to collect anything?

Mr. FISH. There is only one way to collect anything and that is to have a debt funding commission and ask these nations to meet with us and we can at least protest against their costly armament program and say, "If you are going to spend seven and a half or ten billion dollars in the next 5 years, it is about time you considered paying your just debts."

Yet you find the Chancelor of the Exchequer getting up and saying the finances of Great Britain are the envy of the world. Of course they are the envy of the world, when they refuse to pay their debts.

Mr. RICHARDS. But suppose this did not work?

Mr. FISH. Oh, I know what the gentleman wants me to say. He wants me to say, go to war. Of course we will not go to war; but sooner or later an administration will come into power that will make a demand on these nations and say, "When are you going to pay these debts; what are you going to do about them?"

That is what should be done now and, as a matter of fact, with another world war coming on, some action should be

taken at once. That is what we are here for today. We are legislating against another world war. The world is filled with rumors and predictions are freely made that there will be another world war next year.

Mr. MAY. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes.

Mr. MAY. The gentleman seems to be very well informed, but does he remember from history how Andrew Jackson managed to collect some debts?

Mr. FISH. Yes; and that was after 30 years of dodging and delay by France. But you had in the White House then a man of courage, who spoke right out to these foreign nations, and told them exactly what he believed, not one that remained quiescent and complacent and did not raise his finger after he had made definite promises and pledges that the settlement of the war debts would be the first objective of his administration. He has done nothing about it during the last 4 years.

Mr. MAY. Did not Andrew Jackson hitch their boats to the shore and make them pay before they were let loose?

Mr. FISH. He made threats of reprisals. He told them what he meant in no uncertain terms.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. FISH. Yes.

Mr. JOHNSON of Texas. My friend has gotten rather far afield from the subject we are considering.

Mr. FISH. Very.

Mr. JOHNSON of Texas. He admitted that he was sometimes partisan.

Mr. FISH. I am partisan in this matter of debts, but not on neutrality.

Mr. JOHNSON of Texas. He has talked about the failure of this administration to collect the debts. I would like to ask the gentleman if it was not under the Hoover administration that the moratorium was instituted?

Mr. FISH. Certainly, by the consent of all of the Democrats in Congress and the Democratic leaders, but I do not want to get into any partisan discussion.

Mr. JOHNSON of Texas. Did the gentleman vote for the Hoover moratorium?

Mr. FISH. The question now is, What is the peace policy of the United States?

Mr. JOHNSON of Texas. Did the gentleman vote for the Hoover moratorium?

Mr. FISH. I do not yield any further. I suppose the gentleman did.

Mr. JOHNSON of Texas. No, I did not.

Mr. FISH. Then the gentleman probably was not here. All of his leaders did. What is the policy of the United States, what is its peace policy? We are making an attempt to establish a peace policy today. Is it going to be a question of giving the President unwarranted and excessive discretionary powers? It seems to me the American people have already made up their minds what the policy should be, and that is this: If these old nations of the world propose to arm to the teeth and go to war, it is their war and not our war.

That is our policy, whether we are Republicans or Democrats, and the way to stay out of war is not to just pass scraps of paper like this or indulge in untried experiments. It may do some good, and it may do some harm, whether we vote for it or not. There is only one way to stay out of war and that is for the American people back home to make up their minds that they do not propose to be involved in any of these ancient blood feuds and boundary disputes.

Mr. LUDLOW. Mr. Chairman, will the gentleman yield?

Mr. FISH. Oh, I know what the gentleman is going to say in advance, and I agree with him. He wants to let the people decide on whether we should go to war or not by a referendum, and the gentleman is probably correct. That would be a deterrent.

Mr. LUDLOW. The gentleman has correctly read my mind. [Laughter.]

Mr. FISH. So let us not get too enthusiastic that this bill is any guaranty for peace. The main guaranties are the people back home and their determination to stay out of war. If they want to keep out of war, we will keep out of war. If they want to go to war, then we will go into war, and the way to oppose war is to preach the gospel of peace and expose the horrors of war and show what is going on in Spain today, where brothers are murdering brothers, and let us remember that in this country we are ruled by a free ballot under free institutions and still have a free government; that the people still rule, and not as they do in Spain, where they have a government by the bullet, assassination, murder, and destruction on both sides.

That is the only answer, and meanwhile I conclude by making my final appeal, and that is when the amendments are introduced they be considered and voted on, on a nonpartisan basis, on the merits of each individual amendment. [Applause.]

The following is the conclusion of Secretary Hull's letter:

(6) What, if any, action has been taken by the present administration to collect the war debts from the Soviet Government which were loaned to the Kerensky Government, and to persuade the Soviet Government to reimburse American nationals for property confiscated by the Soviets; in accordance with agreement entered into between President Roosevelt and Commissar Litvinoff conditional to recognition of the U. S. S. R.?

From February 1934 to January 1935 negotiations were carried on with the Soviet Government in an endeavor to obtain a settlement of the claims of the Government of the United States and American nationals against the Soviet Government in accordance with the understanding arrived at between the President and the People's Commissar for Foreign Affairs of the Soviet Union in November 1933, prior to the establishment of diplomatic relations. There is enclosed, for your information, the text of a statement made by the Secretary of State on January 31, 1935, which fully explains the situation as of that date. Since that date the subject has been from time to time mentioned to the Soviet Ambassador without any prospect of a settlement being reached which would be in any sense satisfactory to this Government. There has been the utmost diligence employed in the effort to bring about a settlement and it goes without saying that this Government has not relinquished the claims of the United States and of American nationals and continues to affirm the liability of the Soviet Government.

Sincerely yours,

CORDELL HULL.

Mr. JOHNSON of Texas. Mr. Chairman, by authority of the gentleman from Tennessee [Mr. MCREYNOLDS] I yield 30 minutes to the gentleman from Ohio [Mr. KLOEB].

Mr. KLOEB. Mr. Chairman, and members of the Committee, now that we have listened to a thorough discussion of the relative merits and demerits of Democrats and Republicans, now that we have listened to a thorough discussion of war debts and of the question of disarmament and rearmament, I shall try to direct the minds of the Committee to the business in hand, which is a discussion of the Neutrality Act of 1937. Unlike my good friend from New York [Mr. FISH], but like the old friend of my childhood, William Shakespeare:

I have neither wit, nor words, nor worth,
Nor the power of speech,
To stir men's blood; I only speak right on;
I tell you that which you yourselves do know,
Show you sweet Caesar's wounds, poor, poor dumb mouths,
And bid them speak for me.

Those of us who have attended the daily hearings in the formulation of this bill feel that we have presented to you a good measure. I am sure that when you realize the work your committee has done you will conclude likewise.

Now, what is this whole question of neutrality? From back in the days of early civilization in the Valley of the Nile, down to the late Middle Ages, there was no such thing as a neutral state. Every state was on one side of a conflict or it was on the other side. In 1625 Hugo Grotius propounded this initial theory of a neutral state. He said it was the duty of a state not participating in the war to do nothing to assist the powerful aggressor and to refrain from doing that which would impede the lesser one. So neutrality ideas progressed until the enactment of the Jefferson embargoes.

On this question of war we have always had, in peace or in war, so-called outlaw nations. Always we have had nations that have refused to conform to the ideas of the family of nations, and we term them "outlaw nations." Why do they exist and why did they exist? They exist on the globe today in three potential spots. Why? Because there is lack of territory for the population pressure within that par-

ticular country, and there is lack of raw materials wherewith that country may pursue its daily tasks, and until the "have" countries of the world conclude that they must voluntarily share with the "have nots" some of their territory for colonization and for use of raw materials, we shall have this threat of war. That is getting at the root of the problem, and that is getting at the reason for war.

I have discerned in recent months a tendency upon the part of certain "have" nations to want to share with the "have not" nations in order to avert another world conflict. To my mind, in recent months the probability of another great conflict, imminent a few months ago, has been diverted possibly for some years to come.

BUT TO GET BACK TO THE JEFFERSON EMBARGOES

Back in the time of Thomas Jefferson we enacted the so-called "Jefferson embargoes." They were so drastic in their provisions, so drastic as to cause public indignation to become aroused immediately the act became applicable, and by public nullification and within 15 months by congressional act the law was nullified.

I do not want to see nullification happen in connection with the neutrality legislation that we are now considering. When I listened to the argument of the gentleman from New York [Mr. FISH] in the few short moments that he directed to this bill, and which he directed to section 4 of the House bill, which is the commodity section, I analyzed his argument in this manner:

Either we assume the position of isolationists and go back to the Jefferson embargoes, or we proceed under international law, as we did prior to our entry into the World War, and sell to whom whatever we please. That, in effect and in short, was the philosophy of the gentleman from New York in his attack upon section 4 of the McReynolds bill. But believe me when I say that much as he may fuss and fume against that particular section, when the roll is called, do not be fooled, he will be found there. He will be found voting for the bill.

Now, how does the McReynolds bill differ from the so-called Senate bill, or Pittman bill? It seems to me that is the sole question before us. The present neutrality law, which has been in effect now for approximately 1 year, provides for three distinct matters:

First, mandatory—I prefer to use the word "automatic"—mandatory, automatic embargo upon the sale and shipment of munitions of war.

Second, mandatory, automatic, prohibition of loans and credits to warring nations.

Third, a prohibition against American citizens traveling on belligerent vessels, save at their own risk.

The present bill before us, the McReynolds bill, provides for those three things as its cardinal principles, except that as regards travel on ships of belligerent nations, it does not say that they shall travel at their own risk. It says that they shall not travel at all. Those three provisions of the present law are written into this bill which we are now considering. Personally, I would be satisfied with the extension and making permanent of the present law. However, there seems to be a demand throughout the country to attack the question of commodities. We have sought, therefore, to attack it in a way best fitted to accommodate the conditions and circumstances under which a future war may be fought, instead of by the so-called Pittman method, placing this country in a straightjacket, and measuring a future war by our experience in the past World War.

The only substantial difference between the House bill and the Pittman bill is contained in section 4 (b) of the House bill, which is section 2 (b) of the Pittman bill. You have both of those sections in the draft before you. Now, what is that difference? The section in the Senate bill provides that immediately, automatically upon the outbreak of a war, title to all articles and goods shipped from the United States to any of the belligerent countries shall be transferred to the foreign country, or its agent, as the consignee. The language of the so-called McReynolds or House bill reads in effect that after the outbreak of war, and when the President finds that the peace and safety and the neutral position of the United States is threatened, under such conditions and circumstances as he shall designate, we shall require that the title to articles, goods, and materials shall be transferred; and when I speak of materials I mean all materials other than actual munitions of war, because their sale and export are positively prohibited under section 3 of the McReynolds bill, which is section 1 of the so-called Pittman bill.

An analysis of both the McReynolds bill and the Pittman bill discloses this as the only substantial difference between them; and this is the decision that you and I as Members of this body must make within the next few days. The so-called Pittman bill paraphrased somewhat would read as follows—and I want you Members who represent districts in States contiguous to the Great Lakes, you Members who represent States on the Pacific coast and States on the Atlantic coast to listen carefully to what I have to say. Let us read section 2 (b) of the Pittman bill as found on page 5 of the draft before you.

Line 8:

> It shall be unlawful to export or transport to any belligerent country or to any country wherein civil strife exists—
> any articles or materials whatever until all right, title, and interest therein shall have been transferred to some foreign government.

Suppose you live in Detroit, Mich., and want to cross the river to Windsor, Canada. Let us suppose that Great Britain has declared war against Siam, or against Switzerland. Her dependents, parts of the British Empire, join technically, we will say, the mother country, although they are not actually at war in doing so. You desire to cross the river from Detroit to Windsor. We will say you want to take little Chester along and little Chester desires to take his velocipede. Under the terms of the Pittman bill automatically it is declared unlawful to export or transport to any belligerent country or to any country wherein civil strife exists, any articles or materials whatever until all right, title, and interest therein shall have been transferred to some foreign government. The only condition under which little Chester may cross the river with his velocipede will be that he transfer title to his velocipede to the Canadian Government. If he does not do that, according to the provisions of the Pittman bill appearing on page 17, little Chester will have his velocipede confiscated, will pay a fine of $10,000, and will serve up to 5 years in some good prison of the United States. Witch burners of Salem! Why, my friends, what could be more severe? How far have we traveled with this theory of neutrality when we allow ourselves to be so prejudiced, when we allow our minds to drive us so far as to threaten to jail a boy for transporting a velocipede, or a little girl for transporting her doll baby across the border, if he or she has not first transferred title to some foreign government?

Under this section 2 (b) of the Pittman bill, you folks on the Pacific coast could not ship your goods from Seattle to Vancouver without first transferring title. You could not ship goods from San Francisco to Australia without first transferring title. You could not ship goods from Boston to Jamaica or Bermuda without first transferring title, if Great Britain were at war.

Why? You say because the Swiss Navy might sink our ships. You say that the Navy of Siam might sink our ships. That is not the case. The sole test that we can and must apply when we consider the application of any of these so-called remedies is this: Will the peace and safety and neutral position of the United States be threatened if this particular provision is not invoked? If the peace and safety of the United States is not threatened, or if the neutral position of the United States cannot be enhanced and strengthened by the application of one of these provisions, then far better that it be suspended and not invoked at all. Hence, my argument and the argument of my committee is to give to the Government certain broad powers: The power to order, if you please, the transfer of title if conditions demand it; the power, if you please, to order American ships to cease carrying certain materials used in the conduct of war if conditions demand it; but if conditions do not demand it and great maritime powers are not locked in death grip, why sacrifice the trade of the United States built

up over years of effort, in order to carry through a hidebound theory that can only work to the detriment of these United States? This, my friends, in effect, is the sole difference between the McReynolds bill and the Pittman bill.

Let me point out to you what mischief the Pittman bill might work if we were to pass it and send it to the President. A few years ago when the Smoot-Hawley tariff law was being discussed in the very well of the House in which I now stand, warnings were sent out that retaliatory laws would be passed by other nations. We did not heed those warnings, and within 12 months 31 nations of the earth had passed retaliatory laws and had instituted import quotas, destroying overnight the great foreign export trade that we had taken pains to build up through many, many generations. The trade was destroyed. It has taken us all these years to get part of that trade back again.

I say that if you enact into law section 2 (b) of the Pittman bill, making it mandatory and automatic upon the declaration of war to require transfer of title, many retaliatory laws will be passed by other nations. Why? Because by so doing—arguing around that circle that my friend from New York just argued, but I think more to the point—immediately we enact the Pittman bill we make ourselves an ally of the strong maritime powers of the world. We say to England, we say to France, we say to Japan: "Henceforth and in the future, if you become embroiled in a great war, come here with your Navy convoying your merchant ships, buy what you please for cash, and transport it from our shores. The little fellows whom you may be fighting will not have this privilege. We now serve notice on the nations of the world that in the future these great United States of America shall be considered the ally only of the powerful nations of the world."

Mr. FERGUSON. Mr. Chairman, will the gentleman yield?

Mr. KLOEB. I yield.

Mr. FERGUSON. The gentleman has given a very vivid picture of what would happen under the Pittman bill. Would not somewhat the same situation exist under the McReynolds bill, except that it would be within the discretion of the President to put it into effect?

Mr. KLOEB. The same things could happen if the President in his wisdom would find that the peace and safety of the United States were endangered, and he saw fit to invoke the application of the section. We hope it never will be necessary to invoke it. We have been trying during the past 2 years to enact a so-called neutrality law. We have been trying to cut a suit out of whole cloth to fit whom? To fit the man designated as the "World War of 1917." Always we have before us the terms, conditions, and the circumstances under which that war was fought. But we disregard the fact that in years to come, perhaps 5, 10, or 15 years from now, a war will be fought under totally different terms and conditions, and the suit of cloth that we shall have so carefully builded in these days will be found to be unfitted for the use of the man designated perhaps as the "World War of 1950." Hence we desire to make an elastic suit. We desire to give elasticity in the belt, plenty of room to let out the trousers, length and breadth to fit the conditions under which the next war may be fought. The President may then move to invoke the application of some of these sections in order to preserve our peace and neutrality. We have provided a weapon broad enough to fit the particular case that might come before us at that time.

Mr. Chairman, we are trying to fit into a shoe the foot of the "World War of 1917", wholly disregarding the fact that the foot of a future war may not fit when the time comes. We have been trying to provide ammunition to fit a 16-inch gun, designating that gun the "World War of 1917." When nations go to war again and the neutrality law may be found to be applicable in some degree, it may happen that all we need to preserve the peace and neutral position of the United States, will be ammunition for a small salute gun. Why, then, provide all this ammunition to keep us out of war and make its application mandatory when it may accomplish no purpose?

Mr. McREYNOLDS. Will the gentleman yield?

Mr. KLOEB. I yield to the gentleman from Tennessee.

Mr. McREYNOLDS. The gentleman in answer to a question just propounded said that the same thing could occur under what we call the McReynolds bill, but he meant also with such exceptions and limitations as may be prescribed?

Mr. KLOEB. I stressed that in the beginning. There is a fire escape in the McReynolds bill, which I referred to in the beginning, which says sections 4 (a) and 4 (b) may be invoked by the President when he finds the peace and safety of the United States to be endangered, but under such terms and limitations as the Executive may see fit to impose.

Mr. FERGUSON. Will the gentleman yield?

Mr. KLOEB. I yield to the gentleman from Oklahoma.

Mr. FERGUSON. I heartily agree with the gentleman's position and am very much in favor of the McReynolds bill if we have a section dealing with commodities. But I should like to ask the gentleman a question. He is choosing between two evils, in my estimation, and I think in his estimation, when we try to regulate the transportation of commodities at all. I think undoubtedly if we have to regulate commodities the only safety we can have is in the McReynolds bill and not in the Pittman bill.

Mr. KLOEB. The gentleman is correct. I have yet to find any question but that I have found two sides to that question, if it is one of importance. I am willing in this matter to gauge our action by the experiences of the war of 1917, insofar as those experiences may have taught us serious lessons, lessons contained, for instance, in the hold of the *Lusitania* when she went down having on her decks 159 American citizens. One hundred and twenty-four of them went to the bottom of the Irish Sea.

Lesson no. 1: American citizens ought not to have been on the ship of a belligerent nation; hence the provision you find in the present law and in the McReynolds bill now pending before you.

Lesson no. 2: She contained 4,200 cases of ammunition. That ammunition should never have been sold for export from the United States.

Lesson no. 3: She contained that ammunition sold on credit. In the present law, as well as in the present McReynolds bill pending before you, we mandatorily prohibit those acts, including the extension of loans and credit and the sale and shipment of actual munitions of war.

Mr. BIERMANN. Will the gentleman yield?

Mr. KLOEB. I yield to the gentleman from Iowa.

Mr. BIERMANN. I was interested in what the gentleman said about the Pittman bill making this Nation an ally of one side or the other. I think the McReynolds bill is far better than the Pittman bill. But is it not a fact this bill makes us an ally in every conceivable circumstance? For example, we mandatorily prohibit the shipment of ammunition.

Mr. KLOEB. May I answer the question rather abruptly? My time is short. I know what the gentleman is getting at.

May I say in adopting a neutral policy, in laying down laws covering neutrality and in attempting to maintain a neutral position or a neutral state, we aim to treat all sides of the conflict equally and alike, but that does not necessarily mean that all of the nations engaged in war will profit equally and alike from our neutral state. Does that answer the question?

Mr. BIERMANN. The gentleman made objection that the cash-and-carry system would make us an ally of the nation that controlled the sea.

Mr. KLOEB. That is right.

Mr. BIERMANN. Then we would take sides against a nation that had not built up big munitions plants.

Mr. KLOEB. But the gentleman would not advocate dealing in actual munitions of war, would he?

Mr. BIERMANN. I do not know about that. I do not think so, but I am not prepared to say that. Under this permissive embargo if the President placed an embargo on both sides we automatically take sides against a nation that does not have food, clothing, and the like of that.

Mr. KLOEB. Yes, but there is this difference: When we say in the law now, "This is the law of the land", then in the event the foot fits the shoe in years to come, the nations

of the world are now given warning that we intend to act thus and so, if and when conditions demand that we act to preserve our safety and our neutral state. This is different from changing our policy in the middle of the stream or when nations are at war.

Mr. HEALEY. I am glad the gentleman is discussing that particular phase of this matter. The gentleman from New York protested that in the event there was a war and that was the time we were applying this neutrality law, we might commit some hostile act toward a belligerent.

Mr. KLOEB. And yet the gentleman from New York would make mandatory a provision today which serves forcible notice on all the nations of the world that a certain three or four nations shall henceforth be our allies in the event they go to war, and serves notice on the smaller nations that we do not ally ourselves with them.

[Here the gavel fell.]

Mr. JOHNSON of Texas. I yield 5 additional minutes to the gentleman from Ohio.

Mr. KLOEB. I want to return to the question of economic security.

If we should enact section 2 (b) of the Senate bill into law, other nations would retaliate. Then what is our economic position? Can we say to the nations of the world that we are self-contained? Oh, no. We consume 50 percent of all the commercial tin of the world. We consume as much commercial tin as all other nations of the world combined. Yet not a single ton of tin is produced in the United States. We must rely upon the British Malays, the Dutch East Indies, and Bolivia for our part of the world's tin supply, and this is handled through a monopoly in London.

We produce no manganese. We are dependent upon Russia for manganese. We produce no nickel. We are dependent upon Canada for nickel. We produce no rubber. We are dependent upon the Tropics for our rubber.

All of these products are necessary in the manufacture of munitions of war. Suppose other nations should retaliate. What does that mean?

I was interested in a discussion which occurred in the consideration of the naval appropriations bill. The gentleman from North Carolina [Mr. UMSTEAD] had the floor. The gentleman from Connecticut [Mr. KOPPLEMANN] interrupted him, and said, apparently with almost certain assurance, that if the Senate bill became law we would no longer need a powerful navy. But would we not? If the Senate bill became law with a mandatory provision, we would need a more powerful navy than ever before. Why? First, because we say to the small nations, "You may come and get materials here if you go to war, provided you have a large navy." So we accelerate the naval building program of the world. We must keep pace.

We say to ourselves, "If we get into a war, we must have, not a defensive navy, such as we have always boasted of; we must have an offensive navy, sufficient to convoy our merchantmen to Russia for manganese, or over to the British Malays or the Dutch East Indies in order to obtain the necessary supplies of tin."

In addition to this, if we take the position the other body has taken in this matter, we invite a spreading of the theater of war. We invite the nations that cannot come here with their surface vessels, because they do not have a preponderance in surface vessels, to come here with their submarines, to scuttle the trade at our very doorsteps, at the ports along the Atlantic and the Pacific coasts. We enlarge the theater of war. Hence we must supply ourselves with a stronger defensive navy than we have ever known in the history of this country, in order to protect our own coastwise shipping from the depredations of nations engaged in deadly combat.

That is the answer to the argument that we may need a smaller navy in the event we enact mandatory legislation.

On this question of extending Executive authority our opponents say, "Stop! Do not give the President this authority. Do not place authority in the Government."

Have you ever stopped to think that under the Constitution the President today is the sole and unhampered negotiator of our foreign affairs? Have you ever stopped to think that under the Constitution the President today is the supreme Commander in Chief of the Army and Navy of the United States, and as such might overnight, without authority, get us into war? Do you know that some years ago President Wilson sent a portion of the United States fleet down to Vera Cruz and ordered the bombardment of that Mexican port without authority of Congress, and in so doing acted within his constitutional rights?

Why hesitate, then, to give to the Government of the United States some little authority to keep us out of war?

Gentlemen, do not enact this so-called mandatory legislation. Let us be safe. Let us be fair with ourselves and with the people of our country.

Mr. Chairman, we are the last remaining bulwark of western civilization. If we permit ourselves to become engulfed in another world catastrophe and our manhood to be bled white, then it can mean but one thing—the abdication of the supremacy of the white race and the ascendancy of the yellow race.

Let me remind my listeners that no law or set of laws, that no precautionary steps that we might now take can keep us out of another world war if we have not the will to stay out. These laws can only serve as a polar star to guide us over treacherous shoals.

Joseph Tumulty, secretary to President Wilson, wrote as follows in 1921:

> No sooner was the President's proclamation of neutrality announced than the differences in points of view in racial stocks began to manifest themselves in language, both intemperate and passionate, until his advice to his country "to be neutral in fact as well as in name" became a dead and expressionless thing.

The verdict, my friends, whether we shall go in or stay out of the next world war, if and when it comes—and God grant that it does not come—rests finally with the American people.

By enacting the McReynolds bill into law we will be taking such precautionary steps as are reasonable and advisable from our present-day viewpoint. [Applause.]

Mr. FISH. Mr. Chairman, I yield 20 minutes to the gentleman from New Jersey [Mr. EATON].

Mr. EATON. Mr. Chairman, after listening to this magnificent debate on both sides, I have been wondering what the ordinary citizen visiting here would conclude as to the relative merits of this legislation. I have a notion he would be a little like I am at this moment, reenacting the fable of the jackass who starved to death between two bales of hay because he could not make up his mind which one to take a bite out of. [Laughter.]

I have been a member of the Foreign Affairs Committee for 12 years, and in all those years I have never seen a more devoted or a more intelligent grappling with a great and challenging problem than this committee has exhibited in connection with this legislation. I feel deeply indebted to our distinguished chairman the gentleman from Tennessee [Mr. MCREYNOLDS] for the leadership he has given us. I feel equally indebted to the young and vigorous gentleman from the Hyde Park district, who is about the right age to go on the Supreme Court now [laughter]; but personally I am not wildly enthusiastic about any of this legislation.

We are here today in response to a great spiritual movement in this country which takes the form of a hatred and an abhorrence of war, and I agree with that movement with all my heart. If there is any performance of the human race that sinks us below the level of the animal in intelligence and results, it is the mechanized murder of modern warfare. In the good old days, when men were men, when they stood up toe to toe and fought it out, there were some alleviations. That kind of a struggle was a pretty good thing. But when you call on the entire resources of modern science for the express purpose of blowing to pieces the young manhood of the world, it seems to me so absurd, so wicked, so wasteful, so inconclusive that I cannot understand how any sane people, if there are any left in the world, will resort to such a practice.

If the whole world were not as crazy as hell itself at this minute we would not be here discussing this subject, but we all seem to be crazy. I do not know what has gone wrong with us. What we seem to need is not more warships, but more lunatic asylums. I am afraid that there is where most of us belong, especially on this side of the aisle. [Laughter.] We may have a few sane ones left over here, but there hardly seems to be enough of them for seed corn. [Laughter.]

This tremendous spiritual reaction against war manifests itself in this country by a carefully nurtured program that we call neutrality. What is neutrality? Why, it is a species of neuter—it is neither one thing nor the other; and, Mr. Chairman, I agree with my friend O'CONNOR of New York. I have never seen any one in the world, especially an Irishman, who could be neuter on any subject; I am not. Neuter means neither one thing nor the other. It comes from two words—"ne", meaning not, and "uter" meaning either. That is, neutrality is in essence neither one thing nor the other.

So this passion against war has developed into a desire to have a neutrality program; and, true to the American obsession, we have decided to enact this beautiful thing we call neutrality into law.

I do not suppose there is any more complete evidence of the moral collapse and intellectual imbecility of our people than the universal belief you can enact a law to govern everything and settle everything. Why, you can put all the laws on the books until time is no more, and if you have a war you can no more control the emotions and passions of the racial mixture that we call America with respect to that war than if you did not have any law on the books at all. You have all kinds of laws against various forms of love making. How do they work? I do not mean the love making, but the laws. [Laughter.] They are, as a rule, more completely observed in the breach than otherwise.

I am in complete sympathy with the wholesome passion against war. I recognize that it logically or illogically manifests itself in the thought of neutrality, and, naturally, neutrality comes here at once to demand a law.

Personally, I should like to see the present neutrality law made permanent with a regulation in it against permitting people to collect money in this country for the support of foreign wars; that is to say, a law to forbid the making this Nation a laboratory for inflaming and spreading the racial hatreds of the rest of the world. After we have done this, I should like to see the present law extended to apply to civil war, and then we might follow the suggestion of our friend from New York [Mr. FISH] and have the rest of it temporary, although I think if we would just stop where we are, with the additions I have indicated, and try that for a few years more, we would escape an immense amount of difficulty and trouble.

Let us see what will happen if we put this thing through, either the mandatory Pittman bill, which has been damned so definitely here, or the discretionary McReynolds bill, which has been equally damned and so ably defended. Personally, I should like to see us continue and endure the legislative ills we have rather than fly to others that we know not of, and see how it will work in practice. What have we at stake? We have our world commerce at stake. We have our economic roots struck deep into the world.

We have our shipping. During the war I was in charge of all of the shipyards and thousands of industrial plants, and we built more and worse ships than were ever built in the same length of time in the history of the world. Where are they now? Tied up like a brood of drowned kittens in some bay. Why? Because we were not prepared for war; because we did not believe war would come to us; because we did not want it to come. But it did come.

So I say here today, we have our roots in industry and commerce throughout the world, and we cannot help but have a relationship that will test us at once if some world war breaks out. What will it cost us if we destroy our shipping? I should like to see the American merchant marine put on a basis that would be worthy of this Nation. How can it be if you tie it up here with a lot of sweet nursery rhymes and put on board a lot of wet nurses and have the President or somebody else see to it that these delicately organized sailors shall blow their noses properly and—above all things—not go near the water?

I have neither the learning nor the eloquence to properly unfold this momentous matter with which we are dealing today. But I can come to the point of what I have to say in a few words. I have listened to these endless and sincere arguments before our committee. I have had many letters on the subject from ladies and gentlemen who seem certain that they can solve the problem. But my anxiety over what is going on in this Nation at the present time remains. Here we are, the greatest nation the world has ever seen—we admit it—with 130,000,000 people, with the blood of the dominant breeds of the world in our veins. Here we are, with the greatest heaped-up wealth ever achieved in the history of the world. Here we are, with the greatest fabric of religion and learning that any nation has ever erected in its history.

Here we are the great outstanding big brother of mankind, and what is it proposed that we do in and for a world torn and distressed and broken and liable to fall into irretrievable ruin? We propose to lock our doors and turn our backs upon the distracted world and refuse to face the moral obligations that inhere in our supreme greatness, that inhere in our widespread knowledge, that inhere in our enormous wealth and in our free institutions. From a world whose wounds we could heal we propose to shut ourselves away, neutralized, sterilized spiritually and morally. This legislation is a symptom of a moral sterilization of the American people in connection with our tremendous inescapable obligations to the rest of the world. I am worried by this attitude. I am bowed down and distressed by it. I am going to vote for this legislation in the form it finally assumes, because if I do not, my people will be tempted to think that I want to kill and maim young men on the battlegrounds of a world war; but after I have cast my vote I shall not be certain that I have made a real step toward the one solution of the problem of war which lies not in more law but in the awakening among the American people of a new sense of that moral obligation which strength and character owe to the weak ones of the earth. That is what we have to come to, and God help us to do it before it is too late. [Applause.]

Mr. FISH. Mr. Chairman, I now yield to the gentleman from Indiana [Mr. LUDLOW].

Mr. LUDLOW. Mr. Chairman, I believe the best proposal to keep America out of war is a referendum on war. Next to that is a really adequate neutrality law. I believe that if the Constitution were so amended as to permit the people to vote on a declaration of war America would never send its boys into foreign countries to be slaughtered in the settlement of quarrels of alien origin. I have introduced a resolution for a constitutional amendment to give the people the right to vote on war except in the case of attack or invasion. Within a short time I shall file a discharge petition at the Speaker's desk to bring that resolution before the House for debate and a vote. I will be extremely grateful to Members of the House if they will examine that resolution (H. J. Res. 199) and give it their support.

I have also introduced a neutrality bill and it is concerning this latter measure that I intend to speak today. My neutrality bill is what Latin scholars would call sui generis. It has no counterpart. It is an orphan in the prolific and colorful family of bills. I will frankly admit that so far my neutrality bill has not made much of a dent on the general situation. As far as I can ascertain it has only one supporter and that man is myself. I shall hope in my speech today that by great forensic effort and the irresistible force of logic I may be able to make at least one convert, in which event the forces back of my bill will be augmented 100 percent. After the battle is over and the steam roller has rolled and the McReynolds bill is passed I will be conquered but I will not be convinced. I will try to exhibit some of the spirit and spunk of little Jeff, who, when Mutt has given him an awful beating, always rises with fire in his eye to exclaim: "I still think I'm right."

The last Democratic national platform, to which we on this side of the aisle are supposed to owe our fealty, rises to con-

demn the neutrality bill that is before the House and likewise the neutrality bill that has passed the other Chamber. Let me quote that platform on the subject of neutrality:

We shall continue—

It says—

to observe a true neutrality in the disputes of others; * * * to guard against being drawn by political commitments, international banking, or private trade into any war which may develop anywhere.

Please note especially our party's pledge that "private trade" shall not be allowed to involve America in war.

But do the McReynolds bill and the Pittman bill protect America from becoming involved in war through private trading? They most certainly do not. Both bills allow the building up in our country of an enormous war trade in everything except munitions, and therefore both bills are in direct conflict with the spirit, if not the letter, of the Philadelphia platform. Under the mandate of the November election we are supposed in this Congress to be writing a permanent neutrality law that will keep us out of war throughout the years to come, but what we really are doing is to write a law that in all human probability will get us into war through the lure of war profits. The requirement that the title of goods shall pass to the purchaser before the goods may move, as proposed in the Pittman bill and as suggested, subject to Executive discretion, in the McReynolds bill, is no protection at all against our involvement in war. "Cash and carry" sounds well, but it would transfer foreign wars to our shores. With 100 submarines waiting outside the 3-mile limit to sink vessels carrying American goods, is anyone credulous enough to suppose that we could escape being drawn into the conflict?

I have the honor to represent a splendid industrial district. It is one of the great industrial districts of the United States. We have perhaps a thousand factories, many of which are going through very lean years. While I am anxious to help these industries, I will never vote for any measure that puts profits ahead of the peace and security of my country, and I know that I express the thoughts of our fine industrial community when I say that they do not want any profits that are founded on skulls and crossbones.

More than anything else, I should like to see our country relieved of the war peril that hangs over it like the sword of Damocles, and that, I believe, is the sentiment of the fine constituency I represent in this Chamber. I am against the McReynolds bill with its transparent adherence to war profits and its well-meant but mischievous Executive discretionary provisions, which are a standing invitation to unwise or venturesome Presidents to juggle the Nation into war. It is unholy wedlock that brings peace and profits to the marriage altar, and no good can possibly come from such an abortive union.

I am so fed up on neutrality bills that appear to be noble gestures but really mean little, if anything, that it is difficult for me to speak or write calmly on the subject.

I am opposed to the McReynolds bill, and I am opposed to the Pittman bill, and I am opposed to every other so-called neutrality bill that clings to wartime profits to be derived by trading with belligerents. As all of the neutrality bills I have seen, except my own, hang on like grim death to war profits in some form or to some extent, I find myself in about the same situation as the pugnacious Irishman with whom his entire regiment was out of step.

If I had my way I would relegate to the realm of innocuous desuetude the McReynolds bill and the Pittman bill and all the pack and parcel of neutrality bills that are so tenacious of war profits, and I would pass a bill that would automatically cut off all trade with a nation when that nation becomes a belligerent, and then America would have real protection from war.

The first question we should decide when we devote our attention to neutrality legislation is whether our anxiety to stay out of war is strong enough to make us willing to pay the price of staying out of war.

We should engage in a little self-examination, a little introspection to find out our real desire. We should in all candor ask ourselves this question:

"Do we really want to make America immune from war or do we want to listen to the siren voice of the war profiteer and fix up a little arrangement that will furnish a measure of protection from war, and at the same time insure the profiteer his dip in case war comes?"

That is all the McReynolds bill does; that is all the Pittman bill does. Each of those bills affords a little protection to America from war's terrors but at the same time takes good care of the interests that fatten on the profits of war. Each of those bills affords a measure of protection when it ought to be furnishing full protection. We can keep out of war if we will pay the price of keeping out of war. We can make America immune, or practically immune, from war if we will give up the idea of extracting any profits from war and make up our minds to stay out of the whole bloody business.

There is an old saying, as true as it is ancient, that "you cannot have your cake and eat it, too." Both the McReynolds bill and the Pittman bill seek to accomplish that dexterous feat, but it will not work. With charming inconsistency, both bills seek to establish America's neutrality, while at the same time allowing belligerent nations to build up a vast war trade in America. The two propositions are like oil and water. They will not mix. We cannot long have peace and revel in war profits at the same time. If we tie ourselves to war profits, we cease to be immune and place ourselves in a perilous position where we are almost certain, sooner or later, to be dragged into the swirling maelstrom of war.

When I think of the little mite of protection against war provided in the McReynolds bill and the Pittman bill and other so-called neutrality measures before Congress that are so framed that they do not interfere with war trade, I am reminded of the stingy man and the insurance agent. The stingy man protested that a premium of $25 a year was altogether too high.

"Fix me up 50 cents' worth, and I'll take it", he said.

We cannot insure America against war unless we are willing to pay the full premium. The McReynolds bill and the Pittman bill make a 50-cent payment on a $25 premium obligation, and as a result America gets no insurance, which is tragic and distressing, since nearly all competent observers seem to agree that we are headed with tremendous velocity toward another World War which, if it comes, will destroy civilization.

The McReynolds bill and the Pittman bill suffer from several fatal defects. They allow American ships to carry goods into war zones where they may be sunk. They place no limit on a belligerent's wartime trade with America in goods not strictly munitions of war. Everybody knows that when American manufacturers and exporters become bound to a belligerent nation by the golden strands of fabulous profits it probably will be only a question of time until those attachments will drag America into war to protect this trade. The McReynolds bill, the Pittman bill, and nearly all of the pending neutrality bills leave the door wide open to belligerents to buy goods in America that do not come within the category of munitions of war. Everybody knows that such war materials and supplies are as essential as munitions to winning a war and therefore we have a misnamed neutrality bill that will put America deeply into any war situation on the side of a favored belligerent who will buy our goods. War trade on a huge scale inevitably means involvement on the side of our customers. Under these pending neutrality bills we are going to trade again, just as we did in 1914. In fact, we already are in the beginning of a war boom, as part of our present prosperity in the steel and automobile industries may be traced to large foreign war orders.

When this neutrality legislation was in the embryonic stage Walter Runciman, president of the British Board of Trade, visited Washington, and a special dispatch to the New York Times on January 31 last told the purpose of his visit.

He made no secret—

The dispatch said—

of his concern over the prospect that the United States' neutrality policy might close the doors of the United States on foodstuffs and

other essential exports to Great Britain in event of war. It is recognized that should an extreme mandatory neutrality policy of embargo be enacted, it might discourage Great Britain from consenting to reciprocal-trade negotiations with the United States.

On the other hand, there is a prospect that, should discretion in applying embargoes on foodstuffs and other secondary materials essential in wartime be voted, or should the permanent legislation refrain from vesting embargo authority in the President over other than arms, ammunition, and implements of war, British concern on this score might be allayed.

It is safe to say that this emissary of Britain must be well pleased with the McReynolds bill, the measure now before the House, because under it no limit is placed on the amount of "foodstuffs and other essential exports" that may be sold by Americans to a belligerent and because, on account of Great Britain's superior purchasing power and her mastery of the seas, the prospect is that this profitable trade would make America a potential ally of Great Britain in any war in which she might engage.

There is one kind of neutrality law, and one kind only, that would keep us out of war. That is a law which by mandatory embargo would automatically cut off all exports of all kinds and all loans and credits from a nation when that nation goes to war. No nation could find fault with such a law, because it would be heralded as America's fixed policy, known to all men and applying impartially to all nations. It would be a high price to pay in the sacrifice of profits, but small in comparison with the cost of involvement in another war. It would be small compared with the homes that would be wrecked, the lives of our precious young men that would be lost, the tears of widows and mothers and children that would be shed when war comes.

With war clouds lowering and dictators thrumming the strings of war, now is the time to enact a neutrality law that will really and truly protect America. Anything less than that is toying with a situation of tragic gravity. If we are unwilling to go that far in order to make the job satisfactory and complete, let us frankly acknowledge that we have placed trade above the happiness of American homes and the peace and security of countless generations of children yet unborn. Let us throw up our hands and admit that we have surrendered to the fleshpots.

I present herewith the text of my bill, H. R. 4555, which I submit is a real neutrality bill:

A bill to establish the neutrality of the United States

Be it enacted, etc., That upon the outbreak of war between two or more foreign nations the President shall issue a proclamation forbidding (1) exports of all kinds and (2) loans and credits to said belligerent countries or to the nationals of said belligerent countries. Said prohibition shall be made effective in a similar way by proclamation against nations that may enter the war subsequent to its outbreak and the nationals of said nations and to factions engaged in a civil war.

SEC. 2. The penalty for violating such proclamation shall be a fine of $10,000 or imprisonment for not more than 5 years, or both.

SEC. 3. No vessel of American registry shall be chartered or used to transport goods in violation of the President's proclamation forbidding said shipments, and the penalty for violation of this section shall be cancelation of the registration of said vessel.

SEC. 4. Upon the outbreak of war between two or more foreign nations the President shall issue a proclamation notifying American citizens that travel on the vessels of belligerent nations shall be at the traveler's own risk: *Provided*, That the notification shall not apply to a citizen on a voyage begun in advance of the date of the President's proclamation, if he has had no opportunity to discontinue his voyage after that date.

SEC. 5. Whenever during a war between two or more foreign nations it shall come to the notice of the Secretary of Labor that any alien is engaged in the United States or any possession thereof in propaganda activities other than the legitimate exercise of free speech and by such activities is seeking to win the favor of the United States for one or more of the belligerents, or otherwise to interfere with the position of neutrality of the United States, the Secretary shall immediately order the arrest of said alien and shall as soon as practicable deport him to the country from which he came.

SEC. 6. Recruiting in the United States in behalf of any belligerent foreign nation is forbidden. The penalty for violating this section shall be a fine of $10,000 or imprisonment for not more than 5 years, or both.

SEC. 7. Whoever (1) disguises the identity of a consignor or (2) camouflages the nature or the destination of goods intended for ultimate delivery to a belligerent nation or to nationals of a belligerent nation shall be subject to a fine of $10,000 or imprisonment for not more than 5 years, or both.

Enactment of the bill I have introduced would, I believe, give America a real neutrality law. A bill that seeks to combine peace and war profits, such as the measure pending before the House today, may give us the form, but it will never give us the substance, of neutrality. I am fearful that it will break down under the first strain of war and in the end will prove a tragic disappointment to the American people.

Mr. McREYNOLDS. Mr. Chairman, I yield now to the gentleman from Nebraska [Mr. LUCKEY].

Mr. LUCKEY of Nebraska. Mr. Chairman, a great deal has been said about neutrality. When we went into the World War we went into it with a very high motive, to make the world safe for democracy. We went into the war to end war. History has shown the inaccuracy and fallacy of that attempt. The neutrality measure we are attempting to enact is to avert those dangers and those fallacies in the future.

Mr. Chairman, the measure now under discussion is a peace act rather than a neutrality act. While it does outline the course we shall follow in the future as a neutral nation, the primary objective of the proposed legislation is to insure peace and the uninterrupted peaceful pursuits of economic and social well-being. Enactment of such legislation is in answer to the hopes and prayers of all Americans since that memorable Armistice Day of November 11, 1918. After more than 18 years of inaction, we are ready at last to put up the first barrier against again being drawn into foreign wars. We now have within our power the opportunity to erect a strong and permanent barrier against such wars, but we face the possibility of enacting only a weak and ineffective barrier. The people of this country want the strongest possible legislation, and we must seize this opportunity to fulfill their wishes.

If we choose profits today we may well find that we will have neither profits nor peace tomorrow. The House Joint Resolution 252, introduced by our distinguished chairman of the Committee on Foreign Relations [Mr. McREYNOLDS], unfortunately offers the possibility of profits today, which will end up with neither profits nor peace tomorrow. It reenacts the provisions of existing law which are generally approved and makes a notable improvement in regard to the exclusion of armed merchantmen, as well as submarines, from the use of our ports and territorial waters when we are neutral. There are only two sections of the pending resolution which I wish to discuss and which, pray God, we may be able to revise to insure us of a course of real neutrality and permanent peace. Those sections deal with the limitations placed on Americans traveling on vessels of a belligerent nation and the manner in which we shall conduct trade with belligerent nations.

In attempting to restrict the travel of our nationals upon belligerent vessels and in attempting to place controls over our commerce with those belligerents we inevitably raise opposition on the grounds of international law and upon the grounds that we would be discarding the historic principles of freedom of the seas for which this country has stood. Only an idealist of the first water can base arguments upon international law, because international law during periods of war is entirely an ideal affair. The fact is that in times of peace states agree to certain legal rules by which they refuse to be bound when urgent self-interest dictates a contrary course. Hard-pressed belligerents always have and always will violate neutral rights. Those may be facts that are repellant to our ideals, but they are facts just the same, and are borne out by the experiences of the past. A country at war, fighting with its back to the wall, is just as much interested in international law as is a hog in Einstein's theory of relativity.

I know that there are those who will hold that we cannot cast off the traditional American doctrine of freedom of the seas. Perfectly honestly, I cannot see how anyone can maintain that that is a standard American doctrine. It is of sufficient importance in this debate to briefly summarize our experience with that doctrine and to decide whether or not we have been able to maintain that doctrine in international practice.

The first American naval policy was formulated in 1793 in response to the British order of February 18 recalling all British sailors, and in response to the practices adopted

by France and Great Britain during the Napoleonic wars. As an infant state with a keen desire to build up our carrying trade we adopted the principle of "free ships free goods", and "neutral goods, with the exception of contraband of war, are not liable to capture under enemy's flag", and "blockades in order to be binding must be effective—that is to say, maintained by a force sufficient really to prevent access to the coast of the enemy." On May 6, 1794, instructions were given to John Jay to incorporate the principle of "free ships free goods" in the treaty he was to execute with Great Britain. (See American State Papers, Foreign Relations I, p. 472 ff.) The Jay treaty, dated November 19, 1794, did not embody that principle. (Miller, D. H., Treaties and Other International Acts of the U. S. II, p. 245 ff.) Great Britain continued to regard the provisions outlined in the Consolato del mare of 1645 as guiding British naval policy. We were able to secure French assent to our principle in the treaty of September 30, 1800, although we acquiesced in the principle that enemy ships made enemy goods. (See Miller, II, p. 456 ff.) The conflict between British naval policy and that established by this country led up to the War of 1812, and in the Treaty of Ghent which ended that war December 24, 1814, there is no recognition by the British Government of the American claims as to freedom of the seas. (See Miller, II, p. 574 ff.)

England finally recognized the American doctrines when she acceded to the terms of the Declaration of Paris, 1856. By 1914 the Declaration of Paris had been acceded to by every nation in the world except the United States and Venezuela. However, it must be pointed out that that declaration made no definition of what constituted contraband of war. From 1856 until the Declaration of London in 1908 there was no substantive modification or change in the practice or application of freedom of the seas. No war during that period furnished a necessary incident to bring about any change. The Declaration of London established a contraband list, a conditional contraband list, and a noncontraband list, but it provided that the absolute contraband list and the conditional contraband list could be added to in time of war by notification. The Declaration of London was not ratified by a single state. That brief treatment brings us up to the conditions existent at the outbreak of the World War and supplies an adequate background to interpret the actions of the belligerents in that war as they affected neutral trade.

All the principles of freedom of the seas embodied in the Declaration of Paris were swept overboard during the World War. Both sides rejected the definition of contraband and limited contraband outlined in the Declaration of London. The advent of submarine war brought to an end any hope of maintaining the practice of warning, visit and search. The British policy of searching the actual cargo of a neutral vessel brought to an end the established practice of searching only the ship's books. Practically over night neutral nations found themselves face to face with a situation that had no precedents in history. Neutral nations endeavoring to trade with belligerent nations found their trade endangered by confiscation or destruction. Neutrals traveling upon vessels of a belligerent nation were no longer safe. How anyone can study the history of the World War and come to the conclusions that we can protect the lives of our nationals when they travel upon belligerent's vessels or how we can protect our commerce with belligerent nations without being drawn into the maelstrom of war is beyond my imagination.

During the World War the distinction between contraband and conditional contraband was entirely disregarded. Many of the articles classed as noncontraband in the Declaration of London were included on the contraband lists. At this point, in order to show how inclusive modern conceptions of contraband have become, I insert a list of contraband and conditional contraband as published in the London Gazette of July 3, 1917:

SCHEDULE 1. ABSOLUTE CONTRABAND

Abrasive materials (see "Emery").
Acetic acid and acetates.
Acetic anhydride.
Acetic ether.
Acetones and raw or finished materials usable for their preparation.
Aircraft of all kinds, including airplanes, airships, balloons, and their component parts, together with accessories and articles suitable for use in connection with aircraft.
Albumen.
Alcohols, including fusel oils and wood spirit and their derivatives and preparations.
Aluminum and its alloys, alumina, and salts of alumina.
Ammonia.
Ammonia liquor.
Ammonium salts.
Aniline and its derivatives.
Animals, saddle, draft, and pack, suitable or which may become suitable for use in war.
Antimony, and the sulphides and oxides of antimony.
Apparatus which can be used for the storage or projecting of compressed or liquefied gases, flame, acids, or other destructive agents capable of use in warlike operations, and their component parts.
Armor plates.
Arms of all kinds, including arms for sporting purposes, and their component parts.
Arsenic and its compounds.
Arsenical ore.
Asbestos.
Asphalt, Balata (see Rubber).
Bamboo.
Barbed wire, and the implements for fixing and cutting the same.
Barium chlorate and perchlorate.
Barium sulphate (barytes).
Bauxite.
Benzine (see Mineral oils).
Benzol and its mixtures and derivatives.
Bitumen.
Bleaching powder.
Bone black.
Bones in any form, whole or crushed; bone ash.
Borax, boric acid, and other boron compounds.
Bromine.
Cadmium, cadmium alloys, and cadmium ore.
Calcium acetate, nitrate, and carbide.
Calcium sulphate.
Camp equipment, articles of, and their component parts.
Camphor.
Capsicum.
Carbolic acid (see Phenol).
Carbon disulphide.
Carbon, halogen compounds of.
Carborundum (see Emery).
Carbonyl chloride (see Phosgene).
Cartridges (see Projectiles).
Caustic potash.
Caustic soda.
Cellulcid.
Cerium and its alloys and compounds.
Charges (see Projectiles).
Checks (see Gold).
Chloride of lime.
Chlorides, metallic (except chloride of sodium), and metalloidic.
Chlorine.
Chromium and its alloys, salts, compounds, and ores.
Clothing and equipment of a distinctively military character.
Cobalt and its alloys, salts, compounds, and ores.
Copper pyrites and other copper ores.
Copper, unwrought and part wrought; copper wire; alloys and compounds of copper.
Cork, including cork dust.
Corundum (see Emery).
Cotton, raw, linters, cotton waste, cotton yarns, cotton piece goods, and other cotton products capable of being used in the manufacture of explosives.
Coupons (see Gold).
Credit notes (see Gold).
Cresol and its mixtures and derivatives.
Cyanamide.
Debit notes (see Gold).
Diamonds suitable for industrial purposes.
Electrical appliances adapted for use in war, and their component parts.
Electrolytic iron.
Emery, corundum, carborundum, and all other abrasive materials, whether natural or artificial, and the manufactures thereof.
Equipment (see Clothing).
Explosives, materials used in the manufacture of.
Explosives specially prepared for use in war.
Fatty acids.
Feldspar.
Ferro-alloys of all kinds.
Ferro-silicon.
Fibers, vegetable, and yarns made therefrom.
Financial documents (see Gold).
Flax.
Forges, field, and their component parts.
Formic acid and formates.
Formic ether.
Fusel oil (see Alcohols).
Gases for war purposes and materials for production thereof.
Glycerine.

Gold, silver, paper money, securities, negotiable instruments, checks, drafts, orders, warrants, coupons, letters of credit, delegation or advice, credit and debit notes, or other documents which in themselves, or if completed, or if acted upon by the recipient, authorize, confirm, or give effect to the transfer of money, credit, or securities.
Goldbeaters' skin.
Gun mountings and their component parts.
Gutta Percha (see Rubber).
Hematite iron ore.
Hematite pig iron.
Hair, animals of all kinds, and tops, noils, and yards of animal hair.
Harness of all kinds, of a distinctively military character.
Hemp.
Hides of cattle, buffaloes, and horses.
Hydrochloric acid.
Implements and apparatus designed exclusively for the manufacture of munitions of war, or for the manufacture or repair of arms or of war material for use on land or sea.
Incendiary materials for war purposes.
Insulating materials, raw or manufactured.
Iodine and its compounds.
Iridium and its alloys and compounds.
Iron (electrolytic).
Iron pyrites.
Kapok.
Lathes, machines, and tools, capable of being employed in the manufacture of munitions of war.
Lead and lead ore.
Leather, undressed or dressed, suitable for saddlery, harness, military boots, or military clothing.
Leather belting, hydraulic leather, pump leather.
Letters of credit, delegation or advice (see Gold).
Light-producing materials for war purposes.
Limbers and limber boxes and their component parts.
Lithium (see Strontium).
Lubricants.
Machines (see Lathes).
Manganese and manganese ore.
Manganese dioxide.
Maps and plans of any place within the territory of any belligerent, or within the area of military operations, on a scale of 4 miles to 1 inch, or any larger scale, and reproductions on any scale, by photography or otherwise, of such maps or plans.
Mercury.
Metallic sulphites and thiosulphates.
Mineral oils, including benzine and motor spirit.
Molybdenum and molybdenite.
Monazite sand.
Motor spirit (see Mineral oils).
Motor vehicles of all kinds, and their component parts and accessories.
Naphtha (see Solvent naphtha).
Naphthalene and its mixtures and derivatives.
Negotiable instruments (see Gold).
Nickel and its alloys, salts, compounds, and ores.
Nitrates of all kinds.
Nitric acid.
Oleum (see Sulphuric acid).
Orders (see Gold).
Osmium and its alloys and compounds.
Oxalic acid and oxalates.
Palladium and its alloys and compounds.
Paper money (see Gold).
Peppers
Phenates
Phenol (carbolic acid) and its mixtures and derivatives.
Phosgene (Carbonyl chloride).
Phosphorus and its compounds.
Photographic films, plates, and paper, sensitized.
Pitch.
Platinum and its alloys and compounds.
Potassium salts.
Powder specially prepared for use in war.
Projectiles, charges, cartridges, and grenades of all kinds, and their component parts.
Prussiate of soda.
Quebracho wood (see Tanning substance).
Quillaia bark.
Ramie
Rangefinders and their component parts.
Rattans.
Resinous products
Rhodium and its alloys and compounds.
Rubber (including raw, waste, and reclaimed rubber, solutions and jellies containing rubber and any other preparations containing balata and gutta percha, and the following varieties of rubber, viz: Borneo, Guayule, Jelutong, Palembang, Pontianac, and all other substances containing caoutchouc), and goods made wholly or partly of rubber.
Ruthenium and its alloys and compounds.
Sabadilla seeds and preparations thereof.
Searchlights and their component parts.
Securities (see Gold).
Selenium.
Silk, artificial, and the manufactures thereof.
Silk in all forms and the manufactures thereof; silk cocoons.
Silver (see Gold).
Skins of calves, pigs, sheep, goats, and deer.
Smoke-producing materials for war purposes.
Soap.
Soda lime.
Sodium.
Sodium chlorate and perchlorate.
Sodium cyanide.
Solvent naphtha and its mixtures and derivatives.
Starch.
Steel containing tungsten or molybdenum.
Strontium and lithium compounds and mixtures containing the same.
Submarine sound-signaling apparatus.
Sulphur.
Sulphur dioxide.
Sulphuric acid; fuming sulphuric acid (oleum).
Sulphuric ether.
Talc.
Tanning substances of all kinds, including quebracho wood and extracts for use in tanning.
Tantalum and its alloys, salts, compounds, and ores.
Tar.
Thiosulphates (see Metallic sulphites).
Thorium and its alloys and compounds.
Tin; chloride of tin; tin ore.
Titanium and its salts and compounds; titanium ore.
Tuluol and its mixtures and derivatives.
Tools (see Lathes).
Tungsten and its alloys and compounds; tungsten ores.
Turpentine (oil and spirit).
Tires for motor vehicles and for cycles, together with articles or materials especially adapted for use in the manufacture or repair of tires.
Uranium and its salts and compounds; uranium ore.
Urea.
Vanadium and its alloys, salts, compounds, and ores.
Vegetable fibers (see Fibers).
Wagons, military and their component parts.
Warrants (see Gold).
Warships, including boats and their component parts of such a nature that they can only be used on a vessel of war.
Waxes of all kinds.
Wire, barbed (see Barbed wire).
Wire, steel and iron.
Wood spirit (see Alcohols).
Wood tar and wood-tar oil.
Woods of all kinds capable of use in war.
Wool, raw, combed, or carded; wool waste; wool tops and noils; woolen or worsted yarns.
Xylol and its mixtures and derivatives.
Zinc and its alloys.
Zinc ore.
Zirconia.
Zirconium and its alloys and compounds.

SCHEDULE 2. CONDITIONAL CONTRABAND

Algae, lichens, and mosses.
Barrels and casks, empty, of all kinds, and their component parts.
Bladders.
Boots and shoes suitable for use in war.
Casein.
Casings.
Casks (see Barrels).
Charcoal (see Fuel).
Chronometers.
Clothing and fabrics for clothing suitable for use in war.
Docks; floating, and their component parts; parts of docks.
Explosives not specially prepared for use in war.
Field glasses.
Foodstuffs.
Forage and feeding stuffs for animals.
Fuel, including charcoal, other than mineral oils.
Furs utilizable for clothing suitable for use in war.
Gelatin and substances used in the manufacture thereof.
Glue and substances used in the manufacture thereof.
Guts.
Harness and saddlery.
Horseshoes and shoeing materials.
Lichens (see Algae).
Mosses (see Algae).
Nautical instruments, all kinds of.
Oils and fats, animal, fish, and vegetable, other than those capable of use as lubricants and not including essential oils.
Oleaginous seeds, nuts, and kernels.
Powder not specially prepared for use in war.
Railway materials; both fixed and rolling stock.
Sausage skins.
Skins utilizable for clothing suitable for use in war.
Sponges, raw and prepared.
Telegraphs, materials for; materials for wireless telegraphs.
Telephones, materials for.
Telescopes.
Vehicles of all kinds, other than motor vehicles, available for use in war, and their component parts.
Vessels, craft, and boats of all kinds.
Yeast.

The Italian Official Gazette publication of prize rules shows the sweeping character of contraband goods in modern warfare. Those rules defined only two kinds of noncontraband: Medical supplies and the stores designated solely for the use of the ship and its passengers. (See Gazette Ufficiale, Apr. 26, 1917, no. 98.)

During the World War the submarine took its place among the naval armaments of the world. Today every maritime power has fleets of such vessels. Any future policy must be postulated upon a recognition of the fact that submarines will be used in future wars. Future policies must be based upon a clear understanding of the peculiar advantages and disadvantages of the submarine as an instrument of naval warfare.

In future wars when we place American cargoes on vessels bound to belligerent countries we must fully recognize the fact that if those vessels are attacked by submarines there will be no possibility of the submarine giving warning and then going through with the processes of visit and search. Our nationals, traveling upon the vessels of a belligerent nation, must clearly realize those facts. A submarine is the slowest and most frail of naval craft. Any attempt made by it to stop, visit, and search a national vessel would lead to the destruction of the submarine. A merchant vessel with light-caliber armament is fully capable of sinking a submarine. One of the most notable examples of such a success is that found in the performance of the British ship *Carmania*. Under the processes of visit and search, even an unarmed merchant vessel assumes an offensive character because of its superior speed, which would enable it to maneuver and ram the undersea craft. Our State Department fully recognized the vulnerability of submarines in the notation sent by Secretary of State Lansing to the Allied Powers dated January 18, 1916, which read in part as follows:

> Even a merchant ship carrying a small-caliber gun would be able to use it effectively against a submarine. * * * Consequently the placing of guns on merchantmen in the present day of submarine warfare can be explained only on the ground of a purpose to render merchantmen superior in force to submarines and to prevent warning and visit and search by them. Any armament, therefore, on a merchant vessel would seem to have the character of offensive armament.

No great stretch of the imagination is necessary to prophesy that in the next war aircraft will be used to harry merchant vessels carrying cargoes of supplies to enemy destinations. Everyone realizes that an airplane has no possibility of visiting and searching a merchant vessel. These conditions being clearly understood, we are faced with two inescapable facts: (1) The American national who travels upon the merchant vessels of a belligerent power must necessarily place himself in jeopardy of loss of life; (2) that American goods bound for any part of a belligerent power, whether in vessels of American or other registry, stand in jeopardy of being destroyed at sea or confiscated under modern estimations of contraband and limited contraband of war. The very character of submarine and air warfare sounds the doom of the contention that neutral goods in enemy ships retain their neutral character.

In future wars our neutral trade with belligerent nations cannot help but be vitally affected by one other development of the late war. That is the modern practice of blockade. The American principle of effective blockade was entirely swept aside when the Allies established their blockade against all German ports and when Germany made her declarations of the extended war zones. Our ships and those of other neutrals were barred from carrying articles and commodities, regardless of their character, to the civilian population in Germany and Belgium just as effectively as they were barred from carrying munitions of war. On her side Germany carried on a ruthless campaign of submarine warfare, seeking to cut off from the allied ports vessels with cargoes which would aid those powers to continue the war. Both sides recognized the fact that no nation can carry on a war unless (1) her civilian population has the necessities of life; (2) her industrial production can be maintained by access to the necessary raw materials; and (3) that no army in the field can be maintained unless both it and the supporting civilian population can be maintained on a decent standard of living. In the broadest sense the entire economic structure of a nation was brought into the military machine, and everything that was essential in keeping the machine operative became contraband of war.

These conditions make possible only three courses of action for this country to follow in future periods of neutrality: (1) Allow free trade in what we consider to be noncontraband of war materials with any power offering a market and protect such trade with the naval might of this country; (2) an isolationist policy, forbidding all exports of our commodities to belligerent nations; (3) a cash-and-carry policy whereby those who wish to buy our goods may come to our shores, pay cash, and assume all risks incident to travel on the high seas with belligerent destinations.

The McReynolds bill adopts the principle of cash and carry and then throws it out of the window by granting the President discretionary power to place our trade with belligerents on such a basis. The McReynolds bill does not stop American nationals from traveling on the vessels of a belligerent nation. Instead, it gives the President the power to prohibit such travel. This McReynolds bill provides the opportunity for us, as a neutral country, to expand our production and to develop a huge trade with belligerent nations which will again lead us either to war or to the now famous economic cycle of "boom or bust", or both. This bill does not prohibit American vessels, loaded with cargoes of American, belligerent, or neutral origin, from entering war zones. Actually, it leaves open every one of the avenues which led us into the late World War.

I want it perfectly understood that I do not distrust the ability or motives of our great President. He wants peace, but he is no more infallible than the Chief Executives we have had in the past or that we will have in the future. Because I love our President, and will always render my allegiance to our duly elected Executives, I oppose these grants of broad discretionary powers which, if mistakenly used or used too late, would shatter our dreams of peace and throw us once more into the hell of a modern war.

The first provision of section 4 grants to the President the power to restrict the shipment of articles and commodities except arms, ammunitions, and implements of war in such manner as he may see fit. These restrictions might be placed on anything under the sun. They might be on asbestos, bamboo, bromine, hides, cotton, iodine, soap, or wax. We do not regard any of these comodities as being munitions of war, yet under the British rules of the last war they were contraband. The very enactment of an embargo on such commodities might well be a distinctly unneutral act. Let me set up a hypothetical case. Suppose A and B are at war and our President should establish an embargo on cotton, leather, and steel. A might need all three of these commodities, while B might need only one. Therefore, by depriving A of these commodities we would be playing into the hands of B. The loss of self-preservation and self-interest would bring about an inevitable retaliation.

If you will take the time to read over the British lists of contraband and conditional contraband, you will see that there is scarcely anything left for us to export without running the risk of having those exports either seized or destroyed. If our citizens retain title to food, clothing, iron, steel, copper, and all other things now claimed to be of contraband nature, the belligerent with the greatest sea power will seize those shipments and the belligerent with the lesser sea power will destroy them by submarine or aerial attack. These are conditions whose existence has been proven, and you cannot enact a policy which is purely ideal but is supposed to operate in a world of realities.

If we are to escape another war we must adopt a policy whereby we say to all countries, "If you get into war there is only one way you can secure our goods: you must come to our shores, pay cash, and run your own risks on the high seas." The reasonableness of that proposal is based upon two uncontrovertable facts: First, we must have cash, because we cannot finance other countries' wars without

ourselves becoming involved in those wars; second, we cannot ship goods without endangering American lives and property, the loss of either of which would provide a basis or motive for our casting off all neutrality to take on a belligerent character.

Our present law provides that any American national who travels on the vessel of a belligerent nation does so at his own risk. The bill we now have before us does not even do that much. Instead, it places upon our Government the responsibility of those citizens until such time as the President may see fit to forbid such travel within limitations which he may prescribe. Unless we can make the prohibition of travel upon belligerent vessels simultaneously with the establishment of neutrality we can well expect another *Lusitania* disaster. The fact that the *Lusitania* was not sunk until May 7, 1915, 10 months after the beginning of the World War, does not preclude the possibility of a similar tragedy 1 day or 10 days after the next war begins. Insofar as humanly possible, we must prevent the loss of American lives during periods of future neutrality.

My colleagues, with these closing words let me urge you to consider the provisions of this legislation, not from the standpoint of tradition and pure idealism but from the standpoint of experience and cold facts. Let us establish a neutrality act that will take advantage of every possibility of maintaining a perpetual and blessed peace. Let us not choose profits today which will bring us neither profits nor peace tomorrow. [Applause.]

Mr. McREYNOLDS. Mr. Chairman, I yield to the gentleman from Kansas [Mr. HOUSTON] such time as he may desire.

Mr. HOUSTON. Mr. Chairman, at one time war could be waged with profit, now no gain can equal its cost. There are no noncombatants; war embraces all. Its savage brutality, its cost in indescribable horror to men, women, and children, and its utter futility far eclipse any imaginable economic benefit that might appear to accrue to either a participant or to a neutral nation.

Our present neutrality law was, and is, a declaration to the world that the United States cannot be used as a base of supplies for war purposes, but a wide loophole was uncovered a few weeks ago when the State Department found it could not legally refuse approval of a license to a New Jersey dealer in war supplies to export second-hand airplanes and engines to a warring faction in Spain.

A change in the law to include those engaged in civil war in Spain was made on January 6, 1937, by a joint resolution making it unlawful to export arms, ammunition, or implements of war from the United States or any of its possessions, or to export to a foreign country for transshipment to Spain, or for the use of either of the opposing parties during the present internal conflict there; and, in my opinion, wider discretionary powers should be given the Chief Executive in order that new and unforeseen circumstances can be dealt with as they arise in the rapidly changing world of today. We can ill afford to jeopardize our friendly relations with the world through the lack of authority to deal summarily and effectively with an individual or a nation over a point of law embarrassing to the general policy we have assured the world is ours.

Our neutrality law provides that when a declaration of war is made by one nation against another, financial aid and shipments of arms and munitions automatically cease; and our citizens are warned that they travel on vessels of belligerents at their own risk. Munitions of war are difficult to define and it has been suggested that all commodities such as wheat, cotton, steel, and oil should be considered contraband. It is my belief that the President should be given the power to say if and when such materials should be placed under an embargo; an ironclad law might work toward the destruction of our Nation, as well as of civilization itself. If wars were waged between two nations only, the problem would be less difficult, but with the alinement of a dozen nations against a like number, our position would be that of almost complete isolation if all trade with belligerents is prohibited. Such legislation might easily too narrowly restrict our course of action in the event of war or threatened war.

Mr. Chairman, in the case of commodity exports, let us not put up barriers to world trade, but rather be free to sell our wheat or cotton or oil to those who have the cash to pay for it, and the facilities to transport it to their shores, and that at their own risk. Let us lower international trade barriers by peaceful negotiations, and avoid the disastrous trend toward national self-sufficiency, which invites force by nations to secure that which they need, rather than to secure it by peaceful trade. Durable peace cannot rest upon force; it must rest upon common sense and goodwill.

The strengthening of the temporary neutrality law which expires May 1 is well provided for in House Joint Resolution 242, which has been favorably reported by the Committee on Foreign Affairs. As stated in the report accompanying the resolution, under section 3, it would include civil strife when it exists in a foreign state and whenever the President finds that such armed conflict is of such magnitude or is being conducted under such conditions that the export of arms, ammunition, or implements of war from the United States to said foreign state would threaten or endanger the peace of the United States. When such conditions arise the President shall proclaim such fact and thereafter it is made unlawful to export arms, ammunition, or implements of war, from any place in the United States, or possessions of the United States, to any such state or to any other state for transshipment to, or for use in, the state named in the proclamation.

As to the export of other articles and materials, it provides that whenever the President concludes it is necessary to protect our neutrality and our commerce he has the authority to define such articles and materials as he may think necessary to protect our Government and prohibit American vessels transporting the same to belligerents. Furthermore, a proclamation may be issued when deemed necessary to prohibit the exportation of commodities from the United States to belligerents or to any state wherein civil strife exists, or to any other state for transshipment to, or for the use of, such belligerent state or such state wherein civil strife exists, until all right, title, and interest therein shall have been transferred to some foreign government, agency, institution, association, partnership, corporation, or national. It also prohibits insurance written by American underwriters on any articles or materials the exportation of which is prohibited by the act, or on articles carried by an American vessel or aircraft contrary to subsection (a) of section 4 shall not be deemed an American interest therein, and no insurance policy issued on such articles or materials and no loss incurred thereunder shall be made a basis of any claim put forward by the Government of the United States.

It provides that any proclamation issued by the President shall apply equally to all belligerents, which is ordinarily called the cash-and-carry system; but the committee points out that the exportation of materials should not be effective unless it is necessary to maintain our neutrality or to protect the lives or commerce of our nationals, as many wars in Europe may occur between small countries which have no navies and in which there is no chance for us to become involved by the continuing of the shipment of our commodities. Hence, the President should have the right to determine this fact and put in force the prohibition of exportation of materials whenever he deems it necessary to keep us out of war. It was further held that he should have the power to prescribe in his proclamation such limitations on the shipment of commodities of war, because war may be carried on in the Pacific when our trade would not be in danger in the Atlantic; or it might be carried on in the Atlantic when our trade would not be in danger in the Pacific; or it might be carried on in some islands in the possession of some European country where the war was not being fought.

Section 5 is the law at the present time, with an amendment concerning civil strife and a further amendment under subsection (a) contains these words:

Or to solicit or receive any contribution for any such government, or political subdivision, or any person acting for or on behalf of such government or subdivision.

This section is a very important one because it deals with credits and the purchase and sale, and exchange, of bonds and securities, and so forth, and is designed to prevent the financing of foreign wars in this country.

Under section 8, the present law is amended to apply to armed merchant vessels as well as submarines. Section 9 changes the existing law so that when the President issues a proclamation that a war exists between two belligerent countries, it shall be unlawful for any citizen of the United States to travel on any vessels of the state or states named in the proclamation, except under such limitations and in accordance with such rules and regulations that the President shall prescribe.

To supplement such legislation, we should encourage more conferences such as that held during the closing days of 1936 at Buenos Aires, which marked the beginning of a new era in the Western Hemisphere, made up of 21 American self-governing republics fully aware of their mutual dependence. It reflects a new democratic advance for control over interests which are the concern of all nations.

The eight-point program provides for the education and organization of the people of all nations for peace; for frequent conferences between representatives of nations; for the consummation of five well-known peace agreements; for a common neutrality policy among the American republics; for the pursuit of a liberal policy of commerce; for recognition of the principle of practical international cooperation to restore many indispensable relationships between nations; for strengthening of international law; and for observance of agreements and treaties between nations.

It has been truthfully said that before a war is conceivable there must be something to fight about—an issue. And that issue, broadly speaking, is the outcome of a series of maneuvers by which the people of one nation are brought into position of opposition to another. The maneuvering is not done by the people themselves. Collectively and as individuals, they have little, if anything, to do with the slow and subtle and tortuous shiftings of international relationships. That task, very properly, they leave to their governments. Their interests are directed to the more prosaic task of earning a living. The maneuvering is done by those little groups of men we call governments. These little groups seek constantly and naturally to gain supposed advantages of one sort or another for their own nationals. Out of their efforts to enlarge or to strengthen or to maintain the interests committed to their charge, the people they represent are gradually maneuvered into positions which cannot be easily surrendered. If the process continues, sooner or later an agreement between these little groups becomes impossible. Then, on the ground that their lives and property are somehow involved and endangered, these people, roused by every power of organized appeal and propaganda, are ordered under arms, and war follows. The little groups make the issue. The little groups declare the war. The people they control find themselves at the critical moment substantially helpless. And so as individuals, loyally and patriotically, they accept the decision and go out to pay the bills of war with their bodies in the hope that if not they, then those who come after them, may reap a benefit in some measure proportionate to its cost.

Therefore, the program developed at Buenos Aires to educate the people of the 21 American republics for peace, and for frequent conferences between their representatives and the exchange of views, ideas, and information, will awaken both the governments and the people to the need to advance the level of civilization and peace.

That the people of the United States are aware of the danger of another war is evidenced by the exhaustive studies many groups are making as to the causes of war and the best methods to pursue to avoid it. As an example of the recommendations made by such groups as labor, farm bureau, farm women's organization, League of Women Voters, Lions' Club, Kiwanis Club, Council of Churches, Christian Youth Council, and college and university organizations, I wish to quote here a communication I have received from the Sedgwick County (Kans.) Peace Council, which is worthy of serious consideration:

Neutrality legislation: We recommend neutrality legislation making mandatory at the outbreak of war an embargo on all arms, ammunition and implements of war, on loans and credits, and other essential war materials to belligerent countries.

National defense policy: We demand immediate reduction of the excessive expenditures for armaments and military forces—at least 20 percent for the next fiscal year.

We ask that legislation be enacted providing (1) for a revision of our military and naval policy as will result in a program based solely on protection of our soil against invasion and (2) for a reorganization and consolidation of the War and Navy Departments to insure the retention of only those means and methods of action that are needed to carry out this policy.

We recommend the continuance of the policy established by the Washington Conference of 1922 that there be no further fortification of our island possessions in the western Pacific.

We support the principle of the Nye-Kvale bill calling for elimination of the compulsory requirement from military training courses in civil educational institutions. We also urge the cessation of government aid to all military training in high schools.

Easing of international tensions: We recommend such easing of international trade tensions and stabilization of currencies as will facilitate world peace. We urge that Congress reenact legislation authorizing the Department of State to enter into reciprocal trade agreements with other nations.

Nationalization of the munitions industry and taxing the profits out of war: We recommend legislation to transfer the manufacture of arms, ammunition, and implements of war from private to national ownership.

We recommend a prohibition on the export of arms, ammunition, and implements of war in time of peace as well as in time of war.

We recommend the passage of a drastic tax measure dealing with war profits as outlined by the Nye committee bill introduced in the last Congress.

International cooperation in the settlement of disputes: We favor the extension of peace machinery on the American continent.

We recognize the moral and political obligations of the United States to effectuate the Kellogg Pact by efforts to remove fundamental economic tensions making for war and urge prompt efforts in preparation for a world conference for general economic appeasement.

We approve the stand taken by the Democratic and Republican platforms of 1932 concerning the obligations of the United States to consult in case of a threatened violation of the Kellogg Pact and in favor of adherence to the World Court.

We favor American membership in the League of Nations on the terms of the Pope resolution introduced in the last Congress.

Now, Mr. Chairman, peace cannot be assured by the action of any one people alone; therefore we must, at the same time, plan for our defense and security should another world war come, and that plan should include the mobilization of man-power, and industrial, agricultural, economic, educational, and labor power. The War Department has conducted a study as to how industry can best serve the Government and the Nation in the time of emergency.

Secretary of War Woodring has said: To keep this country at peace it is imperative that we maintain our armed forces in a state of sufficient preparation capable of defending this Nation against aggression and thus give it that security which is a potent factor in the maintenance of peace. * * * I know that our people abhor war. I also know that the Army, knowing the implications and horrors of war, is a strong advocate of peace. It has no voice in making our laws. It does not shape our foreign policy. It has no voice in plunging the Nation into war. It always stands for service to the people whether in peace or war. It is a powerful protective influence acting as a barrier against war. * * * In the development of our plans for national protection the American people are entitled to be informed that in a general way we now know the resources of the country and how they can best be utilized; that industry is acquainted with our requirements and knows what it may have to produce; that the War Department has a thorough appreciation of modern supply preparedness and recognizes that in defense preparation the "strategy of personnel" depends as never before on the "strategy of material."

Mr. Chairman, the plan involves "problems relating to industrial and economic affairs which must be solved. The more important of these problems are to mobilize material, labor, and capital for the support of the fighting forces; to protect industry and the civil population from unnecessary deprivations; to control industrial and commercial relations with neutral and allied nations; to arrange the importation of needed supplies; to arrange the exportation of surpluses;

and to interfere with and damage the enemy in every way possible."

And so our neutrality policy, on the one hand, and the mobilization of industry if war comes may involve some loss of profit to some of our citizens. It may not find favor among the manufacturers of munitions and of supplies for belligerents, but loss of profit is not comparable to loss of lives and the suffering occasioned by war. A repetition of the mistakes of the World War period must not be made, and the mobilization of the Nation will eliminate one of the causes of war—the ability of men to profiteer.

The situation in Europe and the Far East is grave, but a general conflict may yet be avoided, and until it is determined that hope for world peace is futile, we must enforce the cessation of all trade in arms with belligerents, and work for the removal of barriers to trade with nations at peace. Economic isolation is not a protection against war; in fact, those nations of the world who most nearly approach that state are now menacing world peace. Peaceful negotiation and commercial ties making nations more dependent upon one another must be encouraged.

Mr. JOHNSON of Texas. Mr. Chairman, I yield 15 minutes to the gentleman from Mississippi [Mr. FORD].

Mr. FORD of Mississippi. Mr. Chairman, were it not for the lessons we learned in the World War, the time of the Congress would not be taken in considering this piece of legislation. It is with the hope that it will prevent future wars, or at least have some beneficial result upon keeping this country out of war, that the Committee on Foreign Affairs has brought this legislation to the Congress.

Mr. Chairman, there is a provision in this bill which the gentleman from New York [Mr. FISH] discussed a while ago, on which we find a great many people have decidedly opposite views. That is the discretionary power granted to the President of the United States under the language of the bill reported by the Committee on Foreign Affairs to the House. It simply gives to the President of the United States discretionary power to declare embargoes upon commodities that may be used in the furtherance of war by a belligerent country. That is the extent of it. There are many things that could be enumerated that might be beneficial to a certain country in carrying on war against another nation, and from time to time there are certain inventions that are invented by mankind that might not be known today and might not be known when war broke out between foreign countries. It is absolutely necessary that we give discretionary power to somebody who can from time to time, under a certain state of facts, declare embargoes upon those commodities.

It has been suggested by the gentleman from New York [Mr. FISH] that we are giving power to the President to declare an embargo upon American shipping in this country under the provisions of this bill. Let me say that if it becomes necessary, in order to maintain the peace and neutrality of this Nation, then I declare to you that we should have an absolute embargo upon American shipping in this country. What right have those who are interested in the merchant marine, what right have the shipping interests of this country to say that we must sacrifice the lives of the men of this country in order that we may maintain the shipping interests of the country? What right have these exporters of materials and commodities which might be embargoed by the President to say that we must sacrifice the lives of the boys of this country in order to carry on commerce?

There is no one who appreciates any more than I do the necessity of maintaining the commerce of the country, so long as we can do it and maintain peace with other nations. I am not unmindful that an embargo might be declared against the agricultural products which we produce, as well as automobiles and other commodities, in the event the President should think that the peace of our Nation should be threatened by their export; but when we give them the right to come to this country, as this bill provides, to bring their own money and to come after it in foreign ships or in ships where they take their own risk, then we are not endangering the peace and lives and property of this country, and at the same time we are not impairing our foreign commerce.

Mr. BIERMANN. Mr. Chairman, will the gentleman yield?

Mr. FORD of Mississippi. I yield.

Mr. BIERMANN. Does the gentleman not think there is slight danger of bringing the war to our very shores by this sort of cash-and-carry policy?

Mr. FORD of Mississippi. I do not; because under the bill the President has the right to declare certain restrictions as to the use of our ports by foreign countries. I think that the ships which come here would naturally come on a peaceful mission, insofar as this country is concerned.

Mr. VOORHIS. Mr. Chairman, will the gentleman yield?

Mr. FORD of Mississippi. I yield.

Mr. VOORHIS. Is it not true that the alternative to that policy is for the United States to undertake to convoy vessels into the war zone? In other words, you have to take your choice between the one or the other. If you are not ready to take this cash-and-carry policy, then you must necessarily, on the other hand, go to the extent of being willing to convoy the goods.

Mr. FORD of Mississippi. Absolutely. That is a point that I think endangers the peace attitude of this country more than any other one thing.

When we undertake to transport our goods to belligerent countries we are placed in a position where our vessels are likely to be sunk, and if our ships are sunk and lives of our citizens are lost then we find ourselves in the position of declaring war against the country causing our loss and we do it to maintain the freedom of the seas. That gets us right back to the proposition argued a little while ago of surrendering the freedom of the seas. We do not surrender anything whatever in the way of freedom of the seas under the provisions of the McReynolds bill except that we say to our vessels that we are not going to invade the territory and war zones of those countries engaged in war. We will carry our commerce to those people when they are at peace, but when they become engaged in war we leave it to them to come and get the products of this country if they desire them with the exception of arms, ammunition, and actual implements of war, which, under the terms of the bill, cannot be exported to a belligerent in any manner when the President has issued a proclamation that there exists a state of war.

Mr. JOHNSON of Oklahoma. Mr. Chairman, will the gentleman yield?

Mr. FORD of Mississippi. I yield.

Mr. JOHNSON of Oklahoma. The gentleman is making a very informative statement. I take it from his remarks that he prefers the McReynolds bill to the Senate bill.

Mr. FORD of Mississippi. Absolutely. I think it is far better because it leaves discretion in the President to say when a state of war exists and when the peace of this country is threatened. Except when the peace of our country is threatened we should have the right to carry on our peaceful commerce with other nations even though they may be involved in war. The provisions of the Pittman bill leaves no discretion whatever with the President but when a state of war exists requires an absolute embargo upon all commodities.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. FORD of Mississippi. I yield.

Mr. CASE of South Dakota. Does the gentleman think the McReynolds bill enacts a policy similar to the nonintercourse acts of the Jefferson administration?

Mr. FORD of Mississippi. To a certain extent. I think it declares the policy of this country to be one of peace with all nations. It says not only to the strong nations but as well to the smaller nations that by the passage of this bill we are laying down a certain policy, the policy that we are not going to take part in the troubles of other nations. They are, therefore, warned, and should be guided by the policy we are enacting at this particular time.

Mr. CASE of South Dakota. Would the gentleman say that the successive steps taken under the Jefferson administra-

tion—and Jefferson, I think, was animated certainly by a desire to keep this country from becoming involved in war—would the successive steps of nonimports, embargo, and the nonintercourse act not follow, and would there not again be taken corresponding retaliatory measures such as were taken by England and France and such as are represented by the Berlin decree and the Milan decree and by the orders in council.

Mr. FORD of Mississippi. The circumstances at this particular time are very different. It is a time of peace and we are not doing anything that would require retaliatory measures in taking this action at this time. We are indicating by every possible and conceivable act that it is our desire to keep this country from becoming involved in conflicts in other countries. I cannot conceive why they should want to take retaliatory action against us.

Mr. CASE of South Dakota. I think that might be true if we were adopting a fixed policy, but as I understand the bill, particularly sections 4 (a) and (b), we are not adopting a fixed neutrality policy but are lodging discretionary power in the Executive, and the policy may change from time to time during the course of a war.

Mr. FORD of Mississippi. In answer to the gentleman's question, I may say that I think it is absolutely necessary that some one person be left with discretionary power to say when certain conditions exist and to say when the peace of this country is threatened. It all goes to the proposition that if the peace of our country is not threatened we want to maintain and carry on commerce with these other nations and in that way dispose of our commodities and maintain our export trade and carry on in a general way; but when the Chief Executive, exercising the discretion lodged in him by the language of the McReynolds bill, decides and declares that the peace of our country is threatened, then the embargo goes into effect.

Mr. CASE of South Dakota. Does not the gentleman think that such a policy, that of declaring that the peace of this country is threatened, amounts practically to an act of hostility and is, in effect, a declaration of war? I do not think such power should be given by Congress to any one man.

Mr. FORD of Mississippi. I do not. I disagree with the gentleman in that respect, because in laying down the policy by the passage of this bill we are giving notice to every nation that if it becomes involved in strife with another nation or in civil strife of such intensity that it threatens the peace of this country that we are going to place embargoes upon commodities generally as well as an absolute embargo upon arms, ammunition, and implements of war.

Mr. CASE of South Dakota. And if in the application of that discretionary policy it becomes necessary sooner or later to adopt a policy that will affect one nation or the other, that is effectually choosing the side that we will favor when we become involved?

Mr. FORD of Mississippi. I do not think so.

Mr. FERGUSON. Will the gentleman yield?

Mr. FORD of Mississippi. I yield to the gentleman from Oklahoma.

Mr. FERGUSON. The gentleman made the statement that we would give warning to the nations that there would be an embargo on products if they became embroiled in war. Does not the gentleman think that warning will have the effect of nations trading with some other source of supply in peacetime, knowing that their source will be shut off in case they become embroiled in a war?

Mr. FORD of Mississippi. I do not. I think the nations more or less prepare for war in time of peace, just like we should do by building up a strong navy and building up a strong aircraft force. I believe they are going to come here and get our goods, and our vessels will carry the goods in time of peace in preparation for war, and I do not think it will interfere with our trade a great deal except at the particular times the other countries are engaged in a state of war or civil strife.

Mr. FERGUSON. The gentleman knows that commodities such as wheat and cotton are bought on future-delivery contracts. If a nation were anticipating war and knew this provision was going into effect, undoubtedly they would not make a purchase which involved future delivery, to be carried in American bottoms from the United States, when they knew this provision was in effect.

Mr. FORD of Mississippi. That might be true, but I think they will come over here and get these goods and prepare for war, just like all the countries of the world usually do.

Mr. PACE. Will the gentleman yield?

Mr. FORD of Mississippi. I yield to the gentleman from Georgia.

Mr. PACE. If the gentleman were engaged in an industrial plant, and there was a grocery store that gave notice they would not advance groceries to any person out on strike, do you believe you would establish credit relations with that grocer while you were at work?

Mr. FORD of Mississippi. To be perfectly frank with the gentleman, I do not desire to establish credit with any grocery store or anything else, and I think it would be fine if we adopted a cash policy in our trade relations with foreign countries insofar as our Government is concerned.

Mr. PACE. Is not that exactly analogous to the proposition the gentleman has just put forth?

Mr. FORD of Mississippi. I do not think so.

Mr. Chairman, there are many provisions of the bill I should like to discuss but shall not have the time to do so. I do want to call the attention of the House to section 5 of the bill as amended. It provides that when the President shall have issued a proclamation that a state of war or civil strife exists it shall thereafter be unlawful for any person within the United States to purchase, sell, or exchange bonds, securities, or other obligations of the government of any belligerent state or states wherein civil strife exists, or to make any loan or extend any credit to any such government, or to solicit or receive any contribution for any such government or political subdivision. The chairman of our committee [Mr. McREYNOLDS] stated that he would assume full responsibility for this provision, and I want to say that I think it is a fine provision. Witnesses came before our committee and admitted that hundreds of thousands of dollars had been and were now being collected in this country for the benefit of one side of the civil strife in Spain. If this Nation is to remain neutral in the Spanish controversy which is now raging, and if this Nation is to remain neutral in other conflicts, we must compel our citizens to remain neutral by prohibiting them from collecting money for the benefit of either side of a controversy.

Mr. Chairman, I realize that it is a difficult matter, if not entirely impossible, to enact legislation that will keep this country out of future wars, but I do believe the bill which we are considering will go a long way toward preventing this Nation from becoming involved in another war. The war clouds are flying freely in many sections of the world today, and in urging the passage of this bill, even though we may lose a little foreign commerce, I think it far better that a few individuals lose a little profit than to see this country lose billions of dollars in fighting another war, and see the young men of this country slaughtered, as was witnessed during the World War. [Applause.]

[Here the gavel fell.]

Mr. JOHNSON of Texas. Mr. Chairman, I yield 18 minutes to the gentleman from Illinois [Mr. LONG].

Mr. LONG. Mr. Chairman, your Committee on Foreign Affairs, to whom has been assigned the task of preparing and presenting for your consideration a bill establishing a permanent neutrality policy of the United States, has labored long and hard, and is bringing to you today in the form of a bill its suggestions and recommendations.

Whatever may be the attitude for or against neutrality legislation, I am satisfied that we are all agreed on the fact that it is a very difficult matter to bring forth a set of rules which will guarantee to us peace for the future in a world on fire with temperamental and racial prejudices.

This bill has for its objective but one purpose, and that is to keep the United States out of other peoples' wars.

To arrive at the suggestions and recommendations contained in this proposed bill, and realizing that the successful operation of the bill affects the lives and property of every

citizen of the United States, your committee has conducted long hours of hearings and listened to the testimony of many recognized experts in the field, and has given the matter individual, conscientious, and prayerful thought.

We, as your committee, have endeavored to produce a bill for your consideration which, in our opinion, will serve the purpose of keeping America out of war and will at the same time, so far as is safely possible, permit our trade with foreign nations to continue.

With your indulgence, Mr. Chairman and ladies and gentlemen of the Committee, I will confine my remarks to section 4 of the proposed bill, which is commonly known as the commodity section. This section is designed to place restrictions upon commodities other than arms, ammunition, and implements of war. The other features of the proposed bill will be dealt with by other members of the committee and various other speakers on this subject.

The main controversial question in connection with section 4 of the proposed bill has to do with mandatory versus discretionary legislation.

The bill now before you for consideration accords a much wider latitude of discretion to the executive department than is urged by those who favor mandatory legislation.

The proponents of mandatory legislation, which places the executive department under absolute and fixed rules regardless of where or what countries may be at war, overlook the fact that there are several highly important economic features which must be considered in any neutrality legislation.

They either lose sight of, or do not recognize, that the mandatory legislation they propose would in every instance completely retire our merchant marine from service, so far as belligerent countries are concerned.

Also, they overlook, or fail to recognize, the fact that in America we are by no means independent. There are many articles of outstanding importance to our economic welfare which are not produced in the United States and for which we must look to foreign lands for our supply.

Outstanding among these are rubber and tin. Further than this, the proponents of mandatory legislation either lose sight of or fail to recognize the fact that our domestic and economic prosperity is dependent in no small degree upon our ability to dispose of our surplus American production of many commodities in foreign lands.

A striking example of this was the retaliation program instituted by foreign countries against the operation of the protective tariff bill of 1930. Foreign countries, in retaliation against our abnormally high tariff, raised their duties against American products to the point of exclusion. As a result, we in America were swamped with an oversupply of our own agricultural and manufactured products, which was no inconsiderable factor toward producing the ruinous agricultural prices of 1932 and 1933.

In order that the important economic factors just recited may be given full consideration, there has been inserted in the bill now before you a latitude of discretion in the President in the enforcement of subsections (a) and (b) of section 4.

Those who seek mandatory legislation under subsection (a) would absolutely prohibit the shipment of specified contraband articles in American ships regardless of what countries were at war or where the war might be being fought.

The discretion given to the President in the bill now before you would accord to the Chief Executive the authority to permit American vessels to transport contraband commodities to belligerent countries where there was absolutely no risk in transportation. This feature would permit our American merchant marine, which this country has spent millions of dollars to develop, to continue in operation to belligerent countries and thus maintain our trade with those countries where it can be done without risk.

As an example of such commerce, might I not suggest the possibility of a war between two countries neither of which possessed navies. In the absence of any sea power it is apparent that there could be no risk in shipment of contraband goods in American vessels to such countries.

Subsection (a), as well as subsection (b), is flexible, and rulings thereunder issued by the executive department can be revised from time to time to meet new conditions as they might arise. That is the purpose of the discretionary feature.

Under subsection (b) we find that whenever the President shall have issued a proclamation under section 3 of the act, and he shall thereafter find that the placing of further restrictions on exportation of commodities from the United States to belligerents is necessary to promote the security or preserve the peace or neutrality of the United States, or protect the lives and commerce of the United States, he shall so proclaim, and it shall thereafter be unlawful, except under such limitation as the President shall prescribe, to export or transport from the United States to any belligerent state any of the enumerated commodities until all American interest in said commodities shall be divested.

This is the so-called cash-and-carry feature of the act. Here again, the proponents of mandatory legislation would leave no discretion in the Chief Executive as to the enforcement of the subsection.

They would make this ruling so cold that, when the President had once enumerated the articles of contraband, they could not leave this country destined to a belligerent nation without complete divesting of title of all American interest regardless of what countries were at war or where the war was being fought. Further, they would give no consideration as to whether or not there were any transportation dangers connected with the shipments. An absolute mandatory provision under subsection (b) would positively forbid deliveries being made to belligerent buyers in their own countries.

In other words, under a mandatory provision, it would be absolutely required that the belligerent buyers come to our shores with their money in their hands, buy and pay for American products, and carry them away in their own ships regardless of what may be the extenuating circumstances or the surrounding conditions.

Such a drastic measure as this would stifle all American trade with belligerent nations and result in dire consequences at home, which I will shortly endeavor to point out.

Again here, may I not draw your attention to the fact that mandatory restrictions are necessary only where there is danger in transportation. Again using the illustration of a war between two countries neither of which has any sea power, there could be no danger in transportation; and if there is no danger to transportation, what possible excuse can be offered for stifling our trade with belligerent nations in commodities other than arms, ammunition, and implements of war?

It is to meet such conditions as I have pointed out that the President has been accorded a latitude of discretion in the enforcement of subsection (b) just referred to.

In shaping any permanent legislation dealing wtih neutrality, we are at the very best in a novel field and must take into account the economic result on our own country of the enforcement of such legislation.

The legislation must necessarily be framed with the objective to keep us out of war and at the same time accomplish this with as little interference with our foreign trade as is safely possible.

Were these restrictions to be drawn too tightly, we would inevitably be confronted with the same disastrous result as was met by the United States under the embargoes imposed by Thomas Jefferson.

The American people may be ready to accept sacrifices of trade and profits whereby to continue trade would be to risk war, but they would not long tolerate a sweeping prohibition applied indiscriminately in situations where its necessity was not obvious.

The United States has no monopoly on materials useful in war, and an embargo on our exports would merely divert our normal trade to our competitors. The only commodity useful in war in which the United States production equals 50 percent of total world production is oil. There are ample supplies of oil outside of the United States—in Russia, Rumania, Mexico, Venezuela, and the middle East—from which belligerent nations could easily acquire their supply. As for

copper, iron, cotton, and a long list of other key war materials, the supply outside the United States is ample.

So long as the world is not dependent upon the United States for these key materials of war, and the United States has by mandatory embargo denied the sale of such of these products as are produced at home to belligerent nations, these nations would promptly look to other producing countries for their supply, and the American trade in such commodities would be lost. Trade of any kind once lost is difficult to regain.

Such trade lost must result in a curtailment of American production with its consequent unemployment, both of labor and capital, and were this unnecessarily done, the result would be the rising of a war party in the United States and its consequent demand for relief. Such demand could easily ripen into sufficient strength to throw our country into war from pressure from within even though we may have evaded war from attack from without.

In the earlier part of these remarks I directed your attention to the fact that America is not self-sustaining, that many articles necessary to our economic existence must come from foreign countries. In fact, due to the drought years of 1934 and 1936 and the destruction of crops by insect infestation, it has been necessary to import from other lands an enormous amount of agricultural products and livestock that our own people might be supplied with the fundamental foodstuffs to sustain life.

The institution and application of drastic, unreasonable, and unnecessary embargoes as an incident to the attempted enforcement of American neutrality might easily result in retaliation by which foreign lands upon whom we depend might embargo their products against us. An embargo upon rubber would bring to a complete standstill the entire automobile industry of the United States. An embargo on tin would destroy the entire canning industry of our country. Without even mentioning the result of an embargo on foodstuffs, I leave it entirely to your imagination as to what would be the result of the complete cessation of both the automobile and the canning industry of America.

In peacetime the storm of protest from the owners of these industries and from the millions of workers who are employed therein would create a wave of public sentiment that would set at naught any neutrality measures that Congress or the President might see fit to adopt, and in wartime the result would be the complete collapse of our naval and military forces.

Those who attack the discretionary features of neutrality legislation hold to the contention that it is a delegation of war-making power by the Congress to the President. In other words, that by placing in the neutrality bill provisions which vest the President with certain discretionary authority transfers the power to declare war from the Congress to the Chief Executive.

May I not draw your attention to the fact that nowhere in this proposed bill will you find anything that can possibly be construed as conferring upon the President the power to declare war.

As a matter of fact, the Chief Executive already has a far greater latitude of discretion than is accorded him in this proposed bill. Mr. Allen W. Dulles and Mr. Hamilton Fish Armstrong, recognized authorities on international law and neutrality, in commenting on this matter in their book, entitled "Can We Be Neutral?" have this to say:

> No legislation by Congress is required. To adopt such a policy lies clearly within the province of the Executive, which is authorized to conduct foreign relations. Nevertheless, if Congress by a bipartisan vote should express approval of this policy, this action would tend to establish it as a national policy rather than an expedient applied to a particular situation by one administration.

If the power is already vested in the Chief Executive to impose restrictions on trade to belligerents in time of war, then nothing that Congress could do by legislation would either add to or detract from the discretion which the President already has.

The President being vested constitutionally to deal with foreign countries has it in his power to do such acts from which war might ensue and no legislation could change the result.

Commenting further on the so-called cash-and-carry plan by which it is proposed to sell commodities, whether contraband or not, to any and all who are willing to "come and get it" and take it away with them, may I not be permitted to quote Mr. Bernard M. Baruch, recognized authority on international law. In commenting on the cash-and-carry plan, Mr. Baruch has this to say:

> Now, this is not neutrality—not by 20 sea miles. It amounts to giving active assistance to whatever nation has command of the seas.

Suppose that we were to enact this cash-and-carry policy and the result would be that the belligerent nation who had command of the seas supplied itself from the American reservoir to the exclusion of the belligerent who did not command the seas, the excluded belligerent would in such a case exert every means available, both fair and foul, to stop the basis of supplies to its enemy. This would arise both from the standpoint of self-preservation as well as to help to secure the defeat of its adversary.

The means used by the excluded belligerent could and would extend to the building up of sympathy for such nation among our own people through the medium of propaganda.

It has been very aptly said that a nation can be made neutral, but that its people cannot. Sympathies for one side or the other are bound to arise in the breast of every citizen. This was demonstrated less than 2 years gone in the Italian-Ethiopian conflict. Here we had the spectacle of two nations engaged in a war in which neither the United States nor its people had any direct interest, and yet it was the topic of conversation everywhere in our land and our people in sympathy took sides, either one way or the other, according to the dictates of their impressions and their consciences.

A sympathy such as this already existing could by the means of propaganda be inflamed to a degree that could easily result in internal and international disaster.

From people who have appeared before the committee and from the vast correspondence that has come to the desk of each member of the committee are suggestions of neutrality legislation that range all the way from an iron-bound, ironclad, inflexible mandatory act to no neutrality legislation at all. Your committee, in considering all these suggestions and after exhaustive research, has endeavored to bring forth a bill that will meet somewhere near a middle ground. We have endeavored to produce a bill designed to keep us out of other people's wars by taking into consideration our own economic factors as well as the temperament and sympathies of human beings, and we feel that the bill presented today for your approval meets those requirements. [Applause.]

Mr. McREYNOLDS. Mr. Chairman, I move that the Committee do now rise.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. WARREN, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration Senate Joint Resolution 51, the neutrality bill, had come to no resolution thereon.

EXTENSION OF REMARKS

Mr. DITTER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address made before the Lafayette College Alumni Association in Philadelphia recently.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. LAMBETH. Mr. Speaker, reserving the right to object, may I ask are these the gentleman's own remarks?

Mr. DITTER. Yes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. COOLEY, indefinitely, on account of illness.

To Mr. JENKS of New Hampshire, for 1 week, on account of necessary business.

To Mr. GINGERY, indefinitely, on account of illness.

To Mr. DOXEY, for 1 week, on account of the death of Judge N. R. Sledge, of Mississippi, Assistant to the Attorney General of the United States.

ADJOURNMENT OVER

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 118. An act for the relief of Harry D. McIntosh; to the Committee on Claims.

S. 294. An act for the relief of Elmer Blair; to the Committee on Military Affairs.

S. 315. An act for the relief of George W. Hanna and Bertha M. Hanna; to the Committee on Claims.

S. 556. An act for the relief of W. B. Greeley; to the Committee on Claims.

S. 843. An act for the relief of Guy F. Allen, chief disbursing officer, Division of Disbursement, Treasury Department; to the Committee on Claims.

S. 1057. An act for the relief of Joseph A. Ganong; to the Committee on Claims.

S. 1068. An act for the relief of Earl W. Thomas; to the Committee on Claims.

ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committeee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 601. An act for the relief of Edna M. Callahan and Anna Scott;

H. R. 1097. An act for the relief of Brook House, Ltd., of Sydney, Australia; and

H. R. 1098. An act for the relief of William L. Jenkins.

JOINT RESOLUTIONS AND BILLS PRESENTED TO THE PRESIDENT

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee did on the following dates present to the President, for his approval, joint resolutions and bills of the House of the following titles:

On March 11, 1937:

H. J. Res. 249. Joint resolution authorizing the Commissioner of Internal Revenue to grant further extensions of time for filing returns under title III of the Revenue Act of 1936; and

H. J. Res. 252. Joint resolution to aid in defraying the expenses of the International Labor Office incident to holding its Technical Tripartite Textile Conference.

On March 12, 1937:

H. R. 601. An act for the relief of Edna M. Callahan and Anna Scott;

H. R. 1097. An act for the relief of Brook House, Ltd., of Sydney, Australia; and

H. R. 1098. An act for the relief of William L. Jenkins.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock p. m.), pursuant to the order heretofore made, the House adjourned until Monday, March 15, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON THE DISTRICT OF COLUMBIA

The subcommittee appointed to consider H. R. 3890, cosmetology regulations, will meet Monday, March 15, 1937, at 10 a. m., in room 345, House Office Building.

COMMITTEE ON THE PUBLIC LANDS

The Committee on the Public Lands will meet Tuesday morning, March 16, at 10:30 a. m., in room 328, House Office Building, for the consideration of various bills and H. R. 1649, H. R. 4070, H. R. 4186, H. R. 4548, H. R. 4655.

COMMITTEE ON THE DISTRICT OF COLUMBIA

The subcommittee appointed to consider H. R. 3291, to regulate barbers in the District of Columbia, will meet Tuesday, March 16, 1937, at 10 a. m., in room 345, House Office Building.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

434. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Treasury Department for the fiscal year 1937 in the amount of $350,000 (H. Doc. No. 168); to the Committee on Appropriations and ordered to be printed.

435. A letter from the Secretary of the Interior, transmitting a draft of a bill which would authorize and direct the Comptroller General of the United States to allow credit in the accounts of Hallie D. McCullough for superintendent and special disbursing agent of the Fort Berthold Indian Agency, Elbowoods, N. Dak., for payments made to the International Oil Co., Minot, N. Dak.; to the Committee on Claims.

436. A letter from the Secretary of the Interior, transmitting a draft of a bill to allow credit for all outstanding disallowances and suspensions in the accounts of disbursing officers or agents of the Government for payments made for adjustments and increases in compensation of Government officers and employees pursuant to the provisions of Executive Order No. 6746 of June 21, 1934, and Executive orders which that order superseded; to the Committee on Expenditures in the Executive Departments.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mrs. NORTON: Committee on the District of Columbia. H. R. 4803. A bill to provide alternative methods of enforcement of orders, rules, and regulations of the Joint Board and of the Public Utilities Commission of the District of Columbia; without amendment (Rept. No. 383). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DIES: A bill (H. R. 5573) to authorize the prompt deportation of criminals and certain other aliens; to the Committee on Immigration and Naturalization.

By Mr. BURCH: A bill (H. R. 5574) to authorize the coinage of 50-cent pieces in commemoration of the three hundred and fiftieth anniversary of the introduction of American-grown tobacco in England by Sir Walter Raleigh and the three hundred and twenty-fifth anniversary of the culture of tobacco by Anglo-Saxons—John Rolfe, husband of the Indian princess, Pocahontas, having planted the first acres in the Virginia Colony in 1612; to the Committee on Coinage, Weights, and Measures.

By Mr. DISNEY: A bill (H. R. 5575) to refer the claims of the Delaware Indians to the Court of Claims, with the right of appeal to the Supreme Court of the United States; to the Committee on Indian Affairs.

By Mr. GREEN: A bill (H. R. 5576) to make temporary disability ratings of World War veterans permanent after 1 year; to the Committee on World War Veterans' Legislation.

By Mr. GRISWOLD: A bill (H. R. 5577) to adjust the salaries of rural letter carriers, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. McCORMACK: A bill (H. R. 5573) to provide that graduates of an approved school ship may be rated as able seamen upon graduation; to the Committee on Merchant Marine and Fisheries.

By Mr. McGEHEE: A bill (H. R. 5579) granting the consent of Congress to the State of Mississippi to construct, maintain, and operate a free highway bridge across Pearl

River at or near Jackson in Hinds County, Miss.; to the Committee on Interstate and Foreign Commerce.

By Mr. MAY (by request): A bill (H. R. 5580) to increase the efficiency of the Medical Corps of the Regular Army; to the Committee on Military Affairs.

By Mrs. NORTON (by request): A bill (H. R. 5581) establishing a small claims and conciliation branch in the municipal court of the District of Columbia for improving the administration of justice in small cases, and providing assistance to needy litigants, and for other purposes; to the Committee on the District of Columbia.

By Mr. RANDOLPH: A bill (H. R. 5582) to provide local flood protection for the city of Keyser, W. Va.; to the Committee on Flood Control.

Also, a bill (H. R. 5583) to provide local flood protection for Marlinton, Durbin, and Cass and other communities in that section of West Virginia bordering on the Greenbrier River; to the Committee on Flood Control.

By Mr. TERRY: A bill (H. R. 5584) to authorize the construction of flood-control works on Petit Jean River and Fourche La Fave River, Ark.; to the Committee on Flood Control.

Also, a bill (H. R. 5585) to authorize a preliminary examination and survey of the Arkansas River with a view to the provision of flood-control works on the south bank of said river from Little Rock downstream to Pine Bluff, Ark.; to the Committee on Flood Control.

By Mr. PIERCE: A bill (H. R. 5586) to provide for the construction of four bridges across the United States reclamation "A" canal in Klamath Falls, Oreg.; to the Committee on Irrigation and Reclamation.

By Mr. CURLEY: A bill (H. R. 5587) to reclassify the salaries of employees in the custodial service in all departments of the Government of the United States of America, including all positions therein, and for other purposes; to the Committee on the Civil Service.

By Mr. MEAD: A bill (H. R. 5588) to further increase the efficiency and safety of air-mail transportation, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. McSWEENEY: A bill (H. R. 5589) to provide for the establishment of a Coast Guard station at or near the harbor of Conneaut, Ohio, on Lake Erie; to the Committee on Merchant Marine and Fisheries.

By Mr. KELLY of New York: A bill (H. R. 5590) to provide compensation for widows of persons employed on Works Progress Administration projects; to the Committee on the Judiciary.

By Mr. KRAMER: A bill (H. R. 5591) to amend section 9 of the Trade-Mark Act of February 20, 1905, as amended (U. S. C., title 15, sec. 89); to the Committee on Patents.

By Mr. DEROUEN: A bill (H. R. 5592) to amend an act entitled "An act extending the homestead laws and providing for right-of-way for railroads in the district of Alaska, and for other purposes", approved May 14, 1898 (30 Stat. 409, 414); to the Committee on the Public Lands.

Also, a bill (H. R. 5593) to provide for the addition or additions of certain lands to the Fort Donelson National Military Park in the State of Tennessee, and for other purposes; to the Committee on the Public Lands.

Also, a bill (H. R. 5594) to make available for national park purposes certain lands within the area of the proposed Mammoth Cave National Park, Ky.; to the Committee on the Public Lands.

By Mr. McANDREWS: A bill (H. R. 5595) to extend the time for completing the construction of two bridges, one across a part of Lake Michigan at or near the entrance to the Chicago River, Ill., and the other across the Michigan Canal or Ogden Slip, in the city of Chicago, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. McCORMACK: A bill (H. R. 5596) to provide an adequate allowance for stationery for Senators, Representatives, Delegates from Territories, and the Resident Commissioner from Puerto Rico; to the Committee on Accounts.

By Mr. CULKIN: Joint resolution (H. J. Res. 277) proposing an amendment to the Constitution of the United States limiting the power of Congress to increase the number of Associate Justices of the Supreme Court; to the Committee on the Judiciary.

By Mr. TAYLOR of Colorado: Joint resolution (H. J. Res. 278) to make funds available to carry out the provisions of existing law authorizing the purchase and distribution of products of the fishing industry; to the Committee on Appropriations.

By Mr. HEALEY: Joint resolution (H. J. Res. 279) to declare the 12th day of October of each year, commonly celebrated and known as Columbus Day, to be a legal public holiday; to the Committee on the Judiciary.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Minnesota, memorializing the Congress of the United States to use Minnesota products wherever possible, as expressed in their Concurrent Resolution H. F. No. 525; to the Committee on Public Buildings and Grounds.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLOOM: A bill (H. R. 5597) for the relief of Luigi Mazza; to the Committee on Immigration and Naturalization.

By Mr. CARLSON: A bill (H. R. 5598) granting a pension to Ida Lane; to the Committee on Invalid Pensions.

By Mr. CULKIN: A bill (H. R. 5599) granting a pension to Bertha Gates; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5600) granting a pension to Ellen M. Ensworth; to the Committee on Invalid Pensions.

By Mr. CULLEN: A bill (H. R. 5601) for the relief of James M. Robedee; to the Committee on Naval Affairs.

By Mr. ELLENBOGEN: A bill (H. R. 5602) to authorize the cancelation of deportation proceedings in the case of Harry Worsley; to the Committee on Immigration and Naturalization.

By Mr. HALLECK: A bill (H. R. 5603) for the relief of Peter Sietsma; to the Committee on Claims.

By Mrs. HONEYMAN: A bill (H. R. 5604) for the relief of William Kelley; to the Committee on Pensions.

By Mr. HOPE: A bill (H. R. 5605) granting an increase of pension to Nancy V. Hazell; to the Committee on Invalid Pensions.

By Mr. IZAC: A bill (H. R. 5606) for the relief of Lt. Leslie A. Williams, United States Navy, retired; to the Committee on Naval Affairs.

Also, a bill (H. R. 5607) for the relief of Burlton Wake; to the Committee on Military Affairs.

By Mr. LUCE: A bill (H. R. 5608) for the relief of Edward F. Cassidy; to the Committee on Claims.

By Mr. MARTIN of Massachusetts: A bill (H. R. 5609) granting an increase of pension to Margaret Tobin; to the Committee on Invalid Pensions.

By Mr. MAY: A bill (H. R. 5610) granting a pension to Stephen Hays; to the Committee on Pensions.

Also, a bill (H. R. 5611) granting a pension to Col. L. Stacy; to the Committee on Pensions.

Also, a bill (H. R. 5612) granting a pension to Elbert Newberry; to the Committee on Pensions.

By Mr. MERRITT: A bill (H. R. 5613) granting an increase of pension to Nellie J. Day; to the Committee on Pensions.

By Mr. MOTT: A bill (H. R. 5614) for the relief of William M. Franklin; to the Committee on Military Affairs.

By Mr. PETERSON of Florida: A bill (H. R. 5615) for the relief of Capt. B. B. Barbee; to the Committee on Claims.

By Mr. ROMJUE: A bill (H. R. 5616) granting an increase of pension to Almedia Dunham; to the Committee on Invalid Pensions.

By Mr. SCHUETZ: A bill (H. R. 5617) for the relief of Morris Skolnik; to the Committee on Claims.

Also, a bill (H. R. 5618) for the relief of Robert Richard White; to the Committee on Naval Affairs.

Also, a bill (H. R. 5619) for the relief of Eugene J. Ruhnke; to the Committee on Naval Affairs.

By Mr. SHANNON: A bill (H. R. 5620) granting an increase of pension to Mary J. McDivitt; to the Committee on Invalid Pensions.

By Mr. SMITH of West Virginia: A bill (H. R. 5621) for the relief of Nathaniel W. Jones; to the Committee on Military Affairs.

By Mr. TEIGAN: A bill (H. R. 5622) for the relief of Marion Malik; to the Committee on Claims.

Also, a bill (H. R. 5623) for the relief of Victor Engstrand, father of Darwin Engstrand, a minor; to the Committee on Claims.

By Mr. THURSTON: A bill (H. R. 5624) granting an increase of pension to Fanny Cunningham; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

992. By Mr. ASHBROOK: Petition of Frank C. Welling and 10 others, of Tunnel Hill, Ohio, protesting against President Roosevelt's Supreme Court proposal; to the Committee on the Judiciary.

993. By Mr. BEITER: Petition of the Associated General Contractors of America, Inc., in eighteenth annual convention assembled, endorsing and recommending enactment by the Congress of House bill 1987 providing insurance of loans for the construction of commercial and industrial structures; to the Committee on Banking and Currency.

994. Also, petition of Associated General Contractors of America, Inc., in eighteenth annual convention assembled, endorsing and urging enactment by the Congress of House bill 4594 to amend the Revenue Act of 1936; to the Committee on Ways and Means.

995. By Mr. COLDEN: Petition of the California Legislature Assembly, pertaining to making provision for widows of retired Federal civil-service employees; to the Committee on the Civil Service.

996. By Mr. CONNERY: Petition of the United Shoe and Leather Workers of Lynn, opposing the enactment of McReynolds neutrality bill; to the Committee on Foreign Affairs.

997. By Mr. CRAWFORD: Petition of a number of residents of Perry, Mich., protesting against enactment of any legislation that would prohibit the use of the mail for distribution of religious literature; to the Committee on the Judiciary.

998. Also, petition of residents of Belding, Ionia, and Lake Odessa, Mich., protesting against the President's proposal to alter the Supreme Court; to the Committee on the Judiciary.

999. Also, petition of Rev. W. E. Brown and other residents of Portland, Mich., opposing pending legislation that proposes to alter the present judiciary system; to the Committee on the Judiciary.

1000. Also, resolution of the Alma Sugar Beet Growers Association of Michigan, representing 1,800 growers, requesting sufficient funds be appropriated to the Department of Agriculture for experiments in the eradication of beet diseases; to the Committee on Appropriations.

1001. Also, petition of Harry B. Howe and 200 residents of Saginaw, Mich., opposing the President's proposal to control the Supreme Court; to the Committee on the Judiciary.

1002. Also, petition of residents of Saginaw, Mich., protesting against the President's proposal to change the Supreme Court; to the Committee on the Judiciary.

1003. Also, petition of residents of Greenville, Mich., protesting against the proposal to subordinate the Supreme Court; to the Committee on the Judiciary.

1004. By Mr. CULKIN: Petition of the Lewis County (N. Y.) Pomona Grange, protesting against the proposal of the President for reorganization of the Supreme Court of the United States; to the Committee on the Judiciary.

1005. Also, petition of the Jefferson County (N. Y.) Pomona Grange, protesting against the proposal of the President for the reorganization of the courts; to the Committee on the Judiciary.

1006. Also, petition of Lynn Dillenbeck and other members of Parish (N. Y.) Grange, No. 575, opposing the child-labor amendment and the plan to reorganize the United States Supreme Court; to the Committee on the Judiciary.

1007. Also, petition of E. G. Rogers and others, of Sandy Creek, N. Y., opposing the proposal of the President for the reorganization of the United States Supreme Court; to the Committee on the Judiciary.

1008. Also, petition of the Trinity League of New York City, opposing the proposal of the President to reorganize the United States Supreme Court; to the Committee on the Judiciary.

1009. Also, petition of E. L. Gamble and other citizens of Adams, N. Y., opposing legislation preventing the free dissemination of information and curtailing the right of free speech; to the Committee on the Judiciary.

1010. By Mr. FORD of California: Memorial of the Council of the City of Los Angeles, memorializing the Congress of the United States to adopt the antilynching bill which will fix heavy penalties for mob violence—mob violence and lynching cannot be condoned by any civilized people; to the Committee on the Judiciary.

1011. By Mr. FULMER: Concurrent resolution of the House of Representatives of the Legislature of South Carolina (the Senate concurring), commending the President of the United States for his courageous and patriotic action in recommending the reformation and reorganization of the Federal judiciary, and that the General Assembly of the State of South Carolina does hereby commend the Representatives and Senators from South Carolina in the Congress of the United States who have given assurance of their support of the said recommendations of the President; to the Committee on the Judiciary.

1012. By Mr. HALLECK: Petition of the Indiana Woman's Republican Club, Indianapolis, Ind., expressing unanimous disapproval of the provisions of the pending bill to reorganize the Supreme Court by increasing its membership; to the Committee on the Judiciary.

1013. Also, petition of the General de Lafayette Chapter, Daughters of the American Revolution, La Fayette, Ind., stating unalterable opposition to any change by Congress which would add to the present number of Justices of the Supreme Court, or which would in any manner make it a subservient body; to the Committee on the Judiciary.

1014. Also, petition of citizens of Indiana, Kentucky, Missouri, Colorado, and Florida, opposing the proposal of the President affecting the Supreme Court; to the Committee on the Judiciary.

1015. By Mrs. HONEYMAN: Petition of 36 residents of Multnomah County, Oreg., urging that the Congress pass no law that would disturb or abridge the religious rights and privileges of our people; to the Committee on the Judiciary.

1016. Also, memorial of the Legislature of the State of Oregon, memorializing the President and the Congress of the United States to give a fair, full, and impartial hearing and consideration of the Townsend national recovery plan, with a view to its enactment into law after the Members of Congress shall have settled the details of this legislation; to the Committee on Ways and Means.

1017. Also, memorial of the Legislature of the State of Oregon, memorializing the Congress of the United States to make early enactment of the Harrison-Black-Fletcher bill for Federal aid to education into law; to the Committee on Education.

1018. Also, petition of the Central Labor Council of Portland, Oreg., and vicinity, favoring proposed legislation to permit the courts at all times to perform judicial functions but not legislative or executive functions; to the Committee on the Judiciary.

1019. Also, petition of 52 residents of Multnomah County, Oreg., opposing reorganization of the United States Supreme Court; to the Committee on the Judiciary.

1020. By Mr. KEOGH: Petition of Eppinger & Russell Co., New York City, concerning appropriations for forest products research be increased to the full amount of $1,000,000

authorized by the McSweeney-McNary Research Act; to the Committee on Appropriations.

1021. By Mr. KINZER: Petition of Thornton Steinmentz and others of Quarryville, Pa., opposing legislation preventing the free dissemination of information and curtailing the right of free speech; to the Committee on the Judiciary.

1022. By Mr. LAMBETH: Petition of citizens of Lee County and Richmond County, N. C., favoring the enactment of House bill 2257, providing for a national and uniform system of old-age pensions; to the Committee on Ways and Means.

1023. By Mr. McCORMACK: Resolution of the American Legion, approving of and recommending favorable consideration of House bill 1597, to establish boards in the Navy and Marine Corps for hearing and passing upon petitions for correction of records of persons discharged under other than honorable conditions, and House bill 1598, to establish a board in the Army for hearing and passing upon petitions for correction of records of persons discharged under other than honorable conditions; to the Committee on Naval Affairs.

1024. By Mr. MERRITT: Resolution of the Webutuck Grange, No. 86, of Wassaic, N. Y., unalterably opposing any tampering with the Supreme Court or to any method of changing the supreme law of the land, except by orderly methods prescribed by the Constitution; to the Committee on the Judiciary.

1025. Also, resolution of the Utility Workers' Union, Local B. 752, I. B. E. W., approving the principle of Supreme Court reform as outlined by the President of the United States; to the Committee on the Judiciary.

1026. Also, resolution of the American Wood Preservers' Association, strongly urging upon Congress that the appropriations for forest-products research be increased at once to the full amount of $1,000,000 authorized by the McSweeney-McNary Research Act; to the Committee on Agriculture.

1027. By Mr. MILLARD: Petition of the Hawthorne Republican Club and resolutions of the Westchester Security League, the Society of Mayflower Descendants, the Peekskill (N. Y.) Patrons of Husbandry, and the Trinity League of New York City, protesting against any change in the Supreme Court; to the Committee on the Judiciary.

1028. By Mr. MURDOCK of Utah: Petition of the United Mine Workers of America, Local Union 6210, Spring Canyon, Utah, urging the Judiciary Committee of the House to report favorably the bill H. R. 4417; to the Committee on the Judiciary.

1029. By Mr. OLIVER: Petition of W. F. Adams, 14 State Street, Gorham, Maine, and 2,400 others, favoring the enactment of a law requiring all illegal residents to return to the land of their nativity and forbidding the giving of employment, loans, or Government relief to any of the foreigners who remain in the country illegally; to the Committee on Ways and Means.

1030. By Mr. PETERSON of Georgia: Petition from the State of Georgia, Emanuel County, relating to House bill 2257, providing a Federal old-age pension; to the Committee on Ways and Means.

1031. By Mr. ROMJUE: Petition of the Bakery Salesmen, Local Union No. 335, Kansas City, Mo., urging the Congress to support President Roosevelt's program to curb the usurped power of the Supreme Court to declare laws passed by Congress and signed by the President of the United States as unconstitutional; to the Committee on the Judiciary.

1032. By Mrs. ROGERS of Massachusetts: Petition of the Stoneham League for Peace Action, Stoneham, Mass.; to the Committee on Labor.

1033. By Mr. THOMAS of New Jersey: Letter from Mrs. L. M. Harris, secretary of the Woman's Guild of the Community Church, of Glen Rock, N. J., stating that the guild wants to go on record as disapproving the proposed bill to increase the number of Judges of the Supreme Court; to the Committee on the Judiciary.

1034. Also, resolution of New Jersey State Planning Board, unanimously endorsing the recommendations by the Secretary of the Interior that the Congress adopt a 20-year national mapping program, and that as a first step in this program certain sums be appropriated to the uses of the Geological Survey and the Coast and Geodetic Survey for 1938; to the Committee on Appropriations.

1035. By Mr. TREADWAY: Views of Berkshire Bar Association, Berkshire County, Mass., opposing the President's plan to change the personnel of the Supreme Court; to the Committee on the Judiciary.

1036. By Mr. TEIGAN: Petition of the following persons representing the Minnesota Branch of the Women's International League for Peace and Freedom: Mrs. Hugh B. Wilcox, State president; Mrs. Vince A. Day, Minneapolis, president; and Mrs. A. E. Armstrong, St. Paul, president, urging that Congress abolish conscription altogether or amend the Sheppard-Hill bill so as to eliminate the drafting of men to serve in the armed forces outside the continental United States, and opposing conscription of labor, and that licensing shall not apply to publication and distribution of periodicals, newspapers, books, or the radio; to the Committee on Military Affairs.

1037. Also, petition of Mrs. Vince A. Day, Christine Geankoplis, Mrs. Carmen C. Kern, Elizabeth A. Woodworth, M. D., Maud C. Stockwell, Mrs. V. H. Lind, Lillian D. Boyd, Mrs. Hugh F. Bear, Ellen H. Breese, and Clara Dickey Parsons, representing the Minneapolis Branch of the Woman's International League for Peace and Freedom, urging the passage of House bill 3875, introduced by Mr. VOORHIS; to the Committee on Foreign Affairs.

1038. By Mr. WITHROW: Senate Joint Resolution No. 21, passed by the Wisconsin Legislature, relating to Federal aid for Bang's disease control; to the Committee on Agriculture.

1039. By the SPEAKER: Petition of D. F. Innes and others, opposing any law that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

SENATE

MONDAY, MARCH 15, 1937

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Eternal source of light and life, enter Thou into our lives and give us today life that is strong and triumphant, life that is full and free. Satisfy, we beseech Thee, our deep, unspoken longings with the revelation of the Christ, the Lord of sincerity and truth before whom all that is hollow and unreal shrivels up and is consumed. Increase in us the spirit of reality; help us fearlessly and honestly to seek for truth and to hearken to Thy challenge; cleanse us from all pride and prejudice, and purge out from our inmost souls whatever is unworthy, that in all our doings we may quit ourselves like men whom God indwells and ever find joy in the service of our country. We ask it in the name of Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of Friday, March 12, 1937, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting sundry nominations, were communicated to the Senate by Mr. Latta, one of his secretaries.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quroum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	La Follette	Pope
Andrews	Davis	Lee	Radcliffe
Ashurst	Dieterich	Lodge	Reynolds
Austin	Duffy	Logan	Robinson
Bachman	Ellender	Lonergan	Russell
Bailey	Frazier	Lundeen	Schwartz
Bilbo	George	McAdoo	Schwellenbach
Black	Gerry	McGill	Sheppard
Bone	Gibson	McKellar	Steiwer
Borah	Gillette	McNary	Thomas, Okla.
Bridges	Green	Minton	Thomas, Utah
Brown, Mich.	Guffey	Moore	Townsend
Bulow	Hale	Murray	Tydings
Burke	Hatch	Neely	Vandenberg
Byrd	Hayden	Norris	Van Nuys
Byrnes	Holt	Nye	Wheeler
Capper	Hughes	O'Mahoney	White
Caraway	Johnson, Calif.	Overton	
Chavez	Johnson, Colo.	Pepper	
Connally	King	Pittman	

Mr. MINTON. I announce that the senior Senator from Ohio [Mr. BULKLEY], the junior Senator from Ohio [Mr. DONAHEY], and the Senator from Virginia [Mr. GLASS] are detained from the Senate because of illness.

The Senator from Kentucky [Mr. BARKLEY], the Senator from New Hampshire [Mr. BROWN], the senior Senator from Missouri [Mr. CLARK], the Senator from Iowa [Mr. HERRING], the Senator from Nevada [Mr. MCCARRAN], the junior Senator from Missouri [Mr. TRUMAN], and the Senator from Massachusetts [Mr. WALSH] are detained on important public business.

The Senator from Mississippi [Mr. HARRISON] has been called to his home State to attend the funeral of a close personal friend.

The Senator from Connecticut [Mr. MALONEY], the Senator from South Carolina [Mr. SMITH], and the Senator from New York [Mr. WAGNER] are unavoidably detained.

Mr. ROBINSON. I announce that the senior Senator from Illinois [Mr. LEWIS] is necessarily detained from the Senate.

Mr. BULOW. I announce that my colleague the junior Senator from South Dakota [Mr. HITCHCOCK] is detained from the Senate because of illness in his family.

Mr. AUSTIN. I announce that the senior Senator from Minnesota [Mr. SHIPSTEAD] is absent because of illness.

The VICE PRESIDENT. Seventy-seven Senators have answered to their names. A quorum is present.

LABOR CONDITIONS IN NEW JERSEY FACTORIES

Mr. MOORE. Mr. President, last week the Senator from Massachusetts [Mr. WALSH] referred to a couple of factories in New Jersey. I have here a letter from the commissioner of labor of the State of New Jersey, who made an examination of the conditions in certain factories referred to. I ask unanimous consent that his letter to me and the formal statement which he attaches to it may be printed in the RECORD.

There being no objection, the letter and statement were ordered to be printed in the RECORD, as follows:

STATE OF NEW JERSEY,
DEPARTMENT OF LABOR,
Newark, N. J., March 12, 1937.

Hon. A. HARRY MOORE,
United States Senator, Washington, D. C.

DEAR SENATOR: I was very much surprised and mortified by the statements of Senator WALSH, as printed in the CONGRESSIONAL RECORD of February 26, 1937, with reference to alleged violations in New Jersey plants of conditions of labor prescribed under the Walsh-Healey Act. I was still more mortified when I saw an editorial in a Philadelphia paper quoting verbatim from the RECORD.

I immediately dispatched my inspectors for a check-up on conditions of the plants mentioned, and their reports, which I have rechecked, show conditions much better than those described in the RECORD.

As to Tippett & Wood, of Phillipsburg, N. J., I have no apologies. It is an excellent plant and has been doing Government work for 40 years.

As to the Woodbine Borough Clothing Co., of Woodbine, N. J., violations were uncovered which I do not consider serious. The two minors employed were employed not in violation of the New Jersey law. As you know, minors above 16 years require no working certifiates in New Jersey. As to this contract, I assure you the State department of labor was not informed by the United States Department of Labor that the Woodbine Borough Clothing Co. was doing Government work. This particular contract does not appear in any of the circulars issued by the United States Department of Labor and received by the New Jersey Department of Labor.

The Reliable Cotton Felt Co., of Hoboken, N. J., apparently had people working partly on Government contracts and on private work 9 hours a day and 54 hours a week. This contract has been completed and the firm does not contemplate any further work for the Government.

Incidentally it may interest you to know that this plant was ordered closed by me not so long ago for failure to install proper exhaust system to render the processes less hazardous to workers. This company disregarded my closing order and continue to work a few days, for which violation there is now a penalty action pending in the Hudson County Circuit Court for the collection of a penalty in the sum of $1,000. They have since complied with the requirements laid down by the department of labor.

I assure you that the State department of labor has not failed in any respect in its cooperation with the Federal Government. It has made 19 investigations and has 10 more pending. Of course, it must be notified by the United States Government of the contracts to render service to the Federal Government.

All in all, Senator, you should not consider the "swat-in-the-eye" as at all serious. I regret exceedingly that it was occasioned at all. I attach hereto a formal statement as answer to the allegations of Senator WALSH for your use as you see fit.

Sincerely yours,

JOHN J. TOOHEY, JR.,
Commissioner of Labor.

Alleged violations of conditions and hours of labor under the Walsh-Healey Act, as stated by Senator WALSH, of Massachusetts, and published in the CONGRESSIONAL RECORD of February 26, 1937, on page 2059, with special reference to New Jersey, have been checked on immediately.

A very thorough inspection of the plant of Tippett & Wood, of Phillipsburg, N. J., manufacturing buoys for the United States Government, showed the plant in excellent condition, free of violations of the New Jersey statutes.

The plant is engaged in steel construction work and is of necessity large and open and the men are permitted to warm themselves at strategically placed salamanders, which are definitely not "garbage cans", and not "oil drums", as alleged. Washrooms are steam heated day and night and the water is brought from the boiler room hot.

Incidentally, Tippett & Wood have been doing Government work for 40 years. The Government contract work is segregated in one part of the plant and the men on these contracts are limited to 40 hours a week.

As to the Woodbine Borough Clothing Co., of Woodbine, N. J., where it was alleged that 15 girls under the child-labor age fixed in the Walsh-Healey Act were engaged on Government contract, and where workers had not received wages since January 11, and where no time records were kept, a thorough inspection of this plant revealed that only two minors, one 16 and one 17, were employed on Government work. The wages are currently paid.

There was, however, a violation of failure to keep record of hours of piece workers, and two women were found who had worked more than the weekly limit for such work for women under the New Jersey statutes. Prosecutions for these violations have been ordered at once.

In this connection it must be stated that the State department of labor was not informed of this particular contract with the Woodbine Borough Clothing Co., and, of course, could not make an inspection of conditions of work to force compliance with the Walsh-Healey Act. As minors under the New Jersey law, may be employed above the age of 16, there was no violation with reference to child labor under the New Jersey statute.

In the Reliable Cotton Felt Co., of Hoboken, N. J., an inspection by the department of labor disclosed that 15 employees worked 9 hours a day on a 54-hour-a-week basis, only part of this time being devoted to Government-contract work and the rest of the time to private work. Incidentally, the work under the Government contract has already been completed and a representative of this firm stated that it contemplates no further work under Government contract.

Time and a half was not paid for overtime.

The New Jersey State Department of Labor has cooperated with the United States Department of Labor to the fullest extent, and an immediate and constant check has been and is being kept on conditions of labor in all plants in this State reported as having contracts for the United States Government. To date this department has made 19 investigations of manufacturing plants doing Government work and has 10 more pending.

Of course, where the department is not informed of such contracts it cannot send its inspectors for a check-up on conditions for compliance with the requirements of the act.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following joint memorial of the Legislature of the State of New Mexico, which was referred to the Committee on Irrigation and Reclamation:

Joint memorial to the President of the United States and the Congress of the United States requesting an appropriation for the construction of La Plata Reservoir Project No. 1

Whereas the La Plata River, a tributary of the San Juan and Colorado Rivers, is an interstate stream arising in the State of Colorado and flowing across the southern boundary of Colorado

into the State of New Mexico to a junction with the San Juan River; and

Whereas some 5,000 or more acres of land lying along said La Plata River in the county of San Juan, State of New Mexico, were settled more than 50 years ago, being irrigated by waters from the La Plata River diverted from said river by direct diversion; and

Whereas about 30 years ago the Southern Ute Indian Reservation in the State of Colorado, lying along the La Plata River in the State of Colorado, was opened for settlement under limitations which required the settlers to take water from the La Plata River to their said lands, with the result that some 20,000 acres of land of said Southern Ute Indian Reservation were settled upon and placed under irrigation; and

Whereas the drainage of the La Plata River is from the south slopes of the La Plata Mountains with a quick and early run-off in the months of March, April, and May, with the result that the taking of water in Colorado by direct diversion has deprived the settlers in New Mexico of water during the months of June, July, August, and September, which is the growing season; and

Whereas heretofore and under an interstate compact the States of Colorado and New Mexico endeavored to solve said problem by entering into a solemn compact providing for rotation in the use of water during the crop season; and

Whereas said arrangement has not been satisfactory either to the settlers in New Mexico or Colorado, with the result that over 500 families who are dependent upon the waters of the La Plata River for their livelihood are now in a desperate financial condition and unable to earn a living upon their lands, because of a shortage of water; and

Whereas in an effort to solve said problem an application was made by the settlers in New Mexico and Colorado to the Works Progress Administration for an allotment of moneys to construct a storage reservoir at a site to be known as La Plata Reservoir Site No. 1, which said Works Progress Administration project, identified as Colorado State Serial No. 6–88, was approved for the construction of a dam on the La Plata River as being eligible under the provisions of the act by the Honorable Franklin Delano Roosevelt, President of the United States, on November 16, 1935, by Presidential letter no. 1018 under official project no. 65–84–1431, said Presidential letter being countersigned by the Comptroller General, November 25, 1935, under warranty no. 1009, in the amount of $553,295, which said sum became available for operations at the discretion of Mr. Paul D. Shriver, Works Progress Administrator for the State of Colorado; and

Whereas subsequent to the approval of the same a detailed survey of the proposed reservoir site was made by the Works Progress Administration, which estimate reduces the original estimate of $553,295 to $395,500, a saving of $157,795; and

Whereas due to the fact that said stream is an interstate stream and to the further fact that under the Works Progress Administration it is required that the contract or agreement be entered into between the settlers who are to benefit from the project for the repayment of a part of the cost of the project, which is impossible, due to the financial condition of the settlers and interstate complications; and

Whereas the construction of said project known as La Plata Reservoir No. 1, is feasible and economically sound, and is the key to the solution of the problem along the La Plata River in Colorado and New Mexico and will rehabilitate over 25,000 acres of fertile land by providing supplemental irrigation water, and the people who would benefit therefrom are in desperate need, and said project has the endorsement and approval of the State engineers of both the States of New Mexico and Colorado, and the Governor of New Mexico: Now, therefore, be it

Resolved by the Legislature of the State of New Mexico as follows, to wit:

First. The Legislature of the State of New Mexico does hereby memorialize and request of the President of the United States and the Congress of the United States to make available by direct appropriation, if it cannot be done otherwise, sufficient funds for the construction of a reservoir upon the La Plata River at the site known as La Plata Reservoir Site No. 1 in the State of Colorado.

Second. In event a direct appropriation cannot be made for the construction of this project, the Legislature of the State of New Mexico does hereby memorialize and request of the President of the United States and the Congress of the United States to make available by direct appropriation a sufficient sum which will permit the construction of this project by the Civilian Conservation Corps at a greater saving to the Federal Government, under the direction of the Army engineers of the United States Army.

Third. That copies of this memorial be mailed to the President of the United States and to each of our Senators and Representative in Congress, to the Speaker of the House of Representatives and the President of the Senate, to the Honorable Harry L. Hopkins, Works Progress Administrator, to the Honorable Harold L. Ickes, Secretary of the Interior, to the Honorable Robert Fechner, Director of the Civilian Conservation Corps, and to the Governor of the State of Colorado, the speaker of the House of Representatives of the State of Colorado, and the president of the Senate of the State of Colorado.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the Territory of Alaska, which was referred to the Committee on Finance:

To the honorable the Congress of the United States:

Your memorialist, the Legislature of the Territory of Alaska, respectfully represents that—

Whereas the Territory of Alaska contains more than 90,000,000,000 feet of spruce and hemlock timber, especially adapted to the manufacture of paper and paper products, especially newsprint, together with ample sources of water power for the manufacture of said raw material; and

Whereas the major part of said timber is within the limits of forest reserves, the control of which is entirely with the Government of the United States; and

Whereas such timber as aforesaid is sufficient to supply in perpetuity more than one-third of the demand for newsprint paper in the United States proper; and

Whereas only a small fraction of the mature timber contained within said forest reserves is now being utilized, hundreds of millions of feet thereof dying each year and being blown down by winds to the detriment of the standing and growing timber and to the great loss of the people of Alaska and of the United States; and

Whereas the greater part of the needs for newsprint paper in the United States is now being filled by importation from Canada, Russia, and the Scandinavian countries, no protection being afforded to domestic production by the tariff laws of the United States; and

Whereas a reasonable protective tariff on imports of such products would result in the development and utilization of such domestic timber with the consequent effect of the employment of large numbers of men at gainful occupation and the building up of industries and associated enterprises, both in Alaska and in those parts of the United States proper where stands of timber suitable for pulpwood or newsprint are found; and

Whereas the great need of the Territory of Alaska is year-round employment as distinguished from seasonal occupation afforded by the fishing industry, which at the present time employs the greater number of the inhabitants of the Territory for 3 or 4 months during the summertime; and

Whereas a bill was introduced by Senator C. C. Dill in the Seventy-third Congress of the United States which provided an embargo on foreign pulpwood and newsprint paper, and there is now a bill (H. R. 1548), by Delegate DIMOND, before Congress which is designed to protect and promote the development of the pulpwood industry in the United States:

Now, therefore, your memorialist prays that an act similar in object to the Dill bill be enacted to the end that the unemployed of the Territory of Alaska may through establishment of the pulp industry in this Territory be furnished gainful employment and that this Territory may be developed through the utilization of this great natural resource.

And your memorialist will ever pray.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the Territory of Alaska, which was referred to the Committee on Foreign Relations:

To the Congress of the United States, the Secretary of State, the Secretary of Commerce, and to the Honorable Anthony J. Dimond, Delegate to Congress from Alaska:

Whereas a permanent population of nearly 2,000 people reside in that section of Alaska known as Bristol Bay and adjacent thereto, which population is engaged in the business of fishing for a livelihood; and, in addition thereto, a seasonal population of many thousands more come from the States to put up the salmon pack each summer; and

Whereas the fishing industry is of untold value to the above-mentioned fishing and transient population of Alaska, and to the United States as an industry; and

Whereas there is a gradual but a continuous and increasing encroachment of Japanese fishermen and fishing vessels upon the waters of said Bristol Bay and the Bering Sea; and

Whereas said Japanese fishermen, working on a low wage scale, and such Japanese fishing vessels operating beyond the jurisdiction of the United States Bureau of Fisheries, and not bound by or observing the rules and regulations of said Bureau, are able to pack and sell their fish products at reduced prices; and

Whereas such encroachment and methods constitute a serious menace to the Alaska fish supply and to the fishing industry and the domestic fish market of the United States; and

Whereas said fishing industry is of untold value to Alaska and to the United States and should be fostered, protected, and encouraged:

Now, therefore, your memorialist prays that the matter of this encroachment of Japanese fishermen upon the waters of Bristol Bay and the Bering Sea receive the consideration of Congress, so that either congressional action be taken, or an appropriate agreement be made to adjust the matter.

And your memorialist will ever pray.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the Territory of Alaska, which was referred to the Committee on Territories and Insular Affairs:

Whereas the honorable ANTHONY J. DIMOND, Delegate to Congress from Alaska, has introduced in the House of Representatives of the United States now in session, H. R. 1504, providing for old-age allowances to Indians of the United States; and

Whereas we believe that this bill fairly reflects the views of a large majority of the people of this Territory upon the subject covered; and

Whereas the Indians and Eskimos in the Territory of Alaska have always been considered as wards of the United States Government, both by the courts and by the administration, and as such wards, the United States Government, through the Bureau of Education and the Bureau of Indian Affairs, has always assumed the burden of caring for them, and has furnished to the said Indians and Eskimos, education, hospitalization, dentistry, medical assistance, and relief: Now, therefore, be it

Resolved by the Thirteenth Session of the Legislature of Alaska, That we heartily approve the provisions of said bill and respectfully request that the same be enacted into law; and be it further

Resolved, That a copy of this joint resolution be mailed to the honorable Franklin D. Roosevelt, President of the United States of America, to the honorable President of the Senate, and to the honorable Speaker of the House of Representatives of the Congress of the United States, and to the honorable ANTHONY J. DIMOND, Delegate to Congress from Alaska.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the Territory of Alaska, which was referred to the Committee on Territories and Insular Affairs:

To the honorable Congress and the honorable Secretary of the Interior of the United States:

Your memorialist, the Legislature of the Territory of Alaska, in regular session assembled, respectfully represents:

Whereas the Federal Government by law appropriates money for schools "for and among the Indians in Alaska" by annual appropriation; and

Whereas the Federal Government pays tuition to public schools in the States for nontaxpaying Indians who are one-quarter or more native; and

Whereas the Federal Government controls most of the resources and more than 99 percent of the land in Alaska; and

Whereas the Territory of Alaska and the cities of Alaska have, since the year 1917, educated increasing numbers of native, now numbering more than 1,900 Indians and Eskimos of one-quarter or more native blood; and

Whereas the cost to the Territory of Alaska and the cities of Alaska has now assumed the proportions annually of approximately $220,000; and

Whereas the Department of Education of the Territory of Alaska has presented to the Office of Indian Affairs of the Department of the Interior a request for reimbursement for this education; and

Whereas the Office of Indian Affairs in its last budget included the sum of $220,000 for this reimbursement; and

Whereas the Budget Committee of the Federal Government refused to consider this item: Now, therefore,

Your memorialist, the Legislature of Alaska, respectfully prays that the sum of $220,000 be appropriated for the present fiscal year, beginning July 1, 1936, and ending June 30, 1937, to reimburse Alaska and the cities of Alaska for this eduction, and that a similar amount sufficient to pay for this education be appropriated annually to reimburse the Territory of Alaska and the cities in Alaska for the education of the Indians and Eskimos as the Federal Government now reimburses the public schools in the States for such services.

And your memorialist will ever pray.

The VICE PRESIDENT also laid before the Senate a concurrent resolution of the Legislature of the State of North Dakota, favoring the enactment of legislation providing sufficient toll charges for the use of Panama Canal facilities to avoid a deficit, which was referred to the Committee on Interoceanic Canals.

(See concurrent resolution printed in full when presented today by Mr. NYE.)

The VICE PRESIDENT also laid before the Senate a concurrent resolution of the Legislature of the State of South Carolina, endorsing the recommendations of the President of the United States for the reformation and reorganization of the Federal judiciary, which was referred to the Committee on the Judiciary.

(See concurrent resolution printed in full when presented today by Mr. BYRNES.)

The VICE PRESIDENT also laid before the Senate resolutions adopted by the annual meeting of the Michigan-Washington Democratic Club at Washington, D. C., and the Women's International Union Label League, Local No. 586, of Dallas, Tex., favoring the enactment of legislation to reorganize the judicial branch of the Government, which were referred to the Committee on the Judiciary.

He also laid before the Senate a resolution adopted by a meeting of the Lawyers' Security League, New York City, N. Y., favoring the enactment of legislation to enlarge the membership of the Supreme Court, and any other legislation of a similar character, which was referred to the Committee on the Judiciary.

He also laid before the Senate a resolution adopted by members of the Oregon State Bar, protesting against the enactment of legislation to enlarge the membership of the Supreme Court, which was referred to the Committee on the Judiciary.

He also laid before the Senate several memorials of sundry citizens of the State of New York, remonstrating against the enactment of legislation to enlarge the membership of the Supreme Court, or any other legislation of a similar character, which were referred to the Committee on the Judiciary.

Mr. ROBINSON. I present for appropriate reference a senate joint memorial of the Legislature of the State of Arkansas relating to the judiciary proposal.

The memorial was referred to the Committee on the Judiciary and, under the rule, ordered to be printed in the RECORD, as follows:

Senate joint memorial memorializing the Congress and Senate of the United States to adopt the President's proposal to enlarge the Supreme Court

Whereas the President of the United States has proposed to the Congress that it enact legislation enlarging the membership of the Supreme Court; and

Whereas the President's proposal is in keeping with the ideals and the trend of democratic government in its effort to serve humanity rather than protected interests; and

Whereas the State legislatures of many States have by resolution endorsed the bill suggested by the President; and some have gone on record against it: Now, therefore, be it

Resolved by the Senate of the State of Arkansas (the House concurring therein), That we declare ourselves in favor of the President's proposal and that we do hereby memorialize the Congress and Senate of the United States and particularly the members of the Arkansas delegation in each House to work and vote for the passage of such legislation.

REORGANIZATION OF FEDERAL JUDICIARY—PETITIONS AND MEMORIALS—PRINTING IN RECORD

Mr. JOHNSON of California. Mr. President, I present a memorial from the lawyers of the city of San Francisco, which is numerously signed by Matt I. Sullivan, Garret W. McEnerney, and others. I should like to have the memorial, which remonstrates against the proposal to enlarge the Supreme Court, printed in the RECORD, if it be permissible. If it has been agreed that such matters may be so printed, I will be very glad to have printed the memorial presented by me. It is very short.

Mr. ROBINSON. Mr. President, I think there has been an understanding that only memorials from legislative bodies shall be printed in the RECORD, and that other petitions and memorials shall be noted in the RECORD.

Mr. JOHNSON of California. If that be the understanding, I abide by it, Mr. President; but the memorial I present is from the lawyers of San Francisco, and I commend it for its restraint and its logical and able presentation.

The VICE PRESIDENT. The memorial presented by the Senator from California will be referred to the Committee on the Judiciary.

Mr. GREEN. I present for appropriate disposition a resolution adopted by the Senate of the State of Rhode Island relating to the proposal to increase the membership of the United States Supreme Court, to which I made reference on Friday last.

The resolution was referred to the Committee on the Judiciary and, under the rule, ordered to be printed in the RECORD, as follows:

Senate resolution requesting the Senators and Representatives in Congress from the State of Rhode Island to vote against and to use their influence to defeat the proposed increase in the membership of the United States Supreme Court

Whereas bills to effect a reorganization of the judicial system of the United States have been introduced in the Congress of the United States; and

Whereas as part of said reorganization it is provided that the membership of the United States Supreme Court may be increased by six members; and

Whereas the proposal for said increase comes at a time when new appointees to said Supreme Court would almost immediately be called upon to make important decisions on constitutional questions; and

Whereas the preservation of the confidence of the people in the impartiality and independence of the Supreme Court is vitally important in American constitutional government: Now, therefore, be it

Resolved, That the Senate of the State of Rhode Island requests the Senators and Representatives in the Congress of the United States from the State of Rhode Island to vote against and to use their influence to defeat the proposed increase in the membership of the United States Supreme Court; and be it further

Resolved, That the Secretary of State is hereby authorized and directed to transmit duly certified copies of this resolution to the Senators and Representatives in Congress from the State of Rhode Island.

Mr. BYRNES. I present, for appropriate reference, a concurrent resolution endorsing the proposed plan of President Roosevelt relating to the Federal judiciary that has been adopted by the General Assembly of the State of South Carolina.

The concurrent resolution was referred to the Committee on the Judiciary and, under the rule, ordered to be printed in the RECORD, as follows:

Concurrent resolution endorsing the proposed plan of President Roosevelt relating to the Federal judiciary

Whereas the President of the United States has recommended to the Congress certain measures to reform and reorganize the Federal judiciary; and

Whereas the said measures are desirable and proper and are designed and calculated to restrict the excessive powers of the United States Supreme Court and to enhance the powers of the people through their elective legislature and the Executive; and

Whereas the said reforms will enhance the speed and efficiency of the Federal courts; and

Whereas the people of the State of South Carolina and of the United States have endorsed the policies and principles espoused by the President of the United States by the most overwhelming vote of confidence in the history of the United States; and

Whereas the General Assembly of the State of South Carolina desires to commend the President of the United States for his courageous and patriotic action in proposing the said reformation and reorganization of the Federal judiciary and to assure him that the people of the State of South Carolina and their general assembly approve and endorse the said recommendations: Now, therefore, be it

Resolved by the house of representatives (the senate concurring), That the General Assembly of the State of South Carolina does hereby commend the President of the United States for his courageous and patriotic action in recommending the reformation and reorganization of the Federal judiciary; be it further

Resolved, That the General Assembly of the State of South Carolina does hereby aporove and endorse the recommendations of the President of the United States for the reformation and reorganization of the Federal judiciary in the particulars specified in his message to the Congress on February 5, 1937; be it further

Resolved, That the General Assembly of the State of South Carolina does hereby commend the Representatives and Senators from South Carolina in the Congress of the United States, who have given assurance of their support of the said recommendations of the President; be it further

Resolved, That the South Carolina delegation in Congress of the United States be, and it is hereby respectfully petitioned and urged to support the said recommendations of the President; be it further

Resolved, That the clerk of the house of representatives be, and he is hereby, directed forthwith to transmit copies of this resolution to His Excellency Franklin D. Roosevelt, President of the United States, to each Representative and Senator from South Carolina in the Congress of the United States, to the Clerk of the honorable House of Representatives of the United States, and to the Clerk of the honorable United States Senate.

Mr. LOGAN. Mr. President, I ask unanimous consent to have printed in the Appendix of the RECORD an address delivered on March 11, 1937, by Hon. Charlton B. Thompson, of Covington, Ky., a very distinguished and outstanding lawyer, on the proposal for judicial reform.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. GERRY. Mr. President, it is very difficult for me to hear what is being said. May I inquire if my colleague presented a resolution adopted by the Senate of the State of Rhode Island protesting against an increase in the membership of the United States Supreme Court as proposed by the President?

The VICE PRESIDENT. The Chair is informed that he did.

Mr. GERRY. I ask that it may be read.

The VICE PRESIDENT. The Senator from Rhode Island asks unanimous consent that the resolution be read. Is there objection?

Mr. McNARY. Mr. President, before the request is acted upon let me say that a few moments ago the Senator from California [Mr. JOHNSON] presented a memorial, and it was ordered to be noted in the RECORD. I think that conforms probably to a criticism which I made last week with respect to the indefinite and indiscriminate publication of like documents relating to the President's plan for reorganization of the Federal judiciary.

However, a moment ago the Senator from Kentucky [Mr. LOGAN] offered a document for publication in the RECORD which, I think, is in the same category as the one offered by the Senator from California. The Senator from Kentucky asked that the document presented by him be printed in the RECORD, and permission was granted.

I am willing to enforce the rule and do my part in observing the rule, but I shall permit no discrimination. I am not saying that any was attempted, but if the long article or document presented by the Senator from Kentucky is to be published in the RECORD, then the memorial presented by the Senator from California must likewise be published.

Mr. ROBINSON and Mr. LOGAN addressed the Chair.

The VICE PRESIDENT. Does the Senator from Oregon yield; and if so, to whom?

Mr. McNARY. I yield first to the Senator from Arkansas.

Mr. ROBINSON. Mr. President, my attention was not called to any exception to the rule. It is my intention to enforce the rule. Therefore, I suggest to the Senator from Kentucky [Mr. LOGAN], if the matter which he submitted be not a resolution of a general assembly or legislative body, that he have it noted in the RECORD and referred to the appropriate committee.

The VICE PRESIDENT. The Chair will state to the Senator from Oregon and the Senator from Arkansas that he is informed by the Parliamentarian that the Senator from Kentucky [Mr. LOGAN] asked unanimous consent to have published in the RECORD an address delivered by some gentleman in Kentucky.

Mr. McNARY. The document submitted by the Senator from California was signed by a representative list of reputable attorneys of San Francisco and elsewhere, relating to the same subject matter and falls within the same specifications as the speech made by some lawyer in Kentucky favoring the proposal to increase the membership of the Supreme Court.

Mr. ROBINSON. We have been publishing in the RECORD speeches and addresses from various sources. No objection, so far as I have known, has been made to the publication of such addresses. My thought is that the rule of the Senate should govern in the matter. Objection may be made to the publication of any matter in the RECORD. I do not wish to be discriminatory and suggest to Senators that they observe the rule.

Mr. JOHNSON of California. Mr. President, let me see if I can settle the matter by asking unanimous consent for the publication in the RECORD of the memorial which I presented, which is brief in character, from lawyers of the city of San Francisco upon the subject of the proposed enlargement of the Supreme Court.

Mr. ROBINSON. I shall make no objection, in view of the statement of the Senator from California.

Mr. HAYDEN. Mr. President——

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Arizona?

Mr. McNARY. I yield.

Mr. HAYDEN. As I understand, in each instance the speech or the memorial is ordered published in the Appendix of the RECORD. The objection raised heretofore was to the printing in the body of the RECORD of other than memorials from legislatures.

Mr. McNARY. Mr. President, I think I made the first objection. I stated at that time that I did not care where these matters were embodied in the RECORD. The RECORD records the entire proceedings of the Senate and the House of Representatives, whether in the body of the RECORD or in the Appendix, of many matters which should merely be referred to committees.

I stand here to prevent discrimination as between Senators, though I know no one desires to have that practiced or countenanced. I object to the publishing in the RECORD of the document offered by the Senator from Kentucky [Mr. LOGAN], inasmuch as objection has been made to the

memorial offered by the Senator from California [Mr. JOHNSON] being printed. I think the same effect will be accomplished if they are referred to the Judiciary Committee as if they are published in the RECORD.

Mr. LOGAN. Mr. President, will the Senator from Oregon yield?

Mr. McNARY. Certainly.

Mr. LOGAN. I assumed there would be no objection to publishing in the Appendix of the RECORD any outstanding address dealing with a legislative matter—or, in fact, whether it deals with a legislative matter or not. If the Senator from Oregon objects to publishing in the CONGRESSIONAL RECORD or the Appendix of the RECORD addresses delivered on the particular question relating to reform of the judiciary, I shall abide by his will in the matter; but the practice has been followed, I think, almost every day since I have been a Member of the Senate. If the Senator now desires to object, of course, I can do nothing but accept and withhold the address which I presented a moment ago.

Mr. McNARY. The Senator is not quite conversant with the rule. If I should object, he could read the article himself, and thus it would appear in the RECORD.

Mr. LOGAN. O Mr. President, I would not think of doing a thing like that over the protest of the Senator from Oregon.

Mr. McNARY. I am not seeking at this time to assert any new rule. I seek only to prevent inequalities in practice and observance of the rules among Senators.

I go further. A very unusual situation has taken hold of the country. A grave subject confronts us. We will have thousands of memorials and thousands of petitions, many of which are not worth reading, but they will be printed in the RECORD and will be of no assistance whatsoever to the few of the public who read the CONGRESSIONAL RECORD and to the fewer Senators who may read it. Therefore, I should like to see all documents relating to this important subject merely referred to the Committee on the Judiciary.

I am not writing a new rule. I thought that was more or less the understanding I had with the Senator from Arkansas [Mr. ROBINSON] a few days ago.

I conclude by saying that if the document offered by the Senator from Kentucky [Mr. LOGAN] is to be published in the RECORD, then I insist that the document submitted by the Senator from California likewise be published.

Mr. ROBINSON. Mr. President, the rule to which the Senator from Oregon refers relates to petitions and memorials. Under the rule memorials by legislative bodies are required to be printed in the RECORD. Petitions from other sources may be merely referred to some committee.

The practice has grown up of printing in the RECORD, by unanimous consent, addresses delivered from time to time not only by Senators themselves but by others. The rule does not govern that matter. Any Senator may object when a request is made for the printing of an address in the RECORD. Objections have been made rarely heretofore insofar as my memory goes.

A question of policy is involved. Manifestly, if the request of one Senator for publication of an address in the RECORD be objected to, that objection ought to extend to other similar requests; but we ought not to adopt a practice of printing in the RECORD all the petitions and memorials which come from private sources; otherwise the RECORD would become too voluminous.

There is a distinction, I am informed, between the request of the Senator from Kentucky [Mr. LOGAN] and the request of the Senator from California [Mr. JOHNSON]. The document submitted by the Senator from California is in the nature of a petition or memorial. The request of the Senator from Kentucky involves the publication of a speech or an address. Manifestly we cannot print in the CONGRESSIONAL RECORD all the speeches that are being made on the subject of the Federal judiciary. There ought to be some limitation. The only limitation that exists now under the rule is the right of any Senator to object when such a request is submitted.

The suggestion was made to the Senator from California that his petition or memorial, not being an address or a speech strictly speaking, should be noted in the RECORD and referred to the Committee on the Judiciary. Any Senator has the power and the right to object to a request for the reading of any document, the rule merely requiring that legislative resolutions shall be printed in the RECORD; and I think that rule should be conformed to.

I think we ought to take advice and counsel together as to whether we wish to adopt a rule or a practice of objecting to the publication in the RECORD of public speeches delivered outside of the Senate. It is rather a far-reaching proposal. It is not on all fours with the proposal of the Senator from California. If we let the floodgates down and have printed in the RECORD everything that is said on this subject, the CONGRESSIONAL RECORD will become more and more unreadable because of the volume of which it will consist. I should like to see a practice pursued that is nondiscriminatory. If we object to the printing of speeches in general, shall we also object to the printing of speeches made by Senators over the radio? We have had more than a dozen of them printed in the past 10 days. We are also having printed in the RECORD editorials that are published from time to time. That is a custom which has prevailed in the Senate since the beginning of my service here, if not prior thereto.

I do not know that the Senate is prepared to adopt a hard and fast rule excluding from the RECORD all matter that is not delivered in the Senate. It might be a very good rule; but I think the Rules Committee ought to consider it before we adopt it, because I think it will not be 5 days until it will be disregarded. A request will be made for the publication of a speech, and no objection will be made to it, and the speech will be published.

If we are going to adopt a rule of that sort, I think we ought to know exactly what we are doing when we do it. If we are going to undertake to have printed in the RECORD all petitions and memorials that come from private sources, we ought to understand that that is the course upon which we are embarking. I think the best thing we can do is to go forward as we have been doing; to have printed in the RECORD, as the rule requires, memorials from State legislatures or other legislative bodies, and have noted in the RECORD and referred to the appropriate committee petitions and memorials, and then exercise our right to object when a request is made for the printing of a speech in the RECORD.

Mr. McNARY. Mr. President, I have never made any suggestion that speeches delivered by Senators or Members of the House of Representatives should not be published in the CONGRESSIONAL RECORD. We probably could reach an adjustment of this matter by reference to the Rules Committee. In order to solve the present situation, I am going to ask unanimous consent that the memorial or petition presented by the Senator from California be printed in the RECORD, along with the speech presented by the Senator from Kentucky, leaving the matter to be adjusted in the future by the Senate or the Rules Committee upon proper reference by this body.

Mr. BLACK. Mr. President, I have in my office several petitions on the same subject; and if we are to have some petitions placed in the RECORD, it is my belief that we should have others placed in the RECORD. I shall therefore feel impelled to ask that these petitions also be printed in the RECORD. I do not think it is proper to have some petitions printed without having them all printed.

The VICE PRESIDENT. As the Chair understood the Senator from Kentucky, he is perfectly willing to have his speech referred to the committee, together with the memorial of the Senator from California. If that is the position of the Senator from Kentucky, it will solve the question at once.

Mr. LOGAN. Mr. President, I do not wish to disagree at all with the ingenious, courteous, and distinguished Senator from Oregon, the Republican floor leader; and because of the attitude which he takes, and which he has a right to take, I of course shall be perfectly willing to have the speech referred to the Judiciary Committee, together with the other matter. I shall only say that a few days ago I presented and had published in the RECORD a very strong attack by

a leading Kentucky lawyer on the proposal of the President. The speech I have here today is a very strong presentation of the President's case by another outstanding attorney, and I thought I ought to treat them both alike; but it is perfectly all right with me for these matters to be referred to the Committee on the Judiciary.

The VICE PRESIDENT. Without objection, the speech referred to by the Senator from Kentucky and the memorial presented by the Senator from California will be referred to the Committee on the Judiciary. Is there objection?

Mr. BORAH. Mr. President, I do not know that I have any particular objection to the action proposed in this case; but if it is going to result in excluding from the RECORD speeches made upon this subject outside of the Senate, I think we should hesitate a long time before we do anything of that kind.

The matter which is the subject of these speeches and memorials is one of extraordinary importance, from whatever viewpoint we may consider it. For myself, I should want to see these speeches placed where we can all use them if we desire to do so. Petitions and memorials are easily disposed of under the rule. We can send them to the committee; but addresses by able men or women pro and con upon this subject ought to be available to the Senate, and they ought to be available to the country. They are in the nature of petitions upon one of the most vital questions that can possibly arise in this body. I do not desire to see adopted a rule which would exclude such speeches from the RECORD. This is a subject upon which the people are entitled to be heard, if there is any subject left upon which the people are permitted to be heard.

The VICE PRESIDENT. Is there objection?

Mr. BYRNES. Mr. President, what is the request?

The VICE PRESIDENT. The Chair took it upon himself to put the question whether there was objection to referring the speech presented by the Senator from Kentucky and the memorial presented by the Senator from California to the Judiciary Committee, both of those Senators having expressed a willingness to have the matters go there. Is there objection? The Chair hears none, and it is so ordered.

Mr. GERRY. Mr. President, I should like to ask a parliamentary question. I understand that, under the rule, resolutions from State legislatures are printed in the RECORD.

The VICE PRESIDENT. Under the rule, they are printed in the RECORD.

Mr. GERRY. Are they printed in the body of the RECORD?

The VICE PRESIDENT. They are.

Mr. GERRY. That is what I desired to know.

REORGANIZATION OF FEDERAL JUDICIARY—EDITORIAL FROM MONTGOMERY (ALA.) JOURNAL AND TIMES

Mr. MINTON. Mr. President, a very timely editorial entitled "A Dangerous Precedent" was published on Saturday, March 13, 1937, in the Montgomery (Ala.) Journal and Times. I ask unanimous consent that it may be printed in the Appendix of the RECORD, if that does not violate the rule.

The VICE PRESIDENT. Is there objection? The Chair hears none.

ADDITIONAL PETITIONS AND MEMORIALS

Mr. GREEN. Mr. President, I present, for appropriate disposition, a resolution of the General Assembly of the State of Rhode Island relating to lynching.

The resolution was referred to the Committee on the Judiciary, and, under the rule, ordered to be printed in the RECORD, as follows:

Resolution of the General Assembly of the State of Rhode Island recommending to the Congress of the United States the passage of legislation now pending in said Congress to assure to persons within the jurisdiction of every State the equal protection of the laws by discouraging, preventing, and punishing the crime of lynching

Whereas there are now pending in the Congress of the United States certain bills providing assurance to persons within the jurisdiction of every State the equal protection of the laws, by discouraging, preventing, and punishing the crime of lynching; and

Whereas the passage of such legislation would be of the greatest benefit in maintaining a standard of equal justice for all, no matter the nature of the crime: Now, therefore, be it

Resolved, That the General Assembly of the State of Rhode Island respectfully requests the Senators and Representatives from Rhode Island in the Congress of the United States to give their earnest support to said bills and to use their efforts to secure the early passage of this legislation, or legislation of similar purport, by the Senate and House of Representatives of the United States; and be it further

Resolved, That copies of this resolution be transmitted by the secretary of state to the Senators and Representatives of Rhode Island in the Congress of the United States.

Mr. NYE presented the following concurrent resolution of the Legislature of the State of North Dakota, which was referred to the Committee on Foreign Relations:

Whereas the United States and Canada negotiated a treaty in the year 1932 providing for the joint construction of the St. Lawrence Seaway, which treaty has been ever since, and is now, awaiting ratification by the United States Senate; and

Whereas the early completion of this great international waterway project is necessary, not only to establish equality in transportation costs between seaboard States and Midwestern and Northwestern States but also to restore prosperity to the entire Northwest, including North Dakota; and

Whereas the President of the United States has repeatedly approved the St. Lawrence seaway project and has recommended the ratification of said treaty at a previous session of Congress: Now, therefore, be it

Resolved by the house of representatives (the senate concurring), That the President of the United States is hereby memorialized to resubmit said treaty to the United States Senate for ratification at the present session of Congress, and that the Senate of the United States is hereby urged to ratify said treaty at the earliest possible time, to the end that the necessary enabling legislation for the completion of the waterway project may be adopted by this Congress; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the President of the Senate, and to each Member of Congress and the Senators from North Dakota.

Mr. NYE also presented the following concurrent resolution of the Legislature of the State of North Dakota, which was referred to the Committee on Indian Affairs:

Concurrent resolution memorializing the Congress of the United States to provide for the care of needy aged and blind ward Indians and the dependent children of ward Indian families

Whereas there are several hundred ward Indians eligible to receive old-age and blind assistance, and several hundred ward Indian children eligible to receive aid to dependent children in the State of North Dakota; and

Whereas, because of their status as residents of Indian reservations, they and their property are not subject to taxation by the State or county in which they reside; and

Whereas, because of the heavy burden placed upon these counties in making payments of old-age and blind assistance and dependent-children aid to qualified taxpaying residents, the counties are under excessive financial strain; and

Whereas it is an undue hardship upon the said State and counties to provide care for these ward Indians because of the facts above stated: Now, therefore, be it

Resolved, That we, the members of the Twenty-fifth Legislative Assembly of the State of North Dakota, respectfully memorialize Congress to provide Federal funds for the care and relief of these above referred to needy aged and blind ward Indians and the dependent children of ward Indian families; and be it further

Resolved, That a copy of this resolution be forwarded to the United States Senate and the United States House of Representatives and to each of the Senators and Representatives of the State of North Dakota in the Congress of the United States.

Mr. NYE also presented the following concurrent resolution of the Legislature of the State of North Dakota, which was referred to the Committee on Interoceanic Canals:

Whereas, due to the wise forethought of President Theodore Roosevelt, the United States Government constructed the Panama Canal at a cost of approximately $385,000,000, primarily for the purpose of permitting the speedy transfer of naval vessels from the Atlantic to the Pacific Ocean, and vice versa, in case of hostilities; and

Whereas, due to the low toll charges, commercial vessels of all nations are using the facilities of the Canal at less than cost, with the result that there is an annual deficit in the Canal's operations of approximately $30,000,000; and

Whereas the consumer is still paying for commodities so transported the same prices charged as when the transportation was by rail: Now, therefore, be it

Resolved, That we urge the Congress of the United States to pass all necessary legislation and the President of the United States to carry out the provisions thereof, providing for sufficient toll charges for the use of the Panama Canal facilities so that there will be no deficit; be it further

Resolved, That copies of this resolution be sent to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives of the United States, and the Senators and Congressmen from North Dakota.

Mr. McADOO presented a joint resolution of the Legislature of the State of California, favoring the enactment of legislation to provide annuities for widows of retired Federal civil-service employees at the rate of $50 per month, which was referred to the Committee on Civil Service.

(See joint resolution printed in full when laid before the Senate by the Vice President on the 11th inst., p. 2100, CONGRESSIONAL RECORD.)

Mr. LODGE presented a petition of sundry citizens of Roslindale, Mass., praying for the enactment of the so-called Townsend old-age pension law, which was referred to the Committee on Finance.

Mr. GIBSON presented memorials of sundry citizens of Brattleboro, Vt., remonstrating against the enactment of legislation to enlarge the membership of the Supreme Court, or any other legislation of a similar character, which were referred to the Committee on the Judiciary.

Mr. SHEPPARD presented a resolution adopted by the convention of the Associated General Contractors of America, at San Antonio, Tex., favoring the enactment of legislation to provide insurance of loans for the construction of commercial and industrial structures where economically advisable, etc., which was referred to the Committee on Banking and Currency.

He also presented a resolution adopted by the convention of Associated General Contractors of America, at San Antonio, Tex., commending the P. W. A. and favoring the adoption of policies similar to the P. W. A. policies by the W. P. A. and other governmental agencies, so as to alleviate unemployment and assist in recovery, which was referred to the Committee on Education and Labor.

He also presented a resolution adopted by the convention of Associated General Contractors of America, at San Antonio, Tex., favoring amendment of the Revenue Act of 1936, so as to permit the deduction of amounts equal to the sum of the amounts paid out during the taxable year for construction on or improvement of real property, for the purchase and installation of equipment and machinery, and for the expansion or replacement of plants, and so forth, which was referred to the Committee on Finance.

He also presented a resolution adopted by the convention of Associated General Contractors of America, at San Antonio, Tex., opposing the diversion of motor-vehicle and gasoline taxes for any purpose other than providing highway facilities, which was referred to the Committee on Post Offices and Post Roads.

PROPOSED BUCHANAN LOST PINE PROJECT, TEXAS

Mr. SHEPPARD. Mr. President, I present for appropriate reference a resolution in the nature of a memorial adopted by the House of Representatives of the Texas Legislature requesting establishment of a Resettlement project in Lost Pine area, Bastrop County, Tex., to be known as Buchanan Lost Pine project, in honor of the late and beloved Representative James P. Buchanan, and ask that it be printed in the RECORD.

The resolution was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD, as follows:

Whereas the Land Utilization Division of the Resettlement Administration has some 98 land-use projects throughout the United States and the State of Texas has been granted only one such project; and

Whereas there is a large body of eroded and devastated land in Bastrop County known as the Lost Pine area that should be developed by reforestration and also as a recreation area and wildlife sanctuary; and

Whereas our late beloved Congressman, James P. Buchanan, asked the Resettlement Administration for funds to purchase and develop this area: Now, therefore, be it

Resolved, That we ask the Resettlement Administration to allocate such amount necessary to purchase and develop the Lost Pine area, and such Government-owned and developed area to be known as the Buchanan Lost Pine project in honor of the late Congressman Buchanan; and be it further

Resolved, That copies of this resolution be forwarded to the President of the United States and a copy to each Texas Senator and to each Texas Congressman.

REFINANCING OF OBLIGATIONS OF POLITICAL SUBDIVISIONS

Mr. SHEPPARD. I also present for appropriate reference a concurrent resolution in the nature of a memorial adopted by the Legislature of the State of Texas in behalf of Federal legislation aiding political subdivisions of States to refinance obligations based on tax resources diminished by Federal land purchases.

The resolution was referred to the Committee on Banking and Currency and ordered to be printed in the RECORD, as follows:

Whereas the Forty-third Legislature of the State of Texas in regular session adopted Senate Concurrent Resolution No. 73, giving the consent of the State that the Federal Government purchase lands in Texas for reforestation and other purposes; and

Whereas pursuant to such consent on the part of the State the United States has purchased and is purchasing large tracts of land, particularly for watershed protection and forest preservation purposes; and

Whereas in the eastern part of the State the tracts have been purchased in such large contiguous areas that in several counties more than 50 percent of the area of said counties is being purchased, thus removing said lands from taxation for State, county, district, and municipal purposes; and

Whereas in some of said counties more than 25 percent of the assessed valuation of property is being thus removed from the tax rolls; and

Whereas in many instances the entire area of school districts and the entire area of road districts is being removed from taxation; and

Whereas the State of Texas has already granted its consent to such program because of the beneficial results which will accrue to the section of the State involved, and which will accrue to the State generally; and

Whereas the State likewise is affected by the removal of such large areas from taxation in the following particulars:

(a) In the future the State will not receive from said lands the taxes it has been receiving in the past for State ad valorem, State pension, and State available school purposes;

(b) The State owns in its permanent school fund and in other funds bonds of counties, cities, road districts, and school districts situated within the affected area, which cannot be paid according to their tenor and effect because of the removal from taxation of a substantial part of the property originally securing said indebtedness;

(c) The State is interested in the condition of the citizens of said communities, upon whom the burden of paying taxes will rest after said lands have been released from taxation, which burdens, in the instance of bonds, which are supported by unlimited taxing power, must be materially increased; and in instances wherein said bonds are supported by limited taxing power must be increased to the maximum; and

Whereas at the time of the purchase by the United States Government a great amount of this land was delinquent for ad-valorem taxes, both to the State, counties, and districts affected; and

Whereas by reason of such purchase by the United States Government said land is exempted from taxation and will result in the financial insolvency of said counties and districts affected in a great many instances; and

Whereas it is the belief of this legislature that the United States Government, by reason of said purchase of land in such large amount in these areas, has more or less obligated itself to see that the least amount of injury is occasioned to its citizens thereby affected; and

Whereas the State of Texas appreciates the cooperation of the United States Government and the benefits which will accrue from the reforestation program, but desires the further cooperation of the Government in relieving the attendant hardships insofar as consistent and practical; and

Whereas this legislature is hopeful that after a reconsideration of this condition by the Congress of the United States and the executive department thereof that some legislation will be passed and approved which will accomplish the purpose of relieving these conditions: Therefore be it

Resolved by the house of representatives (the senate concurring), That the Congress of the United States be, and the same is hereby, requested to pass legislation in some form entitling the State of Texas and its political subdivisions to be reimbursed for the loss in taxes which resulted from the purchase of said land by the Federal Government until the taxable values of such political subdivisions have increased to the extent occasioned by such purchase upon the part of the Federal Government; and that the President of the United States be, and is hereby, requested to give careful consideration of these problems to the end that if he can consistently do so he may cooperate and approve such legislation; and be it further

Resolved, That a copy of this resolution be forwarded to the President of the United States, the Secretary of the Senate of the United States, the Chief Clerk of the House of Representatives of the United States, to each United States Senator, and to each Congressman of the State of Texas.

REPORTS OF COMMITTEES

Mr. McKELLAR (for Mr. GLASS), from the Committee on Appropriations, to which was referred the bill (H. R. 4720) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1938, and for other purposes, reported it with amendments and submitted a report (No. 175) thereon.

Mr. McKELLAR also from the Committee on Appropriations, to which was referred the joint resolution (H. J. Res. 131) for the payment of certain employees of the United States Government in the District of Columbia and employees of the District of Columbia for January 20, 1937, reported it without amendment and submitted a report (No. 174) thereon.

Mr. CONNALLY, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 1470) authorizing and empowering the Secretary of the Treasury to sell the old post-office building at Oakland, Calif., and to convey to the city of Oakland portions of the site for street-widening purposes in accordance with the provisions of public act approved August 26, 1935 (49 Stat. 800), reported it without amendment and submitted a report (No. 176) thereof.

He also, from the Committee on Finance, to which was referred the joint resolution (H. J. Res. 221) to permit articles imported from foreign countries for the purpose of exhibition at the Greater Texas and Pan-American Exposition, Dallas, Tex., to be admitted without payment of tariff, and for other purposes, reported it without amendment and submitted a report (No. 177) thereon.

Mr. BROWN of Michigan, from the Committee on Finance, to which was referred the joint resolution (H. J. Res. 272) to authorize the Administrator of Veterans' Affairs to accept title for the United States to certain real property to be donated by Mr. Henry Ford and wife for Veterans' Administration facility purposes reported it without amendment and submitted a report (No. 179) thereon.

Mr. VAN NUYS, from the Committee on the Judiciary, to which were referred the following joint resolutions, reported adversely thereon:

S. J. Res. 23. Joint resolution authorizing the President of the United States to proclaim October 11 of each year General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski;

S. J. Res. 24. Joint resolution authorizing the President of the United States of America to proclaim October 11 of each year General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski;

S. J. Res. 33. Joint resolution authorizing the President of the United States of America to proclaim October 11 of each year General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski; and

S. J. Res. 74. Joint resolution authorizing the President of the United States of America to proclaim October 11 of each year General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski.

GENERAL PULASKI'S MEMORIAL DAY—REPORT OF THE JUDICIARY COMMITTEE

Mr. VAN NUYS (for himself, Mr. MINTON, and Mr. LONERGAN), from the Committee on the Judiciary, to which were referred Senate Joint Resolutions 37, 42, and 48 (with identical titles), authorizing the President of the United States of America to proclaim October 11, 1937, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski, reported in lieu thereof a joint resolution (S. J. Res. 102) authorizing the President of the United States of America to proclaim October 11, 1937, General Pulaski's Memorial Day for the observance and commemoration of the death of Brig. Gen. Casimir Pulaski, which was read twice by its title; and Mr. VAN NUYS submitted a report (No. 178) thereon.

The VICE PRESIDENT. The original joint resolution reported by the Committee on the Judiciary will be placed on the calendar.

INVESTIGATION OF RAILROAD HOLDING AND AFFILIATED COMPANIES (S. REPT. 180)

Mr. WHEELER, from the Committee on Interstate Commerce, pursuant to Senate Resolutions 71 and 227, Seventy-fourth Congress, authorizing an investigation of interstate railroads and affiliates with respect to financing, reorganizations, mergers, and certain other matters, with reference to the Midamerica Corporation, submitted a preliminary report relating to the extent and adequacy of Interstate Commerce Commission jurisdiction over railroad consolidation and holding-company control.

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BORAH:

A bill (S. 1862) for the relief of Capt. Thomas Franklin (with accompanying papers); to the Committee on Military Affairs.

A bill (S. 1863) granting an increase of pension to Samantha E. Knapp; to the Committee on Pensions.

By Mr. GEORGE:

A bill (S. 1864) for the relief of S. H. Prather;

A bill (S. 1865) for the relief of Mrs. Cliff Snider; and

A bill (S. 1866) for the relief of the Collier Manufacturing Co., of Barnesville, Ga.; to the Committee on Claims.

By Mr. BACHMAN:

A bill (S. 1867) for the relief of Walter Livingston Clemens; and

A bill (S. 1868) to provide for the retirement of certain enlisted men of the United States Marine Corps and of the Marine Corps Reserve who served as officers in the Garde d'Haiti; to the Committee on Naval Affairs.

By Mr. BLACK:

A bill (S. 1869) to amend section 905 of the Social Security Act; to the Committee on Finance.

A bill (S. 1870) for the relief of Harry A. Walker; to the Committee on Military Affairs.

By Mr. NEELY:

A bill (S. 1871) granting a pension to Charles Rufus Koon; and

A bill (S. 1872) granting a pension to Hattie Jane Koon; to the Committee on Pensions.

By Mr. ROBINSON:

A bill (S. 1873) for the relief of the dependents of W. R. Dyess; and

A bill (S. 1874) for the relief of certain persons whose cotton was destroyed by fire at Kingsland, Ark.; to the Committee on Claims.

A bill (S. 1875) to amend the Act approved February 7, 1913, so as to remove restrictions as to the use of the Little Rock Confederate Cemetery, Arkansas, and for other purposes; to the Committee on Military Affairs.

By Mr. KING:

A bill (S. 1876) to reserve certain lands in the State of Utah for the Kanosh Band of Paiute Indians; and

A bill (S. 1877) to reserve certain lands in the State of Utah for the Koosharem Band of Paiute Indians; to the Committee on Indian Affairs.

By Mr. BROWN of Michigan:

A bill (S. 1878) for the relief of Mary Way; to the Committee on Claims.

A bill (S. 1879) to extend to political subdivisions of States the same treatment accorded to States which borrowed for relief purposes under the Emergency Relief and Construction Act of 1932 by eliminating discrimination in the case of certain loans made to cities and counties under that act, and for other purposes; to the Committee on Banking and Currency.

By Mr. CONNALLY (by request):

A bill (S. 1880) to amend an act entitled "An act authorizing the Court of Claims to hear, consider, adjudicate, and enter judgment upon the claims against the United States of J. A. Tippit, L. P. Hudson, Chester Howe, J. E. Arnold, Joseph W. Gillette, J. S. Bounds, W. N. Vernon, T. B. Sullivan, J. H. Neill, David C. McCallib, J. J. Beckham, and John Toles", approved June 28, 1934; to the Committee on Indian Affairs.

By Mr. McADOO:

A bill (S. 1881) for the relief of the Consolidated Aircraft Corporation; and

A bill (S. 1882) for the relief of the Consolidated Aircraft Corporation; to the Committee on Claims.

A bill (S. 1883) to amend Section 9 of the Trade Mark Act of February 20, 1905, as amended (U. S. C., title 15, sec. 89); to the Committee on Patents.

By Mr. REYNOLDS:

A bill (S. 1884) to declare the 11th day of November a legal holiday in the District of Columbia to be known as Armistice Day; to the Committee on the District of Columbia.

A bill (S. 1885) for the relief of Capt. William Edgar Vernon, retired; and

A bill (S. 1886) for the relief of Maj. Patrick H. Winston; to the Committee on Military Affairs.

By Mr. OVERTON:

A bill (S. 1887) for the relief of Rebecca J. Lucas; to the Committee on Claims.

By Mr. MURRAY:

A bill (S. 1888) to promote the safety of employees and travelers upon common carriers engaged in interstate commerce by railroad by requiring such carriers to maintain tracks, bridges, roadbed, and permanent structures for the support of way, trackage, and traffic in safe and suitable condition, and for other purposes; to the Committee on Interstate Commerce.

By Mr. HATCH and Mr. CHAVEZ:

A bill (S. 1889) authorizing the Secretary of the Interior to convey all right, title, and interest of the United States in certain lands to the State of New Mexico, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. NORRIS:

A bill (S. 1890) providing the number of judges which shall concur in holding an act of Congress unconstitutional; to the Committee on the Judiciary.

By Mr. GUFFEY:

A bill (S. 1891) to amend section 30 of the organic act of the Virgin Islands of the United States, approved June 22, 1936, to authorize the circuit court of appeals to sit at St. Thomas to hear appeals from the District Court of the Virgin Islands; to the Committee on Territories and Insular Affairs.

By Mr. BONE:

A bill (S. 1892) for the relief of George A. Prior; to the Committee on Claims.

By Mr. COPELAND:

A bill (S. 1893) to provide that no gain or loss shall result from the transfer of an installment obligation under section 112 (b) (4) or (5) or from the distribution of an installment obligation in a complete liquidation under section 112 (b) (6) of the Revenue Act of 1936; to the Committee on Finance.

A bill (S. 1894) to authorize the Secretary of War to transfer and convey to the State of New York all right and title now vested in the United States to land and buildings thereon known as Fort Schuyler, N. Y.; to the Committee on Military Affairs.

By Mr. NORRIS:

A joint resolution (S. J. Res. 103) proposing an amendment to the Constitution of the United States relating to the term of office and taxation of compensation of Federal judges; to the Committee on the Judiciary.

By Mr. COPELAND (for himself and Mr. WAGNER):

A joint resolution (S. J. Res. 104) authorizing participation of the Government of the United States in the New York World's Fair of 1939; to the Committee on Commerce.

A joint resolution (S. J. Res. 105) to permit articles imported from foreign countries for the purpose of exhibition at the New York World's Fair, 1939, New York City, N. Y., to be admitted without payment of tariff, and for other purposes; to the Committee on Finance.

BROADCASTING PROCEEDINGS OF CONGRESS

Mr. PITTMAN. Mr. President, with the permission of the Senate I desire to explain a resolution I am about to submit so that it will not be misunderstood.

It is a Senate resolution authorizing and directing the Committee on Interstate Commerce, or any duly authorized subcommittee thereof, to make a full and complete investigation of the advisability of broadcasting by radio the proceedings of the Congress upon matters of public importance and of having assigned to the various classes of radio stations for that purpose bands of frequencies or wave lengths. The committee is directed to report to the Senate, as soon as practicable, the results of its investigation, together with its recommendations.

I wish to call attention to the fact that the resolution does not recommend that action be taken by Congress, but it does require an investigation and report by the Interstate Commerce Committee of the Senate, which for many years has had jurisdiction over matters relating to radio.

I have always opposed such action by Congress. It has been informally considered among Senators for quite a while, but it appears that when such important matters are before Congress as are now before it, it is advisable to have the facts relating to such subjects accurately reported to the country, which is not true in many cases. It is also essential for our editorial writers to have the facts. As a general thing, of course, facts are not essential to editorial writers, but occasionally they assume to quote what they term facts as the basis of very erudite discussions.

For instance, referring particularly to neutrality legislation, there has been published in the press, from the very beginning of the proposed legislation, the bill as introduced, and finally the bill as reported; and yet there has been made, time and time again, the statement that the proposed legislation grants to the President of the United States the right to declare an embargo on everything. Of course that is not true; but that statement having been made time and time again, editorial articles are based upon the statement. Of course it has no effect on the Senate—at least it has not had so far—but it causes voluminous petitions to be crowded on our committees here, based on an erroneous statement of facts by persons who are supposed to have sufficient intelligence to know the facts.

It seems to me that the question is worthy of consideration by the Interstate Commerce Committee, whether or not, in view of the important matters which are before the Congress of the United States, the people of the country are entitled to the facts; and I therefore submit the resolution.

The resolution (S. Res. 93) was read, as follows:

Resolved, That the Committee on Interstate Commerce, or any duly authorized subcommittee thereof, is authorized and directed to make a full and complete investigation of the advisability of broadcasting by radio the proceedings of the Congress upon matters of public importance and of having assigned to the various classes of radio stations for that purpose bands of frequencies of wave lengths. The committee shall report to the Senate as soon as practicable the results of its investigation, together with its recommendations.

For the purposes of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions and recesses of the Senate in the Seventy-fifth Congress, to employ such clerical and other assistants, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The expenses of the committee, which shall not exceed $———, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

Mr. KING. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. KING. I was wondering whether the resolution should not be referred to the Committee on Rules.

The VICE PRESIDENT. Does the Senator from Nevada ask that the resolution be referred to the Committee on Interstate Commerce?

Mr. PITTMAN. I have made that request, and I may say to the Senator from Utah that my reason for the request is that since we have been considering legislation with regard to the science of radio, matters involving radio have always been considered by the Committee on Interstate Commerce.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. PITTMAN. I yield.

Mr. ROBINSON. The resolution now under discussion, however, has relation to the rules and procedure of the

Senate primarily. I suggest that the proper jurisdiction lies in the Committee on Rules.

Mr. KING. I also entertain that opinion.

Mr. PITTMAN. The resolution might be referred to the Committee on Rules after being reported by the Committee on Interstate Commerce to determine whether the Committee on Rules desired to adopt the report of the Committee on Interstate Commerce. The resolution, of course, deals with bands and wave lengths, which I assume would have to be taken from some other user. It deals with the expense incident to the inauguration of a broadcasting system such as the resolution contemplates, and I merely ask in the resolution for a report of the Committee on Interstate Commerce as to the advisability of such installation, and the facts surrounding it, the report to be made to the Senate. I agree with Senators entirely that whether or not the Senate should undertake such installation after the report had been submitted would be a proper matter for the Committee on Rules to decide.

Mr. KING. Mr. President, will the Senator from Nevada yield?

Mr. PITTMAN. I yield.

Mr. KING. As I understand, the Senator is not asking that the Committee on Interstate Commerce determine the advisability of installing the necessary machinery and mechanism in the Senate Chamber for the purpose of broadcasting to the country the proceedings of the Senate, but merely the cost of installing such an instrumentality, and also as to whether there would be any interference with wave lengths which have been granted to other users.

Mr. PITTMAN. The committee undoubtedly would find the facts as to the situation, and submit their report to the Senate. I have no doubt that after the report had been submitted some Senator would move that the resolution be referred to the Committee on Rules, which would ultimately have the jurisdiction of reporting on the adoption of such a system.

Mr. KING. I object to having this matter determined by one committee, to wit, the Committee on Interstate Commerce. The Committee on the Judiciary, the Committee on Finance, the Committee on Territories and Insular Affairs, and the Committee on Foreign Relations perhaps are more interested in this matter than is the Committee on Interstate Commerce. It seems to me that if the resolution is to be referred, in order to obtain the views of the committees as to the feasibility of such a plan, the resolution would have to go to all of the committees of the Senate, particularly the important ones.

Mr. PITTMAN. I have no objection to the resolution's going to all the committees, except that I find some difficulty in the procedure.

I ask that the resolution be referred first to the Committee on Interstate Commerce, and if it ever comes back from that committee it can go to the Committee on Rules.

The VICE PRESIDENT. Without objection, the resolution will be referred to the Committee on Interstate Commerce.

NUMBER AND APPORTIONMENT OF CIVIL-SERVICE EMPLOYEES

Mr. HAYDEN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Resolution 92, relating to the number and apportionment of civil-service employees.

The VICE PRESIDENT. The clerk will read the resolution for the information of the Senate.

The legislative clerk read the resolution (S. Res. 92) submitted by Mr. HAYDEN on the 12th instant, as follows:

Whereas the rule of apportionment under the Civil Service Act provides that appointments to the public service in the executive departments at Washington shall be apportioned among the several States, Territories, and the District of Columbia upon the basis of population as ascertained at the last preceding census; and

Whereas the report of the Civil Service Commission as of February 15, 1937, contains a record of only 39,744 civil-service apportioned appointments in Washington; and

Whereas that number represents less than 10 percent of the total number of Federal employees with civil-service status; and

Whereas of the said 39,744 appointees, 8,989, or 22.6 percent, are residents of the District of Columbia; and

Whereas the reform of the civil-service system and its extension to emergency agencies is under consideration by the Congress: Now, therefore, be it

Resolved, That the Civil Service Commission is hereby requested to furnish the Senate the following information:

(1) The total number of employees with civil-service status in Washington, D. C.

(2) The total number of employees with civil-service status engaged in field service outside of Washington.

(3) A statement showing the apportionment by States of all civil-service employees in Washington, including those who have been blanketed into the civil service or secured a status through noncompetitive examination, or in any other manner, according to the legal residence of such employees at the time they were appointed.

(4) A similar statement showing the apportionment by States of all civil-service employees engaged in field service outside of Washington according to the legal residence of such employees at the time they were appointed.

The VICE PRESIDENT. Is there objection to the consideration of the resolution?

Mr. KING. Mr. President, I should like to know what the resolution calls for?

Mr. HAYDEN. Mr. President, the resolution calls for information from the Civil Service Commission, first, as to the total number of employees with civil-service status in the District of Columbia; the total number of employees with civil-service status in the field service outside the city of Washington; a statement showing the apportionment, by States, of all civil-service employees in the District of Columbia; and like information with respect to civil-service employees outside of the District.

I have conferred with the Chairman of the Civil Service Commission, and he states there is no difficulty at all in providing the Senate with the information called for in the first three interrogatories. To obtain the field information may take some time, as the Commission will have to obtain it from the 13 civil-service districts.

The VICE PRESIDENT. Is there objection to the consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

SENATOR ASHURST—ARTICLES FROM BUFFALO EVENING NEWS AND WASHINGTON HERALD

[Mr. VAN NUYS asked and obtained leave to have printed in the RECORD articles from the Buffalo Evening News of Mar. 9, 1937, and the Washington Herald of Mar. 13, 1937, relative to Senator ASHURST, which appear in the Appendix.]

CONSIDERATION OF UNOBJECTED BILLS ON CALENDAR

The VICE PRESIDENT. Morning business is closed. The calendar under rule VIII is now in order.

Mr. ROBINSON. Mr. President, the junior Senator from Texas [Mr. CONNALLY] gave notice a day or two ago that this morning he would move the consideration of the joint resolution relating to a national gallery of art. I ask him at this time whether it would suit his convenience to have the Senate proceed first with the call of the calendar for the consideration of unobjected bills, and that the Senator make his motion at the conclusion of that order. There are only a few bills on the calendar.

Mr. CONNALLY. Mr. President, if that is the desire of the Senator from Arkansas, it is perfectly agreeable to me.

Mr. ROBINSON. Then I ask unanimous consent that the Senate now proceed to the consideration of unobjected bills on the calendar, with the understanding that following that order, if the request shall be agreed to, the Senator from Texas may make his motion.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the clerk will call the first order of business on the calendar.

RESOLUTION PASSED OVER

The resolution (S. Res. 8) limiting debate on general appropriation bills was announced as first in order.

SEVERAL SENATORS. Over.

The VICE PRESIDENT. The resolution will be passed over.

JOINT RESOLUTION PASSED OVER

The joint resolution (S. J. Res. 73) providing for the construction and maintenance of a National Gallery of Art was announced as next in order.

Mr. LA FOLLETTE. Let that go over.

Mr. ROBINSON. Mr. President, this is the joint resolution of the Senator from Texas [Mr. CONNALLY], to which I have just referred.

The VICE PRESIDENT. Without objection, the joint resolution will be passed over.

REIMBURSEMENT OF STATE OF MASSACHUSETTS

The bill (S. 761) for the relief of the State of Massachusetts was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Governor of the State of Massachusetts or his duly authorized agents the sum of $233,885.82, being the costs, charges, and expenses properly incurred by such State for interest and premium paid for coin in payment of such interest on bonds issued for money borrowed and expended at the request of the President of the United States during the Civil War in protecting the harbors and fortifying the coast. The accounting officers of the Treasury have found that said expenditures were so incurred and paid by the Senate; and the Court of Claims in its report to Congress under the act approved July 16, 1916, as set forth in House Document No. 369, Sixty-fifth Congress, first session, also found they had been so incurred and paid.

BILLS PASSED OVER

The bill (S. 548) for the relief of Dorothy White, Mrs. Carol M. White, and Charles A. White was announced as next in order.

Mr. ASHURST. Mr. President, at the request of the junior Senator from Arizona [Mr. HAYDEN] I ask that this bill go over. The junior Senator from Arizona has just been called from the Chamber to a meeting of the Committee on Appropriations and desires to obtain more data with reference to the bill.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1095) to provide a government for American Samoa was announced as next in order.

Mr. McNARY. Mr. President, at the request of the senior Senator from Maine [Mr. HALE], who is necessarily absent, I ask that this bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1435) to create a board of shorthand reporting, and for other purposes, was announced as next in order.

Mr. ROBINSON. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1436) providing for the employment of skilled shorthand reporting in the executive branch of the Government, was announced as next in order.

Mr. ROBINSON. I make the same request with reference to this bill.

The PRESIDENT pro tempore. The bill will be passed over.

MICHAEL E. SULLIVAN

The bill (H. R. 1096) for the relief of Michael E. Sullivan was considered, ordered to a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 1170) for the extension and completion of the United States Capitol was announced as next in order.

Mr. GILLETTE. Let the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 792) for the relief of Sam Larson, guardian of Margaret Larson, a minor, was announced as next in order.

Mr. BROWN of Michigan. Mr. President, I know that the Senator from Washington [Mr. SCHWELLENBACH] desired that this bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

EXCHANGE OF LAND WITH UTAH

The bill (S. 1129) to authorize the Secretary of the Interior to accept from the State of Utah title to a certain State-owned section of land and to patent other land to the State in lieu thereof, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to accept on behalf of the United States a deed of reconveyance from the State of Utah of all of section 2, township 12 south, range 19 east, Salt Lake meridian, Utah, when accompanied by evidence showing unencumbered title in said State, and in exchange therefor the Secretary of the Interior is hereby further authorized to patent to the State of Utah other vacant, unappropriated, and unreserved public land, whether mineral or nonmineral in character, of approximately equal area and value, to be used for the same purpose for which the lands so reconveyed were granted, and to be subject to the same conditions and limitations which applied to said reconveyed lands.

SEC. 2. That upon issuance of patent to the State for the land selected in exchange, the land reconveyed shall become a part of Naval Oil Shale Reserve No. 2, Utah No. 1, for the exclusive use or benefit of the United States Navy.

BUREAU OF MINES EXPERIMENT STATION, UTAH

The bill (S. 628) to provide for the construction and equipment of a building for the experiment station of the Bureau of Mines at Salt Lake City, Utah, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to enter into a contract or contracts for the erection and equipment of a building or buildings on a site adjacent to the campus of the University of Utah at Salt Lake City, Utah, suitable for use by the Bureau of Mines for the mining experiment station at Salt Lake City, at a cost not to exceed $300,000, including plumbing, lighting, heating, and other general-service equipment and necessary roads, walks, and ground improvement: *Provided*, That a site adjacent to said campus, acceptable to the Secretary of the Interior, is donated and conveyed by deed giving absolute title to the United States Government.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $300,000 for carrying out the purposes of this act.

INVESTIGATION OF INTERSTATE RAILROADS AND AFFILIATES

The Senate proceeded to consider the resolution (S. Res. 86) authorizing an additional amount for expenditure in an investigation of interstate railroads and affiliates, which had been reported from the Committee to Audit and Control the Contingent Expenses of the Senate with an amendment to strike out all after the resolving clause and to insert in lieu thereof the following:

That the Committee on Interstate Commerce, authorized by Resolutions Nos. 71 and 227, Seventy-fourth Congress, to investigate all phases of railroad financing, hereby is authorized to expend from the contingent fund of the Senate, in furtherance of the purposes of the above-mentioned resolutions, the railroads to be selected for investigation to be selected by the committee, $150,000 in addition to the amounts heretofore authorized for said purposes.

Mr. McNARY. Mr. President, was this resolution referred to the Committee to Audit and Control the Contingent Expenses of the Senate?

The PRESIDENT pro tempore. The resolution was referred to that committee.

Mr. McNARY. And the Committee on Interstate Commerce has likewise considered it?

The PRESIDENT pro tempore. The resolution was referred to the Committee on Interstate Commerce and to the Committee to Audit and Control the Contingent Expenses of the Senate, and is now on the calendar under a report of the latter committee.

The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The resolution as amended was agreed to.

BILL PASSED OVER

The bill (S. 976) relating to labor preferences in connection with certain public-works projects was announced as next in order.

Mr. ROBINSON. Mr. President, I think the senior Senator from Nevada [Mr. PITTMAN], who introduced this bill, should explain it.

The PRESIDENT pro tempore (Mr. PITTMAN). The Senator from Nevada asks that under the circumstances the bill go over for the present.

FINAL PROOF BY HOMESTEAD AND DESERT-LAND ENTRYMEN

The bill (S. 329) to further extend the period of time during which final proof may be offered by homestead and desert-land entrymen was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted, etc., That section 1 of the act entitled "An act to extend the period of time during which final proof may be offered by homestead entrymen", approved May 13, 1932, as amended, is amended by striking out "December 31, 1935" and inserting in lieu thereof "December 31, 1936."

INVESTIGATION OF RECLAMATION PROJECTS

The Senate proceeded to consider the bill (S. 413) to extend the time for the completion of the investigation of reclamation projects authorized by the act of April 14, 1936, which had been reported from the Committee on Irrigation and Reclamation with an amendment to strike out all after the enacting clause and to insert:

That there is hereby created a commission to be composed of three members, all of whom shall be appointed by the Secretary of the Interior, one of whom shall be a landowner and water user under a United States reclamation project. The commission is authorized and directed to investigate the financial and economic condition of the various United States reclamation projects, with particular reference to the ability of each such project to make payments of water-right charges without undue burden on the water users, district, association, or other reclamation organization liable for such charges. Such investigation shall include an examination and consideration of any statement filed with the commission, or the Department of the Interior, by any such district, association, or other reclamation organization, or the water users thereof, and, where requested by any such district, association, or other reclamation organization, said commission shall proceed to such project and hold hearings, the proceedings of which shall be reduced to writing and filed with its report. Said commission, after having made careful investigation and study of the financial and economic condition of the various United States reclamation projects and their probable present and future ability to meet such water-right charges, shall report to the Congress, as soon as practicable, with its recommendations as to the best, most feasible, and practicable comprehensive permanent plan for such water-right payments, with due consideration for the development and carrying on of the reclamation program of the United States, and having particularly in mind the probable ability of such water users, districts, associations, or other reclamation organizations to meet such water-right charges regularly and faithfully from year to year, during periods of prosperity and good prices for agricultural products as well as during periods of decline in agricultural income and unsatisfactory conditions of agriculture.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50,000, which shall be available for expenditure, as the Secretary of the Interior may direct, for expenses and all necessary disbursements, including salaries, in carrying out the provisions of this act. The commission is authorized to appoint and fix the compensation of such employees as may be necessary for carrying out its functions under this act without regard to civil-service laws or the Classification Act of 1923, as amended.

SEC. 3. That all the provisions of the act entitled "An act to further extend relief to water users on the United States reclamation projects and on Indian irrigation projects", approved June 13, 1935, as amended and extended by the provisions of section 3 of the act entitled "An act to create a commission and to extend further relief to water users on United States reclamation projects and on Indian irrigation projects", approved April 14, 1936, are hereby further extended for the period of 1 year, so far as concerns 50 percent of the construction charges, for the calendar year 1937: *Provided, however*, That where the construction charge for the calendar year 1937 is payable in two installments the sum hereby extended shall be the amount due as the first of such installments. If payable in one installment the due date for the 50 percent to be paid shall not be changed.

Mr. KING. Mr. President, I am not objecting to the consideration of the bill, but I desire to direct attention to the fact that the next bill on the calendar, Senate bill 48, authorizes the expenditure of $600,000 for the purpose of investigating Federal reclamation projects. I was wondering whether that bill would not be a duplication of the bill now under consideration.

Mr. CHAVEZ. Mr. President, in answer to the Senator from Utah, I may say that there will not be any duplication. As I understand, Senate bill 413 has to do with future reclamation work. That bill, introduced by the Senator from Idaho [Mr. BORAH] and the Senator from New Mexico [Mr. HATCH], provides only for a continuation of what has been done for the past 5 years, and at the same time that an investigation shall be made as to the ability of the water users to meet the payments; the idea being that the committee which will be appointed may, after investigation, recommend that the pending contracts in reclamation projects be modified in some way.

Mr. KING. I direct the attention of the Senate to a provision in Senate bill 48, the next bill on the calendar, that the commission thereby created shall make—

Investigations of proposed Federal reclamation projects, surveys for the reconstruction and rehabilitation of existing projects—

And so forth. It seems to me that the study of the rehabilitation of existing projects would cover the purpose for which the first bill to which I directed attention was introduced.

Mr. CHAVEZ. I invite the attention of the Senator from Utah to the fact that at the last session the Congress passed a bill similar to the pending bill providing for an investigation, but for some reason or other nothing was done about the matter. Under the pending bill it is intended that such an investigation shall be made.

Mr. VANDENBERG. Mr. President, I call the Senator's attention simply to the fact that the Department of the Interior reported against the final bill on the Calendar, being Senate bill 48.

Mr. KING. Yes, Mr. President; I have just discovered that fact. However, we are now considering Calendar No. 175, Senate bill 413. When we come to consider Calendar No. 176, Senate bill 48, another question will be raised. I have no objection to the present consideration of Senate bill 413.

The PRESIDING OFFICER (Mr. REYNOLDS in the chair). Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill (S. 413) to extend the time for the completion of the investigation of reclamation projects authorized by the act of April 14, 1936, which had been reported from the Committee on Irrigation and Reclamation with an amendment to strike out all after the enacting clause and to insert:

That there is hereby created a commission to be composed of three members, all of whom shall be appointed by the Secretary of the Interior, one of whom shall be a landowner and water user under a United States reclamation project. The commission is authorized and directed to investigate the financial and economic condition of the various United States reclamation projects, with particular reference to the ability of each such project to make payments of water-right charges without undue burden on the water users, district, association, or other reclamation organization liable for such charges. Such investigation shall include an examination and consideration of any statement filed with the commission, or the Department of the Interior, by any such district, association, or other reclamation organization, or the water users thereof, and, where requested by any such district, association, or other reclamation organization, said commission shall proceed to such project and hold hearings, the proceedings of which shall be reduced to writing and filed with its report. Said commission, after having made careful investigation and study of the financial and economic condition of the various United States reclamation projects and their probable present and future ability to meet such water-right charges, shall report to the Congress, as soon as practicable, with its recommendations as to the best, most feasible, and practicable comprehensive permanent plan for such water-right payments, with due consideration for the development and carrying on of the reclamation program of the United States, and having particularly in mind the probable ability of such water users, districts, associations, or other reclamation organizations to meet such water-right charges regularly and faithfully from year to year, during periods of prosperity and good prices for agricultural products as well as during periods of decline in agricultural income and unsatisfactory conditions of agriculture.

SEC. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $50,000, which shall be available for expenditure, as the Secretary of the Interior may direct, for expenses and all necessary disbursements, including salaries, in carrying out the provisions of this act. The commission is authorized to appoint and fix the compensation of such employees as may be necessary for carrying out its functions under this act without regard to civil-service laws or the Classification Act of 1923, as amended.

SEC. 3. That all the provisions of the act entitled "An act to further extend relief to water users on the United States reclamation projects and on Indian irrigation projects", approved June 13, 1935, as amended and extended by the provisions of section 3 of the act entitled "An act to create a commission and to extend further relief to water users on United States reclamation projects and on Indian irrigation projects", approved April 14, 1936, are hereby further extended for the period of 1 year, so far as concerns

50 percent of the construction charges, for the calendar year 1937: *Provided, however,* That where the construction charge for the calendar year 1937 is payable in two installments the sum hereby extended shall be the amount due as the first of such installments. If payable in one installment the due date for the 50 percent to be paid shall not be changed.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to create a commission and to extend further relief to water users on United States reclamation projects and on Indian irrigation projects."

INVESTIGATION OF CONDITIONS UNDER FEDERAL RECLAMATION LAWS

The bill (S. 48) to authorize an appropriation for investigation under the Federal reclamation laws was announced as next in order.

Mr. ROBINSON. Mr. President, this bill is quite an important one, and in all probability will require rather extended discussion. The Senator who introduced the bill and who also reported it is necessarily absent, so I suggest that the bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

That completes the consideration of unobjected bills on the calendar in regular order.

LABOR PREFERENCES ON PUBLIC-WORKS PROJECTS

Mr. PITTMAN. Mr. President, the Senator from Nevada was occupying the chair at the time Calendar No. 173, Senate bill 976, was reached. The Senator from Arkansas [Mr. ROBINSON] at that time asked for an explanation of the bill. I ask unanimous consent that the Senate recur to Senate bill 976.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate proceeded to consider the bill (S. 976) relating to labor preferences in connection with certain public-works projects, which had been reported from the Committee on Public Lands and Surveys with an amendment.

Mr. PITTMAN. Mr. President, the object of this bill is to amend section 206 of the National Industrial Recovery Act. That act, with regard to labor preferences, contains the following provision:

(4) That in the employment of labor in connection with any such project, preference shall be given, where they are qualified, to ex-service men with dependents, and then in the following order: (a) To citizens of the United States and aliens who have declared their intention of becoming citizens who are bona-fide residents of the political subdivision and/or county in which the work is to be performed, and (b) to citizens of the United States and aliens who have declared their intention of becoming citizens, who are bona-fide residents of the State, Territory, or district in which the work is to be performed.

A case has arisen before the Public Works Administrator the circumstances of which I will relate. Reclamation districts in the State of Nevada desiring to obtain more water for the purpose of meeting the necessity of irrigation have borrowed a million dollars from the Public Works Administration for the purpose of putting in a dam on a little river and impounding water. The dam is a few miles across the California line. It is in what is called Nevada County, Calif. The project is for the benefit of the adjoining counties in the State of Nevada. The money is all being contributed by two reclamation districts in the State of Nevada. Nothing is being contributed by California or by any citizens of California, but under the law preference must be given to the unemployed, first in the county, and second in the State where the project is located. The pending measure does not change the preference as to the county, but it provides that after the labor in the county is exhausted, instead of going over a mountain range and down into distant California, the Secretary of the Interior shall be allowed, if the contractors are willing, to utilize and employ labor in the adjoining counties in the adjoining State, the people of which are contributing toward the building of these works. That is the simple proposition.

I will say that already we have an agreement on the subject, but, of course, it is not sustained by law.

Here is a telegram on the subject which I have received from the commissioners of labor of the State of Nevada:

Have arranged with California Employment Service, Reno employment office, to furnish labor for Boca Dam.

That is the dam in question.

Nevada to furnish 75 percent, Nevada County, Calif., 25 percent. Arrangement satisfactory to Reno people and California Employment Service. Think these figures might be used in your bill if you deem it advisable.

The Secretary of the Interior now contends that he has no discretion; that when the labor available for this work in Nevada County, Calif., is exhausted, he is obliged to go across the Sierra Nevada Mountains, down to San Francisco or Los Angeles, for labor, while a few miles from there in Washoe County, Nev., there is a large amount of unemployment, and the people in Washoe and Churchill Counties, Nev., are contributing all the money for the project.

Mr. VANDENBERG. Does the bill apply exclusively to this one local situation?

Mr. PITTMAN. It does not apply exclusively by its terms, but I will say that it is the only project left. The funds in the appropriation are all allotted, and this is the only project in this situation. Therefore, in a sense, it is exclusive.

To make the matter ironclad, the amendment reads as follows:

That section 206 of the National Industrial Recovery Act, approved June 16, 1933, is amended by adding at the end thereof the following new paragraph:

"Where the work on any such project is to be performed in a political subdivision or county of any State which (1) is separated by mountain ranges or other natural barriers, or is otherwise remotely separated, from the centers of population in such State, (2) is not contributing to the financing of such project, (3) is adjacent or contiguous to counties in an adjaining State which are to receive the chief benefits of such project and which are contributing to the financing of such project, and (4) does not have a sufficient number of residents qualified to perform the work on such project who are entitled to a preference under clause (A) of the preceding paragraph of this section, the preference provisions of clause (B) of such paragraph shall not apply, but in lieu thereof preference shall be given to citizens of the United States and aliens who have declared their intention of becoming citizens, who are bona-fide residents of any of such counties of such adjoining State."

The foregoing amendments shall be included in every future contract with regard to such projects.

Such provisions shall not be in effect with regard to any such project where a contract or contracts have been entered into unless and until it has been mutually agreed between interested parties to such contract or contracts that the same shall be changed and modified so as to adopt and include in such contract or contracts the foregoing provisions. The Administrator shall attempt to reach such agreement as expeditiously as possible so that such change or modification may be made in such existing contracts.

I wish to read from the report what the Secretary of the Interior says about the matter.

Mr. ROBINSON. Mr. President, unless the Senator desires to read the Secretary's report as necessary to the completion of his statement, I suggest that he not do so, because I am satisfied that the bill is wholesome and can work no harm whatever.

Mr. PITTMAN. I shall not read it; but I will state that the report on the bill, which is on Senators' desks, contains a favorable report by the Secretary of the Interior asking for the enactment of the proposed legislation.

The PRESIDING OFFICER. The amendment reported by the committee will be stated.

The amendment of the Committee on Public Lands and Surveys was, on page 2, line 11, to strike out "The Administrator shall make such changes in the contracts relating to such projects as may be necessary in order to include therein the foregoing provisions of this paragraph", and to insert the following:

The foregoing amendments shall be included in every future contract with regard to such projects.

Such provisions shall not be in effect with regard to any such project where a contract or contracts have been entered into unless and until it has been mutually agreed between interested parties to such contract or contracts that the same shall be changed and modified so as to adopt and include in such contract or contracts the foregoing provisions. The Administrator shall attempt to reach such agreement as expeditiously as possible, so that such change or modification may be made in such existing contracts.

So as to make the bill read:

Be it enacted, etc., That section 206 of the National Industrial Recovery Act, approved June 16, 1933, is amended by adding at the end thereof the following new paragraph:

"Where the work on any such project is to be performed in a political subdivision or county of any State which (1) is separated by mountain ranges or other natural barriers, or is otherwise remotely separated, from the centers of population in such State, (2) is not contributing to the financing of such project, (3) is adjacent or contiguous to counties in an adjoining State which are to receive the chief benefits of such project and which are contributing to the financing of such project, and (4) does not have a sufficient number of residents qualified to perform the work on such project who are entitled to a preference under clause (A) of the preceding paragraph of this section, the preference provisions of clause (B) of such paragraph shall not apply, but in lieu thereof preference shall be given to citizens of the United States and aliens who have declared their intention of becoming citizens, who are bona-fide residents of any of such counties of such adjoining State.

"The foregoing amendments shall be included in every future contract with regard to such projects.

"Such provisions shall not be in effect with regard to any such project where a contract or contracts have been entered into unless and until it has been mutually agreed between interested parties to such contract or contracts that the same shall be changed and modified so as to adopt and include in such contract or contracts the foregoing provisions. The Administrator shall attempt to reach such agreement as expeditiously as possible so that such change or modification may be made in such existing contracts."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NATIONAL GALLERY OF ART

Mr. CONNALLY. Mr. President, pursuant to the notice given by me in the Chamber last week, I now move that the Senate proceed to the consideration of Senate Joint Resolution 73, providing for a national gallery of art.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the joint resolution (S. J. Res. 73) providing for the construction and maintenance of a national gallery of art, which had been reported from the Committee on Public Buildings and Grounds with an amendment, in section 5, paragraph (b), on page 5, line 21, to strike out "exhibited in" and insert "included in the permanent collection of", so as to make the joint resolution read:

Resolved, etc., That the area bounded by Seventh Street, Constitution Avenue, Fourth Street, and North Mall Drive NW., in the District of Columbia, is hereby appropriated to the Smithsonian Institution as a site for a National Gallery of Art. The Smithsonian Institution is authorized to permit the A. W. Mellon Educational and Charitable Trust (hereinafter referred to as the donor) to construct on said site for the Smithsonian Institute a building to be designated the National Gallery of Art, and to remove any existing structure and landscape the grounds within said area. The adjoining area bounded by Fourth Street, Pennsylvania Avenue, Third Street, and North Mall Drive NW., in the District of Columbia, is hereby reserved as a site for future additions to the National Gallery of Art. The project shall be in accordance with plans and specifications approved by the Commission of Fine Arts.

SEC. 2. (a) There is hereby established in the Smithsonian Institution a bureau, which shall be directed by a board to be known as the Trustees of the National Gallery of Art, whose duty it shall be to maintain and administer the National Gallery of Art and site thereof and to execute such other functions as are vested in the board by this act. The board shall be composed as follows: The Chief Justice of the United States, the Secretary of State, the Secretary of the Treasury, and the Secretary of the Smithsonian Institution, ex officio; and five general trustees who shall be citizens of the United States, to be chosen as hereinafter provided. No officer or employee of the Federal Government shall be eligible to be chosen as a general trustee.

(b) The general trustees first taking office shall be chosen by the Board of Regents of the Smithsonian Institution, subject to the approval of the donor, and shall have terms expiring one each on July 1 of 1939, 1941, 1943, 1945, and 1947, as designated by the Board of Regents. A successor shall be chosen by a majority vote of the general trustees and shall have a term expiring 10 years from the date of the expiration of the term for which his predecessor was chosen, except that a successor chosen to fill a vacancy occurring prior to the expiration of such term shall be chosen only for the remainder of such term.

SEC. 3. Upon completion of the National Gallery of Art, the board shall accept for the Smithsonian Institution as a gift from the donor a collection of works of art, which shall be housed and exhibited in the National Gallery of Art.

SEC. 4. (a) The faith of the United States is pledged that, on completion of the National Gallery of Art by the donor in accordance with the terms of this act and the acquisition from the donor of the collection of works of art, the United States will provide such funds as may be necessary for the upkeep of the National Gallery of Art and the administrative expenses and costs of operation thereof, including the protection and care of works of art acquired by the board, so that the National Gallery of Art shall be at all times properly maintained and the works of art contained therein shall be exhibited regularly to the general public. For these purposes there are hereby authorized to be appropriated such sums as may be necessary.

(b) The board is authorized to accept for the Smithsonian Institution and to hold and administer gifts, bequests, or devises of money, securities, or other property of whatsoever character for the benefit of the National Gallery of Art. Unless otherwise restricted by the terms of the gift, bequest, or devise, the board is authorized to sell or exchange and to invest or reinvest in such investments as it may determine from time to time, the moneys, securities, or other property composing trust funds given, bequeathed, or devised to or for the benefit of the National Gallery of Art. The income as and when collected shall be placed in such depositaries as the board shall determine and shall be subject to expenditure by the board.

(c) The board shall appoint and fix the compensation and duties of a director, an assistant director, a secretary, and a chief curator of the National Gallery of Art, and of such other officers and employees of the National Gallery of Art as may be necessary for the efficient administration of the functions of the board. Such director, assistant director, secretary, and chief curator shall be compensated from trust funds available to the board for the purpose, and their appointment and salaries shall not be subject to the civil-service laws or the Classification Act of 1923, as amended. The director, assistant director, secretary, and chief curator shall be well qualified by experience and training to perform the duties of their office and the original appointment to each such office shall be subject to the approval of the donor.

(d) The actions of the board, including any payment made or directed to be made by it from any trust funds, shall not be subject to review by any officer or agency other than a court of law.

SEC. 5. (a) The board is authorized to adopt an official seal, which shall be judicially noticed, and to make such bylaws, rules, and regulations as it deems necessary for the administration of its functions under this act, including among other matters bylaws, rules, and regulations relating to the acquisition, exhibition, and loan of works of art, the administration of its trust funds, and the organization and procedure of the board. The board may function notwithstanding vacancies, and three members of the board shall constitute a quorum for the transaction of business.

(b) In order that the collection of the National Gallery of Art shall always be maintained at a high standard and in order to prevent the introduction therein of inferior works of art, no work of art shall be included in the permanent collection of the National Gallery of Art unless they are of similar high standard of quality to those in the collection acquired from the donor.

(c) The board shall have all the usual powers and obligations of a trustee in respect of all trust funds administered by it and all works of art acquired by it.

(d) The board shall submit to the Smithsonian Institution an annual report of its operations under this act, including a detailed statement of all acquisitions and loans of works of art and of all public and private moneys received and disbursed.

SEC. 6. (a) The Commissioners of the District of Columbia are hereby authorized and directed to close Sixth Street Northwest within the boundaries of the site for the National Gallery of Art. The National Capital Park and Planning Commission shall determine the building lines and approve the plan of approaches for said gallery, and shall also make recommendations for the widening and adjustment of Third, Seventh, Ninth, and such other streets in the vicinity as may be necessary and desirable to provide for the traffic which would otherwise use Sixth Street.

(b) Section 10 of the Public Building Act, approved March 4, 1913 (37 Stat. L. 881), relating to the George Washington Memorial Building, and all provisions of law amendatory thereof, are hereby repealed.

(c) The existing bureau of the Smithsonian Institution now designated as a National Gallery of Art shall hereafter be known as the National Collection of Fine Arts.

(d) The fifth paragraph under the heading "Smithsonian Institution" in the Independent Offices Appropriation Act for the fiscal year 1924, approved February 13, 1923 (42 Stat. L. 1235), relating to the erection of a national gallery of art, is hereby repealed.

Mr. BORAH. Mr. President, I inquire if the Senator from Texas [Mr. CONNALLY] is going to make any statement in regard to the joint resolution?

Mr. CONNALLY. I do not care to make a statement, unless there is some inquiry concerning it.

Mr. COPELAND. Mr. President, will the Senator yield to me for just a moment, as I must shortly leave the Chamber?

Mr. BORAH. Certainly.

Mr. COPELAND. I read the RECORD of Friday and observed the courteous statement of the Senator from Texas that because of the objection I had made to the joint resolution he would let it go over. I may say, as I said on a

previous occasion, that I made the objection because some architects of my city had complained about the form of the proposed national gallery. I have had no objection and have none now. So I thank the Senator for what he did, and I merely wish to state that my objection is purely formal.

Mr. BORAH. Mr. President, is it intended that the collection of artistic works comprehended by the gift shall be open to the public?

Mr. CONNALLY. It is.

Mr. BORAH. Free of charge?

Mr. CONNALLY. My understanding is that the exhibit is to be free of charge.

Mr. BORAH. I think that such a provision ought to be inserted in the joint resolution.

Mr. CONNALLY. I have no objection to that being done if the Senator has an amendment to that effect which he desires to offer.

Mr. BORAH. I suppose that is what is intended.

Mr. CONNALLY. That is the purpose.

Mr. BORAH. In section 4 it is provided that—

> The National Gallery of Art * * * and the works of art contained therein shall be exhibited regularly to the general public.

But under the authority granted the board they would have the power, if they saw fit, to exhibit the works of art to the public for a charge.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. BORAH. I yield to the Senator from Arkansas.

Mr. ROBINSON. It will be observed by a reading of the joint resolution that the artistic works in the national gallery of art to be exhibited, and the gallery itself, would become a part of the Smithsonian Institution, which is a quasi-Government institution. There is no doubt in my mind that the whole intent and purpose of the joint resolution is that the exhibits kept and displayed there shall be open to the public. The principal purpose of the joint resolution is to make the works of art to be exhibited in the National Gallery of Art available for the general public. I do not think any amendment to that end is necessary, but I am sure there would be no objection to a specific provision to that effect.

Mr. BORAH. Would it be objectionable to insert after the word "public" the words "free of charge"?

Mr. ROBINSON. There would be no objection on my part, and I am sure there would be no objection on the part of the Senator from Texas.

Mr. CONNALLY. Mr. President, I have no objection if the Senator from Idaho desires to offer such an amendment.

Mr. BORAH. Very well. After the word "public", on line 23, page 3, I move to strike out the period and insert a comma and the words "free of charge."

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Idaho.

Mr. CONNALLY. Mr. President, I have no objection whatever to the amendment offered by the Senator from Idaho. The purpose, of course, of the proposed legislation is to permit the Government and the public to avail themselves of the gift which is mentioned in the joint resolution and which is designed for the benefit of the country and the public.

Mr. BORAH. I understood that to be the purpose.

Mr. CONNALLY. I think it is clearly implied by the joint resolution that the works of art are to be exhibited free of charge, but I have no objection to a clarifying amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Idaho.

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, on page 2, line 22, I move to strike out the words "Board of Regents of the Smithsonian Institution, subject to the approval of the donor", and insert the word "President", so that it will read:

> The general trustees first taking office shall be chosen by the President, and shall have terms—

And so forth.

Mr. President, the pending joint resolution, as all Senators know, provides for the acceptance of the valuable works of art collected by Mr. Andrew W. Mellon and offered as a gift to the Government of the United States. The gallery, if it shall be constructed, will be known as the national gallery of art and will be similar to the great galleries maintained by other governments in their respective capitals. To my mind, the provision in the joint resolution as it now stands is an extraordinary one. Under it, if the amendment I have suggested shall not be agreed to, the majority of the board set up to administer the proposed national gallery of art will be selected with the approval of the donor; and a subsequent paragraph of the resolution provides that such general trustees shall be self-perpetuating. In other words, if there shall be any vacancy in the board of trustees who are to be in control of the proposed national gallery of art, if any of the members of the board shall die or resign, the original board of trustees will select the successor.

Mr. President, if this gallery were to be known as the Mellon gallery, if it were to be a gallery which was to be supported by the gift of the donor, it seems to me that the provisions suggested in the joint resolution as drafted might very well be accepted; but such is not the case.

This is to become the national gallery of art of the United States of America, located in a public building comparable to other public buildings of the Government at its Capital. It is to be supported in perpetuity by appropriations made from the Treasury of the United States, which the report indicates are estimated to be in the neighborhood of $300,000 a year.

If this is actually to be a national gallery, if it is to be a gallery in which American artists, if they achieve reputation and success in their fields of artistic endeavor, may eventually hope to have their works represented, in my opinion—an opinion which is shared by all the artist organizations with which I have been able to communicate—it would be a great mistake, so far as the encouragement and development of art in this country are concerned, to accept the gift of this gallery and make it a national gallery, supported by the taxpayers' money, and at the same time provide that in perpetuity a majority of the trustees of the institution shall be selected subject to the approval of the donor and shall be self-perpetuating.

Mr. President, in connection with my remarks, I should like to point out that, on page 5, the joint resolution as proposed to be amended reads as follows:

> (b) In order that the collection of the National Gallery of Art shall always be maintained at a high standard and in order to prevent the introduction therein of inferior works of art, no work of art shall be included in the permanent collection of the National Gallery of Art unless they are of similar high standard of quality to those in the collection acquired from the donor.

I wish at the outset to disqualify myself as being in possession of adequate information to pass judgment upon the collection which Mr. Mellon is now offering to the Nation, but I am sufficiently acquainted with such matters to know that the collection was gathered from the point of view of a collector and, therefore, I think I will not be contradicted by any Senator or by anyone elsewhere when I say that the collector of works of art often, if not always, has the point of view of one desiring to acquire works of art which already either because of antiquity or because of rarity, have come to be recognized as possessing qualities which would make them valuable additions to his collection. In other words, without indulging any criticism whatever of the collector, the acquisitions to his collection are made with a view to securing not current works of art, which may in some respects violate the traditions of the past in their effort to work out new technique and new approaches to the subject of art; he is usually primarily interested in selecting works of art the value and reputation of which are already established.

Mr. President, it seems to me that in setting up in the National Capital for the first time a national gallery created for the purpose of exhibiting and housing works of art, not only those given by Mr. Mellon but those which may be acquired in the future, we should provide for it in such a way as that it will afford encouragement to the development

of art and stimulate the ambition of artists who are interested in indigenous art and in artistic subjects matter which have relation to the life of America of today and of the future. With all due respect to the donor and to the trustees who will be acceptable to him, under the provisions of section 5 (b) which I have just read, the chances are and the danger is that the trustees will uphold and maintain the idea that new works of art, which have not the antiquity, which have not the rarity, which have not the established commercial value of pictures already in the original gift collection, are not worthy to become or are not of sufficient merit to become a part of the permanent collection.

Mr. BORAH. Mr. President——

Mr. LA FOLLETTE. I yield to the Senator from Idaho.

Mr. BORAH. Just what is meant by the words "included in the permanent collection"?

Mr. LA FOLLETTE. As the joint resolution was originally reported, the Senator will note that it provided that "no work of art shall be exhibited in the national gallery of art", but the committee struck out the words "exhibited in" and the amendment has, I think, already been agreed to substituting the words "included in the permanent collection of", and so forth. I take it this amendment was adopted upon the recommendation of the committee in order to provide, if the board of trustees should see fit, for the temporary exhibition of other works of art which might not, in their judgment, be "of similar high standard of quality to those in the collection acquired from the donor" and which could not become a part of the permanent collection of works of art to be hung in the gallery unless they met the requirement specified in line 23 as to being "of similar high standard of quality to those in the collection acquired from the donor." I think to that extent the amendment proposed by the committee is desirable, in that at least it gives authority, if the board of trustees should desire to do so, to admit for the purpose of temporary exhibition paintings which might not meet the requirement as to being "of similar high standard and quality to those in the collection acquired from the donor." However, I insist that if there is to be created a national gallery of art, which is to be supported by appropriations from the Treasury amounting to $300,000 annually, the Congress should take great care to make certain that American artists and contemporary artists, if their works of art are of sufficient merit and quality, may hope to have them likewise included in the permanent collection in the national gallery of art in the Capital of their country.

In other words, as I see it, we should seize this opportunity to provide a stimulus to our native art. I fear that under the provisions of the joint resolution as reported, if they be adopted without amendment, instead of this gift becoming the nucleus of a collection in the national gallery, it will act as a deterrent and discouragement to American artists, rather than as an encouragement, which I do not think should be the result so long as this gallery is to be a national gallery and is to be supported by money of the taxpayers appropriated by the Congress.

Mr. President, in this connection it may be of interest to Senators, who may have some question as to my qualifications to pass on a subject of this nature, to know the attitude of some of the American artists of the country toward the joint resolution as it now stands.

First of all I draw attention to a telegram received from Stuart Davis, national executive secretary of the American Artists' Congress, 100 West Thirteenth Street, New York City. I may say to Senators who are interested that my information is that the American Artists' Congress is made up of some 600 or 700 artists of the United States and is recognized as one of the organizations qualified to speak for artists of attainment in this country.

Mr. Davis' telegram reads:

NEW YORK, N. Y., *February 28, 1937.*

Senator ROBERT LA FOLLETTE,
United States Senate, Washington, D. C.:

American Artists' Congress, national organization of 650 outstanding artists devoted to achievement of democracy in culture, urges your support in amending House Joint Resolution 217 on National Gallery of Art. The bill at present provides for a self-perpetuating board without responsibility to any agency outside itself. It is improper administration for National Gallery maintained by Government funds. We urge amendment to make board of control responsible to American people with provision for organizational representation by artists on it. Provisions of present bill are undemocratic and contrary to progressive policies of present administration in relation to responsibility of Government to art and culture.

STUART DAVIS,
National Executive Secretary American Artists' Congress.

I have also a telegram from Jerome Klein, art editor of the New York Evening Post, reading as follows:

NEW YORK, N. Y., *February 28, 1937.*

Senator ROBERT LA FOLLETTE,
United States Senate, Washington, D. C.:

I urge your attention to the undemocratic administrative provisions of House Joint Resolution 217, which refers to National Gallery of Art. Young American artists must have a voice in determining future course of American culture. House Joint Resolution 217 in present form denies them voice in this case by perpetuating the voice of the donor in the form of a self-perpetuating board of control. The gift adds to the Nation's cultural wealth, but the American people and American artists must actually control the policy of an institution maintained by public funds and labeled "National Gallery of Art." An amendment to the joint resolution to guarantee this control is necessary.

JEROME KLEIN,
Art Editor, New York Post.

I have also a telegram from George Picken, instructor of the Art Students' League of New York City, reading as follows:

NEW YORK, N. Y., *March 1, 1937.*

Senator ROBERT LA FOLLETTE,
The United States Senate, Washington, D. C.:

Present proposals for administration of National Gallery of Art contained in House Joint Resolution 217 are undemocratic and wholly inadequate for an institution supported by public funds. I ask that you give your liberal support in introducing an amendment to this joint resolution which will give the artists and people of United States a voice in policy of this proposed national gallery.

GEORGE PICKEN,
Instructor, Art Students' League.

I have also telegrams from Niles Spencer and from William Zorach, both of New York City, reading as follows:

NEW YORK, N. Y., *February 28, 1937.*

Senator LA FOLLETTE,
United States Senate, Washington, D. C.:

Respectfully urge your attention to bill (House joint resolution), for the reason that it provides undemocratic control of an institution which is maintained by public funds.

NILES SPENCER,

NEW YORK, N. Y., *February 28, 1937.*

Senator ROBERT LA FOLLETTE,
United States Senate, Washington, D. C.:

House Joint Resolution 217, believe provisions of this bill are undemocratic and improper for an institution supported by public funds. Favor an amendment which will allow the people of the United States to retain control of the policies of this National Gallery of Art.

WILLIAM ZORACH.

I have also resolutions adopted by the American Artists' Congress, which I ask to have inserted in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolutions are as follows:

AMERICAN ARTISTS' CONGRESS,
100 West Thirteenth Street, New York City.

1. Whereas House Joint Resolution 217 permits the A. W. Mellon Educational Charitable Trust, referred to as the donor, to put up a building called the National Gallery of Art on a certain site; and

2. Whereas this bill also provides that a bureau be set up within the Smithsonian Institution to administer the National Gallery of Art and the collection of art works given by the donor to be housed in the gallery, with all future additions and transactions; and

3. Whereas this bureau is to be administered by a board of trustees composed of four officers of the United States Government and five other persons, known as general trustees, who must not be officers or employees of the United States Government; and

4. Whereas the first five general trustees shall be chosen by the Board of Regents of the Smithsonian Institution, subject to the approval of the donor; and

5. Whereas the first five general trustees thereafter become a self-perpetuating body, filling expired terms or vacancies by a majority of its own membership; and

6. Whereas three members of the board of trustees are empowered to transact business as a quorum; and

7. Whereas the United States Government is required to provide funds for the upkeep, cost of operation, and administrative expenses of the National Gallery of Art; and

8. Whereas the board of trustees has complete power to make all decisions concerning the business affairs and artistic policy of the National Gallery of Art; and

9. Whereas their decisions are not subject to review by any officer or agency other than a court of law; and

10. Whereas this bill provides that no works inferior in quality to the original collection given by the donor shall be exhibited in the National Gallery of Art: Therefore be it

Resolved:

1. That the National Gallery of Art, maintained by public funds, as provided in House Joint Resolution 217, properly belongs to the people of the United States, who are entitled to a direct voice in its administration.

2. That the administrative provisions of this bill, which sets up a self-perpetuating board without responsibility to any agency other than itself, deprives the American people of their right to a controlling voice in the policy of the National Gallery of Art.

3. That the bill should insure that the National Gallery should adopt a progressive attitude toward the encouragement of contemporary art as exemplified by the existing Federal art projects.

4. To achieve the democratic control and progressive artistic policy which this bill makes impossible it is necessary to amend it.

AN AMENDMENT OF A JOINT RESOLUTION (H. J. RES. 217) OF FEBRUARY 12, 1937

Section 2 (b), page 2, shall be amended to read as follows:

"The general trustees first taking office shall be selected as follows:

"Two shall be appointed by the Board of Regents of the Smithsonian Institution, subject to the approval of the donor.

"Three shall be elected at a joint election conducted by delegates of the leading active organizations of artists of the United States, such as the National Society of Mural Painters; the American Artists' Congress; the National Academy of Design; the artists' unions; the American Society of Painters, Sculptors and Engravers; the National Sculpture Society; and shall have terms expiring one each on July 1 of 1939, 1941, 1943, 1945, and 1947, as designated by the Board of Regents. A successor shall be similarly elected for terms expiring 4 years from the date of the expiration of the term for which his predecessor was chosen, except that a successor chosen to fill a vacancy occurring prior to the expiration of such term shall be chosen only for the remainder of such term."

Section 4–C, page 4, line 24, the following shall be eliminated: "and the original appointment to each such office shall be subject to the approval of the donor."

Mr. LA FOLLETTE. I have a letter from Mr. Max Weber, chairman of the American Artists Congress, from which I quote as follows:

From a cultural and social viewpoint Mr. Andrew Mellon's presentation of his famous art collection to the people of the United States is a great contribution to the spiritual and aesthetic side of the life of our Nation, but since this great art collection becomes the property of our great Nation, with the understanding that the Government shall provide for the maintenance and guardianship of the museum in which these masterpieces are to be housed, it seems but logical and fair that the recipient of this gift, and the responsibilities that naturally go with it, shall also have the privilege and right to select one or more members of the board of trustees of this national museum.

Mr. President, if the amendment which I have offered should prevail, the five general trustees, aside from ex-officio trustees, who are the Chief Justice of the United States, the Secretary of State, the Secretary of the Treasury, and the secretary of the Smithsonian Institution, would be selected by the President of the United States. I have made that suggestion because I believe the President of the United States, representing the whole people, is the proper official to make the selection of the trustees. He is, it seems to me, the one person who could be expected to be in touch with the development of art and who could be trusted to appoint to this governing board men who would be representative of American artists.

In this connection I wish to invite attention to the fact that the joint resolution as pending provides that no officer or employees of the Federal Government shall be eligible to be chosen as a general trustee, and my amendment does not affect that provision.

Mr. President, I sincerely hope that serious consideration may be given by the Senate to the resolutions I have presented, since I think the subject matter is one of very great importance to the future cultural life of our country.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield to the Senator from Arkansas.

Mr. ROBINSON. The Senator from Wisconsin of course understands that under the existing law the President does not appoint the members of the Board of Regents of the Smithsonian Institution.

Mr. LA FOLLETTE. I realize that, Mr. President; and I have not made any change in the set-up of the administrative features of this joint resolution aside from providing, if my amendment shall be agreed to, the five general trustees shall be appointed by the President, instead of being appointed by the Board of Regents of the Smithsonian Institution subject to the approval of the donor.

Mr. ROBINSON. Mr. President, will the Senator yield further?

Mr. LA FOLLETTE. Yes.

Mr. ROBINSON. As I understand from reading the record and from some other studies of the subject, Mr. Mellon makes the offer of this gift upon certain conditions; and among the conditions is that the board shall be constituted as is contemplated by the proposed legislation—if I am in error about that, it will appear hereafter—and that one of the purposes of requiring that the general members of the board, other than the ex-officio members, first appointed shall be approved by Mr. Mellon, is to make certain that there will not be permanently placed in the national art gallery paintings of an inferior character.

The question I wish to ask the Senator from Wisconsin is whether he is informed as to the effect of his amendment if it should be incorporated in the joint resolution; whether it might defeat the gift.

Mr. LA FOLLETTE. Mr. President, I will say to the Senator from Arkansas that, so far as I know, no negotiations were conducted between Mr. Mellon and anyone representing the Government, so to speak, in connection with this gift.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. Yes.

Mr. CONNALLY. Does not the Senator recall the exchange of letters between the President of the United States and Mr. Mellon with respect to this matter?

Mr. LA FOLLETTE. I do; but I say that there has been no negotiation in the sense that anyone has inquired whether or not any change could be made in the terms of Mr. Mellon's gift.

Mr. ROBINSON. Mr. President, will the Senator further yield?

Mr. LA FOLLETTE. Yes.

Mr. ROBINSON. I think the Senator will find that the subject was gone into rather fully before the joint resolution was drafted and that the joint resolution was drafted pursuant to an understanding which represented a tentative agreement between the agents of Mr. Mellon and agents of the Smithsonian Institution and of other governmental agencies, including the President.

Mr. CONNALLY. Mr. President, I will say to the Senator that the joint resolution was drawn in the Department of Justice in conformity with the exchange of letters.

Mr. ROBINSON. Yes; I recall now that the Attorney General collaborated in the negotiations.

Mr. LA FOLLETTE. Mr. President, it is true, as the Senator states, that Mr. Mellon offered this gift under certain terms and conditions, that those terms and conditions were considered, and that they were accepted; but I think I am correctly informed that no effort has been made by anyone to ascertain whether Mr. Mellon would be willing to accept any modification in those terms and conditions. If there is any question about that, so far as I am concerned, I shall be very happy to have the joint resolution laid over, so that the Senator from Texas or someone else may have an opportunity to ascertain the attitude of Mr. Mellon.

Mr. CONNALLY. The Senator from Texas is prepared to answer that question when the Senator from Wisconsin shall have concluded.

Mr. LA FOLLETTE. Since the Senator from Arkansas has raised this question, I desire at this time to go into an

aspect of this matter upon which I had not intended to touch, namely, the situation so far as these paintings are concerned, and the tax case which is pending before the Board of Tax Appeals.

Mr. CONNALLY. Mr. President, let me ask the Senator what the tax situation has to do with this joint resolution. Will the Senator tell us?

Mr. LA FOLLETTE. Yes; I think I can do so. I have already stated that it was not my intention to go into this phase of the matter; but I wish to point out certain aspects of the situation, because the Senator from Arkansas has indicated an apprehension that this gift will be withdrawn if the Congress or anyone else exercises any discretion as to the terms upon which we are willing to accept it.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. ROBINSON. I made that suggestion in the utmost good faith.

Mr. LA FOLLETTE. I know the Senator did.

Mr. ROBINSON. And I made it with knowledge of the fact, both as a lawyer and from my experience as a member of the Board of Regents of the Smithsonian Institution, that any substantial disregard of the conditions upon which a gift is made may defeat the gift.

The members of the Board of Regents of the Smithsonian Institution are frequently called upon to accept or reject offers, oftentimes relating to property of great value, because of the conditions upon which the offers are based; and in some instances there have been efforts to vary the terms of the offers, with the result that the efforts have led to litigation, and in some instances have discouraged gifts.

This gift relates to very valuable property. The total value of the gift is enormous. It is said to approximate $55,000,000. An opportunity is afforded, with very slight cost to the Government, to secure and maintain here in the National Capital, where visitors not only from our own country but from every part of the world will be privileged to observe and study them, great works of art; and I should be very reluctant to write into this proposed statute a provision which would defeat the project, particularly in view of the fact that I do not believe there is anything unreasonable or very difficult in the terms of the gift.

It will be recalled that when Smithson first made his gift and started the great scientific institution which is recognized by scientists throughout the world as perhaps the most important in existence, he attached a condition to his gift, and it was somewhat in the nature of the conditions sought to be attached to the Mellon gift. He desired to divorce the Smithsonian Institution as much as possible from political control; and the plan which now exists was worked out, and I think has operated very well indeed. The Smithsonian Institution has actually received gifts amounting to many million dollars, and in the case of every one of them that I can recall there have been attached conditions. Some of them have occasioned quite a little study and anxiety on the part of the Board of Regents.

Mr. CONNALLY. Mr. President, if the Senator will yield right there, I think I can give him something that will be of interest.

Mr. ROBINSON. Certainly.

Mr. CONNALLY. I quote from the letter of Mr. Mellon to the President under date of February 16 of the present year. I shall be very brief.

Mr. ROBINSON. I shall be very glad to hear what the Senator has in mind.

Mr. CONNALLY. Mr. Mellon says:

> The bill provides that the proposed gallery shall be constituted a bureau of the Smithsonian Institution, and that the maintenance and administration of the gallery shall be by a separate board of trustees, of whom four hold office ex officio and five, general trustees, shall be private citizens of the United States. This conforms to the principal, and I may say, the most essential condition of the gift offer outlined in my letter to the President, and as stated therein it is intended solely for the purpose of safeguarding the high standard of quality of future acquisitions for the collection and to insure the efficient administration of the proposed gallery.

In other words, if we do not accept the gift on these terms, we do not accept it; that is all.

Mr. ROBINSON. That is true; and I wish to add to what I have been saying the further suggestion that, in my judgment, the amendment which the Senator from Wisconsin has offered would throw the Smithsonian Institution and all its holdings into the very greatest confusion and probably would involve it in litigation which would last for many years. I shall now give the reason for that statement.

The national gallery of art is to be a part of the Smithsonian Institution. It is to be in a sense, though not directly, under the Smithsonian Institution. The Board of Regents will not directly control it, because a separate board is to be set up.

Mr. CONNALLY. But the Smithsonian Institution is to own the gallery, and the title to the land is to be in it.

Mr. ROBINSON. It is to own the gallery. To provide for the appointment by political authority of the directors would, in my judgment, result in great embarrassment to the Smithsonian Institution itself. It might also, as already appears from the statement of the Senator from Texas and from some suggestions I have made, defeat the proposed gift from Mr. Mellon.

I can readily understand that there are many artists and that there are many citizens who would like to have this gift without limitation, without qualification, and without condition; but when a gift is being made, the donor has the right to impose any legal conditions he chooses to impose, and those who are tendered the gift have the right to accept or to reject. But I do not think that those who receive the gift would have the right to attach conditions known to be obnoxious to the donor or objectionable to him in any way.

Mr. LA FOLLETTE. Mr. President, I stated at the outset of my remarks that if this gallery were to be known as the Mellon gallery, as the Smithsonian was named after Mr. Smithson, if it were to be a quasi-public institution, I should have no objection.

Mr. ROBINSON. Mr. President, will the Senator yield there?

Mr. LA FOLLETTE. I yield.

Mr. ROBINSON. I think the Senator's point last made is against his conclusion, although, of course, I know the Senator from Wisconsin has given study to this subject. We have under the Smithsonian Institution what is known as the Freer Gallery. I see other members of the Board of Regents of the Smithsonian Institution in the Chamber at this time. Usually when a man makes a gift of this sort he likes to have his name associated with it. He likes to believe that for all time to come his name will be carved on marble and on the monument which his generosity has erected, so that those who come after him may associate the great achievement with his generosity. That has been done in many instances in regard to gifts made to the Smithsonian Institution and accepted by that organization.

In the case before us the donor has been more modest. So far as I can discover from the record, he has not asked for any mention of himself in connection with the building or the works of art. Of course, it will be remembered by students of art that he made this gift; but it is not to be known as the Mellon gallery, and to my mind the fact that Mr. Mellon did not ask that it should be so named, that he waived that condition, is one reason why we should be ready to make an advance to meet other conditions which he does attach.

Mr. LA FOLLETTE. Mr. President, I have to disagree most emphatically with the conclusion the Senator from Arkansas draws, because the whole point of the amendment which I have offered lies in the fact that the proposed gallery is to be known as the national gallery of art, and is going to be looked upon, not only by visitors, but by artists all over the United States, as our national gallery of art.

It seems to me that under those conditions we should be certain that the institution is to be governed in such a way as to offer encouragement to American artists and to contemporary art in this country. I think that is one of the

chief reasons why, if this is to become the national gallery of art, if it is to receive an annual appropriation of $300,000 a year of the taxpayers' money for its maintenance, it should be controlled by representatives of the people, and not by a board of self-perpetuating trustees who must meet the approval of the donor.

To return to the question as to whether or not the gift will be withdrawn if any alterations are made in the terms stipulated by the donor, I doubt very seriously whether the gift would be withdrawn if the Congress should see fit to exercise its privilege and prerogative of providing certain terms and conditions of acceptance so far as the Government itself is concerned. I entertain this opinion because of the estate-tax rates now in force in the United States. It is a matter of common knowledge that collections of this kind are not desirable parts of large estates under the tax rates which have now been established. So, I believe firmly that we can exercise our judgment in this matter, if the judgment of the Senate is that it is desirable to make any change in the terms under which the gift is to be accepted, and I submit again that I believe firmly that it is desirable that this suggested change be made, for, if we are to have a national gallery, supported by Federal funds it should be under public and not under private control.

Mr. CONNALLY. Mr. President, I desire very briefly to reply to some of the suggestions of the Senator from Wisconsin. Let me suggest to him in the very beginning that while this collection is denominated in the joint resolution as the "National Gallery of Art", it is a fact that the nucleus of it, and practically all of it, will consist of the Mellon collection.

Another bill is pending, I may say to the Senator, a bill introduced by the Senator from Massachusetts [Mr. WALSH], and a bill of the same import in the House of Representatives, to provide, supplementary to the establishment of the proposed gallery, an additional gallery of art, in connection with the Smithsonian Institution, for current and new and all sorts of productions of art.

I point out to the Senator from Wisconsin, furthermore, that the particular measure before us recognizes that already in the Smithsonian there is a collection of art. Subdivision (c), on page 6, reads:

> The existing bureau of the Smithsonian Institution now designated as a national gallery of art shall hereafter be known as the National Collection of Fine Arts.

This bureau contains other exhibits of an artistic nature, both good and indifferent, and is a place where artists may, as I understand, exhibit their work. There are two very vital conditions fixed by Mr. Mellon in making his gift, first, that the particular collection which he is giving to the Government shall be maintained at a very high standard from an artistic standpoint. The second is that the board which is to manage the art gallery shall consist, as set out in the joint resolution, of four ex-officio members, and of five others, who shall form a self-perpetuating body of a nonpolitical character.

If we were making an appropriation for the purchase of these pictures, of course the Senator from Wisconsin could very appropriately suggest that we control the collection and handle it as we might see fit. But let me say to him that Mr. Mellon is not only making a gift of a collection of pictures, which the testimony before the committee showed cost $30,000,000, but which probably now is worth $50,000,000, but he is also making a gift of $10,000,000 for the erection of a building to house the collection, and all that he asks is that the board be composed as set out in the joint resolution, and that his collection be maintained at a high standard of art.

In addition to that, Mr. Mellon gives $5,000,000 as an endowment fund, the income from which is to be applied to the maintenance of the gallery or to the purchase of new works of art.

It is up to the Congress to say whether we want to accept the gift or whether we do not. The House of Representatives has passed without amendment a bill identical with the joint resolution before us I am informed by the chairman of the Committee on the Library of the House of Representatives, which handles the legislation.

As the Senator from Arkansas has very well pointed out, the Smithsonian Institution has over a long period of years managed its affairs through a nonpolitical board. Personally, I have no objection to the present President of the United States making the appointments, but I can readily apprehend the desires of the donor in providing that the board shall be under the general control of the Smithsonian, and dissociated from any character of politics, or any character of pressure to get into this gallery works of art of particular individuals or particular groups. It does seem to me that if the Congress wants this collection it ought to enact the legislation as drafted.

I desire to have inserted in the RECORD the correspondence between the President of the United States and Mr. Mellon with respect to the proposed gift, a letter from the President dated the first day of February 1937, to the Congress transmitting the correspondence, a letter from Mr. Mellon to the President dated December 22, 1936, a letter from the President to Mr. Mellon dated December 26, 1936, another letter from Mr. Mellon to the President dated December 31, 1936, and a letter from the President to Mr. Mellon dated January 1, 1937. I should like to have these letters appear in the RECORD in the chronological order in which they were written.

The PRESIDING OFFICER (Mr. GILLETTE in the chair). Is there objection?

There being no objection, the correspondence was ordered to be printed in the RECORD, as follows:

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES TRANSMITTING HEREWITH A RECOMMENDATION FOR APPROPRIATE LEGISLATION TO EFFECT THE ACCEPTANCE OF A GIFT FROM ANDREW W. MELLON

THE WHITE HOUSE, *February 1, 1937.*

To the Congress of the United States:

I commend to the consideration of the Congress the matter of enacting appropriate legislation to effect the acceptance by the United States of the magnificent gift referred to in my recent exchange of letters with Mr. Andrew W. Mellon. The conditions under which the gift is tendered are set out in the correspondence, copies of which are transmitted herewith.

The works of art thus offered to the Government constitute one of the finest and most valuable collections in existence, containing only objects of the highest standard of quality.

It is with a keen sense of appreciation of the generous purpose of the donor and the satisfaction that comes with the knowledge that such a splendid collection will be placed at the seat of our Government for the benefit and enjoyment of our people during all the years to come, that I submit this matter to the Congress.

The Attorney General and the trustees of the Smithsonian Institute have conferred with representatives of the donor and will be glad to discuss the necessary legislation with the appropriate committees.

FRANKLIN D. ROOSEVELT.

DECEMBER 22, 1936.

The PRESIDENT,
The White House.

MY DEAR MR. PRESIDENT: Over a period of many years I have been acquiring important and rare paintings and sculpture with the idea that ultimately they would become the property of the people of the United States and be made available to them in a national art gallery to be maintained in the city of Washington for the purpose of encouraging and developing a study of the fine arts.

I have within the last few years transferred these paintings and sculptures to trustees with responsibility for carrying out this purpose and have given them full power and authority to deed these works of art to a national gallery if and when such an institution shall assume and be prepared to carry out the purposes intended. In addition, I have given to the trustees securities ample to erect a gallery building of sufficient size to house these works of art and to permit the indefinite growth of the collection under a conservative policy regulating acquisitions.

Such a gallery would be for the use and benefit of the general public; and it is my hope that it may attract gifts from other citizens who may in the future desire to contribute works of art of the highest quality to form a great national collection. In connection, therefore, with the intended gift, I shall stipulate that the proposed building shall not bear my name, but shall be known as The National Art Gallery or by such other name as may appropriately identify it as a gallery of art of the National Government.

In order to carry out this purpose, and with the approval of the other trustees, I wish to propose a plan to give the art collection which I have brought together to the Smithsonian Institution or to the United States Government for the benefit of the people of this country, and also to erect or cause to be erected on public land a suitable building for a national gallery of art, the design and

materials of which shall be subject to the approval of the Fine Arts Commission. Mr. John Russell Pope, of New York, has been employed as architect to study this project and will furnish designs for such a building.

The location of such a gallery is a matter that must be given most careful consideration. It should not only be readily accessible to those wishing to visit the gallery, but should also be located at a point with sufficient surrounding property, under control of public authorities, to protect it from undesirable encroachments. In my own opinion and that of others who are familiar with the general plan of Washington, it would seem that a site on the Mall would most nearly meet these requirements; and the designation of a definite site, therefore, for the building on public land will be incorporated in the offer of the gift to the Government.

In addition to the gift of the art collection and a building in which it and similar collections may be housed and displayed, I plan also to establish an endowment fund for the proposed gallery, the income from which shall be used to pay the annual salaries of a director, assistant director, secretary, and curators of the gallery, and for possible future art acquisitions. The upkeep of the building and other administrative expenses and cost of operation would be provided in appropriations to be made by Congress, as for the other units of the Smithsonian Institution.

The orderly and efficient administration of the proposed gallery and its policy respecting acquisitions are both imperative considerations affecting the establishment of such a gallery. I would suggest that the affairs of the proposed gallery should be managed by a competent and separate board of trustees acting for it as a unit of the Smithsonian Institution and that they be empowered to make bylaws and regulations governing its operations.

It is of the greatest importance that future acquisitions of works of art, whether by gift or purchase, shall be limited to objects of the highest standard of quality, so that the collections to be housed in the proposed building shall not be marred by the introduction of art that is not the best of its type. I have tried to adhere to this standard in the collection which I have made. That collection is representative of most of the great masters of western Europe and includes outstanding works of art which I acquired from the Hermitage Gallery in Russia. It also contains Renaissance sculptures, including most of those formerly in the Dreyfuss collection in Paris; and there is, in addition, a large assemblage of American portraits from the Clarke and other collections, which would be suitable for a national portrait gallery.

By reason of the rarity and importance of these works of art, the general character of the collection is such that it will furnish the nucleus of a great national collection and will give our country at once a national gallery that will rank with the other great galleries of the world. In making the collection I have placed emphasis on quality rather than quantity; and the terms under which the gift would be made are intended solely for the purpose of safeguarding the collection and insuring efficient management, so that the highest standard of quality will always be maintained in the art to be displayed in the gallery.

If this plan meets with your approval, I will submit a formal offer of gift, stating specifically the terms thereof, and the erection of the building may proceed immediately upon the acceptance of such offer and the passage of necessary legislation by Congress. Appropriate instruments of conveyance and gift will then be executed.

Sincerely yours,

A. W. MELLON.

DECEMBER 26, 1936.

Hon. A. W. MELLON,
730 Fifteenth Street, Washington, D. C.

MY DEAR MR. MELLON: When my uncle handed me your letter of December 22 I was not only completely taken by surprise but was delighted by your very wonderful offer to the people of the United States.

This was especially so because for many years I have felt the need for a national gallery of art in the Capital. Your proposed gift does more than furnish what you call a "nucleus", because I am confident that the collections you have been making are of the first importance and will place the Nation well up in the first rank.

Furthermore, your offer of an adequate building and an endowment fund means permanence in this changing world.

Because the formal offer calls for specific statement of the terms and will have to be worked out before any request is made by me to the Congress for the necessary legislation, may I suggest that you, or whoever you may care to designate, should come to see me some afternoon this week?

Also, I think that we should discuss the formal announcement and the terms of it.

With my renewed appreciation of your letter, believe me,

Very sincerely yours,

FRANKLIN D. ROOSEVELT.

DECEMBER 31, 1936.

The PRESIDENT,
The White House.

MY DEAR MR. PRESIDENT: I wish to thank you for your kind letter of December 26 and greatly appreciate the interest you have shown in my plan for the establishment of a national gallery of art at Washington.

For the purpose of carrying this plan into effect, I hereby offer to give the art collection, which I have brought together, to the Smithsonian Institution or to the United States Government for the benefit of the people of the United States and to construct a suitable building in which to exhibit this collection and other works of art of like quality which other citizens may in the future contribute to the national collection.

In connection with the offer which I have made on behalf of myself and the other trustees, who have the responsibility of carrying out this purpose, and in accordance with the suggestion in your letter, I set forth below an outline of the definite terms and conditions under which the gallery is to be erected and, together with the art collection, is to be given to the Smithsonian Institution or to the Government of the United States, all of which conditions are intended for the efficient management of the gallery and for safeguarding the high standard of quality which should be maintained in the art to be displayed therein.

First. The gallery shall not bear my name, but shall be known as the National Gallery of Art, or by such other name as may appropriately identify it as a gallery of art of the National Government, to which the entire public shall forever have access, subject only to reasonable regulations to be from time to time established.

Second. The gallery to be erected will be of suitable design and ample capacity, the plans of which are being studied by Mr. John Russell Pope, of New York, who has been employed as architect and will furnish designs for the building. Such designs and the materials of the building are to be subject to the approval of the Commission of Fine Arts. The scope and plan of the building as at present developed by Mr. Pope will call for an estimated expenditure of eight to nine million dollars.

Third. The location of the building shall be on a site to be set aside by Congress, on the north side of the Mall (and in conformity with the plan thereof), between Fourth and Seventh Streets NW., with frontage on Constitution Avenue, in the District of Columbia. In connection with the setting aside of the site for the building, it is to be provided that part of Sixth Street shall be closed from Constitution Avenue to Independence Avenue, and that the Mall building space, on the north between Third and Fourth Streets NW., shall be reserved for future extensions of the National Gallery of Art. The plans for the rearrangement of the street are to be subject to the approval of the National Capital Park and Planning Commission.

Fourth. The regents of the Smithsonian Institution shall be authorized by Congress to erect, cause to be erected, or grant permission for the erection of the gallery building on the site hereinbefore mentioned, and to accept on behalf of the Government and the people of the United States from the donor trustees, under the terms and conditions herein provided, the gallery building as well as the art collection hereby offered to be given.

Fifth. The upkeep of the gallery building and other administrative expenses and costs of operation and functioning of the gallery for the public purpose for which it is designed shall be provided for annually in appropriations to be made by Congress, as for the other units of the Smithsonian Institution.

Sixth. It shall be provided that the gallery and its property shall be controlled and its affairs managed by a competent, self-perpetuating board of nine trustees, of whom five shall be named originally by the donor, with the approval of the regents of the Smithsonian Institution, the remaining members of the board to be ex-officio members and shall be the Vice President of the United States, the Speaker of the House of Representatives, the Secretary of the Treasury, and the Secretary of the Smithsonian Institution, or such other governmental officials as may be agreed upon. The board shall act for the Smithsonian Institution as one of its units, but shall be empowered to make bylaws and regulations governing the organization and operation of the gallery. The bylaws and regulations to be adopted by the board of trustees shall have the approval of the donor, and among other things shall provide for the employment of a director, an assistant director, a secretary, and curators of the gallery, their qualifications and responsibilities. Such officers shall be appointed originally only upon the approval of the donor.

Seventh. The board of trustees shall be authorized and empowered to accept, receive, hold, and administer gifts, devises, or bequests of any real or personal property, except as Congress may hereafter specifically impose, either absolutely or in trust, for the benefit of or in connection with the gallery, its collections, or its functions, and the board shall have the power to prescribe, by rules and regulations, or otherwise, the terms and conditions upon which such property may be acquired or received by the gallery.

Eighth. The board of trustees shall by regulation provide that no acquisitions shall be made in addition to the collection of paintings and sculptures hereby offered, whether by gift or purchase, except objects of a similar high standard of quality to those of the present collection, so that the collection to be housed in the gallery shall not be marred by the introduction of art that is not the best of its type; and further to this end, they shall be empowered in the bylaws to impose reasonable conditions and rules governing the acceptance of objects of art.

Ninth. If this offer has your approval and that of the Regents of the Smithsonian Institution, it is stipulated that the erection of the building will proceed immediately upon the acceptance of the offer and the passage of the necessary legislation by Congress. Instruments of conveyance and gift will be executed upon these happenings. On completion of the building, it shall be turned over to the proper governmental authorities with the collection of paintings and sculptures hereby offered, to be administered by the above-mentioned board of trustees.

In addition to the gift of the art collection and a building in which it and similar collections may be housed and displayed, I further propose to establish an endowment fund for the gallery, the income from which shall be used to pay the annual salaries

of a director, assistant director, a secretary, and a curator of the gallery, and for future art acquisitions, but not for the upkeep of the building and other administrative expenses and salaries, which I have hereinbefore stipulated shall be provided in appropriations to be made by Congress. The amount of such endowment fund and the terms and conditions governing its operation will be subject to further consideration and will be stated in the instrument creating the fund.

The exact form of these gifts and the details of carrying them into execution are questions that can be agreed upon by counsel representing the Smithsonian Institution or the Government and myself.

Very sincerely yours,

A. W. MELLON.

JANUARY 1, 1937.

Hon. A. W. MELLON,
730 Fifteenth Street, Washington, D. C.

MY DEAR MR. MELLON: The outline of the terms and conditions under which the proposed National Gallery of Art is to be erected and maintained is admirably set forth in the letter you handed to me at our conference yesterday.

In accordance with our understanding, I am referring the correspondence to the Attorney General and the appropriate representatives of the Smithsonian Institution.

They will be able, I am sure, to work out, in conference with you, the details of this fine project and prepare the necessary papers, including a draft of enabling legislation.

I shall be happy to submit the matter with a favorable recommendation, to the Congress at the first opportunity.

Very sincerely yours,

FRANKLIN D. ROOSEVELT.

Mr. CONNALLY. Mr. President, I now desire to quote again from the letter of Mr. Mellon under date of February 16, 1937, to Representative KENT E. KELLER, chairman of the Committee on the Library, House of Representatives, on this very point as to the board of directors. I quote from that letter:

> The bill provides that the proposed gallery shall be constituted a bureau of the Smithsonian Institution, and that the maintenance and administration of the gallery shall be by a separate board of trustees, of whom four hold office ex officio, and five, general trustees, shall be private citizens of the United States.

This is the particular language to which I invite attention:

> This conforms to the principal, and I say, the most essential condition of the gift offer outlined in my letter to the President, and as stated therein it is intended solely for the purpose of safeguarding the high standard of quality of future acquisitions for the collection and to insure the efficient administration of the proposed gallery.
>
> It was my intention that the gallery should be one of the units of the Smithsonian Institution, the ownership of the building and collection to be given the people to be entrusted to it, but that the operation and management of the gallery would be mingled as little as possible with affairs of that Institution or with the affairs of the Government.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. O'MAHONEY. May I inquire whether the people will have anything in the world to say about the management of the institution?

Mr. CONNALLY. The Senator has not been present during the discussion.

Mr. O'MAHONEY. No; I was in the Committee on Appropriations.

Mr. CONNALLY. I shall say to the Senator that we have been discussing that question here for quite a little while, and if the Senator will revert to the joint resolution he will find that it provides that this collection shall become a part of the Smithsonian Institution, but that it shall be governed by a board of trustees composed of four ex-officio members and five members who shall be nominated with the approval of the donor.

Mr. O'MAHONEY. In other words, we have a sort of a self-perpetuating board of trustees?

Mr. CONNALLY. That is correct, and that thereafter the board of trustees shall be self-perpetuating.

Mr. O'MAHONEY. But that the people of the United States will pay for the upkeep of the institution thereafter?

Mr. CONNALLY. Partially. Mr. Mellon leaves $5,000,000 as an endowment, but that will probably not be adequate, and the people will pay whatever additional amount is needed for maintenance.

Mr. O'MAHONEY. I understand that the Senator from Wisconsin [Mr. LA FOLLETTE] has offered an amendment to provide that the Government of the United States shall have something to say about the appointment of the trustees.

Mr. CONNALLY. Not "something", but considerable.

Mr. O'MAHONEY. I should like to see a copy of the amendment.

Mr. CONNALLY. The Senator from Wisconsin is near the Senator.

Mr. President, I was talking about the people of the United States. What do the people of the United States get out of this? They get the art gallery. They get free admission to it. Nobody can take that away from them. It is said that the Government is going to appropriate some $300,000 a year. Yes; that is true. For what? Not for Mr. Mellon; not to the donor, but to make available this great collection to the people of America, to the humble and the poor and the weak and the powerful and the rich—all of them.

Refuse the gift if you will. Refuse the gift. Tell Mr. Mellon, "Take back your pictures, Mr. Mellon. Take back your works of art, and store them away somewhere in your own private collection. Leave it to some private organization. Leave it under your own name in some monument to your memory, restricted and hedged about with all kinds of conditions." Mr. Mellon says, "No; I want to give this collection to the people of the United States. I want to make available to them the works of the great masters."

Whether a man be educated or whether he be ignorant, whether he be cultured, or whether he have only the elemental passions within him, when he walks through a great gallery of art there are things which speak to him from the conception of the artists that do not need to be transcribed upon the written page. But Senators would say, "No; we will not take the gift. It comes soiled. It comes all stained over because Mr. Mellon once looked upon it. He has seen these pictures. He has valued them. He has gathered them together; and, forsooth, because they come from the hands of Mellon, we will not let our people look upon them. Take them back, Mr. Mellon."

What does Mr. Mellon ask? He says, "Here are pictures that cost me $30,000,000. Take them gratis. Here is $10,000,000 more to erect a building to house them. Take it gratis. Here is $5,000,000 more as an endowment to aid in maintaining the establishment and providing for new pictures if you desire." And what does he ask? "All I ask is that this collection, housed in this building which I give you, this particular collection—" he does not put any condition on other collections that we may gather, but as to this collection he says: "All I ask is that it be maintained at a high standard of excellence. I do not request conditions as to every detail of management. No; I trust the Smithsonian about that. All I request is that this board be set up as set forth in the joint resolution, and that it then be self-perpetuating, without political control, without the pressure of this group or that group or the other group."

That is all Mr. Mellon asks. So it is up to the Senate of the United States to accept the gift on those terms or to reject it. If you do not want it, say so; but if you do want it, be gracious enough to accept it on these two little conditions imposed by the donor.

Mr. O'MAHONEY. Mr. President, will the Senator again yield?

Mr. CONNALLY. I yield gladly to the Senator from Wyoming.

Mr. O'MAHONEY. Does the Senator think it would be ungracious of the Government to ask the donor whether he would agree to some little modification of the control of the board of trustees in perpetuity?

Mr. CONNALLY. The Senator evidently was not here when I read from the donor's letter. Was the Senator here then?

Mr. O'MAHONEY. I was not.

Mr. CONNALLY. I shall read it again, Mr. President.

Mr. O'MAHONEY. Mr. President, before the Senator reads it, may I suggest that this is apparently a matter which is to cover the management of this gift for all time to come.

Mr. CONNALLY. That is correct.

Mr. O'MAHONEY. I am advised that there have been no negotiations of any kind on behalf of the United States as to the terms under which it is to be accepted. Is that correct?

Mr. CONNALLY. I do not know what the Senator calls "negotiations." We had hearings before the Committee on Public Buildings and Grounds. The representatives of Mr. Mellon were there. They testified fully as to what the conditions were. The Department of Justice was called in. It drew the joint resolution after negotiations back and forth with the representatives of Mr. Mellon, and with the view to carrying out the wishes of the President and Mr. Mellon, as expressed in that correspondence. If that be "negotiations", then there have been negotiations; but if "negotiations" are playing at a game of "I want this and you must give me that, and if you don't do this I won't play"—if that is "negotiations", there have been none so far as I know.

Mr. O'MAHONEY. Were there any discussions as to the propriety of turning over the designation of a majority of the board of trustees to the donor and apparently to his successors in perpetuity?

Mr. CONNALLY. If the Senator will let me read what I am going to read here, I think it will answer his question.

Mr. O'MAHONEY. I shall be glad to have the Senator do so.

Mr. CONNALLY. I call this language to the attention of the members of the Committee on Appropriations, and, I hope, the members of some of the rest of the committees who I hope are present, so that they can hear what I am about to read. I read from the letter of February 16, 1937, from Mr. Mellon to Representative KELLER, chairman of the Committee on the Library of the House of Representatives, which had this legislation under consideration. I quote:

> The bill provides that the proposed gallery shall be constituted a bureau of the Smithsonian Institution, and that the maintenance and administration of the gallery shall be by a separate board of trustees, of whom four hold office ex officio, and five, general trustees, shall be private citizens of the United States.

I hope the Senator from Wyoming will now give heed:

> This—

The construction of the board of directors—

> This conforms to the principal—

"p-a-l"; not "p-l-e." I continue—

> and I may say the most essential condition of the gift offer outlined in my letter to the President, and, as stated therein, it is intended solely for the purpose of safeguarding the high standard of quality of future acquisitions for the collection and to insure the efficient administration of the proposed gallery.
>
> It was my intention that the gallery should be one of the units of the Smithsonian Institution, the ownership of the building and collection to be given the people to be entrusted to it, but that the operation and management of the gallery would be mingled as little as possible with affairs of that Institution or with the affairs of the Government.

Does that answer the Senator?

Mr. O'MAHONEY. I will say to the Senator from Texas that it explains the reasons why the proposal has been put up in this form, but it does not at all answer the objections which have been made.

Mr. CONNALLY. No; it does not answer the objections which have been made. I know it does not answer the Senator's objections; but the Senator's objections cannot be answered, as I understand, unless Mr. Mellon removes all restrictions, and says, "Here, take the gallery; take the $10,000,000 for the building; take $5,000,000 more, and do with it as you please."

Mr. O'MAHONEY. I would not say that, if the Senator will permit me to interrupt. I read now from the joint resolution:

> The board shall be composed as follows: The Chief Justice of the United States, the Secretary of State, the Secretary of the Treasury, and the Secretary of the Smithsonian Institution, ex officio.

Obviously, now, we have four members of the very highest standards upon whose judgment and discretion I think the donor could very well rely, four members who might be trusted not to admit to the gallery a matter which should not be admitted; but then we find the concluding part of the sentence reading:

> And five general trustees who shall be citizens of the United States, to be chosen as hereinafter provided.

The provision to which that clause refers is to be found in line 21, on page 2, reading:

> The general trustees first taking office shall be chosen by the Board of Regents of the Smithsonian Institution, subject to the approval of the donor.

Mr. BORAH. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. BORAH. I should like to ask a question in that connection. The joint resolution provides "subject to the approval of the donor", but it does not provide "subject to the approval of the donor, his successors, heirs", and so forth. I suppose that when the donor shall have passed away no approval will be necessary.

Mr. CONNALLY. Let me say to the Senator it is only the initial board that the donor may approve.

Mr. BORAH. That is what I thought.

Mr. CONNALLY. And when he dies, which I suppose will not be over a half a century from now, the board will reappoint its successors.

Mr. BORAH. So I understood.

Mr. CONNALLY. The influence of Mr. Mellon on the board, let me say to those who fear his influence, will not exist very long, because, under the joint resolution, his approval is required only of the initial board, and when that board is thus appointed the trustees appointed by the Regents of the Smithsonian Institution the several trustees select their own successors.

Let us consider this terrible provision. What is it? After all, who appoints the several trustees? The Board of Regents of the Smithsonian Institution. It is said that Mr. Mellon must approve them, but they must also be approved by the Board of Regents of the Smithsonian Institution. Can they not be trusted? The Senator from Wyoming is willing to trust the board members in one particular, but not to select the members of the art gallery board.

Mr. O'MAHONEY. Mr. President, the Senator is too wise a man to make that statement. That to which we are objecting here is the proposal to establish a board to manage this institution, a majority of whom are selected by the donor, and to permit that majority then, throughout all time, to continue to appoint their successors. There can be no question that the joint resolution as the Senator has brought it upon the floor provides for perpetual control of the proposed national gallery of art outside the hands of the Government and beyond the control of the people for whom the Senator speaks in such eloquent terms.

Mr. CONNALLY. O Mr. President, let me ask the Senator from Wyoming what can this board do? It can only do the things that are set forth in the joint resolution after its terrible perpetuity is established.

Mr. LOGAN. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. LOGAN. As I understand, Mr. Mellon has offered to the Government of the United States a very valuable gift, but has made some provision as to its management in the future. Is the Senate of the United States in any position to attempt to negotiate with the man who owns the property and who can do with it what he pleases? Is not the question that of simply accepting his proposition or rejecting it and saying we will have nothing to do with it?

Mr. CONNALLY. The Senator from Kentucky in his statement is eminently correct, as he usually is. Of course, what he says is true. Mr. Mellon says, "I make this tender; do you want it or do you not want it?" I think it ill becomes us to assume a position of bargaining, as if we were trying to buy an old, spavined horse, offering, giving, and taking, and hawking back and forth. If we want this gift on the terms proposed, let us take it; if we do not, let us say, "No, Mr. Mellon; take back your pictures and keep them."

Mr. SCHWELLENBACH. Mr. President, will the Senator yield to me to ask a question of the Senator from Wyoming?

Mr. CONNALLY. I yield.

Mr. SCHWELLENBACH. I should like to ask the Senator from Wyoming, assuming, as we must assume under the terms of the letter from Mr. Mellon, that he will not change his offer, whether or not, right now, the Senator from Wyoming is willing to say that we should reject this gift?

Mr. O'MAHONEY. Mr. President, in response to the Senator from Washington, I will say that I am not ready to make that assumption, for, from all the representations which have become available to me, I judge that no effort has been made to determine whether or not Mr. Mellon would agree to a modification.

Let me say further that I note on page 3 this provision:

> A successor shall be chosen by a majority vote of the general trustees and shall have a term expiring 10 years from the date of the expiration—

And so forth. That is a provision for the self-perpetuation of the board by those who are appointed in the first instance with the approval of Mr. Mellon.

I would agree to what the Senator from Texas says, that during the lifetime of the donor he might be entitled to select a majority of the board; I might even be willing to say that the majority should be appointed only with his approval; but what about the successors? May I ask the Senator from Texas if he would object to an amendment, in case favorable action should not be taken upon the amendment of the Senator from Wisconsin, which would provide that successors shall be appointed by the President?

Mr. CONNALLY. I certainly should object to that. Mr. President, my attitude is that we can take this measure or leave it; it is a matter of personal indifference to me. If the people of the United States, through their Representatives in the Senate, want to accept this gift of $40,000,000, in the form of a great art gallery, so far as I am concerned, they will take it as it is tendered or they will not take it at all. The Government is no pauper. We can build our own gallery of art if necessary. Gentlemen seem to be concerned about an expenditure of $300,000 a year. We can go back into that Treasury where those $300,000 are and appropriate money and buy Mr. Mellon's collection of art. He will be dead, nobody much will want it; perhaps we can then buy it. When we buy it, it will be ours; we can say who will control the board of directors; the Senator from Wyoming can be satisfied and the Senator from Wisconsin can be satisfied—and that is worth something. [Laughter.] Then we can run the gallery as we want to run it. Then when some constituent of ours paints a beautiful picture, when some constituent over in ward 6 paints a fine portrait, perhaps of his Senator, we can have the board of trustees put it in the gallery of art, where it ought to be. That is the kind of art gallery that some Senators seem to want. We will take a referendum on what kind of pictures we are going to exhibit there; we will send out a circular letter to our constituents and ascertain what they think about the kind of pictures we put in there. It will be our gallery; it will be our money; and we will run it as the people want it run. [Laughter.]

Mr. McADOO. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. McADOO. Mr. President, I should like to call the attention of the distinguished Senator from Texas to the fact that the Board of Regents of the Smithsonian Institution is appointed thuswise: Three by the Vice President of the United States, three by the Speaker of the House of Representatives, and six by resolution of the Congress. So I think we can be satisfied that, so far as the constitution of the Board of Regents is concerned, the people will always be represented, and that we can afford to trust them to select men to go on the board of trustees of the proposed national gallery who will be satisfactory.

Mr. CONNALLY. I thank the Senator from California. The Senator perhaps knows as much about the workings of this Government, both from the inside and the outside, as does any other Member of the Senate, and I thank him for pointing out very clearly the facts as to the appointment of the Board of Regents of the Smithsonian Institution. Who is there who can say that the Smithsonian Institution has been prostituted? Who is the man who can say that the administration of the great museum under the Smithsonian Institution has ever been employed in any way, politically or otherwise, to the detriment of the great purposes for which it was established? Who appoints the Smithsonian Institution regents? The Senator from California has pointed out that three are appointed by the Speaker of the House, three by the Vice President, and the remainder, six, are appointed by resolution of the Congress.

What about Howard University, which is a Federal institution, and the Soldiers' Home, and, I understand, many other institutions, which have boards constructed somewhat on the same principle as embodied in this joint resolution?

Mr. ANDREWS. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield to the Senator from Florida.

Mr. ANDREWS. Are we not violating——

Mr. CONNALLY. Yes; we are. I do not know what it is, but we are violating it.

Mr. ANDREWS. Are we not violating the ancient adage, that a donee should not look too long a gift horse in the mouth? I think of recent years, since trucks and tractors have taken the place of the horse that the adage has been modified so that it now provides we should not too long look a gift horse in the mouth unless the giver send the feed bag along. [Laughter.]

This proposition involves also a gift in the form of an endowment of $5,000,000, which will provide nearly $200,000 annually to take care of the gift. I am just wondering why it is that we spend so much time in discussing the acceptance of a gift of $65,000,000.

Mr. CONNALLY. Mr. President, I thank the Senator from Florida for bringing forward the old aphorism about "looking a gift horse in the mouth." I know it is rather unfashionable in some quarters to have such antiquities brought forth to our attention, but I think now and then it is quite valuable and quite desirable that we turn our faces back to some of the solemn old injunctions, the solemn old expressions of philosophy, that are good in this day and time as well as when they were first uttered.

Let me say to the Senator from Florida that my attitude, as I stated it a little while ago, is that I have personally no interest in this gallery of art. I have never painted a picture on canvas in my life, and I do not expect ever to get one into this gallery. But as a Senator of the United States, I am thinking about the people who will never be able to buy a picture themselves, who will never be able to paint a picture themselves, and yet who have emotions, who have artistic temperaments, who have sentiments and feelings, just as Mr. Mellon has them, capable of being aroused and stirred by great works of art.

He will not have them long. He is going out on that long journey, that journey which stretches away and touches the land that no man knows; but he is willing to leave to the American people, to your people and my people, to you, Mr. President, and to me, the rich fruits of a lifetime which he has gathered from all points of the artistic world, from the art galleries of Europe, from collectors all over the earth—these great masterpieces which depict things which the written word cannot depict, which can stir emotions that the oratory of even Senators cannot stir. If Mr. Mellon wants to leave these things to his fellow citizens and leave them in trust in the hands of the Government, then he should be permitted to do so.

Where else could he leave them that they would be more sacredly cared for? He could put them in some private foundation and emblazon it all over with his name in gilt, "The Mellon Art Gallery"; but he does not ask that. He does not even ask that his name be associated with this gift. He has merely said, "I want to give it to the American people, and all that I ask is the poor privilege that in the selection of the first five members of the board, not that I shall be permitted to select them, but that I may approve the selections which the Smithsonian Institution shall make"—a poor privilege, Mr. President. Here we have $40,000,000 on the one side and on the other side the poor privilege, not "I shall name them", but, "After the Smithsonian Institution has named them, please let me look at the nominations and see that there is no one there to whom I might object."

That is all! Forty million dollars on the one side and that poor privilege on the other side.

Yet there are Senators who say, "No! We are willing that our people shall not have this great gift. We are willing to close the eyes of our constituents so they may not behold these wonderful works of art. We are willing to close the windows of their souls to those marvelous works of art. We will be darned if we will let old Mellon name or even approve five members of the board, even though he will be here only a little while longer." [Laughter.]

Mr. President, so far as I am personally concerned the Senate can take the joint resolution or leave it. For one, I am going to vote for it just as it is written. The Senate passes measures occasionally just as they are written and without amendment.

What is the objection to this measure? What is wrong with it? We have in the Senate a committee, of which I am the poor and humble chairman. We spent a considerable period of time investigating this matter. We had before us the representatives of Mr. Mellon. We had before us the officials of the Smithsonian Institution. We had before us the officials of the Fine Arts Commission. We had representatives of the Department of Justice. Over a long period of negotiations, if we may call them negotiations—I call them conferences—as a result of a long period of conferences we were all agreed that the joint resolution would accomplish the purposes Mr. Mellon had in view, would protect the interests of the United States, would guarantee that the administration of this great gallery would be in the hands of and under the protection of the Smithsonian Institution, upon whose official garments there has never been a stain of any kind.

What else do Senators want? I do not propose to vote for a board of trustees that has to pass through all the channels of patronage arrangements to become a board of the national gallery of art. I am willing to entrust the selection where the joint resolution proposes it shall be placed.

Mr. NORRIS. Mr. President, I think I approach this subject from a disinterested and a fair point of view. That may not be true, but if it is not true I am not conscious of it. I dislike the attitude of the chairman of the committee coming to the Senate and saying, "We have the joint resolution; we have considered it; but the Senate has no right to amend it."

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. NORRIS. I yield.

Mr. CONNALLY. I think the Senator does me an injustice. I said so far as I am personally concerned the Senate may take it or leave it just as it is. Of course, the Senate can amend it or the Senate can throw it in the waste basket if it is the desire to do so.

Mr. NORRIS. Yes; but it must not be amended. We have notice of that. I should not think Mr. Mellon would object to a reasonable amendment.

Mr. CONNALLY. Can the Senator speak for him?

Mr. NORRIS. No; I cannot. If I thought I could I would give up that idea now after listening to the Senator from Texas.

I do not think it is any disgrace for a Senator to offer an amendment even though I do not agree with it. If the theory is a correct one that we must take this joint resolution without dotting an "i" or crossing a "t", then why have the Senate? Why not let the committee, when it agrees on a measure, send it to the President for his signature?

I am not questioning the good faith of the those who are supporting the joint resolution and who do not want it amended. That includes the Senator from Texas, that includes the President of the United States, and that includes all the members of the committee. I am not trying to cast any reflection upon any of the members of the committee or upon other individuals, nor even upon Mr. Mellon. Mr. Mellon has the right to say to the Government of the United States, "Here is this collection. I am going to give it to you, but I attach this condition." He can attach any condition he sees fit and refuse to give the collection unless that condition is fully met. But as a free American citizen and as a Member of this legislative body I still claim the right to say, "I will not take it on that condition", and I mean no reflection on him when I say it.

I am not willing that anybody should cast any reflection upon me or upon my motives because I refuse to accept the gift on a given condition.

As I see it the amendment ought to be adopted. Perhaps the board of trustees might be approved first by Mr. Mellon, and I presume he would be consulted in the appointing of the members of the board. If the amendment of the Senator from Wisconsin [Mr. La Follette] should be adopted and if I were President of the United States, I would consult Mr. Mellon, and I would not appoint anybody on the board to whom he objected. But I would not let Mr. Mellon say to me, "You cannot appoint this man, or you cannot appoint that man." No one objects to Mr. Mellon being considered and consulted, and to giving careful consideration to anything he may suggest.

What is the legal effect of the joint resolution without the amendment of the Senator from Wisconsin? It provides that the board of trustees must have the approval of Mr. Mellon, and then that they shall be self-perpetuating after that. I do not think that is good legislation. There may be cases where it ought to be done. This may be one of them. If Senators think it is, let them vote against the amendment and for the original joint resolution; but I do not believe this is a case where that ought to be done. I do not think it is disgraceful or dishonest or unreasonable to say, "We will let the President of the United States appoint this board." There are other things in the joint resolution. If they were not there, I might feel somewhat different about this amendment; but I find later on in the joint resolution, on page 5, subsection (b), commencing in line 8, reading as follows:

> In order that the collection of the National Gallery of Art shall always be maintained at a high standard and in order to prevent the introduction therein of inferior works of art, no work of art shall be—
>
> When we agree to the committee amendment—
>
> included in the permanent collection of the National Gallery of Art unless they are of similar high standard of quality to those in the collection acquired from the donor.

What does that language mean when it is taken in connection with the fact that the board is to be self-perpetuating after having started out with the donor's approval? I do not suppose many Senators have had the privilege of seeing this collection, and perhaps they would not be judges as to whether the pictures were of high quality or otherwise if they should see it. That statement probably would apply to me. I admit that; but I realize, and it is a historical fact, that pictures condemned by experts have, after the lapse of years, become extremely valuable in the estimation of experts; that pictures which went begging at any price have, as the years went by, sold for enormous prices. So I can see how there might be a disagreement even between experts as to the value of any certain work of art.

This joint resolution provides that no work of art shall be admitted to this art gallery unless it is "of similar high standard of quality to those in the collection acquired from the donor." Very easily a board prejudiced in favor of the particular items of art given by the donor might say, with reason and fairness, under that language, that no picture, no specimen of art, shall ever be admitted to the national gallery of art except those originally acquired by the donor.

I do not think that would be a harsh construction if the board believed a given picture was not of the prescribed standard of quality. Perhaps some other expert, equally able to judge art, would think it was of superior quality even to the pictures given by the donor. But if the sole requisite for membership on the board is that the donor shall be satisfied with its members, it will naturally be composed of art experts who think this particular donation is superior to anything else.

I presume experts put on the witness stand now would disagree as to the quality of these works of art. I do not know what their judgment would be. Whom will it hurt if we say that the President of the United States shall appoint

the members of the board? In the case of the Smithsonian Institution the donor did not appoint anybody. I could cite a historical instance in answer to the Senator's assertion that no instance could be cited where any abuse was had of anything connected with the Smithsonian Institution. On a former occasion I undertook to demonstrate that a most disgraceful episode had happened under the name of the Smithsonian Institution, but I do not blame the Institution for it. They afterward took action on it. I do not care to go into that matter. I do not condemn the Smithsonian Institution on account of that; but it is a historical fact that one of the greatest trusts and monopolies in existence crept under the shield of the Smithsonian Institution to carry on Nation-wide propaganda.

That may never happen again. It may never happen under this board, no matter whether the amendment is agreed to or not. I simply mention, in passing, the fact that those things may happen and do happen under any board, however well regulated; but the point is that the Smithsonian Institution is not governed by a board set up by the donor, a man who was not even an American citizen.

Why should the donor object if these appointments are made by the President of the United States? I think we ought to amend the joint resolution as the Senator from Wisconsin has suggested in his amendment, and that we ought to strike out of the joint resolution certain language. I have no objection to stating in the joint resolution that the collection of the national gallery of art shall always be maintained at a high standard, but I do not wish to put in it a comparison between this picture and that picture, and say that a certain picture shall not go in the gallery unless it comes up to the standard of a certain other picture, and I do not wish to say in the language we enact here that nothing shall be admitted to the national gallery of art which, in the estimation of the board selected by the donor, shall not be equal to the pictures which the donor has given.

If such amendments are not satisfactory to the donor, I should not criticize him if he should say, "I will not give you the pictures or the works of art on that condition." Very well. There is nothing in this amendment or in the amendment I have suggested which casts any reflection whatever upon the donor. The amendment is offered, I presume, in the best of faith. I do not wish to consider the joint resolution in any other way, but it is not right for a donor to say, "Take the gift as I give it, or let it alone", unless we have the right also to say, "We will let it alone." That is what I should say, and that would not be any reflection on anybody. It would simply be a case where two parties to a proposed agreement do not agree, and where, if we should not accept the gift on those terms, the donor would take his collection elsewhere.

It seems to me the proposition of the Senator from Wisconsin is a fair one, and that the Congress of the United States cannot afford to accept the gift under any other conditions if we think the amendments to which I have referred are reasonable and fair.

Mr. LA FOLLETTE. Mr. President, I should like to say just a word in response to the remarks made by the Senator from Texas [Mr. CONNALLY].

I submit that the remarks made by the Senator from Texas confirm the apprehension I expressed at the outset in arguing for the adoption of the pending amendment; namely, that this gallery is to become a national gallery of art that is to be supported by the taxpayers in perpetuity, but that works of art produced by American artists will have little or no chance of ever becoming a part of this permanent collection.

Mr. HATCH. Mr. President, will the Senator yield to me?

Mr. LA FOLLETTE. I yield.

Mr. HATCH. I did not have the privilege of hearing the Senator's opening remarks. Since I have come to the floor I have been reading the joint resolution, especially in the light of what was said about "looking a gift horse in the mouth." I observe that a great deal is required to be done by the United States Government under the terms of this measure.

Mr. LA FOLLETTE. That is correct.

Mr. HATCH. It is not simply a case of receiving a gift some one offers us, for the Government is to do a great many things under the terms of the joint resolution.

Mr. LA FOLLETTE. The Senator is correct; and since the Senator did not hear my remarks I will state that I am satisfied that many things were said by the Senator from Texas which might indicate that I had some other motive in offering the amendment than to try to bring about a situation whereby, if we are to have a national gallery of art, known as such and supported by the taxpayers of the United States, it shall not only be used as a means of housing the collection which Mr. Mellon is giving, but it shall also, like the national galleries in other capitals of the world, be used in a way which will encourage American artists, and the development of American art indigenous to the history and to the background of the American people.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. CONNALLY. Let me say to the Senator from Wisconsin that if the Senator from Texas said anything to indicate any question as to the motives of the Senator from Wisconsin, he now desires publicly to retract it.

Mr. LA FOLLETTE. I refer, for example, to the remarks made by the Senator to the effect that there are Senators who want to see this gallery turned over to patronage channels, and who hope to see portraits of themselves at some time placed in the gallery. Having been the only Senator who had spoken on the subject, I naturally assumed that the Senator's remarks referred to me.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. CONNALLY. I said I did not want to turn the gallery over to patronage channels to determine the pictures which should be placed in it. I said that for myself. I made no reference to the Senator from Wisconsin. I will say to the Senator that he need not lay to himself any sweet unction that I meant that he alone among Senators wanted to get his portrait there. Every Senator likes to have his picture printed, if he can get it printed.

Mr. LA FOLLETTE. Mr. President, it is remarks of the type of those the Senator made after I had offered what I considered to be arguments in support of my amendment, that lead me to address Senators who have just come into the Chamber and were not here at the time I discussed the amendment in the first place. I wanted to clear up before there was a vote the purpose and intent of the amendment.

I submit that everything the Senator from Texas has said justifies the apprehension which I entertain and which is shared by the representatives of every group of American artists who have communicated with me concerning this matter, whose telegrams and letters I have already placed in the RECORD, namely, that this measure is so drawn that the National Gallery of Art of this country will not be administered in such a way as to be a stimulus to the development of American art which is modern in character and indigenous to the history, the background, and the traditions of the people of the United States.

The Senator has emphasized again and again in his remarks that the condition Mr. Mellon has placed upon his gift in order that his collection may be protected is a proper one, and I wish to say once more, and to emphasize the statement, without criticism of anyone, that it is a matter of common knowledge that the collector has toward art an entirely different attitude than that of the creative artist and those who happen to live at the particular time a work of art is consummated.

All history demonstrates that some of the very pictures which are now to be a part of this collection, if it be given to the people of this country, went begging at the time they were created by the artists who produced them. They had no monetary value, and some of the artists who are represented in this collection starved to death because they could not sell their works of art at the time when they produced them.

Of course, these pictures have great value; they have the value which has accrued as a result of the judgment of generations which have come on since the works of art were

created. I have been told also by artists in whose judgment I have confidence that there are many pictures in this collection which have great monetary value simply because they are rare and because the artist did not produce many pictures.

Be that as it may, when this gallery is established as a national gallery, and when it is supported by the taxpayers' money, I am contending that it should be administered in such a way as not only to afford access of the public to the collection of these rare and valuable pictures of the past, but that it should also be administered as a stimulus and as a means of affording encouragement to artists who are producing in their own day and generation works of art reflective of the history, the background, and the traditions of their era.

Mr. GREEN. Mr. President, it seems to me the trend and direction of the discussion shows a misapprehension of what Mr. Mellon intended in offering this gift to the Nation. As a member of the Committee on Public Buildings and Grounds I was very much interested at the hearing to learn from Mr. Mellon's representative just what is his purpose.

The telegrams and letters which have been read and some of the remarks which have been made show that his purpose is misunderstood. He does not propose to offer to the Nation a comprehensive collection of art; he does not propose that such a collection shall ever be formed to be placed in this proposed gallery. It is not a collection of fine art generally; it is limited to paintings and to sculpture. It is not a collection of paintings and of sculpture generally; it does not include oriental paintings, which have a place in the Freer Gallery; it does not include examples of many schools of painting which find their place in a comprehensive collection. It does not include even small paintings, such as miniatures, or drawings, which have their place in many museums. It does not include any of the applied arts.

This does not mean that such artistic objects should not be collected. It does not mean that living artists should not be encouraged. That is not the purpose of this collection, however; it is not the basis on which it was formed, and it is not the purpose for which Mr. Mellon is giving it to the Nation.

All other collections have their places. We haye some such collections here in Washington. We have the Corcoran Gallery named after the original donor. We have the Freer Gallery, named after the original donor. Even the Smithsonian Institution is named after the original donor. But the greatest collection of all in the Smithsonian Institution will, under the terms of the pending measure, hereafter be known, as Senators see by reference to the last line on page 6, as the "national collection of fine arts."

Such paintings as have just been described by the Senator from Wisconsin will have their place here in Washington; they will have their place in the Smithsonian Institution, but not in the gallery we are discussing today. They will have their place in the national collection of fine arts.

However, Mr. Mellon has made a very great concession from his original purpose. He is providing for the erection of a great building, far larger than is necessary to house his present collection, which contains, we may say, some 100 masterpieces, and I might add that some of those masterpieces are by American painters. The building will be sufficiently large to hold three times the number in the collection, and at the suggestion of the committee Mr. Mellon, through his representative, agreed that the joint resolution as presented should be amended so that those parts of the gallery not needed at present for the permanent collection, and which perhaps will be available for a generation or more, may be used for the exhibition of other works of art, works of living American artists, for example, which do not come up to the standard set by the permanent collection, but which will serve the purpose of interesting the general public in works of art produced by American artists. The only condition made was that additions to the permanent collection should be of the same high standard as that of the pictures in the present collection.

Of course, any measure or standard for works of art is a flexible one. Mr. Mellon took the standard of the present collection and I think that is as good a standard as he could have taken. He wants to make sure that that standard is maintained. In the past we have seen too many collections of fine works of art, and other collections of first-rate things, collections of books, collections of scientific material, collections of every sort, swamped by additions of works of inferior quality. Mr. Mellon wanted to have a relatively small collection of first-rate quality.

Reference has been made to the fact that great galleries elsewhere contain examples of the work of schools of all ages and of different civilizations, even including present-day art. I think that is generally the case. In London there is a national gallery which has an entirely different scope from the Tate Gallery. In Paris there is the Louvre, entirely different in scope from the Luxembourg. The idea of Mr. Mellon apparently is that a work of art should be tested by time before it is admitted to this particular gallery. It may have a place elsewhere. All the other objects which are worth collecting and are of interest to artists and to the people of America generally, will have their place in the national collection of fine arts.

I think that, whether we like it or not, whether we would form a collection on the same basis on which Mr. Mellon has formed his or not, we ought to consider his primary purpose, which is to have a permanent collection of the greatest works of art in this particular field made available to the people of the United States. He gives practically everything except the cost of making these pictures available for the pleasure of the American people who come to their capital city of Washington.

We may find fault with the designation of this collection as a national gallery of art. I myself think there is chance for confusion between that name and the national collection of fine arts. But between the two they cover the grounds of which the Senator from Wisconsin [Mr. LA FOLLETTE] has spoken, and I do not think we ought to cavil over the name chosen for the gallery for this collection or the name chosen for the collection itself, so long as it does not bear the donor's name. I think we ought to take the broad conception of the donor and accept it as one of the greatest gifts ever made to a nation in the department of fine arts.

Mr. McADOO. Mr. President, I should like to say a few words in clarification of some of the issues which have been raised by this debate; and, first of all, I shall put into the RECORD this statement as to the Smithsonian Institution:

It is a legal establishment having as its members the President of the United States, the Vice President of the United States, the Chief Justice, and the President's Cabinet; but it is governed by a board of regents consisting of the Vice President, the Chief Justice, three Members of the United States Senate, three Members of the House of Representatives, and six citizens of the United States who are appointed by joint resolution of the Congress.

This Board of Regents is constituted of men of such character and standing that no one can question the integrity of the Board or its unselfish devotion to the purposes for which the institution was created. I read in the Congressional Directory that the Smithsonian Institution, one of the greatest of its kind in the world, was established as the gift of an Englishman by the name of Smithson, who many years ago left his fortune to the United States for that purpose.

I call the attention of the Senate to the personnel of the Board of Regents of the Smithsonian Institution. It consists of the Chief Justice of the United States, the Vice President of the United States, Joseph T. Robinson, M. M. Logan, and Charles L. McNary, as the representatives of the Senate, and T. Alan Goldsborough, Charles L. Gifford, and Clarence Cannon, as Members of the House of Representatives.

Mr. CONNALLY. They are selected, I may say to the Senator, by their respective bodies.

Mr. McADOO. They are selected by their respective bodies. I thought I made that clear.

As citizens of the United States who are chosen by joint resolution of Congress, we have the following on the present board: Frederic A. Delano, of Washington, D. C.; John C. Merriam, of Washington, D. C.; R. Walton Moore, of Virginia; Robert W. Bingham, of Kentucky; Augustus P. Loring, of Massachusetts; and Roland S. Morris, of Pennsylvania.

Mr. President, it seems to me that the apprehensions indicated by the debate on the pending measure as to the future conduct of the National Gallery of Art are without adequate foundation. The joint resolution, as drawn, provides that the Board of Trustees shall be composed as follows: The Chief Justice of the United States, the Secretary of State, the Secretary of the Treasury, and the Secretary of the Smithsonian Institution. In addition to that, five general trustees, who shall be citizens of the United States, shall be chosen by the Board of Regents of the Smithsonian Institution, whose names I have just given to the Senate.

These nine men constitute the Board who are to administer the national gallery of art. The first five members selected by the Board of Regents of the Smithsonian Institution are to be subject to the approval of Mr. Mellon, the donor of this generous gift to the people of the United States.

I am frank to say that if any Senator here were giving $45,000,000 to the people of the United States for the establishment of a great art gallery of this kind, he would naturally desire to see that for the purposes of his gift all the details were carried out in conformity with the national interest; and he might at least have the privilege of approving the selection of the five men on the board of trustees of this national gallery of art who are chosen by the Board of Regents of the Smithsonian Institution. That, as I understand, is all Mr. Mellon wants.

Let us come now to the question of the taxpayers' money, about which I hear so much. This collection cost Mr. Mellon, as I understand, $30,000,000. In addition, he is giving $10,000,000 to erect the building. The National Government furnishes the site, the ground. Mr. Mellon endows the institution with $5,000,000 additional, the income from which is to be employed for certain purposes of the trust, and for the purchase of additional specimens of art which are to be put into the gallery from time to time. That is a total of $45,000,000. At 3 percent the annual contribution by the donor is $1,350,000. I understand that the total cost to the Government for maintaining the building and conducting its general operations will be $300,000 a year. That is all it is going to cost the Government of the United States except what might properly be considered as interest on the value of the land donated by the Government. But even then the donor of this gift is certainly furnishing to the people of the United States a magnificent collection of art and a magnificent building to house it, which will be of enduring benefit, advantage, and pleasure to all the people of the United States.

Much has been said here to the effect that no American artist will be able to get his pictures into this gallery. A national art gallery certainly ought to have some standards of art by which the exhibits which are proposed to be put into it from time to time may be judged. The joint resolution wisely and properly provides that:

> In order that the collection of the national gallery of art shall always be maintained at a high standard, and in order to prevent the introduction therein of inferior works of art, no work of art shall be included in the permanent collection of the national gallery of art unless they are of similar high standard of quality to those in the collection acquired from the donor.

How is any addition to the gallery to be judged or determined? How is the selection to be made? It is specifically provided in the joint resolution that the Board, constituted as I have heretofore described:

> Shall have all the usual powers and obligations of a trustee in respect of all trust funds administered by it and all works of art acquired by it.

It is necessary to have some authority in charge of this institution to conduct its operations, and that authority must of necessity have the power to determine what works of art shall be admitted to the gallery.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. McADOO. I yield.

Mr. McKELLAR. As I understand the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE], it is simply to have the President appoint five members of the board instead of their being selected on the recommendation of Mr. Mellon and appointed by the Board of Regents of the Smithsonian Institution. That is correct; it is not?

Mr. McADOO. I understand that the reverse is correct. The Board of Regents of the Smithsonian selects the first five trustees, subject to Mr. Mellon's approval.

Mr. McKELLAR. What possible objection could there be to the plan of having the President of the United States make these appointments?

Mr. McADOO. My objection is simply this: We are establishing a permanent trust just like the Smithsonian Institution. The President of the United States does not select the trustees of the Smithsonian Institution. Why should the President, being changed, as he may be, every 4 years, be given the authority or charged with the responsibility of selecting these five trustees?

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. McADOO. I yield.

Mr. NORRIS. I should like to follow the question which the Senator has just answered. If he wishes to follow the practice of the Smithsonian Institution, why does he not do so? In the case of the Smithsonian Institution the donor has nothing to say about the appointment of the trustees. The objection here is that the donor does have. When the Senator classifies the two cases as being the same, I point out to him that they are absolutely different. If we do not wish the President to appoint the trustees, let the Smithsonian trustees appoint them. The objectionable feature is that they must have the approval of the donor, and are then self-perpetuating.

Mr. McADOO. Mr. President, the donor in this case approves five of the first board of trustees; that is all. Mr. Mellon is not going to live forever, any more than Mr. Smithson could live forever. Smithson has had no influence with the trustees of the Smithsonian since he endowed that Institution.

Mr. NORRIS. Smithson had nothing to do with it in the first instance.

Mr. McADOO. I do not know. He may have had. I have no objection to Mr. Mellon's having influence with the first five trustees of the national gallery of art which is created with his $45,000,000 donation any more than I would have objected to Smithson's having influence with the first board of trustees of the great institution he founded. If he had such influence, it certainly has not impaired the usefulness of the Smithsonian Institution, and it has not operated to the injury of the American people. If Mr. Mellon, making this great gift to the American people, should be permitted to express his approval of the first five trustees selected by the Smithsonian Institution before they are inducted into the office of trustees, I do not think it will mean that Mr. Mellon's influence will permanently affect the constitution of the board of trustees in the future.

Mr. McKELLAR. Without regard to Mr. Mellon's influence one way or the other—and I think he should be consulted so far as the first board is concerned, and I presume, as a matter of fact, any appointing power would consult him—the joint resolution provides that after the board is once established it shall be self-perpetuating.

Inasmuch as the Government is going to furnish the principal amount of money to keep this art gallery in operation for all time to come, it seems to me that the President of the United States or someone else, such as the President of the Senate or the Speaker of the House, should be given authority to select the trustees in the same manner as the regents of the Smithsonian Institution are appointed. It seems to me it ought finally to be a governmental institution, and ought not to be left to the control of a self-perpetuating board.

Mr. McADOO. Mr. President, my answer to that suggestion is that by the very terms of the pending measure the board of trustees is to consist of the Chief Justice of the United States, the Secretary of State, and the Secretary of the Treasury, three of the highest public officials in our Government, who will always be the voice of the Government, so to speak, on the board. Can we not trust them?

Mr. McKELLAR. Oh, yes; there is no trouble about that, but they will be in the painful minority; and we have had some experience during the last few months with minorities.

Mr. McADOO. Suppose they are in the minority, the board has no political function; it has nothing to do with the administration of public affairs. The powers of the board of trustees are limited solely to the conduct of the art gallery. The members of the board are necessarily vested with the discretion to pass upon objects of art that may be presented from time to time for inclusion in the particular collection. That is the chief function.

The terms of the pending resolution admirably safeguard the purposes in view. They give a stability of organization to the institution that is absolutely vital to its success. How can the public interest, by any conceivable means, be affected by the constitution of the board of trustees as proposed and by putting in the power of the board the necessary discretion to determine what objects of art shall be exhibited in the gallery?

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. McADOO. I yield.

Mr. CONNALLY. Let me ask the Senator if it is not true that after this joint resolution shall have become a law, if it shall, and after the first board shall have been appointed, Mr. Mellon will thereafter have nothing whatever to do with the trust?

Mr. McADOO. I was trying to make that point clear; the Senator is absolutely correct. After Mr. Mellon expresses his approval of the first five men chosen by the Board of Regents of the Smithsonian Institution he is functus officio; he has nothing more to do with it or with the selection of anybody in the future who may go upon the board of trustees.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. McADOO. Yes; I yield.

Mr. LA FOLLETTE. The Senator will concede, will he not, that the five general trustees, exclusively, select their own successors, and that the ex-officio Members he has mentioned do not participate in the selection of the successors to the general trustees.

Mr. McADOO. I do not so understand the joint resolution.

Mr. LA FOLLETTE. May I call the Senator's attention to the provision on page 3, which reads:

> A successor shall be chosen by a majority vote of the general trustees.

Mr. McADOO. Well, the whole board are general trustees.

Mr. LA FOLLETTE. No; the Senator is clearly mistaken about that.

Mr. McADOO. Very well; I do not think it is important, so far as my view of it is concerned. I stand corrected if I am mistaken; but that, I will say to the Senator from Wisconsin, does not affect my view about it anyway, because the members of the board of trustees would have nothing to gain by an improper administration of the trust and I can conceive nothing they could do except to pass upon objects of art which might be exhibited from time to time in the art gallery.

I am sure it is not the intention to determine, and I am also sure that no board of trustees would ever determine, the value of any art exhibit in this great institution by reference wholly to standards of hundreds of years ago. There is a standard for works of art; but modern art cannot be compared with ancient art, except relatively. The discretion must be lodged in somebody to perform that duty, and it is very properly lodged in the board of trustees.

It seems to me, Mr. President, that we are making a mountain out of a molehill. I think that the board is admirably constituted as proposed by the joint resolution. It will give a continuity and permanency to the administration of the gallery so far as the board of trustees is concerned. That is absolutely necessary. Sometimes we appoint corporate organizations as trustees in these matters. Why? Because they exist perpetually, or at least for long terms of years. We employ such trustees in wills and in various kinds of trust relationships; but in this instance we put the control in men of character, who, of course, will administer the trust with propriety. They will not have the power to appoint even a janitor in the building or have anything to do with the administration of the building itself; and quite properly so.

Mr. President, when a citizen of the United States, whoever he may be, has the generosity and the patriotism to offer the people of the United States a great gift of this character, a gift which will belong to the people of the United States, over which he will have no control and in conjunction with which he will be able to exercise no influence upon future appointments of trustees, as they may be made from time to time—when he offers a gift of such imposing character, we should not split hairs with him about it. For my part I am grateful to Mr. Mellon for offering this magnificent gift to the people of the United States, and I am perfectly willing, so far as I am concerned, to accept it upon the terms outlined in the joint resolution.

Mr. ROBINSON. Mr. President, will the Senator yield to me in his time?

Mr. McADOO. Certainly.

Mr. ROBINSON. During the course of a colloquy between the Senator from Wisconsin [Mr. LA FOLLETTE] and myself on the subject of the conditions under which the gift is offered, it was stated by the Senator from Wisconsin substantially that no negotiations had been conducted with a view to arranging other terms than those embraced within the joint resolution. I said then that it was my information that the Attorney General, representatives of the Smithsonian Institution, and others have participated in discussions with the attorney and agents for Mr. Mellon, and that the conditions set forth in the joint resolution are the conditions which Mr. Mellon insists upon. Since making that statement I have confirmed its accuracy by talking with the Attorney General himself. He said that the matter was under consideration for some hours and that proposals were made looking toward a change in certain of the conditions, including those which relate to the selection of the trustees or directors, and that the agreement entered into and incorporated in the joint resolution represents the conclusion that was reached after the discussion of the matter. Therefore, I reaffirm the statement which I made.

Mr. LA FOLLETTE. Mr. President, I thank the Senator for the information he has given. My information was that there had been no negotiations over the question whether or not Mr. Mellon would be willing to have the trustees named by the President of the United States. I wish to stand corrected if I was incorrect.

Mr. CONNALLY. Mr. President, I shall not detain the Senate long. I desire to confirm, as I stated while the Senator from Arkansas was out of the Chamber, the statement he makes in regard to negotiations. Representatives of Mr. Mellon and representatives of the Attorney General were before the committee, and it was made clear that the joint resolution was the result of their long conference and collaboration and that it represented the final conclusions and decisions with regard to the matter.

Mr. President, Senators have injected into the debate the subject of the responsibilities and the burdens which the joint resolution places upon the Government, and, based on that, they have made their contention as to the method of control.

What are the burdens which this measure puts on the Government? Mr. Mellon makes a gift of $30,000,000 worth of pictures, $10,000,000 for a building in which to house them, and $5,000,000 for an endowment. What are his conditions? All the conditions he makes are that the Government shall take care of the pictures and shall make them available to the people of the United States. That is all. He gets nothing. The only responsibility the Government assumes is that it will not allow sabotage; that it will provide guards so that the great masterpieces may not be

mutilated and destroyed. The Government is to provide facilities whereby the collection may be opened up to the public, so that every citizen of the United States may have an opportunity to see it.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. ROBINSON. In addition to what the Senator has said, it is also true that from the endowment provided by Mr. Mellon, the salaries of the director, of the assistant, of the secretary, and of the curator are to be paid.

Mr. CONNALLY. Exactly. From the funds accumulated from the endowment such charges are to be paid; the Senator from Arkansas is eminently correct. The only responsibility the Government assumes is that it will not let these great pictures be exposed to the elements and to destroying agents; that it will care for them; that it will house them; and that it will make them available to the people of the United States. That is all the burden the Government assumes. Of course, it will pay a little money; it will have to pay for guards; it will have to pay for the charwomen; it will have to pay the employees who care for the pictures and who make them available to the people. Guides will be needed to explain them, and the Government will provide for them. That is the only burden which the Government of the United States assumes in accepting this gift.

Mr. President, I thank the Senator from Rhode Island [Mr. GREEN], who is not only an able and distinguished Senator but a great art collector, for the contribution he has made to the debate. I am glad to have him as a member of the committee to urge upon the Senate the acceptance of the joint resolution.

It has been said here that the proposed art gallery, because of the requirement as to the standard of pictures, will exclude modern artists and those who are undertaking to achieve advancement in their profession. Mr. President, there is already another art gallery in the Smithsonian Institution which is available to exhibitors of that kind. The last line on page 6 of the joint resolution refers to the National Collection of Fine Arts. Modern painters, new painters, and others may exhibit their works there, and if they obtain sufficiently high rank, their works can be admitted to the particular collection of the national gallery of art.

As has already been suggested, here in the city of Washington are located the Freer Gallery of Art and the Corcoran Gallery of Art in which facilities are available to exhibitors.

Mr. President, let me say with regard to other great art galleries of the world, that because of its experience the Louvre in Paris had to establish a high standard, and therefore it established the Luxembourg, which is a sort of training school for the Louvre. In the Luxembourg current artists and others may exhibit their works, and if they finally receive the approval of artists and those who are qualified to judge, then they may be accepted in the Louvre. It was the experience of the Louvre over a period of half a century that many works of art were accepted which were later found to be unworthy and not of a standard in keeping with that great gallery of art.

The same thing is true of the London Art Gallery. They have a secondary gallery known as the Tate Gallery, where contemporary artists try out their works.

The Senator from Massachusetts [Mr. WALSH] has pending a joint resolution, Senate Joint Resolution 99, to provide an additional appropriation for the kind of a gallery which Senators have been discussing, where untried contemporary artists may exhibit their works. If established, it would be a sort of training school for this great gallery of art.

There is no disposition on the part of the sponsors of the joint resolution nor on the part of Mr. Mellon, if I understand his representatives, to deny opportunity to other artists, but it is his interest and desire to maintain the high character of the particular gallery which he is donating and which he proposes to house in a $10,000,000 structure, and so it is provided that other paintings may be exhibited in another gallery of art which is already in existence and under the control of the Smithsonian Institution.

Mr. President, the joint resolution has been approved not alone by the Department of Justice in collaboration with the representatives of Mr. Mellon, but it is approved by the President of the United States who, in a letter to the Congress, asked the acceptance of the gift. Let me say to the Senator from Tennessee [Mr. MCKELLAR] that the President of the United States expressed no desire to appoint the members of the board of trustees. He asked the Congress to enact legislation accepting the gift on the terms imposed by Mr. Mellon. The measure has been approved by the Committee on Public Buildings and Grounds of the Senate and by the Library Committee of the House of Representatives. It has already passed the House. It is approved by the Board of Regents of the Smithsonian Institution as to its form, its provisions, and its administrative processes. Our committee had before it representatives of the Smithsonian Institution. The joint resolution is approved by Mr. Delano, Chairman of the National Parks and Planning Commission, and also by the Commission of Fine Arts through Dr. Moore, its president, and it has also been approved by the Commissioners of the District of Columbia.

Mr. President, the only substantial objection is that Mr. Mellon asks permission to approve the appointments made by the Board of the Smithsonian Institution of the first five general trustees. As suggested by the Senator from California [Mr. MCADOO], after Mr. Mellon approves—not appoints, but approves—the first five general trustees selected by the Board of the Smithsonian Institution, his connection with regard to this foundation ceases. It will be just as though his brain and his hand were henceforth paralyzed. He will have no control, no influence, no power whatever over the national gallery of art or the works which it shall contain.

To say the gallery and its contents will not be under the control of the Government is ridiculous. Who are the trustees of the Smithsonian Institution? Among them are some of the highest functionaries and dignitaries of the Government, responsible to the Senate and responsible to the House of Representatives, to wit, the Chief Justice, the Secretary of State, the Secretary of the Treasury, and others.

I am glad the Senator from California [Mr. MCADOO] spoke in connection with the matter because he has served as a member of the Board of the Smithsonian Institution and consequently knows the high character of the Institution. He knows how completely it is divorced from politics and political influence. He knows it is a great altruistic foundation such as will be the national gallery of art which we are now discussing, not established to get votes, but for the delectation, the edification, the education, the spiritual inspiration of the people of the United States.

It is said that contemporary artists cannot derive any advantage from the establishment of this gallery. Any struggling artist ought to be benefited by having available this great gallery containing the masterpieces of artists of the past, such as Rubens, Rembrandt, Leonardo da Vinci, and many other great painters, whose works will be here exhibited. If a struggling artist can gain no inspiration from the vision of these great masters of the past, I am afraid he would never get any inspiration anywhere.

I can see no reason why the Government of the United States should turn back this gift to Mr. Mellon and say, "No, we do not want it unless you let us say how the first board of trustees shall be appointed. If you do not want to do that you can take your pictures, your statuary, your art collection, and we will not let the people of the United States have access to them."

Mr. President, the chances are that if the United States of America ever gets a great art gallery it will have to be given to it by someone. Suppose we should have submitted to us today a bill to appropriate $30,000,000 to buy pictures such as Mr. Mellon is proposing to present to the United States as a gift? Out on the stump we would hear candidates against every man who voted for such a bill, saying, "He voted to take the taxpayers' money. He took your money. He taxed your gasoline a cent a gallon, and what did he do with it? He voted to buy a picture painted by an

old fellow called Leonardo da Vinci. When did he live? He lived a thousand years ago. What do we care today about Leonardo da Vinci?"

If we are ever to have a national gallery of art, we are going to have to get it as a gift. Now that we have an opportunity to get it as a gift, let us accept it!

Mr. BLACK. Mr. President, because I assume there will not be a record vote on the pending joint resolution and because I desire to vote for the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE] and to vote against the measure itself if his amendment is not adopted, I wish to state briefly my reasons for my position.

In the first place, I fully agree with the argument made by the Senator from Texas [Mr. CONNALLY] in connection with maintaining a high standard for the art gallery. I have no objection whatever to the joint resolution on that ground. I believe his position is absolutely sound and that, either with this or any other art gallery, every necessary precaution should be adopted in order to provide a high standard for the contents of the gallery.

I am not greatly disturbed with reference to the appointment of the first members of the board. Under the provisions of the joint resolution, as I understand—and if I am wrong I should like to be corrected—I believe the action of the Senate would come within those decisions of the Supreme Court of the land which would prevent any future Congress from changing the terms of the law if it should see fit to attempt to do so. In other words, when we legislate to accept this gift, if I am correct in my interpretation of the pending measure and the law, we will then, so long as we have a Government, so long as we have this gallery, have a self-perpetuating board. We will have a board which cannot be removed by the Congress. We will have a board which cannot be removed by the House, the Senate, and the President of the United States. We will have a board which could not even be removed if we should submit an amendment to the Constitution of the United States and it should be unanimously approved by the 48 States.

Mr. BORAH. Mr. President——

Mr. BLACK. I yield to the Senator from Idaho.

Mr. BORAH. The Senator has stated a proposition which, during this debate, has concerned me more than all others combined. I desire to ask him if he thinks, if this joint resolution should be passed, and the Congress should see fit in the future to modify the joint resolution with reference to the board, that it would not have the constitutional power to do so. Although it might, of course, be a manifestation of bad faith, would we not have the power to do so?

Mr. BLACK. If the decision in the Dartmouth College case and the principles on which that decision was based are sound law, it is my judgment that if we accept this gift we shall thereby make a contract to comply with the provisions of the measure. I do not believe we should have the power, for instance, in the next Congress, or 10 years or 50 years from now, to change the provisions of the measure, and subject the control of this gallery to any board except that which by that time would have perpetuated itself for a period of 50 years. It would be a self-perpetuating board which would not be under the control of the Senate or the Government. It is true that it would not be under the control of Mr. Mellon. It would not be under the control of any agency except itself. Five members of the board, filled in from time to time by the surviving members of the board, would permanently, constantly, and perpetually determine, without any control by the United States Government, the policies of this particular gallery.

Agreeing fully that Mr. Mellon would not have control, it seems to me no one can dispute the fact that the control would be in this board. Suppose it be true that we would not be bound by our contract made in accepting this gift: If we concede that, we still would have enacted a law and accepted a gift upon express terms and stipulations, after having been warned by the chairman of the committee who has diligently pursued his study of this measure that to adopt any other course of control would not be satisfactory to the donor. What does that mean? It means that Mr. Mellon is making a conditional gift to the Government—because I construe anything to be conditional which retains, directly or indirectly, any part of the control of the property, and deprives the donee of the control of that property—and we should have an agreement with him, made in solemn session after having been warned that he demands this agreement, that we must have a self-perpetuating board to keep control of the gift.

Mr. McKELLAR. Mr. President——

Mr. BLACK. I yield to the Senator from Tennessee.

Mr. McKELLAR. In order to ascertain just what would be the powers of this board, suppose after we make this contract, if we accept this gift, that the board should determine, say 25 or 50 years from now, that they would exhibit these pictures only once a month. I do not suppose they would ever do it, but suppose they did: Would there be any control on the part of the Government to prevent that being done?

Mr. BLACK. As I read the joint resolution, the board would have that control.

Mr. McKELLAR. I think so.

Mr. BLACK. So, Mr. President, it is my belief that when the Government accepts a gift, whatever may be its value, the Government should accept the responsibility for controlling the property which is bestowed for the use of the people.

I fully agree with the statement made by the Senator from California [Mr. McADOO] as to the Board which controls the Smithsonian Institution. That Board, however, is appointed by public agencies. It is not, as I understand, self-perpetuating. It does not have a life which is as long as the life of the Government itself; but the board referred to in this joint resolution is a permanently self-perpetuating institution. There may be an honest difference of opinion, there may be ample argument on each side, as to the advisability of permitting the Government to control its own gallery.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BLACK. I yield to the Senator from Texas.

Mr. CONNALLY. I suggest to the Senator that even though the Senator's argument be sound it does not meet the situation at which he is aiming, because the amendment of the Senator from Wisconsin is directed only at the initial appointment of the board; and if the President should appoint the five members in the beginning, it would still be self-perpetuating.

Mr. LA FOLLETTE. Mr. President, will the Senator from Alabama yield to me?

Mr. BLACK. I yield.

Mr. LA FOLLETTE. I offered that amendment first because I realized that except by unanimous consent I could not have a vote at one time upon a series of amendments. Naturally, if the amendment should prevail, it would be necessary to amend the provision with regard to the selection of successors on lines 1 and 2 of page 3. I was forced, in pursuance of orderly parliamentary procedure, to offer one amendment at a time.

Mr. BLACK. Mr. President, I do not make complaint that Mr. Mellon, who is proposing to bestow this magnificent collection of paintings upon the people of the United States as a gift, has adopted this particular method for future control. It is, however, contrary to my conception of the control of what the Government owns. I do not distrust popular control. I favor popular control rather than control by self-perpetuating boards. Those who believe in a philosophy of antagonism and hostility to the control by the Government itself of anything the Government owns, except as hedged in and protected by a self-perpetuating board, naturally would not agree with the philosophy of control which I have set out.

In view, however, of the fact that I did not know whether or not there would be a record vote, I wished my position to be clear in the RECORD, that I shall not only vote for the amendment offered by the Senator from Wisconsin, and the future amendment which he will offer, if he does, with reference to the self-perpetuating board, but I shall neither now nor hereafter—unless conditions should change in a way

that I cannot now anticipate—vote for the creation of a self-perpetuating board over and above the control by the Congress and the duly appointed authorities of the United States with reference to this or any other gift.

I should no more favor control of a gift by Mr. Mellon by such a board than I should favor creating such a board to control a national art gallery which was purchased with the money of the taxpayers themselves. It seems to me the same principle should apply if we are to have an art gallery. A complete gift, as I construe it, means bestowing something upon an individual or a government—if it be a government—with the authority on the part of that individual or government thereafter to control its use. The Government does not have the right hereafter to control the use of this art gallery, unless we construe that right from the fact that a board which may perpetuate itself over a long period of years, not amenable to any governmental control, does give control to the Government of the United States. I do not believe the Government would have control as this joint resolution is drawn.

Therefore, answering a question that was asked by another Senator, I shall unhesitatingly vote against accepting such a conditional gift from anyone where the people, through their representatives, are deprived of controlling a board when it acts contrary to what the people of that generation might believe to be in the public interest.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. BLACK. I yield.

Mr. O'MAHONEY. The Senator has just said that he did not believe the Government would ever have control. I call his attention to the language which appears on pages 2 and 3. That language makes it quite apparent that the Government could not possibly control.

There are to be four ex-officio members of the board of trustees—the Chief Justice, the Secretary of State, the Secretary of the Treasury, and the Secretary of the Smithsonian Institution—but no one of these is given any voice whatever in the selection of the five general trustees. The five general trustees will have complete power in the future to fill all vacancies. For example, I may point out to the Senator that if among the five general trustees there should at one time occur four vacancies, the one survivor would appoint the four successors.

Mr. BLACK. The Senator is correct.

Mr. President, in closing I wish to say that I do not conceive it to be necessary for us to reach the conclusion that if we should accept the gift upon terms which gave the Government control, that would necessarily mean that the gallery had to be controlled by patronage, or on a political basis.

It would be most unfortunate, in my judgment, to have an art gallery so controlled. It is my belief that it would be unfortunate not only in that regard, but in reference to various other governmental activities.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BLACK. I yield.

Mr. CONNALLY. I invite the Senator's attention to section 5, on page 5, as to the powers of the board. A great deal has been said about the power of the board and the power of the Government over this gift. What can the board do? All in the world it is authorized to do is to make by-laws and regulations for the administration of its functions "relating to the acquisition, exhibition, and loan of works of art," and "the administration of its trust funds."

Mr. ROBINSON. Mr. President, will the Senator from Alabama yield to me?

Mr. BLACK. I yield.

Mr. ROBINSON. And any trustee can be compelled by proceedings in the courts to execute his trust in conformity with the trust deed.

Mr. CONNALLY. To be sure; and the board cannot dissipate the art gallery, it cannot give it away. All in the world the joint resolution authorizes the board to do is to adopt by-laws and rules and regulations with regard to the $5,000,000 trust fund, and the exhibition, acquisition, and loan of works of art. That is all the power this terrible monster, this self-perpetrating board, would have.

Mr. BLACK. Mr. President, on page 4 it is provided that—

> The board is authorized to accept for the Smithsonian Institution and to hold and administer gifts, bequests——

And so forth.

> The income as and when collected shall be placed in such depositories as the board shall determine.

That is one power. Then the joint resolution provides—

> (c) The board shall appoint and fix the compensation and duties of a director, an assistant director, a secretary—

And so forth. Then it provides what they can do.

On page 6 it is provided that—

> The board shall have all the usual powers and obligations of a trustee in respect of all trust funds administered by it and all works of art acquired by it.

In other words, the control will be under this board. It is for that reason Mr. Mellon wanted the board appointed in this manner, I assume.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. BLACK. I yield.

Mr. O'MAHONEY. Let me also call the attention of the Senator to the particular sentence to which the Senator from Texas alluded, on page 5, in section 5 (a), as to the rules and regulations to which the Senator from Texas referred. I read this language:

> The board is authorized to adopt an official seal, which shall be judicially noticed, and to make such bylaws, rules, and regulations as it deems necessary for the administration of its functions under this act, including among other matters bylaws, rules, and regulations relating to the acquisition, exhibition, and loan of works of art.

So that the power to make rules and regulations is not at all confined, as the Senator from Texas would have had us believe, to the acquisition of works of art.

Mr. BLACK. Mr. President, as I see it, this board will have the usual, complete power possessed by boards which are charged with the performance of such responsibilities.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. BLACK. I yield.

Mr. NORRIS. The Senator from Texas directed an inquiry to the Senator from Alabama regarding the power of the board. The Senator from Alabama in enumerating some of the powers did not read subsection (b) of section 5, which appears on page 5, and I desire to ask the Senator from Alabama a question in relation to that subsection. It reads:

> (b) In order that the collection of the National Gallery of Art shall always be maintained at a high standard and in order to prevent the introduction therein of inferior works of art, no work of art shall be included in the permanent collection of the National Gallery of Art unless they are of similar high standard of quality to those in the collection acquired from the donor.

Now I desire to ask my question. Is it not clear that under that language the board would have the power to exclude from the gallery all works of art not included in the collection acquired from the donor?

Mr. BLACK. I would so understand it, if the board should believe that any other works of art were not in keeping with the standards of those given by the donor. In other words, as I understand the joint resolution the board would be given complete, unrestricted, untrammelled, unfettered, uncontrolled power over the national gallery of art. I make no complaint that such power would be given to the board. I believe that a board should have the power to take care of the gifts and to handle the fiscal affairs, to appoint the agents, to see that the additional works of art are of high standard.

So far as I am concerned, there is only one issue connected with the measure before us, and it is a simple issue. Under the joint resolution the control would be given, not to regularly appointed agents of the United States Government, under a power of appointment from generation to generation, but the control would be given wholly and alone to the self-perpetuating successors of a board to be appointed immediately after the enactment of the measure.

I do not approve of such control, and therefore I cannot vote for the conditional gift. It is my belief that whatever the Government owns the Government can control. If the

Government is incapable of control, in my judgment the Goverment should not own. Exactly the same principle is involved in matters I have discussed a number of times on this floor in connection with the Government supplying huge sums of capital to certain types of business, with the idea that after the Government had supplied the money someone else could for private profit, out of the Government funds, operate the business better than the Government itself could operate it.

I do not believe that we should accept a gift with the knowledge in advance that unless we would break faith, or succeeding Congresses would break faith, 50 years from now or 100 years from now no agency of the Government would have either the legal power, or, if it had the legal power, could in good faith name the agencies which are to control the gift. That is the objection I have to the joint resolution.

Mr. ANDREWS. Mr. President, will the Senator yield?

Mr. BLACK. I yield.

Mr. ANDREWS. Under the Senator's conception of the measure now pending, if, based on experience, the Congress should decide 4 or 5 years from now that they desired to create a different board from the one now provided for to control the art exhibit and the art gallery, does the Senator think it would be impossible for the Congress to do that and not at the same time create a forfeiture of the gift?

Mr. BLACK. Mr. President, I may reply to the Senator by stating that however we may agree or disagree with the decisions of the Supreme Court with reference to the power of Congress to affect existing contracts, there is nothing clearer from its decisions than that when the Congress makes a contract it must abide by that contract. That was held in the Dartmouth College case, though perhaps that was not the first case. Unfortunately it was so held in a case from Georgia, where a great deal of land had been practically given away by reason of corruption on the part of the legislature. The Supreme Court held that it was impossible for the Legislature of the State of Georgia to repeal that law because such action would violate a provision of the Constitution of the United States.

If we accept Mr. Mellon's conditional gift, which is tendered upon the terms mentioned, it is my belief that our acceptance would constitute a contract, under the repeated decisions of the Supreme Court of the United States. If it would not be a contract under those decisions, I am very frank to say that, in my judgment, it would certainly not be dealing in good faith with Mr. Mellon to accept his gift now upon the terms stated, when we are told by the chairman of the committee having charge of the pending measure that negotiations have been conducted with Mr. Mellon and that he objects to giving the Government the complete control, for which I contend at this time.

It is my belief that it would be a breach of faith for Congress 5 years from now to change the law under which it had accepted the gift. I believe that for both reasons probably the law would not be changed. I admit that under the general rules relating to trustees, guardians, and so forth, certain conditions might arise that would give the Government the right to go into the courts; but that would require a breach of faith on the part of the trustees.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. BLACK. I yield.

Mr. ROBINSON. I concur in all the Senator from Alabama says respecting the moral obligation upon the Congress to carry out its contract. The obligation rests not only on the Congress but upon every other party to a contract; but of course the Senator understands that the Dartmouth College case and the doctrine of that case do not relate to a national law. The inhibition in the Constitution against impairing the obligation of a contract is against the States, and not against the National Government.

Mr. BLACK. The Senator will recall, however, that about 2 years ago Congress attempted to and did pass a law which the Supreme Court believed to be a breach of its contract with the veterans. We had issued certain policies of insurance to the veterans upon certain terms. The veterans had paid for them. The Supreme Court of the United States, as I recall, by unanimous vote struck down that law.

Mr. ROBINSON. Yes. Of course, there are other provisions of the Constitution than that relating to the impairment of the obligation of contracts which are applicable in such cases as the Senator cites. No citizen can be deprived of his life, liberty, or property without due process of law; and there can be no taking of private property for public use without just compensation. But the inhibition to which the Senator was referring, of course, is against the State authority; namely, the prohibition against impairing the obligation of contracts.

Mr. BLACK. That was true in the Dartmouth College case and in the case with reference to the land in the State of Georgia. As I have stated, however, from whichever horn of the dilemma the question is viewed, I fully agree with the Senator from Arkansas that it would be a breach of moral obligation for the Congress to accept this gift at this time on these terms, and then, 5 years from now, perhaps when Mr. Mellon is no longer here, 10, 15, or 25 years from now, say, "We will change the terms under which we accepted the gift." It seems to me that we would certainly be making an implied agreement with him at this time to carry on this gallery in this manner.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BLACK. I yield.

Mr. HATCH. I am interested in this measure, and especially in the discussion which has taken place as to the possibility of discrimination against American artists. It happens that several noted artists live in my State—artists who, I may say, are world-famous. There are other artists living there who are less famous. Suppose it should happen that those artists and other American artists should be discriminated against by the board set up under the terms of the joint resolution; would there be any way to correct that discrimination?

Mr. BLACK. It is my judgment that the discretion of the trustees would be final, and that only in such cases as the courts recognize as a gross abuse of discretion—the Senator is familiar with the legal term—which sometimes reaches to the point of practical corruption, or capricious and arbitrary action, would the courts intervene.

Mr. ROBINSON. Mr. President, will the Senator again yield?

Mr. BLACK. I yield.

Mr. ROBINSON. But that would be true without regard to who constitute the board of trustees.

Mr. BLACK. The Senator is absolutely correct. It would be true with reference to the other members, and I think it should be true.

Mr. ROBINSON. Yes; I agree.

Mr. HATCH. In the opinion of the Senator, would the amendment suggested, and the others to follow hereafter, correct that situation?

Mr. BLACK. In my judgment, it would not change the authority; and I personally should not vote for an amendment which would take away from some board the power to protect the collection of pictures and collection of art from the inclusion of an inferior class of art. It is my belief, however, that trustees appointed under a system such as we now have with reference to the Smithsonian Institution, where the trustees are responsible in a way to the public, being appointed by public agents, would come nearer to administering the gallery in a fair and impartial and judicious manner than would a self-perpetuating board. I think there would be the same difference in that case as, for instance, there would be between the man who has a place for life, who has no responsibility to anyone during his lifetime, and a man who does not have his place for life.

I think to that extent the public would be better protected by a different type of board. I do not like self-perpetuating boards. It is my belief that they are undemocratic, that they are contrary to the genius and the philosophy of our Government. Why should we adopt a provision which places us on record as believing we can better trust a self-perpetuating board? No one votes on the election of an additional member except one of the five members originally selected, or those who become their successors.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. BLACK. I yield.

Mr. ROBINSON. I suggest to the Senator that this is not a case of our preferring the system of selecting the board provided for in the joint resolution. It is a case where the donor has attached a condition to the gift, and our option is either to accept or to reject the gift. It is not to tell him that he cannot make the offer on the condition that he specifies, or that we will fix conditions that suit us in every respect. Our alternative is to reject the gift if we do not like the system.

Mr. BLACK. I accept the suggestion of the Senator from Arkansas. It is for that reason that in the beginning of what I have stated I said that so far as I was concerned I should vote against accepting such a conditional gift. I am not willing to vote to accept a conditional gift upon conditions which I believe are unsound and undemocratic. If Mr. Mellon desires to perpetuate his art gallery in his way by private control rather than by governmental control, he, of course, has the option of doing so.

I am not complaining, I may state to my friend the Senator from Texas of the expense of maintaining the art gallery. I believe every dime of the money will be well spent. I am not complaining of the effort to protect the gallery from an inferior class of art. I think it is vital that the bill contain provisions which will protect the art gallery so that a high standard of art shall be always maintained.

Mr. ANDREWS. Mr. President, does not the Senator think a donor has the right to state the conditions of his gift?

Mr. BLACK. I think the donor undoubtedly has the right to state the conditions of his gift, and I think the proposed donee has the right to decline to accept the gift with those conditions if the donee believes they are wrong and unsound. Believing they are wrong and unsound, and that they propose an undemocratic method for controlling something which is supposed to be given to the people for their use, I am opposed to accepting a gift upon such conditions.

I make no complaint that the donor has attached these conditions. That is not only his right but his unquestioned privilege. If he believed he could not trust the proper agencies of the Government to control this art gallery for the benefit of the people, I think that he should hedge the gift around with such provisions as he sees fit to ask to have adopted. But believing as I do that if the Government is the proper donee upon whom the legal title should be bestowed, the Government should also have the right of controlling its use, and believing that the control of the use should follow the control of the actual title, I am not in favor of accepting what is supposed to be a gift to the Government, when at the same time the Government and Government agencies are stripped of the power of controlling its use for the benefit of the people. Believing that, I am opposed to the joint resolution.

Mr. BORAH. Mr. President, the Senator from Alabama has been discussing a feature of the joint resolution which seems to me of some importance from a legal standpoint. So far as I am concerned, I should have no objection whatever to Mr. Mellon's approving the board in the first instance, but that approval establishes a board which, according to lines 1 and 2, on page 3, is self-perpetuating. The provision reads:

> A successor shall be chosen by a majority vote of the general trustees and shall have a term expiring 10 years from the date of the expiration of the term for which his predecessor was chosen—

And so forth. I am wondering if Mr. Mellon would object to the Congress of the United States reserving, in its wisdom, the right to amend this proposed act in the future?

Of course, we are confronted by the proposition that Mr. Mellon has a right to tender his gift upon such terms and conditions as he sees fit. Here is a munificent gift; it will convey to the United States an art gallery second to none, I am told, in the world. It will be there for the use of the American people, free of charge, for all time to come. The amount of pleasure and satisfaction which shall be derived from it in the future by thousands and millions no language can adequately express. But it is unfortunate, Mr. President, that we have to accept this gift on the condition that the board of trustees shall be a self-perpetuating body, and it seems to me that the joint resolution, if enacted, would place it beyond our power to amend it, except certainly by the most violent breach of good faith, and probably question as to legality.

My first view was that perhaps the joint resolution came under the decision in what is known as the Charles River Bridge case, which is supposed to have modified the views expressed by the Supreme Court in the Dartmouth College case; but there the court based its opinion entirely upon the proposition that the contractual relation arose out of the implied terms of the charter, which does not obtain in this case, because here the language is affirmative and positive:

> A successor shall be chosen by a majority vote of the general trustees.

Consequently, we could not at any time in the future amend that provision without being guilty of a breach of good faith. I do not know, indeed, whether we could amend it at all; I am not sure about that as a legal proposition; but perhaps, in view of the suggestion made by the Senator from Arkansas as to the legal aspects, we could do so. I am not prepared to dispute it.

Mr. ROBINSON. Mr. President, in order to make my position clear on this phase of the matter, if I have not already done so——

Mr. BORAH. I understood the Senator.

Mr. ROBINSON. I think Congress can repeal at any time any legislation it has enacted. Always where contractual obligations have arisen questions of good faith in the repeal or modification of a statute may arise, and I have said during the remarks of the Senator from Alabama that I do not think it would be an act of good faith to change any material condition attached to the gift after the acceptance of the gift.

Mr. BORAH. I so understood the Senator, and I am not in controversy with him about it. I think it would be a breach of good faith, and probably as a legal proposition we would have the power to do it; but, nevertheless, another question arises. Suppose we should change this condition, suppose we should take away the power of the trustees to perpetuate themselves, then what would become of the gift? Where would it be and to whom would it belong? If it is a contract, and the contract is breached or broken or violated, it is a question whether or not the gift would any longer be the property of the United States or in the possession of the United States.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BORAH. I yield.

Mr. CONNALLY. I suggest to the Senator that this gift, under the terms of the joint resolution, really is to the Smithsonian Institution instead of directly to the Government

Mr. BORAH. That is true, yes; although the Smithsonian Institution is supposed really to represent in this instance the Government.

Mr. CONNALLY. When the gift becomes the property of the Smithsonian Institution, the Senator recognizes the theory of law that where the original purpose cannot be carried out exactly the doctrine of cy pres, as I believe it is called, applies. The condition may be modified from time to time to carry out the original purpose.

Mr. BORAH. Yes, I recognize that rule, but it is of very rare application.

Mr. CONNALLY. This is a rare case.

Mr. BORAH. I concede that it is a rare case, because I do not want to see the Government lose this gift. It seems to me, however, that there should not be any objection upon the part of Mr. Mellon to our reserving the right to do that which we may do, although it would be a breach of good faith to do it.

Mr. ROBINSON. Mr. President, the difficulty about that is that there is objection on the part of Mr. Mellon.

Mr. BORAH. I do not know that there is objection.

Mr. ROBINSON. While I have never discussed the subject with Mr. Mellon, I have today, since this question arose, discussed it with an eminent legal authority, and, as I

have already stated—probably while the Senator was not in the Chamber——

Mr. BORAH. No; I was here.

Mr. ROBINSON. The condition is insisted upon by the donor.

Mr. BORAH. Does the Senator understand that that particular condition is insisted upon?

Mr. ROBINSON. No; I do not understand categorically, that the question was raised as to that particular condition, but I do understand that the whole subject matter relating to the conditions was discussed, that many suggestions for the modification of the conditions were made, and that joint resolution represents the conclusion of the conference, which was somewhat prolonged. I have no authority to speak for Mr. Mellon, of course.

Mr. BORAH. Mr. President, I myself have understood that Mr. Mellon was very desirous of holding some influence in the administration of the art gallery, and he does it by reason of the fact that he approves of the first board, and that board is to perpetuate itself. I presume that is his idea, and he wishes to adhere to it, and possibly would not be willing to make the gift without such a condition. I feel, however, that if it were presented to him he would consent. I dislike very much to vote for a self-perpetuating board.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. CONNALLY. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Copeland	La Follette	Pope
Andrews	Davis	Lee	Radcliffe
Ashurst	Dieterich	Lodge	Reynolds
Austin	Duffy	Logan	Robinson
Bachman	Ellender	Lonergan	Russell
Bailey	Frazier	Lundeen	Schwartz
Bilbo	George	McAdoo	Schwellenbach
Black	Gerry	McGill	Sheppard
Bone	Gibson	McKellar	Steiwer
Borah	Gillette	McNary	Thomas, Okla.
Bridges	Green	Minton	Thomas, Utah
Brown, Mich.	Guffey	Moore	Townsend
Bulow	Hale	Murray	Tydings
Burke	Hatch	Neely	Vandenberg
Byrd	Hayden	Norris	Van Nuys
Byrnes	Holt	Nye	Wheeler
Capper	Hughes	O'Mahoney	White
Caraway	Johnson, Calif.	Overton	
Chavez	Johnson, Colo.	Pepper	
Connally	King	Pittman	

The VICE PRESIDENT. Seventy-seven Senators having answered to their names, a quorum is present. The question is on agreeing to the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE].

The amendment was rejected.

Mr. LA FOLLETTE. Mr. President, I offer another amendment. In section 2, paragraph (b), on page 3, line 2, I move to strike out the word "general", so the sentence would read:

> A successor shall be chosen by a majority vote of the trustees and shall have a term expiring 10 years from the date of the expiration of the term for which his predecessor was chosen, except that a successor chosen to fill a vacancy occurring prior to the expiration of such term shall be chosen only for the remainder of such term.

The purpose of the amendment will be obvious to Senators, namely, to provide that all trustees, including the trustees ex officio, shall have a right to vote on the question of the selection of successors to the general trustees when their terms expire or when they resign. I find nothing in my reading of the letter of the donor which would seem to indicate any objection to such an amendment.

If some negotiations, which are not of record, have taken place in regard to the specific proposal, I do not know of them, but it seems to me, in view of the fact that the trustees are to be self-perpetuating, that those representing the public, so to speak, the Chief Justice, the Secretary of State, the Secretary of the Treasury, and the Secretary of the Smithsonian Institution, should have a right to vote on the selection of successors to the five general trustees when they resign or retire or a vacancy may be created in another manner.

Mr. CONNALLY. Mr. President, I hope the Senate will reject the amendment.

Mr. LA FOLLETTE. Let me ask the Senator from Texas whether any representative of the Appropriations Committee was consulted concerning the authorization for the appropriation of money as provided in the joint resolution? I ask merely as a matter of information.

Mr. CONNALLY. I do not know of any. The provision is simply for an authorization and not an appropriation. That question will have to go to the Committee on Appropriations.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE].

The amendment was rejected.

Mr. LA FOLLETTE. Mr. President, I desire to offer another amendment. On page 7, at the end of the bill, I propose to add a new subsection to read as follows:

> (e) The right to amend this act is expressedly reserved.

I offer the amendment in order to meet the situation which may develop in the long future when Congress may have reasons, which cannot now be foreseen, for believing that in the best interests of the public the provisions relating to the administration of the gallery should be changed. If such a provision as I have proposed is written into the measure, no question could be raised at that time to estop Congress from taking action on the ground that the donor was not in possession of the information that Congress reserved the right to amend the act.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. BLACK. Whether or not we would have the right to amend it without such a provision, the amendment which the Senator suggests would give notice that if the Congress should conclude in the future that it objects to the continuance of a self-perpetuating board, it reserved the right to amend the act in that respect.

Mr. LA FOLLETTE. After listening to the discussion of the legal aspects of the situation by the Senator from Alabama [Mr. BLACK], the Senator from Arkansas [Mr. ROBINSON], and the Senator from Idaho [Mr. BORAH], I am offering the amendment not so much on the theory that it is necessary in order to preserve the legal right of Congress to amend in the future, if it shall become necessary, the provision for the governing of the art gallery and the collection of objects of art, but in order that the act itself may show that at the time the gift was accepted the donor was placed upon notice that Congress was reserving to itself the right to amend the act.

Mr. BORAH. Mr. President, the effect of the amendment would be to avoid the charge of bad faith in case it ever became desirable or necessary to amend the act. We assume we have the right to do that which the amendment would give us the right to do, and if we do not expressly so state, in view of the debate which has taken place, we may certainly be charged with bad faith if we undertake to do so in the future. It seems to me the amendment ought to be adopted.

Mr. CONNALLY. Mr. President, I hope the amendment will be rejected. I would much prefer to adopt straight-out the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE] and tell Mr. Mellon now what we will do and what we will not do, than to tie on a clause like this saying in effect, "We will accept your gift on certain conditions, but we are not going to tell you what we are going to do about it a little later."

Mr. ROBINSON. Or, "We are going to reserve the right to repudiate the conditions upon which you made the gift."

Mr. CONNALLY. Yes.

Mr. ROBINSON. I have no doubt, as I said before, that Congress can repeal the act if it chooses to do so. It can modify it. It does not deprive itself of its legislative power by passing the act. At the same time, I agree that we ought to feel bound not only in order to get the gift to accept the

conditions, but also to conform to the conditions in order to keep the gift. If we do not want the gift, let us reject it. If we do want it, let us take it on the conditions laid down.

Mr. CONNALLY. I agree with the Senator. The amendment offered by the Senator from Wisconsin does not announce anything now. Congress can repeal any act when it gets ready to do so. That does not touch the question of good faith. We always have the right to enact a new law, and if, for any sound reason, in the future a modification of the method of appointment of these trustees should appear wise or necessary, under the doctrine suggested by the Senator from Idaho [Mr. BORAH], a little while ago, we could enact such measure as might be necessary to accomplish that purpose. I would rather tell Mr. Mellon, "No, we do not want your art gallery", than to say to him, "We are going to accept it theoretically on your terms, but we are going to reserve the right to back out next month if we want to do so." That is what is really meant by the amendment of the Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, will the Senator yield?

Mr. CONNALLY. Certainly.

Mr. LA FOLLETTE. The only thing that prompted me to offer the amendment was a statement made by the Senator from Arkansas [Mr. ROBINSON] and others—namely, that if the Congress accepted the gift upon the terms provided in the joint resolution, while Congress might not be estopped from amending the act in the future from the legal or constitutional standpoint, yet it would be estopped on the ground that a moral breach of the understanding and terms and conditions of the original gift was involved.

Mr. ROBINSON. Mr. President——

Mr. LA FOLLETTE. Just a moment, if the Senator will pardon me. It is conceded that this arrangement is to last so long as the Government of the United States lasts. I do not think any Senator or any donor or anyone else can look into the long future and say that in this year 1937 we have set up a provision for the administration of this gallery which should not be changed in the future. In order to reserve that right, and that there should not be any misunderstanding, I think my amendment should be agreed to.

Mr. ROBINSON. Mr. President, will the Senator yield?

Mr. CONNALLY. Certainly.

Mr. ROBINSON. I merely desire to say that, in my opinion, we do not relieve ourselves from liability to the charge of bad faith when we accept the express conditions of this offer and then say that we reserve the right to change them without specifying in what particular. We should thereby give no definite information either to the public or to the donor. It would not salve my conscience to say, "Yes; I take your gift, and take it on the conditions you prescribe, but after I get the gift I will repudiate the conditions, repeal or modify the act accepting your conditions, and leave you possibly without a remedy."

If there were here any question of imposition on the public; if there arose under this joint resolution any question of inability of the public to secure its rights; if it were a franchise, the issue would be different. This, however, is a gift for the benefit of the public, and the only object in putting a restraint on the method of selection of the trustees is to prevent just what it is proposed shall be done.

I again suggest that in practice it is the duty of the Senate either to accept the gift with the conditions which have been attached to it, or to reject it.

Mr. LA FOLLETTE. Mr. President, as I understand, however, the joint resolution must pass before the property leaves the possession of Mr. Mellon. That is correct, is it not? He retains control of it until that time?

Mr. ROBINSON. I do not know who has possession of the property; I do not think that is material; but Mr. Mellon will have the title to the property until the joint resolution becomes law.

Mr. LA FOLLETTE. That is what I understood.

Mr. ROBINSON. Then, the title will vest in the Smithsonian Institution.

Mr. LA FOLLETTE. Therefore, no deduction could be drawn from the acceptance of this amendment that any advantage had been taken of Mr. Mellon.

Mr. ROBINSON. Oh, of course he would have the opportunity to withdraw his offer or to decline to carry out the gift because the acceptance was not in compliance with the conditions of the gift; but I have not yet reached the point when, in order to assure that some political authority may appoint the trustees of this institution, I am willing to endanger the loss of this property to the Government.

Mr. LA FOLLETTE. That may be the Senator's position about the matter; but my point is that so far as the present situation is concerned, it is still within the full control of Congress, and that is the necessity for passing a joint resolution on the subject.

Mr. ROBINSON. But the Senator understood the significance of my former remarks on this phase of the subject to be that if we incorporate in this measure a provision reserving the right to repeal, amend, or modify the act, and accepting it with the conditions attached, we should then be in position to disregard the conditions, if we saw fit to do so, by subsequent legislation, and Mr. Mellon would have no remedy then, after the statute was enacted. Of course, it is immaterial about the conditions which are imposed if the gift never becomes effective.

Mr. LA FOLLETTE. Precisely; but I drew the inference from the remarks of the Senator that we were offering to accept this gift under certain conditions, and then that we were going to change our minds about it without the donor being on notice in regard to it.

Mr. ROBINSON. No; we are going to take the property if the joint resolution becomes a law and Mr. Mellon does not withdraw his proposal.

Mr. LA FOLLETTE. That is correct.

Mr. ROBINSON. And after we have taken the property, according to the Senator's theory, we can say, "We repudiate the conditions upon which we accepted it."

Mr. LA FOLLETTE. We can modify those conditions if Mr. Mellon is on notice that we reserve that right; whereas I contend that if this amendment is not agreed to the position taken by the Senator from Arkansas will be sound, and that in perpetuity we shall be bound to accept this self-perpetuating board of general trustees.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. LA FOLLETTE. I yield.

Mr. O'MAHONEY. I desire to point out that the committee has already violated a condition named by the donor. The joint resolution which is presented to us upon the floor does not comply with the requirements laid down by Mr. Mellon. I read from page 4 of the hearings before the Committee on the Library in the House of Representatives. The sixth article of the conditions named by Mr. Mellon was as follows:

> Sixth. It shall be provided that the gallery and its property shall be controlled and its affairs managed by a competent, self-perpetuating board of nine trustees, of whom five shall be named originally by the donor, with the approval of the Regents of the Smithsonian Institution.

The joint resolution which the committee has presented to us reads quite differently. It reads as follows:

> The general trustees first taking office shall be chosen by the Board of Regents of the Smithsonian Institution, subject to the approval of the donor.

In other words, in drafting the joint resolution the committee has exactly reversed the condition laid down by the donor; and it seems to me that every argument which has been made upon this floor against all of the suggested amendments of the Senator from Wisconsin goes by the board by reason of the action of the committee itself.

Mr. ROBINSON. Of course, that modification of the original letter from Mr. Mellon was agreed to by his agents in the conference where all these conditions were taken up and discussed, and the joint resolution was drafted with the understanding that that provision is acceptable to Mr. Mellon.

Mr. LA FOLLETTE. Is it not possible that some of these provisions which have been offered by way of amendment might also be accepted?

Mr. CONNALLY. I congratulate the Senator from Wyoming on unearthing this terrible crime of which the committee has been guilty.

Mr. O'MAHONEY. It is not a crime; it is just an error.

Mr. ROBINSON. It is not an error.

Mr. CONNALLY. As was suggested before, all of these matters were gone over repeatedly with representatives of Mr. Mellon and the Department of Justice. The measure now presented was the final result. I do not know what transpired back and forth during the negotiations; but Mr. Mellon's representatives, his legal counsel and others, were present in the committee and approved the joint resolution as reported. If that is a breach of faith on the part of anyone, I am sorry. This is Mr. Mellon's offer. Take it or leave it.

Mr. LA FOLLETTE. Mr. President, may I ask the Senator whether the committee discussed with the representatives of Mr. Mellon the question of how these trustees were to be selected, and whether the committee itself ascertained whether any modification or changes could be made in these provisions, so far as the trustees and their self-perpetuating character were concerned, which Mr. Mellon would accept?

Mr. CONNALLY. I will say to the Senator that the fact was repeatedly stressed by representatives of Mr. Mellon that the so-called self-perpetuating feature of this board was of the highest importance. The reason was not to run amuck with the gallery, but to maintain the standard of excellence of the exhibits in the gallery. That was made clear by Mr. Mellon's representatives. I did not suggest to them the amendment of the Senator from Wisconsin nor the suggestion of the Senator from Idaho. I accepted their statement that the self-perpetuating feature was essential and acted upon it.

Mr. LA FOLLETTE. That was my understanding of the matter, and my reason for stating that I did not believe that anyone had really negotiated about this question to ascertain whether or not changes in the proposal would be acceptable to Mr. Mellon.

Mr. CONNALLY. The question was raised, and these gentlemen said that was one of the stipulations and requirements; that the one feature which Mr. Mellon was insistent upon was the preservation of the high standard of the exhibits, and that could be done only by a self-perpetuating board.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE].

The amendment was rejected.

Mr. CONNALLY. Mr. President, I inquire whether the Senate committee amendment has been agreed to?

The PRESIDENT pro tempore. It has not been agreed to.

Mr. CONNALLY. I ask to have it stated.

The PRESIDENT pro tempore. The amendment of the committee will be stated.

The LEGISLATIVE CLERK. In section 5, paragraph (b), on page 5, line 21, after the words "shall be", it is proposed to strike out "exhibited in" and insert "included in the permanent collection of", so as to make the paragraph read:

(b) In order that the collection of the National Gallery of Art shall always be maintained at a high standard and in order to prevent the introduction therein of inferior works of art, no work of art shall be included in the permanent collection of the National Gallery of Art unless they are of similar high standard of quality to those in the collection acquired from the donor.

Mr. NORRIS. Mr. President, I inquire whether this committee amendment has been agreed to by Mr. Mellon.

Mr. CONNALLY. I will say to the Senator from Nebraska that I really am not intimate with Mr. Mellon. I never saw him but once in my life, and I did not personally consult Mr. Mellon about these two or three lines that were put in.

Mr. NORRIS. Then this committee amendment ought to be rejected, if it does not have Mr. Mellon's approval.

Mr. CONNALLY. Let me suggest, however, that Mr. Mellon's representatives were present, and I understood that they agreed to the committee amendment, and had no objection to it.

Mr. NORRIS. That makes it perfectly satisfactory. If his representatives agreed to it, it is all right with me.

Mr. CONNALLY. I knew that whatever Mr. Mellon's will was would be the will of the Senator from Nebraska. [Laughter.]

Mr. NORRIS. Why, certainly. Whatever is agreeable to Mr. Mellon, I am for. [Laughter.]

Mr. CONNALLY. I am glad to hear the Senator make that statement. It is the experience of many Senators that they become more conservative the longer they serve. [Laughter.]

Mr. PEPPER. Mr. President, I am one of those who are very grateful that this great beneficence is to be available to the American people. I think it is characteristic of the condition that should prevail in a democracy that the great works of art, great music, and great dramatic works should be available to the masses of the people. But I am solicitous that we be not misunderstood in the standard we shall set for a national art gallery.

Beginning on line 18, page 5, in the section which is proposed to be amended by the committee we find this language:

(b) In order that the collection of the National Gallery of Art shall always be maintained at a high standard and in order to prevent the introduction therein of inferior works of art, no work of art shall be included in the permanent collection of the National Gallery of Art unless they are of similar high standard of quality to those in the collection acquired from the donor.

I for one would have been perfectly agreeable to leaving it to the discretion of the board provided for by the joint resolution to make all of the selections of the works of art that shall go into the gallery, and I think the measure might well have stopped with the word "standard", in line 19, so that subsection (b) would have read thus:

In order that the collection of the National Gallery of Art shall always be maintained at a high standard.

In other words, if the joint resolution had merely provided that a high standard should always prevail in the gallery, it would have been enough, or if it had made no provision at all as to that, and had left it to the discretion of the trustees, I would have had no fear as to what the result would have been. But that has not been done. There has been inserted at least an intimation that in order to prevent the introduction into the gallery of inferior works of art no work of art shall be included in the permanent collection of the national gallery of art unless it is of a similar high standard of quality with those already in the collection.

I propose an amendment at the end of line 24, on page 5, in the following words:

Provided, however, That this provision shall not be construed as limiting the judgment of the board of trustees in the selection of works of art to be included permanently in the National Gallery of Art to works of any particular school or period.

The obvious purpose is to leave the discretion of the board untrammeled, and I sincerely hope the chairman of the committee will accept the amendment, which would negative the intimation, which the present language of the measure might carry, that we want this national art gallery never to have in it works of art save those in the same category with those which now appear in the gallery.

I sincerely hope the privilege may be accorded of making this an expanding art gallery, that only a standard of good quality shall prevail, that we shall not insist that the gallery be frozen into categories as they may now exist, and that no given period or school of art shall forever determine the standards of what the public may see in the gallery.

Mr. CONNALLY. The object of the committee in the amendment on page 5 to strike out the words "exhibited in" and to insert "included in the permanent collection of" was to meet this kind of condition. There is no prohibition against the exhibition in this collection of other works of art temporarily and from time to time, but for permanent addition to the gallery it would require that the works be of similar—not the same, but of similar—high standard and quality as those already in the collection.

I have suggested in the debate heretofore that the Smithsonian Institution has another art gallery open to all other artists, and the Walsh bill proposes a further extension of that. But one of the theories of the gift we are now discussing is that the gallery shall be maintained on a high standard of quality, and that no permanent addition shall be made unless the works contained in it be of a similar high quality. That does not mean they have to be of the same school or from the same nation, but it means they must be works of art of a high standard.

I am not capable of passing on these art treasures and their relative merits, but the board provided for would be composed of men who would be capable of so doing, and I should much prefer to rest the judgment as to what ought to be included in the permanent collection to this board of experts and artists than to try to undertake it here on the floor of the Senate. I hope the amendment will be rejected.

Mr. PEPPER. Mr. President, will the Senator yield?

Mr. CONNALLY. I yield.

Mr. PEPPER. I am not sure that I altogether understand what may actually be in the mind of the Senator. Are we to infer from his statement that he does not contemplate that a modern work of art shall ever be placed in this gallery?

Mr. CONNALLY. Oh, no; not at all.

Mr. PEPPER. What the Senator wants to have prescribed is a standard of good quality. Is not that correct?

Mr. CONNALLY. All I want is the language of the measure before us.

Mr. PEPPER. I thought the Senator was more wedded to a principle, perhaps, than to particular language.

Mr. CONNALLY. That the national gallery of art shall not have included in it works of art unless they are of a high standard of quality similar to that of those already in the gallery. Quality is not a matter that is limited by the statute of limitations. Quality may exist today as well as it existed 2,000 years ago. The only requirement is that the works of art be of a similar high quality with those already in the gallery, not anybody's particular brand or anybody's name or any school, but if tomorrow an artist should produce a great work and it was a high standard of quality it would be eligible to be included in this gallery.

Mr. PEPPER. Does the Senator have any objection to the provision?

Mr. CONNALLY. I do; I hope the Senate will reject it, because the language in the measure has been thoroughly gone over with the various agencies and representatives, and we think it expresses just what ought to be done and ought to be adopted as it is written.

Mr. PEPPER. Does the Senator think this language carries even an intimation to the trustees governing their conduct in the future so as to infer that this shall be a national gallery in which shall be embraced only the old masters and no modern art shall ever enter its portals?

Mr. CONNALLY. I do not see anything in the joint resolution which would prohibit the inclusion of works of modern art.

Mr. PEPPER. Then why does the Senator object to the amendment?

Mr. CONNALLY. I think it is altogether unnecessary and is really somewhat of a limitation on the judgment of the board. Under the measure as we are proposing it the board would be left free to select any work of art, whether it were old or whether it were new, whether it were of the Flemish school or of the Spanish school, whether it were of the Roman period or of Renaissance, or of the particular hour in which we live. Why try to fetter the board? Why try to tell these experts in art, "We are willing to have you select these works of art if you will do it as we tell you to do it" I am not willing to have such a provision in the measure. I do not believe the Senate could, by legislative act, paint a great picture. It never yet has painted one. [Laughter.]

Mr. PEPPER. If that is the conviction of the Senator, why did he insert any provision at all to govern such a board?

Mr. CONNALLY. We wanted to insure that the pictures should be of a high standard, comparable with those included in the gift.

Mr. PEPPER. Does the Senator think the board would see to that without our telling them to do it?

Mr. CONNALLY. Would the Senator from Florida want to exhibit the grapefruit, and the oranges, and all the other marvelous products of his State, and have all the inferior products of some other State brought in and mixed and mingled with them and corrupt the whole mass, or would he want the requirement made that they come up to the standard of excellence and quality of the fruit grown in the Senator's State?

Mr. PEPPER. I understand what the Senator has in mind. The Florida grapefruit would appear as the ultimate in artistry by itself, but I suppose only one of the old masters could paint a picture of the Texas grapefruit fit for inclusion in the gallery. [Laughter.]

Mr. McADOO. Mr. President, I suggest to the Senator from Florida [Mr. PEPPER], as well as to the Senator from Texas [Mr. CONNALLY], that if they want real oranges they should come to California and taste some of our fruit. I should like to see an amendment to the joint resolution making it mandatory that such paintings of fruits as have just been suggested be included in this great collection of art.

Mr. CONNALLY. I agree with the Senator from Florida and the Senator from California that their grapefruit is a product of art. The Texas grapefruit is a product of nature. It is not a reproduction. It is the original.

The PRESIDENT pro tempore. Let the Chair state the parliamentary situation. The question is now upon the committee amendment, on page 5, line 21, after the words "shall be", to strike out "exhibited in" and insert in lieu thereof "included in the permanent collection of."

The amendment of the committee was agreed to.

The PRESIDENT pro tempore. The amendment of the Senator from Florida [Mr. PEPPER] will be stated.

The LEGISLATIVE CLERK. At the bottom of page 5, after line 24, it is proposed to add the following proviso:

Provided, however, That this provision shall not be construed as limiting the judgment of the board of trustees in the selection of works of art to be included permanently in the National Art Gallery to works of any particular school or period.

The amendment was rejected.

The PRESIDENT pro tempore. The joint resolution is still before the Senate and open to amendment.

Mr. GREEN. Mr. President, I am about to offer an amendment which I think will meet the approval not only of Mr. Mellon but of the chairman of the committee. It is, on page 5, line 23, after the word "unless", to strike out "they are" and to insert in lieu thereof "it be", since "work of art" is singular, like this debate.

Mr. CONNALLY. Mr. President, I defer to the superior information and artistic knowledge of the Senator from Rhode Island. So far as I am concerned, I have no objection to the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Rhode Island.

The amendment was agreed to.

Mr. O'MAHONEY. Mr. President, in line 23, on page 4, I move that the words "or the Classification Act of 1923, as amended" be stricken out. Unless these words are stricken out, it would appear that the self-perpetuating board of trustees will be able to appoint subordinate employees who will not be governed by the same rules as to salary which apply to all other employees.

The Senator from Alabama [Mr. BLACK] calls my attention to the fact that the same sentence provides that all these appointees shall not be subject to the civil-service law. I do not know whether or not Mr. Mellon insisted upon that exemption, or whether or not his representative insisted upon it.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. O'MAHONEY. I yield.

Mr. CONNALLY. I should like to call the Senator's attention to the fact that in line 19 appear the words—

> Such director, assistant director, secretary, and chief curator shall be compensated from trust funds available to the board for the purpose, and their appointment and salaries shall not be subject—

And so forth. That applies only to those particular officers whose compensation is paid out of the income from the donation of $5,000,000 contributed by Mr. Mellon. Therefore, I think they ought not to be put under civil service. He is furnishing the pay and having them compensated; and I do think the board ought to be allowed some leeway in not having to go down to the Civil Service Commission in order to get somebody who knows something about pictures.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. McADOO. I yield.

Mr. BLACK. May I ask with reference to other employees whether there is any provision governing their exact method of appointment?

Mr. CONNALLY. I do not know of any.

Mr. BLACK. Does not the Senator think they should be appointed under civil service?

Mr. CONNALLY. Frankly, I do not, if the Senator wants me to answer that question "yes" or "no."

Mr. BLACK. I understood this afternoon that one objection to having the board appointed by the President was that it might be that employees then would be placed on the basis of patronage or patriotism. It seems to me that if this board is to be self-perpetuating, it certainly would be proper that the officers appointed should be under civil service, rather than to be appointed by this self-perpetuating board. I refer to the officers involved when we go beyond those mentioned by the Senator as being paid for out of the trust fund, if we do go beyond them, and I understand from the joint resolution that we do.

Mr. McADOO. Mr. President, I ask the Senator from Texas if it is not a fact that although the four men who are mentioned here—the director, assistant director, secretary, and chief curator—are to be paid out of the income from the trust fund established by Mr. Mellon, the whole purpose of the joint resolution is to have the building itself, the employees who run it, and the general upkeep and repair and maintenance of the building paid for by the Government of the United States? That is the whole obligation that it has assumed. Inasmuch as all public buildings are under the jurisdiction of the Treasury Department, I presume that from time to time the Secretary of the Treasury will submit to the Budget Bureau an estimate of the necessary amounts required to conduct and operate this building, and it would be passed upon, through the Budget Bureau, by an appropriation by Congress in the usual way. Civil-service rules may apply to that situation. I do not know with certainty as to that; but, in any case, it is perfectly clear that if the Government assumes this obligation it will be dealt with in the ordinary manner, and through the departmental heads under whose jurisdiction the operation and maintenance of this building rests.

Mr. BLACK. Mr. President, will the Senator yield?

Mr. McADOO. I yield.

Mr. BLACK. The Senator has gone over this measure carefully, and I ask him if there is any provision in it which indicates whether these employees shall or shall not be appointed through civil service.

Mr. McADOO. I do not see any such provision.

Mr. BLACK. I am asking for information. Is it or is it not true that under this joint resolution the Government could pay for all these employees, and they would all be appointed by the board without reference to civil service?

Mr. McADOO. The board has nothing to do with the appointment of the employees of the building. The maintenance of the building undoubtedly will be under the Treasury Department.

Mr. BLACK. What about the additional employees? Are they to be paid out of the trust fund?

Mr. McADOO. There are no other employees except those whom the Government may necessarily employ for the purpose of operating and maintaining the building.

I assume, of course, and I think it is obvious from the joint resolution as presented, that at the proper time, after the building is completed, the Secretary of the Treasury, because the operation and maintenance of all public buildings are under the control of the Treasury Department, will submit his estimates for the amount required to operate this building. The employees so chosen may be chosen from the civil service, or in any other way Congress may require, or the departmental heads may require, or the President himself, by executive order, may require.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. McADOO. I yield.

Mr. O'MAHONEY. In view of the fact that the chairman of the committee and the Senator from California feel that these particular employees should be exempted from the civil-service law and from the Classification Act of 1923, and since they are to be paid from trust funds, I ask the Senator from California and the Senator from Texas if there would be objection to another amendment, to add at the end of line 23, on page 4, this language:

> *Provided*, That all other employees shall be appointed in accordance with the civil-service law?

Mr. McADOO. I have no authority to say what the committee may desire to do about it.

Mr. O'MAHONEY. The Senator from California would have no objection to that?

Mr. McADOO. I should object to it, because I do not think it has any proper place in this measure. The clause, providing that the director, the assistant director, the secretary, and chief curator shall be paid out of this fund, excludes the others and of necessity they must be drawn from the civil-service list.

It is preposterous to say that the chief curator need not be a man expert in art. I do not think such a man could possibly be taken from the civil-service list. Therefore, it is highly proper that these men should be paid out of the trust fund. As to the other employees, it is a matter wholly within the jurisdiction of the United States Government and can be dealt with in the usual way.

Mr. O'MAHONEY. We are dealing with a self-perpetuating board, and it seems to me to be the part of wisdom to throw around the great power we are giving to the board all the safeguards we possibly can.

Mr. McADOO. The board has not anything whatever to do with the appointment of employees who are going to operate the building. That is wholly within the jurisdiction of the Treasury Department.

Mr. O'MAHONEY. I do not see where that is to be read into the language of the joint resolution.

Mr. McADOO. It does not have to be. It is so by virtue of the general law of the land.

Mr. O'MAHONEY. The fifth clause of the grant reads as follows:

> Fifth. The upkeep of the gallery building and other administrative expenses and costs of operation and functioning of the gallery for the public purpose for which it is designed shall be provided for annually in appropriations to be made by Congress, as for the other units of the Smithsonian Institution.

It is not at all certain to me from that language that the statement of the Senator is correct.

Mr. CONNALLY. Mr. President, I think the Senator from California [Mr. McADOO] is correct in his assumption that all the clerks, watchmen, and similar employees are to be drawn from the civil-service list, and for this reason: In the first place, the art gallery is to be a branch of the Smithsonian Institution, so the same law that applies to the selection of clerks and clerical assistants for the Smithsonian Institution itself would apply to the national gallery of art. Even if that be not true, under the general law, as I understand, unless clerks are exempted from the civil-service law, they are included, and that is why it was necessary to exempt the director, the assistant director, the secretary, and the chief curator by specific language.

Had they not been exempted specifically they would have had to be selected from the civil-service list. This is merely an exception to the general rule.

Any Senator who desires to have a watchman appointed, when the employees of the national gallery of art are selected, may have his desire gratified if the applicant's name appears on the civil-service list of eligibles. The same thing applies to the selection of charwomen, because under the general law and under the law governing the Smithsonian Institution, except for the specific exemptions, they would have to come under the civil-service law. I commend that to the attention and thought of Senators.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Wyoming [Mr. O'MAHONEY].

The amendment was rejected.

Mr. DAVIS. Mr. President, as a citizen of Pittsburgh, Pa., I wish to express appreciation of the spirit which has prompted Mr. Mellon to bring such rich treasures of art to the Nation's capital, where all may enjoy them. Differences of opinion between us should not obscure the fact that his genius in finance and industry has breathed new life into many important avenues of American business, giving employment to thousands of workers. His labors have touched to strength the industrial development of various natural resources of the Nation. All this will be more clearly seen with the passing of time when the heat of party passion has subsided. I am sure that all of us will find profit and pleasure in the added beauty which Mr. Mellon now proposes to bring to Washington.

The PRESIDENT pro tempore. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDENT pro tempore. The question is, Shall the joint resolution pass?

The joint resolution (S. J. Res. 73) was passed.

EXECUTIVE SESSION

Mr. McKELLAR. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

Mr. KING, from the Committee on Finance, reported favorably the nomination of Dr. Edgar E. Findlay to be assistant surgeon in the United States Public Health Service, to take effect from date of oath.

Mr. DIETERICH, from the Committee on the Judiciary, reported favorably the nomination of J. Earl Major, of Hillsboro, Ill., to be United States circuit judge for the seventh circuit, to fill an existing vacancy.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

The PRESIDENT pro tempore. The reports will be placed on the Executive Calendar. If there be no further reports of committees, the clerk will state the first nomination in order on the calendar.

THE JUDICIARY

The legislative clerk read the nomination of John Caskie Collet, of Missouri, to be United States district judge for Missouri.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. I ask unanimous consent that nominations of postmasters on the calendar be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are confirmed en bloc.

IN THE ARMY

The legislative clerk proceeded to read sundry nominations in the Army.

Mr. SHEPPARD. Mr. President, I ask unanimous consent that nominations in the Army be confirmed en bloc.

The PRESIDENT pro tempore. Without objection, nominations in the Army, now on the calendar, are confirmed en bloc.

That completes the Executive Calendar.

ADJOURNMENT TO WEDNESDAY

The Senate resumed legislative session.

Mr. ROBINSON. Mr. President, the Treasury and Post Office appropriation bill was reported today from the Committee on Appropriations. I am informed that the committee will be ready to proceed with its consideration Wednesday. Therefore I move that the Senate stand adjourned until Wednesday next at 12 o'clock noon.

The motion was agreed to; and (at 4 o'clock and 56 minutes p. m.) the Senate adjourned until Wednesday, March 17, 1937, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate March 15, 1937

REGISTER OF THE LAND OFFICE

Mr. Harry N. Child, of Veradale, Wash., to be register of the land office at Spokane, Wash., vice George E. Stone, deceased.

PROMOTIONS IN THE REGULAR ARMY

TO BE COLONEL

Lt. Col. Elmer Cuthbert Desobry, Adjutant General's Department, from March 9, 1937.

TO BE LIEUTENANT COLONEL

Maj. Jesse Beeson Hunt, Field Artillery, from March 9, 1937.

TO BE MAJORS

Capt. Arthur Foster Gilmore, Quartermaster Corps, from March 7, 1937.

Capt. John August Otto, Infantry, from March 9, 1937.

PROMOTIONS IN THE NAVY

Capt. Andrew C. Pickens to be Chief of the Bureau of Ordnance in the Department of the Navy, with the rank of rear admiral, for a term of 4 years, from the 17th day of June 1937.

Naval Constructor William G. Du Bose to be Chief Constructor and Chief of the Bureau of Construction and Repair in the Department of the Navy, with the rank of rear admiral, for a term of 4 years, from the 16th day of March 1937.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 15, 1937

UNITED STATES DISTRICT JUDGE

John Caskie Collet to be United States district judge for Missouri.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

Capt. George Walter Vaughn to Quartermaster Corps.

First Lt. John Severin Knudsen to Finance Department.

First Lt. Robert Merrill Lee to Cavalry.

PROMOTIONS IN THE REGULAR ARMY

John Hutchison Hester to be colonel, Infantry.

Franklin Langley Whitley to be colonel, Infantry.

Alfred Harold Hobley to be colonel, Air Corps.

George Mayo to be lieutenant colonel, Corps of Engineers.

Herbert Spencer Struble to be lieutenant colonel, Field Artillery.

Eugene Owen Hopkins to be lieutenant colonel, Finance Department.

Dana Woods Morey to be lieutenant colonel, Finance Department.

Robert Gale Breene to be major, Air Corps.

George Abe Woody to be major, Ordnance Department.

Thomas Kenneth Vincent to be major, Ordnance Department.

Samuel Littler Metcalfe to be major, Infantry.

Geoffrey Maurice O'Connell to be major, Coast Artillery Corps.

Frank Wilbur Halsey to be major, Infantry.

Kirby Green to be major, Infantry.

Myron Joseph Conway to be major, Infantry.

Hollis Benjamin Hoyt to be major, Infantry.

APPOINTMENTS IN THE NATIONAL GUARD OF THE UNITED STATES

Winfield Scott Price to be major general, National Guard of the United States.

Daniel Bryan Byrd to be brigadier general, Adjutant General's Department, National Guard of the United States.

Herbert Reynolds Dean to be brigadier general, Adjutant General's Department, National Guard of the United States.

POSTMASTERS

OKLAHOMA

J. Wendell Simmons, Edmond.

TENNESSEE

John E. Malone, Adamsville.

HOUSE OF REPRESENTATIVES

MONDAY, MARCH 15, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou Shepherd and Bishop of our souls, let our unfolding sense be filled with the truth, for in Thee is all wisdom. Thou art righteous in all Thy ways and holy in all Thy works; Thou art nigh unto them that call upon Thee. Bless our Speaker and the Congress assembled. Enrich us with the spirit that sees the best in everything; clothe us all with the spirit of the Master, and thus may we build ourselves into the public and private circles of our fellow men. Heavenly Father, those who are burdened with affliction and cares do Thou gird them with Thy comfort and strength; O throw the light of Thy love upon all the scenes of human life. Almighty God, give us faith to believe that throughout the ages one increasing purpose runs. Lord God, let truth, justice, and righteousness be augmented a thousandfold in all the earth, and peace shall reign among men even as it is in heaven. We wait and still wait for that day, for that glorious day whose dawning is not yet as the twilight upon the mountains. O hasten the morning and let it advance and roll on. In the name of our Savior. Amen.

The Journal of the proceedings of Friday, March 12, 1937, was read and approved.

PERMISSION TO ADDRESS THE HOUSE

Mr. WOODRUFF. Mr. Speaker, I ask unanimous consent that this afternoon after the gentleman from New York [Mr. SIROVICH] has completed his address, I may be permitted to address the House for 10 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

EXTENSION OF REMARKS

Mr. SWEENEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a radio address delivered by me recently on the subject of the Supreme Court.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

COMMITTEE ON AGRICULTURE

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent that a subcommittee of the Committee on Agriculture may have permission to sit during sessions of the House this week.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the calendar.

DEPORTATION OF CERTAIN ALIENS

The Clerk called the first bill on the Consent Calendar, H. R. 28, to authorize the deportation of aliens who secured preference-quota or nonquota visas through fraud by contracting marriage solely to fraudulently expedite admission to the United States, and for other purposes.

The SPEAKER. This bill requires three objections.

Mr. McLEAN. Mr. Speaker, reserving the right to object, I shall be constrained to object if no one is here to explain the purpose of this bill.

Mr. COSTELLO. Mr. Speaker, reserving the right to object, in view of the fact the Committee on Immigration and Naturalization has the call on Calendar Wednesday of this week, it might be well if we passed the bill over without prejudice until Wednesday.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

Mr. McLEAN. Mr. Speaker, I object.

The SPEAKER. This bill requires three objections.

Is there objection to the request of the gentleman from California that the bill be passed over without prejudice?

There was no objection.

TEMPORARY STAY IN THE UNITED STATES OF CERTAIN ALIENS

The Clerk called the next bill, H. R. 27, to authorize the shortening or termination of temporary stay in the United States of certain aliens not admitted for permanent residence, to authorize the deportation of certain aliens admitted for permanent residence, and for other purposes.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT OF IMMIGRATION ACT OF 1924

The Clerk called the next bill, H. R. 3471, to permit alien wives of American citizens who were married prior to the approval of the Immigration Act of 1924 to enter the United States.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that this bill also be passed over without prejudice for the same reason.

The SPEAKER. Is there objection to the request of the gentleman from California.

There was no objection.

CONSTITUTIONALITY OF ACTS OF CONGRESS

The Clerk called the next bill, H. R. 2260, to provide for appearance on behalf of and appeal by the United States in certain cases in which the constitutionality of acts of Congress is involved.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

CHAPMAN FIELD, FLA.

The Clerk called the next bill, H. R. 4287, to authorize the Attorney General to settle outstanding claims against Chapman Field, Fla., and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Attorney General is hereby authorized to settle, adjust, and compromise any and all outstanding claims, including that of the Royal Citrus Groves Co., adverse to the Government's title to Chapman Field, Fla., including all accretions, relictions, shoals, islands, tidelands, and underwater lands lying seaward of the fastlands included in the United States Public Land Survey of 1847, and to take such steps as he may deem necessary to remove all clouds upon the Government's title thereto, and there is hereby authorized to be appropriated the

sum of $5,000, or so much thereof as may be necessary, for such purpose.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL GALLERY OF ART

The Clerk called the joint resolution (H. J. Res. 217) providing for the construction and maintenance of a National Gallery of Art.

There being no objection, the Clerk read the joint resolution, as follows:

Resolved, etc., That the area bounded by Seventh Street, Constitution Avenue, Fourth Street, and North Mall Drive NW., in the District of Columbia, is hereby appropriated to the Smithsonian Institution as a site for a National Gallery of Art. The Smithsonian Institution is authorized to permit the A. W. Mellon Educational and Charitable Trust (hereinafter referred to as the donor) to construct on said site for the Smithsonian Institution a building to be designated the National Gallery of Art, and to remove any existing structure and landscape the grounds within said area. The adjoining area bounded by Fourth Street, Pennsylvania Avenue, Third Street, and North Mall Drive NW., in the District of Columbia, is hereby reserved as a site for future additions to the National Gallery of Art. The project shall be in accordance with plans and specifications approved by the Commission of Fine Arts.

SEC. 2. (a) There is hereby established in the Smithsonian Institution a bureau, which shall be directed by a board to be known as the Trustees of the National Gallery of Art, whose duty it shall be to maintain and administer the National Gallery of Art and site thereof and to execute such other functions as are vested in the board by this act. The board shall be composed as follows: The Chief Justice of the United States, the Secretary of State, the Secretary of the Treasury, and the Secretary of the Smithsonian Institution, ex officio; and five general trustees who shall be citizens of the United States, to be chosen as hereinafter provided. No officer or employee of the Federal Government shall be eligible to be chosen as a general trustee.

(b) The general trustees first taking office shall be chosen by the Board of Regents of the Smithsonian Institution, subject to the approval of the donor, and shall have terms expiring one each on July 1 of 1939, 1941, 1943, 1945, and 1947, as designated by the Board of Regents. A successor shall be chosen by a majority vote of the general trustees and shall have a term expiring 10 years from the date of the expiration of the term for which his predecessor was chosen, except that a successor chosen to fill a vacancy occurring prior to the expiration of such term shall be chosen only for the remainder of such term.

SEC. 3. Upon completion of the National Gallery of Art, the board shall accept for the Smithsonian Institution as a gift from the donor a collection of works of art which shall be housed and exhibited in the National Gallery of Art.

SEC. 4. (a) The faith of the United States is pledged that, on completion of the National Gallery of Art by the donor in accordance with the terms of this act and the acquisition from the donor of the collection of works of art, the United States will provide such funds as may be necessary for the upkeep of the National Gallery of Art and the administrative expenses and costs of operation thereof, including the protection and care of works of art acquired by the board, so that the National Gallery of Art shall be at all times properly maintained and the works of art contained therein shall be exhibited regularly to the general public. For these purposes there are hereby authorized to be appropriated such sums as may be necessary.

(b) The board is authorized to accept for the Smithsonian Institution and to hold and administer gifts, bequests, or devises of money, securities, or other property of whatsoever character for the benefit of the National Gallery of Art. Unless otherwise restricted by the terms of the gift, bequest, or devise, the board is authorized to sell or exchange and to invest or reinvest in such investments as it may determine from time to time the moneys, securities, or other property composing trust funds given, bequeathed, or devised to or for the benefit of the National Gallery of Art. The income as and when collected shall be placed in such depositaries as the board shall determine and shall be subject to expenditure by the board.

(c) The board shall appoint and fix the compensation and duties of a director, an assistant director, a secretary, and a chief curator of the National Gallery of Art, and of such other officers and employees of the National Gallery of Art as may be necessary for the efficient administration of the functions of the board. Such director, assistant director, secretary, and chief curator shall be compensated from trust funds available to the board for the purpose, and their appointment and salaries shall not be subject to the civil-service laws or the Classification Act of 1923, as amended. The director, assistant director, secretary, and chief curator shall be well qualified by experience and training to perform the duties of their office, and the original appointment to each such office shall be subject to the approval of the donor.

(d) The actions of the board, including any payment made or directed to be made by it from any trust funds, shall not be subject to review by any officer or agency other than a court of law.

SEC. 5. (a) The board is authorized to adopt an official seal which shall be judicially noticed and to make such bylaws, rules, and regulations as it deems necessary for the administration of its functions under this act, including, among other matters, bylaws, rules, and regulations relating to the acquisition, exhibition, and loan of works of art, the administration of its trust funds, and the organization and procedure of the board. The board may function notwithstanding vacancies, and three members of the board shall constitute a quorum for the transaction of business.

(b) In order that the collection of the National Gallery of Art shall always be maintained at a high standard and in order to prevent the introduction therein of inferior works of art, no works of art shall be exhibited in the National Gallery of Art unless they are of similar high standard of quality to those in the collection acquired from the donor.

(c) The board shall have all the usual powers and obligations of a trustee in respect of all trust funds administered by it and all works of art acquired by it.

(d) The board shall submit to the Smithsonian Institution an annual report of its operations under this act, including a detailed statement of all acquisitions and loans of works of art and of all public and private moneys received and disbursed.

SEC. 6. (a) The Commissioners of the District of Columbia are hereby authorized and directed to close Sixth Street NW., within the boundaries of the site for the National Gallery of Art. The National Capital Park and Planning Commission shall determine the building lines and approve the plan of approaches for said gallery, and shall also make recommendations for the widening and adjustment of Third, Seventh, Ninth, and such other streets in the vicinity as may be necessary and desirable to provide for the traffic which would otherwise use Sixth Street.

(b) Section 10 of the Public Building Act, approved March 4, 1913 (37 Stat. L., p. 881), relating to the George Washington Memorial Building, and all provisions of law amendatory thereof, are hereby repealed.

(c) The existing bureau of the Smithsonian Institution now designated as a national gallery of art shall hereafter be known as the National Collection of Fine Arts.

(d) The fifth paragraph under the heading "Smithsonian Institution" in the Independent Offices Appropriation Act for the fiscal year 1924, approved February 13, 1923 (42 Stat. L. 1235), relating to the erection of a national gallery of art, is hereby repealed.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER NEAR RULO, NEBR.

The Clerk called the next bill, H. R. 192, to authorize the construction of a bridge across the Missouri River at or near Rulo, Nebr.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

BRIDGE BETWEEN CEDAR POINT AND DAUPHIN ISLAND, ALA.

The Clerk called the next bill, H. R. 3874, to extend the times for commencing and completing the construction of a bridge and causeway across the water between the mainland, at or near Cedar Point and Dauphin Island, Ala.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge and causeway between the mainland, at or near Cedar Point, and Dauphin Island, Ala., heretofore authorized to be built by Dauphin Island Railway & Harbor Co., its successors and assigns (Mobile County, Ala., and Highway Bridge Commission, Inc., an Alabama corporation, transferees), as last extended by Public Law No. 427, Seventy-fourth Congress, approved January 27, 1936, are hereby extended 1 and 3 years, respectively, from the date of approval of this act.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 2, line 4, insert a colon and the following: "*Provided*, That it shall not be lawful to commence the construction of said bridge until plans thereof shall again be submitted to and approved by the Chief of Engineers and by the Secretary of War."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BRIDGE ACROSS MISSOURI RIVER NEAR GARRISON, N. DAK.

The Clerk called the next bill, S. 361, to further extend the times for commencing and completing the construction

of a bridge across the Missouri River at or near Garrison, N. Dak.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Missouri River, at or near Garrison, N. Dak., authorized to be built by the State of North Dakota, by the acts of Congress approved February 10, 1932, and heretofore extended by acts of Congress approved February 14, 1933, and June 12, 1934, May 24, 1935, and June 5, 1936, are hereby further extended 1 and 3 years, respectively, from June 12, 1937.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER BETWEEN DECATUR, NEBR., AND ONAWA, IOWA

The Clerk called the next bill, S. 996, to further extend the times for commencing and completing the construction of a bridge across the Missouri River between the towns of Decatur, Nebr., and Onawa, Iowa.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of a bridge across the Missouri River between the towns of Decatur, Nebr., and Onawa, Iowa, authorized to be built by the county of Burt, State of Nebraska, by section 29 of the act of Congress approved August 30, 1935, heretofore extended by act of Congress approved June 19, 1936, are hereby further extended 1 and 3 years, respectively, from August 30, 1937.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER NEAR SOUTH SIOUX CITY, NEBR., AND SIOUX CITY, IOWA

The Clerk called the next bill, S. 997, to further extend the times for commencing and completing the construction of a bridge across the Missouri River at or near the cities of South Sioux City, Nebr., and Sioux City, Iowa.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the times for commencing and completing the construction of the bridge across the Missouri River, at or near the cities of South Sioux City, Nebr., and Sioux City, Iowa, authorized to be built by the county of Dakota, State of Nebraska, by section 30 of the act of Congress approved August 30, 1935, heretofore extended by act of Congress approved June 19, 1936, are hereby further extended 1 and 3 years, respectively, from August 30, 1937.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SCAJAQUADA CREEK, ERIE COUNTY, N. Y.

The Clerk called the next bill, H. R. 175, declaring Scajaquada Creek, Erie County, N. Y., to be a nonnavigable stream.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, That Scajaquada Creek, Erie County, N. Y., is hereby declared to be not a navigable water of the United States within the meaning of the laws enacted by the Congress for the preservation and protection of such waters.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendment:

Page 1, line 4, strike out all of line 4 after the word "be" and all of lines 5 and 6 and insert "nonnavigable east of a line 130 feet west of the west line of Niagara Street, city of Buffalo, county of Erie, N. Y., within the meaning of the Constitution and laws of the United States."

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that wherever the word "nonnavigable" appears in the title or the body of the bill, a hyphen be inserted between the two "n's."

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The committee amendment as amended was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed and a motion to reconsider was laid on the table.

The title was amended.

UNITED STATES GOVERNMENT PROPERTY, AMOY, CHINA

The Clerk called the bill (H. R. 3473) to authorize the Secretary of State to sell for a price, transfer, and convey the title, rights, and interest of this Government in a lot situated at Sin Lu T'ou Jetty, Kulangsu, Amoy, China.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of State is hereby authorized to sell, transfer, and convey all the title, rights, and interest of this Government in a foreshore lot, approximately 100 feet long by 100 feet wide, situated at Sin Lu T'ou Jetty, sometimes called "Lu Erh Chiao", Kulangsu, Amoy, China, for a price of not less than 1,000 yuan (Chinese dollars): *Provided*, That the net amount received from such sale remaining after the deduction of all necessary fees and expenses shall be covered into the Treasury of the United States as miscellaneous receipts.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider laid on the table.

TO AUTHORIZE CERTAIN OFFICERS, ETC., TO ADMINISTER OATHS

The Clerk called the bill (H. R. 5122) to authorize certain officers and employees to administer oaths to expense accounts.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I reserve the right to object. I wonder if the intent of the committee is expressed, wherein it provides that these clerks, and so forth, who are required and empowered to administer oaths, are required to account for travel or other expenses against the United States? The way the bill reads now these heads of departments and clerks are required, empowered, and authorized to account for travel or other expenses. In reading the bill it would appear to me that what the gentleman from Missouri [Mr. COCHRAN] had in mind was that they be authorized to administer oaths for travel account, but that they themselves would not be required in addition to their other functions to account for travel expense except as it applies to them.

Mr. COCHRAN. The bill was introduced in the way it was sent here by the Agricultural Department. It has been approved by the Director of the Budget and likewise approved by the Comptroller General in its present form. Some of these people are in sections of the country where they cannot reach those who are now authorized to administer oaths. There are only a few. If the gentleman feels that an amendment will be beneficial to reach the result, I am satisfied to accept the amendment. Mr. Speaker, I really appreciate the work of the gentleman from Michigan [Mr. WOLCOTT]. I have a great deal of respect for his opinion especially when it has to do with clarifying amendments and it is for that reason that I am sure I am not making a mistake when I accept his amendment. I am only trying to serve Government employees who are at a great disadvantage in complying with existing law.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 8 of the Sundry Civil Appropriation Act for the fiscal year ending June 30, 1913, approved August 24, 1912 (37 Stat. 487), be, and it is hereby, amended to read as follows:

"SEC. 8. Postmasters, assistant postmasters, collectors of customs, collectors of internal revenue, chief clerks of the various executive departments, independent establishments, and other Government agencies, or of bureaus thereof, the superintendent, the acting superintendent, custodian, and principal clerks of the various national parks and other Government reservations, superintendent, acting superintendent, and principal clerks of the different Indian superintendents or Indian agencies, chiefs of field

parties, and any officer or employee of any executive department, independent establishment, or other Government agency, in the District of Columbia or elsewhere, who shall have been designated in writing for such purpose by the head of the department, establishment, or agency concerned, are required, empowered, and authorized, when requested, to administer oaths, required by law or otherwise, to account for travel or other expenses against the United States, with like force and effect as officers having a seal; for such services when so rendered, or when rendered on demand by notaries public, who at the time are also salaried officers or employees of the United States, no charge shall be made; and no fee or money paid for the services herein described shall be paid or reimbursed by the United States."

Mr. WOLCOTT. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. WOLCOTT: Page 2, line 11, strike out the comma after the word "otherwise."

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EMIGRATION OF FILIPINOS FROM UNITED STATES TO PHILIPPINE ISLANDS

The Clerk called the bill (H. R. 2305) to extend the time for applying for and receiving benefits under the act entitled "An act to provide means by which certain Filipinos can emigrate from the United States", approved July 10, 1935.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. JENKINS of Ohio. Mr. Speaker, I reserve the right to object to get some information about the bill. As I understand the bill, it simply extends the time for a year. It does not in any way impinge upon the amendment agreed to in the bill last year, to the effect that when a man takes advantage of this bill he has no right to come back. That is still in the law, is it? Does this bill do anything else than that?

Mr. WELCH. The Act of 1935 was limited to 1 year. That time was curtailed due to the maritime labor troubles on the Pacific coast. This bill asks for an additional year in which to repatriate Filipinos to their native land.

Mr. JENKINS of Ohio. It extends the time from December 31, 1937, to December 31, 1938.

Mr. WELCH. One year additional time in which to repatriate them.

Mr. DICKSTEIN. Mr. Speaker, will the gentleman yield?

Mr. JENKINS of Ohio. Yes.

Mr. DICKSTEIN. There are no changes in this bill at all. It simply reenacts the same identical bill, with the same amendment and the same language. It simply extends the time for 1 year.

Mr. JENKINS of Ohio. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection, and the Clerk read the bill, as follows:

Be it enacted, etc., That section 6 of the act entitled "An act to provide means by which certain Filipinos can emigrate from the United States", approved July 10, 1935, is amended to read as follows:

"SEC. 6. No application for the benefits of this act shall be accepted by any officer of the Immigration Service after December 1, 1938; and all benefits under this act shall finally terminate on December 31, 1938, unless the journey has been started on or before that date, in which case the journey to Manila shall be completed."

With the following committee amendment:

Page 1, line 5, after the figures "1935", strike out the word "is" and insert "as heretofore amended by the act approved June 4, 1936 (Public Law No. 645, 74th Cong.), is further."

The amendment was agreed to; and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CONTROL OF INCIPIENT OR EMERGENCY OUTBREAKS OF INSECT PESTS

The Clerk called the next business, Senate Joint Resolution 75, making funds available for the control of incipient or emergency outbreaks of insect pests or plant diseases, including grasshoppers, Mormon crickets, and chinch bugs.

The SPEAKER. Is there objection?

Mr. TARVER. Mr. Speaker, reserving the right to object, this bill, as originally introduced in the Senate, was an authorization, but it has been amended by the Committee on Agriculture so as to carry with it an appropriation of $100,000. I can see no objection to an authorization, although perhaps the amount as fixed by the Senate, $5,000,000, is excessive. The House has been appropriating for a number of years for practically all of the purposes mentioned in the resolution, but the Committee on Agriculture is without authority to report appropriations to the House, and unless there is an agreement to eliminate the language of the committee amendment, which, in effect, makes an appropriation of $100,000, I shall be compelled to object.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. TARVER. I yield.

Mr. COCHRAN. Mr. Speaker, as I take the floor I see the chairman of the Committee on Agriculture has just come into the chamber, and of course he will answer all questions as to why the language used in the bill is necessary. Mr. Speaker, I have had a number of telegrams and letters from Missouri pleading for the passage of this legislation. Mr. NELSON, of Missouri, introduced a bill which is a companion bill to this Senate bill. Mr. NELSON is now on the way to the Chamber having been detained at a meeting of the Committee on Agriculture and if you will let me speak his language I can tell you that Missouri farmers are living in fear as to what is going to happen to their crops this year unless the Government immediately gets busy and destroys these pests. While I represent a city district, I am interested in our farmers who buy what we manufacture in the cities when they have money and there is one thing certain and that is until the farmers are able to make and spend money we are not going to get out of this depression. This is to take care of an emergency.

Mr. TARVER. Then the application should be made to the subcommittee of the Committee on Appropriations, which is now considering agricultural appropriations, and no effort should be made by the Committee on Agriculture, a legislative committee, to report appropriations to the House. The language is subject to a point of order.

Mr. COCHRAN. I fully understand, but a deficiency bill is not coming in for a month or so, and the agricultural appropriation bill will not be law for several months. Therefore, if we wait for an appropriation it may be too late to do just exactly what this resolution provides. However, the chairman of the Committee on Agriculture [Mr. JONES] is now present, and he is in a better position to speak on the bill than I am.

Mr. TARVER. I think the chairman of the committee is in substantial accord with what I have said.

Mr. JONES. Mr. Speaker, will the gentleman yield?

Mr. TARVER. I yield.

Mr. JONES. Mr. Speaker, I think the amendment is subject to a point of order the way it is drafted. There are a number of items that will require legislation. The committee expects to go into that a little later. We reported it in this form because it was claimed there was an emergency. It is claimed that these funds should be made immediately available when they would do the most good. Of course, we have no choice but to yield if a point of order is made. I am rather inclined to think, in view of the fact that a number of items in the appropriation bill have been carried on from year to year without specific authority, that as we are getting up these lists and going into the legislation, and in view of the emergency, and in view of Budget approval of this, the gentleman might be willing to waive his point of order on this matter. If he is not, of course, we have no choice.

Mr. TARVER. Mr. Speaker, the agricultural appropriation bill will be reported to the House within the next 3 or 4 weeks. It seems to me that the statement made by the gentleman from Texas is not sufficient to justify assumption of the jurisdiction of the Appropriations Committee by the

legislative Committee on Agriculture. If the gentleman from Texas will agree that there may go out of the committee amendment the sentence which carries with it an actual appropriation of funds, I shall have no objection to an authorization; but unless that language is taken out of the amendment, I shall be inclined to object.

Mr. O'CONNOR of Montana. Mr. Speaker, I rise in connection with the urgency of passing this legislation.

Mr. RAYBURN. The gentleman from Georgia [Mr. TARVER] reserved the right to object, and he has not yielded the floor.

Mr. TARVER. I yield to the gentleman from Montana for an inquiry.

Mr. O'CONNOR of Montana. I wish to call attention, in connection with this question, to the conditions existing in the territory affected by these crickets, and so on.

Mr. TARVER. I have no question about that, may I say to the gentleman, but let me call attention to this fact: The gentleman from Missouri [Mr. NELSON], who reported this bill to the House, himself introduced in the House some time ago an appropriation bill for this purpose, which was properly referred to the Committee on Appropriations. A hearing could have been asked before our committee at any time. That committee could have reported back this legislation making actual appropriation just as quickly as did the Committee on Agriculture. There was no reason for going to the legislative committee for an appropriation, when the bill making appropriation was pending before the Appropriations Committee, and is pending there now.

Mr. JONES. If the gentleman insists on his point of order, I will offer a correcting amendment.

Mr. TARVER. Is that the amendment which the gentleman showed me the other day?

Mr. JONES. Yes.

Mr. Speaker, I think the amendment will make the correction. It would require action by the Appropriations Committee before the funds become available.

Mr. TARVER. I am not of opinion that the amendment in question goes to the vital point. If the gentleman will consent to striking out the language making the appropriation, I shall be satisfied. That leaves the authorization. There is no reason why the Committee on Appropriations should not act on the matter promptly.

Mr. JONES. I may state to the gentleman from Georgia that I submitted this amendment to the parliamentary clerk and he thinks it makes the proper correction. I would like to offer the amendment.

The SPEAKER. The parliamentary question is, Is there objection to present consideration?

Mr. TARVER. I shall be compelled to object, Mr. Speaker.

Mr. CLARK of Idaho. Mr. Speaker, will the gentleman withhold his objection a moment?

Mr. TARVER. I shall be pleased to.

Mr. CLARK of Idaho. I may state to the gentleman from Georgia that unless we get some money within the next week we cannot possibly combat these crickets. I appreciate the gentleman's position.

Mr. TARVER. May I inquire why, if the gentleman and his colleagues are so interested, they have not appeared before the Committee on Appropriations pressing the Nelson resolution which proposes to make this appropriation?

Mr. CLARK of Idaho. We tried very hard on that measure.

Mr. JONES. May I suggest in this connection, Mr. Speaker, if the gentleman will yield, that there is some considerable question as to whether the Appropriations Committee could act without specific authority and legislation. The situation is a little confused, because from time to time we have been making this appropriation and nobody has objected. The gentlemen who are interested in this matter are not to be criticized for not going before the Appropriations Committee when there was no particular and specific authorization.

It is just as much out of order for the Committee on Appropriations to appropriate without legislative authority. But we have been waiving that from year to year, and I think the gentleman from Georgia might very well waive it in this particular instance if we put in this amendment which the parliamentary clerk and the clerk of the committee think will cure the situation and require action by the Appropriations Committee.

Mr. TARVER. While there may have been no specific authorization, yet the House has been making appropriations for these purposes for many years.

So far as the gentleman's amendment is concerned, what objection does the gentleman have to an amendment to the committee amendment simply striking out the language which actually makes the appropriation? The amendment the gentleman now proposes seems to me to put it in considerable doubt.

Mr. JONES. If the language to which the gentleman refers is struck out, there will be but $100,000 authorized. The amendment would enable them to make transfers of other appropriations and to authorize the Department to make them only upon action by the Appropriations Committee. It is subject to action by the Appropriations Committee. That is just as final as can be.

Mr. TARVER. That is another phase of objection, because the language to which I object authorizes the Secretary of Agriculture at his discretion to take funds appropriated for whatever purpose and use them for this purpose.

Mr. JONES. No. As modified by the amendment I am offering, they will be authorized to make transfers only as authorized by the Appropriations Committee. The action would be subject to authorization by the Appropriations Committee.

Mr. TARVER. It seems to me that it is absolutely unnecessary to give to the Secretary of Agriculture any authority along that line. If authority is granted simply to make appropriations for these purposes, that ought to be sufficient.

Mr. JONES. I understand there is an unexpended balance available.

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. TARVER. I yield.

Mr. TABER. The way this proposed amendment is put into this bill there is absolutely no limitation on the amount that could be transferred in this current fiscal year out of funds that are appropriated for other purposes.

Mr. JONES. If the gentleman will yield right there, with the amendment, however, it would be subject to action by the Appropriations Committee; and no fund could be transferred except on specific authorization of the Appropriations Committee. This is simply an effort to get us out of this tangle for this year until we can get the necessary legislation. That is the sole purpose of the amendment; and I am offering an amendment which would require specific action by the Appropriations Committee before any money could be taken, either out of the $100,000 fund or any other fund.

Mr. TARVER. If that be the purpose of the gentleman's amendment, there could be no possible objection to striking out the entire language making the appropriation, because all of the other matters of which the gentleman speaks are within the jurisdiction of the Appropriations Committee anyway.

Mr. JONES. If that language were stricken out, not even the $100,000 would be available.

Mr. TARVER. Why not increase the amount of authorization to $5,000,000, as originally proposed by the Senate? I have no objection to the amount authorized.

Mr. JONES. The trouble is, if you authorize that amount, you do not have any assurance at all of getting approval. The matter must go through the Budget Bureau and the Budget Bureau has refused to sanction a $5,000,000 appropriation.

Mr. TARVER. Let the House appropriate whatever amount less than $5,000,000 it might find necessary. They would not have to appropriate $5,000,000.

Mr. JONES. It could not if the bill happened to be vetoed on the recommendation of the Budget Commission.

Mr. TARVER. Make it a million, then.

Mr. JONES. If that will satisfy these gentlemen, all right.

Mr. O'CONNOR of Montana. I have reliable information from the farmers of the State of Montana to the effect even $300,000 would be of very little benefit to the people of that State. If this appropriation is cut to $100,000, it is absolutely insufficient to be of any consequence at all.

Mr. TARVER. The suggestion I made to my colleague was that the amount of the authorization be put at $1,000,000.

I have no objection, I may say to the gentleman from Montana, to the amount of the authorization. It may be made a million, two million, or five million, because the Appropriations Committee would undoubtedly recommend to the House for appropriation only as much as might be needed and not the maximum amount. What I am objecting to is the actual appropriation of money in a legislative bill, and I mean any sum of money, for that is a subject matter which properly comes before the Appropriations Committee.

Mr. O'CONNOR of Montana. Here is the situation: These crickets and grasshoppers are now hatched. If this money is not made available it would require 10 times the amount later on that is required now to accomplish the same purpose.

Mr. TARVER. The fact remains that a bill making an appropriation is introduced by the gentleman from Missouri [Mr. NELSON], which has been referred to the Appropriations Committee. That bill has been pending in that committee for weeks. The Appropriations Committee has jurisdiction, and the gentleman and his colleagues who are interested in securing the passage of this appropriation might as well have appeared there and made their showing as to make it before a legislative committee which has no jurisdiction.

Mr. JONES. I do not think that is quite accurate, if the gentleman will permit. It is not a fair statement. The Appropriations Committee does not have jurisdiction unless there is legislative authority. The matter was taken up with that committee and we were advised by those who had investigated there was not authority. For this reason we are trying to make a correction by offering an amendment which will require action by the Appropriations Committee definitely before anything may be done.

Mr. TARVER. The language of the gentleman's amendment is somewhat indefinite.

Mr. COCHRAN. Will the gentleman yield?

Mr. TARVER. I yield to the gentleman from Missouri.

Mr. COCHRAN. May I say to the gentleman from Georgia that I have talked to the chairman of the Subcommittee on Appropriations who handles the agricultural bill, the gentleman from Missouri [Mr. CANNON], who is greatly interested in this bill. His district, one of the outstanding agricultural districts in the country, is going to suffer a terrible loss if the bill does not pass. As the gentleman from Georgia says, Mr. CANNON is now presiding over the hearings on the agricultural appropriation bill, and for that reason alone he is not here to express his views. We have gone along faster this morning than any of us expected, but Mr. CANNON is now on his way to the Chamber, and if he gets here in time he will tell you why it is necessary to hurry this legislation and would appeal for the passage of the bill today. Year after year I voted for appropriations for this purpose when my State was not affected, but to assist farmers in other parts of the country. The grasshoppers and other pests are now in Missouri and that section of the country, and I repeat there is a bad situation existing. The gentleman from Kansas [Mr. HOPE] told me a minute ago he was in northern Missouri recently and can confirm this statement. Now, this is an emergency measure. This money is needed immediately, and if there is any delay we are liable to see a situation that will cost our farmers as much as the dry spell last year.

Mr. TARVER. I do not question the correctness of the statement made by the gentleman, although I am not informed. I have talked to the chairman of the subcommittee, and, according to his statement to me, he is in accord with the position I am now taking in reference to this legislation. I have no desire to be obstreperous at all about the matter. I have explained my views, and I am only one member of the Appropriations Committee. I feel that the proper procedure in this matter has not been adopted. In view of the discussion which has been had, by means of which the House has become fully apprised of the circumstances, I am going to withdraw my reservation of objection, and if no other Member of the House has any objection to the passage of the legislation in its present form, I shall not object myself.

Mr. COCHRAN. I thank the gentleman, and I hope no other gentleman will object, in view of the situation that confronts us.

The gentleman is always fair. His point is very well taken, and if he so desired he could raise a point of order that would be sustained. I am sure every Member of the House whose district is affected by the pests will appreciate the action of the gentleman from Georgia in permitting the bill to pass.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SABATH. Mr. Speaker, reserving the right to object, I note this is not only a temporary authorization but it is made permanent. The bill and the resolution as amended provides an appropriation for the fiscal year ending June 30, 1937, and for an appropriation in each fiscal year thereafter in the sum of $100,000.

Mr. JONES. That is a pure authorization. There is no objection to that feature. There is no question but that the committee has jurisdiction of that matter.

Mr. SABATH. But it is made permanent.

Mr. JONES. It is a permanent authorization for that amount.

Mr. SABATH. I remember when we authorized a certain amount for the packers many years ago it was claimed that was merely a temporary authorization, nevertheless year after year the sum of $3,000,000 has been appropriated based upon that authorization, and this money should have been paid by the packers themselves.

Mr. JONES. This is only for a hundred thousand dollars.

Mr. SABATH. I know it is only for a hundred thousand dollars, but why is it necessary to make it permanent?

Mr. JONES. The grasshoppers themselves have not been altogether temporary in their operations. They have an unreasonable habit of coming back year after year.

Mr. SABATH. I realize that, but we have an Appropriations Committee and an Agricultural Committee, presided over by a very capable chairman.

Mr. JONES. I thank the gentleman.

Mr. SABATH. I know he has not omitted anything that is needed or required to aid agriculture and I know he will be here next session and all sessions thereafter as long as he desires. So why not bring it up then? There may not be any need for it in 1938 or 1939 or 1940, but if it is once authorized it will go through every year.

Mr. JONES. It would still require action by the Appropriations Committee.

Mr. SABATH. I know, but an authorization in a majority of cases is tantamount to an appropriation.

Mr. JONES. We meet here in January. We always come up with this thing under whip and spur, because we do not know until the pest makes its appearance whether the fund will be necessary. If we have to come in and have legislation followed by an appropriation it will delay the matter very materially and the appropriation may not be available in time to secure the best results.

Mr. SABATH. I realize what delays mean. I have had some experience with some of my own bills.

Mr. JONES. I am sure the gentleman has.

Mr. SABATH. If the gentleman says it is needed and required, I am willing to withdraw my objection.

Mr. JONES. Let us allow this resolution to go through.

Mr. FORD of Mississippi. Mr. Speaker, reserving the right to object, and I shall not object, I want to ask the chairman of the Committee on Agriculture if the language

of this bill is broad enough and if it is contemplated that it shall include also the boll-weevil pest?

Mr. JONES. Yes. The list shown on the first page includes insect pests or plant diseases.

Mr. FORD of Mississippi. The boll weevil is not a plant disease; it is an insect.

Mr. JONES. It is an insect pest. This resolution includes insect pests or plant diseases, and includes other pests specifically named, but the naming of some would not exclude the others, since the general term is also used.

Mr. FORD of Mississippi. Is the gentleman sure about that?

Mr. JONES. I feel confident that is true. I will state to the gentleman, however, we are trying to get up a list of these as to which there is any question about an authorization under existing law. We are trying to get some legislation for later action that will be comprehensive enough to cover the field.

Mr. FORD of Mississippi. Is it the intention of the gentleman to raise the amount authorized in this bill at the present time?

Mr. JONES. We would think at least there should be an authorization. This amount would not be sufficient if it were applied to the whole field.

Mr. FORD of Mississippi. I hope the gentleman will offer an amendment that will take care of the whole thing.

There being no objection, the Clerk read the Senate joint resolution, as follows:

Senate Joint Resolution 75

Resolved, etc., That for the application of such methods of control of incipient or emergency outbreaks of insect pests or plant diseases, including grasshoppers, Mormon crickets, and chinch bugs, as, in the judgment of the Secretary of Agriculture, may be necessary, in cooperation with such authorities of the States concerned, organizations or individuals as the Secretary may deem necessary to accomplish such purposes, including the employment of persons and means in the District of Columbia and elsewhere, printing, rent outside of the District of Columbia, and for other purposes, the sum of $5,000,000 is hereby authorized to be appropriated, to be made immediately available and remain available until expended; and there are hereby authorized to be appropriated such additional sums as may be necessary to replenish the fund to its original amount at the beginning of each fiscal year: *Provided*, That such appropriations shall be administered by the Bureau of Entomology and Plant Quarantine and shall be used for expenditures of general administration and supervision, surveys, purchase, transportation, and application of poison baits or materials and equipment for control of insect pests or plant diseases, including grasshoppers, Mormon crickets, and chinch bugs, or for the preparation of such materials for application, and such other expenses as in the discretion of the Secretary of Agriculture may be deemed necessary: *And provided further*, That no part of such appropriations shall be used to pay the cost of value of farm animals, farm crops, or other property injured or destroyed.

With the following committee amendment:

Beginning on page 2, strike out all of lines 2, 3, 4, 5, 6, 7, and 8 and insert in lieu thereof the following: "there is authorized to be appropriated, for the fiscal year ending June 30, 1937, and for each fiscal year thereafter, the sum of $100,000. During the calendar year 1937 the Secretary of Agriculture, with the approval of the President, is authorized to transfer from any appropriations available to the Secretary such sums as the Secretary deems necessary for the purposes of this resolution. Sums appropriated for the fiscal year ending June 30, 1937, in pursuance of this resolution, shall be available immediately and such sums, together with sums transferred in pursuance of this resolution, shall remain available until expended. Sums appropriated or transferred for the purposes of this resolution shall."

Mr. JONES. Mr. Speaker, I offer an amendment to the committee amendment.

The Clerk read as follows:

Amendment offered by Mr. JONES to the committee amendment: On page 2, line 13, after the word "authorized", insert "subject to the provisions of appropriations hereafter made by law."

On page 2, line 18, strike out "in pursuance" and insert "for the purposes."

The amendment to the committee amendment was agreed to.

The committee amendment, as amended, was agreed to.

With the following further committee amendment:

Page 3, line 4, strike out, after the word "deemed", the remainder of line 4 and all of line 5 and insert "necessary. No part of such sums." In line 6, strike out the words "cost of" and insert "cost or."

The committee amendment was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that I may be permitted to extend my own remarks in the RECORD and include therein a resolution adopted by the Bar Association of the State of Mississippi endorsing the President's plan for reorganization of the Federal judiciary.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, it seems to me in the granting of this request we are establishing a precedent. I am sure many of us would like to know what the policy of the majority leadership is going to be from now on with respect to putting into the RECORD these petitions and letters with respect to the President's proposal regarding the Supreme Court. I do not think it should be incumbent upon us to object, but I am sure if this unanimous-consent request goes through without objection by the majority leadership we will interpret it to mean that the doors are open, and we will bring our letters here and ask unanimous consent that they be put in the RECORD.

Mr. RANKIN. Mr. Speaker, may I say to the gentleman from Michigan this is not a letter. It is a short resolution adopted by the bar association of my State.

Mr. WOLCOTT. Let me say to the gentleman that I have in my office resolutions adopted by the bar associations of almost every county in Michigan, 83 of them, also resolutions by the bar associations of many States.

Mr. RANKIN. I have no objection to the gentleman from Michigan putting into the RECORD any resolution adopted by the bar association of his own State.

Mr. WALCOTT. Can the gentleman assure us that there will be no objection by the majority leadership in that respect?

Mr. CHURCH. Mr. Speaker, I object.

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including a speech of Secretary of the Interior Ickes, delivered in North Carolina.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

THE CONSENT CALENDAR

PENSIONS TO CERTAIN SOLDIERS, SAILORS, AND NURSES OF THE SPANISH WAR, THE PHILIPPINE INSURRECTION, AND THE CHINA RELIEF EXPEDITION

The Clerk called the next bill, H. R. 5030, granting pensions and increases of pensions to certain soldiers, sailors, and nurses of the War with Spain, the Philippine Insurrection, or the China Relief Expedition, and for other purposes.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

INSURANCE OF REHABILITATION LOANS BY THE FEDERAL HOUSING ADMINISTRATION

The Clerk called the next bill, S. 1228, to amend the National Housing Act.

Mr. TABER. Mr. Speaker, reserving the right to object, I would like to have this bill explained. What is the situation that requires this measure to go through on the Consent Calendar?

Mr. STEAGALL. Mr. Speaker, The bill would extend an act that was passed on April 17, 1936, amendatory of title 1 of the original Housing Act, so as to permit the insurance of loans made for rehabilitation purposes as a result of floods and other catastrophes that occurred in 1935 and 1936, and which was operative to the 1st of January 1937. The purpose of the extension is to provide for insurance of loans of this type to cover sufferers from disasters that have taken place since the 1st of January 1937, as well as prior to that

time. The bill has the unanimous support of the Committee on Banking and Currency, and has been passed by the Senate. It is a part of the flood-relief plans upon which the House voted when we passed the bill authorizing loans by the Reconstruction Finance Corporation for purposes of rehabilitation in connection with damages resulting from recent disasters.

Mr. SNELL. Mr. Speaker, will the gentleman yield for a question?

Mr. STEAGALL. Certainly.

Mr. SNELL. How much longer does this extend the time?

Mr. STEAGALL. The time is extended for 2 years.

Mr. SNELL. Is it necessary to extend it to 1939 in order to take care of the flood conditions that already exist?

Mr. STEAGALL. Possibly not; but it seems to me that is a proper matter to be left to administration. There might arise cases where a shorter period would work hardships.

Mr. SNELL. As a matter of fact, having in mind this year, practically all of the loans would come to the front during the year, would they not?

Mr. STEAGALL. Oh, I would think so.

Mr. SNELL. Then why do you need to extend it another year?

Mr. STEAGALL. The Senate passed the bill in that form——

Mr. SNELL. I understand that, but I should like to know the reason for it.

Mr. STEAGALL. There is no mandatory necessity for this particular date, but it seemed to the committee that the Senate provision is a very reasonable way of meeting the necessities of the situation.

Mr. SNELL. Just because another body extended the act until 1939, with no reason given us, seems to me a rather poor excuse for our agreeing to it.

Mr. STEAGALL. Loans might not all be made within 6 months or 1 year. There may be temporary loans and new loans made covering former transactions.

If the gentleman is familiar with what has been done heretofore with respect to the insurance of loans of this type, as well as the broader field covered by title 1, I do not think he would be apprehensive of any great blunder in allowing this additional time.

Mr. SNELL. Does this extend all of title I?

Mr. STEAGALL. This bill does not. This relates only to loans made for rehabilitation purposes to relieve distress that has resulted from disasters.

Mr. SNELL. How many loans have been made under this act so far?

Mr. STEAGALL. I cannot give the gentleman the figures, but it is only a small amount. The R. F. C. had a fund of $50,000,000 for loans of this type, and I think they made loans amounting to about $8,000,000. I cannot say just what loans were made of the kind that could be insured under this bill.

Mr. SNELL. How much has been paid back?

Mr. STEAGALL. I have not those figures.

Mr. SNELL. I notice this goes back to 1935. Is it necessary to go back to 1935 on these loans now?

Mr. STEAGALL. This bill simply amends the act that was passed in April of last year which dealt with the distress resulting from disasters in 1935 and 1936. This is simply an extension of that act with a provision to take care of new developments.

Mr. SNELL. The whole thing seems to be rather uncertain, with very little definite information available. I am willing to do whatever is necessary, but I do think we ought to have a definite proposition before us and we should know exactly what we are doing.

Mr. STEAGALL. It is impossible to know just exactly what loans would be insured under the provisions of this bill.

Mr. SNELL. I understood the gentleman to say we are practically doing this because it was passed by another body in this form. It seems to me we do not have any very definite information about it.

Mr. TABER. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. The gentleman from New York asks unanimous consent that the bill be passed over without prejudice. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I reserve the right to object. There are several controversial questions involved in this bill. I had no intention of objecting to the bill, but I did want to offer some amendments. It seems to me that because of the controversies we should take this up under the rules of the House and have some time for debate. Permit me to point out to the chairman of the committee some of the controversies. The first is that we anticipate catastrophes in 1938 and 1939 and provide for the insurance of loans attending those disasters. The next is that we depart somewhat from the present practice, inasmuch as we insure 20 percent of the total of the loans, although it is generally understood that the entire amount of all of the loans by banks, trust companies, and so forth, shall be insured. It is a matter of record, according to the testimony of the Chairman, Mr. McDonald, and I believe also of Mr. Ferguson, the General Counsel of the Housing Administration, that the interest charged on these loans is 9.72 percent, almost 10 percent, which would be usury in many of the States of the Union. It was my intention to offer an amendment that no loan should be insured if it bears a higher rate of interest than 7 percent. We have already set up machinery in the Reconstruction Finance Corporation for loans for flood relief, and the big fellow can go to the Reconstruction Finance Corporation and get a loan and has to pay only 3 percent on it, and here we are penalizing the home owners in these flood-devastated regions by compelling them to pay 9.72 percent on these loans, and so, to make this a real relief measure, I had another amendment to restrict the privileges to loans under $25,000.

Because of that I hope the gentleman will not object to the request of the gentleman from New York [Mr. TABER] that the bill go over without prejudice, in order that we may take it up on Calendar Wednesday or some other time and thoroughly discuss the bill.

Mr. STEAGALL. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. Yes.

Mr. STEAGALL. But this is not a bill providing for loans. It is a bill designed to induce loans through regular channels by offering insurance on those loans, and that being the case, the matter of interest and detail of that kind could not very well or constructively be dealt with in this act. That would have to be left to administration, and any arbitrary rule about it would only restrict the benefits that could be derived from the legislation.

Mr. WOLCOTT. Mr. Speaker, the banks and trust companies have told us virtually that they would not loan to these poor people in these flood-devastated areas unless they got their 9.72 interest, but this is a bill primarily to give relief, not to the trust companies and banks of the Mississippi and Ohio Valleys, but to the poor people down there who have been washed out. With excess reserves of over $3,000,000,000 resulting from the fact that there is not a normal demand for bank credit, a condition which compelled the Board of Governors of the Federal Reserve to raise reserve requirements and freeze all but $500,000,000 of them to prevent inflation, I should think that the banks are so full of money they should be anxious to get loans at even 5 percent, especially because they are fully insured.

Mr. JENKINS of Ohio. Mr. Speaker, I reserve the right to object. This is a very important piece of legislation, it strikes me, and on each side it is contended that this is going to be of benefit to those who suffered in the recent floods. There is no one in the House who represents a district that suffered more than mine, but if this bill provides for the loaning of money at 9 percent, that will not help us and we do not want it. That will not give us any relief. What we want is something that will help our people to rehabilitate themselves.

Mr. STEAGALL. Mr. Speaker, will the gentleman yield?

Mr. JENKINS of Ohio. Reserving the right further to object, if this bill does any good to the people in the flooded territory, then I shall not object to its being passed over without preiudice or to its passage. In fact, I will be strong

for it; but I think we ought to have enough time to know whether this does us any good. If it is a bill for the benefit of some one group except flood sufferers, then we do not want it to run under the false title of a flood-relief bill. Let it run on its own steam. Nine-percent money is not the kind of money my people want.

Mr. STEAGALL. Mr. Speaker, will the gentleman yield?

Mr. JENKINS of Ohio. Yes.

Mr. STEAGALL. The gentleman understands that this is not a bill providing loans at 9 percent. It has nothing to do with loans, except that we propose to insure them in order to induce people to make loans in the regular way to people in distress.

Mr. JENKINS of Ohio. If they are going to charge 9 percent, we do not want them.

Mr. STEAGALL. That has nothing to do with this.

Mr. WOLCOTT. Mr. Speaker, the testimony before our committee is to the effect that, with the initial discount and the interest charged on these loans which have already been made to the sufferers in the 1936 catastrophe, they are paying an average of 9.72-percent interest. That is a matter of record; it is a matter of fact that these people are not going to get any relief from trust companies and banks in these areas, who want their loans insured unless they pay them the going rate of interest, which on this character of loan is 9.72 percent, according to the testimony of the man who has made it a matter of study for the last 6 months.

Mr. JENKINS of Ohio. Mr. Speaker, will the gentleman yield further?

Mr. WOLCOTT. Yes.

Mr. JENKINS of Ohio. It has been brought out that the $50,000,000 loaned last year was loaned through the Federal Housing Administration. It was through the Reconstruction Finance Corporation. The Federal Housing had nothing to do with that.

Mr. WOLCOTT. There was a sum of $50,000,000 set up for this purpose. In the act which we passed last month we provided that they could use $20,000,000 of this to make loans in flood-devastated areas, but there the rate of interest is 3 percent.

Mr. JENKINS of Ohio. Yes; that is correct. All of us from the flood areas took an active part in procuring its passage. That has nothing to do with this bill, though, as I understand. That $50,000,000 is in a different bill entirely. Only $8,000,000 of it was loaned. Most of that was loaned to the people in the Pennsylvania flood areas.

Mr. WOLCOTT. The difference is that on loans made by the Reconstruction Finance Corporation they have to put up security. Loans made under this act are known as character loans, and if your record is all right, you may get a loan, regardless of security.

Mr. JENKINS of Ohio. I do not know what this proposed legislation will do, and so far as I have heard in this discussion, nobody knows. I do know what the Disaster Loan Corporation Act does. Will the gentleman say that if his amendment is permitted reducing this rate of interest to 7 percent, that the bill then will be of benefit to the people in the flood area? If it is, we want it, although I do not see how 7-percent money will help us much unless it is to be loaned without any security and without much hope for its immediate repayment.

Mr. WOLCOTT. It will be of benefit if the banks will make loans at 7 percent; yes. My contention is that with so many excess reserves the rate of interest should be reduced. The banks, I believe, should be willing to loan to private individuals, both character loans and secured loans, rather than be compelled to invest in Government obligations on which they only make 2⅛ or 2¼ percent.

Mr. STEAGALL. Does the gentleman undertake to say that these people are able to obtain all the relief they need without this legislation or without any further assistance?

Mr. WOLCOTT. I do not think you should club these people into the banks down there and compel them to pay usurious rates of interest in opposition to the laws of their State. This is taking an unfair advantage of the situation; it is kicking a man when he is down. You should not want it. I do not want it. None of us should want it. We want to give relief. We do not want to be parties to usurious practices.

Mr. JENKINS of Ohio. Does this apply to any loans except loans to those people who already have a loan through the Federal Housing Administration?

Mr. WOLCOTT. This applies to any new loans for any catastrophe where a bank or trust company qualifies under the Federal Housing Administration to have their loans secured. The Federal Housing Administration insures these loans—not 10 percent of each loan, but 10 percent on the aggregate which the bank or trust company loans. So it gives 100-percent insurance up to the point that the loss by the bank is under 10 percent of the aggregate.

Mr. RAYBURN. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. RAYBURN. I would like to ask the gentleman from Michigan this question: I may be entirely incorrect, but my understanding is that this bill has nothing whatever to do with the rate charged for the loan. It is simply an extension of the privilege to other people. Now, it appears to me if that is the case, if there is any possibility of any people in the flood districts being helped by passing this bill, we are at least that far ahead; whereas if we do nothing, there is no chance.

Mr. WOLCOTT. I might say to the gentleman that I do not believe a majority of this Congress, when this bill was passed last year, would have ever voted "aye" to a set-up which is just bleeding those poor people down there through usury. Just because we made a mistake last year with respect to the sufferers in 1936, I do not see why this Congress should be made a party to a continuance of that practice. We now have an opportunity, with the mistakes of the past year before us, to establish a policy with respect to the catastrophes of this year and next year and 1939. We should not become a party to, in the vernacular, gypping these poor souls down there who are trying to get back on their feet. We should try to encourage them. We should not bleed them because they are down and out.

Mr. COCHRAN. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. COCHRAN. Would the gentleman be willing to let this bill pass if it was agreed to accept the amendment offered by him limiting the interest to 7 percent?

Mr. WOLCOTT. I have no objection to the bill if my amendment is adopted. I am in favor of it. I had no intention of objecting to the bill. I was going to offer the amendment, and if I could not convince the House that it was a sound amendment, I would expect the majority of them to vote against it; but because of the controversy which has arisen here, I think we should have more time to discuss it. I think we should have at least an hour of debate and then read it under the 5-minute rule.

Mr. COCHRAN. Is it the gentleman's contention that the bill is so worded that it will permit the banks in this area to charge 9.72 percent unless there is a restriction in the bill?

Mr. WOLCOTT. These loans made under this bill, if it is passed, are going to be made at 9.72 percent unless we restrict the amount of interest, because it has been done for the past year.

Mr. COCHRAN. I think the House ought to be in full agreement with the gentleman—that we should limit the rate to 7 percent.

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. I yield.

Mr. MICHENER. The other day we passed a bill providing for character loans. As I recall, the explanation was——

Mr. THOMPSON of Illinois. Mr. Speaker, the regular order.

The SPEAKER. The regular order is demanded. Is there objection?

Mr. MICHENER. Mr. Speaker, I object.

Mr. WOLCOTT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WOLCOTT. Do I understand that the question was on the unanimous-consent request submitted by the gentleman from New York that the bill go over without prejudice?

The SPEAKER. That was the parliamentary question pending.

The question now is, Is there objection to the present consideration of the bill?

Mr. MICHENER. Mr. Speaker, if we cannot discuss it, I object.

RELIEF OF CERTAIN CONTRACTORS ON MISSISSIPPI RIVER

The Clerk called the next bill, H. R. 2565, to confer jurisdiction on the Court of Claims to hear, determine, and enter judgment upon the claims of contractors for excess costs incurred while constructing navigation dams and locks on the Mississippi River and its tributaries.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COSTELLO. I object.

PENALIZING PROCURING ESCAPE OF PRISONERS

The Clerk called the next bill, H. R. 4012, to penalize procuring of or attempts to procure the escape of any prisoner in the custody of an officer of the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That section 10 of the act of May 14, 1930 (46 Stat. 327; U. S. C., title 18, sec. 753i), be, and the same is hereby, amended to read as follows:

"SEC. 10. It shall be unlawful for any person to procure the escape of any prisoner committed to the custody of the Attorney General or his authorized representative, or who is confined in any penal or correctional institution pursuant to the direction of the Attorney General, or who is in custody by virtue of any process issued under the laws of the United States by any court, judge, or commissioner, or who is in custody of an officer of the United States pursuant to lawful arrest or detention; and it shall likewise be unlawful to advise, connive at, aid, assist, or attempt to procure the escape of any such prisoner so confined or in custody, or to conceal any such prisoner after such escape. If the custody or confinement of the prisoner whose escape is procured, advised, connived at, aided, assisted, attempted, or concealed is by virtue of an arrest on a charge of a felony, or conviction of any offense whatever, the offense herein defined shall constitute a felony and any person convicted thereof shall be punished by imprisonment for not more than 5 years or by a fine of not more than $5,000, or both; and if the custody or confinement of the prisoner whose escape is procured, advised, connived at, aided, assisted, attempted, or concealed is by virtue of an arrest or charge of or for a misdemeanor, and prior to conviction, the offense herein defined shall be punished by imprisonment for not more than 1 year or by a fine of not more than $1,000, or both."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ALLOTMENT OF PAY BY CIVILIAN PERSONNEL STATIONED ABROAD

The Clerk called the next bill, H. R. 5332, authorizing allotment of pay by civilian personnel stationed abroad.

Mr. BEITER. Mr. Speaker, reserving the right to object, will the author of the bill explain the bill?

Mr. COCHRAN. I shall be pleased to.

Mr. Speaker, the President sent a message to the House together with a letter from the Secretary of State regarding employees of the State Department having relatives in this country to whom they desire to allot part of their salary. The Secretary of State requests Congress to pass this legislation so that employees of the State Department in foreign countries, say, for instance, China, can authorize the Department to send so much a month of his or her salary to relatives instead of requiring the money first be sent to China, the employee then sending it back to his relatives.

The report states and Secretary Hull's letter indicates that it will not cost the Government a cent. It is to assist in helping people in this country who are dependents of Government employees abroad to get money on which to live without waiting for weeks or months to receive it.

Mr. BEITER. I cannot understand the report from the Department saying it will not cost the Government anything additional. If you split a voucher or a check it costs money. How many people are employed in foreign countries whose vouchers would have to be split this way?

Mr. COCHRAN. I repeat, the Secretary of State says that it will not cost the Government any additional money, and I am accepting his word, and the committee accepted his word. I do not know how many desire to allot part of their earnings, but we do it for the officer and enlisted personnel of the Army and the Navy, and have been for years. We have been doing it likewise for the Coast Guard and the Marine Corps. If we can do it for the Army and the Navy and other departments, why not do it for the employees of the State Department?

Mr. BEITER. I quite agree with the gentleman, but I was wondering what expense was involved. It certainly will cost something.

Mr. COCHRAN. I am telling the gentleman, the Secretary of State says it will cost nothing, and I am accepting his views, because he is the one who will handle the allotments when they are made. We are not authorizing any appropriation, and therefore an appropriation for this purpose would be subject to a point of order if it is requested. I will join the gentleman in opposing an appropriation if it is carried in an appropriation bill because of the statement of the Secretary of State, who assures us it will not cost any additional money to handle the accounts.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the heads of the executive departments and establishments of the United States, under such regulations as they may prescribe, be, and are hereby, authorized to permit civilian officers and employees, during such time as they may be assigned for duty outside the continental limits of the United States, to make allotments, in whole or in part, from their pay, for the support of their families or relatives, for their own savings, or for other similar purposes.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to address the House for 15 minutes following the disposition of the other special orders for the day.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes this afternoon following the disposition of the special orders heretofore entered.

The SPEAKER. Is there objection to the request of the Delegate from Hawaii?

There was no objection.

ARMY DAY

Mr. HILL of Alabama. Mr. Speaker, I ask unanimous consent for the present consideration of Senate Concurrent Resolution No. 5, now on the Speaker's table.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That April 6 of each year be recognized by the Senate and House of Representatives of the United States of America as Army Day, and that the President of the United States be requested, as Commander in Chief, to order military units throughout the United States to assist civic bodies in appropriate celebration to such extent as he may deem advisable; to issue a proclamation each year declaring April 6 as Army Day, and in such proclamations to invite the Governors of the various States to issue Army Day proclamations: *Provided*, That in the event April 6 falls on Sunday, the following Monday shall be recognized as Army Day.

Mr. SNELL. Mr. Speaker, reserving the right to object, I think the gentleman from Alabama should make an explanation of this resolution, because of its rather far-reaching potentialities.

Mr. HILL of Alabama. Mr. Speaker, let me call the gentleman's attention to the fact that this is merely a concurrent resolution and, if passed by the House, will not have the effect of law. What it does is to have the House and Senate recognize April 6, which the gentleman knows is the anniversary of our entrance into the World War, as Army Day. The resolution further requests the President, as Commander in Chief, to allow units of the Army to cooperate with civilian

organizations in patriotic exercises on that day, this cooperation being entirely in the discretion of the President. It asks the President to issue a proclamation declaring April 6 as Army Day, and inviting Governors to do likewise. It does not create a national holiday.

Mr. SNELL. Does the gentleman know what influences are back of this resolution—whether it is eventually intended, after we recognize the day formally, to try to make it a national holiday?

Mr. HILL of Alabama. Those who inspired the resolution are members of the Military Order of the World War, a veterans' organization, composed of veterans of the World War. They tell me they do not have any such intention.

Mr. SNELL. Does the gentleman know whether the next step will be requests for certain appropriations?

Mr. HILL of Alabama. Oh, no; there is no money or appropriation involved.

Mr. SNELL. And the gentleman is sure there is no intention to try to make this a national holiday?

Mr. HILL of Alabama. There is no such intention that I know of.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. THURSTON. Mr. Speaker, reserving the right to object, does the Navy observe a comparable day?

Mr. HILL of Alabama. They observe the birthday of Theodore Roosevelt as Navy Day.

Mr. THURSTON. Is that authorized, or does it have the same standing as this proposal?

Mr. HILL of Alabama. I do not know exactly what brought Navy Day into being. I do know they celebrate Theodore Roosevelt's birthday, which is the 29th of October, as Navy Day, and there is a proclamation issued.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. GIFFORD. Mr. Speaker, reserving the right to object, does the gentleman attribute this request to a desire to arouse national pride in our Army? Is that one of the reasons for this resolution?

Mr. HILL of Alabama. The gentleman is correct. Let me say in this connection I believe we all realize that perhaps one of the least duties of the Army is the duty of fighting. It is a great agency of service in peacetime emergencies. We have just had an illustration of what the Army, a trained body of men, means to the Nation in connection with the work that these men did in the service rendered by them in the flood area in the recent catastrophe in the Ohio Valley.

Mr. GIFFORD. Is it anticipated that this will be the same as Navy Day? That is, we will be requested to intervene to get some vessel from the Navy on an allotted day? Will we have to have the members of an Army post sent out to various places to create this feeling of pride?

Mr. HILL of Alabama. I think the gentleman need not have any apprehensions along that line

Mr. GIFFORD. Why would it not be just as applicable to have the Army sent somewhere, the same as we send the ships of the Navy to various places? There must be some reason for this resolution.

Mr. HILL of Alabama. No. This resolution, as I have stated previously, is inspired by a splendid veterans' organization, the Military Order of the World War. For 10 years they have been celebrating this day as Army Day and for several years the Congress has passed a somewhat similar resolution to this.

Mr. GIFFORD. That is what I wanted the gentleman to say.

Mr. HILL of Alabama. I may say that in the past there has been nothing to indicate what the gentleman suggests.

Mr. GIFFORD. It is a matter of trying to bring to the attention of the people this particular day, not so much as a day for the Army to celebrate.

Mr. HILL of Alabama. That is right.

The SPEAKER. Is there objection to the consideration of the resolution?

Mr. SCOTT. Mr. Speaker, reserving the right to object, did I understand the gentleman to say a comparable resolution to this is passed every year?

Mr. HILL of Alabama. No. I said a somewhat similar resolution had been passed each year. For instance, last year we passed a resolution, and for several years the Congress has passed a resolution, recognizing April 6, the anniversary of our entrance into the World War, as Army Day.

Mr. SCOTT. Mr. Speaker, I would like to know more about this resolution. I have not had the time to study it over.

Mr. HILL of Alabama. Has the gentleman any questions?

Mr. SCOTT. I do not know enough about it to ask questions.

Mr. HILL of Alabama. I stated the purport of the resolution. It simply provides for recognizing this day as Army Day, but does not establish it or set it aside as a national holiday. The resolution simply asks the President of the United States in his discretion to permit Army units to join with patriotic societies in celebrating this particular day. Many patriotic societies, particularly those composed of veterans of the World War, hold some sort of celebration on this day. For instance, in the State of Michigan the great city of Detroit will have a big celebration on this day this year. There is to be one also in New York and other places throughout the country. This resolution would not have the effect of law at all.

Mr. SCOTT. Does this make April 6 each year Army Day? Does it make it a perpetual thing from now on, or just for this year?

Mr. HILL of Alabama. So far as this resolution is concerned, it would recognize April 6 of each year as Army Day, but it does not have the effect of law.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. SCOTT. Mr. Speaker, I object.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment a bill of the House of the following title:

H. R. 1096. An act for the relief of Michael E. Sullivan.

The SPEAKER. Under the previous order of the House the gentleman from New York [Mr. SIROVICH] is recognized for 1 hour.

Mr. SIROVICH. Mr. Speaker, ladies, and gentlemen of the House, man is governed by three basic instincts; first, that of self-preservation or the will to live; second, self-perpetuation or the will to love; and, third, self-expansion or the will to possess more. The third instinct, which is the will to more, is characteristic of man only. Animals, not being conscious of the future, and satisfied with what they have for the moment, are possessed of the first two instincts, but have no will to more. Only man wants more than he needs.

The world of man has been made possible by the threefold extension of his personality; first, by his physical or biological extension, which resulted in the establishment of civilization; second, by the expansion of his mind, which resulted in the establishment of culture; and third, by the expansion of his will which created for him, his social, economic, and political fabric. The basic difference between man and animal is that the former has the ability to create tools, while the latter has not. Animals do not make tools. Man's tool-making ability is a compensation for his natural weakness. He is the weakest of all higher animals, not only as far as his senses, but as far as his limbs are concerned. The bull moose has a greater audibility and the eagle a greater visibility than man. The reindeer and the ostrich can outrun him just as fish can outswim him. Finally, man is earthbound because of the lack of wings, and is helpless in the struggle with higher animals because of his weak hands. However, by his tool-making skill, and by his ability to create implements, instruments, and apparatus he can not only overcome the higher animal but he can perform functions for which nature has not equipped him.

Through the development of transportation he extended his legs. Through the perfection of radio and telephone he has extended his ears. Through the invention of the microscope and telescope he has extended his vision. Through the development of shipping he can outswim any fish, and

through the creation of aviation he has, so to speak, grafted wings upon himself, and can outfly any bird. In short, through the extension of all the five senses—hearing, seeing, feeling, tasting, and smelling—he has been enabled to outgrow his actual physique and matters of nature. The extension of the five senses, through the perfection of tools, machinery, and equipment, has resulted in the creation of civilization. To retain his impressions of nature he created art; to prolong his memory he invented writing and printing; to find his way in nature he created principles of mathematics and science. Culture is thus an extension of the mind, as civilization is an extension of the body. The expansion of his will, to the will to possess more, which is one of the sources of his economic creativeness, is a double-edged sword in the struggle for his existence. This uncurbed expansion of the will, to the will to possess more, resulting in the vast accumulation of wealth by individuals, is the cause of all wars, rebellion, revolutions, and other economic upheavals. The will to possess more is thus one of the sources of man's brutality and cruelty, and is more powerful and more unyielding than the will to life, or the will to perpetuate oneself, because this will to more draws from two sources—the physical and the spiritual.

The will to more draws from man's vision, from his consciousness of the future, from his gift for abstractions, as well as from his physical will. Hence the phenomenon that rich men who lose their fortune, or part of their fortune, commit suicide, although they are still very far from the poorhouse. To preserve his wealth man would transgress all boundaries of law and decency, and resort to means which are degrading and debasing. It is for this reason that all forces of the spirit have united to curb the will to more. Religion, politics, ethics, the law, and the state are vying with one another to limit the sphere of that will. For the sake of its own existence the State must curb the will to more of the individual or of a group of individuals. The law by delimiting this sphere of the right of the individual is already curbing the will to possess more. All postulates of social justice arise out of a vehement negative attitude to the will to more. All true ethics teaches man not to exploit his fellow men, and tries to impose limitations upon his will to more. The basic religious document of civilized humanity, the Decalogue, is dedicated to the delimiting and curbing of the will to more. Without these forces trying to bend and control the will to more, the life of man would differ but little from that of the jungle, and man would reduce his fellow men to a beast of burden or to a part of nature. In the jungle the rule of unregulated freedom prevails. Animals can roam as they please and move about unhindered. It is the perfect order of laissez faire. The result is that the mighty devour the weak, and its order of life is might makes right. Instinctive brute force rules. This jungle rule when applied to human society manifests itself in two forms: First, in the unregulated freedom of the laissez faire, an order in which the economically powerful may devour the economically weak; or, second, when the king of the jungle has imposed his will upon the other creatures and made himself dictator, thus regulating the rule of force. This regulated rule of force of the jungle when applied to organized society is fascism—either right or left fascism. In the fascist state, like in the jungle, when the lion or the tiger asserts his will, the dictator imposes his will upon his fellow men without regard to their desire, wishes, ideas, or welfare. If jungle chaos is laissez faire, jungle order in the state is dictatorship.

There could possibly be no objection to either the laissez faire order of things, or to the dictatorship, if man were only a part of nature and nothing more than the tiger, lion, or any other ferocious animal. But man is more than a part of nature; he stands on the threshold of two worlds, the physical and the spiritual. He is a citizen of both, and governed by both. Such is not only the dictum of all true religions and philosophy, particularly of Biblical religion, in which man appears as the crown of creation, and is God's main care and concern, but it is the dictum of our own experience of our own recognition. If man were only a part of nature, he would be as unproductive as the animal. Animals have no mathematics, have no science, have no religion, have no law, have no ethics, because they are not spiritual beings. These creations of the spirit could only emanate from spiritual beings, consequently man cannot be said to be just a part of nature, and entitled to the same rule as the jungle. The law by which he lives must be a human law and not a jungle law.

No other spiritual force in history has dedicated itself to a greater and more bitter struggle against the will to more, than the two Biblical religions, Judaism and Christianity. These two religions are anthropocentric in character, visualizing man as a center of all things, and as a most important phenomenon in the universe. In these two religions, man appears as the crown of creation, as the object of God's interest and care. God is not interested in oxen or sheep, in tigers or in leopards, he is interested in man exclusively, because man alone has the spark of the Divine spirit. God, the source of all goodness, wants man to be good, and His greatest message to man is: To be good, to be just, to be righteous to his fellow men. This anthropocentric world concept spells human rights. All other religions of antiquity have been cosmocentric or naturalistic in one form or another, and have either belittled the importance of man, as was the case in Brahmanism or Buddhism. Or they have taken an indifferent attitude to him, as was the case with the religions of classical antiquity. The negative attitude to man in the East has resulted in the caste system culminating in the establishment of untouchability, which is only an application of the jungle rule, that might makes right. The indifferent attitude to man in the West has resulted in slavery. If man is not the most important phenomenon in the cosmos and is only a part of nature, he must be subject to nature's rule exclusively, and nature's rule is jungle rule in one form or another. This cosmocentric world picture spells property rights. Both untouchability and slavery are forms of jungle rule. What a depraving force slavery is we all know. It was only recently abolished in this country. But what untouchability signifies, as a system of cruelty to man, you may guess from the fact that the untouchable is not permitted to drink water from the spring, but must drink it from the sewer. The spiritual father of fascism in the western world, Freidrich Nietzsche, in singing the praise of his superman, tacitly approves the law governing the untouchables. The rule of might makes right, is a direct result of the cosmocentric world picture with its universalism, pessimism, defeatism, and fatalism. In cosmocentric philosophy there is no hope for man as a spiritual being. Man is just a part of nature's fabric, and must be governed not only by its laws, but also by its rules and whims. The cosmocentric theory of life says, nature first and man afterward, because he is only an insignificant part of nature. The right of nature precedes the right of man. Property being dead, nature precedes human rights.

Nature is composed of four parts: Inanimate nature, which is dead nature, our mother earth. In its bowels it contains gold, silver, platinum, copper, iron, oil, coal, and so forth. It represents our natural resources. It stands for material wealth, property rights. Second, vegetation, plant and flower nature, which is poetic nature. Third, the birds that fly in the air, their melodious and mellifluous songs pealing from their throats, which is idyllic and lyric nature. And fourth, jungle nature, which is animal nature. Here the strong eat the weak. Might is right. Instinctive brute force rules. The classical order is laissez faire—leave everything alone.

It was against these sinister forces and doctrines of man's position in jungle nature that Biblical religiosity with its lofty anthropocentric world concept arose in rebellion and proclaimed the doctrine of the holiness and the dignity of man, of his spirituality, and of his special position in the cosmos. It proclaimed in the doctrine that man as a spiritual being can never be a means to an end, but an end in himself, and must not be exploited or oppressed. Thus it preached the gospel that human rights precede property rights. It proclaimed the doctrine that all men are equal before God because He created them all. He is their common Father and Judge. It proclaimed the doctrine that man is equal before the law and before the State,

just as he is equal before God. It was out of this religious democracy that political and juridic democracy grew. The equality of all men before God, before the law, and before the State, and the right of all men to life, liberty, and to the pursuit of happiness is not compatible with either social, political, or economic oppression. [Applause.]

The two Biblical religions make man so important that in the Old Testament—Exodus, 32—Moses causes God to change His will and decree, and in the New Testament the Son of Man, Jesus, becomes the Son of God. The New Testament, far from being a denial of the Old, only magnifies and intensifies the doctrine of the Old Testament with respect to man. Whatever the theological difference of both religions, they agree upon the basic doctrine—that man, being the most important phenomenon in the universe, is not a part of nature only, and that his mission on earth is to walk the path of truth, righteousness, and justice, and thus make the attributes of God his guide in life.

The Son of Man, who became the Son of God, is the Redeemer, the Messiah, the harbinger of hope, and the great comforter. He is opposed by the figure of Caesar. Caesar spells despotism, cruelty, cheapening of human life, human degradation, and the reducing of man as a means to an end. It is surely no coincidence that Christianity arose at the time when Roman Caesarism was running wild, transforming the world of man into a valley of tears, attempting to perpetuate misery and suffering, and making human life almost meaningless. There is no more dramatic meeting in all the world's history than that of Pilate and Jesus. In that fateful meeting where the Savior said to Pilate, "Give unto Caesar that which belongs to Caesar, and give unto God that which belongs to God", the struggle of anthropocentricism, or human rights, challenged cosmocentricism, or property rights. Caesarism and Messianism faced each other and announced their determination to oppose one another for all future days until a day after eternity. Pilate, speaking for Roman Caesar, represented materialism, brute force, totalitarianism, dictatorship, and property rights. Jesus, speaking for the Spirit, represented goodness, justice, liberty, freedom, and human rights. This struggle between Caesarism and Messianism is now going on the world over. [Applause.]

If Biblical religiosity, dedicated to a life and death struggle against the will to possess more, has partly failed in its mission, it is primarily due to the medieval church, which, instead of continuing to fight Caesarism and all that it stood for, has made peace with him, and also to the fact that medieval Christianity has made peace with the diluted Hellenism and succumbed to the spirit of ancient Rome long after physical Rome was destroyed. As a result of these developments, the medieval church, instead of fighting the will to possess more, became itself the very embodiment of that will, for it attempted to hold both powers spiritual and temporal. To do so it had to ally itself with sinister forces, to make all sorts of political deals, which, as a rule, are not compatible with true religion. But after centuries of medieval darkness, western humanity found its way back to the original sources of religion and culture through the Reformation and the Renaissance.

With the rediscovery of the Bible, through the Reformation and its translation into German and English, and through the rediscovery of Socrates and Plato by the Renaissance, man was rediscovered. In the dark Middle Ages, man—I mean individual man—meant nothing. He had no rights, he had no claims, he had no dignity, nor any aspirations, ideals, or visions. For almost 1,000 years, from the destruction of Rome up to the Reformation and the Renaissance, man vanished completely from the picture. He reappears again with these two great world historic movements. Jacob Burkhart, the greatest historian of the Italian Renaissance, states that its greatest deed was the rediscovery of man, as a spiritual being, and as a world unto himself. This rediscovery resulted in the new plastic art that was dedicated to man exclusively. The great Dante appeared with his powerful Divine Comedy, Petrarch, Bocaccio, and the magnificient sculptors and painters of the Renaissance, Leonardo Da Vinci, Michael Angelo, Raphael. They painted human figures in contradistinction to the artists of the Orient, who had produced still nature. In the Orient, where human life is cheap and valueless, there is no art with man as a center. But the art of the Renaissance is exclusively human, because man occupies the center of the stage. The Protestant Reformation, too, has rediscovered man. Martin Luther is the first great religious figure in the Germanic world who is concerned with man, and who is worried about the individual and the individual soul. This is also true of Melanchton and Swingli, Erasmus, Kant, Goethe, Beethoven. This era of enlightenment brought forth such great intellectual geniuses as Galileo, Copernicus, Keppler, Newton, Leibnitz, and Spinoza, who thought in terms of mathematical formula and developed the sciences of mathematics, physics, algebra, geometry, that paved the way for the development and perfection of the machine age by fertilizing the soil of invention, a century later. In England the beginning of the Reformation actually coincides with the Magna Carta, the first primitive document to deal with the rights of man. And at the height of the Reformation in England the famous English Poor Law was enacted, providing for the economic relief of those in distress and need. Western history since the Reformation and the Renaissance, is a history of one uninterrupted struggle, of all forces of the spirit against the will to more. It is a history of the social, political, and economic emancipation of man. At times this process was interrupted by certain reactions, but still it went on, after overcoming these reactions—often in a more lively tempo.

Humanism, or the rights of man, is the name of the great cultural movement given by history to the anthropocentric tendencies which developed in the western world since the Reformation and the Renaissance. With the rise of humanism there developed new tendencies in jurisprudence, economics, and politics, and culminated later in the phenomenon called enlightment, which dominated the entire eighteenth century. But man as a source of all certainty, of all intellectual authority, and as a source of everything in philosophy, science, and other branches of culture, was established in the French Renaissance by the brilliant philosopher Descartes, who has summed up the greatest philosophic truth of all times: "I think, hence I am." Thus making human thought the source of all positive knowledge. There is a direct development from Descartes to the enlightment movement of the eighteenth century with his gospel of the rights of man. All the trends, currents, and ideas of that movement have had but one objective and one goal, to emancipate man from the shackles of political, economical, social, juridical, and ecclesiastical despotism. The real significance against the struggle of the so-called Popery in England was a rebellion against ancient Rome, expressing itself in despotism, autocracy, and political absolutism, and its will to possess more, with which the medieval church was permeated.

Most modern historians agree that one of the main causes of the French Revolution was the prevalence of ancient Roman law in France, with its attending cruelties, brutalities, and barbarism. The powerful attempts made to emancipate man, socially, economically, and politically, led to the actual dissolution of legitimism—the king's rule by the grace of God. Under legitimism, the country was considered the personal estate of the king, and not the property of the nation. The king was identical with the state and not the nation. Louis XIV expressed it in the formula "L'état c'est moi"—"I am the State." Republicanism as a form of government, and its corollary, democracy and all that goes with it, are the direct results of the humanistic movement, in the last few hundred years.

The political emancipation of man stimulated by such eminent anthropocentric scholars who loved their fellow man, as Montesquieu, who fought for parliamentary constitutional government in France, Rousseau, who in his great book Social Contract destroyed the principles upon which the divine right of kings existed, and battled for the sovereign right of the people to choose their representatives. Voltaire who pilloried and excoriated the cosmocentricism of the

church instead of battling for human rights, aided and abetted later by the great American patriots and pioneers who fought for human rights, as Thomas Jefferson, Thomas Payne, Benjamin Franklin, James Madison, and George Washington. These men brought about the French and American revolutions, which overthrew feudalism and legitimism, and cleared the way for republican and democratic government, thereby necessitating an economic reorientation which found its expression in many new schools of economic thought in France, England, Germany, and America. They finally culminated in the one or the other forms of socialism. All these new schools of economic thought stressed economic democracy versus plutocracy, and man's rights versus property rights. If living man and not dead nature is the center of things in life, the conclusion is inescapable, that human rights must precede property rights; in short, that living man has more rights than dead nature. [Applause.]

When feudalism and legitimism were destroyed by the mighty revolutions at the end of the eighteenth century and agricultural slavery was abolished, the western world was about to experience the economic ideal of the Bible, "everybody in his own vineyard", for the enslaving feudal law was no more. But no sooner was feudalism overthrown and agricultural slavery ended than the machine age began and introduced industrial slavery. By the time feudalism as a primary economic force was destroyed, the villager was so impoverished that the city, with its industrial opportunities, looked to him like the promised land, and he soon exchanged it for the factory. The landed gentry was unable to halt this process because it could not answer the challenge of the new rising economic force, called capitalism, which ultimately developed into industrial plutocracy. The factory offered a full year's work, while the farm only offered 6 months' employment. For this reason the factory in the city attracted the farmer with a magnetic force and within a short time the entire landscape underwent a radical change. Innumerable villages were deserted and the city slum was born. This process is best described in Oliver Goldsmith's famous poem, The Deserted Village—"Ill fares the land, to hastening ills the prey, where wealth accumulates and men decay." In the city the farmer found, not the promised land, but the unexpected slum. Escaping starvation and misery in the village, he found slavery and squalor in the city. How this new slavery affected the life of the people, the life of the masses, can clearly be seen from the child-labor bill introduced in the English Parliament in 1815 by Robert Owen.

The bill was to forbid completely employment of children under 10 in textile factories and to allow no more than 10½ hours of work for anyone under the age of 18. The bill was considered revolutionary. The then master of the political destinies in England—Peel—who was himself a manufacturer, caused it to be postponed because it was not compatible with his own interests. In 1818 it was reintroduced and passed the House of Commons but was defeated by the Lords. One year later the bill finally passed through both Houses of Parliament. However, it was so modified, crippled, and emasculated that it became meaningless. It applied only to cotton, and not to textiles. It allowed 12 hours of work, and the age limit of a child was fixed in the bill as 9 and not 10. After the age of 9 a child could work in the factory 15 to 18 hours a day.

It was this shameful exploitation of labor by capital and the reducing of man to machines, making human beings slaves of the machine, that stimulated and called forth the powerful socialistic and communistic movements in the first half of the nineteenth century.

The enslavement of man in the preindustrial era was carried out in the name of the despot, who was supposed to rule by the grace of God. The industrial enslavement through the nineteenth century was carried out in the name of that infamous economic and political dogma laissez faire, a principle invented in pre-Revolutionary days, when the despotic and corrupt government under Louis XV held sway. The middle class hated that government and resented their interference in any sphere of life. The representatives of that middle class pleaded with that government to leave them alone. "Laissez faire", they cried—"Leave us alone!" With the ushering in of the industrial era, this almost forgotten principle was reintroduced by the captains of industry to enable them to exploit the masses shamelessly. Their slogan, too, was a minimum of government—"Laissez faire", they demanded; "Leave us alone!" In this cry they were reinforced by the Manchester school of political philosophy, and such men as Adam Smith, Jeremy Bentham, David Ricardo, Thomas Robert Malthus, and John Stuart Mills, who fought for the philosophy of the economic jungle, the principle of laissez faire—"leave business alone." They established the theory that the government was there only to prevent crime, and had no right to interfere in any other sphere of the activities of the citizens, especially not in the economic and social sphere. So dogmatic became that principle that when the Public Health Act was introduced in the English Parliament in 1848, and, in spite of strong opposition, was passed as a result of the activities of the commission revealing most appalling insanitary conditions in most of the big English cities, the Economists, a periodical which represented a view of the followers of the laissez-faire principle, also opposed it on the ground that it was an interference of government with business. The prevalence of the laissez-faire principle for many decades made the development of industrial monopolies and economic imperialism possible, and led to a complete enslavement of the masses, with its attending phenomena—poverty, ignorance, slums breeding disease, and crime. It is not blind chance that the debasement and degradation of man by industrial lords coincides with the rise of cosmocentricism, materialism, and naturalism, culminating in the sanctification of property rights, throughout the last half of the nineteenth century. The anthropocentric world picture was again replaced by a cosmocentric world concept, with the usual result, that property rights were stressed and the representatives of human rights were decried as radicals and revolutionaries.

Just as man disappeared from view throughout a thousand years of the dark Middle Ages, so he has disappeared from view, since industrialism reached its highest peak, in the development of the great industrial and financial combines.

The combines, monopolies, trusts, and corporations are doing to man today what feudalism did to him in the Middle Ages—exploiting him by reducing him as a means to an end only, commercializing him as a tool of the machine. In Russia if a human being kills his fellow man the maximum penalty he receives is 10 years, but if a human being destroys a machine he is shot. Thus the machine has become king, representing property rights, while the human being has become the machine's economic slave.

With this debasement of man goes the degradation of science. It is today the servant of industry, just as philosophy was the handmaid of theology in the Middle Ages. Pure science is no longer an ideal worth the efforts of man's life, but it is only valuable to the extent that it serves the purpose of industry, which in turn serves primarily the purpose of a select few at the expense of many. The moment the great physicist or chemist appears, he is captured by the interests and made to serve the purposes of science only as applied to industry. If these processes will continue much longer, modern science will go the way of Greek philosophy in the beginning of the Middle Ages. Just as medieval theology used Aristotle to prove its dogmas and doctrines, so an Einstein or Michelson may be used one day by capitalistic industry to prove its social and economic contentions. This will to possess more, as it expresses itself today in the transactions of capitalistic industry, has created a one-sided value of life. And what is this value? More money, more wealth, more power, more influence—more, more, more; always the will to possess more. [Applause.]

Everything becomes subordinate to these primary aspirations, to which there is neither logic nor justice. Modern astronomers speak of an expanding universe. Whether the universe is expanding or not cannot be proved scientifically; it is still a hypothesis; but the will to possess more, in the form of corporations, trusts, and combines, is constantly expanding to the advantage of the few and to the detriment of many. The corporation or the juridic person, as the

courts have defined the corporation, has enabled a few to expand the will to possess more to dazzling depth and amazing heights. This juridic person called "corporation" has rights and duties of its own which are not the rights and duties of the original members thereof. Consequently the corporation is only a magnified will to possess more; but, on the other hand, it is not endowed with the qualities of the subject of the simple will to possess more. The corporation has no human sympathies, no compassion, no mercy, and no ethical consciousness and no conscience. It is an economic Frankenstein driven by the one powerful instinctive force—to acquire more, to grab more, and to get hold of more. And the process of this expansion is comparable to the hot lava of a volcano, that destroys everything in its wake. The corporation is not an invention of religion or ethics; it is not an emanation of the anthropocentric world picture of Christianity, but of the cosmocentric world concept of ancient Rome.

The term in ancient Roman law corresponding to the modern corporation is collegium, universitas, or corpus. As a rule, it is called collegium. This collegium remained in existence, although all its original members were changed. Like the modern corporation, it was governed by its own by-laws, and, like the modern corporation, there was in the Roman collegium a complete separation in law, between the right of that collegium as a body and those of its individual members. It is interesting to observe that the Roman conception of the corporation was kept alive mainly by the ecclesiastical bodies, organic parts of the medieval church, which was overwhelmed with the spirit of ancient Rome, whose laws were inspired by the motive of might makes right. The original Roman terms for corporation, collegium, or universitas, having been adopted later by religious, ecclesiastical scholastic, and charitable groups and societies, the English lawyers during the time of the Rennaisance and the Reformation upon coming in contact with societies and groups of the above-mentioned nature, adopted the original Roman name corpus, for corporation. The origin of the corporation of England coincides with England's rise to an economic power during the reign of Queen Elizabeth.

The corporation is a magnified will to possess more and the most powerful instrumentality in the accumulation of wealth in the hands of few. Its interests are represented by lawyers who learn to think and do things only in terms of corporations. In the cause of their activities the corporation lawyer looks at the world around him only from the vantage point of the corporation and its interests. In days gone by, when the economic forces in America determined political processes, the political powers would express their gratitude for the services rendered to them by corporations, by appointing corporation lawyers to the Supreme Court, which, according to the Constitution, was to have appellate jurisdiction only, with such exceptions and under such regulations as Congress shall make. As a result of this development we see a court with appellate jurisdiction usurp the power of the legislative and executive branches of the Government. The people elect legislators to make laws and a President to administer these laws, but then comes the Supreme Court, whose members are only presidential appointees, and void all that was voted for by the people. The result is that America, instead of being a democracy, ruled by a majority of the people, has slowly been turned into a nomocracy; that is to say, a system of government ruled by a rigid and almost immutable law, in whose shaping the people have no part and in whose development the people have no influence. The ancient Greek term "nomas" signifies the static, rigid, and almost immutable law, in contradistinction to thesis, which was the dynamic and living law, subject to change and development and independent of vested interests. Nomocracy, or the rule of rigid law, is the end of all democracy. For in the nomocratic system of government not the will of the majority is the source of law but dead legal formalism, developed by vested interests of the corporations and their lawyers, in shaping the destinies of the country and its people. Nomocracy in ancient as in modern times is the emanation of cosmocentricism, naturalism, and similar sinister philosophies, which are rather medieval in character.

Ancient man thought in mythological and theological terms. Man of the Middle Ages thought in mathematical terms—Descartes, Spinoza, Keppler. Eighteenth century man thought in critical terms—Kant's Critic of Pure and Practical Reason—and modern man thinks in sociological terms. The Supreme Court jurisprudence is archaic, because it is theological, formalistic, static and the impression it gives is, that law is not here to serve man, but that man is to serve the law, to bow before the dead legal formula.

All law is either dynamic or static, either nomos or thesis, either dead or living law, either legal theology or ethics reduced to the juridic formula. The law of the majority of the Supreme Court as it expressed itself in its recent anti-New Deal decisions is static and not dynamic, dead and not living law, is legal theology and not jurisprudence, permeated with the spirit of ethics. In those decisions the majority of the Supreme Court take the position of the church of the Middle Ages, whose representatives said "the church is like the rock in the ocean." The waters come and go but the church stands there forever. Man comes and goes but the church is eternal, and therefore the church is there not to serve man, but man is there to serve the church. The majority decision of the Supreme Court in its anti-New Deal decisions says the legal formula is eternal, and the law is not here to serve man, but man is here to serve the law. No matter what happens in life, the judicial formula stands and life must adjust itself to the legal formula.

It is against this medieval tendency expressing itself in cosmocentricism, property rights, naturalism, and the debasement of man, that the great spiritual forces of our time have risen in rebellion, with the object of restoring to man his dignity, his rights and his position in life—that of an end in himself. Destiny willed it that these spiritual forces to restore to man his rights shall originate in America. This great American civilization of ours must be considered a synthesis of Asia and Europe. Asia is the mother of all religions, Europe the father of science and philosophy, and America the child of both. "And the child shall lead them" was already predicted by the mighty prophet Isaiah. That prophecy of the Bible is now being fulfilled.

In the course of its history, America has experienced three great crises, which shocked it to its very foundation, the first crisis bringing to the fore the fateful problem, "Shall America be free, or a dependency of a foreign nation?" This crisis was overcome by the heroic deeds and leadership of George Washington. Seventy-two years later the second crisis arose, "Shall slavery continue or not?" It was solved by Lincoln. He, like Abraham of old, sacrificed not his son but himself on the altar of human freedom. Seventy-two years still later, in 1933, a third crisis shook America to its very foundation. Then another great leader arose, Franklin Delano Roosevelt, to give man a New Deal, and to free him from the shackles of plutocracy, combines, monopolies, and trusts and give him a minimum of economic security. Franklin Delano Roosevelt is indeed a great Biblical figure, for what is it he said and demanded that wasn't preached and proposed by the prophets of old: Micah, Amos, Isaiah, Jeremiah, Hosea, and Jesus. Is it not the same message to man, social justice, economic justice, to lessen man's worries and to give him peace of mind at all times, whether employed or out of work? What is old-age pensions, unemployment insurance, minimum wages, maximum hours, collective bargaining, abolition of child labor, and security for farmers, if not Biblical ideas? [Applause.]

To carry out this program, it is necessary that the sovereignty of the people, permeated by cosmocentric decisions of the majority of the Supreme Court, be restored to the people. Democratic government is impossible, when a body not elected by and not responsible to the people, can nullify the will of the people, its representatives, and its Chief Magistrate. I say, that to turn the Supreme Court into what

the Constitution meant it to be is not a mere governmental reform but is a great world historic deed. For it will open new avenues of progress and will help to make human rights supreme. While the shadows of the Middle Ages are now darkening Europe, a progressive democratic America must be a source of inspiration and courage to all those elements in the Old World, who exhausted themselves in warding off the onslaughts of all sinister forces against humanism. The courageous attempt of President Roosevelt to weaken the citadel erected to protect property rights as against human rights—that is to say, to reduce the Supreme Court to what the Constitution meant it to be—is in reality a continuation of the process begun by the Reformation and the Renaissance. [Applause.] European fascism to the right and to the left has interrupted this process. Franklin Delano Roosevelt, disregarding these sinister forces, has picked up the historical thread and is continuing the great spiritual movement known as humanism. He is the only statesman of our time who, by his New Deal policies culminating in the reform of the cosmocentric attitude of the majority of the Supreme Court, is trying to restore to man his rights, without bloodshed, without a display of brute force, and without deviating one inch from the course of the American historical process. [Applause.]

To sum it up, throughout the ages we see two opposing antagonistic forces in perpetual struggle for supremacy; anthropocentricism versus cosmocentricism; idealism versus naturalism; ethical law versus jungle law; regulated freedom versus regulated force; autocracy in all its forms versus democracy; and human rights versus property rights. In the course of this struggle between these two gigantic forces empires were destroyed, civilizations perished, and nations ground into dust. We now face this tragic issue, and we must face it courageously and manfully. We have got to ally ourselves either with the forces of medievalism, reaction, and darkness or stand squarely for humanism, progress, and enlightenment. I, for one, who is conscious of his duties as a representative of the people, choose to ally myself with the leader of the Nation, Franklin Delano Roosevelt [applause], who stands for human rights, for progress, and for justice. I stand loyally behind him, because justice should not and cannot be compromised. The issue is property rights or human rights! Does might make right or right make might? You either stand for regulated force or regulated liberty! We cannot bargain with human rights, as we cannot bargain with our conscience. [Applause.]

Nothing is more symbolic of modern corporation cosmocentricism than the Laocoon, the great artistic masterpiece of ancient Greece in the Louvre in Paris, showing the figure of a father and two sons being crushed to death by a great python snake. As the snake entwines the bodies of the father and the two sons, you can behold the pain, agony, and suffering undergone by these three human beings as life is crushed out of them. The modern cosmocentric corporation is comparable to the python snake, in the Laocoon. The masses of our people are being exploited, bled white, and crushed by the corporation, as the father and the two sons of the Laocoon group are being crushed by the python snake. The modern cosmocentric corporation is economically, socially, and politically a sinister force whose background is a cosmocentric, naturalistic world picture in which human rights are subordinated to property rights. It is against this sinister force, which deprives man of his birthright by enslaving him economically, socially, and politically, that the twentieth century must rebel in order to bring freedom and happiness into the homes of the American people.

If we continue to struggle, to battle, and to legislate for human rights, in order to enable our citizens under the guiding leadership of that great Biblical, patriarchal, and patriotic character, Franklin Delano Roosevelt, to put into fruition the realization and ideals embodied in human rights for which he is battling, we will be enabled to bring about in our Republic the brotherhood of man and the fatherhood of God, and thus continue to dedicate and consecrate our Nation upon the altar of true constitutional democracy that it may live on throughout the ages. [Applause.]

Mr. SACKS. Mr. Speaker, will the gentleman yield?

Mr. SIROVICH. I yield to the gentleman from Pennsylvania.

Mr. SACKS. Does the gentleman know whether there was ever a physician on the Supreme Court?

Mr. SIROVICH. In the present Congress of the United States we have two or three physicians. I have the honor to be one of them. I desire to call to the attention of my distinguished colleague from Pennsylvania [Mr. SACKS] that in the little town of Barberville, Ky., over 100 years ago, was born to humble parents, a son, whose name was Samuel F. Miller. He studied medicine for 1 year and practiced it for 20. He was a great humanitarian. He administered to the sick, needy, and destitute without compensation, and gave of his today that others might have their tomorrow. He then moved to Iowa. There he studied law during his spare time, and was admitted to the bar. In the great conflict of the Civil War which was waged for human rights to abolish slavery, a vacancy occurred in the Supreme Court of the United States. The beloved, amiable, humane President, Abraham Lincoln, in 1862 selected this distinguished physician, learned in medicine and acquainted with the law, as Associate Justice of the Supreme Court of the United States. In many of his decisions he contended that the Constitution of the United States must be interpreted as a live, dynamic document that should not act as a strait jacket to imprison the anthropocentric rights that human beings were clamoring for. I sincerely hope when the time comes for President Franklin Delano Roosevelt to appoint additional Justices to the Supreme Court of the United States, that like his great predecessor Abraham Lincoln, he, too, might find some worthy physician or surgeon learned in the law and appoint him to the Supreme Court, that he, too, may interpret the law from an anthropocentric viewpoint, extending liberty, justice, and humanity to those who are living for a better day to arrive in this great Republic of ours.

Mr. ROBSION of Kentucky. Mr. Speaker, will the gentleman yield?

Mr. SIROVICH. I yield.

Mr. ROBSION of Kentucky. Permit me to thank the gentleman for his very gracious reference, and I was happy to have the opportunity to hear this eloquent and learned speech by my distinguished friend from New York.

Mr. SIROVICH. May I state to the distinguished son of Kentucky [Mr. ROBSION] that I have always entertained the greatest respect and admiration for his human qualities, for his gracious disposition, and for the amiable way in which he has always battled for human rights. In stature he is at least 6 feet and 3 inches, and in personality and appearance the distinguished Representative of Kentucky [Mr. ROBSION] has always appeared to me another Abraham Lincoln. I know the people of his district have the same affection for him that we Members of the House who know him have.

Mr. ROBSION of Kentucky. If the gentleman from New York will yield further, I am reminded that when I first became a candidate for Congress a friend of mine said, "You remind me of Abraham Lincoln." I stretched up about 6 inches, but he said, "You need not stretch up; you are just as homely as Abraham Lincoln, but you never did have the sense and never will have the sense of Lincoln." [Laughter.]

May I say that Samuel F. Miller was a physician and surgeon until he was nearly 40 years of age, when he took up the practice of law. He and Silas Woodson, who later became one of the great Governors of Missouri, were partners in the practice of law in my little home town of Barbourville, Ky. Their law office, a little one-story frame building, still stands. Over the door is written "Attorneys at Law, Silas Woodson and Samuel F. Miller." May I say further that Chief Justice Taft said of Samuel Miller that next to John Marshall he was the greatest influence on American jurisprudence.

Mr. SIROVICH. Apropos of the remarks of the distinguished gentleman from Kentucky as to the humane virtues and qualifications of Dr. Miller, I am reminded that all great events have responded to the mystic number 3. The ancient Brahmins had three gods, Brahma, Vishnu, and Shivu. The

Hebrew patriarchs were Abraham, Isaac, and Jacob. The Egyptian deities were Osiris, Isis, and Horus. Christianity has Father, Son, and Holy Ghost. Masonry has King Solomon; Hiram, King of Tyre; and Hiram Abif. And Kentucky has produced three great men that I love, Abraham Lincoln, Dr. Samuel F. Miller, and the genial gentleman from Kentucky [Mr. ROBSION]. [Applause.]

Mr. MASON. Mr. Speaker, will the gentleman yield?

Mr. SIROVICH. I yield.

Mr. MASON. I have been very much interested and instructed by the gentleman's scholarly address. I believe every Member of the Congress places human rights above property rights, although some of us cannot see how you can separate them, and I believe every Member of the Congress wants to solve the social problems that we have in this day and age, but our problem is to determine which of these two solutions is the better—the packing of the Supreme Court or amending our Constitution to see to it that it will enable us to solve the problems that confront us. The gentleman's scholarly address arrived at the conclusion that we should, and we must, solve these problems, but it did not convince me that the one solution that has been proposed is the true solution. Personally, I feel the only solution is the solution that was laid down by the men who drew up this Constitution, and that is the solution of amending it by and through and of the people. [Applause.]

Mr. SIROVICH. Let me answer the distinguished gentleman's question as a humble physician and Member of Congress and not as a lawyer. He has stated that every Member of Congress places human rights above property rights. If that economic philosophy were carried into realization through legislative enactment, and be approved by a majority of the Supreme Court of the United States, there would be no necessity for increasing the present number of Justices of the Supreme Court of the United States. Let me digress for a moment to state to the Members of this House that there are various ways in which the Supreme Court of the United States could be curbed, so far as interpreting the Constitution by the Congress of the United States. At the time the Constitution was formed by 54 members of the Constitutional Convention a plan was formulated, which is now in the Constitution, which gives Congress the right by a two-thirds vote of its House and Senate to override a Presidential veto. James Madison, who was one of the authors of the Constitution of the United States and contributed greatly to its perfection and development, as a delegate to this Constitutional Convention, formulated the idea that Congress should have the right, by a two-thirds vote of the House and Senate, to override the judicial interpretations of the Supreme Court. This formula was known as the Madison plan. However, several delegates to this Constitutional Convention called to the attention of James Madison the fact that Congress was not in session all the year around, and since a decision of the Supreme Court might be handed down after the adjournment of Congress, it would necessitate Members of Congress returning to Washington to override a judicial decision. It might take 3 or 4 months for the Members of Congress to come, from Maine and Georgia, as modes of transportation were slow and cumbersome. On account of this situation James Madison abandoned this plan as impracticable.

However, the Constitution provides many ways in which Congress can change the Supreme Court of the United States. First and foremost, I desire to state to my distinguished colleague from Illinois that five or six times in the history of our Republic the Congress of the United States has numerically enlarged the membership of the Supreme Court. This is within the framework of the Constitution, and no one has ever challenged the constitutional right of Congress to increase or diminish the number of Justices of the Supreme Court of the United States. [Applause.]

Jefferson, Jackson, Lincoln, and Grant increased the number of Justices of the Supreme Court during their administrations, ranging from 5 to 10 and back to 9, as we have it today. In the United States at the present time we have 10 circuit courts and we are supposed to have one Justice of the Supreme Court of the United States preside over each circuit. Nine cannot fill the job for 10, because these 10 were present during the administrations of Grant and Lincoln.

Now, can anyone challenge the right of the Congress of the United States to increase the number of Supreme Court Justices? Six precedents for that right exist today. It is thoroughly constitutional. It is an aspersion upon the intelligence of any man to say that that right, which has been established by the Constitution, should be characterized as "packing the Court." If the Congress of the United States shall authorize our great President, Franklin Delano Roosevelt, to increase the number of Justices upon the Supreme Court, it will enable the President to dilute the cosmocentric, naturalistic, materialistic property rights decisions that have been repeatedly handed down by a majority of the members of the Supreme Court of the United States invalidating human rights. [Applause.]

Throughout the length and breadth of our country tons of propaganda through newspapers, magazines, periodicals, and publications, as well as the radio, are being disseminated to misinform, to misinterpret, to prejudice, and poison public opinion against the ideals for which the great President of the United States is battling. Human rights must be the master of property rights.

I now come to the question that my distinguished colleague from Illinois has propounded, in which he suggests that we should proceed to change these conditions that he is opposed to by the process of amending the Constitution of the United States. Let me call to his attention that the Constitution states that we have the right to amend the Constitution for any purpose through a two-thirds vote of the House and Senate, and then to be approved by three-fourths of the States of the Union. This constitutional provision enables 12 States, representing 5 percent of the voting population of our Nation, to overcome the will of 95 percent of its people. However, amendments to the Constitution may be effected through conventions held in the 48 States of the Union or through the legislatures of their respective States adopting the amendment, which then becomes a part of the organic law of the Nation.

I, for one, thoroughly agree completely with the President of the United States, that in this great emergency of our Nation, in which one-third of our Republic, 40,000,000 people, are living in hunger, in misery, in poverty, in penury, and in want; one-third ill-fed, ill-clad, and ill-nourished, and ill-housed in a land of plenty, something must be done to guarantee economic security to the homeless, to the helpless, and to those who are looking to the Democratic Party of our Nation through a vote of confidence of 46 States out of 48, that they approve the political philosophy and the economic interpretations of the President of the United States to make our country the greatest and most glorious in the world. The time for decisive action has now arrived. It has taken 16 years to amend the Constitution of the United States to put through the income-tax provision, after one of the Justices of the Supreme Court turned a judicial somersault overnight whereby the Court voted 5 to 4 to declare the income tax unconstitutional. Here in this great Congress of the United States there are sitting many of my colleagues, who 13 years ago voted in favor of submitting a child-labor amendment, which would emancipate the children of our republic under 16 years of age from working in the mills, in the mines, in the looms, and in the factories. This amendment, as passed by Congress 13 years ago, has not been approved as yet by 36 States of the Union. Thirteen years have elapsed. I am ashamed of the conduct of many legislative representatives in the Assembly of New York State, both Republicans and Democrats, who have voted against the privilege of emancipating the flower of our Nation, the American children, from being the economic slaves of industry. [Applause.]

Mr. Speaker, ladies and gentlemen of the House, to me the issue is clear-cut. If we are to preserve this great Republic for which millions of men and women have sacrificed their lives in times of war and peace that our institutions

should be preserved, if the blood that hallows the battlefields of our Nation, North and South, East and West, as well as abroad, shall not have been spilled in vain, the time is now propitious and the moment has arrived when America shall proclaim to the world that democracy must live, that the cry of suffering humanity must be heard, and the only way that it can rightfully be answered is by appointing, in conformity with the Constitution of the United States, legally and lawfully, men of learning and patriotism who will have the courage to proclaim the economic philosophy that human rights must be conserved and preserved so that this Republic may go on and endure forever and thus make the world safe for democracy. [Applause.]

[Here the gavel fell.]

The SPEAKER pro tempore. Under special order, the gentleman from Michigan [Mr. WOODRUFF] is recognized for 10 minutes.

LET US KNOW THE WORST

Mr. WOODRUFF. Mr. Speaker, I have also been intrigued by the splendid oration of the gentleman from New York [Mr. SIROVICH]. I have been instructed, I have received this afternoon information about history that I overlooked in my high-school and college days. As I say, I have been intrigued, I have been pleased with a great part of the splendid oration just concluded, but I think it is about time that we in this House got down to brass tacks.

President Roosevelt in his address of March 4 at the Democratic victory dinner in Washington stressed as the all-important reason behind his demand for immediate dominion over the Federal judiciary "another crisis, fundamentally even more grave than that of 4 years ago." He based upon that dark and alarming statement the plea that he must now be clothed with authority by the Congress to compel the judiciary to interpret the Constitution as Mr. Roosevelt wants it interpreted.

Again, in his radio "fireside chat" on the evening of March 9, he stressed vaguely and darkly this terrible crisis which now faces the country.

Mr. Roosevelt's dire hints are alarming the Nation, particularly in view of the fact that throughout the whole campaign and ever since, up to February 5, he had assured the Nation that the factories were humming with production, that unemployment was rapidly being eliminated, that wages were rising, that purchasing power was being restored—that "Happy Days Are Here Again."

Millions of citizens are asking why it is that in the face of these assurances Mr. Roosevelt has suddenly discovered a "crisis fundamentally even more grave than that of 4 years ago."

If such a crisis exists, it certainly is the right of the American people to know what it is.

If such a crisis exists, it certainly is the duty of the President of the United States to inform the people of the dangers, not in vague, dark, alarming hints, but in a frank statement of the situation.

Is this crisis the threat of some nation or nations to assail us with armed invasion?

Is this crisis revolution within our own borders prepared, all unknown to the President, and to the people, by some group of sufficient proportions to constitute such a "grave situation"?

Is this crisis one of "strikes and disorders" which Mr. Roosevelt referred to in his victory dinner speech, when he said that they "could not forever be settled on a catch-as-catch-can basis"?

Is this crisis inflation, the threat of which has come so suddenly as to catch the President unawares? If this be the case, what has happened to his Czaristic control of the Federal Reserve System through the Federal Reserve Board and of the banking institution of the country through the Treasury Department, and the Reconstruction Finance Corporation, by means of which control he could prevent any extensive credit inflation?

Certainly not one single constructive object can be achieved by Mr. Roosevelt frightening this country by such vague references.

People all over the Nation are demanding the information, and the President should, if such a crisis exists, trust the American people to know what it is.

Those who have followed the President's argument for his proposal to dominate the judiciary cannot see any such grave crisis in the flood situation, or the Dust Bowl situation, or the trade situation, or the strike situation, unless Mr. Roosevelt has been deliberately withholding from the American people information which rightfully is theirs, and which it would be incredible that he would withhold from them if it exists.

It is with these questions in mind that more and more insistent is growing the demand on the part of leading Democrats, both in Washington and over the country, as well as citizens of every other political complexion, that Mr. Roosevelt specify and clarify these dire and dreadful hints which he has used as the basis of his demand that his orders to the Congress to turn the judiciary over to his domination must be done and done now, because, "We cannot wait one moment beyond the time necessary."

This is a situation which may well cause every thinking citizen to pause and ponder, because one of three conclusions is absolutely inescapable; either Mr. Roosevelt has concealed from the American people information vital to the safety of its citizens, which he should months ago have given them; or else Mr. Roosevelt and his administration have been incredibly remiss in not having discovered the details of any such great crisis long before this; or else this crisis has arisen so suddenly that Mr. Roosevelt and his administration could have known nothing about it heretofore. Certainly the American people are entitled to know what dreadful thing portends; they must have from the President a frank statement of what this great crisis is. And they should have it now.

It is significant, in this connection, that President Roosevelt, in his excoriation of the Supreme Court in his speeches, and his Attorney General and Assistant Attorney General in their testimony before the Senate Judiciary Committee, have viciously assailed the Supreme Court because, during Mr. Roosevelt's regime, the Court has held more congressional acts unconstitutional than in any similar period in history.

The reason the Supreme Court has had more work to do and has had to invalidate more acts of the Congress during Mr. Roosevelt's administration than ever before in a similar period of time is because the Congress, under the lash of the President's "must" legislation, passed, without study, or with only the most superficial and perfunctory consideration and debate, more loose, ill-advised, and ill-drawn legislation than ever before in history.

Mr. Roosevelt has openly urged the Congress to pass legislation, "regardless of doubts as to its constitutionality, no matter how reasonable"—and Congress has done that.

Now, after having loaded the statute books with this hasty and badly conceived legislation, Mr. Roosevelt viciously attacked the Justices of the Supreme Court because the Court has had to do the work that the Congress should have done.

Under the Constitution the Congress has the same clear duty and obligation to carefully consider the constitutionality of its acts as has the Supreme Court. Previous to Mr. Roosevelt's administration, the Congress has fulfilled its duty under the Constitution, with the result that the Congress itself rejected unconstitutional proposals, instead of doing as it has done under Mr. Roosevelt, passing that duty of rejection on to the Supreme Court.

It is not the Supreme Court's fault, nor is it the fault of any Justices on the Bench, that Mr. Roosevelt has insisted successfully that the Congress ignore its duty of carefully considering constitutionality when it passed in haste the mass of "must" legislation which has been whipped through the Congress during Mr. Roosevelt's regime.

It is manifestly unfair for the President and his aides to now accuse Justices of the Supreme Court of being reactionary to the point of ruining the country because the Court has performed the duty that Congress should have performed and did not perform because Mr. Roosevelt himself demanded

and insisted that the Congress ignore that duty and leave it for the Supreme Court to perform.

Such tactics, in the light of Mr. Roosevelt's own admonitions to the Congress to disregard the constitutional phases of legislation, are unworthy of a President of the United States. [Applause.]

NAZI-ISM

The SPEAKER pro tempore. Under special order the gentleman from New York [Mr. DICKSTEIN] is recognized for 15 minutes.

Mr. DICKSTEIN. Mr. Speaker, it has been stated, particularly from German sources, that fascism is not an article of export, and that the Fascists are not interested in converting the world to their doctrine. Events of the last few weeks have clearly demonstrated that this statement is untrue, and that just as the Communists maintain an Internationale, the Fascists likewise are more than apt masters in the art of propaganda seeking to convert the world at large to the idea that in fascism lies the solution of our present ills.

Some weeks ago, when I had occasion to address the House on the subject of Nazi propaganda in the United States, I remarked that "a democracy has no right to commit suicide as it did in Germany." We must be forever on our guard, since the forces of fascism have the tendency of engulfing us if we do not watch out. The German press in the last few days has been engaged in promiscuous attacks against our country. America was depicted in the German press as being a country governed by gangsters and ruffians and having a civilization which is brutal and not worth preserving. Some of the press releases from Germany quote Goebbels' sheet as making the statement that America is not worth while and that Germany's great leader would not be interested in America because of its low-grade civilization which is not worthy of preservation.

This line of attack on America is nothing new. And remember that when the German press indulges in comments on our country it is not merely the expression of private opinion, since in Germany, as you know, the press is not free as it is in our democratic country. No one has the right to say a word in the German press unless his remarks have been previously sanctioned by the Ministry of Propaganda, which is presided over by Paul Joseph Goebbels, the German Minister of "Propaganda and Public Enlightenment." This Ministry directs what may or may not be printed in Germany, and any attack in the press against any person of authority in the United States is fully and thoroughly sanctioned by the German authorities. Do not fool yourself into believing that these things are spontaneous and that expressions in the German press do not represent the attitude of the German Government. Quite the contrary. Every word that you read in the German newspaper is "official" and does come there with the sanction of the Government. During the last election campaign, and even after the election of our President, newspapers in Germany were full of insidious attacks on our Chief Executive, charging him with all kinds of crimes and misdemeanors, and particularly pointing out the fact that the President did not know how to solve the economic problems of America, something which the head of the German Government has been able to do satisfactorily and well. Incidentally, this line of attack on our Chief Executive was copied by the local Nazi sheets in New York and elsewhere, and full advantage was taken by our Nazi neighbors of the liberty and freedom prevailing here which permits the humblest citizen to criticize the Chief Executive of the Nation.

But when it comes to a criticism of the divine head of the German Government, that is quite another matter. To paraphrase the German press releases which came to us in the last few days, the attitude of the German press seems to be that it is perfectly all right to criticize our President, since he is only one of many Presidents we have had or may have, but God forbid if anyone were to criticize the chief executive of the German nation. His person is not subject to any criticism. He is like God Almighty, who can do no wrong, and, as I pointed out the other day, if ever any individual came near to deification in his lifetime it was just this head of the German nation who is revered by his subjects as the nearest approach to perfection as is possible on this earth of ours.

The German President also permits criticism of our President, since he is only, to quote from the language of the German newspapers, "one of many Presidents which America can have from time to time", and who come and go like the seasons of the year or the wind.

But the German leader is one who cannot change and who is a historic person, like our George Washington, and I am again quoting from the German newspapers, and, of course, no one in the world has the right to criticize him or call his actions into question.

A journal which is full of invectives against America and all things American is Der Sturmer, a sheet published in Nuremberg, Germany, by the notorious Julius Streicher, who is Hitler's official leader in Franconia, and as such wields tremendous influence throughout Germany, and is the official spokesman of his master.

His paper has been indulging in continuous attacks on this country and thousands of copies of his sheet have come to the United States for distribution among people who can read German. Nor is the flood of literature coming from that country diminishing in any way.

During my investigation of un-American activities, as a member and vice chairman of the committee created by this House in 1934, I had occasion to point out this menace coming through the flood of printed propaganda from Germany. Again on the floor of this House on many occasions did I show by well chosen exhibits this incessant importation of German propaganda material for distribution in the United States. Nor is this country the only country concerned with this type of propaganda. I have before me part of an English journal entitled News Review, dated February 11, 1937, which points out that at the German Embassy in London a powerful radio transmitter has been put up by means of which highly confidential information was sent to Berlin in code. The statement is also made in that paper that one Ernst Bohle, who is an English born Nazi official and who was refused by the British Government to be accepted as consul to London, was made the head of a separate department in the foreign organization of the Nazi party and prepared a card index containing 30,000,000 names of Germans living abroad, who could be enlisted whenever Germany may need their services.

"And", said the newspaper, "his card index paid special attention to those in America." I must again remind Congress that this is not an isolated instance that any statement that Fascism is not for export is not true and that this attempt to card index every German anywhere in the world, paying particular attention to Germans residing in America calls for congressional action.

Public attention must be centered on the evidence of the last few days to show the vicious manner in which our public officials were criticized and insulted. You see, the tendency of the German press and the German molders of public opinion is to attack everybody who does not agree with them.

The mayor of New York City was severely criticized because he dared to charge the German chieftain with being an instigator of war. But, after all, what is this "sound and fury" eminating from German sources but a plan to engulf the whole world in another conflict. The German press is stifled. There is no such thing as expressing one's views in Germany on public questions, so some outlet must be found to insult other nations or statesmen of other countries so as to keep the press at least partly interesting, because otherwise there would be nothing to write about in Germany. When you cannot criticize your own officials it is so easy to criticize officials of other nations.

The American people, of course, look with contempt upon the so-called criticism leveled against it in the German public press. We do not feel insulted if Germany has no faith in our democracy and our liberal institutions. It is precisely this inability to grasp the fundamentals of

democracy which made it possible for the Nazi government to come into power. If German democracy knew how to defend itself it would never have allowed the fanatics of the Third Reich to become the leaders of its destinies.

We have no quarrel with the German people, and if they wish to have the form of government which they have, it is their privilege, but if they are so brazen as to criticize our Government and to send their poisonous propaganda into this country trying to stir up strife and dissatisfaction among our people, the time has come for us to call a halt and to stop this vicious propaganda before it is too late.

Mr. Speaker and ladies and gentlemen of this House, I again rise in serious protest against so much un-American and subversive activity within our own Government. It seems that we are just sitting back, and in the terms of the street, taking it on the chin. I was sorry to see our great Secretary of State, for whom I have the highest esteem and admiration, even attempt to apologize for what a citizen of my city, who happens to be mayor of that city, said. It was not necessary. If any apology were due, it was due to the American people from Germany, and there is not enough paper in Germany to write the apology. For 3 solid long years the German Government has brought slander upon our people, more than Members of this House can even read.

We did not ask for an apology at that time. Then, after this apology was made by the Secretary of State for what a citizen said under his constitutional rights, the German Government and its papers slandered willfully and maliciously the womanhood of America, and their attacks were so coarse that I am ashamed to repeat them on the floor of this House. You no doubt read about it in the daily press. Then our Secretary of State saw fit to ask the German Government for an apology for what was charged in Germany against the purity of our American women, and we got nothing. Mr. Speaker, I commend the gentlewoman from Massachusetts [Mrs. ROGERS], who had the courage last Friday to stand up and be counted in protest against this malicious slander of the American people. Someone has told me that if the Rules Committee should vote out this resolution he did not think I would get enough votes in the House to pass it. I am willing to gamble on that. I know that Members of Congress will support any resolution that will put the searchlights upon subversive and un-American activities, and upon groups attacking our democracy and the liberty of our people.

A few weeks ago I charged on this floor that one Fritz Kuhn was the new leader of nazi-ism, designated and appointed by Hitler.

Mr. MOTT. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. In a moment. I told you then and I am telling you now that he has an organization of alien spies and agitators, close to 200,000, and half of them are in uniform and half of them are drilling in our communities in different sections of the country. I told you at that time that Fritz Kuhn was working for Ford. I still say that he is working for Ford, and I am finding no fault with that at all. I have the highest esteem for Mr. Ford. He may not know all the facts in the case, but in a statement that Fritz Kuhn himself made, he admits that he is the Nazi leader in this country, and he admits that there are 200,000 of these subversive agitators in his organization, which I charge is attacking democracy.

Mr. THOMAS of New Jersey. Mr. Speaker, will the gentleman yield right there?

Mr. DICKSTEIN. Yes.

Mr. THOMAS of New Jersey. The gentleman says that there are 200,000 Nazi agitators in this country?

Mr. DICKSTEIN. Yes.

Mr. THOMAS of New Jersey. Will the gentleman also tell the House how many Communist agitators there are in this country?

Mr. DICKSTEIN. There are less Communist agitators, and I hold no brief for them—I have no more use for them than I have for Hitler; and if my friend will go back a little bit in history he will learn that because of my activity against these Communists they paraded before my home for 9 long months and made life miserable for me because I felt they had no right to advocate communism or any other "ism" in this land of ours.

Mr. THOMAS of New Jersey. Is that the answer to the question?

Mr. DICKSTEIN. That is the answer to the question.

Mr. THOMAS of New Jersey. Will the gentleman yield further?

Mr. DICKSTEIN. I only have 15 minutes.

Mr. THOMAS of New Jersey. The gentleman did not quite answer the question.

Mr. DICKSTEIN. I say there are less agitators of communism than nazi-ism, but they are just as bad.

Mr. THOMAS of New Jersey. But the gentleman will admit there are more Communists in this country than there are Nazis?

Mr. DICKSTEIN. Not now. I would say that 6 months ago, but we have wiped out the Communist Party from the election ballot last year. They do not even have enough to get on the fifth ballot, if there was such a ballot.

Mr. THOMAS of New Jersey. The gentleman has more Communists in his own district than there are Nazis in the United States.

Mr. MOTT. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. I just want to challenge the statement made by the gentleman from New Jersey about my district. In the last election there were not 200 Communists who voted in my district. I have driven the rest of them away from there. I want to tell the gentleman that in my check-up there are not 300 Communists in my district, because I have educated some of them and some of them I have driven away.

Mr. MOTT. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. MOTT. Is this man Kuhn, whom the gentleman has mentioned, a citizen or an alien?

Mr. DICKSTEIN. He recently became a citizen. He went to Germany about 6 months ago. He brought a signature book containing about a thousand or more signatures of American workers, to show what they were doing in the United States. He took 500 men, or as he himself said, "only 400", in uniform and paraded them before Hitler in Germany. He presented this book to Mr. Hitler.

Mr. MOTT. I think the gentleman's proposition for an investigation is all right. Will the gentleman tell us why he cannot get it out of committee? What is the trouble? What can we do to help the gentleman?

Mr. DICKSTEIN. I have a resolution, numbered 88. I appeared before the Rules Committee last week, but incidentally, I do not think I will have enough time to discuss all the facts and I hope I can get a little more time. I should like to answer the question.

Mr. MOTT. I think the gentleman should ask for more time in order to permit Members who do not know as much about this as the gentleman does, to ask him questions. I think the gentleman has a wealth of information and we would all like to hear about it, but unless we can ask questions, we will not get much information.

Mr. DICKSTEIN. I will be happy to do it if I can get the time.

Mr. MAAS. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. MAAS. Would the gentleman be willing to include Mexico in his resolution?

Mr. DICKSTEIN. The way I feel, I will include anybody everywhere who is subversive to our Government.

Mr. MAPES. Mr. Speaker, will the gentleman yield for a brief question?

Mr. DICKSTEIN. I yield.

Mr. MAPES. The gentleman stated before the Rules Committee as he has stated here that this man Fritz Kuhn is in the employ of Mr. Ford. The gentleman today says that he has no complaint to make about that. I saw in the paper either yesterday or the day before a story saying that this man Kuhn was a chemist. I would like to ask the gentleman if he is a permanent employee of Mr. Ford, or if he is simply acting as a chemist on special work?

Mr. DICKSTEIN. My best information is that he has been with Ford for the past few years. Being fair about

the matter, it looks to me that in the last year he is a sort of a temporary employee, because he has gone across so often, and he has taken over with him men in uniform, under threat of sabotage and injury that might come to them if they did not obey the command of this great leader.

Mr. MAPES. Does the gentleman wish to imply from what he has said that Mr. Ford has any part in these subversive activities?

Mr. DICKSTEIN. I do not. I never have contended that.

Mr. MAPES. I think, then, that ought to be made clear.

Mr. DICKSTEIN. I thank the gentleman. I am making that clear. I make no charge against Mr. Ford.

Mr. THOMAS of New Jersey. Mr. Speaker, will the gentleman yield for a question?

Mr. DICKSTEIN. I yield briefly.

Mr. THOMAS of New Jersey. Does the gentleman's resolution also include an investigation into communism as well as nazi-ism?

Mr. DICKSTEIN. Everybody.

Now, I say to you, in the past it has been thought sufficient for the protection of the Government of the United States to have an Army and a Navy, but now we seem to have reached the point when we have 100,000 Nazis, all in uniform, directed and dictated to by a foreign government, tell us that they think it necessary to protect America. Here is their picture that Mr. Kuhn specially posed for, to be given to the press. When they asked him what authority he had to do this, he said, "We are just trying to combat communism in this country." They said, "Why must you raise your hand to Hitler four times a day when you are trying to combat communism?" The fact of the matter is that he is no more trying to combat communism than the Communists themselves. He is just a confounded liar and perjurer, and is trying to throw dust and dirt into the eyes of American people to cover up his subversive agitation.

I told you some time ago, and I tell you again, that there are millions of dollars of German money in this country at the disposal of Mr. Kuhn for release to these so-called spies who do the dirty work in this country.

Mr. Speaker, only 2 days ago these subversive agitators, these Nazis, went to one of the finest Jewish temples in this country in the early morning and pasted on that building the most filthy sheets of propaganda and swastikas—so many of them that you could not recognize the building. Only a year ago they went to two of the finest Catholic churches and pasted on them the most vicious and slanderous documents. And here we sit back and ask what is going on! O my friends, I do not have to tell you now, for I have been begging this Congress for the last 2 months to give me some power to throw the searchlight upon these agitators who are breaking the backbone of democracy.

[Here the gavel fell.]

Mr. BEITER. Mr. Speaker, I ask unanimous consent that the gentleman from New York may proceed for 5 additional minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LUCKEY of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. I have but 5 minutes, and I would like to bring this matter to the attention of the House.

Mr. LUCKEY of Nebraska. The gentleman has been granted additional time. I would like to ask him a question.

Mr. DICKSTEIN. Get me some more time, and I shall be glad to answer questions.

What do you think! Camp Yaphank in New York was the camp from which we sent out our boys during the World War. Do you know that the Nazis are now drilling there? Do you know that they drilled there yesterday morning with fine polished boots and in the full military uniform of Germany? Yesterday they were taught the goose step; that was the lesson for yesterday, it was goose-step Sunday. Many Americans were standing around, yes; but they were helpless. The police were helpless, too, because the Germans bought that property with German money instead of using it to pay interest on the German bonds held by 700,000 Americans. They spend $50,000,000 to spread Nazi doctrines in this country, but not one dollar to pay interest on the bonds held by 700,000 American working men and working women, bonds bought in good faith.

Mr. LUCKEY of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. If the gentleman will get me some more time, I shall be glad to yield. I want to conclude my statement.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. DICKSTEIN. Fritz Kuhn goes me one better. The last time I spoke on this subject I told you they were organized in 16 States. Fritz Kuhn admits that they are organized in 42 States and that they have an organization that some day will be called upon by Germany to do what? Oh, you cannot take it away from Mr. Hitler, he is very smart. He is organizing an army in every country where there is a German. He is even telling these men to join militias. He is even telling them to join any camp that will give them training. Why? I have documentary proof to show that Mr. Hitler is calling the men of 1917 and 1921 for military duty. These men under Hitler's rule must go back to Germany and drill in the labor camps. In lieu of going back to Germany he gives them permission to drill in the United States of America.

Mr. Speaker, as I say, I am not defending communism, nor am I defending the black shirts, nor the Black Legion, which are domestic crops—and I wish I could show you, all of you, the facts about the Black Legion. It would blow the roof off this Capitol. You have not even scratched the Black Legion. You do not even know how far it extends. What about the Fascist groups in this country?

[Here the gavel fell.]

Mr. MOTT. Mr. Speaker, I ask unanimous consent that the gentleman from New York may have 15 minutes additional time in which to answer questions.

The SPEAKER pro tempore. Does the gentleman from New York desire additional time?

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to proceed for 10 minutes to complete my statement.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LUCKEY of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. Yes.

Mr. LUCKEY of Nebraska. On what does the gentleman base his statement as to the number of Nazis? What evidence has the gentleman?

Mr. DICKSTEIN. In the first place Fritz Kuhn, who, I charge, is the leader, in three different interviews admits 200,000.

Mr. LUCKEY of Nebraska. Who interviewed him?

Mr. DICKSTEIN. Reporters from four or five newspapers. He admitted having 200,000 followers in 42 States.

Mr. LUCKEY of Nebraska. Will the gentleman name the newspapers to which he refers?

Mr. DICKSTEIN. I have quite a number of them. I shall be glad to let the gentleman look them over.

Mr. LUCKEY of Nebraska. I would like to have the names of these newspapers. Who gave the gentleman this information?

Mr. DICKSTEIN. The gentleman from Nebraska has the same information on that that I have. Fritz Kuhn admits to 200,000. I said they were only in 16 States.

Mr. LUCKEY of Nebraska. I would like to have the gentleman name the newspapers. I would like to know the names of those newspapers.

Mr. DICKSTEIN. I will put that in the RECORD. I want my time used to answer questions. The papers referred to above are the New York American, the New York Times, the New York Herald Tribune, the New York Daily News, and many other papers throughout the country too numerous to mention. The papers are of March 13, 1937, and subsequent dates.

Mr. BOILEAU. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Wisconsin.

Mr. BOILEAU. The gentleman said a little while ago that wherever there are German people they are attempting to organize Nazi troops. Does the gentleman mean to infer in those sections of this country where there is a predominance of German people that they are particularly active?

Mr. DICKSTEIN. That is right.

Mr. BOILEAU. May I submit to the gentleman I live in a community where the people are overwhelmingly of German descent. I do not believe he will find a more loyal group of people in the United States. I do not believe any headway has been made in organizing Nazi troops in that section of the country.

Mr. DICKSTEIN. I am glad the gentleman called that to my attention. I have never yet, either on this floor or anywhere else, made any charge against the real German-Americans.

Mr. BOILEAU. I appreciate that.

Mr. DICKSTEIN. They are absolutely against this Nazi madman.

Mr. BOILEAU. In my community there is no evidence of that activity.

Mr. DICKSTEIN. I am glad of that. I may be able to give the gentleman something in his community if the gentleman is really interested.

Mr. BOILEAU. I am very much interested.

Mr. DICKSTEIN. I will tell him who Mr. Kuhn's leader is, and I will tell him where they drill if they are organized in your State—as I have good reason to believe.

Mr. BOILEAU. I will be glad to have any information of that kind.

Mr. DICKSTEIN. I shall be glad to advise the gentleman.

Mr. MOTT. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Oregon.

Mr. MOTT. I would like to find out, if I can, what is holding up the gentleman's resolution. If what he says is correct, it seems to me that nobody should object to having an investigation made by a committee of this House. What appears to be the trouble?

Mr. DICKSTEIN. I am not charging any ill motives to the committee. They asked me to come back again this week to continue my discussion before that committee. When I am advised I shall be glad to go back and submit to them other documentary evidence that will convince any reasonable man.

Mr. MOTT. That is the Committee on Rules?

Mr. DICKSTEIN. That is the Committee on Rules. I think I can convince them that there is a serious problem to be solved, and I believe by this time, through the public press, they know the menace.

Mr. MOTT. Then the gentleman expects no trouble?

Mr. DICKSTEIN. I do not think I should have any trouble at all. I took the time this afternoon to enlighten the Members of the House upon certain matters that transpired within the last week, which substantiate what I have told you 2 and 3 weeks ago, and emphasize the fact that the problem is right at our doorstep now.

Mr. MOTT. I hope the gentleman succeeds in his efforts. If I may make a suggestion, if things are taking place in this country that he says are taking place, it seems to me there would not be any particular use in having an investigation; that the gentleman might better propose a statute that would punish these people who are Americans and deport those who are aliens and those who are taking part in this kind of propaganda.

Mr. DICKSTEIN. I have gone into that matter. You have to have the power of subpena to put the searchlight on this matter and show where the money comes from, who is financing the movement and who is behind it, because Mr. Kuhn claims in the press that they are tied up with 125 additional organizations in this country. You cannot pass a law until you go into the matter thoroughly and we should do it as conscientious Americans. I do not want to be appointed chairman of this committee or to lead it. I do not care whom the Speaker appoints. I am willing to turn my documents over to him. My job will then be done when I, as an American, a Member of this honorable body, can bring these things to your attention. It is a serious problem.

May I conclude with this statement. The Legislature of the State of Indiana without my solicitation, knowing of their troubles with the Klan, and you are not through with the Klan, passed a resolution at the capitol in Indianapolis endorsing House Resolution 88 and asking the Congress to pass this resolution.

The American Legion, one of the greatest bodies of soldiers in our country today, sent their representatives down to my office and I submitted all of my exhibits to them. I told them just what is going on in this country. The American Legion endorsed this resolution 100 percent.

The Veterans of Foreign Wars, another great group of former soldiers, through a committee, contacted my office and I exhibited these documents to them. They gave me unqualified endorsement. I have received endorsements from patriotic organizations throughout this country endorsing this resolution. This is not a speech or idle talk. I am pleading with you from my heart, as one American to another, that we must go into this matter thoroughly, and the quicker we do so the better off this country will be.

Mr. LUCKEY of Nebraska. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from Nebraska.

Mr. LUCKEY of Nebraska. Does the gentleman think this can be cured by legislation, and, if so, what legislation?

Mr. DICKSTEIN. No. We cannot pass laws without knowing just what we are legislating them for or just how we are going to apply them. If I show you and the country that there are certain superpatriots who have been subsidizing some of these subversive activities in this country and have been using these groups as a means of attacking the President of the United States, the First Lady of the Land, and other public officials, and I have proof of that, you should agree with me that it is high time to do something about it.

Mr. LUCKEY of Nebraska. The gentleman is not answering my question.

Mr. DICKSTEIN. I am answering the gentleman's question. He is more insistent in my giving him the newspapers that Fritz Kuhn's statement was put in, and I am not interested in that. I am telling the gentleman that.

Mr. LUCKEY of Nebraska. We are entitled to have that information. Further, the gentleman made the statement that wherever German citizens live there is a Nazi troop and they were drilling. I have a very large number of Germans in my district, and I would be very glad if the gentleman would give me the names of those who are sponsoring nazi-ism in my district.

Mr. DICKSTEIN. I shall be glad to take that trouble for the especial benefit of the gentleman. I have records that the gentleman and 10 other men could not carry in here.

Mr. BEITER. Will the gentleman yield?

Mr. DICKSTEIN. I yield to the gentleman from New York.

Mr. BEITER. Has the gentleman ever submitted his data and exhibits to the Department of Justice?

Mr. DICKSTEIN. Yes; but not since the last investigation.

Mr. BEITER. What has been their attitude?

Mr. DICKSTEIN. They are helpless. When this Congress gave us the power in 1934 to investigate subversive activities we asked the Department of Justice and other departments for help, and here is what we bumped up against: The committee which investigated these subversive activities during the Seventy-third Congress had occasion to serve important witnesses with subpenas requesting that they produce certain papers and documents. The legal representatives of these witnesses and their respective organizations, including the Communist Party, refused to produce these papers, basing their refusal on the ground that Con-

gress was not in session at the time and that the subpenas were not issued from the District of Columbia.

The committee, which had but little time for its immense task of investigating all these groups, then communicated with the Attorney General, and the United States Federal district attorney in New York then informed the committee that due to an old law, which was still on the statute books, the witnesses were not guilty of misdemeanor in this case because of the fact that Congress was not in session and that the subpenas had not been issued from the District of Columbia.

During the Seventy-fourth Congress, following the recommendations made by the special committee which had encountered these difficulties, the House passed a bill correcting this evil, so that now anyone who refuses to obey a subpena issued by any congressional committee will be guilty of misdemeanor, no matter whether the House is in session or not or whether the subpena is issued in the District or in some other part of the country.

[Here the gavel fell.]

The SPEAKER pro tempore (Mr. HOUSTON). Under special order of the House, the gentleman from Hawaii [Mr. KING] is recognized for 10 minutes.

Mr. KING. Mr. Speaker, several bills have been introduced into this Congress having for their object the continuation of Government control of the sugar industry. I am deeply concerned at the tendency they all show to treat the sugar producers of my Territory differently from other domestic producers. We have been growing sugarcane in Hawaii for over 100 years, and have built up a stable economy based on this industry in the same way that other communities have concentrated on the raising of cotton, or wheat, or some other commodity that proved best adapted to their conditions.

Nearly 39 years ago Hawaii was annexed to the United States by mutual consent of the two nations. The formerly independent nation shares with Texas alone the distinction of having come under the American flag by voluntary annexation. Hawaii was incorporated as a Territory and took its place in the Union as such, together with the then existing Territories of Oklahoma, New Mexico, and Arizona. There was no question of accepting any inferior or subordinate position in the Nation except that inherent in a Territorial form of government. Its citizens became American citizens at the very moment of annexation by the very terms of the joint resolution of annexation itself. The Constitution followed the flag so far as Hawaii was concerned, and all the laws of the United States became immediately applicable to its people. Even its incorporation as a Territory carried out an American precedent, which, established by the Northwest Ordinance, actually antedates the Constitution.

In all these years Hawaii has lived up to every obligation of American citizenship. As an indivisible part of the Nation it has borne every burden that any other American community bears. The coastwise navigation laws apply to it, so that we do our share toward supporting an American merchant marine. The tariff laws include it, so that our people buy American commodities and merchandise as exclusively as the people of any one of the 48 States. In fact, the interstate commerce of Hawaii with other parts of the country makes it, per capita of population, a market for our country's products which is exceeded by few, if any, of the agricultural States.

Every national tax applies with equal effect in Hawaii as in the 48 States. As a source of revenue to the United States Treasury, Hawaii has consistently paid in Federal taxes much more than many States, exceeding 17 States in 1936. Being so completely part and parcel of the Nation, it exchanges its products in the American market. No other market is open to its products except such as are open to all American producers. With all this background, historical and legal, it would seem axiomatic that all national legislation would treat Hawaii as an integral part of the United States and on a parity with the 48 States.

Unfortunately, because of our geographical location, our physical separation from the mainland, and perhaps because we do not have a vote in Congress, this is not always done. A large portion of the work of the Delegate from Hawaii is to scan bills of national import to see if Hawaii has been inadvertently overlooked, or less inadvertently treated in a different manner from the 48 States. Incidentally such omissions seldom occur in revenue measures or other bills of a restrictive nature, but they seem often to occur in measures extending certain benefits or grants.

Hawaii asks no exemptions from the duties and obligations borne by all, considering them a small price to pay for the great privilege of being an American community. Hawaii does ask that in all fairness it be treated no differently from the rest of the United States in apportioning the benefits that accrue to all parts of America. Specifically, existing and proposed sugar legislation does treat Hawaii differently from other sugar producers in the United States. The law now, and as it is proposed as a permanent sugar policy, places Hawaii outside the pale of the United States and associates it with insular possessions, a semi-independent, and a foreign, country.

This is a denial of our status as an incorporated Territory, as an integral part of the United States, a disregard of the fundamental difference between Hawaii and the areas with which it is classed. Such legislation is not even necessary, since our production is limited, and our inclusion with mainland producers would still not supply America's demand for sugar. It would seem a simple matter to do justice to Hawaii without deducting one ton from other American basic production. If any limitation of domestic production is necessary, then the same measuring stick should apply to all American industry alike. Hawaii is not a competitor of mainland sugar producers, but joins with them in providing the American market with less than one-half of this great market's requirements.

May I hope, then, that Congress, in its final action on sugar legislation will heed the plea I am making as the sole spokesman Hawaii has in this great body, and establish the only just principle that all parts of the United States are entitled to equal treatment. [Applause.]

EXTENSION OF REMARKS

Mr. BEITER. Mr. Speaker, I ask unanimous consent to extend my own remarks on the St. Lawrence seaway.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to extend my own remarks in connection with neutrality legislation.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

Mr. RAMSAY. Mr. Speaker, I ask unanimous consent t extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of th gentleman from West Virginia?

There was no objection.

NEUTRALITY ACT OF 1937

Mr. McREYNOLDS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of Senate Joint Resolution 51, to amend the joint resolution entitled "Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent States; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war", approved August 31, 1935, as amended.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of Senate Joint Resolution 51, the neutrality bill of 1937, with Mr. WARREN in the chair.

The Clerk read the title of the joint resolution.

Mr. FISH. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. KELLER].

Mr. KELLER. Mr. Chairman, there is a magnificent floral display in the Botanic Gardens which everyone ought to see. It will remain open today and until 10 o'clock tomorrow night.

Mr. Chairman, I yield back the balance of my time.

Mr. FISH. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. SAUTHOFF.]

Mr. SAUTHOFF. Mr. Chairman, I wish to thank the chairman and the members of the Foreign Relations Committee for their courtesy to myself and others extended to us during the committee hearings. Those hearings that I was able to attend were free and open and the discussion was in the nature of friendly cooperation to arrive at a solution of this problem. I also wish to commend the Committee on Rules for giving 10 hours of debate to this question as the gravity of the problem certainly deserves full and open discussion.

FREEDOM OF SPEECH

Free and open discussion, to my mind, can never injure any cause. In fact I believe that only good can come from free and open discussion of our problems. Nor should we shut our ears to the suggestions and advice of any and every person who is interested. I, therefore, believe that no criticism or censure should be given the Social Security Board Union who are civil-service employees because they sent the following telegram:

WASHINGTON, D. C., *March 11, 1937.*

HOUSE FOREIGN AFFAIRS COMMITTEE,
Capitol Hill, Washington, D. C.

Feel that McReynolds so-called neutrality bill is actually not neutrality bill, but pro-Facist, and not in keeping with American traditions. Urge its defeat.

The chairman of the committee felt that that telegram was insulting. I have read it on 3 successive days, purposely avoiding any hasty judgment on the subject, and I cannot agree with the chairman. To me the telegram contains nothing insulting to the chairman or the members of his committee. It is criticism, pure and simple, and as such should be accepted without censure. We progressives firmly believe in the right of all citizens of the United States to criticize public officials and their public acts. To adopt a contrary attitude would be to deny our citizens the right of freedom of speech and to deny our press the right of freedom of the press. We progressives also firmly believe in the rights of the people to petition their government relative to any public matters. War and its dire consequences are the great concern of us all and we should not close our ears to the protests of any of our people from the highest to the lowest. After all, what are Members of Congress? Simply the servants of the people, and as such servants we should also be open to approach either by the spoken or the written word. The rights of freedom of speech, freedom of the press, freedom of assembly, and freedom of conscience in religious worship have been bought at too dear a price to be lightly disregarded. A long list of outstanding figures who served as champions in these causes honor the pages of history with their martyrdom—Socrates drinking the hemlock; Johann Huss burned at the stake; the Spanish priest, Savonarola, his eyes burning with the zeal of his great mission in the face of certain death, denouncing the licentiousness of Lorenzo the Magnificent; Martin Luther, at the Diet of Worms, "Hier steh ich, Martin Luther. Gott hilf mir, ich kann nicht anders." All these and many others attest the courage and devotion of those who insisted on these great principles. Differ from them in thought if you will, but give your approval to the principle of freedom of expression. Government employees are also citizens. The fact that they have civil-service rating cannot exclude them from an interest and participation in public questions. I believe that this Social Security Board Union acted fully within its rights and should not be censured and criticized for exercising those rights.

NEUTRALITY

Neutrality is an idealistic abstraction that is difficult to attain. We are all human, and are therefore inclined to take sides in any controversy. When foreign wars occur, we, consciously or unconsciously, line up for or against one side or the other in any dispute. Our racial antecedents influence us to a great extent. Yet calmer reflection must impress us with the only sound position we can take on any argument, and that is this: Every citizen of the United States must be for the United States first, last, and all the time. To adopt any other attitude would be to adopt a theory of divided loyalty. The problem we must consider is legislative neutrality, which comes before us from two different viewpoints:

First. Mandatory neutrality.

Second. Discretionary neutrality.

Of these two we must make a choice. The only way we can arrive at a choice is by our experience immediately preceding the World War. At the outbreak of that holocaust we were not involved and our President rightly declared a policy of strict neutrality. Our people observed such a policy, but so great were the demands of the belligerent nations for goods and supplies that our factories were running day and night to meet their orders.

In September 1915 Mr. Lansing, then Secretary of State, wrote President Wilson the following letter, and as a result of his recommendations we deserted our policy of strict neutrality and liberalized it so as to permit foreign loans from this country to belligerents, and the French Premier Tardieu made his shrewd observation, "Now their money is in, their men will soon follow." Results bore out the French statesman's prediction.

Secretary Lansing's letter follows:

MY DEAR MR. PRESIDENT: Doubtless Secretary McADOO has discussed with you the necessity of floating Government loans for the belligerent nations which are purchasing such great quantities of goods in this country, in order to avoid a serious financial situation which will not only affect them but this country as well.

Briefly, the situation, as I understand it, is this: Since December 1, 1914, to June 30, 1915, our exports have exceeded our imports by nearly a billion dollars, and it is estimated that the excess will be from July 1 to December 31, 1915, a billion and three-quarters. Thus for the year 1915 the excess will be approximately two and a half billions of dollars.

It is estimated that the European banks have about three and a half billions of dollars in gold in their vaults. To withdraw any considerable amount would disastrously affect the credit of the European nations, and the consequence would be a general state of bankruptcy.

If the European countries cannot find means to pay for the excess of goods sold to them over those purchased from them, they will have to stop buying, and our present export trade will shrink proportionately. The result would be restriction of outputs, industrial depression, idle capital and idle labor, numerous failures, financial demoralization, and general unrest and suffering among the laboring classes.

Probably a billion and three-quarters of the excess of European purchases can be taken care of by the sale of American securities held in Europe and by the transfer of trade balances of oriental countries, but that will leave three-quarters of a billion to be met in some other way.

Furthermore, even if that is arranged, we will have to face a more serious situation in January 1916, as the American securities held abroad will have been exhausted.

I believe that Secretary McADOO is convinced—and I agree with him—that there is only one means of avoiding this situation which would so seriously affect economic conditions in this country, and that is the flotation of large bond issues by the belligerent governments. Our financial institutions have the money to loan, and wish to do so. On account of the great balance of trade in our favor, the proceeds of these loans would be expended here. The result would be a maintenance of the credit of the borrowing nations based on their gold reserve, a continuance of our commerce at its present volume and industrial activity, with the consequent employment of capital and labor and national prosperity.

The mistake we made at that time was to change our rules of neutrality after the war had begun. Therefore, I believe we should make our rules of neutrality now and then adhere to them. Furthermore, I believe that those rules should be hard and fast rules, so that no one but Congress can change them.

DISCRETIONARY NEUTRALITY

Discretionary neutrality leaves the working of the law in the hands of one man, namely, the President; and I am strongly opposed to leaving such vast powers, the right to plunge 128,000,000 people into war, in the hands of one man. There is no man living or dead to whom I would ever want to grant such vast authority. There is another evil about discretionary neutrality and that is this: A President strongly sympathetic to one side of a controversy could delay issuing a proclamation declaring that a state of war exists; he could delay foreign commerce to one set of nations abroad and favor another set of nations abroad; he could close his eyes to the smuggling of munitions contrary to law; he could close his eyes to loans and credits—in short, in a thousand and one ways he could greatly favor one set of belligerents to the injury of another set. I believe in mandatory neutrality so as to leave as little discretion as possible to any one man. By passing a mandatory neutrality act now we serve notice on all the world that we have a definite policy and we let the whole world know what that policy is. On the contrary, if we make our rules discretionary, we advise the world that our policy is indefinite and uncertain, because we have delegated to one man, our President, the right to fix those rules if and when the spirit moves him. In such an event we are sure to gravely offend one or the other of the belligerent nations.

GREAT LAKES

The question has been raised as to traffic on the Great Lakes. Need I remind you that if you are in fact neutral, then you cannot play any favorites, and Canada cannot and must not be considered a most-favored nation. The very friendly relations that have existed between Canada and this Nation ought to be preserved for all future time, and I am satisfied that the peoples of both countries want it so. Our vast frontier stretching across the entire continent without a fort and without an army attests to the fact that we are friendly peoples. I do not want that relation endangered by discretionary neutrality.

WATER-BORNE COMMERCE

Perhaps, after all, we are laying too much stress on water-borne commerce. The air routes now existing across the Pacific and across the Atlantic clearly demonstrate that in 5 years, or perhaps 10, ships would be much too slow to serve the demands of war. Personally I believe we lay too much emphasis on the importance of commerce borne in the holds of the ships that sail the seas. Aircraft and submarines will, no doubt, demonstrate the futility of water-borne commerce, for we know that every war produces new conditions and new inventions that alter entirely not only the method of warfare but even the living conditions of noncombatants, and the next war will be no exception.

EFFECT ON TREATIES

One more subject that should certainly be considered is the effect of any neutrality legislation on our treaties with foreign nations, especially our reciprocal-trade agreements. We cannot very well make treaties with foreign nations in which we set forth what they can sell us and what we can sell them and then later on violate those treaties, when the very commodities enumerated in those treaties may be vital to the needs of the contracting parties; therefore, we must, as a corollary to our neutrality legislation, make proper changes in our treaties with foreign powers so that we are not guilty of violating our agreements and offending friendly nations.

DOES NOT PREVENT WAR

None of us believe that neutrality can prevent war, but we do believe that if we notify the world in advance what our rules are, and that we are sincere about those rules, then we tell them all that we intend to keep our hands off and they need not come to us for money or for goods to help out in their emergencies. [Applause.]

Mr. KLOEB. Mr. Chairman, will the gentleman yield?

Mr. SAUTHOFF. I yield.

Mr. KLOEB. I should be pleased to answer the gentleman's question. The Committee has been assured by the Department of State that the proposed legislation now before the House will interfere in no way or embarrass them in the slightest in connection with the treaties now in existence or about to be put into existence.

Mr. SAUTHOFF. I am very pleased to have that explanation. I think we ought to go into that subject in detail.

Mr. FISH. Mr. Chairman, will the gentleman yield to me?

Mr. SAUTHOFF. Certainly.

Mr. FISH. I think the gentleman ought to be a little more explicit, because the information which the gentleman from Ohio [Mr. KLOEB] just gave the House is not at all what I understand the situation to be.

Mr. KLOEB. The gentleman will find it in the hearings.

Mr. FISH. Yes; but that applies to arms, ammunition, and implements of war, and they are generally excluded by international usage, but when it comes to commodities such as wheat, foodstuffs, copper, iron, and so on, it might be, and I believe it is, a direct violation of the commercial treaties we have entered into with a dozen or more nations.

Mr. KLOEB. The assurance of the representative of the Department of State covered the whole field and was not confined merely to arms and munitions of war.

Mr. FISH. I know from former hearings that the reverse of the statement was made, and I see no reason to change it on commodity.

Mr. KLOEB. The only reference they made in former hearings was a year ago when a representative of the Department of State discussed the possible effect of the then proposed bill on the Italian commercial treaty, and that was the only discussion we ever had in our committee on the question.

Mr. FISH. I shall have to differ with the gentleman, because we had a number of international lawyers before the committee, such as the professor of international law from Yale. Professor Borchard made a specific statement.

Mr. KLOEB. I understand. It is in the record. I am speaking of representatives of the Department of State who handled these treaties, actually had the duty of making them and enforcing them.

Mr. FISH. The gentleman got it from some subordinate in the State Department and not from the Secretary of State.

Mr. KLOEB. They are the men in charge of those treaty-making matters.

Mr. FISH. To whom does the gentleman refer?

Mr. KLOEB. Mr. Green.

Mr. FISH. I shall have to differ with the gentleman. Mr. Green has nothing to do with it whatever.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. SAUTHOFF. Yes.

Mr. MAPES. It is a long time since I have given any special study to this particular question, and I assume the gentleman from Wisconsin [Mr. SAUTHOFF] has, but my understanding is that an act of Congress insofar as it is in conflict with a treaty abrogates the provisions of the treaty, and certainly it would seem that these trade agreements, which are made without ratification by the Senate or either branch of Congress would be abrogated by a definite provision of an act of Congress. Is that the gentleman's understanding?

Mr. SAUTHOFF. Yes; but I call the gentleman's attention to this fact. It is human nature not to be neutral. We take sides for or against every question that is brought before us. The World War demonstrated that thoroughly. The Italian-Ethiopian conflict demonstrated it again, and right now there is the situation in Spain which is once more demonstrating that fact. We take sides one way or the other.

Mr. MAPES. I do not raise any question about that.

Mr. SAUTHOFF. The gentleman is taking my time, and I have only 2 minutes left. The difficulty is that when you have racial conflict you have a great urge upon the part of people from various races to bring pressure to bear on Members of Congress, on the administration, on the State Department. You are constantly confronted with this

racial discrimination for or against some belligerent, and as a result no matter what you do, you are accused of not being neutral, of violating the neutral rights and laws and regulations.

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. SAUTHOFF. I cannot yield any more. We realize that neutrality legislation does not prevent war. We realize that human nature is just the same whether you pass legislation or not; but the thing that we want to do, in my judgment, is to serve notice on all the world in advance what the rules of the game are, what we believe them to be, and that we will live up to them. [Applause.]

The CHAIRMAN. The time of the gentleman from Wisconsin has again expired.

Mr. FISH. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. MAPES].

Mr. MAPES. Mr. Chairman, I take this minute for the purpose of saying that I would not take issue with the gentleman from Wisconsin [Mr. SAUTHOFF] about the tendency of human nature to take sides, but it did seem to me that the question of the effect of this legislation on trade agreements was left hanging in the air by the debate on Friday, and I am afraid that the gentleman from Wisconsin has still left it hanging in the air. My question was directed particularly to the effect of this legislation on trade agreements or any other treaties that might be made.

Mr. FISH. Mr. Chairman, I yield myself 1 minute. One of the reasons I have advocated that this resolution should not be made permanent legislation beyond the shipment and sale of arms, ammunition, and implements of war is the fact that we have given no real consideration in the Committee to the effect its provisions would have on our trade treaties. I believe they violate them, and I do not want to vote in this House to violate any trade or commercial treaty. I propose to limit the power to place embargoes on commodities other than arms not to exceed 1 year, so that we can find out the facts. I am not positive, but I do believe that the resolution violates our trade treaties.

I yield 1 minute to the gentleman from Oregon [Mr. MOTT].

Mr. MOTT. Mr. Chairman, a moment ago there was an argument between the gentleman from New York [Mr. FISH] and the gentleman from Ohio [Mr. KLOEB] as to who made the reciprocal-trade agreements. The gentleman from New York thought they were made by one man and the gentleman from Ohio thought they were made by another man. The fact is, Mr. Chairman, that no one knows who makes the reciprocal-trade agreements, and no one can find out who makes them. The principal work of making those agreements is supposed to be done by a committee called the Committee for Foreign Trade Agreements, but the personnel of that committee has never been published or otherwise divulged, and I have the statement of the chairman of the Committee for Foreign Trade Agreements that the personnel of that committee has never been made public. No one at any time can find out who makes these trade agreements.

The Committee on Trade Agreements is a committee without a definite or fixed personnel. It is ordinarily composed of officers from the Departments of State, Commerce, Treasury, and Agriculture and of the Tariff Commission. But these officers are designated from time to time by the heads of their departments, and the personnel is changed from time to time by the department heads according to the nature of the treaty or trade agreement under discussion. Representatives of other departments and agencies are also represented from time to time on this committee, but the names of none of the members of the committee are ever made public. The making of a foreign-trade agreement is shrouded in absolute secrecy. Those who make the treaties cannot only not be approached by the public, but the public cannot even find out who they are.

Mr. FISH. I assure the gentleman it is not Mr. Green. I yield 15 minutes to the gentleman from Minnesota [Mr. JOHNSON].

Mr. JOHNSON of Minnesota. Mr. Chairman, when the learned chairman of the Foreign Affairs Committee said Friday in debate upon the House floor, as quoted in the CONGRESSIONAL RECORD, page 2157:

> I am not objecting to any American citizen protesting against legislation, but when we have men here in the departments that undertake to dictate to the Members of this House and denounce legislation in which they are not concerned, then I say that such people, every one of them, ought to be fired, and I believe this House will agree with me.

I, for one, do not agree; and I find that my position is amply supported by the decisions of the United States Supreme Court, by the development of English liberties as they historically originated in England from the Magna Carta, through the Petition of Right, up through the Bill of Rights, and into the Constitution under the first 10 amendments to the Constitution, which are all in support of my contention that the learned gentleman, who is the chairman of the Foreign Affairs Committee, is wrong in his statement. My position further is supported by all legal and historical writers since the beginning of parliamentary government.

Are these employees of the Government not to be considered as American citizens? Are they going to be denied the rights of free speech, free press, free assembly merely because the biggest single employer, Uncle Sam, is their boss? Are we going to deny these employees these rights who now, because they live in the District, have not the right of franchise? Are we going to deny them the last right, namely, the right of petition and assemblage, the denial of which, by King George III, "taxation without representation", caused the Revolutionary War? Would the learned gentleman and the Members of this House desire to adopt the position that the employees of the Government should do only as we tell them, say only what we say they can say, in abrogation of their clear constitutional right to assemble and petition Congress, while at the same time, as an administration, you have favored the employees of private industrial unions of their own choosing as against the company unions? Does this House mean to imply that the unions representing the employees of the Federal Government are company unions? A mere collection of "yes men" for Congressmen and Senators? Does this House mean to imply that the employees of the United States Government have sold their constitutional rights for a job? Does this House mean to imply that this Government is trying to build a great machine of humanity, no member of which machine shall have the right but to vote "aye", as in some of the Fascist nations of today, where to vote "no" means the concentration camp?

When the learned chairman of the Foreign Affairs Committee on Friday said, "Then I say that such people—Government employees—every one of them, should be fired, and I believe this House will agree with me", spoke without having in mind the historical growth of the civil liberties of the English and American people. I desire to call to the attention of this House, first, the forcing of King John to sign the first charter of English liberties on the banks of the Running Mead River, at Runnymede, June 15, 1215, which Magna Carta guaranteed certain rights to the nobles of England and the people they represented at that time. King John was so incensed at the curtailment of regal power that he went back to his castle and spent several days venting his spleen by chewing on pieces of wood.

Then there were consecutively the following grants of liberties to the English people, always wrung from a reluctant monarch by force: Edward's statutes, 1275; the Petition of Rights, 1628; the act for trial by jury, 1670; the Habeas Corpus Act, 1679; the Bill of Rights, 1688; and the acts of settlement, 1701. And all through the fabric of these acts ran the thread of right of assembly and the right to petition the monarch, and which, after Parliament was created, became the right to petition Parliament.

For instance, I quote the wording of the Bill of Rights of 1688, which was signed by William and Mary, King and Queen of England:

> That it is the right of the subjects to petition the King, and all commitments and prosecutions for such petitioning are illegal.

The Commonwealth of Massachusetts adopted a declaration of rights, clause 19:

> The people have a right in an orderly and peaceable manner to assemble to consult upon the common good; give instructions to their representatives; and to request of the legislative body,

by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer.

Nor were the Thirteen Colonies satisfied with the Constitution of the United States until they had an opportunity to adopt as the first 10 amendments to the Constitution the Bill of Rights. I wish to point out that this first amendment was not a new thought to the founding fathers of the Nation but was merely a codification of an idea that was already over 500 years old among the English people. I quote amendment no. 1:

Congress shall make no laws respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble; and to petition the Government for a redress of grievances.

Some of the Colonies did not ratify the Constitution until these provisions were in it. They were not so sure of the Constitution but they were sure of the Bill of Rights. This relationship of the citizen to his king or his ruler and to his Parliament or his Congress is a singular relationship and is one that cannot be curbed. I quote Mr. Justice Brandeis from his concurring opinion in Whitney against California, United States Supreme Court, May 16, 1927:

Those who won our independence believed that the final end of the state was to make men free to develop their faculties, and that in its government the deliberative forces should prevail over the arbitrary. They believed liberty to be the secret of happiness and courage to be the secret of liberty. They believed that freedom to think as you will and to speak as you think are means indispensable to the discovery and spread of political truth; that without free speech and assembly discussion would be futile; that with them discussion affords ordinarily adequate protection against the dissemination of noxious doctrine; that the greatest menace to freedom is an inert people; that public discussion is a political duty; and that this should be a fundamental principle of the American Government. They recognized the risks to which all human institutions are subject. But they knew that order cannot be secured merely through fear of punishment for its infraction; that it is hazardous to discourage thought, hope, and imagination; that fear breeds repression; that repression breeds hate; that hate menaces stable government; that the path of safety lies in the opportunity to discuss freely supposed grievances and proposed remedies; and that the fitting remedy for evil counsels is good ones. Believing in the power of reason as applied through public discussion, they eschewed silence coerced by law—the argument of force in its worst form. Recognizing the occasional tyrannies of governing majorities, they amended the Constitution so that free speech and assembly should be guaranteed.

Further affirming this unique constitutional and age-old right of this Government of an employee or employees to assemble and to petition their Congress, I quote from *United States* v. *Cruikshank* (92 U. S. Repts. 552):

The right of the people peaceably to assemble existed long before the adoption of the Constitution. * * * In fact it has always been one of the attributes of citizenship under a free government. It "derives its source", to use the language of Chief Justice Marshall in *Gibbons* v. *Ogden* (9 Wheat. 1), from those laws whose authority is acknowledged by civilized man throughout the world. It is found wherever civilization exists. * * * The right was not created by the amendment; neither was its continuance guaranteed, except as against Congressional interference. * * * But the right to assemble for petitioning Congress or anything else connected with the National Government is an attribute of national citizenship, and as such under the protection of and guarantee by the United States.

And now, Mr. Chairman, and the chairman of the Foreign Affairs Committee and the Members of this House, when I attempted to defend Friday the telegram of protest sent to this Congress, which telegram does not object to the whole McReynolds bill, but only one part of it, as a Member of Congress I wanted to protect this unique, unalienable, age-old right of assembly and petition, of which right "the right of free press" is a modern outgrowth and a part of the concurrent right of free speech. It is a right that is an instinct of man, a social instinct of man to assemble to talk over troubles and to seek a plan of common action, and it is a part of the Federal Constitution itself which was written by a little group of revolutionary willful men who themselves assembled.

Further, the learned chairman says:

But when we have men here in the departments that undertake to dictate to the Members of this House and denounce legislation in which they are not concerned, then I say that such people, every one of them, ought to be fired.

I wish to call to the attention of the Chairman of the Committee that a neutrality bill deals with peace and war. It is not a political question of party against party, but one of deepest interest to every citizen, including the Government employees of the District of Columbia, who during the World War made the following personal contributions: 27,318 soldiers serving under arms from the District of Columbia, of whom 733 were casualties and 202 died on the battlefields of that war.

These Government employees are American citizens within the meaning of the Constitution, and certainly have an interest in their Government. Although ordinarily they are the servants and Congress is the master, yet there is also the relationship, as in the present incident, where they are the masters and we, as Congress, are the servants. [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. FISH. Mr. Chairman, I yield the gentleman from Nebraska [Mr. LUCKEY] 12 minutes.

Mr. LUCKEY of Nebraska. Mr. Chairman, I want to thank the gentleman from New York [Mr. FISH] for the fine statement he made the other day that this was not a partisan question. We have before us for discussion one of the greatest questions that has ever come before the Congress of the United States. I take the floor in opposition to giving the President such great discretionary power as is proposed in the McReynolds bill.

Mr. Chairman, although this is not a war-profits bill, the whole basis of argument and dissension is found in that section of the various bills which affects trade and profits during periods when we remain neutral and other nations fight. We can take for granted that we all want peace. We all know that everyone wants to make profits when it is possible to do so. We face the fact that there exists a strong desire for profits which can be made while we are at peace and other nations are at war. We must answer only one question, "Do we want profits more than we want peace?"

You are all familiar with the provisions of section 4 of both the McReynolds and Pittman bills, and you are equally familiar with the provisions of the amendment offered by the gentleman from New York [Mr. FISH] as a substitute for section 4 in those bills. Those three formulas do not constitute the only roads by which we may reach our goal, although every attempt has been made to make it so appear. As a substitute for the three plans submitted thus far I am offering an amendment in the form of a substitute section. My section will do four things—

First. It will provide a mandatory cash-and-carry policy based upon modern conditions of warfare.

Second. It will provide the strongest possible barrier against our being drawn into another foreign war.

Third. It will give the widest possible protection to our foreign trade during periods of neutrality without endangering American peace.

Fourth. It provides a policy whereby we can maintain our neutrality instead of setting up a policy, the operation of which would force us to fight to protect the policy.

I want to read the amendment which I will offer:

SEC. 4. (a) Whenever the President shall have issued the proclamation as provided in section 3 of this act, thereafter it shall be unlawful for any American person to retain or assert any right, title, or interest in any article or commodity exported by sea from the United States to any port or place which can be reached only by traversing those waters adjacent to a belligerent state which are within the zone of belligerent operations as determined by the President, and no such right, title, or interest shall be recognized by the Government of the United States or by any court or by any officer of the United States, and any contract for the insurance of risks on any article or commodity so exported, or any American interest therein, or any American vessel carrying such article or commodity, shall be null and void and unenforceable in any court of the United States.

(b) When in the judgment of the President the conditions which have caused him to issue the proclamation as provided in section 3 of this act shall have ceased to exist, he shall revoke the same and the provisions of this section shall thereupon cease to apply.

It seems impossible that there could be any misinterpretation or misconstruction of that section. It provides: First,

a mandatory cash-and-carry policy on exports of articles and commodities, other than arms, ammunition, and implements of war, if—now get this—those exports go by sea to any ports which can be reached only by traversing zones adjacent to belligerent nations which are within the zone of belligerent operations. Second, it divests any American person of all right, title, and interest in cargo or vessel entering such zones of belligerent operations.

My proposal does not give any discretionary power to the President whereby he could forbid exports of such articles and commodities as he might see fit, or whereby he might permit the exportation of articles and commodities to belligerent war zones under the protection of the American flag and backed by the guns of the American Navy. It does not rob us of all intercourse with our neighbor, Canada, and does not deprive us of our trade with other neutral nations. It does not abnegate the principles of the Monroe Doctrine by placing any American state upon the same basis as a European or non-American state.

Before I make any actual comparisons of the provisions of my plan with those submitted previously in this debate, I want to again state some principles of modern warfare which some of the gentlemen seem to have quite overlooked. First, the power of declaring what is and what is not contraband or limited contraband rests solely in the hands of the nation or nations at war. No power which we can give our President could or would enable him to make these distinctions. The nations at war formulate their contraband and limited contraband lists solely from the standpoint of self-interest and self-preservation. For proof of these facts I call to your attention the list of contraband and noncontraband formulated by Great Britain in the World War. That list will be found on pages 2175 to 2176 of the CONGRESSIONAL RECORD of March 12, 1937. Second, the principles of the "freedom of the seas", which are so much talked about, have not found their place in the practice of warring nations. I call to your attention that only once in history has Great Britain recognized that "free ships make free goods", that "neutral goods on belligerent vessels retain their neutral character" and that "a blockade to be legal must be effective." Those principles were recognized by Great Britain in the Declaration of Paris in 1856, but in the World War, the first test of their application, Great Britain discarded them just as did every other nation at war. The only way we could secure wartime agreement to those principles would be for us to lick all the naval powers. Third, regardless of the strength of our navy, we cannot convoy and protect our merchantmen in war zones located more than 3,000 miles from our bases of operation while those merchantmen and naval craft are subjected to restraints placed upon them by navies and aircraft operating from nearby bases.

The gentleman from Tennessee [Mr. MCREYNOLDS] correctly stated that if we adopted the Pittman bill we would completely cut ourselves off from Canada in the event that Canada, as a part of the British Empire, became an active participant in a war of the British Empire. Such a policy would work intense hardships upon our Northern States, and would be a complete surrender of the principle of inter-American solidarity. No good purpose would be achieved by cutting ourselves off from Canada, because our trade would not be endangered, the lives of our nationals would not be endangered, and the continuance of normal trade with our northern neighbor would not place us in a position whereby our rights as a neutral nation would be jeopardized.

A nation at war does not seek to cut off trade between neutral nations. That was evidenced by the action taken by both sides in the World War. Germany established a war zone in the entire North Sea, but provided lanes through which neutral vessels might reach neutral ports with their cargoes. Great Britain did not cut us off from trading with the neutral Scandinavian countries, although she did limit exports to those countries upon a quota basis. That quota arrangement was to restrict importations to normal amounts in order to prevent transshipment to Germany and her allies.

If this House insists on writing a neutrality bill which will place Canada in the same position as non-American powers, we might as well quit. Just consider what would happen to an American neutrality policy of that kind in the event that Canada became a zone of belligerent operations in a war between Canada and some non-American power. All the king's horses and all the king's men could not keep us out of that war. Our national safety would be endangered and we would find ourselves a nation of realists instead of a nation of idealists. Our conduct toward Canada must at all times be based upon an understanding of the ties of the good neighbor, which so strongly exist, and upon the economic ties that bind our nations together. True neutrality need not wreck those bonds or destroy that friendship.

In conclusion, let me set forth the reasons why we should not include wide discretionary powers in the hands of the President. I love and trust our great Chief Executive, and know his sincerity when he said, "I hate war." We may always have equally pacific Presidents. But neither the Presidents of the past, present, or future have made or will make any claims of infallibility. Granting of wide discretionary powers places within the hands of one human being the possibilities of rendering one false decision that would not only wreck the spirit of neutrality but would plunge us into war. President Wilson was sincere in his desires for peace, and at the outset was firmly opposed to allowing our citizens to make loans to belligerent nations.

We are all well aware of the change which took place in that policy—a change which in a thousand ways paved the road to war. There is another side to this question. Under the provisions of the Pittman and McReynolds bills the President is given the power to forbid the export of such articles and commodities as he may see fit in order that we may retain our national security and protect our national interests. No two nations need the same commodities to the same extent. If we prohibit the transport and sale of a commodity needed more by one warring nation than by the other we are discriminating against the nation whose need is the greatest. For example, say that Great Britain and France were at war and we placed a Presidential embargo on cotton. The British fleet would pick up cotton in all her colonies where cotton is grown and the French would be isolated from cotton supplies. The same thing is true of any article or commodity which you could name. Let us be perfectly honest and see what the reaction would be in this country toward the exercise of such powers by the President. Suppose that cotton, copper, oil, and steel were placed upon the list of commodities which could not be exported, and wheat, corn, and meats were left off. Instantly great sections of our country would protest this discrimination against their products, while the products of other sections could freely enter the channels of world trade. Human nature is not a perfect organism, and the very imperfect nature of the organism would bring about such protests. I know full well what the wheat raisers would think if wheat was barred and cotton was left open to trade.

Neutrality is a condition or state of being whereby a nation remains at peace while other nations are at war. There are only two kinds of neutrality—the perfect one whereby we treat all belligerents alike, and the other imperfect one whereby we refrain from actual participation in the war but aid one side to the detriment of the other. Discretionary powers which offer every possibility of imperfect neutrality cannot help but put us in a position whereby our neutrality is endangered.

If we are to avoid another war and are to enjoy the blessings of a permanent peace, our Neutrality Act must be strong. If we are to prevent the loss of our citizens' lives and the destruction of our property at sea, we must keep our citizens and property out of danger. If we are to be fair and neutral, we must treat all warring nations alike, without fear or favor and without a surrender of our principles. The section that I propose will do all of that. [Applause.]

The CHAIRMAN. The time of the gentleman from Nebraska [Mr. LUCKEY] his expired.

Mr. FISH. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. AMLIE].

Mr. AMLIE. Mr. Chairman, I was rather amused a few days ago when I read a special article in the New York Times of Thursday, March 11. This article tells about a special committee coming to this country from England, a sort of a self-constituted parliamentary group coming here to find out what the United States thinks of the British Empire.

This article indicates that they are particularly concerned about trade relations with the United States in the event of war. The mission states it represents the so-called imperial policy group, which consists of no more than 30 conservative members of Parliament.

This article goes on to say that the British Government is considerably worried about this delegation coming over here, and the article states that—

> The British Government has other reasons for distrusting a public Anglo-American love feast at this time. The Foreign Office here has learned through bitter experience never to express joy at any action of the United States Congress or Government, for any sign of official pleasure in London is a signal for suspicion in the United States Senate.
>
> Now that United States neutrality policy is shaping up so perfectly from the British viewpoint, it is certainly inopportune—so officials here argue—for an unofficial group to pose as ambassadors of good will in the United States, to make speeches about Britain's desire for closer relations and perhaps even mention neutrality or war debts.
>
> The British Government fears that some unconsidered utterance by an irresponsible individual may remind the American public how much Britain appreciates the pending "cash and carry" neutrality bill and how convenient it would be to this country in the event of war.

I think we might as well recognize that this bill is a measure that will be particularly welcome as far as England and Japan are concerned. They control the seas. Moreover, citizens of Great Britain own what has been estimated to be $7,000,000,000 worth of property and securities in this country, which, in time of war, could be converted into dollar exchange. We are faced with the fact that if we are really interested in neutrality we must be prepared to pay the price.

I have read with a great deal of satisfaction a speech made on the floor of this House last Friday by the gentleman from Indiana [Mr. LUDLOW]. He mentions the fact that we are interested in neutrality but we are only interested in paying 50 cents on a $25 premium.

I want to take one commodity merely to illustrate what I have in mind. In a highly industrialized nation there is very little difference between actual munitions of war and cotton. It is a simple process to convert cotton into guncotton. There is very little difference between selling cotton to Italy or selling ammunition to the Loyalist Government of Spain. Still the Federal Government lends its aid to the former and prohibits the latter. Now we find, with the preparations going on in European countries in anticipation of another world war, that the purchase of raw materials here is stimulating prices, and many people in this country have come to feel that they have a very direct interest in continuing trade with these various countries. If we are going to prevent people in the cotton States from selling cotton to any of the warring parties, then we must be prepared to reimburse these people for any loss that they may sustain. It is obviously unfair to tell people in cotton States that they cannot benefit from trading with Japan or England or any other country able to come here and purchase cotton on a cash-and-carry basis; but, just the same, to sell an industrial country cotton, or to sell an industrially undeveloped country munitions of war and ammunition is pretty much the same thing. In this country during the past few years under the present administration we have, for instance, tried to make use of some of our surplus cotton. Not long ago we had some 90 Government-operated factories trying to utilize a part of these four or five million bales of cotton for the purpose of converting this cotton into mattresses to be used for the unemployed.

Immediately private manufacturers bore down on Washington and demanded that those factories be closed. The argument they used was that the Government was putting real cotton into those mattresses instead of cotton linters; that those mattresses would last 15 or 20 years instead of 4 or 5 years, which was the average length of life for 90 percent of the mattresses made by the private trade. As a result of this pressure, these 90 factories were very promptly closed.

Now, it seems to me that we have to face this problem. What has happened to the use of cotton for the making of mattresses for the unemployed has happened to virtually every other attempt to use our great abundance of natural resources for the benefit of our unemployed. All attempts to bring the unemployed in touch with natural resources or raw materials have been opposed by businessmen who feel that such attempts constitute competition with private industry by the Government; and in the face of this opposition from business the New Deal has obligingly dropped these projects. To loan foreign nations $12,000,000,000, that will never be repaid, for the purpose of buying our surplus of finished goods and raw materials to be destroyed in war is regarded as sound American policy. But any proposition that calls for the expenditure of this same amount of money for the purchase of these same goods and using them to increase the living standards of our own people is generally regarded as subversive and un-American.

If we are not to use these goods for the raising of the living standards of the American people, there is obviously no choice save to sell them to nations either in war or preparing for war, or to permit them to remain here to glut our own markets. We could, of course, try to make of this bill a mandatory neutrality bill by placing what would amount to a virtual embargo on trade with warring nations. But, as I have tried to indicate, this would place the whole cost of an adequate neutrality policy upon people and upon sections of the country that are unable to bear it. Already the frantic war preparations of the great military powers has created a tremendous demand for cotton. The cotton-producing States are naturally determined to reap any benefits in the form of higher prices that result from this demand. The Representatives in Congress from those States would naturally object to a neutrality act that would again create a glut in the cotton market in this country. It is obviously impossible to get real neutrality legislation when a situation is permitted to develop where the immediate choice is between war trade or economic ruin. It is still possible to prevent the situation resolving itself down to this choice, but there is no time to lose. A far-reaching program must be launched for raising the living standards of the underprivileged one-third of our people of whom the President has spoken. It would take all our surpluses of finished goods and raw materials for many years to come. Under such an arrangement the producers of these raw materials could be paid cost of production.

Such a plan would be expensive, but it would not be as expensive as war. It is the price that we must be prepared to pay if we want to stay out of war. [Applause.]

[Here the gavel fell.]

Mr. McREYNOLDS. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. LUCAS].

Mr. LUCAS. Mr. Chairman, I am very much interested in this neutrality bill. In my humble judgment, next to the reorganization of the Federal judiciary as recommended by the President of the United States, there is no other question of such importance.

I am also interested in the arguments which have been made in this debate by certain Members of the House, especially those who have opposed the speech made by the distinguished chairman of this committee, in connection with the telegram sent to him by the Social Security Board Union. I yield to no one in this House in my reverence for the Bill of Rights, but it strikes me that employees have gone far afield when they send a telegram of the kind read into the RECORD by the gentleman from Tennessee. It comes with poor grace and obviously will be given little or no consideration. Those who have attempted to answer the argument made by the distinguished gentleman from Tennessee fell far short of the mark. This case could be titled "Constitutional Privilege Versus Loyalty." I prefer to support the theory of loyalty. I undertake to say that if the employees in the offices of the gentlemen, who have spoken with so much feeling against the position of the chairman of the committee and who complain so bitterly about the

violation of constitutional rights would go into executive session tonight and come out with a resolution condemning some piece of legislation these gentlemen are sponsoring on the floor of the House, and then send a copy of their resolution to the press as well as to the committee that has jurisdiction, you and I know what would happen to those employees. Or would these same gentlemen with such warm enthusiasm for freedom of speech and right of petition commend their employees for boldly standing upon their constitutional rights and then increase their pay? Assume that these same gentlemen had the power to appoint postmasters in their own congressional districts all of whom are under civil service and further assume these postmasters met in convention assembled and passed a resolution denouncing bills which had been introduced by these distinguished Members of Congress. Then follow this one further step by assuming that the condemnatory resolution was given to the press and to the proper committee in this House.

I am certain that these gentlemen through their bigness of heart and their zeal for the right of petition would appoint all of these postmasters for life, when their present term expires.

This presents a serious problem of loyalty to those responsible for their position. These cases are almost analogous to the one at bar. If insolent bureaucrats in these departments are going to start petitioning Congress upon every conceivable question and we approve such tactics, then we as Congressmen might just as well abdicate.

Mr. Chairman, when I think of neutrality I think of peace, and when I think of peace my mind travels back to November 11, 1918, a day which brought to a close the most deadly and costly conflict which civilization has ever known. Under the smoking and smoldering ruins of that world catastrophe lay thousands upon thousands of America's most heroic and noble men. They fought, they charged, they fell, and were lost in that sea of dead humanity, leaving this world in the interests of a Nation which decreed in the long ago that life, liberty, and the pursuit of happiness should never be jeopardized, even on the high seas of the world, by the hands of a foreign foe. Yes, freedom of the seas is an American policy which has been firmly embedded in our governmental structure since our inception as a nation. In the advancement of American civilization and progress this policy has played a glorious and independent part, notwithstanding its cost in blood and gold. Under the pending bill, as I view it, however, America charts a new course. America does an about-face, and rightfully so, because when we consider what is going on across the Atlantic at this particular time, when we know how the European nations have failed to take cognizance of the uselessness and futility of war, we have a right to pursue the course we are taking under this neutrality bill.

When we look across the Atlantic we know that every European nation is armed to the teeth, with more men, more guns, more ships, more temper, and more disposition toward war than they had in 1914, when the World War commenced. Ominous war clouds hang over Europe at this particular time, and that is the chief reason why public sentiment is almost unanimous in telling Members of Congress to do everything within their power to keep us out of another European brawl.

Under these circumstances, if we forget the policies and precedents of yesterday, we have a right to adopt policies and precedents that are in keeping with the spirit of the day. In my opinion, this bill is a sober and durable triumph of cold American reason and logic over an outmoded policy under which for a period of 150 years private interests have been protected by the beneficent arm of a grateful Government. The time has come when private interests and some national pride must be submerged in the interest of public necessity and national demand.

Another point I want to discuss is that part of the bill where the President of the United States shall have the right, if he finds it necessary, to keep American citizens from sailing upon belligerent ships. The bill says when that proclamation is issued, then any American has no right to violate it; and, Mr. Chairman, if that policy had been in force and effect in 1917, in my humble judgment, our neutrality upon the high seas would not have been violated.

Mr. WADSWORTH. Will the gentleman yield?

Mr. LUCAS. I yield to the gentleman from New York.

Mr. WADSWORTH. Would it not be sufficient if the bill provided that should an American citizen travel upon a belligerent merchant vessel he automatically surrendered his right to rely upon the Government for protection? Why make it an illegal act, to be punished as a crime?

Mr. LUCAS. I think the gentleman is probably correct, and I believe that in the event an American citizen travels upon a belligerent ship he should do so at his own responsibility and at his own risk. I think that is exactly what will happen if this bill passes.

Mr. WADSWORTH. I do not read the bill that way.

Mr. FISH. The gentleman is in error, and I propose to offer an amendment.

Mr. LUCAS. Certainly, if it is illegal to travel upon a belligerent vessel and in violation of such law, a citizen so traveling does so upon his own responsibility and, in my opinion, waives all right to rely upon the Government for protection.

Mr. FISH. I may say to the gentleman I propose to offer an amendment to remedy that situation.

Mr. LUCAS. Mr. Chairman, I made bold by saying if the policy which is expressed in this bill had been in effect in 1917 our neutrality upon the high seas would not have been violated; at least, our citizens would not have been on the *Lusitania*, which went down along with a lot of arms and ammunition. That incident was responsible for the declaration of war by the President of the United States in 1917 against Germany and her allies.

It was commonly understood at the time we declared war on Germany that we were also going into the war for the purpose of making the world safe for democracy. I want to debate for just a moment another point along that line which is important to me, and it is one of the reasons why I am for this bill.

Woodrow Wilson, then President of the United States, spent many interesting moments of those fighting days believing that ultimately the universal dream of peace on earth, good will to men, was going to be accomplished. We all know that. Yet that sky line of idealism received its first awakening and first shock when he sat around the peace table at Versailles and was treated by Old World diplomats with contemptuous pleasantry. You and I know that honest and sincere statesmanship sat around that table attempting to bind up the wounds of a bleeding world, only to be overpowered by intriguing, static, and disingenuous statesmen, who in one hand held the olive branch of peace, good will, and equity, while in the other hand they held a sharp dagger and the shining stiletto. Yes; it was at that conference that those around the peace table gave to President Wilson the kiss of Judas, which was the start of a series of international events that sent that great man to a premature grave.

Passage of this bill will be a partial vindication of the principles of that man as I see it. In other words, he attempted to make the world safe for democracy, and this is a bill which attempts to make the best part of the universe safe for democracy.

Mr. WADSWORTH. Will the gentleman yield?

Mr. LUCAS. Just for a question.

Mr. WADSWORTH. I would like to get the gentleman's opinion on one matter. Does the gentleman believe any other nation will follow our example in the passage of legislation of this sort?

Mr. LUCAS. No, I do not. European nations have learned absolutely nothing as a result of the World War. We have been continuously preparing for another war. They continuously exhibit a militaristic spirit. In addition to this, our geographical situation is entirely different from theirs.

Mr. Chairman, I am duty bound to support this bill because of the thousands upon thousands of comrades of mine who today are in the hospitals still suffering from the diseases and

ravages of war; that crowd of fellows who today are looking through windows of sunshine and seeing nothing but clouds of darkness; that group of fellows who went into war believing in the ideals of the then Commander in Chief of this great American Army of ours. I am duty bound to support this bill because of my solemn and sacred interest in the widows and orphans of those who went down fighting believing they were giving their all in a war to end all wars. I am fighting for the memory of those men and the belief they had in their Commander in Chief at that time.

Mr. Chairman, one day I stood in the beautiful cemetery at Suresnes and I looked to the outskirts of Paris and to the north, where men of all nations had fought and died, and all about me were the uniform rows of white crosses, telling a simple story of how 1,500 American boys had reached their journey's end. A little while thereafter I stood on the north slope of Belleau Wood and gazed out across the broad expanse of hills and valleys, and as that panorama unfolded before me I was grimly conscious of man's inhumanity to man. At the base of that slope lie 2,200 American boys, which tells another story of 26 continuous and victorious days of fighting in a struggle which has few paralleis in the battle of life and death. As I stood there in that atmosphere of immortality, the famous words of Col. John McCrae came tumbling in upon every wave of thought:

> If ye break faith with us who die,
> We shall not sleep though poppies grow
> In Flanders' fields.

And so once again I reconsecrated my hopes anew and made a further pledge that when I returned to my native land I should be more militant and diligent in keeping the faith with these men who died that liberty might endure by using all of the power and persuasion at my command upon any and every occasion toward the outlawry of war. And I am happy to say at this moment that I have kept the faith. I believe I have measured up to that sacred spiritual charge. And today my vote, the most important one since my becoming a Member of Congress, will be the crowning achievement of my activities along this line.

Mr. Chairman, I am not unmindful of the arguments presented against this bill, and there is some merit in most of them. I appreciate that there are those who contend that this is a "scuttle and run" measure under which the President of the United States has been granted too much discretionary power. There are those who argue for mandatory provisions, but the futility of being too explicit or being placed in a strait jacket is found in the failure of being able to anticipate what is going to happen in the future. And then again, what is contraband in peace and what is contraband in war depends in a great measure upon the attitude of the mind. Neutrality from our viewpoint may be one thing, while neutrality to a belligerent nation may be another. And unless authority and faith is lodged in one man to meet the complicated and intriguing problems as they arise, we strip the bill of its real importance when considered in the light of our national safety and security from becoming embroiled in a foreign war.

There are those who believe that England, Japan, and France, because of their large navies and submarine forces, have a distinct advantage under this bill and that the rest of the European and Asiatic countries will feel sorely grieved by this discrimination and will seek to retaliate in one form or another.

There are those who believe that war will be brought closer to American shores as a result of the "cash and carry" plan as exhibited in the bill.

And, lastly, there is that selfish, greedy, unpatriotic group who have always rated property and materials higher than human life.

My colleagues, all of these arguments against the bill fade into insignificance when the true benefits of the measure are considered. I can visualize this measure becoming a real bulwark of national defense. Of course, this measure is not perfect, and no neutrality bill will ever be. Yet to me it is the most potent weapon yet designed to stop a war before it starts. This forward-looking piece of legislation will do more to keep us out of the endless, futile, and tragic wars of Europe than all of the previous negotiations, agreements, and laws written by American statesmen and diplomats. My hope is that the vote on the bill will be almost unanimous. Such support upon a measure affecting the world will advise European nations courteously yet firmly that America wants no part of another ghastly and European devastating war. [Applause.]

Mr. FISH. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. DIRKSEN].

Mr. DIRKSEN. Mr. Chairman, whatever I may say today on the pending bill to establish a neutrality policy for this country may be of little moment but I want to be on record. In years to come this measure will furnish delicious humor and stir the funnybone of history students who may have the patience and fortitude to dig through the CONGRESSIONAL RECORD for light upon contemporary affairs. No doubt they will chortle a little that the same Congress which considered a billion dollar defense Budget also considered a neutrality bill. They will be intrigued by the naive distinctions between "arms, ammunition, and implements of war" in one section of the measure and "other articles and materials" in another section, as if wheat and cotton and pork chops and frozen beef and automobiles are no less essential to the winning of a war than machine guns, hand grenades, gas masks, and high-explosive shells. They will read section 5 (a) of the bill which makes it unlawful for any person in this country to buy, sell, or exchange the bonds, obligations, or securities of some foreign belligerent and then read section 4 (a), which makes the shipment of "articles or materials in addition to arms, ammunition, and implements of war" unlawful only if the President so proclaims, and then ask, "What's the difference?" This distinction between "articles or materials" in one section and the evidences of articles or materials in the form of bonds, obligations, or securities in another section should stir the whimsical fancy of future history students and international lawyers as nothing else could do. And so I want to be on record, full appreciative of the fact that my own views are perhaps somewhat unorthodox.

I am sure the committee has made a sincere effort to bring in a bill that meets with general approval. No doubt it represents a considerable viewpoint throughout the Nation. My own notion of this measure, however, might best be described in the language of a testimonial that President Lincoln once wrote for a man who had invented a mousetrap and who believed that his fortune was made if he could secure an endorsement of the President. By way of endorsement, Lincoln wrote:

> For the sort of people who want this sort of thing, this is the sort of thing that sort of people will want.

In that spirit, I can only say that for the sort of people who want this kind of a neutrality policy, this is the sort of neutrality policy that sort of people will want.

It stirs no enthusiasm in me. We are still attempting to eat our cake and have it, too. We say we want neutrality, but along with it we want a slice of the profitable trade of belligerent nations. We want peace, provided it occasions no sacrifice of profit. We want to keep out of foreign conflicts but we insist on preserving the traditional freedom of the seas so that foreign belligerents may be supplied with our goods and that our factories and ships might be kept busy. It is the old profit lure, and perhaps the best answer is that if some of our ships had been tied up during the last war there would not now be so many idle ships and so many millions of unemployed in our land. It is our very apparent unwillingness to sacrifice profits which has inspired such ingenious subterfuges as the "cash and carry" policy in the Senate bill or the "shippers' risk" policy enunciated by others. We want neutrality but we refuse to forego profit or make any sacrifices to get it, and that means that we do not want neutrality very strongly.

Nor does the "discretionary" powers conferred upon the President in this bill have much appeal. The discretionary road is the road to war, not away from war. When nations are maddened by the hysteria of war and the propaganda mills are at work, sober and temperate judgment is well nigh

impossible. Nations are like the Arkansas farmer who was asked why he did not repair the roof on his barn. His answer was, "When it rains I cain't, and when it don't, it don't need it." These discretionary powers will be invoked only in the case of war, and then their exercise in a temperate and discreet manner is virtually impossible.

Have we forgotten 1914? We proclaimed neutrality, and when France sought a hundred million loan from our private bankers, Secretary Bryan insisted that it would be in violation of our neutral position. Bryan relinquished the portfolio of State to Lansing; and when the French sought credit arrangements for the purpose of buying American goods, a policy of temporizing began. Lansing persuaded President Wilson that while loans were wrong, credits were quite all right. Once these credits were established, we began to taste the delights of artificial prosperity. Factories worked overtime. Wages went up. Our industrial plant was expanded to keep abreast of demand. Our tillable acreage was increased. Farm commodities went up. It was a beautiful dream while it lasted. Our foreign trade increased by several billion dollars.

Then came pay day. Obviously our belligerent customers had no gold with which to pay, and if payment were demanded there would be an industrial collapse. Insistence on payment would mean idle factories, unemployment, deflation. There was a way out. As expressed by Lansing, it is only too persuasive as to how nations when caught in the hysteria of war do not and cannot exercise discretion and independent judgment.

Can we afford—

Said Lansing—

to let a declaration as to our conception of the true spirit of neutrality, made in the first days of the war, stand in the way of our national interest, which seems to be seriously threatened?

There it was. The national interest. The profit interest. What matter that men butchered each other on the battlefields of Europe to make the world safe for democracy? The important thing was to preserve our national interest; and so the inevitable happened. The policy of not making loans was thrown into the discard, and shortly thereafter the first half billion dollar loan was negotiated through a Morgan syndicate.

Soon it became apparent that our banking houses could not keep the allied nations supplied with money. It required more money than they could raise. What was necessary was for the credit of the United States to be placed behind the war. It was an intimation that our Government must now come to the rescue and make Government loans to the Allies. Those loans, let it be said, are still over there today, and the prospect of collection is slim indeed. But that is neither here nor there. It was but a step from throwing our dollars into the struggle until we became involved as a participant. The 6th of next month will mark the twentieth anniversary of our entry into that struggle.

Looming before us is a ghastly sentence from one of the messages of Ambassador Page to the State Department, that should quicken our senses if we undertake to temporize with a discretionary neutrality policy. In that message he said:

Perhaps our going to war is the only way in which our preeminent trade position can be maintained and a panic averted.

What a frightful import those words have for us today. On with carnage and destruction so long as our "preeminent trade position can be maintained." What can the proponents of a "discretionary" policy say in the light of this judgment of history?

Are we now to make possible a reenactment of these ghastly stupidities of the past by enacting a measure that in my humble opinion is a disappointment to the good people of our Nation who yearn for a policy that will insure enduring peace? I hope not.

As for those who want to "eat their cake and have it, too", in the form of a policy that brings neutrality coupled with freedom of the seas, I quote from Admiral Sims, the robust old seadog who was the commander in chief of our fighting ships during the war. He says:

We cannot keep out of war and at the same time enforce the freedom of the seas—that is, freedom to make profits out of countries in a death struggle.

That sums it up in a nutshell. It therefore becomes time to say whether we want neutrality or whether we want neutrality so long as it costs us nothing. This measure temporizes with that very fundamental question, and will earn for us the grim laughter of the historians who read about it a generation or two hence. [Applause.]

Mr. McREYNOLDS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. WARREN, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration Senate Joint Resolution 51, the neutrality bill, had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. SHEPPARD, for today, on account of illness in family.

ADJOURNMENT

Mr. McREYNOLDS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 34 minutes p. m.) the House adjourned until tomorrow, Tuesday, March 16, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Tuesday, March 16, 1937, at 10:30 a. m., to hold hearings on the following projects: Neale Sound, Md.; Cypress Creek, Md.; Vinton Waterway, La.; Indiana Harbor and Canal, Ind.

COMMITTEE ON THE PUBLIC LANDS

There will be a meeting of the Committee on the Public Lands on Tuesday, March 16, 1937, at 10:30 a. m., in room 328, House Office Building, for the purpose of considering H. R. 1649, 4070, 4186, 4548, 4655; also various bills.

COMMITTEE ON THE DISTRICT OF COLUMBIA

The subcommittee appointed to consider H. R. 3291, to regulate barbers in the District of Columbia, will meet Tuesday, March 16, 1937, at 10 a. m., in room 345, House Office Building.

The subcommittee appointed by the Committee on the District of Columbia, to consider tax and legislative subjects presented by the fiscal relations report, will meet Wednesday, March 17, 1937, at 1 p. m., in room 345, House Office Building. Mr. J. L. Jacobs, Director of the Fiscal Relations Survey, will be present.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce, at 10 a. m., Thursday, March 18, 1937. Business to be considered: Hearing on H. R. 208, train-dispatching offices.

There will be a meeting of the Committee on Interstate and Foreign Commerce, at 10 a. m., Friday, March 19, 1937. Business to be considered: Hearing on H. R. 185, railway signal systems.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

437. A letter from the Acting Postmaster General, transmitting a proposed amendment making Public Law No. 317 effective in the Territory of Alaska; to the Committee on the Post Office and Post Roads.

438. A letter from the Acting Postmaster General, transmitting a draft of a bill to amend section 239 of the act of June 8, 1872 (17 Stat. 312; 39 U. S. C. 500); to the Committee on the Post Office and Post Roads.

439. A letter from the Secretary of Labor, transmitting four copies of a bill designed to provide for the deportation

of additional classes of alien criminals, to provide against the separation of families of resident aliens of good character, and for other purposes; to the Committee on Immigration and Naturalization.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. GRISWOLD: Committee on World War Veterans' Legislation. H. R. 5478. A bill to amend existing law to provide privilege of renewing expiring 5-year level premium term policies for another 5-year period; without amendment (Rept. No. 384). Referred to the Committee of the Whole House on the state of the Union.

Mrs. NORTON: Committee on the District of Columbia. H. R. 3406. A bill for the relief of the Southeastern University of the Young Men's Christian Association of the District of Columbia; without amendment (Rept. No. 385). Referred to the House Calendar.

Mr. JOHNSON of Texas: Committee on Foreign Affairs. Senate Joint Resolution 66. Joint resolution providing for the participation by the United States in the Greater Texas and Pan American Exposition to be held in the State of Texas during the year 1937; with amendment (Rept. No. 386). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 5389) for the relief of Mack McNeil; Committee on World War Veterans' Legislation discharged, and referred to the Committee on Pensions.

A bill (H. R. 4314) granting a pension to Juna Vista Murphy; Committee on World War Veterans' Legislation discharged, and referred to the Committee on Pensions.

A bill (H. R. 4144) for the relief of Emil Zumbrunn; Committee on Military Affairs discharged, and referred to the Committee on War Claims.

A bill (H. R. 4873) for the relief of Pauline Alice (Long) Newman; Committee on Military Affairs discharged, and referred to the Committee on War Claims.

A bill (H. R. 4874) to permit suit to be brought upon the yearly renewable term insurance of Oney Thompson, deceased; Committee on Military Affairs discharged, and referred to the Committee on War Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BUCK: A bill (H. R. 5625) to amend section 12 of the Federal Farm Loan Act, as amended; to the Committee on Agriculture.

By Mr. CALDWELL: A bill (H. R. 5626) to provide that no gain or loss shall result from the transfer of an installment obligation under section 112 (b) (4) or (5) or from the distribution of an installment obligation in a complete liquidation under section 112 (b) (6) of the Revenue Act of 1936; to the Committee on Ways and Means.

Also, a bill (H. R. 5627) to provide for the obtaining of a site for, and the construction of, a Federal building to accommodate the post office, Federal district court, and other Federal units as may be now or hereafter located in the town of De Funiak Springs, Fla.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 5628) to provide for the obtaining of a site for, and the construction of, a Federal building to accommodate the post office, Federal district court, and other Federal units as may be now or hereafter located in the town of Milton, Fla.; to the Committee on Public Buildings and Grounds.

By Mr. HENDRICKS: A bill (H. R. 5629) to exempt motorboats less than 21 feet in length not carrying passengers for hire from the act of June 9, 1910, regulating the equipment of motorboats; to the Committee on Merchant Marine and Fisheries.

Also, a bill (H. R. 5630) to provide for preliminary survey and examination to dredge a barge canal from Crescent Lake in Putnam County, State of Florida, through Haw Creek, to Bunnell, Flagler County, Fla., and for the purpose of securing a waterway where none now exists between Bunnell and Flagler Beach on the Atlantic Ocean, of approximately 8 feet depth, 50 feet bottom width; to the Committee on Rivers and Harbors.

By Mr. RAMSAY: A bill (H. R. 5631) to provide lower interest rates on loans made by the Home Owners' Loan Corporation, and for other purposes; to the Committee on Banking and Currency.

By Mr. REED of New York: A bill (H. R. 5632) to provide a preliminary examination and survey of the Conewango Creek and Davis Brook in Chatauqua County and Cattaraugus County, N. Y., with a view to the control of their floodwaters; to the Committee on Flood Control.

By Mr. McREYNOLDS: A bill (H. R. 5633) to provide additional funds for buildings for the use of the diplomatic and consular establishments of the United States; to the Committee on Foreign Affairs.

By Mr. TOWEY: A bill (H. R. 5634) to authorize the coinage of 50-cent pieces in commemoration of the one hundredth anniversary of the birth of Grover Cleveland; to the Committee on Coinage, Weights, and Measures.

By Mr. COCHRAN (by request): A bill (H. R. 5635) to authorize and direct the Comptroller General of the United States to allow credit for all outstanding disallowances and suspensions in the accounts of disbursing officers or agents of the Government for payments made pursuant to certain adjustments and increases in compensation of Government officers and employees; to the Committee on Expenditures in the Executive Departments.

By Mr. CONNERY: A bill (H. R. 5636) to establish a Court of Patent Appeals; to the Committee on the Judiciary.

By Mr. BOILEAU: A bill (H. R. 5637) to amend section 40 of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916, as amended; to the Committee on the Judiciary.

By Mr. HOFFMAN: Resolution (H. Res. 156) requesting United States Court of the District of Columbia to commute the sentence of Dr. Francis E. Townsend; to the Committee on the Judiciary.

By Mr. FULMER: Resolution (H. Res. 157) for the relief of Margaret S. Gibson; to the Committee on Accounts.

By Mr. KELLER: Joint resolution (H. J. Res. 280) to set apart public ground for the Smithsonian Gallery of Art, and for other purposes; to the Committee on the Library.

By Mr. GEHRMANN: Join resolution (H. J. Res. 281) to validate certain conveyances made by the State of Wisconsin notwithstanding certain provisions in the act of August 22, 1912 (37 Stat. 324); to the Committee on the Public Lands.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Nevada, memorializing the Congress of the United States requesting consideration of their Assembly Joint Resolution No. 7; to the Committee on the Post Office and Post Roads.

Also, memorial of the Legislature of the State of South Carolina, memorializing the Congress of the United States endorsing the proposed plan of President Roosevelt relating to the Federal judiciary; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of New Mexico, memorializing the Congress of the United States requesting an appropriation for the construction of LaPlata Reservoir No. 1; to the Committee on Appropriations.

Also, memorial of the Legislature of the State of North Dakota, memorializing the Congress of the United States

to provide for sufficient toll charges for the use of the Panama Canal facilities, so that there will be no deficit; to the Committee on Merchant Marine and Fisheries.

Also, memorial of the Legislature of the State of Pennsylvania, memorializing the Congress of the United States requesting an appropriation to deepen the channel from the port of Philadelphia to the Atlantic Ocean; to the Committee on Rivers and Harbors.

Also, memorial of the Legislature of the Territory of Alaska, memorializing the Congress of the United States requesting consideration to their House Joint Memorial No. 9; to the Committee on Merchant Marine and Fisheries.

Also, memorial of the Legislature of the Territory of Alaska, memorializing the Congress of the United States requesting consideration to their House Joint Memorial No. 11; to the Committee on Agriculture.

Also, memorial of the Legislature of the Territory of Alaska, memorializing the Congress of the United States requesting consideration to their House Joint Resolution No. 3; to the Committee on Indian Affairs.

Also, memorial of the Legislature of the Territory of Alaska, memorializing the Congress of the United States requesting consideration to their House Joint Memorial No. 35; to the Committee on Indian Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALESHIRE: A bill (H. R. 5638) granting an increase of pension to Effie Washington; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5639) for the relief of Henrietta Wills; to the Committee on Claims.

By Mr. ASHBROOK: A bill (H. R. 5640) granting a pension to Dessie Priest; to the Committee on Invalid Pensions.

By Mr. BEITER: A bill (H. R. 5641) for the relief of John F. Prendergast; to the Committee on Naval Affairs.

By Mr. BLOOM: A bill (H. R. 5642) for the relief of James F. Mellon; to the Committee on Military Affairs.

By Mr. CELLER: A bill (H. R. 5643) to confer jurisdiction upon the Court of Claims of the United States to hear, consider, and render judgment on certain claims of the Nafra Co., Inc., against the United States; to the Committee on Claims.

By Mr. CLUETT: A bill (H. R. 5644) granting an increase of pension to Sarah Simpson; to the Committee on Invalid Pensions.

By Mr. CROWE: A bill (H. R. 5645) to authorize the Commissioners of the District of Columbia to reappoint James P. Day in the police department of said District; to the Committee on the District of Columbia.

By Mr. DOUGHTON: A bill (H. R. 5646) for the relief of Sam L. Smith; to the Committee on Claims.

By Mr. EATON: A bill (H. R. 5647) granting an increase of pension to Sarah W. Fairchild; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5648) for the relief of Sarah Elizabeth Davenport; to the Committee on Claims.

By Mr. GOLDSBOROUGH: A bill (H. R. 5649) for the relief of E. Harrison Corbin; to the Committee on Claims.

By Mr. GOODWIN: A bill (H. R. 5650) for the relief of Ward Mathewson; to the Committee on Claims.

By Mr. GRAY of Pennsylvania: A bill (H. R. 5651) granting an increase of pension to Rachel A. Norris; to the Committee on Invalid Pensions.

By Mr. IZAC: A bill (H. R. 5652) to extend the benefit of the United States Employment Compensation Act to Frank A. Smith; to the Committee on Claims.

By Mrs. JENCKES of Indiana: A bill (H. R. 5653) granting a pension to Jesse L. Fisher; to the Committee on Pensions.

By Mr. McLAUGHLIN: A bill (H. R. 5654) to confer jurisdiction upon the United States District Court for the District of Nebraska to determine the claim of John H. Owens; to the Committee on Claims.

By Mr. McREYNOLDS: A bill (H. R. 5655) for the relief of Elisha M. Levan; to the Committee on Military Affairs.

By Mr. MALONEY: A bill (H. R. 5656) granting a pension to Rose Anderson; to the Committee on Invalid Pensions.

By Mr. MASON: A bill (H. R. 5657) for the relief of Charles Samuelson; to the Committee on War Claims.

By Mr. NELSON: A bill (H. R. 5658) granting a pension to Ellen Staton; to the Committee on Invalid Pensions.

By Mr. RANKIN: A bill (H. R. 5659) granting an increase of pension to Nancy E. Mullins; to the Committee on Pensions.

By Mr. ROBSION of Kentucky: A bill (H. R. 5660) granting a pension to Elige Caldwell; to the Committee on Pensions.

By Mr. RUTHERFORD: A bill (H. R. 5661) granting an increase of pension to Hanna Sophia Westcott; to the Committee on Pensions.

Also, a bill (H. R. 5662) granting a pension to Manning E. Wilson; to the Committee on Pensions.

Also, a bill (H. R. 5663) granting a pension to Jeannette Landon; to the Committee on Pensions.

By Mr. SECREST: A bill (H. R. 5664) granting an increase of pension to Charles L. Kent; to the Committee on Pensions.

Also, a bill (H. R. 5665) granting a pension to Dorinda V. Smith; to the Committee on Pensions.

By Mr. SEGER: A bill (H. R. 5666) for the relief of Erle V. Dennett; to the Committee on Naval Affairs.

By Mr. TOLAN: A bill (H. R. 5667) granting a pension to Stephen D. Graves; to the Committee on Pensions.

By Mr. WOLVERTON: A bill (H. R. 5668) for the relief of Archibald Gibson; to the Committee on Military Affairs.

Also, a bill (H. R. 5669) for the relief of Carl P. Gantz; to the Committee on Military Affairs.

Also, a bill (H. R. 5670) for the relief of William R. Brashear; to the Committee on Military Affairs.

Also, a bill (H. R. 5671) for the relief of Robert L. Sheppy; to the Committee on Military Affairs.

Also, a bill (H. R. 5672) for the relief of Christy Gnazzo; to the Committee on Military Affairs.

Also, a bill (H. R. 5673) for the relief of Ord Rogers; to the Committee on Military Affairs.

Also, a bill (H. R. 5674) for the relief of James Smith; to the Committee on Military Affairs.

Also, a bill (H. R. 5675) for the relief of James Taylor; to the Committee on Military Affairs.

Also, a bill (H. R. 5676) for the relief of Timothy J. Devine; to the Committee on Military Affairs.

Also, a bill (H. R. 5677) for the relief of Samuel C. Simpkins; to the Committee on Military Affairs.

Also, a bill (H. R. 5678) for the relief of Charles C. Flippen; to the Committee on Military Affairs.

Also, a bill (H. R. 5679) for the relief of Elmer Leibfried; to the Committee on Naval Affairs.

Also, a bill (H. R. 5680) for the relief of John Norman Westcott; to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1040. By Mr. ASHBROOK: Petition of Mrs. W. Hilton Petry and 27 other citizens, of Fredericktown, Ohio, protesting against the President's Supreme Court proposal; to the Committee on the Judiciary.

1041. Also, petition of the Democratic Women's Club of Delaware County, Ohio, endorsing the President's Supreme Court proposal; to the Committee on the Judiciary.

1042. By Mr. BUCK: Petition of the voters of Escalon, San Joaquin County, Calif., protesting against a change in the United States Supreme Court; to the Committee on the Judiciary.

1043. By Mr. BURDICK: House Resolution O of the Twenty-fifth Legislative Assembly of the State of North Dakota; to the Committee on Agriculture.

1044. Also, Concurrent Resolution Y of the Twenty-fifth Legislative Assembly of the State of North Dakota; to the Committee on Rivers and Harbors.

1045. By Mr. CARTER: Petition of the Interdenominational Ministers' Alliance, by H. Philbert Lankford, president, and E. C. Washington, assistant secretary, of Oakland, Calif., requesting that the President's proposal to change the Supreme Court be submitted to the people openly and directly by constitutional amendment; to the Committee on the Judiciary.

1046. Also, petition of the Hayward Unit of Women Defenders of America, by Elsie E. May, secretary, and 17 others, of Hayward, Calif., opposing the plan submitted by the President in regard to the Supreme Court; to the Committee on the Judiciary.

1047. Also, letter from Al Wahlberg, secretary, Local Union No. 127, Brotherhood of Painters, Decorators, and Paperhangers of America, Oakland, Calif., favoring the President's plan to change the personnel of the Supreme Court; to the Committee on the Judiciary.

1048. Also, petition of the Alameda County Bar Association, by Edwin A. Heafey, president, Oakland, Calif., urging that Members of Congress do not grant to the President the power to make any changes in the membership of the Supreme Court; to the Committee on the Judiciary.

1049. Also, petition of Local Union 595, International Brotherhood of Electrical Workers, by Gene Gaillac, business manager, Oakland, Calif., supporting President Roosevelt's judiciary reform program; to the Committee on the Judiciary.

1050. Also, petition of over 140 men and women voters of Bakersfield, Calif., protesting against President Roosevelt's Supreme Court proposal; to the Committee on the Judiciary.

1051. Also, petition of the Syracuse Chapter, Sons of the American Revolution, by Edward K. Ives, president, and Alfred L. Wise, secretary, Syracuse, N. Y., opposing the President's Supreme Court proposal; to the Committee on the Judiciary.

1052. Also, petition of the East Lake Democratic Club of Oakland, Alameda County, Calif., by Frederick Boxley, president, and other officers, approving the President's Supreme Court proposal; to the Committee on the Judiciary.

1053. Also, petition of the board of governors of the State Bar of California, by Claude Minard, secretary, San Francisco, Calif., opposing President Roosevelt's Supreme Court proposal; to the Committee on the Judiciary.

1054. Also, petition of Local No. 38–79 of the International Longshoremen's Association, A. L. McCurdy, recording secretary, San Francisco, Calif., endorsing President Roosevelt's proposed reform of the United States Supreme Court; to the Committee on the Judiciary.

1055. Also, petition of the Imperial County Bar Association, of El Centro, Calif., opposing the President's Supreme Court proposal; to the Committee on the Judiciary.

1056. Also, petition of the board of trustees of the Los Angeles Bar Association, by Edward D. Lyman, president, Los Angeles, Calif., opposing the President's Supreme Court proposal; to the Committee on the Judiciary.

1057. Also, resolution of the Senate of the State of California, adopted March 3, 1937, urging the Congress of the United States to reject the President's proposal to change the Supreme Court of the United States; to the Committee on the Judiciary.

1058. Also, petition of the California Society Sons of the American Revolution, opposing any legislation to either increase or diminish the personnel of the Supreme Court of the United States; to the Committee on the Judiciary.

1059. Also, petition of the Fresno County Bar Association, by Paul Staniford, secretary, of Fresno, Calif., disapproving that part of the President's message to Congress which relates to the Supreme Court of the United States; to the Committee on the Judiciary.

1060. By Mr. CROWTHER: Petition of citizens of Long Lake, N. Y., opposing enactment of House bill 4417; to the Committee on the Judiciary.

1061. Also, petition of citizens of Schenectady County, N. Y., opposing enactment of House bill 4417; to the Committee on the Judiciary.

1062. Also, petition of citizens of Gloversville, N. Y., favoring enactment of House bill 4417; to the Committee on the Judiciary.

1063. By Mr. DEMPSEY: Memorial of the New Mexico State Legislature to the President of the United States and the Congress of the United States, requesting an appropriation for the construction of La Plata Reservoir project no. 1; to the Committee on Appropriations.

1064. Also, memorial of the New Mexico State Legislature to the Congress of the United States, petitioning that former officers and military men of the band of the First Regiment of the New Mexico Volunteer Territorial Militia be cared for by the pension laws of the United States; to the Committee on Military Affairs.

1065. Also, memorial of the New Mexico State Legislature to the Congress of the United States, asking for the allotment of public lands due the Museum of New Mexico; to the Committee on the Public Lands.

1066. By Mr. FITZPATRICK: Petition of Westchester County Chapter of the New York State Society of Professional Engineers, Inc., favoring the proposal of the President of the United States that there be created a Department of Public Works as outlined in his message to Congress, January 12, 1937; to the Committee on the Judiciary.

1067. By Mr. FORAND: Petition of the General Assembly of the State of Rhode Island, recommending to the Congress of the United States the passage of legislation now pending in said Congress to assure to persons within the jurisdiction of every State the equal protection of the laws by discouraging, preventing, and punishing the crime of lynching; to the Committee on the Judiciary.

1068. By Mr. JARRETT: Petition of Mrs. W. H. Flann and 146 others, residents of Oil City, Pa., protesting against the President's bill to enlarge or control the United States Supreme Court; to the Committee on the Judiciary.

1069. By Mr. GOODWIN: Petition of the Sullivan County Bar Association of the State of New York, disapproving any legislation affecting the membership of the Supreme Court of the United States as proposed by the President; to the Committee on the Judiciary.

1070. By Mr. HART: Petition of the New Jersey State Planning Board, recommending that the Congress adopt a 20-year mapping program at a total cost of approximately $100,000,000, and that, as a first step in this program, a sum of $5,000,000 be appropriated to be used by the Geological Survey and the Coast and Geodetic Survey for 1938; to the Committee on Appropriations.

1071. By Mr. JARRETT: Petition of residents of Lawsonham, Pa., protesting against the President's bill to enlarge the United States Supreme Court, etc.; to the Committee on the Judiciary.

1072. By Mr. JOHNSON of Texas: Petition of D. L. Wilson, secretary, Bryan and Brazos County Chamber of Commerce, Bryan, Tex., and Mr. C. A. Chambers, manager, Munger Cotton Oil Co., Mexia, Tex., favoring House bill 3905, by Mr. KLEBERG; to the Committee on Agriculture.

1073. Also, Senate Resolution 43, passed by the Senate of the State of Texas, urging that the Resettlement Administration allocate such amount necessary to purchase and develop the Lost Pine area, and such Government-owned and developed area be known as the Buchanan Lost Pine project in honor of the late Congressman BUCHANAN; to the Committee on Agriculture.

1074. Also, memorial of Elmore R. Torn, agricultural director, East Texas Chamber of Commerce, Longview, Tex., favoring House Joint Resolution 195; to the Committee on Agriculture.

1075. By Mr. KINZER: Petition of I. S. Shoop and others, of Elizabethtown, Pa., opposing legislation preventing the free dissemination of information and curtailing the right of free speech; to the Committee on the Judiciary.

1076. Also, petition of O. J. Smith and others, of Lancaster, Pa., opposing the President's judiciary program; to the Committee on the Judiciary.

1077. By Mr. KNUTSON: Petition of the Minnesota Legislature, memorializing the Congress of the United States to use Minnesota products, wherever possible, in the

construction of Federal buildings in the State of Minnesota, and in all other construction work in the State of Minnesota in which the United States Government is directly or indirectly interested; to the Committee on the Public Buildings and Grounds.

1078. By Mr. MERRITT: Resolution of the American Legion of New York State, requesting that the Works Progress Administration provide approximately $400,000 to employ some 60,000 man-months (15,000 men), skilled professional and technical white-collared men, to carry on a project known as Works Progress Administration 1724, for the State of New York; to the Committee on Labor.

1079. Also, resolution of the Voiture No. 56, La Societe des 40 Hommes et 8 Chevaux, Queens County, N. Y., urging support of House Joint Resolution 8, providing for the award of the Congressional Medal of Honor to Capt. Einar W. Sundstrom for his valor in saving the S. S. *Dixie* off the coast of Florida in September 1935; to the Committee on the Library.

1080. Also, resolution of the Military Order of Foreign Wars, New York Commandery, declaring itself to be unalterably opposed to the increase in membership now proposed for the Supreme Court of the United States; to the Committee on the Judiciary.

1081. By Mr. MILLARD: Resolution adopted by the New York Commandery of the Military Order of Foreign Wars, opposing the proposal to increase the membership of the Supreme Court; to the Committee on the Judiciary.

1082. Also resolution adopted by the Men's Republican Club of White Plains, N. Y., opposing the enactment of the President's proposal to increase the membership of the Supreme Court; to the Committee on the Judiciary.

1083. By Mr. MOTT: Ten petitions signed by citizens of the State of Oregon, urging that the Congress pass no law that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

1084. Also, seven petitions signed by citizens of the State of Oregon, urging that the Congress pass no law that would disturb or abridge the religious rights and privileges of all our people; to the Committee on the Judiciary.

1085. By Mr. O'CONNELL of Rhode Island: Resolution of the General Assembly of the State of Rhode Island; to the Committee on the Judiciary.

1086. Also, resolution of the General Assembly of the State of Rhode Island; to the Committee on the Judiciary.

1087. By Mr. PETERSON of Georgia: Petition of the Emanuel Co., Chatham Co., Patman Co., and Brown Co., all of the State of Georgia, concerning old-age pensions as embodied in House bill 2257; to the Committee on Ways and Means.

1088. By Mr. POLK: Petition of Cora F. Bailey and 24 other residents, of Highland, Highland County, Ohio, protesting against the President's proposal to increase the number of Justices on the Supreme Court; to the Committee on the Judiciary.

1089. By Mr. RUTHERFORD: Petition of residents of Granville Summit, Bradford County, Pa., protesting against the President's proposal to change the Supreme Court; to the Committee on the Judiciary.

1090. Also, petition of residents of Athens and Rome, Bradford County, Pa., protesting against the President's proposal to change the Supreme Court; to the Committee on the Judiciary.

1091. Also, petition of residents of Milan, Bradford County, Pa., protesting against the President's proposal to change the Supreme Court; to the Committee on the Judiciary.

1092. By Mr. SADOWSKI: Petition of the Michigan State Medical Society, asking that a Department of Public Health be established; to the Committee on Education.

1093. By Mr. SACKS: Memorial of the State Legislature of Pennsylvania, memorializng Congress to appropriate the necessary funds to deepen the channel from the port of Philadelphia to the Atlantic Ocean to a depth of at least 40 feet with suitable widths; to the Committee on Rivers and Harbors.

1094. By Mr. SNELL: Petition signed by various residents of Au Sable Forks, N. Y., relative to House bill 2257; to the Committee on Ways and Means.

1095. By Mr. SWEENEY: Petition of the Jewish Community Council of Cleveland, Ohio; to the Committee on Foreign Affairs.

1096. By Mr. THOMAS of New Jersey: Letter from Julia A. Thorp, federation secretary, stating that the Hackettstown Woman's Club, Hackettstown, N. J., passed the motion "We, the members of the Hackettstown Woman's Club, wish to go on record as opposing any change in the Supreme Court"; to the Committee on the Judiciary.

1097. By Mr. TREADWAY: Petition of the citizens of Shelburne Falls, Mass., opposing the President's plan to change the personnel of the United States Supreme Court; to the Committee on the Judiciary.

1098. Also, petition of the citizens of Conway, Mass., opposing the President's plan to change the personnel of the United States Supreme Court; to the Committee on the Judiciary.

1099. By Mr. WHITE of Idaho: Memorial of the Legislature of the State of Idaho (House Joint Memorial No. 3), requesting a review of the reports submitted in House Document 103, Seventy-third Congress, first session, with a view to determine the advisability of stabilizing the level of Lake Pend d' Oreille by channel improvements on Clark Fork River and construction of a dam at Albany Falls; to the Committee on Flood Control.

1100. Also, memorial of the Legislature of the State of Idaho (House Joint Memorial No. 4), urging upon the United States Reclamation Department and upon the Congress of the United States the favorable consideration of the legislation and of necessary appropriations to carry to completion a project that will divert the natural flow from the Yellowstone Lake into the Snake River; to the Committee on Irrigation and Reclamation.

1101. By Mr. WOLCOTT: Petition of Joseph W. Kilbourne and 33 other residents of St. Clair County, Mich., protesting against the President's proposed Supreme Court reorganization; to the Committee on the Judiciary.

1102. By the SPEAKER: Petition of the Louisiana Society Sons of the American Revolution, requesting consideration to their resolution; to the Committee on the Library.

1103. Also, petition of the North American Committee to Aid Spanish Democracy, protesting against any ban of medical assistance to Spain; to the Committee on Foreign Affairs.

1104. Also, petition of the Asociacion De Los Veteranos De La Revolucion, requesting consideration to their resolution; to the Committee on Insular Affairs.

HOUSE OF REPRESENTATIVES

TUESDAY, MARCH 16, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord and Savior, we look unto Thee that we may know Thy will. We would be reminded of Thy holy word: God is love; he that loveth dwelleth in God and God in him. May we ponder Thy teaching, for herein is rooted whatever is large and grand in human life. Heavenly Father, as we look into the mirror of our current country, we see the distemperature of passion and the dominance of selfishness. We most humbly beseech Thee to be the designing and the discerning power in the midst of all hostilities. Oh, bring together the mighty forces and make them instruments of justice, happiness, and prosperity. Gracious Lord, persuade all citizens that it is their blessed, solemn, and patriotic duty to make their offering at the altar of the Republic. May we hear the command: Thou shall love the Lord Thy God with all thy heart and thy neighbor as thyself. In the name of the Prince of Peace. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Crockett, its Chief Clerk, announced that the Senate had passed bills and a

joint resolution of the following titles, in which the concurrence of the House is requested:

S. 329. An act to further extend the period of time during which final proof may be offered by homestead and desert-land entrymen;

S. 413. An act to create a commission and to extend further relief to water users on United States reclamation projects and on Indian irrigation projects;

S. 628. An act to provide for the construction and equipment of a building for the experiment station of the Bureau of Mines at Salt Lake City, Utah;

S. 761. An act for the relief of the State of Massachusetts;

S. 976. An act relating to labor preferences in connection with certain public-works projects;

S. 1129. An act to authorize the Secretary of the Interior to accept from the State of Utah title to a certain State-owned section of land and to patent other land to the State in lieu thereof, and for other purposes; and

S. J. Res. 73. Joint resolution providing for the construction and maintenance of a National Gallery of Art.

DR. TOWNSEND

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, yesterday I introduced a resolution, which I shall call up tomorrow at the first opportunity, asking that the House join in a request of the district attorney for a suspension of the sentence imposed upon Dr. Townsend, and for the waiving of the payment of the fine.

EXTENSION OF REMARKS

Mr. COLE of Maryland. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix and to include therein an exchange of letters between the Secretary of State and myself, of interest to the cattle farmers of the country.

The SPEAKER. Is there objection?

There was no objection.

Mr. HARTLEY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including therein a speech I made over the radio last night.

The SPEAKER. Is there objection?

There was no objection.

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an address on the policy and program of flood control which I delivered on Friday, March 12, 1937.

The SPEAKER. Is there objection?

There was no objection.

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a statement issued yesterday by Mr. Marriner S. Eccles, Chairman of the Federal Reserve Board, on the policies of the Federal Reserve Board.

The SPEAKER. Is there objection?

Mr. RICH. Mr. Speaker, I reserve the right to object, and ask the gentleman from Mississippi if he is going to do with this speech of Mr. Eccles the same as he did with Mr. Jackson's speech on the Supreme Court? The gentleman asked to revise and extend his remarks, and then put in about 2 inches of his remarks and about 2 pages of Mr. Jackson's speech, and that is contrary to the rules; and if he is going to do that, I object.

Mr. RANKIN. The gentleman cannot make a statement like that and get away with it.

Mr. RICH. All you have to do is to look at the RECORD and see that what I state is correct.

Mr. RANKIN. I asked permission to extend my remarks and to include therein excerpts from Mr. Jackson's speech, and I took the very excerpts published in the paper that morning and put them in the RECORD.

Mr. RICH. All the gentleman did was to refer in his own remarks to Mr. Jackson's speech and then put in two pages of it.

Mr. RANKIN. All I wanted was to put those excerpts in there that appeared in the paper.

Mr. RICH. If that is what the gentleman wants now to do in respect to Mr. Eccles' speech, then I object.

Mr. RANKIN. In the first place, the gentleman from Pennsylvania has misrepresented me on what I put in the RECORD. I put in the RECORD exactly what I got permission to put in.

Mr. RICH. I ask the gentleman if he wants to put Mr. Eccles' speech in and just refer to the speech as his own remarks.

Mr. RANKIN. I want to do exactly as I did before, except that I want to insert Mr. Eccles' entire statement in the RECORD.

Mr. RICH. Then, I object.

Mr. RANKIN. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. RANKIN. Mr. Speaker, the gentleman from Pennsylvania [Mr. RICH] has misrepresented me before the House, and I want to correct him.

A few mornings ago there appeared in the paper excerpts from a statement of Hon. Robert H. Jackson, Assistant Attorney General of the United States, made before the Senate Committee on the Judiciary. I rose and asked unanimous consent to extend my remarks in the RECORD and to include those excerpts from his speech. I handed them to the Clerk, and they went into the RECORD. Unfortunately Mr. Jackson's whole speech was inserted in the RECORD, in the Senate. It covers more than four pages, as will be seen by referring to page 523 of the Appendix to the RECORD.

The gentleman from Pennsylvania has the RECORD before him, and if he will turn to the beginning of that day's proceedings, he will see where I asked permission to extend my remarks in the RECORD and to include excerpts from Mr. Jackson's statement. For him to rise in the House and intimate that I violated the rules of the House is a serious error. I do not propose to sit here and permit him to make that kind of a statement and have it go into the RECORD, when I carried out exactly the permission granted me by the House, and did so in good faith.

Mr. RICH. Will the gentleman yield?

The SPEAKER. Will the gentleman from Mississippi concretely state his question of personal privilege?

Mr. RANKIN. Yes, sir. I stated it in the beginning. The gentleman from Pennsylvania [Mr. RICH] rose and made the statement that I had secured permission to extend my remarks in the RECORD and had put material in the RECORD which I had no right to put there. That statement is not true.

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield.

Mr. RICH. Mr. Speaker, I do not wish to accuse any man falsely, and I would not. I only asked the gentleman if he intended to put in the speech of Mr. Eccles.

Mr. WOODRUM. Mr. Speaker, will the gentleman yield?

Mr. RICH. May I make this statement? I do not want to accuse the gentleman of doing something falsely, nor any other Member of the House. That is the first thing. All I am trying to do is to keep the RECORD clean.

Mr. RANKIN. But he ought not to make the statement that I put material in the RECORD without having permission to do so, because I did not.

Mr. RICH. I do not believe the RECORD will show that.

Mr. RANKIN. Show what?

Mr. RICH. That you put in things that you did not have permission to. I do not think I said that. In fact, I know I did not.

Mr. RANKIN. I will leave it to the House.

Mr. WOODRUM. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield.

Mr. WOODRUM. I think, if the gentleman will permit, there is a misunderstanding between the two gentlemen. As I understood the gentleman from Mississippi [Mr. RANKIN], he requested that he be permitted to extend his remarks in the RECORD by inserting the speech of Mr. Eccles.

Mr. RANKIN. No; I did not make that request.

Mr. WOODRUM. That is the way I understood the gentleman.

Mr. RANKIN. A statement by Mr. Eccles—to include a statement by Mr. Eccles.

Mr. WOODRUM. If that consent were granted, the gentleman would have a perfect right to insert the statement.

Mr. RANKIN. I understand, but that is not what we are talking about. The gentleman from Pennsylvania [Mr. RICH] rose and said I got permission to extend my remarks, and that I put in some material from the speech of Mr. Robert H. Jackson that I had no right to put in.

Mr. O'CONNOR of New York. Mr. Speaker, will the gentleman yield for a question?

Mr. RANKIN. Yes; I yield to the gentleman from New York.

Mr. O'CONNOR of New York. As I understood the gentleman from Pennsylvania [Mr. RICH], he objected to your extension in which you included excerpts from the speech of Robert H. Jackson, because of your own personal comments on it. Is that not correct?

Mr. RICH. No. His request was that he wanted to put in his own remarks, and put in excerpts from a speech by Mr. Jackson.

Mr. RANKIN. Let me quote what I said on that date. It is at page 2150 of the RECORD of Friday, March 12, 1937:

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein some excerpts from a speech made by the Honorable Robert H. Jackson, Assistant Attorney General of the United States, before the Senate Committee on the Judiciary.

Then the Speaker said:

Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Those excerpts were published in the paper on that date, so I merely took those excerpts and took the exact headline that was above those excerpts, which reads as follows:

Excerpts from statement of Hon. Robert H. Jackson, Assistant Attorney General of the United States before the Senate Judiciary Committee on Thursday, March 11, 1937.

Then with about 2 inches of introductory remarks, I inserted those excerpts in the RECORD exactly as I requested the right to do. I carried out exactly what the House gave me permission to do, and I am not willing for the gentleman from Pennsylvania, or anybody else, to come on the floor and intimate the contrary.

Mr. SNELL. Mr. Speaker, I make a point of order.

Mr. RANKIN. Mr. Speaker, having straightened the record out, I withdraw my request.

The SPEAKER. The gentleman withdraws his question of personal privilege.

PERMISSION TO ADDRESS THE HOUSE

Mr. DEEN. Mr. Speaker, I ask unanimous consent that on Friday next, after disposition of matters on the Speaker's table, and special orders, if any there be, I be permitted to address the House for 25 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

Mr. SNELL. Mr. Speaker, reserving the right to object, I should like to ask the majority leader what the program is going to be. If it is all right with the majority leader, I have no objection to the gentleman's speaking.

Mr. RAYBURN. If the Committee on Foreign Affairs does not finish the bill under consideration on Thursday, then it will continue on Friday until the bill is completed, and the gentleman's request would come after that. If the bill is concluded on Thursday, there is no program for Friday. The gentleman from Georgia has been wanting time, and I suggested to him, therefore, that he request permission to speak on Friday.

Mr. SNELL. As I understand the program, it will probably take most of today to complete general debate. Is that correct?

Mr. McREYNOLDS. That is true.

Mr. SNELL. You will not probably read the bill?

Mr. McREYNOLDS. Probably just the first section. We expect to read the bill for amendment on Thursday.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. DEEN]?

There was no objection.

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent that I may address the House for 45 minutes on Friday following the remarks of the gentleman from Georgia.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

EXTENSION OF REMARKS

Mr. MAVERICK. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks on the subject of the power of the press and to include therein certain explanatory excerpts and statistics thereon.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. McREYNOLDS. Mr. Speaker, I object.

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 3 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. McREYNOLDS. Mr. Speaker, I object.

NEUTRALITY ACT OF 1937

Mr. McREYNOLDS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of Senate Joint Resolution 51, to amend the joint resolution entitled "Joint resolution providing for the prohibition of the export of arms, ammunition, and implements of war to belligerent countries; the prohibition of the transportation of arms, ammunition, and implements of war by vessels of the United States for the use of belligerent states; for the registration and licensing of persons engaged in the business of manufacturing, exporting, or importing arms, ammunition, or implements of war; and restricting travel by American citizens on belligerent ships during war", approved August 31, 1935, as amended.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of Senate Joint Resolution 51, the neutrality bill of 1937, with Mr. WARREN in the chair.

The Clerk read the title of the joint resolution.

Mr. McREYNOLDS. Mr. Chairman, I yield 20 minutes to the gentleman from Texas [Mr. JOHNSON].

Mr. JOHNSON of Texas. Mr. Chairman, before beginning a discussion of the bill, I want to take cognizance of a matter that has developed in the debate and comments thereon by one or more radio news commentators.

An unwarranted and unjustified attack has been made upon the able and distinguished chairman of the Committee on Foreign Affairs [Mr. McREYNOLDS], because in his speech upon this bill he criticized the so-called Social Security Board Union for the telegram they sent him denouncing the neutrality bill which he had introduced and which his committee had reported to the House and which we are now considering.

The critics of the gentleman from Tennessee [Mr. McREYNOLDS], both in the House and over the radio, as critics frequently are, were uninformed as to all of the facts, the background and the character of organization which sent this denunciatory telegram, or they would have commended rather than condemned him for his utterance.

The gentleman from Tennessee usually knows the ground upon which he stands, and before he made that speech he had investigated and ascertained the source of the telegram, the character of the organization which sent it, the motives which prompted them in doing so, and of their

pernicious activity, not only in this instance but a similar attack they had made, also by telegram, on the same day upon President Roosevelt and the Department of State, because our Government, in order to keep us from becoming involved in the war now going on in Spain, had refused passports to our citizens to that war-stricken country.

He had furthermore learned that this so-called union, or its officers and leaders, had, instead of practicing neutrality, been active partisans in behalf of one of the belligerents in Spain, and they were evidently more interested in that war than in writing a neutrality bill to keep our country out of war, and it was because of their zeal in that foreign war that they denounced and demanded the defeat of this bill.

The so-called Social Security Board Union is not affiliated with the American Federation of Government employees, or, as I understand, any other recognized labor organization, but it was denied a charter by that organization. In proof of this, I ask unanimous consent to read a resolution adopted at a regular meeting of the District of Columbia Department of the American Federation of Government Employees last Friday night.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. JOHNSON of Texas. The resolution is as follows:

In view of the articles appearing in today's daily papers respecting the neutrality bill, pending in the House of Representatives, I move you, sir, that the president of the department be instructed to advise Congressman SAM D. MCREYNOLDS, chairman of the Foreign Relations Committee of the House of Representatives, that the group of employees purporting to represent a union in the Social Security Board are not affiliated with any recognized labor organization. The union in question was denied a charter and its temporary certificate of affiliation was canceled by the National Excutive Council of the American Federation of Government Employees, and the action of the National Executive Council was overwhelmingly sustained by the Fifth Annual Convention of the American Federation of Government Employees in Detroit, Mich., in September 1936.

MICHAEL D. SCHAEFER.
G. C. DIMOND.
CECIL E. CUSTER.
IRA Y. BAIN.

Let us assume, however, for the sake of argument, that this union of Government employees was of such a type and character that they were entitled to be and were members of the National Federation of Government Employees, and assume further that their interest in neutrality legislation was not because of their partisanship in behalf of one of the belligerents in the war in Spain, but rather an interest in legislation to keep their own country out of war—concede all this, and yet I seriously question the right, or rather the wisdom or soundness as a governmental policy in exercising such right, for the employees to have sent the telegram in question, expressed as it was in blunt and denunciatory language.

This Social Security Board Union is an organization of some of the employees of the Social Security Board of the United States, an agency of the Federal Government created by Congress to administer social-security laws in the United States; its duties are domestic and confined to citizens of the United States and has nothing whatever to do with our foreign relations, or the rights and privileges of those residing in foreign lands, and all questions pertaining thereto are wholly beyond and outside of its jurisdiction or its duties.

These employees, as citizens of the United States, have the same rights as all other citizens, including, of course, the right of petition, and this right no one, and certainly not the chairman of the Foreign Affairs Committee, would deny them, and he so stated in his speech, but that right should be exercised as citizens and not in their official or semi-official capacity. If the matter concerned them individually, or the work in which they were engaged, or the laws which they were administering and about which they were familiar, or should be familiar, then as a group it might not be inappropriate for them as such group to make known their views, their suggestions, and requests, provided even then that they do so courteously and with the respect which should always be exercised by any employees or officers of this Government when dealing with those in another branch of the Government. But for this Government group of employees, not as individuals, but as employees of the Government, to tell the President, the Secretary of State, and the Congress which created them how to make laws or conduct the affairs of state, concerning which they are uninformed, and to do so in such a manner as to impute a want of good faith and sincerity on the part of the chairman of one of the major committees of the House, they lay themselves open, not only for denunciation but for condemnation, and such action should not be tolerated by the Government of the United States. The chairman of the committee was well within his rights, and under the circumstances it was his duty to speak as he did. [Applause.]

Mr. MAPES. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Texas. I yield for a brief question.

Mr. MAPES. Are the members of this union all employees of the Social Security Board?

Mr. JOHNSON of Texas. It is my understanding that they are.

Mr. MAPES. How does it happen that all the members of this group sympathizing with one side of the controversy in Spain happen to be employees of that particular Board?

Mr. JOHNSON of Texas. I do not know why that is true, but it so happens that the leaders of that group have been very active. I have here a copy of the leaflet they issued called the Union Review. From a reading of this it will be found that they have indicated and given expression to opinions of partisanship for one of the groups of belligerents in Spain.

Not only is that true but had the gentleman from Michigan been a member of the committee and sat in on the consideration of this bill he would have learned that people sometimes preach neutrality but do not always practice it. We had people come down from New York to tell us how to write a neutrality bill. While one of them was speaking he handed me his literature. I read it and found that his organization was soliciting subscriptions for one of the belligerents in Spain. Upon inquiry he admitted that his organization had raised and sent to one of the war groups in Spain over a hundred thousand dollars. My objection is aimed against people telling us how to write a neutrality bill when they themselves do not practice neutrality. Neutrality cannot be attained by legislation alone, but the people must be neutral also, and at least not become active partisans in behalf of either of the belligerents in a foreign war.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Texas. I yield.

Mr. MOTT. The gentleman has criticized employees of the Government for taking an active part in an effort to influence legislation on this particular subject. Is that any more objectionable than the action of heads of departments in this administration actively interesting themselves on the radio and in other ways and places for the purpose of influencing the action of Congress upon the President's Supreme Court proposal?

Mr. JOHNSON of Texas. I think that is different in this regard, that the heads of executive branches of the Government are charged with the responsibility of directing the affairs of their departments. Furthermore, speaking over the radio by the head of a department, or even by the humblest employee, is quite different from sending a denunciatory telegram; but I would not approve of the Secretary of Labor, the Secretary of Commerce, or any other Secretary or executive head sending a telegram to the chairman of this committee telling him that his bill was pro-Fascist; that, while it pretended to be a neutrality bill, it was not, and denouncing him in the manner as was done in the telegram in question.

I do not think even a member of the Cabinet would or should have that right.

I do not think even the President of the United States would send to the chairman of this committee a telegram

such as was sent to the Chairman of the Committee on Foreign Affairs, of which I am complaining.

Mr. MOTT. If I may say so, it seems to me that the things said by heads of departments, who are employees of the Government also, things they have said about Members of Congress who oppose the President's Supreme Court proposal, are worse than the things done by this group of Federal employees.

Mr. JOHNSON of Texas. I do not agree with the gentleman's conclusions for the reasons I have stated, and I do not yield further.

Mr. MOTT. I think the gentleman has already answered my question.

Mr. JOHNSON of Texas. I am informed that the senders of the telegram have now expressed their regrets to the gentleman from Tennessee [Mr. McREYNOLDS] for having done so, and they having admitted their error, the Members and commentators who denounced the chairman for his criticism should now also admit their error in condemning him for the deserved and just rebuke which he administered.

WHAT THE BILL DOES

I shall now address myself to a consideration of the pending bill. The word "neutrality" is used as a short-term designation of this legislation, but a more appropriate and possibly a more accurate title would be, "A bill declaring the hostility of the United States against war, and to prevent our Nation from becoming involved in foreign wars."

That is the laudable purpose and the intent actuating the author of the bill, the distinguished chairman of the Foreign Affairs Committee [Mr. McREYNOLDS], and the other members of the committee who have worked with him in its preparation. It was not hastily prepared, the subject has been considered by our committee for several years and the bill as reported represents the composite judgment of the majority of that committee, after lengthy and exhaustive hearings at this and previous sessions of Congress. The subject of neutrality is a complex and complicated one, and the views of those who have given it long, serious, and conscientious consideration are entitled to have weight with the membership of the House.

It is a bill in which the American people are deeply interested, because if there is one question on which we are all united, it is a determination to keep this country out of war.

During the past two decades we have learned the futility of settling international disputes by that means. War settles nothing either while they last or when they are ended—the victors and the vanquished both lose. The Treaty of Versailles, ratified over 17 years ago and which we thought settled the World War, has been revised, and revised, and modified, and now there are ominous threats that it may be revised by another war.

Destruction of human lives, destruction of property, destruction of ideals and a blotch upon the civilization of the world is the awful toll of the World War and generations yet unborn in America and elsewhere will continue to suffer and to pay the penalties exacted by that awful holocaust.

It would seem that by now the nations of the earth would have learned that war does not pay. We have learned it in America, but in Europe and the Orient the dark clouds of war are again threatening and menacing the peace of the world.

Having learned our lesson we are determined to set our house in order so that when the storm breaks we shall be prepared to safeguard as best we can our peace and prevent our involvement if possible. If other nations elect to kill and destroy we shall refuse to be dragged into the conflict. And, furthermore, we will prevent our country or our citizens from selling or furnishing to nations engaged in war arms, ammunitions or implements of war, and this bill does just that. This provision is mandatory and applies to all warring nations. We say to the nations of the earth that we are against war and will not become parties to it or aid and abet in it by furnishing the means or implements of destruction. The bill applies not only to war between countries, but also to civil strife existing in a foreign state, where it is of such a magnitude or is being conducted under such conditions that the export of arms, ammunitions, and implements of war from the United States thereto would threaten or endanger the peace of the United States.

Second. This bill has also a mandatory provision in it denying credit to nations at war by making it unlawful for any person within the United States to purchase, sell, or exchange bonds, securities, or other obligations of the government of any belligerent state or any political subdivision thereof.

I think when the United States Government does these two things—prohibit the sale and exportation of arms, ammunitions, and implements of war, and also denies credit and loans to those nations engaged in war—that we have at least expressed in a most forceful manner our abhorrence of war and adopted a policy which will in a measure serve as a deterrent to discourage war between other nations. No war can be carried on without munitions and credit, and in the past the nations of the world have looked to the United States for both, but this they can no longer do.

Mr. Chairman, this bill does more than that. It provides for a continuance of the National Munitions Control Board with amendments, by which those exporting arms, ammunition, and implements of war at any time shall first secure a license, and so forth, which is an extension of existing law. Then, the bill provides that our ports shall not be used as a basis of supply for those engaged in a foreign war.

It provides further that the President shall have the right to regulate and prevent the entry in our ports of submarines or armed merchant ships.

It provides also that our citizens who travel during a time of war and take passage upon belligerent vessels shall do so only at their own risk, and after a proclamation has been issued it shall be unlawful for them so to do. Had this been the law when the *Lusitania* was sunk during the World War, no Americans would have been passengers thereon. Furthermore, American vessels are mandatorily prohibited from carrying arms, ammunition, or implements of war to any belligerent state or to any other state for transshipment to a belligerent state.

Those are seven things which this bill does, and I observed in this debate there has been very little controversy over those points.

SHIPMENT OF COMMODITIES OTHER THAN WAR MATERIALS

The one section of this bill where the battle seems to rage is section 4, which provides that under certain circumstances there shall be a limitation with reference to the shipment and exportation of other materials and commodities than strictly war materials. This is a new provision to the present temporary neutrality law and materially strengthens same. Under the present temporary neutrality law the only commodities that can be embargoed are arms, ammunition, and implements of war.

This new provision—section 4—which empowers the President, when necessary, to preserve peace or neutrality of the United States, or to protect the lives and commerce of our citizens, to place restriction on shipment of other articles and materials, in addition to arms, ammunition, and implements of war, from the United States to belligerent nations. Such restrictions may be exercised in either one or both of two ways, as the President may determine: (a) To prevent American vessels from carrying such prohibited articles or materials to belligerent states; or (b) to place further restrictions on exportation of such commodities from the United States to belligerents, by requiring a transfer of title to such commodities before same are shipped from the United States, so that no American citizen will have any title or interest in same when shipped from the United States to belligerent nations.

The chief difference between the Senate and House bills is with reference to restrictions of shipments of other materials, in addition to war supplies, the Senate bill automatically requiring transfer of title before shipment is made, while the House bill gives the President discretion to determine whether or not this limitation shall be exercised.

This is permanent legislation, and the wars of the future will differ in duration, intensity, and location.

The duration of wars in the past have been from a few months to a hundred years. Sometimes they have been fought altogether on land, sometimes principally upon sea; sometimes in one ocean, sometimes in another, and it is easily conceivable that a war might be in such location or of such a character as not to jeopardize or involve the United States or to require any restriction of the shipments of commodities other than war materials, and the President should have the power to determine when this power should be exercised.

In some wars it might be necessary for the President to both prohibit American ships from carrying any commodities to belligerent nations, and to require shipments of all commodities to belligerent nations to transfer title before shipment from the United States; while in other wars of lesser magnitude and of remote location, it might not be necessary to impose either of these requirements.

The American people are willing to forego the profits on materials shipped abroad, if it should become necessary so to do to keep us out of war, but they should not be called upon to make this sacrifice unless the conditions are so grave and the war is of such a magnitude that it is necessary to prevent war that it should be done. Under this bill we will ship no arms, ammunition, or implements of war to any warring nation, but our entire commerce abroad should not be stopped unless the war has assumed the proportions and is of such a character that shipping materials other than war materials might involve us in war.

[Here the gavel fell.]

Mr. McREYNOLDS. Mr. Chairman, I yield the gentleman 10 additional minutes.

Mr. JOHNSON of Texas. The opponents of section 4 are divided into two groups, one who believe that the section should be entirely omitted and no limitation or restrictions whatever be made with reference to the exportation of commodities other than war materials, and the other group who think that there should be an automatic embargo or restriction upon the sale of all commodities, whether war materials or not. This bill occupies the middle ground between these extreme factions, and in my judgment is more desirable, and its enforcement would be more satisfactory and more acceptable to the American people, since it places upon the ground of necessity, as it arises, the power to restrict commerce other than war materials. The gentleman from New York [Mr. FISH] was very critical of section 4, but his speech reminded me more of a lawyer trying to pick flaws here and there than to ascertain the intent and meaning of that section. He made the only speech on this debate which was tinged with partisanship, although he began his speech by disclaiming any partisanship in the matter. He spoke of war debts, and the failure of this administration to collect them, but omitted to state, until he was forced to do so by a question from me, that the payment on these war debts by foreign countries stopped in the Hoover administration, under Mr. Hoover's moratorium law which permitted payments to cease.

He made the statement that we discriminate in this bill against American vessels, but there is no discrimination. We cannot control ships of other nations from carrying war materials, or commodities to belligerent nations, and we do not attempt so to do. We only seek to control our own vessels, which is the only right we have outside of our own ports. He criticizes the discretion given the President in subdivision (b) of section 4, and it would appear, though it is not clear, that he thinks the restriction on commerce should be mandatory.

The Senate bill is mandatory with respect to that provision, while in our bill the matter of restricting commodities other than war materials is left to the discretion of the President. Is that not the fairest way to do it? You cannot tell what kind of war it is going to be. You do not know where it is going to be. You do not know whether the nations engaging in the war will have a navy or not. You do not know whether it will be hazardous for our people to sail the seas or for our people to sell goods.

You have to leave that discretion in the hands of the President to determine as a given situation may arise. Those wanting all provisions of the law mandatory remind me of the man who would pass a law providing that when there is a fire every fire engine in the city shall report and immediately try to put out the fire. Maybe it is just a trash fire burning out on some side street that could be handled with one engine. Wars vary in size and magnitude just as fires and other conflagrations.

We give the President this power to use as the circumstances arise and as the gravity of the situation may dictate. We say further, "Mr. President, our desire is, if possible, to be kept out of war."

We have stopped the shipment of arms, ammunition, and implements of war. We have stopped the giving of credit to other nations in time of war, and now, Mr. President, we say to you if the war becomes so intense and so dangerous it looks like we might become involved, you can do one of two things.

"You can stop our ships from carrying munitions or from carrying goods of any kind to these belligerent countries. And, furthermore, Mr. President, you can also require our people who ship goods to belligerent countries to have the title transferred before the goods are shipped to foreign countries so that if the ship is sunk and the goods are lost, no American citizen can come in and say his property rights have been damaged or destroyed."

The opponents of this measure say, "Mr. Chairman, we ought not to delegate this power to the President." They say no President should have conferred upon him such a vast power, a power that is tantamount, as one of the speakers said, to declaring war.

Mr. Chairman, the President already has power which is tantamount to declaring war. The President of the United States has the power under international law, under our Constitution, and under practices prevailing since the foundation of our Government, to send the Army and Navy at any time anywhere he desires, which action of itself could easily provoke war.

I have here a statement pointing out the various times Presidents of the United States have sent armed forces to foreign lands to protect the rights, the lives, or the property of American citizens. Here is a list of over 100 such incidents which have taken place under 20 different administrations.

I ask unanimous consent, Mr. Chairman, to include this statement in my remarks for the historical reference that it contains.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The matter referred to is as follows:

THE PROTECTION OF CITIZENS ABROAD BY THE ARMED FORCES OF THE UNITED STATES

(Milton Offutt, Ph. D., instructor in history, Princeton University)

The armed forces of the United States have been landed on foreign soil for the protection of the lives and property of American citizens living abroad on more than 100 occasions during the past 115 years. From the Aegean Islands to Manchuria and from Mexico to the Falklands, American seamen and marines have been sent ashore to prevent by force of arms the injury of their countrymen wherever these have been endangered, or to exact reparation for wrongs committed against them. Sometimes the force employed has been only a dozen seamen in a cutter, who chased a piratical schooner ashore, pursued her crew into the hills, and burned the schooner or brought her off as a prize. On other occasions, American armies of more than 3,000 men have engaged in long campaigns with the people of foreign states, operations which must have been classified as wars if it were not for the fact that the Congress of the United States never recognized them as such by a formal exercise of its unique power to declare war.

INSTANCES CITED

President's administration:

James Madison:

Occupation of Nukahiva Marquesas, 1813.

James Monroe:

Destruction of pirate stations, Cuba, 1822.
Pursuit of pirates near Escondido, Cuba, 1823.
Cayo Blanco, Cuba, 1823.
Signapa Bay, Cuba, 1823.

President's administration—Continued.
James Monroe—Continued.
Cape Cruz, Cuba, 1823.
Pursuit of pirates at Camrioca, Cuba, 1823.
Expedition to Foxardo, Puerto Rico, 1824.
John Quincy Adams:
Sagua la Grande, Cuba, 1825.
Miconi and Andros Islands, Greece, 1827.
Andrew Jackson:
Falkland Islands, 1831.
Quallah Battoo, Sumatra, 1832.
Martin Van Buren:
Muckie, Sumatra, 1839.
Fiji Islands, 1840.
William Henry Harrison:
Drummond Island, Kingsmill group, 1841.
Franklin Pierce:
Perry's Expedition to Japan, 1853–54.
Operations near Shanghai, China, 1854.
Bombardment of San Juan del Norte, Nicaragua, 1854.
Fiji Islands, 1855.
Montevideo, Uruguay, 1855.
Panama, 1856.
Barrier Forts, Canton, China, 1856.
James Buchanan:
Montevideo, Uruguay, 1858.
Fiji Islands, 1858.
Shanghai, China, 1859.
Kisembo, Portuguese, West Africa, 1860.
Panama, 1860.
Abraham Lincoln:
Affair of the steamer *Pembroke*, Shimonoseki, Japan, 1863.
Yedo, Japan, 1864.
Straits of Shimonoseki, Japan, 1864.
Panama, 1865.
Andrew Johnson:
Formosa, 1867.
Japan, 1868.
Montevideo, Uruguay, 1868.
Aspinwall, Colombia, 1868.
Ulysses S. Grant:
Affair of the pirate *Forward*, Rio Tecapan, Mexico, 1870.
Low-Rodgers Expedition to Korea, 1871.
Panama, May 7, 1873.
Panama, September 24, 1873.
Honolulu, Hawaii, 1874.
Matamoros, Mexico, 1876.
Chester A. Arthur:
Alexandria, Egypt, 1882.
Panama, January 18, 1885.
Grover Cleveland:
Panama, March 30, 1885.
Korea, 1888.
Benjamin Harrison:
Navassa Island, Haiti, 1891.
Valparaiso, Chile, 1891.
Honolulu, Hawaii, 1893.
Grover Cleveland:
Rio de Janeiro, Brazil, 1894.
Seoul, Korea, and Tientsin, China, 1894–95.
Newchwang, China, 1894–95.
Bocas del Toto, Colombia, 1895.
William McKinley:
San Juan del Norte, Nicaragua, 1899.
Apia, Samoa, 1899.
Boxer rising in China, 1900.
Theodore Roosevelt:
Panama, 1901.
Bocas del Toto, Colombia, 1902.
Panama, 1902.
Santo Domingo City, 1903.
Panama, 1903.
Puerto Plata, Dominican Republic, 1904.
Ancon, Panama, 1904.
Cuba, 1906.
Truxillo, Honduras, 1907.
William H. Taft:
Bluefields, Nicaragua, 1910.
Honduras, 1911.
Cuba, 1912, with a note on Turkey.
William H. Taft et al.:
Nicaragua, 1912–25.
Woodrow Wilson:
Haiti, 1914.
Veracruz, Mexico, 1914.
Operations in Dominican waters, 1914.
Occupation of Haiti, 1915.
Cuba, 1917.
Woodrow Wilson et al.:
Occupation of the Dominican Republic, 1916–25.
Calvin Coolidge:
Operations in Nicaragua, 1926.
Operations in China, 1926.

Mr. JOHNSON of Texas. Mr. Chairman, the opponents of this measure say we cannot risk the President. The founders of this Government in creating it, and we in the past, have risked the President, and history shows that the President has not abused that power. Over 100 times the armed forces of this country have been sent into foreign lands to protect by force the rights of American citizens and American property. Sometimes the force has consisted of just a few seamen; sometimes the force has been only a dozen men in a cutter, who chased a piratical schooner ashore, followed the pirates up into the hills, returned them to port, and burned the schooner.

On other occasions American armies of more than 3,000 men have engaged in long campaigns against the people of foreign states, operations which would have been classified as wars had it not been for the fact the Congress of the United States never recognized them as such by formal exercise of its power under the Constitution.

Let me name the Presidents under which such incidents occurred and such power has been exercised:

James Madison, James Monroe, John Quincy Adams, Andrew Jackson, Martin Van Buren, William Henry Harrison, Franklin Pierce, James Buchanan, Abraham Lincoln, Andrew Johnson, Ulysses S. Grant, Chester A. Arthur, Grover Cleveland, Benjamin Harrison, William McKinley, Theodore Roosevelt, William H. Taft, Woodrow Wilson, and Calvin Coolidge.

The book relating those incidents was written about the close of the administration of President Coolidge.

Therefore, Mr. Chairman, those who claim we are preaching or proposing a new and untried doctrine, that we are delegating to the President powers he has not had before and giving him the right to exercise this discretion, are either ignorant of history or are trying to mislead the people into believing the President has not yet had powers tantamount to this, which might involve us in war.

Presidents of the United States have been as strongly for peace as has the Congress of the United States. Throughout the history of this country the Presidents, charged with responsibility as they are, have been just as eager to preserve peace in this country as has the Congress of the United States. I do not have time to discuss this further, but a comparison of the pacific tendencies of the Congress and the Presidents will not unfavorably reflect on the Presidents of the United States.

The Supreme Court of the United States in United States against Curtiss-Wright Export Corporation, delivered on December 21, 1936, wherein a similar act of Congress, delegating to the President authority to prohibit the sale of arms and ammunitions of war to countries engaged in war in South America, was involved, reviewed at length the power of Congress to delegate this authority to the President and held that the President had this inherent authority without delegation by Congress and that the President's power with reference to external affairs of the United States was far more comprehensive and sweeping than his powers within the United States. The opinion cited a statement made by Chief Justice Marshall on March 7, 1800, in the House of Representatives, wherein he stated:

> The President is the sole organ of the Nation in its external relations and its sole representative with foreign nations.

Quoting further from the opinion of the Supreme Court in the case cited is this language:

> It is quite apparent that if, in the maintenance of our international relations, embarrassment—perhaps serious embarrassment—is to be avoided and success for our aims achieved, congressional legislation which is to be made effective through negotiation and inquiry within the international field must often accord to the President a degree of discretion and freedom from statutory restriction which would not be admissible were domestic affairs alone involved. Moreover, he, not Congress, has the better opportunity of knowing the conditions which prevail in foreign countries, and especially is this true in time of war. He has his confidential sources of information. He has his agents in the form of diplomatic, consular, and other officials.

DISCRETIONARY OR MANDATORY

There has been considerable confusion and misunderstanding created throughout the country by the use of the terms "discretionary" and "mandatory", as applied to neutrality legislation. Some who use the word "mandatory" as contra-

distinguished to "discretionary" explain that they mean that the President should apply proclamations against all countries alike, and to these our bill is acceptable, for it provides in subsection (e), in section 4, that any proclamation issued by the President shall apply equally to all belligerents. There is no discretion left to the President to treat the belligerents differently. All under this bill must be treated alike.

The terms "flexible" and "inflexible", I think, are more appropriate than "mandatory" and "discretionary", as applied to section 4 of the bill, and I have already pointed out why I think that that section which relates to export of commodities other than war materials should be left to the discretion of the President, and should not be inflexible.

It is believed that President Roosevelt is in sympathy with the flexible rather than the inflexible provisions of this bill, and as proof of this I cite a paragraph from a statement which he made on August 31, 1935, when he signed the first temporary neutrality bill passed by this Congress:

> It is the policy of this Government to avoid being drawn into wars between other nations, but it is a fact that no Congress and no Executive can foresee all possible future situations. History is filled with unforeseeable situations that call for some flexibility of action. It is conceivable that situations may arise in which the wholly inflexible provisions of section 1 of this act might have exactly the opposite effect from that which was intended. In other words, the inflexible provisions might drag us into war instead of keeping us out.

Mr. Chairman, this bill is not a perfect measure. No bill upon this controversial subject could be written that would be pleasing to everyone. We do not claim it is an insurance policy that will keep us out of war. No law can keep people out of war, because war is caused by a state of mind. When the mind becomes inflamed and passions are aroused, men fight; but here is what this bill will do, and this is what it is designed to do. It is to prevent irritating circumstances that might arise when war is in progress in other countries with reference to the claims of our people in the shipment of goods or in being passengers upon vessels or permitting our county to become involved by reason of the various circumstances which we seek to prevent; and we say it will minimize, it will reduce, it will lessen the hazards of war, and I think if we can pass a law that will even in the slightest degree tend to keep this country of ours from becoming involved in a war between foreign countries it is our duty to do so. I think the American people want such a law and I believe this Congress is going to pass it. [Applause.]

The CHAIRMAN (Mr. THOMAS of Texas). The time of the gentleman from Texas has expired.

Mr. FISH. Mr. Chairman, I yield 15 minutes to the gentleman from Michigan [Mr. DONDERO].

Mr. DONDERO. Mr. Chairman, before making a statement on the joint resolution (S. J. Res. 51) I pause to pay a deserving tribute to our distinguished chairman, the gentleman from Tennessee [Mr. MCREYNOLDS]. Every member of the Committee on Foreign Affairs, and particularly the new members, are indebted to him for his unlimited patience, his unfailing courtesy, and his most generous consideration.

To our distinguished colleague, the ranking member of the minority, the gentleman from New York [Mr. FISH], we are indebted for his independence of thought, his unquestioned courage, his tireless energy, and his intellectual honesty in making his contribution to the subject of neutrality, which we are discussing today.

The hope of the civilized world is peace. War is abhorrent to all people. Nations are struggling beneath the burden of taxes caused by wars, and humanity mourns from war's merciless toll. To prevent war has been the problem of centuries. Our own country has been and is now in the forefront to bring about that most desirable objective, peace.

The Washington Disarmament Conference of 1922, held in this city, brought forth the famous 5-5-3 agreement with Great Britain and Japan. It led the way for the reduction of armament over a period of years and was a step toward peace. It saved this Nation millions of dollars annually until a short time ago, when it was abandoned or expired.

Every nation in the world ought to be invited by this Government to join in a conference for the purpose of bringing about, if possible, world disarmament. A determined effort should be made again by the Government of the United States to continue the policy and the principle of disarmament until the great nations of the earth have done away with vast navies and great war machines and each maintain only a national police force. It would be the one great step toward world peace. Such a program should challenge the attention and the interest of the nations of the world. It ought to and it would halt the mad race of world powers today to increase their armament and provide enormous machinery for war. If that were done, it seems to me that neutrality, such as we seek to obtain under the joint resolution before the House today, would be easy to maintain.

Our present neutrality law empowers the President to lay embargoes on arms, ammunitions, and implements of war. That law will expire May 1 of this year. The bill before us goes further, in that it authorizes the President, under section 4, to restrict or embargo the shipment of other materials or commodities in American ships to belligerents if in his judgment it is necessary to promote security and preserve the peace and the neutrality of the United States and the lives and commerce of our nationals. That is the principal difference between the law as it now exists and the proposed measure before us. It is the only section in the bill, in my judgment, over which there can be any controversy.

The sole object in the minds of every Member of this body is to preserve peace and keep this country out of war. Neutrality is a complicated and difficult problem. It is a supersensitive subject. To that end the committee has devoted much time and held many hearings to bring before the House the bill under consideration.

There may be and there is some difference of opinion as to the wisdom of section 4 of the bill. The entire measure and the subject of neutrality is nonpartisan and nonpolitical. There can be no politics in the question of peace or war. It is the common cause of all. It affects all alike. It is the opinion of some that section 4 of the bill, restricting the exportation of commodities other than arms, munitions, and implements of war and making it unlawful for American ships to carry such articles to belligerent countries, will work to the detriment of our foreign commerce and, also, our domestic commerce. That it will withdraw the American flag from the seas, that it will relegate American ships to useless inaction in some American port; that it will be a surrender of the right of freedom of the seas; and that it will compel us to stand idly by and watch other nations, and particularly those which control the seas, such as Great Britain and Japan, acquire trade and commerce enjoyed by the people of the United States. It is more than a tradition with us that we have insisted upon the freedom of the seas. It has been the policy of the Nation for a century and a quarter. We fought and won a war to maintain that right.

Because of the complexity and the many questions which this subject raises, it requires the most serious consideration of the Congress whether or not we should make it unlawful for American ships to carry commodities to belligerent nations in time of war or whether or not we should reserve the right and amend section 4 of the bill to permit this Nation to carry on its reasonable and normal commerce and trade in American ships with belligerents, such trade and commerce to be based upon the usual and ordinary trade enjoyed with such countries in time of peace. A policy of trade in time of peace, whether under treaty or reciprocal-trade agreement, should not be materially changed, if changed at all, in time of war with countries not at war with the United States.

To delegate to the President the power to determine whether it is necessary to the security, preserve the peace, and protect the lives and commerce of our nationals by restricting the exportation of commodities and materials other than arms, ammunition, and implements of war in American ships, may constitute an invitation abroad to provoke a situation which would compel the President to do that very

thing, viz, issue or lay an embargo on commodities, for the express purpose of securing a part of the foreign and domestic commerce of this country.

That we have the right and we insist upon the right to sell commodities to belligerents is not the question before us. The only question involved in this bill is, Shall we reserve the right to deliver such commodities to nations at war in American ships?

In my judgment, this is the only question involved in section 4 of the bill.

Mr. FORD of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield to the gentleman.

Mr. FORD of Mississippi. Assuming that we amend the bill and permit the United States to carry on its usual trade with belligerent countries, and in so doing we permit our ships to carry commodities to these belligerent countries, and one of our ships is sunk by one of the belligerents in carrying goods over there, what would be the attitude of the gentleman and what does he think the attitude of this country would be with respect to probably going to war with such belligerent country?

Mr. DONDERO. Undoubtedly that would cause strained relations; but suppose Japan and Great Britain were at war, and the scene of conflict was laid in the Atlantic Ocean and not in the Pacific, does the gentleman think we ought to stop all commerce with Japan from our western coast?

Mr. FORD of Mississippi. I do not think we ought to stop all commerce, but I do think we ought to stop carrying goods to belligerent countries if by so doing we can maintain the peace of this country. I think it far better to have the people who are engaged in foreign commerce here forego a little profit and far better to see this country forego a little profit on its merchant marine than to carry goods to such countries and become engaged ourselves in war.

Mr. DONDERO. In answer to the gentleman from Mississippi, my position, insofar as our commerce is concerned, is that it is a very serious and a debatable question whether or not we should surrender the normal and reasonable trade between this Nation and belligerents in time of war if those nations know in advance what our policy is. There is much to be said on both sides of that question.

Mr. FORD of Mississippi. Mr. Chairman, will the gentleman yield further?

Mr. DONDERO. I yield to the gentleman.

Mr. FORD of Mississippi. Does not the gentleman think we could carry on some trade with such countries by permitting them to come to this country and get our commodities and then transfer the title to them so that our people would not become involved in claims against such belligerent countries?

Mr. DONDERO. If we do that and prevent American ships from delivering those commodities, which is the only question I raise, then other nations will come here and get such commodities and deliver them to the belligerent nations or the belligerent nations will seek out other countries of the world with which to do business and leave America holding the bag, as we say in common parlance. This is the difficulty with such a situation.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. Is it not also true that if the foreign ships come to this country and load with our commodities, the other belligerent nations will not allow this, and this will bring war to our shores or very close to our own door?

Mr. DONDERO. The gentlewoman means in sinking the ships of other nations, which come here for our commodities?

Mrs. ROGERS of Massachusetts. Yes; there will be many submarines and other battleships near our own shores.

Mr. DONDERO. The distinguished lady from Massachusetts is undoubtedly correct. As I have said, it is a supersensitive subject with which we are dealing.

Mrs. ROGERS of Massachusetts. And is it not also true that in the great World War, in the case of almost all the goods shipped, the title had been taken by some foreigner before the goods were shipped? I am told on good authority that the American merchants were not willing to take the chance and were not willing to sell their goods until the title was taken over by a foreign firm.

Mr. DONDERO. The gentlewoman from Massachusetts is correct, and that is the idea or the principle involved in this bill, that all title and interest in the commodities shall terminate before they leave American shores.

I can readily see that the reservation of that right to deliver such commodities to the extent, at least, of the normal trade and commerce enjoyed with such belligerent country, is debatable and raises many questions. It is a question which should have the most serious consideration of the Congress.

I now come to section 5 of the bill, and refer to that portion of the section which prohibits our people from soliciting or receiving contributions for the benefit of any belligerent state or state wherein civil strife exists. Testimony before our committee, and it was referred to by the gentleman from Texas [Mr. JOHNSON], revealed the fact that some of our people in this country were active in raising funds and did collect more than $100,000 for the use and benefit of one of the factions now engaged in civil strife in Spain. It is hardly necessary to point out that such activities and procedure on the part of some of our nationals is not neutral and offends any friendly government. I believe that section 5 is a sound provision and that it will aid this country to remain neutral.

Section 9 of the bill, prohibiting American citizens traveling on ships of belligerent nations, should receive the unanimous approval of the House. It is a forward step toward removing complications and differences and an aid in maintaining our neutrality.

The bill may be properly called one to maintain the peace of the United States as well as one to maintain its neutrality toward belligerent nations. We desire peace. We abhor war. We do not covet the territory of any other nation. We mean to mind our own business. I shall vote for the bill as it is written or as it may be amended, believing that it is better than the Pittman bill in many ways, which have already been pointed out. Amendments will be offered on the floor during the debate. Let each amendment be weighed carefully in a strict nonpartisan manner regardless from which side of the aisle they may be presented. The Nation is entitled to the individual and collective thought of every one of us on this most important subject. It may be the most important bill to come before us during this session of Congress for it is of the greatest concern to every citizen.

We took a step toward neutrality 2 years ago. Let us walk slowly in this matter but not backward.

Europe is arming in heat and haste, obviously in preparation for war to come. What we do here in reference to this legislation may be the means of keeping the United States out of another conflict.

Those who now live will not live long enough to see the time when the burden of debt piled on the backs of the people of the United States as a result of the World War will be fully raised and paid. The world is nearly bankrupt because of wars and rumors of war. We are spending more than a billion dollars annually on our Army and Navy, and the end is not yet. Other nations are spending more billions preparing for war. I say that such a condition is a rebuke and a reproach to the civilized world, and the teaching of the white-souled Man of Galilee becomes a hollow mockery.

Let us apply to this bill our most serious judgment in the hope that we will move toward that happy day when races and nations will know war no more. [Applause.]

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. DONDERO. I yield.

Mr. COLMER. If I understand the gentleman from Michigan—and I have a very high regard for his opinion on

any subject—this bill is not what he would like to have it, and necessarily could not meet all of the demands and opinions of the various members of the committee, much less Congress; yet he feels that it is a step in the right direction and that it is better than no bill, and, even with the misgivings he has about it, he will support it.

Mr. DONDERO. I shall support it because I believe it far better than the Senate bill, and perhaps it is the best bill that we can obtain under the conditions we are facing today.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield 15 minutes to the gentleman from South Dakota [Mr. CASE].

THE NEUTRALITY ACT OF 1937

Mr. CASE of South Dakota. Mr. Chairman, two things have been impressive to me during my membership in this Congress. The first has been the courtesy and gentle treatment the presiding officer has extended to new Members, and personally I appreciate it. The second has been the obvious sincerity of the Members of the House who have addressed us on various questions, and certainly on no question more than the one we are now considering.

Every Member of this House, I feel, conscientiously and earnestly wants to do that thing which will keep America out of war, and the only question in our minds is: What is the best way to accomplish this object?

We have been told that this proposed Neutrality Act of 1937 is not an act for a day or a year, but it is to declare a new policy for the United States from now on. The gentleman from Texas [Mr. JOHNSON], who opened the debate this afternoon, stressed that fact. So, in discussing a particular phase of it, I am not considering personalities of the present day, but am looking at the application of this measure, and particularly of section 4, throughout the course of years.

Section 3 provides for a "mandatory" embargo on arms and munitions of war. Section 4 provides for a "discretionary" embargo on other articles and commodities. Then, skipping sections about which there is no particular question, I would also note section 11, which specifically exempts American republics from the applications of the act.

My remarks will be directed to section 4, which would establish a discretionary embargo for supplies other than munitions. My doubts as to section 4 rest on four grounds:

In the first place, "discretion" in drawing the lines on various commodities destroys neutrality by the very name itself.

Second. Application of an embargo on commodities in a discretionary way will evoke reprisals by the nations hurt and thereby involve us in war whether we will or not.

Third. America cannot entirely escape the obligations of humanity in the family of nations, and any assertion of America's responsibility in such matters should be a deliberative act of the Congress, and not a matter of chance growing out of a technical violation of the rules prescribed and modified from time to time by any one man.

Fourth. Presidential discretion is not the road away from war. The road away from war calls for placing the decision on questions of peace and war nearer to the people, not farther away from them as section 4 will do.

COMPARE SECTIONS 3 AND 4

Time does not permit me to go into great detail, but if I can state these points clearly, your own minds will provide better illustrations and more effective logic to carry them to sound conclusions. It would be helpful if everyone would read the parallel parts of sections 3 and 4 to note the difference proposed between the mandatory embargo on arms and the discretionary embargo on commodities. From section 3 I read:

It shall thereafter be unlawful to export * * * arms, ammunition, or implements of war.

Again:

The President, by proclamation, shall definitely enumerate the arms.

Those are the positive provisions in section 3. Now read section 4, on commodities. The provision is:

It shall thereafter be unlawful except under such limitations and exceptions as the President may prescribe.

And in section 4 we have an extra paragraph, paragraph (d), to emphasize the discretionary feature, which says:

The President may from time to time change, modify, or revoke in whole or in part any proclamations issued by him under this section.

This has resulted in two entirely different arguments being presented to this body in support of this bill. Some speakers have said, "This is true neutrality, because it serves notice in advance that we may embargo commodities. The giving of a notice in advance constitutes equal treatment." These men recognize, of course, that if the conditions or rules of war be changed while war is going on, that of itself is a violation of neutrality. But other speakers have said, "The virtue of this bill is that it is flexible; that it will change from time to time; that the President can modify it from time to time."

The fact is that if either argument be the virtue of this bill, then the other cannot be. The truth is that we only serve notice that we "may" embargo commodities. Whether we do or whether we do not, these rules and these regulations can be "changed" from time to time, "modified or revoked" by a Presidential order. In that sense we do not have a true neutrality bill in section 4. Questions will arise as to what are proper commodities for an embargo. In one war or at one period during a war oil may be the thing. Later, cotton may be the thing. And the fortunes of war will shift with every shift of Presidential favor.

This can be resolved to simple terms. Suppose two Members of this House were to violate ordinary procedure and engage in a fight on this floor. And suppose one of you were to say, "We will keep this man's family from getting any supplies"; how long before that man would figure you were his opponent, too?

THE ALLY OF THE AGGRESSOR

This section 4 makes America the ally of any strong power that threatens or attempts to starve an innocent people. Section 4 means, if it means anything, if we are going to use it, that America becomes the ally of that nation that has the power to enforce whatever measures of war they want to enforce.

This will result not merely in pressure from abroad; it will result in pressure at home. It will mean that the injured industry, the injured commerce at home, will seek modifications, will seek changes, from time to time.

This bill specifically provides for changes from time to time. That is not the essence of neutrality. The essence of neutrality is even-handed treatment to all parties. A change in policy after war is begun is either an act of friendship or an act of hostility, according to whether it hurts or helps a given nation. "Discretionary" changes "from time to time" destroy neutrality. Neutrality is neutrality only when it is fixed, certain, and mandatory.

The second thing that makes section 4 objectionable is that discretionary changes will invoke reprisals by the nations hurt. We have experience to guide us on this particular count.

A LESSON IN HISTORY

During the Jefferson administration we tried discretionary embargoes upon commodities. Jefferson abhorred war. Yet every step that he took to meet the paper blockades in the early Napoleonic wars brought retaliatory acts by the nations hurt.

England's Fox blockade sought to close certain French ports to neutral shippers. Jefferson tried to make England repent by a nonimportation act. Napoleon issued his Berlin decree declaring a paper blockade of British ports. England responded with her orders in council, closing coastwise trade to neutral ships and forbidding neutral trade from Trieste to Copenhagen unless the vessels cleared in British ports. Jefferson then asked Congress for an embargo act prohibiting the departure of merchant vessels except foreign ships in ballast. That is what section 4 now proposes to try again.

Look at what happened before. I quote from John Spencer Bassett's History of the United States (pp. 310–311):

> The President (Jefferson) was given "discretionary power" to modify the operation of the law in specific cases, but its duration was made indefinite. Peaceful coercion was an untried experiment of far-reaching effects, yet it passed the two Houses in 4 days and was a law before the people understood its significance. Congress accepted it on the authority of Jefferson. The first attempts at enforcement showed that peaceful coercion was impracticable. Shipowners would not give up a trade which became more profitable as it became more dangerous. * * * Those whose ships remained at home complained loudly. * * * Supplementary acts were passed to make it effective. * * * At first the farmers did not feel the embargo. * * * By the end of the summer it came home to them in lower prices. * * * In the autumn two more enforcing acts were passed. Even a rowboat was now subject to the law, and collectors of the ports were given despotic powers over every ship that sailed. * * * He (Jefferson) was at last brought to sign a bill to supersede the embargo by the Nonintercourse Act of 1809. It decreed nonintercourse with England and France, leaving the President to suspend it for whichever of the two nations should first abandon her restrictions. Jefferson signed the bill in much bitterness of spirit and a few days later retired from office.

We did not get out of the mess until we had the War of 1812.

Jernegan, Carlson, and Ross, in the recently published Growth of the American People, are hardly less encouraging in their estimate of our venture into the field of discretionary diplomacy. They recall that—

> Napoleon confiscated American ships that came into the ports of France and jokingly said that he was helping Jefferson enforce his embargo (p. 232).

The lesson of history, over and over again, is that necessity knows no law. No matter how much fair notice is given, embargoes will hurt somebody, and that somebody will retaliate. We may ignore, for a time, the squeals at home but we cannot escape reprisals abroad against any discretionary, discriminating policy, "changing, modifying, or being revoked from time to time."

Mr. THOM. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. Briefly; yes.

Mr. THOM. Is it not a fact that the Jefferson embargo laws seemingly failed because of sentiment in this country against obeying them?

Mr. CASE of South Dakota. Partly; but remember that sentiment was produced by reprisals that were adopted by England and France.

WE ARE A FAMILY OF NATIONS

The next point I want to mention is that, no matter how much we desire to be neutral, America cannot entirely escape her obligations as a member of the family of nations. When the time comes that America should have a conviction upon such matters, possibly involving war, it should be the result of deliberate—and I mean deliberate—judgment of the whole Congress and not the result of any technical infringement of rules "proclaimed, changed, modified, or revoked in whole or in part from time to time" by any one man.

Here, also, I would mention section 11 of the bill, which makes an exception in the application of the entire law to the Republics of America. That certainly is well-intentioned, but I ask you, Have we any interest in the affairs of the Latin-American Republics and the sanctities of the principles for which they might become engaged in war that we would not have for Canada? And yet by this act itself we except the American Republics but not Canada.

How long will that stand up under any President's good-neighbor policy, if Canada gets into war? Canada will ask, "Do we not mean as much to you as the Latin-American countries?" And when the President yields once for Canada, modifying commodity embargoes by releasing—for all nations, of course—the particular commodity that Canada wants, your whole house of neutrality falls.

You remember how we progressed in 1917. At first we were only going to give moral support. Then we were going to send 25,000 men. Then—you know the full story without my repeating it.

I forego a discussion of the "reasons" for exempting the American republics from the provisions of this entire act except to say this: I have the kindest feeling for our sister republics. But I wonder if our excepting them from this bill is entirely because of a fraternal feeling or because the munition makers cannot give them up. They are "excepted" not merely for the commodity section; they are excepted for all provisions of the act, free from embargoes on arms and munitions in civil strife as well as foreign war.

If exceptions are ever made in the protection of American principles they should only be made with the full realization that any change may carry with it a decision for peace or war.

And my contention is that when these decisions are made the people should not be the victims of a chance policy or a technical violation of a Presidential rule.

Let me go further and say that I believe that the road away from war calls for placing the decisions on engaging in foreign wars nearer to the people instead of further away from them.

[Here the gavel fell.]

Mrs. ROGERS of Massachusetts. Mr. Chairman, I yield 3 additional minutes to the gentleman from South Dakota.

Mr. CASE of South Dakota. The gentleman from Texas [Mr. JOHNSON], in opening the debate this afternoon, explained how far Presidents can go and have gone in the direction of war or foreign entanglements. This may be true, but whatever the situation in the past, that does not justify us in telling the President he can go still further now. That is not the road away from war.

LET THE PEOPLE CHOOSE

For I agree entirely in principle with the gentleman from Indiana [Mr. LUDLOW], who believes that the people who fight the wars and furnish the boys, furnish the mothers, and furnish the money and pay the taxes and bind up the broken hearts and suffer the inexpressible pains of war—I believe that those people should be given the right to say whether or not the issues as they know them are ever worth the cost of sending their sons to foreign battlefields again.

The gentleman from Indiana [Mr. LUDLOW] and the gentleman from New York [Mr. FISH] and I may differ slightly in the particular form of the constitutional amendments which we have offered to accomplish this purpose, but we are one in aim and one in purpose. This House today, and every day that the subject of peace or war is mentioned, echoes to the cry that the people want peace, that "the people" want none of war. Then, in God's name—ah, in the name of those living and dead who have put their all on the altar of freedom from war—why not put it in the hands of the people to say whether the issues are worth war?

We beat our breasts here and cry to heaven about the mind and heart of America being for peace. Then why not implement this will of the people for peace by giving to them the discretion in actual declarations of foreign wars? Why not give these hearts a voice?

Ladies and gentlemen, the measure before us is headed the other way. It does not restore the power of choice on war to the people; it removes it farther from them. They become, more than ever in the history of America, the pawns of Presidential policy.

Now, then, if the Congress is going to throw up this power to declare war—this responsibility to determine our attitude and position as between nations at war—there is only one direction in which it should be thrown. That is to put it back in the hands of those who gave it to us—into the hands of the people themselves.

We beat our breasts in this Chamber and tell the world how devoted we are to the subject of peace. But if, in the name of neutrality, we pass an act that contains a section that involves the people in war again, the people will not hold us guiltless. Many Members have said to me in the last few days, "I am not sure what this bill means, but I guess we shall have to vote for it because it is on neutrality."

Ladies and gentlemen, not what we name this bill but what it does determines its character. I plead with you that we do not kid the people again. Let us give them a straight Neutrality Act, or let us clean it up so that it does not have in it a discretionary section which will involve this country in war. This is not true neutrality. If the Con-

gress is going to throw aside its duty and turn over to another this power of passing upon specific cases, do not give it to one man, give it to the people themselves. [Applause.]

Mr. FORD of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. CASE of South Dakota. I yield.

Mr. FORD of Mississippi. In view of the fact that the gentleman is not willing to give the President any discretion with reference to the embargoing of commodities, what is the gentleman's attitude? Should the Congress pass a law making an absolute embargo?

Mr. CASE of South Dakota. I think it should be either a mandatory embargo of commodities or it should be dealt with in separate bills passed on by Congress from time to time.

Mr. FORD of Mississippi. Does not that suggestion destroy the thought the gentleman had a moment ago that we would cause retaliatory measures on the part of other countries?

Mr. CASE of South Dakota. My thought is that the power would at least be in the hands of Congress to make our adjustments and choose our alliances rather than letting the President make them for us.

Mr. KLOEB. Mr. Chairman, by direction of the chairman of the Committee on Foreign Affairs, I yield 15 minutes to the gentleman from South Carolina [Mr. RICHARDS].

Mr. RICHARDS. Mr. Chairman, the McReynolds bill, for which I now desire to speak in my feeble way, has been vigorously defended upon the floor of this House and just about as vigorously condemned.

There seem to be several lines of thought as to what the United States should do in order to prevent the possibility of our being embroiled in future wars that do not concern our national integrity. Sometimes it puts a Member of Congress in the same position that our distinguished, beloved, and impartial colleague found himself the other day, the gentleman from New Jersey [Mr. EATON], when he said he felt very much like a jackass starving to death between two bales of hay.

Mr. Chairman, I do not think there is a Member of this Congress who is not for peace. I do not think one could go out into the byways and hedges of this Nation and find any citizen who is in favor of war with any nation on the face of the earth.

I do not believe the officials of any foreign nation on earth believe in their hearts that the United States of America is a menace to peace. So the stage is properly set here in this country for the blazing of peace paths in new directions formerly untrod by man. The McReynolds bill will properly move our Nation forward on a new path, with peace for our people its objective. Some of the Members here seem to believe in neither the McReynolds bill nor the Pittman bill. I notice that some Members believe we will never have peace in the United States or among the nations of the world unless there comes into the minds and souls of the peoples of the world a spirit of cooperation, when men can sit down together and decide all misunderstandings peacefully by the give-and-take method. That is the doctrine taught by the great Prince of Peace and it is a proper doctrine. I think the people of America believe in that doctrine, but also may I say the people of America are convinced that that doctrine has failed to work, not because of lack of merit in it but because of lack of sincere effort to put it into practice by those who now control the destinies of foreign nations.

So now we must heed the Scriptural admonition:

> But if any provide not for his own, and especially for those of his own house, he has denied the faith, and is worse than an infidel.

Mr. Chairman, there are two major objectives in the McReynolds bill. The first and paramount objective is to insure peace for the people of the United States and, to so provide, the proponents of the McReynolds bill believe it is necessary, that in the event of foreign wars which may possibly involve us, it may be necessary to circumscribe the rights of our own citizens to prevent our being drawn into the conflict, and I ask my colleagues to seriously weigh the merits of this objective. There is the secondary objective and that is, if we can provide peace for the people of the United States by enactment of this law, we also aim to deal justly at the same time with all of the other nations of the earth. That is a cardinal point in this bill.

Many of the gentlemen on the committee and many of my colleagues of the House have discussed very ably, fully, and exhaustively the various provisions of this bill. In my effort to possibly throw a little light on the subject for some of my colleagues who have not heard these able discussions, I am going to try to direct my remarks to the one or two main controversial points of the bill.

To go back a little, it seems there is one school of thought that believes in mandatory embargoes. There is another school of thought that believes in discretionary embargoes. There is a third school of thought that believes in building the greatest army and the greatest navy in the world to protect that misnomer called the "freedom of the seas." There is also a fourth school of thought that believes we should do nothing but sit down and twiddle our thumbs.

I want to commend the Members of this House on both sides for the impartial consideration they have given this bill. With possibly one exception, there has been no exhibition of party partisanship, and I am sure the Members of the House are glad of that. I have been a Member of the Congress for about 4 years and week after week and month after month I have heard my distinguished and learned friend the gentleman from New York [Mr. FISH] get up on the floor of the House and proclaim in a very loud voice that this is not a political or sectional or partisan matter. Invariably I have found that this opening refrain was almost invariably only a prelude to a partisan attack by the gentleman himself. He is one of the most partisan gentlemen in the House. What did the gentleman say when he got up here the other day? First, he said:

> I want to commend the distinguished chairman of the Foreign Affairs Committee for his able and hard work.

Of course, we all commend the able chairman, for he deserves this praise. I felt like applauding when the gentleman from New York made that statement. The gentleman said further:

> I want to commend the majority for the fair and open rule they have brought here, under which the bill will be considered.

I said to myself, "The gentleman from New York is going to break his record now. He has started out on a new path." Then he went on a little further and besought that no Member of the House bring partisan discussion into the debate on this bill. Mr. Chairman, I could not believe my ears. But as the gentleman proceeded with his argument, based upon the minority report he had filed, and about which, by the way, very little has been said by other opponents of the bill, as my friend spoke on one section after another for an hour or more, I soon was disappointed to find that his attitude was, as of old, reeking with partisanship, and that the minority report which he had filed was shot full of the holes of inconsistency.

The gentleman from New York is my friend. And I think he is one of the most well-informed men from some angles in this Congress. I like him.

The gentleman started out by quoting Mr. BORAH, the able Senator from Idaho, and Senator JOHNSON of California, stating in substance that these distinguished gentlemen contend that the provisions of the McReynolds bill, if enacted into law, will, in effect, render our Navy useless and place our merchant marine in a state of what the gentleman from New York calls "innocuous desuetude." We go a little further and we find that, in his attack on the provision to grant discretionary power to the President in the McReynolds bill, he does not quote Senator BORAH on that subject. Senator BORAH, one of the great constitutional lawyers in the Nation, whether you agree with him or not, said he is in favor of preserving and defending all of our rights to freedom on the high seas; but the distinguished Senator said further that if we do abandon the doctrine of freedom of the seas, discretion in embargo matters should be placed in the President of the United States, where it was placed by the fathers who

wrote the Constitution of the United States. The gentleman from New York knows of the Curtiss-Wright case in which the Supreme Court, with only one dissenting voice, decided that the President of the United States should have this discretionary power. The gentleman knows that, since this Republic first came into existence, the President of the United States as Commander in Chief of the Army and Navy has had the power to do almost anything with the Army and Navy, when dealing in foreign affairs, except declare war and provide appropriations to carry on war. That is the right and duty of the Congress.

My friend has become confirmed in his habit of rising here to criticize the Democratic Party because the President, the Secretary of State, or the head of some other department has recommended that we pass this, that, or the other kind of legislation. He has attempted to hold the majority here up to the people of this country as a laughingstock because of the fact that we Democrats at times are willing to take the advice and benefit by the wisdom of our chief, one of the greatest Presidents in the history of our country.

Now the gentleman has proved himself consistent in his inconsistency by inquiring of the majority, "What is the recommendation of your leader relative to this bill? Has he sent no word up here from his sanctum down yonder?" "Is the voice of our great Secretary of State"—whose trade treaties are doing more for the peace of the world than anything else which is being done at this time—"silent on this question?"

Formerly the gentleman was railing at the Congress of the United States because it was passing bills recommended by the President of the United States. Today he is asking you to defeat this bill because the President of the United States and the Secretary of State are silent on the subject.

My friend, the gentleman from New York, is a very learned scholar. He talks much about freedom of the seas. I fear to engage him on that subject, but I cannot resist the temptation to interject a few more feeble words in an attempt to show a little further his inconsistency. However, in an attempt to keep my argument a little in line, I must direct your attention now to what is doubtless the most controversial section of the bill—paragraphs (a) and (b) of section 4, which give the President discretionary authority to embargo certain supplies of war when he thinks the shipment of such supplies will endanger the peace of the United States.

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. RICHARDS. I am sorry; I cannot yield to the gentleman from Mississippi. I have but 15 minutes, and only wish I could yield to the gentleman, whom I consider to be one of the ablest and most conscientious Members of the House.

[Here the gavel fell.]

Mr. McREYNOLDS. Mr. Chairman, I yield 5 additional minutes to the gentleman from South Carolina.

Mr. RICHARDS. Mr. Chairman, the great bone of contention here is the freedom of the seas. The gentleman from New York—and I refer to him so often only because he is leading the fight against this bill—brought in a minority report; but when he addressed the House the other day, almost confessed that he, himself, believed in very little of his report. Certainly, as yet he has not championed this minority report.

We have been living as a nation for a century and a half, and during all of that time we have claimed our right to sail the seven seas, in war or in peace, but we have actually enjoyed this right only when other great nations were at peace.

But the gentleman contends that this bill is a supine surrender to Great Britain and Japan if, in the President's discretion, warring nations are required to come over here and, under the cash-and-carry plan, carry supplies home in their own ships, we are then surrendering the precious doctrine of freedom of the seas, he says, to Great Britain, whose Navy controls the Atlantic, and Japan, whose Navy controls the Pacific.

Well, Great Britain has controlled the Atlantic and Japan has controlled the Pacific for a long time because our Navy must necessarily be divided. England had the control of the Atlantic before we became involved in the World War and while we were asserting the great international right of freedom of the seas. How far did we get against Britain's embargo? We sent many notes of protest but they were unheeded. A few days ago the gentleman from Nebraska [Mr. LUCKEY] put in the RECORD an embargo list of Great Britain. I had also secured this list from the Secretary of State and had intended to put it in the RECORD myself. To be fair I must say that Great Britain was not the only nation sending out these all-inclusive embargo lists. Germany, France, Italy, and other nations involved in the World War did the same thing. The rub is that only the great nations with powerful fleets can enforce an embargo. So I ask you gentlemen, where is your freedom of the seas? The answer is—freedom of the seas is with the powerful fleet.

Great Britain's World War embargo list included everything in the world. It included foods, every type of food, I may say to you men from out West who have your wheat and your corn; to you men from down South, it included every possible type of cotton material, raw cotton and everything else; to you great hog raisers, I say it included every part of a pig that could be put down in black and white. Take a pig, now, just a simple little old pig. This embargo list of Great Britain said, "You cannot carry any meat to Germany or to the Central Powers; you cannot carry any animals over there." They thought maybe that would not include a pig, so after a while they put the "pig" in. They thought maybe that would not include every part of a pig, so they added to the list, "All hair of every kind, all bone material, all sausage, all sausage skins, and even bladders." So you see we had to either keep our pork at home or sell it to Great Britain.

So, my colleagues, I call to your attention as a final inconsistency in the argument against this bill by the gentleman from New York, another assertion in his speech of last Friday:

> I, for one, am willing to make very large concessions and surrender a large part of our freedom of the seas, because if you analyze the principle of the freedom of the seas, you will find it has involved us in every single foreign war in the last 150 years with one exception, the Crimean War. It involved us in a limited war with France in 1798 to 1800. It involved us in the War of 1812 and in the World War, because we insisted on our neutral right to sell arms and everything else to belligerent nations. That is what the freedom of the seas is. We propose to change that.

These are the gentleman's words, not mine. [Applause.]

[Here the gavel fell.]

Mr. FISH. Mr. Chairman, I yield 20 minutes to the gentlewoman from Massachusetts [Mrs. ROGERS].

Mrs. ROGERS of Massachusetts. Mr. Chairman, I was very sorry that the gentleman from South Carolina [Mr. RICHARDS] was not willing to yield for a question. I wished to ask him if he did not feel that, at the bottom of his heart, the Secretary of State, a very distinguished gentleman and a former Member of the House of Representatives, was not really very sorry that this bill may pass the House of Representatives, because, surely, under the provisions of this bill, the Secretary's reciprocal-trade agreements, if not abolished entirely with those countries that might be belligerent countries, certainly would be very much restricted. I know he has stated repeatedly—I do not recall his exact words to quote them, but I shall find out what they are and put them in the RECORD, if the House would like to have them—that the greatest aid to peace or the greatest protection to countries is to have their trade go on as much as possible.

Mr. Chairman, I do not agree with the gentleman from South Carolina in that the discussion of this bill has been a partisan one in any way. I commend the very able and distinguished chairman of the committee and the Members of the majority side, and also the great World War soldier and tremendously capable leader of the minority, the gentleman from New York [Mr. FISH], and the other minority Members, for the lack of partisanship shown in the discussion of the bill in the committee and on the floor; and I am thankful we are having 10 hours of debate upon what I believe to be one of the most important and far-reaching measures that has ever come before the House. This discussion is with respect to a permanent neutrality bill. This

is not a bill for 1 year of proposed neutrality or 6 months of proposed neutrality but a permanent plan. I know the people all over the country want their Representatives to discuss fully this measure, because it is they, your constituents and my constituents, who pay the bills when we go to war. They pay the bills in dollars and cents; they pay the bills in heartache, and those who fight give their lives for us, and those who bear the terrible marks and scars of war give even more.

There are many things, Mr. Chairman, in my opinion, worse than death; there is dishonor, and I am going to remind the House just for one moment we have not heard much of this in this debate—that we are the greatest nation in all the world, the most honorable nation in all the world, and the most generous. We covet the possessions of no other nation, but at times it may be, Mr. Chairman, we must defend our honor.

Mr. Chairman, it has been said here that the minority report has not been referred to. I am going to quote two paragraphs from that report. Of course, Mr. Chairman, to my mind the title of the bill as a neutrality bill is a misnomer. I know the Members are perfectly sincere in feeling that it is a neutrality bill, but if it is carried out and there is a war, it will be an unneutral measure. If we give the President the discretion to change the rules of the game, to change the regulations, after the war has started, surely this is not neutral; it is discriminatory, and will not be fair either to one side or to the other. It is the most ostrichlike bill that can be imagined, and I quote, Mr. Chairman, from the minority report:

> We, the undersigned, are opposed to the Congress delegating its constitutional power to declare war to the President, whether he is a Democrat or a Republican. In order to clarify the statement that the discretionary powers granted the President in this bill are apt to carry with them the war-making powers of Congress the following quotation is cited from a letter written by John Bassett Moore, one of the best-known authorities on international law, former judge of the World Court and counselor in the Department of State under Woodrow Wilson, which was submitted to the committee.

Mr. Chairman, I maintain, and I am not alone in this, that John Bassett Moore is one of the greatest, if not the greatest, authority on international law, and I quote from Mr. Moore:

> You are correct in saying that, so far as concerns the proposed surrender by Congress of its exclusive constitutional power to declare war, they for the most part in no respect differ from the measures introduced a year ago to empower the President, in his uncontrolled discretion, to engage in war and carry it on without the prior declaration which our fundamental law requires. To seek to save appearances by using in the title phrases such as "to maintain the neutrality of the United States", or to "promote peace", is at best a form of self-deception of the most delusive and unsubstantial kind. No one who wished unlimited power to make war could ask for more than the authority, in his own discretion, to impose and revoke, and to modify and adjust, embargoes upon our foreign commerce. Not only are such embargoes never contemplated as friendly measures but they are radically inconsistent with the avowed theory of the present administration that existing commercial restrictions constitute the chief menace to peace. * * * Therefore, to commit to the Executive the power in his discretion to adopt and prosecute measures that naturally lead to war, is virtually to transfer to him the power to make war, so that the formal declaration by Congress of the existence of a state of war would become an essentially perfunctory act.

Mr. Chairman, I wonder if the Members of the House do not agree with me, after reading letters from their constituents, that the people who call themselves pacifists, but who want to keep this country at peace no more than we, are constantly changing their point of view as to what will help preserve the peace of this country.

A few years ago the so-called pacifists used to write me that they wanted such and such legislation with such and such provisions, and now today the letters that come to me are to the effect, "We have studied the Pittman bill, we have studied the McReynolds bill, and we are not sure which bill we prefer, but we want the measure that is most likely to keep us out of war." More and more, Mr. Chairman, we, the people of America, are realizing the blessings of America, the freedom of race, the freedom to worship God as we see fit, the freedom to send our children to the schools to which we wish to send them, and there is a feeling that we want to keep away as far as possible from the policies of other governments. It is my belief that if we waited 3 months—nay, if we waited even 2 months—the Congress of the United States would do nothing more than reenact the present legislation as being the safest and wisest course to pursue.

Mr. FORD of Mississippi. Mr. Chairman, will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. Yes.

Mr. FORD of Mississippi. The gentlewoman a moment ago said she wondered what the Secretary of State might think with reference to the passage of this bill, and what effect it might have on reciprocal-trade agreements. Does the gentlewoman say that she has heretofore supported those reciprocal-trade agreements?

Mrs. ROGERS of Massachusetts. No; I have not supported them. I have felt that it is delegating power that belongs to Congress to someone else, to the Secretary of State or the President of the United States; but the Congress has voted that power, and that is the law. I have believed that we could have reciprocal-trade agreements, yes; but only after the Congress has debated and has ratified those agreements, as is its right, and I am sure that those reciprocal-trade agreements, under the McReynolds bill, would be nothing but a scrap of paper, so far as they are made with belligerent countries. Then, so far as the Pittman bill is concerned, we would help the powerful nations—like Japan on the Pacific and the powerful nation of England on the Atlantic—and would be manifestly unfair to other nations; and war will be brought closer and closer to our shores. I do not favor the Pittman bill. I would rather have the McReynolds bill than the Pittman bill.

Mr. FORD of Mississippi. Mr. Chairman, will the gentlewoman yield again?

Mrs. ROGERS of Massachusetts. Yes.

Mr. FORD of Mississippi. Does not the gentlewoman remember the testimony of those from the State Department to the effect before our committee that the passage of the McReynolds bill would not in any way interfere with the reciprocal-trade agreements?

Mrs. ROGERS of Massachusetts. I do not remember that, but I do know this, that the Secretary of State did not appear before our committee, although I was very anxious to have him appear.

Mr. FORD of Mississippi. He had his representatives there.

Mrs. ROGERS of Massachusetts. Yes; but they did not speak for him in the reciprocal-trade agreement, I find, and, Mr. Chairman, I talked with the State Department yesterday and find that no one can speak for the Secretary of State in that matter. I discussed it with a number of people at the Department. Dr. Sayre, the able Assistant Secretary of State, as we all know, has the direct handling of agreements, does all the routine work of those agreements, and those agreements are signed by the Secretary alone, and from numerous discussions with the State Department I realize that those treaties, those "measures for peace", as Secretary Hull calls them, are the nearest and dearest to the heart of the Secretary of State; and then again, to come back to a discussion of the other part of the bill——

Mr. SHANLEY. Mr. Chairman, will the gentlewoman yield?

Mrs. ROGERS of Massachusetts. Not now; I shall be glad to yield to the gentleman who has made such a study of international problems and who has contributed so much to our discussions in a moment. It seems to me it is manifestly unfair to our own shipping interests to give the President the discretion to decide under such regulations as he shall prescribe whether we shall send commodities in American ships or prohibit them entirely from carrying them. During the World War I find that goods sent to Europe were consigned to people who had already acquired the title to them, that is, foreign purchasers.

That regulation was, in fact, in existence then, but it did not keep us out of war. I think our people would feel very bitterly—those in agriculture, those in industry, and those in the merchant marine, and they would have the right to so

feel—if we allowed Japanese ships to carry our commodities of war to the Orient and British ships to carry American commodities to the countries of Europe, Great Britain in particular, while our ships were lying idle at the wharves. We have tried to build up a merchant marine not only for the development of our trade but as an adjunct to the Navy. We are not willingly going to see those ships in disuse if possible. We are not willingly going to see our people walking the streets, knowing full well our workers in agriculture, in the cotton fields, and the workers in industry and in the mills are idle while the workers of the other nations are getting this trade. Then, also, even if we give up our trade, it is not going to keep us out of war. It may well bring us into war.

Mr. Chairman, I cannot be accused of partisanship in this matter, because ever since I came to Congress I have favored the same policy—reenactment of the present law, keeping out of entangling alliances, doing everything in our power to keep the peace at home and the peace of the world abroad. It was the gentleman from Michigan [Mr. DONDERO] who spoke of the Prince of Peace. I know the need of a spiritual revival in this country and all over the world, but until that day comes we must be prepared to keep our own people safe and our own flag flying with honor. [Applause.]

The CHAIRMAN. The time of the gentlewoman from Massachusetts has expired.

Mr. KLOEB. Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. ALLEN].

Mr. ALLEN of Pennsylvania. Mr. Chairman, the subject of neutrality, as I see it, is a state of mind. Neutrality is a problem which deals primarily with human nature and human emotions. The best legislation, the best restrictive codes in the world cannot prevent the American people from going to war if the American people want war. If the American people decree in years to come that we shall go to war, we will do so, the best neutrality act ever legislated by man notwithstanding. If the American people decree that we shall not go to war at any time or at any cost, we will not do so. I say that in formulating neutrality legislation the best we can hope to do is to focus the attention of the American people on those things which lead us to war, those things which tempted us into the last war, and by focusing the attention of our Nation on those things we hope to prevent America from ever taking sides in European conflicts particularly.

Those things which urge people to take sides are considered in this bill. I would like to call your attention particularly to this one fact, that neutrality is bound to cost somebody something. Anything that is worth while in this world costs something. This Congress must decide if they are to appropriate in the future huge sums for purposes of war, or if we are to appropriate sums for the purposes of peace. That is the real question which is before us now. Somebody must pay for neutrality. Everybody pays for war. I say that if there is any local industry or any local interest that will suffer because of this neutrality act, it will be far better in the future to subsidize that industry or that interest rather than to plunge the whole Nation into war.

I call your attention to the fact that the World War lasted approximately 18 months for us. We were actively engaged in that war for 18 months, and the cost to the United States is $41,000,000,000 today, and that cost is still mounting. Compare that, if you will, with our total exports in dollar value last year. Our total exports in 1936 amounted to a little over $2,453,000,000 in a 12 months' period. That is all our total exports amounted to in dollars. It was a little over 39,000,000 tons. Of that total tonnage, a little more than 10,000,000 tons were carried in our own bottoms. You can readily appreciate, then, that the amount of American goods actually carried in American vessels was very small, and certainly it is infinitesimal, compared to the cost of the World War to the people of this country.

The gentleman from New York [Mr. FISH] stated several days ago that this bill would ruin the American merchant marine. I submit it would be far better to keep the American merchant marine here in our home ports than to have it blown out of the water by belligerents, or it would be far less costly to subsidize it while we kept it at home rather than to incur the risk of another war as costly as the last one.

It has also been stated that the granting of discretionary power to the President of the United States on commodities other than munitions of war is bound to hurt our peacetime trade. I doubt very much if that is true. You know and I know that the foreign nations of this world which deal with us today do not do so because they like us particularly or for any sentimental reasons.

They deal with us because they receive in return quality material at low prices, and it is profitable for them to do so. They deal with us for purely selfish reasons, because it is to their advantage to do so. Regardless of this neutrality act it will still be to their advantage to deal with the United States in times of peace. I doubt very much if our peacetime trade will suffer one iota because of the restrictions which we are setting up in this neutrality bill.

I would further like to call attention to a statement made by the gentleman from New York [Mr. FISH] when he stated that the granting of this discretionary power to the President amounted to the granting of war-declaring power. That is a rather far-fetched statement. The moment Congress passes this neutrality bill we are declaring to the nations of the world that we have granted to our Chief Executive, the President of the United States, the power in time of war to declare an embargo on certain commodities. We are telling the world in advance what we intend to do. In no way can this be interpreted as changing the rules in the midst of the game.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. ALLEN of Pennsylvania. I yield.

Mr. CASE of South Dakota. Does the gentleman have reference to section 4, paragraph (d), which specifically provides that the President may change, modify, or revoke from time to time?

Mr. ALLEN of Pennsylvania. I had reference to a statement made by the gentleman from New York [Mr. FISH] that this grant actually gives the President the power to declare war. I emphatically deny that it in any way grants that power, because we are announcing to the world in advance exactly what we intend to do. That is not changing the rules in the midst of the game. I would rather not yield further until I have finished.

This whole subject of neutrality is so baffling and so complex that we must give someone discretionary power, and there are no better hands in which to place it than in the hands of the President of the United States.

I believe that a careful study of this problem will convince you of that fact. The problem requires flexibility. Mandatory provisions would impose unnecessary hardships on American industry and on the American people. By granting discretionary power we hope to insure neutrality and at the same time to insure the greatest domestic and foreign commerce compatible with the maintenance of neutrality. That is the whole point. We do not want to impose unnecessary hardship on American industry or on the American people. The minute you pass mandatory legislation you make it impossible for the President of the United States to do otherwise than undermine the complete industrial structure of our Nation once he has declared a state of war to exist.

A study of world conditions over the past few years shows that there are minor wars, wars between nations having no navies, and wars where only one or two exportable items are involved. I refer here particularly to the Italo-Ethiopian war of a year ago, where oil was the only article which would have involved us in any possible trouble. If mandatory legislation had existed at that time the President of the United States would have been obliged to declare restrictions on shipments of all commodities when actually oil was the only item involved, or the only item in which the warring nations were interested. So we must consider that fact as of the utmost importance, that there are varying degrees of warfare, that there are wars between nations

having no navies where we could not possibly be affected. Mandatory legislation under this condition would impose terrible hardships upon American industry.

There seems to be a prevailing idea among certain Members of this House that the McReynolds bill gives the President power to discriminate between two warring nations. This is absolutely not true. The President's acts under this bill apply to both warring nations or to all warring nations. There is no such thing in this bill as granting discretion to the Executive or to anyone else to declare the aggressor nation or to discriminate between warring nations.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. ALLEN of Pennsylvania. Not for the moment.

I also call attention to section 5, which seems to have been under considerable fire during the past few days. It appears on page 23 of the bill before us. Some people have a tendency to feel that this section would prohibit private organizations such as the Red Cross, charitable organizations, religious organizations from collecting funds in this country for the sufferers in warring nations, to collect funds for medical supplies. That is absolutely not a fact. If you will read section 5 carefully, you will see that it applies only to governments, to representatives of governments, or to subdivisions of governments. It in no way applies to private charitable organizations such as the Red Cross, and would not prohibit them from contributing funds to the sufferers in a warring nation. During the hearings on the neutrality bill certain witnesses appeared before us representing organizations which in my opinion are doing more at this time to involve America in war than any others. We must fight to keep such organizations from taking sides, from organizing the American people into groups which will take sides with one faction or another, or with one nation or another. That is the very thing that stirs up passions and war instincts, and it is the thing which we must struggle against. These are the factors which contribute to war, not grants of discretionary power to our Chief Executive. I know many people have ideas of their own on this neutrality issue, but I tell you that if you will think it through to a conclusion you will usually find that you have run up a blind alley and come to a dead end. [Applause.]

Careful reflection will convince you that the McReynolds bill is the most logical and constructive step which has yet been taken to insure neutrality to the United States. It is a pioneering effort in legislation which is comparatively new in its purpose. Experience and experience alone will teach us wherein it is weak. Remember that it can be changed and amended if necessary in future months. It is my earnest hope that this Congress will pass the bill now without amendment and give it the opportunity which it rightfully deserves.

[Here the gavel fell.]

Mr. FISH. Mr. Chairman, I yield 15 minutes to the gentleman from Kentucky [Mr. ROBSION].

Mr. ROBSION of Kentucky. Mr. Chairman and colleagues, Gen. William T. Sherman, who made the famous march through Georgia to the sea in 1865, declared that "war is hell."

These few words graphically describe the horrors of war, with its destruction of the flower of the young manhood of the nation and their broken and maimed bodies, and property; and the grief and sorrow it entails upon the noncombatants.

No one could love peace and hate war more than I do. I am anxious not only for the people of our own country but for the people of the world to have peace. It always thrills me to read the chorus of the heavenly host to the shepherds on the Judean hills, "Glory to God in the highest, and on earth peace, good will toward men, for unto you is born this day a Savior", and the consoling statement of the Prophet Isaiah, in which he said that the time will come when men will make war no more and they will turn their swords into plowshares and their spears into pruning hooks.

I understand the general purpose of the Pittman neutrality bill that passed the Senate and the McReynolds bill before us and now under consideration is, according to the proponents of these bills, to keep our country out of war. This is a most laudable purpose, and I am in full accord with the objectives sought. However, the important question that presents itself to the Congress and the Nation is, Will either one of these measures accomplish this purpose?

This is not—at least, it should not be—a partisan issue. I strongly commend the objectives, yet I am sure it is not out of place to discuss fully and question the means of attaining those objectives. Some very distinguished advocates of peace in the Senate, BORAH and others, and in the House, Mr. FISH, Mrs. ROGERS of Massachusetts, and others of the Foreign Affairs Committee, are of the opinion that these measures will get us into war, rather than keep us out. I desire to lend my support and vote to such amendments that may be offered to the bill before us and to the passage of the bill that offers the greatest promise of keeping us out of war and tends toward world peace. All of us here passed through the great World War. We still remember how heavily the clouds hung over this Nation from April 6, 1917, to November 11, 1918, with the great destruction of lives and property. It is generally agreed that the great World War cost at least $240,000,000,000 in money. It brought about the death of 9,000,000 men and 9,000,000 others were crippled, maimed, or broken in health of the flower of the young manhood in the armed forces of the various nations engaged, and it created some 15,000,000 to 20,000,000 widows and orphans; and who can describe or measure the sorrow, grief, and distress that was experienced by the fathers, mothers, wives, brothers, sisters, and sons and daughters? Before we will have finished with the World War, including compensations, pensions, hospitalization, and so forth, it will have cost us at least $100,000,000,000. Think of it—this hundred billions of dollars would have provided a $5,000 home with a general warranty deed to 20,000,000 families, and that would mean homes for more than 80,000,000 of our population. It is now generally accepted that the great depression through which we have been passing is a part of the backwash of the great World War.

I recall as vividly as if it were yesterday when the news was flashed around the world that the armistice was signed and the people of the nations had ceased to slaughter each other. It was the greatest thrill of ecstasy I had ever experienced in my whole life. [Applause.]

The battle cry on the side of the allied nations was that "We were making the world safe for democracy and that this would end all wars." President Wilson brought to us the League of Nations document with the assurance that it would end wars and insure world peace. While many of us did not agree with his plan, yet we applauded his high purpose. Time has proven the futility of that plan and has established the wisdom and foresight of those in our country who opposed and defeated it. The makers and signers of that great document have violated it with impunity as their interests appeared. The most earnest advocates of the League of Nations in 1920, including the present President of the United States, and the Democratic Party, no longer urge our entry into the League of Nations. In fact, they have time and again assured the American people that they would take no such step. The League of Nations meant that we would join actively into the affairs of the 50 or more nations of the world. It was a direct and positive entangling alliance against which Washington warned this Nation in his Farewell Address.

The Pittman and McReynolds so-called neutrality bills now under consideration swing to the opposite extreme. If these bills represent the policy of the Democratic Party, then the policy of that party is diametrically opposed to that adopted by it in 1920, as these bills urge a policy of complete isolation, not only in matters of government but in matters of commerce, business, and so forth.

Of course, I was opposed to the entrance of this Nation into the League of Nations, and I am still opposed to making alliances with foreign nations. The safe course is to still adhere to the admonitions of Washington, crystalized in the Monroe Doctrine—"Friendship for all and entangling alliances with none."

The measure before us surrenders the freedom of the seas and may lead to the great injury of American commerce upon which the producers and workers in agriculture, industry, and commerce depend for support.

With Senator BORAH, Senator JOHNSON, and our colleagues, Mr. FISH, Mrs. ROGERS, and others, I question the wisdom of parts of either one of these bills. I am very much in favor of taking the profits out of war and I favor legislation with teeth in it that will effectively take the profits out of war. The prophet, Habbakkuk, tells us "Woe to him that buildeth a town with blood, and establishes a city by iniquity." I am opposed to our country exchanging the blood of the young manhood of America and the tears of the fathers, mothers, widows, and orphans for gold. That is what the profits of war mean.

Our laws should provide for the calling to the colors in time of war the dollars of this Nation, as well as the flesh and blood. It is unfair to send our young men to sacrifice and die while dollars and property remain at home to profiteer. We should be in no war unless it is a war of justice and national defense, and then each and all of us should do our part. It is unfair for a part of us to have all the patriotism and the other part to have all the money. [Applause.] If it is known that the dollars and property will be called to the colors, as well as the flesh and blood of this country, there is less likelihood of war, and when the war is over we will not have accumulated a stupendous debt such as we did at the end of the World War of more than $26,000,000,000.

THE WASHINGTON CONFERENCE

I think this administration should have long ago called a conference and should have persisted in the course and should now urge a conference of the nations for a reduction of armies and navies. Some say we tried that once. Yes; we tried it, and in my opinion, very successfully. It is not true that this Nation has never won a conference. I refer to one conference in particular—the Washington Arms Conference held in the D. A. R. Hall in the city of Washington in 1921.

Following the war there was a race between many of the nations of the world to increase their armies, navies, and armaments. We had put on foot a movement in this country to substantially increase our Army and Navy over the pre-war period. In order to stop this scramble for bigger navies and bigger armies, President Harding through his then Secretary of State, the Honorable Charles Evans Hughes, who is now the distinguished and honored Chief Justice of the Supreme Court of the United States, called a disarmament conference at Washington.

It was my pleasure to be present as were other Members of the House and Senate, members of the Cabinet, high officers of the Army and Navy, diplomats from the various countries of the world, and many other distinguished representatives of the great powers of the earth. I shall never forget the thrilling experience when Secretary Hughes, in a most eloquent appeal, indicted war and the policy of a mad race in increasing the instrumentalities of death and increasing the load of the already burdened people of the world, and urged the conference to act and act then. His announcement so electrified that great group of men and women from all parts of the world that they jumped to their feet instantaneously with applause and cheering.

This appeal for sanity and world peace struck a responsive chord of all mankind. That conference set about and did formulate what was known as the Washington Disarmament Treaty, and stopped the mad race and competition in the building of the navies of Japan, Italy, France, England, and the United States. By the terms of this conference, it expired in 1930, and was renewed at the request of President Hoover. It made a real contribution to the peace of the world, and for 12 or 15 years there was no real threat of a race for armaments or in navies, or of another world war.

That Disarmament Conference saved the American taxpayers at least $4,000,000,000, and it lifted the tax burden from the shoulders of the people of the leading nations of the world.

That meeting, the great speech of Secretary Hughes, and the response of that great audience was the greatest thrill that I have ever received during my many years of service in the United States House and Senate. [Applause.]

ADMINISTRATION SHOULD CALL DISARMAMENT CONFERENCE

The Treaty of Washington, with its supplement of 1930 expired last year, and the world has set in again on a mad race for supremacy in producing implements of death on land and sea, in the air, and under the sea. Italy through its dictator, Mussolini, has ordered military training for the Italian children, beginning with boys 8 years of age, and this training will continue until they reach the age of 55. Italy now claims that she can call to the colors almost immediately 7,000,000 fighting men, and this number is growing. Italy also claims supremacy in the air with her thousands of planes and under the seas with her submarines. Russia, under her dictator, not to be outdone, orders her children, beginning with boys 8 years of age, to be trained for war, regimented in groups, companies, and battalions, and she claims that she could bring many millions of trained men into instant action. We find Germany under her dictator, Hitler, following along with Italy and Russia. Great Britain announces to the world that she will spend for her naval development alone in 5 years $7,500,000,000. France is borrowing huge sums of money to increase her army and navy. Poland is spending fabulous sums, and Japan is doubling her air force, her navy, and increasing her army. According to conservative estimates, these nations will spend during the calendar year 1937, $13,000,000,000 on their military and naval establishments. What a tremendous burden of taxes this will place upon the backs of the people of these nations!

Our Nation for the year 1937 will spend approximately $1,000,000,000 for national defense and agencies allied thereto. This means approximately $8 in taxes for every man, woman, and child in this land and in the neighborhood of $40 for every family in this land, and the consumers, whether rich or poor, high or low, millionaire or widow, the orphan or well-to-do, must carry their share of this burden; in fact, the big end of these taxes must be paid and will be paid by the common people, the working people of this Nation.

Prior to the World War tremendous sums were spent by European nations in increasing their armies and navies. They were preparing for a world war. These same European nations will spend two or three times as much this year as they did during the year prior to the beginning of the World War in 1914. What does all this increase of armaments mean? It points to one result, and one result alone, unless these efforts are halted, and that is a superworld war. The next war will be upon a much larger and wider scale, with a much greater destruction of life and property, with attendant suffering and misery.

Whether we have war or not, these immense armament expenditures must eventually break down the living standards of the people of this Nation and the world. With all this threat of war that has been going on about us, this administration has made no effort whatever, so far as I can learn, to check it. Why has not this administration called and urged a disarmament conference and why does it not do so now? These nations that are making such extensive preparations for war owe us in the neighborhood of $12,000,000,000 that we took from the taxpayers of this country to loan them to save them and, as we believed, the civilization of the world, yet who has heard of this administration making any real demand on these nations to pay these honest debts? They will spend more this year on armies, navies, and armaments than would pay the debt due to our country.

The President and the American people have everything to gain and nothing to lose in calling and urging such a conference. This would do more to bring about the peace of our own country and the world than anything else that could be done. These various countries have been gripped with fear. They are all deeply in debt. It seems to me if the proper approach was made that they would desire to relieve their own people of the tremendous burden they are putting on their backs and promote peace for themselves

and the world; but the President does go to South America, in which there is no threat to world peace or threat of war or rumor of war, and holds a peace conference merely among the governments of the Western Hemisphere.

America, with her prestige and powerful influence among the nations, should put it squarely up to these saber-rattling dictators and other nations that if they desire to retain the friendship and esteem of the American people they must pay their honest debts and cease their threats to the peace of the world.

STOP SHIPMENT OF ARMS AND ARMAMENTS

I favor making it unlawful to sell or ship arms and armaments or war materials to any belligerent or belligerent nations engaged in war, and I favor prohibiting American citizens from traveling on the high seas on ships of belligerent nations. I think this should be the permanent and mandatory policy of this Government for two reasons: One is to promote the peace of our own country and the world, and the other is, I am opposed to our Nation fishing gold or profits out of "blood and tears." We did that very thing during the World War. This is building a nation in blood.

There is serious opposition, in my own mind, as well as many others, to section 4 of the bill before us. In the first place, it gives to the President autocratic powers in his discretion over both our domestic and foreign commerce so far as commodities other than armaments and war materials are concerned. I am unwilling to give all of this discretion and power to this President or any other President. His action might involve us in war and might destroy our domestic and foreign commerce in nonwar commodities, disrupt our commerce, industry, and agriculture, and force tens and tens of millions of people out of employment, and this might create a very serious situation in itself in this country. The power delegated to the President in section 4, I think, should be retained by Congress and the American people. This is permanent legislation. No one can know now a situation that might confront the American Nation within the next 12 months or 2 years. Keep this matter of nonwar commodities open to be dealt with when the situation arises, and then we may judge better the implications of our actions.

Will we surrender freedom of the seas? The Pittman and McReynolds bills surrender the freedom of the seas. Now, if we surrender the freedom of the seas, will it promote war or lessen the chances of war? Prior to 1812 the British nation and one other nation practically drove our commerce from the seas. They boarded our ships, searched them, and in other ways harassed our commerce on the seas. President Jefferson insisted upon our right to freedom of the seas just as any other nation. We fought the War of 1812 to vindicate that right as asserted by Thomas Jefferson and the American Congress. The wonderful victory of Perry on Lake Erie and the great triumph of General Jackson at New Orleans, and the dying declaration of Captain Lawrence, "Don't give up the ship", are the outstanding glories of that war, which established once and for all our right of the freedom of the seas. [Applause.] Now, the seas are the highways of the world. Both of these bills surrender that American right. Now, if we announce to the world that we surrender the freedom of the seas, and when any trouble comes up in the future that our warships and merchant ships will be ordered into American harbors and bays, will it not be accepted by the world either as evidence of weakness or cowardice, or both, on the part of this Nation? Weakness and cowardice never did keep an individual out of a fight or a nation out of war. We have spent upward of a billion dollars to create and enlarge the American merchant marine. We have spent billions of dollars to create a navy second to none in the world. If this bill is to be adopted and we are to surrender our freedom of the seas, why spend all of this money for a merchant marine and the Navy? We must bear in mind that the nations of the world are not the idealists we are. They have in the past treated their treaties and solemn engagements as scraps of paper. Now, if we are going to announce to them that in no event will we protect our commerce and our merchant ships, will they have any hesitation forcing such an intolerable condition upon us that it will be necessary for us to act?

President Wilson in 1916 sought reelection for the Presidency on the slogan, "He kept us out of war", and he declared over and over, "We are too proud to fight." Did these beautiful idealistic declarations keep us out of war? They certainly did not. This Nation, if it is really neutral, can stay out of war, and if it had been really neutral it could and would have kept out of the World War. The thing that got us into the World War was we were not neutral. We early took sides with the Allies. I want our Nation to be neutral in these foreign wars.

England got us into the World War. We were delivering our commodities to the Allied Powers—Italy, France, England, Japan, and so forth. We at the same time, in the beginning, were delivering our commodities to Amsterdam and Rotterdam in Holland on the North Sea. These commodities found their way from Amsterdam, Rotterdam, and other ports on the North Sea to Germany and other central powers in the early part of the World War. Now, the North Sea was as much a part of the highways of the world as the Atlantic and Pacific Oceans. In order to prevent our commodities from reaching Germany and other Central Powers through Amsterdam and Rotterdam and other cities, England in council issued an order that our ships and other ships should not sail the North Sea and deliver these commodities and other materials that would eventually reach the Central Powers. In order not to ruffle England's feelings we backed off the North Sea, and by that very act we either showed our partiality to England and the other allied Governments or cowardice. What effect did it have on Germany and the Central Powers? They reasoned that we were not neutral, that through the request of Great Britain we would not deliver foodstuff and other materials for their hungry population, but we were pouring food and other war materials into the allied countries. Therefore, Germany thought she would try her hand on backing us off the seas, and she attempted to drive us from the Atlantic with her ruthless submarine policies. She sank the *Lusitania*, as well as other ships, but it turned out that the *Lusitania* was loaded with contraband of war. We were not neutral. Our partiality for the allied governments, or our fear of being involved in a war, hurried us into the World War. Switzerland, a small nation, was surrounded by the warring nations during the World War. That country is so small that the great Bertha guns could throw one of its great projectiles entirely across it. Switzerland did not get into the World War. They said they were neutral and they were neutral. We were 3,000 miles away from Europe. If we had been neutral, we could have and would have remained out of the World War, and if we are really neutral, in my opinion, we can stay out of future foreign wars.

My contention is that this measure before us will develop the very same situation that drew us into the World War.

CASH AND CARRY POLICY

This bill provides that unless they come in submarines or armored merchant ships warring nations can come to our seaports, buy commodities, pay for them, and take them away. Food is quite as important in winning a war as ships and guns.

Napoleon declared that "armies march on their bellies." Now let us suppose that Japan is involved in a war with China, Russia, and some other countries in the Pacific. She has a great navy, with a great fleet of merchant ships. Under this bill she could come to the Pacific coast and get all the supplies she might need to care for her army, navy, and population. Russia, China, and other nations more than likely would not be able to come with ships. We would at once be favoring Japan over China, Russia, and other nations in the Pacific. Japan might be in the wrong. She might be engaged in a war of aggression and oppression. Her success might menace our own Nation. Does anyone believe that Russia would submit to this situation? Russia has thousands and thousands of up-to-date airplanes. Might not Russia start a great fleet of airplanes traveling across the Bering Strait and come down the western coast of the

Pacific to Seattle, Portland, San Francisco, and other Pacific coast ports and engage in great battles from the air, and she might, under the belief that it was saving the life of her own nation, bombard the great stores of commodities that we might be about to turn over to the Japanese ships. We might by this bill bring an attack upon our coast and bring the war to our very door.

Now suppose that England and France should engage in war against Italy, Germany, and some other countries. England and France with their great navies more than likely would dominate the Atlantic Ocean. Under this bill, because they have the cash and the ships to carry the products, they could come to New York, Boston, Baltimore, and other Atlantic seaports and buy great quantities of food and clothing. Of course, this would enrage the nations with whom they might be at war.

Italy claims to be the master of the air and of submarine warfare. She has thousands and thousands of up-to-date bombing planes and a great fleet of submarines. Germany and Russia have tremendous resources in modern airships.

Suppose these nations should attempt to thwart the purpose of Great Britain and France and should patrol our Atlantic coastline or fly over our cities in which were stored great quantities of food, clothing, and other commodities not armaments, and would seek to destroy them with their airships or with their submarines and bring the war right to our very door on the Atlantic.

What I am trying to point out is that under this bill Japan in the Pacific and England and France in the Atlantic would be our customers, whether we desired it or not, in a world war. They could keep the ships from other nations from reaching our coast to buy our commodities. This would in the very nature of things destroy in spirit, if not in letter, the so-called neutrality proposition provided in this bill, and would bring about, in my opinion, the same condition that really pulled us into the World War.

Bear in mind that this bill provides that these belligerent nations can buy commodities here provided they do not come in armed merchant ships or submarines. To carry the commodities they would bring their merchant ships unarmed, but no doubt war merchant ships would be convoyed by their battleships and submarines.

I am raising the question, Would not it be much less likely of getting us into war if we still insisted upon freedom of the seas and deliver our farm products and other products—not armaments—in American ships to those who desire to purchase our products?

I favor a real neutrality in the event of war. I do not desire our country to take sides with either or any belligerent. We furnished billions of dollars and millions of wonderful young men in the World War believing that we were promoting the freedom of the world and saving civilization. These nations all, except little Finland, have proved themselves to be ungrateful, and there is more autocracy, oppression, dictatorships in the world today than there were when we entered the World War, and the world, including our country, is worse off today. This is the situation that grieves me deeply, and I do not wish to cast any vote that will in any way involve this country in another world war. The world must know that we seek nothing but our own. We are the most powerful nation of the world. We crave peace, but at the same time we have billions to defend our own shores and our own people, and not one dollar and not one American boy for any other nation of the world. Not one dollar nor one American boy to aid these nations that promote strife and world war. [Applause.]

WHAT ABOUT AGRICULTURE AND INDUSTRY?

This measure does give the President extraordinary powers. In the exercise of his judgment he might do the very thing that would involve us in war. I am not referring to the present occupant of the White House, but any President. There is a feeling abroad in the land that if we have another great war the people of this Nation should have more opportunity to express themselves. War means grief, sorrow, and distress for the big majority of our people. While Congress has the power, under the present Constitution, to declare war, neither the President nor Congress can fight these wars. The mothers and fathers of this Nation must furnish the boys and girls to sacrifice and die for their country. How can we now, looking down through the years, say what nations might be engaged in war, how this war might affect our population, and what ought to be done and what ought not to be done? I am sure that Congress and the American people can and will decide wisely the best thing for this country to do, if and when war should come and those conditions arise, but I am in favor now of writing into law and making it mandatory that we cannot sell or deliver to any nation engaged in war any guns or other war materials, and that American citizens should be prohibited from traveling on the ships of any of the warring nations. But I wish to reserve for the decision of the Congress and the American people what we shall do in the operation of our merchant ships and the selling of our commodities when and if any war should come.

We would find it very difficult to find employment for our citizens in commerce, industry, and agriculture if we should take our ships off the seas and refuse to sell our commodities from the farms, factories, mines, mills, and shops. It might throw out of employment from twenty to fifty million people. Let us not overlook the threat that would mean to our country. If the issue should arise as to whether or not we should create a condition like that in this country, I want to leave the question open and let it be decided by Congress and the American people at that time. Therefore, while I favor the mandatory provisions of this bill for prohibiting the sale and furnishing of armaments and other war materials to warring nations and favor prohibiting American citizens traveling on the ships of warring nations, I am not in favor of section 4 of the McReynolds bill giving to the President this great discretionary power, and saying to the world that we surrender the freedom of the seas and depend upon the sale of our comomdities solely to the nations that have big enough navies to meet the cash-and-carry provisions of this bill, and say to the nations of the world that we will take our great Navy and merchant marine, "tuck our tails and run." In my opinion, this section 4 is fraught with great possibilities of war, the very thing we are trying to prevent.

Mr. KLOEB. Mr. Chairman, I yield 15 minutes to the gentleman from California [Mr. IZAC].

Mr. IZAC. Mr. Chairman, I believe my colleagues have covered very well the various provisions of this bill; however, there is just one angle which they have not approached, and I would like to speak for a few minutes on that.

First, I am going to tell you a story which would be very funny if it were not so tragic. Many years ago there was a bold, brave President. The gentleman from New York said, "Thank God, we had a man with the courage of that President, because he called a disarmament conference."

When he called this disarmament conference, at first nobody came. Then finally a few did come. After they sat around the conference table they found they could not agree, but to save the face of the administration this is what happened: Orders went down to the naval conferees of the United States: "You will have to agree, so that we may have disarmament."

I want to tell you in a few words just what happened. Oh, they all threw in some of the old ships. They all threw in some of the things that did not count, that could not be used, anyway. Then it came time to say what each would throw into the pot in the interest of world peace. England had four of the most beautiful blueprints you ever laid eyes on. They were blueprints of super battle cruisers. Can you imagine a super battle cruiser? But there they were, four big, beautiful blueprints.

Japan had six ships with the keels laid. Japan said, "Well, I do not like to throw in something against nothing, but I am willing to throw out those six keels, provided the United States will also throw out all of her construction."

We had in those days 13 of the most magnificent men-of-war on the ways that the world has ever seen, battle cruisers and battleships, but in the interest of international peace we

agreed to throw all of them away. True, we converted a couple into carriers, but as to most of them—and they ranged from 4 to 76 percent completed—we threw them away in the interest of international peace; 13 beautiful ships against 6 keels of Japan and 4 blue prints of Great Britain.

This is only a matter of history, Mr. Chairman; but the sequel is yet to come.

Ten years afterward, 10 of those 12 long years, we found we had laid down only 31 ships, most of them auxiliaries, not fighting men-of-war. In other words, we took a rest. We said, "Fine; we will save $4,000,000,000 in maintenance of the Navy. We will permit Andy Mellon to save $10,000,000,000 and reduce the national debt. We will just take a little recess in this and see what it does to international peace."

While we did this, here is what happened in the other nations:

Japan built 142 vessels of war, Great Britain built 112, and we built 31. One of these 31 was a submarine. Great Britain built 24 submarines and Japan 38.

I do not mind disarming. I would like to disarm if everybody else would do likewise. But what kind of a business is it to disarm when nobody else disarms?

Then at the end of these 12 long years we find the present President of the United States faced with this problem: The President wants a disarmament policy, a long-range neutrality policy, a policy that will give us peace. They are not exactly synonymous. But you cannot have any disarmament policy, you cannot have any international policy, unless you are able to back up such policy with something besides scrapped battleships.

I hear people say, "Freedom of the seas." I wonder if anyone knows what this means? For us to maintain the freedom of the seas would mean that we would have to be able to place in any part of the seven seas a naval force superior to that of any other nation or combination of nations.

Do not let us be foolish about this thing. There is one thing we can do. We can adopt a neutrality policy as this bill provides, and we can back up this neutrality policy with a navy equal to the navy of any other nation—not superior to the navy of any one nation or superior to the navies of any combination of nations. We cannot send these ships all over the face of the earth keeping the peace of all nations, but we can get by if we will keep our own Navy in our own waters, in our own strategic sphere, and deny the use of these waters to other powers if they insist on going to war. This, to my mind, is the crux of our policy. Why have we heard here during the last week our colleagues complaining against an appropriation of half a billion dollars for the Navy? Because we got so far behind we are not even in the running now. We are on our way, yes; and eventually we will catch up with Great Britain and Japan. This is all I ask. When we are on a par with the other two navies we do not need to worry about their coming over here and bothering us.

But let us not get our fingers burned. Let us keep our fleet in our own territorial waters. Let us lay down a long-term policy of neutrality, as this bill provides.

When I speak of strategic waters I mean simply this: Let us look at the Pacific Ocean, for instance. The area from the peninsula of Alaska to the Hawaiian Islands and thence to the Canal Zone is the waters of no one else but ourselves. We can control these waters with a navy equal to the navy of any one power.

On the Atlantic coast, our strategic waters may be said to be embraced in the area from the northeast corner of the United States out to the middle of the Atlantic, perhaps, and maybe down as far as the Canal Zone. More than this we do not need. But if you look at your map, you will find that in asserting our rights in those waters we are not running foul of any other nation. We are not asking them to give up any of the prerogatives they exercise at the present time.

If they want to bring the fight to us, that is a different story. We can meet them; because if there were a combination of nations uniting against us, this is what would happen: Some other coalition would be formed in their own backyard to take their minds off our troubles. One single nation with a navy of a strength equal to ours could not come over here and practice aggression against our shores, because it would be operating from too great a distance.

Therefore, I say, if we really want to keep the peace of this Nation, it is a simple matter if we will first lay down a long-term policy of neutrality and say what we are going to do. I believe this bill does this.

It may be said, "Why, there are exceptions. It is discretionary." It is discretionary only so far as to make it possible for the President in time of war to restrict our commerce to the extent that such commerce is getting us into trouble. That is all, and no further than that.

The first thing we must do is to let the nations of the earth know, if they are so indifferent in this matter, if they care so little about the lives of their nationals, if they depend, as a policy, on going to war, we will have none of it and we are not going to permit our nationals or even our investments abroad to embroil us in war; and here is one way we can do this.

Mr. JOHNSON of Texas. Mr. Chairman, will the gentleman yield?

Mr. IZAC. I yield.

Mr. JOHNSON of Texas. The gentleman's modesty, I am sure, would forbid his stating what I happen to know. The gentleman is a graduate of the United States Naval Academy and saw service in the World War and knows whereof he speaks. I simply wanted to make this statement for the benefit of those who do not know the gentleman's background.

Mr. IZAC. I heard the other day that you could drop bombs and sink all of our battleships, that you did not need any battleships, you did not need any cruisers, you did not need any destroyers; all you needed would be submarines; and someone else said, "No; you do not need them at all; you need airplanes."

Mr. Chairman, every one of these categories has its place in the scheme of naval things. No one category can displace any of the others; each is superior to all of the others in certain relationships; but you need them all, and if we do not have them and the other nation has them, you weaken our national defense.

I believe you are all agreed that we should have an adequate national defense. If we have this, we are not going to bother about other nations, because we can paddle our own canoe. Someone said that, in fact, we did not need any Navy, because in the last war the Navy never fired a shot. Oh, I cannot let that go unheeded. We had 89 contacts, men-of-war contacts, in the World War. The transport service alone had 26 contacts. We sunk 2 submarines on the surface, 6 in the North Sea mine barrage, 5 in nets, and 27 either by mines or depth charges, and there were thousands of depth charges dropped during the war, thousands of gunshots fired by our naval escorts convoying our merchant ships across the sea. So you may rest assured that the Navy in every war has always given a good account of itself, and I am sure it is going to in the future if we will maintain it equal, at least, to the best that can be brought against us.

I see three features in this neutrality bill of ours that I believe determine our position on a long-range policy. First, there is the mandatory provision on arms and munitions of war. If you will read the hearings, you will find that practically every organization and individual that came before the committee asked for this. I believe they are all satisfied.

[Here the gavel fell.]

Mr. KLOEB. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. IZAC. Mr. Chairman, it is hard to fight a foreign war. It will not be necessary if we keep our fleet in our own territorial waters, if we will have a long-range policy of neutrality, and if we will get the minds of the people made up to the fact that you cannot have peace unless you do away with these trade differences. If you insist on "trade as usual" in time of war, I am going to promise you that you are going to have "war as usual." [Applause.]

Mr. Chairman and Members, properly, a discussion of the neutrality bill should include a most searching examination into the relationship of our Navy to the maintenance of peace. I am sorry we could not have considered neutrality legislation prior to the discussion of appropriation bills for any of the armed services of the Nation. Last week I listened with impatience to some of the most misleading statements on our Navy that I believe have ever been made on the floor of this House.

Had the neutrality bill been under discussion instead of the Navy bill at that time, I am sure the personnel of this House would have had a much better understanding, not only of the needs of the Navy but the needs of the country for a navy as well as the need for a real policy of neutrality. Knowing that we were soon to consider the neutrality bill—the bill before us today—I contented myself by taking a few notes of what transpired during the debate upon the Navy bill, and I determined then that I would try to clarify some of the things about which my colleagues apparently were misinformed.

I was especially anxious that my first words on the floor of the House of Representatives should be uttered in the interests of peace, rather than give the impression that because a Navy bill was under consideration I was therefore a man of war. May I preface my remarks by saying that the strongest adherents of peace in this Nation today are the people who passed through the fire of the last war and those who are preparing themselves against the wars of the future. The officers and men forming the personnel of our Navy today are more vitally interested in the maintenance of peace than any of us on the floor of this House, because they know that in the present temper of the Nation's people there is not going to be any foreign war in which we send our boys across the seas, but that if war is brought against us they of the Navy will form the first line of defense and therefore be compelled to bear the brunt of the first attack.

In the consideration of this neutrality bill, we found that most individuals as well as organizations were satisfied with the assurance that we would place therein a provision for a mandatory embargo on arms and munitions of war. That has been done and we have further provided for a progressive tightening of restrictions against foreign trade in time of war as the danger of our embroilment therein progressively increased. The aim has been simply to permit trade only so long as it did not endanger our peace.

I am of the opinion that if we will adopt this neutrality legislation as a continuing policy of government, if we will pass legislation, now, completely depriving everyone of profits in time of war, if we will keep our Navy in our own waters, it will not be necessary to sacrifice the lives of Americans in another foreign war.

So inasmuch as my colleagues have been discussing for your benefit this question of neutrality from various viewpoints and in relation to economics, international relations, and so forth, I shall attempt to cover it from an entirely different angle, and to give you the conclusions I have reached from what experience and knowledge I have obtained during the past 25 years.

My friends, why battleships, why cruisers, why destroyers, why submarines? Simply because in modern naval warfare, each has its place, each performs its mission, and each alone would be at a certain disadvantage in regard to the others.

You could no more oppose a battleship with a cruiser than you could a boy with a slingshot to one with a .22 rifle. As long as navies are striving for supremacy, in conformity with their function as the first line of defense for their respective countries, no major navy can afford to be without one single arm that the necessity for which has already been demonstrated. When they talk about the Navy and then in the next breath about the air forces, they do not seem to realize that one of the arms of the Navy is the air force and that it functions just as do the submarines, the destroyers, and the other categories each of which fulfills a certain mission in time of war. The maintenance of an adequate Navy, I admit, is a tremendous price to have to pay to keep the peace, but I see no other way as long as other nations are found building up their military and naval strength thus becoming potential aggressors against our shores. It has been stated in the debate on the naval appropriations bill that we must be preparing against somebody and that we must fear some particular enemy and also that there was no danger of invasion.

My friends, as long as the American Navy is a navy of equal power to that of any other nation, I do not fear invasion; and a neutrality policy is possible to be developed into a potential factor for peace. But without that Navy, can anyone on this floor be so naive as to think that rich America would not some day be subject to the aggression of a foreign foe? Foreign invasion is possible without a navy. It is impossible with our Navy equal to any other navy. Some want us to junk all of our Navy and depend entirely on aircraft for defense. Aircraft is an especially effective arm of the Navy but just suppose we should depend entirely on aircraft and in case of a foreign invasion at the very time the enemy drew near, a heavy fog should settle over that part of the coast and all of the aircraft be grounded. Would not our aviation enthusiasts wish they had provided for some other means of defense?

Our Navy is continuously preparing for every contingency of which the human mind can conceive. More you cannot ask of any governmental service.

Now some also say we need no navy at all; because in the last war not one shot was fired by our Navy; that it is a useless luxury. I cannot permit that statement to go unchallenged. It will take but a minute to answer it.

There were 89 of our war vessels that actually contacted the enemy in the last war. The transport service alone had 26 contacts with the enemy. There were 2 enemy submarines sunk on the surface, 6 submarines were sunk in the northern mine barrage, 5 were lost in mine nets, and 27 by mines or depth charges. And the fact that no surface vessels were sunk was simply because there were no enemy surface vessels left on the Atlantic at the time America entered the war. Thousands of depth bombs were dropped by our men-of-war, and it was due to gunshot fire that the escorts of convoys, sometimes running to 40 or 50 ships, were able to protect their convoy by warding off the attacks of German submarines. As a matter of fact, were it not for the activity of the American Fleet, and especially the American destroyers, England, as well as France, might have been starved out before the American Army could be transported to France to add that final power that crushed the German Army.

But it is a difficult undertaking to carry the fight to an enemy thousands of miles away. For a defensive war and that is the role I want our Navy to play, we are soon to be, under present plans, the equal of any force that can be brought against us. But for taking the offensive, there is a different story to tell.

I visualize for the future a world conflict in which the powers of Europe, and of Asia also, take sides and form two hostile groups and fight a war to the death. We will be called on in this country to take sides against the aggressor. No one will be able to tell which is the aggressor. So then we will be asked to sell munitions and war materials to the group that controls the surface of the sea. Our answer, of course, will be "We cannot do it because that would not be in accordance with our neutrality laws." Whereupon they would send their ships to carry away commodities not yet declared munitions or war materials. They might even accede to our demand that they pay for them and take them away in their own bottoms. And even then, it might be difficult to stay out of their war.

For lying off our ports would probably be the submarines of the other coalition picking off these merchant vessels as, heavily laden, they put to sea from American ports. The war would be transported to our very front door and would be fought to the last pound of American produce.

We must realize that nations about to engage in a war for their very existence are pretty sure to be amply prepared in the way of guns and munitions. What they will need from the neutral countries are food supplies and commodities not usually associated with war. For wars are not fought with munitions alone. Every single thing that enters

into the strengthening of a nation's resistance—wheat, potatoes—are just as vital as cannon and bombs. And think of what a small bit of explosive, such as fulminate of mercury, it takes to blot out a human life, whereas each human consumes several pounds of food stuffs per day.

Let us let foreign nations understand right now that if they want to fight and make this succession of wars a part of their policy, that they had better lay in a good supply not only of war munitions but of food before they decide on their usual resort to force.

There are $8,000,000,000 worth of foreign capital invested in American securities today. These will undoubtedly be converted into any kind of commodity, the exportation of which from our ports is still permissive as far as our neutrality legislation is concerned. If anyone thinks for one minute that the buying of $8,000,000,000 worth of supplies in time of international war will not be an incentive to war, then they do not read history. I fear only one thing and that is that the American people, when the crisis comes, may not have the courage to stand up and demand peace although it cost the last dollar of profits coming from international trade.

There are those, and we have repeatedly heard it in this discussion, who still talk of the "freedom of the seas." My friends, there is not any such animal. And it is well enough for these theorists to talk in that vein as long as someone else has to guarantee that freedom. And the only force you can depend on today for the guaranteeing of the freedom of the seas and keeping open even territorial waters is your Navy. And I want to say once and for all that those who glibly talk of freedom of the seas and at the same time balk at appropriating a half billion of dollars for the Navy, have no conception whatsoever of the magnitude of the job encompassed in these words "maintaining the freedom of the seas." To guarantee that policy would require a navy so large that it would in any part of the seven seas be able to bring to bear a force superior to that of any other nation or combination of nations. It is as childish as the statement "A million men will spring to arms over night."

The General Board of the Navy have asked for a navy as large as that of any other one nation; and I believe, in spite of the fact that the admirals are always held up to ridicule by those who have no knowledge of naval matters, you will all agree that the General Board is better qualified than any other group to direct the strategy of our naval forces.

Some contend that it would be better to have no navy at all than one inferior to a probable combination of navies; others say it would be better for Congress to set an appropriation of a certain number of millions of dollars, and then say to the General Board of the Navy, "Now, take this money and do the best you can with it." But I believe the vast majority of my colleagues, as well as of the people of this country, demand a navy as large as the largest possessed by any single nation, and for its efficiency we will depend upon the high caliber of the officers and men that man our ships.

And now I shall attempt to tell you why that, I believe, should be our policy: We believe that no combination against us is likely because, if one European or Asiatic nation should attempt to form a coalition against us, other nations in their own backyards would very likely take an opposing stand and thereby make possible the release for purposes of war of only a part of the resources of the coalition; and that if the fleet of one world power equally powerful with our own should attempt to invade our strategic waters, they could be readily repelled by our own naval forces functioning at a shorter distance from the home base. There, to my mind, is the crux of the whole policy of the United States as a member of the family of nations.

Now, the question is, What are our strategic waters? My friends, you can say with some degree of correctness that all those waters lying between the Canal Zone, the Hawaiian Islands, and the peninsula of Alaska lie within our strategic sphere as far as the Pacific is concerned. Likewise, on the East, while not so readily apparent, our strategic waters may be said to be embraced by that area stretching midway into the Atlantic from the Canal Zone to the northeastern extremity of the United States; and now I make this unqualified statement:

I have a belief that if we keep up our Navy equal to that of any other nation, we will be able to deny to the ships of any foreign power the use of those waters that I have just outlined and described as our own strategic sphere; and because of the fact that this does not interfere with the freedom of action of any other naval power in its strategic sphere, I am convinced that were we to keep our fleet in these waters it not only would give no offense to any foreign power but would practically nullify the chances of war, providing, of course, our neutrality policy was strictly determined in advance, as this bill contemplates, and is rigidly adhered to.

Some would go so far as to limit action of our Navy to, say, 300 or 500 miles off our coast. But I believe that by restricting our vessels of war to the Western Hemisphere, or, at least, to our own strategic sphere, we would be acting strictly defensively and at the same time could deny the use of those waters to the men of war of any other single navy, and with considerable hope of success.

I have noticed that racial and nationalistic enmities decrease as the square of the distance separating them. Can anyone doubt that the more or less routine dislike against us engendered in various people by the events of the last few years is at all comparable with the vivid hatreds existing between such next-door neighbors as Russia and Germany, for instance? Let us stay away from there or we will burn our fingers.

You will find in the bill under discussion perhaps the best legislation that could be enacted into law in view of the present restrictions placed on the size of our Navy and in view of the desirability of continuing trade as long as that may be done without danger of war.

In the first place, this bill provides a mandatory embargo on the shipment of arms and munitions to belligerent nations. Another provision makes it possible for a progressive embargo on the shipment of commodities when continued trade might endanger the peace of the Nation. And still another provides for a complete embargo on American shipping when that appears necessary likewise to keep us out of war. What exceptions are placed in the bill have been agreed to solely to make it possible that economic disturbances may be reduced to a minimum and that trade may be continued as long as there is no danger of such commerce threatening the peace of our country. Now practically, my friends, there is a state of mind that the American people are going to have to adopt, if we are to make this neutrality legislation mean peace legislation, and that is that our producers, our manufacturers, our labor, and our capital must realize that if they are going to insist on trade as usual in time of a great international conflict, then they must expect war as usual. Unless they are willing to give up the profits accruing to those temporarily profiting because of an international slaughter elsewhere, unless they are willing to give up trade as usual, and unless they make up their minds that the cost of blood and human lives is too great to exchange for the profits of industry and commerce, then it is ridiculous for us to waste our time here in Congress in trying to place on the statute books a neutrality law to keep the peace.

We may have to come to the complete embargo of all ocean-going commerce in case of a major international conflict. If we are willing to accept the depressed economic conditions as a result of this, we can still stay out of another war.

I believe it is possible by confining our ships to the Western Hemisphere to avoid a complete shut-down as would result from a complete embargo. We have a Navy that is capable of guarding our shipping in our own Western Hemisphere, but it is not sufficiently powerful nor numerous, as I have attempted to show you, to guard our investments, our nationals, and our commerce throughout the seven seas. To attempt to do that would be suicidal.

I have listened to so many pleas for peace on the score that those who suffered on Flanders fields may not have died in vain. Well, my attitude is "Why worry about our blood and our lives that are left on foreign soil? Those men

died a hero's death. Do not worry about them. But you had better worry about their boys and their children's children and our children for whom they thought they had made the world safe against future catastrophes."

If you insist on freedom of the seas, you simply say to this generation, "My sons, we don't like to do it, but our pound of wheat and our pound of cotton, our pound of manufactures and our pound of shipping must receive its price."

So to your constituents and to mine, my colleagues, I direct these words, "Mr. Farmer, Mr. Munition Maker, Mr. Manufacturer, Mr. Laboring Man, when you are ready to say 'this depression is terrible. I have lost the material things for which I have worked, but I have saved my boy.' Then and only then is this Nation assured of peace."

Mr. ALLEN of Illinois. Mr. Chairman, I yield 15 minutes to the gentleman from Connecticut [Mr. KOPPLEMANN].

Mr. McREYNOLDS. Mr. Chairman, I yield the gentleman from Connecticut 5 minutes.

Mr. KOPPLEMANN. Mr. Chairman, the subject we now have under consideration, that of formulating a permanent neutrality policy for the United States, is to my mind the most important subject that has come before the country during this session. The expression of interest from all parts of the country indicates that the American people want to be fully protected against the danger of involvement in a foreign war. It is important, therefore, that we consider any specific neutrality proposal from this viewpoint. Will the bill before us help keep this country out of war? If it will not, then the bill must be amended so as to provide the maximum protection against the danger of war. To do less than adopt the strongest possible program would, in my judgment, be a mistake.

Personally I would prefer a situation wherein the United States could act in concert with other nations of the world for the settlement of international disputes without recourse to war. I believe the United States occupies too prominent and necessary a position in the world sphere to permanently remain aloof from world problems. The influence and counsel of this Nation should be and would be of help to other countries. Even a minor war has its disastrous repercussions and for civilization's sake war should be abolished. Naturally the most effective method for the abolition of war lies in concerted action by all nations.

But it seems that the world is not ripe for a union of nations to solve disputes amicably. War threats in Europe, and Asia for that matter, cannot be minimized. The American people do not want war. Therefore, we have no recourse but the selfish protection of neutrality. If we cannot help stop world war, at least we can save ourselves, thus avoiding war, avoiding the devastating after effects we will be in a better position when the world has settled down again to lead the way to world peace.

Since selfish protection is the only thing left for us today, we must go all the way. No loophole must remain through which the American people may be dragged into a foreign war not of their making and not of their will.

I expected a more adequate bill than has been offered by the House Foreign Affairs Committee. When I addressed that body during the hearings I was interrupted by the chairman of the committee, and he told me that he even favored the prohibition of the collection of funds in America for any belligerent. I complimented him then—as I do now. I believed that in going to that extreme he was demonstrating to the limit a desire for neutrality such as is approved by every man and every woman in America who wants this country kept out of war. I assumed from his stand on that point that the Committee on Foreign Affairs would report out a real neutrality bill. That they have not done so must be apparent to every Member of this Congress. It must be apparent to those who urge the adoption of the McReynolds bill. I have yet to hear anyone in support of this measure assert it is really a neutrality bill. A part-way measure it is, but nothing more.

Now, if the gentleman from Tennessee uses section 5 of his bill as evidence of his sincerity for real neutrality, he must at the same time explain to the country why he takes a reverse position in section 4. We have presented to us in this McReynolds bill a confusion of purposes instead of a measure definitely intended to keep us out of the next world war. In section 5 the gentleman from Tennessee says very distinctly that he is afraid of our being involved in war if funds are collected for belligerents. No funds, he decrees for mothers, children, for old men and women suffering for the want of medicine and food. So vociferously does he claim to want neutrality that he would even stop such contributions in order to keep us out of war.

But, first, in section 4, he makes it very plain that he would permit business with belligerent nations. He would give the opportunity for profits to those who could make money out of war. He apparently closes his eyes to the stronger probability of our precipitation into war through the trade he is willing to permit. He ignores the fact that his bill leads the way to a repetition of the circumstances which precipitated our entrance into the World War in 1917. Unwilling or unable to profit by the terrible lesson of the last war, he now offers to this Congress and to the American people, in his influential position as chairman of the Committee on Foreign Affairs, a measure it would be much better not to adopt at all.

No one who believes that the protection of this Nation's peace today lies in neutrality can accept the measure presented to us by the House Foreign Affairs Committee as a neutrality measure. It should be given another title.

Of course, if one is merely giving lip service to neutrality, if one is honestly not concerned about keeping America safe from the next war, a bill such as Mr. McREYNOLDS advocates would be satisfactory. But the people of America want neutrality. The Democratic platform of 1936 promised neutrality with this unequivocal statement, and I quote:

> We shall continue to observe a true neutrality in the disputes of others; * * * to guard against being drawn by political commitments, international banking, or private trade, into any war which may develop anywhere.

We Members of this Congress, as representatives of the people of America, must not and dare not enact into law as a neutrality measure this bill which has been offered to us.

In discussion of section 4 of this bill Mr. McREYNOLDS said, and I quote from the CONGRESSIONAL RECORD on pages 2156 and 2157:

> Should Great Britain become involved in a war in any part of the world and Canada assume the technical status of a belligerent, * * * the tens of thousands of American citizens who own cottages or camps in Canada would have to spend their summers at home.

This from the mighty champion of neutrality! Such thought, offered as argument against the passage of a real neutrality bill, beggars the arguments of weight and character that have been made in this debate as expression of sincere belief either for or against neutrality.

I look forward to the time when historians shall have recorded the great debates on this the most important issue before the people of America today. I see emblazoned on the pages of history for school children to commit to memory the fact that neutrality legislation was defeated on the argument that tens of thousands of American citizens may not enjoy their vacations in beautiful Canada, but may be compelled during the summer seasons to enjoy the resorts in the United States.

I heard also an oratorical gem falling from the lips of the gentleman from Ohio. He, too, described an intolerable situation which might be brought about if we passed a real neutrality law. Let me quote the gentleman:

> How far have we traveled with this theory of neutrality when we allow ourselves to be so prejudiced, to jail a boy for transporting a velocipede, or a little girl for transporting her doll baby, across the border if he or she has not first transferred title to some foreign government?

Afraid that little children may not be able to send their velocipedes and dolls to the summer camps in Canada that the gentleman from Tennessee told us about, our colleague from Ohio believes it would be better that the theory and the practice of neutrality be abandoned. The gentleman from Ohio advocates prohibiting American citizens from

traveling on belligerent vessels, but, in the same breath, he is opposed to the prohibition that American vessels be kept from the war zones, or that American goods be prohibited from the war zones. Let me quote from the friend of his childhood and mine, too, William Shakespeare—O Consistency, thou art indeed a jewel! [Laughter and applause.]

During the course of the debate last Friday those of us who advocate neutrality were accused of basing our opinions as to the kind of neutrality law that ought to be enacted upon what happened during the World War. Our accusers suggested that we ought to base a neutrality law upon what the future may bring to pass. If that is not begging the question, at least it is splitting the finest of hairs, and only in an effort to defeat real neutrality legislation.

Every Member of Congress knows, or can acquaint himself, with the history of the World War. On that knowledge we can base a law which will protect us in the future. I can conceive of nothing which will give us any sounder basis for legislation. None of us are soothsayers, crystal gazers, or fortune tellers. We can assume from what has taken place in the past what may happen in the future. If our experience in the past cannot guide us in writing legislation which will keep us out of war in the future, I do not know what can.

I recognize the strength of the arguments which favor granting to a President of the United States the discretionary power to decide for this Nation the many, many issues that will arise in connection with the prohibitions contained in a neutrality law. That theory, and the arguments in support of it, listen well. To those unacquainted with the full story, or to those who do not stop to think, Presidential discretion as to the application of these prohibitions seems all that is necessary. Pass the buck to the President and he will settle every difficult question sounds easy, but, ladies and gentlemen of this Committee, let us stop for a moment and think.

Suppose a war breaks out and it becomes necessary for America, for its own protection, to declare that a state of war exists. Automatically we shut off ammunition, loans to the belligerents, and prohibit American citizens from traveling to belligerent nations. But what about the hundreds of other situations that immediately confront us? War has been declared. No matter what the President of the United States may decide, his decision must, of necessity, injure or help one side or the other.

We had an example of that during the Italian-Ethiopian War. Because war was going on, we were powerless to pass legislation; our President did not dare issue a single order under the laws of this country. Both sides were crying out against the United States doing a single thing, unless we wished to be accused of taking sides.

Do you not see, my friends, that all of these promises offered upon the floor of this House as to what the President may or may not be empowered to do under the McReynolds bill mean absolutely nothing, for once war has started we would not dare to do anything further than what the law calls for for fear of arousing one side or the other against us. If by chance the President did exercise the discretion empowered to him under provisions such as are contained in the McReynolds bill, and took steps not definitely provided in the law after a war breaks out, we would be accused of taking sides, and, just as surely as night follows day, America would find herself engaged in another war.

On the other hand, if today we write the law definitely, and war comes tomorrow, no belligerent can accuse us of favoring either side in the conflict. Let us be sensible. Let us stop relying on the hope that a President will do the right thing, even if that is possible—and I contend it is not—by a senseless law giving so-called—and it is only so-called—discretionary power.

The gentleman from Ohio took exception to a statement I made that in the event a real neutrality bill was passed it would be unnecessary for this Government to spend vast sums of money upon a navy. In fact, he goes so far as to say that we would need a larger navy. On what grounds does he make this claim? The other nations of the world, he says, would have to build larger navies to protect the goods they purchase from America, and therefore America would need a larger navy, he says, to protect our merchantmen in their attempt to make purchases in the Far East. If that reasoning must compel us to enact the McReynolds bill, then, I ask, by the same theory and argument, will any navy be large enough to protect America under the McReynolds bill, which permits American vessels in belligerent and war zones? The seven and a half billion dollars the British Government is going to spend in the next 5 years would be a candle compared to what the Navy we will need is going to cost. The naval appropriation measure passed a few days ago by this Congress will be woefully inadequate. And last, but not least, let me quote this statement from the arguments offered to advance the McReynolds bill. The gentleman from Ohio said:

> We are the last remaining bulwark of western civilization. If we permit ourselves to become engulfed in another world catastrophe and our manhood to be bled white, then it can mean but one thing—the abdication of the supremacy of the white race and the ascendancy of the yellow race.

It sounds like the goblin stories used to frighten children, this meaningless argument for a large and unnecessary Navy, advanced to defeat real neutrality. Again we are confronted with the threat of invasion by Japan. While we are talking about the yellow peril, let me tell you something that will make your blood run cold. I heard it most seriously the other day.

A mighty earthquake is to come upon California. There will be a resultant tidal wave which will sweep over that great State. While the people of California are struggling with the earthquake and the tidal wave, Japan will rush in, overcome not only California but sweep through the rest of the United States and take possession of America. Tokyo will become the capital of the United States.

The tragedy, so far as international good will is concerned, is that these tirades in this country against the so-called yellow peril have evoked from Japan like warnings that America is preparing to wipe out the Japanese nation and annex those unfortunate islands to California. Are we expected to take this kind of talk seriously and permit it to defeat our effort to enact neutrality legislation which will keep us out of another war?

On last Friday the gentleman from Indiana [Mr. LUDLOW] called our attention, and particularly Mr. MCREYNOLDS' attention, to the Democratic platform of 1936 on the subject of neutrality. In that platform we definitely promised the people of America that private trade shall not be allowed to involve America in war. The gentleman from Indiana well said that neither the Pittman nor the McReynolds bill protect America from becoming involved in a war through private trade.

The McReynolds bill contains many excellent provisions, but it does not protect the American people against two very obvious war dangers. I want to call to your attention the fact that the McReynolds bill does not provide for an absolute cash-and-carry policy of trade. Neither does the McReynolds bill protect the American people against the danger of a wartime boom in American industry. In a few words, the bill in its present form permits American shipping to enter war zones carrying cargoes destined for belligerent nations. The bill also allows goods to be shipped to belligerents without requiring that title in those goods be transferred from American ownership to foreign governments or their nationals.

You have heard that the bill does offer protection against these two dangers. But let me point out that this protection is dependent upon the action of one man or, in actual practice, one Government department. The President may invoke these two restrictions on American commerce if he finds them necessary. If he does so, it will be on the advice of the Department of State. Thus the responsibility is placed almost entirely on the shoulders of one department. If he does not invoke these two provisions, wartime trade by Americans in American ships can be carried on with the consequent danger of our becoming involved in a war over this trade.

This responsibility being placed upon the executive branch of the Government is a tremendous one. Contained within this responsibility is the power to set us on the road to war.

When we look back at our experiences during the period before we went into the World War we find that similar responsibility was placed upon the shoulders of the Executive at that time. No one man, however capable, however sincere in wanting peace, can be protected under a law such as Mr. MCREYNOLDS proposes, against the tremendous pressure which would result from the desire of individuals who would choose profits rather than peace. We must not place this tremendous burden upon our Chief Executive. He should not be faced constantly in wartime with the problem of deciding each individual case as it comes up. And that is what he would be forced to do under the provisions of the McReynolds bill.

He should be protected against this danger by having the law say unequivocally that—

First, no American ship may carry any goods whatsoever to or for use of belligerents. Second, no goods shall leave this country until all American right, title, and interest has been transferred to the foreign government or individual to whom it is destined.

Without these two points being made mandatory and automatic, so that they will go into operation whenever war breaks out, the American people will be pushed into war through American commerce and trade which might not be barred under the provisions of the McReynolds bill.

A few days ago we read in the newspapers about a Spanish ship being sunk or captured by the rebel forces. This ship was the same vessel which occupied our attention in the opening hours of Congress. The ship was carrying a large quantity of munitions for the use of one of the belligerents in the Spanish conflict. When I read in the papers that the vessel had been shelled and captured with a number of the crew killed or wounded, I thought how lucky we are that this vessel was not an American vessel carrying commodities destined for one of the two forces fighting in Spain. I also thought how dangerous it would be to allow any American ship to carry a cargo destined for a belligerent or to sail into a war zone.

Under the terms of the McReynolds bill this incident might have been paralleled by an American vessel carrying canned goods or machinery to one of the belligerents. Such a vessel runs the obvious risk of being stopped by one of the belligerents. It might be captured or it might be sunk. Lives might be lost. We can well imagine the tremendous hue and cry there would be over the entire land if such an event took place. Such a disturbance would bring a duplication of the events which preceded our entrance into the World War. In fact, it was happenings like these which finally caused us to go into that war. We have the historical facts; we have this most recent example of what takes place in wartime to tell us that there should be a definite, clear-cut policy for keeping all American vessels from trade, direct or indirect, with nations at war.

I am also reminded by the Spanish incident of the fact that a vessel, whether it be American or foreign, sailing under the program contained in the McReynolds bill, could carry a cargo of material in which an American company or an American national retained a financial interest. Can you imagine the outcry if a ship carrying such a cargo, in which there was a large economic interest held by one of our nationals, was sunk or captured?

Immediately the Government of this country would be subject to tremendous pressure to protect our trade with belligerent nations. If we protested against such infringement against our trade we would get nowhere. Our participation in the World War resulted from such incidents. Nations faced with the problem of winning a war take every possible step to cripple their opponents and to insure success to their war effort. Therefore, based upon our experience in the World War, diplomatic protests would be meaningless. We would then be forced to use our Navy to protect our trade. If we protect this trade by the use of American naval forces we will be taking the first great step to war. To avoid becoming involved in that war there is only one answer. That answer lies in the condition that no goods shall leave this country until all American interest has been given up.

There is a further problem which the McReynolds bill does not attempt to regulate in any fundamental fashion. That is the problem of curbing a domestic industrial boom in this country in wartime. If we permit goods to be sold to nations at war we are going to create a tremendous and profitable trade for those industries which are allowed to sell their products abroad. While the McReynolds bill contains a drastic provision against extending any loans or any credit to a nation at war, it is important to remember that foreign investments in this country have reached tremendous proportions. Over $7,000,000,000 of foreign funds are now invested in this country. Money can be quickly realized upon these foreign holdings in American securities. A serious danger would result if this $7,000,000,000 was used to purchase American goods. And, make no mistake, it will be used to purchase American goods.

Certain industries whose goods would be in demand would increase production and employ more labor. The business would be profitable. Handsome returns would accrue to those who control the industries involved.

But what would happen when the money available was exhausted? The foreign orders for the goods would cease. Production on an abnormally large scale would cease. Employment would drop. There would be then a tremendous drive from those who were making profits and from those who had been employed for the resumption of this trade. An unnatural, a tragic, boom had been started and Americans benefiting from it would demand its continuance. If such trade were continued we would be right back where we were in 1917.

These are some of the dangers inherent in the McReynolds bill. Under these circumstances I think it is appropriate and necessary for this House to consider amending the bill to provide for an outright embargo on the export of any goods to belligerents the sale of which is liable to endanger the peace and neutrality of the United States.

I intend to offer amendments to cover the three dangers in the McReynolds bill to which I have called your attention. I urge each and every one of you not to be misled by the fact that this measure is labeled a neutrality bill or a bill with a cash-and-carry policy.

I urge you to read carefully those sections of the bill which deal with the cash-and-carry program. I urge you also to read through the bill and to note that it contains no protection against a war boom.

I summarize the three dangers I see contained in the McReynolds bill, that—

First. American ships can go into war zones;

Second. Commodities can be shipped to belligerents with Americans retaining interest or title in such goods;

Third. The bill holds no protection against a wartime industrial boom.

These three points are most important phases of the neutrality problem. Unless we are protected at these three points by writing into this legislation automatic restrictions applying in all cases, the American people will not be protected against war.

No one neutrality bill will, by itself, keep us out of war if the American people want to take sides and enter into a war. Let us not be deceived on that point. But I respectfully submit to you ladies and gentlemen of the Committee the fact that this is no excuse for not writing the strongest and the most adequate bill that can be drafted.

I will offer amendments on these three points and I urge your support of them. Such support will be indicative of your desire to keep this country from being drawn into a foreign war by political commitments, by international banking, by private trading. The Democratic platform of 1936 specifically calls for a neutrality law to protect the American people against these dangers. Without the amendments suggested, however, the American people, under the terms

of the McReynolds bill, will not receive this protection. As a party we are committed to this principle of neutrality. We must carry it out in actual practice. [Applause.]

Mr. KLOEB. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado [Mr. MARTIN].

Mr. MARTIN of Colorado. Mr. Chairman, the principal question involved in the pending neutrality legislation is whether embargoes on commodities shall be mandatory or discretionary. The Senate bill makes the commodity embargo mandatory, while the House bill vests discretion in the President to prescribe limitations and exceptions.

The method of achieving neutrality as presented in both of these bills is novel. It has been pointed out that there is no such neutrality legislation outside of this country as that contained in the existing law passed by the Seventy-fourth Congress; and the proposed additions contained in this bill far exceed in complexity and unpredictable consequences the inhibitions of the existing law. It is purely speculative what either the Senate or House bills will produce. The subject of neutrality is peculiarly prolific of theoretics.

In the absence of time to make that thorough study available to members of the committee considering this legislation, a Member is reduced to such common-sense conclusions as he may be able to formulate from his general knowledge. I only have time to state two or three of these conclusions.

A mandatory embargo will bring the battle front to the 3-mile American boundary line. Blockades of American ports, principally by submarines, will be established. They will be like shoals of sharks. The trade will go to the sea power able to maintain an effective blockade of these ports. Japan is the only power which could maintain such a blockade of our Pacific ports. England and France, if allies, would control in the Atlantic. While Japanese control of the Pacific might be unquestioned, five European nations have growing submarine fleets, and the result might be the naval war of the century on the 3-mile line. If this would not involve this country in war, what would?

A general discretionary embargo once put into effect would produce the same result. My surmise is that it would not be put into effect on any such sweeping scale as a mandatory embargo.

Our experience with the neutrality legislation of the Seventy-fourth Congress ought to show us that we cannot put a bill of particulars in a neutrality act and have it fit the next emergency. We have had to amend that act in this Congress to include civil wars as well as international wars. The next emergency would present other unforeseen developments disclosing a failure of the law to fit the case.

In the debate there has been pointed out a number of constitutional ways in which the President of the United States without consulting Congress could involve this country in a foreign war, thus indicating the enormous discretionary powers already vested in the Executive. Even under these bills he has the discretion to determine whether any commodities embargo shall be laid.

These conclusions impel me to the discretionary method in the matter of embargoes against commodities, raw materials, agricultural products, manufactures which are not primary war materials as the more workable of two doubtful courses.

It is said we are presented with a choice between neutrality and trade. Academically considered, it sounds good. But when the emergency comes and we are confronted with abandonment of the freedom of the seas and of the use of the seas and of foreign trade, there is a question in my mind whether the national reaction will be what the proponents of extreme neutrality legislation hope it will be.

I feel that we made a great advance in the existing legislation to embargo arms, implements, and munitions of war, to withhold loans and credits to belligerent nations, and to keep Americans off belligerent vessels. I want to point out, though, that neither of these involved us in the World War. The final occasion of that war was the murder of American citizens on American vessels carrying no contraband of war, and destroyed not only in violation of all international law but in violation of every law of God and man and every rule of civilized conduct. So neither of these bills establish any safety zone.

Which brings me back to an observation I made the last time I discussed the national defense in the House—that neutrality is a good thing if you are able to defend it. I have been glad to note that this administration is getting able to defend it, and all measures to that end have had my unqualified support. I abhor war; I am as strongly for neutrality as any Member of this House, but I cannot subscribe to the philosophy that to keep out of war and insure neutrality we have only to scrap our agencies of defense and put our faith in and entrust our national safety to neutrality acts and peace treaties. All existing peace treaties—the Kellogg Pact, the Nine Power Pact—are already only scraps of paper. They need not await the emergency of war. They have already been repudiated and violated by the very signatory nations; and that is what, in my opinion, under the stress of the emergency, will happen to this legislation. Discretionary legislation may be preparing the noose. Mandatory legislation is already putting our necks in it. Under mandatory legislation we are playing our cards before the game starts. Under the discretionary plan the other fellow must play his cards first. [Applause.]

Mr. FISH. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. MAAS].

Mr. MAAS. Mr. Chairman, if we want to establish neutrality we should prohibit all intercourse of every nature with all belligerents if we are to adopt the embargo method. We should not have half-way measures. We seem to be proceeding upon the theory that war is a duel between armies. War is an economic struggle between peoples. War is no longer made merely against combatants. The objective of war today is against the noncombatants, against industrial centers, and against the population in general. No war can be carried on unless the people themselves support it, and is, therefore, essentially a struggle of peoples. We either ought to have that kind of law that would abolish all trade, or we should have open free relationships and depend upon our time-honored principle of freedom of the seas, with adequate forces to protect our freedom.

I do not believe our entrance into the World War was caused by our trade with one side or the other or through our loans. They may have been a factor, but the World War involved the United States because the other powers of the world were convinced that we could not and would not fight. The thing that inflamed the American people to the point of permitting propaganda to induce them to go into war was acts of depredation, it is true, but what was behind those acts was the feeling of European powers that with impunity they could sink our ships or do anything else, for we were too proud to fight. All their agents in this country convinced their people back home that we could not fight. We seem to forget that the first two American ships that were sunk were sunk by the British and not by the Germans, and we came close to going to war with England, but we did nothing about it but write notes.

After that the Germans took the tip from Great Britain and went further and further in their invasion of our rights until finally they forced us into war. This bill, let there be no mistake, is nothing but creating a partnership with the aggressor nations. The aggressive, militaristic nations are going to acquire supplies that they need long in advance, and they will have the credits they need established before they commence hostilities. They are not going to need what we have, but the peace-loving and quiet, nonmilitaristic nations, non-munitions-producing countries, are the ones who are going to need our help. If our policy is established now and becomes general, it means that a few aggressive, militaristic powers can and probably will gobble up the rest of the world. [Applause.] The passage of this act will usher in the greatest period of aggressive warfare and of world conquest that history has ever seen. We are saying to the weak nations, "We wash our hands of you; we won't help you."

If one nation wants to invade another nation, we establish the principle that says, "No; you can get no help from us."

Aggressor nations know that is going to be so, and with impunity they will start on a rampage of invasion and conquest. Where would we be if that policy had been in effect during the last 150 or 200 years? We were a little weak Nation struggling for existence and without the help of friendly powers, we never would have come into being at all.

Mr. WADSWORTH. Mr. Chairman, will the gentleman yield?

Mr. MAAS. Yes.

Mr. WADSWORTH. A brief glance at that picture there of Lafayette will demonstrate the truth of the gentleman's statement.

Mr. MAAS. Yes; it is a most graphic illustration. There is another side to this picture. We are far more likely to be drawn into war under this policy than under existing conditions. A powerful nation, in order to shut off its enemies, is not going to establish a blockade of our ports against our own shipping if we are a neutral, it is true, but it is going to blockade the ports from which its enemies obtain their supplies.

It will be easier to shut the enemy off from essential supplies by blockading the ports from which these supplies are shipped, rather than by blockading the enemies' ports in an effort to keep the supplies from being delivered. The imports will simply be tied up in their own ports. This is cheaper and safer. The mere fact that such a country whose ports may be blockaded may be a neutral will mean nothing, for under the leadership of our great neutrality policy no one will aid such a neutral. So the nation in a position to enforce such blockades against neutrals will do so without interference.

Unfortunately, it is very likely that we, too, will need to import materials from some of these same ports for our normal peacetime industrial life.

There are a number of absolutely essential products that we are forced to import, and without which industry in this country will collapse.

If the source of these products was closed to us the effect would begin to be felt within 2 weeks. With continued choking off of our imports there would soon be many more millions of American workers thrown out of jobs. In a few months of this the depths of the depression would seem like the 1929 boom, compared to the bottoms to which we would drop.

The auto industry would close, construction would soon be at a standstill, mines would shut down, and the whole industrial and commercial structure would soon fail in the United States. Our national defense would disappear as an effective force.

Either that or we would be forced to run through such blockades to obtain the essential products not produced here but absolutely needed in this country. This would mean war. This is the inevitable outlook for our future if we adopt this bill as our international policy.

On the other hand, if we maintain our traditional policy of freedom of the seas, and are prepared, and able to protect that freedom, no nation will dare to blockade the ports of any neutral nation with whom we are trading.

Once such a blockade is established though, to break it is to become involved in a war.

If we voluntarily surrender our rights we will soon lose those rights. If nations engaged in war believe that we will not defend our rights they will soon take advantage of the situation if it helps them to do so.

I am not defending the right to make a profit out of war trade. This is only incidental anyway. The rights I am talking about are those of importing essential products, and the exportation of our surplus products.

Whether they go to neutrals or belligerents is really not material. That question is sentimental and not fundamental.

Our object is to avoid needless wars. I take it that no one—certainly no one who is worthy of calling himself an American—is opposed to a war of defense against an invader. Yet, what is the difference between starvation of our people as a result of the collapse of industry and agriculture which would follow pulling our ships off the seas because of foreign wars, or of our people being starved as a result of an invader conquering us. People will be just as hungry, and suffer just as much by an impoverished standard of living regardless of the cause.

We have a right to protect our standard of living. I speak of no abstract right, but of the very right of our people to live.

If we pass this so-called neutrality bill we had better immediately double our Army and our Navy.

I assure you it will be far harder and more costly to enforce this kind of neutrality than to protect our freedom of the seas.

Our great need is to mind our own business and make other nations mind their's so far as we are concerned. To be able to do this, we should remain friendly with all, but let the world know that we are amply able and willing to protect our freedom.

As a weak nation we are in the gravest danger from every war that breaks out anywhere. As a strong nation, prepared and able to mind its own business, we are assured of the greatest chance of remaining at peace.

The surest guarantee against war for us is the strength to enforce peace.

We are a rich nation in natural resources; we constitute a great market, and we are the only civilized nation in an equitable climate that has abundant room to spare. The rest of the world needs what we have—resources, markets, and territory to take care of overflowing populations.

If overpressed peoples can get from us what they need cheaper by taking it than by purchasing it from us, they will endeavor to take it; that is all there is to it.

China wanted peace. It did not want war, so it made no preparations against war. But all of China's love of peace and aversion of war has not saved China from the ravages of war. We, too, want peace. But to avoid war we must be adequately prepared against war.

We are certainly laying the foundation for a most dangerous situation for ourselves in the future by such an international policy as we are proposing to establish.

If we now refuse to sell munitions of defense to peoples threatened by invasion, the inevitable result will be a refusal to sell us essential products for our defense if we are threatened. We are potentially powerful and strong, but actually very weak, in fact, unable to defend ourselves against invasion without substantial importations of certain products not available in this country. Shut off from such supplies even the mighty United States could be humbled by an invader.

Government manufacture of munitions is no solution for even the Government cannot manufacture munitions without manganese, for instance.

Depending on neutrality based on embargoes will avail us little in our desire for peace. It behooves us to keep our powder dry.

The House bill certainly seeks to establish an entirely new principle and radical change in our system of balances and checks, and upsets the previous distribution of certain fundamental powers heretofore reserved exclusively to specified branches of the Government. The power to declare war was vested in the Congress by the framers of the Constitution for some very good reason.

A basic difference between the office of a constitutional President and a ruler of whatever kind of title is the right to make war. While it is true that the President of the United States is Commander in Chief of the Army and the Navy, he is such only under the Constitution. The Army and Navy are not his personal forces, and take no oath of allegiance to him, but both they and the President take a common oath to a common constitution.

Yet, the power to commit an act of war is the power to make war, and this bill gives to the President the discretionary powers to discriminate in embargoes. Such discrimination is interpreted as an act of war, and war will certainly follow laying an embargo upon one belligerent as against another.

Surely this is no power to delegate without a mandate from the people expressed through a constitutional amendment.

To confer such extraordinary powers upon the President makes of him a potential ruler.

The American boys who are killed in a war started by the President's embargo policy, will be just as dead as in a war duly declared by Congress.

There is still another angle to this far-reaching departure of traditional American policy that will create new problems, much more fraught with war danger than maintaining freedom of the seas.

If we are to permit no shipping on American ships to belligerents and voluntarily waive all of our rights upon the high seas, those in need of our products will have to send their own ships to our ports to get their supplies.

This will inevitably lead opposing belligerents to establish a blockade immediately beyond the 3-mile limit of every American port, in an effort to prevent supplies reaching their enemies.

Such a blockade is bound to cause complications for our own normal peacetime trade to neutrals, even if such trade is confined to the Western Hemisphere. Our commerce to South America would undoubtedly be interfered with and perhaps blocked entirely. Even though we swallow our pride, sacrifice our trade, and surrender our markets, it will not save us. South American countries, shut off from the United States as a source of supply, must turn across the seas, with consequent involvement in hostile blockades. As a reprisal it is natural that such overseas powers will carry the war to South American republics, possibly establishing European or Asiatic control in South America. This would ultimately involve us, whether we wanted to be involved or not.

Is it conceivable that a successful militaristic power or group of powers, having conquered and subdued the rest of the world, as will certainly happen if they are not checked in the meantime, would stop short of the United States with all of its wealth and comparatively sparsely occupied territory?

Of course not. Yet if the great bulk of nonmilitaristic countries cannot buy the essentials to resist an invader they will certainly be ravaged. The only alternative for such countries is to go into such a staggering program of arms and munitions producing and storage as to bankrupt normal industry and commerce.

Billions of dollars will have to be diverted from usual trade channels and put into nonrevenue producing arms manufacture; every liberty-loving people, desirous of maintaining independence will have to turn their countries into veritable storehouses of munitions, if they cannot obtain them when in danger, even to defend themselves against invasion.

Then indeed the world will become a powder keg. Commerce and trade will be so robbed of money, diverted to munitions production and storage, as to paralyze business. Unemployment will become so general throughout the world as to destroy governments. Revolutions and wars would certainly follow until civilization itself would be wiped out.

No, the embargo method of neutrality is not the answer to the problem of keeping the United States out of war.

It is a remedy that produces a condition far more fatal than the ill it seeks to cure.

Our best hope of peace is to mind our own business, keep out of other nations' quarrels, let the world know that we covet nothing anywhere else in the world but friendship and that we can and will defend our reasonable freedom anywhere, any time, against anyone who attempts to interfere with it. [Applause.]

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. McREYNOLDS. Mr. Chairman, I now yield to the gentleman from Oklahoma [Mr. JOHNSON].

NEUTRALITY AND WAR DEBTS

Mr. JOHNSON of Oklahoma. Mr. Chairman and colleagues of the House, there is little that could be added to this discussion on the pending neutrality legislation. This and a similar bill have been discussed for several weeks in both Houses of Congress, and no doubt all Members of the House have made up their minds how they will vote. Therefore, my remarks will be rather brief.

A year ago this week, when neutrality legislation was being considered before this body to extend the temporary Embargo Act another year, I spoke in favor of this legislation then and urged its enactment, not as a perfect bill, not as ideal legislation, but freely admitted it was only a makeshift measure. I said then that it was a great step in the right direction. At that time I also expressed the hope that permanent legislation with real teeth in it would be carefully prepared during this session and enacted into law.

STEP TOWARD WORLD PEACE

Mr. Chairman, I am not laboring under the delusion that the pending neutrality bill will outlaw future wars. I do not share the illusion of some of the gentlemen supporting this legislation that with this bill written on the statute books it will be impossible for our children or our children's children to view the ghastly scenes of mechanized military murder. But, as I pointed out a year ago, this legislation is certainly a progressive and forward step toward world peace. [Applause.]

On the other hand, Mr. Chairman, I do not share the views of the gentleman from New York [Mr. FISH] or the gentleman from New Jersey [Mr. EATON], both of whom have bitterly criticized the pending neutrality legislation as an empty gesture, and yet who admitted that they will vote for it on final roll call.

It will be recalled that when the neutrality bill was pending before this House a year ago several Members stood on the floor of the House and denounced it as an empty gesture, as a foolish waste of time, and some Members even went so far as to say it was worse than nothing at all. Yet some of those who denounced the measure voted for it, and others who bitterly opposed and actually voted against it are conspicuous by their absence here today.

EASY TO RAISE OBJECTIONS

Mr. Chairman, I have listened to other critics and opponents of this legislation with considerable interest. It is so easy to raise objections. Take, for instance, the argument of my good friend from Minnesota, the gentleman who just preceded me. If we follow the suggestions of the gentleman from Minnesota we would, in my judgment, not only jeopardize the peace of the world but would kindle the fires of strife and possible warfare within our gates.

Mr. MAAS. Mr. Chairman, will the gentleman please explain that? I do not quite understand him.

Mr. JOHNSON of Oklahoma. If America should go so far as to place an absolute embargo on all commerce, including farm commodities and foodstuffs, and say, absolutely, "You cannot trade with any nation on the face of the earth", it is not difficult to imagine what might occur under such circumstances within our own borders.

Mr. MAAS. I thoroughly agree with the gentleman. I made the suggestion merely to show the ultimate ridiculousness of the present proposal.

Mr. JOHNSON of Oklahoma. Well, I am delighted that the gentleman has made his position a little clearer.

IMPORTANCE OF NEUTRALITY LEGISLATION

The fact is, this is the most important legislation affecting the peace and prosperity of this generation, as well as future posterity, that has or will come before the Seventy-fifth Congress.

Our people have become antiwar conscious. Certainly there is hardly a limit to the distance that our American people would willingly go and no sacrifice they would not cheerfully endure, if by so doing they could have any reasonable guaranty of outlawing future wars. Many of us have not forgotten the ghastly scenes of the World War, with all of its deprivations and horrifying experiences. Our people have not so soon forgotten the terrifying and heartbreaking days of the World War, which conflict, you will recall, was to be the one war that was certain to end all wars and "make the world safe for democracy."

TRAGIC EVIDENCES OF WAR

Nor have our people forgotten the many lives that were sacrificed upon the fields of battle and from disease and exposure incident to that tragic period when the black clouds of war hung so heavily over this land.

Tragic evidences of that war are still all about us. For many of our men—once referred to so often as the "flower of American manhood"—the World War has not ended. To them it is now, and will continue to be, one long, horrible nightmare.

Our people have not forgotten the fact that 3,000 millionaires were made by the misfortunes of war. Munitions makers plied their damnable trade in a reckless and shameful fashion and sold their armaments of war to both sides in that world conflict long before America was drawn into it.

Many American citizens who then thought of war as a lark went cavorting over the seas and in war zones souvenir hunting although they had been warned repeatedly to stay off belligerent ships. International bankers and bloated bondholders had floated loans all over Europe that helped promote and prolong the World War, and there was no law to prevent Americans from going on such a spree. Too many Americans were grasping for gold and for profits at the cost of human suffering.

PLUGS THREE HOLES AGAINST WAR

The pending bill plugs at least three holes, any one of which might drag this Nation into another ghastly and expensive war:

First, it contains a mandatory provision making an automatic embargo upon the sale of munitions to belligerent nations.

Second, it contains a mandatory prohibition against extending loans and credits to such warring nations.

Third, it makes it illegal for American citizens to travel on the high seas on belligerent vessels and also makes a mandatory prohibition against same except at their own risk.

So it is absurd to say that the pending legislation is an empty gesture or to intimate that it is worse than nothing at all.

With these cardinal principles as a background, as a bulwark on which we have constructed this important legislation, a war-mad world will be given to understand that America does not propose to be inveigled into another war beyond the sea, but will heed the advice of George Washington, who gave mighty sound advice when he urged America to stay out of entangling alliances in the Old World. [Applause.]

ABOUT WAR DEBTS

There is one subject that is closely alined to neutrality that has hardly been touched upon in this debate. It is a subject, however, that this Congress must face sooner or later. I refer to European war debts. Announcement was made this week by the Exchequer of the British Treasury that Great Britain is starting on a $10,000,000,000 army and navy construction program. We are told that more than $7,000,000,000 of that program has already been authorized by the British Government. In support of that program the British Exchequer boasts that British finances were never in better shape. Yet Great Britain has steadfastly refused to pay any part of the principal or interest on more than $5,000,000,000 of war debts that she owes America. This was borrowed when Great Britain had her back to the wall and begging America to save her very existence.

Both France and Italy have announced unprecedented peacetime military programs. Yet the French Government owes the American people more than $4,000,000,000 war debts that she does not pretend to make any effort to pay. In addition to that, France, you remember, bought $2,000,000,000 worth of American goods and commodities at the close of the World War and struck a bargain at 10 cents on the dollar, all of which was to be paid in 1 year's time. France not only refuses to pay that obligation but she scoffs at our peace talk as well as any suggestion that France pay her just debts to the American Government as she goes on pell-mell preparing for another war. This in the face of the fact that big-hearted Uncle Sam has already canceled 51 percent of the French war loan upon the assurance by that unappreciative Government that she would pay her debts to America promptly in the future.

"POVERTY STRICKEN" EUROPE IN MAD MILITARY RACE

There is also "poor little poverty-stricken Italy" that several years ago induced this Government to cancel 74 percent of her war loan on the solemn promise to pay thereafter promptly and in full. Yet a few months ago we saw the sorry spectacle of the Italian Government sending their hordes of well-trained soldiers down into helpless Ethopia without provocation for the avowed purpose of expanding Italy's territory and extending her Mediterranean domination. Now Italian troops are pounding at the gates of the war-devastated Spanish capital in a mad and murderous determination to spread Italian power and domination in Spanish territory. Since America foolishly canceled 74 percent of her war loan Italy has quadrupled the size of her standing army, yet she is so poverty stricken that she cannot pay even her scaled-down and long-past-due debts to America. These debts, if unpaid, will, of course, be saddled on the backs of our children as well as unborn generations.

This Government, however, in the face of these facts, has offered no protest to the British, Italian, or French Governments with reference to the mad military race now going on in Europe. But there are some among us, in and out of Congress, who are laboring under the hallucination that we can guarantee unto ourselves peace and prosperity by entering into a competition of army and navy building with the war-mad world.

NEUTRALITY LEGISLATION MILESTONE TOWARD WORLD PEACE

We cannot compete with the jingoists of the Old World in the preparation for wars. Already, I fear, we have gone too far in that direction. The construction of $50,000,000 to $60,000,000 battleships voted by this House a few days ago will not guarantee world peace. But we can and must enact neutrality legislation and lay down a yardstick for ourselves in dealing with nations across the sea. Although this legislation does not go as far as I had hoped it would go, it is built upon sound, just, and unselfish principles and is a milestone toward which America and peace-loving Americans are now endeavoring to travel toward the goal of world-wide peace. [Applause.]

Mr. McREYNOLDS. Mr. Chairman, I yield to the gentleman from New York [Mr. BEITER] such time as he may desire.

Mr. BEITER. Mr. Chairman, in considering the neutrality bill now before the Congress it seems to me that if anything, it does not go far enough in achieving real neutrality, which is the concern of every American citizen. This matter has never been more important than it is today and popular opinion demands a strong neutrality policy which will afford every protection against our country being involved in a foreign war.

Neutrality legislation is a declaration of policy toward nations engaged in war and is the only means which will prevent our being drawn into the next war when it comes. There is more danger at the present time of another European war than there was at any time prior to 1914. This danger makes necessary the enactment of a strong neutrality act which will prevent the United States from being forced into war. The Congress is charged with the responsibility of formulating a neutrality policy to replace existing temporary legislation, and I am heartily in favor of the strongest neutrality bill which may be devised.

If this new law is to offer protection against dangerous entanglement in future wars, it must provide for an embargo against munitions as well as other war materials to belligerent nations. No loans or credits shall be permitted to countries involved in war and these embargoes shall be enforced against both sides in the conflict. In order to achieve true neutrality American citizens will not have the protection of this Government when traveling in war territory and no citizen of this country will be permitted to retain an interest in any shipments made to warring nations after they leave the ports of the United States. This

neutrality shall be applicable to civil as well as international strife, as civil war at the present time carries an ever-increasing threat of international or world war.

I heartily endorse all suggestions for a mandatory neutrality policy which will definitely show that the United States is opposed to war. When this country can no longer be used as a source of war supplies warring nations will be forced to find some other method of adjusting conflicts rather than wars which depend to a large extent on munitions and other war materials manufactured in the United States.

It is urgent that neutrality legislation be enacted without delay before war which threatens actually comes. It is a difficult matter to write a neutrality policy after war has come without appearing to favor one side or the other in that war. When war comes it is going to be increasingly difficult to remain out of that war unless we are protected by a strong neutrality law, as the temptation to prosper by that war may in time tend to destroy our neutrality and lead us into war. Any neutrality policy which may be strong enough to keep this country out of war will result in the loss of a cash gain and deny to all of us participation in that prosperity which comes out of economic participation in foreign wars. However, from our experience in the last war we all know that we cannot share economic gain from a war and not be involved politically, and loss of profit is not so great a loss as the lives of our sons and other suffering caused by our being involved in war.

To show that the majority of upright business organizations of this country are more concerned with preserving the peace of the United States than in furthering their own gains, I call your attention to the recent refusal on the part of the Bausch & Lomb Optical Co., of Rochester, N. Y., of foreign contracts for military optical supplies amounting to more than $1,500,000. The vice president of this company, in a recent interview, stated that his company did not wish to be put in the position of selling to a foreign government war instruments that might conceivably be used against this country in the event of another world war. Since all our manufacturers do not share these views we need a strong neutrality policy which will prevent all trade with belligerent nations and remove all the profits from war, thereby guaranteeing this country future peace and security. This is true Americanism which has been defined as an unfailing love of country, loyalty to its institutions and ideals, eagerness to defend it against all enemies, undivided allegiance to the flag, and a desire to secure the blessings of liberty to ourselves and posterity. This creed does not include participation in foreign wars to protect financial and other interests and to prevent this it is imperative that a strong neutrality law be enacted by the present Congress. [Applause.]

Mr. McREYNOLDS. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. BERNARD].

Mr. FISH. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. BERNARD].

The CHAIRMAN. The gentleman from Minnesota is recognized for 15 minutes.

Mr. BERNARD. Mr. Chairman, the American people who sent me and the rest of this body to Washington want to help the cause of peace. The great body of the American people want to see us adopt a genuine neutrality bill.

I strongly favor such a bill. I desire a neutrality bill which will help peace by not strengthening the war-making forces here and abroad.

An analysis of the Pittman and McReynolds bills show that both measures fail to distinguish between the aggressor nations and their victims. Both bills lump together the robber and the robbed, the murderer and the murdered. We are asked to accept both programs as neutrality programs. We are asked to accept both programs despite the fact recognized all over the world, which was stated in a resolution introduced by me and signed by 18 progressive Members of this body.

It has been definitely established—

This resolution stated—

that armed forces of the Governments of Italy, Germany, and Portugal have invaded the territory of Spain and are now actively engaged in a war against the democratically elected Government of that country with which the Government of the United States continues to maintain friendly relations.

The McReynolds bill differs from the Pittman proposal in that it would give the President "discretionary" authority to embargo commodities such as oil, copper, foodstuffs, and autos. Like the Pittman bill, it actually encourages aggression against peaceful and democratic nations. In short, the McReynolds bill, as pointed out by a great number of American citizens and liberal publications in this country, is pro-Fascist. Whether its supporters realize it or not, the McReynolds bill, even more than the Pittman bill, invites Fascist aggression against peaceful countries, against nations friendly to the American Government and its people. Under such so-called neutrality legislation, Hitler, Mussolini, and their gangster accomplices in Lisbon and Tokyo are free to purchase all the supplies they need. At the same time, they are given the assurance that the American Government will place an absolute arms boycott and possible general boycott against any country which the Rome-Berlin-Tokyo Fascist international should decide to invade. In addition, the proposal to include "civil strife" in both the Pittman and McReynolds bills, in the words of the March bulletin of the Methodist Federation for Social Service, "invites the Fascist powers to do elsewhere, perhaps on this continent, what they have done in Spain."

ENCOURAGES AGGRESSORS

Is this neutrality? Decidedly not. This Pittman-McReynolds program objectively helps the reactionaries all over the world. It is not neutrality legislation. It is embargo legislation. Would the McReynolds bill, even assuming that it is proper and humane to assist Nazi warships and bombers, Italian Fascist machine guns, tanks, and flame throwers—would the McReynolds bill help to keep America out of war? It would not. It will not. No law that encourages the aggressive war-making powers to advance their acknowledged antidemocratic program could possibly give any assurance to an America that sincerely wishes to keep out of war.

The United States plays a great and significant role in world affairs. What other powers do cannot but affect this country. What our Government does cannot but affect the attitude of other governments. You will remember, my friends, that I was the only one in the present United States Congress who voted against the resolution which prohibited the shipment of arms and ammunition to the friendly democratically elected Government of Spain. I am proud of that vote. That vote has been acknowledged by freedom lovers all over the world. Now, I do not wish to question the motives of many of my colleagues who sincerely believed that they were helping the cause of neutrality and peace by voting for the administration resolution. However, facts are facts, and the facts show that the passage of the resolution not only deprived a sorely pressed, a literally bleeding people of arms for their self-defense but also encouraged the Nazi-Mussolini governments to believe that they have the approval of the American Government. And more than that, my friends, the rigidly controlled press of Hitler, Goebbels, and Goering, and their big business masters has actually gone to the extent of threatening to take—I quote their words—"an unpleasant interest" in American affairs. I do not have to recite all the details of the recent LaGuardia-Nazi episode. You know that Mayor Fiorello H. LaGuardia, a former distinguished Member of this body, who, like myself, served in France—you know that Mayor LaGuardia merely described Hitler in accurate terms a brown-shirted fanatic, "a menace to the peace of the world", and proposed that the Nazi leader be exhibited in a "hall of horrors" at the world fair.

ATTACK ON LAGUARDIA

This brought forth an unprecedented outburst from the Nazi press against the American people as a group, and against LaGuardia and American womanhood in particular. Many of these Nazi insults are unprintable. I shall only refer to some of the choice conclusions of Nazi officialdom.

Der Angriff, one of the two or three most important Nazi publications, described Mayor LaGuardia as—

A New York gangster, an underworld character, a blackmailer, a man with cheap-joint brains, a pimp, an impertinent Jewish lout, a filthy character * * *.

Even more insulting characterizations, as you know, were made. The 1,200 American women who listened to Mayor LaGuardia were characterized as prostitutes. And what did the Nazi leaders think of the American people in general? Americans, they said, are—

A people who put their feet on the table, keep their hats on indoors, and spit chewing gum against the walls.

The Nazis threatened that if the American people should insist on expressing their hearty dislike for a gang of Fascist ruffians, gangsters, and murderers, they had better look out.

Watch out, America—

Shouted Hitler, Goebbels, and Goering—

or we will take an unpleasant interest—

Those are the words that were used—

in American affairs.

As you know, Secretary of State Hull saw fit to apologize to the German Government for Mayor LaGuardia's speech, although diplomatic custom did not demand such action. Ambassador Dodd, under State Department instructions, did not demand an apology from the German Government, but made "emphatic comment" to the German Government. Fascism is being nourished by the weakness of democratic governments. And so the Nazis not only did not apologize but informed us that the filthy insults made against a distinguished American, against the American people, were "heroic anger." Some of the Nazi newspaper statements were a little extreme, said the Nazis, but in general, they said, a Nazi insult leveled at the American people is "heroic anger." Why do I cite this incident? Because it shows that failure to recognize aggression, that instituting an arms boycott against an invaded people, leads to encouragement of fascism.

Section 5 of the McReynolds bill would advance the Hitler-Mussolini game one step further by prohibiting, under penalty of a $50,000 fine and a 5-year imprisonment, meetings of freedom-loving Americans held for the purpose of collecting funds to send medical aid and food to the Spanish people. The sponsors of the McReynolds bill were not satisfied with the January resolution, which reversed long-standing international law and the 150-year tradition of this country, to prohibit the sale of arms and ammunition to the democratically elected, friendly, and recognized Government of Spain. They were not satisfied with forcing girls and youngsters to face machine-gun nests with bare hands and scissors. The authors of this bill want to accomplish much more. They wish to keep Americans from giving their nickels and pennies for medicine and bandages which are so badly needed in Spain. In this respect particularly the McReynolds bill is un-American. It would give another helping hand to the Fascist wolves who are now pressing on Madrid in armies conservatively said to number nearly 200,000.

CRIME AGAINST SPANISH PEOPLE

I say that this McReynolds bill, in this respect, especially, would perpetrate a crime against the brave Spanish people. It would penalize a people who against tremendous odds are fighting an invasion being made in the interest of Fascism, in the interest of feudalism and brutal reaction. Let me be clearly understood. Whether you realize it or not, the passage of this section would condemn many brave men and women to death who might otherwise be saved. This would be a crime against humanity. This would be going against the anti-Fascist sentiments which were so clearly expressed by the American people when they rejected Mr. Landon and his Liberty League, Mr. Landon and his union-busting backers. The adoption of this section would push forward the Fascist pestilence which the powers of Rome, Berlin, and Lisbon are seeking to fasten on Spain.

Mr. MCREYNOLDS attacked those Americans who, as civil-service employees of the "Social Security Board Union", had the rashness to exercise their constitutional and traditional right to inform Mr. MCREYNOLDS that his "so-called neutrality bill is actually not a neutrality bill, but pro-Fascist and not in keeping with American traditions." For this reason these American citizens urged the defeat of the McReynolds bill. Mr. MCREYNOLDS' answer was to threaten legislation which would prevent the exercise of such a legal right by American citizens who happen to be working under civil service. "Such people," said Mr. MCREYNOLDS last Friday on the floor of this House, "every one of them ought to be fired." It seems that Mr. MCREYNOLDS would like to establish, in Hitler fashion, a class of secondary American citizens.

Secretary of State Hull was wiser than Mr. MCREYNOLDS. Realizing that a great number of American citizens, including a distinguished officeholder and numerous professional men and women, strenuously objected to the recent unprecedented State Department ruling which denied visas to Americans desiring to serve the bleeding Spanish people in a purely medical capacity as doctors, nurses, ambulance drivers, and medical technicians. Secretary Hull was quick to reverse the State Department ruling. The State Department, unlike Mr. MCREYNOLDS, saw the wisdom of recognizing the sentiment of the American people. The opposition to that section of the McReynolds bill which would prevent the holding of meetings to collect funds for medical assistance for the Spanish people, Mr. MCREYNOLDS declared last Friday, "seems to create a great uproar from a certain class of people in this country." Well, with great pride I wish to inform the House that one of this "certain class of people" was Elmer Benson, former United States Senator and the present Farmer-Labor Governor of Minnesota. Governor Benson is the sort of official who refuses to allow the militia company thugs and gunmen to shoot down workers and strikers. He is the sort of man who refuses to allow company spies to molest the citizens of his State. Governor Benson is the sort of man who used his office to feed and house recent lumber strikers, who for many years have been exploited by the lumber kings of America.

GOVERNOR BENSON PROTESTS BILL

Governor Benson, that Farmer-Labor Governor whom Mr. MCREYNOLDS would relegate to a secondary class, telegraphed as follows to Chairman MCREYNOLDS, of the House Foreign Affairs Committee:

I want to express my protest against that portion of the McReynolds neutrality bill which bars the collection of funds to send medical supplies and food to suffering victims of aggressive wars and imperialistic ventures. This is unprecedented in modern civilization and contrary to ideals of the American Red Cross.

The telegram of Governor Benson states the real and traditional American position. It recognizes the anti-Fascist sentiment of the American people. That is where I stand. That is where other Americans, millions of them, stand. I say that the American people voted anti-Fascist when they defeated Landon and his Liberty League and German Nazi backers. America, and by America I mean the people, and not the Liberty League and the National Association of Manufacturers and their reactionary supporters—I say America is opposed to bowing before the Fascist monster or to give way one inch before any threats made by Hitler or Mussolini.

The American people, the workers, farmers, doctors, lawyers, and the white-collar class do not wish to assist Hitler and Mussolini. They do not approve of the attempt of General Franco and his employers to fasten fascism on Spain. They do not approve of the $3,000,000 credit made to the Italian Government by the Export-Import Bank. The thousands of tons of shoes and clothing actually made by American workers and sent to the Spanish people, the tons of medical supplies, the ambulances, doctors, nurses, and medical technicians sent to aid the Spanish people by millions of Americans who themselves need their every penny—all this attests to the fact that our people are opposed to fascism, that our people are opposed to such legislation as is embodied in this bill. The American people have not swallowed that Fascist propaganda which would have us believe that the fight in Spain is a fight between fascism and communism. They have not swallowed the reactionary propaganda which would have us

believe that the Mohammedan Moors and foreign legionnaire criminals are being used to protect the Christian Church in Spain. The American people know that the German-Italian-Portuguese invasion of Spain was planned in Berlin and Rome, and that it is being carried on in the main by Berlin and Rome. The American people know that the bulk of those fighting against Franco, Hitler, and Mussolini are Catholics, as shown in studies made by such disinterested parties as the Foreign Policy Association and the New York Post, a strong pro-Roosevelt paper. They know that Franco has shot many Catholic priests who supported their people, great numbers of them Catholics, against the Fascist insurrection. What is more important and significant, the American people are beginning to realize that the Fascist invasion of Spain is something which affects their own democratic interests. Thus, my friends, those of us who will fight this pro-Fascist section of the McReynolds bill, those of us who will vote against this McReynolds bill will be heeding the anti-Fascist and pro-democratic wishes of the American people.

I say that it is time that we stopped giving aid and comfort to Mussolini and Hitler and to their reactionary American sympathizers and supporters. I say that it is time we did something which would demonstrate in deeds that we believe that democracy is worth more than an annual lip-serving Fourth of July oration. As the March bulletin of the Methodist Federation for Social Service declared—

> We want a world organized around the democratic way of life. The Fascists are determined to destroy that way of life and to do it by merciless warfare. * * *

Take this section 5 out of the McReynolds bill! Vote against this bill! Vote, my friends, for democracy! Vote against fascism! Vote in favor of the traditions which brought the American Revolutionary War to victory over British feudalism, British monarchy, and which brought victory to the Union over chattel slavery in our own Civil War.

Therefore I urge you to vote against the McReynolds bill and to put an end to a situation which aids fascism by penalizing its victims. [Applause.]

Mr. SIROVICH. Mr. Chairman, will the gentleman yield?

Mr. McREYNOLDS. I yield.

Mr. SIROVICH. I would like to ask the distinguished chairman of the Committee on Foreign Affairs if, in the event this bill is passed and signed by the President, and if it is found that Germany or Italy is sending arms and munitions and implements of war and men into Spain, as has just been charged, the President, through the discretionary powers in this bill, would have the right to declare an embargo against Germany and Italy?

Mr. McREYNOLDS. The President would not, except if we found such a situation arising where he would have to declare that war existed. Then he would.

Mr. Chairman, I yield 6 minutes to the gentleman from Oklahoma [Mr. FERGUSON].

Mr. FERGUSON. Mr. Chairman, I want to confine my remarks to section 4, the commodities section of this bill. I have read the hearings on the bill in both the Senate and the House, and to date I have failed to find the source of this very important section.

It has been demonstrated in the House today that the more or less radical element, so to speak, have expressed their views on neutrality. That certainly was true before the committee. The National Council for the Prevention of War testified. The executive secretary of the Socialist Party testified. The American League Against War and Fascism testified. The North American Committee to Aid Spanish Democracy testified. I fear that this element has had something to do with the inclusion of the commodity section in this bill. I was surprised to find that section there when I read the legislation. It was not considered last year. I most certainly prefer the McReynolds section on commodities to the Pittman section, because it does give us a chance that the President will not, except in dire need, put this section into effect. It is the lesser of two evils.

I want to say here as a representative from a farming district that it is my opinion that if we pass the Pittman bill and ever try to put it into effect, the section dealing with commodities, which ties up our merchant marine at the dock and says to the nations that are able to some here and pay for these goods, if they pay cash, that they may come and get them, it will stop the necessary imports and this Nation will be up in arms in 30 days demanding repeal of that provision.

Now, who can say they are the sponsors of this commodity section? I want to read to you the testimony of the Assistant Secretary of State before the Senate committee on this subject:

> There is another thing that is quite important; that is, the more legislation you put on the statute books which tends to tie the hands of the Government, the more definitely you advertise to war-minded nations what they can count upon when war occurs.

That, to me, points out the danger of the immediate effect on world trade of the adoption of this section regulating trade in commodities.

It goes on to say:

> There is another consideration. I do not think we ought to enact domestic legislation which will induce all the other nations of the world to channel their trade to other markets than the American market, expecting that a war may occur and that they will be forced to deal with other countries. As, for instance, they will be forced to go to Brazil for cotton instead of coming to the United States.

Nowhere can you find the State Department in favor of this commodities section. I point out to the House that the chairman of the Committee on Foreign Affairs himself said on this floor that if he had his way all reference to commodities would be left out of this bill. With that in view, when the bill is read under the 5-minute rule, I am going to offer an amendment to strike out section 4.

The CHAIRMAN. The time of the gentleman from Oklahoma [Mr. FERGUSON] has expired.

Mr. FISH. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. BOILEAU].

Mr. BOILEAU. Mr. Chairman, all of us, of course, have very definite convictions with reference to the more controversial provisions of the pending bill and of the Pittman bill. In the time at my disposal this afternoon I want to address myself to a provision in the McReynolds bill that I believe should be amended, and to an amendment that I propose to offer at the proper time, which, I feel, should not be controversial. The provision to which I call attention is section 5 (a), appearing on page 23 of the bill. The bill provides that whenever the President shall have issued a proclamation, and so forth, it shall be unlawful—

> To solicit or receive any contribution for any such government or political subdivision or any person acting for or on behalf of such government or subdivision.

I submit, Mr. Chairman, that this provision would prohibit American citizens from soliciting or contributing to a fund to be used for the purpose of turning over to any government engaged in war medical aid or assistance, or even food or clothing, for noncombatants. I appreciate the fact that this language of the bill is subject to different interpretations. I know the distinguished chairman of this committee takes the position that it would not necessarily restrict the operations of committees or groups in this country who wanted to give medical aid or assistance, or food and clothing, to noncombatants, provided they did not make the contributions to the government engaged in the war. If they made the contributions directly to the government, they would, of course, be prohibited under the language of the McReynolds bill; but I submit to the distinguished chairman of the committee and to the members of the committee that there are times when an agent of a government involved in war is about the only person to whom citizens of this country could make contributions.

Obviously, any person who would be willing to carry on the responsibility of distributing this food or this medical aid and assistance would necessarily be one who was very definitely in the conflict on one side or the other, and the language of this bill would prohibit the use of those agencies even though the money solicited and collected in this country were used only for medical aid and assistance or for food and clothing for noncombatants. I propose, therefore,

at the proper time to offer an amendment which I feel will meet the views of those interested in this subject matter and accomplish what should be a proper policy for us to pursue.

On page 24, line 2, after the word "subdivision", I would add the following language:

Except for the purpose of providing medical aid and assistance or for the purpose of providing food and clothing to relieve human suffering among noncombatants.

I believe this language is such as to carry out a policy that we should all agree on; in other words, Americans could solicit funds or contribute funds in this country for medical aid or assistance either to combatants or noncombatants, but in the matter of food and clothing it would go only to those men, women, and children who were not actually combatants.

[Here the gavel fell.]

Mr. FISH. Mr. Chairman, I yield 1 additional minute to the gentleman from Wisconsin.

Mr. BOILEAU. Mr. Chairman, I submit that even though we are as sincere as I know all of us here are to prevent this country from becoming involved in war, although we abhor war, I do not believe that we should pursue a policy that will prohibit American citizens from contributing of their own means for the purpose of helping suffering humanity in other countries in the event of war. I do not believe we should do anything that would get us involved in war from the standpoint of participating in the conflict, as I believe in real neutrality and I am in favor of neutrality legislation. I believe we should go as far as we can to guarantee neutrality. However, I do not believe that in the name of neutrality we should forget those finer instincts of humanity and close our eyes to the suffering of men, women, and children who are in need of medical aid and assistance and those men, women, and children who are not actually fighting and who need food and clothing if we have citizens in this country who are willing to volunteer a part of their own wealth to that humane cause. [Applause.]

[Here the gavel fell.]

Mr. FISH. Mr. Chairman, I yield 5 minutes to the gentleman from Oregon [Mr. MOTT].

Mr. MOTT. Mr. Chairman, this bill, the McReynolds neutrality bill, has been so thoroughly discussed that I imagine nearly everyone has made up his mind as to what he intends to do about it. I take this time to discuss it not so much with the hope that I may be able to persuade others to my own views upon it but rather for the purpose of making a record of those views, and thus to indicate them a little more definitely than the record of the vote alone would indicate them.

At the outset, Mr. Chairman, I desire to congratulate the members of the Foreign Affairs Committee and its distinguished chairman, the gentleman from Tennessee [Mr. MCREYNOLDS], for the painstaking study they have given to the subject of neutrality and for bringing in a sincere, carefully thought-out legislative proposal. I also wish to congratulate the Members of the House upon the nonpartisan manner in which they have carried on this discussion. To me this has been one of the most refreshing and purposeful of all the debates I have listened to since I have been in Congress. Furthermore, the committee is to be congratulated for bringing out legislation of its own. This legislation did not originate in the executive department, as has been the case with so much of our major legislation. It was not sent here with an order from the White House to pass it. This legislation actually was evolved here in Congress, where all legislation ought to originate; and I hope the present consideration of this bill under these happy circumstances may portend a return by the Congress to its original function as the lawmaking body of the Nation. Too long has the Congress in matters of major legislation been merely an adjunct of the executive department of the Government. Let us hope that from now on other committees of the House will follow this example of the Committee on Foreign Affairs and that they will make and write their own bills upon the legislative problems over which they have jurisdiction.

Now, as to the merit of the proposal reported to us by this committee. I think there are parts of this bill which are excellent. Section 3 could not be improved on in my opinion. It handles the matter of arms embargoes to belligerent countries plainly and definitely, and its provisions are mandatory. If I had my way about it I would go a little bit further even than section 3, and I would prohibit the shipment of arms and munitions to any country at any time. I think the United States could well afford to not allow the exportation of war materials under any circumstances, and I think an amendment to that effect would improve and strengthen the bill.

I believe the requirements in the bill prohibiting the citizens of the United States from making loans or extending credit to belligerents is a good provision. That certainly will tend to keep us out of war. The provision prohibiting American citizens from traveling on belligerent vessels in time of war is also sound, and that provision by all means should be retained.

Now, it seems to me those are the proposals of the bill which we all pretty generally agree upon and which nearly all of us think should be enacted into permanent law. But it also seems to me that when we go further at this time than the enactment of those particular provisions we are venturing somewhat into the realm of speculation and are entering upon an uncharted sea of legislation. For the present, might it not be a good idea to simply take those parts of the bill that we are generally already agreed upon, enact them into law now, and defer action upon the more speculative portions of the bill until a later time? That, it seems to me, would be the part of wisdom and good reason under the circumstances.

Mr. Chairman, I have the further thought that if it is going to be the policy of Congress in event of war between foreign nations to lay an embargo upon commodities other than war materials, as provided in section 4—if that is to be the policy of the Congress in the future—then it seems to me that the proper thing for the Congress to do would be to lay down that policy in a mandatory law, leaving nothing to the discretion of the President, but simply providing that the President shall execute and enforce the law when the emergency arises.

I doubt both the wisdom and the necessity of giving to the President the wide discretionary power that would be vested in him under section 4 if this bill should become law. Such discretion, if exercised in certain emergencies, might well tend to involve us in war rather than keep us out of it.

This is new and experimental legislation. Let us not move too hastily to enact the entire proposal into law when there is no real necessity for haste. Let us enact that part of the bill which is mandatory and which we nearly all agree is necessary. Let us defer action for the time being upon that part of the bill which is entirely speculative and experimental and which gives to the President discretionary power to put into effect a far-reaching neutrality policy upon which the Congress itself admittedly is not agreed.

Mr. FISH. Mr. Chairman, I yield 4 minutes to the gentleman from Washington [Mr. COFFEE].

THE M'REYNOLDS BILL IS SUBJECT TO FOUR OBJECTIONS

Mr. COFFEE of Washington. Mr. Chairman, in the brief time allotted to me I shall not have time to yield for any questions.

There are four objections to the McReynolds bill, as I view the matter, and I will state them as briefly and as hastily as I can.

One of them is the fact it contains an interdictment of medical aid, food, and humanitarian help to friendly democratic governments menaced by Fascist foes from without. In other words, the effect of this bill is to aid the Fascist group that is now invading Spain and it comforts and gives benefit to those Fascist forces that are trying to destroy friendly democratic governments everywhere.

Second, the McReynolds bill is discretionary neutrality and not mandatory neutrality. In that respect I prefer the Pittman bill.

Third, the McReynolds measure provides for the exemption of the American republics from the provisions of the bill. In this respect it contains a provision which is entirely incompatible with the very word "neutrality." If we are going to undertake the defense of the existing governments in South America, we will have to acquire one of the largest navies on the face of the earth, and I shall not subscribe to any doctrine—which may be advocated by the big-army and big-navy people of this country and all the jingoes that fill the daily newspapers with editorials—to provide an excuse for them to encourage us to authorize larger appropriations than ever before for our Army and Navy. You cannot have neutrality and at the same time say that neutrality bill will not apply to the existing South American governments, all of which, south of Mexico, are military dictatorships.

The fourth objection I have to the bill is that it contains no embargo or peacetime quota for the sale of raw war materials. Why should we not embargo the sale of war munitions to any country on earth in time of peace? Or do we prefer to make a profit on the sale of munitions to these countries? Why is it that the Wall Street market now reflects the sale of war munitions to Great Britain, to France, Italy, Portugal, and to Germany at this very time? Why is it the price of copper has gone up? Why is it the Steel Corporation is more docile to the demands of organized labor than formerly? Is it because they are selling so many more steel products and munitions now to the bellicose nations of Europe than heretofore?

WHY NOT A PEACETIME QUOTA OF ESSENTIAL WAR MATERIALS?

Mr. Chairman, if we believe in real neutrality why do we not do what the Pittman bill, introduced in the last Congress, provided for? That is, for a peacetime quota on the sale of raw war materials and only permit the sale of such raw materials to the belligerent nations as have been shipped to them in a certain number of preceding years, this to be prescribed by the President of the United States? I hope someone will introduce an amendment limiting the sale of raw materials to a peacetime quota. This provision is advocated by Stephen Raushenbush, special investigator for the Senate Munitions Committee. The wartime quota proportion, to combat the war-boom psychology, is advocated by every peace-loving organization in the United States.

The objections to the bill, which I have just enumerated, reflect in whole or in part the attitude of the American League Against War and Fascism, Foreign Policy Association, the Women's International League for Peace and Freedom, National Council for Prevention of War, the Emergency Peace Foundation, American Youth Congress, and the leading liberal organizations in the United States, all of which have pointed the finger of objection against the McReynolds bill on the ground it neither embargoes the sale of raw materials, which could be made into war materials, nor does it limit it to a peacetime quota.

I. WHY PENALIZE FRIENDLY DEMOCRATIC GOVERNMENTS?

Let me briefly amplify my first objection. I read from Norman Thomas, who wrote in a letter to myself the following:

> In particular we denounce the section of the McReynolds bill which seeks to stop the collection of any funds, even for feeding children, for either side of the Spanish struggle. In effect, this will hurt only the loyalists, for whom practically all funds are being raised. This is an utterly unprecedented and unwarranted extension of governmental power, without tenable excuse, over the conscience of Americans who want, like their forefathers, to support the cause of justice and peace. It will make the Spanish struggle more, not less, an issue in American politics. It must be defeated.

The following people and organizations urge that section 5 of the McReynolds bill be defeated: Washington Commonwealth Federation; Methodist Federation for Social Service; United Christian Council for Democracy; the Nation; the New Republic; the Witness (Episcopal magazine); the New York Daily Post; the Philadelphia Daily Record; the Friends of Spanish Democracy; the American League Against War and Fascism. Recently a group of 98 liberals, including Albert Einstein, Dr. John Dewey, ex-Congressman Vito Marcantonio, Prof. Paul H. Douglas, Mrs. Lorado Taft, Prof. Robert Morss Lovett, among others, convened and issued a statement, to which all affixed their signatures:

> We desire most ardently to continue to be good neighbors to the men, women, and children of friendly democratic nations. To aid the Spanish people now is in accord with our historic traditions and with the demands of justice and mercy. We desire most emphatically to record our opposition to those sections of the bill proposed by Congressman McREYNOLDS which would add to the recently adopted neutrality bill a prohibition against solicitation of funds in the United States to aid the women and children of Spain.

NUMEROUS LIBERALS DENOUNCE PROVISION AGAINST SOLICITATION OF AID

Among the leading and most brilliant liberals and intellectuals in America will be found Bishop Francis J. McConnell, of the Methodist Church; Bishop Robert L. Paddock, of the Episcopal Church; Devere Allen; Historian Harry Elmer Barnes; Alfred Bingham; Columnist Heywood Broun; Sherwood Eddy; Rabbi Stephen S. Wise; Dr. Cannon, of Harvard; Dr. John Siegerist, of Johns Hopkins University; Corliss Lamont; Gardner Jackson; Bruce Bliven; Prof. Henry Pratt Fairchild; and novelists John Dos Passos and Waldo Frank. These and scores of others, including the most profound students of international relations, have inveighed against section 5 of the McReynolds bill because it, in effect, puts this country in alliance with the Fascists who, with the brazen aid of two foreign dictatorships, are attempting to tear down the existing democratic Government of Spain.

The Pittman bill contains no such prohibition against the solicitation of funds for the benefit of women and children.

The McReynolds bill is highly significant and dangerous to world peace, and, a fortori, lends actual encouragement to Fascist aggression, in that it fails to distinguish between defender and aggressor in foreign civil or international wars.

II. MANDATORY NEUTRALITY PREFERRED

I object strongly to the McReynolds bill, in the second place, because I believe that the burden of deciding upon policies of neutrality rests upon the elected representatives of the people and should be mandatory, as opposed to the discretionary powers provided in the instant measure. In this objection to Presidential discretionary powers in neutrality I am bolstered and encouraged by the categorical opposition to discretionary neutrality evidenced by the attitude of leading peace organizations in the United States. Particularly bitter was the opposition of many of my home people to discretionary powers, as shown by a vote taken at a meeting held in the city of Tacoma, Wash., on February 8, 1937, when 997 members of an audience gathered together under the sponsorship of the Emergency Peace Foundation voted for mandatory neutrality as contrasted with 3 only who voted for discretionary neutrality. A brilliant young man in my State of Washington by the name of Calvin J. Nichols has repeatedly urged upon me bitter opposition to any provision in neutrality bills which accord to the President, or to any individual, latitude or discretion in the matter of banning munitions or materials of war. Mr. Nichols has rallied thousands of earnest citizens in my congressional district behind him in this stand. No matter how much one respects our President—and I honor and admire him tremendously—no human being in the President's chair can be expected to carry such a load without making a mistake. The Congress should decline to confer upon any President such a tremendous power, carrying within itself peace or war at the stroke of a pen.

III. WHY EXEMPT SOUTH AND CENTRAL AMERICAN REPUBLICS FROM NEUTRALITY LAWS?

Section 11 of the McReynolds bill attempts to apply the Monroe Doctrine to neutrality. It states that "this act shall not apply to American republics engaged in war against non-American states * * *." In other words, we shall legislate with respect to munitions with reference to our trade with all the world except South American republics. Personally, I believe this provision in the bill contravenes neutrality and is altogether incompatible with our purported peace-loving attitude toward the world. Why enshroud these countries with protection while refusing to

sell munitions elsewhere? The Monroe Doctrine is not international law. It is a statement of national policy. Former Senator Bingham, of Connecticut, while a professor at Yale, wrote a monumental work entitled "The Monroe Doctrine—An Obsolete Shibboleth", in which the whole fallacy of underwriting South American dictatorships is explained. In his book-writing days, prior to his inoculation with the virus of conservatism in the Senate, Senator Bingham resembled somewhat his brilliant son, Alfred, in his international outlook.

Personally, I dislike to see our country linked in any way with the Fascist republics of South America, which would lend encouragement to the spread of fascism and military dictatorship already too prevalent in Central and South American countries.

IV. THE PUBLIC DEMANDS AN EMBARGO OR PEACETIME QUOTA ON SALE OF ESSENTIAL WAR MATERIALS

My fourth objection to the McReynolds bill is based upon the failure of this measure to provide for regulation or embargo of the sale and shipment of essential—raw—materials of war. To my mind this is a vital and decisive omission in the McReynolds and Pittman bills. Both bills allow the building up in our country, as in 1914–17, of a vast trade in everything except munitions, and the President is not authorized to stop it. His authority is limited under both bills to the prevention of the transportation in vessels of American registry of such articles and materials as he may name. The McReynolds bill, unlike the Pittman bill, contains no prohibition upon arming of American merchant vessels. In the McReynolds bill it is discretionary with the President to prohibit American citizens traveling on vessels. There is no provision as to aircraft. Whereas in the Pittman bill there is a prohibition—with exceptions—on American citizens traveling on vessels, or aircraft, of belligerents. In the Pittman bill no materials whatever shall be allowed to leave the country until all ownership and interest in them have been transferred to the foreign purchaser. While in the McReynolds bill the requirement that title shall pass to foreigners—as in Pittman bill—shall be invoked only when the President so decides.

DO WE CANONIZE WAR PROFITS?

In other words, by virtue of pending neutrality measures, America may sell raw or essential materials of war which directly contribute to the success or failure of the belligerent in time of war, provided title passes to the purchaser, and/or the goods are shipped in vessels flying a foreign flag. The bills should contain a provision limiting the sale of such materials to the same amount as was sold to the country prior to its engaging in war. Such a provision would eliminate war booms, the principal cause for war.

The McReynolds bill fails to take the profit out of war. It merely provides we may continue to do an abnormal business in the sale of raw material providing the vendees thereof pay cash therefor on the barrel head and ship it in their own vessels. Why not embargo or limit the sale of such material? Do we put dollars above human lives? Are we so interested in war profits that we would lay the trail again to the spot out of which escape is impossible? Have we forgotten the lessons of the World War?

WORLD WAR EPISODES SHOULD EDUCATE US

Our neutrality policy on loans to belligerents proclaimed in August 1914 was changed in the summer of 1915, due to the pressure of the war boom then enveloping our entire national economy. (Vid. Senate Munitions Committee report: Senate Rept. 944, pt. 5, on existing legislation, ch. IV, pp. 59 through 65. On pp. 64 and 65 will be found the now famous Lansing letter to President Wilson outlining the alternative of panic to the country unless the ban on loans was dropped.) The then Secretary of the Treasury, McAdoo, wrote to President Wilson on August 21, 1915, a letter in which he points out the prosperity which the Great War trade was bringing to the United States and the necessity of permitting large loans to the Allies in order to continue this prosperity. (Vid. exhibit 2219, in pt. 26 of the Senate Munitions Committee hearings on World War financing.)

President Wilson and Secretary of State Lansing made a proposal to the Allied Governments in the World War to humanize submarine warfare by making allied merchantmen carry no mounted arms and insisting that the German submarines apply the international-law rule of visit and search. The Germans insisted they could not do this as long as enemy merchantmen were armed and attacked them. Although Wilson and Lansing said they thought it a just and reasonable way of attempting to settle the submarine controversy, or at least help remove the reason for the submarine sinkings without warning, the plan was dropped when England indicated her opposition to it. At the time our Ambassador in London, Page, cabled to Washington that if we insisted on it England might have to cut down very materially on her war orders here. Here we have the same old snarl—the threat of hurting our war trade, which had grown to great proportions by January 1916, when the proposal was made. In fact, the reason the United States failed to take a firm stand against Great Britain because of her seizure of our ships and illegally interfering with their cargoes may be found in the Senate hearings, where there is set forth a long memorandum of the Department of Commerce in October 1916 pointing out that for the United States to use retaliatory powers against England "would be more detrimental to our own war trade than to the British."

More than $7,000,000,000 worth of American securities are now foreign owned. There is no telling what they could do to start a first-class war boom here in case of a European war.

WE CAN AFFORD TO FOREGO WAR TRADE

It is generally contended that this country cannot afford to take steps to hold trade down to normal in time of a foreign war. This absurdity may readily be controverted by the retort that in any war of major size we would lose, always, the trade of those belligerents who have no access to our ports. In the next war we may thus expect to lose the trade of Germany and Italy. That business approximates $250,000,000 a year. In normal times, with no neutrality law, we would offset that loss many times over by additional sales to England and France, assuming these latter to have control of the seas. If normal peacetime quotas are enacted, we could make up the loss by increased trade with Latin America. I am convinced that England and France are going to have more of their merchantmen sunk in the next than in the last war and are going to concentrate the rest on the short travel routes. We will get most of the British trade in South America. In any event, the sum of $250,000,000, less than the cost of the W. P. A. for 2 months, is insignificant compared to our expenditure in a war we would inevitably enter, because we would not dare let the war boom collapse.

WHY PUT TRUST IN "CASH AND CARRY"?

The cash-and-carry policy so much stressed in neutrality debate has not been a deterrent to trade. Most of the war material trade shipped in 1914–16 was carried in foreign bottoms, not American. Great Britain's vast holdings in American securities here now provides sufficient cash to buy at once without the need of loans. The people of America feel strongly about the sale of munitions. We refuse now to abolish the sale of munitions to foreign countries. We refuse in time of war to eliminate the sale of essential war materials, merely circumscribing such business with cash-and-carry and foreign-flag requirements. If we make it possible for a boom period in the raw materials needed for war preparation, all of the good intentions in the world will not be able to prevent our being inveigled into the next war. It would serve as an excellent chance for an entering wedge for propaganda of all sorts. If we leave a loophole in neutrality legislation, so that war trade is encouraged, by the time war breaks out we will be so tied up commercially that we will follow the same path we took in 1914–17.

Americans have a naive faith in the power of laws. Frequently one hears the expression "There ought to be a law." I have no such puerile confidence in the preventive qual-

ities of legal enactment. If the American people can be hysterically moved by a furore of war fever, no neutrality laws on earth can stay their course.

The test of neutrality is the willingness of our lawmakers to extirpate war profits. We fail to do this in the pending neutrality bills. [Applause.]

Mr. FISH. Mr. Chairman, I yield 4 minutes to the gentleman from Louisiana [Mr. ALLEN].

Mr. ALLEN of Louisiana. Mr. Chairman, ladies and gentlemen of the Committee, I do not appear before you to discuss the question of neutrality with the view of bringing to you any superior wisdom or any great knowledge upon the subject, for I confess that the question of neutrality is to a great extent more or less novel with all of us and that many, including myself, have a very limited knowledge of the subject. The able chairman and members of the committee have unquestionably worked very diligently upon this question, and I do not wish to question their sincerity or their patriotism. Surely it is the desire of the Members of this House to pass such legislation as in our opinion will more nearly keep us out of war.

I think the bill presented to us by the committee is, on the whole, very good. I believe that it represents a very serious effort to achieve the objective that is so much to be desired, namely, the prevention of war. I much prefer to be in absolute harmony with the committee and I regret that in this case I find it impossible for me to agree with the provisions of the bill now before us. I shall support some amendments which will no doubt be offered, but, after all is done that can be done, the bill in all probability will have my support for final passage.

MAIN DIFFERENCE BETWEEN THE PITTMAN BILL AND MCREYNOLDS BILL

As a new Member of this House I was not privileged to have the benefit of the discussion incident to the passage of the present neutrality law, but I have endeavored to analyze the McReynolds bill and I have tried to compare it with the Pittman bill which the Senate has passed, and I have hurriedly scanned the hearings held by the House committee. While perhaps some of us would like to see even the Pittman bill go further than it does, it probably represents the best neutrality legislation that can be obtained at this time. It therefore becomes necessary to ascertain the differences between the two bills. When boiled down to its last analysis, it appears that the material difference is the question of discretion. The Pittman bill provides for a so-called mandatory neutrality, although even it gives the President very wide discretion. The McReynolds bill provides for a purely discretionary neutrality. Mr. Chairman, in the deep South, from whence I come, we have an expression when speaking of a fence, to "make it hog tight and bull strong." I wish to make it as nearly impossible as can be for us to be drawn into war. My firm conviction is that mandatory neutrality will go further to achieve this than discretionary neutrality.

FREEDOM OF THE SEAS—ITS COST IN DOLLARS AND MEN

The greatest objection to mandatory neutrality, if I correctly understand the remarks made on the floor of this House, is the age-old question of the freedom of the seas. We are asked if America now proposes to turn about face and renounce this principle. Let us see where the so-called principle of freedom of the seas has carried us. Will anyone deny that this principle was largely responsible for our entry into the World War? Where is the home in this land that has not been vitally touched by the hand of fate in dealing with this question? Need we recount the billions of dollars that we spent in the World War? Is not the memory of the billions still owed us by Europe fresh in our minds? Are not the battlefields of Europe filled with precious American manhood sacrificed in an effort to perpetuate it? Where is the home in America that does not have some vacant chair, some maimed or crippled father, some blighted life, resulting from the World War? Who respects the principle, anyway, when war comes? We all would like to have real freedom of the seas, but do we in fact have it?

HUMANITY BEFORE PROFITS

My friends, the trouble with us in America is that we look too much to the dollar. Despite the carnage incident to the World War we do not yet seem to realize that we must place men before dollars—humanity before profits. It seems to me that America must establish once and for all the higher principle that humanity comes before profits. Our trouble is that we want neutrality, but we do not want it to interfere with our profits. Sacrifice is always hard to make. We try to hold on to our trade with one hand and to write a neutrality bill with the other hand. We must remember—yea, we should have remembered—that we cannot have our pie and eat it. The price of greed is written on European battlefields in American blood so clearly that none can fail to understand. Shall we continue our mad rush for profits? Shall we insist on trading when and where and with whom we please at the cost of human lives? Or shall we forego some trade, some profits, for peace? Such peace can be had with honor.

WE NEED MANDATORY NEUTRALITY

The McReynolds bill places an embargo upon implements of war, and that is good. They tell us that under the bill the President has the discretion to forbid other commodities being exported to belligerents in American ships, and so he has, but therein lies the trouble. We are called upon here to say to the President of the United States that he and he alone shall fix the limitations and exceptions to the law; that he shall decide what commodities can be carried in American vessels, and to whom and when; that the cash-and-carry provision shall depend upon the limitations and exceptions he alone shall determine. Is this neutrality? Mandatory neutrality announces to the world beforehand that we will not take any direct action that would hurt or help either side in a conflict. Discretionary neutrality enables the President, after the conflict has started, to say what our course shall be, what shall be shipped. Is it not entirely possible—yea, even probable—that such discretion, such decision, after a war has started might be interpreted as a hostile act? Certainly everyone must see that any such act—for instance, an embargo on cotton or on steel or on copper—will vitally affect one of any two nations that might go to war. Can anyone argue that the nation so adversely affected would not be offended? I repeat, is that neutrality? But if we should declare beforehand, declare now, by legislative edict that if countries want to fight they can expect us to take no part whatsoever, not even to the extent of permitting American ships to carry goods to the belligerents, and providing for a purely cash-and-carry trade, such as the Senate bill provides, then they would know definitely what to depend upon, what our course would be, and no one would have any right to complain.

DISCRETIONARY NEUTRALITY PLACES TOO MUCH POWER IN HANDS OF PRESIDENT

The Constitution gives to the Congress the right and responsibility of declaring war. May I digress here to say that I strongly favor letting the people who do the fighting decide whether or not they want to fight. That would go further to eliminate war than anything else that I know of. But this bill proposes to place in the hands of the President the unprecedented power of alone determining the course of this Nation in the event war breaks out among other nations.

As pointed out before, his discretion in forbidding the exportation of materials might certainly lead to war, and it is therefore tantamount to the President of the United States alone having the power to declare war. I am unwilling to place upon the shoulders of any man this very grave responsibility. We have never yet in America had any President on whom the Creator has bestowed wisdom enough to discharge the responsibility of declaring war. In the United States we have gone far toward delegating authority to the Chief Executive, but I do not believe that the American people have reached the point where they would place in the hands of any Chief Executive the power to determine the destiny of the flower of American manhood. Moreover, everyone knows that in our great complex governmental system the President must necessarily rely upon the advice of some subordinate. Some minor official, in the State Department, for instance, might be watching the course of battle between two powers and might recommend a course

that would lead to war. Here we would have the case of a minor State Department official guessing wrong, and thus perhaps another world war would follow. The risk is too great. Who wants to take the chance? Mandatory neutrality would prevent such an error.

Effort has been made, without actually asserting it, to create the impression that the bill now before us is an administration bill. Let us look at that phase of the matter for a moment. I think it may be said that the administration has not endorsed this bill. I note in the hearings on page 25 where Mr. Hackworth, of the State Department, said:

Mr. Chairman, I think I ought to make it clear to the committee that the State Department is not advocating any particular bill. We are merely here to try to be helpful if we can, in answering any question that might be in your mind. But we are not advocating any particular legislation, and I would not want that impression to go out.

Again the next day Mr. Hackworth said to the committee:

As I said yesterday * * * the Department is not advocating any particular bill. Neither this bill nor the bill in the Senate should be regarded as the Department's bill.

Can anyone, in the face of these plain statements, contend that this is the administration bill? Mr. Chairman, the Senate of the United States has passed the Pittman bill, which is far more mandatory than this bill and far more satisfactory. The proponents of the McReynolds bill seem to be much opposed to the Pittman bill. May we not with equal, or greater force, contend that the Pittman bill in the Senate was the administration bill? Did not the Pittman bill pass almost unanimously? Do we not find administration stalwarts in the Senate supporting that bill? Certainly, Mr. Chairman and members of the Committee, we have a right to support the principle of either one of these bills without criticism from any source for our position.

Ladies and gentlemen, in conclusion let me express the hope that a benign Providence will lead the Congress to do the thing that is best for the American people, and regardless of what the outcome of this bill might be I feel that every Member wants to outlaw war. Give us a neutrality law "hog tight and bull strong." [Applause.]

Mr. FISH. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. VOORHIS].

Mr. VOORHIS. Mr. Chairman, in general, I agree with the point of view expressed by the gentleman from Connecticut [Mr. KOPPLEMANN], and, if I understand aright, the amendments which he suggests, I probably shall vote for them.

May I express the hope that the chairman of the committee will accept the suggestion of the gentleman from Wisconsin [Mr. BOILEAU] for an addition of language to the section which forbids solicitations and collections on behalf of foreign governments. And may I say that I am in agreement with practically everything said by the gentleman from Oregon [Mr. MOTT].

I should like to pay my sincere compliments to the Foreign Relations Committee for the long hours of hard work and earnest thought they have given to the drafting of the measure which we are now considering.

SOME MISTAKEN IDEAS

I want to remove some misconceptions. First, the legislation before us does not imply—no neutrality legislation implies—a weakening of national defense. It should not and does not mean that you weaken your own defenses merely because you do not jump into every fight.

Second, no one can be certain that even the strongest possible neutrality measure, which I am afraid this measure is not, will keep America out of war. This is only one of the things we need to do. There are many others. Indeed, partly as a measure of national defense, partly as a means of minimizing war in the world, I would be for prohibiting the export of munitions, arms, and implements of war at anytime, in peace or war. If we did this, it is charged other nations would arm more than they do now. That is not true. They are arming now as much as they can afford to do. The limit is their pocketbook. Our refusal to sell munitions would not make that pocketbook any bigger.

The people expect us to do our best for peace. We can do no less if we keep faith with them.

COURAGE, SACRIFICE, THE PRICE OF PEACE

Third, I have been much disappointed to hear so much talk in the debate which, all boiled down, amounts to this: "How can we avoid war and still not make a single sacrifice of any trade or any rights or anything we like to do?" The answer is, "We cannot." And if we try to frame a law along those lines, it will not be any good as a peace measure. We can only keep out of war if we make sacrifices commensurate with that great objective. It is a great and courageous objective, not a cowardly one, as some suggest. Civilization is at stake. Some nation, some people has got to save it. And I think the nation that saves civilization will have to be one that remains at peace. The only cowardly thing is to try to make war profits and still keep out of war. The price you pay for making war profits is, always has been, and, I think, always ought to be war itself. We know what happened the last time we made war profits.

I am desperately eager to keep America out of war. Therefore, I am interested in a type of neutrality legislation that will make war profits and a war-trade boom impossible. If it takes embargoes on munitions, loans, and credits, as it will, I am for that. If it takes embargoes on materials used in making munitions and articles used directly in the conduct of war, I am for that. If it requires keeping American vessels out of the war zone, I am for that; but neither of the bills provides for it. A cash-and-carry provision is, I know, a compromise. It is a compromise which we are compelled to accept because we believe we cannot succeed in cutting off all trade with belligerents, and it is a compromise because, even if we could do so, we do not want to prevent even belligerents from getting food, medical supplies, and things like that. It is the best we can do.

NEUTRALITY MUST BE A CONGRESSIONAL POLICY

The fourth misconception has to do with what neutrality is. It means treating everyone alike. It means that we in Congress adopt a policy and program to accomplish that. It cannot mean that we say in our legislation to the President, "Now, you can do thus and so or not do it, as the circumstances seem to you to require."

It seems to me unfair and impossible to expect any President to keep us neutral if he is put in the position of deciding when to apply cash-and-carry and where, when to let submarines into our ports, or whether or not to let American ships carry materials of war. We in Congress have got to take some responsibility. We have got to stand for a program. If it does not work, we have got to change it. But do not let us pretend we are giving our people a neutral policy when all we are really doing is leaving everything up to the President after war has already begun.

AN IDEAL FOR AMERICA

So much for clearing up misconceptions. Now, let me state my position. I want America to have adequate national defense. I want her to protect the integrity of the American republics. But I do not want her to finance or supply any war any place. There are two reasons: One is that I want to keep our country at peace, and I think the absence of war profits and the prevention of a war boom is a necessary condition of doing that. The other reason is that I do not want my country to encourage war in any way. Rather, I want her to make it just as difficult as possible for war to be carried on anywhere in the world.

OBJECTIONS ANSWERED

Now, I know all about the arguments on the other side. The best one of all has to do with cotton. People say, "If you cut down your trade, the cotton farmers will suffer." Well, they will. Because cotton is the one great American product of which we export a very large percentage. We cannot escape the real problem of cotton. Suppose in order to carry out our desire to keep peace we had to seriously curtail our cotton exports. What then?

Well, I suppose there are 2,500,000 cotton farmers in the Nation at the outside, because there are 6,800,000 farm operators, including owners and tenants, in the whole coun-

try. Now, do you realize that there are about $11,000,000,000 of unpaid war debts still owing to the United States? Forget the cost in human life, forget what America paid directly for the last war, forget the just payments of bonus and compensation and pensions to our veterans—just take unpaid war debts. And with just that part of the cost of the last war represented by unpaid war debts we could pay every cotton farmer in America $1,000 a year for 4 years, which is far, far more than he makes on the average today. That perhaps would be part of the cost of keeping the peace. It would be a just expense. It would be worth it 100 times over.

At this point I should like to insert in the RECORD a very brief article on this subject by Henry A. Wallace, Secretary of Agriculture, which appeared in the March issue of Forum Magazine, and which sets forth a plan for enabling America to keep the peace.

LOCKING THE GATE

By Henry A. Wallace, Secretary of Agriculture

In the following statement I am writing, of course, in a personal capacity and I do not know whether these views are shared by my colleagues in this administration. Furthermore, these personal ideas spring from my close relation with agriculture. I have seen how war distorted the farmer's judgment as to prices of his products and of his land and how, ultimately, farmers pay a larger price for war than most other groups.

Absolute avoidance of participation in a European conflict can probably not be assured, short of complete isolation from Europe in trade and finance if such a war should occur. This would call for an immediate educational effort to contrast the problems arising from participation with those arising from complete nonparticipation.

These problems could be met—but only if we were willing to accept some peacetime equivalent of wartime Federal power to permit the expenditure of a small portion of the $40,000,000,000 it would cost to participate in a war. Given the requisite Federal legislation, along the lines adopted for agriculture and industry in the 1933 emergency, and a five- to ten-billion-dollar fund, it would be possible (1) to offset the loss of industrial exports without creating industrial unemployment by reducing the hours of work per week; (2) to develop domestic substitutes for those products we now import from Europe; (3) to expand domestic consumption of industrial and agricultural products now exported by developing new outlets and financing distribution to the needy and to other low-income groups; (4) to organize production-control programs coupled with storage programs for such commodities as cotton and wheat, thus creating the basis for an ever normal granary and a reasonable supply of both wheat and cotton available for Europe's needs during the reconstruction period after the war; (5) to engage in other activities aimed at taking care of temporary or permanent unemployed, organizing for new occupations, and proper use of leisure.

To me the heart of this whole effort is to prevent a war-trade boom. The heart of this effort was expressed in the National Democratic platform, which read in part:

We shall continue to observe a true neutrality in the disputes of others—to guard against being drawn by political commitments, international banking, or private trading into any war which may develop anywhere.

We are not—we cannot be if we really want peace—trying to pass an act that will only keep us out of war if it does not interfere with our trade to do so. If we want to be sure to protect our trade and profits, then we might as well quit trying to pass a neutrality or a peace measure. If America wants trade and profit more than peace, the whole effort is hopeless. For it is obvious that the war system cannot be broken even for one nation as fortunately situated as the United States without real sacrifices being made.

A DEFINITE CHOICE

We therefore must take our choice between unlimited trade and peace. We have to take steps to prevent our country being brought into a position where she has obligations to her own citizens or her customers which can only be discharged by entering a foreign war. If we are not willing to do that, then we ought honestly to say so and admit that we are willing to go to war again to protect trade and commerce. There will be cry enough to try to get us to do that.

Can it be that we have so soon forgotten how many people would like to have agreed with William Jennings Bryan in 1917, but felt they could not because the *Lusitania* had been sunk with Americans on board? Can it be that we are so short-sighted as not to see that our job is to prevent such incidents as the destruction of American lives or property in order that men like Bryan may next time get a hearing from the Nation before their position has been rendered untenable?

There are countless Members of this House who tell us they will never vote to send American boys across the seas to fight another war, though all of us are at one in our determination to defend our homeland. But if you would not send American boys across the seas to fight—as I would not—then to be consistent it is necessary for us to serve notice now that any trading by our citizens, or any travel by our citizens, or any shipping by our citizens which is carried on as war trade in a search for war profit is, so far as the United States Government is concerned, of entirely secondary importance to the protection of the lives of its citizens and the maintenance of peace.

And if you do not want an embargo on materials of war as well as munitions, if you do not want a cash-and-carry provision, then what is the alternative? Clearly it is to convoy cargoes across the sea, to send not only American merchantmen but also American men-of-war to Europe or Asia. And what will happen? Will international law protect them? No; we will be drawn into war, and the war will be overseas. And then we will be confronted with the choice of either voting to send American boys across the seas or else saying that we are going to back down from our high and mighty freedom-of-the-seas position. And you know and I know which the choice will be under such circumstances. American blood will be shed on foreign soil again. And so if we are to stick to our determination not to send Americans across the oceans to fight other people's wars, then we must be ready to cut American war boom trade to fit that determination.

THREE ESSENTIAL CHANGES

I believe the committee has made real progress. Were this not so vital a matter, and did I not feel so very deeply that here and now may be our last good opportunity to write into law an effective measure, I should make no suggestions at all. There are, however, three changes which I believe so essential if the legislation is to accomplish the purpose of preventing the war boom and drawing America through private trading into a war that I cannot but speak of them.

WE SHOULD EMBARGO ALL WAR MATERIALS

The first change which seems to me important has to do with the "articles or materials" which, under section 4 (a) of the McReynolds bill, the President has power to forbid American ships to carry. It has been my understanding that these articles and materials are placed in a separate section from the "commodities" in the cash-and-carry section, because it is desired to give the President power to specially restrict shipment of materials which either go directly into the manufacture of munitions or are used directly in the business of destruction itself. I think such articles and materials ought not merely to be banned from American ships, but ought to be embargoed altogether. My own bill describes them as "articles or materials used in the manufacture of arms, ammunition, and implements of war or in the conduct of war."

I agree that it is necessary to leave to the President the drawing up, adding to, and perhaps subtracting from this list. But once on the list, I believe, these materials, which are really in the same class as munitions, ought to be embargoed like munitions.

There would, of course, under these circumstances be every reason for the President not to include anything in the list except such articles and materials as he felt impelled to include. Certainly he would not include food or medical supplies, and my own bill specifically provides that he could not include them. But certainly he would include things which from time to time appeared to be essential to the conduct of actual warfare, the manufacture of airplanes, guns, poison gas, and the like.

Both the Pittman and McReynolds bills merely forbid American ships to carry these materials of war, and the McReynolds bill compels the President to decide when and where to forbid even that. I can see no reason for letting any ships carry them. We might as well do the same with munitions, which, obviously, would defeat the whole purpose of our legislation. No. If we allow these special war industries to blow themselves up like great balloons and to

fatten by the sale of materials which go into direct war use, those great balloons will one day burst in our faces and we shall find them filled with poison gas.

The second of these changes is that we must have a mandatory cash-and-carry provision for commodities not embargoed either as munitions or materials of war. I know the objections to it, but I believe them nowhere near as weighty as the reasons why it should be included.

It is charged that with a cash-and-carry provision other nations will bring their naval vessels close to our shores to protect shipments of goods. But the question may well be asked whether anyone suggests that, if we do not have a cash-and-carry provision, we should convoy shipments of our goods to belligerents. If we do, we are on our way into war. If we do not, there will be exactly as much reason without cash and carry for a belligerent power to send its battleships close to our shores as there would be with cash and carry. The only difference is that in one case Americans would own the goods and in the other case they would not own them. In both cases the goods would be destined for a belligerent; and they would be as useful to the consignee and as dangerous to his enemy in one case as in the other; and if you say, "But belligerents will be afraid to sink ships with American goods on them for fear America will go to war in retaliation", then I reply that you have answered your own argument by admitting that, if Americans retain ownership of the goods, we put ourselves in a position where we are likely to be drawn into war at any moment. It would be no easy task for a nation to keep a large part of its navy off our coast. What would the enemy navy be doing meanwhile? What would be happening in their own home waters? Remember, in this very act it is provided that our ports may be closed to belligerent submarines and armed merchantmen, as well as battleships and cruisers. Remember, also, that from a practical standpoint the control of the seas will, in all probability be very quickly decided and conflicts in American waters are the remotest of possibilities. And what is to prevent our moving the so-called 3-mile limit farther out to sea?

Why does cash and carry need to be mandatory? Not because I lack faith in one of the greatest of all American Presidents—Mr. Roosevelt. Not because I lack faith in one of the greatest Secretaries of State we have ever had—Mr. Hull. No; I believe cash and carry must be mandatory; first, because Mr. Roosevelt will not always be President; second, because it is unfair and unjust to expect a President to carry the whole burden of imposing this restriction; and, third, because unless we now provide for mandatory cash and carry I am afraid it will never be invoked at all. Why do I believe this? Let us consider what would happen.

Suppose a war breaks out. At once our stock market booms. At once war orders pour in. If for even 1 week we go ahead on the old basis of filling these orders and protecting our goods bought on credit until they reach their destination, our President will find it virtually impossible to change this condition in the face of a public opinion mad with the thirst for war profit. No; it must be stopped before it starts—this protected war trade—or it will never be stopped at all.

Let me call the Members' attention to the fact that both the Senate bill and the McReynolds bill absolutely forbid lending of money or advancement of credit to belligerents. How then would they buy from us if not for cash? And if they are to pay cash on the other side of the ocean, why not on this side? Unless we enforce a cash-and-carry provision, unless we restrict sales of goods to belligerents who will pay for them when they get them, the strain on our prohibition against loans and credits will be tremendous.

And so I think unless we have mandatory cash and carry we will find it impossible to enforce the prohibition against loans and credits and our whole neutrality structure would collapse.

Section 2 (b) of the Pittman bill, a mandatory cash-and-carry measure, does not forbid American ships to carry ordinary peacetime commodities. All it says is that title to goods must pass to a foreigner before goods are shipped, and that no loss incurred by the owner of the vessel carrying the goods shall be made the basis of a claim by the United States. In other words, it says that American shipowners carry such goods to any belligerent at their own risk. How will this interfere with our shipping with Canada? The answer is very little. It is true the title to goods shipped to Canada would have to pass to a Canadian before the goods crossed the border. I do not believe this would apply to toilet articles or bicycles, nor that courts would construe a person to have exported goods to Canada if he took his pipe there or failed to cross the border naked. But even if "little Chester" could not take his bicycle to Canada without giving it to the boy he was going to visit, I would be willing to sacrifice little Chester's bicycle to the cause of American peace. Even with a cash-and-carry provision, does anyone seriously think our trade with Canada would be curtailed? Where would Canada go for her goods even if she did have to pay cash for them? Would she go to Greenland, Siberia, Austria, or where? Trade with Canada is based on her closeness to us. We will be just as close with a cash-and-carry provision. Of course, we would not sell to Canada the articles we had embargoed, but our trade in other commodities would go on almost as before.

THE WAR-MAKING POWER

Moreover, if the President is to be given discretionary power to apply cash and carry in some cases and against some belligerents and not against others, then our neutrality is a mockery and our bill is not a genuine effort in that direction. Moreover, such a provision does, in effect, surrender to the President the war-making power of Congress. I cannot see how giving him discretion in drawing up the list of materials of war does so, but I certainly do think that leaving it to him to decide when and where to invoke cash and carry would definitely give him the power to render war inevitable on one side or the other.

It is a matter of no small importance, however, that there will be without question greatly increased opportunities for trade with neutral nations—especially South America—in case of war elsewhere in the world. And in this way we can quite possibly largely compensate for the loss of trade elsewhere.

GIVE PRESIDENT POWER TO KEEP AMERICAN SHIPS OUT OF DANGER ZONE

The third change that I believe essential to make is the inclusion of a provision, omitted in both bills, which would empower the President to forbid the entry of American ships into the war zone, or certain parts of it, if he deems it necessary. Under both the Pittman and McReynolds bills American ships can carry goods which are not on the President's list of materials of war. This provision is in my bill and reads as follows:

RESTRICTION OF AMERICAN SHIPPING

SEC. 10. Whenever, during any war in which the United States is neutral, the President shall find that the maintenance of peace between the United States and foreign nations or the protection of the lives of American citizens would be promoted by prohibiting American vessels from traversing waters within the zone of belligerent operations, and shall so proclaim, it shall thereafter be unlawful for any American vessel to depart from any port or place which can be reached only by traversing those waters adjacent to a belligerent state which are within the zone of belligerent operations except in accordance with such rules and regulations as the President shall prescribe.

WHAT SHALL AMERICA DO FOR PEACE?

I hear some of my idealistic friends asking this vital question, "What, then, is America to do for world peace? Is not the policy you advocate a purely selfish one?" My answer is this: First, I admit I care a great deal more about my own country than I do about any other. I conceive my first duty in this matter is to keep America at peace. But I also believe America cannot only make a tremendous contribution to world peace but that in so doing she can make even more secure her own peace.

If war comes, America will be the world's largest neutral. I believe we can do great good by building up a bond of unity among neutral nations, by encouraging them as much as possible to isolate the war and help bring it to a speedy end. I think we can push our neutral trade. Remember, we are not talking about weakening our national defense—at least, I am not. But I do not believe we can reform the world.

We tried it out once or twice and failed. Neither do I believe we can pick out aggressor nations with very much assurance that we will be right or fair. If one boy has three loaves of bread and another none, and if the second boy is hungry, he may start a fight and be an "aggressor." So with nations.

But there is another and better way. We can set an example to the world, an example of a nation that means what it says about wanting to be a good neighbor. The gentleman from Illinois [Mr. DIRKSEN] told us the other day that the first step to peace was the removal of friction between nations. I agree with him. And the main problem in the world lies in the unequal distribution of sources of food and raw materials and of markets. For this reason I believe a world economic conference would do more good than a world disarmament conference, and that America's contribution to world peace should be made not by trying to reform the world or pick out aggressor nations but rather by herself acting in a manner which if adopted by other nations would lead to peace. One way we can do this is by refusing to finance or supply or make money out of any war anywhere. And another way is by a sincere application of the good-neighbor policy enunciated by the President, which means that we will not interfere in the internal affairs of any other people.

This implies a certain cost and sacrifice. It involves getting our marines out of China. It involves giving the Philippine Islands what they want—free, full independence. It means getting our whole military establishment out of the Philippines. Yes; it involves facing up to the fact that it is as bad to cling to empire as it is to covet it. We have made a good start at this. It means being willing to carry on trade freely as Norway and many other practically unarmed nations have done instead of forcing it on the world. We have made a start at this, too. This good-neighbor policy means something else. It means that to some extent at least our own men of money would be dissuaded from moving businesses and money out of the United States to foreign nations, there to take advantage of cheap labor to undersell their own or other people's factories at home. This very process led to the moving of Britain's cotton trade to India and the aggravation of her unemployment problem at home.

FOR PEACE: LET US SACRIFICE AND SHARE A COMMON LOT

I can understand the abhorrence which some Members of the Senate expressed of an America growing fat on war profits, but taking no responsibility for the safety of goods leaving our shores. But I have no such picture in mind. My picture is not of an America growing fat while she avoids war. Mine is the picture of an America growing slender because of her sacrifice for the sake of peace. If we grow fat, as we did in the last war, we will go to war from the sheer shame of it. If we do our duty, however, and refuse to supply or finance war, though we lose money, and if we share the common lot together here at home, then perhaps there is hope for America, hope for peace here, and through America and peace, hope also for civilization.

Let us pass a mandatory cash-and-carry provision and an embargo on materials of war as we now have on munitions. Let us keep America at peace. Let us convince the people of the importance of their choice. The key to the whole matter will lie in our own public opinion. Our task is not only to pass an effective law but to show our people the difference between the sacrifice of some trade and war profits on the one hand and the wholesale disaster and destruction of human life on the other. They will make their choice if they have the facts before them.

With our eyes open, our defenses sure for our American homeland, deceived neither by the beautiful idealism of those who hope for peace at one bound nor by the blind fatalism of those who tell us it can never come, let us take those steps which America can now take for peace, let us remove our Nation from every imperialistic position, let us determine we will never seek to profit from war and human suffering again, and let us demonstrate that America means what she says when she declares it to be her policy to be a good neighbor and to renounce interference in the internal affairs of any other nation.

Mr. FISH. Mr. Chairman, I yield 4 minutes to the gentleman from Minnesota [Mr. TEIGAN].

Mr. TEIGAN. Mr. Chairman, there is little doubt that every Member of this body is today in sympathy with the general plan of neutrality on the part of our country in the case of a foreign war.

The attempt to be neutral as to the quarrels of others is, however, not so easy in view of the fact that every normal human is apt to be sympathetic with one side or the other. It is but natural, indeed, that those of us who believe in democracy in our country should have a feeling of sympathy with those other nations of the earth who have established some measure of democracy. Thus it is that the overwhelming majority of the American people sympathize with the Spanish people in their present struggle against the forces of reaction and fascism.

BILL CONTAINS WEAKNESSES

The bill before us has several serious weaknesses, in my opinion. These have been discussed by other Members of the House, and will no doubt be discussed further by Members who have not yet spoken on the measure. I desire to discuss briefly section 5 of the bill, which would, in practical effect, prohibit associations and organizations of persons from raising funds and otherwise contributing to the aid of the victims of war. I cannot believe that Congress is going to place its sanction upon such a provision. The least that we, the members of American democracy, can do for our brethren in Spain is to give aid to those of their people who have fallen victims to an undeclared war upon them by the two large Fascist powers of Europe—Germany and Italy. Yet this would be forbidden by the provision referred to.

CONDUCT TOWARD SPAIN REPREHENSIBLE

Our conduct in reference to Spain has been, in my opinion, most reprehensible and contrary to the general practice of this country toward friendly governments. All aid to the Spanish people was cut off under the resolution adopted on the second day of the present session.

Let us take a look at this situation and justify it, if we can.

The Spanish civil war, so-called, is not such in actual fact. It is in reality a war between the forces of democracy, represented by the Spanish Government and its people on the one side, and the forces of fascism and nazi-ism, represented by the Governments of Italy and Germany on the other. There is not even any doubt as to this. There is every reason to believe that the revolt against the Spanish Government was initiated in the first instance by Hitler and Mussolini. Yet their Governments were not adversely affected by the embargo on arms, ammunition, and implements of war because they are not officially at war with the Government of Spain. There has been no official declaration of war by either Germany or Italy against the Spanish Republic.

FASCISTS FIGHT SPAIN

Observers from the war zone have time and again called attention to the fact that there were large forces of German and Italian soldiers, airplanes, and other military equipment in use on the side of the rebels. The New York Post, commenting upon the recent fall of the city of Malaga, stated:

> If the Fascists are victorious, there may be none left alive except Germans, Italians, and Moors to give the Fascist war cry "Up Spain."

Even the conservative Washington Post, on February 10, editorially corroborated the view expressed by the New York Post. I quote:

> The fall of Malaga is Mussolini's and Italy's war. The capture of Malaga is their victory, and in all probability the Fascist Spain they are seeking to establish will be their Spain.

DR. BETHUNE DESCRIBES FLIGHT

This so-called Spanish civil war is one of the cruelest in history. The recent fall of Malaga to the rebel forces and the flight of the population of that city to Almeria, 100 miles distant, forms the basis for one of the most tragic events of modern times.

On February 18 the Washington Evening Star published an Associated Press dispatch from Valencia, Spain, quoting Dr. Norman Bethune, of Montreal, head of the Spanish-American Blood Transfusion Institute, on the flight of 150,000 men, women, and children from Malaga, which he described as "the most terrible evacuation of a city in modern times."

A "TERRIBLE EVACUATION"

Dr. Bethune's statement in full reads as follows:

Imagine 150,000 men, women, and children setting out for safety to a town situated more than 100 miles away, with only one road to take, on a journey requiring 5 days and 5 nights at least.

There was no food to be found in the villages, and there were no trains or busses to transport them.

They staggered and stumbled, with cut and bruised feet, along the white flint road, while the Fascists (insurgents) bombed them from the air and from the sea.

There were thousands of children.

We counted at least 5,000 under 10 years of age, at least a thousand of them barefoot and many clad only in single garments.

The incessant stream of people became so dense we barely could force our cars through them.

We met so many distressed women and children we decided to turn back and start transporting the worst cases to safety.

But it was difficult to choose which to take.

Our car was besieged by a mob of frantic mothers and fathers who, with tired outstretched arms, held up to us their children, with their faces swollen and congested by 4 days of sun and dust.

How could we choose between a child dying of dysentery and a mother stolidly watching us with great sunken eyes carrying against her open breast her child born on the road 2 days before?

Many old people simply gave up the struggle and laid down beside the road to wait for death.

We first decided to take only children and mothers. Then the separation of fathers and children, husbands and wives became too cruel to bear. We finished by transporting to Almeria the families with the largest number of children and children without parents.

On the evening of the 12th, when the little seaport of Almeria was completely filled with refugees who thought they had reached a haven of safety, German and Italian airplanes dropped 10 bombs in the very center of town, where refugees were sleeping huddled so closely together on the main street that an auto could pass only with great difficulty.

After the planes passed I picked up three dead children from the pavement where they had been standing in line waiting for a cup of preserved milk and a handful of dry bread, the only food some of them had for days.

The street was a shambles of dead and dying, lighted only by the orange glare of burning buildings. In the semidarkness the moans of wounded children and the shrieks of agonized mothers rose in a massed cry higher and higher to a pitch of intolerable intensity.

FASCISTS MASSACRE REFUGEES AT ALMERIA

The massacre of the helpless refugees at Almeria seems all but unbelievable in these times. It merely shows to what extremes the Fascist monsters leading a wild mob of uncivilized Moors will do to the workers when the latter rise to throw off the yoke of economic and mental enslavement.

But the record would not be complete without reference to the part played by that much advertised angel of the battlefield—the International Red Cross. As in Russia during the counter revolution, the Red Cross has done nothing to aid the victims of capitalism's atrocities. "The Red Cross has done nothing about the belabored people of Spain," writes Ernest H. Hemmingway to the New York Post (Jan. 14, 1937). "We ought to have some service here. I have yet to hear about a Red Cross ambulance being seen in this war."

CONGRESS MUST AID HELPLESS VICTIMS

It is bad enough that Congress should have imposed its unjust embargo conditions upon the Spanish Government and its people, but to deny aid to the victims of the Spanish war itself seems contemptible. The least we can do as a nation boasting of our friendship for the cause of democracy is to permit persons interested in that cause to render medical and other aid to the helpless victims of an undeclared war by the pirate crews of Hitler and Mussolini. [Applause.]

Mr. FISH. Mr. Chairman, I yield the balance of the time to the gentleman from Washington [Mr. HILL].

Mr. HILL of Washington. Mr. Chairman, one of the issues raised in this debate is freedom of the seas. To support this issue it is said that freedom of the seas is a more than century-old policy. Does age make a policy wise and sacred? We are living in a time of change, and I for one want to make a change for the better.

To the north of us is a friendly nation. To the south of us is a friendly nation. To the east of us is the Atlantic, separating us from Europe. To the west of us is the Pacific, separating us from Asia. We are safe within our own borders, but the moment we insist on freedom of the seas we are reaching out into all parts of the earth and are vulnerable to all attacks, and we must take the consequences.

It is my contention that if we insist on freedom of the seas we will get into another war as surely as we got into the World War. You need only remember the *Lusitania*. I admit that trying to protect the loans of our international bankers was also a factor in getting us into the World War, but the impelling cause was our insistence on freedom of the seas.

Mr. Chairman, they talk about being too proud to fight. I pray God we may some time be too sensible to fight.

Another gentleman says we must have a navy equal to the navies of England and of Japan. I say, let Great Britain and Japan follow their own courses. They have navies of aggression; we need one only for defense. All we need here is a navy large enough and airplanes sufficient to protect ourselves. I for one believe the American people will give millions for defense of their homes, but not one cent for war trade on the high seas, or for the purpose of protecting loans and property in other countries.

I am opposed to the discretionary power given to the President in section 4. It is too dangerous. I supported Woodrow Wilson in 1912, and I am proud I did so. I supported him again in 1916, and I was proud, because he said he kept us out of war. Just as soon as he was reelected he rushed into war.

The pathetic thing is that this great man went to Versailles and forgot his 14 points. He surrendered to European diplomats instead of standing on his own feet. This is discretion.

I supported Roosevelt in 1932. I was proud to do so. I supported him again in 1936, and I was proud to do so. He is for peace, it is true; but discretion, I repeat, is a dangerous power to give any man. He has said in his speeches recently that now is the time. Yes, now is the time to have mandatory neutrality. Now is the time to keep our heads and to have our feet on the ground and to decide this question once for all—shall we keep out of all wars in the future? [Applause.]

The gentleman from Texas [Mr. JOHNSON] cited several instances when Presidents had brought on war by indirect action—the sending of our Navy to foreign waters, and so forth. It is that kind of discretionary power in one man that I oppose. The Constitution gives power alone to Congress to declare war, and we should deny our Chief Executives thus to bring on by indirect action the terrible calamity of war. Rather let us enact a constitutional amendment to refer this matter of war to the people who must fight and pay the bill, except in actual invasion of our own country. Thus will we advance toward peace, the hope of humanity. [Applause.]

Mr. FISH. Mr. Chairman, I yield to the gentleman from Georgia [Mr. PACE] such time as he may desire.

Mr. PACE. Mr. Chairman, I have been in my seat every minute since this question came before the House, beginning at 12 o'clock last Friday. I have listened to every argument and have been greatly benefited by the discussion.

My close attention has been prompted by the fact that I am deeply interested in the subject of peace. I want to contribute in any and every way I can toward insuring the neutral position of this Nation, and, aside from my personal views, I know that the people of this Nation want to remain free from the great conflict of arms which now seems to be rapidly approaching.

I want a peaceful nation, a people engaged in the pastimes, pleasures, and profits of peace, enjoying the comforts and contentment that come to one when assured that his or her fireside is safe from the horrors of war and secure from a call to arms.

War is a game that has never produced a winner. The victor in such a conflict may have defended a foreign investment or conquered a weaker adversary, but its own dead, wounded, destruction, and debt overbalance all gains that come from victory.

Civilization has not yet found a sure prevention of war. Racial hatreds, commercial rivalry, religious differences, personal aggrandizement and sordid selfishness produce such passions that the plans of the peaceful-minded are helpless against them.

But our failures in the past must not discourage or deter us from continued effort. Let us accept peace as our ideal and direct every effort toward that end, remembering that "our ideals are like the stars, we may not succeed in touching them with our hands, but like the seafaring man on the mother of waters, we choose them as our guide and, following them, reach our destiny."

And while we work for universal peace let us above all things else, in every possible way, strive to insure the peace of our own people, within our own shores, and keep them forever free from any conflict that may arise between other nations. To that end I believe certain things are necessary.

First, this Nation and those in authority should promote a spiritual revival over our land and embrace the teachings of the Prince of Peace. The doctrines and isms of other lands have now reached our shores and are attacking the very foundations of our Government. The people should be reminded, and we ourselves should remember, that "righteousness and truth exalteth a nation" and "blessed is the nation whose God is the Lord."

Secondly, and as we proceed in the fear of God, we should try to protect ourselves and should provide and maintain an adequate national defense. A navy the equal of any that ride the seas; an army sufficiently trained and equipped and of sufficient size to quickly prepare for the service whatever forces may become necessary in an emergency. We have the richest nation on earth; our fertile fields, our enormous natural resources, minerals, ores, and oils; our high standard of living; our great expanse of territory and over one-half of all the gold in the world, make us the object of envy, and in some instances of hatred, of every other nation on earth, and I believe it is most necessary for our peace and security that we maintain adequate national defense, so that the world may know that we are in position to defend ourselves in any emergency.

Third, as a step toward peace, we should take the profits out of war. Never again should we permit our manufacturers and munition makers to make millions out of war profits while our boys are serving in the trenches at a dollar per day. The disclosures before the Nye Investigating Committee of the Senate show that the selfish greed for profits contributed in a material way toward our entry in the World War, and we should now, in advance, put those who place personal gain above peace on notice that should this Nation ever go to war again it shall be conducted without private profit to anyone.

Fourth, I believe another necessary step toward peace is the adoption of the policy of universal service; that is, write it into the law now that upon a declaration of war, it will not be just our boys who must make the sacrifice, but every man, every dollar, every manufacturing plant, every munition factory, and every other resource of this Nation will pass into the service and contribute toward the early and victorious conclusion of the war. I believe that if we can let the selfish and profit pirates understand right now what will be expected and demanded of them it will put them to work for peace instead of seeking to promote international discord.

As a fifth step toward peace, it is my conviction that the time has come to close the door to all aliens and foreigners entering this country and to take immediate steps to deport every man and woman who has not accepted this as their homeland and sworn allegiance to our flag. Many fine people have come to our shores from other lands, they have accepted our customs and our form of government, have taken the oath of allegiance, and stand ready to defend this Nation in time of need; but there are millions of others who resent all authority, hold our laws in contempt, enjoy the privileges of our freedom, crowd our relief rolls, and all the while owe allegiance elsewhere and actively and openly solicit support for their native land. Not only is their presence a menace to the peace and security within our own borders but a constant threat to our international relations. Let us make America safe for Americans.

And in the same connection we should discourage and, if necessary, restrain the formation of different societies and groups whose sole object is to condemn or approve the authorities or form of government of other nations. We should deserve and demand the respect of all nations, and in return we should require our citizens to respect other nations. The groups which are now forming in this country are certainly not contributing toward a peaceful state.

And last, but by no means least, definite progress toward peace can be made by insuring the absolute and unconditional neutrality of this Nation, as among and between all other nations. We neither want nor need more lands; we neither want nor need more natural resources; we envy no nation nor covet their possessions. We neither suffer their hatreds nor have concern for their past defeats. We recognize their intrigue and understand their selfishness and insincerity. Let us tell them in plain and unmistakable language that if they must fight we shall have no part in it nor make any contribution toward it, but shall remain neutral and go about our own business.

That brings us to the resolution now under consideration. Does it contribute toward our neutrality?

The authors do not claim it is perfect; the State Department has not approved it in its entirety; I presume the President is waiting until the bill goes to conference before letting his wishes be known. But, in my limited knowledge of international affairs, I believe it is a step in the right direction, and I intend to support the resolution.

It prohibits the sale of arms, ammunitions, and implements of war to belligerents. It places with the President the control of other commodities useful in time of war. It prohibits American vessels from transporting arms, ammunitions, and implements of war to nations at war. It prevents American ports from serving as a base of supply for the ships of belligerent nations and prevents such ships from entering our territorial waters. It prohibits citizens of the United States from traveling on the vessels of nations at war. It requires the registration and attempts to control those who manufacture or deal in arms, munitions, and implements of war.

I believe that these provisions and prohibitions will help control and prevent the causes and conditions which lead to war and will contribute toward the neutrality of this Nation. Of course, it will largely depend upon the manner in which the act is executed by the President, and while this bill grants additional authority to the Chief Executive, he is already vested with the power to direct our foreign affairs and is Commander in Chief of our Army and Navy. No one else is better fitted to execute this bill than the President, and I know that the present occupant of the White House hates war and is devoted to peace. We must trust to the people the election of future Presidents with the same high purposes and noble aims.

Mr. KLOEB. Mr. Chairman, I yield 25 minutes to the gentleman from Connecticut [Mr. SHANLEY].

Mr. SHANLEY. Mr. Chairman, for 3 years we have been discussing neutrality and the American people have been brought into focus on this subject in a way that has never been equaled in our history. Seemingly, to my mind—and I have spent some time on this subject—had the facts of the World War presented today been known we would have kept out of that war.

I am vitally interested in the defeat of the Pittman bill, because I believe it is a possible violation of the greatest action we have ever taken—the spearhead for peace—the reciprocal-trade treaties of the State Department and of our administration. The gentlewoman from Massachusetts [Mrs. ROGERS] mentioned this this afternoon, and I was going to ask her at the time if she felt that while there might be some danger in the McReynolds bill, how infinitely much more danger there might be in the Pittman bill.

I know that under international law we have the right to abrogate a treaty any time we wish; but when we are dealing on a reciprocal basis we cannot abrogate and still

retain friendship. I feel that the express wording of the McReynolds bill is the surest guaranty that these treaties will not be abrogated or broken in any way as pitted against the Pittman verbiage.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SHANLEY. Gladly.

Mrs. ROGERS of Massachusetts. I agree with the gentleman that the Pittman bill is infinitely worse in that respect, and also that it brings the war to our shores.

Mr. SHANLEY. I thank the gentlewoman from Massachusetts.

I believe that not only the Buenos Aires treaties but the peace treaties are the spearheads.

Our President has certain power by the words of the Supreme Court, not because of the Curtiss case, but far back in the case of Marbury against Madison, Chief Justice Marshall said that the President of the United States when dealing in foreign affairs is responsible to nobody but his own conscience and his own discretion. He made the same speech in the House of Representatives some years before that. This wide territory that is covered by international relations is positive where it can only be positive in respect of the function of the President of the United States. If we attempt to take advantage of this wide discretion and place in there the mandate of the Pittman bill, which, to my mind, is nothing more than an international Frigidaire with the current turned off, we are going to place in that wide field a little power that may prove embarrassing to the interlocking interests of our President in international affairs. I am not worried about the President of the United States. I believe he has a mandate from the people of this country to fulfill, not only as to his social legislation, but with respect to his attitude toward foreign affairs.

I know of no man in modern history who has such a grasp of international affairs as the Chief Executive now in the White House, and I am willing to trust him. I do not know how far that trust would go in respect of his successors, but this man has got to have discretion. He has worked on a tripartite agreement, and he is working on a disarmament conference; and if it were not for the fact that social legislation right here in America is far more important, I might say to the gentleman who brought up the question today, he would be working on a greater disarmament conference than has ever been held in this country.

I believe, if you examine the thought of the fathers of this country, you will find that those men had a belief and a conviction with respect to some type of international law. International law is not dead, or why would every chancellery, every great newspaper have within its ranks men who know international law? There is not a single problem that arises today but what men have to go back to international law and examine the monumental volumes of Moore and the equally monumental volumes of Hyde, all of which bears witness to the fact that men and nations and governments and peoples must resort to international law.

Later in my talks I will authenticate this view by the remarks of one of our foremost international authorities, Professor Jessop, of Columbia. May I also say that there are two amendments with which I think the bill should be changed. One is a 2-year limit to admit of possible changes after 2 more years of study, and the other to make sure that humanitarian instincts are not violated by section V. I can say that Chairman McREYNOLDS has asked a subcommittee to bring in a change that will guarantee help here.

It is recorded in the Analects of Confucious that the master was once asked what was the most important requisite of government. He answered that they are: First, sufficiency of food; second, sufficiency of military equipment; third, confidence of the people in their ruler.

In response to successive questions as to which one of these three might be dispensed with, he replied, "Sufficiency of military equipment."

Faced with the natural query as to which of the remaining two, he countered with this reply:

> Part with food; from of old, death has been the lot of all men. But if the people have no faith in their rulers there is no standing for the state.

I have faith in our Executive; not only faith but a realizing sense, as the theologians say, of his preterhuman grasp of domestic and foreign affairs. I should rather trust him in today's affairs than any man I know or I have known. It is not a blind or purblind loyalty but a conviction tried on the ramparts of past experience. He is best equipped to carry us through the delicate, manifold, and complicated skein of international relations. Those three adjectives are from the Supreme Court, in Justice Sutherland's decision on the Curtiss case, and they describe what that tribunal thinks of the complexity of foreign affairs.

I am a realist. Perhaps in this instant legislation I am a surrealist. I know as well as you that this committee will adopt either the McReynolds or the Pittman bill. Negatively, I am most concerned in the repudiation of the theory and philosophy of the Senate bill, with its automatic mandates. Positively, I believe that the purpose of both is, of course, similar, in that both seek to keep us out of war and to maintain the peace of the world. Basically, I believe that our greatest contribution to the peace of the world is being hourly demonstrated in the furtherance of our reciprocal-trade treaties, the quick ratification of the pacts and philosophy of Buenos Aires and a recodification of the laws of nations that will especially renovate the doctrine of contraband and make it serviceable in a newer world.

I never think of the situation that confronted us in 1914 to 1917 without referring to the parallel of the early Christians. In the midst of a world dominated by the capricious rule of the Roman Empire this little band avoided contact with the Roman Empire and its governors. They abstained from the responsibilities of office holding and were reluctant to serve in the armed forces. Their thoughts were of another world, for they had little hope from the proud Caesars, who seemed too all-powerful to be resisted and too corrupt to be converted. In the words of another, they were fighting against "institutions, the work and pride of untold centuries of paganism, drawing their sanctions from the gods whom they counted devils." As a result they thought little of the duties of government. Instead they occupied themselves with the virtues and duties of subjects right down to the time of Chrysostom. They shrank from contemplating the burden of power in their beliefs. If they pondered upon the words of Christ, spoken on His last visit to the Temple, 3 days before His death, "Render unto Caesar the things that are Caesar's and unto God the things that are God's", they might have realized that that utterance gave a dignity to the civil power under the protection of conscience. In fact, they were the very protection of conscience; the repudiation of absolutism and the inauguration of freedom. Christ not only gave them the precept but the force to execute it, "To maintain the necessary immunity in one sphere, to reduce all political authority within the defined limits, ceased to be an aspiration of patient reasoners, but was made the perpetual charge and care of the most energetic institution and the most universal association in the world." It energized those sublime martyrs and made them realize that they had worldly duties to perform of transcendental importance.

Our country occupies a similar role. What we learned in the World War, and since, has convinced me that our reciprocal-trade treaties, our great and fruitful good-neighbor gestures at Buenos Aires, our future successful obtainment of a recodification of international law and a sensible agreement on "contraband", alone, will permit us to exert a force and a prestige with concerting nations that will force belligerents to consider the force of neutrals. We will be fulfilling a duty to all other neutrals to uphold the position of a neutral with the prestige and vigorous protests of a great people. Neutrals of the size of America, backed by the

group which is concerned in over 50 percent of the world trade, may well exercise a potency that will be respected by belligerents.

There is a rapidly growing feeling in the world that belligerents have occupied too large a place in the furtherance of their martial ends. Too often they have simply shunted neutrals in a corner and by extension of contraband, paper blockades, violations of the rights of search and seizure, bunker and blacklists, trading trusts, and undue exploitation of the rights of asylum made the world a spawning ground for their bloody aims.

Under the pretense of protection of their own rights they have coveted and then stolen neutral trade.

In the World War, Holland alone had courage, diplomatic prestige, and persistency in successfully defending her rights in a world of terror and supineness.

A country like Norway, for example, which has had but 7 years of war since 1720, and during the 122 years not a single Norwegian soldier has had to fight, views these encroachments on neutral rights with pain and apprehension, for she, too, has her ships sailing the seven seas. She is but one of the many small nations today, too small individually, to enter a vigorous protest, but together might stop this smothering blanketing of the war gods.

Conceivably, under the League of Nations, there could be no such thing as neutrality, at least theoretically. How erroneous that hope is has become only too well known to all except to mention it now and dismiss it. Time and more propitious circumstances may revive it.

On every side there have been evidences of the bitterness of the small powers toward the large powers in the contemplated formation of a neutral nonmilitary block as a distinct counterweight to the major sovereigns. Irrespective of their actual size, these smaller nations do represent a feeling of opposition. Yes; they stand for more, as only last autumn, at the assembly of the League of Nations, they were forceful enough to uphold the principles of international justice, even though the major powers were opposed. It was a bloodless victory and not relished by those powers whose only hope is the maintenance of the status quo. Militantly and with evident ability these sovereignties will not see the great salutary principles of international law jettisoned by their selfish neighbors of size and magnitude.

Belgium is another instance of the determination of these smaller groups to be no longer pawns in the chessboard of the inner selfish concerts.

Thus in our recodification yearnings we have hopeful and willing support on the other side of the Atlantic.

It is a very enervating blow to the theory of collective action, for the smaller nations believe they see the camouflage which has permitted the larger nations using the collective security weapon as a shield for defensive alliances.

Mr. Chairman and my colleagues, like thoughts of a virile peace-provoking philosophy once held this country in its grasp. We were not searching for alliance in those days but, on the contrary, were rather anxious to be left alone.

Let me quote to you what Benjamin Franklin once said and thought, and what Thomas Jefferson, John Adams, and President McKinley approved. First let me, however, tell you that from time immemorial trade has been the real avenue of hope to downtrodden and harassed peoples. The peoples of Assyria and Babylon, the Medes and the Persians, the ancient Egyptians, no less than 90 percent of whom were the abject slaves of their masters, found hope only in ultimate trade or emigration.

Even in the Middle Ages it was the Crusades which opened up trade with the Orient and taught the victims of the feudal system that there was another way of living than by serfdom. Discoveries, too, played their part in this equalization of the world's inequities. But trade brought out the benefits. It will give us a better world.

In Carlton Savage's preparation of the documents touching The Policy of the United States Toward Maritime Commerce in War, volume I, we find the following:

In letters of June 4 and 5, 1780, Franklin offered suggestions for improving the law of nations. Although he approved the principles of the Confederacy of neutral powers, he wishes, for the sake of humanity, that the law of nations might be further improved. He thought it should provide that even in time of war all those who were "employed in procuring subsistence for the species or in exchanging the necessaries or conveniences of life which are for the common benefit of mankind, such as husbandmen on their land, fishermen in their barks, and traders in unarmed vessels, should be permitted to continue their employment without interruption or molestation, and that nothing should be taken from them even when wanted by an enemy, except when a fair price was paid for the same." The statements of Franklin in these two letters contained the idea which made the treaty of 1785 between the United States and Prussia an unusual one in regard to commerce in time of war and marked the beginning of the development of the American principle of immunity of private property at sea.

The first formal presentation of unique American propositions regarding maritime trade was made by the commissioners to negotiate peace to be incorporated in the definitive treaty with Great Britain. Although these two propositions, made on June 1, 1783, were not accepted by Great Britain, they are of interest because of their later history. The first was a development of Franklin's idea for improving the law of nations, expressed in his letters of June 3 and 5, 1780. It provided that in case of war between the two countries "all merchants or traders with their unarmed vessels employed in commerce, exchanging the products of different places, and thereby rendering the necessaries, conveniences, and comforts of life more easy to obtain, and more general, shall be allowed to pass freely unmolested", and that neither nation should empower private armed vessels to destroy such ships or interrupt such commerce. The second proposition was a variation of the idea presented by John Adams in his letter of April 14, 1780. It provided that in case either nation was engaged in war with any other, arms, ammunition, and military stores of all kinds carried by the ships of subjects of one of the parties to enemies of the other should not be subject to confiscation but that ships carrying such goods could be detained and the military stores on them could be purchased by the captors at their full value.

The first American treaty made after the adoption of this plan was the Treaty of Prussia, signed September 10, 1785, by Franklin, Jefferson, and Adams. Article 12 provided that in case of war in which one of the parties was belligerent and the other a neutral, the vessels of the neutral party were to be permitted to "navigate freely to and from the ports and on the coast of the belligerent parties, free vessels making free goods."

Article 13 provided that "the merchandise heretofore called contraband, such as arms, ammunition, and military stores of every kind" could not be confiscated, but that the captor could purchase such merchandise by paying the owner its full value.

This Franklin offered suggestions for the improvement of the laws of nations. He even approved a confederacy of neutral powers, which is virtually what we wish in the recodification of international law, and more at point certainly is what the conference at Buenos Aires portends. He went further and said that even in time of war, we repeat, all those who were "employed in procuring the subsistence for the species, or in exchanging the necessaries or conveniences of life which are for the common benefit of mankind, such as husbandmen on their lands, fishermen in their barks, and traders in unarmed vessels", all should be permitted to continue their employment without interruption or molestation, and nothing should be taken by them, even when wanted by an enemy except at a fair price.

So sage and convincing were his thoughts and words that the treaty with Prussia and this country embodied his thoughts to the fullest, one of the noblest and least known monuments to neutral rights in all history.

The thoughts of Thomas Jefferson, realist and closest to Benjamin Franklin and Washington in common sense, had a similar philosophy. He stated that in our treaty with Prussia we had gone ahead of other nations by declaring that nothing should be contraband. In a letter to the French Minister he clarified the American position on the question whether the flag should cover the cargo. He said he believed it could not be doubted that by the general law of nations

the goods of a friend were free and the goods found on an enemy in the vessel of a friend were lawful prize. In his own words:

Reason and usage have established that when two nations go to war, those who choose to live in peace retain their natural right to pursue their agriculture, manufactures, and other ordinary vocations; to carry the product of their industry, for exchange, to all nations, belligerent or neutral, as usual; to go and come freely without injury or molestation; and, in short, that the war among others shall be for them as if it did not exist. One restriction on their natural rights has been submitted to by nations at peace, that is to say, that of not furnishing to either party implements merely of war for the annoyance of the other nor anything whatever to a place blockaded by its enemy.

If any nation whatever has a right to shut up, to our produce, all the ports of the earth except her own and those of her friends, she may shut up these also, and so confine us within our own limits. No nation can subscribe to such pretensions; no nation can agree at the mere will or interest of another to have its peaceable industry suspended and its citizens reduced to idleness and want. The loss of our produce if destined for foreign markets, or that loss which would result from an arbitrary restraint of our markets, is a tax too serious for us to acquiesce in. It is not enough for a nation to say, "We and our friends will buy your produce." We have a right to answer that it suits us better to sell to their enemies as well as to their friends. Our ships do not go to France to return empty. They go to exchange the surplus of one produce which we can spare for surpluses of other kinds which they can spare and we want, which they can furnish on better terms and more to our mind than Great Britain or her friends.

This is a dilemma which Great Britain has no right to force upon us, and for which no pretext can be found in any part of our conduct. She may, indeed, feel the desire of starving an enemy nation, but she can have no right of doing it at our loss nor of making us the instruments of it.

The persons on board a vessel traversing the ocean, carrying with them the laws of their nation, have among themselves a jurisdiction, a police, not established by their individual will but by the authority of their nation, of whose territory their vessel still seems to compose a part so long as it does not enter the exclusive territory of another. No nation ever pretended a right to govern by their laws the ship of another nation navigating the ocean. By what law then can it enter that ship while in peaceable and orderly use of the common element? We recognize no natural precept for submission to such a right, and perceive no distinction between the movable and immovable jurisdiction of a friend which would authorize the entering the one and not the other to seize the property of an enemy.

It may be objected that this proves too much, as it proves you cannot enter the ship of a friend to search for contraband of war. But this is not proving too much. We believe the practice of seizing what is called contraband of war is an abusive practice, not founded in natural right. War between two nations cannot diminish the rights of the rest of the world remaining at peace. The doctrine that the rights of nations remaining quietly in the exercise of moral and social duties are to give way to the convenience of those who prefer plundering and murdering one another is a monstrous doctrine and ought to yield to the more rational law that the "wrong which two nations endeavor to inflict on each other must not infringe on the rights or conveniences of those remaining at peace." And what is "contraband" by the law of nature?

Either everything which may aid or comfort an enemy or nothing. Either all commerce which would accommodate him is unlawful or none is. The difference between articles of one or another description is a difference in degree only. No line between them can be drawn. Either all intercourse must cease between neutrals and belligerents or all be permitted. Can the world hesitate to say which shall be the rule? Shall two nations, turning tigers, break up in one instant the peaceable relations of the whole world? Reason and nature clearly pronounce that the neutral is to go on in the enjoyment of all its rights, that its commerce remains free, not subject to the jurisdiction of another * * *.

Although I consider the observance of these principles as of great importance to the interest of peaceable nations, among whom I hope the United States will ever place themselves, yet in the present state of things they are not worth a war. Nor do I believe war the most certain means of enforcing them. Those peaceable coercions which are in the power of every nation, if undertaken in concert and in time of peace, are more likely to produce the desired effect.

Over this great interest—our foreign commerce—in which not only our merchants but all classes of citizens, at least indirectly, are concerned, it is the duty of the executive and legislative branches of the Government to exercise a careful supervision and adopt proper measures for its protection. The policy which I had in view in regard to this interest embraces its future as well as its present security. Long experience has shown that, in general, when the principal powers of Europe are engaged in war the rights of neutral nations are endangered. This consideration led, in the progress of the war of our independence, to the formation of the celebrated confederacy of armed neutrality, a primary object of which was to assert the doctrine that free ships make free goods except in the case of articles contraband of war—a doctrine which from the very commencement of our national being has been a cherished idea of the statesmen of this country. At one period or another every maritime power has by some solemn treaty stipulation recognized that principle, and it might have been hoped that it would come to be universally received and respected as a rule of international law.

It adds to the complications arising out of the uncertainty in which this subject is involved, that there is no common tribunal empowered to decide between the independent parties when a belligerent nation interested in the measure undertakes to add a new article to the catalog of contraband, upon the assumption that it has changed its character from a peaceable to a warlike one in consequence of a change in the objects to which it may be applied, either by a revolution in the mode of conducting war or by improvements in the implements used in its prosecution. The pretensions of a prerogative on the part of sovereigns, whether in peace or war—if, indeed, such exist—to decide these questions, except so far as relates to their own subjects, are utterly repudiated by the United States.

All through these extracts we see the hope for a "common tribunal", a "confederacy of nations", and somehow a "league of neutrals." They are refreshing reminders of our needs of today.

Thus thought the great custodian of the rights of the common people, and thus he acted. Later days were to see the thought adopted by Adams, Pierce, McKinley, and Theodore Roosevelt.

One of the great chapters in diplomatic history is our effort to obtain the immunity of private property at sea. We, as an infant and new nation in the family of nations, though we never received recognition by the so-called great powers until after the Civil War, were but following out the principles of Hugo Grotius, whose book Mare Liberum, 1809, was the epochal writing on a fair field for all on the seas:

In gathering the materials of international law, Grotius had to go beyond national treaties and denominational interests for a principle embracing all mankind. From his time it became possible to make politics a matter of principle and of conscience, so that men and nations differing in all other things could live in peace together under the sanctions of a common law.

So spoke John Actor, and continued:

When Cumberland and Pufendorf unfolded the true significance of his doctrine, every settled authority, every triumphant interest recoiled aghast. None was willing to surrender advantages won by force or skill, because they might be in contradiction with not the Ten Commandments but with an unknown code, which Grotius himself had not attempted to draw up and touching which no two philosophers agreed. It was manifest that all persons who had learned that political science is an affair of conscience rather than of might or expediency must regard their adversaries as men without principle, that the controversy between them would perpetually involve morality, and could not be governed by the plea of good intentions, which softens down the asperities of religious strife. Nearly all the greatest men of the seventeenth century repudiated the innovation.

In the eighteenth century these ideas of Grotius, that there are certain political truths by which every state and every interest must stand, gathered potency. From his thought came the base for the Treaty of Westphalia, 1648, the peace of Utrecht, 1713, and even down to the congress of Vienna in 1815. The Westphalian peace gave legal recognition to the existence of many of the conditions set forth by Grotius as did the pact of Utrecht. In the latter the influence of the New World was observable with its mitigation of the severities of Old World diplomacy. While these three covenants of the mighty were but evidence of "the balance of power", they were helpful in resurrecting principles that have become epochal in educating the world to the necessity for freedom of trade and civilized intercourse.

In the later developments this country has played a great unselfish role. If we had not been gorgonized from head to foot by the stony and impertinent stare of the Allies in the early part of the World War, we might have carried neutrality to new heights. All we can say is that neutrality never

had a real chance to function during that Great War, for our predisposition—ambassadorially, departmentally, and in divers other ways—prevented us from standing foursquare for the decencies of the laws of war.

Holland, on the contrary, brave, militant, sure of her rights, was the exact counterpart, and her refusal to allow allied merchantmen to enter her harbor stands out as one of the most glamorous achievements of small nations in the diplomatic history of the war and of the entire gamut of civilization.

In short, the World War saw us unprepared from a diplomatic point of view, from an enlightened, appreciative, public, commercial, and even military point of view, to exert that power which a great nation's prestige and insistence must always possess and will exercise in the future if we are to fulfill a manly destiny.

Let us revert to the great peacetime efforts of our administration in trade penetration.

In the great spearhead of our peacetime attack, the reciprocal-trade treaties, it would be well for us to study the mandatory section of the Pittman bill to test its purposes with the motives of the Hull efforts.

The patient, common-sense method of the Secretary of State to obtain new laterals in his bilateral trade pacts based on reciprocity and the unconditional most-favored-nation treatment have no counterpart in our history for modesty and absence of fanfare. The beloved Secretary, featuring the quiet, noble virtues of accommodation and conciliation, has labored slowly, painstakingly in the vanguard of what may be the greatest peace provocative in history. The immediate benefits are not to be large nor glamorous, and most headliners will pass by the quick, quiet, unobtrusive character of his work; but the Congress of the United States has probably understood, for he has 3 more years in which to effect results unhampered by logrolling and back-scratching sectionalists.

How will the future of this policy of Secretary Hull be aided or perhaps hindered by the following dogmatic, unyielding, and automatic section of the Pittman bill:

It shall be unlawful to export or transport to any belligerent country, or to any country wherein civil strife exists, named in said proclamation or proclamations issued under section 1 of this act, or to any other country for transshipment to, or for the use of, such belligerent country, or such country wherein civil strife exists, any articles or materials whatever until all right, title, and interest therein shall have been transferred to some foreign country, agency, institution, association, partnership, corporation, or national. The shipper of such articles or materials shall be required to file with the collector of the port from which the articles or materials are to be exported a declaration under oath that there exists in citizens of the United States no right, title, or interest in such articles or materials and to comply with such rules and regulations as shall be promulgated by the President. Any such declaration so filed shall be a conclusive estoppel against any claim of any citizen of the United States of right, title, or interest in such articles or materials. Insurance written by American underwriters on any articles or materials, the export of which is prohibited by this act or on articles or materials which are carried by a vessel or aircraft of the United States contrary to subsection (a) of this section shall not be deemed an American interest therein.

In the Honduras, Nicaragua, Guatemala, Sweden, Salvador, Costa Rica, and Switzerland reciprocal trade treaties these are the words used in anticipation of war or maybe—or may we not say in anticipation of neutrality?

Unless otherwise specifically provided in this agreement, the provisions thereof shall not be construed to apply to police or sanitary regulations; and nothing in this agreement shall be construed to prevent the adoption of measures prohibiting or restricting the exportation of gold or silver, or to prevent the adoption of such measures as the United States of America or the Republic of Honduras, respectively, may see fit with respect to the control of the export or sale for export of arms, munitions, or implements of war, and in exceptional circumstances of all other military supplies.

While in the Finland, Netherlands, France, and Canada the following:

Nothing in this agreement shall be construed to prevent the adoption of measures prohibiting or restricting the exportation or importation of gold or silver or to prevent the adoption of such measures as either Government may see fit with respect to the control of the export or sale for export of arms, ammunition, or implements of war, and in exceptional circumstances all other military supplies.

In the Colombia, Brazil, Haiti, Cuba, Panama, and Chile the slight change is manifest in these clauses:

ARTICLE XII. The United States of America and the Republic of Cuba retain the right to apply such measures as they respectively may see fit with respect to the control of the export or sale for export of arms, munitions, or implements of war, and in exceptional circumstances of other material needed in war.

Are the results of these clauses and the Pittman bill to be antagonistic?

Are the salutary hopes of Secretary Hull to be dashed by these automatic barriers?

Even if we must assume that all of these nations are high and contracting parties to their several pacts, are we to assume that they must have anticipated a situation such as the Pittman section above entails?

Even though they as neutrals are apparently meant, can they endure our past sufferances of the breaches of neutrality laws by greedy belligerents and still continue to make these pacts?

Will they have any respect for us in so running to cover?

Can they forget the insolent way that the Allies with England, as their talking point, treated our suggestions on the declaration of London, our weak protests to the council orders of August 20, 1914, and October 9, 1914, our supine acceptance of the third order in council, October 29, 1914, their detention of our ships, defenestration of the prior rules of maritime evidence, their illegal stoppages of mails, their bunker lists, and the countless violations which affected trade to the utmost?

Is it a swashbuckling brutal and ultimate usurpation of our trade?

Here is a point, Mr. Chairman and my colleagues, that too often is not stressed. When we talk of neutrality, we do not stress the fact that each belligerent has a right to expect that each neutral will fight for its rights with vigor and militancy and will not give up with weak protests.

Belligerents have a right to expect a neutral to do more than express "grave concern" or fear that a protested action may "awaken memories of controversies which it is the earnest desire of the United States to forget or to pass over in silence." In short, neutrals, especially those in the smaller power block, have an unquestioned right to demand that we as a neutral will stand on our own feet and not see our prestige and rights frittered away by a dilatory-insolent belligerent. They have a right to hope that departmental, official ambassadors, attachés, representatives of all kinds will be really neutral and not as Siegfried Sasson, the English war poet, so sardonically says in his poem, On Reading an Ambassador's Diary:

That is what diplomacy has left behind,
For after ages to peruse and find
What passed beneath your elegant silk hat.

You were a fine old gentleman; compact
Of shrewdness, charm, refinement, and finesse,
Impeccable in breeding, taste, and dress.

Guest of those infinitely privileged ones,
Whose lives are padded, petrified, and pleasant,
I can visualize you feeding off gold plate
And gossiping on grave affairs of state.

The visionless officialized fatuity,
That made, kept Europe safe for perpetuity.

Everyone wishes to keep out of war, but the Pittman bill before this House, from the other House, attempts to put us in a cyclone cellar by an embargo which insulates our wartime trade under an apparent "cash-and-carry" policy on every "article and material whatsoever" that is capable of exportation. Virtually, we face an economic tailspin at the outbreak of war by the Senate bill. To be sure, we allow our American vessels as well as foreign vessels to come and get whatever materials and articles they wish if not previously outlawed for transportation by the President but the risk entirely and dogmatically rests on the purchasers. There are no "ifs" and "buts", but an outright embargo on these commodities.

We not only abandon the "freedom of the seas" but we leave the seas free to the will, the whim, and the caprice

of every belligerent vessel to perform on them the same vicious, contemptible practices that the Allies applied to our ships and to the ships of other prostrate neutrals during the World War. With all the smugness that characterizes a measure that is a "mockery, a delusion, and a snare", we not only take the profits but we make doubly sure that those who need the commodities most, when roused by an engulfing need, must be able to pay for them and will risk everything to get them. Maybe this is a sure way to shorten a war. If it is, we ought to close our eyes to every war in our history, when such a policy might well have sent us back to a Boston Tea Party status. The Greeks had a word for it, "sciamachy", or "fighting shadows."

With those sincere persons who believe that such a measure will aline us with the so-called masters of the seas, may I point out that while there is an apparent mastery of the seas in at least two occidental nations—I say apparent, because it is only surface mastery, and I might add possibly "superficial"—there are other masteries today under water and in the air.

Surface mastery in one or two or even three might well be neutralized as it almost was in the World War by undersea supremacy or even, as it may, by air supremacy. It would be well for those who are seeking surface combinations to check on the neutralizing supremacies that may well be dormant under and over the seas.

If we wish to aline ourselves with constitutional democracies and quasi-representative governments all over the world, and feel that we must fly to their defense at all times—if we wish to implement the Declaration of Independence, in a world sense—

> Whenever any form of government becomes destructive of the ends, it is the right of the people to alter or to abolish it and to institute a new government * * * when a long train of abuses and usurpations * * * for cutting off our trade with all parts of the world * * *—

Or are we to be the international keeper of all our struggling brothers in the world; if these are our purposes, the American people ought to know them and pass upon them.

It would seem a fair generality that the average man and woman in America wishes to keep out of war much in the same way that our fathers did in our struggling infant days at the turn of the nineteenth century.

Let us not forget, however, the brilliant mozaic of our President in the world panorama. Constructively, patiently, humanely, with a message of good-neighbor policy, he and his State and component departments are strengthening their greatest offensive for world peace by bringing into the combat area of their battle the surest weapons of peace that man has invented or stumbled upon—trade, honest and sincere. "As you sell, so shall you buy", as Frank Simonds says.

Widening and concentrating on world trade is a tremendous undertaking. Underlying it, however, is the hope that we can at all times serve our friends abroad with those articles that go to make up their more bountiful life. England, throughout the ages, has practically guaranteed that she will serve her customers, though within reason, in and out of war and peace, embargoes and blockades.

Latterly her peacetime supremacy has been challenged, for within a decade America has offered real competition, and even Japan has penetrated into the markets of the British Isles with her goods, while the Soviet Union has weathered the English blockade.

As the Chief Executive is engaged on this mozaic with flexible, easily moved parts, must he insert one that will be impossible of movement or insertion and prove a stumbling block? Will this homeless waif of mandatory section be like a solitary remaining cardboard piece in a puzzle, the leftover, the discordant note in the solution of the greater problem?

What about armaments? Can we look the world in the face and with one hand tell them to disarm and then make every neutrality move one that calls for the heaviest kind of armament on merchant ships in defiance of modern progress? Will it allow another mad race more consonant with the madman of Macedonia's polity than a twentieth century nation?

Was Walter Lippman right when he propounded the conundrum of the year in this fashion:

> In the case of a possible great war in the future nobody knows today, nobody in the Senate, nobody in any country anywhere, when it will break out. Nobody knows who will be fighting. Nobody knows who will be neutral. Nobody knows who will be allied with whom. Nobody knows whether it will be fought on the sea, in the air, or on land. Nobody can look into the future and predict the character of the war which Congress is to make laws about. How under these circumstances can any Senator either pretend that he knows enough, that he is sufficiently a prophet to write a law which fixes in advance the correct policy of the United States?
>
> It is well that we study with all the scrutiny and ability of our people the causes of the World War, not that we may keep out of that war, as someone has said facetiously, but as a basis for corrective changes.

It is perfectly easy for critics to say that these remarks constitute the grammar of prophetical ignorance on neutrality but none who has followed Lippman will admit the truth of that charge. He believes that there is not any great liklihood of a great war and that America's distance is her great enchantment. His extended views are emphatic enough to kill the charge of indifference by these same critics. It might be said, however, that like Pontius Pilate, who said what is truth, and then did not stay for an answer, that Walter has suggested the problem but not the response.

As a practical matter any risk transfer or any cash-and-carry system involve the very elements of international exchange. We are to sell our goods at tidewater and the foreign buyers would have to be there with hard cash, gold, or a practical equivalent. Our old clipper ships in days past would leave our shores with their holds full of pieces of eight with which to exchange for silks, satins, and other objects of demand on our littoral shores. Is not this what foreign buyers must do now under the Pittman bill?

Most students are willing to admit that the following correctives embodied in our present law are helpful, certainly not harmful. They are willing to approve them:

Provisions of Neutrality Resolution (RECORD, 74th Cong., 1st sess.):

1. Lays an embargo upon the outbreak of war on exports of arm, munitions, and implements of war to all belligerents.

2. Prohibits American ships from carrying arms or munitions under embargo to any belligerent port or to any neutral port for transshipment to belligerents.

3. Authorizes the President to prohibit travel by Americans on ships of belligerent nations except at their own risk.

4. Authorizes the President to restrict or prohibit the entry of belligerent submarines into American waters or ports.

5. Authorizes the President to restrict or prohibit the carrying of men or munitions from American ports for delivery to belligerent ships at sea.

6. Requires all manufacturers, exporters, and importers of munitions and implements of war to register with the Secretary of State, with provision for licensing of exports and imports. This section of the act will be administered by a national munitions control board, composed of the Secretary of State, as chairman, and the Secretaries of the Treasury, Navy, and War.

Renewal and strengthening of 1935 neutrality law, from Seventy-fourth Congress, second session, RECORD:

Two principal additions were made to the neutrality legislation of the first session. The first prohibits extensions of loans or credits to belligerents, excepting ordinary commercial credits and renewals of existing indebtedness. The second exempts nations of the Western Hemisphere from the provisions of the act when at war with non-American States. When we start these and then jump into additions we are in danger, but let me digress.

International law is not a dead issue. Prof. Phillip C. Jessup, of Columbia, points this out very definitely in a recent article:

> This is a not inconsiderable lay opinion—shared, unfortunately, by some members of the bar—that international law exists only in books. The persons who hold this view would admit that international law issues forth into real life when war breaks out,

but only for the purpose of attending its own immediate and not too decent burial. Without attempting to argue the point at length, we might note that international law is enough of a reality in the affairs of nations to warrant the inclusion of large legal staffs in every foreign office. The opinions of the law officers of the Crown in England, delivered throughout more than two centuries, show that diplomatic proceedings in many important and complex international situations were based upon legal opinions as to whether the course of action planned was legally defensible. It is not daring to assert that in the present Spanish crisis Downing Street and the Quai d'Orsay have taken no step in the matters relating to blockades, arms shipments, recognition, and like matters without first studying the precedents of international law, or that these foreign offices are unique in this respect. What are some of the pertinent legal rules and precedents which all these legal advisers would amass and (one must in frankness add) interpret in support of policies considered desirable on other grounds?

I have said before that international law is not dead, but that it was held in abeyance by us in the World War, and with the single exception of Holland it was not militantly upheld. It seemed we thought it was like—

With useless endeavor
Forever, forever,
Is Sisyphus rolling
His stone up the mountain?

We virtually abandoned the distillations of tried convictions of international precedents in the alembic of 300 years.

In this adoption of a "caveat mercator" policy, as outlined in the Pittman bill hearings, are we not smugly retreating from the main problem, side-stepping as it were, and obtaining our profits by simply shifting the risk? Or is this answer following the line of the least resistance in a world of uncertainty and "confusion worse confounded"?

Because of this underlying influence, the subject matter of the Pittman bill is of the profoundest damage to the future foreign policy of this country. I have always been convinced that our embarkation upon additions or restrictions to the far-flung power of the inherent sovereign right of the President of the United States to deal with foreign problems should be attended by the utmost caution and the most searching of care and study. We must bracket ourselves between "ignorant change and ignorant opposition to change."

Two great teachers in Yale University, one in the law school and the other in the graduate school, gave me a stirring impetus for further knowledge in the field that we are now touching.

Prof. Edward M. Borchard, in International Law, and Prof. Charles Seymour, in the Genesis of the World War, both opened up fields of thought in their two great departments that have been of unusual assistance to me. For the first time, however, I have had an opportunity to again read deeply in their subjects supplementing their great contributions with the new developments that have followed since those happy days.

The field is tremendous. The minority report says that the subject would require the foresight of Washington and the wisdom of Solomon. I might add that it might well necessitate the patience of Job and the life of Methuselah. Obviously there is no organic law that can be labeled "international law" in the American constitutional sense. It is nearer the unwritten law of the English. Yet John Bassett Moore has seven and Charles Hyde two monumental volumes. Interlacing the legal angles are threaded the domains of diplomacy, national philosophies and policies, international currency, treaties, trade, bilateral and multilateral, disarmament and economic conferences, problems of immigration, and other phases too numerous to mention.

The field is so extensive that the Supreme Court of the United States has bracketed the entire field of constitutional decisions with the cases of Marbury against Madison and the latest Supreme Court cases, United States against Curtiss Wright, from Chief Justice Marshall to Chief Justice Hughes.

In the Curtiss case even stronger language is used to emphasize the tremendous powers that the Chief Executive has in foreign affairs. The Court says that, however much the power of the President may be circumscribed by the theory of delegated powers in internal affairs, there is no question but what he has the fullest amplitude of power in foreign affairs. I quote the very words of the Court to indicate their trenchant language.

Not only, as we have shown, is the Federal power over external affairs in origin and essential character different from that over internal affairs, but participation in the exercise of the powers is significantly limited. In this vast external realm with important complicated, delicate, and manifold problems, the President alone has the power to speak or listen as a representative of the Nation. * * * Most competent to determine how, when, and upon what subjects * * * sole organ of the Federal Government in the field of international relations. * * * inquiry within the field of international law must accord often to the President a degree of discretion and freedom from statutory restriction which would not be admissible were domestic affairs alone involved. * * * he has the better opportunity of knowing conditions * * * confidential sources of information. He has agents in the form of diplomatic, consular, and other officials.

If more is needed, we quote:

As Marshall said in his great argument of March 7, 1800, in the House of Representatives, the President is the sole organ of the Nation in its external relations and its sole representative with foreign nations. He is responsible to his own conscience and discretion and the remote electoral vote.

The Court has truly said that the problem of foreign affairs is "complicated, delicate, and manifold." Under this solemn adjudication it behooves us to walk with circumspection when we attempt to carve out of that power chunks of Executive rights so that we may restrict them in the Pittman bill, an international Frigidaire with the current shut off. We have mandatory clauses today in the present legislation, but it concerns a bloody lethal business that none of us doubt needs the fullest of restraint. Even here, to say that the President's proclamation on any one date should continue frozen would be to deprive us of the necessary embargo upon improvements in arms, ammunition, and implements of war. The four new gasses deadlier and more devastating than any predecessor would be excluded—ethyliodacetate, brombenzylcyanide, diphenylchloroarsine, and diphenylcyanoarsine—any one of which would make phosgene and mustard gases of the World War seem like innocuous vapor.

Can we see the needs which may call for quick, critical acts in supercrucial situations as the President with wide powers? You say he has a power that may be abused and yield war. Well, study this extract from two well-known constitutional authorities and then remember that the most communistic of critics who could never be for war said that even the President must depend upon subordinates for information, so that there is little danger of his going awry and putting us into war single-handed:

This clause (article I, section 8, clause 11) expressly gives Congress power to declare war; but hostilities might exist without such a declaration. When we started the War of 1812 with Great Britain Congress formally declared war. The War with Mexico was started by Mexico because our President sent our Army into a region claimed by Mexico and then, after two battles had been fought, Congress passed an act recognizing "a state of war as existing by the act of the Republic of Mexico." We entered the World War April 6, 1917, by a joint resolution of Congress, signed by the President, which declared * * *.

Congress has power to make rules for the government and regulation of the land and naval forces, to appropriate money for the support of the same, and to declare war. The Senate may refuse to approve officers appointed by the President. The President may establish rules for the Army and Navy, provided they are not in conflict with legal rules enacted by Congress or contrary to international law as accepted by the United States judiciary. And the President, as Commander in Chief, has authority to direct the movement of the military and naval forces placed under his command.

Only Congress has authority to declare war, but the President may order troops or naval forces into foreign territory and thus bring on and wage war as long as Congress appropriates money therefor. President Polk sent the Army across the Nueces River into disputed territory and brought on war with Mexico. In 1900 President McKinley sent troops into China to protect the American legation and other American citizens against the Boxers. President Wilson sent troops into northern Mexico in pursuit of General Villa, the bandit; also to Veracruz when American sailors and flag were insulted at Tampico; and to Archangel and Siberia at the end of the World War in an effort to crush the Communist revolution. Presidents have sent marines to Cuba, Nicaragua, Santo Domingo, Haiti, and elsewhere in Latin America to protect American citizens or property or to prevent the intervention of other nations in violation of the Monroe Doctrine.

Powers in the United States in time of peace: In times of peace the President uses the Army and Navy to protect the States from

invasion, domestic violence, and insurrection, and to guarantee them a republican form of government. To give examples, President Wilson sent divisions of the Regular Army and of the National Guard to the Mexican border to protect the border States against the disorders of the Mexican revolution. When the Pullman strike at Chicago interfered with the United States mails and with interstate commerce, President Cleveland sent "Regulars" to protect these Federal functions. When Federal functions are not involved and there is a strike involving local problems only, the President may send military aid into the State if requested by the legislature, or by the Governor if the legislature is not in session. When the Southern States seceded, President Lincoln sent armies of Regulars, State militia, volunteers, and draftees. When civil war threatened Rhode Island in 1842, the President was prepared to send Federal troops to guarantee the republican form of Government * * *.

As early as John Marshall, Presidential omnipotency in the negotiations of foreign matters was recognized. Here is an extract from *Marbury* v. *Madison* (U. S. Cranch, 1, 1803, p. 137):

By the Constitution of the United States the President is invested with certain important political powers, in the exercise of which he is to use his own discretion and is accountable only to his country in his political character and to his own conscience. To aid him in the performance of these duties he is authorized to appoint certain officers, who act by his authority and in conformity with his orders.

In such cases their acts are his acts; and whatever opinion may be entertained of the manner in which Executive discretion may be used, still there exists, and can exist, no power to control that discretion. The subjects are political. They respect the Nation, not individual rights; and being intrusted to the Executive the decision of the Executive is conclusive. The application of this remark will be perceived by adverting to the act of Congress for establishing the department of foreign affairs. This officer, as his duties were prescribed by the act, is to conform precisely to the will of the President. He is the mere organ by whom that will is communicated. The acts of such an officer, as an officer, can never be examinable by the courts.

We must remember that belligerents are not only anxious to break down neutral trade, but they possess the thought of securing that trade for themselves. Our own Thomas Jefferson called attention to this secondary habit of greedy peace destroyers. A distinguished American has said that, "We know that in the World War one of the great belligerents, after protesting against our selling goods to neutrals, itself furnished to neutrals the goods which it had purchased from us." Nobody is going to see those articles of trade which are necessary for human comfort existence taken from us by a sly belligerent.

Are we to send our cargoes with risk shifted but not any protection for the ship itself? Suppose, as Senator BONE suggests, we can, under the Pittman bill send out a million-dollar cargo in a $6,000,000 bottom, with the risk shifted on our cargo but the ownership of the ship still in an American name? Is this not inconsistent?

Through it all winds the thread of executive problems. It is he who directs or supervises our economic penetration plans in the guise of reciprocal-trade pacts, our diplomatic bargaining, and our currency agreements. It is he who talks with foreign leaders like the Runcimans, the MacKenzie Kings, and the Bonnets.

After all, discretion is inherent in the office, for he has it as Commander in Chief of the Army and Navy, as a negotiator with foreign countries, as the representative of our Government in all international affairs, and as executor of our laws. It is difficult to see how remedies that must of their nature be experimental and temporary can be given such dogmatic benediction by their sponsors as to be so close to gospel truth as to become solemn, permanent, automatic, and mandatory law. These proponents of this knowledge must have forgotten the Baconian maxim: "Ab experientia ad axiomata, et ab axiomatibus ad nova inventa—for they will not start from experiment to axioms and then from axioms to new discoveries as he did, but they must reverse the process."

Senator GERRY has said that the result of our efforts to keep out of the war by the Pittman bill would be to wreck our entire shipping. Obviously if that happens to our trans-Atlantic shipping, it will not be long before it will happen to our coastal trade also, for if we yield in the slightest, the hungry maw of the war lord will seek new fields to conquer.

Senator THOMAS of Utah says:

We are dealing with an unknown. This sort of thing has not been attempted before. We are dealing with an unknown so far as the attempt to embargo or to transfer goods is concerned. We are dealing with an unknown so far as the changed ideas in regard to contraband are concerned. We are dealing with an unknown in regard to the rights of neutrals at sea, or even the rights of belligerents at sea. We are dealing with an unknown in regard to the progress which is being made in warfare itself. We are dealing with an unknown in regard to the various factors which will enter into the type of war we are going to have. We are dealing with an absolutely unknown in regard to one great arm of naval warfare now known as the airplane carrier, and the type of naval tactics it will carry on. Only once in the history of the world has an airplane carrier been used in actual warfare, and in that case it was used in a way that was completely out of harmony with any sort of standard that has ever been laid down for the proper conduct of belligerents in time of war.

Mr. President, that is my point, and this is why I have pointed out this one fact, to come back to what I was about to say. This cash-and-carry idea was thrust upon the world, I am pretty sure by a man who had had wide war experiences; a man who in his articles was trying to point out the inconsistencies of our neutral policy as proposed in 1935, and continued in 1936; a man who tells us in each of his articles that instead of this neutrality measure being an act to keep us out of war it is an act which, perhaps, will get us into war. Then he offers one simple suggestion, and that suggestion has been taken up—a suggestion which is no older than a year or a year and a half at most—and that suggestion is going to be written into the permanent law of our land and be a permanent neutral policy.

We are now about to pass a permanent act, and in that permanent act we are providing for an experiment which has never been tried.

Even Senator BORAH says:

If the President is dealing with a war situation and a crisis is at hand, I think the Commander in Chief, the man who has the direction of affairs must have a vast amount of discretion under a measure of this kind. If I should vote in favor of striking out this subdivision, it would not be because of the discretionary power; it would be because I am not in favor of our ships off the sea under those circumstances. Indeed, I am not in favor of taking them off the seas at all, so long as they carry goods and commodities other than arms, munitions, and implements of war.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. SHANLEY. I yield.

Mr. FISH. The gentleman keeps repeating the statement that we are taking power away from the President. We are not taking power away from the President, this bill gives power to the President. I agree with everything else the gentleman says, but he repeated that two or three times. I do not think the gentleman meant quite that, for the bill does not take power away from the President, it gives him power.

Mr. SHANLEY. If I did not make myself clear, my intent was simply to emphasize that granting this discretionary power to the President was less dangerous in the world picture than hamstringing him with the Pittman bill. However, the President influences embargoes.

Mr. FISH. Oh, no; he does not. The President does not have the power to lay an embargo, for that is a power lodged in Congress.

Mr. SHANLEY. If the gentleman will refer back to his mentor and to mine, Prof. Edward Borchard, the gentleman will recall that in last year's hearing—in last year's hearing Mr. Borchard said that by international law we had unlimited power insofar as arms and ammunitions of war were concerned. I want to call particular attention to the word "ammunition", for throughout this discussion it has been used interchangeably with "munition." If the gentleman wants further citations, I refer him to the Curtis case and go back even as far as the case of Marbury against Madison. I think the difficulty is that we are using the word "ammunition" and "munition" interchangeably, for, of course, I do not mean to say that these bills do not give the President any new powers.

Mr. FISH. The President does not have the power to lay embargoes on commodities, because that is a constitutional power lodged in Congress.

Mr. SHANLEY. He has the power in the case of war ammunitions by international law.

Mr. FISH. That is right.

Mr. SHANLEY. But there is a different between "munitions" and "ammunition." Let us straighten that out.

Mr. FISH. That is right.

Mr. SHANLEY. And I would call attention to the fact that the word "munitions" has been used interchangeably with "ammunition." "Munitions" means raw materials, and "munitions" has been designated by the Wickersham Committee as being raw materials.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. SHANLEY. I yield.

Mr. MICHENER. The gentleman is giving us a very splendid discussion, but I take it from what the gentleman says, that this bill is innocuous, that it does not confer any power on the President which he does not already have. If this be true, then the only purpose in the McReynolds bill is to make the people of the country think that they are getting something which they are not getting. Am I right?

Mr. SHANLEY. By no means. The use of this power by the President will not interfere with the factors that he must constantly keep in mind in international matters, whether it be a tripartite currency problem, disarmament, or the acceptance or recognition of treaties.

[Here the gavel fell.]

Mr. McREYNOLDS. Mr. Chairman, I yield the gentleman the balance of my time.

Mrs. ROGERS of Massachusetts. Will the gentleman yield?

Mr. SHANLEY. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. This bill does give the President power to interfere with our shipping?

Mr. SHANLEY. At least his discretion must be exercised first. But much differently than the Pittman bill.

Mrs. ROGERS of Massachusetts. I agree with the gentleman this bill is better on the whole than the Pittman bill.

Mr. SHANLEY. Have I answered the gentleman from Michigan?

Mr. MICHENER. I listened very attentively to the gentleman's remarks. It occurred to me that the gentleman has impressed upon the House the fact this bill did nothing; that it simply reiterated a power which the President already had and if we enact the McReynolds bill we would do nothing to the power which the President had and, of course, was taking nothing away.

Mr. SHANLEY. I am glad the gentleman brought that up, because if he has so understood it, that was not my intention. Words are difficult to handle, as few people mean all they say and fewer still say all they mean.

Mr. MICHENER. The gentleman has handled the situation very well.

Mr. SHANLEY. May I say even if he has that power it is not a dangerous power to give him because in this international pattern he is the one that can decide whether it is to the advantage of America to use it or not. The use of the discretion is placed or deposited with him.

Mr. MICHENER. In time of war, of course, we all realize the President must have power, but in these days and in the light of modern doings, we should be very careful to lodge no more power with an Executive who seeks power all along the line. That is what I am afraid of.

Mr. SHANLEY. I can imagine why the gentleman makes that statement internally, because I know what his feelings are on internal matters, but externally we have the words of Justice Sutherland, who certainly is not a New Dealer, if I may use that expression. Externally in foreign relations the President of the United States is supreme. He has almost supernal power.

Whether or not that is right at some later day I may say something about it, but insofar as my experience is concerned on neutrality, in an attempt to bring a peace-loving people to its fulfillment, my belief is he ought to have all the power we can possibly give him in contrast to the Pittman bill. If I were sure, from my study that munitions were covered, and I think the distinguished orator from New York is interested in that——

Mr. SIROVICH. I would like to know the difference between munitions and ammunition.

Mr. SHANLEY. Ammunition has been defined as distinctly and dogmatically weapons of war, but munitions, by the report of the Attorney General, has been used to include raw materials. That is the danger in these treaties. They use military supplies and they use material for warlike purposes. The terms arms, ammunition, and implements of war cannot be interpreted to mean or comprise "raw materials." Munitions, on the other hand, has been interpreted by Attorneys General McReynolds and Gregory in 1913 and 1915 to include raw materials used in the manufacture of such weapons. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. All time has expired. The Clerk will read.

The Clerk read the joint resolution down to page 19, line 6.

Mr. McREYNOLDS. Mr. Chairman, I move that the Committee do now rise.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. WARREN, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration Senate Joint Resolution 51, the neutrality bill, had come to no resolution thereon.

ELECTION TO COMMITTEES

Mr. DOUGHTON. Mr. Speaker, I offer a privileged resolution, which I send to the Clerk's desk.

The Clerk read as follows:

Privileged resolution from the Committee on Ways and Means:

"House Resolution 158

"*Resolved*, That BEVERLY M. VINCENT, of Kentucky, be, and he is hereby, elected a member of the standing committees of the House of Representatives on Claims and World War Veterans' Legislation."

The resolution was agreed to.

Mr. SNELL. Mr. Speaker, I offer a resolution, which I send to the Clerk's desk.

The Clerk read as follows:

Mr. SNELL submits the following resolution:

"House Resolution 159

"*Resolved*, That FRANCIS H. CASE, of South Dakota, be, and he is hereby, elected a member of the Committee on Claims."

The resolution was agreed to.

ARMY DAY

Mr. HILL of Alabama. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Concurrent Resolution 5 and its immediate consideration.

The Clerk read the concurrent resolution, as follows:

Senate Concurrent Resolution 5

Resolved by the Senate (the House of Representatives concurring), That April 6 of each year be recognized by the Senate and House of Representatives of the United States of America as Army Day, and that the President of the United States be requested, as Commander in Chief, to order military units throughout the United States to assist civic bodies in appropriate celebration to such extent as he may deem advisable; to issue a proclamation each year declaring April 6 as Army Day, and in such proclamations to invite the Governors of the various States to issue Army Day proclamations: *Provided*, That in the event April 6 falls on Sunday, the following Monday shall be recognized as Army Day.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. BOILEAU. Mr. Speaker, reserving the right to object, may I ask the gentleman from Alabama whether or not, in his opinion, this would give to the President of the United States the power to call out the National Guard in the various States to participate in the celebrations?

Mr. HILL of Alabama. No; absolutely not. I may say to the gentleman he has asked a good question. The only time that the President of the United States can call out the National Guard is when and after the Congress of the United States has declared war. The National Guard is a State organization. It is the State militia.

Mr. BOILEAU. I appreciate that fact.

Mr. HILL of Alabama. This resolution would not have anything to do with that.

Mr. BOILEAU. The language of the bill is broad enough to cover the calling out of the militia, in my opinion. From the reading of the bill I gather it said, "All military organizations in the United States."

Mr. HILL of Alabama. It says, "Military units." But that would mean only military units under the President of the United States. As I stated, the President of the United States has no control or command over the National Guard except and until Congress shall declare war.

Mr. BOILEAU. By virtue of what authority does he then have that power?

Mr. HILL of Alabama. If we declare war, then by virtue of an act which the Congress has passed the President can call the National Guard into the Army of the United States, and when it is called into the Army of the United States, the President then, as Commander in Chief of the Army of the United States, would have command over the National Guard.

Mr. BOILEAU. I appreciate that, but do we, by this bill, give him the power to assert such control over the National Guard?

Mr. HILL of Alabama. No. Let me state to the gentleman that this is not a bill, this is a concurrent resolution which does not have the effect of law. This resolution only passes the House and Senate, and will not be signed by the President and will not become law. I think the gentleman need have no apprehension at all, that there is the least thing in here that could in any way be considered as giving the President any control over the National Guard of the United States.

Mr. BOILEAU. Relying entirely upon the representations of the gentleman, I shall not object.

Mr. HILL of Oklahoma. Mr. Speaker, reserving the right to object, I want to know what the purpose of this resolution is.

Mr. HILL of Alabama. The purpose of this resolution is simply to let the President of the United States in his discretion order military units to join with civilian, patriotic, and veterans' societies when they see fit to do so, in order to celebate this day, which, as the gentleman knows, is the anniversary of our entrance into the World War. I may say the resolution is inspired and sponsored by veterans' organizations.

Mr. HILL of Oklahoma. It just struck me as a little bit peculiar that we should spend several days considering some sort of a neutrality bill and then turn right around and adopt a resolution to parade our armies all over the country, just as if we were getting ready for a new war. It seems to me we have too many holidays already.

Mr. HILL of Alabama. I may say to the gentleman this resolution does not provide for a holiday.

Mr. DONDERO. This resolution provides for an Army day, corresponding with Navy day, does it not?

Mr. HILL of Alabama. Yes.

Mr. MICHENER. This follows the usual trend of all bills and grants some more discretion, does it not?

Mr. HILL of Alabama. No; it really does not grant any more discretion, because the President of the United States as Commander in Chief has control of the Army and Navy.

Mr. MICHENER. Then the bill does not mean anything.

Mr. HILL of Alabama. Yes; it does.

Mr. MICHENER. Either it does or it does not.

Mr. HILL of Alabama. It means that the Congress expresses itself in the matter.

The resolution was concurred in.

COMMITTEE ON THE DISTRICT OF COLUMBIA

Mrs. NORTON. Mr. Speaker, I ask unanimous consent that the two special subcommittees of the Committee on the District of Columbia be permitted to sit during the remainder of the week while the House is in session.

The SPEAKER. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

EXTENSION OF REMARKS

Mrs. JENCKES of Indiana, Mr. GRAY of Indiana, and Mr. ALLEN of Pennsylvania asked and were given permission to extend their own remarks in the RECORD.

BUSINESS AND ECONOMIC RESEARCH IN COLLEGIATE SCHOOLS OF BUSINESS

Mr. ROBINSON of Utah. Mr. Speaker, I ask unanimous consent that the Committee on Education be discharged from the further consideration of the bill (H. R. 4954) to aid business and economic research in connection with collegiate schools of business in the several State and Territorial universities and that the bill be referred to the Committee on Interstate and Foreign Commerce.

The SPEAKER. Is there objection to the request of the gentleman from Utah?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. LUECKE of Michigan. Mr. Speaker, I ask unanimous consent to address the House for 20 minutes on Friday next, after the gentleman from Massachusetts [Mr. TREADWAY] has concluded his remarks.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ORDER OF BUSINESS

Mr. FISH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FISH. Mr. Speaker, I have asked for this time to inquire of the majority leader if he proposes to bring up any legislation tomorrow after the disposition of Calendar Wednesday business?

Mr. RAYBURN. That is not the intention. I may say to the gentleman it is my intention tomorrow, however, to ask that the House meet at 11 o'clock on Thursday, hoping to expedite the consideration of the neutrality bill.

Mr. FISH. I certainly hope the request is granted.

DISTRICT OF COLUMBIA BUSINESS

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that business from the Committee on the District of Columbia which would be in order on Monday, March 22, be in order on Monday, March 29.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. SHEPPARD, for 3 days, on account of illness in his family.

SENATE BILLS REFERRED

Bills of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 329. An act to further extend the period of time during which final proof may be offered by homestead and desert-land entrymen; to the Committee on the Public Lands.

S. 413. An act to create a commission and to extend further relief to water users on United States reclamation projects and on Indian irrigation projects; to the Committee on Irrigation and Reclamation.

S. 628. An act to provide for the construction and equipment of a building for the experiment station of the Bureau of Mines at Salt Lake City, Utah; to the Committee on Mines and Mining.

S. 761. An act for the relief of the State of Massachusetts; to the Committee on the Judiciary.

S. 976. An act relating to labor preferences in connection with certain public-works projects; to the Committee on Ways and Means.

S. 1129. An act to authorize the Secretary of the Interior to accept from the State of Utah title to a certain State-

owned section of land and to patent other land to the State in lieu thereof, and for other purposes; to the Committee on the Public Lands.

ENROLLED BILL SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 1096. An act for the relief of Michael E. Sullivan.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 49 minutes p. m.) the House adjourned until tomorrow, Wednesday, March 17, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON THE DISTRICT OF COLUMBIA

The subcommittee appointed by the Committee on the District of Columbia, to consider tax and legislative subjects presented by the fiscal relations report, will meet Wednesday, March 17, 1937, at 1 p. m., in room 345, House Office Building. Mr. J. L. Jacobs, director of the fiscal relations survey, will be present.

COMMITTEE ON RIVERS AND HARBORS

The Committee on Rivers and Harbors will meet Wednesday, March 17, 1937, at 10:30 a. m., to begin hearings on bills relating to the pollution of navigable waters and their tributaries.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 o'clock a. m., Thursday, March 18, 1937. Business to be considered: Hearing on H. R. 208—Train-dispatching offices.

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 o'clock a. m., Friday, March 19, 1937. Business to be considered: Hearing on H. R. 185—Railway signal systems.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

440. A letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated March 5, 1937, submitting a report, together with accompanying papers and illustrations, on studies of ocean currents and sand movements at Miami Beach, Fla., made by the Beach Erosion Board, in cooperation with the State of Florida, acting through the engineering experiment station, University of Florida, and the city of Miami Beach, Fla., as authorized by the River and Harbor Act approved July 3, 1930 (H. Doc. No. 169); to the Committee on Rivers and Harbors and ordered to be printed, with six illustrations.

441. A letter from the Secretary of Labor, transmitting the draft of a proposed bill to provide for the naturalization of certain alien spouses of citizens of the United States, and to validate the naturalization of certain persons; to the Committee on Immigration and Naturalization.

442. A letter from the Secretary of War, transmitting the draft of a bill to amend the National Firearms Act, approved June 26, 1934; to the Committee on Ways and Means.

443. A letter from the Secretary of the Navy, transmitting the draft of a proposed bill to authorize the President of the United States to dispose of certain public vessels, and for other purposes; to the Committee on Naval Affairs.

444. A letter from the Acting Secretary of the Interior, transmitting the draft of a bill for the relief of Frank Christy and other disbursing agents in the Indian Service; to the Committee on Claims.

445. A letter from the Acting Secretary of the Interior, transmitting the draft of a proposed bill to authorize the Secretary of the Interior to grant concessions on reservoir sites and other lands in connection with Federal Indian irrigation projects wholly or partly Indian, and to lease the lands in such reserves for agricultural, grazing, and other purposes; to the Committee on Indian Affairs.

446. A letter from the Postmaster General, transmitting the draft of a bill to amend the act of June 19, 1934, relating to The National Archives and the disposition of papers; to the Committee on the Library.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. ANDREWS: Committee on Military Affairs. H. R. 5554. A bill to authorize the Secretary of War to lend War Department equipment for use at the 1937 National Encampment of Veterans of Foreign Wars to be held in Buffalo and Niagara Falls, N. Y., from August 29 to September 3, 1937; without amendment (Rept. No. 387). Referred to the Committee of the Whole House on the state of the Union.

Mr. IMHOFF: Committee on Foreign Affairs. Senate Joint Resolution 53. Joint resolution providing for a continuance of the participation of the United States in the Great Lakes Exposition in the State of Ohio in 1937, and for other purposes; without amendment (Rept. No. 388). Referred to the Committee of the Whole House on the state of the Union.

Mr. STEAGALL: Committee on Banking and Currency. House Joint Resolution 251. Joint resolution to extend the lending authority of the Disaster Loan Corporation to apply to flood disasters in the year 1936; without amendment (Rept. No. 389). Referred to the Committee of the Whole House on the state of the Union.

Mr. HILL of Alabama: Committee on Military Affairs. H. R. 4659. A bill to authorize the Secretary of War to lend War Department equipment for use at the world jamboree to the Boy Scouts of America; and to authorize the Commissioner of Internal Revenue to remit the tax on steamship tickets; and further to authorize the Secretary of State to issue passports to bona-fide Scouts and Scouters without fee for the application or the issuance of said passports; with amendment (Rept. No. 390). Referred to the Committee of the Whole House on the state of the Union.

Mr. TAYLOR of Colorado: Committee on Appropriations. House Joint Resolution 278. Joint resolution to make funds available to carry out the provisions of existing law authorizing the purchase and distribution of products of the fishing industry; with amendment (Rept. No. 391). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 5552) to provide for the relinquishment of an easement granted to the United States by the Green Bay & Mississippi Canal Co.; Committee on the Post Office and Post Roads discharged, and referred to the Committee on Public Buildings and Grounds.

A bill (H. R. 5218) granting an increase of pension to Elizabeth H. Nichols; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. McSWEENEY: A bill (H. R. 5681) to authorize the coinage of 50-cent pieces in commemoration of the centennial celebration of Cleveland, Ohio, to be known as the Great Lakes Exposition; to the Committee on Coinage, Weights, and Measures.

By Mr. MAPES: A bill (H. R. 5682) to promote the safety of employees and travelers upon common carriers engaged in interstate commerce by railroad by requiring such carriers to maintain tracks, bridges, roadbed, and permanent structures for the support of way, trackage, and traffic in

safe and suitable condition, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLARD: A bill (H. R. 5683) to regulate the practice of professional engineering, creating a registration board for professional engineers of the District of Columbia, defining its powers and duties, providing penalties, and for other purposes; to the Committee on the District of Columbia.

Also, a bill (H. R. 5684) to provide for the completion of the 25-mile spacing of horizontal and vertical control surveys in the State of New York; to the Committee on Merchant Marine and Fisheries.

By Mr. VOORHIS: A bill (H. R. 5685) to facilitate the control of soil erosion and flood damage originating upon lands within the exterior boundaries of the Angeles National Forest in the State of California; to the Committee on the Public Lands.

By Mr. CLARK of Idaho: A bill (H. R. 5686) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render final judgment on any and all claims of whatsoever nature the Snake or Piute Indians or any band or group thereof may have against the United States, and for other purposes; to the Committee on Indian Affairs.

By Mr. CELLER: A bill (H. R. 5687) to assure to certain aliens asylum within the United States; to the Committee on Immigration and Naturalization.

By Mr. HOBBS: A bill (H. R. 5688) to amend section 905 of the Social Security Act; to the Committee on Ways and Means.

By Mr. HENDRICKS: A bill (H. R. 5689) to provide payments of pensions and increase of pensions to certain veterans, their widows and orphans; to the Committee on Pensions.

By Mr. TOLAN: A bill (H. R. 5690) to amend the Longshoremen's and Harbor Workers' Compensation Act; to the Committee on the Judiciary.

By Mr. ELLENBOGEN: A bill (H. R. 5691) to create a commission to make a study of the present system of unemployment and relief and to make recommendations for an efficient and sound program for the caring of the unemployed by Federal, State, and local agencies; to the Committee on Rules.

By Mr. IGLESIAS: A bill (H. R. 5692) for a survey and examination of Guayanilla Harbor, Guayanilla, P. R.; to the Committee on Rivers and Harbors.

By Mr. PIERCE: A bill (H. R. 5693) providing for the cancelation of certain charges against the Klamath drainage district of Klamath County, Oreg., and charging such unpaid balance to the unentered public lands within the district; to the Committee on Irrigation and Reclamation.

By Mr. EBERHARTER: A bill (H. R. 5694) to extend the times for commencing and completing the construction of certain bridges across the Monongahela, Allegheny, and Youghiogheny Rivers in the county of Allegheny, Pa.; to the Committee on Interstate and Foreign Commerce.

By Mr. JONES: A bill (H. R. 5695) to authorize the erection of a Veterans' Administration hospital in the State of Texas; to the Committee on World War Veterans' Legislation.

By Mrs. JENCKES of Indiana: A bill (H. R. 5696) to provide for the retirement of certain members of the police and fire departments of the District of Columbia, the United States Park Police force, and the White House Police force; to the Committee on the District of Columbia.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Utah, memorializing the President and the Congress of the United States requesting an amendment to the Constitution of the United States giving Congress the power to regulate the hours of labor in industry; to the Committee on Labor.

Also, memorial of the Legislature of the State of Utah memorializing the President and the Congress of the United States requesting consideration of their House Joint Memorial No. 1, concerning the long-and-short haul provisions of section 4, Interstate Commerce Act; to the Committee on Interstate and Foreign Commerce.

Also, memorial of the Legislature of the State of Utah, memorializing the President and the Congress of the United States, requesting consideration of their House Memorial No. 1, concerning the judiciary; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 5697) granting an increase of pension to Rose Hazlett; to the Committee on Invalid Pensions.

By Mr. BACON: A bill (H. R. 5698) for the relief of the owners of the steam barge *Genessee* and the barge *J. Mooney;* to the Committee on Claims.

Also (by request), a bill (H. R. 5699) for the relief of Bruno Santelli; to the Committee on Immigration and Naturalization.

By Mr. DUNCAN: A bill (H. R. 5700) granting a pension to Gilbert Messick; to the Committee on Invalid Pensions.

By Mr. GIFFORD: A bill (H. R. 5701) for the relief of Max Chapman; to the Committee on Claims.

By Mr. IGLESIAS: A bill (H. R. 5702) for the relief of Maria Miró Menéndez; to the Committee on Claims.

By Mr. McGRANERY: A bill (H. R. 5703) for the relief of Thomas H. McLain; to the Committee on Claims.

By Mr. MANSFIELD: A bill (H. R. 5704) for the relief of Charles B. Stafford; to the Committee on Military Affairs.

By Mr. QUINN: A bill (H. R. 5705) for the relief of Jacob O'Block; to the Committee on Claims.

By Mr. RICH: A bill (H. R. 5706) granting an increase of pension to Sarah Harer; to the Committee on Invalid Pensions.

By Mr. SHAFER of Michigan: A bill (H. R. 5707) granting a pension to George Thomas Webster; to the Committee on Pensions.

By Mr. VOORHIS: A bill (H. R. 5708) granting an increase of pension to Albert A. Roe; to the Committee on Pensions.

By Mr. WELCH: A bill (H. R. 5709) granting a pension to Katherine Mueller; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1105. By Mr. ASHBROOK: Petition of L. H. Purdy and 32 other citizens, of Warsaw, Ohio, favoring the President's Supreme Court proposal; to the Committee on the Judiciary.

1106. By Mr. BOYLAN of New York: Resolution adopted at a regular meeting of the Council of the New York Commandery of the Military Order of Foreign Wars of the United States, opposing an increase in membership for the Supreme Court; to the Committee on the Judiciary.

1107. Also, resolution adopted by the Eastern Federation of Feed Merchants, Potsdam, N. Y., concerning tax on vegetable oils; to the Committee on Ways and Means.

1108. Also, letter from the Retail Tobacco Dealers of America, Inc., New York, N. Y., favoring the passage of the Miller-Tydings fair-trade bill; to the Committee on Interstate and Foreign Commerce.

1109. Also, resolution adopted by the Associated General Contractors of America in convention, opposing motor-vehicle and gas-tax diversion; to the Committee on Ways and Means.

1110. Also, resolution adopted at the convention of Associated General Contractors of America, favoring the insuring of loans on commercial and industrial structures, etc.; to the Committee on Banking and Currency.

1111. Also, resolutions adopted at the convention of the Associated General Contractors of America, favoring House bill 4594, to amend the Revenue Act of 1936; to the Committee on Ways and Means.

1112. Also, resolution adopted at the annual meeting of the American Wood Preservers' Association, submitted by Eppinger & Russell Co., New York City, members of the association, urging that the appropriation for forest-products research be increased to the full amount of $1,000,000 authorized by the McSweeney-McNary Research Act, etc.; to the Committee on Appropriations.

1113. By Mr. CARTER: Petition of the Inter-District Democratic Club, of Oakland, Calif., by Dan O'Shea, president, and Edward Leal, secretary, Hayward, Calif., supporting the President's Federal judiciary program; to the Committee on the Judiciary.

1114. Also, letter dated March 10 from H. C. Carrasco, secretary-treasurer, Brotherhood of Railway and Steamship Clerks, Freight Handlers and Station Employees, Lodge 890, Pacific Building, San Francisco, Calif., supporting House bill 4417, which contemplates the reorganization of the judicial branch of the Federal Government; to the Committee on the Judiciary.

1115. Also, resolution of the Progressive Democrats of Contra Costa County, Calif., by Fred Day, chairman, El Cerrito, Calif., endorsing the President's message regarding the Federal courts; to the Committee on the Judiciary.

1116. Also, petition of the East Bay Union of Machinists, Oakland, Calif., favoring the proposal of President Roosevelt in relation to the Supreme Court; to the Committee on the Judiciary.

1117. By Mr. GREEVER: Petition of the State Legislature of the State of Wyoming, memorializing Congress to enact legislation to create a National Planning Board; to the Committee on the Library.

1118. Also, petition of the State Legislature of the State of Wyoming, memorializing Congress to enact legislation which will permit the State of Wyoming to enact legislation to prohibit the importation into and the sale within the State of products of child labor; to the Committee on Labor.

1119. Also, petition of the State Legislature of the State of Wyoming, memorializing Congress to enact legislation to construct an Army air base within the State of Wyoming; to the Committee on Military Affairs.

1120. Also, petition of the State Legislature of the State of Wyoming, memorializing Congress to enact legislation for the purpose of reducing the hours per day of employees engaged in gainful occupations; to the Committee on Labor.

1121. Also, petition of the State Legislature of the State of Wyoming, memorializing Congress to enact legislation for the control and eradication of noxious weeds; to the Committee on Agriculture.

1122. By Mr. FISH: Petition of 20 residents and citizens of Middletown, Orange County, N. Y., opposing the President's proposal to enlarge the Supreme Court; to the Committee on the Judiciary.

1123. Also, petition of 41 residents and citizens of Rhinebeck, Dutchess County, N. Y., opposing the President's proposal to pack and control the Supreme Court; to the Committee on the Judiciary.

1124. Also, resolution passed by the Melzingah Chapter, Daughters of the American Revolution, opposing the President's proposal to pack and control the Supreme Court, and a resolution passed by the Fortnightly Club of Beacon, Dutchess County, N. Y., opposing the President's plan to enlarge the Supreme Court; to the Committee on the Judiciary.

1125. Also, resolution adopted by the Howells Fire Co., No. 1, Howells, Orange County, N. Y., objecting to the enlargement of the Supreme Court as proposed by the President; to the Committee on the Judiciary.

1126. Also, resolution adopted by the Machackemech Chapter, Daughters of the American Revolution, Port Jervis, N. Y., opposing the President's Supreme Court proposal; to the Committee on the Judiciary.

1127. By Mr. FITZPATRICK: Petition of the United Brotherhood of Carpenters and Joiners of America, Local Union No. 493, Mount Vernon, N. Y., favoring the President's recommendations for changes in the United States Supreme Court; to the Committee on the Judiciary.

1128. Also, petition of the Central Trades and Labor Council of Greater New York and Vicinity, endorsing the recommendation of President Roosevelt for judicial reform; to the Committee on the Judiciary.

1129. Also, petition of the Columbus Democratic League of Westchester County, N. Y., unanimously endorsing the plan of the President of the United States to rejuvenate and reinvigorate the Federal judiciary; to the Committee on the Judiciary.

1130. Also, petition of the Coyodott Club, Inc., of Yonkers, N. Y., unanimously approving the proposed Supreme Court reforms of President Roosevelt; to the Committee on the Judiciary.

1131. By Mr. FORD of California: Resolution of the Board of Supervisors of Los Angeles County, recommending that the Congress support legislation that will empower the Forest Service, Department of Agriculture, to use any or all revenues from the sale of resources or occupancy of national-forest lands within the exterior boundaries of the Angeles National Forest to make such purchases of privately owned lands within or adjacent to the forest that are needed for the proper management and protection of the watershed areas until such time as all such tracts of land that are necessary are acquired; to the Committee on Agriculture.

1132. Also, resolution of the Board of Supervisors of Los Angeles County, importuning the President and the Congress that funds may be provided to the county of Los Angeles for the provision of relief to those resident indigents of the State of California in the county of Los Angeles for the last quarter of this fiscal year; to the Committee on Ways and Means.

1133. By Mr. JARRETT: Petition of Rev. W. R. Ross and other residents of Rimersburg, Pa., protesting against the President's proposed plan to enlarge the United States Supreme Court; to the Committee on the Judiciary.

1134. Also, petition of J. E. Burns and other residents of Oil City, Pa., protesting against the President's proposed plan to enlarge the United States Supreme Court; to the Committee on the Judiciary.

1135. By Mr. KEOGH: Petition of the Modellers and Sculptors of America, New York City, for the establishment of an Industrial Design Plastic Research Service; to the Committee on Education.

1136. By Mr. KING: Concurrent resolution by the Legislature of the Territory of Hawaii, memorializing the Congress of the United States of America to amend the O'Mahoney sugar bill so that said measure, while retaining all its meritorious provisions, will not discriminate against the Territory of Hawaii; to the Committee on Agriculture.

1137. By Mr. LAMBETH: Petition of citizens of Davie County, N. C., favoring enactment of House bill 2257, providing for a national and uniform system of old-age pensions; to the Committee on Ways and Means.

1138. Also, petition of citizens of Wilkes County, N. C., favoring the enactment of House bill 2257, providing for a national and uniform system of old-age pensions; to the Committee on Ways and Means.

1139. By Mr. PFEIFER: Petition of the Cigar and Stationery Merchants Federation, Inc., New York City, concerning the Miller-Tydings bill; to the Committee on Interstate and Foreign Commerce.

1140. Also, petition of the New York League of Women Voters, New York City, concerning the McReynolds neutrality bill; to the Committee on Foreign Affairs.

1141. Also, petition of Eppinger & Russell Co., New York City, urging that the full amount of the appropriation of $1,000,000 authorized by the McSweeney-McNary Act be used for forest-products research; to the Committee on Agriculture.

1142. Also, petition of the Peele Co., Inc., Brooklyn, N. Y., urging consideration of the Beiter bill (H. R. 4594); to the Committee on Ways and Means.

1143. By Mr. PIERCE: House Joint Memorial No. 2 of the Oregon State Legislature; to the Committee on Agriculture.

1144. By the SPEAKER: Petition of the Ancient Order of Hibernians of Pittsburgh, Pa., urging support for the

McCarran-Mead bill, so-called longevity bill; to the Committee on the Post Office and Post Roads.

1145. Also, petition of the State Camp of Pennsylvania, relating to the Supreme Court and other purposes; to the Committee on the Judiciary.

SENATE

WEDNESDAY, MARCH 17, 1937

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Lord of all the earth, whose love is ever great toward us, be very near and touch our hearts to thankfulness that for all Thy mercies we may bless Thy holy name.

Direct and prosper, we beseech Thee, the deliberations of the Congress to the advancement of Thy glory, the safety, honor, and welfare of the people of the United States, that our Nation may find the way of gladness and walk with Thee in the path of peace.

Remember those whose souls are straitened by sickness, sorrow, or despair, and do Thou consecrate to us the sacrament of suffering that we may share with Thee in lifting the burden of their pain until their unfettered souls, like fluttering birds, shall wing their flight up through the dark and find at last Thy shelter, the joy of Thy deathless love. Through Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. ROBINSON, and by unanimous consent, the reading of the Journal of the proceedings of Monday, March 15, 1937, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had passed without amendment the following bills:

S. 361. An act to further extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Garrison, N. Dak.;

S. 996. An act to further extend the times for commencing and completing the construction of a bridge across the Missouri River between the towns of Decatur, Nebr., and Onawa, Iowa; and

S. 997. An act to further extend the times for commencing and completing the construction of a bridge across the Missouri River at or near the cities of South Sioux City, Nebr., and Sioux City, Iowa.

The message also announced that the House had passed the joint resolution (S. J. Res. 75) making funds available for the control of incipient or emergency outbreaks of insect pests or plant diseases, including grasshoppers, Mormon crickets, and chinch bugs, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to Senate Concurrent Resolution 5, as follows:

Resolved by the Senate (the House of Representatives concurring), That April 6 of each year be recognized by the Senate and House of Representatives of the United States of America as Army Day, and that the President of the United States be requested, as Commander in Chief, to order military units throughout the United States to assist civic bodies in appropriate celebration to such extent as he may deem advisable; to issue a proclamation each year declaring April 6 as Army Day, and in such proclamations to invite the Governors of the various States to issue Army Day proclamations: *Provided*, That in the event April 6 falls on Sunday, the following Monday shall be recognized as Army Day.

The message also announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate:

H. R. 175. An act declaring Scajaquada Creek, Erie County, N. Y., to be a non-navigable stream;

H. R. 2305. An act to extend the time for applying for and receiving benefits under the act entitled "An act to provide means by which certain Filipinos can emigrate from the United States", approved July 10, 1935;

H. R. 3473. An act to authorize the Secretary of State to sell, for a price, transfer, and convey the title, rights, and interest of this Government in a lot situated at Sin Lu T'ou Jetty, Kulangsu, Amoy, China;

H. R. 3874. An act to extend the times for commencing and completing the construction of a bridge and causeway across the water between the mainland at or near Cedar Point and Dauphin Island, Ala.;

H. R. 4012. An act to penalize procuring of or attempts to procure the escape of any prisoner in the custody of an officer of the United States;

H. R. 4287. An act to authorize the Attorney General to settle outstanding claims against Chapman Field, Fla., and for other purposes;

H. R. 5122. An act to authorize certain officers and employees to administer oaths to expense accounts;

H. R. 5332. An act authorizing allotment of pay by civilian personnel stationed abroad; and

H. J. Res. 217. Joint resolution providing for the construction and maintenance of a National Gallery of Art.

CALL OF THE ROLL

Mr. LEWIS. I ask that the roll be called in order to assure the presence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Connally	King	Pittman
Andrews	Copeland	La Follette	Pope
Ashurst	Davis	Lee	Radcliffe
Austin	Dieterich	Lewis	Reynolds
Bachman	Duffy	Lodge	Robinson
Bailey	Ellender	Logan	Russell
Barkley	Frazier	Lonergan	Schwartz
Bilbo	George	Lundeen	Schwellenbach
Black	Gerry	McAdoo	Sheppard
Bone	Gibson	McGill	Steiwer
Borah	Gillette	McKellar	Thomas, Okla.
Bridges	Green	McNary	Thomas, Utah
Brown, Mich.	Guffey	Maloney	Townsend
Bulow	Hale	Minton	Tydings
Burke	Hatch	Moore	Vandenberg
Byrd	Hayden	Murray	Van Nuys
Byrnes	Herring	Neely	Walsh
Capper	Holt	Norris	Wheeler
Caraway	Hughes	Nye	White
Chavez	Johnson, Calif.	Overton	
Clark	Johnson, Colo.	Pepper	

Mr. LEWIS. I announce the absence of the senior Senator from Ohio [Mr. BULKLEY], of the junior Senator from Ohio [Mr. DONAHEY], and of the Senator from Virginia [Mr. GLASS], caused by illness.

The Senator from New Hampshire [Mr. BROWN], the Senator from Nevada [Mr. MCCARRAN], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from South Carolina [Mr. SMITH], and the Senator from Missouri [Mr. TRUMAN] are detained by important public affairs.

The Senator from Mississippi [Mr. HARRISON] and the Senator from New York [Mr. WAGNER] are unavoidably detained.

Mr. BULOW. I announce that my colleague the junior Senator from South Dakota [Mr. HITCHCOCK] is detained from the Senate because of a death in his family.

Mr. AUSTIN. I announce that the senior Senator from Minnesota [Mr. SHIPSTEAD] is absent because of illness.

The VICE PRESIDENT. Eighty-two Senators have answered to their names. A quorum is present.

RELIEF OF FRANK CHRISTY AND OTHERS

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation for the relief of Frank Christy and other disbursing agents in the Indian Service, which, with the accompanying paper, was referred to the Committee on Claims.

LEASING OF LANDS ON INDIAN IRRIGATION PROJECTS

The VICE PRESIDENT laid before the Senate a letter from the Acting Secretary of the Interior, transmitting a draft of proposed legislation to authorize the Secretary of the Interior to grant concessions on reservoir sites and other lands in connection with Federal Indian irrigation projects wholly or partly Indian and to lease the lands in such reserves for agricultural, grazing, and other purposes, which, with the accompanying paper, was referred to the Committee on Indian Affairs.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the following resolution of the Senate of the State of Oklahoma, which was referred to the Committee on Commerce:

Resolution endorsing the proposed construction of the Red River Dam and Reservoir, south of Durant, Okla.

Whereas the United States of America is considering the construction of a large reservoir and dam on the Red River below the mouth of the Washita River for the purpose of impounding a large supply of water; and

Whereas the construction of said dam will greatly benefit the State of Oklahoma in that thousands of workmen will be employed and great sums of money spent in the State of Oklahoma by the Federal Government; and

Whereas the said dam and reservoir will be of great benefit in flood control; and

Whereas the construction of said dam and reservoir may be the means of furnishing cheap electric power to the needy citizens of a great area: Now, therefore, be it

Resolved by the Senate of the Sixteenth Legislature of the State of Oklahoma:

SECTION 1. That it does hereby express its full and complete approval of the proposed construction of said reservoir and dam; and

SEC. 2. That it hereby respectfully requests the Chief Executive of the State of Oklahoma and the entire national congressional delegation from the State of Oklahoma to do all in their power to cooperate with the national authorities and the authorities of surrounding States in bringing about the construction of said dam; and be it further

SEC. 3. *Resolved*, That the secretary of state be, and he is hereby, directed to send certified copies of this resolution to the President of the United States, the Vice President of the United States, the Governor of the State of Oklahoma, each of the United States Senators and Congressmen from Oklahoma, the Chief Engineer of the United States Army, the Mississippi River Commission at Vicksburg, Miss., and the National Water Resources Committee at Washington, D. C.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of Washington, which was referred to the Committee on the Judiciary:

To the Honorable Franklin D. Roosevelt, President of the United States; the Senate and the House of Representatives of the United States of America in Congress assembled:

We, your memorialists, the Senate and the House of Representatives of the State of Washington, in legislative session assembled, most respectfully represent and petition the President of the United States and the Senate and House of Representatives of the United States as follows:

Whereas the President of the United States has recommended to Congress the enactment of legislation, urgently needed but long delayed, concerning the retirement and appointment of Justices of the Supreme Court and specific reforms in our entire Federal judicial system; and

Whereas your memorialists wholeheartedly and unqualifiedly approve and endorse the recommendations of the President and commend him for his constructive and forward-looking analysis of these much-needed reforms in our courts and judicial systems: Now, therefore, be it

Resolved by the Senate and the House of Representatives of the State of Washington in legislative session assembled, That we urge upon the National Congress to enact the proper and necessary laws to put into effect the recommendations of the President contained in his message of February 1937.

The VICE PRESIDENT also laid before the Senate the following joint resolution of the Legislature of the State of Nevada, which was referred to the Committee on Post Offices and Post Roads:

Assembly joint resolution petitioning the Congress of the United States to enact a Federal law to eliminate competitive bidding on star mail routes and to provide for the retention in the service of star-route contractors giving satisfactory service and authorizing the Postmaster General to grant additional compensation where rates of pay are unreasonably low

Whereas the present system of competitive bidding tends to bring into the service inexperienced carriers, which results in inferior service; and

Whereas the fear of losing the contract every 4 years causes the contractor to refrain from purchasing proper equipment; and

Whereas the present economic stress has forced contractors to bid below cost of operation rather than apply for Federal relief; and

Whereas patrons on star mail routes are entitled to the same class of service as is given to patrons on routes where tenure and pay are fixed: Therefore be it

Resolved by the Assembly of the Senate of the State of Nevada, That the Seventy-fifth Congress of the United States be requested to enact such legislation as is necessary to retain in the star mail service experienced, satisfactory contractors and authorize the Postmaster General to grant pay adjustments at his discretion; and be it further

Resolved, That a copy of this resolution be forwarded to the President of the United States Senate, to the Speaker of the House of Representatives, and to each of our Senators, and to our Representative in Congress.

The VICE PRESIDENT also laid before the Senate the following joint memorial of the Legislature of the State of New Mexico, which was referred to the Committee on Public Lands and Surveys:

Joint memorial to the Congress of the United States, asking for the allotment of public lands due the Museum of New Mexico

Whereas in the statehood bill of June 20, 1910, under which the Territory of New Mexico was admitted to the Union, the Museum of New Mexico, established by act of the legislature of February 19, 1909, did not receive the grant of public lands allotted to all other State institutions; and

Whereas on this omission being brought to the attention of the framers of the statehood bill, with request that it be amended to correct this omission, New Mexico's Delegate in Congress asked that the proposed amendment be withheld so as not to delay the enactment of the bill and gave positive assurance that the oversight would be remedied immediately by act of Congress, which assurance was never made good; and

Whereas the withholding of said public lands from the State Museum has for 25 years deprived the institution and the State of revenues that would have been used for the protection and preservation of the historic and prehistoric monuments of New Mexico, and for the collection, housing, and display of its antiquities, which has resulted in continual loss to the State and the Nation of these valuable assets; and

Whereas further losses of this kind can be averted by correcting the manifest injustice to the State and to one of its indispensable institutions: Therefore be it

Resolved, That the Congress of the United States is hereby petitioned to direct immediately that from the unapportioned public land in the State of New Mexico an allotment of 500,000 acres be made to the State Museum for the purposes above mentioned, said acreage to be selected in the manner prescribed for the selection of public lands for the benefit of the other institutions of the State; be it further

Resolved, That a copy of this memorial be sent to the Senators and Representative of New Mexico and to the President of the Senate and Speaker of the House of the Congress of the United States, with request for early affirmative action upon the same.

The VICE PRESIDENT also laid before the Senate a resolution adopted by Florida Council, No. 41, Junior Order United American Mechanics, of Jacksonville, Fla., favoring the enactment of certain pending legislation introduced by Senator REYNOLDS and Representative STARNES providing for the restriction of immigration, the prompt deportation of habitual criminal and other undesirable aliens, the registration of aliens, etc., which was referred to the Committee on Immigration.

He also laid before the Senate a petition (forwarded by Martin Luther Thomas, of the Christian American Crusade, Los Angeles, Calif.) of sundry citizens of the State of North Dakota praying that no law be enacted that would disturb or abridge religious rights and privileges, which was referred to the Committee on the Judiciary.

He also laid before the Senate resolutions adopted by the Inter-Professional Association (IPA), of Boston, Mass.; the Seattle Scandinavian-American Democratic Club; Local No. 1013, American Federation of State, County, and Municipal Employees; and the Liga Defensora de Mayaguez, Mayaguez, Puerto Rico, favoring the enactment of legislation to reorganize the judicial branch of the Government, which were referred to the Committee on the Judiciary.

He also laid before the Senate letters in the nature of petitions from George H. Rycraw, past commander, on behalf of James Reese Europe Post, No. 5, the American Legion, and Ernest F. Barber, vice president, etc., on behalf of Lodge No. 20, American Federation of Government Employees, both of Washington, D. C., praying for the confirmation of the nomination of William H. Hastie, of the District of Columbia, to be judge for the district court of the Virgin Islands, which were referred to the Committee on the Judiciary.

He also laid before the Senate resolutions adopted by the Louisiana Society, Sons of the American Revolution, and Spirit of '76 Chapter, Daughters of the American Revolution, New Orleans, La., favoring the enactment of the so-called Overton bill, being the bill (S. 1790) authorizing the erection of a monument commemorating Zachary Taylor, which were referred to the Committee on the Library.

He also laid before the Senate a resolution adopted by the annual reunion of the Association of Veterans of the

Revolution (under the Presidency of Gen. Emilio Aguinaldo), Manila, P. I., favoring the prompt enactment of legislation granting complete independence to the Philippine Islands, and also favoring the negotiation of a trade treaty between the United States and the Philippines, which was referred to the Committee on Territories and Insular Affairs.

Mr. LODGE presented resolutions adopted by the Stoneham League for Peace Action, in the State of Massachusetts, protesting against the enactment of legislation providing industrial mobilization in times of war or national emergency, and favoring continuance of the trade-agreement policies of the Government, and also the calling of an international economic conference relative to the stabilization of currencies and access to raw materials and markets, which were referred to the Committee on Foreign Relations.

Mr. GIBSON presented memorials of several citizens of Cambridge and Norwich, Vt., remonstrating against the enactment of legislation to reorganize the judicial branch of the Government, which were referred to the Committee on the Judiciary.

He also presented memorials of several citizens of Bellows Falls and Brattleboro, Vt., remonstrating against the enactment of legislation to enlarge the membership of the Supreme Court, or any other legislation of a similar character, which were referred to the Committee on the Judiciary.

Mr. SCHWARTZ presented the following joint memorial of the Legislature of the State of Wyoming, which was referred to the Committee on Agriculture and Forestry:

Joint memorial memorializing Congress to support legislation now before Congress providing for the establishment of a system of Federal financial benefits enabling the several States of the Union to make more adequate provision for the control and the eradication of noxious weeds; to conserve and protect the agricultural resources of the several States and the United States

Whereas H. R. 4009, now before the United States Congress, providing for the establishment of a system of Federal benefit, enabling the several States to make more adequate provisions for the control and the eradication of noxious weeds; and

Whereas the noxious weed problem is too large for Wyoming, her counties, and individuals to financially cope with; and

Whereas large areas of public domain, other federally owned lands, and other publicly owned lands are involved in the noxious-weed infestations within the State: Therefore be it

Resolved by the House of Representatives of the Twenty-fourth Legislature of the State of Wyoming (the senate concurring), That we hereby memorialize the Congress of the United States to enact into law H. R. 4009, providing adequate Federal financial aid for the control and the eradication of noxious weeds in the several States of the Union; be it further

Resolved, That certified copies of this memorial be sent to the President of the United States Senate and the Speaker of the National House of Representatives and to United States Senators JOSEPH C. O'MAHONEY and HARRY H. SCHWARTZ and to Congressman PAUL R. GREEVER.

Mr. McADOO presented the following house resolution of the Assembly of the State of California, which was referred to the Committee on the Judiciary:

Whereas the President of the United States has proposed to Congress a sound, workable, practicable plan to increase the efficiency of the Federal courts, expedite the business thereof, and to promote thereby the dispensation of justice to the people of the United States; and

Whereas the pressure of litigation and the number of cases pending before the Supreme Court and the circuit courts of appeal and the district courts require additional judicial officers of such cases; and

Whereas certain of the incumbent Judges and Justices are of such advanced age that they should be assisted or replaced by younger Judges; and

Whereas superannuated Judges have a tendency to be "tenacious of the appearance of adequacy"; and

Whereas a retirement pension system for superannuated Judges has long been recognized as necessary; and

Whereas the Legislature of the State of California has before it this session and is expected to consider favorably bills to retire aged State judges and for the involuntary retirement of judges who become physically or mentally unable to perform their duties; and

Whereas the President's proposal seeks to expedite justice and to insure speedy decisions on important public measures: Now, therefore, be it

Resolved by the Assembly of the State of California, That the President's judicial reform program is hereby emphatically endorsed and approved; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, and each Senator and Member of the House of Representatives in the United States Congress from the State of California.

REPORTS OF COMMITTEES

Mr. BROWN of Michigan, from the Committee on Claims, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 328. A bill for the relief of the estate of Letha F. McCubbin, the estate of Mary B. Hodge, and the estate of Walter H. Mansfield (Rept. No. 181); and

H. R. 1231. A bill for the relief of John Munroe (Rept. No. 182).

Mr. BROWN of Michigan also, from the Committee on Claims, to which was referred the bill (H. R. 595) for the relief of C. E. Landtiser, reported it with an amendment and submitted a report (No. 183) thereon.

Mr. BAILEY, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

S. 434. A bill for the relief of Rufus C. Long (Rept. No. 186);

S. 435. A bill for the relief of B. W. Winward (Rept. No. 187);

S. 544. A bill for the relief of M. K. Fisher (Rept. No. 188); and

S. 1684. A bill for the relief of the State of Pennsylvania (Rept. No. 189).

Mr. BAILEY also, from the Committee on Claims, to which were referred the following bills, reported them severally with an amendment and submitted reports thereon:

S. 274. A bill for the relief of Joseph N. Wenger, lieutenant, United States Navy, and for other purposes (Rept. No. 195);

H. R. 3451. A bill for the relief of F. M. Loeffler (Rept. No. 190); and

H. R. 3812. A bill for the relief of the estate of Rees Morgan (Rept. No. 191).

Mr. BAILEY also, from the Committee on Claims, to which were referred the following bills, reported them severally with amendments and submitted reports thereon:

S. 74. A bill for the relief of Melba Kuehl (Rept. No. 192);

S. 191. A bill for the relief of Orson Thomas (Rept. No. 193); and

S. 316. A bill for the relief of Edward Y. Garcia and Aurelia Garcia (Rept. No. 194).

Mr. LOGAN, from the Committee on Claims, to which was referred the bill (S. 470) for the relief of Joseph M. Cacace, Charles M. Cacace, and Mary E. Clibourne, reported it without amendment and submitted a report (No. 197) thereon.

Mr. TOWNSEND, from the Committee on Claims, to which was referred the bill (H. R. 3067) for the relief of John Edgar White, a minor, reported it without amendment and submitted a report (No. 198) thereon.

Mr. CAPPER, from the Committee on Claims, to which was referred the bill (H. R. 3201) for the relief of Bertha M. Harris, reported it without amendment and submitted a report (No. 199) thereon.

Mr. WHITE, from the Committee on Commerce, to which was referred the bill (S. 595) to amend the Communications Act of 1934, approved June 19, 1934, for the purpose of promoting safety of life and property at sea through the use of wire and radio communications, to make more effective the International Convention for the Safety of Life at Sea, 1929, and for other purposes, reported it with an amendment in the nature of a substitute and submitted a report (No. 196) thereon.

Mr. COPELAND, from the Committee on Commerce, to which was referred the bill (H. R. 5487) to amend section 4551 of the Revised Statutes of the United States, as amended (U. S. C., 1934 ed., Supp. II, title 46, sec. 643), reported it without amendment and submitted a report (No. 200) thereon.

Mr. SHEPPARD, from the Committee on Commerce, to which was referred the bill (S. 1570) granting the consent of Congress to compacts or agreements between the States of Minnesota, South Dakota, and North Dakota with respect to

the Red River of the North, reported it without amendment.

Mr. VAN NUYS (for Mr. McCARRAN), from the Committee on the Judiciary, to which was referred the bill (S. 1550) to provide for the appointment of two additional circuit judges for the ninth judicial circuit, reported it without amendment and submitted a report (No. 201) thereon.

Mr. BURKE, from the Committee on the Judiciary, to which was referred the bill (S. 750) to grant relief to persons erroneously convicted in courts of the United States, reported it without amendment and submitted a report (No. 202) thereon.

SAFETY IN THE AIR—SUPPLEMENTARY REPORT OF COMMITTEE ON COMMERCE (S. REPT. NO. 185)

Mr. COPELAND. Mr. President, I present this morning two very important reports from the Committee on Commerce. First, I submit a supplementary report relating to safety in the air. It will be recalled that the Committee on Commerce, or a subcommittee thereof, was appointed, pursuant to Senate Resolution 146, Seventy-fourth Congress, to investigate the Cutting accident. A report from the committee was submitted last June. I now submit a supplementary report in connection with the same subject.

"MORRO CASTLE" AND "MOHAWK" INVESTIGATIONS (S. REPT. NO. 184)

Mr. COPELAND. Mr. President, I submit a further report. A subcommittee of the Committee on Commerce was also appointed, pursuant to Senate Resolution 7, Seventy-fourth Congress, to investigate the *Morro Castle* and *Mohawk* disasters. On behalf of the committee I am submitting this morning a preliminary report showing the recommendations of the committee regarding the structure of ships.

I should like to say, in connection with this report, that under the chairmanship of Admiral Rock, of the Technical Committee, there has been worked out a set of rules for ship construction which has attracted world-wide attention. For example, one of the architects of the new sister ship to the *Queen Mary* wrote asking for a copy of this report in order that the new ship might be made safe, saying that it was understood this report was an exhaustive one and the most complete ever made. It is very heartening to think that at least we know how to build ships in this country, even if we do not build any. So, on the part of the committee, I submit this report.

The VICE PRESIDENT. The reports submitted by the Senator from New York will be received and printed.

Mr. COPELAND. I ask consent to introduce a bill, for appropriate reference, to carry out the provisions of the report just submitted by me relative to the promotion of safety at sea.

The VICE PRESIDENT. Without objection, the bill will be now received and referred to the Committee on Commerce.

(See Senate bill 1916, introduced today by Mr. COPELAND, under the appropriate heading.)

ENROLLED BILL PRESENTED

Mrs. CARAWAY, from the Committee on Enrolled Bills, reported that on March 11, 1937, that committee presented to the President of the United States the enrolled bill (S. 936) to regulate the sales of goods in the District of Columbia.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ADAMS:

A bill (S. 1895) to provide for the striking of medals, in lieu of coins, for commemorative purposes; to the Committee on Banking and Currency.

By Mr. WHITE:

A bill (S. 1896) relative to the issuance of part of the coins authorized by the act entitled "An act to authorize the coinage of 50-cent pieces in commemoration of the three-hundredth anniversary of the founding of York County, Maine", approved June 26, 1936; to the Committee on Banking and Currency.

By Mr. LA FOLLETTE:

A bill (S. 1897) to extend the times for commencing and completing the construction of a free highway bridge across the Mississippi River at or near La Crosse, Wis.; to the Committee on Commerce.

A bill (S. 1898) to authorize the Secretary of War to furnish certain markers for certain graves; to the Committee on Military Affairs.

A bill (S. 1899) to amend an act approved June 16, 1934, entitled "An act to provide relief to Government contractors whose costs of performance were increased as a result of compliance with the act approved June 16, 1933, and for other purposes"; to the Committee on Education and Labor.

By Mr. BLACK:

A bill (S. 1900) granting an increase of pension to James L. Huston; to the Committee on Pensions.

By Mr. THOMAS of Oklahoma:

A bill (S. 1901) to amend the last two provisos, section 26, act of Congress approved March 3, 1921 (41 Stat. L. 1225–1248); and

A bill (S. 1902) to create an Indian Claims Commission, to provide for the powers, duties, and functions thereof, and for other purposes; to the Committee on Indian Affairs.

A bill (S. 1903) for the relief of James T. Bingham (with accompanying papers); to the Committee on Military Affairs.

By Mr. LONERGAN:

A bill (S. 1904) declaring Park River, Hartford County, Conn., to be a nonnavigable waterway; to the Committee on Commerce.

By Mr. SHEPPARD:

A bill (S. 1905) to amend the National Firearms Act, approved June 26, 1934; to the Committee on Military Affairs.

By Mr. WALSH:

A bill (S. 1906) to repeal section 3744, Revised Statutes, as amended; and

A bill (S. 1907) to authorize the President of the United States to dispose of certain public vessels, and for other purposes; to the Committee on Naval Affairs.

By Mr. McNARY:

A bill (S. 1908) granting a pension to Kate C. Bodensiek (with accompanying papers); to the Committee on Pensions.

By Mr. POPE:

A bill (S. 1909) conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and render final judgment on any and all claims of whatsoever nature the Snake or Piute Indians, or any band or group thereof, may have against the United States, and for other purposes; to the Committee on Indian Affairs.

By Mr. REYNOLDS:

A bill (S. 1910) to provide shorter hours of duty for members of the fire department of the District of Columbia; to the Committee on the District of Columbia.

By Mr. CLARK:

A bill (S. 1911) for the relief of Ella Ragotski; to the Committee on Claims.

A bill (S. 1912) to provide for the measurement of vessels using the Panama Canal, and for other purposes; to the Committee on Interoceanic Canals.

By Mr. COPELAND:

A bill (S. 1913) to reclassify the salaries of employees in the custodial service in all departments of the Government of the United States of America, including all positions therein, and for other purposes; to the Committee on Civil Service.

A bill (S. 1914) for the relief of George B. Pfeiffer; and

A bill (S. 1915) for the relief of Sidney S. Steinberg and Leon Steinberg; to the Committee on Claims.

A bill (S. 1916) to amend existing laws so as to promote safety at sea by requiring the proper design, construction, maintenance, inspection, and operation of ships; to give effect to the Convention for Promoting Safety of Life at Sea, 1929, and for other purposes; to the Committee on Commerce.

By Mr. NEELY:

A bill (S. 1917) to amend the act entitled "An act authorizing the State of West Virginia by and through the State Bridge Commission of West Virginia to acquire, purchase, construct, improve, maintain, and operate bridges across the streams and rivers within said State and/or across boundary line streams or rivers of said State", approved March 3, 1931, as amended; to the Committee on Commerce.

A bill (S. 1918) to authorize the award of a decoration for distinguished service, namely, the Congressional Medal of Honor, to Acors Rathbun Thompson; to the Committee on Naval Affairs.

By Mr. BROWN of Michigan:

A bill (S. 1919) to aid the several States in the proper conservation, orderly production, and procurement of natural gas for interstate commerce, and to regulate its transportation, sale, and exchange in interstate commerce in order to insure its fair and equitable distribution and marketing, and for other purposes; to the Committee on Interstate Commerce.

By Mr. CAPPER:

A bill (S. 1920) to reduce the rate of interest on certain loans made by the land bank commissioner, to extend the time for payment of the principal of such loans, and for other purposes; to the Committee on Banking and Currency.

By Mr. NEELY (by request):

A joint resolution (S. J. Res. 106) creating a Transcontinental Superhighways Commission; to the Committee on Post Offices and Post Roads.

HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated below:

H. R. 2305. An act to extend the time for applying for and receiving benefits under the act entitled "An act to provide means by which certain Filipinos can emigrate from the United States", approved July 10, 1935; to the Committee on Immigration.

H. R. 175. An act declaring Scajaquada Creek, Erie County, N. Y., to be a non-navigable stream; and

H. R. 3874. An act to extend the times for commencing and completing the construction of a bridge and causeway across the water between the mainland at or near Cedar Point and Dauphin Island, Ala.; to the Committee on Commerce.

H. R. 4287. An act to authorize the Attorney General to settle outstanding claims against Chapman Field, Fla., and for other purposes; to the Committee on Claims.

H. R. 3473. An act to authorize the Secretary of State to sell, for a price, transfer, and convey the title, rights, and interest of this Government in a lot situated at Sin Lu T'ou Jetty, Kulangsu, Amoy, China; and

H. R. 5332. An act authorizing allotment of pay by civilian personnel stationed abroad; to the Committee on Foreign Relations.

H. R. 4012. An act to penalize procuring of or attempts to procure the escape of any prisoner in the custody of an officer of the United States; and

H. R. 5122. An act to authorize certain officers and employees to administer oaths to expense accounts; to the Committee on the Judiciary.

CLERK, DISBURSING OFFICE

Mr. TYDINGS submitted the following resolution (S. Res. 94), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Resolution No. 208, agreed to May 12, 1932, authorizing the Secretary of the Senate to employ a clerk for service in the disbursing office, hereby is amended by striking out "$2,220 per annum" and inserting in lieu thereof "$2,400 per annum."

ANNA BAUMGARTNER

Mr. NEELY submitted the following resolution (S. Res. 95), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay from the appropriation for miscellaneous items, contingent fund of the Senate, fiscal year 1936, to Anna Baumgartner, widow of Gottlieb Baumgartner, late an employee of the Senate under supervision of the Committee on Rules, a sum equal to 6 months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

CREATION OF THE SENATE

Mr. SHEPPARD. Mr. President, I desire to present to the Senate a study recently prepared by Dr. George J. Schulz, Director of the Legislative Reference Service, on the creation of the Senate. It is based upon the proceedings in the Constitutional Convention of 1787, which created our present form of government, and since it deals with the creation of this body, I think it most appropriate that it be printed as a Senate document. I submit it for reference to the Committee on Printing, with a view to its publication as a Senate document.

I take this opportunity to commend Dr. Schulz for his efficient conduct of the Legislative Reference Service since he has been its Director. Many Senators know Dr. Schulz personally, more especially in his recent capacity as Director of the Legislative Reference Service. Most of us, I am sure, call upon him frequently for assistance, which is rendered efficiently, courteously, and expeditiously. I am convinced the Senate generally has come more and more to appreciate the value of the Legislative Reference Service since Dr. Schulz has been the Director thereof.

The VICE PRESIDENT. Without objection, the document will be referred to the Committee on Printing.

REORGANIZATION OF THE FEDERAL JUDICIARY—ADDRESS BY SENATOR WALSH

[Mr. COPELAND asked and obtained leave to have printed in the RECORD an address on the subject of President Roosevelt's Supreme Court proposal, delivered by Senator WALSH at Carnegie Hall, New York, on the evening of Mar. 12, 1937, which appears in the Appendix.]

REORGANIZATION OF FEDERAL JUDICIARY—ADDRESS BY SENATOR COPELAND

[Mr. GEORGE asked and obtained leave to have printed in the RECORD an address entitled "Court Reorganization and American Minorities", delivered by Senator COPELAND at Carnegie Hall on the evening of Mar. 12, 1937, which appears in the Appendix.]

THE AMERICAN SUGAR BOWL—ADDRESS BY SENATOR ADAMS

[Mr. JOHNSON of Colorado asked and obtained leave to have printed in the RECORD a radio address on the subject of Proposed Sugar Legislation, delivered by Senator ADAMS Monday, Mar. 15, 1937, which appears in the Appendix.]

REORGANIZATION OF FEDERAL JUDICIARY—ADDRESS BY RAYMOND MOLEY

[Mr. HOLT asked and obtained leave to have printed in the RECORD a radio address delivered on Mar. 7, 1937, by Raymond Moley, editor of News Week, relative to the reorganization of the Federal judiciary, which appears in the Appendix.]

TRIBUTE TO POSTMASTER GENERAL FARLEY

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an editorial entitled "Farley Tribute", published in the Middlesboro (Ky.) Daily News of Feb. 16, 1937, which appears in the Appendix.]

TREASURY AND POST OFFICE APPROPRIATIONS

The VICE PRESIDENT. Morning business is closed. The calendar under rule VIII is in order.

Mr. McKELLAR. I move that the Senate proceed to the consideration of House bill 4720, being the bill making appropriations for the Treasury and Post Office Departments.

The VICE PRESIDENT. The question is on the motion of the Senator from Tennessee.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 4720) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1938, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. McKELLAR. I ask unanimous consent that the formal reading of the bill be dispensed with, that it be read for

amendment, and that the amendments of the committee be first considered.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the order is made. The clerk will state the first amendment reported by the committee.

The first amendment of the Committee on Appropriations was, under the heading "Title I—Treasury Department—Miscellaneous and contingent expenses, Treasury Department", on page 7, line 17, after the word "for" and the semicolon, to strike out "$170,000" and insert "$185,000", so as to read:

For miscellaneous and contingent expenses of the office of the Secretary and the bureaus and offices of the Department, including operating expenses of the Treasury, Treasury Annex, Auditors' and Liberty Loan Buildings; newspaper clippings, financial journals, books of reference, law books, technical and scientific books, newspapers, and periodicals, expenses incurred in completing imperfect series, library cards, supplies, and all other necessary expenses connected with the library; not exceeding $5,000 for traveling expenses, including the payment of actual transportation and subsistence expenses to any person whom the Secretary of the Treasury may from time to time invite to the city of Washington or elsewhere for conference and advisory purposes in furthering the work of the Department; freight, expressage, telegraph and telephone service; purchase and exchange of motor trucks and maintenance and repair of motor trucks and three passenger automobiles (one for the Secretary of the Treasury and two for general use of the Department), all to be used for official purposes only; file holders and cases; fuel oils, grease, and heating supplies and equipment; gas and electricity for lighting, heating, and power purposes, including material, fixtures, and equipment therefor; purchase, exchange, and repair of typewriters and labor-saving machines and equipment and supplies for same; floor covering and repairs thereto; furniture and office equipment, including supplies therefor and repairs thereto; awnings, window shades, and fixtures; cleaning supplies and equipment; drafting equipment; ammonia for ice plant; flags; hand trucks, ladders; miscellaneous hardware; streetcar fares not exceeding $500; thermometers; lavatory equipment and supplies; tools and sharpening same; laundry service; laboratory supplies and equipment; removal of rubbish; postage; uniforms for Treasury guards not exceeding $1,200; custody, care, protection, and expenses of sales of lands and other property of the United States, acquired and held under sections 3749 and 3750 of the Revised Statutes (U. S. C., title 40, secs. 301, 302); the examination of titles, recording of deeds, advertising, and auctioneers' fees in connection therewith; and other absolutely necessary articles, supplies, and equipment not otherwise provided for; $185,000.

The amendment was agreed to.

The next amendment was, on page 8, line 11, after the word "acts", to strike out "$46,000" and insert "$55,000", so as to read:

For supplies and materials, communications service, traveling expenses, equipment, and miscellaneous expenses in connection with carrying out the provisions of the Emergency Banking Act, approved March 9, 1933, the Gold Reserve Act of 1934, the Silver Purchase Act of 1934, and any Executive orders, proclamations, and regulations issued under such acts, $55,000.

The amendment was agreed to.

The next amendment was, under the subhead "Office of Commissioner of Accounts and Deposits", on page 9, line 15, after the word "expenses", to strike out "$1,420,000" and insert "$1,435,000", so as to read:

Division of Disbursement, salaries and expenses: For personal services in the District of Columbia and in the field, stationery, travel, rental of equipment, and all other necessary miscellaneous and contingent expenses, $1,435,000.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Customs", on page 14, line 16, after the word "work" and the semicolon, to strike out "$20,582,260" and insert "$20,650,000", so as to read:

Salaries and expenses: For collecting the revenue from customs, for the detection and prevention of frauds upon the customs revenue, and not to exceed $100,000 for the securing of evidence of violations of the customs laws; for expenses of transportation and transfer of customs receipts from points where there are no Government depositories; not to exceed $84,500 for allowances for living quarters, including heat, fuel, and light, as authorized by the act approved June 26, 1930 (U. S. C., title 5, sec. 118a), but not to exceed $1,700 for any one person; not to exceed $5,000 for the hire of motor-propelled passenger-carrying vehicles; not to exceed $500 for subscriptions to newspapers; not to exceed $1,500 for improving, repairing, maintaining, or preserving buildings, inspection stations, office quarters, including living quarters for officers, sheds, and sites along the Canadian and Mexican borders acquired under authority of the act of June 26, 1930 (U. S. C., title 19, sec. 69); and including the purchase (not to exceed $87,500), exchange, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles when necessary for official use in field work; $20,650,000, of which such amount as may be necessary shall be available for the payment of extra compensation earned by customs officers or employees for overtime services, at the expense of the parties in interest, in accordance with the provisions of section 5 of the act approved February 13, 1911, as amended by the act approved February 7, 1920, and section 451 of the Tariff Act, 1930 (U. S. C., title 19, secs. 261, 267, and 1451).

The amendment was agreed to.

The next amendment was, on page 15, line 9, after the word "and", to strike out "459,180" and insert "$473,120", so as to make the proviso read:

Provided, That the receipts from such parties in interest for such overtime services shall be deposited as a refund to the appropriation from which such overtime compensation is paid, in accordance with the provisions of section 524 of the Tariff Act of 1930 (U. S. C., title 19, sec. 1524); for the cost of seizure, storage, and disposition of any merchandise, vehicle and team, automobile, boat, air or water craft, or any other conveyance seized under the provisions of the customs laws, for the purchase of arms, ammunition, and accessories, and $473,120 shall be available for personal services in the District of Columbia exclusive of 10 persons from the field force authorized to be detailed under section 525 of the Tariff Act of 1930.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Comptroller of the Currency", on page 17, line 4, to strike out "$45,000" and insert "$55,300", so as to read:

For personal services in the District of Columbia in connection with carrying out the provisions of the Emergency Banking Act, approved March 9, 1933 (48 Stat. 1), $55,300.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Internal Revenue", on page 19, line 1, after the word "districts", to strike out "$57,788,020" and insert "$58,775,000", and in line 2, after the word "exceed", to strike out "$11,678,160" and insert "$11,760,140", so as to read:

Salaries and expenses: For salaries and expenses in connection with the assessment and collection of internal-revenue taxes and the administration of the internal-revenue laws, including the administration of such provisions of other laws as are authorized by or pursuant to law to be administered by or under the direction of the Commissioner of Internal Revenue; including the Commissioner of Internal Revenue, Assistant General Counsel for the Bureau of Internal Revenue, an assistant to the Commissioner, a special deputy commissioner, four deputy commissioners, one stamp agent (to be reimbursed by the stamp manufacturers), and the necessary officers, collectors, deputy collectors, attorneys, experts, agents, accountants, inspectors, investigators, chemists, supervisors, storekeeper-gaugers, guards, clerks, janitors, and messengers in the District of Columbia, the several collection districts, the several divisions of internal-revenue agents, and the several supervisory districts, to be appointed as provided by law; the securing of evidence of violations of the acts, the cost of chemical analyses made by other than employees of the United States and expenses incident to such chemists testifying when necessary; telegraph and telephone service, rent in the District of Columbia and elsewhere, postage, freight, express, necessary expenses incurred in making investigations in connection with the enrollment or disbarment of practitioners before the Treasury Department in internal-revenue matters, expenses of seizure and sale, and other necessary miscellaneous expenses, including stenographic reporting services; for the acquisition of property under the provisions of title III of the Liquor Law Repeal and Enforcement Act, approved August 27, 1935 (49 Stat. 872–881), and the operation, maintenance, and repair of property acquired under such title III; for the exchange, hire, maintenance, repair, and operation of motor-propelled or horse-drawn passenger-carrying vehicles when necessary, for official use of the Alcohol Tax Unit in field work; and the purchase of such supplies, equipment, furniture, mechanical devices, laboratory supplies, law books and books of reference, and such other articles as may be necessary for use in the District of Columbia, the several collection districts, the several divisions of internal-revenue agents, and the several supervisory districts, $58,775,000, of which amount not to exceed $11,760,140 may be expended for personal services in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the subhead "Coast Guard", on page 26, line 15, after the word "purposes" and the semicolon, to insert "entrance fees in matches for the rifle team, and special equipment therefor", so as to read:

Contingent expenses: For contingent expenses, including subsistence of shipwrecked and destitute persons succored by the Coast Guard and of prisoners while in the custody of the Coast Guard; for the recreation, amusement, comfort, contentment, and health of the enlisted men of the Coast Guard, to be expended in the discretion of the Secretary of the Treasury, not exceeding $40,000;

instruments and apparatus, supplies, technical books and periodicals, services necessary to the carrying on of scientific investigation, and not exceeding $4,000 for experimental and research work; care, transportation, and burial of deceased officers and enlisted men, including those who die in Government hospitals; wharfage, towage, freight, storage, advertising, surveys, medals, labor, newspapers, and periodicals for statistical purposes; entrance fees in matches for the rifle team, and special equipment therefor; and all other necessary expenses which are not included under any other heading, $122,600.

The amendment was agreed to.

The next amendment was, under the subhead "Secret Service Division", on page 30, line 3, after the words "United States", to strike out "$790,000" and insert "$850,000", so as to read:

Suppressing counterfeiting and other crimes: For expenses incurred under the authority or with the approval of the Secretary of the Treasury in detecting, arresting, and delivering into the custody of the United States marshal having jurisdiction dealers and pretended dealers in counterfeit money and persons engaged in counterfeiting, forging, and altering United States notes, bonds, national-bank notes, Federal Reserve notes, Federal Reserve bank notes, and other obligations and securities of the United States and of foreign governments, as well as the coins of the United States and of foreign governments, and other crimes against the laws of the United States relating to the Treasury Department and the several branches of the public service under its control; purchase (not to exceed $25,000), exchange, hire, maintenance, repair, and operation of motor-propelled passenger-carrying vehicles when necessary; purchase of arms and ammunition; traveling expenses; and for no other purpose whatsoever, except in the performance of other duties specifically authorized by law, and in the protection of the person of the President and the members of his immediate family and of the person chosen to be President of the United States, $850,000.

The amendment was agreed to.

The next amendment was, under the subhead "Public Health Service", on page 38, line 1, after the word "work", to strike out "$1,600,000, of which not to exceed $50,000 shall be available for investigations to determine the possibly harmful effects on human beings of spray insecticides on fruits and vegetables" and insert "$1,550,000", so as to read:

Diseases and sanitation investigations: For carrying out the provisions of section 603 of the Social Security Act, approved August 14, 1935, and section 1 of the act of August 14, 1912, including rent and personnel and other services in the District of Columbia and elsewhere and items otherwise properly chargeable to the appropriations for printing and binding, stationery, and miscellaneous and contingent expenses for the Treasury Department, the provisions of section 6, act of August 23, 1912 (U. S. C., title 31, sec. 669), to the contrary notwithstanding, the packing, crating, drayage, and transportation of the personal effects of commissioned officers, scientific personnel, pharmacists, and nurses of the Public Health Service upon permanent change of station, and including the purchase (not to exceed $2,500), exchange, maintenance, repair, and operation of passenger-carrying automobiles for official use in field work, $1,550,000.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of the Mint—Office of Director of the Mint", on page 39, line 22, after the word "expenses", to strike out "$1,050,000" and insert "$1,190,000", so as to read:

Expenses, Silver Purchase and Gold Reserve Acts: For salaries and expenses in the Bureau of the Mint and the mints and assay offices in connection with carrying out the provisions of the Gold Reserve Act of 1934 and the Silver Purchase Act of 1934, and any Executive orders, proclamations, and regulations issued thereunder, including not to exceed $70,000 for personal services in the District of Columbia, supplies and materials, travel, printing, rent, equipment, and miscellaneous expenses, $1,190,000.

The amendment was agreed to.

The next amendment was, under the subhead "Procurement Division—Public Buildings Branch", on page 43, line 18, after the word "activities", to strike out "$1,525,000" and insert "$1,600,000", so as to read:

Operating force for public buildings: For personal services, including also telephone operators for the operation of telephone switchboards or equivalent telephone switching equipment jointly serving in each case two or more governmental activities, $1,600,000.

The amendment was agreed to.

The next amendment was, under the subhead "Procurement Division—Branch of Supply", on page 48, line 17, after the word "machines", to insert "and devices for mechanically operating typewriting machines", so as to read:

No part of any money appropriated by this or any other act shall be used during the fiscal year 1938 for the purchase of any standard typewriting machines, except bookkeeping and billing machines and devices for mechanically operating typewriting machines, at a price in excess of the following for models with carriages which will accomodate paper of the following widths, to wit: 10 inches (correspondence models), $70; 12 inches, $75; 14 inches, $77.50; 16 inches, $82.50; 18 inches, $87.50; 20 inches, $94; 22 inches, $95; 24 inches, $97.50; 26 inches, $103.50; 28 inches, $104; 30 inches, $105; 32 inches, $107.50; or, for standard typewriting machines distinctively quiet in operation, the maximum prices shall be as follows for models with carriages which will accommodate paper of the following widths, to wit: 10 inches, $80; 12 inches, $85; 14 inches, $90; 18 inches, $95.

The amendment was agreed to.

The next amendment was, under the heading "Title II—Post Office Department—Salaries in bureaus and offices", on page 51, line 6, to change the appropriation for personal services in the District of Columbia, Office of the First Assistant Postmaster General, from $373,710 to $375,270.

The amendment was agreed to.

The next amendment was, on page 51, line 8, to change the appropriation for personal services in the District of Columbia, Office of the Second Assistant Postmaster General, from $569,810 to $578,230.

The amendment was agreed to.

The next amendment was, on page 51, line 10, to change the appropriation for personal services in the District of Columbia, Office of the Third Assistant Postmaster General, from $765,000 to $780,870.

The amendment was agreed to.

The next amendment was, on page 51, line 12, to change the appropriation for personal services in the District of Columbia, office of the Fourth Assistant Postmaster General from $447,500 to $461,640.

The amendment was agreed to.

The next amendment was, on page 51, line 14, to change the appropriation for personal services in the District of Columbia, office of the Solicitor for the Post Office Department, from $81,280 to $86,520.

The amendment was agreed to.

The next amendment was, on page 51, at the end of line 15, to change the appropriation for personal services in the District of Columbia, office of the chief inspector, from $216,000 to $223,320.

Mr. McNARY. Mr. President, I observe that as to many items there are increases over the amounts provided by the House, and I assume increases over the Budget estimates. May I inquire of the Senator from Tennessee if I am correct?

Mr. McKELLAR. No. They are within the Budget estimates, but they are increases over the House figures. If the Senator will look at the different items, he will find the increases are very small. Upon satisfactory proof being presented to our committee, the committee allowed the increases. They are all within the Budget estimate.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The VICE PRESIDENT. The next committee amendment will be stated.

The next amendment was, under the subhead "Contingent expenses, Post Office Department", on page 52, line 9, after the word "article", to strike out "47" and insert "49", and in line 10, before the word "convention", to strike out "London" and insert "Cairo", so as to read:

For contingent and miscellaneous expenses; stationery and blank books, index and guide cards, folders and binding devices, including purchase of free penalty envelops; telegraph and telephone service, furniture and filing cabinets and repairs thereto; purchase, exchange, maintenance, and repair of tools, electrical supplies, typewriters, adding machines, and other labor-saving devices; purchase of one motor-propelled passenger-carrying vehicle at not to exceed $2,500, including the exchange value of one such vehicle, and for maintenance of motor trucks and of two motor-driven passenger-carrying vehicles, to be used only for official purposes (one for the Postmaster General and one for the general use of the Department); streetcar fares; floor coverings; postage stamps for correspondence addressed abroad, which is not exempt under article 49 of the Cairo convention of the Universal Postal Union; purchase and exchange of law books, books of reference, railway guides, city directories, and books necessary to conduct the business of the Department; newspapers, not exceeding $200; expenses, except membership fees, of attendance at meetings or conventions concerned with postal affairs, when

incurred on the written authority of the Postmaster General, not exceeding $2,000; expenses of the purchasing agent and of the Solicitor and attorneys connected with his office while traveling on business of the Department, not exceeding $800; and other expenses not otherwise provided for; $84,500.

The amendment was agreed to.

The next amendment was, on page 52, line 25, after the word "elsewhere", to strike out "$1,150,000" and insert "$1,200,000", so as to read:

For printing and binding for the Post Office Department, including all of its bureaus, offices, institutions, and services located in Washington, D. C., and elsewhere, $1,200,000.

The amendment was agreed to.

The next amendment was, under the subhead "Office of Chief Inspector", on page 55, line 8, after the word "and", to strike out "580" and insert "590", and in line 9, after the word "inspectors", to strike out "$2,232,500" and insert "$2,258,500", so as to read:

Salaries of inspectors: For salaries of 15 inspectors in charge of divisions and 590 inspectors, $2,258,500.

The amendment was agreed to.

The next amendment was, on page 55, line 22, after the word "Service" and the comma, to strike out "$612,575" and insert "$621,675", so as to read:

Traveling and miscellaneous expenses: For traveling expenses of inspectors, inspectors in charge, the chief post-office inspector, and the assistant chief post-office inspector, and for the traveling expenses of four clerks performing stenographic and clerical assistance to post-office inspectors in the investigation of important fraud cases; for tests, exhibits, documents, photographs, office and other necessary expenses incurred by post-office inspectors in connection with their official investigations, including necessary miscellaneous expenses of division headquarters, and not to exceed $500 for technical and scientific books and other books of reference needed in the operation of the Post Office Inspection Service, $621,675.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the First Assistant Postmaster General", on page 57, at the end of line 15, to increase the appropriation for separating mails at third- and fourth-class post offices from $425,000 to $450,000.

The amendment was agreed to.

The next amendment was, on page 58, line 9, to increase the appropriation for car fare and bicycle allowance, including special-delivery car fare, from $1,300,000 to $1,325,000.

The amendment was agreed to.

The next amendment was, on page 58, line 21, after the name "Alaska", to strike out "$207,245" and insert "$280,000", so as to read:

Star-route service, Alaska: For inland transportation by star routes in Alaska, $280,000.

The amendment was agreed to.

The next amendment was, on page 60, line 21, after the word "service", to strike out "$350,000" and insert "355,000", so as to read:

Electric- and cable-car service: For electric- and cable-car service, $355,000.

The amendment was agreed to.

The next amendment was, on page 60, line 23, after the word "otherwise", to strike out "$14,054,823" and insert "and for determining the feasibility of trans-Atlantic mail routes, "$14,700,000, so as to read:

Foreign mail transportation: For transportation of foreign mails by steamship, aircraft, or otherwise, and for determining the feasibility of trans-Atlantic mail routes, $14,700,000.

The amendment was agreed to.

The next amendment was, on page 61, line 2, after the word "exceed", to strike out "$9,230,823" and insert "$9,876,000", and in line 5, after the words "excess of", to strike out "$10,221,463" and insert "$10,408,000", so as to make the proviso read:

Provided, That not to exceed $9,876,000 of this sum may be expended for carrying foreign mail by aircraft under contracts which will not create obligations for the fiscal year 1939 in excess of $10,408,000.

The amendment was agreed to.

The next amendment was, on page 61, line 23, to strike out "$14,250,000" and insert "$14,787,894.30", so as to read:

Contract air mail service: For the inland transportation of mail by aircraft, and for personal services for examining and auditing the books, records, and accounts of air-mail contractors, as authorized by law, and for the incidental expenses thereof, including not to exceed $22,200 for supervisory officials and clerks at air-mail transfer points, and not to exceed $46,460 for personal services in the District of Columbia and incidental and travel expenses, $14,787,894.30.

The amendment was agreed to.

Mr. McKELLAR. Mr. President, at this point I desire to offer a clarifying amendment on behalf of the committee.

The VICE PRESIDENT. The amendment will be stated.

The CHIEF CLERK. It is proposed, on page 61, line 23, after the amendment just agreed to, to insert "of which not less than $1,687,894.30 shall be available for extensions, new routes, and increased frequency of schedules", so as to make the paragraph read:

Contract air-mail service: For the inland transportation of mail by aircraft, and for personal services for examining and auditing the books, records, and accounts of air-mail contractors, as authorized by law, and for the incidental expenses thereof, including not to exceed $22,200 for supervisory officials and clerks at air-mail transfer points, and not to exceed $46,460 for personal services in the District of Columbia and incidental and travel expenses, $14,787,894.30, of which not less than $1,687,894.30 shall be available for extensions, new routes, and increased frequency of schedules.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Fourth Assistant Postmaster General", on page 64, line 5, after the word "offices", to insert "of the first, second, and third classes"; in line 6, after the word "purchase", to insert "or rental"; and on page 65, line 1, after the word "expenses", to strike out "$2,491,100" and insert "$2,621,000", so as to read:

Post-office stationery, equipment, and supplies: For stationery for the Postal Service, including the money-order and registry system; and also for the purchase of supplies for the Postal Savings System, including rubber stamps, canceling devices, certificates, envelopes, and stamps for use in evidencing deposits, and free penalty envelopes; and for the reimbursement of the Secretary of the Treasury for expenses incident to the preparation, issue, and registration of the bonds authorized by the act of June 25, 1910 (U. S. C., title 39, sec. 760); for miscellaneous equipment and supplies, including the purchase and repair of furniture, package boxes, posts, trucks, baskets, satchels, straps, letter-box paint, baling machines, perforating machines, duplicating machines, printing presses, directories, cleaning supplies, and the manufacture, repair, and exchange of equipment, the erection and painting of letter-box equipment, and for the purchase and repair of presses and dies for use in the manufacture of letter boxes; for postmarking, rating, money-order stamps, and electrotype plates and repairs to same; metal, rubber, and combination type, dates and figures, type holders, ink pads for canceling and stamping purposes, and for the purchase, exchange, and repair of typewriting machines, envelope-opening machines, and computing machines, numbering machines, time recorders, letter balances, scales (exclusive of dormant or built-in platform scales in Federal buildings), test weights, and miscellaneous articles purchased and furnished directly to the Postal Service, including complete equipment and furniture for post offices of the first, second, and third classes in leased and rented quarters; for the purchase or rental of arms and miscellaneous items necessary for the protection of the mails; for miscellaneous expenses in the preparation and publication of post-route maps and rural delivery maps or blueprints, including tracing for photolithographic reproduction; for other expenditures necessary and incidental to post offices of the first, second, and third classes, and offices of the fourth class having or to have rural delivery service, and for letter boxes; for the purchase of atlases and geographical and technical works not to exceed $1,500; for wrapping twine and tying devices; for expenses incident to the shipment of supplies, including hardware, boxing, packing, and not exceeding $55,000 for the pay of employees in connection therewith in the District of Columbia; for rental, purchase, exchange, and repair of canceling machines and motors, mechanical mail-handling apparatus, accident prevention, and other labor-saving devices, including cost of power in rented buildings and miscellaneous expenses of installation and operation of same, including not to exceed $35,000 for salaries of 13 traveling mechanicians, and for traveling expenses, $2,621,000.

The amendment was agreed to.

The next amendment was, on page 65, line 5, after the word "added", to strike out the colon and the following additional proviso:

Provided further, That no part of this appropriation shall be expended for the purchase of furniture and complete equipment for third-class post offices except miscellaneous equipment of the general character furnished such offices during the fiscal year 1931.

The amendment was agreed to.

The next amendment was, on page 66, line 10, after the word "offices", to strike out "$11,200,000" and insert "$11,400,000", so as to read:

Rent, light, and fuel: For rent, light, fuel, and water, for first-, second-,, and third-class post offices, and the cost of advertising for lease proposals for such offices, $11,400,000.

The amendment was agreed to.

The next amendment was, on page 67, line 3, after the word "vehicles", to insert a comma and "including those received by transfer from other departments, establishments, or agencies of the Government", so as to read:

Vehicle service: For vehicle service; the hire of vehicles; the rental of garage facilities; the purchase, exchange, maintenance, and repair of motor vehicles, including those received by transfer from other departments, establishments, or agencies of the Government; accident prevention; the hire of supervisors, clerical assistance, mechanics, drivers, garagemen, and such other employees as may be necessary in providing vehicles and vehicle service for use in the collection, transportation, delivery, and supervision of the mail, $15,250,000.

The amendment was agreed to.

The next amendment was, under the subhead "Public buildings, maintenance and operation", on page 69, line 4, after the word "herein", to strike out "$5,000,000" and insert "$5,100,000", so as to read.

Operating supplies, public buildings: For fuel, steam, gas, and electric current for lighting, heating, and power purposes, water, ice, lighting supplies, removal of ashes and rubbish, snow and ice, cutting grass and weeds, washing towels, telephone service for custodial forces, and for miscellaneous services and supplies, accident prevention, tools and appliances, for the operation and completed and occupied public buildings and grounds, including mechanical and electrical equipment, but not the repair thereof, operated by the Post Office Department, including the Washington Post Office and the Customhouse Building in the District of Columbia, and for the transportation of articles and supplies authorized herein, $5,100,000.

The amendment was agreed to.

The next amendment was, on page 72, after line 21, to strike out the following section:

SEC. 5. No part of the appropriations contained in this act shall be used to pay the compensation of any person detailed or loaned for service in connection with any investigation or inquiry undertaken by any committee of either House of Congress under special resolution thereof.

The amendment was agreed to.

The next amendment was, on page 73, line 3, to change the section number from 6 to 5.

The amendment was agreed to.

The VICE PRESIDENT. Without objection, the clerks will be authorized to renumber all sections where necessary. That completes the committee amendments.

Mr. VANDENBERG. Mr. President, if I may have the attention of the Senator from Tennessee [Mr. MCKELLAR], I desire to ask about the $500,000,000 appropriation carried on page 4, line 19. This is the beginning of the old-age reserve account under title II of the so-called Security Act, I understand?

Mr. MCKELLAR. Yes.

Mr. VANDENBERG. I desire to ask the Senator to what extent the $500,000,000 is offset by the collection of pay-roll taxes.

Mr. MCKELLAR. That did not appear before our committee.

Mr. VANDENBERG. I think I have the information.

Mr. MCKELLAR. I hope the Senator will give it to the Senate. That item, of course, increases the total amount of the bill very much, to the extent of about $235,000,000, but the social security law has been enacted, and it was represented to the committee that it is necessary, in order to carry out the Government's part of the social security law, to have this additional sum. That is why it is in the bill. I hope the Senator will give to the Senate the facts which he has.

Mr. VANDENBERG. Has the Senator information as to what will be done with the balance of the pay-roll tax collections in excess of $500,000,000 which is here appropriated?

Mr. MCKELLAR. I do not think anyone knows as yet whether there will be an excess, but if there is an excess it will go to the fund.

Mr. VANDENBERG. Inasmuch as this is the inception, the first appropriation for the full reserve fund in respect to the compulsory old-age benefit payments under title II of the Social Security Act, I desire to make a brief statement in connection with it, because I think it touches one of the most fundamental fiscal challenges confronting the Government.

This is the first large annual appropriation to the full reserve fund which is provided under the Social Security Act for old-age benefit payments. The whole reserve fund ultimately becomes $47,000,000,000, the most fantastic and the most indefensible objective imaginable. It is scarcely conceivable that rational men should propose such an unmanageable accumulation of funds in one place in a democracy. Still worse, it is needless from the sound standpoint of this compulsory tax-supported old-age pension system itself. Indeed, it actually penalizes and hampers these laudatory and necessary social objectives by diverting pay-roll tax revenues which otherwise could be used to hasten and expand the benefit payments, and at the same time could be used to avoid the contemplated step-up in the percentage of pay-roll taxes for a considerable period.

The alternative to the full reserve is a candid pay-as-you-go system, with only a contingent reserve for emergency purposes. The alternative avoids the necessity of accumulating this monstrous sum of $47,000,000,000 out of taxes.

Mr. MCKELLAR. Mr. President, will the Senator yield to me for just a moment?

Mr. VANDENBERG. I yield.

Mr. MCKELLAR. Of course, the Social Security Act has already been passed, and, so far as the Appropriations Committee are concerned we are obliged to appropriate in accordance with the law. When the estimate was made and brought before the Appropriations Committee, we did so; but the Senator is addressing himself to the law itself.

Mr. VANDENBERG. Mr. President, there is not any doubt in the world about that, and I am about so to state; but I think the challenge is so tremendous that except as Congress is forced to direct its attention to the amendment of that section of the Social Security Act itself, the matter will drift into a situation which will become exceedingly menacing in the near future.

I was just saying that the alternative to the full reserve is a contingent reserve. I was saying that the alternative avoids the necessity of accumulating the $47,000,000,000. I now assert that the alternative is approved by the experts of every large insurance company in the United States. This statement is based on my personal contact with more than 60 of them. What I am now saying does not argue against the immediate $500,000,000 reserve appropriation in the pending bill, because under either system—whether full reserve or contingent reserve—the pay-roll tax collections for a year or two would have to go to reserve; but I am using this highly appropriate occasion to point the progressive menace that lies ahead, under the terms of this unfortunate section of the Social Security Act, if the reserve problem is not promptly and constructively attacked and wisely dealt with.

The Senate Finance Committee already has had one highly illuminating hearing on my Senate resolution dealing with this subject, and has agreed, in conjunction with the Social Security Board, to set up a detached advisory council of experts to make subsequent recommendations regarding it. But at this moment, when we are making the first half-billion-dollar appropriation for the reserve and are thus actually launching this vast enterprise, I desire briefly to emphasize the problem to the Senate and to the country, lest in the pressure of other more spectacular matters it may go by default. Any such default would spell needless exploitation of our people and needless handicap to social security, and it cannot be overstressed, Mr. President, that what I am saying is in the interest of the Social Security Act itself and a broadening of its benefits and advantages.

Up to last March 1, 24,460,045 wage earners and 2,634,703 employers had registered under the provisions of this title of the Social Security Act; and I observe by a release which comes to my desk this morning from the Social Security

Board that on March 16 they passed the twenty-five millionth master card, representing the twenty-five millionth wage earner who has registered under this section of the bill. Each one of these wage earners is paying his share of this year's 2-percent pay-roll tax. He is paying one-half of it. The employer is paying the other half of the 2 percent, his share also being 1 percent. They are paying together in excess of $600,000,000 in pay-roll taxes this year. The amount will progressively increase hereafter.

The Senate will recall that this 2-percent tax, which this year yields in excess of $600,000,000, goes up to 3 percent in 1940, again equally divided between employer and employee; to 4 percent in 1943; to 5 percent in 1946; to 6 percent in 1949; and thereafter stays at 6 percent. Benefit payments, however, except in a few relatively rare cases, do not generally start until January 1, 1942, and even then on a pathetically slim basis, for wage earners now in middle life. Practically all of the revenue from pay-roll taxes goes into reserve until 1942. A goodly portion continues to go into reserve thereafter until the reserve reaches $47,000,000,000, in 1980. In other words, it is the greedy appetite of the reserve which eats up a large portion of these pay-roll tax revenues, and thus needlessly diverts it from the Social Security Act objectives which it is presumed to promote, and which ought to be the first charge upon our consideration.

I have said that it is a needless diversion. That is the whole question. Is the full reserve necessary? Let us see. It is not half so perplexing as it seems. The simplest way to understand it is to contemplate what finally happens in 1980, when the full reserve has been built to the astronomical sum of $47,000,000,000, all invested, by the terms of the act, in United States Government securities yielding 3 percent. Let us call it a round $50,000,000,000 for the sake of easy calculation.

What happens? The old-age pension fund cashes its 3-percent coupons on $50,000,000,000 of Government bonds and gets $1,500,000,000 to put into its benefit payments that year, and similarly each year thereafter. Congress, in turn, raises that billion and a half dollars by means of general taxes to pay the interest on the Government bonds which the old-age pension fund owns.

In other words, the general taxpayer pays the particular billion and a half dollars that goes into the payment of old-age benefits in 1980, and each year thereafter. It would cost the general taxpayer no more to pay a direct subsidy of a billion and a half dollars into the pension fund. It would be the same billion and a half dollars.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. VANDENBERG. If the Senator will let me finish this paragraph, I shall then be happy to yield to him.

I was saying that it is the same billion and a half dollars. If it were thus directly done—that is to say, by a direct appropriation of a billion and a half dollars to the Social Security fund instead of to a fund to pay interest on the $50,000,000,000 of bonds which the Social Security Board owns—if it were a direct transaction, it never would have been necessary to raise most of the $47,000,000,000 wrung from employers, employees, and general taxpayers in previous years to create the full reserve. In other words, apparently simply for the sake of avoiding a frank confession that our old-age pension system is not intended to be entirely self-supporting, and that it does require an annual subsidy from general taxation—to which I have no objection whatever—simply for the purpose of hiding that subsidy fact we go to the amazing expense and burden and hazard of accumulating this full reserve.

I now yield to the Senator from Washington.

Mr. SCHWELLENBACH. Mr. President, assuming that in 1980 the national debt, the amount of bonds which are outstanding, will be $50,000,000,000—and I take it that we would not issue bonds just for the purpose of investing in them the money of the reserve——

Mr. VANDENBERG. Yes; that is exactly what it will be necessary to do, as I am about to show the Senator in just a moment.

Mr. SCHWELLENBACH. To the extent, then, that the bonds which are purchased are bonds issued for the purpose of raising money for other governmental expenditures, is it not entirely proper that the taxpayers should pay the interest on those bonds, and would not they pay the interest on those bonds whether they were held by this reserve fund or by a bank or by a private citizen?

Mr. VANDENBERG. I am afraid the Senator has missed my point. I am not complaining at all about the fact that the taxpayer pays the money. I am complaining because in 1980—using that typical year just for the sake of round figures—the reserve fund contributes the interest on $50,000,000,000 principal, to wit, one billion and a half dollars, to the reserve fund; and that this contribution, which is necessary in order to make the benefit payments that year, comes out of an appropriation of the Congress, assessed against the taxpayer in general. In other words, the general taxpayer has to make the appropriation to pay the interest on the bonds. It would be the same billion and a half dollars if Congress made a direct appropriation into the Social Security reserve fund, thus avoiding the necessity of ever having had to accumulate the forty-seven or fifty-billion-dollar fund at all; and while we are needlessly accumulating the $50,000,000,000 reserve we are diverting a major portion of these pay-roll taxes from the objective to which they ought to be dedicated—namely, an enhancement of the benefit payments under the Social Security Act itself, or a lightening of the tax load.

Mr. SCHWELLENBACH. I think the Senator said we will have $600,000,000 this year.

Mr. VANDENBERG. It is estimated that the pay-roll collections this year will be in excess of $600,000,000; but let us call it $600,000,000 for easy calculation.

Mr. SCHWELLENBACH. Where will they get the bonds in which to invest?

Mr. VANDENBERG. I shall come to that in just a moment. I desire to trace the transactions, because it is particularly illuminating.

Mr. SCHWELLENBACH. Very well.

Mr. VANDENBERG. I should not assume to ask the Senate to agree with me solely upon my own responsibility in respect to a problem of this magnitude, involving the actuarial considerations which are concerned in it, and I remind the Senate again that the experts of every major life-insurance company in the United States agree with the thing I am saying here today, agree that it is not necessary to have this full reserve, and that the social-security compulsory old-age pensions can better be served on a pay-as-you-go basis, with a contingent reserve, and that the beneficiaries of the Social Security Act will be infinitely better off as a result, as will be the Nation as a whole.

I have been trying to demonstrate the basis for that statement. I have visualized the problem as it will exist in 1980, when the $47,000,000,000 climax will arrive. The same problem in relatively lesser degree will arise each year from now until 1980. Each year the full reserve will be a corresponding burden and a needless burden to a nation which has taxes enough to pay without being asked to pay needless taxes.

Mr. President, that is not all. Now, I am coming to the problem submitted by the able Senator from Washington.

The actual thing which happens each year in respect to this reserve—and I refer now to the Treasury mechanics—is little short of alarming. Let us see how it works. The Treasury this year will collect about $600,000,000 in these pay-roll taxes for social-security purposes. The money does not go into earmarked trusts. It goes into and mingles with the general revenue. Congress then appropriates $500,000,000 to the reserve fund, which is what we are doing today. The Secretary of the Treasury does not put the money into the reserve fund. Oh, no; he keeps the money, and, as required by the act, issues 3-percent bonds to the reserve fund. Those are permanent bonds. The principal of the bonds is rarely ever cashed or touched. It is only the interest on the bonds which ordinarily concerns the reserve fund. So what has happened? Social security gets a permanent I O U for $500,000,000 under the terms of the bill we are

now passing. The Secretary of the Treasury gets the $500,000,000 in cash to apply on general debts and deficits. To be sure, there is a bookkeeping debit, but actually social security helps to finance our current general Federal expenditures. In other words, we use the proceeds of a gross income tax on labor, raised in the pious name of social security, to cushion the General Treasury.

Mr. SCHWELLENBACH. Mr. President, I do not like to interrupt the Senator——

Mr. VANDENBERG. I am very happy to have the Senator interrupt me. It is a very perplexing and complicating thing which I am trying to reduce to simple terms.

Mr. SCHWELLENBACH. We have this $500,000,000. Is it not fair to assume that if the Treasury did not get the $500,000,000 from this source it would get it from some other source? The $500,000,000 is to be used in the operation of the Government during this period of time.

Mr. VANDENBERG. That is correct.

Mr. SCHWELLENBACH. If the Government did not get it through the sale of this kind of bonds to the Social Security, it would get it from the sale of another kind of bonds to banks or somebody else. Is not that correct?

Mr. VANDENBERG. Undoubtedly.

Mr. SCHWELLENBACH. And the interest on the $500,000,000 would be paid by the people of the country, because we would have to collect the money with which to pay the interest in the form of taxes.

Mr. VANDENBERG. Yes; but there is a point the Senator totally overlooks in his calculation. I am complaining, and I submit that the beneficiary of social security has the right to complain, that his pay-roll taxes, which presumably are raised for a social-security purpose, are the instrumentalities that are used to cushion this general Federal financing under the operations the Senator is discussing.

Mr. SCHWELLENBACH. But the Senator is complaining about a different thing from what he was discussing when I started to interrupt him. The point in which I am interested particularly is the Senator's statement that there would be a double payment of this million and a half interest.

Mr. VANDENBERG. Oh, no; I am sorry the Senator did not catch my meaning. I did not say there would be a double payment; I said it would be the same billion and a half, so far as the taxpayer is concerned, if it is taken from him to pay the interest on the bonds or if it is taken from him to pay a direct subsidy into the fund.

Mr. SCHWELLENBACH. But the Senator intimated that it would be necessary to have an appropriation each year and that, as a matter of fact, the general public was going to be compelled to pay this interest.

Mr. VANDENBERG. That is correct.

Mr. SCHWELLENBACH. But if they did not pay the interest item on this $500,000,000, they would pay it upon another $500,000,000, because the money would be used by the Government.

Mr. VANDENBERG. But the other $500,000,000 is related to the general debt of the Government. The $500,000,000 involved in social security is not related to the general operations of the Government; and I am complaining that it is insisted that $47,000,000,000 be set aside for a reserve in order to produce an annual interest return to the fund, when, if the $47,000,000,000 were not set aside at all, and the annual charge were simply paid into the Social Security fund by way of frank subsidy, the same thing exactly would be done for the Social Security fund, and the wage earners of the country, who pay half of the pay-roll tax, and the employers of the country, who pay the other half of the pay-roll tax, would be saved the necessity of being taxed through the years to accumulate this needless $47,000,000,000.

Mr. SCHWELLENBACH. The Senator does not complain that, so far as the taxpayer is concerned, assuming that this $500,000,000 will be spent anyway, the taxpayer would have to pay the tax to settle the interest on the $500,000,000, whether it goes through the Social Security fund or not.

Mr. VANDENBERG. Exactly. There is one other very interesting point I should like to mention; it had escaped my mind. It shows another of the absurdities involved in this particular section of the Social Security Act. I beg of the Senator to realize that I am speaking only of this particular section. I voted for the Social Security Act, and I believe in it.

Under the terms of the act the Secretary of the Treasury is required to provide a United States Government security for this reserve fund which yields the reserve fund 3 percent. So where does Mr. Morgenthau find himself this afternoon after this bill is passed? He finds himself with $500,000,000, which has to go into the Social Security reserve on a 3-percent basis.

There are no United States Government bonds at the present time selling on the basis of a yield of 3 percent, or anything like it. So he cannot get any existing Government bond to put into this reserve today on a 3-percent basis. What he will do—and it is what he has already done with some preliminary funds—is to issue a special 3-percent Government bond to the reserve tomorrow, after this bill shall be enacted, at a time when money can be procured in the open market on the basis of 1¼, 1⅛, and 1⅜ percent. In other words, under the operation of the law as it applies to this particular appropriation, the Treasury Department is forced, first, by the existence of a needless full reserve fund, second, by the requirement that it be invested only in Government bonds yielding 3 percent, to pay 3 percent for static money, when it can get it in the open market for 1¼ percent. That is just one of numerous collateral phases of this particular section of the Social Security Act which multiply and amplify the problem I am trying to bring to the attention of the Senate.

Mr. WHITE. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. WHITE. Has the Senator figured out and can he tell us what the loss to the Government will be through the issuance of these 3-percent bonds when money can be obtained in the market at a very much lower rate?

Mr. VANDENBERG. No; I have made no such calculation; but it is manifestly a large item. One can make a mental calculation, for instance, respecting the $500,000,000. The difference between 3 percent on $500,000,000 and, say, 1¼ percent on $500,000,000 is something around $10,000,000, just applied to the first payment down on this enormous fund, which will ultimately reach the perfectly preposterous and incalculable figure of $47,000,000,000.

Mr. NORRIS. Mr. President——

Mr. VANDENBERG. I yield to the Senator from Nebraska.

Mr. NORRIS. Mr. President, I assure the Senator I have no other object in interrupting him than to get clear in my mind, if I can, the point which the Senator is attempting to elucidate. There may be some dispute about it, but, for the sake of my question, let us assume that it is desirable—and I think we did assume that when we passed the law—that a reserve fund should be created. Then the question follows: What are we going to do with the reserve fund? Naturally, we would invest it. I think it will be conceded that the safest place to put it would be in Government bonds; and is not that going to be the ultimate disposition of the fund?

The Secretary of the Treasury, as a matter of fact, in order to comply with the law, issues a bond or an I O U, if we wish to call it that, bearing 3 percent interest; and for the moment he cannot invest it in bonds, because the Government is not at this time issuing any 3-percent bonds. Yet, ultimately, as I understand, the fund would be used for the purpose of paying off Government bonds. I concede that in the meantime it might be used for the ordinary financial transactions of the Government; but there would come a time when the bonds outstanding would be due and would be paid, and eventually there would be enough money in this fund to take up all the Government bonds.

Mr. VANDENBERG. Oh, yes; and a great deal more.

Mr. NORRIS. For the present I do not think we ought to worry much about that, because we can stop payment into this fund if the time ever comes when we shall have taken up all the Government bonds, the result of which would be that the Social Security reserve fund would be invested in such bonds.

Mr. VANDENBERG. That is correct.

Mr. NORRIS. The Social Security Act provides for the creation of the fund and provides that the fund shall be properly invested so as to bring in money for the purpose of complying with the terms of the act.

Mr. VANDENBERG. The Social Security Board will practically own the national debt.

Mr. NORRIS. Yes; and when we pay interest on Government bonds held by the Social Security fund we will really be paying to ourselves, instead of paying to banks and individuals and investment companies.

Mr. VANDENBERG. That is correct.

Mr. NORRIS. We would get out of it whatever interest would be paid on the bonds.

Mr. VANDENBERG. I think that is true.

Mr. NORRIS. Will the Senator permit a further interruption?

Mr. VANDENBERG. Yes, indeed.

Mr. NORRIS. I realize that the Secretary of the Treasury could now issue bonds of the Government at a lower rate of interest than 3 percent. At the time we passed the Social Security Act investment conditions were different from those which now exist. The money market was somewhat different. I suppose we may assume that 3 percent is a very low rate of interest for Government bonds. Heretofore the rate of interest on Government bonds has been much higher than that.

Mr. VANDENBERG. What I desire to be sure the Senator from Nebraska understands is that this rate-of-interest factor was purely casual, and was brought in simply through my exchange of comment with the able Senator from Washington [Mr. SCHWELLENBACH]. That is purely beside and outside the fundamental reserve question, which seems to me to preponderate in this challenge. As the Senator has said, what finally happens is that the Social Security Board owns all of the national debt. That is what happens.

This is my complaint: In order to get the money to own the entire national debt and virtually retire it—because the principal is never to be used by the Social Security Board, just the interest—in order to complete that operation, the Secretary of the Treasury, in the name of the Social Security Board, will have to accumulate this $47,000,000,000 of reserve out of taxes on the wage earners. Therefore, the net result of the operation is that when the national debt is transferred to the ownership of the Social Security Board, it actually has been financed by a gross income tax on the lowest-paid income group in the United States, and it has been done in the pious name of social security.

In my judgment, in view of the way this thing got into the bill, the purpose of putting it in in the first place was to provide a cushion for Treasury financing during these difficult times. Let us not have any mistake about whether or not there is any justification for that statement. When this bill was originally drawn, so far as I can determine, practically all of the President's advisers on the special commission that he set up to write the Social Security Act either leaned to the contingent reserve as opposed to the full reserve, or were actually in favor of the contingent reserve instead of the full reserve. I am advised that at least three of the four actuaries who were primarily consulted when the law was written were opposed to the full reserve.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER (Mr. POPE in the chair). Does the Senator from Michigan yield to the Senator from Nebraska?

Mr. VANDENBERG. I yield.

Mr. NORRIS. I do not question anybody's idea about it. It is a question on which honest men will disagree.

Mr. VANDENBERG. Oh, certainly.

Mr. NORRIS. Honest men will disagree as to whether we should pay as we go or whether we should set up a reserve.

Mr. VANDENBERG. I am not impugning any motive anywhere in the discussion.

Mr. NORRIS. I understand that. I have always favored the setting up of a reserve. It does not follow that I should want to set up a high enough reserve so that the income on it would pay the entire debt. The object in setting up a reserve in this case would be similar to that actuating a man who had a mortgage on his home, who would set aside something which would meet the debt when it finally came due. Another man might differ with him and say that instead of doing that he would renew the mortgage, and in the meantime use for other purposes the amount he could set aside as a reserve to pay the debt when it came due. Some hardship might be incurred in setting aside a reserve. However, it has always seemed to me that it would be better to set aside a reserve to meet a future contingency, in spite of the fact that we have to endure some hardships in doing it, and even though we could save that money, or use it for other purposes, or not even raise it by taxation; but we would have to levy a higher rate of taxes in order to pay as we go, and would not have the benefit of any income from the reserve.

Mr. VANDENBERG. I am very anxious to comment specifically upon what the Senator from Nebraska has just said. Before I do so, however, let me finish what I was saying when the able Senator interrupted me.

I was undertaking to say that when this particular section of the Social Security Act was written, the great weight of social security testimony in the country was against the full reserve; and I think the bill was drawn on that basis in the first instance. It was not until the bill reached the House Ways and Means Committee and the Secretary of the Treasury appeared before the committee—and I think he had a letter from the President in connection with his appearance—that the full reserve was forced into the bill; forced in not, in my judgment, because of its advantage to the Social Security Act, but forced in fundamentally and probably predominantly as a Treasury operation, so that these pay-roll tax revenues could cushion the Treasury in connection with its difficult financial operations in these difficult years.

I revert now to the observations of the Senator from Nebraska, and his suggestion that it is the course of wisdom and prudence to accumulate a reserve against a subsequent obligation. Of course that is true, so far as abstract economics is concerned. The best parallel to draw would be a parallel between a private insurance company and its operation on the full reserve system. The private insurance company operates on exactly the kind of system against which I am complaining in connection with title II of the Social Security Act. The difference is that when a private insurance company receives a premium it has to amortize its obligation out of every premium it receives, because it has no assurance of revenue tomorrow and the day after. The difference between a private insurance system and a public insurance system is that the public system does not have to cushion itself against all of tomorrow's contingencies, because it is guaranteed a substantial and constant and continuing revenue by law through constancy of compulsory pay-roll taxes. The only factor of doubt that confronts the public insurance system is whether or not employment will fluctuate, as the result of which the pay-roll taxes fluctuate. Therefore every executive of every major insurance company in this country—and I shall put the list in the RECORD—agrees that the public system does not need the full reserve such as the private system has to operate on and such as the Senator from Nebraska was discussing as the normal prudent procedure in respect to a private obligation, but merely requires a relatively small contingent reserve.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. SCHWELLENBACH. Cannot a fair analogy be drawn between the suggestion which has been made as to the pay-as-you-go system and the mutual assessment insurance companies? I think the history of the mutual assessment insurance companies will prove that in the long run they are not successful. So long as the assessment is small—in other words, so long as the indemnities are small, and the company is going along nicely, all the policyholders stay in and pay their assessments, but when for a period of a year or 2 years or 3 years the indemnities are particularly high,

then the policyholders withdraw. Would we not be running the risk of the same danger if we had what would be analogous to the mutual assessment system, a pay-as-you-go system? So long as the indemnities were low, so long as the amount appropriated by Congress was low, we could go ahead and the cost would be taken care of out of appropriations; but would we not face the danger if there should ensue a period of high indemnities and of large appropriations of somebody saying, "Well, we must abandon this thing"; and those who had ordered their lives with the idea that after a certain age they would receive a pension; would have that assurance taken away from them?

Mr. VANDENBERG. No; I do not think there is the slightest analogy to be correctly drawn in the fashion my friend proposes, and this is the reason: The mutual assessment system to which he refers has absolutely no assurance whatsoever of one penny's income beyond today; it is at the mercy of any contingency that may confront it in the future; and the Senator has described some of the contingencies that confront it. As assessments become larger people drop their insurance, and the whole plan becomes unsatisfactory. The income of the mutual system collapses, and the whole show is over. The public system is not troubled by a single one of those factors, because it knows, to a reasonable certainty, what its income is to be tomorrow, the next day and the next day, and even the income in 1980 is identified.

Mr. BONE. Mr. President, will the Senator yield?

Mr. VANDENBERG. I will yield in a moment if the Senator will permit me. Please do not overlook the fact that in the pay-as-you-go system there is a contingency reserve. No one is suggesting that there should not be some protection against the ebb and flow of pay-roll tax revenues into this fund. There is some disagreement as to how much of a contingent reserve is necessary. There has been some discussion of $3,000,000,000, and I have heard the suggestion made that the reserve should be as high as $8,000,000,000. That is one of the subjects that are going to be discussed by the special board of experts which the Senate Finance Committee has very generously and sympathetically created. There is a contingency reserve against the casual emergent moment when something may happen that has been unforeseen. But the issue is drawn between this contingent reserve, which does not require the accumulation of this particularly gargantuan fund of $47,000,000,000 on the one hand, and a contingent reserve on the other hand, which can be reasonably accumulated without any burden whatsoever either on the wage earner, who pays half the pay-roll tax, or on the employer, who pays the other half of the pay-roll tax.

Mr. President, at this point I ask unanimous consent to insert in the RECORD, in connection with my remarks, a list of life-insurance executives, found at page 14 of the Senate committee hearings, embracing the names of in excess of 60 of the greatest insurance experts in America, men who are in contact with the greatest body of expert experience in the country, men who have the largest right to speak from experience in respect to this problem. These gentlemen, without equivocation, insist that the full reserve system is not necessary in order to accomplish the result which we desire. I may say that, before I shall have concluded, I wish to demonstrate some of the alternative results that can be obtained in the interest and welfare of the social-security client himself if this major menace is removed. I ask that the list be printed in the RECORD at this point.

The PRESIDING OFFICER. Without objection, the list will be printed in the RECORD.

The list is as follows:

Thomas A. Buckner, president, New York Life Insurance Co., New York, N. Y.
William H. Kingsley, president, Penn Mutual Life Insurance Co., Philadelphia, Pa.
Edward D. Duffield, president, Prudential Life Insurance Co., Newark, N. J.
M. B. Brainard, president, Aetna Life Insurance Co., Hartford, Conn.
M. J. Cleary, president, Northwestern Mutual Life Insurance Co., Milwaukee, Wis.
B. J. Perry, president, Massachusetts Mutual Life Insurance Co., Springfield, Mass.
Guy W. Cox, president, John Hancock Life Insurance Co., Boston, Mass.
L. E. Zacher, president, Travelers Insurance Co., Hartford, Conn.
Arthur F. Hall, president, Lincoln National Life Insurance Co., Fort Wayne, Ind.
John R. Hardin, president, Mutual Benefit Life Insurance Co., Newark, N. J.
George Willard Smith, president, New England Mutual Life Insurance Co., Boston, Mass.
Carl Hays, president, Guardian Life Insurance Co., New York, N. Y.
M. A. Linton, president, Provident Mutual Life Insurance Co., Philadelphia, Pa.
John C. Hill, president, Standard Life Insurance Co., Pittsburgh, Pa.
M. Clark Terrill, vice president, Phoenix Mutual Life Insurance Co., Hartford, Conn.
T. W. Appleby, president, Ohio National Life Insurance Co., Cincinnati, Ohio.
A. Carlston McKenney, vice president, Life Insurance Co. of Virginia, Richmond, Va.
Danforth E. Ball, president, Columbus Mutual Life Insurance Co., Columbus, Ohio.
Henry Moir, chairman, finance committee, United States Life Insurance Co., New York, N. Y.
Edwin A. Olson, president, Mutual Trust Life Insurance Co., Chicago, Ill.
A. A. Rydgren, president, Continental American Life Insurance Co., Wilmington, Del.
W. W. Putney, president, the Midwest Life Insurance Co., Lincoln, Nebr.
C. C. Criss, president, United Benefit Life Insurance Co., Omaha, Nebr.
W. G. Tallman, president, Great Western Insurance Co., Des Moines, Iowa.
W. P. Stevens, president, Scranton Life Insurance Co., Scranton, Pa.
Arthur E. German, president, Baltimore Life Insurance Co., Baltimore, Md.
John E. Reilly, president, Old Line Life Insurance Co., Milwaukee, Wis.
Clarence J. Daly, president, Capitol Life Insurance Co., Denver, Colo.
Ralph E. Lounsbury, president, Bankers' National Life Insurance Co., Montclair, N. J.
H. M. Merrian, president, Franklin Life Insurance Co., Springfield, Ill.
C. E. Little, president, Provident Life Insurance Co., Bismarck, N. Dak.
Walter L. Fallet, president, Fidelity Mutual Life Insurance Co., Philadelphia, Pa.
A. L. Key, chairman of board, Volunteer State Life Insurance Co., Chattanooga, Tenn.
W. L. Mood, Jr., president, American Life Insurance Co., Galveston, Tex.
James L. Loomis, president, Connecticut Mutual Life Insurance Co., Hartford, Conn.
A. O. Swink, president, Atlantic Life Insurance Co., Richmond, Va.
John V. Hanna, president, United Life Insurance Co., Concord, N. H.
Raymond F. Low, president, American Reserve Life Insurance Co., Omaha, Nebr.
H. G. Royer, president, Great Northern Life Insurance Co., Chicago, Ill.
Robert E. Sweeny, president, State Life Insurance Co., Indianapolis, Ind.
Cornelius A. Craig, chairman of the board, National Life Insurance Co., Nashville, Tenn.
F. B. Wilde, president, Connecticut General Life Insurance Co., Hartford, Conn.
L. J. Dougherty, president, Guaranty Life Insurance Co., Davenport, Iowa.
Crawford E. Ellis, president, Pan-American Life Insurance Co., New Orleans, La.
Charles A. Harrington, president, Massachusetts Protective Life Insurance Co., Worcester, Mass.
S. B. Coley, president, Durham Life Insurance Co., Raleigh, N. C.
Henry H. Kohn, president, Morris Plan Insurance Society, New York, N. Y.
J. J. Cadigan, president, New World Life Insurance Co., Seattle, Wash.
E. O. Burget, president, Peoples Life Insurance Co., Frankfort, Ind.
T. A. Phillips, president, Minnesota Mutual Life Insurance Co., St. Paul, Minn.
George W. Steinman, president, Midland Life Insurance Co., Columbus, Ohio.
Victor Ettienne, Jr., president, West Coast Life Insurance Co., San Francisco, Calif.
Chandler Bullock, president, State Mutual Life Insurance Co., Worcester, Mass.
R. B. Richardson, executive vice president, Montana Life Insurance Co., Helena, Mont.
W. T. Grant, president, Businessmen's Assurance Co., Kansas City, Kans.
C. F. O'Donnel, president, Southwestern Life Insurance Co., Dallas, Tex.
C. R. Beardman, president, Wisconsin National Life Insurance Co., Oshkosh, Wis.

C. W. Young, president, Monarch Life Insurance Co., Springfield, Mass.
E. C. Green, president, Pilot Life Insurance Co., Greensboro, N. C.
Clem E. Peters, president, Conservative Life Insurance Co., Wheeling, W. Va.

Mr. VANDENBERG. I now yield to the Senator from Washington.

Mr. BONE. Mr. President, do we not find a parallel between the private insurance company, of whatever character it may be, and the Federal Government in operating the social-security program in this fact: The Senator has spoken of the necessity for the private insurance company finding a profitable investment for its funds; obviously it has to have such investment; but there come times when it cannot find it, and the Senator says that a full reserve is necessitated in order to meet that condition.

Mr. VANDENBERG. That is only one of the several reasons why it is necessary that they have a full reserve.

Mr. BONE. There is also this contingency confronting private insurance companies: In a time of great stress, such as we have been going through in recent years, when millions of men become idle, they lose their insurance by defaulting in the payment of their premiums. The insurance companies keep that money; they will never again have to pay it out; they have that tremendous cushion. Furthermore, they are using tables of longevity that were employed three-quarters of a century ago. We have a different picture confronting us today. So the average insurance company is collecting more premiums than are sufficient in normal times to care for their load, for their liability. But does not the Government confront the same situation in a time of stress such as we have been going through? When millions of men go off the pay rolls does not the Government confront a situation that is quite similar to that confronted by the average private insurance company?

Mr. VANDENBERG. Mr. President, may I interrupt the Senator right there so as not to lose the thread of his question?

Mr. BONE. Certainly.

Mr. VANDENBERG. I understand precisely the point the Senator is making. The highest estimate of which I ever heard of a reserve that would be necessary to cushion our experience in the last depression, if this law had been in force throughout the depression, was $2,000,000,000.

Mr. BONE. Is not that largely theoretical?

Mr. VANDENBERG. Well, Mr. President, the whole proposition is theoretical; all actuarial conclusions are theoretical; but they are reasonably reliable, as we find by experience.

Mr. BONE. Insurance companies are relying upon mortality tables some of which were formulated three-quarters of a century ago; the span of life has materially increased, but the insurance companies have not changed their mortality tables. Obviously, today many of the insurance companies are collecting more in the way of premiums than is necessary to sustain them.

Mr. VANDENBERG. Of course, I am not defending private insurance companies here today, and they have no place in my argument except by analogy.

Mr. BONE. I understand that.

Mr. VANDENBERG. They are not involved in the question of whether or not the public system should be based on a full reserve.

Mr. BONE. Perhaps I should not have injected that thought into the discussion, but I feel that the Government is in something of the same position that the private insurance companies are in. They have to build up these gigantic bodies of wealth, represented by security issues and personal property of all kinds in the attempt to fortify themselves and cushion themselves against the shock of abnormally large payments of money. Frankly, I can hardly bring myself to believe that the Government ought not to parallel that proceeding, because it seems to me that the Federal Government, going into that business as it has, is stepping into a field of operations very similar to that of insurance companies, and, if they have found desirable the method referred to, I am inclined to think that the Federal Government could for the time being, at least, for a few years, parallel it until we know precisely what the real answer is.

Mr. VANDENBERG. I want the Senator to hear me through and see what price we are paying, at the expense of the wage earner, for the experiment which the Senator recommends that we carry on for a while longer.

Mr. BONE. Mr. President, I should like to make one more brief statement, if the Senator will permit me.

Mr. VANDENBERG. Certainly.

Mr. BONE. We cannot get something for nothing in this world; at least, I have never discovered how it may be done.

Mr. VANDENBERG. Oh, yes; we got $2,000,000,000 out of gold devaluation for nothing, just with a fountain pen and an imagination.

Mr. BONE. But the insurance that citizens of this country have been able to carry has been paid for out of their pockets.

Mr. VANDENBERG. That is correct.

Mr. BONE. And I do not know how we are going to set up any sort of an intelligent insurance system without someone paying for it.

Mr. VANDENBERG. They are going to pay for it; there is no question about that.

Mr. BONE. Precisely.

Mr. VANDENBERG. But they should not overpay for it. That is the only thing I am saying.

Mr. BONE. I do not believe they are overpaying when a necessary reserve is being created.

Mr. VANDENBERG. I do not, either, if a necessary reserve is being created; but I think I can prove that if it is an unnecessary reserve, then they are paying too much. Is not that true?

Mr. BONE. I agree with the Senator as to that.

Mr. VANDENBERG. Mr. President, inasmuch as this entire reserve, amounting to $47,000,000,000, ultimately has got to be invested in United States Government securities, the net result of the contemplation, among other things, is that by mandate of law we are committed to a permanent national debt of this crushing size, and all through the interim we have made public spending just so much easier and public economy just so much less essential. It is the most vicious influence ever conceived in connection with our public affairs. It puts a premium upon spendthriftism, and it is perfectly obvious that it does. That may not be its purpose. That, however, is the indisputable net result.

The distinguished Governor of the Federal Reserve System, Mr. Eccles, made a very courageous statement yesterday, and I want to commend him for it. He pointed to one of the real crises which America confronts. There is no real crisis which America confronts that relates to the Supreme Court at all. One of the real crises that America confronts is the maintenance of law and order as a basis of civilized existence. Illegal trespass cannot be condoned, no matter who the trespasser may be. But the principal crisis that America confronts, which Governor Eccles identified yesterday, is the menace of a creeping, seeping, ultimately uncontrolled inflation which will crucify—which can crucify, I prefer to say—everything of value in this Nation, and every man, woman, and child under the flag.

Governor Eccles said that we cannot wait much longer for a balanced Federal Budget if we are to avoid this menace. I am happy that such testimony at last has come from some high-ranking official of this administration. It was about time. He said that to avoid inflation and to obtain a balanced Budget without charging the enterprise to anybody who is in want or need, he would be willing, if necessary, to increase the tax structure of the country. I think that was a brave statement, too.

I think he omitted another brave statement that he could and should have made—that it is equally important that a decent regard for elementary economy in the administration of the Government might well start to get ready to begin to commence to contribute toward this balancing of the Budget.

But the thing I want particularly to say about the Eccles' statement, bearing directly upon the proposition I am submitting to the Senate this afternoon, is this: If the Governor of the Federal Reserve System is correct and we confront,

first, the necessity of a balanced Budget; second, the necessity of more taxes to accomplish that end; or, third, an inflationary movement which will be devastating, then there is double necessity for abandoning this full reserve under the Social Security Act for the following reasons:

If additional tax revenues are necessary to the Government, it certainly is the course of wisdom to lighten the tax load at any point where it can be lightened without danger to the advantageous social service which the Government is undertaking to render. If we abandon the full reserve system and go to a pay-as-you-go system, with a contingent reserve in respect to the compulsory old-age pension system, it is indisputable that we could either reduce the existing 2-percent pay-roll tax if we wanted to do so, or at the very least we could avoid the progressive increase in that tax during the years to come which the law itself requires.

I have excellent authority for that statement. I quote the chief actuary of the Social Security Board himself, Mr. W. R. Williamson, in an article which he wrote for the official organ of the Actuarial Society of America in October 1935. I ask Senators to listen to this quotation from the chief actuary of the Social Security Board:

> Were the reserve plan abandoned without immediate increase in the present scale of benefits, the staff suggestion of initial contribution rates of one-half percent from the employer and one-half percent from the employee, advancing slowly to a maximum of 2½ percent from each after 20 years, would meet apparent benefit requirements for a long time to come.

In other words, if we abandon the full reserve system and go to the contingent reserve basis, thus shaking ourselves loose from this ultimate $47,000,000,000 Frankenstein, instead of taxing the wage earner 1 percent today as his share of today's 2-percent pay-roll tax, we would only have to tax him one-half of 1 percent, and instead of increasing that tax to 3 percent on the wage earner alone in the course of the next 12 or 15 years, we would not have to go over 2½-percent maximum for several decades to come.

The first benefit from abandoning the needless full reserve system is to reduce in part the necessity for current taxation upon wage earners, upon the one hand, and the employer upon the other.

Reverting now to the statement by Governor Eccles, I repeat that if it is going to be necessary courageously to increase the tax burden upon the people of the United States in a fashion which he has indicated, it certainly is inadvisable to continue a needless tax which obviously saps the resources from the reservoir out of which the ultimate emancipation has got to come.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. VANDENBERG. I yield.

Mr. NORRIS. I am not at all convinced, although I think I have an open mind on the subject; so far as I know I have. I am still not convinced that we ought to try, without a reserve fund, to solve the question the Senator is discussing.

Mr. VANDENBERG. Will the Senator let me finish my reference to Governor Eccles before he diverts me to another subject?

Mr. NORRIS. Certainly.

Mr. VANDENBERG. I have now indicated one reason why, if Governor Eccles is correct, there is a particularly emphasized need for the thing I am urging. Here is another reason:

If Governor Eccles is correct, and I think he is, that a progressively increasing high cost of living in the United States is going to prove insufferably burdensome to the American people, as a result of the inflationary movement with which we are entirely surrounded, then anything that contributes needlessly to the inflationary movement ought to be rejected promptly in the name of precaution. This full reserve is inflationary in its effect. Why? Because every penny of the pay-roll tax which the employer pays will be passed on to the public in the form of an increased commodity price. It becomes nothing more nor less in that effect than a general sales tax, and it increases by just that amount the cost of commodities in this country, and by just that amount increases the inflationary pressure of the high cost of living.

Any factor that can be restricted or eliminated—always saying, in this connection, that it must not be done with any impairment of the objectives of the Social Security Act—anything that can be done ought to be done in favor of the general situation and jeopardy which we confront.

Now, I think I have concluded my reference to Governor Eccles' statement; and if the Senator from Nebraska will be good enough to renew his question, I shall be happy to hear it.

Mr. NORRIS. Mr. President, I will say to the Senator that he has, at least in part, answered the question I was about to propound. I do not think I have any question at this time.

Mr. VANDENBERG. Mr. President, I have long overstayed my time on the floor. I had no thought of an extended discussion of this problem. I am indebted to Senators for the attention they have given me in connection with it. I feel that it is one of the fundamentally important matters that ought to be explored promptly and effectively. I am speaking today in criticism of no one nor in complaint against anything that has been done in respect to the Social Security Act. It is amazing, as a matter of fact, that so competent an act could have been written, under the circumstances, so quickly and with so few flaws.

Mr. NORRIS. Mr. President, will the Senator yield now?

Mr. VANDENBERG. I yield to the Senator from Nebraska.

Mr. NORRIS. It is very gratifying to me to have the Senator make the statement he has just made. While I was extremely desirous of taking the step that we took in the Social Security Act, I must admit that to a great extent the step was in the dark; and if everyone were candid with himself and with the country, I believe he would have to say the same thing. I could not see through the problem; and it may be that we levied a tax that is too high. I think we had better have done that and lower it afterward than to find out that we had not levied one high enough and have to raise it afterward.

Mr. VANDENBERG. That is true.

Mr. NORRIS. I found, in taking up individual cases, that the tax which is levied is a hardship. All taxes, of course, are; but in a good many instances this tax is going to be quite a hardship; and I should welcome the idea, if we can safely adopt it, of amending that part of the Social Security Act so as to reduce the tax levied on the employer and the employee, too.

Mr. VANDENBERG. I thank the Senator for his observations. That is my whole objective. Simply because we may be devotedly attached to the Social Security Act's objectives, I do not feel that we should decline cold-bloodedly to analyze its mathematics in behalf of betterment; and when I find myself irresistibly convinced, and supported in that conviction by all the greatest actuarial experts in the United States, as I have indicated, that by the abandonment of the full reserve and the substitution of the pay-as-you-go system with a contingent reserve, we can do either one of two things: First, reduce the pay-roll tax; or, second, increase and hasten the payment of the benefits. When I find myself confronting those advantages from a change in the system, necessarily I find myself under compulsion to urge the issue upon every possible occasion.

I desire to say for the Social Security Board that it has been generous, sympathetic, cooperative with me in every effort I have made thus far in the exploration of this problem. I desire to say for the Senate Finance Committee that entirely without respect to any political consideration the Finance Committee has cooperated splendidly in the efforts I am undertaking to probe this thing to a conclusive, dependable finality; and this is the way we are proposing to do it:

The able Senator from Mississippi [Mr. HARRISON], the chairman of the Finance Committee, has appointed a subcommittee of three, consisting of himself, the Senator from Virginia [Mr. BYRD], and myself, to discuss with the Social Security Board members the creation of an utterly independent and detached advisory council of experts to whom we shall submit the double question:

First, is the full reserve necessary? There is no doubt in my mind as to the answer to that question. Second, if it is not necessary, what shall we do with the vast sums we can save by abandoning the reserve? Shall we, first, reduce pay-roll taxes; or, second, hasten increased benefit payments; or, third, shall we combine these two objectives?

Mr. President, in conclusion I desire to observe that the Hearst newspapers recently created a nonpartisan social security commission for a study of all the problems related to the Social Security Act. On March 8 this commission issued its first report on the reserve problem which I have been discussing; and I am happy to say that from that source comes complete corroboration for the conclusions I have been presuming to offer to the Senate this afternoon.

I ask that at the conclusion of my remarks there be printed in the RECORD, first, the identification of the members of this nonpartisan social security commission, and, second, a brief summary of its conclusions on the reserve question.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

MEMBERS LISTED

Following is a list of members of the commission:

James J. Davis, United States Senator from Pennsylvania and former Secretary of Labor. Mr. Davis voted in favor of the Social Security Act.

Henry I. Harriman, former president of the Chamber of Commerce of the United States and member of the chamber's special committee on social security. Mr. Harriman is chairman of the board of the New England Power Association.

Samuel W. Reyburn, chairman, Associated Dry Goods Corporation and chairman of the Retail Merchants' Committee for the study of unemployment legislation.

William J. Graham, vice president, Equitable Assurance Society and member of the Actuarial Society of America.

Herman Feldman, professor of industrial relations at Amos Tuck School of Administration and Finance, Dartmouth College, and former chairman of the New Hampshire Commission on Unemployment Reserves.

Dr. Richard A. Lester, Princeton University economist.

Merryle Stanley Rukeyser, financial commentator, editorial writer, and author of four books on investment and personal finance. Mr. Rukeyser will serve as liaison officer between the Hearst newspapers and the commission.

The Nonpartisan Social Security Commission sponsored by the Hearst newspapers authorizes the subjoined statement of its views on reserves:

I. REDUCTION OF THE ACTUARIAL RESERVE

The commission believes that the cause of social security will be strengthened by amending the sections of the social security law dealing with reserves against old-age benefits. In providing for large actuarial reserves, the act needlessly borrows a principle from voluntary private insurance. The Government plan provides for the automatic inclusion in the insured group of young workers, and therefore can be safely financed without accumulating so large a fund as now provided.

No single phase of the legislation has caused more apprehension to the friends of the law than the proposed building up of an excessive governmental fund. Approach to the pay-as-you-go principle would enable the Government to deal more generously with those nearing the retirement age. At the same time, during the early years taxes on employers and employees could be held at a substantially lower level than contemplated.

Furthermore, these proposed changes in the financial basis for old-age benefits would involve a minimum of adjustment within the economic system, conforming more nearly to the realities. For pension payments to the aged would, in the nature of things, tend to constitute a charge on the current year's output of goods and services. Young and active workers, through the tax system, would consent to a deduction from their own production for the benefit of the aged, with the understanding that when they, too, reach the age of 65 they will be similarly provided for.

Accordingly, instead of the proposed reserve, which may reach $30,000,000,000 in 1960 and a contemplated maximum of $47,000,000,000 by 1980, the commission suggests a minimum contingency reserve no larger in amount than needed to assure carrying out of the plan even in years of depression, when tax receipts might be expected to be subnormal. Authorities consulted by the commission have suggested that $5,000,000,000 would probably be adequate as a contingency reserve for the next 25 years.

Sweden, after 24 years of experience with a national pension system and a comprehensive survey of the problem, completely abandoned the full-reserve principle at the beginning of the current year. These recommendations of the commission are not only consonant with the Swedish experience, but also with the trend in other principal nations carrying out social insurance projects.

The commission perceives hazards in the accumulation of a reserve of thirty, forty, or fifty billion dollars to be invested, as provided in the act, in Federal debt or federally guaranteed bonds in a manner that will yield at least 3 percent. Such a provision would tend to make increase in the Federal debt mandatory, and to that extent preclude the hope of a substantial net reduction of the national debt in periods of national prosperity.

The original argument used in behalf of the large fund was that interest-bearing Federal debt would in the later years provide 40 percent of the annual cost of old-age benefits. But provision of the interest would constitute a charge against taxpayers. Instead of this, if needed, such contributions could be taken directly out of general taxation.

Such a gigantic fund would be a constant temptation to reckless spenders in public office, and might be used in later years to keep a political party in power. Unless the Government spent the accumulated funds in such a way that the national income would be increased, the reserve would fail to perform an economic function.

A reserve as large as contemplated in the present provisions of the act tends to make the terms of social insurance rigid and inflexible, so that adjustments cannot readily be made to changes in the price level, the standard of living of the people, or the rate of industrial progress. It contemplates a static economic society and seeks to foreclose the right of the people periodically to review the plan in the light of economic and social change. Such rigidity is unrealistic, and political experience at home and abroad demonstrates that the lawmaking body in future years would object to having its hands tied.

The contemplated large reserve is to be accumulated by levying higher taxes and paying smaller benefits during the next few decades than would be necessary if such a reserve were not provided for. Accumulation of a large reserve could be obviated either by postponing the tax increases scheduled to begin in 1940, or by augmenting the benefit payments to those now of advanced age, so that each year most of the income from the current pay-roll taxes would be disbursed as benefits to retired workers who have reached the age of 65.

The Commission favors a combination of these two methods.

After sufficient experience, Congress can better decide how to offset the increasing annual disbursements without the present contemplated contribution of interest. If demands are to be made on the general taxpayer for contributions, such a change would be looked upon with more favor, if coverage is extended to exempted groups as rapidly as is administratively feasible.

II. INCREASE OF THE BENEFITS DURING IMMEDIATE FUTURE

Congress has already recognized that workers already old and nearing the retirement age will not have time to contribute in taxes the full cost of their benefits. Thus the principle has been adopted that others shall in taxes contribute to those now in the older groups. The Commission feels that this is a proper social policy, and in the circumstances thinks that such special situations might well be cared for out of general taxation, rather than exclusively out of pay-roll taxes. In any circumstances it recognizes a hardship in postponing benefits until 1942. Likewise, it considers the benefits provided by the present act in the early years as insufficient. Average benefits in the early years should be raised to a basis more nearly comparable to that provided in the act for those who would retire at 65, 25 years or 30 years hence. This sensible change will lessen the danger during the next two decades that might come to the act because benefits are low or not fairly comparable to benefits provided by noncontributory old-age assistance.

Such revisions would put social security on a stronger foundation and in turn relieve general taxation of the burden which otherwise would come through increased noncontributory old-age assistance. Whatever basic benefits it is found economically feasible to adopt on a broad national scale, it will be to the interest of employers, as well as workers, to consider voluntary pension plans, financed by employers and workers, as a supplement to the national project. The Commission recommends that employers and workers, through business management, labor unions, and other interested organizations, should give their prompt and serious attention to this problem.

The general taxpayer has a real stake in the social-security program, since, as the President's Committee on Economic Security computed in 1935, the successful operation of the old-age benefits program by 1980 should hold down public expenditures for old-age relief to less than 40 percent of the amount they would have reached by that date had the present contributory program not been established. A properly conceived social-insurance plan does not necessarily create new burdens on society but provides for a fairer and more systematic handling of old obligations.

III. PROTECTION OF PENSION FUNDS AND RESERVES

The Commission recommends that a definite accounting procedure be adopted by the Federal Government to earmark receipts intended for old-age benefits which exceed disbursements in any fiscal year. If pay-roll taxes exceed benefits and are used to meet expenses of the Federal Government or to retire outstanding debt, such sums should be definitely and clearly set up as liabilities in the financial statements of the Federal Government. There should be developed bookkeeping methods so that the people might visualize the mounting costs of old-age benefit payments assumed by the Federal Government.

Mr. VANDENBERG. I also ask leave to insert in the RECORD at the conclusion of my remarks a quotation from

the New York Herald Tribune of this morning dealing with the Eccles statement which I was discussing.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

[From the New York Herald Tribune of Mar. 17, 1937]

ON THE RECORD

By Dorothy Thompson

SANITY IN WASHINGTON

In the midst of the catcalls and mud slingings of the last few weeks a sober voice has at last spoken in Washington, and the voice is that of one of the ablest men in the administration, Mr. Marriner S. Eccles, Governor of the Federal Reserve System. Mr. Eccles said in effect precisely what Mr. Walter Lippmann expressed in his column some days ago, and which was the chief point of an address which the writer of this column made at the Harvard Club on Sunday. And that is that the immediate crisis which is upon us is not a crisis of Government failing to meet human needs, which, if they are not met, may precipitate revolution. The crisis is the serious danger of a price inflation which may sweep everything before it—workers and capital alike. That crisis is due to a combination of factors, of which this column has repeatedly warned; the international situation, and a vast artificial boom based upon prodigious expenditures for armaments which threaten to unbalance budgets and create currency crises throughout Europe, with inevitable repercussions here; sudden and universal demands of labor for shorter hours and higher wages, with the assumption of no responsibility for seeing that production is not thereby curtailed; the intention of capital to pass these increases on to the public in the form of higher prices, even when such are not economically necessary. Inflation occurs when expenditures are being made more rapidly than real wealth is being produced. It is just as simple as that.

Mr. Eccles points, in addition, to one other thing: A labor shortage. "Numerically", he said, "there are still millions of unemployed people able and willing to work, and several more millions engaged on public works who could be diverted from public to private pay rolls." On which one can only comment that Mr. Eccles should have a word with Mr. Hopkins, who recently urged that the W. P. A. be put on a permanent basis, a proposal heartily hailed by the 20 eastern mayors who met in Philadelphia and thought it could be nicely done for $2,200,000,000 a year. A mere bagatelle of about a third of the annual Budget and a thirtieth of the total national income. Mr. Hopkins' argument is that there is a permanent technological unemployment in the United States, and millions of people who cannot work in productive fields for other reasons. Indeed, the whole relief policy has gone on the assumption of a permanent large-scale unemployment and the effect of that policy has been to withdraw millions of men from the production of wealth and create an artificial labor shortage.

Mr. Eccles also puts his finger on another serious trouble with our productive system, namely, the fact that in craft after craft skilled men cannot be found to fill the jobs; it is nearly a year since this column pointed to the pressing need for a large-scale apprentice system. But that has been combated not only by employers but most vigorously by trade unions. Mr. Eccles warns the unions that they must abandon monopolistic labor practices. Some of the old-line craft unions have been the worst possible sinners in this respect. To take a couple of examples at random: The stage hands union charges a huge membership fee—$1,000, I believe—and admits no new members anyhow. The theater designers' union charges $500 and is harder to get into than the Century Club.

Mr. Eccles' statement treads on a lot of toes. He doesn't whitewash the industries either. He says that price increases have been decree which are not justified by rising wage or raw-material costs. One can guess that steel, copper, and other metals fall into this category.

There is small comfort in his speech for the reactionaries. The Budget, he says, has got to be balanced, and balanced promptly, and we have got to begin to retire the public debt by the Government, in relation to the expansion of private credit. He is not in favor, however, of balancing the Budget at the expense of the destitute and those who really cannot find private employment, but by increased taxation. This column believes that our relief policy needs a thorough investigation and overhauling by a nonpartisan commission, a proposal which has been made several times to the Government, but consistently rejected. We need to find out what our relief needs really are, and we undoubtedly must face further taxation in any case.

There are some people in this country who think we can, through the increased powers of the Federal Reserve Board, manage credit and manipulate the money market so as to avoid inflation. Mr. Eccles scotches that vain hope. "If stable recovery is endangered by unwarranted price and cost increases arising from nonmonetary causes, they must be combated by other than monetary means."

Now is the time for all good men to come to the aid of their—country. There is a way out if both the James Rands and the John Lewises will see a little light.

As for the radicals, or those who call themselves "liberals", there was a sobering word from France yesterday, also—from the popular front government, headed by the Socialist, Leon Blum. There the Minister of National Economy, Spinasse, who is one of the closest associates of M. Blum, has warned employers and employees that they can keep the 40-hour week only if they can do so without decreasing production and increasing prices. And the 48-hour week has been resumed in some industries.

Mr. Eccles has established a refreshing contact again with a few realities.

Mr. VANDENBERG. I thank the Senate.

REGULATION OF RADIO COMMUNICATION

Mr. WHITE. Mr. President, the pendency in the other body of the Congress of a resolution authorizing an investigation of various phases of the radio industry, and reports that the Senator from Montana [Mr. WHEELER], chairman of the Interstate Commerce Committee of the Senate, contemplates the introduction of a resolution of similar purpose, prompt me to bring to the attention of the Senate some of the principles and policies embodied in existing law, to summarize the present facts which have relation to these declared policies, and to voice my approval of a congressional survey of law and facts, that we may more wisely consider what the public interest in this field of communication is, whether present law rightly declares this public interest and is calculated to serve it, and whether the Federal Communications Commission is respecting the law and in its administration is furthering its interest, or is heedless of the congressional purpose.

I shall endeavor to make my statement factual, seeking to avoid dogmatic expression of opinion. This purpose is not because of a want of views, but springs from an unwillingness to freeze these opinions now through premature and positive assertion. This whole subject is of such consequence to all our people that it merits open-minded reexamination. To this the Senate should, in my judgment, address itself.

It is in the broadcast band that the public has the greatest interest. We may properly regard the radio spectrum, and in particular that part of it reserved for broadcasting use, as a natural resource, possessing great availability for mass communication, and for the instruction and entertainment of the American people. There are physical limitations upon the number of available channels within this broadcast band. Because this is so, each channel has great possibilities of usefulness. There is a resulting responsibility resting upon the Congress to see to it that the largest possible benefit to all our people follows from the use of each of these channels, and there is an obligation to make certain that the public interest in them is not subordinated to private advantage.

By the Radio Act of 1927 Congress set up a Radio Commission. Under the act of 1934 this Commission was merged into the Federal Communications Commission. There was imposed upon this Commission the obligation of carrying out the congressional purpose as declared in the 1934 act. The 1934 act, so far as concerns radio, was a reenactment of the 1927 act, with only slight change. There was a rearrangement of sections, and there was a change in the provisions relating to court procedure, but there were no other changes of substance from the earlier act which need here to be noted.

The 1927 act was pioneering legislation. For the first time it declared certain definite principles with respect to radio communication, and asserted the possession by the Federal Government of definite rights in and powers over this field of communication.

It is important to an understanding of the matters to which I shall hereafter refer to point out now certain of these principles and of these rights and powers.

PRINCIPLES OF 1927 AND 1934 ACTS—NO ABSOLUTE RIGHT TO BROADCAST

The 1927 act rejected the previous rule of the 1912 act that there was a mandatory obligation resting on the licensing authority to issue a broadcasting license to each applicant therefor, and asserted instead that the right to transmit by radio was at the most a qualified or conditional right, to be exercised only upon a finding that the granting of a license and the operating of the station would serve a public convenience or interest or meet a public necessity. The same principle is asserted in the 1934 act.

NO PRIVATE OWNERSHIP OF FREQUENCY

The 1927 act declared that it was its purpose to maintain control by the United States over all channels of foreign and interstate radio transmission, to provide for the use of such channels by licensees for limited periods of time, but to permit of no ownership of these channels by any individual or corporation. It sought through many provisions to secure this governmental control; to prevent the assertion of private ownership; and, above all, to deny that the licensed use of a frequency for a defined period could ripen into a vested right therein. It declared in terms that no license should create any right beyond the terms, conditions, and period of the license.

The act forbade the issuance of a license unless the applicant signed a waiver of any claim to the use of any frequency or of the ether against the regulatory power of the United States because of the previous use of the same. The act declared that the station license should not vest in the licensee any right to operate the station, or any right in the use of the frequency designated in the license beyond the terms thereof, or in any other manner than authorized therein.

These provisions were an effort by the Congress to accomplish these announced ends, and in particular to prevent a prior use becoming the foundation of a claim of legal or equitable right in a frequency as against the power of control and regulation asserted to be in the Government. First carried in the 1927 act they were reenacted in the 1934 act.

LIMITED TERMS OF LICENSES

Congress also, in the 1927 act, placed a definite limit upon the permitted term of any license. It further prohibited the transfer or the assignment in any manner of a station license or the frequency authorized to be used without the consent in writing of the licensing authority. The purpose of these restrictive provisions as to the term of a license and as to its assignment is clear. They were intended to be effective aids in the plan of control by the Government. Congress did not propose that in a rapidly changing art, in a field of great public importance, it should lose for any long period of time that power which inheres in the right to license or to withhold a license. Congress sought also to make certain by these provisions, and by others, that in addition to technical considerations the citizenship, the character, the financial, and other qualifications of an applicant for a license or for the assignment of a license should be taken into account by the Commission in determining whether an original licensee or whether a proposed assignee possessed the qualifications of a licensee. These provisions and this purpose of the 1927 act are likewise found in the 1934 act.

MONOPOLY GUARDED AGAINST

Congress was also gravely concerned, when the 1927 act was under consideration, that this means of communication and of public information should not become monopolized.

The provisions of law already alluded to guarded in some measure against this result. Congress, in addition, wrote into the 1927 act further express language designed to make impossible monopolistic control of this form of communication. It authorized the licensing authority to impose upon any licensee any of the terms, conditions, or restrictions authorized to be imposed with respect to submarine cable licenses by section 2 of the Cable Landing License Act of 1921. This section gave to the President authority to grant or to withhold a landing license upon such terms as would assure just and reasonable rates and service and as would make certain that a licensee gave no exclusive right of landing or of operation.

This 1927 act in terms made all laws of the United States relating to unlawful restraints and monopolies, and to combinations, contracts, or agreements in restraint of trade, applicable to the manufacture of, the sale of, and trade in radio apparatus entering into and affecting interstate or foreign commerce, or interstate or foreign radio communications. And it further provided that if a licensee should be found guilty in any such respect the court, in addition to other penalties imposed by law, might order the revocation of the license held by the guilty party.

The 1927 legislation also directed the licensing authority to refuse a station license to any person found guilty of monopolizing or attempting to monopolize radio communication, directly or indirectly, through control of the manufacture or sale of radio apparatus, through exclusive traffic arrangements, or by any other means, or to have been guilty of using unfair methods of competition.

This same legislation prohibited combinations between radio and wire companies if the purpose or effect thereof would be to lessen competition in the communication field.

Another section of the 1927 law sought to make certain that there should be such a distribution of licenses, of power, of frequencies, and of time as to assure to all the States and the communities thereof efficient and equitable service. This provision is likewise to be found in the 1934 act.

THREE PRINCIPAL EVILS GUARDED AGAINST

In these provisions of law thus summarized three general principles and purposes to which I now call the attention of the Senate in somewhat more detail were of outstanding significance.

NO VESTED RIGHTS

Of first importance is the principle that the licensing of a station and of the right to use a designated frequency therein should not create a vested right in the license or in the frequency. The purpose of Congress was that the licensee should not, by virtue of his license, acquire a property right which could be asserted against the Government. It must be recognized that if the use of a frequency brings substantial profit to the licensee there is increased difficulty in maintaining the principle that there is no property right vested in the holder of the license.

In the next place, it must be recognized that if a license and the use of a frequency bring to a licensee substantial income, even though the physical investment of the licensee may not be great, the task of the regulatory body is more burdensome, for however little contribution a particular station owned by any given person and located in a particular area may make to an orderly and efficient radio service throughout the United States, which is the great end sought, or however such station may interfere with a greater public service, the fact of the investment and the fact of the profits of very necessity embarrass the Commission in dealing with that station, either upon a requested renewal of license or with respect to other action affecting it.

This suggests the question, What are the revenues and the profits of radio licensees? I present to the Senate a general statement as to them. Much of this material comes from a survey of broadcasting revenues made by the United States Census Bureau for the year 1935. The figures given are based on data furnished by 561 out of the 564 stations engaged in commercial broadcasting in that year. The report is probably the most accurate source of information now generally available. This report shows that for the year 1935 the total revenue of these stations was $86,492,000, of which more than 92 percent came from the sale of time. The balance came from the sale of talent and miscellaneous items. Of the portion received from the sale of time, approximately one-half, $39,737,000, was received from national regional network advertising.

From compilations published by the National Association of Broadcasters other interesting statistical matter may be gleaned. This source indicates that the gross revenue of the broadcasting industry for 1936 was $107,550,000. There are estimates by others that the gross revenue for 1937 will total from $125,000,000 to $135,000,000. This is a huge revenue based upon a relatively small capital investment.

Complete and trustworthy information as to the profits made by broadcasting stations is not available. In the renewal applications filed every 6 months by the licensees, they are asked to furnish their average monthly revenue and their average monthly profits. If complete answers to these questions were insisted upon, and if uniform methods of accounting were required, the Commission could readily

provide this information; but my understanding is that there has been no serious effort to secure the information or to compile and analyze it.

It has been reported to me that from the last set of renewal applications it appears that the highest average monthly revenue received by any station of the local class, that is, stations with night power of 100 watts or less, was $14,000, or $168,000 a year; that in the regional class of stations, that is, stations with night power of 1 kilowatt or less, the highest annual revenue was $911,000, and the highest profit was $244,000. Data as to the average profits in this group are not available to me. Incomplete figures have also been compiled for the 50-kilowatt clear-channel stations. Eight of these stations owned or leased by the National Broadcasting Co., or by the Columbia Broadcasting System, have not submitted separate figures to the Commission. The 24 other stations of this power show an average annual revenue of $700,000 and an average annual profit of $280,000.

One station in this group showed an annual profit of about $620,000. There is one station of 500 kilowatts. Its annual revenue is reported to be over $2,400,000, and its profit somewhere between $357,000 and $420,000. Many factors enter into the earnings of these stations. The results are not dependent wholly upon the power of the station or any other single factor.

The rates charged by stations are a matter of interest. Information on this subject is furnished in a publication called Standard Rate and Data Service. The general practice is to regard a one-quarter hour period at night as the basic rate period. Rates vary greatly, from a few dollars for some of the local stations to very substantial sums. The charges in the case of the 50-kilowatt clear-channel stations range from $85 to $370 for one-quarter hour of time. The average in this group is about $175 for this length of time. The highest charge of which I have knowledge is at the rate of $532 for one-quarter hour of time.

The costs of the stations earning the revenues and the profits indicated vary greatly. In a report made by a group of experts, and published under the auspices of the National Advisory Council on Radio in Education, are to be found estimates of the capital investment involved in stations using various amounts of power. These estimates are as follows:

One-hundred-watt station, $6,600; 1-kilowatt station, $30,000; 5-kilowatt station, $63,000; 50-kilowatt station, $224,000; 500-kilowatt station, $582,000.

These figures do not include studios, studio equipment, and real estate. The omitted items will aggregate in many instances substantial amounts, but they will not change the fact of very large profits, in many cases of 100 percent and more annually, upon the investment.

The rates charged by these broadcasting stations are not subject to Federal regulation. In the 1927 act there was a provision that a license should be revocable by the Commission if it was found that any licensee had made any unjust or unreasonable charge, or had been guilty of any discrimination with respect to communications or service. This provision was not carried in the 1934 act, and the latter act in terms declared that a broadcasting station was not a common carrier.

Such figures as I have just presented suggest that an inquiry should be made into the radio industry in order that the Congress may have complete knowledge as to the investment in radio stations and their equipment; as to profits; as to the real considerations for the sale, assignment, and leasing of stations; as to whether licensees are receiving huge sums for licenses which cost them nothing; and generally into the basic question of whether property rights in the nature of vested rights are being asserted in frequencies and are being recognized by the Commission. Other questions immediately suggest themselves. If huge profits are being made from an investment relatively small as compared with the profits, and if they come from the use of a natural resource in which the user has no title or right of use beyond that granted by the Government, may we not properly ask whether, in the circumstances, the profits to which I have made general reference are not unreasonable?

If this appears to be true, then may we not properly question whether the rates charged should not be regulated by public authority, or whether the profits should not be devoted in larger measure to an improved service, or whether a portion thereof should not be recaptured to meet the costs of governmental regulation?

The facts now available make it advisable in my view that thoughtful consideration should be given to the particular question, among others, whether these stations, with their large revenues and profits, their wide variations in charge, with the limited frequencies available, with the tendency toward centralization hereafter discussed, and with their great usefulness and interest to the public, should not be declared to be public utilities and be subjected to a control in rates and practices to which they are not now amenable. That there would be legal justification for such a classification I believe is clear. A business carried on under a grant of privilege from the State has imposed upon it by reason of that privilege a definite duty of rendering a public service; and the power of regulation must exist if there is to be assurance that this public-service obligation will be met.

The classification of these stations as public utilities, and the assertion of control over their rates and practices, as to the wisdom of which there would be differences of thought, is complicated, and is made more difficult by the extent to which stations are now owned by newspapers. No one would think of asserting public control over the rates and practices of the press. It might, however, prove impossible to separate the radio station and all its activities and financial relationships from its newspaper ownership.

Such ownership has become extensive. It is not, however, new. In the earliest lists of broadcast stations were found instances of such ownership. Some of these licensees were pioneers in radio broadcasting. In 1926, of the 268 principal stations, 35 were owned and operated by newspapers and other publications. It has recently been reported that newspapers own or control 150 stations. My information is that the number so owned or controlled is 194. A superficial analysis indicates that about 98 are separately owned by 98 publishers, and that the remaining 96 are owned or controlled by 30 publishers, each having from 2 to 10 stations. Since January 15, the date to which the figures I have just given relate, other applications have been granted, and still others are pending. There seems to be a definite and accelerated movement toward newspaper ownership of stations. The latter fact probably accounts for the belief held by some, and now often given voice, that radio broadcasting and the press—the two great agencies now available for the dissemination of news and knowledge—should not be united in single ownership and control, but should be maintained as distinct if not competitive sources of information.

It is not by any means clear what has created the public interest in this subject, or on what grounds the opposition to this joint ownership rests. Three principal reasons are assigned for the present hostility to this joint control:

In the first instance, it is said to be due to a definite disagreement on the part of many with the public policy of the particular newspaper ownership controlling the largest number of stations. While expressed generally, it may well be single and personal in its purpose.

In the second place, it has been asserted that the opposition to this newspaper ownership is chargeable to the two largest networks or chains, which are moved, so it has been suggested, by the hope that the issue thus raised will divert attention from their own acquisition of stations and from their growing domination of the broadcast field, and also by the fear that newspaper acquisition of stations threatened the completeness and the effectiveness of this chain control.

Finally, a substantial reason for the concern which is being expressed is alleged to be the belief of many that it is not sound public policy to give to a single agency the present two means of reaching the ear of the American public.

Those holding this view urge that the sure guaranty of a free press is competition between newspapers; that free speech by radio is dependent upon competitive opportunities between radio stations; and that full opportunity to reach the public by both means is best assured by competition between stations and press.

The growth of newspaper investment in radio stations has some possibilities which publishers themselves might well explore. To whatever extent the capital of the newspaper owner goes into radio, it becomes subject to business risks not elsewhere encountered. It is invested in chief reliance upon a license which may not exceed the term of 3 years, and which in custom is for 6 months, a license which is not renewable as a matter of right and which may be revoked in appropriate circumstances. Clearly, here is an unusual monetary risk; but of greater significance is the fact, which cannot be ignored, that as the newspaper investment increases, the press becomes increasingly susceptible to governmental influence. The press of America should consider the implications involved. It is not unreasonable to fear that the development of newspaper ownership in this governmentally controlled means of communication is the great threat to the freedom of the press in America.

That a problem is presented by the present situation and by the trend of the times ought to be recognized by all. If the Commission senses the situation, and if it has views as to what our policy should be, it has skillfully concealed the fact from Congress. Congress ought no longer to ignore this problem. If it approves what is taking place, all is well; but if the conclusion is that the control of press and radio by a single interest is unsound, Congress must move with celerity or a situation will have been created with which it will be too late to cope.

TRAFFIC IN LICENSES AND FREQUENCIES

Somewhat intimately connected with the matters just discussed is the question of the sale and lease of stations and the assignment of licenses and frequencies. These changes in ownership or in control are effected either by sale of the physical property, by assignments of the licenses, or sometimes by leases.

There was in 1927 great controversy as to the proper term of a license. When the original act was under consideration there was serious contention that if investments were to be made and the art was to be developed licenses must be for much longer periods than those permited by the present statute and those granted by the Commission. A much shorter period, however, than that originally proposed was written into the law. This was done to assure flexibility in the broadcasting system and to aid in effective control by the regulatory body. It is made clear by the provisions of law referred to in the early part of these remarks that Congress intended that there should be definite control over the ownership and operation of stations and over the assignments of licenses. It was recognized that freedom to barter and sell licenses threatened the principle that only those who would render a public service should enjoy a station license. But notwithstanding determined effort by the Congress so to control ownership and the sale and assignment of station licenses and frequencies, the practice has grown to such an extent that we are almost justified in the fear that there has been in large degree a failure in the congressional purpose. Not only are stations being often sold and licenses assigned but prices are being paid which clearly indicate that the assignee is buying a frequency rather than physical property.

Between July 11, 1934, and June 30, 1935, the Commission approved 25 assignments of licenses and 10 transfers of control of licensee corporations. During the period from July 1, 1935, to December 8, 1936, 36 assignments of licenses and 31 transfers of control of licensee corporations were approved. In addition, there were a number of assignments based upon the leasing of stations. There were other instances where substantial stock transfers in corporations took place. One cannot be quite certain what in any case the substantial effect was of such stock sales.

As bearing on the question of whether licenses and frequencies are being trafficked in, the facts in particular cases are significant. So far as my information goes, the highest price paid in any transaction approved by the Commission since July 11, 1934, was $1,250,000. This amount was paid by the Columbia Broadcasting system to stockholders of a California corporation for the capital stock of that corporation. This transaction was approved July 17, 1936, after a hearing. According to the information at hand, the replacement cost of the physical assets of this corporation was $217,000, and the claimed value of the assets, including physical and intangible assets, was $236,000. Of this amount, $61,000 was claimed as goodwill. Ninety thousand dollars was represented by accounts receivable. There was $22,000 in cash, and the depreciated value of the physical property was only $63,000. The price paid for the stock of this corporation, therefore, was nearly 20 times the present value of the physical property. This information is taken from the Commission's written decision approving the transfer. This in its essence was a sale of a frequency and the recognition by the Commission that the frequency had a value to the parties of approximately a million dollars.

There are other cases where huge prices were paid. The most recent instance of a sale involving a large figure has to do with a station in Texas. In this case the Columbia Broadcasting system is endeavoring to purchase a radio station for a net price of $825,000, of which a substantial part must have been for the frequency. Some $500,000 more was to be paid for other property of the corporation. The original cost of this station was $236,000. Its replacement cost new was $232,000, and its depreciated value based on inspection and appraisal was $141,000. The application for approval was heard by one of the Commission's examiners in December. The examiner recommended against approval of the transfer. Exceptions were filed by the parties, and the matter has never been passed on as yet by the Commission. This price can only be explained on the theory that it was in large measure based upon a value in the frequency involved.

It should be noted that in a large proportion of these cases involving assignment and transfer of control the commissioners granted the applications without hearing. During the month of December, while this Texas case was being heard and while a substantial controversy raged about it, transfer of control in another licensee corporation, this one a small regional station, was granted without hearing. In the Broadcasting Magazine for January 1, 1937, is to be found information regarding this transaction. The aggregate price for the station's stock was $340,000. Considering the size of the station, this price may easily represent as great a discrepancy between it and the value of the physical assets as appears in either the California or Texas case. Some of these assignments and transfers granted raise not only questions as to the price asked and the justification therefor but they also involve the wisdom of allowing stations to move from smaller cities and towns to centers of population where there is already station congestion.

I have referred to sales and to assignments. Another ingenious practice by which the radio properties are dealt with has grown up. The leasing of stations presents an interesting situation. There have been of late a number of leases of stations for terms of years with options covering such further periods as to make the total of time as high as 20 years. Station WMAL here in Washington is a case in point. The lessor is a local corporation, the M. A. Leese Radio Corporation. The licensee is the National Broadcasting Co. The claimed value of the physical and intangible assets is $37,599, but the lessee pays an annual rental of $36,000, which is only about $1,599 less than the value of the assets leased. The licensee of the Communications Commission, as I have said, is the N. B. C., and the licensee is being granted successive renewals by the Commission. The Leese Radio Corporation is not the licensee, but it is being paid a rental amounting to many times the value of the assets covered by the lease. Manifestly the N. B. C. is not

paying annually $36,000 for the rental of assets of the value of $37,599. Clearly the Leese Corporation is being paid for the use of a frequency, and yet in this case it is not even a licensee.

In Boston is station WEEI. It is leased by the Columbia Broadcasting system from the former lessee. The lease runs from August 1, 1936, to April 1, 1943, a longer period than any broadcast license may be issued for. It was, nevertheless, approved by the Commission. The total claimed value of the physical and intangible assets is stated to be $497,907. The annual rental is $219,000, and this is only a regional station. In 7 years' time the Columbia system will pay the lessor $1,533,000, or, roughly, three times the value of the physical and intangible assets covered by the lease. Here again who can question that a frequency has been leased for a 7-year period with the assent of the Commission?

Why should the Government be concerned? The price paid cannot affect the legal powers of the Commission. In a legal sense a station licensee who has paid a huge sum for an assignment, a sale, or a lease, and who has violated the law is as subject to the penalty of revocation or to the rejection of a renewal application as is one paying a nominal consideration, but I am afraid the human element enters into the equation and punitive action is not so certain in the one case as in the other.

If we will regard the realities, we will recognize that, in disregard of the congressional purpose, stations and licenses and frequencies are being freely bought and sold and leased; that prices are being asked and paid which have no possible relation to the investment, and which can only be explained upon the theory that the frequency is being highly capitalized.

There are involved other questions upon which I have not touched. I have said enough, I believe, to justify a congressional inquiry into this subject matter. The questions raised are of principle. Did Congress declare sound policy in the 1927 legislation? If not, let us make further effort to find the solid ground upon which this industry and its regulation should rest. I do not view with complaisance administrative disregard of congressional purpose. One or the other attitude should be changed.

MONOPOLY

The third major problem dealt with by the Congress in the legislation referred to was monopoly. There cannot be the slightest doubt that Congress undertook to make certain that undue concentration of stations in particular areas should not be permitted and that there should not be monopoly ownership or control of radio.

I make but passing reference to the subject of concentration of stations. This evil was sought to be effectively guarded against by the 1927 act and by the Davis amendment, so-called, of 1928. This amendment was repealed because of criticisms directed at the technical difficulties it presented and because of the oft-repeated assurance that the language of the 1927 act, found also in the 1934 act, made clear the congressional purpose and clothed the Commission with the necessary authority. Some heed has been given by the regulatory body to this purpose, but there are repeated warnings in the acts of the Commission that it is not greatly impressed with the desirability or necessity of observance of this congressional direction.

Study of the facts with respect to ownership and control of stations brings the conviction that Congress must either recede from its position of hostility to monopoly or it must take steps to insure that its wishes be respected by the regulatory body.

The provisions of the 1927 act, which are also found in the 1934 act, leave no possibility of doubt as to the will of Congress; they confer ample powers to make that will effective.

What are the facts with respect to competition in this industry? Or asked another way, What are the facts with respect to the control of this industry by a few? I confine myself only to the broadcasting branch of communications.

There are today about 685 broadcasting licenses, including construction permits. There are 90 channels or frequencies within the broadcast band. Of these, 40 are so-called cleared channels.

Of the total number of stations, more than one-half are stations of low power or stations with such limitation of hours of operation as to be of minor importance. There are about 250 stations, perhaps a few more, either on full time or with substantial power, making up that part of our broadcasting system to which the greater part of our people regularly listen. Of this number about 240 are owned or are in some way tied in with the three principal chains, the National Broadcasting Co., Columbia, and the Mutual Broadcasting systems.

The National Broadcasting Co. actually owns or controls 17 stations and exercises effective control over the programs of about 87 other stations. The Columbia system owns or controls 9, and has a dominating influence over the programs of approximately 98 others. These numbers alone have significance, but the size and character of the stations emphasize the importance of this ownership or control, for these 26 stations use 20½ of the 40 cleared channels available, and they are largely stations with 50-kilowatt power. Only two of the stations owned or controlled by N. B. C. are not clear-channel stations; only three of those owned by Columbia are not cleared-channel stations.

Now this control of this number of stations operating on clear channels with 50-kilowatt power means that two organizations, with headquarters in New York, determine the character of information going to a substantial part of the people of this country, both urban and rural. With the exception of about 3 stations, all of the 26 mentioned by me have been acquired under the authority of the Commission since 1927. The process of centralized control is going on. The independent stations are becoming relatively, if not actually, fewer. Is the Congress interested in the process? If it is, I again urge that it investigate and study the facts and the implications thereof.

The Congress at the time the 1927 act was passed, while, perhaps, not fully appreciating the growth of the chain system, did recognize the possibilities of the situation and wrote into this early act the authority to make special regulations applicable to radio stations engaged in chain broadcasting. This provision was continued in the 1934 act. The regulating body has seemed indifferent to the problem or without definite views concerning it.

In November 1935 one of the Commissioners—and I do not get the information from him—presented a motion in a meeting of the Commission directing the Broadcast Division to report to the Commission: (a) Whether, in its opinion, the Commission should adopt special regulations for the regulation of chain broadcasting; and (b) in the event that the adoption of such special regulation is believed by that division to be desirable, the proposed text of such regulations.

This motion was referred to the Broadcast Division for consideration and report. There has been no report. Nothing appears to indicate that the problem has been considered, notwithstanding its overwhelming importance.

FEDERAL COMMUNICATIONS COMMISSION

I do not want to reflect unwarrantably upon any member of this Commission. In past years I have given much attention to the problems presented and have some appreciation of the difficulties inherent in the situation. I feel justified, however, in general comments on the Commission's work.

In the first instance, every Senator knows that the air is full of reports that cases have been decided not alone on the evidence presented and the merits of the issue, but that political pressure has been often exerted, and that it has been determinative in many instances. There is, I believe, a public impression that applicants before the Commission should and must seek political aid. The Commission ought not to be subjected to such influences. Its decisions ought not to be under suspicion to the extent they now are because this or the other person of political power has intervened. I know of no more certain means of reestablishing the Commission in public respect than to turn on the light

of publicity and thereby to stop these attempts to improperly influence a quasi-judicial and regulatory body of the Government.

There is persistent report that the Commission, in the consideration of cases and in the determination thereof, disregards its own procedural rules and its established engineering standards. Is this true? If there is justification for the belief, what is the justification for the Commission's acts?

There is a greater volume and persistence of criticism of this Commission than of any other bureau or commission of the Government. Is there warrant for this? I think the Congress should free the Commission from unjustified suspicion or it should act if its policies and purposes and the standards which ought to guide a regulatory body of the public importance of this Commission are being disregarded. Only a searching inquiry will give the answer to these questions.

Scientists tell us we are on the threshold of great events in radio. New bands are to be available in what are termed the "ultra high frequencies." The practical use of television is believed to be at hand. The possibilities of the future are beyond our knowledge. It is certain that governmental regulation cannot be dispensed with. Regulation must be dictated by sound principles, so far as these are known, and by a body whose acts shall be guided by a sense of public responsibility and by an independence which is deaf to every political and other unworthy suggestion.

Mr. President, I join in the hope which has been expressed by others that there may be investigation of this entire subject matter.

SIT-DOWN STRIKES

Mr. JOHNSON of California. Mr. President, I desire to occupy just a minute to issue a feeble warning, so far as lies within my power.

The most ominous thing in our national economic life today is the sit-down strike. It is bad for the Government, and in the long run it is worse for labor. If the sit-down strike is carried on with the connivance or the sympathy of the public authorities, then the warning signals are out, and down that road lurks a dictatorship.

NEED FOR GOVERNMENT ACTION TO SETTLE STRIKES

Mr. LEWIS. Mr. President, I desire the attention of the Senate for a few moments upon a subject which I think is justifying very grave consideration. I wish to propound a query to the Senate. I put it as a member of this official family: Is the United States a government?

We recall, sir, that the great Bard has Macduff to come upon the field in an hour of great confusion and insurrection among Scotsmen demanding:

Stands Scotland where it did?

We ask, Stands the United States where it should?

Is this Government to continue apparently unobserving an attitude throughout the Republic of America where indiscriminate paralysis of every form of business is being incited and every relation of commerce dismembered under the name of a controversy between employer and employee? Are we to be lifeless until this predicament shall lead to lawlessness that shall take the form of an abolition of the status of peace and destruction of the known rights of property? Are we to assist in stifling the just privileges of the toiler? Are we waiting to be driven into a national confusion that may lead to national riots?

Does this honorable body forget that the circumstances surrounding us now are but repetition? When a situation similar to that now surrounding us prevailed—like unto this in great degree—under Theodore Roosevelt, known as the anthracite coal strike of 1902, and that which led from it, does the Senate forget that it was that President who felt it was within his power, with the approval of Members of this body on both sides, to name a commission of trustworthy men to give the general subject attention, and thus give voice to all those who were making contentions and claims by which they could be heard, some solution be reached, some composure afforded to business and industry in the country? Will we not recall that when, in the railroad strike of 1916, there was the threat, sir, of a desolation and a devastation here in this land under Wilson, he put afoot a movement of investigation by authority by which subsequently the result of lawlessness and riot was avoided, and the danger to the point of destruction of both law and order and the high status of America before the world was avoided?

None of us can forget, sir, that under Grover Cleveland conditions of unrest reached a very high point in the Debs strike, and the State which I have the honor in part to represent became, unhappily, the field of strife where followed the destruction of property, incendiarism, and the murder of men, until our United States were held up before the world as a land of such lawlessness, strife, and crime as to be unworthy of being continued under the Constitution.

Mr. President, that which has been may be. "A sputtering flame may set the house afire", saith the old adage, and destroy the city and all its associations of family and home.

Mr. President, the time has come, as I behold it, when our honorable President would be justified, upon any action taken by this honorable body, in suggesting that we behold the situation as of concern to the Republic, not from the standpoint of the Constitution or the line of demarcation between the Federal Government and the States—those abstract doctrines which have oftentimes wooed us to confusion—but because the right of peace, the security of honest property, the preservation of the Federal Government call for action on the part of men of will and conscience necessary, sir, in the fulfillment of their duty to American citizenship.

Sir, if conditions as we now see them shall continue, what will be the result? If these strikes and protests against any and every form of order in society and Government shall reach the point where men shall possess the courthouses, the instruments of the law, and by their numbers and force shall circumvent the due processes of a peaceful government, what will be the end? Both sides will soon enter into the strife, and the final result will be an assault upon every form of peaceful government in America and the defeat of every right of honest toil. Note, sirs, that at such times there always wait those ready to take up the conflict in confusion and carry it on to the result of despotism or destruction.

Does this honorable body need to be reminded that if there are such instruments as Hitler and Mussolini in the full meaning of what is charged now and then, and from certain sources has been demonstrated, it came about as follows: First, we will contemplate Mussolini. The strikes came in Italy. Then the toilers took possession of the plants of fabrication and manufacture. Then the masters of the plants, seeing their opportunity, stood behind those who foraged upon the property and seized it with force. These owners aided the assailants to the point where every form of republican government and every method of democracy was overcome. Now, sirs, it was from such condition that there sprung that which we speak of as Mussolini and his era. His influence was by reason of these financial and material interests standing behind him and guiding him to the destruction of individual rights and the lifting up and the sustaining of an imperial power in behalf of the strike and the property.

Sir, do we forget that in Germany the labor movement had proceeded and reached the highest degree of efficiency? No greater personal liberty existed among men than that which they enjoyed. A form of philosophy in government was their inheritance. A sweet and beautiful theme in all forms of literature, and that which impelled people of the highest degree of refinement, was that of the Germans.

But, sir, there came a time when communism within slipped through its gliding menace, and there, like a writhing serpent, coiled itself around the circumstance; and when it did, it awakened the toiler to turn on himself, attack all of that which was peace, destroy all property which was available to his hand, and assert power within himself to do so with perfect indifference to the institutions of authority called government. Then, sir, from time to time, in one form or

the other, one man pursuing after the other, Mr. Hitler arose. He had had to do with housepainting down in a small town near Munich; and he passed into Munich as the head of one of his agencies, and from that became an assertive power with a great deal of strength in the will of what he felt were the privileges of those who are favored in position. Very shortly the same financiers, the masters of great commerce, those who manipulated wealth as under Mussolini in Italy, got behind Hitler in the very same manner that had preceded in the case of Mussolini. They aided Hitler with funds and guided him with their strength to power. This was to aid his regime to obtain control of government and to assure the monopoly of their privileges without hindrance. Unhappily for the toilers, they, seeing this prospect, as they fancied, as one in their behalf, joined in the undertaking. The result followed. The toiler lost his individual liberty, the property of the laborer became sacrificed and confiscated along with that of the proprietor to the demands of tyranny and power from capital and military. The final result is that there is no more in these countries the old government of liberty and democracy of their fathers.

We turn to Russia for a moment. We contemplate Spain in the whole picture of its darkness and lurid flame. Can we do this and yet learn nothing? Will this Government wait until the like proceeding has gone so far in this our land, without protest or warning, as to reach the point where we must be terrorized by one or the other, the tyrant who shall take charge of government in the hour that awaits him, or the imperial power of government under military power to avoid it?

We sit silent here, honorable Members of a great body, the great, leading authorities of the Government, indifferent to what all of this threatens us with. No one seemingly is interested to avoid the sure consequences. Among my brethren of this honorable body, hear your humble servant as he proclaims that in every hour and condition such as now surrounds this our Government there waits another Hitler and there lurks in the shadows another Mussolini. It is but a matter of time when, opportunity giving them their chance, it will be availed of, and behind them the toilers, the misguided power, following upon the dream of benefit; and the calculating master, seeing it to be his hour, will, in conjunction, work to the confiscation of the rights of man, order the death and the destruction of liberty, and for all time of the generation overturn every form of government. This master secret power, never courageous, never standing out in his own character, chooses those of humbler station, and appears to be elevating them into the glory of greatness, that they may lead the thing which profits him.

Mr. President, this our Government has an hour when it must turn now to realize the situation. Let us use the index. If at the city of Detroit, Mich., as is now reported, there is a move afoot to seize the courts and to prevent the executive and judicial officers from carrying out their orders, and if, on the other hand, there is on the part of great masters a threatened combination to starve out the toiler, by which he can neither take water nor food if he dares sit in the premises, and then the two shall clash against each other, with the victory going to him who shall have the greatest force of numbers to sustain his undertaking, what is to become of America? Are we to wait until these things shall have set upon us, with their awful consequences, before there shall be some course of action, some show of courage, to avoid it?

I rise at this moment, sir, as a citizen of America, as one of this administration, as one more hopeful for my country, to invite attention to the fact that all of that which has been all around us, with the results of destruction that we have seen, with that sure devastation that has followed, will follow in the same course and method in this our America.

Mr. President, I therefore say that by the example set by Theodore Roosevelt in the matter of the coal strike of 1902, with its threat to the peace, the property, the harmony, and the justice of America; by that other example of Woodrow Wilson in the matter of the railroad strike of 1916 and that which pended over us; and of that, may it please you, sir, that is instinctive in the heart of the American to preserve his country from the fate which befalls these lands around us which in a moment of slackness and thoughtlessness have brought upon themselves, sir, the devastation they are now enduring—we should be warned, and some steps should be taken on the part of the authorities of this our country in a legitimate manner for investigation, deliberation, and some form of agency that shall find what is truth and justice and report it to America. Behind this result public opinion may express itself, and we may still preserve property in its rightful possession, the liberty and rights of the toiler in his full status before mankind, and peace and order throughout the Republic, to the end that this America may stand before the world recognized and remaining as the emblem of honor and the symbol of justice.

I thank the Senate for allowing me to intrude my expressed thought upon this order of appropriation debate.

Mr. KING. Mr. President, the senior Senator from California [Mr. JOHNSON] has called attention to numerous strikes and a new technique involved therein, which is known as the sit-down strike. As I understood him, he regards the situation as serious and fraught with serious implications.

It is most unfortunate that progress toward recovery in our industrial life is interrupted by serious labor controversies. During the past 2 years several million men who were unemployed have obtained employment and the volume of production in all fields of industry has been materially increased. The national income during the period referred to has increased by many billions of dollars. Statistical reports from governmental sources as well as from labor organizations indicate improvement in labor conditions, higher wages, and as I have indicated, increasing production and greater purchasing power in all parts of the Nation. It is true the national income has not attained the 1929 standard, but as I have stated, conditions in every part of our country are improving and give promise of an uninterrupted improvement, presaging the time in the not distant future when there will be greater general prosperity than that found in 1929. But, unfortunately the progress toward recovery is being arrested by the sit-down strikes and the attitude of various labor groups not associated with the American Federation of Labor.

A great labor leader of the past, Samuel Gompers, gave his life in improving labor conditions and in promoting concord among labor groups, and peace between employer and employee. The fine traditions of the American Federation of Labor, which were developed under Gompers' leadership have been carried forward under the inspiration and leadership of William Green, one of the outstanding leaders of labor in the United States. It is unfortunate that there should be discord, and indeed bitter strife, among the forces of labor, and that the fine structure erected under the guidance of the labor leaders to whom I have referred should be imperiled.

The Secretary of Labor has been widely quoted as declaring "the sit-down strike has not yet been proved to be illegal." Such an attitude is most unfortunate, and indeed cannot be justified. An examination of this new force which has been thrust into our labor and industrial life is of great public importance. It affects, as I have indicated, not only those who indulge in the sit-down strikes but hundreds of thousands, indeed, millions, in all walks of life. It affects not only those who use this weapon but a great army of men and women who are gainfully employed and who are forced into the ranks of the unemployed. Individuals beyond the local field in which sit-down strikes occur are affected, and many are thus compelled to join the ranks of the unemployed.

The questions involved in this movement are of great public importance, and this view is strengthened because of the belief by some that the chief contribution of a new labor movement has not rejected principles and policies which were condemned in a series of articles which were printed as

a public document in the Sixty-eighth Congress, first session. The document was prepared by the United Mine Workers of America and published in the newspapers of the United States, and as stated, was ordered printed as Public Document No. 14.

The United Mine Workers organization held such strong convictions that it prepared a series of six articles and, as I have stated, circulated the same throughout the United States. Apparently the purpose of these articles was to show the inroads of communism on American labor organizations, and the systematic effort that was being made to infiltrate and undermine and seize it. The forces described in the articles referred to included in their program the following three points:

The promotion of a well-organized movement within the 4 railroad brotherhoods and 16 railroad trade-unions to amalgamate all railroad workers into "one departmentalized industrial union", controlled by a single leader of Communist principle and affiliation, and owing allegiance to the Communist organization.

Seizure of the American Federation of Labor, with the ouster of its officials, and through such seizure gaining control of all its affiliated units and trade-unions.

Conversion of all craft trade-unions into single units of workers within an industry known as "industrial unions", with coordination under a super-Soviet union owing allegiance to, and accepting the mandates of, the Communist International and its subsidiary, the Red Trade Union International, at Moscow.

Everyone is familiar with the usual meaning of a strike. It is the withdrawal from employment by a number of workmen for the purpose of depriving their employer of their labor in order to cause him to accede to the demands which have been presented and denied for the purpose of improving the hours of labor or wages or the working conditions of the strikers. Perhaps other factors are involved. Employees have believed that strikes were justified notwithstanding the inconveniences and in some instances the serious consequences resulting therefrom; but they have been associated with our industrial development and the courts have recognized the right of employees to strike to redress grievances and to secure what they believed to be their rights. But I think it may be said that it has been the practice among the members of well-led labor organizations, not to deprive themselves of employment, and then proceed to negotiate. Upon the contrary the employees have presented their grievances to their employers, and have carried on negotiations in order to reach an amicable adjustment. Strikes were the last resort among thoughtful labor leaders and members of labor organizations.

This morning I read a newspaper account of an address delivered by Mr. McGrady, Assistant Secretary of Labor, in which, referring to some of the sit-down strikes, he stated that some of the participants in such strikes were not members of labor organizations.

In the CONGRESSIONAL RECORD of February 4 appears an address delivered by Representative HOFFMAN, of Michigan, in which he stated that—

> A few days ago I called attention to the fact that hundreds of armed men had marched into Michigan from other States with the determination to close, and keep closed, these factories of Michigan, in which the vast majority of the workers have no quarrel with their employers. The morning papers disclose that thousands, instead of hundreds, of such armed men are now in Michigan for the accomplishment of this purpose. The situation, instead of improving, has gradually grown worse, in that each side, had it been so inclined, had opportunity to increase the number of its fighters and the improvement of their armament.

He further stated that—

> After the question of the right to occupy these plants had been decided adversely by the circuit court, the sit-down strikers, in telegrams to the Governor, announced their intention of holding possession, this in defiance of the law.

It would seem from the statement of Mr. McGrady, and the Representative just referred to, that in addition to employees who participated in sit-down strikes, there are persons not members of any labor union who aid the sit-down strikers. Perhaps some of them are agitators who are enemies of labor and are influenced by a desire to undermine our democratic institutions.

As I have stated, it has been the view of forward-looking and patriotic labor leaders to secure just and fair treatment for employees—not by violence, not by sit-down strikes, but by negotiation with employers.

The press, during the past few days, have referred to cases in which persons were ordered to strike, and no reasons were assigned; no complaint has been made by the employees referred to but they were given orders which to them were not justified.

It appears that sit-down strikes are planned in order that the concerted withdrawal from employment will be accompanied by a retention of the premises of the employer, in whole or in part, so that he will be deprived of his plant, or a department or section of it, the strikers remaining in possession, so that no one can take their places, but that every other operation of the department or plant in which they have been employed, or any process which is dependent upon their continued operation, will be brought to an abrupt stop. Thus we observe these elements in the strike:

(a) The employees quit work in concert.

(b) They remain at their machines, or in possession of the place where they are at work, while refusing to perform any function.

(c) Upon request, they refuse to evacuate the premises and resist any attempt to evict them.

(d) So far as the work of others is dependent on their operation, the others are deprived of the opportunity to continue their own operations.

(e) To remain in possession of the premises it is essential that the sit-down strikers should have the cooperation of persons outside the plant who maintain a line of communication to assure a flow of food and other supplies as the strikers may require.

The New Republic of January 26 last contains an article frankly pointing out the advantages of the new form of strike. It describes the superior gains from retaining the property of another as the base of an effort to enforce demands by refusing to return it to its owners unless concessions are made. The public prints, and testimony adduced in recent cases, show that sit-down strikers, as in Flint, Mich., are prepared to resist not only private effort but public authority in any effort to evict them, even under the orders of a court. In that instance, after hearing and argument, being fully represented by counsel, the strikers in possession of the plants of the General Motors Corporation were found armed with a great variety of bolts, bars, nuts, and other equipment with which deadly injury could have been inflicted upon officers seeking to enforce the court's order, and the strikers made plain, in public statements, their determination to employ such weapons against all comers. Recently the property of the Chrysler Co. was not only unlawfully seized and held against its officers and employees, but the former were denied access to their offices or records.

Mr. President, I was called from the Chamber a few moments ago by a gentleman who had just come from New York. He referred to the sit-down strikes in a number of hotels, as well as a number of business houses. He stated that no complaints had been made by the employees, and they were not advised of the reason why they were ordered to strike.

The newspapers refer to a number of cases in Michigan where similar conditions exist. One of the chief advantages, it is claimed, for this new weapon, is that a comparatively small number of men in any continuing-process industry can paralyze an operation and deprive of employment a great majority of their fellow workers who do not join in their effort.

We learned that sit-down strikers in Michigan picketed the court a day or two ago when the judge was hearing an application made by the owners of the plant to obtain relief to which they were entitled. The report stated that hundreds of men surrounded the courthouse and thronged the corridors and manifested not a friendly attitude towards the

court. Such a proceeding cannot be condoned. If courts are to be intimidated or coerced then it can scarcely be said that there is a Government of law and order. It must be conceded that the sit-down strike is unlawful and may become criminal according to its development.

Under elementary practice of law it must be conceded that sit-down strikers are trespassers. Their right to enter upon the property of their employer terminated with the abandonment of their employment, and their refusal to leave the premises upon a request for evacuation makes them continuing trespassers. If they violently resist eviction they may be guilty of a variety of criminal acts, and if they hold the property of another for the purpose of compelling him to grant some demand or concession, as a condition of surrendering that which is his, they are plainly guilty of what is defined as extortion in the statutes of many States. They have, in effect, kidnaped a plant, and hold it for ransom.

I recall that the great Governor of Connecticut expressed his view a few days ago upon the question of sit-down strikes. The public press stated that in a conference with labor delegates he said to them with great determination, "There will be no sit-down strikes in Connecticut while I am Governor." The Herald Tribune, of New York, under date of March 4, carries an article dealing with the statement made by Governor Cross. I ask permission to have the article inserted at this place in my remarks without reading it.

The PRESIDING OFFICER. Without objection, the statement will be printed in the RECORD.

The matter referred to is as follows:

GOVERNOR CROSS FINDS PUBLIC BACKING SIT-DOWN BAN—"HAVE ONLY DONE MY DUTY", HE SAYS IN ANSWER TO 100 LETTERS PRAISING STAND—GROTON FIRM BARS UNION—UNITED STATES CONCILIATOR SAYS BOAT COMPANY REFUSES TALKS

HARTFORD, CONN., March 4.—Gov. Wilbur L. Cross said tonight that he had received 100 letters approving his attitude toward sit-down strikes, as expressed last week, and the authorization granted to the State police to remove sit-down strikers from the plant of the Electric Boat Co. at Groton. When a committee of strikers saw him, Mr. Cross told them that "there will be no sit-down strikes in Connecticut while I am Governor."

The Governor said that so many letters approving his stand have come in that he found it necessary to reply to them all in a standardized letter, which follows:

"You have my most sincere thanks for commending my endeavor to keep Connecticut free from so-called sit-down strikes.

"As Governor, I have four times sworn to defend the constitution of the Commonwealth, which guarantees the protection of property as well as other rights of all persons within the State, and enjoins me to 'take care that the laws be faithfully executed.' Perhaps it is not generally understood that the word 'persons' has been construed by our courts, as well as by the Supreme Court of the United States, to include corporations. So you see that for me to take no action against sit-down strikers who invade the property of others would be to disregard my oath of office and would constitute a betrayal of the citizens of the State. You can see further that I have only done my duty.

"It seems strange to be living in an age when people regard a Governor who keeps his oath of office as an exception to the rule. You may recall the advice of Mark Twain, who said: 'Always do right. This will gratify some people and astonish the rest.'"

Mr. KING. Mr. President, it seems to me that strikes of this character are the acts of a combination. They are in many instances deliberately, sympathetically, and carefully planned, but as I have stated, in some cases the strikers are uninformed as to the reason for the strike or as to those who have ordered it.

Illustrations of the operations of the sit-down strikers will occur to Senators—clerks in the office of an individual or an employee in the home or upon the farm may adopt the sit-down policy, retain possession of the office or home or farm, perhaps giving no reason therefor or making no attempt to adjust any possible grievance. In cases of that character the police would be called, and the sit-down strikers ejected; but in the sit-down strikes now before us, it is not an individual acting, but many acting together, who not only withhold the property from its owners but make it impossible for hundreds of thousands of their fellow workers to continue profitable employment which they desire. The principles of law at issue are so familiar that I need not recite them to the Senate. They have been presented to courts many times over many years. Sit-down strikes offend the moral sense of the layman as quickly as they do the technical equipment of the lawyer.

I invite attention to the statement of one of the leaders of the standard labor movement in the United States, Mr. John Frey, head of the metal trades department of the American Federation of Labor. He states:

New policies and methods are being employed by international unions affiliated with the C. I. O. Sit-down strikes are advocated and put into effect.

While not a new form of labor action, the extensive use of sit-down strikes is an importation from France, where their application forced the most liberal government France has ever had, so far as labor is concerned, to take official action to suppress them.

Workmen taking physical possession of manufacturing plants is an importation from Italy. It was this method applied by Italian workmen which gave to Mussolini the opportunity of issuing those edicts which destroyed the voluntary trade-unions of that country and led to the compulsory organizing of the Fascist unions controlled by the Government.

The theory and practice of the so-called militant minority has the hallmark of Moscow and was imported from Russia.

The sit-down strike and the control of labor policy by a militant minority are deliberately intended to destroy self-government by trade-unions and set aside the principles of democratic self-government upon which the American trade-union movement has been built up.

Mr. President, a few days ago in the House of Representatives the Committee on Labor in reporting on a resolution submitted to it in reference to another matter spoke through its chairman, Mr. CONNERY of Massachusetts, as follows:

Mr. Speaker, first of all I want to make it very plain to the House that to the best of my knowledge—and I know that I am speaking personally, but I think I speak for every other member of the committee—not one of the members of the Committee on Labor endorses sit-down strikes. [Applause.] We do not believe that any man has a right to go on the property of another and then cease to work, and say, "I am going to sit down in this plant and not work", that plant being the property of another. [Applause.]

As Senators know, Mr. CONNERY is a genuine friend of labor and has been an important figure in securing legislation favorable to labor. It would seem that many most sympathetic with the cause of organized labor and its representative officials, condemn this unlawful and menacing weapon. It has been condemned, as I am advised, by every court in which it has been subjected to a legal test. I have not been advised as to whether those who instigate or utilize it offer a public defense of the same. If it continues without the reprobation of public officers and representatives and is further practiced in the form it has been appearing, there is great probability of its becoming the cause of serious public disorder, for it is now, it would seem, the established means by which the small minority of the employees in any industry or operation may effectively deprive their fellow employees of the opportunity for employment.

Further comment might be made with respect to the course of the Committee for Industrial Organization which finds in the sit-down strike its chief weapon. That committee, as I understand, abandons, if it does not condemn the craft and Federal organization methods of the American Federation of Labor, and seeks to destroy that long standing representative national organization of American labor. It is believed by some that it is endeavoring to substitute for it what is called the "industrial union" or what was commonly known in the West some years ago as the "one big union" idea, a scheme of organization rejected after trial. I may say that the United Mine Workers organization has been throughout its history especially jealous of its jurisdiction over all engaged in work in the mines, and it has been critical of "the industrial union" or the "one big union" idea.

My recollection is, but I may be mistaken, that the leaders of the United Mine Workers were in the past supporters of the policies of the American Federation of Labor as they were announced by Samuel Gompers and continued by Mr. Green.

Mr. President, the employees have the right to follow such leadership as they may desire, and to adopt those policies which they sincerely believe to be for their best good.

The labor movement in the United States has like all important developments had its difficulties, but its influence has extended and its objectives have found an increasing number of supporters. Personally I regret a schism which may interrupt labor's march in the direction of realizing its legitimate ideals. A labor movement which seeks the welfare of the workers and concord between employer and employee and the general welfare of all the people, is one to be commended. Discord and strife in the ranks of labor are not only harmful to the employee but also to the employer and to the public generally.

I referred a few moments ago to the articles published by the United Mine Workers which, as I interpreted them, condemned what was called the "industrial union" or the "one big union" plan, and reasons were given for such condemnation. The articles emphasized the point that revolutionary leaders in America were attempting to obtain control of the American Federation of Labor and reorganize the craft unions on the basis of one big union in an industry and to weld them into a central revolutionary agency. Marine transport workers were to be organized, railroad brotherhoods were to be seized if possible, and the United Mine Workers captured. The purpose of the movement, as indicated in the articles referred to, was to start strikes in a few localities and gradually have them spread to other labor unions and thus develop a Nation-wide outbreak in the great labor organizations.

Are the warnings contained in the articles published by the United Mine Workers, to which I have referred, against the plan and policies of those who sought the destruction of the American Federation of Labor and the establishment of an industrial union, or one big union, to be forgotten? It is a matter that demands most serious consideration by those who might plan to create an organization which finds its prototype in the organization condemned by the United Mine Workers in the six articles which but a few years ago it gave to the world.

TREASURY AND POST OFFICE APPROPRIATIONS

The Senate resumed the consideration of the bill (H. R. 4720) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1938, and for other purposes.

Mr. HAYDEN. Mr. President, when the Post Office Department appropriation bill was under consideration by the Committee on Appropriations a study was made of the postal deficit and its causes. The records show that for the last fiscal year postal revenues, including fees from money orders and profits from postal savings business amounted to $665,343,000. The audited expenditures amounted to $753,659,000, leaving a cash deficit of $88,316,000.

The Post Office Department, under an act approved on June 30, 1936, is authorized to claim credit for services rendered without charge to other branches of the Government. Deducting the amount of money which would have been received if there had been payment for the carrying of the mail carried free for other departments and agencies of the Government, which amounted to $74,002,000, the net or adjusted deficit of the Post Office Department for the fiscal year ending June 30, 1936, was $16,973,000.

Further study discloses that one of the causes of the deficit, if not the principal cause, is the carrying of printed matter through the mails for private publishers at a loss, or carrying mail for the Federal Government wholly without charge.

The loss with respect to private publications is shown in the hearings to be as follows:

On publications where there is a special rate for the advertising portion the loss was over $16,000,000; on daily newspapers the loss was more than $30,000,000; on newspapers, other than daily, the loss was over $12,000,000; on all other publications the loss exceeded $23,000,000; on the free-in-county distribution of newspapers and other publications the loss was above $8,000,000. The total loss for carrying private publications through the mail was over $91,000,000.

I have here a table showing the exact amount of the losses on private publications, which I shall have printed in the RECORD.

TABLE I.—*Recapitulation of allocations and apportionments of postal revenues and expenditures for the fiscal year 1936 to the classes of mail and special services*

Fiscal year 1936	Revenues	Expenditures	Excess of apportioned expenditures over revenues
Second class:			
Publications exempt from zone rates on advertising under par. 4, sec. 538, Postal Laws and Regulations	$1,798,908.95	$18,585,935.14	$16,787,026.19
Zone rate publications:			
Daily newspapers	8,149,951.42	38,236,073.59	30,086,122.17
Newspapers, other than daily	2,835,183.85	15,060,062.72	12,224,878.87
All other publications	7,805,305.41	31,577,997.01	23,712,691.60
Free-in-county, all publications		8,277,867.83	8,277,867.83
Total, publishers' second class	[1] 20,649,349.63	111,737,936.29	91,088,586.66

[1] Includes $60,825 revenue from second-class application fees.

As to Government publications, if the Post Office Department had been paid at the regular rates for what was carried free through the mails, the following revenues would have accrued:

On matter mailed under penalty by the departments and establishments of the Government the revenue would have been more than $32,000,000. On matter mailed under the franking privilege by Members of Congress the claim was for about $751,000. On other letters mailed under the franking privilege—the wives of former Presidents of the United States have that privilege—the total was only $246. On free matter for the blind the benefit extended amounted to a little over $109,000.

The actual total of all sums claimed by the Post Office Department for rendering such service free of charge was $33,713,305, as is shown by the following table:

Estimated amounts which would have been collected at regular rates of postage, including registry fees and surcharges, on matter mailed free during the fiscal years from 1930 to 1936, inclusive

	1930	1931	1932	1933	1934	1935	1936
Mailed under penalty privilege by departments and establishments of the Government exclusive of the Post Office Department	$9,347,505	$9,886,456	$9,151,899	$14,315,414	$23,094,882	$31,281,600	$32,236,269
Mailed under franking privilege by Members of Congress	718,060	723,671	778,436	1,019,621	775,785	577,162	751,579
Mailed under franking privilege by others	154,545	128,970	6,289	3,994	215	180	246
Publications mailed free in county	753,263	704,579	631,647	538,221	845,227	575,597	615,645
Free matter for the blind	63,779	132,161	133,641	90,522	103,552	131,700	109,566
Total	11,037,152	11,575,837	10,701,912	15,967,772	24,519,661	32,566,239	33,713,305

NOTE.—The decrease in the amount of matter mailed under the franking privilege by others than Members of Congress beginning in the fiscal year 1932 is due to the fact that matter previously mailed under the franking privilege by directors of agricultural experiment stations is being mailed under the penalty privilege.

Mr. President, I desire to direct the attention of the Senate to the fact that, so far as matter mailed by Members of Congress under the franking privilege is concerned, the loss of revenue to the Government has been fairly well stabilized over the past 7 years. In 1930 it amounted to $718,000. In 1931 it was $723,000. In 1932 the loss of revenue was $778,000. In the fiscal year 1933, which included the 6 months during which a Presidential political campaign was in progress, the loss was $1,019,000; in 1934 it dropped back to $775,000; in 1935 it was down to $577,000; and in 1936 the sum which would have been paid at regular postal rates was $751,000.

Compare that modest sum with the total cost of carrying penalty matter, that is, matter where the envelope states that there is a penalty of $300 for its use for private mail. For carrying the penalty matter for all the departments or agencies of the Government in 1932 the Post Office Department claimed a credit of $9,151,000; in 1933 the sum claimed was increased to $14,315,000; in 1934 it was $23,094,000; in 1935 it was $31,281,000; in 1936 it was $32,326,000. There has been an increase of over three and a half times in the expense to the Government of carrying free mail matter for the departments and establishments within a period of 5 years.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. McKELLAR. I desire to emphasize a fact which is most frequently referred to in the newspapers, that the cost of carrying mail for Representatives and Senators is so very great that it brings about the deficit. As the Senator from Arizona has just said, the entire cost of carrying free mail matter for Representatives and Senators amounts to something over $750,000 a year, and when we reflect that the appropriations for the Post Office Department amount in round numbers to $780,000,000 a year, it can be seen how inconsequential is this small amount for carrying the mail of Representatives and Senators.

Mr. CLARK. Mr. President, can the Senator tell us what the expenditure is for carrying free the matter of branches of the Government service other than the Congress?

Mr. McKELLAR. The Senator from Arizona has just pointed that out.

Mr. HAYDEN. Mr. President, I stated a few minutes ago that in the last fiscal year whereas the cost of carrying all matter sent under congressional frank was only $751,000, for carrying the mails of all other branches of the Government the Post Office Department would have been paid, at the regular rates, $32,236,000.

I bring these facts to the attention of the Senate so that it may be understood that, so far as the postal deficit is concerned, the cost of what is sent free through the mails by Senators and Representatives amounts to less than 2½ percent of the volume of free mail sent by the departments and agencies of the Government.

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. HAYDEN. I yield.

Mr. VANDENBERG. As I understand, the expense to the Government of the free mailing privilege of the departments has increased about $23,000,000 in 4 years. Is that correct?

Mr. HAYDEN. That cost has increased from $9,000,000 in 1932 to $32,000,000 in 1936.

Mr. VANDENBERG. There is $23,000,000 just for the postage item. If there is a $23,000,000 increase in the postage, I would hesitate to conjure what the final cost of this tremendous publicity machine of the departments must have been after their printing bills were paid and after all these expansive publicity staffs of $10,000 experts were paid. It must be a perfectly enormous burden. No wonder we cannot get within gunshot of a balanced Budget.

Mr. HAYDEN. Having in mind the great increase in the volume of departmental publications of all kinds, the Joint Committee on Printing, of which the Senator from Michigan and myself are members, at its last meeting directed that a letter be sent to every department and establishment of the Government in an effort to ascertain the facts, particularly with respect to a kind of publication that is so frequently issued, which is not set up in type but where typewritten sheets are photographed and, by what is known as the offset process, printing is done.

I desire to include in the RECORD, at the conclusion of my remarks, a copy of the letter which is being sent to all of the governmental agencies calling upon them for complete information. The Senate may be assured that a very searching investigation is now under way on the part of the Joint Committee on Printing, with a view to determining what reductions can be made in the cost of departmental publications. As the Senator from Michigan has so well pointed out, there is not only the question of the postal losses in carrying such printed matter but there is the primary cost of the production of the article itself by the person paid to write it, then the printing of it, and the final cost of transportation and delivery through the mails.

I have today directed a letter to the Director of the Budget calling his attention to the facts developed by the Senate Committee on Appropriations with respect to departmental publications. I ask leave to have it printed in the RECORD along with the letter written by Representative LAMBETH, as chairman of the Joint Committee on Printing.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON PRINTING,
Washington, March 8, 1937.

SIR: The Joint Committee on Printing is of the opinion that a considerable amount of publicity matter and printing is now being produced, both in the District of Columbia and in the field, for the various branches of the Government service by the use of multigraphs, mimeographs, multiliths, and other methods of reproduction instead of being procured from the Government Printing Office as provided by law.

The committee desires a statement as to the extent to which such substitution for printing is now being done in Washington for each service of the Government.

A similar report is desired on all such work accomplished outside of the District of Columbia other than at duly authorized field plants.

The Joint Committee on Printing requests that a statement be furnished showing the information specified in the following numbered paragraphs, to which reference should be made in reporting. Where the quantity of the product is asked for, the report should cover the last 6 months.

ITEMS TO BE INCLUDED IN REPORT

1. Number, kind, location, and cost of all machinery or other equipment used in producing printed, typewritten, or similar matter, either by mimeographing, multigraphing, lithographing, or any other method of reproduction. Indicate in each instance if machinery is operated by motor or is equipped with self-feeders, automatic ink rollers, or other devices similar to regular printing presses, and whether metal type is used in connection with such printing, together with method of setting the same. If any such machinery or equipment has been bought since March 1, 1919, so state, and by what authority.

2. State, by classes, the kind of work done by such equipment, the approximate number of copies published of each, and the cost, including paper, if possible. Submit samples of each kind of work reported on or a sample of similar work, especially any journals, magazines, periodicals, and other similar publications.

3. State the number, kind, location, and cost of all addressing, folding, and mailing machinery and other equipment used for the distribution of matter reported on herein or any other matter printed for the use of the department or service, and by what authority purchased.

4. State the number of persons employed in the operation and supervision of the machines and equipment reported on under paragraphs nos. 1 and 3, together with their designation, location, compensation, and fund from which the same is paid.

The report covering the District of Columbia, or a preliminary statement, should be submitted not later than April 1, and that for the field service not later than May 1.

Additional copies of this letter will be furnished upon request.

Very truly yours,

WALTER LAMBETH, *Chairman.*

WASHINGTON, D. C., *March 17, 1937.*

Mr. DANIEL W. BELL,
Director, Bureau of the Budget, Washington, D. C.

MY DEAR MR. BELL: Enclosed is a copy of the Senate hearings on the Post Office Department appropriation bill, on pages 150 to 162 of which will be found a discussion of the postal deficit for the past fiscal year, which was, gross, $88,316,324, or net, after credits allowed by law, $16,973,167.

The record shows that the Post Office Department suffered a net loss of over $90,000,000 in the transportation and delivery of private publications, such as magazines and daily and weekly newspapers, but that is a form of subsidy for which the Congress is responsible and which you cannot correct. Government publications, however, do come under the control of the Bureau of the Budget, and I direct your particular attention to the tabulation on page 162, which shows a startling increase in the amount of matter mailed free of charge by the several Federal departments and establishments.

Under the act of June 9, 1930, the Post Office Department claimed credit for penalty mail in 1932 in the sum of $9,151,899, but the tabulation shows that the credit claimed in 1936 had increased over three and one-half times, to $32,236,269. In an effort to ascertain a probable cause for this increase I asked the Govern-

ment Printing Office to give me the value of work delivered to the departments and other Federal agencies for the same 5 years, and have been furnished with the following figures:

1932	$14,333,380.35
1933	12,941,095.24
1934	12,949,752.01
1935	16,465,026.97
1936	18,756,268.94

This data clearly indicates that the product of the Government Printing Office, which increased less than one-half, is not responsible for the great advance in the amount of penalty mail that the departments and establishments have required the Postal System to carry free of charge. The bulk of that increase, aside from letter mail, must be derived from one source, and that is the large number of publications which are being produced by offset printing, which the linotype operators designate as "bootleg", because no typesetting is required.

During the period when every effort was being made to relieve the economic depression there was undoubtedly a substantial need for direct governmental publicity, but with the improvement in employment and business conditions it would seem that the time has arrived to apply the brakes. My suggestion is that you direct that an investigation be made to determine:

First, what publications produced by the offset method, which are in the nature of "house organs", may be stopped.

Second, what can be done to reduce the frequency of such publications by making dailies into weeklies, weeklies into monthlies, and monthlies into quarterlies.

Third, what would be the effect of requiring many of such publications to adopt a reduction in size.

It must cost much more to produce such publications than to send them through the mails so that the actual saving to the Government by cutting their size, reducing their frequency, or doing away with some of them will be more than is disclosed by the postal figures.

Like all other Senators I recently received a timely and well-written bound volume of 288 pages entitled "Landlord and Tenant on the Cotton Plantation", which was produced by offset printing. I shall be obliged if you will advise me whether your Bureau authorized its publication. If proper records were kept, I would also like to know the actual cost of producing that book as compared to what it would have cost if printed in the usual way at the Government Printing Office.

Yours very sincerely,

CARL HAYDEN,
United States Senate.

Mr. MALONEY. Mr. President, I desire to offer an amendment to the bill now under consideration, and I hope the Senator in charge of the bill will consent to take the amendment to conference. On page 21, line 7, under appropriations for the Federal Alcohol Administration the amount of money appropriated is $425,000. This is a reduction from last year's appropriation of $50,000.

I should like to point out that despite the rapid growth of the alcohol industry, this particular Bureau has been forced to curtail its force considerably during the last year. It now has a total of 181 employees, and, while 15,000 permits have been issued, the Bureau has only 20 field investigators.

I move that the $425,000 be stricken out and that the appropriation be increased to $475,000, which was the amount of last year's appropriation.

Mr. McKELLAR. Mr. President, as I understand, the chief of the Federal Alcohol Administration desired to appear before the Senate Committee on Appropriations, but, through some mistake, he was not invited.

Mr. MALONEY. The Senator is correct. He did appear at the hearing and waited some time, but did not have an opportunity to be heard.

Mr. McKELLAR. Under those circumstances I shall be glad to let the amendment go to conference. I cannot say what will be done with it, but we will see what can be done. I am willing that the matter go to conference.

Mr. MALONEY. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Connecticut.

The amendment was agreed to.

The PRESIDING OFFICER. If there are no further amendments to be offered, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill H. R. 4720 was read the third time and passed.

ACCEPTANCE OF REAL ESTATE DONATED BY HENRY FORD AND WIFE

Mr. BROWN of Michigan. Mr. President, I ask unanimous consent for the immediate consideration of House Joint Resolution 272, to authorize the Administrator of Veterans' Affairs, on behalf of the Government of the United States, to accept a gift of 38 acres of land in Detroit from Mr. and Mrs. Henry Ford for the purpose of erecting a veterans' hospital thereon.

Because of the fact that there is a condition in the gift, it is necessary that approval be made by Congress. The House has passed the measure. The Senate Finance Committee has unanimously reported it favorably. I have spoken to both the majority and the minority leaders, and they have no objection to the present consideration of the joint resolution. There is absolutely no objection on the part of anyone to it. It has met with the approval of the various Government departments concerned.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the joint resolution (H. J. Res. 272) to authorize the Administrator of Veterans' Affairs to accept title for the United States to certain real property to be donated by Mr. Henry Ford and wife for Veterans' Administration facility purposes was considered, ordered to a third reading, read the third time, and passed, as follows:

Resolved, etc., That the Administrator of Veterans' Affairs be, and he is hereby, authorized and directed to accept on behalf of the United States title to a triangular tract of land bounded by Southfield Road, Snow or Pepper Road, and Outer Drive, in Ecorse Township, Wayne County, State of Michigan, containing approximately 38 acres, to be donated by Mr. Henry Ford and Clara J. Ford, his wife, upon the condition that such property be used for the purpose of constructing, operating, and maintaining what is now designated as a Veterans' Administration Facility or which may hereafter be so designated or similarly designated by or in accordance with law, which may include domiciliary, hospital, regional office, and such other activities essential to the functioning of the facility, and when no longer used for this purpose the property donated to revert to the grantors, their heirs, executors, or assigns, the said tract of land being described as follows:

Lands lying in private claim 31, Ecorse Township, Wayne County, Mich., and described more particularly as follows:

Commencing at the point of intersection of the easterly line of Southfield (formerly known as Town Line) Road, of 204-foot width and the northerly line of Outer Drive of 150-foot width; thence easterly along the northerly line of said Outer Drive 193.48 feet along the arc of a curve of radius 274.20 feet to a point which is south 78°19'30" E. 189.45 feet from the last previously mentioned point; thence north 81°27'50" E. 1,790 feet along the said northerly line of Outer Drive; thence easterly 156.89 feet measured along the arc of a curve of 575.54 feet radius to a point on the center line of Snow (formerly Pepper) Road, which bears north 89°16'20" E. 156.14 feet from the last previously mentioned point; thence northwesterly along the center line of said Snow Road, north 37°04'00" W. 1,566.96 feet and north 27°03'10" W. 253.60 feet to the point of intersection with the said easterly line of Southfield Road; thence southerly along the said easterly line of Southfield Road south 31°44'00" W. 2,003.69 feet to the point of commencement, containing 38.930 acres, more or less.

AUTHORITY TO REPORT BILLS DURING RECESS OR ADJOURNMENT

Mr. ROBINSON. Mr. President, there is very little business ready for consideration by the Senate. We have been able to keep the work well down to date. I ask unanimous consent that during the recess or adjournment following today's session the Committee on Appropriations may have leave to submit reports. I will state that in view of the condition of business in the Senate it is my purpose to move an adjournment or recess until Friday if the consent requested shall be granted.

The PRESIDING OFFICER (Mr. MINTON in the chair). Is there objection to the request of the Senator from Arkansas? The Chair hears none, and it is so ordered.

NATIONAL GALLERY OF ART

Mr. CONNALLY. Mr. President, I ask unanimous consent for the present consideration of House Joint Resolution 217, providing for the construction and maintenance of a National Gallery of Art. I desire to call it up from the desk and offer several amendments to it.

Mr. McNARY. Does it come up in the nature of a conference report?

Mr. CONNALLY. No; it does not.

Mr. McNARY. Or the substitution of the Senate measure for the House measure?

Mr. CONNALLY. In effect, the substitution of the Senate measure for the House measure. However, I will say to the Senator that in order to simplify the matter, instead of offering the entire Senate joint resolution as a substitute, I shall simply offer to the House joint resolution the two or three little amendments which were agreed to by the Senate on Monday last, so that when the joint resolution goes back to the House it will be in the same form as the joint resolution passed by the Senate.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

There being no objection, the Senate proceeded to consider the joint resolution (H. J. Res. 217) providing for the construction and maintenance of a National Gallery of Art, which was read twice by its title.

Mr. CONNALLY. Mr. President, I offer four amendments, which I send to the desk and ask to have stated.

The PRESIDING OFFICER. The amendments will be stated.

The amendments were, in section 4, page 3, line 21, after the word "public", to insert "free of charge"; in section 5, page 5, line 13, after the word "no", to strike out "works" and insert "work"; in the same line, after the word "be", to strike out "exhibited in" and insert "included in the permanent collection of"; and in line 19, after the word "unless", to strike out "they are" and insert "it be", so as to make the joint resolution read:

Resolved, etc., That the area bounded by Seventh Street, Constitution Avenue, Fourth Street, and North Mall Drive NW., in the District of Columbia, is hereby appropriated to the Smithsonian Institution as a site for a National Gallery of Art. The Smithsonian Institution is authorized to permit the A. W. Mellon Educational and Charitable Trust (hereinafter referred to as the donor) to construct on said site for the Smithsonian Institution a building to be designated the National Gallery of Art, and to remove any existing structure and landscape the grounds within said area. The adjoining area bounded by Fourth Street, Pennsylvania Avenue, Third Street, and North Mall Drive NW., in the District of Columbia, is hereby reserved as a site for future additions to the National Gallery of Art. The project shall be in accordance with plans and specifications approved by the Commission of Fine Arts.

SEC. 2. (a) There is hereby established in the Smithsonian Institution a bureau, which shall be directed by a board to be known as the Trustees of the National Gallery of Art, whose duty it shall be to maintain and administer the National Gallery of Art and site thereof and to execute such other functions as are vested in the board by this act. The board shall be composed as follows: The Chief Justice of the United States, the Secretary of State, the Secretary of the Treasury, and the Secretary of the Smithsonian Institution, ex officio; and five general trustees who shall be citizens of the United States, to be chosen as hereinafter provided. No officer or employee of the Federal Government shall be eligible to be chosen as a general trustee.

(b) The general trustees first taking office shall be chosen by the Board of Regents of the Smithsonian Institution, subject to the approval of the donor, and shall have terms expiring one each on July 1 of 1939, 1941, 1943, 1945, and 1947, as designated by the Board of Regents. A successor shall be chosen by a majority vote of the general trustees and shall have a term expiring 10 years from the date of the expiration of the term for which his predecessor was chosen, except that a successor chosen to fill a vacancy occurring prior to the expiration of such term shall be chosen only for the remainder of such term.

SEC. 3. Upon completion of the National Gallery of Art, the board shall accept for the Smithsonian Institution as a gift from the donor a collection of works of art which shall be housed and exhibited in the National Gallery of Art.

SEC. 4. (a) The faith of the United States is pledged that, on completion of the National Gallery of Art by the donor in accordance with the terms of this act and the acquisition from the donor of the collection of works of art, the United States will provide such funds as may be necessary for the upkeep of the National Gallery of Art and the administrative expenses and costs of operation thereof, including the protection and care of works of art acquired by the board, so that the National Gallery of Art shall be at all times properly maintained and the works of art contained therein shall be exhibited regularly to the general public free of charge. For these purposes there are hereby authorized to be appropriated such sums as may be necessary.

(b) The board is authorized to accept for the Smithsonian Institution and to hold and administer gifts, bequests, or devises of money, securities, or other property of whatsoever character for the benefit of the National Gallery of Art. Unless otherwise restricted by the terms of the gift, bequest, or devise, the board is authorized to sell or exchange and to invest or reinvest in such investments as it may determine from time to time the moneys, securities, or other property composing trust funds given, bequeathed, or devised to or for the benefit of the National Gallery of Art. The income as and when collected shall be placed in such depositaries as the board shall determine and shall be subject to expenditure by the board.

(c) The board shall appoint and fix the compensation and duties of a director, an assistant director, a secretary, and a chief curator of the National Gallery of Art, and of such other officers and employees of the National Gallery of Art as may be necessary for the efficient administration of the functions of the board. Such director, assistant director, secretary, and chief curator shall be compensated from trust funds available to the board for the purpose, and their appointment and salaries shall not be subject to the civil-service laws or the Classification Act of 1923, as amended. The director, assistant director, secretary, and chief curator shall be well qualified by experience and training to perform the duties of their office and the original appointment to each such office shall be subject to the approval of the donor.

(d) The actions of the board, including any payment made or directed to be made by it from any trust funds, shall not be subject to review by any officer or agency other than a court of law.

SEC. 5. (a) The board is authorized to adopt an official seal which shall be judically noticed and to make such bylaws, rules, and regulations, as it deems necessary for the administration of its functions under this act, including, among other matters, bylaws, rules, and regulations relating to the acquisition, exhibition, and loan of works of art, the administration of its trust funds, and the organization and procedure of the board. The board may function notwithstanding vacancies, and three members of the board shall constitute a quorum for the transaction of business.

(b) In order that the collection of the National Gallery of Art shall always be maintained at a high standard and in order to prevent the introduction therein of inferior works of art, no work of art shall be included in the permanent collection of the National Gallery of Art unless it be of similar high standard of quality to those in the collection acquired from the donor.

(c) The board shall have all the usual powers and obligations of a trustee in respect of all trust funds administered by it and all works of art acquired by it.

(d) The board shall submit to the Smithsonian Institution an annual report of its operations under this act, including a detailed statement of all acquisitions and loans of works of art and of all public and private moneys received and disbursed.

SEC. 6. (a) The Commissioners of the District of Columbia are hereby authorized and directed to close Sixth Street NW. within the boundaries of the site for the National Gallery of Art. The National Capital Park and Planning Commission shall determine the building lines and approve the plan of approaches for said gallery, and shall also make recommendations for the widening and adjustment of Third, Seventh, Ninth, and such other streets in the vicinity as may be necessary and desirable to provide for the traffic which would otherwise use Sixth Street.

(b) Section 10 of the Public Building Act, approved March 4, 1913 (37 Stat. L., p. 881), relating to the George Washington Memorial Building, and all provisions of law amendatory thereof, are hereby repealed.

(c) The existing bureau of the Smithsonian Institution now designated as a national gallery of art shall hereafter be known as the National Collection of Fine Arts.

(d) The fifth paragraph under the heading "Smithsonian Institution" in the Independent Offices Appropriation Act for the fiscal year 1924, approved February 13, 1923 (42 Stat. L. 1235), relating to the erection of a national gallery of art, is hereby repealed.

The amendments were agreed to.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

CONTROL OF INSECT PESTS AND PLANT DISEASES

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 75) making funds available for the control of incipient or emergency outbreaks of insect pests or plant diseases, including grasshoppers, Mormon crickets, and chinch bugs.

Mr. GILLETTE. Mr. President, on behalf of the chairman of the Committee on Agriculture and Forestry, the Senator from South Carolina [Mr. SMITH], I move that the Senate disagree to the House amendments, request a conference thereon with the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. SMITH, Mr. WHEELER, Mr. GILLETTE, and Mr. CAPPER conferees on the part of the Senate.

EXECUTIVE SESSION

Mr. ROBINSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

Mr. WALSH, from the Committee on Naval Affairs, reported favorably the nomination of Capt. Frank H. Sadler to be a rear admiral in the Navy from the 1st day of March 1937; and also the nominations of sundry officers and citizens for appointment as officers in the Navy.

Mr. KING, from the Committee on the Judiciary, reported favorably the nomination of William H. Hastie, of Washington, D. C., to be judge for the District Court of the Virgin Islands, vice Judge George P. Jones, appointed in recess.

Mr. PITTMAN, from the Committee on Foreign Relations, reported favorably the following nominations:

Walter F. Boyle, of Georgia, now a Foreign Service officer of class 4 and a consul, to be a consul general of the United States; and

Francis H. Styles, of Virginia, now a Foreign Service officer of class 6 and a consul, to be also a secretary in the Diplomatic Service of the United States.

Mr. SCHWELLENBACH, from the Committee on Foreign Relations, reported favorably Executive F, Seventy-fifth Congress, first session, being a convention between the United States and Canada signed at Ottawa on January 29, 1937, which revises the Convention for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, signed between the two Governments at Ottawa on May 9, 1930, and submitted a report (Exec. Rept. No. 1) thereon.

The PRESIDING OFFICER (Mr. MINTON in the chair). The reports will be placed on the Executive Calendar. If there be no further reports of committees, the clerk will state the first nomination in order on the calendar.

THE JUDICIARY

The legislative clerk read the nomination of J. Earl Major, of Illinois, to be United States circuit judge for the seventh circuit.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

PUBLIC HEALTH SERVICE

The legislative clerk read the nomination of Dr. Edgar E. Findlay to be assistant surgeon from date of oath.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. McKELLAR. Mr. President, I ask unanimous consent that nominations of postmasters be confirmed en bloc.

The PRESIDING OFFICER. Without objection, nominations of postmasters now on the calendar are confirmed en bloc.

That completes the calendar.

ADJOURNMENT TO FRIDAY

The Senate resumed legislative session.

Mr. ROBINSON. I move that the Senate stand adjourned until 12 o'clock noon on Friday next.

The motion was agreed to; and (at 3 o'clock and 17 minutes p. m.) the Senate adjourned until Friday, March 19, 1937, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 17, 1937

UNITED STATES CIRCUIT JUDGE

J. Earl Major to be United States circuit judge for the seventh circuit.

PUBLIC HEALTH SERVICE

Dr. Edgar E. Findlay to be assistant surgeon.

POSTMASTERS

NORTH CAROLINA

Perry C. Millikin, Halifax.
Theodore T. Thomas, Tarboro.
George C. Herritage, Trenton.

VIRGINIA

William F. Cox, Jonesville.
Robert M. Owen, North Emporia.

HOUSE OF REPRESENTATIVES

WEDNESDAY, MARCH 17, 1937

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, the Father of us all, we thank Thee for that providence which watches over human affairs. Not a sparrow falls to the ground without the Father's notice. Fill us with the spirit of praise and gratitude, and may we reach forth toward a better manhood with ardor and with patient perseverance. Blessed Lord God, we bless Thee for the pure, self-sacrificing sons of God of the mighty past who were bearers of that gospel that brings out of the darkness the morning light and the glory of the Lord. We pause today in memory of one of earth's great immortals. His name is unsullied, unblemished, and untainted. He was inspired by the urgency of a great duty and stimulated in the joy of a great purpose. Sorrowing yet rejoicing, poor yet making many rich, having nothing yet possessing all things, he lived and died for the love of Christ and for the salvation of man. O God, bring together in the simplicity of truth and love all those of every name, so that the whole brotherhood of man may walk together. In the name of our Redeemer. Amen.

The Journal of the proceedings of yesterday, Tuesday, March 16, 1937, was read and approved.

THE SHILLELAGH AND DECORUM IN THE HOUSE

Mr. O'CONNOR of New York. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. O'CONNOR of New York. Mr. Speaker, today, on this 17th of March, most of the civilized world pays its respect to the birthday of a distinguished leader, liberator, and prelate—St. Patrick. Would that he were alive today; there is so much similar work to be done. There still are "snakes."

But, Mr. Speaker, I did not rise to eulogize the great saint of Ireland. That will be ably attended to this evening throughout the world by countless orators.

Rather do I rise at this time to comment upon the determined and partially successful effort our beloved Speaker has made during this session of the Seventy-fifth Congress to preserve order in this Chamber of the House of Representatives of the United States. It is a worth-while ambition upon his part and is commended by us all. But the tools afforded him, in the nature of gavels, are not equal to the task. He has wielded formidable looking weapons, some of them resembling bungstarters. He has pounded with tiring instruments resembling a dentist's mallet.

Today I have here with me that well-known instrument of persuasion, famed in song and story—the shillelagh. [Laughter and applause.]

It was brought back from the "old sod" last year and presented to me by a good friend, Mr. John Ward, of the Government Printing Office.

It is but the natural root of the blackthorn tree, so profuse on the Emerald Isle. The branches of that beautiful tree are used for those attractive and thorny walking sticks often besported on our streets, especially by our farmer Members.

The walking cane is, however, light and easy to swing in that nonchalant fashion of the congressional dandy, but the root forming the shillelagh, which I hold in my hand, is much more substantial. It carries weight—and how. It is naturally formed in the shape of a gavel. It is, in fact, Nature's emblem of authority.

Mr. Speaker, the shillelagh is the world's greatest persuader. Nature ordained it for that very purpose. History records its effective use in the art of persuasion—an art much more advanced in days gone by than in this hour, I regret to say.

Whether the shillelagh is used on the gavel block or in the nature of "scalp treatment", its persuasive powers have no equal. It has been known to rest but for the mere fraction of a second on the dome of the skull with an effect that was remarkably persuasive. As Raleigh said, "Whom none could advise, thou has persuaded."

So, Mr. Speaker, in support of your worth-while effort to maintain order in this august body, I now loan to you this famed handiwork of Nature—persuader of persuaders—the Irish shillelagh. [Applause.]

The SPEAKER. The House will be in order. [Laughter.]

Members of the House, from time immemorial the Speaker of the House has had as an emblem and symbol of his authority as such, two instrumentalities: First, the conventional gavel, to which the gentleman from New York has referred; and, secondly, the mace, which stands on the right of the Speaker, and which is the real symbol of the ultimate authority of the Speaker to establish peace and decorum in this Chamber. I have frequent occasion to use the minor weapon. The major weapon is infrequently used, only in cases of great riot and rebellion in the House.

Now, I am presented with a third instrument for order and decorum—the root of the blackthorn from Erin. I have heard a good deal about the practical uses of this weapon among the old-fashioned Celts in the old country [laughter], but I never thought I would have the privilege of exercising it from the Speaker's stand as an emblem of parliamentary power.

I do not know whether this is a very appropriate time for this emblem of onslaught and attack to be presented to the Speaker, for the reason we are now in the very midst of considering and passing upon a neutrality bill [applause], and I have heard it said that it is one of the characteristics of the Irish race that whenever there is a two-fisted fight of any sort started anywhere in the world no Irishman can remain neutral. [Laughter and applause.] I imagine this is the origin of this device. I hope it will not be necessary for me to use it today in the form in which it is usually presented, but if the House should become so inordinately riotous or tumultuous that the laying on of this blackthorn upon a few recalcitrant skulls might be essential to preserve order, I shall call upon the Sergeant at Arms to do so.

I am very happy to have the loan of this historic gavel from my friend, and I think it well enough sometimes, in the seriousness of our considerations here, to have a little harmless diversion like we have had this morning. [Applause.]

Will the gentleman from Texas [Mr. RAYBURN] kindly take the chair for a moment?

Mr. RAYBURN assumed the chair as Speaker pro tempore.

Mr. BANKHEAD. Mr. Speaker, I ask unanimous consent to proceed for 3 minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. BANKHEAD. Mr. Speaker, it becomes my very painful duty to announce to the House the departure from the scene of life's activities of a very distinguished and outstanding son of Alabama and of the United States, Capt. Richmond Pearson Hobson, latterly known through the signal honor conferred upon him by the Congress of the United States as Rear Admiral Richmond P. Hobson. I think it may be singularly appropriate that I should undertake to express a few sentiments of respect and admiration for this distinguished son of my State because of the fact that for a number of years he represented in this Chamber a large part of the congressional district which I now have the honor to serve in this House. I think it needless for me to undertake to recall to your consideration the distinguished naval, political, and civic career of Admiral Hobson. It comes to few men out of the millions who live and serve in this country to attain a position of unique and outstanding reputation for brilliancy of intellect or for courage or for some unusual eminence that the man of whom I am now speaking certainly had reached in the consideration and affection and respect of the American people. Every school boy and girl in this country, as well as adults, now are familiar with his historic naval exploit, while in the service of the United States Navy, in the harbor of Santiago during the Spanish-American War, where, at the very risk of his life and that of his associates, he undertook that bold and heroic adventure under the command of the admiral of the American fleet. All are familiar with his subsequent imprisonment and release therefrom, his distinguished and successful career in politics thereafter, and I imagine that what gave him more real satisfaction than any other service which he rendered to the country, his devotion to the principles of social and spiritual uplift of the people of America and of the world.

Captain Hobson opposed my honored father for a seat in the House of Representatives and defeated him. A number of years after that when I aspired to come to the House, he opposed me, and I defeated him. During the course of those contests there was a considerable amount of political and possibly personal bitterness injected, but I am now happy to recall that with the passage of time, which is a generous solvent for so many of our imagined indignities and pains and prejudices, in the latter part of his life there had been established between us a most cordial sentiment of friendship and mutual respect, and it made me very happy to stand in this place on the floor of the House and be instrumental in securing the passage of the bill that conferred upon him the honor of rear admiral in the Navy of the United States. This man has conferred not only luster upon himself and his State but upon the whole country, and I deeply regret his departure. When in his home in New York City yesterday "the pallid messenger with the inverted torch" beckoned Admiral Hobson to depart, he carried away an outstanding and distinguished son of our Commonwealth.

I am advised that his funeral services will be held tomorrow afternoon at 2 o'clock among the mounded silences of great old Arlington Cemetery, and if it may be convenient to any Member of the House to attend those services as a mark of respect and honor to a great American, I am sure that it will be gratifying to his family, as it would be to the members of the Alabama delegation. [Applause.]

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 2 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. RANKIN. Mr. Speaker, I wish to join the distinguished gentleman from Alabama [Mr. BANKHEAD] in the splendid tribute which he has paid to Admiral Hobson, one of America's most distinguished sons.

The first time that I ran for Congress, Admiral Hobson, Captain Hobson at that time, was a candidate for Congress against our present distinguished Speaker. Our districts joined for about 100 miles. I became very well acquainted with those two gentlemen and was very much struck with the high plane upon which they pitched their campaign. As time went on, my experience through association with those two distinguished leaders fully justified the high opinion I formed of them both in that campaign.

I never met a more lovable character than Richmond P. Hobson, or one who bore his honors with finer grace.

No man connected with the Spanish-American War will live longer in history than will this brave and generous son of Alabama, who performed the outstanding feat of heroism in that unfortunate conflict.

The last time I saw Admiral Hobson he spoke of the way people distort history, and gave some illustrations.

He said he was once introduced to an English army officer by a friend who referred to him as "the hero of the *Merrimac*." The Englishman evidently thought the *Merrimac* was a land engagement, for he said, "Ah, General Hobson, I have read the history of that battle with great care, and I have always admired the tactics you employed."

On another occasion he said he was introduced as the "hero of the *Titanic*." But he said one fellow, on another occasion, reached the limit when he presented him as "the man who sank the *Lusitania*."

All of this goes to show how little some of us know, even of the current history through which we pass, and how soon great achievements are forgotten or the memories of them distorted in the public mind.

But, as has been well said, "It is after death that we measure men."

Probably his passing away will revive interest in his career and cause the children of this and future generations to study more closely the life and character of this great man; and I have no doubt but that with the passing years he will continue to grow in the estimation of all enlightened people throughout the world.

He was an illustrious hero, a distinguished statesman, and a worthy citizen, of whom it can be truthfully said that—

> His life was gentle, and the elements
> So mix'd in him, that Nature might stand up
> And say to all the world, "This was a man!"

PERMISSION TO ADDRESS THE HOUSE

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent that on Friday, after the reading of the Journal and disposition of matters on the Speaker's desk, and at the conclusion of the special orders already made, I be granted 15 minutes in which to address the House.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

EDWARD N. JERRY

Mr. RANKIN. Mr. Speaker, I ask unanimous consent that the Committee on World War Veterans' Legislation be discharged from further consideration of the bill (S. 44) for the relief of Edward N. Jerry, and that the same be referred to the Committee on Military Affairs.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

BALANCING THE BUDGET

Mr. GIFFORD. Mr. Speaker, I ask unanimous consent to address the House at this time for 5 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. GIFFORD. Mr. Speaker, I want to call to your attention a matter which to me is of very profound importance, inasmuch as I have made so many addresses on the subject.

On last Friday the Secretary of the Treasury, Mr. Morgenthau, practically announced the death of many of your favorite measures before Congress. He said, in effect, that he was not nonsocial, but that we must now balance the Budget, and that we must not borrow any more money.

Now we have a statement by Governor Eccles, of the Federal Reserve Board, saying that he has been misrepresented. I fear he thinks that some of us may have misrepresented him, inasmuch as I have quoted him as saying before our committee—and it is in the RECORD several times—that he did not fear a debt of $40,000,000,000—and that we must assume that he was the banker who told the President he did not fear a debt of $50,000,000,000. Now he has warned us, and, in conjunction with the warning of the Secretary of the Treasury, we certainly must take heed. He cannot free himself of the dangers created by his monetary policies by saying that if inflation does come it is because of labor demands and because of high prices now being asked as the result of those demands. If the President's own advisers are warning us of calamity in the near future, shall we not take immediate cognizance of it and forego demands for further measures that will cost more billions of dollars?

If these demands become too insistent, we should work for an early adjournment of this Congress. I am pleased that these officials are now awake to the dangers of their own former policies. What I have so often said heretofore regarding huge spendings on borrowed money seems to have contained the element of truth. These former statements by Governor Eccles were made before our Banking Committee, and they were, indeed, very worrisome to some of us.

I ask, in all earnestness, that the comments made during the next week on this subject shall receive your very careful consideration.

[Here the gavel fell.]

PERMISSION TO ADDRESS THE HOUSE

Mr. THOM. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. DICKSTEIN. Mr. Speaker, reserving the right to object, I have no objection to another 5 minutes, but the Committee on Immigration and Naturalization has some bills that it is important to dispose of. This is the first day we have had in 16 years. I would like to have an opportunity to dispose of some of the business.

Mr. RICH. Mr. Speaker, reserving the right to object, I would like to say to the gentleman that I asked yesterday for 5 minutes and it was refused me. I have been very patient this morning. I would like to have 5 minutes after the gentleman from Ohio [Mr. THOM] has concluded.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. THOM]?

Mr. SCHULTE. Mr. Speaker, I object.

EXTENSION OF REMARKS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and insert in connection with my own remarks a letter from Jeff Busby, a former Member of this House.

The SPEAKER. Is there objection?

There was no objection.

CALENDAR WEDNESDAY

The SPEAKER. This is Calendar Wednesday. The Clerk will call the committees.

The Clerk called the committees.

DEPORTATION OF CERTAIN ALIENS WHO FRAUDULENTLY MARRY CITIZENS OF THE UNITED STATES

Mr. DICKSTEIN (when the Committee on Immigration and Naturalization was called). Mr. Speaker, by direction of the Committee on Immigration and Naturalization, I call up H. R. 28, to authorize the deportation of aliens who secured preference-quota or nonquota visas through fraud by contracting marriage solely to fraudulently expedite admission to the United States, and for other purposes.

The Clerk read the title of the bill.

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent that this bill may be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That subdivision (f) of section 9 of the Immigration Act of 1924, as amended (43 Stat. 158; U. S. C., title 8, sec. 209, subdivision (f)), is amended to read as follows:

"SEC. 9. (f) Nothing in this section shall be construed to entitle an immigrant, in respect of whom a petition under this section is granted, either to enter the United States as a nonquota immigrant if, upon arrival in the United States, he is found not to be a nonquota immigrant, or to enter the United States as a preference-quota immigrant if, upon arrival in the United States, he is found not to be a preference-quota immigrant."

SEC. 2. That subdivision (a) of section 13 of the Immigration Act of 1924, as amended (43 Stat. 161; U. S. C., title 8, sec. 213 (a)), is amended to read as follows:

"No immigrant shall be admitted to the United States unless he (1) has an unexpired immigration visa or was born subsequent to the issuance of the immigration visa of the accompanying parent; (2) is of the nationality specified in the visa in the immigration visa; (3) is a nonquota immigrant if specified in the visa in the immigration visa as such; (4) is a preference-quota immigrant if specified in the visa in the immigration visa as such; and (5) is otherwise admissible under the immigration laws."

SEC. 3. That any alien who at any time after entering the United States is found to have secured either non-quota or preference-quota visa through fraud, by contracting a marriage which, subsequent to entry into the United States, has been judicially annulled retroactively to date of marriage, shall be taken into custody and deported pursuant to the provisions of section 14 of the Immigration Act of 1924 on the ground that at time of entry he was not entitled to admission on the visa presented upon arrival in the United States. This section shall be effective whether entry was made before or after the enactment of this act.

Mr. DICKSTEIN. Mr. Speaker, this bill comes from the committee unanimously. It has the endorsement of the Department.

This bill will simply add another section providing for deportation of any alien who contracts a marriage by fraud for the purpose of coming to the United States under the quota. It is what is commonly known as the "gigolo" bill. We found a number of so-called aliens who could not possibly enter this country because of quota conditions, who have contracted a marriage which, in itself, was fraudulent, for the purpose of evading the immigration law. This bill has the highest recommendation from this committee for favorable action.

Mr. JENKINS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. JENKINS of Ohio. I wish the gentleman would explain how the bill would work, for his statement is rather general. Will he give us an illustration of how a person can get here through fraudulent marriage?

Mr. DICKSTEIN. Let us take a country the quota of which is very small. A man in that country wishes to come into this country. He needs a preference status. If he marries an American citizen, an American woman, the woman honestly believing that he is sincere in this marriage, honestly believing that he is going to live with her as her husband, he is entitled to a preference. Because of the small quotas in these countries, people of those countries have in many instances entered into fraudulent marriage contracts with American citizens simply as a subterfuge to get into this country. When he gets into this country we immediately discover that he had absolutely no intention to live with this woman and did not intend to assume the contractual relationship of husband and wife.

Mr. JENKINS of Ohio. I am a little rusty on these changes in the law. As I understand it, an American male citizen may marry a foreign woman and bring her in as his wife, provided she is in good mental and physical health and complies with the regulations for good character, and so forth.

Mr. DICKSTEIN. She has to be in perfect health.

Mr. JENKINS of Ohio. But a woman cannot marry a man and bring him in, as I understand it, except that we did pass a law affecting such cases up to about the year 1928, and I think it has been moved up once since then to 1929. What is the limitation now beyond which the marriage does not admit a husband?

Mr. DICKSTEIN. Under the acts of 1924 and 1929, where a woman marries an alien, petitions the Department of Labor, proves that she is a citizen, and that she has married an alien, he is entitled to a preference under section 6 of the Immigration Act of 1924 and the amendments thereto. That preference more or less is a first preference.

Mr. JENKINS of Ohio. Does that apply to marriages even up to this date? What is the limitation?

Mr. DICKSTEIN. The exemption ended in 1931.

Mr. JENKINS of Ohio. Let us follow that up a little further. If a woman has married a foreigner since 1931, she cannot bring him in just because he is her husband.

Mr. DICKSTEIN. She cannot bring him in, but she can get him a first preference.

Mr. JENKINS of Ohio. She can make a request to the Department of Labor asking that her husband be put in the class that will be given first preference; but, because he gets in the first-preference class, that does not give her or anybody else the right to bring him in ahead of this class.

Mr. DICKSTEIN. In the first-preference class are put mothers, fathers, wives, and husbands of American citizens.

Mr. JENKINS of Ohio. Let us just follow that up further. If that be the case, suppose an American woman marries a man in Czechoslovakia. If she makes application there that he be put in the first preference class he must be examined by our consular and immigration officers.

Mr. DICKSTEIN. Absolutely. It goes further than that. He must first be examined by the medical officers of the Health Service and show that he is physically fit. He must be examined by the consul, and he must comply with all the laws pertaining to admission.

Mr. JENKINS of Ohio. Then if he passes all these examinations and comes here and it develops that he has not entered into the marital relationship as he should and it develops that he never intended to carry out the marriage contract, then he is put on the deportable list.

[Here the gavel fell.]

Mr. JENKINS of Ohio. Mr. Speaker, I move to strike out the last word in order to follow up the colloquy between the gentleman from New York and myself, which is proving so interesting to me.

Suppose this man is put in the first-preference class, he must come here before we can discover really that he has not or does not intend to carry out his martial agreement. When he gets here what is the next process?

Mr. DICKSTEIN. If he gets into this country, first he must comply with all the requirements just like every other alien—he gets no benefits so far as the law is concerned; but then if he comes in here and the American wife has evidence to show that this man has perpetrated a fraud upon her for the purpose of making her sign a petition to give him that preference, and he does not enter into and will not consummate any marriage that he contracted on the other side, all she would have to do under the pending bill would be to present this evidence to a court, and if the court decrees that the marriage was procured, obtained, or entered into by fraud, then the Department of Labor will have the right to deport him.

Mr. JENKINS of Ohio. I know that can be done, of course; but suppose this arrangement is made between these two people with criminal intent in the minds of both; in other words, this man simply buys his way into this country by inducing this woman to enter into this contract, what right have the people of this country, what right have the immigration officials when this man has come to this country and not carried out his arrangement, has not lived with this woman, is not her lawful husband, and takes no responsibility of a husband? What is our right under this bill?

Mr. DICKSTEIN. There are other provisions of the 1917 law and the 1924 law to take care of people who actually commit a fraud upon the Government by signing a petition, because they are guilty of fraud in that instance.

Mr. JENKINS of Ohio. That is what I am coming to.

Mr. DICKSTEIN. That has nothing to do with this bill.

Mr. JENKINS of Ohio. There ought to be some provision in that regard. It looks to me like the gentleman is simply playing into the hands of these people because the most trouble we have from what is trying to be cured here comes from men on the other side who buy their way into this country. They induce some woman to go through with this bogus marriage arrangement and never intend to carry it out. She is paid for it, and a woman could bring a man into this country this month, another man next month, and so on, and could enter into the business of bringing men in. Under this bill she alone must raise the question. If she does not raise the question, we cannot do anything about it.

Mr. DICKSTEIN. The gentleman is developing some other thought and consideration which deals with fraud. That has no bearing on this bill and is not within the scope of the intended legislation. From the examination which the Department has made and which the committee made, we do not find the condition to exist that the gentleman relates. I may say to the gentleman from Ohio, assuming a man and an American woman, or an American man or an American woman, entered into such a conspiracy, if it is for the purpose of evading the law they are guilty of perjury, and can

be convicted and their citizenship canceled under the 1917 act and the 1929 act.

Mr. JENKINS of Ohio. Would the gentleman object to an amendment when we come to the proper place in the bill? Let us pass an amendment to the effect if and when she does file that petition and the petition is granted, then and at that time the man shall be immediately deportable.

Mr. DICKSTEIN. Well, this provides for immediate deportation.

Mr. JENKINS of Ohio. Where does it provide for that?

Mr. DICKSTEIN. The point is you cannot deport a man who has perpetrated a fraud on the other side with an American woman until that man gets into this country and the woman institutes proceedings and establishes fraud in a court of record.

Mr. JENKINS of Ohio. We have developed the situation to this point: I can see where the wife could take advantage of this situation. This would be a wonderful opportunity to do what the gentleman is trying to prevent. When she finds that this fellow will not carry out his agreement and that he has come into the country for this purpose, when the court has found such a condition to exist and grants a divorce, that fellow ought to be deportable. If she does not want him, and she brought him here, we do not want him either. Let us get rid of him.

[Here the gavel fell.]

Mr. JENKINS of Ohio. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. JENKINS of Ohio. Mr. Speaker, I want to develop the thought a little further. I think we can supply an amendment which will not hurt this bill but, on the contrary, will strengthen it a lot. We will find the place in this bill and insert just one simple amendment. I am not trying to delay the bill, I do not want to be put in the position of being against the bill, and I do not want to oppose it, but I think while we are at it we ought to put some teeth in these things. The women in these cases may not be to blame. Every time we have amended the law in this respect we have provided that a man may bring his wife in, but that the woman could not bring the husband in. Why? Because, in fact, we have said that the woman is the weaker of the two and is more susceptible to blandishments at the hands of man. It is thought that it would be pretty hard for a woman to induce a man to marry her for the purpose of assisting her to enter unlawfully, but it is easy for a man with a little money to come to this country on a visit, or acting through an emissary in this country to say to a woman: "You go through this performance with me. It will all be perfunctory. Here is your thousand dollars and when I get there everything will be all right. I have paid you off."

My amendment should provide, when she comes to that place that she finds he is not going to go ahead with the marriage, and the immigration officials find both of them have conspired and that the marriage has never been carried out, with the result that the immigration officials have been defrauded, they should have a right to put that man in the deportable class and send him out of the country.

Mr. DICKSTEIN. I am willing to go as far as I can, but I want to call the gentleman's attention to the language of section 3 of the bill, which clearly states the processes—how the proceeding shall start and how it shall terminate. This language has been accepted by the Department of Labor and has been accepted by the members of the committee on both sides. The committee is simply trying to do its best to find a solution for a number of fraudulent marriages by "counts of no account", by so-called barons and a lot of highbrows, who come from little 2-by-1 countries and get into this country by subterfuge and fraud through marrying attractive American citizens. All we say in the bill is that, upon a decree of a court establishing this fraud, deportation is mandatory. Why does the gentleman want to change that?

Mr. TAYLOR of Tennessee. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TAYLOR of Tennessee. I am the ranking minority member of the committee, and, as I understand it, I have control of time on the minority side.

The SPEAKER. The Chair calls the attention of the gentleman to the fact that unanimous consent having been obtained by the gentleman from New York [Mr. DICKSTEIN], we are considering this bill in the House as in the Committee of the Whole, and we are proceeding under the 5-minute rule; therefore the gentleman cannot yield time. He may be recognized for 5 minutes and have his time extended by unanimous consent of the House.

Mr. JENKINS of Ohio. May I say I do not want to defeat the desire of the gentleman from Tennessee [Mr. TAYLOR] to get plenty of time, because we want to have plenty of time on this bill. There ought to be no hurry about it.

Mr. Speaker, I offer an amendment at the end of section 2 to this effect:

When such immigrant refuses to carry out his marital agreements, he shall then become immediately deportable after the approval of the Secretary of Labor.

Mr. DICKSTEIN. Mr. Speaker, will the gentleman yield to me for a question?

Mr. JENKINS of Ohio. Yes; I yield to the gentleman.

Mr. DICKSTEIN. Suppose the man had not perpetrated any fraud. Would not the method provided in this bill, that the wife must first apply to a court and establish that a fraud has been committed, be the safest way to provide for that?

Mr. JENKINS of Ohio. My purpose in offering this amendment is to put the amendment in the bill where the language is not perfect at all, so it will be a flag to the Senate when this bill gets over there which will give them to understand the purpose of the House is to clean this thing up. We want these people to understand that this is an important matter, and if they practice fraud they should not profit by it.

[Here the gavel fell.]

Mr. TAYLOR of Tennessee. Mr. Speaker, this bill was reported out of the Committee on Immigration and Naturalization by a unanimous vote. I can find no objection to it insofar as it goes. It does not apply to bona-fide marriages which are made between nonquota immigrants and citizens of the United States. However, if it were determined after the marriage that the nonquota immigrant had in mind the perpetration of a fraud in order to obtain a visa to enter the United States, the court then would hold the marriage void from the beginning, and immediately and automatically, under section 3 of this act, such immigrant would become subject to deportation. This bill has no application whatever to bona-fide marriages contracted between foreigners and natives of this country.

Mr. COLMER. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Tennessee. I yield.

Mr. COLMER. Is it not a fact the bill is in no sense a proposal to let down the bars, but is rather to restrict immigration?

Mr. TAYLOR of Tennessee. Absolutely so.

I do not think the amendment suggested by my colleague from Ohio would in any way help this legislation. I think, however, his amendment would seriously complicate the bill and probably render it invalid.

Mr. DICKSTEIN. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Tennessee. I yield.

Mr. DICKSTEIN. If the gentleman from Ohio will let the bill go through without amendment, the committee would be glad to collaborate with him on any amendment he thinks ought to be added, and we will present such amendment to the Senate committee considering the matter at the proper time.

Mr. JENKINS of Ohio. If the committee will permit this amendment, I think it will not hurt anything but will help.

Mr. Speaker, I offer an amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. JENKINS of Ohio: On page 3, after line 3, insert "When it appears that the immigrant fails and refuses to fulfill his promises for a marital agreement made to procure his entry as an immigrant, he then becomes immediately subject to deportation."

Mr. JENKINS of Ohio. Mr. Speaker, I think we have gone into this matter far enough. I am not saying this amendment is etymologically perfect, but it is the best I can do at this time. We must not waste time. If there are any corrections to be made on it, they can be made in the Senate.

The purpose of the amendment is to cover this situation: If the woman enters into a fraudulent agreement to marry, she and the man are, of course, both fraudulently so contracting, and the man should be sent out as soon as the fraud is discovered. But if the woman enters into the agreement innocently, and then the man defrauds her, she can resort to the courts of this country to have herself freed. When this has been done, the man ought not to be allowed to walk the streets of this great country, but should be deported.

Mr. MAY. Mr. Speaker, may I suggest a modification of the gentleman's amendment? Where he says "fails and refuses", I suggest the word "or" be substituted for "and."

Mr. JENKINS of Ohio. That is a good suggestion. I accept it. "Fails or refuses."

Mr. DICKSTEIN. Mr. Speaker, I rise in opposition to the amendment.

Some Members of the House have charged a number of times that I am not bringing out restrictive legislation. Far be it from that. I have always tried to bring about restriction where restriction was necessary. I think this is one of the bills we should pass in its present form.

I call your attention to the language of section 3:

That any alien who at any time after entering the United States is found to have secured either non-quota or preference-quota visa through fraud, by contracting a marriage which, subsequent to entry into the United States, has been judicially annulled retroactively to date of marriage, shall be * * * deported.

I believe the language is proper as it is. I have no objection to accepting the gentleman's amendment, but may I say to the gentlemen who believe in this kind of a restriction, I hope the gentleman will withdraw his amendment and let the language stay as it is, in its proper place and in its proper form, as approved by the Department. If the gentleman insists upon the amendment, I shall offer no objection to it, but I am afraid it will hurt the bill. If the gentleman believes such frauds as this should be restricted, I think for the sake of this legislation he should withdraw his amendment.

Mr. COLMER. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, I am in sympathy with the thoughts which impel the gentleman from Ohio to offer this amendment. As a member of this committee, it is largely my purpose, as it is the purpose of the gentleman from Ohio, to try to restrict the immigration laws rather than to loosen them. However, I am afraid the gentleman in offering his amendment has in the short time he has had to study the bill misconstrued the purpose of it. I am afraid his motives have outweighed his judgment in the brief opportunity he has had to consider the bill.

Section 3 of the bill does exactly what the gentleman has in mind, but the language which he has offered in his amendment is contrary to section 3 and is inconsistent therewith. Therefore, I hope the amendment may be withdrawn, or that, if not withdrawn, it may be voted down.

Mr. STARNES. Mr. Speaker, will the gentleman yield for a question?

Mr. COLMER. I yield to the gentleman from Alabama.

Mr. STARNES. I think the purpose of the gentleman from Ohio [Mr. JENKINS] is to safeguard fraudulent entries without waiting for an annulment by the courts; in other words, it would be possible for a couple to enter into a fraudulent conspiracy, and the man or woman who has secured entrance into this country in such manner could not be deported until there had been a judicial annulment of the marriage.

Mr. COLMER. I may say to the gentleman that I did not so construe the amendment.

Mr. DIES. Mr. Speaker, will the gentleman yield?

Mr. COLMER. I yield?

Mr. DIES. Is it not a fact that under existing law, where there is a conspiracy, the alien is deportable now?

Mr. DICKSTEIN. That is what I have stated.

Mr. DIES. And under your bill you require a judicial determination of the question of fraud before he is deportable.

Mr. DICKSTEIN. Insofar as marriage is concerned.

Mr. DIES. Will simply a divorce decree make him deportable or does the court affirmatively have to find fraud?

Mr. DICKSTEIN. The action itself is based upon fraud.

Mr. DIES. But is a mere decree of divorce sufficient?

Mr. DICKSTEIN. Any decree of divorce based on fraud will automatically take such alien and send him back to his native land.

Mr. JENKINS of Ohio. Mr. Speaker, I rise in opposition to the pro-forma amendment.

Mr. Speaker, I think this amendment should be adopted and I am pleased that the gentleman from New York [Mr. DICKSTEIN] has indicated he has no serious opposition to it, because we are both trying to do the same thing. Let us allow the amendment to go through, and, if we find that the language is inconsistent, when its gets over to the Senate we can correct it.

The immigration laws of our country are very complex. There is no question about that, and I defy anyone, no matter how expert he may be on immigration law, to take one of these bills or the pending bill and be able to state just how an amendment would apply, because of the complexity of the laws. This bill refers to section after section, and to know how these will intermesh with each other when new legislation is proposed is more than anyone can tell without a chance to study them carefully. This is what my amendment does. It simply provides that whenever any alien is permitted to enter this country upon certain representations as to his present or intended marital relationships, and later it is discovered that he has made misrepresentations, he is then subject to deportation. Why should he not be deported? To whom does he make such misrepresentations? He makes them to the American officials in a foreign country. He deceives our own immigration officials there and as soon as they find he has deceived them or has practiced deceit, why should they not have the authority to say to him, "You have deceived us, you have lied to us, and now you are in the deportable class and we are going to send you back." What is the use of waiting for a court decree? As soon as they find out he has misrepresented basic and cardinal facts in the statement which he has to file, what is the use of temporizing with him? Let us say to him that he cannot act in that way with us, and that we will put him in the deportable class, and when his time comes we will send him back to the country from which he came.

Mr. DIES. Mr. Speaker, will the gentleman yield?

Mr. JENKINS of Ohio. I yield.

Mr. DIES. Under existing law, in the case of any marriage that is fraudulent, where both parties participated in the fraud, such action makes the alien deportable. As I understand the intention of the gentleman who introduced this bill, it is to make it a deportable offense where only one party is guilty of fraud. What I am wondering about is whether or not, under the language of the bill, the gentleman accomplishes what he has in mind.

Mr. JENKINS of Ohio. I hope I do. I have done the best I can on the spur of the moment; and in any event, this will be a flag to the Senate and the Senate will understand what this House wants done. We give these people

a great privilege when we offer them a chance to become American citizens. They cannot trifle with this priceless privilege. Whosoever does cannot complain if his conduct brings down upon his head a withdrawal of the privilege.

Mr. ENGLEBRIGHT. Mr. Speaker, I move to strike out the last two words.

I do this, Mr. Speaker, for the purpose of asking the chairman of the committee a question, if he cares to enlighten me.

Does this bill cover the situation where a nonquota immigrant or a quota immigrant who might be in this country on a visitor's permit and contracts a marriage with an American woman, who afterward would make application for him to remain or stay in the country?

Mr. DICKSTEIN. It would work both ways. What we were talking about was an alien who marries an American citizen and comes over here to America. The gentleman is now talking about an alien who would come into this country and contract a marriage by fraud.

Mr. ENGLEBRIGHT. Exactly.

Mr. DICKSTEIN. This does not permit him to stay in this country. He has to go back and the woman would have to bring him back again. She would have to file a petition with the Department of Labor setting forth the facts and he would have to comply with the immigration law. If a man contracted a marriage in this country or abroad only for the purpose to evade the immigration law, he would be subject to deportation.

The pro-forma amendments were withdrawn.

The SPEAKER. The question is on the amendment offered by the gentleman from Ohio.

The question was taken; and there were on a division (demanded by Mr. JENKINS of Ohio)—ayes 58, noes 49.

So the amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein an address delivered by my colleague, Mr. ZIMMERMAN, of Missouri, last Friday, on flood control.

The SPEAKER. Is there objection?

There was no objection.

PERMISSION OF COMMITTEE ON RIVERS AND HARBORS TO SIT DURING SESSIONS OF THE HOUSE

Mr. SMITH of Washington. Mr. Speaker, by direction of the Committee on Rivers and Harbors I ask unanimous consent that that committee may sit during the sessions of the House today and tomorrow.

The SPEAKER. Is there objection?

Mr. MOTT. Mr. Speaker, I reserve the right to object. What bill is the committee considering?

Mr. SMITH of Washington. It is considering a very important bill—the stream-pollution bill—and there are about 50 witnesses who desire to be heard.

Mr. MOTT. It is not considering the Bonneville Dam bill at the present time?

Mr. SMITH of Washington. We are not considering the Bonneville Dam bill at the present time, but we hope to resume hearings on that bill very soon.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

CITIZENSHIP LOSS THROUGH VOTING IN FOREIGN STATES

Mr. DICKSTEIN. Mr. Speaker, by direction of the Committee on Immigration and Naturalization, I call up the bill (H. R. 29) to declare that a citizen of the United States who votes in a political election in a foreign state or who participates in certain voting abroad to determine sovereignty of foreign territory shall lose United States citizenship and nationality.

The SPEAKER. The gentleman from New York calls up a bill, which the Clerk will report.

The Clerk read the bill, as follows:

Be it enacted, etc., That any person who is a national of the United States, whether by birth or nationalization, shall lose his nationality by voting hereafter in a political election in a foreign state or by participating in an election or plebiscite to determine the sovereignty over foreign territory.

SEC. 2. Such loss of nationality shall date from the day when voting occurs.

The SPEAKER. This bill is on the House Calendar. The question is on the engrossment and third reading of the bill.

Mr. JENKINS of Ohio. Mr. Speaker, I desire to offer an amendment.

The SPEAKER. Does the gentleman from New York yield for the purpose of the gentleman from Ohio offering an amendment?

Mr. DICKSTEIN. Yes.

Mr. JENKINS of Ohio. Mr. Speaker, before offering the amendment I desire to ask the gentleman from New York a question. As I understand it, the bill now under consideration makes no provision with reference to those who participate in the scattering of propaganda.

Mr. DICKSTEIN. No.

Mr. JENKINS of Ohio. And the gentleman has another bill along that line?

Mr. DICKSTEIN. Yes.

Mr. JENKINS of Ohio. Mr. Speaker, I shall not offer any amendment.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO EXCLUDE HABITUAL ALIEN COMMUTERS

Mr. DICKSTEIN. Mr. Speaker, by direction of the Committee on Immigration and Naturalization I call up the bill H. R. 3679, to restrict habitual commuting of aliens from foreign contiguous territory to engage in skilled or unskilled labor or employment in continental United States.

The SPEAKER. The gentleman from New York calls up the bill H. R. 3679, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER. This bill is on the Union Calendar.

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from New York asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

Mr. BOILEAU. I object.

The SPEAKER. The gentleman from Wisconsin objects. Under the rule the House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill, and the gentleman from Texas [Mr. LANHAM] will kindly take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 3679, with Mr. LANHAM in the chair.

The Clerk read the title of the bill.

Mr. DICKSTEIN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from New York is entitled to 1 hour.

Mr. DICKSTEIN. Mr. Chairman, I yield 10 minutes to the gentleman from Indiana [Mr. SCHULTE].

Mr. SCHULTE. Mr. Chairman, this bill (H. R. 3679) to exclude habitual alien commuters was introduced at the request of several of the Members of the House who live on the borders of foreign countries contiguous to the United States, and also at the request of thousands of citizens of the United States who live along those same borders. It seems that during periods of the depression the manufacturers along both borders are violating the rule of fair play in that they give

preference to those who come from foreign or contiguous territory and employ them while citizens of the United States are left on the outside.

Mr. PLUMLEY. Mr. Chairman, will the gentleman yield?

Mr. SCHULTE. Yes.

Mr. PLUMLEY. Was there any evidence to support that contention?

Mr. SCHULTE. There was, to the tune of 20,000 or 30,000 letters, and also from Members of Congress who have protested against the practice.

Mr. PLUMLEY. Is the State Department in favor of the passage of this bill?

Mr. SCHULTE. I know nothing about the attitude of the State Department. I only know that the Representatives of those particular districts are much in sympathy with giving employment to American citizens and excluding aliens.

Mr. PLUMLEY. Was a report made to the committee by the State Department on the bill?

Mr. SCHULTE. I refuse to yield any further. I have only 10 minutes.

Mr. Chairman, this has been going on, as I stated before, for a great number of years, and I reiterate the statement that at the request of Members of the House who represent those districts, and who have the interest of their constituents at heart, and who believe that we must take care of our own first, the bill was introduced, and they insist upon its passage.

We find this to be true. Letters have been written regarding this particular piece of legislation. In any number of instances, I will say for the gentleman's information, American citizens have been left standing at the gates while those of a foreign contiguous territory have been invited in to take their jobs. They cross the borders of our country daily to the extent that no one knows the exact number—only those whose jobs they are taking. They say that on the Canadian border alone approximately over 150,000 cross the borders daily. On the Mexican border, I think, there are 250,000.

Mr. PLUMLEY. Mr. Chairman, will the gentleman yield?

Mr. SCHULTE. I refuse to yield further. There are over 250,000 on the Mexican border, with the result that the American people are demanding—and have a right to demand—some kind of protection. We are trying to give them that under this bill.

My interest in this bill is to give jobs to American people. If this bill is passed, there is no question in the minds of the members of the Committee on Immigration and Naturalization that we will put over 300,000 American citizens into jobs that are now being held by aliens. That is the sole story. That is the picture and the thought that is behind this particular piece of legislation.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. SCHULTE. I am happy to yield to the gentleman from Michigan.

Mr. MICHENER. Let us take Detroit, for instance. This bill would prevent the commuter, the man who is buying his home over in Canada and commuting across the river every day for the purpose of working in Detroit, from doing that?

Mr. SCHULTE. That is right. That is exactly what this bill aims to do.

Mr. BEITER. Mr. Chairman, will the gentleman yield?

Mr. SCHULTE. I yield.

Mr. BEITER. I am happy that this bill is before the House for consideration today. I am one of the Members who appeared before the committee and testified and presented figures to show that in the district which I represent, which adjoins Canada, only having the Peace Bridge between the two countries, hundreds of persons are coming from Canada and working in the department stores and on the street railways, and depriving our people in the district which I represent of those very jobs. As I stated, there are hundreds of Canadians coming into the city of Buffalo and taking these jobs. The figures show that only 47 persons from Buffalo were holding jobs in Canada while the Canadians numbered several hundred.

Mr. SCHULTE. I thank the gentleman.

Mr. BEITER. Furthermore, the New York State Assembly has a resolution pending before it now recommending the passage of this bill.

Mr. SCHULTE. I thank the gentleman for his contribution.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. SCHULTE. I yield.

Mr. ANDREWS. I am under the impression that there is a larger number of American citizens who find employment daily in Canada all along the border.

Mr. SCHULTE. No. That is an erroneous statement that has been sent out by those who seek to employ foreign born, or those who commute, in preference to the Americans, feeling that it might bring some trade over from the other country.

Mr. ANDREWS. Might I inquire from the gentleman as to whether the State Department has expressed its attitude on this bill?

Mr. SCHULTE. I know nothing about the State Department's attitude on this particular piece of legislation, nor any other piece of legislation.

Mr. ANDREWS. I think an investigation will show that the State Department has approved of the reciprocal relations insofar as they apply to people working on one side and living on the other side.

Mr. SCHULTE. I will say to the gentleman that I have received letters from the city of Buffalo, from the city of Detroit, and those cities that are contiguous to the foreign countries. They are protesting, and they have a right to protest when they can see boatload after boatload crossing the Detroit River, others going across on the ferries, going to their daily jobs in the United States, and when the whistle blows at night they go back home with their pay envelopes, mind you, and they do not contribute a 5-cent piece to the upkeep of the institutions of this country or to this Government.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. SCHULTE. I yield.

Mr. MOTT. May I ask by what authority such commuters get into the country now?

Mr. SCHULTE. There seems to be an agreement between the immigration officials of both countries to allow this to happen, with the result that those who come over are given what is called an identification card, which permits them to cross the border daily.

The reason I have introduced this bill is at the request of those people who are being injured by foreign commuters coming in here and taking their jobs.

Mr. CULKIN. Mr. Chairman, will the gentleman yield?

Mr. SCHULTE. I yield.

Mr. CULKIN. I am in sympathy with the gentleman's bill. I do not know of any Americans who are working in Canada, but one phase of this question has been brought to my notice. It is not a very difficult phase, in my judgment. That is, the taking of domestic servants by Americans into Canadian territory to their summer homes, and vice versa. The gentleman sees the problem that is created by that. Would the gentleman, at the proper time, think it appropriate to permit an amendment to exempt domestic servants from the operation of this legislation?

Mr. SCHULTE. I will say to the gentleman that is a highly controversial question. Some of those may interpret the law in the wrong spirit and then employ them over here as domestic servants.

Mr. CULKIN. I am anxious to safeguard it, but the gentleman can see the problem that is created in any household moving temporarily to Canada for the summer, dislocating their domestic establishment, and the contrary situation that exists as to Canadians, many of whom come into the United States.

Mr. SCHULTE. I shall be pleased to consider any amendment the gentleman may offer.

Mr. CULKIN. I think everybody will join in that, and I know that it will save the Members a vast deal of petty annoyance.

Mr. BEITER. Mr. Chairman, will the gentleman yield?

Mr. SCHULTE. I yield.

Mr. BEITER. The very situation of which the gentleman speaks exists at the present time. Americans are not permitted to take their housemaids or servants over into Canada at the summer resorts and permit them to work there; they must employ Canadians in their own homes or in their summer resorts on Canadian shores.

Mr. CULKIN. I do not mean the commercial phases; I just mean the family that is going into Canada for the summer, not for commercial purposes, not to run a hotel, but merely to live there during the summer season.

Mr. BEITER. That is what I am referring to also.

[Here the gavel fell.]

Mr. DICKSTEIN. Mr. Chairman, I yield 3 additional minutes to the gentleman from Indiana.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. SCHULTE. I yield.

Mr. MICHENER. Would this affect the President going to his summer home in Canada and taking his servants with him?

Mr. BEITER. The Canadian laws stop that, not the American laws.

Mr. ENGLEBRIGHT. Mr. Chairman, will the gentleman yield?

Mr. SCHULTE. I yield.

Mr. ENGLEBRIGHT. Let me ask the gentleman a hypothetical question: Would this bill cover the case of an attorney at law or a doctor in Canada coming into this country from time to time, say, once a week or once a month, on some matter on which his talent was required? Would that be covered by this act?

Mr. SCHULTE. No; I may say to the gentleman from California that this bill is designed to exclude the habitual commuter who comes over here and accepts a job in commerce or industry.

Mr. ENGLEBRIGHT. I took occasion to look up in the dictionary the meaning of the word "habitual." It means that accustomed thing, the accustomed practice. Now, if he came in from time to time, would he not be subject to the application of the bill if it became law?

Mr. DIES. In this connection with the gentleman yield?

Mr. SCHULTE. Certainly.

Mr. DIES. Does not this bill apply solely to skilled or unskilled labor?

Mr. SCHULTE. The gentleman is correct.

Mr. DIES. It does not apply to professional people?

Mr. SCHULTE. No.

Mr. Chairman, I cannot yield further, for I have only a few minutes. I do hope the Members will see the bill in the same light that we, the members of the Committee on Immigration, have seen it, to the extent that it was voted out of committee unanimously. This same piece of legislation passed one branch of Congress during the last session, but it was held up in the House on the Consent Calendar. We are bringing it up for consideration today in the hope that every Member will realize and appreciate the hardship that is being worked on American citizens now living in the United States who are trying to do their share in the upkeep and upbuilding of this great country. The only protection they will have will be that afforded by this particular piece of legislation. I hope the members of this Committee will see that the bill passes in its present form. [Applause.]

Mr. BOILEAU. Mr. Chairman, I ask for recognition in opposition to the bill.

The CHAIRMAN. Is any minority member of the committee opposed to the bill?

Is the gentleman from Wisconsin opposed to the bill?

Mr. BOILEAU. At the present time I am, at least until I know more about it, I am.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 1 hour.

Mr. BOILEAU. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I want to make it clear that I do not know at this moment whether I am opposed to this bill or not; for, frankly, I have not had an opportunity to study it. It seems to me, however, that there are some very serious implications in the bill. I objected to its being considered in the House as in Committee of the Whole because I think we should discuss the bill at greater length.

Section 2 of the bill is particularly obnoxious to me, but I am frank to admit that that may be because I do not understand it. This section reads as follows:

SEC. 2. The words "alien", "foreigner", and "citizen of any foreign country, nation, or colony" shall be construed to mean any person who has his residence in said foreign country, nation, or possession or colony of a foreign country.

This provision means, if I understand it aright, that an American citizen living in Canada or in Mexico, although he is an American citizen, shall be construed to be an alien or a foreigner or a citizen of a foreign country.

Mr. SCHULTE. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. I yield.

Mr. SCHULTE. The gentleman refers, in section 2, to the language "citizen of any foreign country." An American cannot at the same time be a citizen of America and a citizen of a foreign country.

Mr. BOILEAU. I appreciate the meaning of the words "alien" and "foreigner" as used in this bill, but the bill also states that a "citizen of any foreign country, nation, or colony" shall be construed to mean any person who is a resident in said foreign country, nation, or possession or colony of a foreign nation. It seems to me, therefore, that under the terms of this bill an American citizen who lives in Canada or Mexico would be construed to be either an alien or a foreigner or a citizen of a foreign country.

Perhaps it is all right to prohibit American citizens living in Canada from coming over here and working, but if we are going to do that let us say so in so many words. Let us not include that class of American citizens in a blanket clause in which we define a group of aliens, foreigners, or citizens of a foreign country.

Mr. JENKINS of Ohio. Will the gentleman yield?

Mr. BOILEAU. I yield to the gentleman from Ohio.

Mr. JENKINS of Ohio. I agree with the gentleman that this ought to be clarified. Of course, if it includes a lawyer practicing law in Detroit who has a home across the river, and that lawyer would then be considered a foreigner, then we understand it. But if it does not mean that, section 2 should be changed and the sixth line altered and instead of saying "any person" the word "alien" should be substituted for the word "person." It should apply to any alien who has his residence in any foreign country.

Mr. BOILEAU. The gentleman's suggestion is a good one. If it does not mean what I fear it means, we might as well strike out the whole section, because the words "alien, foreign citizen, or citizen of a foreign country" should explain themselves, and unless it means what I fear it does mean, I do not see any necessity for the language in that section at all.

Mr. DOCKWEILER. Will the gentleman yield?

Mr. BOILEAU. I yield to the gentleman from California.

Mr. DOCKWEILER. There are real friends of this bill in the House today and if this definition is allowed to stand, it will render the bill unconstitutional and is liable to give us no law whatsoever when it is tested in court. It would be best to have a saving clause in there saving American citizens or citizens of the United States. If we had that saving clause in there, the law would be all right, and it would likely become law.

Mr. MICHENER. Will the gentleman yield?

Mr. BOILEAU. I yield to the gentleman from Michigan.

Mr. MICHENER. I quite agree with what the gentleman from California said and the possibility he mentioned. But we have a condition in Detroit, for instance, where one can buy a cheap home across the river. American citizens can go across the river in less time than you can go from here to the Wardman Park Hotel. They live under cheap tax conditions, in cheap homes, and work in the Detroit factories. That is the situation we want to stop.

[Here the gavel fell.]

Mr. BOILEAU. Mr. Chairman, I yield myself 5 additional minutes.

Mr. MICHENER. This law does not attempt to make a foreigner out of an American citizen, but it does attempt to say, for the purpose of this act, that an American shall be treated the same as a foreigner.

Mr. SCHULTE. That is the proper construction of the bill.

Mr. DOCKWEILER. That is exactly what the gentleman from Wisconsin [Mr. BOILEAU] is pointing out. We should honestly state the situation. We should say Americans who live on that side, and then it might be good law. It is a Canadian problem whether or not they want them over there.

Mr. BOILEAU. Does the gentleman from Indiana concur in the statement made by the gentleman from Michigan [Mr. MICHENER]?

Mr. SCHULTE. Yes; I do.

Mr. BOILEAU. Is it the purpose of this bill to say to an American citizen who happens to live in Canada that he cannot come back and forth and commute across the international boundary?

Mr. SCHULTE. If he comes under the particular construction which this law places upon that, he is absolutely in violation of his citizenship of this country, and I agree with the gentleman from Michigan. What we are trying to do is make those fellows American citizens or make them foreigners and make them stay out of here.

Mr. BOILEAU. I am trying to clarify the issue, and I believe we understand each other now. What the committee intends to do is to say that American citizens cannot work in the United States if, perchance, they happen to have a residence either in Mexico or Canada?

Mr. SCHULTE. I may say to the gentleman from Wisconsin he is absolutely right. As the gentleman from Michigan so ably said, there are any number of Americans who are taking advantage of the situation of cheap rent, cheap light, and cheap everything else in foreign countries. They live over there and work in the United States, and still labor over here under the guise of American citizens. I may say to the gentleman we are aiming at those very fellows by this bill.

Mr. BOILEAU. Let us take another situation. Assume an American citizen has a summer cottage in Canada or a summer home in Mexico and for 3 months of the year or 6 months of the year he habitually crosses the international boundary line from his summer residence to come to work in the United States. Could he continue to do that?

Mr. SCHULTE. No; he could not.

Mr. BOILEAU. In other words, he cannot have his summer home up there either?

Mr. SCHULTE. No.

Mr. BOILEAU. He must live in the United States all of the time?

Mr. SCHULTE. I may say to the gentleman from Wisconsin that is absolutely right. There is no question but what it will work a hardship on probably not over 5,000 at the outside, whereas the situation now existing is working a hardship on practically 350,000 people. So, from the standpoint of number, there are more Americans who will be benefited than injured by this piece of legislation.

Mr. BOILEAU. May I say to the gentleman I do not mean to infer the committee has not given this bill adequate study. I assume that has been done. May I ask the gentleman to state whether or not this bill has the approval of the Department of Labor or the Department of State?

Mr. SCHULTE. I do not know what stand those Departments have taken. The gentleman may refer to the hearings to find out. We have had extensive hearings on this particular piece of legislation, both last year and the year before, as well as this year.

Mr. BOILEAU. There is a custom here in the House—and I am not saying it is a good custom—to include in the report the opinion of the Department. I am not one who claims that the Departments are always right and that we should follow their dictates. But in a matter of this kind the Department should be asked to give an opinion. In view of the fact the gentleman from Indiana does not know whether either or both of these Departments have given an opinion, may I ask the chairman of the Immigration Committee whether the Labor Department or State Department has been requested to give an opinion; and if so, have they given an opinion?

Mr. DICKSTEIN. Will the gentleman yield?

Mr. BOILEAU. I yield to the gentleman from New York.

Mr. DICKSTEIN. Before I answer the gentleman's question, I would like to clear up something for the information of the House.

Mr. BOILEAU. The gentleman may use my time in doing so if he wishes.

[Here the gavel fell.]

Mr. BOILEAU. Mr. Chairman, I yield myself such time as I may desire, so that the situation may be clarified.

Mr. DICKSTEIN. The committee has given this matter serious consideration for the last 2 or 3 years.

I am not participating in this debate. I merely want to clarify something for the House.

We found an American cannot go into Canada to work for 1 hour or 1 day. We found there is not a chance for an American to cross the border when he says he is going into Canada to work. He has to take his bag and go back to his own home.

Mr. BOILEAU. Does the law prohibit him from doing that, or is that because the industries there are more loyal to their own country?

Mr. ANDREWS. I think the gentleman from New York is quite incorrect in his statement.

Mr. DICKSTEIN. I am talking about the Canadian law. We found there are many so-called Americans who do not want to pay any taxes and help carry the burdens of this country, who have bought little homes on the other side of the border, though they have life jobs on our side. Some of these people are so cheap they even bring their coffee with them from Canada. They would not even buy a cup of coffee here.

Mr. BOILEAU. I thought the gentleman was going to answer my question as to whether or not the State Department and the Labor Department have been asked for an opinion.

Mr. DICKSTEIN. The Labor Department did not participate in the consideration of the matter or make any recommendation.

Mr. BOILEAU. Were they asked for an opinion or for recommendations?

Mr. DICKSTEIN. I do not think they were asked for an opinion. Although the State Department did not appear in connection with this last hearing, I believe they have some sort of an objection. But the committee, knowing that, after a careful study of the whole situation, and a check of the millions of dollars that are leaving this country which never come back, and the thousands of Americans who are out of employment at a time when Americans cannot work 1 hour in Canada, felt unanimously they ought to have this sort of legislation.

Mr. BOILEAU. I do not want to be discourteous to the gentleman, but I would like to ask just one question——

Mr. DICKSTEIN. The gentleman from Wisconsin is never discourteous.

Mr. BOILEAU. As to whether or not the laws of Canada or the laws of Mexico prohibit American citizens from accepting opportunities to work or whether their inability to find employment is because the employers in these respective countries are more loyal to their own workers and give preference to their own citizens. Does the gentleman know whether or not this is a matter of law?

Mr. DICKSTEIN. Yes. I can say to the gentleman an American has no chance to go in there and do one day's work. It is prohibited.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. I yield to the gentleman from New York.

Mr. ANDREWS. Mr. Chairman, I am under the impression that some rather misleading statements have been made, because it is a fact that a very large number of American citizens go daily into Canada and are employed in business, which is largely American owned, particularly in the Buffalo-Niagara Falls area.

I am also quite convinced in my own mind from investigation that a very large number of the people, presumably Canadians, who come into this country daily from Canada, are American citizens living in Canada during the year, either part time or all time.

Mr. BOILEAU. If that statement is true—and I accept the gentleman's statement about it as being the truth—the gentleman from New York [Mr. DICKSTEIN] must be entirely mistaken, then.

Mr. ANDREWS. I may also state I have seen direct indications that the State Department has a definite reciprocal agreement insofar as labor going in both directions is concerned, and it is my direct understanding the State Department is opposed to the passage of this bill.

Mr. SAUTHOFF. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. I yield to my colleague from Wisconsin.

Mr. SAUTHOFF. I notice in the report on page 3 these words:

> Thus it will be seen that during public hearings on this measure neither the Department of Labor nor the Department of State entered positive opposition to this bill; they suggested amendments and a substitute measure which latter did not meet the approval of the committee.

Let us hear what those amendments were, so we may get a little information as to what the State Department wants on this subject.

Mr. KRAMER. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. I yield to the gentleman from California.

Mr. KRAMER. In reply to the question the gentleman asked as to an American going into Mexican territory to seek employment, may I say that an employee on a railroad who goes into Mexico must leave the train at the border, whereas a Mexican train crew can come into the United States, in some instances going as far as the terminal in St. Louis. Any American going from California, Texas, or any of the border States is prohibited from accepting employment in Mexico.

Mr. BOILEAU. The fact remains undisputed there are hundreds of thousands of American citizens who are working in Canada and working in Mexico while living in the United States.

Mr. JENKINS of Ohio. I would like to have the attention of the gentleman from Wisconsin, the gentleman from New York, and the gentleman who is the author of the bill. I am reading lines 7, 8, and 9 of the first page—

> Shall be permitted to habitually cross said international boundary line for the purpose of seeking employment, or engaging in any employment, vocation, or trade, either as skilled or unskilled labor employment.

Do not the words "skilled or unskilled" modify this language, and does it not mean that it applies only to skilled and unskilled work?

Mr. SCHULTE. That is all. It applies to skilled and unskilled employment.

Mr. JENKINS of Ohio. And it does not apply to lawyers or visitors going into Canada?

Mr. SCHULTE. It does not.

Mr. JENKINS of Ohio. That is what I thought the bill intended, in the first instance, and that is the reason I have always supported it. I have supported it because it will hold thousands of American jobs for Americans. I now understand that it does not apply to professional men or businessmen or visitors or transients going into Canada.

Mr. SCHULTE. The bill applies strictly to those employed or seeking employment in the United States.

Mr. JENKINS of Ohio. As skilled or unskilled labor?

Mr. SCHULTE. Yes.

Mr. ENGLEBRIGHT. Mr. Chairman, will the gentleman from Wisconsin yield to me?

Mr. BOILEAU. I yield.

Mr. ENGLEBRIGHT. What is the purpose of the language "in any employment, vocation, or trade"?

Mr. SCHULTE. There are some highly skilled technicians in certain lines of work, such as machinists, electricians, and men of that type, who might come within the category just referred to by the gentleman.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. I yield.

Mr. MOTT. I should like to ask the gentleman from Wisconsin if it is his intention to offer an amendment striking out section 2.

Mr. BOILEAU. I shall offer that amendment.

Mr. MOTT. I think the gentleman is to be congratulated for discovering and uncovering what seems to be a joker here. I am of the opinion that it is wrong for Americans working in this country to have their residence in Canada, but when you undertake to remedy that situation by law you are running into difficulties, and I may say that in my own humble opinion, if this bill should be enacted with section 2 in it, the Supreme Court would hold it to be unconstitutional even if the bill did not become law until after the President's reorganization plan went into effect.

Mr. MICHENER. I think the gentleman from California has an amendment which he will offer that will take care of that situation.

Mr. BOILEAU. Mr. Chairman, I yield 10 minutes to the gentleman from California [Mr. COSTELLO].

Mr. COSTELLO. Mr. Chairman, this bill appeared upon the Consent Calendar sometime ago and while on that calendar it was objected to and finally stricken from the Consent Calendar. The principal reasons for our objecting to the bill at that time were due to the fact that there appeared in the committee report no information at all from any of the departments of the Government indicating how the Government departments might feel regarding legislation of this character.

We therefore consulted the Department of State, because that was the principal department of Government that would be affected by such legislation, and in response to a telephone conversation I had with Mr. Carr, of the Department of State, he agreed to prepare for me a memorandum concerning this legislation and setting forth the views of the Department in regard to this proposed measure. These views of the Department express their objections to this proposed legislation.

As you will note from the committee report, they give figures on page 3, showing the conditions that existed in 1933 on the Canadian border and on the Mexican border, showing how many American citizens were crossing these borders and how many aliens were coming into this country across these borders.

I call your attention to the fact that back in 1927, when the agitation first arose for legislation to prevent these commuters from crossing the border, there were 14,500 aliens crossing the Canadian border. Today, on the Canadian border there are only 2,032 commuters.

These are the figures which I received only a matter of a couple of weeks ago. Of this number, 1,296 aliens are in the Detroit area, and there are 1,536 alien commuters on the entire Mexican border.

This matter has been the subject of discussion between the Department of State of this country and the Canadian Government, and amicable agreements have been entered into and the matter has been taken care of and, as a result, the immigration is not, today, a problem as it was some years ago.

Mr. DICKSTEIN. Mr. Chairman, will the gentleman yield for a question?

Mr. COSTELLO. In a moment.

At the present time if an alien wishes to get into this country, he must have an immigration visa, which allows him to cross the border for a definite period of time. If such a commuter has such an immigration visa, this legislation will not affect him. The only ones to be affected are

those few who are now crossing the border without such a visa.

Mr. DICKSTEIN. Mr. Chairman, will the gentleman yield?

Mr. COSTELLO. Yes.

Mr. DICKSTEIN. Has the gentleman any proof to offer to the House that any reciprocal agreement has been entered into with regard to immigration?

Mr. COSTELLO. No reciprocal agreement has been entered into, but the matter has been discussed between the two governments, and it has been worked out to the satisfaction of both governments.

Mr. DICKSTEIN. I do not think so.

Mr. COSTELLO. As a result these immigration visas are being issued to citizens of the different countries.

Mr. PLUMLEY. Mr. Chairman, will the gentleman yield?

Mr. COSTELLO. Yes.

Mr. PLUMLEY. In view of the statement which the gentleman has just made, is it not a fact that this proposed legislation is useless, unnecessary, and discriminatory as against a very few people, and those Americans?

Mr. COSTELLO. I would say this legislation would affect equally Americans as well as aliens. In other words, the number of people to be affected would be about the same in the different countries.

Mr. SCHULTE. Mr. Chairman, will the gentleman yield?

Mr. COSTELLO. I decline to yield for a moment. In view of the fact that I made the statement that this would affect the citizens of both countries, I want to state that there are 310 Americans commuting daily to Canada and 347 to Mexico. These people are principally high-salaried executives. This legislation would prevent their commuting. On the other hand, you have approximately 820 American citizens commuting to the United States from Canada. The number from Mexico is 612. In other words, the total number of people who are to be affected by this legislation is negligible. Actually you would not be creating jobs, as has been mentioned here, because the effect would be possibly to cause an exchange of residence between 310 Americans on this side of the Canadian border with 820 Americans on the other side. In other words, those living in Canada and working in the United States would be compelled to take up their residence in the United States, and those living in the United States and working in Canada would be compelled to move to Canada and take up their residence. Your net gain would be practically negligible. Further, this legislation, if enacted, would undoubtedly cause retaliatory legislation on the part of Canada and Mexico. What the nature of that legislation might be we are not able to hazard a guess, but undoubtedly, if we legislate here in this manner, the other Governments are going to resent our action and will take other measures to retaliate against us.

Mr. SCHULTE. Mr. Chairman, will the gentleman yield?

Mr. COSTELLO. Yes.

Mr. SCHULTE. Does the gentleman know that Canadian laws prohibit us from going in there? Does the gentleman know that Mexican laws prohibit an American from going into Mexico and working there?

Mr. COSTELLO. It is known that some of our American citizens are going to Canada and working there.

Mr. SCHULTE. The gentleman wants to be fair and wants to give jobs to Americans. I appreciate that, but the gentleman ought to determine whether Americans are discriminated against by the laws of Canada and Mexico. When an American attempts to go into Mexico he is placed in an embarrassing position in the first place, and then he must tell how much money he has.

Mr. COSTELLO. We have a number of Americans going into Canada and into Mexico at the present time. I am not familiar with the particular provisions of the immigration laws of either of those countries.

Mr. WITHROW. Mr. Chairman, will the gentleman yield?

Mr. COSTELLO. Yes.

Mr. WITHROW. I cannot understand how it is possible for American citizens to go into Canada and work there if the Canadian law prohibits them from working there. It does not square up. I think it is a burden which is upon the shoulders of the chairman of the Committee on Immigration, before we pass upon this legislation, which is very important, to produce that law and show us that his position squares up with what is taking place in Canada and in Mexico, and until he does that I believe it is the duty of every Member of this House to oppose this legislation.

Mr. COSTELLO. In the report here there is the following statement:

> Canada and Mexico has no special prohibition directed against daily commuting.

And that is the kind of legislation that we would put into effect here; namely, special legislation against daily commuting, when neither Canada nor Mexico has such legislation as we are attempting to enact.

Mr. PLUMLEY. Mr. Chairman, will the gentleman yield?

Mr. COSTELLO. Yes.

Mr. PLUMLEY. From whom did the gentleman just quote?

Mr. COSTELLO. From a statement to me by Mr. Carr, Assistant Secretary of State.

Mr. BERNARD. Mr. Chairman, will the gentleman yield?

Mr. COSTELLO. Yes.

Mr. BERNARD. In my congressional district, which includes the city of International Falls, on the Canadian boundary, many American citizens cross daily into Fort Francis, Canada, to work.

Mr. COSTELLO. I thank the gentleman for his contribution.

Mr. KRAMER. Mr. Chairman, will the gentleman yield?

Mr. COSTELLO. Yes.

Mr. KRAMER. The gentleman made a statement with reference to the table on page 3 of the report. Does the gentleman question the authenticity of the report that the table has been taken from?

Mr. COSTELLO. I am not questioning the authenticity of the report. I simply call attention of the Members here to those figures.

These are the figures for 1933.

Mr. KRAMER. Mr. Chairman, will the gentleman yield?

Mr. COSTELLO. I yield.

Mr. KRAMER. Those are figures furnished by the Department of Labor. I would say for the information of the gentleman that they are not even complete. There are more going over the borders than they set out in the report.

The CHAIRMAN. The time of the gentleman from California [Mr. COSTELLO] has expired.

Mr. BOILEAU. Mr. Chairman, I yield the gentleman from California 2 additional minutes.

Mr. COSTELLO. In answer to the gentleman from California [Mr. KRAMER], in 1927 there were 14,500 commuters. At the present time the report only shows 2,033. The figures give the total number who were commuting in 1933. That is the reason I wished to call the attention of the members of the Committee to these figures. The fact is that the evil that existed some years ago has been gradually diminishing until today it only affects some 2,000 people. In other words, it is a negligible quota. If it affected 150,000 or 300,000, as has been stated, then it would be a serious problem; but I want to emphasize the fact that it only concerns a limited number, not in excess of 2,033, as set forth in the figures submitted to me by the State Department.

Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. COSTELLO. I yield.

Mr. SCOTT. Did the gentleman make the statement that the State Department was opposed to this bill?

Mr. COSTELLO. This statement is the statement of their objections to the passage of this legislation. They are particularly opposed to the bill because they fear it may also interfere with their program of reciprocal trade agreements that has been worked out between the United States and Canada, as well as other British countries.

Mr. SCHNEIDER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. COSTELLO. I yield.

Mr. SCHNEIDER of Wisconsin. The State Department, according to the records, has opposed every immigration act that this House has enacted in the past 10 years. Therefore, they are as right on this as they were wrong in their opposition to all of the legislation enacted by this Congress.

Mr. COSTELLO. I leave that to the members of the Committee to decide.

[Here the gavel fell.]

Mr. DICKSTEIN. Mr. Chairman, I yield myself 1 minute. I think the gentleman from Wisconsin [Mr. WITHROW] rather placed an imposition upon the chairman of this committee to bring in the laws of Mexico and Canada. If the gentleman is so interested, he can go down to the library and find it himself. The chairman tells you, and I have repeated it several times, that there are restrictions against Americans working in Canada and Mexico. Either you take the word of the chairman or look for the law yourself.

I yield 5 minutes to the gentleman from Texas [Mr. THOMASON].

Mr. THOMASON of Texas. Mr. Chairman, subject to two or three amendments that I anticipate will be adopted, this, in my judgment, is a very meritorious bill.

I have been interested in the unusual concern that seems to have been manifested in some quarters for some of our rich people who summer either in Canada or Mexico, and likewise the concern that has been manifested in behalf of a lot of rich American taxpayers who see fit to build their homes in another country. I am not speaking for the rich, with a fine summer home, or for the tax evader. I want to say a word for the American laborer, who only asks for a job.

I do not want to discuss the technicalities of the bill, although I think section 2 probably ought to go out, but I want to discuss with you what I have personal knowledge of as a very practical proposition.

I live in the city of El Paso, the largest city on the Mexican border. In that long expanse of country of some 2,500 miles from San Diego, Calif., to Brownsville, Tex., mine is the only city of more than 100,000 people. I entertain the very friendliest relations with the people of Mexico, those whom I know, both in official life, as well as the citizens of the city of Juarez, just across the line from El Paso, and also in the city of Chihuahua. The Mexicans are a kindly people. They love children, music, and flowers. I count many of them among my friends; but I want to say a word for American citizens whether native or naturalized.

If you will pardon a personal allusion, I was mayor of El Paso for some years before coming to Congress, and I know something first-hand about conditions that exist in that part of the country. Let it be understood at the outset that this bill does not apply to seasonal labor for farmers and ranchers. It does not cover businessmen residing in the United States who make occasional visits to Mexico or Canada to look after their business or investments. It applies to the poor Mexican laborer who comes into our country day by day to work for whatever he can get and deprives some good American citizen of the job he ought to have.

This bill is at least a step in the right direction. There are a great many people of Mexican nationality in my city. Many were born there and many have been naturalized. They are treated courteously and in a friendly way by everybody. They are good citizens and accorded every right and privilege that any of us receive. Their children attend our schools and they receive treatment at our hospitals. They have been and are my friends and I am theirs. I refer now to aliens, and I do not care if they come from Mexico or some other country. I do not want them coming into our country and taking the jobs of our own people. In other words, I am for Americans first. You Members who talk so much about friendship for the American laboring man, we will give you an opportunity to help out this committee by supporting what I know of my own personal knowledge is a very meritorious bill, at least in principle.

Mr. JENKINS of Ohio. Mr. Chairman, will the gentleman yield for a question?

Mr. THOMASON of Texas. I yield.

Mr. JENKINS of Ohio. I appreciate what the gentleman has to say. I have been in his city, I have been in Juarez, I know exactly what he has in mind in that respect; but let me ask him whether in his city there are any appreciable number of these rich people or anybody else who want to go down into Mexico?

Mr. THOMASON of Texas. Very few. The only men of that type would be businessmen supervising the operation of some railroad, industry, or mine in Mexico, who, maybe, would go there occasionally.

Mr. JENKINS of Ohio. But the people do not live over there?

Mr. THOMASON of Texas. No; they have their homes in El Paso or some other place in this country.

The opponents of this bill talk about reciprocity. I am for reciprocity. Those people are my neighbors. I get along with them. I have done it personally and officially for more than 25 years; but that talk about reciprocity is without merit, and the reason I know that is that no American can get a job in any Mexican industry, because there is a law in Mexico that requires 90 percent of the employees to be Mexicans. The truth is that it is in practice 100 percent. Let an American citizen try these days to get a job in Mexico, or any other country, and see how far he gets.

Mexicans come into this country and are given employment simply because they will work for anything they can get. They take the jobs of American men and women who are entitled to a living wage, whatever it may be; they take the places of good American citizens. I believe in decent wages and decent living conditions and with preference always to our own people.

[Here the gavel fell.]

Mr. KERR. Mr. Chairman, I yield 5 additional minutes to the gentleman from Texas.

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. THOMASON of Texas. I yield.

Mr. ANDREWS. In the gentleman's country the shoe fits one foot, but what about the plain, ordinary American workingman living in my district who has a job in Canada and who is allowed to go there by the Canadian Government?

Mr. THOMASON of Texas. I would not want to work any hardship on him.

If this reciprocity about which they talk so much has any merit or is working out from a practical standpoint, that would help solve the gentleman's situation in Buffalo. As I said in the beginning, I am keeping in mind my own local situation, because I know what it is all about; and I am just as certain as I can be that some kind of relief ought to be afforded by the Congress. I think the State Department ought to give it encouragement and try to work out this problem on a friendly and statesmanlike basis. I am

convinced, however, that there are literally hundreds and, I believe, thousands of American citizens who have lost their jobs to aliens.

Mr. COLDEN. Mr. Chairman, will the gentleman yield?

Mr. THOMASON of Texas. I yield.

Mr. COLDEN. Is it not a fact that in all the border States a great many American citizens are on relief? These jobs would be better filled by Americans than by foreigners.

Mr. THOMASON of Texas. Literally hundreds and, I believe, thousands. Why vote huge sums of money here for relief when thousands of aliens are on the rolls and thousands more are holding jobs that Americans should have?

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. THOMASON of Texas. I yield.

Mr. MOTT. I thought the chairman of the committee did not make it quite clear why officials of the State Department were not asked to give testimony on this bill. Would the gentleman enlighten us a little?

Mr. THOMASON of Texas. I am not a member of the Committee on Immigration. I do not know a thing in the world about what took place in the committee. Please do not charge me with that. [Laughter.] All I know, I say to my friend from Oregon, is that I think there is a lot of merit in this bill and that it ought to pass this House, for it will help the American workman who has had his job taken away by some alien. I do not know whether that is true on the Canadian border, but I do know that it is true on the Mexican border.

Mr. MOTT. I may say to the gentleman from Texas that I have no objection to his bill.

Mr. SCHULTE. Mr. Chairman, will the gentleman yield?

Mr. THOMASON of Texas. I yield.

Mr. SCHULTE. Gentlemen opposing the bill quoted the State Department as saying that only 600 aliens crossed the border a day seeking employment or commuting.

Mr. THOMASON of Texas. I would guess that more than that number pass over the bridge every day between El Paso and Juarez. I know that along the Mexican border in my part of the country, not only in the cities but in the smaller towns, there are literally hundreds and perhaps thousands of aliens who have been taking the jobs of the American workingman. All I have to say to the friends of labor and friends of the American workingman in this House is, support this bill or something like it. Let it go to conference, let it go to the State Department if they have the interest in it that we hope and believe they have. Let us work out something to stop these thousands of people coming in here and taking the jobs of our citizens. [Applause.]

Mr. DICKSTEIN. Will the gentleman yield?

Mr. THOMASON of Texas. I yield to the gentleman from New York.

Mr. DICKSTEIN. May I clarify one proposition? As the gentleman stated, the people who come over to work on this side do not get any visas or passports. All they have is a little identification card. They come in to work and go back home. We are not quarreling with those who have visas from consuls. It is only those people who have never lived in this country, or perhaps they might have been citizens 10 or 15 years ago, and in my opinion they ought to cancel their citizenship if they are still holding naturalization papers.

Mr. THOMASON of Texas. I think what the gentleman has just stated is true.

Mr. MOTT. Will the gentleman yield so that I may ask the chairman of the Immigration Committee a question?

Mr. THOMASON of Texas. I yield to the gentleman from Oregon.

Mr. MOTT. The gentleman from Texas has yielded for the purpose of allowing me to ask the chairman of the Immigration Committee the question I asked the gentleman from Texas.

Mr. DICKSTEIN. What is the question?

Mr. MOTT. Will the gentleman tell us why the officials of the State Department were not asked to appear before the committee as witnesses in the committee's consideration of this bill? I rather thought that was important.

Mr. DICKSTEIN. About 2 years ago we did ask the State Department to come up here, and they did so. The officials of that Department thought they might work out something. They did work out reciprocal agreements insofar as everybody else is concerned except the matter of labor in Canada and labor in the United States.

[Here the gavel fell.]

Mr. DICKSTEIN. Mr. Chairman, I yield the gentleman from Texas [Mr. THOMASON] 5 additional minutes.

This is more or less of a gentleman's agreement, but that gentleman's agreement, in my opinion, has gone too far. In other words, Americans cannot enter Canada or Mexico to do work of any kind; on the other hand, we are on the receiving side and these people come in with little identification cards. They do not pay any taxes. They do not pay anything at all. They come to work in the morning, bring their lunches and go back home at night. They do not pay $1 of taxes and they are taking from $6,000,000 to $10,000,000 from this country every week.

Mr. MOTT. Would the gentleman object to an amendment striking out section 2?

Mr. DICKSTEIN. My purpose here is to cooperate with the Members of the House. If that is the sentiment of the Members of the House, I am willing to cooperate.

Mr. MOTT. I think with section 2 stricken out I can support the bill.

Mr. THOMASON of Texas. Mr. Chairman, in view of the statement made about this gentlemen's agreement with these countries with reference to reciprocity, let me give another illustration of how that works, or rather how it does not work. I have been down into Mexico a good deal. When you hit the border at Laredo or El Paso your train crew gets off that train the minute the train hits the border. You do not see any American railroad engineers, firemen, or brakemen going on into Mexico on that train, whether it be El Paso or Laredo.

Speaking of the subject of reciprocity, I claim it does not work. Yet when the trains from Mexico come into El Paso the Mexican crew comes on up into the city of El Paso and to the depot where Santa Fe and Southern Pacific and other railroad boys are literally begging for jobs. That Mexican crew brings that train on up into the Union Station in the city of El Paso, United States of America. That is another reason why I am in favor of this kind of legislation. There is no reciprocity about it. If American railroad employees cannot take those trains into Juarez and do the switching and spotting of the cars, then the Mexican crews should also be compelled to leave the trains at the border and let American citizens do the work on this side.

Mr. DICKSTEIN. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. SCHULTE].

Mr. SCHULTE. Mr. Chairman, may I say here and now that when the bill is being read under the 5-minute rule I intend to offer an amendment striking out all of section 2, which I hope will relieve the anxiety of those who have been so bitterly opposed to this particular piece of legislation.

Mr. BOILEAU. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. WITHROW].

Mr. WITHROW. Mr. Chairman, there has been a great deal of discussion in connection with this measure, and while I am not opposed to the bill, I do believe there have been arguments advanced here that are rather indefinite, particularly the arguments made by the chairman of the Immigration Committee. A few minutes ago I asked the gentleman from California to yield to me, which he did. I directed a question to the chairman of the Immigration Committee asking him to tell us something of the law he

claims exists in the Dominion of Canada and in Mexico which prohibits Americans from being employed in Canada and likewise in Mexico. Prior to advancing this argument the gentleman had stated that he wanted to clarify everything.

If this measure is going to be enacted into law and we are going to predicate our action today upon a false premise, this is a good time to know whether or not that premise is false.

I have here a statement from Mr. Carr, Assistant Secretary of State, which reads as follows, and I wish the chairman of the committee would follow me:

> Canada and Mexico have no special prohibition directed against daily commuting. It is fairly obvious that any prohibition on our part would inevitably lead to retaliation. Retaliatory measures would seriously handicap American commuters crossing the border to their work, and would cut off a profitable trade due to their normal expenditures in this country.

May I say at this time, and I believe I am on a sound premise when I ask that the chairman of this committee, who has guided the bill, presided over the hearings, the one who should know, that he step forward and give us some definite information as to the laws of the Dominion of Canada and of Mexico. He has stated, "I ought to know." I will remind him of the fact I am not on his committee. If I were, I believe I would know. If he knows, I believe he should tell us now and quote the law, because we are entitled to have the information, because the statements made on the floor conflict upon this subject, upon this certain phase of the argument.

I believe in asking him this question I am well within my rights as an individual Member of the House of Representatives. I may say in reply to his remarks that if I advanced an argument upon the floor of this House I would be willing and anxious to substantiate it by producing the law. As a matter of fact, I feel he was very indefinite and misleading in his statements and has not clarified a single, solitary argument. I believe it is his duty to produce at this time something tangible, so we may clear up this phase of the argument. [Applause.]

Mr. BOILEAU. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. CULKIN].

Mr. CULKIN. Mr. Chairman, the distinguished proponent of this bill relieved my mind somewhat by his statement that he was going to offer an amendment to strike out section 2. May I say I am myself a vigorous national and am in sympathy with the general purpose of the bill. I am, however, apprehensive of any legislation which will disrupt the 150 years of peace we have had with Canada. The people of Canada are splendid people and have a kinship with us in language and blood.

I am particularly concerned, assuming the House does not see fit to strike out section 2, that it would interfere seriously with the recreation and the health of the distinguished gentleman who at present occupies the White House. He has a summer home in Canada, at Campobello Island, as I remember it. He, too, would come under the condemnation of this bill when he went to Canada to seek health and recreation.

There were 28,000,000 people in the United States in the last election who said he was skilled. There were 17,000,000 who said he was unskilled. He surely comes within one category or the other. It would seem, in order that the President might have proper recreation away from his great duties unrestrained by the operation of this bill, that it is vitally important the amendment striking out section 2 should prevail.

It is obvious, if this bill is passed in its present form, that during the absence of the President in his summer home in Canada, whether or not he is skilled or unskilled, he would be off the pay roll. Apprehensive of the effect of this amendment upon the President's recreation, and speaking from the Republican side, I wish to say, if that amendment is adopted, I am going to support the bill.

Mr. MOTT. Mr. Chairman, will the gentleman yield?

Mr. CULKIN. I yield to the gentleman from Oregon.

Mr. MOTT. The gentleman will also recall that the last time the President went to Canada he made it very emphatic that he did not want the natives to refer to him as a foreigner.

Mr. CULKIN. I think I recall that. Of course, I do not object to that graceful gesture. That was timely. I do object, however, to one of the results of that visit, which brought about giving part of the markets of the American dairyman to the Canadian dairyman. I do not enjoy that, and do not approve of it.

Mr. BEITER. Mr. Chairman, will the gentleman yield?

Mr. CULKIN. I yield to the gentleman from New York.

Mr. BEITER. There is nothing in the gentleman's mind——

Mr. CULKIN. Do not put any statement in my mouth. Ask me a question, please.

Mr. BEITER. All right, then. Since March of 1933, is there any doubt in the gentleman's mind about the gentleman who occupies the White House being a skilled man?

Mr. CULKIN. Sometimes I have had serious doubt about it. [Laughter.]

Mr. BOILEAU. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona [Mr. MURDOCK].

Mr. MURDOCK of Arizona. Mr. Chairman, I asked time of the opposition, thinking I might want to vote that way. I do not know but that my mind has been changed in the last few minutes. I understand there has been a proposal made to strike out section 2. I hope it may be struck out. I felt that it is one of the defects of the bill. I do not like that definition of "foreigner" contained in it. For that matter, I must disagree with my distinguished friend from New York [Mr. CULKIN]. I do not agree with his definition of "foreigner" any better than I do his definition of "skilled" or "unskilled" workman.

I, too, come from the southern border. I do not represent so large a city as El Paso, but we have the same problems. However, I think in fairness to my business constituency I must call your attention to the fact that various chambers of commerce down on the Rio Grande, as well as on the Mexico-Arizona border, have asked me to oppose this bill.

Mr. Chairman, I think chambers of commerce at Nogales and other border towns would like to have me oppose it, partly because they are getting cheap labor from across the line, but I think, partly, for "good-neighbor reasons" too, because this measure enacted into law would interfere with our "good-neighbor policy" and that it would have some bad effects upon trade.

Mr. Chairman, I do feel that some Americans are being deprived of employment because their places are being filled by those who cross the border. Labor on the border wants this bill passed. I may say to the distinguished chairman that I am with him in about 90 percent of his proposals. I do not believe, however, we are hitting at the heart of the matter of foreign labor competition when we cut out the crossing of the border by these commuters. They cannot travel very far in order to receive employment profitably.

I am with the chairman of the Committee on Immigration in his desire to give employment to and save our employment for Americans, in contradistinction to aliens, throughout the country generally. I am constrained to favor this measure when amended. [Applause.]

Mr. BOILEAU. Mr. Chairman, I yield 2 minutes to the gentleman from Vermont [Mr. PLUMLEY].

Mr. PLUMLEY. Mr. Chairman, in the interest of my constituency I ought to say to the House that along the line between Canada and Vermont are several towns through

which the line passes. It is a peculiar situation which develops therefore, and particularly interesting.

I know of hundreds—not thousands, because thousands are not involved in this matter—but I know of hundreds of Americans who work daily in Canada. I know of hundreds of Canadians who come across the line in these towns through which the line runs and are profitably employed, and to pass this bill, which is discriminatory because of the few involved, will work a hardship on more Americans than it will help, and it is also un-American in principle and will be so in its results. [Applause.]

[Here the gavel fell.]

Mr. BOILEAU. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. ANDRESEN].

Mr. ANDRESEN of Minnesota. Mr. Chairman, the motive which actuates the passage of this bill is very worthy of consideration. The primary objective, as I see it, is to first provide work in this country for American citizens. In looking at the legislation and the policies of the administration at the present time, I think we can all safely say that the passage of a bill of this character is a mere gesture, for under the present trade policies of the administration we are providing work in foreign countries for from 5,000,000 to 8,000,000 foreigners so they can produce farm and manufactured products to ship into the United States and take away work from our American laborers and farmers.

So what we do here today in excluding a few thousand foreigners and preventing them from coming in here and working in our factories means nothing when at the same time we have a policy which permits the American people to purchase the competitive commodities produced by millions of foreign workers for shipment and then sale in the United States in direct competition with what we produce here.

We still have the unemployment policy with us. The statistics from the various bureaus that claim to know the situation state we have at least 8,000,000 or 9,000,000 unemployed in the United States, with from 15,000,000 to 16,000,000 American citizens on relief. If we are to get at the fundamentals of our difficulties so as to bring work to our own people, then we should certainly protect and preserve the American market for the men and women in this country who are now unemployed. I think this is the real problem for us to consider.

While I am going to vote for this legislation, I think it is only a gesture. Let us tackle the real problem and give work to American people who are now on the relief rolls and are walking our streets, despite the prosperity which the administration states has returned to this country, so we may again have all of our individuals gainfully occupied in private industry. [Applause.]

Mr. BOILEAU. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. JOHNSON].

Mr. JOHNSON of Minnesota. Mr. Chairman, I rise to make a statement about the situation in Minnesota, and in respect to the International Falls-Fort Francis, Canada, situation. I am not against the bill, but I am doubtful if it will not work a hardship without some sort of a corrective amendment, because there is the greatest friendship between the American and the Canadian side. There are 8,000 people in International Falls, Minn., and about half that number in the Canadian city of Fort Francis. Each day the citizens go back and forth freely from one side to the other. There seems to be no boundary line, and there is the friendliest relationship. There is no fort protected boundary. I am not so sure but that this bill will work a hardship, and I am wondering whether the committee has considered an amendment that would correct this defect, so far as it applies to the northern border, between friendly Canada and the United States.

Mr. SCHULTE. Mr. Chairman, in reply to the gentleman from Minnesota, we have given this bill a great deal of consideration. We went into all phases of it, and while we realize and appreciate the fact and anticipated some of the statements that would be made here, that there would be just a negligible amount of people crossing the borders, probably 600, yet, in view of the fact of hearing the Members of the House who represent those districts and getting from them the number of people crossing, it seemed appalling. We want to correct the defects in the laws, but the question is this: Are we going to help 500 and damage 300,000. The Members from the city of Detroit and the Members of Congress from the northern and southern boundaries can tell the story of their particular districts, and their people are demanding, not asking, demanding this type of legislation from the standpoint of protection of Americans living in their districts. This only deals with skilled and unskilled workers.

Mr. JOHNSON of Minnesota. I yield back the remainder of my time.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. BOILEAU. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. SAUTHOFF].

Mr. SAUTHOFF. Mr. Chairman, I have asked for this time so that I may repeat my question to the chairman of the committee [Mr. DICKSTEIN]. The Labor and State Departments suggested amendments and a substitute measure, which latter did not meet the approval of the committee. May I ask what those amendments were and what the substitute measure was? I am seeking information.

Mr. DICKSTEIN. Mr. Chairman, the State Department in this last bill of the Seventy-fifth Congress did not submit to the chairman of the committee any specific amendment to the Schulte bill now under consideration.

Mr. SAUTHOFF. I appreciate that, but that is begging the question. The gentleman's report says that there was such a substitute amendment offered. Let us know what it is. It is not in the report.

Mr. DICKSTEIN. I have not that amendment before me because that amendment was not submitted to the committee, and I could not submit something I did not have.

Mr. SAUTHOFF. The gentleman will pardon me, but the chairman of the present Committee on Immigration and Naturalization was the chairman of that committee when the bill was considered before, and it was during his term of office that it was submitted.

Mr. DICKSTEIN. That is true; but the chairman did not receive in this Congress, after a hearing was had on this bill and everybody had due time and notice to be heard any statement from the State Department. The State Department did not appear at the hearing or suggest any particular amendment.

Mr. SAUTHOFF. Then, Mr. Chairman and members of the Committee, the chairman has now been asked two vital questions, one by my colleague [Mr. WITHROW], as to the law of Canada and Mexico on the subject, and he has not answered that. The other I have asked, as to what substitute measure was suggested or asked for by the Department of Labor or the Department of State, and he does not furnish us that information; so I say, in all seriousness, before we do something that is ill-considered, let us recommit the bill to the committee and let it call in the Labor Department and the State Department and see what they have to say.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. BOILEAU. Mr. Chairman, I yield 1 minute to the gentleman from Colorado [Mr. MARTIN].

Mr. MARTIN of Colorado. Mr. Chairman, I have asked for 1 minute to say to the committee that the gentleman from Arizona [Mr. MURDOCK], when his time expired, had started to develop a phase of the situation, respecting the influx of Mexican labor, very much more important than

the daily commuting across the border. I am not referring to our native Spanish-Americans, a distinctly different people. I refer to the thousands and thousands of Mexican laborers who drift across the border and infiltrate the entire southwestern section of the United States and furnish both labor and relief problems. This bill does not do anything for that situation.

The CHAIRMAN. The time of the gentleman from Colorado has expired.

Mr. DICKSTEIN. Mr. Chairman, I yield the gentleman 1 minute.

Mr. SCHULTE. Mr. Chairman, will the gentleman yield?

Mr. MARTIN of Colorado. Yes.

Mr. SCHULTE. The gentleman from Wisconsin wanted to know the attitude of the State Department. I am very glad that the gentleman brought that into the argument. I introduced a bill in the Seventy-third Congress excluding Mexicans from coming into continental United States and accepting jobs in our particular districts in the heavy manufacturing sections, and the State Department bitterly opposed that bill in spite of the fact that thousands, yes, millions of Americans, were walking the streets, on the ground that it might hurt our prestige with one of the foreign countries.

The CHAIRMAN. The time of the gentleman from Colorado has again expired.

Mr. BOILEAU. Mr. Chairman, I yield 1 minute to the gentleman from Kansas [Mr. REES].

Mr. REES of Kansas. Mr. Chairman, a great deal has been said with reference to the fact that the State Department was not called upon to be heard with reference to this bill. I think possibly, as a matter of right, that should have been done. But I am wondering if, after all, it is not a fact that the question as to whether or not we want to enact this measure into a law, is the responsibility of Congress? I believe it is for Congress to decide whether or not this legislation shall be passed or shall be turned down.

One of the big questions involved here is whether or not we are in favor of protecting the American laboring man. Do you want Mexican labor to come across the line into the United States and take the labor of our own American people, who cannot get enough labor to support themselves?

Something has been said on this question about reciprocal agreements. You have just been advised about the situation in Mexico. An American living in the United States cannot go across the line and perform labor in old Mexico without complying with the laws of that country. And yet we permit Mexicans by the thousands to cross the line into the United States every day and perform labor at low wages in competition with American labor, while the American workingmen by the thousands are unable to get work and are on relief.

Something has also been said about being a "good neighbor" to Canada. We want to be a good neighbor to Canada. We have always been good neighbors to Canada; but it seems to me there should be a place where we should be good to the home folks first. If the American people want to go over into Canada and seek labor there, then why not go across the line and become citizens of that country if they want to?

The trouble with this measure is that it does not go quite far enough, but it might help some at least, in helping to protect the American labor market for the American people. With men and women on relief in all of our cities are we going to stand by and permit those people who are willing to work for a less wage to come across the line into our country and compete with the American citizens?

The question involved, as I see it, is this, Do you want aliens to take the jobs of the American citizens? Do you want the American citizens to be deprived of the right to be employed, because of the competition from people who do not even reside within the borders of the United States? We have gone a long way in our so-called reciprocal-trade agreements, but the reciprocity has been against us, it seems to me. We are permitting people from foreign countries and in foreign countries to do our manufacturing and our processing for us. We have even gone so far as to permit them to grow our products and process them for us. We have become importers of products, both raw and processed, from foreign countries, in competition with those that are grown and processed in the United States. We have even gone further, we have permitted the importation of laborers from old Mexico and Canada, who did not even reside within our boundaries.

Now, if we do not pass this measure, we are admitting that we are willing to let foreigners who reside in foreign countries come across the line into the United States and perform our labor for us. Let us help this situation just a little by passing this measure. Let us give the American workingman a chance.

The CHAIRMAN. The time of the gentleman from Kansas [Mr. REES] has expired.

Mr. BOILEAU. Mr. Chairman, I yield the balance of my time to the gentleman from New Jersey [Mr. EATON].

Mr. EATON. Mr. Chairman, I think it was in the year 1928 Canada bought more goods from this country than any other nation in the world; more than all the rest of the North and South American continents and the West Indies put together. She is again becoming our best customer. To create this unnecessary sales resistance and animosity in the minds of our best customer by legislation of this kind just to retain a couple of thousand jobs here seems to me to be absolutely the worst salesmanship possible on our part. I refuse by my vote to hurl this irritating and needless legislation at our best customer for the sake of a few jobs here, when by so doing we surely will take away from our American workingmen thousands of jobs in producing the materials which Canada buys from us and pays for.

Therefore I am going to vote against this bill. [Applause.]

[Here the gavel fell.]

Mr. DICKSTEIN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. KRAMER].

Mr. KRAMER. Mr. Chairman, I want to acquiesce in the remarks of my colleague from Texas [Mr. THOMASON]. The statement he made regarding the railroads is one of my own experiences. I have been down on the border and into various parts of Mexico, and I find that the minute a train arrives at the gate at the border of Mexico the entire American crew leaves the train, but in coming back to the States no such thing happens. The Mexicans follow that train through to the division point. Some of the labor goes as far as the terminus of the railroad, St. Louis, and other points in the United States.

When the tramways come in from Mexico they circle into the United States in the border cities and carry the same crew on the streetcar into the United States and out again. If the question of reciprocity exists, why not take those men off the car when they arrive at the border cities in the States and let American labor operate the car or train until it goes back into Mexico? Not only that, but no American can go into Mexico and apply for a position or enter into any business unless it is 90 percent or more Mexican. That situation actually exists, and I have experience in that regard to my own satisfaction.

I am for the passage of this bill as it now stands.

Mr. DICKSTEIN. Will the gentleman yield?

Mr. KRAMER. I yield.

Mr. DICKSTEIN. Is that the law of Mexico, that foreign labor cannot go in there and work?

Mr. KRAMER. An American, what they in Mexico call a foreigner, cannot go there and seek employment. I do not know anything about their laws, but I know that is strictly prohibited for an American laborer to get employment in Mexico.

[Here the gavel fell.]

Mr. DICKSTEIN. Mr. Chairman, I yield myself 5 minutes.

Mr. O'CONNOR of Montana. Will the gentleman yield for a question?

Mr. DICKSTEIN. I yield.

Mr. O'CONNOR of Montana. As a basis for this bill, has the gentleman received any complaint of Canadians coming across the border line between Montana and Canada?

Mr. DICKSTEIN. I do not think I have.

Mr. Chairman, some of my colleagues seem to criticize me and think that I ought to know all the laws of the whole world. One particular complaint that was made was that I should have had the statutes of Mexico, as well as the statutes of all other countries, here, so that if someone should ask me the question, "What is the law in Mexico?" I would have been able to answer it. If I was not in position to answer it, the legislation should be withheld.

Mr. WITHROW. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. WITHROW. The reason I asked the gentleman to quote the law or to give us something tangible was because the gentleman himself said there was such a law and referred specifically to that law. I asked the gentleman the question and directed it specifically to that particular law. You based your argument upon it, and still you begged the question. Why does not the gentleman answer the question?

Mr. DICKSTEIN. I am not begging the question and never have. I never get on my feet on this floor unless I am fortified with knowledge and information. I told the gentleman and I tell this House, and I repeat it, that Quebec has an absolute restrictive law against any American coming in to work, even if it is for only one single hour. They turn them back from the border to their home country. I have told the gentleman and I tell the House now that the same law, or similar statutes, exist in Mexico. I did not know it was the practice of any chairman of any committee to incorporate in the report the respective laws of other countries.

Mr. WITHROW. Will the gentleman yield further?

Mr. DICKSTEIN. I will yield to the gentleman.

Mr. WITHROW. How can the gentleman account for so many American citizens working in Canada, then?

Mr. DICKSTEIN. They are not. I will tell the gentleman who is working there.

Mr. WITHROW. The State Department says they are.

Mr. DICKSTEIN. I will tell the gentleman who is working there. There are a number of technicians whom we have in this country whom Canada does not have. It is only those particular technicians who are permitted to go into Canada to help them run their factories. We, on the other hand, have been on the receiving side for years. I am not quarreling with the gentleman because he is against the bill.

Mr. WITHROW. I am not against the bill; I only want it clarified.

Mr. DICKSTEIN. I have no interest in this bill one way or another, but I do not want it to be charged that I am stifling legislation. I do not want my friends in the House to think I am withholding some proper legislation. It is my policy, always, to let a bill come out on the floor, to let it be discussed. I know if it is good, you will vote for it; if it is bad, you will vote against it. You are not hurting my feelings a bit.

Mr. SCHULTE. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. SCHULTE. The gentleman asked a question about the number of people involved. I should like to answer him by quoting statistics from the Department of Labor. Residents of the United States crossing the Canadian border, intermittent—that does not mean day by day—7,159; active—that means the daily commuters—224. Residents of Canada, intermittent, 2,187; active, 3,404—better than 10 or 12 to 1. Residents of Mexico, 52,551 active; commuting, 29,963. Does that answer the gentleman's question?

Mr. DICKSTEIN. Now, if I may proceed for a moment, the gentleman from Wisconsin—and I have great admiration for him—appears to base his complaint on the fact that the State Department had forwarded to the committee some amendments about 3 years ago. Could I have anticipated 3 years ago that on St. Patrick's Day 1937 the gentleman from Wisconsin was going to ask what the amendments were? The committee disregarded them 3 years ago. Now, what were the amendments? If the gentleman, instead of first criticizing the chairman or the committee, would look at Report No. 159, filed 1934, he would find that we used the language of the amendments that were offered by the State Department 3 years ago. They were just clarifying amendments; they were nothing substantial and did not change the form of the legislation. From the nature of the gentleman's criticism it might appear that I was either ignorant and did not remember the amendments, or that I was stifling or withholding the amendments. Now, Mr. Chairman, what are the amendments? The State Department, through its secretary, Mr. Carr, a fine gentleman, a man whose word I would take at any time, has said that they had no specific recommendations to make to the committee. All the amendments did was to change the numbering of section 3 to make it section 4 and to change the numbering of section 4 to make it section 5. These were the so-called technical, clarifying amendments to which we paid no attention.

Mr. Chairman, the committee, of which I am only one member, unanimously reported this bill. I do not think we had a record vote. The facts have been presented to you. If you think the bill is worth while, vote for it; if not, vote against it.

Mr. MAGNUSON. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. MAGNUSON. The language of line 9, page 1, of the bill prohibits so-called aliens from engaging in any employment. Would this section of the bill prohibit the continuation of the custom I am about to outline? In my city, Seattle, is a large fur exchange. Most of the furs come from Alaska and the Puget Sound district. Anywhere from 100 to 200 Canadians, representing London and British Columbia companies, come to Seattle almost weekly to buy in that fur exchange. Would the bill preclude them from coming to Seattle?

Mr. DICKSTEIN. I want to assure the gentleman and to assure the House that it will not affect anyone or anybody unless he or she comes to this country to do manual labor; that is, to work every day. It would not apply to lawyers, doctors, or professional people.

Mr. MAGNUSON. The gentleman does not think this section applies?

Mr. DICKSTEIN. I do not think it applies.

[Here the gavel fell.]

Mr. DICKSTEIN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. KRAMER].

Mr. KRAMER. Mr. Chairman, there has been some discussion regarding the laws of Mexico by the gentleman from Wisconsin. His interest being so great, I hand him for his benefit a copy of the laws of Mexico. He may read it; I cannot, because I cannot read the Spanish language. [Laughter.]

Mr. SAUTHOFF. May I ask the gentleman from Wisconsin how, if he cannot read it, he knows what they are? [Laughter.]

Mr. KRAMER. Because I spent 10 days in Mexico with various officials and I was satisfied what their law was and was definitely informed that no American could receive employment in Mexico.

Mr. BOILEAU. Have the members of the committee read it?

Mr. KRAMER. The members of the committee are not interested in reading it now; the gentleman from Wisconsin is.

The Clerk read as follows:

Be it enacted, etc., That no alien or aliens, foreigner or foreigners, or citizens of any foreign country, nation, or colony, or a citizen of a possession of any foreign nation or country, the boundaries of which touch the boundaries of the United States of America or are contiguous thereto, shall be permitted to habitually cross said international boundary line for the purpose of seeking employment, or engaging in any employment, vocation, or trade, either as skilled or unskilled labor employment, in the United States of America, to and from his or their residence or residences which are outside of the borders of the said continental United States.

SEC. 2. The words "alien", "foreigner", and "citizen of any foreign country, nation, or colony" shall be construed to mean any person who has his residence in said foreign country, nation, or possession or colony of a foreign cuntry.

Mr. SCHULTE. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. SCHULTE: Page 2, line 4, strike out all of section 2.

Mr. SCHULTE. Mr. Chairman, the reason I have offered this amendment is to meet the objections of some of the Members who felt the situation is well covered in the first five lines of the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. SCHULTE].

The amendment was agreed to.

The Clerk read as follows:

SEC. 3. Aliens within the purview of sections 1 and 2 of this act shall be held to be immigrants and shall be excluded from the United States, or shall be deported from the United States under the provisions of the immigration laws now in effect, unless they are in possession of an unexpired immigration visa at each separate application for admission or in possesson of an unexpired reentry permit for each separate application to return from foreign contiguous territory.

Mr. BOILEAU. Mr. Chairman, I move to strike out the last word and request the attention of the gentleman from Indiana. I did not get the full purport of the gentleman's statement a moment ago in connection with striking out section 2.

Mr. SCHULTE. I said that it would probably meet the objections of some of the friends of the gentlemen who find this goes a bit too far.

Mr. BOILEAU. Did I understand the gentleman to say that a similar purpose is already served in section 1?

Mr. SCHULTE. Yes; in lines 1, 2, 3, 4, and 5.

Mr. BOILEAU. As pointed out in general debate on this bill, under the provisions of section 2 an American citizen living either in Canada or Mexico could not under section 2 commute across the international boundary. The gentleman does not infer, does he, that section 1 prohibits that?

Mr. SCHULTE. No; I do not. I offered the amendment striking out section 2 at the request of some of the gentleman's friends who are opposed to section 2.

Mr. BOILEAU. Let us have the opportunity to read this Mexican law that the gentleman from California brought here a few minutes ago. In view of the fact that the only copy of that law seems to be in the Spanish language, I wonder which gentlemen of the committee have read the particular Mexican law they are flaunting before us, which states that American citizens are excluded from working in Mexico. I submit, Mr. Chairman, the whole matter should be threshed out before the committee, and at the proper moment I am going to offer a motion to recommit, which I am hopeful the Members of the House will agree to, sending the bill back to the committee so that the committee may consider this thing fully.

Mr. WITHROW. Will the gentleman yield?

Mr. BOILEAU. I yield to the gentleman from Wisconsin.

Mr. WITHROW. A moment ago I went over to the chairman of the Immigration Committee, and I find he has the Mexican law. He said, "Here it is." He handed it to me, and I found out it was written in the Spanish language. He could not read it. I could not read it. I do not believe the gentleman now knows what the law is.

Mr. BOILEAU. I think if we recommit the bill to the Committee on Immigration and Naturalization and have that Mexican law interpreted or translated by someone in the Congressional Library and have it put in the English language, we will know what is being done in Mexico at the present time with reference to American labor.

[Here the gavel fell.]

Mr. DOCKWEILER. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, I am partial to this bill. I had prepared an amendment to section 2 that would have excepted citizens of the United States with residence in our neighboring countries. However, since a Member of the committee has offered an amendment striking out the whole section I did not submit my amendment. Since he has stated that he believed in the Senate he can have that section reinserted, which proposition would prevent Americans from living in neighboring countries and working in this country, I want to warn him. If he is a real friend to this bill, and I am friendly to it, I would suggest he better not do that. If he reinserts such provision to prohibit American citizens living some place else commuting casually or otherwise back into their own country for employment, his bill will be held unconstitutional, because the gist of this bill lies in the definition of the word "alien." This bill forbids an alien or citizen of another country from commuting or seeking employment in this country and so soon as his bill is carried to the Supreme Court with a provision denying to an American citizen the right to take up residence in Mexico, Canada, or any place else and come back to his own country for employment, it will be held to be bad law.

If you really want a bill of this kind—to give employment to Americans and prevent Canadians or Mexicans from taking employment away from American citizens—then I plead with you not to insert such a definition of "foreigner" in this bill. Why it is brand new in the history of nations to expatriate an American simply because he takes up residence in Canada or Mexico. There is no precedent in the world for such a definition of citizenship.

Mr. SCHULTE. Mr. Chairman, will the gentleman yield?

Mr. DOCKWEILER. I yield.

Mr. SCHULTE. I know the gentleman is fair and wants to be fair, but does the gentleman think it is right and just to the rest of the citizenry of this country that someone, in order to avoid paying his just part of the taxes and upkeep of this country, can move to a contiguous foreign country and continue to accept employment in this country? Certainly the gentleman does not think that is fair.

Mr. DOCKWEILER. I will answer by saying that is something no Member of Congress can cover. The Constitution says a citizen of the United States is a person born therein or duly naturalized. It makes no difference if he commutes 10 times a day into Canada. You cannot expatriate him by a dictum in this bill. Therefore I warn the gentleman the whole bill will be bad and he will have no law, assuming he really wants a law to prevent Canadians or Mexicans or anybody else from consuming the employment of this country. [Applause.]

Mr. DICKSTEIN. Mr. Chairman, I move to strike out the last two words.

The gentleman from Wisconsin, whether in jest or not, stated I handed him the laws of Mexico. In the first place, I did not hand the gentleman the laws of Mexico, and I did not take the trouble to go get them. It was the gentleman from California who took the trouble to advise the gentleman from Wisconsin.

Mr. WITHROW. I will thank the gentleman.

Mr. DICKSTEIN. The statement made by the chairman and the committee dealing with labor still holds, whether or not the gentleman has it translated by the congressional librarian, and I hope he does.

I want to assure the Members of this House there is no intention on the part of the committee to go to the Senate and ask that body to do anything different from what the House may do. Insofar as this committee is concerned, we have completed our job when the House passes on this bill and any amendments it desires to accept. I do not want any charge of retaliation made against the committee. It is not the intention of the committee to change any language in this bill, once it passes the House.

Mr. KLEBERG. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. KLEBERG. May I ask if there were any hearings on this particular bill?

Mr. DICKSTEIN. Yes.

Mr. KLEBERG. Were the hearings ever printed?

Mr. DICKSTEIN. No; not this year. They were printed about 3 years ago.

Mr. FORD of Mississippi. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it is evident to me from the large number in attendance here this afternoon, as well as the attention the Members are giving to the debate, that the majority of this Congress would like to see the Committee on Immigration and Naturalization bring a bill before the House that would require the Secretary of Labor and her subordinates to deport every alien who is now in this country unlawfully. There were a few of us who were greatly interested in this matter during the last session of Congress and who tried hard to get some real legislation on this subject brought out on the floor of the House for debate. We tried to get the chairman to have hearings on the bill introduced by Mr. DIES, but failed in our efforts. We did have hearings on a similar bill introduced by a member of the committee, Mr. STARNES, which would have deported the aliens who are now in this country unlawfully, but those of us who favored this legislation could not get enough votes in the committee to bring it out for consideration. I agree with the statement made a few moments ago by the gentleman from Texas [Mr. THOMASON] that we, as Members of Congress, should protect our American labor by deporting foreigners and save the jobs in America for American people, but the bill under consideration is limited in its scope. The bill merely protects a few American laborers on the borders of Canada and Mexico and does not touch the real situation prevailing in this country today. Practically every Member of Congress knows that there are thousands upon thousands of aliens in this country at this very moment, who came into this country unlawfully, and who are today holding jobs that rightfully belong to the American people, and the Department of Labor is making no effort whatever to deport them. Since we cannot get the immigration and naturalization officials in the Department of Labor to do their duty under our present laws, the Committee on Immigration and Naturalization should bring a bill before the House providing that it shall be unlawful for any employer of labor to employ an alien. I have no doubt but what this Congress would pass it promptly. [Applause.]

Mr. Chairman, I sincerely believe that it would be better to send this bill back to the committee so they can bring a bill to us broad enough to cover the whole United States. If we pass the bill in its present form, it would be difficult to get an amendment passed that will properly protect the American laborer throughout the entire United States. I shall gladly support the bill in its present form if it is not recommitted, but I think it far better to cover the whole United States rather than a few sections on the border.

Mr. Chairman, I was amazed and greatly disappointed at the attitude of our deportation officials which came to my attention at the last session of Congress. They admitted before the Committee on Immigration and Naturalization that there were several thousand aliens in this country that had no legal right to be here. They further admitted before the committee that they were making no effort whatever to get them out of this country; and this admission, Mr. Chairman, in the very face of the law requiring their action in deporting them. I am confident, therefore, that we cannot hope to expect the deportation of many aliens under the present personnel of the Department of Labor unless their attitude should greatly change, and that about the best we can hope for is legislation prohibiting the employment of aliens in this country. I appeal to every Member of Congress to give this matter careful thought so that the Committee on Immigration and Naturalization, as well as the Department of Labor, may know of our sympathetic attitude toward legislation that will protect and preserve the jobs in America for American citizens, as well as action in deporting foreigners who are in this country unlawfully. [Applause.]

[Here the gavel fell.]

Mr. BREWSTER. Mr. Chairman, I move to strike out the last three words.

AMERICAN JOBS FOR AMERICAN WORKINGMEN

Mr. Chairman, it is sometimes intimated that we of the State of Maine are 100 percent conscientious objectors to whatever you ladies and gentlemen upon the right of the aisle may propose. It seems to me that here, as a citizen of a border State thrust up like an elbow into Canada, with hundreds of people marching across that border each morning and marching back each night with American wages in their pockets which they elect to spend in Canada because they can live more cheaply upon that side, it is high time that we at least give consideration to this topic.

To what extent this bill may go in remedying the situation, apparently, remains to be determined, but I, as a Representative of a border district, welcome this attempt, and I believe it is high time that America should begin to take account of its own.

I blush to confess that we are getting along so much better up in the State of Maine than we were. [Laughter and applause.] Perhaps this is a reward of virtue. Perhaps this is a tribute to the efficacy of the surviving measures of the past 4 years which seem to be now considered as inadequate by those who are in authority. They seem now to desire some much more radical proposals to be enacted.

At any rate we are getting along pretty well up in Maine with all our crops. I have pestered you during the last couple of years with potatoes, and potatoes are now doing pretty well, and lumber also. But we certainly have not yet reached the spot where we can safely abandon the protection of American laborers who are willing to live in America in favor of those who desire to march across that imaginary international line.

To be sure, this might not seem to be a "good-neighbor" policy, but as we learned good neighborliness up in the State of Maine, it is necessary, first, to look out for ourselves before we can dispense too much charity to the rest of the world. This is the way we were taught as the proper way to get along, and if this bill looks in that direction, as I understand to be the purpose of the bill, I welcome the action of this committee and I am very happy to give it my support. American jobs for American workingmen is a good motto in a time like this. [Applause.]

Mr. THOMASON of Texas. Mr. Chairman, I rise in opposition to the pro-forma amendment.

Mr. Chairman, I not only endorse what the gentleman from Maine has just said but I would like to make this further observation. I have observed, and it has been my experience in days gone by, that if I had a hard lawsuit I resorted to dilatory tactics, and now, when an absolutely clean-cut proposition is presented to this House, as to whether or not

you want an alien to take the job of an American citizen, the first thing we hear is ridicule and even abuse of the chairman and members of the committee, and then pretend to take seriously a remark made in jest by the gentleman from Indiana. The next proposal is to send the bill back to the committee for further consideration. Then my good friend from Mississippi [Mr. FORD] says:

Oh, this program is not big enough; why do we not tackle this in a big way and deport the thousands of aliens in this country who have no right to be in this country?

Mr. FORD of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. THOMASON of Texas. I yield.

Mr. FORD of Mississippi. I will support the present bill.

Mr. THOMASON of Texas. That is fine. We are making progress. Well, let us take a step in the right direction and pass this bill, as the gentleman from Maine said. [Applause.]

There are some of us, like the gentleman from Maine and myself, who have personal knowledge of the literally hundreds of jobs that have been taken that belong to American citizens, placed in the hands of alien citizens, when right in that very town there were long relief lines, and right here in the Halls of Congress every Member of Congress was voting some money, at least, and in many instances, very large sums of money, for relief. Now, if you want to stop this, let us make the start now. The lines are going to be drawn. I say you can read this bill carefully and there is but one thing in this world in it.

There is but one issue in it, and that is whether a man in Canada or a man in Mexico can cross the line every day and take a job that belongs to an American. These poor aliens are glad to get work at any price, and you know there are many profiteers who want cheap labor and take advantage of the situation. There are many unemployed in my town. Many of them are of Mexican descent. I want them to have the preference.

So the issue is whether or not you endorse the principle, as a friend of labor in this country, that these men can come here and take the jobs of American citizens, whether they be native or naturalized.

When you talk about recommitting the bill, that is the issue before you. Why not let this bill be passed? If another body wants to take a different view of it, let it go to conference; but, for Heaven's sake, do not criticize this committee in one breath and then say that we have not got a big enough program, when you have something concrete right here. All I have to say is that the man who is the friend of the American laboring man has but one thing to decide, and that is, Shall they have jobs in this country or shall the poor peons of Mexico take these jobs away from them simply because they are willing to work for a mere pittance? This is the only issue that is involved. The bill ought not to be recommitted. It ought to have a chance to live, and I beg of you to support the bill and later amend it, or let it go to conference, if need be; but there is no rhyme, reason, or excuse for defeating the bill by subterfuge or because you may not like the chairman or the committee.

We talk long and loud about relief and vote millions of dollars for the cause. The average American does not want charity. All he wants is a job. But you do not encourage him when you give a job to which he is entitled to an alien who is willing to work for anything he can get. This practice ought to be stopped, and we now have an opportunity to work out legislation that will first protect our own people and yet maintain friendly relations with the people of Mexico and Canada.

I hold no brief for the Immigration Committee; but they have brought in a bill with only one boiled-down issue, and that is whether or not we will first take care of our own people. If there are jobs left after that is done, then we will be charitable, as usual, and try to take care of others. I confidently believe the bill will pass. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HANCOCK of New York. Mr. Chairman, I move to strike out the last four words. When the first section was being read I was called outside the Chamber. I meant to offer an amendment to correct an error in grammar. I think the bill is bad enough without split infinitives, and I ask unanimous consent to return to section 1 to lift the word "habitually", line 8, page 1, from the middle of an infinitive where it now rests, and move it four or five words to the right, so that it will appear after the word "line", in line 8, page 1.

The CHAIRMAN. The gentleman from New York asks unanimous consent to return to section 1 for the purpose of offering an amendment. Is there objection?

Mr. SCHULTE. I object.

The Clerk read as follows:

SEC. 4. The provisions of this act are in addition to the provisions of the immigration laws now in force, and shall be enforced as a part of such laws, and all of the penal or other provisions of such laws now applicable shall apply to and be enforced in connection with the provisions of this act.

Mr. FORD of Mississippi. Mr. Chairman, I move to strike out the last word. I think my good friend from Texas [Mr. THOMASON] did not understand my remarks or my intentions on this matter. My only hope in saying that it might be better to recommit the bill was that the Committee on Immigration and Naturalization might take the bill back to their committee and embrace and enlarge upon the subject that we would not only protect the American laborers on the border of Mexico and on the border of Canada, but throughout the entire United States. That is my only thought in this matter. I am for the bill in its present form if we can do no better, but if this law is passed as it now stands, I fear that there will not be another single thing come out of the Committee on Immigration and Naturalization regarding this particular subject.

The only object I had was in directing the attention of the House and the Committee to the all-important fact that we should broaden and enlarge upon the bill under consideration to the extent that we would not only protect the American laborers on the borders of Canada and the United States and on the borders of Mexico and the United States, but all over the United States.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield in order that I may ask the author of the bill a question?

Mr. FORD of Mississippi. Yes.

Mr. HOUSTON. I would like to know what effect this would have on an organization that imports Mexican labor for railroads over a given period of time, not daily, but probably for 3, 6, or 9 months a year, under bond, after the expiration of that time, to return them to Mexico.

Mr. SCHULTE. This would stop that entirely.

Mr. ANDRESEN of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. FORD of Mississippi. Yes.

Mr. ANDRESEN of Minnesota. What is the practice in other countries so far as giving employment to Americans and other foreign citizens is concerned? As I understand it, they are required to register and they are denied employment virtually in every other country in the world.

Mr. FORD of Mississippi. I think that is true, and, further, if the gentleman will examine the statistics in this country, he will not only find that these aliens are depriving American citizens of employment but that a large part of the crime committed here is committed by foreigners who came into this country unlawfully and whom the Department of Labor officials are refusing to deport from this country. There is no question but what every alien should be required to register when he comes into this country, and he should also be fingerprinted. [Applause.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

The Clerk read as follows:

SEC. 5. The provisions of this act shall not be applicable to any person who is a bona-fide employee of any common carrier operating between the United States and any foreign contiguous territory.

Mr. DICKSTEIN. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. LANHAM, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H. R. 3679, had directed him to report the bill back to the House with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. DICKSTEIN. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

Mr. MILLARD. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. MILLARD. I suggest the absence of a quorum.

The SPEAKER. The gentleman from New York makes the point of order that there is not a quorum present. The Chair will count. [After counting.] Two hundred and nine Members are present, not a quorum.

Mr. DICKSTEIN. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 31]

Bigelow	Drew, Pa.	Imhoff	Richards
Boren	Duncan	Jenks, N. H.	Rigney
Boykin	Farley	Keller	Robinson, Utah
Bradley	Fish	Kelly, N. Y.	Ryan
Buckley, N. Y.	Forand	Kloeb	Schaefer, Ill.
Burdick	Fulmer	Lamneck	Scrugham
Cannon, Wis.	Gasque	Lanzetta	Shanley
Casey, Mass.	Gilchrist	Lewis, Md.	Sheppard
Clark, Idaho	Goodwin	Long	Smith, Va.
Coffee, Nebr.	Greever	McCormack	Smith, Wash.
Connery	Griffith	McGehee	Somers, N. Y.
Cravens	Havenner	McGranery	Sullivan
Crowe	Healey	McGroarty	Sweeney
Crowther	Hendricks	McSweeny	Taylor, Colo.
Cummings	Higgins	Maas	Vincent, B. M.
Curley	Hill, Wash.	Maloney	Weaver
DeRouen	Hoffman	May	Wene
Dixon	Honeyman	Mouton	White, Idaho
Dondero	Hook	O'Brien, Mich.	Wood
Dorsey	Hope	O'Neal, Ky.	

The SPEAKER. Three hundred and forty-nine Members have answered to their names, a quorum.

Mr. DICKSTEIN. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. BOILEAU. Mr. Speaker, I ask unanimous consent to proceed for one-half minute to make a statement.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BOILEAU. Mr. Speaker, I stated to several Members on the floor that I intended to offer a motion to recommit this bill. I have decided not to offer that motion. I make this statement so that those with whom I have conferred will not think it was a matter of bad faith; and if anyone desires to offer such a motion to recommit, they may do so themselves. I have decided not to do so.

The SPEAKER. The question is on agreeing to the amendment adopted in Committee of the Whole.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. JENKINS of Ohio. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. REES of Kansas. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks.

The SPEAKER. Is there objection?

There was no objection.

TEMPORARY STAY OF CERTAIN ALIENS IN THE UNITED STATES AND DEPORTATION OF CERTAIN ALIENS

Mr. DICKSTEIN. Mr. Speaker, by direction of the Committee on Immigration and Naturalization, I call up the bill (H. R. 27) to authorize the shortening or termination of temporary stay in the United States of certain aliens not admitted for permanent residence, to authorize the deportation of certain aliens admitted for permanent residence, and for other purposes.

The Clerk read the title of the bill.

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. JENKINS of Ohio. Mr. Speaker, I object.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 27, with Mr. MARTIN of Colorado in the chair.

The Clerk read the title of the bill.

Mr. DICKSTEIN. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DICKSTEIN. Mr. Chairman, I yield myself 5 minutes.

I ask unanimous consent, Mr. Chairman, to revise and extend my remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. DICKSTEIN. Mr. Chairman, when this bill appeared on the Consent Calendar there was only one objection. I submit to the House that the bill ought to be enacted without any objection.

This bill attempts to deport aliens who come to this country as temporary visitors, but who, in truth and in fact, are spreading subversive propaganda in the United States.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. COCHRAN. If that be so, why, in section 2, does the following language appear?—

• • • propaganda instigated from foreign sources.

Mr. DICKSTEIN. Well, they are.

Mr. COCHRAN. What is the difference where it comes from? No matter where it comes from, whether a foreign source or otherwise, if they are distributing unlawful propaganda, even if it is written in this country, why not get rid of them?

Mr. DICKSTEIN. Some citizens may be doing it, too, but we have no control over them. This committee only has control when it deals with aliens.

Mr. COCHRAN. The gentleman is dealing with aliens, but he does not confine it to unlawful propaganda without saying where it comes from. The gentleman is limiting this only to propaganda that comes from foreign countries. Why should the gentleman do that?

Mr. DICKSTEIN. I answer the gentleman from Missouri by saying that the Committee on Immigration deals only with aliens. If citizens of the United States spread propaganda that comes into this country from foreign sources, there is no way we can deal with them. We are dealing only with aliens who come here under the guise of visitors or on business.

Mr. COCHRAN. The gentleman, however, is dealing with aliens in this section, too. So am I. I say that we should not deport only the alien spreading unlawful propaganda which comes from a foreign country, but we should deport him if he draws up the propaganda himself in this country. The gentleman's committee would have jurisdiction to leave that language out.

Mr. DICKSTEIN. I will come to that, and I will look at the gentleman's amendment.

Mr. Chairman, in the last 3 or 4 years, aliens entering the United States as visitors are permitted to stay in this country a definite period of time—3 months, 6 months, or a year—and there is no way in which we can terminate the temporary stay of these aliens who come here for the sole purpose of spreading propaganda against our Government and against the best interests of this country.

Mr. MAVERICK. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. MAVERICK. As I understand it, this is the bill, H. R. 27, relating to the exclusion of aliens who spread in this country propaganda from foreign sources. Am I correct?

Mr. DICKSTEIN. Yes.

Mr. MAVERICK. I would ask the gentleman a question based on this statement of facts: Let us assume someone persecuted by Hitler comes here from Germany and criticizes Mr. Hitler very severely. I presume that at this meeting the other night where Mr. Johnson and Mr. LaGuardia were there must have been several thousand foreigners. Suppose someone comes over here and criticizes Mr. Hitler, or suppose a Catholic priest comes here and criticizes the Mexican Government for persecution of the Catholics, would it not be in line to deport the person of any racial background to Germany, where he would get his head cut off, or the priest to Mexico, where he would be shot, for they still shoot people in Mexico? This thing works both ways. Does not the gentleman think we might be establishing a dangerous precedent and that we would get into trouble the very people we want to protect and help out?

Mr. DICKSTEIN. I think the gentleman from Texas has an entirely different conception of this bill than the committee has. The bill is not intended at all to apply to the situations assumed by the gentleman's question.

Mr. MAVERICK. No; I understand perfectly. For, indeed, it will apply to the situations I have named.

Mr. DICKSTEIN. I am trying to convey to the gentleman and to the House the thought that under present law our hands are tied. People, call them spies if you like, come here ostensibly for business purposes—their visas are obtained for business purposes—yet in fact they come here temporarily with the sole intention of spreading propaganda, whether it is from Mexico or some other place, which, in the opinion of the committee and the country, is inimical to our form of government. Now, we cannot tell him to go back to his native country until his time expires. All we ask is that when we find a foreign national has come here for the sole purpose of spreading subversive propaganda in this country that we can tell this man or woman to get out.

[Here the gavel fell.]

Mr. DICKSTEIN. Mr. Chairman, I yield myself 3 additional minutes.

The pending bill has no application to freedom of speech or press. It simply boils down to the one proposition I have outlined. About 6,000 people have come into this country with the sole intention of spreading hatred and bigotry among our American citizens. At the present time under the present immigration laws we cannot send these people back immediately. We find out what they are doing, but must wait until their time expires.

No American can go into any foreign country and say "boo" about the form of government without being told to get out the next day. On the other hand, as the law stands today, if the gentleman from Texas came, we will say from Italy, or from England, with the sole purpose of trying to cement public opinion against our people and our form of government, and the gentleman had received permission to stay here 6 months, we could not send him home until the 6 months were up. What is wrong with the purpose of the bill?

Mr. MAVERICK. Mr. Chairman, will the gentleman yield?

Mr. DICKSTEIN. I yield.

Mr. MAVERICK. In the city of San Antonio at one time were a large number of Catholic priests who had been deported from Mexico. They denounced the Government of Mexico as communistic, and denounced the President of Mexico. They were foreigners in the city of San Antonio. Under the provisions of the pending bill, whether or not that action of these priests was their sole purpose, their leave would have to be terminated; and if it had been terminated and they were sent back to Mexico, they would have been shot. This thing works both ways, it must be remembered.

Mr. DICKSTEIN. We have given this matter very serious thought.

Mr. MAVERICK. Could not these Catholic priests be put out of the country?

Mr. DICKSTEIN. No; not under the state of facts the gentleman presents.

The gentleman is placing an entirely different construction upon this bill.

Mr. MAVERICK. Show me where that cannot be. It would apply to all, all races and religions included. Any way you take it, it is very bad.

Mr. DICKSTEIN. If a man comes in here temporarily and his country did not chase him out, he is not a refugee. He did not come here for any other purpose than to distribute attacks upon the American citizenship. That is in his mind all the time.

[Here the gavel fell.]

Mr. JENKINS of Ohio. Mr. Chairman, I ask for recognition.

The CHAIRMAN. Is the gentleman a member of the committee.

Mr. JENKINS of Ohio. No.

The CHAIRMAN. Is the gentleman opposed to the bill?

Mr. JENKINS of Ohio. In its present form I think I am.

The CHAIRMAN. The gentleman from Ohio is recognized for 1 hour.

Mr. JENKINS of Ohio. Mr. Chairman, I take this time so that the House might know what this bill is about. Those of you who have been in Congress for any length of time know it is a mighty easy matter to get up a fight on an immigration bill. It is not my purpose to encourage a fight on this bill but rather to take the time so that the Members may know about the bill. This is a very important bill. We have had it before us several times and in previous sessions of Congress. It was passed in the last Congress by the House, but failed of consideration in the Senate. We made some very essential amendments to it in its devious course at that time. Whether you want this bill or not, of course, is up to the Members, and I think you should give the matter your attention, because practically all of you have taken positions in times gone by on this important question that we call immigration. Some have declared themselves as being restrictionists, and others have taken other positions.

This is a bill that might worry some. On the other hand, some of you might think it is trivial, and I should not take the time of the House to discuss it, and I am not going to do so very long.

Here is what the bill says:

That under general authority granted by the act of July 1, 1932, the Commissioner of Immigration and Naturalization, with the approval of the Secretary of Labor, shall by regulation provide for the shortening or the termination of the lawful stay in the United

States of every alien admitted for permanent residence who while in the United States engages in the promotion or dissemination of propaganda instigated from foreign sources, or who while in the United States engages in unlawful political activity.

There are two groups dealt with here. One group includes people who disseminate or promote the dissemination of propaganda instigated from foreign sources.

I think that the first bill introduced, and which we considered in the Seventy-fourth Congress, provided language that would apply to anybody who disseminated propaganda that was subversive to the United States. We amended that bill by adding these words "instigated from foreign sources."

That language will modify and localize the action or offense and render the bill innocuous as far as it applies to propaganda which emanates from local sources. The bill was then restricted to propaganda from foreign sources.

Mr. Chairman, this bill is primarily directed against one group of people; that is, people who come to this country from foreign countries to peddle propaganda instigated and hatched in foreign countries. It is the purpose of this bill to reach them.

Mr. RANKIN. Will the gentleman yield?

Mr. JENKINS of Ohio. I yield to the gentleman from Mississippi.

Mr. RANKIN. Why not make this bill provide that anyone convicted of violating the laws of the United States shall be deported? Why turn this power over to somebody down here in a bureau to interfere with every visitor who comes to the United States because, forsooth, somebody makes a charge against them that they have attempted to spread propaganda? Propaganda is a far-reaching expression. We hear it every day. We see it in every newspaper. It seems to me that this bill goes further than we would be justified in going in a measure of this kind. It should be limited. If a bill of this sort is passed, it seems to me it ought to be limited to those who may be convicted of violating the laws of the United States or any State.

Mr. JENKINS of Ohio. The gentleman has asked an important question and one that is entirely apropos, but I shall not answer the gentleman at this time, for I would like to have the gentleman take some time of his own to go into and to explain that proposition.

Mr. RANKIN. Does the gentleman agree with me?

Mr. JENKINS of Ohio. Yes; the gentleman is, I know, much interested in immigration, and I should like for him to develop his ideas. It was because I wanted the membership to consider this matter and express their views that I brought the matter up.

Mr. LANHAM. Will the gentleman yield?

Mr. JENKINS of Ohio. I yield to the genial gentleman from Texas.

Mr. LANHAM. I am in sympathy with the purpose of the measure, because I think we have imported into this country many of the troubles which have afflicted us. The bill, however, does not seem to be very clear, following up somewhat the suggestion made by the gentleman from Mississippi, as to who shall pass on whether or not this propaganda is insidious and directed from foreign sources, whether or not it is inimical to our country and whether or not the political practices of these aliens temporarily in the country are hostile to our form of government.

The purpose of the bill, it seems, is absolutely pure and unassailable, but the question in my mind is who is going to pass upon that matter? It says in here, "By regulation prescribed by the Department of Labor" they may be deported. But who determines that regulation?

Mr. JENKINS of Ohio. That is the question, and it is a very important one. And I thank the distinguished gentleman for raising it. Inasmuch as the gentleman has raised it, I will take just a minute to elucidate it. I also invite the gentleman to take some time to give the House his views.

It involves one of these propositions many of us have been more or less opposed to here, namely, the surrender of power to the Secretary of Labor. I have vigorously opposed this myself. At the same time, I sympathize with the proponents of this bill in the respect that you cannot very well reach these people if you have to wait until these people have been arrested and gone through the formalities of prosecution and conviction, because it is going to be a pretty difficult thing to prosecute anybody for scattering propaganda, unless it is of a libelous nature. We do not have criminal statutes that touch propaganda that I know of. The whole thing is rather cumbersome from that standpoint. As I have heretofore stated, that was my purpose in opening up this subject.

Mr. LANHAM. The bill simply says that regulations shall be prescribed by the Secretary of Labor or the Commissioner, but who passes upon whether or not the particular circumstance involves a violation?

Mr. JENKINS of Ohio. The Secretary of Labor does. If she does not or he does not, nobody does, because that is the only provision in the bill in reference to it.

Mr. LUCKEY of Nebraska. Will the gentleman yield?

Mr. JENKINS of Ohio. I am glad to yield to my friend, the gentleman from Nebraska.

Mr. LUCKEY of Nebraska. If this measure became law would it prohibit the agents of any foreign country coming over here and distributing propaganda for the purpose of securing loans for war purposes?

Mr. JENKINS of Ohio. The gentleman asks a question I cannot answer definitely. His question is like many other important questions that might be asked about this bill. I may say that if the gentleman will read section 3, it is supposed to explain exactly what it means. Whether it does or whether it would cover the gentleman's question I do not know. If I were to make an offhand guess I would say that it is not the intention of the authors of the bill to include the item because that would not be subversive. But of course, if they would carry it to the extent that it would incite a war or rebellion in our own country, then naturally it would come within the language of the section.

Mr. LUCKEY of Nebraska. The facts are that propaganda like that has been carried on——

Mr. JENKINS of Ohio. Yes.

Mr. LUCKEY of Nebraska. Which did lead to the making of loans for war purposes.

Mr. JENKINS of Ohio. Yes. I suggest the gentleman might direct his questions to one of the proponents of the bill a little later when one of them has the floor. He has a good idea that he should develop, and I hope he gets some time to do so. I shall be glad to allow the gentleman some time later.

Mr. JOHNSON of Minnesota. Mr. Chairman, will the gentleman yield to me for a question?

Mr. JENKINS of Ohio. Yes; I yield.

Mr. JOHNSON of Minnesota. According to section 3 of this bill, if an alien talks about principles that are subversive of the Constitution, he could be deported for favoring such legislation as the A. A. A. and other acts sponsored by the New Deal which have been declared unconstitutional by the Supreme Court. The provision is a little bit broad. You could chase any foreigner out for advocating the A. A. A. under the wording of section 3.

Mr. JENKINS of Ohio. I think not.

Mr. FLETCHER. Mr. Chairman, will the gentleman yield?

Mr. JENKINS of Ohio. I yield.

Mr. FLETCHER. The statement as to propaganda is very general. Will the gentleman state a specific case of the type of propaganda to which this applies?

Mr. JENKINS of Ohio. If the gentleman will read section 3, it is explanatory of the very thing about which the gentleman has asked me, and there are two categories there that seek to explain that point. Whether they do or not, I suggest the gentleman read that section carefully, and I think he will be able to determine whether the language

answers his question. The gentleman's question is a very intelligent one, and the fact that a ready answer cannot be easily given to it is because the whole structure of the bill is not in clear, unequivocal language.

Mr. FLETCHER. I may say to the gentleman I did read it, but I thought the gentleman might suggest a specific case of propaganda such as he has in mind which has occurred recently in this country.

Mr. JENKINS of Ohio. I have none. I am not appearing as a proponent of the bill. Perhaps the gentleman did not hear my opening remarks. I am just throwing the matter open for discussion, because this is a very important measure, and I want the gentleman of Ohio and other interested gentlemen to have a chance to express their views.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. JENKINS of Ohio. I gladly yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. Would the gentleman think it advisable if a board of three, composed of the Secretary of State, the Secretary of Labor, and the Attorney General, should be appointed to determine whether such deportations were proper?

Mr. JENKINS of Ohio. Yes; I think it would be a great adjunct to the bill.

The first section provides for the shortening or the termination of the lawful stay in the United States of any alien coming into this country who engaged in the promotion or dissemination of propaganda instigated from foreign sources as one category. The second category is "or who while in the United States engages in unlawful political activities."

"Engages in unlawful political activities" is a very broad classification. When the bill was up for consideration previously, I think, at my suggestion, or at the suggestion of some of us who tried to perfect the bill, language was placed in the bill, appearing on page 3, stating that "'unlawful political activities instigated from foreign sources' when used in this act shall only mean"—what?

> Any activities, identified with official policies of any foreign governmental agency or political party, which are directed or supported from a headquarters located in territory outside the jurisdiction of the United States and which seeks to influence political action and thought within the United States—

And there are two categories enumerated further down in the bill.

We tried to restrict the language so that it applied only to those intended to be reached. We tried to make it as clear-cut and definite as we could to meet the theory of its proponents on this theory. There is no doubt there are a lot of people here engaged in scattering unlawful propaganda in this country who ought to be deported. There is no question about that. However, we have no State laws that I know of—at least, as far as I know, we have none in Ohio—which deal with the man who scatters propaganda against the Government unless the offense rises to the enormity of treason. I suppose we could reach him in that way, but all such actions are usually reached by the Federal authorities.

We are dealing with a new crime, making it unlawful to engage in scattering propaganda and providing the punishment of deportation.

In this country everybody is engaged more or less in politics, everybody, at least, who amounts to anything. [Laughter.] Everyone who has the welfare of the country at heart is engaged somewhat in politics. Now, what kind of politics? Sometimes, if one listens to the speeches on the floor of the House, the way one Member recriminates another, one might think we would all be deportable, under that interpretation of the bill. However, in justice to this bill, I may say it is not intended to mean this. I understand it is intended to meet these agitators from foreign countries who would overthrow the Government of our country if this would serve their purposes.

As heretofore stated, "political activities" is broad and may have potentialities that we should search out carefully. Surely it cannot be so far-reaching as to permit an overzealous political worker to hold a club over honorable aliens living in the United States pending their naturalization should they seek to take an interest in public questions and hold and express views not in agreement with those of the political worker. I know it is not the intention of the proponents of the bill that it should be used to bring about such a result.

The whole question is, Are we not going too far in trying to do something that no doubt should be done? Would it not be better if the Committee on Immigration and Naturalization would take this bill up again and bring out a bill that they can defend vigorously and explain readily. There is here the nucleus of an effective statute. To be effective, however, it must seek to do something definite and should do it in clear, definite language. [Applause.]

I yield to the gentleman from Texas.

Mr. LANHAM. Mr. Chairman, I believe where men are guilty of these practices we should make their stay just as brief as possible and deport them. But let me ask this question—because it seems to me the bill might need some amendment in this regard, which would not prolong unduly the consideration of the individual cases pending against this measure—in each of these sections one of the things upon which whoever has control will be called to pass is whether or not the unlawful political activities or the unlawful propaganda are subversive of the Constitution of the United States, leaving it to either the Secretary of Labor or the Commissioner of Immigration and Naturalization to pass upon whether the agitation was subversive of the Constitution of the United States. In order that justice might be done in all cases, and the aliens might be deported as quickly as possible if they were offenders, and in order that injustice might not be done in a case where the aliens were really not offenders, should there not be a provision that the matter should be passed upon not only by the Secretary of Labor but by the Attorney General or someone from the Department of Justice, or possibly from the State Department; and that such a Board, especially since the offense involves the Constitution, should have someone in a legal capacity representing the Government in order that there might be no quibbling and that the final determination as to deportation should be correct?

Mr. JENKINS of Ohio. I may say to the gentleman from Texas that the gentlewoman from Massachusetts suggested that awhile ago—and I agree with her suggestion—that this Board might be constituted of the Secretary of State, the Secretary of Labor, and the Attorney General, which would give us representation from the Department of Justice.

Mr. LANHAM. I did not hear the suggestion, but it seems to me where matters are going to be passed upon which involve the Constitution and whether or not propaganda and unlawful political activities would be subversive of the Constitution, certainly someone serving the Government in a legal capacity should be present to put a proper legal construction upon such questions; but the Board should act with such dispatch that these undesirable aliens who are preaching this harmful propaganda or indulging in these unlawful political activities might not be allowed thereby to extend their stay in this country.

Mrs. ROGERS of Massachusetts. If the gentleman from Ohio will permit, I agree we ought to safeguard it, but, of course, in this country we allow freedom of action, freedom of speech, and freedom of thought and we must be sure we live up to that.

Mr. LANHAM. Does the gentlewoman from Massachusetts contemplate introducing such an amendment?

Mrs. ROGERS of Massachusetts. I would be pleased to have the gentleman introduce it. I do not care myself who introduces the amendment.

Mr. KLEBERG. Mr. Chairman, will the gentleman yield?

Mr. JENKINS of Ohio. I yield.

Mr. KLEBERG. While my colleague the gentleman from Texas [Mr. LANHAM] has the floor, may I offer the suggestion at this particular point that the United States is divided into various judicial districts. Why not submit these cases as they come up, inasmuch as many immigration cases come before the various district judges, to that court and have the district judge, who is thoroughly qualified to pass on such questions, render the decision in such cases?

Mr. LANHAM. If they could be passed upon with dispatch in that way, of course, I would have no objection. I think the undesirable aliens preaching propaganda hostile to our country and the principles upon which it is founded, should be got out of the country as rapidly as possible, and I would not do anything that would interfere with the dispatch of such deportations. However, I would want, in justice to those who might be falsely accused through pique or personal antipathy, or whatever it might be, to be sure that the final adjudication of the matter was upon a fair and impartial basis.

Mr. KLEBERG. For that reason I suggest to my friend that this matter be handled at any of the most immediate sessions of the court in any of the districts where the violation of this law, if it should be enacted, took place; and in that event, the court being in session almost the year around, we would have almost immediate action by competent authority.

Mr. LANHAM. I thank my friend, the gentleman from Ohio [Mr. JENKINS], for the privilege of this colloquy.

Mr. JENKINS of Ohio. Mr. Chairman, I should like to ask in my own time now whether the chairman of the committee will accept the amendment suggested by the gentleman from Texas and the gentlewoman from Massachusetts, to add the Secretary of State and the Attorney General?

Mr. DICKSTEIN. I do not see any objection to that. My sole purpose is to call the attention of the House to this continuous form of pernicious propaganda attacking our Government. I am not interested if they come here and talk about another government. What I am trying to prevent is having these aliens who are here temporarily attack our Government.

Mr. JENKINS of Ohio. Very well; if the gentlewoman from Massachusetts and the gentleman from Texas will get together and prepare such an amendment, we can carry out the agreement.

Mr. Chairman, I now yield 10 minutes to the distinguished gentleman from Texas. I will not be responsible for what he may say, however. [Laughter.]

Mr. MAVERICK. Mr. Chairman, the distinguished gentleman from Ohio said he would not be responsible for anything I said.

Mr. JENKINS of Ohio. I withdraw that remark from the RECORD.

Mr. MAVERICK. Oh, it was said in good humor, and I take it in good humor. I thank my distinguished Republican colleague for the time. We are all good friends.

I may say to the Republican side of the House and the Democratic side of the House that this is something I believe the most conservative man on earth and the most radical man on earth can agree on. That is because this simply means we put in the hands of the Department of Labor the Constitution, the courts, and the entire United States Government.

This is one of the most eccentric bills I ever heard of in my entire life. This bill that the gentleman from New York [Mr. DICKSTEIN] puts up, quite conscientiously, is submitted for the purpose of putting the Nazis and the Communists out of the country, I am told.

But what does it do at the very same time? It means that a man of other than so-called "pure Aryan blood" who comes to this country and denounces the Fascist Government will be sent back to Germany to have his head cut off by Hitler. An opponent of communism from Russia would be sent back, and so on. Now, that is what it actually means. Of course, the gentleman from New York [Mr. DICKSTEIN] says he does not mean that, and he does not, of course, intend that; but it does mean just that.

O, Mr. Chairman, this bill means that when the Boy Scouts come here from foreign countries they cannot even say a word about the doctrines of the Boy Scouts. It means that Einstein cannot come over here and talk about the fourth dimension, whatever that is. It means they cannot come here and "spread propaganda" about the World's Fair. It means they cannot come over here and talk about peace. And it further means that if a priest or preacher wanted to come over here, he could not come over here and talk about the Christian religion.

Now, Mr. Chairman, you may think this sounds a little ridiculous, but it is not ridiculous. In my own home town of San Antonio, Tex., a number of priests were deported out of Mexico, others came by regular passports to that city. They denounced the Government of Mexico. They said there was a Communist government in Mexico. I believe they should have that right. But if we pass this bill, we gentlemen will consign the Constitution, the laws of this country right into the hands of the Department of Labor. By this legislation we would deprive such a person of a chance to come before the courts. We suspend the Bill of Rights and the Constitution, because a man happens to be a foreigner, and we say, "Send that priest back to Mexico, where he will be shot", or "Send this young fellow, who is not 'pure Aryan', back to Germany, where he will have his head cut off." This is what we are doing, gentlemen, and it is a bad bill.

Mr. REILLY. Mr. Chairman, will the gentleman yield?

Mr. MAVERICK. I yield.

Mr. REILLY. Can the gentleman point to anything in this bill that provides that such a person will be deported because they talk about a foreign government?

Mr. MAVERICK. Yes! Yes! The bill says:

The extension from any foreign country to United States of the application of any religious or racial prejudices and intolerances—

And God knows what that means, except it may mean anything, according to the Labor Department, who will have the sole power to judge—then—

in official and private life.

One cannot even talk in "private life" or in "business affairs." That is what the bill says. He cannot in private or business life say what he thinks about any subject whatever.

Mr. DICKSTEIN. Mr. Chairman, will the gentleman yield?

Mr. MAVERICK. Yes.

Mr. DICKSTEIN. The gentleman is fair, and I do not want the heat of passion brought up simply because of Jews or Catholics or priests from some other country. I want the facts. The facts are not what the gentleman has read. The Mexican priests that he is talking about, if they talked about conditions in Mexico, would not come under the provisions of this bill at all. They can talk about Mexico all they want; but I am trying to have enacted into law a provision whereby aliens who come here for a short period for the sole purpose of attacking our Government may be deported.

Mr. MAVERICK. But the bill does not say that. This is the most slipshod bill I ever saw. It says:

Extension from any foreign country to United States of the application of any religious—

And that means Protestant, Catholic, Mohammedan, Jewish, Buddhist, or any other religion—

or racial prejudices—

And that is Mexican, German, Jewish, Bohemian, Belgian, anything—

and intolerances—

And there are a million of them—

in official and private life and in business affairs.

A man could not come into my home or in my business house and say a word.

What a nightmare of legislation!

Mr. DIES. Mr. Chairman, will the gentleman yield so that I may ask the chairman of the committee a question?

Mr. MAVERICK. Ask me.

Mr. DIES. I am like the gentleman in these two particulars but I cannot understand it. What I want the gentleman to do is to have the Chairman explain what is meant by—

Extension from any foreign country to United States of the application of any religious or racial prejudice and intolerances in official and private life and in business affairs.

Mr. MAVERICK. Will the gentleman from New York kindly answer that question?

Mr. DICKSTEIN. Mr. Chairman, in the last 2 or 3 years we have had vicious documents brought in from foreign sources by certain aliens who come here for a temporary stay, and it brings up attacks in respect to the racial conditions of the people of this country.

Mr. MAVERICK. I have answered that already. But who is to decide what is vicious? Racial? A law like this is a double-edged sword, cutting mercilessly both ways. It cuts the oppressed, do not forget that.

Mr. DIES. May I ask the gentleman a question?

Mr. MAVERICK. I yield to the gentleman from Texas so that he may ask the gentleman from New York [Mr. DICKSTEIN] a question.

Mr. DIES. Does not the gentleman think his language is entirely too broad and capable of misinterpretation? It seems to me that under this subsection (2) the gentleman from Texas is entirely right, not in reference to the other provisions in the bill, but in reference to this subsection (2).

Mr. DICKSTEIN. I think that may be stricken out.

Mr. DIES. Will the gentleman agree to strike that out?

Mr. DICKSTEIN. It is not my intention to turn around and stir up passions. There is only one purpose in my mind and I think I have made that plain.

Mr. MAVERICK. Mr. DICKSTEIN says that he is willing to strike out a certain portion. We have already shown five or six defects in this bill. This bill and every word of it ought to be defeated.

It is the most slipshod piece of legislation that I have ever seen.

We are doing the very thing the Republicans always object to. They are always objecting to putting into the hands of the bureaus and boards all kinds of power. That is exactly what we are doing. But this is much worse. We are unloading the Constitution and the laws of the country on the Labor Department. Here we abandon our duty. We pave the way for spies, tyrannies, blackmailers—oh, it is just not government at all. This is one of the worst bills I ever saw in all my life.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. MAVERICK. Yes.

Mr. RANKIN. I agree with what the gentleman said. Let us now turn to the very last line on page 3, where the bill goes on to say—

Tends to foment political acrimony and business animosity in the United States.

I have never seen anything in my life where the sky came nearer to being the limit, than in this legislative monstrosity. [Laughter.]

Mr. JOHNSON of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. MAVERICK. Yes.

Mr. JOHNSON of Minnesota. The gentleman is ordinarily an intelligent Congressman; but he does not get the theory of this bill. The theory of the bill is that if you are bothered with bedbugs, then burn the whole house down.

Mr. MAVERICK. I thank the gentleman for the first part of his brilliant remark about my being ordinarily an intelligent Congressman. An honor! an honor!

The distinguished gentleman from Minnesota [Mr. JOHNSON] is right. He shows the idea of this bill is that if you have a few bedbugs you should burn the house down. He might have said, and burn up all the people and what laws they have also. This bill was jumped up like the devil, and I never got to read it all through. I happened to just walk in here and I read the first part, but I agree with the gentleman from Mississippi [Mr. RANKIN]. Listen to what Mr. RANKIN pointed out:

Tends to foment political acrimony and business animosity in the United States.

If a man happened to say to a Republican that the Manufacturers' League was not any good, that man could be deported, and if anything was said over here about our view of the Supreme Court, we deport such a man. That is what the bill says. This bill will absolutely violate every precedent that America ever knew. It is unfair, it is nonsensical, it is brutal. This is actually the worst bill that was ever introduced in any legislative body in the whole world. [Laughter and applause.]

Mr. SCOTT. Mr. Chairman, will the gentleman yield?

Mr. MAVERICK. Yes.

Mr. SCOTT. I wonder if this bill would have any effect on Congressmen from Maine and Vermont.

Mr. MAVERICK. The gentleman wants to know about Maine and Vermont. I imagine that they could talk; I believe Vermont and Maine are in the United States.

Mr. TEIGAN. Suppose a visitor from Sweden should come over here and be invited to tell us something about the social democratic government of that country, what would happen to him?

Mr. MAVERICK. This is what could happen. I do not know what would happen to him, but the Department of Labor would be the sole judge of the Constitution and the laws. The courts would not have any say and would not be in it, and they could send the man out of the country for attempting to say anything.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. MAVERICK. I yield.

Mr. RANKIN. I will tell the gentleman from Minnesota what could be done. If a man from Sweden were to come to this country and attempted to explain to American citizens that in that country they have a power system that is publicly owned, that furnishes people power at reasonable rates, the Power Trust, if they had sufficient influence, could have him deported under this bill if it tended to arouse "business animosity", which it undoubtedly would.

Mr. MAVERICK. And if an officer would come here——

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. DICKSTEIN. Mr. Chairman, I yield the gentleman 2 additional minutes.

Mr. MAVERICK. If an officer would come here from Germany and explain the military system of Germany to a group of our young officers, he could be deported as an undesirable alien.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. MAVERICK. The gentleman just yielded me 2 additional minutes.

Mr. LESINSKI. Mr. Chairman, a point of order. The gentleman from New York yielded himself 2 minutes so that he could make a statement.

Mr. MAVERICK. But the gentleman yielded me 2 additional minutes.

The CHAIRMAN. The gentleman from Texas has 2 additional minutes.

Mr. MAVERICK. I want to say something with which I think everybody in this House, even the gentleman from New York [Mr. DICKSTEIN] will agree. The gentleman from New York is fair and will be fair. I am of the opinion, and I think any man on this floor is of the opinion, that if you can use this against a gentile you can use it against a Jew. If you can use it against a Protestant, you can use it against a Catholic. If you can use it against a blue-eyed Nordic blond, you can use it against an Arab.

This bill is bad.

I suggest that the bill be recommitted, and that we agree that it go back and have whatever is wrong about it taken out, and bring it back to this floor, if a good bill can be made of it, which I think is impossible. I make that suggestion to the chairman of the committee now.

Mr. RANKIN. Mr. Chairman, will the gentleman yield?

Mr. MAVERICK. I yield.

Mr. RANKIN. I will say to the gentleman that when we reach the 5-minute rule it is my intention to move to strike out the enacting clause, so that we can vote to kill it and go home.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. DICKSTEIN. Mr. Chairman, I yield myself 2 minutes. In the first place, Mr. Chairman, I am glad to see so many distinguished colleagues of mine defending the rights of aliens to come here for the purpose of doing something detrimental to our people. I see quite a legal battery talking about the Constitution. I do not think one of them as yet has referred to the bill. In order to satisfy my distinguished colleagues who are afraid of the Constitution, and in order to satisfy my other colleagues who are afraid these aliens would be denied free speech, I ask unanimous consent that the bill be recommitted to the committee, and the committee can call in the Attorney General and the other departments to get their opinion as to the constitutionality of this proposed legislation and whether it is advisable to submit it.

Mr. RANKIN. Well, what is the gentleman's request? He did not want to put in the unanimous-consent request anything about the Attorney General?

Mr. DICKSTEIN. No. I am putting in nothing. I just made the suggestion.

The CHAIRMAN. That request is not in order in the Committee of the Whole.

Mr. JENKINS of Ohio. Mr. Chairman, a parliamentary inquiry. I do not understand what the parliamentary status is now.

The CHAIRMAN. There is no motion pending. The gentleman simply made a request that cannot be granted in the Committee of the Whole.

Mr. JENKINS of Ohio. As I understand it, the gentleman from New York made a unanimous consent request that the bill be recommitted to the Committee on Immigration?

The CHAIRMAN. That request cannot be granted in the Committee of the Whole.

Mr. DICKSTEIN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MARTIN of Colorado, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee having had under consideration the bill, H. R. 27, directed him to report that it had come to no resolution thereon.

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent that the bill H. R. 27, which has just been under consideration in the Committee of the Whole, be recommitted to the Committee on Immigration and Naturalization.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

EXTENSION OF REMARKS

Mr. JARMAN. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks relative to our loss in the sudden passing yesterday of that outstanding hero of the Spanish-American War, Rear Admiral Hobson.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. FORD of Mississippi. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks made today on the bill H. R. 3679.

The SPEAKER. Is there objection?

There was no objection.

Mr. WOODRUFF. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including therein a speech delivered over the radio this afternoon by the gentleman from North Dakota [Mr. BURDICK].

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. ALLEN of Delaware. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a letter from the President of the United States.

The SPEAKER. Is there objection to the request of the gentleman from Delaware?

There was no objection.

LEAVE OF ADSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. COLE of New York, indefinitely, on account of sickness in family.

To Mr. DUNCAN, for 1 week, on account of death of his father.

To Mr. DREW, for the balance of the week, on account of illness in family.

To Mr. MAHON of South Carolina, for Thursday, on account of death in family.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 361. An act to further extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Garrison, N. Dak.;

S. 996. An act to further extend the times for commencing and completing the construction of a bridge across the Missouri River between the towns of Decatur, Nebr., and Onawa, Iowa; and

S. 997. An act to further extend the times for commencing and completing the construction of a bridge across the Missouri River at or near the cities of South Sioux City, Nebr., and Sioux City, Iowa.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 30 minutes p. m.) the House adjourned until tomorrow, Thursday, March 18, 1937, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON THE POST OFFICE AND POST ROADS

A subcommittee appointed by the Committee on the Post Office and Post Roads will meet at 10 a. m., Thursday, March 18, 1937, to consider H. R. 3150—Reclassifications of salaries of Post Office and railway mail laborers. Room 213, House Office Building.

COMMITTEE ON THE DISTRICT OF COLUMBIA

The subcommittees appointed by the Committee on the District of Columbia, House of Representatives, to consider

tax and legislative matters presented by the Fiscal Relations Report will meet Thursday, March 18, 1937, at 10 a. m., in room 345, House Office Building.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Thursday, March 18, 1937. Business to be considered: Hearing on H. R. 208—Train-dispatching offices.

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m., Friday, March 19, 1937. Business to be considered: Hearing on H. R. 185—Railway signal systems.

EXECUTIVE COMMUNICATIONS, ETC.

447. Under clause 2 of rule XXIV, a letter from the Postmaster General, transmitting the draft of a bill to simplify accounting in the executive departments was taken from the Speaker's table and referred to the Committee on Expenditures in the Executive Departments.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. PETERSON of Florida: Committee on the Public Lands. H. R. 1530. A bill to provide for the protection and conservation of equities or rights of the Government resulting from railroad land grants; without amendment (Rept. No. 392). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROBINSON of Utah: Committee on the Public Lands. H. R. 1649. A bill to authorize the conveyance by the United States to the State of Minnesota of certain lands in Morrison County, Minn.; with amendment (Rept. No. 393). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROBINSON of Utah: Committee on the Public Lands. H. R. 2014. A bill to amend an act entitled "An act to provide for the establishment of the Everglades National Park in the State of Florida, and for other purposes", approved May 30, 1934; without amendment (Rept. No. 394). Referred to the Committee of the Whole House on the state of the Union.

Mr. MURDOCK of Arizona: Committee on the Public Lands. H. R. 2893. A bill validating a certain conveyance heretofore made by Central Pacific Railway Co., a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain portions of right-of-way in the town of Elk Grove, in the county of Sacramento, State of California, acquired by Central Pacific Railway Co. under the act of Congress approved July 1, 1862 (12 Stat. L. 489), as amended by the act of Congress approved July 2, 1864 (13 Stat. L. 356); without amendment (Rept. No. 395). Referred to the Committee of the Whole House on the state of the Union.

Mr. PETERSON of Georgia: Committee on the Public Lands. H. R. 4070. A bill to change the designations of the Abraham Lincoln National Park, in the State of Kentucky, and the Fort McHenry National Park, in the State of Maryland; without amendment (Rept. No. 396). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROBINSON of Utah: Committee on the Public Lands. H. R. 4186. A bill to authorize the Secretary of the Interior to accept from the State of Utah title to a certain State-owned section of land and to patent other land to the State in lieu thereof, and for other purposes; with amendment (Rept. No. 397). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 5662) granting a pension to Manning E. Wilson; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 5664) granting an increase of pension to Charles L. Kent; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 5665) granting a pension to Dorinda V. Smith; Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CELLER: A bill (H. R. 5710) providing for the appointment of additional deputy marshals in the eastern district of New York; to the Committee on the Judiciary.

By Mr. CROSSER: A bill (H. R. 5711) to aid the several States in the proper conservation, orderly production, and procurement of natural gas for interstate commerce, and to regulate its transportation, sale, and exchange in interstate commerce in order to insure its fair and equitable distribution and marketing, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. COFFEE of Washington: A bill (H. R. 5712) to increase the minimum salary of deputy United States marshals to $1,800 per annum; to the Committee on the Judiciary.

By Mr. KITCHENS: A bill (H. R. 5713) to prevent fraudulent insurance schemes, contracts, and practices, and use of mails in furtherance thereof and violation of State insurance laws; to the Committee on the Post Office and Post Roads.

By Mr. WITHROW: A bill (H. R. 5714) to extend the times for commencing and completing the construction of a free highway bridge across the Mississippi River at or near La-Crosse, Wis.; to the Committee on Interstate and Foreign Commerce.

By Mr. PEYSER: A bill (H. R. 5715) to exempt tallow from the import tax and the compensatory import tax imposed under the internal-revenue laws; to the Committee on Ways and Means.

By Mr. KING: A bill (H. R. 5716) to provide for the issuance of certificates of citizenship to citizens of the United States residing in the Territory of Hawaii; to the Committee on Immigration and Naturalization.

By Mr. McKEOUGH: A bill (H. R. 5717) to authorize a modification of the project for the Calumet-Sag connection with the Illinois waterway, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. PIERCE: A bill (H. R. 5718) authorizing the Snake or Piute Indians of the former Malheur Reservation of Oregon to sue in the Court of Claims, and for other purposes; to the Committee on Indian Affairs.

By Mr. RAMSPECK (by request): A bill (H. R. 5719) to amend the Interstate Commerce Act, as amended, by providing for the regulation of the transportation of passengers and property by water carriers operating in interstate and foreign commerce, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. VINSON of Georgia: A bill (H. R. 5720) to authorize the President of the United States to dispose of certain public vessels, and for other purposes; to the Committee on Naval Affairs.

By Mr. CELLER: A bill (H. R. 5721) to amend the Federal Register Act; to the Committee on the Judiciary.

By Mr. JONES: A bill (H. R. 5722) to reenact and amend provisions of the Agricultural Adjustment Act, as amended, relating to marketing agreements and orders; to the Committee on Agriculture.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 5723) to authorize the coinage of 50-cent pieces in commemoration of the Wichita Mountain Easter Sunrise Service of Holy City, Okla.; to the Committee on Coinage, Weights, and Measures.

By Mr. HILL of Alabama: A bill (H. R. 5724) granting compensation for death of Reserve officers and Reserve enlisted men by aviation accident; to the Committee on Military Affairs.

By Mr. PETERSON of Florida: A bill (H. R. 5725) to amend the Tariff Act of 1930 to protect against unfair methods of competition and unfair acts in the importation and sale of certain articles and defining certain terms used in connection therewith; to the Committee on Ways and Means.

By Mr. GRISWOLD: Joint resolution (H. J. Res. 282) to authorize the Secretary of Labor to appoint a board of inquiry to ascertain the facts relating to employment and working conditions under which products of Remington Rand, Inc., were sold to the United States Government or its agencies; to the Committee on Labor.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Minnesota, memorializing the President and the Congress of the United States urging consideration of their Resolution No. 12 referring to Farmers' Farm Relief Act; to the Committee on Agriculture.

Also, memorial of the Legislature of the State of Ohio, memorializing the President and the Congress of the United States favoring the President's reorganization of the Supreme Court and the Federal judiciary; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of New Mexico, memorializing the President and the Congress of the United States urging consideration of their Senate Joint Memorial No. 5; to the Committee on the Public Lands.

Also, memorial of the Legislature of the State of Colorado, memorializing the President and the Congress of the United States urging the enactment of the Wagner-Van Nuys antilynching bill into law; to the Committee on the Judiciary.

Also, memorial of the Legislature of the State of Washington, memorializing the President and the Congress of the United States approving the recommendations of the President's reforms in our courts and judicial systems; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CELLER: A bill (H. R. 5726) for the relief of Flensburger Dampfercompagnie; to the Committee on Claims.

Also, a bill (H. R. 5727) for the relief of Mildred E. Cameron; to the Committee on Claims.

By Mr. CLASON: A bill (H. R. 5728) for the relief of Walter C. Blake; to the Committee on Military Affairs.

Also, a bill (H. R. 5729) for the relief of Marino Ambrogi; to the Committee on Military Affairs.

By Mr. COLE of Maryland: A bill (H. R. 5730) to authorize the Secretary of War to sell to the General Motors Corporation a tract of land comprising part of Holabird Quartermaster Depot, Baltimore, Md.; to the Committee on Military Affairs.

By Mr. DISNEY: A bill (H. R. 5731) for the relief of Betty (or Bettie) Rule; to the Committee on Claims.

Also, a bill (H. R. 5732) for the relief of Oscar C. Blade; to the Committee on Claims.

By Mr. DIXON: A bill (H. R. 5733) granting an increase of pension to Lula H. Powers; to the Committee on Invalid Pensions.

By Mr. FITZPATRICK: A bill (H. R. 5734) for the relief of Domenico Goffredo; to the Committee on Immigration and Naturalization.

By Mr. GAMBRILL: A bill (H. R. 5735) for the relief of Alva (Albert) Ellsworth Porter; to the Committee on Naval Affairs.

By Mr. GRAY of Pennsylvania: A bill (H. R. 5736) granting a pension to Susan J. Raab; to the Committee on Invalid Pensions.

By Mr. KEE: A bill (H. R. 5737) to confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claim of George W. Hall against the United States; to the Committee on Claims.

By Mr. KOPPLEMANN: A bill (H. R. 5738) for the relief of John W. Barbrick; to the Committee on Claims.

Also, a bill (H. R. 5739) granting a pension to Thomas J. Kileen; to the Committee on Pensions.

By Mr. KRAMER: A bill (H. R. 5740) to provide for placing Allen Ralph Pease on the retired list of the United States Army as a captain, United States Army; to the Committee on Military Affairs.

By Mr. LORD: A bill (H. R. 5741) granting a pension to Neri Otis Porter; to the Committee on Invalid Pensions.

By Mr. MARTIN of Massachusetts: A bill (H. R. 5742) for the relief of Mary H. Jordan; to the Committee on Claims.

By Mr. McCORMACK: A bill (H. R. 5743) to refund to Haffenreffer & Co., Inc., a Massachusetts corporation, certain taxes paid for revenue stamps; to the Committee on Claims.

By Mr. HULL: A bill (H. R. 5744) granting an increase of pension to Wren Torgerson; to the Committee on Pensions.

By Mr. NELSON: A bill (H. R. 5745) granting an increase of pension to Rebecca Bell Laughlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5746) granting a pension to Sadie E. Talton; to the Committee on Invalid Pensions.

By Mrs. O'DAY: A bill (H. R. 5747) for the relief of Annie Riley Hale; to the Committee on Claims.

By Mr. REED of Illinois: A bill (H. R. 5748) to revive certain patents; to the Committee on Patents.

By Mr. STEAGALL: A bill (H. R. 5749) providing for the sale of certain public lands in Bay County, Fla.; to the Committee on the Public Lands.

By Mr. TAYLOR of Tennessee: A bill (H. R. 5750) conferring jurisdiction upon the United States District Court for the Eastern District of Tennessee to hear, determine, and render judgment upon the claim of Frank W. Goans; to the Committee on Claims.

Also, a bill (H. R. 5751) conferring jurisdiction upon the United States District Court for the Eastern District of Tennessee to hear, determine, and render judgment upon the claim of William D. Bowling; to the Committee on Claims.

By Mr. TOLAN: Joint resolution (H. J. Res. 283) to provide for the coinage of a medal in commemoration of the achievements of Amelia Earhart Putnam; to the Committee on Coinage, Weights, and Measures.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1146. By Mr. ASHBROOK: Resolution of the Ohio Senate, endorsing the President's Supreme Court proposal; to the Committee on the Judiciary.

1147. Also, resolution of the Delaware County Democratic Central and Executive Committees, endorsing the President's Supreme Court proposal; to the Committee on the Judiciary.

1148. By Mr. CITRON: Petition of the nonsectarian Anti-Nazi League to Champion Human Rights, protesting against dissemination by German Government through its secret channels and consulates of propaganda stirring up racial and religious feeling in United States; and against German Government's smuggling pamphlets, etc., into this country through various channels creating hatreds against Protestants, Catholics, Jews, and Masons; to the Committee on Foreign Affairs.

1149. Also, petition of the eastern Connecticut farmers, favoring that program of the Resettlement Administration be made permanent; to the Committee on Agriculture.

1150. Also, petition of the Polish-American Citizens Club, of Shelton, Conn., regarding reorganization of Supreme Court, and also for a new post-office building in Shelton, Conn.; to the Committee on the Judiciary.

1151. By Mr. COFFEE of Washington: Petition of the Seattle National Farm Loan Association, Seattle, Wash., urging the passage of Senate bill 93, providing for farm credit and loan financing; to the Committee on Agriculture.

1152. Also, petition of the Washington Women's Democratic Club, State of Washington, urging support of the President's proposals for reform of the Federal judiciary; to the Committee on the Judiciary.

1153. Also, petition of the Labors' Legislative Coalition, Olympia, Wash., urging the passage of the President's proposals for reform of the Federal judiciary; to the Committee on the Judiciary.

1154. Also, petition of the United Mine Workers of America, Black Diamond Local, No. 6179, Black Diamond, Wash., urging support of the President's proposal to reform the Federal judiciary; to the Committee on the Judiciary.

1155. Also, petition of the Neuwaukum Home Grange, No. 622, Enumclaw, Wash., endorsing Senate bill 93, providing for liquidation, refinancing, and other forms of farm credit; to the Committee on Agriculture.

1156. Also, petition of the Kellogg-Marsh Grange, Snohomish County, Wash., urging that the Federal farm-loan interest rate of 3½ percent be continued another year; to the Committee on Agriculture.

1157. Also, petition of 102 out of 145 members of both houses of the Washington State Legislature, requesting Members of Congress from the State of Washington to give fair and just consideration to the enactment by Congress of a national old age retirement system law, and creating a fund for the maintenance thereof through a 2-percent Federal transaction tax, the proceeds of which shall be distributed equitably to all citizens over 60 years of age, with the provision that it shall be expended within 30 days; to the Committee on Ways and Means.

1158. Also, petition of the civic and political leaders of Redmond, King County, Wash., and vicinity, belligerently demanding the early enactment into law of the President's reform proposals, and insisting upon a prompt and forthright support of the President in the Court matters by all Members of Congress and United States Senators from the State of Washington; to the Committee on the Judiciary.

1159. By Mr. COLDEN: Resolution adopted March 2, 1937, relating to impending shortage in relief funds for resident indigent cases of county of Los Angeles, and requesting the Governor and the State legislature to take immediate action to alleviate deficit; also that the Governor and the Legislature of California shall immediately importune of and negotiate with the President and the Congress of the United States to the end that funds may be provided to the county of Los Angeles from that source for the provision of relief to those resident indigents of the State of California in the county of Los Angeles for the last quarter of this fiscal year; to the Committee on Ways and Means.

1160. Also, resolution adopted by the Board of Supervisors of the County of Los Angeles, Calif., March 9, 1937, recommending legislation empowering the Forest Service, Department of Agriculture, to use certain revenues for purchase of privately owned lands needed for proper management and protection of the watershed areas; to the Committee on Agriculture.

1161. Also, petition signed by six citizens of Los Angeles, Calif., expressing opposition to the President's judiciary program; to the Committee on the Judiciary.

1162. Also, petition with signatures of 13 residents of San Pedro and Los Angeles, Calif., protesting against the President's plan to change the judicial system; to the Committee on the Judiciary.

1163. By Mr. CRAWFORD: Petition of residents of Saginaw, Mich., opposing any plan to change the Supreme Court; to the Committee on the Judiciary.

1164. By Mr. CULKIN: Petition of Rev. Miles L. Hutchinson and others, of Belleville, N. Y., protesting against the proposal of the President for changes in the United States Supreme Court; to the Committee on the Judiciary.

1165. Also, petition of Rev. D. M. Harvey and others, of Sprague ville, N. Y., protesting against the proposal of the President for changes in the United States Supreme Court; to the Committee on the Judiciary.

1166. Also, petition of Mrs. Charles Olmstead and others, of Fulton, N. Y., protesting against the President's proposal for changes in the United States Supreme Court; to the Committee on the Judiciary.

1167. By Mr. GOODWIN: Petition of some 83 citizens of Kingston, N. Y., and its vicinity, protesting against the President's recommendations to permit the executive branch of the Government to control or subordinate the judicial or the legislative powers established under the Constitution; to the Committee on the Judiciary.

1168. Also, petition of the Workmen's Circle, Ellenville, N. Y., approving the President's program to liberalize the Supreme Court; to the Committee on the Judiciary.

1169. By Mr. KINZER: Petition of Harry H. Rohrer and others, of Elizabethtown, Pa., opposing legislation preventing the free dissemination of information and curtailing the right of free speech; to the Committee on the Judiciary.

1170. By Mr. KEOGH: Petition of the National Education Association of the United States, Washington, D. C., concerning the repeal of the so-called "red rider"; to the Committee on the District of Columbia.

1171. By Mr. KRAMER: Resolution passed by the Riverside County Chamber of Commerce, pertaining to the difficulties and problems presented by the Hippelates eye gnat to the people of Coachella Valley, etc.; to the Committee on Education.

1172. By Mr. LORD: Petition of Mrs. Alfred G. Smith and 33 residents of Treadwell, N. Y., protesting most vigorously against the proposition of President Roosevelt to wreck the future usefulness of the Supreme Court by the appointment of six of his own personally hand-picked judges to render decisions such as he wants; to the Committee on the Judiciary.

1173. Also, petition of Arthur Davis and five residents of Greene, N. Y., protesting against the President's bill, or any substitutes, permitting the executive branch of the Government to control or subordinate the judicial or the legislative powers established under the Constitution; to the Committee on the Judiciary.

1174. Also, petition of C. L. Wakeman and 11 residents of Andes, N. Y., protesting against the President's bill, or any substitutes, permitting the executive branch of the Government to control or subordinate the judicial or the legislative powers established under the Constitution; to the Committee on the Judiciary.

1175. By Mr. MARTIN of Colorado: Senate Joint Memorial No. 5 of the General Assembly of the State of Colorado, endorsing Wagner-Van Nuys antilynching bill; to the Committee on the Judiciary.

1176. By Mr. RICH: Petition of the Young Democratic Club of Kane, Pa., favoring the President's plan to reorganize the judiciary; to the Committee on the Judiciary.

1177. Also, petition of the Current Events Club of Federated Women, of Bradford, Pa., protesting against the President's plan to reorganize the judiciary; to the Committee on the Judiciary.

1178. Also, petition of citizens of Bradford and Tioga Counties, Pa., protesting against the President's plan to reorganize the judiciary; to the Committee on the Judiciary.

1179. Also, petition of citizens of Williamsport, Pa., protesting against the President's plan to increase the membership of the United States Supreme Court; to the Committee on the Judiciary.

1180. Also, petition of citizens of Williamsport, Pa., protesting against the President's plan to reorganize the judiciary; to the Committee on the Judiciary.

1181. By Mr. SHAFER of Michigan: Resolution of the official board of the Lutheran Church of Reformation, Washington, D. C., opposing adoption of House bill 3022, which would establish horse racing in the District of Columbia; to the Committee on the District of Columbia.

1182. Also, resolution of 16 standard railway labor organizations, endorsing President Roosevelt's proposal to reform the Federal judiciary; to the Committee on the Judiciary.

1183. Also, petition of Mable C. Baker and six other citizens of Battle Creek, Mich., protesting President Roosevelt's proposals to reorganize the Supreme Court; to the Committee on the Judiciary.

1184. Also, petition of Ora Parker, of Grand Ledge, Mich., and 37 others, opposing proposed legislation designed to bar the New Testament and other religious literature from the United States mails and otherwise interfering with religious liberties; to the Committee on the Judiciary.

1185. Also, petition of Howard A. Williams, of Hillsdale, Mich., and 12 citizens of Hillsdale County, protesting against the proposals to bar the New Testament and other religious literature from the United States mails and otherwise interfering with religious liberties; to the Committee on the Judiciary.

1186. Also, petition signed by Howard E. Snyder, of 2419 First Street NW., Washington, D. C., and 800 other members of the Lutheran Churches of the District of Columbia, protesting against the passage of House bill 3022, designed to establish a racing board in the District of Columbia; to the Committee on the District of Columbia.

1187. By Mr. TURNER: Petition of citizens of Williamson County, Tenn., urging the enactment of the old-age pension bill as embodied in House bill 2257; to the Committee on Ways and Means.

1188. By the SPEAKER: Petition of Birmingham Aero Club urging consideration of their resolution referring to standing committees on civil aeronautics; to the Committee on Rules.